

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

The Garden City Town Council held their regularly scheduled meeting on October 14, 2010 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:00 p.m.

Council Members Present:

John Spuhler, Mayor
Dan Kurek
Bess Huefner
Brian House

Excused:

Mike Leonhardt

Others Present:

Kathy Hislop
Travis Hobbs
Riley Argyle
Anita Weston
Jason Linford
Bobbie Coray
Zan Murray
Cindy Gouch
Ted Holmberg
Mike Blackham
Carrie Blackham
Veronica Longfellow
Kathy Andersen
Angie McPhee
Mike Wahlberg
Tom Wahlberg

ROLL CALL

Mayor Spuhler welcomed everyone to the meeting and asked for a roll call of the Council Members present; Mayor Spuhler, Council Member House, Council Member Huefner, and Council Member Kurek.

APPROVAL OF MINUTES

Minutes of the Special Meeting held on September 9, 2010

Council Member Huefner made the motion to accept the minutes as written. Council Member House seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Petersen Subdivision

Mr. Linford reported that we met with the Petersons at the Treatment plant. One of the stipulations of getting the ground for the plant is to complete the Petersen Subdivision. Those stipulations haven't been completed yet. We have produced a memo of what we are going to do and they have a copy of that memo. We have completed the plans so we can bid out the project. We are hoping to get the bid done and awarded before winter. The work probably won't be done until next spring because of the weather.

Treatment Plant

Mr. Linford did some research with Westech but they can't help us with the filters. We have another bid for the filters from Pall for \$2300 per filter. It looks like this will be a spring project because it is too late in the season to start on getting them installed. We need to get the money and order the filters now, and have them installed next spring. We are working with RD and the Division of Drinking water to help with the funding. We are hoping that we can use some of the contingency for the additional filters. We are still waiting for an e-mail from Mr. Rich Petersen from the State Drinking Water Division. If we need additional money, more than what we have in the contingency, we would need to apply for additional grant money or bond for the additional funds. We are also working on getting the needed water rights so we can expand.

The water use in the town has gone down because of the overage which has been billed and also because of the weather.

Mr. Linford explained that they met with the irrigation companies last week about a secondary irrigation system and hopes to get something going on that. Mr. Linford is also looking at some funding for a secondary irrigation system.

Mayor Spuhler discussed the letter that was sent by Mr. Larry Hodges. Mr. Hodges had a concern regarding selling our water out of Payne Springs. Mayor Spuhler and Mr. Travis Hobbs met with Mr. Hodges and explained what we are considering with the water from Payne Springs, which does not include selling the water from Payne Spring. We are

working with Mr. Ted Wilson to come up with an agreement that will work well with both Mr. Wilson and the town. The agreement that was written in 1975 says that we need to work together regarding that spring.

The plans have been approved by UDOT to fix the issues at 3rd west turn lane. They have an issue with the super that was not built up originally. We have had several conversations with UDOT and will work through the plans. Mr. Linford explained that they are into the design of the project about \$9,000 and they are doing it at no cost to us.

Mayor Spuhler explained that during the meeting with UDOT the state agreed that they were responsible for some of the issues there. They will have to pay some of the cost to repair the problem. TBP is also going to be responsible to help pay some of the costs. We as a city will also have some exposure. Mr. Linford said that they should have designed a catch basin there but they didn't design it, and he feels that is where their responsibility ends, but they did engineer the plans for no cost. With a little bit of contingency the project will cost approximately \$25,000.

Mayor Spuhler will get in touch with the guy from the state, who is in charge of approving and funding projects, to discuss the amount they are willing to pay.

This project needs to happen really soon if we are going to get it done this year. We have to be at certain temperatures for the state to allow us to pave. It may be that we have to finish this project next spring.

PUBLIC WORKS REPORT

Meters

Mr. Hobbs passed out his report and explained that they have been working on meters but most of them are in. They repaired the meters at LeGrand Johnson, Sunrise Campground, the Cottages, and the Marina. They will keep working out the bugs.

Treatment Plant

Mr. Hobbs explained that they are still running the treatment plant every other day to keep the filters wet. It helps with the training so they know more of what they need to do when it is up and running.

Misc. Public Works Items

Mr. Hobbs stated that they had problems with the GIS unit so they sent it off to be fixed. We had some warrantee work done on it so it will be ready to use soon. We also ordered some software to run the program.

Park

The park has been winterized and is ready for the winter.

Miscellaneous Items

There are still a few leaks that they are working on.

They have the Pickleville tank and PRV back on line and working fine. The pressure south of that point is lower because of the PRV, which is a permanent thing.

They are working off their comp time so that it is more under control. Mr. Hobbs said that having Mr. Kyle Spuhler work part-time is helping. It was nice to have him full-time while Mr. Hobbs was gone but they really don't need him full-time yet. Mr. Kyle Spuhler is going to training and will take the test so he can be water operator certified.

Council Member Huefner said that she feels that we need to invest in a portable pressure washer. The cost would be \$1000 - \$1400. Mayor Spuhler said that if we need one we should check on line to get the best deal. We would use it for a lot of things. Mayor Spuhler said that we should also buy a paint sprayer that works off a compressor. The Council agreed that we use both items so we should get them.

Mr. Hobbs said that there is an offset mower for sale in town and it may be something that we can use to mow the sides of the roads. Mr. Hobbs will work with the owner of the mower to see if we can buy it. They will also look to see if they can buy a new one.

Council Member Kurek said that they may want to get a steam cleaner instead of a pressure washer. They are a bit more expensive, \$3000-\$5000. The guys will research both and come back with a price for each.

BUSINESS LICENSE DISCUSSION/APPROVAL

Oak 'N' Token, Dallas Sollum

Council Member Leonhardt met with Mr. Sollum and he approved this business license, everything should be done.

MySportsGuys.com, Jared Hislop, Zach McKee, John Lee

Council Member Leonhardt met with Mr. Hislop and Mr. McKee and he approved this business license, everything should be done.

Harmony Massage, Heather Kunz and Stephanie Sharpe

Council Member Huefner has been working Ms. Kunz and they have met all the requirements. They sent a picture of the sign, which is fine. Council Member Kurek has met with them regarding the fire inspection and they have met those requirements.

Yummy Stuff, LLC, Elke Brown

Ms. Brown is not in attendance so we will move this to next month's agenda. Council Member Huefner said that we need more information from Ms. Brown before we can bring this to the Council for discussion.

Council Member House made the motion to approve the Oak N Token, MySportsguys.com, and Harmony Massage for business licenses. Council Member Huefner seconded the motion. All in favor and the motion carried.

BUILDING INSPECTORS REPORT

Mayor Spuhler said that he has talked to Mr. Peart, there are several permits which are moving forward.

Council Member House explained that we will not be issuing any new building permits to subdivisions that don't or haven't met their subdivision requirements, including ingress or egress. The subdivisions are Shundahai, Elk's Ridge, Lockwood and Lighthouse. These are things that they needed to do for the approval of the plat. There will not be any additional building permits issued until the problems are resolved.

We have a contracted commercial inspector, he has done a few inspections and seems to be doing a good job.

ENCUMBRANCE DISCUSSION/APPROVAL

Request to encumber lots 13, 14, 15, 16, 41, 42, 43,44, 68, 69, 70, and 71 Jay and Eleanor Jensen

Council Member House made the motion to accept the encumbrance for the Jensen's. Council Member Kurek seconded the motion. All in favor and the motion carried.

Encumbrance Discussion regarding Encumbering lots 24, 61, 112 and 113, Mike and Carrie Blackham. Definition of Contiguous

Mr. Blackham explained that they have looked at all the minutes of the previous meetings. He understands that we had to install the treatment plant and that we are trying

to make it fair and have everybody help pay for it and not just a few. They understand that and would like to encumber their vacant lots in the Buttercup Subdivision with the one lot that they have their house on, lot 112.

It was discussed that we have not encumbered any lots that are not contiguous. Some lots are across the street but if the road wasn't there the lots would be adjoining. That has been our definition and the policy we have used for all our encumbrances.

Mr. Blackham said that there is a 15 foot common area behind every lot in Buttercup. He said that he understands that we are not trying to get people on the specifics, we should all be working together to help pay for the treatment plant.

Mayor Spuhler explained that we really need to follow our policies and rules that we have made everyone else follow. Mr. Blackham said that it is arbitrary to say that because they are not contiguous we can't do this. Council Member House said that we are following what our attorney has advised us, we have to follow his advice. The lots that Mr. Blackham wants to encumber are not contiguous and if we allowed Mr. Blackham to encumber his lots we would be arbitrary. We have stuck to our policy, which is that the lots must be touching, if there is a road between the properties and they would be touching without the road then they are considered contiguous. Mr. Blackham's properties would not touch according to our policy, with the exception of one of the vacant lots.

Mr. Blackham said that he owns an interest in the common area. Council Member House said that even with that common area the lots wouldn't touch. Mayor Spuhler said that the common ownership is owned by everyone in Buttercup.

Council Member House said that we need to talk to the Town Attorney to get his opinion.

The Council explained that we were given options by the Attorney and this was the best option that we could come up with on how to pay for the treatment plant and to be fair to everyone. Council Member House explained that we didn't want to build the plant, but because we did, we had public meetings and public hearings to discuss the best way to pay for it.

The Council agreed to ask the Attorney if we could encumber the lots which Mr. Blackham owns, and regarding the contiguous issue.

DISCUSSION REGARDING THE REQUEST FROM MR. TED HOLMBERG FOR A RIGHT OF WAY EASEMENT AND UTILITY EASEMENT THROUGH THE GARDEN CITY COMPLEX PROPERTY

Mr. Holmberg said that he is following up on the meeting held November 2010. He is requesting approval for an easement through the city property for the development that he

is considering to the west of the complex. He had his engineer draft the proposal for the right of way and had his engineer send it to the Council.

Mayor Spuhler said that he had a conversation with Mr. Holmberg after he saw the engineer design. He said that he does not see any valuation for the city to grant this easement. He said that city halls don't usually have contiguous parking like this with a private development. He said that the extra traffic through our complex could be devastating. The road work, etc., would be a concern. There really isn't any benefit to the city and because of the library and the pool the extra traffic could be a danger.

Mr. Holmberg said that the bulk of the traffic would still go out to hwy 89. The value is the ability to access his development without having to go out on hwy 89. Mayor Spuhler said that it would be very short sighted to allow this access through our complex.

Mr. Holmberg said that the study they did concluded that only 15% of the traffic would go through the complex.

Council Member Huefner said that we did talk about this and at that time we were talking about a walkable community. Since then she has thought more of this and doesn't feel that having the extra traffic is a good solution.

Mr. Holmberg said that the right of way between the library building and the city office does not matter to him too much. He does feel that the one on the north end of the buildings is important and it will help the flow. There will be people going through on the right of way but most of them will use Hwy 89.

Mayor Spuhler said that he is concerned with allowing a permanent easement for them because there really isn't a time line or a project description. There are really too many variables. He said that we just paid for an easement for the treatment plant that costs us \$8000. He asked what happens if someone traveling to Mr. Holmberg's development hits someone on our property, we would be liable and responsible to pay for the damages.

Mr. Holmberg said that he wants a 30 foot easement, not the 10 foot easement for the utility line. The Council is willing to grant the 10 foot easement but it might be at a cost. We will have to determine what the easement would be worth and come back to Mr. Holmberg with that cost, then it will be up to him to determine if it would be worth it for him. We will also need to have an agreement that needs to be signed.

It was suggested that we have the sewer district request the easement because it would be for their sewer line. Mr. Holmberg will contact the sewer district to discuss this with them to determine if they will take care of getting the easement.

It was suggested that Mr. Holmberg talk to Mr. Jay Davis regarding combining their developments for access purposes.

ORDINANCE REVIEW/DISCUSSION

Ordinance #11C-800, Recreational Vehicles

Mayor Spuhler explained that we are having a new movement in Garden City regarding RV's and the definition. It is becoming that the definition of RV's are becoming more broad. We need to make sure we have them defined differently than a mobile home. The Council discussed the RV use and what is happening in town. We need to update this ordinance so it fits what we want in town. Storage of RV's is also an issue in town. We will do some changes to the ordinance and have it ready for next months meeting.

PROPOSAL REGARDING GRANT OPPORTUNITIES, JUB Engineering

Ms. Gouch explained that she has been the City Planner for different cities, which included writing grants. She is the Grant Writer for JUB Engineering. She has helped the cities with getting grants for their improvements. She presented many options that would be beneficial for Garden City.

REVIEW OF CAPITAL IMPROVEMENT LIST

Council Member Huefner explained that we have finished the first 3 items on the road list so they can be taken off the list. Mayor Spuhler suggested that we divide the 3rd west project into 2 categories, one being create and gravel the road and the 2nd category being paving the road. The capital improvement list was updated, the old projects that have been finished were taken off the list and new projects were added to the list.

Council Member House made the motion to change the capital improvement plan as of the discussion and date it today's date. Council Member Huefner seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Emergency Services Grant Discussion

Mr. Mike Wahlberg explained that they are proposing to use the Emergency Services Grant to get more EMT's trained in Garden City. He said that it is important that we get more intermediate EMT's trained. He said that they would like to use the grant money for training. He said that they have 6 people committed to take the course; they would start at the basic level and take it all the way through to the intermediate level.

Mr. Wahlberg said that the cost for the basic training is \$700. They would like to get the instructor to agree to do the instruction via polycom.

Mr. Wahlberg said that they have commitments from people in the Garden City area. Mayor Spuhler said that he feels that it is a worthwhile thing. Council Member Huefner said that it is important.

Council Member Kurek said that Mr. Wahlberg is requesting this as citizens of Garden City, not representing the Fire District or the Rich County Ambulance. Mr. Wahlberg said that they may not be on the ambulance association but as firefighters they would like to be medically trained also.

Mayor Spuhler asked if the Rich County Ambulance Association doesn't accept them into the association would they be able to work on the ambulance. Council Member Kurek said that in the state of Utah they would be able to work as a basic EMT but they may not be able to transport on the ambulance. He said that would be the worst case scenario. Mr. Wahlberg said that they have not talked to the Ambulance Association Board.

Garden City funded EMT training a couple of years ago for 7 EMT's in Garden City and they are all still active EMT's.

Council Member House suggested that we fund \$2,000 for the training and have those who want the training go to the county or to the association to see if they will help with some of the costs. Mr. Argyle suggested that we table this issue for a month and let them go to the county or the association to see if they can get some matching funds. Mayor Spuhler said that he would like a letter from the association stating that they support the additional EMT's. Mr. Wahlberg said that they need to be committed to the instructor by November.

Mayor Spuhler suggested that we commit \$2,000 now. Mr. Wahlberg said that they could probably do what they need right now for \$2,500. The Council discussed making those training pay half of the tuition, that way we get those who really want to do it and who are dedicated.

Council Member House said that our limit is \$5,000. Mayor Spuhler said that it would be a good thing to do.

Council Member Huefner made the motion that we provide 50% of the cost of training for each EMT not to exceed \$5,000 total. Council Member House seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member House, for; Council Member Kurek, abstained. Motion Carried.

Appoint Counting Judges for the November 2, 2010 Municipal Only Election

We need 3 counting judges. The Council asked Ms. Angie McPhee and Ms. Anita Weston to be a counting judge. It usually only takes about 45 minutes to an hour to count

all the ballots. Mayor Spuhler suggested that we ask Ms. Deenna Tolentino to be the 3rd judge. We will ask Ms. Shanna Spuhler to be an alternate in case one of the others can't do it.

The Council agreed to pay each judge \$50.

Council Member Huefner made the motion to have Angie McPhee, Anita Weston, and Deenna Tolentino with an alternate of Shanna Spuhler to be our counting judges for the November Municipal only election. Council Member Kurek seconded the motion. All in favor and the motion carried.

Scheduling the 2010 Christmas Parties

The Council agreed to have the Community Christmas Party on the 4th of December.

The Council agreed to have Mr. Jim McLaughlin do the Board Member/Employee Christmas Party on the 2nd or the 16th of December.

Rural Rummaging, Melissa Spuhler

Ms. Spuhler explained that she has started a new business, she finds items that people are not using any more and she puts the item on e-bay to sell. If it sells she ships the item to the winning bidder. She splits the profits 50/50. She said that she would be willing to put things on e-bay that we don't use anymore. We wouldn't pay anything to her unless the item sells. She is a DBA of Anywhere Communications.

Council Member House made the motion that we go ahead with the rural rummaging business as presented. Council Member Huefner seconded the motion. All in favor and the motion carried.

Request for reduction in room rental fee for the Bear Lake Chamber of Commerce, for the Chocolate Festival

The Chocolate Festival is going to be held on February 18th & 19th. Last year they made around \$900, and they had a lot of volunteer help. Last year they paid \$150 for each room, \$50 per day. The Council said that they are fine with giving the discount as long as everything is cleaned up when they leave. The deposit will be \$100 per room.

Council Member Kurek made the motion to reduce the fee this year to \$150 per room for the entire time, we will take their deposit and as long as it is cleaned they will get their deposit back. Council Member Huefner seconded the motion. All in favor and the motion carried.

Ms. McPhee requested that the Council just make this their rate for every year. Mayor Spuhler said that they need to request the reduction each year, and report on the prior year.

Updating the current website

Mayor Spuhler stated that it is difficult to change the content on our current website. We have to request that Mr. Stocking change or update the current website. There is a company that can build us a custom website and train us to update our own website. They have done a lot of websites for other towns and cities. They charge a fee to build the website and then they bill a monthly charge to host it. They will also help set us up for online bill pay.

Council Member House made the motion that we go ahead with this new website proposal that is before us and change our website designers. Council Member Huefner seconded the motion. All in favor and the motion carried.

Mayor Spuhler said that he has been offered a calendaring program for free. It is a program that will help us with scheduling. It won't cost us anything we will just need to help promote it.

SFO Course

Mayor Spuhler explained that the Ordinance Enforcement Office is scheduled to take a Special Function Officer training course. It will help him be more official and give him more authority.

Council Spending Limits

Mayor Spuhler said that he wasn't aware that there was a limit on the amount the Council could spend without approval of the rest of the Council Members. He is suggesting that the amount being raised to \$1,500.

Council Member House made the motion to increase the amount of spending allowed per Town Policy to \$1,500. Council Member Huefner seconded the motion. All in favor and the motion carried.

COUNCIL MEMBER REPORT

Mayor Spuhler explained that they had the State debriefing regarding how we did with the beach this year. Everyone felt that we did a great job. There were no accidents on the Utah beaches, which is the first year that has ever happened. We spent about \$70,000 and took in about \$95,000. The state asked if we want to manage the beaches all the way to Rendezvous Beach. Mayor Spuhler said that we don't want to take care of all those beaches, we only want to have to handle the Garden City beaches.

It really helped out having the extra law enforcement officers in town. They did a lot of control, which was nice. We paid \$7,000 towards their wages. The only problem is the number of citations that they wrote was not very high. They said that they were told to be ambassadors for the county and not issue a lot of tickets. Mayor Spuhler said that he is going to talk with Sheriff Stacey and ask them to issue more citations and not be so lenient.

Mayor Spuhler asked that we have as many of the Council go to the Planning Commission meeting, at least one Council Member should attend. He also said that a Council Member should attend the County Commission meeting.

Council Member House explained that the Library is having approximately 700 visitors per month. Their budget is on track, they are doing fine.

Council Member House explained that we have meet with Swan Creek regarding water issues right now. During that meeting he asked if they would be willing to annex into Garden City. They were open to a discussion regarding annexing.

Council Member House has been attending the Planning Commission and their big issue right now is the Traveland RV Park and the park models. The Planning Commission did approve to allow them operate year round but not with the park models right now. They will need to create CC&R's. We need to make sure and define what an RV is.

Council Member House said that Mr. Nichol wrote about 70 citations and only about 4 haven't been paid. Mayor Spuhler stated that the citations that have been written pretty much covered the enforcement expenses.

Council Member Huefner explained that she did visit via the phone with Ms. Elke Brown regarding her business license. She said that we need to have a plan of what she wants to do. Mayor Spuhler said that if she is going to put a temporary building there she will be a temporary business, not a permanent business. She also needs to have parking there. Council Member Huefner said that we need to send her to the Planning Commission for a conditional use permit.

Mayor Spuhler explained that he had Mr. Lance Bourne, from Rocky Mtn. Power, check out the street lights in town. It costs us about \$900 per month. Mr. Bourne said that the lights on the highway should be maintained and paid by the state. He will check in on that. If it comes back that the state won't pay for them then we may want to turn off the street lights and save that money. Mayor Spuhler said that the street lights violate the dark sky ordinance. He said that it is worth considering, to save money.

Ms. Coray said that we have a lot of lights on in our own building. Mayor Spuhler said that is really the only security that we have for the complex.

Council Member Huefner said that she is having JSH do the survey elevation on 3rd west so Mr. Calder can start on that road. Circle C has moved their equipment off the road.

Council Member Huefner said that they have meet on the secondary water system and determined that it really isn't the time right now to go forward with this until we get our water system done, but we should have water to the park by May.

Council Member Huefner said that we must choose a name for the new park and the pond so we can get the fish. The Council agreed on Garden City Heritage Pond. She said that they are working on the design of the park. We will not have a putting green around the outside of the park.

Council Member Huefner attended the CIB meeting. We need a public hearing for the CIB project which is a low interest loan, not a grant.

Council Member Kurek said that the pool is still going good. The health department was here and did an inspection and everything looks great.

Council Member Kurek said that the Outdoor Heritage Days went well and overall everyone said that it was a good success. The people in the county really enjoyed it and it was nice to include them also.

The Council discussed Raspberry Days and what we can do to make it better for our town. There were a lot of suggestions and we should keep discussing this so we can make it better and be able to control it better. Mayor Spuhler said that we need to make it more of a family value event, maybe cut back on the number of vendors and charge more for the booths. The Council needs to work through Council Member Leonhardt because he is the representative for it. If we are going to make many changes we need to do it now because people are already making plans for next year.

The Council discussed moving our fireworks show from Raspberry Days to the 4th of July.

Council Member Kurek said that they are starting to plan for the next polar plunge. They would like to use our large tent for a place to have some heaters. The Council agreed to allow them to use the tent but they have to find people to help set it up.

Mayor Spuhler said that moving forward we are not going to have the employees spend a lot of time working at the different events, we need to get more volunteers to help.

When we get a ballot for prop 4 they go right into the safe. The counting judges will get them on November 2nd, open them and count them that night.

PAYMENT VOUCHERS

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

ADJOURNMENT

There being no further business to discuss, Council Member Kurek made the motion to adjourn the meeting at 9:25 p.m. Council Member House seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk