

**Sunset City Corporation
City Council Minutes
November 4, 2008
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Minutes of a regular meeting held November 4, 2008 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
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Mickey Hennessee	Public Works Director
Amy Kippen	Fire Fighter

Excused:

Linda J. Youngdell	Treasurer/Office Manager
Vicky Gold	Recreation Supervisor

Others Present:

Ron Elizondo	Hi Hat Diner
CERT Members:	
John Blaylock	Angela White
Cathy Brown	Archie & Nola Toole
Jaime & Jake Meredith	Chad Bangerter

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 Chapman made a motion to approve the minutes of October 7, 2008 as amended. Council Member Furniss seconded the motion. The motion passed unanimously.

Approval of Vouchers: (conducted at the close of agenda item number 4)

Council Member Budge made a motion to approve the vouchers for Dave Embley in the amount of \$6,930.00, CEC Engineering in the amount of \$7,276.75, GMAC in the amount of \$6,406.28, Great Western in the amount of \$12,607.15 and L.N. Curtis in the amount of 22,885.60. Council Member Bridges seconded the motion. The motion passed unanimously.

Citizen Comments: There were none.

REGULAR SESSION

1. **Present CERT graduates with certificates:** John Blaylock, CERT Class Instructor, said with this graduating group, there are about 50 people in Sunset that are CERT certified. He named Archie & Nola Toole, Jaime & Jake Meredith and Cathy Brown as the graduates. He handed them their items and they were congratulated by the Mayor and Council. Mayor Gotchy thanked the CERT graduates and said they will be a great help in times of emergency. They will be relied on 100%.
2. **Presentation of General Plan and set public hearing:** Planning Chair Bryan Cobb was not present.

Council Member Furniss made a motion to table this item until such time as Chair Cobb is present. Council Member Bridges seconded the motion. The motion passed unanimously.

3. **Request for help with asphalt and a new façade for the Hi Hat Diner, 1147 N. Main:** Ron Elizondo, owner of the Hi Hat Diner, gave a little history of the building. He said the biggest problem they have had since reopening, is about 95% of the people who came in said they would have come in sooner if the building wasn't so run down looking. They have made a lot of cosmetic changes inside to make it really look nice with a 50s theme. Once the people come in once, they do come back. He believes the building needs a facelift. They have spent a lot of money into upgrading the electrical and plumbing systems so they could be approved by the Health Department. Right now, the diner caters mostly to HAFB groups, the Temple Riders and elderly care centers. They now also have Mexican food because of the demand. He said he was told there could possibly be money available to help him re-face the building and do the asphalt. He believes if that could be done, it would really help the business. He said the building is probably one of the few icons left in Sunset. He asked if there was a possibility of obtaining a beer license for the establishment because his biggest competitor is Winger's and they sell beer. He asked about the grandfather clause because the old Hi Hat used to have a beer license. He believes a lot of his HAFB clientele has left because they can go to Winger's at lunch time and have a beer. Not being able to sell alcohol has also stopped him from being open in the evenings. He asked again if there was money available and whether it would be State or Federal money. Mayor Gotchy stated it would be a City situation and the City does not have a fund set up for something like that. Mr. Elizondo said he is the President of the South Ogden Business Alliance and knows the State is issuing money for cleaning up areas. He asked if they do that for Sunset.

Council Member Furniss said the City has a fund that is called Economic Development, but he is not sure what Mr. Elizondo wants to do falls within those parameters. He said he may have a solution to this problem without the City being involved, but only if it works for him and another party. He has been in contact with Carl Jensen of Sierra R.V. At one time he offered to purchase the entire Hi Hat building, but the owner did not want to sell it. Council Member Furniss shared an idea he had with Mr. Jensen and Mr. Jensen liked it. Sierra R.V. would like to have their road out onto Main Street moved to the south side of the Hi Hat building because the road jogs and it takes away some of his display area. Mr. Jensen said if the Hi Hat owner would be willing to give him easement rights to that side of the building on

a trade, he would fix up the building for the owner. Council Member Furniss said that seems to be a win/win situation for everyone because it saves tax payer dollars and allows one business to help another business. He understands there is some hesitancy on the side of the Hi Hat property owners.

Council Member Budge asked if Mr. Elizondo owns the building, but not the property. Mr. Elizondo replied he gave his interest to Harry Schmalz a while back. Mr. Hillian still owns the building. Mr. Schmalz has what is called a contract interest, which means he does not have full title, but has legal interest in the building. It is like a title, but not a deed. Mr. Elizondo has asked the Hillians if they would accept a payoff, because if it was paid off and Mr. Schmalz owned it outright, he would have more flexibility. The Hillians would not consider it because they live off the payments. From that standpoint, Mr. Elizondo does not know if Council Member Furniss' suggestion would work. But if the City were to give them money to fix it, he does not believe Mr. Hillian would have a problem because it would not affect his payments. The suggestion was a good one, but he does not believe it is feasible at this time because there is a limitation on parking right now. He has talked to the people at the Davis Weber Canal Company and they said it would cost about \$10,000 to cover a 10' x 10' area of the canal. Council Member Furniss said he believes Sierra R.V. would put at least 20 angled parking stalls along their fence on the access road if they went with the suggestion. He believes they could make this work if the owner of the property would go along with it. He does not know if the City giving them money is even an option. They have to be careful when they even think of doing something like this because there was a business owner that came to them at the last Council meeting that almost lost his business license because he did not have asphalt. He would be able to come back to the Council and ask why they didn't give him money for asphalt. Council Member Furniss said he really hopes Mr. Elizondo will put any weight he has on Mr. Schmalz and Mr. Hillian because this proposition is a win/win situation. He said the inside of the diner is great, but the building does not look stable and he would want the building to be structurally sound before putting the City's money into it. Mr. Elizondo asked, regarding Economic Development, if there was money available at this time. Mayor Gotchy answered not from the City. There may be money available from the State like he told them about and Mr. Elizondo knows more about that than they do. Mr. Elizondo asked if it would help if he contacted the State or something. Mayor Gotchy said that would be fine.

Mr. Elizondo asked again about the beer license and said he thought the State regulation was that the entrance of the establishment had to be 200 feet from school property. Police Chief Eborn ¹[said] it has changed and as of a couple years ago he believes it was 1,000 feet. He will find out for sure what it is for Mr. Elizondo. Mr. Elizondo asked if the Council would allow the liquor license if he is able to meet all the State regulations. He believes the building may be grandfathered for a beer license because they were able to sell beer there for years before closing. It has been 15 or more years since they have sold beer there. Council Member Chapman advised once a use has been stopped the grandfather clause is lost. Council Member Furniss said, if he meets all the State requirements, he feels the Council

¹ Amended at the Council meeting held November 18, 2008.

would allow him to have a beer license. Mr. Elizondo said they would like to expand by installing a doorway into the next unit that would be separate dining for adults where they could have beer. He would also like to have comedians in that side. He is thinking about holding a private New Year's party for promotion without selling alcohol and asked if someone could bring alcohol in for their own use. He said Hill Field people drink a lot and he heard that bringing in their own alcohol may be okay, but when he asked the Police Department he was told that may be iffy. Mayor Gotchy said if the Police Department said it was iffy, he strongly suggested going with what they said because they enforce the law. Council Member Chapman said he wanted to squelch a rumor about Hill Field people and drinking. He has been a supervisor out there since 1988 and they are not allowed to drink during business hours. If they are doing that, it is illegal and if someone came back from lunch in his department with beer on their breath, they would be gone. Mr. Elizondo thanked the Council for their time and said he hopes they get a chance to visit the diner.

4. **Discussion on purchasing playground equipment:** Mayor Gotchy asked Public Works Director Hennessee to explain about the playground equipment. Director Hennessee said a grant became available to purchase playground equipment and Mayor Gotchy asked him to pursue it. He tried to notify as many Council Members as he could so they would know about it. The equipment would be just over \$19,000 plus \$3,000 to \$4,000 shipping. With the grant assistance, the City's cost would be \$13,506 including shipping, but there is another discount for prepaying so the City's actual cost would be \$12,607. The big toy promotes fitness for younger children. There have been a lot of improvements at North Park and this would provide an area for the younger children. He proposed to place the equipment east of the existing smaller toys, which would be on school property. He will try to work out an agreement with the school. The grant does not cover shipping, but covers about half the cost of the equipment. The grantor works with a company who will receive the grant money. The City will not see the grant, but they will receive the equipment for a lot less. The existing equipment there is about 17 years old.

Council Member Furniss said he is not one to turn down free money, but he wonders if the money would be better spent on something else like the restroom renovation. Director Hennessee said his concern is valid and he will work hard to scale down the restroom project to spend less money, but that is not where the big toy money would come from anyway. November 15th is the deadline on this grant. He made sure the voucher for it was done in case the Council approved it so he could turn it in on time. If the Council does not approve it, he will call them and tell them. The big toy won't actually be installed until spring. The Public Works Department will absorb the labor and the only other cost would be the sand or other material to put under it. If they approve it, he will contact the school to tell them what he is doing and he believes they will like the idea. He will also try to get the school to help with the cost of the surface material.

Council Member Budge made a motion to approve the City's vouchers including the one for the playground equipment. Council Member Bridges seconded the motion. The motion

passed unanimously. Council Member ²Furniss [Carlson] read the list of vouchers for the audience.

Director Hennessee said they will also install benches and put up a sign stating the age limit for using the equipment.

5. **Discussion on possible implementation of an “Employee of the Month” program:** Council Member Furniss said a lot of times what the employees really do goes unnoticed. In a small City like Sunset a lot of the employees have multiple tasks. He believes the extra things an employee may do needs to be recognized. He would like to change the title to be “Employee of the Quarter” because the City is so small. His idea would be that a recommendation from their Department Head or peers would be submitted to the Council or a committee. He would also like to see a reward program, such as giving the employee of the quarter a \$50.00 gift certificate or something. This type of program is done where he works and it boosts morale. He would also like to see the employee mentioned in the City’s quarterly newsletter so the citizens are made aware of what the person does and maybe have their picture in a little plaque in the foyer.

Council Members Bridges, Budge and Carlson felt it was a good idea. Council Member Chapman said he loved the idea, but in a small community they need to be careful people aren’t selected just because the deadline is near. He would like to see some guidelines before voting on it. Council Member Furniss said he believed the recognition would be for an employee going beyond what their typical duties are. Jaime Meredith suggested placing forms out so even citizens could nominate someone for a job well done. Council Member Carlson said at his company, they have a box where nominations can be placed. Council Member Furniss said they all seem to agree that it is a good idea, so he will come up with some guidelines for the next Council meeting.

6. **Discussion of possible rate increase from the North Davis Sewer District:** Council Member Furniss advised the North Davis Sewer District Board of Trustees met and it was determined, with the downfall of impact fees, a rate increase would be necessary to maintain the facility, infrastructure and operations. The increase will only be \$1.20 per month, which will still leave the North Davis Sewer District one of the lowest in the State. The last time they raised rates was 8 or 10 years ago. This increase will net the District around \$7 million. Mayor Gotchy would like the residents to know that because the Sewer District has increased their rate to the City, the City will need to increase their rate to the residents.
7. **Council Member reports and general information:** Council Member Chapman advised there are some changes in the Youth City Council. Aric Haarala would have been here tonight to swear in the new Youth City Mayor and Council, but he is working the election polls. They have submitted a marathon project application which outlines how it will improve the community and how it will affect the residents. 26 submissions will be selected and they will receive \$1,000 to use on the project. The Sunset project is to improve the old Bangerter rail bed with signs, etc. This is something where the Sunset Youth City Council

² Amended at the Council meeting held November 18, 2008.

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may get the project, but it will take other communities joining with them to make the improvements. Their meetings will be changed from Saturday mornings to Thursday evenings, tentatively at 6:00 p.m. They will also be taking turns briefing the City Council on their activities. He thanked all the CERT graduates and instructors.

John Blaylock reported the Citizen Corps program was awarded the \$1,000 grant from the State of Utah that was signed during a previous Council meeting.

Mayor Gotchy said he is happy Council Member Budge is back with them. Council Member Budge said she will be having surgery on November 12th and December 17th on her hips so she will have to let them know when she will be unable to attend Council meetings. Council Member Furniss said he and Council Member Carlson ³has [have] been thinking about drafting an ordinance for teleconferencing Council meetings so Council Members who are unable to attend in person can attend via phone. That way they can participate and vote on the issues. He asked how Council Member Budge would feel about it. Council Member Budge said it would be great. She advised she received a call from Jeff Shurtliff, owner of Shurt Circuit. He has moved his business out of Sunset because he is upset about some things that went on after he appeared before the Council. He felt like he was not taken seriously and was concerned he never received word on anything they decided. She asked if they ever found out about a business license for the person he had trouble with. Recorder Hale replied the person submitted a business license application, but never paid for it and has not been back. Police Chief Eborn explained they have not been able to prove to the Court's satisfaction that he is doing business. Once there was a witness that was going to testify, but changed their story. Another time, the prosecutor did not feel they had enough proof to prosecute him. Council Member Budge asked Director Hennessee if distance markers could be placed along the walking track at John G. White North Park. Director Hennessee replied there is a sign stating once around the track is a quarter mile.

Council Member Furniss mentioned he, Mayor Gotchy and Council Member Chapman attended the ground breaking for Falcon Hill. They should see buildings being built soon. He has set up a meeting with Weber Basin Water and Director Hennessee on Thursday at 8:30 a.m. to talk about the City well. He invited the other Council Members to attend, but said if there are three of them there, they would have to agenda the meeting. He reported that the Ride Away Auto Sales owner has gotten rid of the motor home like he said he would.

Council Member Carlson said he was glad Council Member Furniss brought up teleconferencing Council meetings again because he has been thinking about it again recently. He will put something together to present at the next Council meeting. He congratulated the new CERT members and thanked Mr. Elizondo for coming in to talk with them.

Council Member Bridges thanked the CERT graduates and instructors for all their time and efforts. He would like to have something put in the newsletter about the CERT program and

³ Amended at the Council meeting held November 18, 2008.

certified volunteers. He referred to the year-round all night parking ordinance and said he believes the Police Officers have been very lax in enforcing that ordinance this past summer and fall. With winter and snow plowing coming he believes they need to crack down on overnight parking because people have gotten into the habit of leaving their cars on the street overnight. The main reason this ordinance was developed was because of the vandalism and break-ins going on. He would hope they could direct the Police Department to give some warnings and then cite the repeat offenders. Police Chief Eborn said they will enforce the ordinance as strict or as lax as the Mayor and Council direct him to. Some administrations have told him to be strict and some have said to be lenient. He tries to gauge how each administration wants his department to treat overnight parking. Council Member Bridges feels with winter coming on, it should be enforced. Council Member Furniss commented that some of the ordinance makes sense to him and some does not. Most of the homes in Sunset have enough parking spaces for two cars and the third has to go on the lawn or street. He would like the Police to be more lenient because one of the biggest complaints he receives is about the overnight parking ordinance. Mayor Gotchy said he has instructed the Police Chief in the past to not write a ticket just for the sake of writing a ticket and to give people plenty of warning. He still feels that should be done, but with winter coming on, he agrees it should be enforced so the snow plow can plow the streets. He feels they should be very strict during the winter months and more lenient during the spring and summer. Chief Eborn explained to the audience that the ordinance basically states between the hours of 2:00 a.m. and 7:00 a.m. they are allowed no more than one hour of parking.

Recorder Hale mentioned she will be gone next week to have surgery.

Police Chief Eborn referred to an email he and some ⁴other[s] received regarding a dog problem. Part of the complaint was against Davis County Animal Control and part of it was against Davis County Dispatch. He has contacted those agencies and Dispatch said they would not have given the gentleman the instruction he claims they did. Chief Eborn does not know if it happened or not, but has told them not to give that instruction because the Police Department does handle dog issues after hours. Animal Control has told him they do not feel at this time that this dog can be declared a vicious animal. However, they are monitoring it and the owner has been cited for the dog running loose. He asked if he could be excused at this time because he has received a text message that a family member may need to see a doctor.

Public Director Hennessee said on behalf of Recreation Supervisor Gold that the Senior Christmas Dinner will be held at noon on December 8th in the Sunset Room.

Fire Chief Coker said the Legislators have said the State budget has been cut by 4%, all but education. That is not entirely true because the EMS grants have been cut 66% and they are talking about cutting at least the same amount next year. He asked the Mayor and Council Members to contact the Legislators and/or the Governor about this. He mentioned the Fire

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Department will have Santa ride around the City on December 6th, with pictures and activities after in the Sunset Room.

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

The meeting adjourned at 7:45 p.m.

These minutes have been read and approved at the regular City Council meeting held **November 18, 2008.**

Dan Gotchy, Mayor

Susan R. Hale, Recorder