

**Sunset City Corporation
City Council Minutes
August 5, 2008
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Minutes of a regular meeting held August 5, 2008 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Gotchy presiding.

Mayor and Council Present:

Dan Gotchy	Mayor
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
Neil Coker	Fire Chief
Vicky Gold	Recreation Supervisor
Shawn Valdez	Police Lieutenant

Excused:

James Bridges	Council Member
Ken Eborn	Police Chief
Mickey Hennessee	Public Works Director

Others Present:

Bryan Cobb	Planning Chair
Jeff Shurtliff	Shurt Circuit Electronics
Jerome Wilden	Brent Andrews
Kim Smith	Standard Examiner

The meeting was called to order at 6:30 p.m. by Mayor Gotchy.

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

Approval of Minutes: Council Member Budge made a motion to approve the minutes of July 1, 2008 and July 15, 2008 as presented. Council Member Furniss seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Carlson made a motion to approve the voucher for Alarm Control System, Dave Embley and Ford Credit totaling \$30,534.67. Council Member Chapman seconded the motion. The motion passed unanimously.

REGULAR SESSION

Citizen Comments: Chad Bangerter reported he had the opportunity to work with the City on Fun Days. He helped with the parade, skate park competition and the car and flame show. He believes Fun Days was a great success with great support from Sunset and Clinton Cities Fire Departments and Police Department. There were about 250 people, 38 skate board competitors

and 18 bike competitors at the skate park competition. There were 98 cars entered in the car show. There were 38 entries in the parade, not counting emergency services or police departments. He thanked the Mayor and Council for allowing him and his wife to participate. He thanked all City departments for their help in Fun Days. Mayor Gotchy thanked Mr. Bangerter and CBR Restorations for the great job he and his wife did.

1. Conditional use request for Portfolio Automobiles, Inc. to be located at 1703 N. Main:

Planning Chair Cobb said Brian Rothschild appear before the Planning Commission for Portfolio Automobiles to be located at 1703 N. Main. It is an unusual business in that it will be an auto sales business conducted over the internet. The Planning Commission asked that they comply with all the laws and regulations. According to State regulations, they need a brick and mortar building to have automobile sales. The Commissioners put a condition on the business that no more than four vehicles for sale are allowed on the lot at any one time. Those will only be on the lot long enough for the person who purchased the vehicle over the internet to pick up the vehicle. Another condition was that they meet all fire and building codes.

Mayor Gotchy asked if the fence ordinance would apply to this business. Chair Cobb said he believes the property is already fenced in. Mayor Gotchy asked if the cars will be parked on dirt or pavement. Chair Cobb replied it is a paved situation with room in the back of the building for four stalls. Mayor Gotchy asked if there will be any oil changes or service done on the vehicles. Chair Cobb said they set a condition that the business not have any services performed on the automobiles. Mr. Rothschild told the Commissioners the vehicles would be taken to another place to have any needed repairs made.

Council Member Budge made a motion to allow the business of Portfolio Automobiles to locate at 1703 N. Main with the abovementioned conditions. Council Member Furniss seconded the motion. The motion passed unanimously.

- 2. Discuss business licensing within Sunset:** Jeffrey Shurtliff stated he has been in business in Sunset Square for about 13 years and over the years there have been problems with businesses not being licensed with the City. He has contacted the property management to discuss the problem he is having now. They won't give him a straight answer, so he is here tonight to see if they can get the business licensing ordinance enforceable. From his understanding, there has to be proof a person is conducting business when they have leased a commercial unit. The business he is dealing with now has made him seriously think about relocating. He likes doing business in Sunset and has had great support from the Police Department. He said he has been able to pull up some businesses on the website and they are registered with the Department of Commerce, but they don't have a City business license. If they are registered with the Department of Commerce and leasing space in a commercial building, he feels they are either living there or doing business without a license. He asked if the City requires the building owner to have in their lease that the person renting has to have a business license before they can lease a unit. Recorder Hale replied there is nothing in the ordinance stating that is required. Mr. Shurtliff mentioned this has been frustrating for Recorder Hale and the Police Department as well. The individual he is talking about now

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has been in unit number seven for two and a half years without a license. This individual has threatened him and he is about ready to take the property manager to court to get released from the lease and collect damages. There have been two police reports done on it. Mayor Gotchy clarified that the person is running a business out of the unit. Mr. Shurtliff replied that he is; he has had boats, wave runners, cars, etc. there working on them outside in the parking lot. Most of Mr. Shurtliff's business is mobile repair and he has told the property management he would like to expand, but he cannot do that with this element in the area. Council Member Furniss asked what Mr. Shurtliff's major concern was about this business, other than it is not licensed. Mr. Shurtliff replied it started when the individual came to him for some TV repair and wrote him a check for the service. The check was bad, so he went through the process on it with no payment so he used the police to help collect the money. Since then, the individual has been threatening to him. Mr. Shurtliff has told the property manager several times that the individual does not have a business license and he is living in the unit. The man has a bed, stove, shower, etc. in the unit. The issue is not just about this individual, but the ordinance that allows this to go on.

Mayor Gotchy asked Recorder Hale what has been done so far. Recorder Hale replied she has sent letters to him and he has told her he is not doing business yet, but that he is preparing to do business. He said he is just storing collectibles in the unit right now. She told him Sunset Square was not licensed for storage units because they are conditional use.

Mr. Shurtliff suggested making the landlord stated in their lease agreement that a person has to be licensed by the City before they can have occupancy. Mayor Gotchy said Recorder Hale could submit this issue to the City Attorney to see what the legality is. Council Member Furniss stated he has a problem with that suggestion because sometimes a business has to remodel before being able to obtain a business license. Treasurer/Office Manager Youngdell explained a business cannot obtain a business license before leasing space because the building has to be inspected before the business license can be issued. Mr. Shurtliff said maybe there should be a time limit for licensing then. Fire Chief Coker stated the fire code allows the fire inspector to go into any commercial business to do an inspection, but if a person has a stove, bed, etc. in there it has nothing to do with fire codes. He believes the penalties are not stiff enough to stop businesses from operating without a license. Right now, the penalty is that the business license fee is doubled if they are caught operating without a license.

Mayor Gotchy asked Recorder Hale to speak with the City Attorney about this matter and told Mr. Shurtliff they would let him know what is going on.

- 3. Discuss problems with weeds and junk in Sunset:** Jerome Willden handed a clear plastic bag full of weeds to the Council. He read a portion of the weeds and junk ordinance and abandoned vehicles ordinances. He believes these ordinances need to be enforced. He brought some weeds into the City Offices last year that were from his neighbors' yards that were six feet tall and going to seed. When these types of weeds go to seed he gets them in his yard. He is handicapped and he has to lie down to pull the weeds. He believes the City is showing favoritism because some people are getting cited and some are not. He is concerned

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about the seeds from the weeds blowing into people's yards that are physically unable to take care of them. He asked if there was a plan to help people in need of it. Mayor Gotchy said they are working on a list of people or groups who can help. Mr. Willden asked if it is the homeowners' responsibility to take care of the weeds growing in the gutters. It was answered that it is.

Mayor Gotchy asked Police Lt. Valdez to comment on this issue. Lt. Valdez stated the Police Department has issued 87 warnings and two citations since May 1, 2008. They are unable to get every house within Sunset at the exact same time. The process is to issue a warning, upon failure to comply within the 14 to 30 day time limit (depending on the amount of work to be done) a citation is issued and they go to court within two weeks. If they plead not guilty, it is another two to three weeks before they appear before the Judge for sentencing, so it can be a two month or more process. Once the person has been sentenced, the Police Department can issue another citation if it hasn't been taken care of. He believes their department has been doing a good job, but it is a never ending process.

Mr. Willden said he realizes the situation and said it only takes the price of a show ticket to buy some Weed B Gone and spray their yards. He wondered if the City could proclaim a certain day to have everyone clean up their weeds. He and some other people have been taking care of the weeds along the gutters of their street. It would be a great asset to have the City cleaned up.

Council Member Carlson commended Mr. Willden for doing his part to help keep the City cleaned up. He stated Mr. Willden had a good point; if everyone did a little bit it would make a huge difference.

Mr. Willden mentioned a few people on the Council who has a few weeds and said everyone has a little bit. He has lived here for 49 years and loves Sunset. He hopes they can beautify it.

- 4. Ordinance 2008-05 amending Title 4, Chapter 6 of the Sunset City Code entitled "Open Burning"**: Mayor Gotchy stated there have been citizens say they would like to have a fire pit or stand. Chief Coker made a draft for a new ordinance using the International Fire Code. It was turned in to the City Attorney, who drafted the ordinance before them tonight. He thanked Chief Coker for his work on the ordinance. The ordinance is very clear on what is permissible, so people can't just burn refuse. Mayor Gotchy read the definitions of open burning and recreational fire. He asked if there were any questions.

Council Member Furniss believes this is something that has been happening already, so this ordinance is good. Fire Chief Coker commented that people will still have to abide by the County Air Quality burn days.

Chad Bangerter asked if there was anything in the ordinance addressing what is considered a nuisance because he used to have a neighbor that burned a fire that produced a lot of smoke that permeated the neighborhood. Adding a section to the ordinance addressing nuisances

was discussed, but it was decided it would be unenforceable because what is a nuisance to one person is not to another. It was decided to take care of each complaint individually.

Council Member Chapman made a motion to approve ordinance 2008-05 as written. Council Member Furniss seconded the motion. The motion passed unanimously with a roll call vote. Council Member Carlson – aye, Council Member Budge – aye, Council Member Furniss – aye and Council Member Chapman – aye.

5. Discuss allowing leashed dogs to walk with owners on the walking track at South Park:

Council Member Chapman stated he has talked about this issue with the Assistant Superintendent of Davis School District, who thinks it is a great idea, but referred him to the Doxey Elementary Principal. Council Member Chapman finally talked to him yesterday and gave him a copy of the rules. The Principal's only concern is child safety because they teach a lot of special needs children who may run up to a dog and be hurt. Council Member Chapman has asked him to review the rules and get back with him in the next couple of days.

Council Member Carlson said he has mixed feelings about this issue. He would like to give it a try, but he is concerned about feces being on or around the walking track. Mayor Gotchy said the problem is that people are walking their dogs on the track anyway in all the parks, so the feces is going to be there. At least this way the City will provide bags for clean up by the owners. Hopefully, other dog walkers will say something to an owner who does not pick up after their dog about losing the privilege. Council Member Carlson said he does not want to make an ordinance to make the problem legalized. Council Member Chapman said this came about because a lot of people have asked about walking their dogs in the park. Council Member Furniss feels it is time to move in this direction. Sunset has three parks and two of them can be left to those who do not like to be around dogs. A lot of homeowners in this City have dogs. Council Member Chapman asked if everyone read the rules. Mayor Gotchy said he likes what is in the rules and asked how long it will be before Council Member Chapman has anything before the Council. Council Member Chapman replied he hopes to have an ordinance before them by the next meeting. Chief Coker asked what the penalty would be for violation of this ordinance. Recorder Hale said it would be the standard penalty for the chapter it is put into, which she believes is a class B misdemeanor.

6. Council Member reports and general information:

Council Member Carlson commented that Fun Days went really well. He enjoyed the article in the Standard Examiner about the car and flame show. He attended the skate/bike competition and was impressed at how well attended it was. On Friday, he saw a lot of garbage by the South fence of John G. White North Park so he pulled in to watch the kids skate. He guessed someone had called the police about the music being played too loud, which he didn't think was too loud, but the kids ended up picking up all the garbage without him or the police officer saying anything. He attended a meeting of the Development Review Committee and the legal description showed the acreage of the project at about 500 acres. This committee is basically to MIDA like a Planning Commission is to a City. There was a special MIDA meeting held on Tuesday that he was unable to attend, but Brent Andrews attended it. Mr. Andrews reported

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he believes they will have another meeting on August 6th. He was the only resident from any City that attended the meeting. All others were representatives of the developers or HAFB.

Council Member Budge thanked Mr. Andrews for being involved in the City. She believes Fun Days went very well and the article was very nice. She was very impressed with the cars at the car show. As they drove by upon leaving, she realized how much knowledge and work goes into those cars. She told Mr. Bangerter he and his wife did a very good job on organizing the parade. She commended Recreation Supervisor Gold for the way she was able to pull Fun Days all together. She hopes they can have the carnival again. She was unable to attend the skate/bike competition because she attended the baby contest and expressed her appreciation for the work that went into both events.

Council Member Chapman stated he also liked Fun Days. He participated in the car show and enjoyed that as well. He told Supervisor Gold she did a great job on Fun Days. On the 23rd of August, the Youth City Council will attend the Youth Games.

Fire Chief Coker commented the Fire Department is participating in the "Fill the Boot" drive for MDA and asked everyone to help.

Recreation Supervisor Gold reported the Community Theater sold \$2,860 tickets and \$771 in concessions. At Fun Days the 5K brought in \$265 with 26 runners, the City received \$2,206 from the carnival, breakfast brought in \$643, car show \$471, baby contest \$150, 3 on 3 basketball #235, hot dog eating contest \$52, the Youth City Council made \$116 on the Pepsi trailer and the skate/bike contest earned \$265. She felt the celebration went very well. Friday night is usually dead, but there were a lot of people there and during the hours where it is usually not crowded on Saturday, it was still steady. She thanked Chad and Elli Bangerter for all their help and said they made her life a lot easier. The Senior Luncheon has been changed from August 11th to August 18th at noon.

Treasurer/Office Manager Youngdell advised the City will be hosting a blood drive on Friday from 1:00 to 6:00 p.m. She asked if anyone wanted to donate blood to do so because they need 32 appointments and they only have eight right now. Court Clerk Christina Arbogast has taken over the City's website and is doing a great job. She encouraged everyone to visit it.

Mayor Gotchy thanked Court Clerk Arbogast for taking on the website, Supervisor Gold for her time and effort on Fun Days. It turned out really well. He has received a lot of positive comments about Fun Days with the carnival and intensity of the fireworks. He received a letter from a Bountiful resident about attending Fun Days and their enjoyment of it. He mentioned that some of the smaller businesses in Sunset are leaving and reminded everyone to do what they could to support the businesses in Sunset. They are going to be showcasing one business per month on the City website. The neighborhood block parties have started up again and will be held every Friday in August at 6:30 p.m. He would like to see the Council Members attend them as often as possible. The parties are very informative on safety issues and it allows people to get to know their neighbors.

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Council Member Furniss made a motion to adjourn. Council Member Chapman seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:55 p.m.

These minutes have been read and approved at the regular City Council meeting held **August 19, 2008.**

Dan Gotchy, Mayor

Susan R. Hale, Recorder