

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

The Garden City Town Council held their regularly scheduled meeting on May 14, 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	Tom Kallas
Travis Hobbs	Bob Flint
Jason Linford	Jason Welch
John Abraham	Jennifer Huefner
Bobbie Coray	Holly Budge
Anita Weston	Curtis Wahlstrom
Luke Gordon	Jordan Parry
Gloyd Sprouse	Joan Acre
Jim McLaughlin	Norm Mecham
Cindy McLaughlin	JackDahl

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

APPROVAL OF MINUTES

Minutes of the Town Council meeting held on April 8, 2009 were reviewed by the Town Council.

Council Member Leonhardt made the motion to approve the minutes of April 8, 2009 as written. Council Member Huefner seconded the motion. All in favor and the motion carried.

Minutes of the special Town Council meeting held on April 29, 2009 were reviewed by the Town Council.

Council Member Leonhardt made the motion to approve the minutes of special meeting held on April 29, 2009 as written. Council Member Huefner seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT Town Council

Mr. Linford passed out his report on the engineering projects for Garden City. He explained that the work has begun again on the treatment plant and they did the tie in yesterday which went very well. The Public Works employees helped them out a lot with the tie in. They will do a second tie in but that connection won't require any water outages.

Mr. Linford said that before the winter shut down they built the back wall of the treatment plant, which has a slight in it because of the settling of the ground. The structural engineers is working on some options to fix that issue.

TBP Construction is installing the power and the sewer in the road to the treatment plant, so we need to get the power contract paid and completed. Mr. Jim Petersen's barn needs to come down and he needs to be contacted before it is demolished so he can clean it out. Mayor Hansen said that TBP Construction has been instructed to demolish and remove the power plant and the other building.

Mr. Linford said that we have a verbal approval to go through the state property with the power and sewer. Mayor Hansen said that we need to stub in the utilities to the lots where we made the commitment to run them through the subdivision.

The permit for paradise parkway going south are back with UDOT and we are just waiting for that approval.

TBP Construction has plans in place and will be working with the structural engineer to do some patching on the 300 W. turn lane. We are holding \$10,000 retainage to get the project completed. They want to have it completed within the next 2 weeks. Mayor Hansen said that all the paint needs to be re-done on the turn lane and that is TBP's responsibility.

TBP Construction would like to know if we want to do some chip sealing on that intersection so that it doesn't look like a patch job. He suggested that the cost be split 3 ways, Garden City, Mike and TBP, making it about \$8,000 each. If we are going to chip seal the road needs to be done prior to painting. Mayor Hansen said that he doesn't want to spend any more money on that project. Council Member Leonhardt agreed.

Mayor Hansen said that the 50 S. parking lot needs to be re-painted. Mr. Hobbs said that we should fog the middle and the edge of that parking lot before it is re-painted. Council Member Leonhardt said that we also need to grind off some of the parking lots on the end because it is too

tight. Mayor Hansen said that while we are striping the roads and the parking lot we should do Hodges Canyon and Kimball Lane. Mr. Hobbs suggested that we also fog and paint this facility parking lot and also the park parking lot. Mayor Hansen said that we need to make sure that we have funds available.

BUILDING INSPECTOR REPORT

Mr. John Abraham handed out his report and discussed it with the Council. He said that building permits are starting to pick up, he has more applications turned in this month. Mr. Abraham stated that he has been looking at the roads with Mr. Hobbs and what is happening to them when the contractors destroy them. Council Member Huefner suggested that Mr. Abraham take pictures of the road before they start to build the home so there is documentation of how it needs to be fixed before a certificate of occupancy is issued. Mr. Abraham needs to make sure that every building permit has an approved encroachment permit from Council Member Huefner before he issues the permit.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Hobbs explained that the park is up and going and the sprinklers will be turned on next week. The new playground equipment is very nice and the kids are really enjoying them.

Watterson Excavating is going to excavate around the city office, where the ice skating rink is to clean up the weeds and the dirt hills.

Both Public Work employees are now certified UDOT flaggers. Mr. Hobbs attended a road school in St. Goerge and got a lot of good information. He will work with Council Member Huefner to see what can be done with the roads this year according to the budget.

They are going to start sweeping the bike path once a week now.

The Council agreed to set the speed limit on Paradise Parkway at 35 mph. Hodges Canyon will be posted at 25 mph.

Swan Creek Canal Company and secondary water use

Mayor Hansen explained that eventually we will need water to our 10 acres by Buttercup. He said that the discussion now is to bringing a line from the canal down to the new city park property and then continue that line down to the current park. We could then use that as a secondary irrigation for those properties without it going through the culinary water system. This situation would help Mr. Gloyd Sprouse with getting an irrigation line to his property since the ditch to his property was filled in when the new road was built. Mr. Hobbs will calculate the distance and see how much it will cost to get that project completed.

Mr. Sprouse the Council to open the old ditches. Mayor Hansen said that we would be fighting

the state forever trying to get the old ditches opened again. It would be very difficult and we would be at the states mercy so we will see what we can do with this other option.

The Council stated that we really appreciate Mr. Don Huefner and Mr. & Mrs. Sprouse for what they do for the Town with the park.

Rural Water Conference

Mr. Hobbs explained that we are a member of the Rural Water Association and they want to do another class/conference here in Garden City. They want to be able to use the facility free of charge. The Council agreed that it was fine to have them use it free of charge for this conference. Mayor Hansen said that we will save money by having the class here and not having to travel to it.

Mayor Hansen asked the Council's approval to move the Bear River Health Department up on the agenda and also move number 10-a up on the agenda because of the weather.

ORDINANCE DISCUSSION/APPROVAL

Request to amend ordinance 9-305 to allow a helicopter to land in Garden City during the Raspberry Days Festival

Mr. Flint explained that they are here to request approval to land a helicopter in Garden City during the Raspberry Days Festival. Mr. Flint explained that he felt the best place to land the helicopter would be on the property owned by Mr. Bryce Huefner just off 100 west.

Council Member Leonhardt made the motion to allow the helicopter to land in Garden City during Raspberry Days. Council Member Schnetzer seconded the motion. Mr. Flint said that he will land as far west as he can on Mr. Huefner's property. The Council discussed cars parking in the area and people around the landing area. Mayor Hansen said that we need to look at the best option for a place to land the helicopter.

Mr. Flint asked for permission to land his helicopter next to his cabin in Harbor Village when he comes to Garden City. Mr. Kallas said that they are willing to use his helicopter for a search and rescue type situation when they are in town. Mayor Hansen said that we need to look more into that and take into consideration the neighbors. Mr. Flint said that he has already checked with the neighbors and they are okay with his helicopter landing there.

Mayor Hansen asked for a vote on the motion. All in favor and the motion carried.

Mr. Flint asked for permission to bring his helicopter up a couple of times this summer to measure and determine the best place to land during Raspberry Days. He also asked for permission to move the helicopter closer to his cabin in Harbor Village each day when he is finished flying during Raspberry Days. The Council agreed that this would be okay.

The Council will sign the approval letter for them to fly in Garden City during Raspberry Days.

BEAR RIVER HEALTH DEPARTMENT, Holly Budge

Ms. Budge explained that she oversees a youth group and they have come up with a project that they would like to present to the Council, which is to promote clean smoke free beaches at Bear Lake. She turned the time over to the youth group for their report.

The youth group presented their findings and solutions to the problem. They suggested that we pass an ordinance declaring Bear Lake Beaches smoke free. Mayor Hansen explained that we only have jurisdiction to the high water mark so we can't put any restrictions on the beaches but we can pass a resolution to encourage a smoke free beach. Ms. Budge said that there are other cities that do just that. Ms. Budge said that she will send some sample resolutions that will help us. She also explained that they can help with some funding for signage to explain what we are trying to do.

BUSINESS LICENSE DISCUSSION/APPROVAL

Paneless Window Cleaner, Jason Welch

Mr. Welch said that he has submitted his DBA to the State and is just waiting for their approval. Mr. Welch said that he shouldn't need a sales tax number because he just offers a service and no retail.

Council Member Huefner made the motion to accept the business license for the Paneless Window Cleaner. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

Bear Lake Rock Club, Jack Dahl

Council Member Leonhardt asked where Mr. Dahl is planning on putting the rock wall. Mr. Dahl said that it will be in the front Southeast corner of the property and won't be taking out or interfering with any parking spaces. Mr. Dahl said that he has measured the power lines and they are sufficient and far enough away.

Council Member Schnetzer asked about security and what would keep the kids off it at night. Mr. Dahl said that it goes up and down and they will take it down each night. The insurance company has recommended that he clear a space around the wall.

Planning Commission Chair Huefner said that she doesn't feel that there is enough parking for that area right now, without adding an additional business there. Mr. Dahl said that there isn't too many people that park there, they mostly walk around the buildings.

Council Member Huefner said that she would be okay with a climbing wall in a protected fenced

secure area but she said that there isn't enough parking there now. Mr. Dahl said that there is another location that wouldn't be next to the parking area, it would be in between the buildings.

Mayor Hansen said that he isn't really opposed to that location as long as it stays in a designated spot and that it isn't infringing in the parking area. Council Member Leonhardt said that he is okay with the suggested location for the rock wall, in the front corner of the property. Mayor Hansen said that we should give him a shot to see if he can generate some revenue.

Council Member Huefner said that she was okay but suggested that he require the business owners in that development park at the city parking lot and not in that area.

Council Member Leonhardt made the motion to grant the business license for Bear Lake Rock Club, LLC. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

Coyote Café, Jack Dahl

Mr. Dahl said that this place won't have a cooking grill. It may have a stovetop oven and a panini press, but nothing too extensive. The location of the building will be right behind Bear Lake Lodging.

Mr. Dahl has done a good job with the landscaping of his property. Mr. Dahl does not own the Coyote Trading Post where all the weeds are growing.

Council Member Leonhardt made the motion to grant the business license for Coyote Café. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

Lickity Split, LLC. Luck Gordon

Mr. Gordon explained that he has verbal agreements with the Health Department for a frozen yogurt/sundae shop. He has applied with the state for a tax ID number which will be registered in Garden City.

This one will be in the business strip behind the real estate building. This will be in building D in the middle of the strip.

The Council asked about parking and Mr. McLaughlin explained that he does have signs already in place to direct people to park in the back of the building.

Council Member Schnetzer made the motion to accept the business license for Lickity Split. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Café Sabor, Luke Gordon

Mr. Gordon explained that they want to have a full service restaurant, Café Sabor, which will be

located in the same building were Bodean's was. It will be the same menu as they currently provide in Logan. They have been in business in Logan for 6 years. They will change the Bodeans sign to Café Sabor.

Council Member Leonhardt made the motion to accept the business license for Café Sabor. Council Member House seconded the motion. All in favor and the motion carried.

Café Sabor Liquor License, Luke Gordon

Mr. Gordon is requesting a full service liquor license for Café Sabor. There is currently a Beer and Wine license at Bodean's. Council Member Leonhardt stated that this is a good thing to offer in Garden City to those who come to visit here.

Council Member Leonhardt made the motion to approve the application for a beer license. Council Member Schnetzer seconded the motion. Mr. Gordon stated that he is requesting a full service liquor license for Café Sabor. Motion Died for lack of a vote.

Council Member Leonhardt made the motion to approve the license for a full liquor license for Café Sabor. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

SHORT TERM LICENSE

Richard Bodrero

Ms. Victoria Henderson will be the contact person for this property while Ms. McLaughlin is out of town. The inspection will be completed before we issue the actual permit.

Council Member Huefner made the motion to accept the short term rental application for Richard Bodrero. Council Member House seconded the motion. All in favor and the motion carried.

Greg Hawkins

It is a good thing to have this application. The problem last year was too many vehicles but since Mr. Hawkins has sent in the application with his signature he is agreeing to the conditions set by the ordinance and the decision of the Building Inspector on the parking limitations.

Council Member Huefner made the motion to accept Greg Hawkins short term rental application. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

ENCUMBRANCE AND COVENANT TO RUN WITH THE LAND, Jordan Parry

This property is located on the first road as you go into Bridgerland. Mr. Parry explained that they would like to encumber the 2 lots so they can build a garage on the adjacent lot to where the

house is now. Our ordinance doesn't allow them to build an accessory building on a vacant lot without a dwelling.

Council Member Huefner made the motion to accept the encumbrance of the covenants to run with the land on lot # 34 & 35 in Bridgerland Plat A . Council Member Schnetzer seconded the motion. All in favor and the motion carried.

Mr. Parry said that this won't be a rental house because they don't allow short term rentals in Bridgerland.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #09-04, an ordinance updating the Architectural Standard requirements within the community commercial zone.

Council Member Huefner made the motion to accept the architectural standards ordinance #09-04. Council Member House seconded the motion. All in favor and the motion carried.

Ordinance #09-05, an ordinance to update the sign ordinance section of the land use ordinance.

The Council Members discussed and made amendments to the sign ordinance.

Council Member House made the motion to accept the amended sign ordinance #09-05. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Ordinance #09-06 An ordinance to include the definitions for signs in the definition section of the land use ordinance.

The Council read through the proposed definition for a monument sign and made a few changes.

Council Member Huefner made the motion to accept the sign definition ordinance #09-06 including the monument sign definition. Council Member House seconded the motion. All in favor and the motion carried.

Miscellaneous minor changes to the ordinances

Conditional Use Permit Ordinance

In an earlier meeting the Town Council made the decision to make the Planning Commission responsible to approve and issue conditional use permits. The ordinance doesn't reflect that and they just need to be corrected.

Council Member Huefner made the motion to accept the change from Town Council to Planning Commission as it was approved in a previous Town Council meeting.

Lot Split Ordinance

Council Member Huefner made the motion to be in compliance with an earlier motion made by the Town Council that 11E-506-B be amended to state Planning Commission Chair. Council Member House seconded the motion. All in favor and the motion carried.

These motions were made to correct the intent of the ordinance to what was discussed.

Mayor Hansen removed himself from the discussion because of a conflict of interest and he left the building.

REQUEST TO DISCUSS BUILDING PERMITS FOR SHUNDAHAI, Norm Mecham

Mr. Norm Mecham explained that they are requesting approval for a building permit for a home in Shundahia so they can enter it in the parade of homes. He is requesting that they be issued a building permit prior to them finishing the water tank knowing that they can't get an occupancy permit until the tank is completed and the subdivision is ready for occupancy. Mr. Mecham does have a builder that wants to participate with him.

Mr. Mecham said that the utilities and the tank are all completed, the only thing that is remaining to be done is the pump station, which should be finished this summer.

Mr. Mecham said that this home will be in the Eagle Feather phase, which has been approved and recorded.

Council Member House made the motion to approve a building permit for the Shundahia Subdivision in the Eagle Feather Subdivision of Shundahai for a home to be built without an occupancy permit, however the occupancy permit will not be issued until the entire home is complete including water. Council Member Schnetzer seconded the motion. Council Member Huefner said that we need to be so careful with this. Mr. Mecham said that they hope to have the pump station done before the home is finished. He said that this may help jump start some things in Garden City. All in favor and the motion carried.

Mayor Hansen asked for approval of the Council to move Bear Hollow Apartments up on the agenda. The Council agreed.

REQUEST TO AMEND THE MOTION MADE BY THE TOWN COUNCIL ON DECEMBER 23, 2008 TO DEFER THE FEES FOR THE BEAR HOLLOW DEVELOPMENT, Eric Lofthouse

Mr. Mecham passed out a financial report for the Bear Hollow project. It is a cash flow report and how the money comes in on this project. This request is for discussion on the fee deferrals.

The Town has been willing to help with the deferrals until the certificate of occupancy has been issued and then they must be paid. Mr. Mecham explained that they are requesting the deferral be granted until the project is 90% occupied, which they feel won't be until July 2010. Mr. Mecham is requesting the deferral be until December 2010 or earlier depending on when it is 90% occupied, not to be prior to July 2010.

They are hoping to have the project built and done by December 2009.

Council Member Huefner said that she could see us not charging a building permit or charging a lesser amount in good faith but the water should be paid. The water and impact fees will be paid per unit and the monthly fees will need to be paid as billed.

Ms. Hislop said that this request gives no assurance that the fees will ever be paid. To allow this until the building is 90% occupied gives no assurance. Mayor Hansen said that we could shut the water off. Council Member Huefner said that we couldn't shut the water off in an affordable housing project. Mr. Mecham said that we could set this up like an escrow account where once the 90% occupancy is reached the fees come directly to Garden City from the lending company.

Bear Hollow is asking for a letter from the Town to approve this and they need to have the letter before the lender will proceed. Council Member Schnetzer said that we need to be careful, we are trying to be fair not only to them as an affordable housing project but especially to the Town.

Mayor Hansen suggested that we ask Mr. Martineau to write up a contract between us and Bear Hollow according to his suggestions. The council agreed.

GRANT DISCUSSION/APPROVAL

Mr. Dan Kurek from the Garden City Fire District explained that he is requesting funds from the Public Safety and Security Grant to purchase a cascade system for the Fire District. The total cost of the system is \$1400. He is going to try to get funds from the Homeland Security, the Fire District and Garden City to pay for the system. The Council said that it would be something that we can use and would be a benefit to the entire community. The Council said that he would need to pay for it from the Fire District Funds and then bring the receipt to the town for reimbursement.

Council Member Leonhardt made the motion to allow the Fire District to purchase the cascade system and we will reimburse to the amount that is remaining in the grant funds. Council Member House seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION/APPROVAL (CONTINUED)

Ordinance #09-07, an ordinance to provide regulations and procedures for an affordable Housing Ordinance

The Council Members reviewed the ordinance and made amendments to the ordinance.

Council Member House made the motion to accept ordinance #09-07, Affordable Housing ordinance with the corrections made. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

TENTATIVE BUDGET DISCUSSION FOR THE FISCAL YEAR JULY 1, 2009 THROUGH JUNE 30, 20190

Council Member Leonhardt went over the budget line item by line item for the general fund, the Buttercup SID fund, and the Enterprise fund.

Council Member Leonhardt said that if we are going to operate the pool we need to figure out how to generate the funds to operate it, which will cost approximately \$40,000- \$50,000 per year.

Council Member Leonhardt talked to our insurance company and they said that we do not have to have a lifeguard, but if something happens and we don't have a lifeguard, and the person takes us to court, the insurance company won't drop us but our premiums will go sky high. Council Member Leonhardt suggested that we post a sign that says, no lifeguard and anyone under 14 years of age must have an adult with them at all times. We also must have everyone sign a form receiving us from liability if something happens.

Council Member Leonhardt talked to KOA and they don't have a lifeguard on duty, they just use a lot of signs. Mayor Hansen said that we if we are going to open the pool we are going to incur some risk. We also need to have pool drain covers retrofitted for the pool before we use it again.

The Council made some changes to the proposed budget.

Council Member Schnetzer made the motion to approve the tentative budget. Council Member Huefner seconded the motion. All in favor and the motion carried.

REVIEW, DISCUSSION AND APPROVAL OF 2009 TAX LIEN LIST FRO THE BUTTERCUP SPECIAL IMPROVEMENT DISTRICT DELINQUENT ASSESSMENTS

This year the list really isn't that long.

Council Member House made the motion to authorize the Mayor to sign the "Certificate of Delinquency of Assessments and Charges. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

UPDATE OF PROGRESS FOR THE NEW LIBRARY/CIVIC CENTER

Mayor Hansen said that the project is almost done.

MISCELLANEOUS ITEMS

Discussion regarding changing the approval process for minutes of Boards which hold sporadic

meetings

Ms. Hislop explained that we should be approving minutes as soon as we can and this process updates the way we have been doing it in the past.

The Council agreed to start this process for approving the minutes for Boards which hold sporadic meetings.

Attending the annual membership meeting of the Utah Local Governments Trust

None of the Council Members are able to attend this meeting.

AMENDED AGENDA ITEMS

Order to vacate the Dunham Addition to Ideal Beach Subdivision which was recorded September 22, 1917

Council Member Huefner made the motion to approve the Order to Vacate the Dunham Addition to Ideal Beach Subdivision. Council Member Schnetzer seconded the motion. All in favor and the motion was approved.

Discuss the letter from Mr. Rulon Crosby

Mr. Crosby's letter requests a reduction of fees for his subdivision. The Council agreed that he must pay his bill. Mr. Crosby was sent a copy of the Attorney or Engineer bills along with our invoice.

New Sign/Logo Discussion

Mayor Hansen said that we really need to get a marque sign on this property for the businesses who rent in this building so they can advertise their business. Mayor Hansen drew a picture of the sign and how it would look. Each of the businesses can have their own shingle in the sign. Mr. Chuck Stocking is requesting that the Council allow the businesses to put up some small signs at our entrances until the marque sign is done. The Council agreed.

Mr. Jason Welch asked the Council about the RV sites and using a self pay sign and box, which will cost about \$650. The Council agreed that we will pay for the sign and box.

Mayor Hansen showed the drawing for the new logo that has been drawn up. He explained that there are a lot of people who like the logo, but we have received some real opposition to the new logo because it is too much like an advertising sign and not a Town logo.

Mayor Hansen said that his vision for the new logo is to use it for the Town signs along with some advertising of products and therefore it is more of an advertising type of design.

Ms. Lindsey Hansen has a few suggestions and logo designs that she would like to present to the Council. The Council Members agreed to look at her designs and determine which they like the best.

WFS Internship

The Council agreed that we can sign this to try to get a summer intern but it is very difficult for anyone to meet the requirements. We have the final say if we hire anyone, so we will go ahead and try for the intern.

Signs for Building A

The Council said that we need to go with nice sign's and not just vinyl. We will work to get them ordered.

COUNCIL MEMBER REPORT

Council Member Huefner said that she has a few people who want to form an OHV group who will do a historic trail ride from Town. Mr. Jim Schnetzer said that he will improve the Garden City trail if he can use the City backhoe. Mayor Hansen said that trail isn't in the Town limits and the County needs to start taking care of their own responsibilities. He said that he appreciates the offer but we need to leave it up to the County.

The Boy Scouts have asked if they can use the parking lot to park overnight when they come up to use Camp Hunt. The Council agree that we should not allow that.

Council Member Huefner said that she has talked with another helicopter company about landing in Garden City. She said that we can have a helicopter park that is established away from the main part of Town to make it safer. Council Member Leonhardt said that we are getting more wealthy people coming into Town that may want this same thing. The Council agreed that we need to make sure it is away from residential area, but we should try to accommodate this request. Council Member Schnetzer stated that the Library is having their soft opening tomorrow.

Council Member Leonhardt said that the Dive Team is willing to provide the security for the Craft Fair during Raspberry Days. He said that the Regional Commission is working on getting the funding to continue for this year. Also the Legislative Retreat is going to be next month and will be a great thing for the Council Members to attend.

PAYMENT VOUCHERS

The Council reviewed the checks and the payment vouchers.

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

ADJOURNMENT

There being no further business to be brought before the Council the meeting was adjourned at 10:50 p.m.

APPROVAL:

Kenneth Hansen, Mayor

Attest:

Town Clerk