

**MINUTES OF THE
MEETING OF THE
TOWN COUNCIL OF
GARDEN CITY, UTAH**

The Garden City Town Council held their regularly scheduled meeting on October 8, 2009 at the Garden City Office, located at 69 N. Paradise Parkway, Building C. Mayor Hansen opened the meeting at 5:00 p.m.

Roll call of Council Members Present:

Kenneth Hansen, Mayor
Brian House
Bess Huefner
Mike Leonhardt
Laraine Schnetzer

Others Present:

Kathy Hislop	Lana Hodges
Jason Linford	Larry Hodges
Travis Hobbs	Martin Argyle
John Abraham	Jason Welch
Sharlene Millard	Ken Tuttle
Anita Weston	Brett England
Bobbie Coray	Doug Madsen
John Spuhler	Don Huefner
Riley Argyle	Robbie Leonhardt
Dan Kurek	

Mayor Hansen asked for a roll call of the Council Members present, Mayor Hansen, Council Member House, Council Member Schnetzer, Council Member Leonhardt, and Council Member Huefner.

APPROVAL OF MINUTES

Special meeting held on September 21, 2009

Council Member Leonhardt made the motion to approve the minutes of the Town Council special meeting held on September 21, 2009 as prepared. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

Town Council meeting held on September 3, 2009

Council Member Schnetzer made the motion to accept the minutes for the meeting held on September 3, 2009 as prepared. Council Member Huefner seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Treatment Plant

Mr. Linford updated the Council on the Treatment Plant. He passed out pictures of the progress. They are working really hard to get the plant finished. The tank has been leak tested and passed the test. There is one issue with a valve that didn't close but that has been replaced and now works. There was a meeting with the contractor and the Town and they did request some more time. They will put that in writing with a formal request.

Mayor Hansen asked about the easement through the state. We haven't received anything back from the state yet. Mr. Linford will check to see if DWR has signed the easement. The power boxes have been installed so we are ready to do the pull with Rocky Mountain.

Water Bank

Mr. Ken Tuttle, from Sunrise Engineering, explained the mechanics of a water bank. He stated that this has already been done in other municipalities and it is working well with them. The Town hosted a meeting a couple of years ago with the other water entities, to come up with a plan to work together to protect water rights in this area. A water bank is another way to protect the water rights. Garden City would sponsor the water bank but they won't own the water rights in the bank. It does put Garden City in 1st position to use the water right, but the owner still owns the right.

The water right is deposited into the water bank, the people who own it still own it and the town would issue credits towards the water that they own.

The main goal of a water bank is to get the water used in this area when possible, so we can keep the rights here.

We don't have anything on file as to the Garden City build out for 40 years, which is required by the state, to determine how much water rights we can take into the bank.

The water bank is an avenue which allows water to come into the town through impact fee credits, bringing water credits to the town, so that no money changes hands except from the developer to the owner. If the water bank is working the way it should the city won't take money out of our own general funds or water funds to pay for that water right.

Even though we are the sponsors of the water bank the other water entities in the area can help with the bank. This will need to be discussed at length before we can determine whether or not we need to have a water bank.

Mayor Hansen explained that the state law provides an avenue through municipalities to plan and hold water for up to 40 years. Mr. Tuttle stated that it grows and rolls over each year.

We need to project growth rates for the next 40 years within the projected annexation boundaries. If the projection doesn't show that we are going to build out over what water rights we already have then we can't do the water bank because we have sufficient for our needs.

There still may be work to do on the water rights even after it is transferred to the water bank so there will be fees included with the bank. We will do whatever needs to be done to protect the water right legally through the state. The water rights come into the bank through a legal document worked through the town and the owner.

The formation of the water bank must be done by an ordinance or resolution. We also need a vote of the Council to move forward with the water bank.

Ms. Lana Hodges stated that they checked with Mr. Will Atkins from the Division of Water Right in Logan and he stated that there is no current law in Utah that allows for a water bank. Mr. Tuttle stated that a water bank is just a written agreement between all the parties. He said that it is a water bank because it is a place to protect the water. The state does not recognize the water bank as a protection through the state. It is just to bring the water rights to a place where the city can help protect the water, then we still have to jump through all the hoops that the state says we have to do to protect the water through state law. Mr. Tuttle said that we are not going to do anything that is outside what is allowed by the state.

Mayor Hansen said that the state has allowed municipalities, by law, to store and gather water rights for up to 40 years and to be able to use them. The municipalities can hold water rights in non-use but other entities can't hold water rights in non-use. The water bank is only an avenue to help protect the water right.

We need to get all the water entities together to discuss a possibility of a water bank and bringing the water to the bank. Once the decisions are made Sunrise will put together the documents that we will use to make this legal. Mr. Linford will work on the 40 year growth projection.

BUILDING INSPECTOR REPORT

Mr. Abraham passed out his report for September. He issued 3 permits in September, which one was for a residence and the other 2 were for remodels.

Mayor Hansen asked if Mr. Abraham is looking physically at the survey markers to make sure that they are actually building on the property where they are supposed to be. Mr. Abraham said that he does that, usually prior to issuing the permit.

Mayor Hansen reminded Mr. Abraham that prior to issuing a permit for an ingress or egress onto a city street they need to have a permit issued by Council Member Huefner, who is over roads.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Hobbs explained that they have been trying to locate meters and replace meters. The park restrooms have been closed and winterized, both of them. Mr. Riley Argyle will turn off the sprinklers here at the city complex.

Mr. Hobbs talked to Mr. Mark Hansen from the state water division and they suggested that one of the employees go to a treatment plant for a couple days so that we will be ready when our plant comes online. The Council agreed to send one of them to the Holladay plant for a couple of days.

They have ordered salt and sand for the winter, so they will be prepared for plowing snow.

Mr. Hobbs said that he is very concerned about the Buttercup roads. He said that we have not accepted or been deeded the roads at this point and he doesn't feel that they have kept their end of the contract. The roads haven't been deeded over to the city, and the roads there are starting to fall apart. He is concerned with the maintenance problems that we will take on if we accept the roads as they are. He feels that there wasn't sufficient road base under the roads and there are no shoulders on the roads now. Mayor Hansen said that we are the sponsor of the SID so that is where our obligation is.

DISCUSSION REGARDING A GARDEN CITY RIGHT OF WAY WHICH IS BEING BLOCKED

Mayor Hansen explained the issue with the right of way at 350 south. He said that he will ask Mr. Jeff Hansen his opinion on the little strip of land that goes down close to the beach to determine if it is wide enough for a road etc., then we can make a decision on what to do with that right of way.

COMMUNITY DEVELOPMENT BLOCK GRANT DISCUSSION

Council Member Huefner said that we need to try to come up with a project for this grant. She said that Mr. Carver, from BRAG, is in favor either project, repairing the water lines which are broken or constructing the new part of Paradise Parkway. Mr. Hobbs said his number one concern is to get another water source. He feels that should be a number one project.

Mr. Hobbs will work with Council Member Huefner to get the specifics on the water project for a new water source. Council Member Huefner will also discuss the survey requirements with Mr. Carver at BRAG.

REVIEW AND APPROVE GARDEN CITY EMERGENCY SERVICES GRANT APPLICATIONS

Council Member Leonhardt explained that he has a conflict of interest with this request so he left the table and the discussion.

It was explained that we sent out 5 letters to the emergency service groups in Rich County and we received 2 application and requests back, one from the Garden City Fire District and one from the Bear Lake Dive Team.

Garden City Fire District

Mr. Dan Kurek, the Garden City Fire Chief, explained that he is requesting hose ramps for the grant funds. He stated that the city can use them if we ever need to run a hose across the road, we wouldn't have to shut down the road.

The ramps are 24' long and will hold up to 40,000 pounds at any one point.

The Fire District is requesting \$2,500 and will have a match of \$1,000.

Council Member Leonhardt said that we did budget for this item as a grant item in the amount of \$5,000. Council Member Huefner said that we may have a short fall in the budget this year and we may need the money for roads or other projects. Mayor Hansen reminded everyone that the water fund and the general fund must be used for projects of their prospective funds and not comingled.

Council Member Huefner said that she is in favor of the ramps but not for stocking the wildland fire truck. We need to make sure what the cost is for the ramps only and that the Fire District will do a match of the \$1,000.

The Council asked Mr. Kurek to come back with an exact amount for the ramps so we can see what the cost is and how much we can fund. We still need the Fire District to do a match.

Bear Lake Dive Team

Mr. Brett England, the Vice President of the Bear Lake Dive Team explained that they would like to purchase an enclosed trailer to house their equipment. The current trailer was donated and will stay with the Dive Team as a quick response trailer. They carry all the tanks, safety equipment, and a couple of zodiacs in the trailer.

Council Member Huefner stated that when they started the Dive Team there was a lot of controversy in our county. She said that she appreciates that they worked hard and got the Dive Team legitimate and ready to go. Mr. England stated that it is a legal entity in Utah and Idaho.

Mayor Hansen stated that this is a group which has no tax base and it is totally volunteer and not paid. The Dive Team has received donations from other entities.

Mayor Hansen said that we are a recreational type area and this group is important to the area. He said that it is easy to look at this group and say that they are a social group for fun but when we really need them they will be there to help with any situation.

Council Member House made the motion to give their request. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

We just need more information from Mr. Kurek before we make a decision on his grant request.

MISCELLANEOUS ITEMS

Community Christmas Party

The Council agreed to hold the Community Christmas Party on December 5th at 11:00. This will be held in the conference center, building C. Ms. Kris Tenhove has volunteered to organize this party and the Council agreed to have her help.

Employee/Board Member Christmas Party

The Council agreed to hold this party on December 2nd. We will put it out for bid to the lowest bidder and see if we can have a private party at one of the restaurants.

Special Meeting in October

Mayor Hansen explained that we would like a special meeting for the Season's Resort. He explained that there could be a significant amount of work for this area come from this project. The Council agreed that we can hold a special Town Council meeting on October 15th, 1 hour after the Planning Commission meeting starts.

Room Rental Discount for the Chamber for the Chocolate Festival

The Chamber is requesting a room rental discount for the Chocolate Festival in the same amount of \$150 for the 3 day event. The Council agreed that we can allow them to rent building C for those 3 days for \$150. The Council is okay with the Chamber putting a banner up on our property to advertise for the Chocolate Festival. Council Member Leonhardt said that we really need to support the Chamber and help them however we can.

COUNCIL MEMBER REPORTS

Council Member Huefner explained that Jeff Hansen has figured out how much property the property owners will need to donate for Paradise Parkway. She will send them all a letter asking them to donate the property to the town. She stated that we do have at least half of them that are willing to donate at this time.

There is a little bit more money left in the CDBG grant that needs to be spent by the end of the year.

Council Member Huefner asked what we want to do with the pool right now. Mayor Hansen said that we need to have the Health Department come up and approve the pool before we can have anyone get in it. Mr. Dan Kurek worked it out to have them come and inspect it on Friday before the party so we can have the pool opened for the community party.

Mr. Travis Hobbs is working with Consolidated Paving to get the ice rink scrapped again.

Council Member Schnetzer said that the Library is going good. The story hour is a big success and they have about 9 kids each week.

MISCELLANEOUS ITEMS

Elk's Ridge Declaration

TBP Construction has filed a lien on Elk's Ridge and would like Garden City to sign a declaration stating that we have not taken over any of the utilities or roads in Elk's Ridge and we won't until after the 1 year warrantee period. They would like this to prove that it is still the developers responsibility and not the town. Mayor Hansen said that at this point we don't have a problem with signing the document but we need to have our attorney read it first.

NIMS

We need to be NIMS compliance and the Council must get the tests completed so we can apply for Federal grants. We need to have copies of all the certificates in the office. Council Member Huefner said that we don't need to be NIMS compliant for the CDBG grant.

Signs

The bid for the sign has came back and the total cost will be \$120,000 for the sign and the message board. The Council decided that we need to put this out for bid because that is too much money to spend on a sign.

Business Licenses

The Bear Lake Rock Club owner feels like he doesn't need a sales tax number. The Council agreed that he needs to have a sales tax number at least for the supplies out of his stores as it is indicated on his application. We will check to see if he needs to collect taxes on his rock climbing wall.

The Council agreed that we need to let Council Member Leonhardt make the decision on this business license, whether they need to collect sales and resort tax or not.

Pool

The Council decided that they would watch the pool for one month and see what it will cost us to open the pool. We need to do that so that we can determine what we will have to charge people to use the pool.

PAYMENT VOUCHERS

Council Member Huefner made the motion to pay the bills as presented. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

ADJOURNMENT

There being no further business to be brought discussed Council Member Huefner made the motion to adjourn the meeting at 8:20 p.m.

APPROVED:

Kenneth Hansen, Mayor

Attest:

Town Clerk