

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

The Garden City Town Council held their regularly scheduled meeting on April 8, 2010 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:00 p.m.

Council Members Present:

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

Others Present:

Kathy Hislop  
Sharlene Millard  
Travis Hobbs  
Anita Weston  
Jason Linford  
George Peart  
John Alter  
Larry Hodges  
Lana Hodges  
Marcia Solum  
Bob Stevens

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

**APPROVAL OF MINUTES**

Public Hearing held on March 11, 2010

The Council reviewed the minutes of the Public Hearing held on March 11, 2010.

Council Member House made the motion to accept the minutes of the Public Hearing held on March 11, 2010 as presented. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

## Regularly Scheduled Town Council meeting held on March 11, 2010

The Council reviewed the minutes of the Town Council meeting held on March 11, 2010. The Council made corrections to said minutes.

Council Member Kurek made the motion to accept the minutes of the Town Council meeting held on March 11, 2010 as corrected. Council Member Huefner seconded the motion. All in favor and the motion carried.

### **TOWN ENGINEER REPORT**

#### Treatment Plant

Mr. Linford passed out his report and updated the Council. The Pall Corporation representatives will be here Monday April 12<sup>th</sup> to get the filtration system working and on line. The plant should be done, up and running within the month. The Inspector was here during the past week and things have been going good. They have just been getting things ready for PALL.

Mayor Spuhler asked about the security of the plant, he said that there is no security at all there right now. Mr. Linford said that we talked about putting in cameras at one time but decided not to do that. We can't install a chain link fence there because of the purchase agreement we have with the people we bought the property from stipulates no chain link fencing is to be used. We can install a more expensive type of fence if we want to. Mr. Hobbs said that eventually we will need a fence. Mayor Spuhler said that a security camera would be a deterrent for vandals. We do have wiring that we can use for the security cameras when we decide we want to install them. Council Member Kurek said that we have put in a grant for chain link fencing for an emergency operations center at the treatment plant, but we will see what type of fence we can install. Mr. Linford said that he will check on security to see what we can do and how much it will cost.

It was stated that we need to be careful what we do there because the property still has not been deeded to the city. We still need to complete the items that were stipulated by the purchase agreement. We have a signed agreement but we need to get it completed and the deed recorded.

Mr. Linford explained that Mr. Petersen received a notice from the sewer district stating that the existing homes there need to pay and connect to the sewer system. The Council agreed that we are not obligated to pay that fee.

Mr. Linford explained that we have an agreement with Mr. Petersen for the subdivision, and the power to the subdivision is part of that agreement. We need to run power to each of the new lots. We have 90 days to pay the contracted amount of \$22,000 for the power to the subdivision, which includes them running the line, but it doesn't include digging the trench. We also need to run the conduit. Mr. Linford said that we may have money in the treatment plant budget to do the trenching. Mr. Hobbs will check to see if he can

do some of the trenching but there may be a lot of rock there. He will check on that so we can get the power issue resolved before it gets too late and the contract is void. We need to pay the \$22,000 before the 23<sup>rd</sup> of May.

Mr. Linford explained that they installed the antennas at the treatment plant so there is radio reception there.

#### Paradise Parkway

We have awarded the contract for new part of Paradise Parkway to Circle C, they are just waiting for the snow to melt and for the mud to dry up so they can get started. Council Member Huefner said that she did get the verbal agreement from Mr. Paul Nance to continue the road through his property.

Mayor Spuhler explained that he went to the CIB meeting for the grant with Mr. Dan Turner. Mayor Spuhler said that the CIB Board told him that they never do 100% grants. He said that we need to be careful and research things like that a little bit more before we commit to the proposals. Mayor Spuhler said that he was disappointed.

Mr. Linford said that it looks like things are going good with Buttercup and deeding the roads to the city. Mayor Huefner met with Mr. Sobieski and came to an agreement so we can get the roads dedicated to the town.

#### Water Rates

Mr. Linford passed out his water rate report proposing the expenditures for the treatment plant and what our revenues are year to date. He also listed what our fixed expenses are for each year. The report also predicts revenues if we increased our monthly fees by \$5 and also charge a standby fee of \$10 for each vacant lot. Both will help pay our bond payments, including the treatment plant payment, and our monthly expenses.

The bottom line is that we didn't ask for the bill for the treatment plant but we have to make sure that we can pay for it. Council Member House and Council Member Leonhardt agreed that we need to start charging \$35 per month for each ERU and start charging \$10 for a standby fee. Mayor Spuhler said that we need to cover our expenses with our user fees. We really don't know what the overage usage will be so we really can't count on that, but we do need to cover our expenses based on what we do know, which is the base rate. The rest of the Council agreed that would be a good start.

Mr. Linford said that we do need to start reading all the meters so we can be fair to everyone with the overage charges.

The Council discussed and agreed that property owners can encumber their lots if they are contingent and they don't ever plan to build on the vacant lot. We basically would view them as one lot so they wouldn't have to pay the standby fee for each vacant lot separately.

Mr. Linford explained that in previous discussions we talked about charging the standby fee on subdivision lots once they have been sold, not as they are developed. Mayor Spuhler said that it would make the developer more mindful when they development. We have to be available and be ready to provide the water when they are approved for the subdivision. They shouldn't be treated any different that everyone in town. Mayor Spuhler said that the standby fee is a reasonable thing to do.

Mr. Linford said that we also need to make sure that we have funds for line maintenance and repair.

Council Member Huefner said that she has some compassion for the developers and she suggests that we charge \$35 and \$5 for the standby fee. Mayor Spuhler proposed to increase the user fee to \$35 per month and charge \$10 per month for the standby fee. The Council agreed that would be a good place to start. We need to get an ordinance approved for the standby fee and the increased water rate, which will be ready for review and approval next month.

### Impact Fees

Mr. Linford explained how to figure impact fees based on the system needs, the existing loans and a proposed tank, that is where we came up with the \$1178. The current impact fees were based on what we needed at the time, but the treatment plant was not a part of that. The existing loans have dropped a little bit but now we will have the payments on the treatment plant and the tank so we are looking at raising the impact fee from \$1178 to \$1500. These numbers are to help pay for the treatment plant without any new growth. Any new growth will help pay off the loans sooner so we may be able to lower the rates. Mr. Linford needs to do a little more work on this and will present at the next meeting.

## **PUBLIC WORKS REPORT**

### GIS

Mr. Hobbs said that he has been working on the GIS and has some good points located. He said that one of the problems they are having with our GIS system is that it's not very accurate. They are within 3 feet but have an option that would get them within 3 inches. If he can get a cell phone with the data function they can be within 3 inches instead of 3 feet. He feels that it is very important to be more accurate. The Bear Lake Special Service District is interested in going in on it and splitting the costs. We need a new cell phone with a monthly fee of \$60, and the program for the GIS will be \$150 per year. Everything will be split with BLSSD.

### Meters

The have been working on locating the meters and they should be able to have the majority of them located by the end of May. We have approximately 120 meters to locate.

### Treatment Plant

They will be working with PALL starting next week to learn what to do with the treatment plant.

### Sprinkling System

Mr. Hobbs explained that we need to bid out the sprinkling system for the property where the ice rink is. Then we can spread the grass so it will grow and we won't have the weed problem. The Council agreed that we need to put that out for a bid. The water system is there.

### Base Station Radio's

The Council agreed that they should look into getting a base station for the treatment plant. The Council also agreed that we need to get a handheld radio for the Public Works Dept., but we should check out a grant right now and also look at some other sources of funding like Homeland Security. Mr. Hobb said that it may not be something that we will use a lot but we should have one in case of emergency.

## **BUILDING INSPECTOR REPORT**

### Yurts

Mr. Peart passed out a letter that he sent to the owners of the Yurts after he reviewed the plans for a building permit. He said that he is still concerned with the yurts and they need to have some more work done before they can get a building permit. Mr. Peart said that the biggest concern he has right now is the snow load, which they will need to fix before he can issue them a building permit. He will continue to work with them on complying with the building permit requirements.

Mr. Peart asked if the city will be required to service them with water if we issue them a building permit. The Council agreed that we won't be responsible to service water there, they will have to bring water into their property.

Mr. Peart asked how they will access that property and what are we going to require for a road to the property. If we issue them a building permit are we saying that they are accessible for emergency services. He said that we really need to look at that. Mr. Peart said that in the County they have the property owner sign an agreement that they are

aware that we won't provide them with any services. The Council agreed that we should look at the form that the County uses and adapt it to our needs.

Mr. Peart said that they still need a survey and they also need to have their property addressed, which may be a little difficult.

### HOA Approvals

Mr. Peart asked the Council about requiring HOA approval for building permits. He said that the county requires a HOA approval letter stating that the property owner has meet all their requirements before he issues a building permit. He feels that it is a respect issue for the HOA's. Mr. Peart talked to the Planning Commission and they agreed that Mr. Peart should wait for the HOA approval before he issues the building permit.

Mayor Spuhler said that he clarified this issue with the town attorney and was told that we can't deal with the HOA's in that regard, we can't worry about what the HOA does, we just need to work within our ordinances. He said that the attorney made it very clear that was the way we should handle building permits. Mayor Spuhler said that what we have decided was that we will issue the building permit and then send a letter to the HOA that we have issued a building permit so they are aware of it. Mr. Peart said that the discussion with the Planning Commission is that we are not enforcing the rules of the HOA all we are doing is showing respect to the HOA and not issuing the building permit until we get that letter.

Council Member House suggested that we request the letter from the HOA but that we will not hold up a building permit waiting for the letter. The Council agreed that is good communication with the HOA. Mayor Spuhler said that open communication is a good thing. The Council is okay with that process change in cooperation with the HOA.

This is just for building permits, we still won't require letters from the HOA for a short term rental license.

Mr. Peart explained that we will be receiving a bill for the treatment plant inspections. It will be the actual cost that is billed to them, which will be approximately \$5,000.

### **BUSINESS LICENSE DISCUSSION/APPROVAL**

The following business licenses were reviewed by Council Member Kurek: Gwenda's Preschool, The Berry Bowl, Watterson Excavating & Grading, Inc., and Jessica Ward.

There are a few items that still need to be completed before the business licenses are issued, which Council Member Leonhardt will follow up on.

Council Member Kurek made the motion to approve the business licenses before us with the needed items to be completed before they are issued. Council Member House seconded the motion. All in favor and the motion carried.

## **RESOLUTION**

### **Resolution #R10-03, A resolution creating a Justice Court within the Garden City Town Limits.**

Mayor Spuhler explained that he has had a conversation with the County Sheriff and asked if there is any possibility that they can start enforcing our ordinances. The County Sheriff said that there is no way they can enforce our ordinances. Mayor Spuhler said that we need to start enforcing our own ordinances. We have issues that we can take care of within a Municipal Court and we need to have the ability to resolve the violations. Right now if we have citations issued they have to go through another court.

There are a lot of good reasons to create a municipal court but we are now going through the details. Ms. Millard explained that it may take up to a year for us to get the Municipal Court up and running.

Mayor Spuhler said that he is going to talk to the County Commissioners to see if there is a way to partner with them so some of the revenue comes back to Garden City. He said that we either need a municipal court here or we need to find a way to work with the county, but the bottom line is that we need a municipal court.

To create a municipal court we need to approve the resolution. We need to let the County know that this is what we are looking to do but it won't stop us if they oppose us creating our municipal court. If we can meet the requirements we can have our own court.

Council Member Leonhardt made the motion to adopt Resolution #R10-03 to create a municipal court within the Garden City town limits. Council Member Huefner seconded the motion. All in favor and the motion carried.

## **CREATING A UTAH ARTS COUNCIL**

Ms. Melissa Spuhler explained that the arts really aren't available in this area. She feels that it would be an important thing for our town and for the citizens here. It also brings in things that people like when they visit this area.

Ms. Spuhler would like to be sponsored by Garden City so that she can apply for grants. It would be called the Bear Lake Arts Council sponsored by Garden City.

Ms. Spuhler has meet with the Utah State Arts Council and they are really excited that we are working to create this for Garden City. They have grants available for this type of

Council. Ms. Spuhler said that we can use the funds that are paid for entertainment at Raspberry Days for our matching portion of the grant.

We need to approve a resolution to start an arts council. We can't vote on anything tonight because it's not listed on the agenda as approval. The resolution needs to be written and on the agenda so it can be approved.

### **APPOINT NEW MEMBERS TO THE APEALS AUTHORITY BOARD**

Mayor Spuhler explained that we didn't recognize that the majority of the people who were appointed to the Appeals Board were not in the Garden City town limits, and the ordinance doesn't allow for a Board Member to be a non-resident of Garden City. He explained that Mr. Howard Pope and Mr. Larry Hodges have accepted to be members of the Appeals Board.

Council Member House made the motion to appoint Mr. Howard Pope and Mr. Larry Hodges to the Appeals Board. Council Member Kurek seconded the motion. All in favor and the motion carried.

### **DISCUSSION REGARDING THE HODGES IRRIGATION SYSTEM, SENDING MR. HOBBS TO REPRESENT GARDEN CITY.**

The Hodges Irrigation System is holding their annual meeting in April and we need to send someone to represent Garden City.

Council Member House made the motion to send Mr. Hobbs to the Hodges Irrigation meeting and to give him the authority to vote on behalf of Garden City. Mayor Spuhler asked Mr. Hobbs if he felt comfortable making the decision for the Town. Mr. Hobbs explained that he could represent Garden City at the meeting. Council Member Huefner seconded the motion. All in favor and the motion carried.

We also should have a person there that could represent Garden City as a Board Member. There are 2 Board Member positions that will be open this year. Ms. Lana Hodges explained that Mayor Spuhler would be the only person that could be on the Board representing Garden City. He will attend the meeting with Mr. Hobbs.

### **ORDINANCE DISCUSSION/APPROVAL**

Ordinance #11C-300, Parking and Loading Space, and adding verbiage regarding parking in a fire lane or by a fire hydrant.

Council Member Kurek explained that our parking ordinance is severely lacking and he would like to have a discussion to determine if it is important to update the ordinance regarding parking in a fire lane or by a fire hydrant.

The Council discussed booting vehicles when they park next to a fire hydrant or in a fire lane. The Council also discussed having the vehicle towed. The Council discussed who would be liable for damage to the vehicle due to booting or who would be liable for the tow fees if the vehicle owner would not pay. Mayor Spuhler would like to really look at booting the vehicles.

Council Member Kurek will check into this so we can change the ordinance. Mr. Hobbs said that we also need to add a violation for parking on the bike path.

Council Member Kurek will check into violations for parking on the bike path, in a handicap parking spot, in a fire lane, and next to a fire hydrant. He will also work on a violation for overnight parking at the trailhead parking lot.

Ordinance #10- 02, Changes to Ordinance #11E-506-A, Re-adjustments of Lot Lines or Lot Splits.

Council Member Huefner said that this update cleans up this ordinance.

Council Member Huefner made the motion to make the changes to Ordinance #10-02 , re-adjustment of lot lines or lot split. Council Member House seconded the motion. All in favor and motion carried.

Ordinance #10-03, An ordinance making it permissible to have more chickens included as household pets.

Mayor Spuhler explained that the trend now is raise chickens in urban areas. He said that there are people that are not in favor of having chickens in town, but there are those who want chickens for food storage. Right now we have an ordinance that only allows 2 chickens. He said that it makes sense for a preservation and food storage reason to allow more chickens. He said that we need to make sure that they are confined and not allowed to run free.

Council Member House suggested that we allow fowl or domesticated animals for personal and non-commercial use. He said that there will be some CC&R's that won't allow these animals in their subdivision. Council Member Leonhardt said that he is okay to change this ordinance but we need to be careful not to let it get out of control.

Council Member House also suggested that we include in the ordinance that there is no free ranging.

Council Member House will write up an ordinance for next month. It will have to go back to the Planning Commission to be approved.

## **POOL DISCUSSION**

Council Member Kurek drafted a budget for the pool. He explained that we have 200 people committed to buy pool passes right now. The committee feels that they can get 400 pool passes sold by going outside the area.

They are offering punch passes, or people can pay each time they swim. They have allowed for pool parties and swim lessons, etc.

The Council went over the proposed budget prepared by Council Member Kurek. The Council agreed that we must charge every group for using the pool. We can't allow any freebees for using the pool. Every entity will have to buy a punch pass or pay each time they use the pool, especially for the first year because we need to make sure we cover our expenses.

The lifeguards are to be paid \$8.50 per hour. All of them need to be paid the same because Ms. Jessica Ward will get extra money for the swimming lessons.

Council Member Huefner made the motion that we set up the Garden City pool as an enterprise fund. Council Member Kurek said that he is confident with the budget figures that he is presenting tonight. Council Member Leonhardt said that we have only committed the city to \$7,200 for the pool and everything else has to be raised by those who will be using the pool. Council Member Leonhardt suggested that the pool is not opened until the 200 passes are sold. Council Member Kurek would like to open the pool after 100 passes are sold. We will refund the money if we don't get enough money and can't open the pool. The Council agreed that we need to wait until we get 200 passes sold to open the pool. The motion was amended to include that 200 passes need to be sold before opening the pool. Council Member House seconded the motion. All in favor and the motion carried.

## **REVIEW THE BUDGET**

### **Library Budget**

Council Member House stated that the Library is requesting more hours for Ms. Rasmussen and an increase in the wages for the assistant, from \$7.50 to \$8.00.

Council Member Leonhardt explained that they are requesting approximately \$34,000. In the PTIF account there is only approximately \$29,500 left. We need to keep in mind that we will have to use all the PTIF money and also give them some funds from the general budget.

We are only looking over these budgets tonight and will really go over all the budgets carefully next month.

The Council discussed how we can sustain the budget for the library. The Council agreed that what the library has done is very valuable and we have enough money for them to sustain for one more year but we need to figure out how they can keep it going past that.

The Council discussed creating a special PAL tax district for Parks, Pools, Arts and Library. The Council discussed this and how we can get a new PAL tax. We need to do this through the city and not through the county so we can keep the funds in the city and not funnel the funds through the county.

### Water Budget

Council Member Leonhardt explained that right now we are doing fine in our budget for this year, revenues vs. expenses.

The new plant is separate from this budget. We can't include that until we close on the loan.

### General Budget

Council Member Leonhardt explained that he included a 3% increase for the employees in the general budget. The Council agreed that 3% is pretty fair. We also included an increase in the RDA for the Council and the employees. It was discussed that the Council and Mayor wages should be increased also. They do a lot of work and for the right reasons but it should be increased.

There are no figures in the road, park or bike path line item so that needs to be filled out for the next months review.

## **MISCELLANEOUS ITEMS**

### Rental Deposit

The Council discussed the deposit of those who rent the building and agreed on \$200 for the conference rooms and \$100 on the smaller conference rooms. We will leave the bowery at the rate it is right now. We will discuss raising the deposit of those who use the building for free.

## **PAYMENT VOUCHERS**

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

## **COUNCIL MEMBER REPORT**

Council Member Kurek explained that he contacted Schindler Elevator and they will do a yearly contract instead of a multiple year but the cost of the contract would be more. The Council agreed that we need to look at what they would charge us for an annual contract.

Council Member Kurek passed out a projected budget for the Heritage Festival. We will receive \$2,000 from the Raspberry Days advertising so they are requesting the town support the festival for \$4,500. Browning will be a sponsor of the festival and will have a gun to raffle off. The profits from that raffle will go back to the town. Anything we make over and above the \$4,500 should go into a fund for the 2011 festival. The booth spaces will be free for this year.

This will be a great thing to get started and it will also extend the season for our businesses.

Council Member Kurek made the motion to approve \$4,500 for the 2010 Bear Lake Outdoor Expo and Gun Show. Council Member House seconded the motion. All in favor and the motion carried.

Council Member Kurek stated that the material for the sign will be delivered this week so he will start construction next week.

Council Member Huefner said that we need to do a bid for 350 South to tear up the asphalt that was torn up from the tree roots, and push that over to the ditch that is there.

The spaghetti dinner for the marathon will be done by the Library Board, and they will also do the pancake breakfast for the outdoor expo. Both will be held at the bowery.

Mr. Kyle Spuhler will fix the sprinklers at the park. If it gets too complicated the Public Works employees can help out.

We also need to do a bid for the sprinkler system where the ice rink is.

Council Member Huefner would like to have an aluminum can recycle bin on the beach. She suggested that the employees that take the money for the beach access can smash the cans.

Council Member Huefner talked to the Clinic about getting sprinklers and grass in the open weed spot in front of the clinic. The Council suggested that she ask the Clinic Board to take care of that piece of ground. The Council agreed that the Clinic should have some money to take care of that property and beautify it.

Council Member Huefner said that the log cabin on the Wamsley property should be gone by May 1<sup>st</sup>. Mr. Alan Wamsley wants it off his property. Council Member Huefner will keep working on getting it moved.

The County has \$1,500 for cutting or pulling dyers wode.

Council Member Huefner is looking for a chairperson over beautification. We need to keep that in mind and see if we can find someone to take that on.

We need to get the ice rink liner removed asap. Council Member Kurek will spray the mud off it as we roll it up.

Council Member Leonhardt explained that the Regional Commission is still up and going. There is no state funding but they are writing grants to keep going.

Council Member Leonhardt said that he went to the Raspberry Days meeting and things are going well there. He said that there have been a few businesses complain about the time of the parade because they feel that it takes away from their business because it is later in the evening.

Council Member Leonhardt said that he has been working on the sign on Bear Lake Blvd. through the state and it is a large issue. The literature that he has read in state code states that they regulate off premise signs off state highways, whether it is on the right of way or not. He is still working on the issue with the state. He feels that there are a lot of signs along the highway that they aren't complaining about. Council Member Leonhardt wants to know more about it before he contacts Mr. Bills. He will have more to report next month.

Mayor Spuhler reported that he met with Ms. Hancock and came to an agreement with her. She did meet with a couple different attorneys and she felt that she had a really good case against the city. Mayor Spuhler explained to her that we have an insurance policy so our exposure isn't too bad but her risk is huge. She only valued her addition at \$8,000 for her building permit. We gave her 3 options and she felt that the best option was to make the foundation a porch and build the wall of the addition according to the required setback. She can also build a roof over the porch. We will also pay her \$4,000 which is half the amount she stated for the building permit. That is what we agreed to as a compromise for this issue.

We will go back and listen to the minutes of the meeting where Mr. Dan Turner presented his proposal to go for a grant for Paradise Parkway.

Mayor Spuhler explained that there is no infrastructure in the Villages at Lighthouse Point and they are really advertising right now that they can build houses there and have them finished by the end of the summer. We sent him a letter that we will not issue any more building permits to that subdivision until the utilities are all in that phase. Also, the subdivision was approved 32.5' from Kimball Lane, so there isn't really an access to the subdivision off Kimball Lane. We need to check on that and get that resolved before we issue any more building permits. We did send him a letter regarding these issues.

We need to get the bullet points for the things that need to be done in Buttercup and then bid the projects. We need to put the bid out and not have it go out through our engineer. It should cost us about \$11,000. The Public Works employees are too busy to do this project this spring. We need to put it out for bid and get it done now.

**ADJOURNMENT**

There being no further discussion Council Member House made the motion to adjourn the meeting at 9:40 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

APPROVED:

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John Spuhler, Mayor

Attest:

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Kathy Hislop, Town Clerk