

6:00 PM CLOSED SESSION

Present: Council Member Carlson (Mayor Pro-Tem until Mayor Gotchy arrived), Mayor Gotchy (arrived 6:20 p.m.), Council Member Bridges, Council Member Budge, Council Member Chapman, Council Member Furniss, Recorder Hale, Treasurer/Office Manager Youngdell, Police Chief Eborn, Fire Chief Coker & Public Works Director Hennessee.

Council Member Chapman made a motion to go into the closed session. Council Member Bridges seconded the motion. The motion passed unanimously.

1. Discussion regarding deployment of security systems in accordance with Utah Code 52-4-205(1)(f).

Council Member Carlson made a motion to go out of the closed session and into the regular session. Council Member Budge seconded the motion. The motion passed unanimously.

6:30PM REGULAR SESSION

Minutes of a regular meeting held February 3, 2009 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Gotchy presiding.

Mayor and Council Present:

Dan Gotchy	Mayor
James Bridges	Council Member
Cheyrl Budge	Council Member
Ricky Carlson	Council Member
Ray Chapman	Council Member
Ryan Furniss	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Mickey Hennessee	Public Works Director
James Weston	Asst. Fire Chief
Fire Fighters:	Amy Kippen
Ryan Olsen	Anthony Bott

Excused:

Vicky Gold	Recreation Supervisor
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Others Present:

Mr. & Mrs. Melvin Mauris	Noah's Auto Sales
Don Lasater	Don's Meats
Victoria Moreno	Blankets, Etc.
Chad Bangerter	CERT, VIPS, Planning Commission
Guy Larsen	Reagan Outdoor Advertising

The meeting was called to order at 6:35 p.m. by Mayor Gotchy.

Council Member Budge led the Pledge of Allegiance and gave the invocation.

Approval of Minutes: Council Member Bridges made a motion to approve the minutes of January 20, 2009 as written. Council Member Budge seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Budge made a motion to approve the voucher for Davis County in the amount of \$18,241.19. Council Member Furniss seconded the motion. The motion passed unanimously.

Citizen Comments: Chad Bangerter mentioned that a few years ago the Council was involved with a relocation of a billboard sign. He asked that those on the Council who were not here at the time to please talk with those who were. He asked them to be really careful in their present discussions about another billboard sign and to keep the citizens in mind in the area they will be installing it. There were a lot of citizens unhappy with the size and height of the previous sign, although he believes it was to the betterment of the community because it allowed a business to improve its building. He hopes the Council will give the residents a chance to express their opinions because he believes the ordinance limited billboard signs to three a long time ago because the residents did not want any more in the City. He commented that the Sunset Sam event seemed greatly improved over past years because there was more activity going on and maybe also because it was a nicer day. It is a great festival to have because it gives the residents something to do in the winter. He thanked the Mayor and Council for all they do. Mayor Gotchy said Mr. Bangerter had mentioned another place earlier that might be a good place for a billboard and asked him for the location. Mr. Bangerter replied there is a small piece of land at about 1425 N. Main that belongs to the City they were looking at, but with the problems they had with the company who built the previously mentioned sign, they decided not to go further with it.

- 2. Discuss 2009 temporary business license for Rainbow Unlimited:** Mayor Gotchy explained Rainbow Unlimited is the name used for selling blankets the first time the temporary business license was issued and the owner was Victoria Moreno. She has now added Stacy Steadham to her corporation and they will run the business together.

Victoria Moreno stated they were asked by the Council to combine and run the business in Sunset as one. She ran hers last year, then introduced Ms. Steadham to the business when she lost her job and Ms. Steadham ran her business next under the name of Blankets and More. They have now canceled Blankets and More and added Ms. Steadham to Rainbow Unlimited as advised by their Attorney. Usually, they obtain permission from the owner to use their restroom, but this lot is vacant so they are using her motor home for its restroom facility and as an office. She will remove the motor home after their 90 days are up this year. She will not be using the generator and lighting this time and will be closing each evening at dusk.

Council Member Chapman mentioned the pictures he took of the garbage on the lot and showed to them during the last Council meeting. Ms. Moreno said they picked it up; all but some cardboard in the back that was frozen to the ground. Council Member Chapman showed the pictures again with items circled in red. He said he went by there today at 1:30 pm and circled the garbage that was still there from two weeks ago. Council Member Furniss said he also went by to see and there is still garbage in the front and rear of the motor home. He said the ordinance states upon termination of the temporary business, the lot is to be cleaned up to its original state. That has clearly not been done. Ms. Moreno said they went over after the meeting and cleaned it up, but she has not been back over there since. She wondered if the garbage was in the rear and she did not know it was back there. Council Member Chapman said the ordinance also states they will keep the property junk free while they are there. With the garbage left there, he wondered how the property will be treated if they do allow them to conduct their business this year. Ms. Moreno stated she will make sure that does not happen again. She was not aware it was happening before. Mayor Gotchy said if it does happen they would have to be prepared to lose their license. Ms. Moreno stated she will make sure it is clean every day.

Council Member Budge asked how long they planned to conduct their business this year. Ms. Moreno replied she does not know if they will be here the entire 90 days or not because they usually sell in other states like Idaho and Montana when the weather gets nicer. They are only doing their business here now because they live in the area. Mayor Gotchy asked her to let the City staff know when they leave. Ms. Moreno said she would. She was shown the pictures and she said the trash was mostly behind the motor home. She will have the boxes delivered at her home from now on so the pallets will not be there. Council Member Furniss asked if it would be possible to set up garbage service for her and it was said it would be possible. It was also suggested for her to use the paper recycling bins throughout the City.

Council Member Furniss made a motion to approve her temporary business license with the condition that she cleans up the refuse as stated in the ordinance before it is issued. Council Member Budge added that she also let them know when she is leaving. Mayor Gotchy said if there is a problem in the future she would be shut down. Council Member Budge seconded the motion. The motion passed unanimously.

3. Discuss parking issue pertaining to Noah's Auto Sales' conditional use business license:

Mayor Gotchy explained they had received a complaint involving Noah's Auto Sales' customers parking in Don's Meats' parking stalls and on the street and that it was limiting the view of southbound traffic when people were trying to enter Main Street. He asked the owner of Noah's Auto Sales to approach the microphone.

Council Member Budge said part of the problem was that they were under the impression he would be having his customers park in the front stalls and he would park his cars for sale down the side of the building and in the rear. He has his cars parked across the front so there is no room for customers. Mr. Mauris said when he came before the Council, they told him to only park his cars on asphalt and he can only park five cars down the side. The Council gave him permission to have 10 to 15 cars, so he has to park the rest in front. When they had

asked him where his customers were going to park, he had told them they would park in the rear and have access to the area through Aranda's parking lot as well. He and Aranda both use each other's accesses. When Dons Meats' parking area is full, Don's customers park in Noah's Auto parking stalls, but he does not complain. He talked to Don Lasater because he had heard about the complaint. Mr. Mauris said he told him he would pay to have "Don's Meats Parking Only" signs put on Don's lot, but Mr. Lasater refused saying Noah's Auto customers don't know how to read. Mr. Mauris said he cannot display his cars in the back of the lot because no one driving by would be able to see them. During January, with it being the worst month of the year for car sales, he made \$40,000 selling cars that sell for \$3,000 on average. This is good for Sunset. He said he is willing to do what he can to solve the parking problem, but if Sunset wants him to leave he asked that they give him time to find another place. He is not looking for problems; he just wants to be able to run his business.

Council Member Furniss advised he read the Planning Commission minutes where Mr. Mauris indicated he would be using the front area for customer parking. Then he told the Council he would have his customers park in the back. Mr. Mauris said during the Council meeting they discussed parking because they required him to park his cars on asphalt. Council Member Chapman advised they had given him an extension on parking his cars on asphalt because they knew it would take him time to get money to lay the asphalt. They figured his customers would be parking in the front and he would park some of his show cars on gravel during the extension. Mr. Mauris said he misunderstood them then because his intention had always been to show his cars out front.

Council Member Furniss asked if he has noticed customers parking in the rear of his business. Mr. Mauris said at first he did not pay attention to the cars parking in Don's Meats area, but after a Police Officer told him there was a problem they started having their customers park in the rear. Council Member Furniss clarified the Council is not trying to make him leave Sunset; their intention in asking these questions is to have the business owners come to a compromise. Don's Meats has been in Sunset a long time and has a good reputation with them. Noah's Auto Sales is also an asset to Sunset. He would like to get something worked out that works for both businesses.

Council Member Chapman reminded Mr. Mauris that during the Council meeting they had discussed washing the cars and Mr. Mauris had told them he would not be washing his cars on the lot. He said he would have them detailed at another business off-site. Council Member Chapman saw Mr. Mauris washing his cars on the lot today and took some pictures to prove it. Mr. Mauris said when a car is detailed, the engine is also washed and there is grease and oil to contend with. When he cleans his cars on the lot, he washes the outsides off with water only. He does not use any chemicals on the lot. Council Member Chapman explained they have to report to the EPA what is in the run off, so they have to ask what is in the water. It was decided it was not a problem if he just uses water on the outside of the cars.

Council Member Furniss said when he drove down through his lot today he noticed the driveway was pretty tight. He suggested maybe moving a couple of his cars from next to the

office building to the other side by the billboard sign. Mr. Mauris said that was a good idea. Council Member Furniss thanked Mr. Mauris for being willing to work with them.

Council Member Chapman wondered if Noah's Auto and Don's Meats could share the parking. Don't Meats has four spots and he asked if Mr. Mauris couldn't also open up four spots in front. That way he could still showcase two in front and three on the north side of the driveway. Mr. Mauris said he believes the problem is because Mr. Lasater has had all the parking to himself for a long time and now there is another business there. He has asked his customers who park in Don's Meats to move their cars, but he believes he can give up two stalls and share parking. Mrs. Mauris spoke up and said when they are getting ready to close a deal, they ask their customers to move their cars from Don's parking so they are not there for long. She also mentioned their driveway is steep, so during the winter when it is slick, the customers cannot park in front and walk down to their office without fear of falling. They always make sure the rear lot is cleared and they put salt down to melt the ice, so she feels it would be better if the customers parked in the rear.

Mayor Gotchy asked Mr. Mauris to take his seat and they would now hear from Don Lasater. Mr. Lasater said he appreciated the comments of Mr. and Mrs. Mauris. He said he has been in business for 50 years and has had three neighbors during that time. First was Odell Cutler, the dentist. They shared parking for 40 years with no problems or accidents. Then Canine Connections moved in and they shared parking for the couple of years it was there with no problems or accidents. Now that Noah's Auto Sales has moved in, there is too much tension and confusion with the amount of cars in the front. He has a lot of senior citizen customers that park up front who now have a hard time parking there because of the amount of cars there. He has no problem with Noah's Auto as long as there is room in the front to accommodate everyone like they've had for the last 50 years. He did not have the opportunity to address the Planning Commission when Mr. Mauris went before them, but upon reading the minutes he noticed Mr. Mauris had told them the front of the building would be for public parking. That would have been as it should be, but instead he has 10 cars parked there. That creates a traffic problem and a customer problem for his business. Most of Noah's Auto customers do not see the driveway or are not going to park in the gravel behind the building. He repeated the customer and traffic problems he told the Council about on February 3, 2009. He recommended a compromise where they co-share the parking lot, with Mr. Mauris leaving the front spaces open for public parking. He realizes Mr. Mauris is concerned about exposure for his cars, but if there are spaces to park people will pull in there to look. If he parks his cars on the side, puts balloons on them and does more advertising he won't suffer any business loss. Mr. Lasater said his business has lost revenue because of this problem and he also feels his property value is not as high as it used to be. If Mr. Mauris would leave those front spaces open, Mr. Lasater would have no problem with Noah's Auto customers parking at Don's Meats. Mayor Gotchy said he sees both sides and they need to work out a compromise because the City cannot put one business above the other.

Council Member Furniss advised he has talked with Mr. Lasater and Mr. Mauris. The City wants both businesses to thrive. One of the issues being faced is that for many years Mr. Lasater has had free reign for his customer parking and it is hard when a business comes in

that doesn't have the same ability to grant the extra parking other businesses have in the past. There is adequate parking in the back, but some people don't want to walk up the hill, especially if they are elderly. This issue is something that cannot be resolved tonight, but he would be willing to work with both owners to come to a compromise. Council Member Furniss said he is very curious about Mr. Lasater's remark about his property being worth less today than before due to Noah's Auto Sales coming in. He would not be surprised to find out that Mr. Lasater's property is actually worth more now because there is an active business next door rather than an empty building. He does not believe the Council has the authority or obligation to become the referee between the two businesses. That is something the two of them will have to work out together.

Mayor Gotchy asked Police Chief Eborn what the setback is for parking on the corner and if they couldn't paint it red to keep people from parking there. Chief Eborn replied it is a State street so UDOT would decide that. The traffic statute is specific and if the formula was calculated, Don's Meats building would probably be in violation. The two buildings were built at a time when the regulations were different. Most of Don's Meats front parking area is one big driveway approach and if the buildings were built today the approach would not be able to be 60 or 70 feet wide; it would be one normal approach to an actual parking lot. Council Member Chapman asked what the law was regarding Mr. Mauris parking one of his cars on Main Street to showcase. Chief Eborn said UDOT would probably have a problem with that.

Council Member Carlson said one compromise he could see was where Mr. Mauris offered to pull a couple cars off the front to allow customer parking. Mr. Lasater said Mr. Mauris has seven cars across the front and he would agree to him taking four cars off the south side of the parking lot for customer parking. He asked if a Council Member could be a mediator for their discussions because he does not believe it can be worked out between the two of them. Council Member Furniss said again he would be happy to mediate it. Mayor Gotchy told each of them that the solution would not be something either of them would be totally happy with, but each of them needs to give and be willing to work it out. Neither can override the other. Right now, Mr. Mauris has the right to use his property and park his cars in any parking area he wants to. It is a good thing he is willing to negotiate.

- 4. Discuss allowing a billboard sign to be placed on City owned property at 1600 North and Main Street:** Council Member Furniss said he hopes everyone has reviewed this because he is ready to move on it. He has looked at other properties, but believes this one is the best suited to this purpose. Referring to the bids received, he stated there is one bid based on revenue and a couple others based on dollar amounts. He likes the set dollar amount bids better. He believes everyone should have had enough time to review the bids and, with the exception of the public hearing, he believes they are ready to move on this.

Council Member Chapman said he is confused. He asked if they shouldn't be changing the ordinance before choosing a bid. Council Member Furniss clarified they didn't have to hold a public hearing to change this ordinance; it is more of a courtesy of the governing body to get public input. Council Member Chapman stated that he meant they have decided to put up

a billboard, but the ordinance does not allow them to do so. Mayor Gotchy said they did need to have the ordinance changed first. Council Member Chapman commented he has a problem adding billboards because if the City does it then who else is going to want to and why can the City do it for money and not allow another property owner to have the ordinance changed so they can make money, too. He is not sure this is the best thing for the City.

Council Member Budge asked if their chances of a developer wanting to develop that land would be greater or less if the billboard is put there. Mayor Gotchy said it would give the developer another opportunity for revenue. It was also said it would depend on what type of business wanted to go in there. Council Member Carlson asked if any Council Members had gotten any feedback from residents on this. Council Member Furniss said everyone he has talked to has the sentiment that finally something is being done with that property. Council Member Budge asked what needed to be done to change the ordinance. Council Member Furniss relayed what City Attorney King had told him and that was it was a simple matter of changing the number from three to four. Recorder Hale advised they don't have to get the residents' opinions but it would be a really good idea to do so. Council Member Furniss suggested they hold the public hearing, change the ordinance and award the bid at the next meeting.

They discussed the sign located on the east side of I-15. Recorder Hale had been asked previously to find out if it was on Sunset property. She has reviewed all the plat maps of the property on the east side of I-15 and told them Sunset does not own any property on the east side of I-15. The Council Members discussed maybe using the City property next to the canal and Mayor Gotchy asked Council Member Carlson to find out from the Davis Weber Canal Company if it would interfere with the canal.

Council Member Furniss stated Sanders bid included assisting Sunset with future lighting installation in its parks by donating their crane time. He was just informed tonight that Reagan Outdoor Advertising also would include that in their bid. He introduced Guy Larsen, from Reagan Outdoor Advertising. Mr. Larsen addressed the Council's discussion of changing the ordinance to add another billboard sign and said there might be a statute in Section 10 of the State Code that allows the Council to do it without opening the ordinance. He advised Reagan Outdoor Advertising would also be willing to allow the use of crane time as Council Member Furniss stated. He advised the sign they erected on the Lutz property is 14' x 48' and 65 feet high. Council Member Budge asked if that sign really had to be that high because she knows it was a problem when it was erected. Mr. Larsen replied that the property was farther from the interstate than a typical billboard sign would be and there are a lot of trees along Main Street, so that elevation was necessary to make it economical for them. Mayor Gotchy said he was on the Planning Commission at the time that sign was erected and it was presented to them in a far different manner than what was erected and the City does not want to be caught unaware like that again. Council Member Furniss advised Mr. Larsen has been in contact with him since the bids were received and he assured Mayor Gotchy there wouldn't be any surprises. Mr. Larsen agreed.

Council Member Budge made a motion to set a public hearing on amending the sign ordinance on February 17, 2009. Council Member Furniss seconded the motion. The motion passed unanimously.

5. **Approve security and glass bids for the City Building:** Mayor Gotchy stated they had decided at the last meeting to allow Treasurer/Office Manager Youngdell to oversee drafting a standard for the bids and contacting the companies to re-bid the safety glass. The Council now has a spreadsheet of the new bids. Treasurer/Office Manager Youngdell advised the glass will be installed 8 inches from the top of the counters and 8 inches from the bottom with two 4-inch holes in each window for communication. The Council Members had discussed the safety glass and security system in the closed session.

Council Member Furniss made a motion to approve the bid from City Glass in the amount of \$825.00. Council Member Chapman seconded the motion. The motion passed unanimously.

Council Member Furniss made a motion to table the security system item until the next meeting and Mountain Alarm can be contacted. Council Member Budge seconded the motion. The motion passed unanimously.

6. **Discuss amending the temporary business ordinance:** Mayor Gotchy stated they have run into some issues with the current temporary business ordinance. Recorder Hale stated she has gathered information from different cities and has made a tentative draft which she passed out. She explained that while reviewing the temporary business license ordinance, she realized that the term “permanent business” was not defined. She asked if the Mayor and Council wanted to review this draft and maybe hold a work session to go over it at the next meeting. The Mayor and Council decided it would be good idea and to hold the work session after the regular session on February 17, 2009.
7. **Council Member reports and general information:** Council Member Bridges thanked the Planning Commission for their work on the General Plan and said it was well done. He also thanked Brent Andrews for continuing the Sunset Sam event.

Council Member Carlson reported that on Monday morning, Casey Scott from Channel 2 News did a spot from the City Building on Sunset Sam, the Art Show and the kick ball program. Mr. Scott brought Greg the bunny from American Idol with him. He thanked the Fire Fighters for their support during the spot. Monday evening Channel 4 and Fox news, along with some newspapers were present to report on Sunset Sam. That event went good with the Youth City Council conducting some games. The Art Show has a great turn out and encouraged everyone to view the art work located in the Sunset Room.

Council Member Budge said she usually watches Channel 2 news every morning, so when she saw the spot she was very impressed. When she talked with Recreation Supervisor Gold about it, she said Mr. Scott actually contacted her to do the broadcast, so word of the Sunset Sam event has gotten out. Brent Andrews has to pay for the guinea pig so she wondered if he couldn't be compensated for it along with the annual thank you letter the City sends.

Treasurer/Office Manager Youngdell advised that Supervisor Gold said he buys the guinea pig and after the event he returns it to the pet store. Council Member Budge said the article in the newspaper was also good, so Sunset got some good publicity this week. Mayor Gotchy said the event did turn out very well. They had planned to have an ice sculpturing contest, but that did not pan out. They need to capitalize on this event with maybe adding a chili cook off and concessions. He can see this turning into a big festival.

Council Member Furniss thanked the Council for the way they have handled the business issues on the agenda tonight and hopes they will always be pro-business. He reported that "Partners for Smart Growth" was an amazing conference. He learned about such things as smart growth, zeroscaping and pollution among other items. He plans to make a presentation on what he learned at a future meeting. He made some key contacts with the EPA and found out they have money to help communities clean up contamination problems. He reported that the North Davis Sewer District has raised the sewer rates, but they are still some of the lowest in the State due to the management and financial advice they received.

Council Member Chapman mentioned the Youth City Council is slowly making improvements to their organization. He told Council Member Carlson he represented the City well during the Channel 2 broadcast, as did the Fire Department. Regarding Council Member Furniss' statement on being pro-business, he believes the Council needs to follow the General Plan. He read an excerpt from it, "Beautification efforts along Main Street should be enhanced. Incentives for businesses to make aesthetic improvements to their properties should be considered. In order to compete with neighboring communities for commercial and retail development, Sunset should adopt policies that encourage improved maintenance of existing properties and assist with mitigating dilapidated structures." He said he brought that up because they have cut some businesses slack on things like asphalt due to the expense, but they also want people who shop here to think Sunset is a really nice place to shop. He does not know the answers, but he would like them to think about it. As an example, he does not believe the temporary business they allowed fits with the General Plan at all.

Recorder Hale reported that she met with the Department Heads today to discuss the financial shape of the City and it is really in good shape. The tax revenue is only down 1.8% from last year and the expenditures are in line with where they are supposed to be half way through the year. She advised she was now using a digital recorder to record the Council meetings and asked if they would like the audio recording posted to the City's website. As to how many meetings could be posted at one time, she did not know how much room Sunset had on the domain. After some discussion it was decided to post only one recording at a time, which would be the most recent one at any given time. She asked the Mayor, Council and Department Heads to give their City Code books to her so she could get them updated.

Treasurer/Office Manager Youngdell reported for Recreation Supervisor Gold that about 70 people attended the Sunset Sam event, as of today the Art Show's registry showed there had been 38 people go through it and the Co-ed Adult Kick Ball program will be starting in March.

Police Chief Eborn passed out a copy of his October, November and December warrant report to the Mayor and Council. There were 48 warrants served, \$2,492.24 was spent on overtime, \$19,591 in warrant money has been collected and \$11,824 more will be collected over time. This looks like a win/win situation to him, although his overtime will go over budget. It is hard to project overtime, but he is confident he can account for it at the end of the year. He can stop allowing warrant overtime or limit the overtime if the Council tells him to, but so far there has not been a three-month period where more overtime has been paid out than what has been received in warrant money. After some discussion it was decided to allow the overtime and track it carefully until such time as warrant money received becomes the same or less than overtime paid. As of today there are 957 warrants outstanding. Council Member Carlson stated when he attended the legislature, he talked with the President of MADD and he had a lot of good things to say about the Sunset Police Department on how they handle DUI cases. Chief Eborn reported he had a surprise audit today from the State Department of Human Services, whose job is to make sure cities comply with Federal regulations when it comes to the arrest, detainment and treatment of juvenile offenders. The lady was very thorough and said Sunset's policies were extremely thorough and the City was well covered.

Public Works Director Hennessee advised he and Treasurer/Office Manager Youngdell met with representatives of Weber Basin Water today to discuss water conservation. The representatives asked if the City would put articles in the City's newsletter and on the website to promote conserving water. They will provide the City with the information. They also mentioned that when Council Member Furniss clears his schedule they would be happy to have another meeting on the well lease proposal.

Fire Chief Coker asked if the Council could add discussing the President's Economic Stimulus Package to the work meeting agenda. He would like them to discuss how the City can take advantage of the plan for critical infrastructure. Council Member Bridges mentioned he has seen a lot of cities in the newspaper who are doing that very thing. Mayor Gotchy said to put it on the agenda.

Council Member Bridges made a motion to adjourn. Council Member Budge seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:30 p.m.

These minutes have been read and approved at the regular City Council meeting held **February 17, 2009.**

Dan Gotchy, Mayor

Susan R. Hale, Recorder