

**Sunset City Corporation  
City Council Minutes  
November 1, 2011  
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Minutes of a regular meeting held November 1, 2011 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

**Mayor and Council Present:**

Chad Bangerter	Mayor
Brent Andrews	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

**Others Present:**

Rogelio Cerda	Sunset Towing & Auto Repair
Colleen Mann	Sunset Towing & Auto Repair
Dave Hansen	Sunset Auto Body
Trevor White	Sunset Auto Body
Tena Hale	Planning Commission Chair
Terry Avondet	Citizen Corps
Wayne Clark	Kaleb M. Boyd

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

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

**Approval of Minutes:** Council Member Chapman made a motion to approve the minutes of October 18, 2011 as presented. Council Member Budge seconded the motion. The motion passed unanimously.

**Approval of Vouchers:** Council Member Furniss made a motion to approve the voucher for Crane, Christensen & Ambrose in the amount of \$6,119.10. Council Member Budge seconded the motion. The motion passed unanimously.

**Citizen Comments:** There were none.

- 1. Conditional use request to add the sales of used automobiles to the existing business license of Sunset Towing & Auto Repair located at 1727 N. Main:** Planning Commissioner Hale stated the conditions the Commissioners recommended: 1) the business can be open Monday through Friday, 9:00 am to 9:00 pm and Saturday, 9:00 am to 6:00 pm,

2) the maximum cars on the lot for sale is 20, 3) stripe parking stalls for customer parking to keep customers from parking on the street, and 4) to meet all fire and building codes.

Mayor Bangerter said he met with Rogelio Cerda, the owner of the business, and they concluded the lot would really only hold 12 cars for sale and that would leave space for three customer parking stalls along the southern fence. The business hours were discussed and Mr. Cerda did not want to stay open as long as the Commissioners wanted him to. It was explained those hours were maximum hours, but he could set his own hours; just not exceed the hours set. Selling cars on Sunday was discussed and it was explained State law prohibits auto sales on Sundays. The ordinance for customer parking reads 50% of a commercial lot has to be reserved for parking. After discussion it was decided he could use the open area in the service area as customer parking to meet those requirements.

Council Member Budge made a motion to approve the conditional use of used vehicle sales added to the business license of Sunset Towing & Auto Repair with the conditions that the Commissioners recommended, except amend the 2<sup>nd</sup> one to a maximum of 12 cars. Council Member Furniss seconded the motion. The motion passed 4 to 1 with Council Member Andrews voting no.

2. **Conditional use request to add a tow yard to the existing business license of Sunset Auto Body located at 2123 N. Main with the tow yard to be located in the rear of the adjacent property at 2173 N. Main:** Planning Commission Chair Hale stated the Commissioners discussed several issues with the property. She referred to an email Public Works Director Hennessee sent that stated his concerns. She said the block fence is really a wall and that is how she will refer to it. The Commissioners discussed the wall being engineered, water run off and a containment system the owner plans to install in a corner of the yard to contain any liquids a vehicle may be leaking. The owner also told them they would not be bringing in cars that are leaking because they have to stop the leaks before they can be towed. She said the Commissioners talked about lights, noise, security measures and fencing. There are certain requirements they have to meet in order to get State approval. They also suggested planting some tall, slender trees to help it look better for the neighboring residents and that the City would be able to access the easement at all times. She turned the time over to the representatives of Sunset Auto Body.

Mayor Bangerter first read a letter from a neighboring resident, Wayne Clark. Mr. Clark's concern is unsavory people cannot climb over the front fence with the razor wire and good lighting, so they may go through his yard and over the block wall to get to something left in their vehicle. Those people may then steal from him, break into his home or worse. He suggested the business owner install a chain link fence with razor wire on top of the wall to deter that.

Dave Hansen stated he was representing the owner, Mark Willie, because Mr. Willie was unable to be here. He introduced Trevor White, who is the body shop manager. Mr. Hansen used a board with the site plan on it to illustrate their plans. The proposal is to use the adjoining property to store vehicles picked up by a towing company due to accidents or police impounds. The storage would be strictly short term. It would allow Sunset Auto

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Body to bid on repairing the wrecked vehicles, which would help their business. In order to get bonding, the State is requiring them to install a 6 foot chain link fence on the adjacent property, starting where the block wall ends on the north side of the property to 200 hundred feet back from the frontage then south to the edge of the property and up to the front of Sunset Auto Body's fence. Access to that yard would be through the front gate of Sunset Auto Body. It is a State law that the leaks from a wrecked vehicle have to be stopped before that vehicle is towed. A tow yard is also required to have an area that contains any further leaks by digging the area down to a solid base, install a leak proof membrane and cover it with sand or gravel. They have taken into consideration the noise of the back up alarm on the tow trucks, so any vehicle towed in from 10:00 pm to 6:00 am will be stored inside the existing fence at Sunset Auto Body until daytime hours; then it will be moved down to the other lot. The owners and Council Members discussed the security issues outlined in the letter read by Mayor Bangerter and Trevor White said they may be able to run razor wire along the top of the block wall in the rear. He also said the majority of the towed vehicles would be placed in the yard of the existing business and he is not sure they will need to store vehicles in the adjoining lot. Allowing them to do this with a phased approach and giving them a certain amount of time to install the razor wire and take care of the storm water was discussed, along with minimum lighting in the lot.

Mayor Bangerter advised the owner of the property was required by the Building Inspector to provide engineering on the block wall in 2007. The engineering has not been provided and it is still required. Public Works Director Hennessee, who is also the Building Official, stated any wall over four feet requires a building permit and has to be engineered. That was not done and the owner also raised the City's manhole without contacting the City. The wall is nine feet two inches tall next to a residential property. He will not allow another business to go in there unless a State licensed engineer will certify the wall or the wall is removed. He requires everyone else to get permits and do the work right; he cannot pick and choose who he wants to obey the codes. The north wall not being finished all the way to the east was discussed and Mr. Hansen said Rusty Eskelson, the owner, plans to finish it now.

Mayor Bangerter said there is also an issue with the property because Sunset Ordinance 10-5C-1 allows a dwelling in a C-2 zone only if it is used by an employee of the business. The dwelling is currently rented to someone not affiliated with the business, so the lot would have to be subdivided. The business lot would then need to be joined with the existing lot to become one lot or they would have to get two separate business licenses. Mr. Hansen said Mr. Eskelson agreed to do that if required.

Council Member Furniss made a motion to grant Sunset Auto Body a six month conditional use business license based on completion of the wall under a current building permit, that engineering be received within six months and that barbed wire be installed along the block wall, the lighting is installed and they meet all state requirements. Recorder Hale said a building permit could not be issued without the engineered plans. After more discussion, Council Member Furniss withdrew his motion.

It was suggested to allow Sunset Auto Body to use their existing lot for towed vehicle storage until all the issues with the adjoining property can be solved. The business representatives were agreeable to that suggestion.

Council Member Furniss made a motion to add a conditional use tow yard to the existing business license of Sunset Auto Body pending issuance of their State license, with the vehicles to be stored inside the fence of the existing business at 2123 N. Main. Council Member Budge seconded the motion. The motion passed unanimously.

- 3. Council Member Reports and General Information:** Council Member Furniss thanked the Police Department for attending their “Trunk or Treat”. He asked what the status is of the orange fence around Sierra R.V. Recorder Hale advised she has mailed a letter to Sierra R.V. telling them it had to be moved back to meet clear view regulations so it should be moved soon. Another concern was brought to his attention that letters were sent out to remind residents to trim their tree limbs, but the shop area for dropping off tree limbs is now closed. Mayor Bangerter said they are not enforcing it right now due to the shop area being closed, unless a tree branch is too low and damages a truck.

Council Member Budge apologized to Council Member Furniss for not making it to his meet and greet the other night. She has heard from people who said it went very well. She has also received comments from residents who appreciated the Police Officers attending the “Trunk or Treat”. She also appreciates them.

Council Member Andrews echoed Council Members Furniss and Budge about the police attending the “Trunk or Treat”. He thanked the Youth City Council for their work with the community garden this year. He also thanked the City employees and residents for attending the meeting tonight.

Council Member Carlson reported this is the time of year when the Mosquito Abatement District disassembles all the fogging machines and gets everything ready for next year. The MIDA Development Review Committee (DRC) is still slow going; another meeting has been canceled along with MIDAs meeting. He has also received positive feedback for the police presence at the “Trunk or Treat”.

Council Member Chapman said he will pass on to the Youth City Council the thanks from Council Member Andrews. Sandra Scofield has taken on the job of Youth City Council Advisor and is going strong. The Youth are excited, making plans and doing things. They will probably be placing an Angel Tree in the lobby of the City Building. He thanked all those who helped out anywhere on Halloween night.

Police Chief Eborn reported the “Prescription Drug Take Back” event was held at Smith’s Food & Drug on Saturday and they received about 61 lbs. of prescription drugs, which was more than Clinton or Clearfield. He thanked Public Works for setting up their cones, etc. The Fire Department was there and they also had representation from Citizens Corp in Terry Avondet, who has a medical background and helps the pharmacy students identify pills received without their containers. He advised the recently hired Officer Garner has resigned

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because he realized this line of work was just not for him. Today they did some follow up interviews with some of the other applicants and they are doing the background check on the one who was their second choice in the beginning. He explained that this applicant and Scott Garner were actually tied, but Mr. Garner spoke Spanish and that is why they chose him first.

Treasurer/Office Manager Youngdell advised Jeff Ambrose is wrapping up the FY11 audit, Recorder Hale has written the CAFR and it is being reviewed. Customer Service/AP Clerk Chrissy Weatherston is having surgery and will be gone for the next four weeks. Therefore, she and Recorder Hale will be extremely busy for those four weeks. Council Member Carlson asked if they needed a temporary employee. Treasurer/Office Manager Youngdell replied it is not in administration's budget and it would take too much time to train the person. Mayor Bangerter said this is something the Council needs to think about during budget sessions. Administration used to have another person a long time ago.

Fire Chief Coker said the Fire Department is beginning its preparation for the Christmas holidays.

Recorder Hale reminded everyone early voting would be going on until 5:00 pm Friday and Election Day is Tuesday, November 8, 2011.

Terry Avondet suggested the City may want to do something for the kids next Halloween because a lot of the houses were dark and there were not a lot of trick or treaters out.

Mayor Bangerter thanked Council Member Furniss for taking the lead in cleaning up the community garden. Council Member Furniss said it was a 5<sup>th</sup> Ward project for the "Day of Service". They removed all the dead pumpkins from the garden and Public Works employee Kevin Atwood brought out the dump truck so they could clean up a junky yard also. Mayor Bangerter said he met with the Principal of Sunset Jr. High and gave him an update of 1800 North. He will still meet with the Davis County School District. The Principal told him they do have plans to remodel the Jr. High in the near future. He also attended the prescription drop off and it went very well with the police and fire fighters going up to the people's car windows so they didn't even have to get out of their car if they didn't want to.

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

The meeting adjourned at 8:15 p.m.

These minutes have been read and approved at the regular City Council meeting held **November 15, 2011.**

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Chad Bangerter, Mayor

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Susan R. Hale, Recorder