

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, December 11, 2008 at the Garden City Conference Center, located at 69 N. Paradise Parkway, Building A, in Garden City. Mayor Hansen opened the meeting at 5:10 p.m.

Council Members Present:

Ken Hansen, Mayor  
Mike Leonhardt  
Brian House  
Laraine Schnetzer

Excused: Bess Huefner

Others Present:

Sharlene Millard	Don Webb
Anita Weston	Tony Johnson
John Abraham	Adam Mackelprang
Bobbie Coray	

MINUTES

The minutes of the Public Hearing of June 12, 2008 at 4:40 p.m. were presented. Council Member House made the motion to accept the minutes as before us. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

The minutes of the Public Hearing of September 11, 2008 were presented. Council Member Schnetzer made the motion to accept the minutes of September 11, 2008. Council Member House seconded the motion. All in favor and the motion carried.

The minutes of the Executive Session of September 11, 2008 were presented. Council Member Leonhardt made the motion to approve the minutes of September 11, 2008. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

The minutes of the special Town Council meeting of October 22, 2008 were presented. Council Member Schnetzer made the motion to accept the minutes of October 22, 2008. Council Member House seconded the motion. All in favor and the motion carried.

The minutes of the Executive Session of Town Council on November 13, 2008 were presented. Council Member Schnetzer made the motion to accept the minutes of

November 13, 2008, of the Executive Session. Council Member House seconded the motion. All in favor and the motion carried.

The minutes of the regular meeting of November 13, 2008 were presented. Council Member House made the motion to accept the minutes as presented before us. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

#### TOWN ENGINEER REPORT, Jason Linford

Treatment Plant – Mr. Linford said the rock was delivered today for the treatment plant. The 500,000 gal. tank floor and walls have been poured. The roof won't be finished this year. The piping, footings and pipe chase will all be completed as of tomorrow. The block layers will be done in the spring. The piping to the tank and pump vaults are about 90% complete and piping under the canals is complete.

The pump vault is quite deep. It will be the same elevation as the spring box. It is on the upper end of the canal.

The contractor plans to keep working until the weather shuts them down. They anticipate it may be next week. The project is about 30% as of November 30, 2008. He is very pleased with the contractor.

#### 3<sup>rd</sup> West Turn Lane

Mr. Linford said the 3<sup>rd</sup> West turn lane is about 95% complete. A few manholes need to be raised. There may be a few spots that they will need to bring in a miller to smooth out some of the areas, which may be done under contract. It will come in under budget.

#### 3<sup>rd</sup> West

Mr. Linford said 3<sup>rd</sup> West is now striped.

#### 50 S. Parking

The 50 S. parking lot looks great. There were some soft spots that they had to dig out. There is about a net increase of \$6-7,000, which isn't much for what they had to do. He congratulated the council on the amount of project that they have done to help the community. Mayor Hansen said he appreciates Mr. Linford and how he does things in a timely fashion.

#### BUILDING INSPECTOR REPORT, John Abraham

Mr. Abraham passed out the building report and said we've only had 58 building permits this year. He expects things to pick up at the first of the year.

But did pass the commercial electrical test recently and still needs to get the commercial plumbing and mechanical licenses.

#### PUBLIC WORKS REPORT, Travis Hobbs

Mr. Hobbs isn't here right now. Mayor Hansen said the leak at the state marina was a town water line. When they dug it up, it was so corroded and the ground was so unstable that it was futile to try to repair it. They decided to go to the marina and install an 8" valve, and another 8" valve near Harbor Village which they isolated. If they want to eventually connect it up, they will drive the casing along the side of the highway and run the line down to the south side. But it's not real important now.

Council Member House asked when the stop sign will be up on 3<sup>rd</sup> West. Mayor Hansen said Monday.

#### BUSINESS LICENSES

##### Bear Lake Cabin Rentals and Property Management, Chuck Stocking

Mr. Stocking said he will be renting a room above the town office for his business. His tax number is in the process of his attorney's turning in all of the paperwork. He is separating from Brian Hirschi and has a list of properties he's renting.

Council Member Schnetzer made the motion to accept the Business License for Bear Lake Cabin Rentals and Property Management. Council Member House seconded the motion. All in favor and the motion carried.

Mayor Hansen said we need to get together and talk about doing some internet switching and wireless for the new library.

#### NIMS OFFICER

Mayor Hansen asked if there was a volunteer to be the NIMS compliance officer and assist the Garden City Fire Chief. Council Member Leonhardt volunteered. He said he's already certified. To get everyone else certified, he has a packet they can take home and read. It's not hard.

Council Member House made the motion to make Mike Leonhardt the NIMS compliance officer to assist the Garden City Fire Chief with NIMS compliance. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

#### PICKLEVILLE COMMONS, Don Webb

Mr. Webb said there were three things the Planning Commission wanted to be taken care of; taxes needed to be paid and they have, the square footage needed to be adjusted a little

if they're to rent them out, and compliance with the commercial zone standard of putting rock on three sides.

Planning Commission Chair, Jennifer Huefner, said she has a suggestion; they needed to follow the architectural standards. She feels it would inhibit the ability to do that type of housing. She suggested re-zoning it to residential. They didn't make a decision on that item and left it for the Town Council to approve. Mayor Hansen wondered if they could waive that requirement.

Mr. Webb is confused about the three sides being rocked. The front wouldn't need to be rocked, just what is facing the road.

Mayor Hansen said he's not in favor of re-zoning this because it's contiguous. Mr. Webb said the building will go away if he has to follow the standards. They'll have to come back with plans for a hotel.

Mr. Webb said he's thinking of using wood or old-fashioned log look. The roofing will be earth tones. Chair Huefner said that would be alright on the list of materials. It's in the ordinance.

Council Member Leonhardt feels we need to go through the architectural standards ordinance again and tweak it.

Mayor Hansen would like residential look like residential, even if it's in commercial.

The water has been taken care of. The size of bedrooms were adjusted to add 1' or so to be legal for short-term rentals. Mayor Hansen told Mr. Webb if they don't have 100', they can't be rented. Mr. Webb said he understands.

Council Member Leonhardt made the motion to approve and accept the final plat approval for Pickleville Commons. Council Member House seconded the motion. All in favor and the motion carried.

Council Member Leonhardt said his approval starts from 1 year of when he receives his building permit.

BEAR HOLLOW APTS., Eric Lofthouse

Mayor Hansen went down the list of concerns from the Planning Commission. They won't be doing CC&R's, they prepared a Maintenance and Operations Agreement instead. They won't have a HOA until they build units that are for sale.

Tony Johnson said they're trying to buy Chuck Earl's property to put in a Phase III.

Their open space plan and who will maintain it will be included in their maintenance agreement.

They do need to get a letter from Rich County showing that the taxes have been paid. Their legal description is on the plat.

One-way signage, along with no parking signs will be shown on the construction plan. Chuck Earl's easement has been changed to the side of the lot, instead of the middle. He will send a copy of that and the vacation of the easement for the file.

Mayor Hansen said they need to get in and get the other ordinance written. He doesn't want to rush the ordinance.

Mr. Johnson said the loan has been reduced. The tax credit comes in at the end of the project. So they've been concerned with having money at the front end of the project. All fees that go to the ownership group are deferred to the backside. He wondered if the town would also let them pay their city fees at the end of their project. Mayor Hansen said right now we don't have an ordinance that says anything about paying fees, so they're asking for a letter from the town saying we'll defer the fees at the end of the project and it will be secured with their property. We'll be making that allowance in the new ordinance for affordable housing anyway. The council agreed that that would be fine.

Mayor Hansen said the attorney's have not finished their review of the project. Sylvia has indicated they should have their information by Monday. Mr. Johnson thinks the comments should be miniscule.

Mayor Hansen said their open space meets the current ordinance and it will change when they do their other buildings.

Preliminary:

Council Member House made the motion for Preliminary approval of the Bear Hollow Phase I to include 24 units, a low-income housing development. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Mayor Hansen said they will need 11 shares and they will get those before any building permits are issued.

Final:

Council Member House made the motion for final approval for Bear Hollow, Phase I, 24 units, low-income housing development, the final will include a written copy of easement of Chuck Earl and vacation of the previous easement of Chuck Earl. The water will be worked out with the city engineer at the time that it's available. Attorney comments that will be provided next will be dealt with at the time they're submitted. The fees to the city will be paid at the end of the project. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

There is a fence on the north and south sides of the property right now.

## RESOLUTION

#08-13

Council Member Schnetzer made the motion to accept the resolution #08-13 as amended. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

#08-14

Council Member Leonhardt made the motion to accept resolution #08-14 as proposed. Council Member House seconded the motion. All in favor and the motion carried.

## AUDIT

Mayor Hansen said the auditor, Gary Teuscher isn't here tonight, but we've got to get the approval done because we will be changing our accounting system by at least the end of February. We may need to schedule a special meeting to get this done.

## FACILITIES

Mayor Hansen said we really need to get a policy created so we can advertise this position. Council Member Huefner is working on one. Council Member Leonhardt said if we have a special meeting for the audit, we can put this item on also.

## LIBRARY UPDATE, Bobbie Coray

Ms. Coray said they will be drywalling the first of next week. They have primed the upstairs of the community center. They will use alder doors. Ms. Schnetzer has accepted the lowest bid for knotty alder bookshelves for the library. There is a tree in the middle of the children's area that goes through the ceiling. They need Carol Bills' help in decorating.

Mayor Hansen said they need to talk with the artist and see what she thinks we could do to make things look childish. They want to put a place for a storyteller.

Ms. Coray said they will be significantly under budget and hoped they could do the breezeway.

Mayor Hansen would like to see if Ms. Coray could be certified to marry people. He thanked her for the work she has done.

## MISCELLANEOUS

### Planning Commission

Commission Chair Huefner said she had no advice from the attorney last week for the Planning Meeting. She felt she was hung out to dry. It's very frustrating. If they make a bad decision because they don't have the input, they're in a precarious situation.

Commission Chair Huefner asked about the duplex in Foothill Estates. Mayor Hansen said her suggestion about a party wall agreement would be fine, but all the names will need to be on the parcel. However it's split up between themselves with letters of understanding is up to them.

Mayor Hansen said if we let them do what they want, it will proliferate through town. Commission Chair Huefner said she is confused with what is legal and what's not. Mayor Hansen said we'll do it our way. He feels it's no different than any family owning a house and they each have their rooms, but all names need to be on the deed for the parcel. No approval from us is needed. It's like a family dividing up their house.

They just need to go to Debbie Ames and record it that way.

### Sign Ordinance

Mayor Hansen asked the council to look for ordinances about signs. Bobbie Coray said Logan City has a really good one.

Jennifer Huefner said it's really hard to run a business in this town. There's not a good way to advertise. The only way we can is through signage. We need to be careful not to restrict businesses so much they can't bring in business. She thinks our current ordinance is too restrictive. Everyone agreed.

Mayor Hansen said it's a trick to get a balance. He doesn't think it's the number of signs or the placement, but the quality of signs that brings people in. Council Member Leonhardt said we need to remember people have expenses and we can't require them to have a fancy sign.

Mayor Hansen said sales tax is a big part of the budget and we need to let business owners encourage business. We should work like the real estate businesses, which had to take their signs down and more people come into their offices because they have to. He suggested getting the businesses together and they could work on the ordinance.

### Cemetery as Exempt

Council Member Leonhardt said the Cemetery should be able to be exempt from paying rental fees, because they're a government entity.

### Sub for Santa

\$200.00 was sent to Sub for Santa. Chris Coray, who acted as Santa, asked that his payment of \$100.00 also be sent to Sub for Santa. The Council said that sounds good.

### Raspberry Days

Council Member Leonhardt said he likes the idea of having the craft fair in the new parking lot. Council Member Schnetzer said we should coordinate with the stake president to use their parking for Raspberry Days. She thinks we should make the decision and she'll prepare the vendor placement. Mayor Hansen said we should plan for port-a-potty's and electrical down the south side of the ball diamond. Council Member House said we need to talk with the church first. Mayor Hansen said he hopes we get some cooperation from them.

### Parade

Council Member House said the parade could be on 300 West. Mayor Hansen thinks the masses of people should be downtown and use 300 West as the alternate route.

Jennifer Huefner suggested using 100 W. as an alternate. Council Member Leonhardt said there's no room in the budget to grade a road.

There was discussion about charging to get into Raspberry Days. Council Member Leonhardt is against charging for people to come to Raspberry Days. Mayor Hansen said there'd be no way we could charge now that we're moving the location.

Council Member Schnetzer wants to make sure there's enough power for the food vendors. Mayor Hansen said there'll be enough power. He hopes the stake president will let us use the ball diamond for the stage; it would be a great place.

Council Member Schnetzer thinks we should plan on doing it at the parking lot and the parade on highway with traffic going around.

Mayor Hansen said after the parade is over, we could turn 1<sup>st</sup> West and the bike path into parking one-way all the way to Maxine Dustin's, with Huefner's charging for parking at the end of their lot. Owen Wahlstrom may even let us use his lot and we could split the fees.

Council Member Schnetzer made the motion that we move Raspberry Days over to the parking lot at 50 S. and do the parade somewhere on the highway and route the traffic around. Motion died for lack of second.

Council Member Schnetzer made the motion to move Raspberry Days over to the 50 S. parking lot and we do the parade on the highway, but do it so the traffic is routed around it and not have a stoppage, and have the Mayor work with the stake president and the bishops to see if we can use some of the church parking lot and ball diamond. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

### Hodges Canyon

Council Member House stated a conflict. Mayor Hansen said there is a request from some Sweetwater hillside owners to use the trailhead parking for their snowmobile overnight parking to access cabins. He feels if we allow them that, we will see violations in the summer and not be able to enforce it. He said we will have people camping there. We would be arbitrary and capricious. He thinks it's time for the HOA's to come to grips like the town does and take some of their common open space and create a parking facility for their homeowners.

Mayor Hansen would like to see the town get a groomer and expand the season. Council Member Schnetzer agreed.

### COUNCIL MEMBER REPORTS

Council Member House asked about the beach toll roads. Mayor Hansen said he needs Tony Martineau to get an ordinance for toll roads, because we need to collect the money from the beach road tolls into a road account and then adjust the general fund.

There was discussion about changing the location of the Raspberry Days breakfast. It was suggested to put it at the bowery. Bobbie Coray talked about using a tent that could be locked.

The librarian and the director of the toll road won't be the same job.

Council Member House said we didn't get any grant money for the byway. We should re-submit, but it's almost done. Richard Justice thought it would be good to do a walkway on 150 S. to the beach. We want to keep people on the byway. The grants help keep people there.

Council Member Schnetzer said she has ordered playground equipment and showed pictures to the audience. She has also ordered a two-bay swing set and one seat for handicapped. It will have wood chips and extend from the current playground to the bowery. The swing will be by the other swings. The excavation and installation is about \$35,000 with a grant paying a portion and the delivery. Council Member Leonhardt said we'll need to open the budget. It was ordered today and should arrive by December 30<sup>th</sup>.

Council Member Schnetzer said the Library is going well. The computers were ordered this week. They can order circulation software and start sorting books.

Council Member Leonhardt said the Regional Commission will be having a retirement party for Al Harrison next week. It is common knowledge that they won't be hiring an executive director to fill the position. There's not enough money.

Council Member Schnetzer said we have an ice rink. Mayor Hansen found a 150' x 80' liner for the winter. In the spring, we'll grass the area.

## PAYMENT VOUCHERS

Council Member House made the motion to accept the payment vouchers. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

Council Member House said at the byway meeting, he was told the library will be getting an electronic kiosk.

## EXECUTIVE SESSION

Council Member Schnetzer made the motion to go into Executive Session. Council Member House seconded the motion and they went into Executive Session at 7:10 p.m.

Council Member House made the motion to end the Executive Session at 7:30 p.m. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

## ADJOURNMENT

Council Member House made the motion to adjourn the meeting at 7:30 p.m.

APPROVED:

ATTEST:

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Ken Hansen, Mayor

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Assistant Clerk

**MINUTES OF THE  
EXECUTIVE SESSION OF  
THE TOWN COUNCIL OF  
GARDEN CITY, UTAH**

The Garden City Town Council held an Executive Session on Thursday, December 11, 2008 at the Garden City Office, located at 69 N. Paradise Parkway, Building A. Mayor Hansen opened the meeting at 7:10 p.m.

Council Members Present:

Ken Hansen, Mayor  
Mike Leonhardt  
Brian House  
Laraine Schnetzer

Excused: Bess Huefner

Others Present:

Sharlene Millard

Lien on Elk's Ridge

Mayor Hansen said Troy Petersen has filed a lien on every lot in Elk's Ridge. He said we've been getting phone calls with people thinking it's a town problem. Kathy Hislop got a phone call saying if we weren't going to call in the letter of credit and do anything about it, they were going to file a lawsuit for the deficiency.

He said he's talked with Ray Martineau. He's in agreement with the way Mayor Hansen feels. The roads are done, the water is in, and the power and sewer are finished. There's no reason to have a letter of credit because all the substantial improvements are done.

What Frank Smith owes a contractor has nothing to do with the town. The control switch for the tank does need to be fixed. The leak is still under warranty. The homeowners may also have to take care of that, because it's still under warranty and policy of the town.

The subdivision is finished. He doesn't feel we need to get too excited about it.

Mayor Hansen said we have Real Estate agents who think they're attorney's. He thinks they're telling them to go to the town with the letter of credit.

Council Member Leonhardt thinks we should follow the advice of Ray Martineau's.

### New Librarian

Mayor Hansen said the Library would like to hire a new librarian. They had set the wage scale at \$15.00/hr. Council Member Schnetzer said that figure was just thrown in when the job was offered. She was told it was \$10.00/hr for part-time. Melissa Spuhler said she'll accept the job if she starts out as \$12.00 with the stipulation that in a short time, she'll get \$15.00/hr. Council Member Schnetzer feels they'll have to decline.

Council Member Schnetzer said Melissa Spuhler feels that since she brought in a fair amount of money it should help her get the job. She got \$13.00/hr. then.

Mayor Hansen said it wouldn't be fair to those in the office who are underpaid.

Council Member Leonhardt said you don't get a raise because you expect it, you get it based on merit.

Mayor Hansen said we've given the library board a lot of latitude and they've been pretty independent, but they're overseen by the Town Council and answer to them.

Council Member Schnetzer is the liaison to the library and she's good to oversee that. It's a big responsibility

The Town Council is responsible for the money because it's the towns' money.

Council Member Schnetzer said we could hire a consultant and pay him well to get us going and then see if the third candidate would be interested in being the librarian. The committee has had a lot of good applicants. She also thinks the board could stumble through and do it.

Council Member Leonhardt wondered if someone from the library in Montpelier could help the library here.

Council Member Schnetzer said one candidate loves to write grants. She wondered about using him to help write grants and then give him a percentage of the grant money. The Council thought that was a good idea. She thinks we would have to be up and running to qualify for grants.

Council Member Leonhardt said we don't want to over-rule the board, but the Town Council controls the budget, money and moral of people working here.

Council Member House made the motion to end the Executive Session at 7:30 p.m. Council Member Schnetzer seconded the motion. All in favor and the motion carried

APPROVED:

ATTEST:

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Ken Hansen, Mayor

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Assistant Clerk