

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

The Garden City Town Council held their regularly scheduled meeting on May 10, 2012 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
Brian House
Pat Argyle
Bess Huefner
Darin Pugmire

Others present:

Kathy Hislop
Travis Hobbs
Randall Knight
Riley Argyle
Skip Duffin
Greg Bills
Lance Bourne
Brian Hirschi
Ned Calder
Andrea Carlisle

ROLL CALL

Mayor Spuhler asked for a roll call of the Council Members present; Mayor Spuhler, Council Member House, Council Member Huefner, Council Member Argyle, Council Member Pugmire.

APPROVAL OF MINUTES

Minutes of the Public Hearing held on April 12, 2012

Council Member Huefner made the motion to approve the minutes of the Public Hearing held on April 12, 2012. Council Member Argyle seconded the motion. All in favor and the motion carried.

Minutes of the Town Council meeting held on April 12, 2012

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on April 12, 2012. Council Member Argyle seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Mayor Spuhler reported that Build Inc. is going to finish the required checklist for the treatment plant. We need to make sure everything gets done before they are paid. Build wants to meet with Mayor Spuhler in June to talk about getting paid the remaining balance for the treatment plant.

Mr. Linford is also working to make sure the engineering is done and complete for the restroom. We need to make sure that we include "Buy America" if that is a requirement.

Mr. Ken Tuttle is working on the water right transfer and has turned in all the paperwork for the transfer to the State. We should know by tomorrow afternoon if they have approved us so we can start filling the pond. As soon as we get the water in the pond we can plant the fish and they will be fine. We ordered the windmill for the aerator.

We are still waiting on the water model from Mr. Linford, which is critically important. Mayor Spuhler will contact Mr. Linford tomorrow to see how much longer before he has it finished. Council Member Argyle suggested that we need to give him a deadline date and don't pay him any more on it. If it's not done in the next 30 days then we need to move on and get someone to finish it.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Hobbs passed out his project list to the Council Members. He reported that we are working with the property owners who are 2 water users on the same meter. We will continue to work and make sure everyone is on their own meter.

Mr. Hobbs asked if everyone received the drawing for the new park and asked if we are going to hold to that in the future. Council Member Huefner said that the lawn and sprinkler system is part of the grant that she and JUB worked on.

Mr. Hobbs said that he checked into a windmill water aerator. We need one that has a double diaphragm, which is \$1,995 plus shipping and a few extra parts. The water line is \$67.95 for 50 feet, and is a special weighted type line. The double diaphragm is 20', and will stand in gusts to 70 mph. The Public Works employees can install this, and it doesn't matter if they are installed before or after the water goes in the pond. The Council agreed to order the double diaphragm windmill.

Mr. Hobbs went through his report. Next week they will be doing the water connection with Sweetwater.

Mr. Hobbs explained that the bonds for Lochwood and Mr. Mecham will expire soon. They are not complete but they know they need to complete their projects soon.

Mr. Hoffman will start working on the fence next week.

Mr. Hobbs wrote an on-call policy and the Council reviewed the policy. The Council discussed this policy in depth. Mayor Spuhler explained that he felt the Council should check out the policy and contact other communities to see what their on-call policy is. Mr. Hobbs said that he has asked for an on-call policy for over a year and he said that he seriously needs a decision on this policy, they have been working at all times of the day and night and they feel they need to get this policy in place. Mayor Spuhler asked for a week to give them an answer regarding this policy.

Mr. Calder asked if the city is getting to the point that we need someone here 7 days a week, he suggested that the Public Works Department work alternating days, 7 days a week.

Mr. Hobbs asked about buying some larger grills for the park, 1000 square inches, which will cost about \$1,000 each. Council Member Huefner said that the bowery sucks in the smoke if the grills are on the North or South side of the bowery. The Council said that Mr. Hobbs should check with Mr. Elliott from Blue Water to see if he wants to donate some of the grills he isn't using.

Council Member Huefner asked if the Public Works can go over the bids to blade roads and apply dust guard on the roads, so we can get the bids out on Monday. We won't lay any gravel on the Garden City trail bid; we just want them to bid to grade the trail. Mr. Hobbs suggested that we separate the bid to grade the roads in Garden City and to lay the gravel on the roads.

Council Member Huefner said that she received a striping bid for the bike path and also 3rd west. Each will take 1 day to stripe. They want to do this work before Memorial weekend. Council Member Huefner will make sure that the paint is reflective paint.

Council Member Huefner will ask Gloyd & Nadine Sprouse to continue to lock the gate at night and in the morning. If they won't take care of the park then we can get the new employee to open the gate, Mr. Jacob Terry. The Council agreed that the Public Works Department can unlock the gate early at 7 a.m. if Mr. & Mrs. Sprouse decide not to take care of the park.

BUILDING INSPECTOR REPORT

Mr. Peart is not in attendance for this meeting. Mayor Spuhler explained that HB passed regarding a new canal requirement. Mr. Peart will get the specifics on that HB and report back to the Council next month.

We have 2 new building permits. Mayor Spuhler explained that Bridgerland Village just changed their height requirement to the same as the city.

CODE ENFORCEMENT REPORT

Mr. Stokes is not in attendance for this meeting. Mayor Spuhler said that Mr. Stokes has sent out a letter to the property owners that need to clean up their properties. There are about 10 letters that were sent out.

BUSINESS LICENSE DISCUSSION/APPROVAL

Bear Lake Water Adventures, Lance Bourne

Mr. Bourne explained that he has been working with Council Member Pugmire; he feels that Council Member Pugmire had a conflict of interest because he also sells paddle boards. Mayor Spuhler suggested that Council Member Pugmire stay out of the conversation because of the conflict.

Mr. Bourne said that his goals are that he would like to share the sport with others because he really enjoys this sport.

Mr. Bourne said that he would like to do sales, rentals, and lessons. He plans to have 2 employees during the summer. He said that he would like to lease a spot on 150 S, to set up his business. He suggested that he be allowed to lease the spot for \$1,000, which has 5 parking spots and a place for a sales building. He is proposing to purchase a building, which will meet the architectural standards. He also partnered with the Inn at Snowmeadows to take customers out that are staying at their resort. Council Member Pugmire said that what Mr. Bourne is proposing sounds like it would fall under a transient business license.

Mayor Spuhler said that we rent space at the city complex, we rent signage, we allow people to put things in the water bill for a cost. This is different but it isn't foreign to what we have been doing for a while. Unless there is an ordinance that states that we can't rent property why wouldn't we rent property for businesses?

The Council discussed this at length and if this would set precedence for other businesses to want to do the same thing. Mayor Spuhler suggested that we may agree to lease the space for this business and see how it goes for the first year, and then we could re-evaluate to see if we want to continue.

Council Member Pugmire said that he feels this is a transient business type of a business and that we need to follow the ordinances. We have allowed transient businesses to have a structure without a permanent foundation.

Council Member House suggested that we allow him to go into the park and set up there. He said that there are a lot of cities that allow businesses at their park. Then we could allow other businesses to bid to set up a business at the park. Mr. Bourne said that he really doesn't want to go through a bidding process but if another business wants to come in right next to his business he would be fine.

Mr. Brian Hirschi asked if these businesses would be able to access the lake from the high water mark down. He also asked who the city would lease to, what type of business it would be, and under what conditions. Mayor Spuhler said that Mr. Bourne would need to take the customer to the high water mark and let the customer go from there so there is no issue with the sovereign lands. Mr. Bourne said that is not an issue because the boards doesn't have a motor so there is no permit required with the state.

Council Member House is suggesting that he set up at the bottom of the park on the dirt at the end of the grassy area.

The Council discussed that we need to change the ordinance to allow this type of business as a concessionaire. Council Member Pugmire said that we need to limit how many businesses we are going to allow in the park. The Council discussed putting this out for bid for businesses, and agreed that this would be allowed for one year to see how it goes.

Mayor Spuhler said that Mr. Bourne should look at the park and put together a proposal. We would put it out for bid for people to come in with a business proposal. The building would have to be removed at the end of the season.

Mr. Bourne asked if he could put a sign on the park fence to advertise his business. The Council agreed that he could put a sign on the fence and it would be part of the fee. The Council agreed that this is just an experimental basis this year only for this business and if it is successful then we can open it up for other businesses next year. The Council discussed charging a percent of the sales as the fee.

Council Member Argyle made the motion to pass this under the condition that we talk to the attorney and meet the conditions of the attorney to make it legal and if Mr. Bourne passes those conditions then we approve that he can do this in the park for this year and be brought up for review for next year. Council Member House seconded the motion. All in favor and the motion carried.

Mayor Spuhler said that he will contact the attorney tomorrow regarding this business license.

Tacklebox Treasure's, Phillip Catania

Council Member Pugmire said that he checked out the business and everything was perfect. He has a coffee house and bakery at 65 W. Logan Road. They are in 2 sides of the same building but will be listed as the same business.

Council Member Huefner made the motion to accept the Tacklebox Treasure's to conduct a retail sales and coffee house at 65 W. Logan Road. Council Member House seconded the motion. All in favor and the motion carried.

Bear Lake View Realty, Mark Hislop

Mr. Hislop said that he has a current business license of Bear Lake Project Management but Council Member Pugmire felt that he needed a second business license for the real estate company. The Council determined that he did need a second business license because it is a completely different business.

Council Member Huefner made the motion to approve the Bear Lake View Realty to conduct a real estate company at 69 N. Paradise Parkway for Mark Hislop. Council Member Argyle seconded the motion. All in favor and the motion carried.

Council Member Huefner said that when she saw the Bear Lake View Realty sign on the Welcome to Garden City sign she felt that it wasn't appropriate. She feels that sign should be reserved for welcome to Garden City and our activities. Mayor Spuhler said that when Mr. Hislop asked him about putting a sign there he told him that he could lease the space and pay for the space. He said that the lower part has to be reserved for the city events. There are only 2 spots, so if people are leasing room from the city he didn't see why not. Council Member Huefner said that she will accept it if that was the decision that was made. Mayor Spuhler said that he made the decision and he will stand by that and if someone else wants to lease space here they can have the same opportunity. Mayor Spuhler said that if they are leasing space here then he wants to promote their business. The bottom panel is reserved for the city. Mr. Hislop is paying an annual lease. That sign may have to be moved if UDOT comes in and puts in the turn lane. Mr. Hislop said that he will pay to lease that space as long as he is in business here.

SHORT TERM RENTAL DISCUSSION/APPROVAL

Bear Lake View Properties, Amber Parry
745 N. Cambry Drive, Todd & Erin Plumley

Council Member Pugmire said that the inspections are pending for this rental.

Council Member House made the motion approve Bear Lake View Properties contingent on them getting their inspection completed. Council Member Huefner seconded the motion. All in favor and the motion carried.

Bear Lake Lodging
941 N. Newberg Place #3, Blue Acres Properties, LLC.

Council Member Argyle made the motion to pass Bear Lake Lodging for 941 N. Newberg Place #3, Blue Acres Properties, LLC contingent on the signatures to finish this paperwork. Council Member Huefner seconded the motion. All in favor and the motion carried.

865 N. Harbor Village Dr. #103, Perry & Joyce Jensen

Council Member House made the motion to approve short term rental, 865 N. Harbor Village Drive #103, contingent on the completion of their paperwork. Council Member Huefner seconded the motion. All in favor and the motion carried.

Council Member Argyle said that we really need to send letters to the Harbor Village HOA telling them that they need to get addresses on all the condo units.

Leo Barnes, 23 W 2263 S.

Council Member Argyle made the motion to pass the short term rental for 23 W 2263 S for Leo Barnes. Council Member Huefner seconded the motion. All in favor and the motion carried.

Jeremiah Hoops, 1621 S. Bear Lake Blvd.

Council Member Argyle made the motion to approve the short term rental license for Jeremiah Hoops at 1621 S Bear Lake Blvd. Council Member House seconded the motion. All in favor and the motion carried.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R12-03, A resolution extending the corporate limits of the Town of Garden City, Rich County, Utah, and annexing certain territory thereto. This annexation is to extent the corporate limits from the current Garden City boundaries north to and including the Bear Lake Marina.

Council Member House made the motion to approve resolution #R12-03 annexing property north to include the Bear Lake Marina. We haven't had any more complaints regarding this annexation. Council Member Huefner seconded the motion. All in favor and the motion carried.

Mayor Spuhler said that he talked to the state and they confirmed that they are interested in being part of the city.

WATER RATE INCREASE FOR WATER USERS OUTSIDE THE CITY LIMITS

Mayor Spuhler said that we can increase the water rates and it is not predicated on having the water study completed. Mr. Curt Ludvinston from Rural Water is working on the water study but we don't have to wait until it is completed to raise the water rates. Mr. Ludvinston will have plenty of informational data to increase the rate. Mayor Spuhler asked if we want to wait until we get the water study from Mr. Ludvinston, he has 8 water studies that he is working on right now. There are cities all over the state that charge 1.5 to 2 times the rate for water users outside the city limits. Council Member Pugmire said that he has talked to many cities in Utah and they charge more for users outside the city limits.

Mayor Spuhler said that if we are going to do anything to improve the system we will need to increase the water rates.

Council Member House made the motion to increase water rates for water users outside the city limits on our culinary water system to 1.5 times our rates plus 1.5 on the overages. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Mayor Spuhler said that we are going to get meters on the Idaho water users.

MISCELLANEOUS ITEMS

1st west extension discussion

Council Member Huefner has been working on the details to get 1st west extended. We do have a copy of the letter signed that we are going to extend 1st west. Mayor Spuhler said that he wants to know more of the details regarding the agreement to do this project; he will also talk to Mr. Ken Hansen to get more details.

Discussion/Approval of the new fish pond use

Everyone must follow the State requirements to fish on the new pond. Council Member Pugmire said that he has done some research to determine if we want to have concessionaires at the pond. Council Member Argyle suggested that we eventually have a fishing derby.

Council Member Pugmire said that he is concerned about the banks and how steep they are. He feels that we need to do more work on the banks to make it safer. Mayor Spuhler said that we need to have good signage also. There is to be no swimming. Mayor Spuhler suggested that we also have a few of the lifesaver float rings around the pond.

Discussion/Approval to hold 2 Town Council meetings per month

Council Member Pugmire said that having 2 meetings a month will help with people that need approvals soon. He said that this also helps make sure that our meetings don't go over 2 hours. Council Member Huefner said that we have tried to do this in the past but most of us are so busy making a living that it is difficult to have 2 meetings a month. Mayor Spuhler said that it makes it difficult and he kind of likes to slow the process down a little bit to make sure we do things right and give us a chance to get the details.

Council Member Pugmire said that he feels that the last couple of hours of the meeting are not productive. He said he is not suggesting this to speed the process up at all he just feels that it would keep them more on top of things if they have to do 2 meetings per month.

The Council said that it should be easier in the future when we hire a City Administrator. He will be able to bridge the gap and help with better communication between the Council Members. The Council Members interviewed the candidates and the new administrator will start sometime the beginning of June.

Mayor Spuhler said that it may help if he or the City Administrator met with each one of the Council Members once a week to go over what they are working on. If that doesn't help then we may want to talk about having another meeting a month.

The Council decided to stay with 1 meeting per month right now but it may change in the future.

JULY 1, 2012 – JUNE 30, 2013 TENTATIVE BUDGET DISCUSSION/APPROVAL

The Council discussed the separate funds and went over the line items on each budget.

Council Member House made the motion to adopt the proposed budget as changed. Council Member Huefner seconded the motion. All in favor and the motion carried.

COUNCIL MEMBER REPORTS

Council Member Pugmire reported that he still has concerns with parking in short term rentals and parking with businesses. He is working with the Garden City Fire Chief to determine how many people can be in a rental or a business and then base the formula on that. He also has a question regarding how to classify sleeping units for short term rentals. He will have more information for this to discuss next month.

Council Member Pugmire will follow up on the safety concerns with the pond.

Council Member Pugmire said that we really need to look at creating more parking areas throughout town. We have 100' right of ways on the roads and we really don't need 100' roads, so we should use some of that for parking areas.

Council Member Huefner reported that she adopted part of the highway for cleanup.

Council Member Argyle reported that the Library had the scrapbook fair and it was a lot of fun.

Council Member Argyle said that she is working on a couple of grants for the lights.

Council Member House reported that he met with the County Commissioners and he is trying to get someone to improve Hodges Canyon. They are willing to do the work if they can get the Forest Service to sign off saying that the County can do the work. He is still working on it.

Mayor Spuhler reported that he will call Mr. Danny White to offer him the City Administrator job. He won't start him working until after he gets back from China.

Mayor Spuhler said that we made an offer to Mr. Gloyd Sprouse and he has until 5:00 p.m. on Friday to decide if he will take the offer or not.

Mayor Spuhler also discussed the property offer for Mr. Dee Hildt. He will continue to work with Mr. Hildt.

PAYMENT VOUCHERS

The Council Members reviewed the bills and the payment vouchers.

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

ADJOURNMENT

There being no further business to discuss, Council Member House made the motion to adjourn the meeting at 9:20 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk

