

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

The Garden City Town Council held their regular Town Council meeting on January 8, 2010 at the Garden City Office, located at 145 W. Center (Logan Road). Mayor Spuhler opened the meeting at 5:00 p.m.

Roll call of Council Members Present:

John Spuhler, Mayor
Bess Huefner
Brian House
Mike Leonhardt
Dan Kurek

Others Present:

Kathy Hislop
Sharlene Millard
Tami Bowen
Anita Weston
Jason Linford
Riley Argyle
John Abraham

Marcia Solum
Glenn Biddulph
Mike Madsen
John Hancock
Connie Hancock
Mark Hislop
Tyson Holbrook

Mayor Spuhler welcomed everyone to the meeting and asked for a roll call of the Council Members present.

PRESENTATION OF APPRECIATION PLAQUE FOR DENISE BROWER

Mayor Spuhler welcomed everyone to the meeting and asked for a roll call of the Council Members present.

PRESENTATION OF APPRECIATION PLAQUE FOR DENISE BROWER

Mayor Spuhler stated that Ms. Brower has served as a member of the Board of Adjustments and we appreciate her service.

APPROVAL OF MINUTES

Minutes of the regularly scheduled meeting held on December 10, 2009 were reviewed by the Town Council.

Council Member Huefner made the motion to approve the minutes of the regular meeting held on December 10, 2009 with one spelling change. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Minutes of the Executive Session held on December 10, 2009 were reviewed by the Town Council.

Council Member House made the motion to approve the minutes of the Executive Session held on December 10, 2009. Council Member Huefner seconded the motion. All in favor and the motion carried.

Minutes of the special meeting held on January 4, 2010 were reviewed by the Town Council.

Council Member Leonhardt made the motion to approve the minutes of the special meeting held on January 4, 2010. Council Member Kurek seconded the motion. All in favor and the motion carried.

Minutes of the public hearing held on December 10, 2009 were reviewed by the Town Council.

Council Member House made the motion to approve the minutes of the public hearing held on December 10, 2009. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Treatment Plant Update

Mr. Jason Linford explained that the work continues on the inside of the treatment plant, there is a lot going on right now. Pall Corp will be here the first part of February to begin the commissioning period to go through everything to make sure that it is installed correctly. The contractor has installed the sewer line that needed to be installed in front of the building. The building should be wrapped up soon.

Rocky Mountain Power has mobilized to start installing the power lines. We should have power to the building within 3 weeks and then we can have Pall Corp here to start their part of the project. We will have a pre-completion walk through on January 21st. At that time we will write up a preliminary punch list to get things completed. The plant is proposed to be done April 2010.

Mr. Linford suggested that we have an open house so people can see what has been happening. Mr. Mike Madsen suggested that we do a video of the plant and have the open house here at this building other than having everyone walking through the plant.

Mr. Linford explained that there is an overflow piping that runs to the Swan Canal, which is not used very often. In the event that we need to use that overflow or if the tank needs to be emptied quickly we need a memorandum of understanding with the canal company stating that if we damage the ditch then we are responsible for the damage. Mr. Madsen said that we need to have something in place to protect the canal Company and the private property owners if there is damage. Council Member Huefner said that we need to make a video to document what there is now.

The Council agreed that we need to formalize an MOU with the canal company. Mr. Linford will try to write something up for the attorney to review.

Mr. Linford explained that we need to make another change to the treatment plant construction. We need an air relief valve with a manhole over the top, this will be used to maintain the integrity of the line if the water is ever shut off to the line. The air relief valve will cost approximately \$4200, which will be a contingency expenditure. This was discussed and approved during the last meeting.

Paradise Parkway, from Buttercup to the Park

Mr. Linford said that the plans are complete and are ready to go out for bid. He explained that bidding it right now may give us a better price. The bid will be for pit run, road base, culverts, remove and replace fences. The Council agreed that we need to go to bid now. Construction won't be able to start until after the first of April.

Water Bank

Mr. Linford explained that the value of a water bank would be to keep all the water rights in this area. It will help to protect the water rights. The Town is an entity which is able to create these type of things to help people protect their water rights.

The 40 year projection will help us in other instances such as grants, etc. Mr. Linford will have the projected build out for this area by the February meeting. The Council agreed that there really is no downside to the City to get this projection and create the water bank.

Water Impact Fees

Mr. Linford said that we need to update our water impact fees to incorporate the treatment plant. He said that it won't take a lot of time but he would like to present a new impact fee study during the next meeting.

Council Member Huefner asked if we discussed the size of the lot that the water impact fee would effect. Mr. Linford explained that right now we base the impact fee on an ERU. Mr. Argyle said that a lot of that will also be worked out when we start metering.

Stand By Fee

We do have a list of all the vacant lots within the water system boundaries. There was a extensive discussion regarding which lots will be charged depending on size or subdivided property, etc.

Water Pressure

Mr. Linford said that the water pressure will increase when the treatment plant goes on line, which will help Buttercup and Cherimoya. We need to send that out in a letter or explain it on the bill. We probably won't feel much of a difference but there will be some people who will notice a change. We need to watch it and see what happens.

PUBLIC WORKS REPORT

Mr. Argyle explained that they have been working on quite a few water leaks or freeze ups, which will continue until we get more snow for insulation. We did send a reminder in the water bill for people to keep their water on a slow flow, which will help with the freeze ups.

They have had a few issues with snow removal, one is getting up to the treatment plant. They have looked at getting some cinders to help with the traction.

The ice rink is up and going. We do have the snow blower to help keep it cleared. Mr. Don Huefner has been really good at helping with the ice rink. Also, the bathroom for the ice rink is up and running. The skates and hockey sticks are in the bathroom and it is open all the time so people can use then whenever they come. We also have hockey goals.

Mr. Hobbs went to the emergency training and it was very helpful. There was a lot of information to help get us prepared.

GIS

Mr. Argyle will be going to the GIS training next week, which is a 3 day class to show us how to get all our mapping done. They have set a goal to have everything in the system mapped; water, roads, signs, fire hydrants, etc. Mayor Spuhler said that the training is important but we need to transfer the information and keep the training going with each other. The maps are so important.

Council Member Leonhardt made the motion to send Mr. Riley Argyle to the GIS training. Council Member House seconded the motion. All in favor and the motion carried.

BUILDING INSPECTOR REPORT

Mr. Abraham passed out his report, there was one building permit issued in December for a new home in the Cottage Subdivision.

Mr. Abraham said that he is still trying to work out the issues with the yurts, he has tried to contact each of the owners but they haven't returned his call. Mr. Abraham did red-tag the buildings last month, but there may have been work done on them since the red-tag was been issued.

Mayor Spuhler said that the problem is that these buildings are not temporary, they are permanent structures. If we start allowing them then everyone may start building them, also, there is nothing for sanitation.

APPLICATION FOR RETAIL BEER/ALCOHOL LICENSE, The Bears Den

Mayor Spuhler said that we should table this issue for a month because they are not here to discuss the issues. He stated that his questions with this request are parking problems in that area. He is not necessarily concerned about the alcohol, but he is concerned with the congestion that it will bring to that area. There are other potentially issues but parking is a concern.

Council Member Huefner said that they have built a large building and a deck on the back of the Bear's Den building, which is in the area which should be used for parking. Mr. Abraham is aware of the new building and the deck.

Council Member Leonhardt said that he talked to Mr. John Freeman, the Deputy Director for the state, and they certainly want the Community and the Council input but they don't need our approval to make that decision. They can put in the State Liquor Store in the Bears Den under their control. They just want us to give them recommendations to make it better and feasible.

Mayor Spuhler stated that to make a good decision we need to know how much revenue it will generate, how will it impact our town culturally, will it increase danger at the busiest place we have in our town, what is the public perception of it. There are a lot of issue and we need to take a good hard look at it.

The Council agreed to table this request so that we can make sure that we address all the issues.

REQUEST FOR ROOM USE FEE EXEMPTION FOR THE OGDEN LOCAL CENSUS OFFICE, Glenn Biddulph

Mr. Biddulph explained that he is representing the 2010 census. He is the regional manager for recruiting for the northern counties. They are recruiting about 1000 employees in the northern counties.

Mr. Biddulph stated that he would like to do the testing and training here in this building once a week. He said that the census doesn't pay for locations, and they have been able to use sites

throughout the state. They don't pay for the use of the rooms because they feel that they provide a service to the counties and towns.

Mayor Spuhler read from the exemption agreement which states that local governmental agencies are exempt but he doesn't feel that the census is a local government. He said that he would be okay with giving them a discount but not give them a total exemption.

Mr. Biddulph said that he would need a meeting room that would hold about 20 people and probably only once a week or twice a month, a couple hours at a time. Mr. Biddulph said that they don't have any budget for rentals. Mr. Biddulph said that he will work around other peoples schedules if they are paying for use of the rooms. He understands that he will have to make appointments for the use of the building.

The Council agreed that we should allow them to use the building. They will be responsible for their own set up and take down of the table and chairs, and their clean up of the room.

Mayor Spuhler said that the \$25 deposit is required, we can't waive that. It is a refundable deposit. Mayor Spuhler said that they need to schedule their use, provide the deposit and clean up the space then we should allow them to use the building. Mr. Biddulph said that he is almost certain that he won't be able to provide the deposit. Council Member Huefner said that she will advance the \$25 to the group because they will be employing people here and that is what is important.

Council Member Leonhardt made the motion to accept the Census Bureau to come in based on the requirements that were discussed. Council Member House seconded the motion. All in favor and the motion carried.

**BEAR LAKE REGIONAL COMMISSION UPDATE AND QUAGGA MUSSEL
ORDINANCE DISCUSSION, Jesse Taylor**

Mr. Taylor is not in attendance but the ordinance was prepared and passed out to the Council for review. Mr. Taylor will come to the February Council meeting.

AUDIT REPORT FOR FISCAL YEAR JULY 1, 2008 – JUNE 30, 2009, Gary Teuscher

Mr. Teuscher is not in attendance so the audit will be on the February agenda.

**DISCUSSION REGARDING A VARIANCE WHICH WAS DENIED, John & Connie
Hancock**

Mayor Spuhler explained that a request came to the Board of Adjustments for a setback variance on their lot in Foothill Estates.

Board of Adjustment Member Hislop explained where the property is located in Foothill Estates. He explained that the Hancocks are doing a new addition to their home. The ordinance states that the side setback on a corner lot is 20 feet, the house right now is being framed with an 8 foot

setback from the property line. The addition already has a foundation, a sub-floor, and has all the walls framed in before someone caught the problem. The Building Inspector approved the plans so they went ahead and started building but it does not fit within our ordinances.

The Board of Adjustments Committee denied the variance and sent it back to the Town Council to determine how they were going to deal with the situation. Council Member Leonhardt asked why the Board of Adjustments sent it back to the Council after they denied it. He stated that the Board of Adjustments is the last place it should go, if it is denied it is denied and the next place it should go is the Appeals Board. Mayor Spuhler said that he asked Mr. & Mrs. Hancock to come to the Council because there was a lot of detail and a lot of discussion on this issue to see if there is a solution.

Mayor Spuhler stated that there was a conversation between the Building Inspector and the Hancock's. Mrs. Hancock is a realtor. Board of Adjustment Member Solum said that Mrs. Hancock should have know or researched the ordinances. Mrs. Hancock stated that she went to the Building Inspector about their setbacks. She came into the office many times to talk to him about the setbacks and the Building Inspector told her many times that she was fine. She feels that she has done her due diligence by getting the approval of the Building Inspector and asking him specifically about the setbacks. She feels that the only thing she did wrong was to not get it in writing.

Mrs. Hancock said that when they dug the hole she felt that it was too close to the road so she called the Building Inspector back to the property to look at it and he again told her that she was fine. Mr. Hancock said that the Building Inspector is trained and he approved it.

Mrs. Hancock stated that she has built and sold homes and she knows there are steps and procedures to get a building permit and she feels that she followed the rules.

Mrs. Hancock stated that she wants to move here full-time so she doesn't want to have any problems. She feels that she did have all the approvals and the inspections so that this is not their problem.

Council Member Leonhardt stated that the Building Inspector said it was okay many times, he asked if that wouldn't be considered a hardship. The Building Inspector, our professional, said it was okay and they followed him. Board Member Hislop said that they can't give variances based on financial hardships. Council Member Leonhardt stated that it is not a financial hardship, the hardship is that our Building Inspector approved this and they built according to his approval.

Mayor Spuhler said that we need to have the setback footage on that corner or we can be liable as a city based on where the roads are. Someone can come down the road and run off the road into the house, there is a problem because it is too close to the road.

Mayor Spuhler said that he understands that there was a mistake made by the Building Inspector but they are both culpable and at fault in this situation. Mrs. Hancock stated that she went to the Building Inspector many times.

Mayor Spuhler stated that he feels that the Board of Adjustments made a correct decision. Mrs. Hancock stated that she is not fighting that decision but she needs to know what to do. She stated that she has an \$8,000 concrete bill and a tractor bill. What is she going to do with those bills. She feels that she is trying to do everything she can to make this work.

Mrs. Hancock explained an idea that may help the situation. She stated that there is a clear view up the road because it curves. If we straightened out the road and moved it a little up the hill it may help the problem. Board Member Solum asked what that would do the property across the street.

Mr. Hancock said that the roads aren't exact and the plat says that the road should be 50' wide. He asked if we could fudge the road over a little to give a little variance which shouldn't affect anything there.

Mrs. Hancock stated that she agrees with everything that happened today. She said that she is willing to accept what is, but what it will cost a lot of money. She said that she made decisions that she would have never made based on what the Building Inspector told them. They still would have built on the property but they could have done something different.

Mr. Hancock stated that they came to our professional for advice. He stated that if he has a question he always goes to the Building Inspector for advice so he has clarification. He stated that it is what they did, went the Building Inspector for clarification. He stated that if the Building Inspector has a question then he needs to go back to his books for an answer, it's not his job to go to the books.

Board Member Solum stated that the house was started as a one story addition but now it is being changed to two stories.

Mayor Spuhler stated that there is a liability with that house being that close to the road. He is not comfortable with that.

Board Member Hislop made a couple suggestions to change the design of the addition so it will meet the current ordinance. Mrs. Hancock stated that they are open to the suggestions and will look to see if it will work. The Council discussed the suggested changes and agrees that we need to try to make this work.

Mayor Spuhler said that we need to figure out the problem because it needs to be handled and kept at 20 feet. We need to look into other options for the building. We will table this issue at this time.

Council Member House said that the next step is to see if we can work something out with them. If they want to appeal they would need to apply and go to the Appeals Board.

DISCUSSION REGARDING BUTTERCUP ROADS AND CERTIFICATE OF OCCUPANCY, Tyson Holbrook

Mr. Holbrook stated that he is only asking for a certificate of occupancy. Mayor Spuhler stated that the problem is a road issue and not a certificate of occupancy issue and we can't hold up the certificate of occupancy based on a road issue. They are 2 separate issues.

Council Member Huefner explained to Mr. Holbrook that he needs to mend fences with his neighbors. He needs to fix his drainage problems so it doesn't drain on the neighbors property.

Council Member House made the motion to issue the certificate of occupancy based the discussion. Council Member Kurek seconded the motion. All in favor and the motion carried.

APPLICATION FOR SHORT TERM RENTAL LICENSE

Mark Hislop, 35 W 150 S

Mr. Hislop said that he will be moving to the house in front of the rental for the summer. Council Member Huefner said that there will be a problem with parking at the little house. Mr. Hislop explained that there is enough parking behind the little house. Mr. Hislop said that he still needs to get 2 fire extinguishers before the license can be issued.

Council Member Leonhardt made the motion to accept the application for short term rental for Mark & Kathy Hislop. Council Member Kurek seconded the motion. No further discussion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

The Utah Land Use Institute

Council Member Huefner said that she feels the Planning Commission Members or Council Member House should go to this training, it's up to them.

Utah League of Cities and Towns Local Officials Day

Mayor Spuhler and Council Member House will be attending this meeting.

Schindler Elevator Corporation Maintenance Service Contract

Schndler Elevator would like to have us on a maintenance contract and do an automatic payment. The Council decided not to allow them to do the automatic payments. We can check into the maintenance contract.

The Council discussed other issues with the elevator being used a lot when kids are in the building. We need to make the Librarian aware of the situation and also watch it when there are large groups using the building. It can be locked if we need.

Council Member Roles and Responsibilities

Council Member House will be over the Library, Planning Commission, Board of Adjustments, and Appeals Board.

Council Member Leonhardt will be over the budget, the Bear Lake Regional Commission, Business Licenses, Raspberry Days, and signs.

Council Member Kurek will be over the pool, hazard mitigation, safety issues, the town complex, economic development.

Council Member Huefner will be over the beach, the park, beautification, roads, bike path.

Mayor Spuhler stated that we received a letter from Mr. Blain Hamp stating that the state won't be issuing any leases on the beach for anybody. Also, they are looking at any type of entry fees or entry leases, they want Garden City to pay for to do what we are doing. He said that it looks like we won't have the option to lease the beaches but we can create a toll road ordinance, which will allow us legally to collect for the access. We need to document the benefits of the toll road to justify the program.

We will have the Toll Road ordinance on the February agenda.

Message Board and Sign discussion

Council Member Kurek is bidding on the sign, and therefore, left the building while the bids were opened.

Mayor Spuhler stated that the digital sign will be used to promote Garden City. It is a joint project with the Clinic and the Tourism Council. Our portion of the sign, including the grant amount is \$50,000. He asked if we really want to spend that much money on a sign. Is there something that will benefit the city more.

We haven't paid for our part of the sign, it has been ordered by the clinic. The Council discussed the grant, which will probably be sent back to the County and re-appropriated if we don't use it for the digital sign. We may get it back for a different project but it will be up to the Commissioners.

Mayor Spuhler stated that we should save the money and use it somewhere else. He would like to still have the sign for the complex but not include the digital portion of the sign. Mayor Spuhler will check with Ms. Holbrook and the clinic to see if we can come up with a plan to use the money elsewhere and give the digital sign back.

The Council reviewed the 2 bids for the sign frame. We can still use the same frame, just leave the digital sign out. The bids are comparing apples to apples this time, they are bidding the same

things. The bid amounts are 20% different. They are both great workers and will do a great job. The Council Members agreed that we need to take the lowest bid.

Council Member Leonhardt made the motion to accept the lowest bid, which is from Dan Kurek Premier Construction. Council Member House seconded the motion. All in favor and the motion carried.

We will need to wait on the sign until after we decide what to do with the digital sign. Council Member Kurek returned to the meeting.

Discussion regarding the contract with Dan Turner.

Mayor Spuhler explained that we still haven't signed the contract but Mr. Turner has done the work, they submitted the application, they received letters of approval for the project from various entities, etc., according to the contract.

Mr. Turner sent the contract back today for signature but it isn't completely changed to what we requested, but the price has been amended. We will send it back to Mr. Turner to make the remaining changes before we sign the contract. We especially need a guarantee that we will get the documents after he is done.

Discussion regarding 2010 Raspberry Days

Mayor Spuhler will be meeting with the Raspberry Days Chairman soon, they are looking for suggestions from the Council. Mayor Spuhler said that a good thing that we may want to look into is a coop booth for the community. We have had one in the past but haven't had it for few years.

COUNCIL MEMBER REPORTS

Council Member Leonhardt stated that the Regional Commission will be meeting in a couple of weeks and then they will be going to the Idaho Legislator.

Council Member Kurek reported that the cover is on the pool and so we are not losing anymore water out of the pool due to evaporation. He needs to get a new moisture regulation switch. We had a boiler inspection yesterday and it passed so we are in compliance for 2 years. He would like to do a few more things with the pool before we get it up and running.

Mayor Spuhler asked Council Member Kurek to get with Mr. Jason Welch to see if they can come up with a new way to market this complex. The revenue for our complex was \$5,000 last year and we pay the facility manager \$500 a month, so we are in a negative. Council Member Kurek will work with Mr. Welch and Ms. Holbrook to advertise the building.

Council Member House said that we have received a letter from the Library Board. They would like to purchase a safe. The Council agreed that it is their money they should be able to buy their safe.

Council Member Leonhardt attended a Treasurers Conference and there was some great information regarding collecting from difficult customers.

Mayor Spuhler explained that he met with the Board of Adjustments regarding Mr. Brent Thornberg's property. His house extends over the property line onto the city property 2 feet. Mayor Spuhler suggested that we have him pay for the property that he needs to make it in conformance with the setbacks. He feels that we should sell him the property because we shouldn't get in the business of giving property away. Council Member Huefner agreed with that suggestion.

EXECUTIVE SESSION

Council Member House made the motion to go into executive session at 7:50 p.m. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Minutes of the executive session are kept separate and confidential.

Council Member House made the motion to end the executive session at 8:20 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

PAYMENT VOUCHERS

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

ADJOURNMENT

There being no further business to be discussed, Council Member Huefner made the motion to close the meeting at 8:25 p.m. Council Member House seconded the motion. All in favor and the motion carried.

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk