

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

The Garden City Town Council held their regular Town Council meeting on June 10, 2010 at the Garden City Office, located at 69 N. Paradise Parkway, building B. Mayor Spuhler opened the meeting at 5:30 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  
Debbie Forakis  
Marcia Sollum  
Greg Bills  
Carol Bills  
Bobbie Coray  
Jonathan Hunt  
Andy Stokes

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

**APPROVAL OF MINUTES**

Council meeting held on May, 13, 2010

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on May 13, 2010. Council Member Council Member Leonhardt seconded the motion. All in favor and the motion carried.

## **TOWN ENGINEER REPORT**

Mr. Linford is not in attendance during this meeting but he did send discussion notes for the Council to review.

### **Treatment Plant**

Mr. Travis Hobbs explained that they are working on the final things that need to be completed for the treatment plant. The treatment plant is substantially complete, but we have a punch list to finish. Mr. Hobbs explained that we had the County Building Inspector and the commercial inspector from Cache County go through the treatment plant and made a list of things to fix. Mr. Hobbs said that there will be a few minor change orders that we will see soon. One of the change orders is for an air vac that we must have. There is also a change order for a part that we need which was missed by Sunrise Engineering. They missed it on the drawings so they should be responsible for that cost.

Also, part of the contract was to build the subdivision road with pit run and road base to serve the subdivision, but if they do it right now it will need to be dug up with the water and sewer lines that need to go in there. Mr. Hobbs suggested that we get a credit on that line item and use it for one of the change orders. We can pay for the improvements on the road and have it done later.

Build, Inc. is cleaning things up and they are doing a lot of work around the building. They are working hard to get things done. They should be ready to filter water through the treatment plant sometime next week.

One of the things that we need to do is to get the land conveyed over to the city where the treatment plant sits. We are working to finish a few items so we can get that done.

We need to pick a few week nights and have an open house with tours.

### **Paradise Parkway**

The agreements are signed and the backhoe is there so construction on this road will be started soon.

### **Turnlane**

Mr. Linford has talked to Mr. Tommy Vigil, from UDOT, and they want to have a meeting to go over the issues. He wants to meet in Ogden and we will meet with him to get this issue resolved.

### **Standard Book**

Mr. Hobbs explained that we finally got our standards book together. There will be a few minor changes that we need to make. He explained that it stipulates that developers will have to do a seal coat on their roads 1 year after their road is constructed. It really spells out what they need to do and everyone will be held to the same standards.

The Council stated that we need to make sure that this standard book is not in conflict with our ordinances. They need to work together to protect the town.

The Council agreed that they should read through it, and it should also go to the Planning Commission for their review before it is approved.

#### Garden City Enterprise Impact Fee vs. Standby Fee

Mayor Spuhler explained that we have called this a vacant lot fee. He explained that according to the spread sheet that we got from Mr. Linford, it indicates with the \$35, which we are charging per month we are \$4.95 short per user. The spread sheet was calculated monthly but we do our billing quarterly so we really don't get the revenue that it indicated. It works better if it is aggregated.

He said that he has taken a lot of calls on this and the biggest question is that they have a lot that they may never build on or they may build on it at some time but there is no certainty of when they will build. The property owners feel that it should be applied to the impact fee and not a standby fee. Mayor Spuhler said that the impact fee was set up to help pay for the treatment system, and we didn't get a lot of impact fees because the building slowed down significantly. He said that maybe it should apply to the impact fee and we collect them in advance. Or should we just table the whole standby fee and just charge each user what we need to have for water system, each user would need to pay \$45 per month.

Mayor Spuhler asked if the Council wants to apply this to the impact, for the impact to our system, once they pay the entire amount the impact fee will be paid up. Mayor Spuhler suggests that we stick with what we are doing but change it to an impact fee. Then in October we will analyze the data and make it right at that time.

#### **BUILDING INSPECTOR REPORT**

Council Member Huefner went through the report for the past month, and what is being built in town.

#### **DISCUSSION REGARDING AN ADMINISTRATIVE JUDGE TO PRESIDE OVER THE CODE ENFORCEMENT PROGRAM AND INFRACTION OFFICER**

Mayor Spuhler explained that this has been quite a process to get to this point. We started at one point and ended at a new point which should be a better direction. Ms. Sharlene Millard explained that we started out thinking we needed a Judicial Court but determined that we just need an Administrative Law Court with an infraction/ordinance enforcement officer. The Enforcement Officer doesn't need to be POST certified, they will just have to enforce our ordinances.

Mayor Spuhler explained that it would have been a huge process and over a year to create the Judicial Court, and the cost to get it running would be high.

The Administrative Law Court would be a court for infractions that are civil not criminal. We need to assign fines for our ordinances and then it would be a civil process. If the person does not pay the fine and the violation was for a land use issue we can put a lien on the property. If it isn't a land use issue we can take them to small claim court. All the money that we collect stays in Garden City, it is not filtered out.

Commission Chair Bills said that the Planning Commission volunteered to be the enforcement officers for the town at no charge. They would go out in pairs to whoever is the violator. Mayor Spuhler said that it makes sense to have them help and back up the enforcement officer but we need to have one person in charge of the enforcement.

#### **ADMINISTRATIVE LAW JUDGE**

Mr. Brian House has volunteered to be the Administrative Law Judge for the first year at no cost. We can start paying him after the first year.

Council Member Kurek made the motion to appoint Mr. Brian House as the Administrative Law Judge. Council Member Leonhardt seconded the motion. A roll call vote was taken; Council Member Huefner, for; Council Member Kurek, for; Council Member Leonhardt, for; Council Member House, abstained. The motion carried.

#### **RELOUTION DISCUSSION/ APPROVAL**

Not ready with this resolution so we will table it at this time.

#### **ORDINANCE DISCUSSION/APPROVAL**

Ordinance #10-05, and Ordinance stipulating that household pets need to be contained on property.

Council Member Huefner said that if we are not careful we would need to have a place to keep these animals, feed them and water them. She suggested that we just keep the chickens confined. The Council is concerned with this requirement and tabled this ordinance at this time for more discussion.

Ordinance #10-06, and ordinance updating the transient vendor license requirements and allowing for a seasonal vendor license

The Council discussed the \$1500 deposit and how that fits with the new time frame. The Council decided to keep the deposit for the transient vendor and the beach vendor. The Council determined that it would be better to have the beach vendors pay a \$500 deposit and the transient vendor pay \$1500. We also need to have a 1, 2, 3 strikes and you're out, and your license will be revoked and the deposit will be forfeited.

The Council made a few changes to the ordinance based on the discussion. The seasonal license will be changed to a Beach Vendor License. This will also be an annual license and not a seasonal license. It will be from January 1 to December 31. The liability insurance was increased from \$500,000 to \$1,000,000.

Council Member House made the motion to pass ordinance #10-08 with the changes discussed. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Ordinance #10-07, an ordinance to update restrictions related to tampering with the Garden City Waterworks System

Council Member Huefner said that we have given a lot of warnings over the years so it is time that we need to do this. There are a lot of people that work in the meter and they end up breaking the meter, then we have to fix it at our cost.

Council Member House made the motion to pass ordinance #10-07 as presented. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Ordinance #10-08, an ordinance requiring a posted address on all structures within the Garden City Town limits.

This is a good ordinance, especially for public safety.

Council Member Huefner made the motion to pass ordinance #10-08, requiring posted addresses on all structures. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

**ENCUMBRANCE DISCUSSION APPROVAL**

Mayor Spuhler read through all the requests for encumbrances, Paul Simpkins, lot 109 & 110 of Lake Edge Hills; 41-33-00-087 and 41-33-00-187 for Steve & Debra Wolfley; lot 91, 82, and 85, Shirl Tomlinson; Lot 38 & 39 of Cherimoya Hills, James & Linda Kemp; 41-20-00-016, 41-21-40-235, 41-20-40-032, 41-21-40-042, Dixie Rich Pope.

These property owners are encumbering due to the water fee.

Council Member House made the motion to approve the encumbrances as listed. Council Member Leonhardt seconded the motion. Council Member Huefner explained if they want to build a house on the second lot then they would need to terminate the encumbrance because they can't have 2 homes on the same lot. All in favor and the motion carried.

### **TED HOLMBERG DISCUSSION**

The Council discussed this issue and determined that there are a few concerns that we need to address with this first. Mr. Holmberg will attend the July meeting for more discussion regarding this request.

### **DISCUSSION REGARDING OPENING THE POOL FOR A SET TEMPORARY TIME**

At this point we have received \$9,500 which has been deposited for the pool revenues. Council Member Kurek stated that there are additional funds coming in for the pool. Mayor Spuhler said that people may not be okay with losing the money they spent for the pool pass if the pool closes after 60 days, if we don't have the funds to sustain it.

Council Member Kurek suggested that we take the commitment of the city, \$7200, and we run it for the next 60 days. Mayor Spuhler said that we committed that over a year. Council Member Kurek suggested that we use that money to see if we can keep the pool open. Mayor Spuhler said that the town should not be responsible for the entire amount; we can commit the \$1800 for the 3 months that we want to test the pool to be open. Council Member Kurek said that we should refund the amount of the pass that didn't get used. Mayor Spuhler said that the city shouldn't be responsible for the full amount of the cost for the pool.

Council Member Kurek said that we are losing our good season. We need to get the pool open to see if we can get more people donating to the pool or buying their passes.

Council Member Leonhardt said that we need to have a little bit of a barrier so that if we do close the pool we can reimburse the people. The Council decided that we need to open the pool and keep enough of the funds so that we can reimburse the amount of passes that don't get used. We need to open the pool now or we won't get it open.

Council Member Kurek stated that the hours will be very limited so we aren't paying for lifeguards all day long.

## **ARTS COUNCIL UPDATE**

Ms. Melissa Spuhler went to an Art's Council Seminar, which she received a full scholarship to. She received a lot of information and suggestions for a new Art's Council. She said that there are so many things that we can do as a community and she will work through the book to make sure what they do is beneficial to our small community. She also made a lot of connections with other communities for their suggestions that work.

She is working on the calendar, which is being sponsored by the Art's Council and the revenues will go to the Library. They received a lot of great pictures for the calendar.

## **DISCUSSION/APPROVAL REGARDING DESEGMENT A PORTION OF THE ALONG THE BEAR LAKE STATE SCENIC BYWAY SO WE CAN INSTALL A SIGN FOR SNOWMEADOWS HOA BUSINESSES IN THIS LOCATION**

Council Member Leonhardt is still working with UDOT regarding the sign in Snowmeadows. He said that he still feels that we need to get one good sign there with all the businesses listed. Council Member Leonhardt will continue to work with Mr. Bills, Snowmeadows, and UDOT regarding this issue.

Council Member Leonhardt suggested that we de-segment this part of the byway so we can help with this sign and the other issues along the byway. He said that eventually we can opt out of the remainder of the byway through the city limits. That will help gain control of what we want to do in the city limits.

Council Member Huefner made the motion to de-segment Hwy 30 from mile marker \_\_\_\_ to mile marker \_\_\_\_\_ for the purpose of the Snowmeadows community signage, and within 1 year they will be required to erect a community sign listing the businesses that are within the subdivision. Council Member House seconded the motion. All in favor and the motion carried.

## **DISCUSSION REGARDING INCREASING THE RESORT TAX PERCENTAGE, FUNDS WILL BE USED FOR THE LIBRARY, PARKS, ARTS AND POOL**

We can raise the tax .1% with a motion from the Council. If we want to increase the resort tax more than that we need to have a vote of the people, then we can increase it .5%. The Council agreed that we need to increase the resort tax .1% and that will be on the agenda during the special meeting so we can approve that and send the notice to the State. We will also put it on the ballot in November so we can raise it the .5%.

If we want to do the .1% we need to have a special meeting and draft an ordinance approving that. Then we need to get the .5% on the ballot.

## **BUTTERCUP DELINQUENT ASSESSMENT**

The Council reviewed the list of delinquent assessments.

Council Member House made the motion to put a lien on the properties listed, that have not paid their Buttercup SID assessment. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

### **BUDGET DISCUSSION APPROVAL FOR FISCAL YEAR JULY 1, 2010 THROUGH JUNE 30, 2010**

Council Member Kurek made the motion to approve the general fund, enterprise fund, beach access fund, debt service fund budget for the fiscal year July 1, 2010 through June 30, 2010 with the change of adding the revenue of the Library PTIF addition. Council Member House seconded the motion.

### **COUNCIL MEMBER REPORTS**

Council Member Huefner said that we have a live rooster in Garden City which is in violation of the ordinance. We will have the enforcement officer go talk to them.

Council Member Huefner said that there are 5<sup>th</sup> wheel trailers in town that have people living in them. They are living there full time. The Council stated that we need to enforce that. We will look at the ordinance to see what is allowed. Council Member Leonhardt said that we need to review that ordinance to see what it says and determine what we want it to say. We need to write the ordinance to protect and control the area and what we want to do.

Council Member Huefner said that we need to continue to work with Buttercup on signing the Mylar. Mr. Bryce Huefner will attend the HOA to see what needs to be done to get it signed.

Council member Huefner will order the slurry for Buttercup and also along the bike path. We also need to have a street sign put up on Kimball Lane.

Council Member Leonhardt said that we need a truck sign on 100 west. Council Member Huefner said that there is one in the weeds that she would get to the guys to put up.

Council Member Huefner said that we need to spray for weeds along the trail.

Council Member Huefner is working on organizing a beautification day for clean up in town. She will advertise for that.

Mayor Spuhler explained that he e-mailed the owner of the cabin which is on Alan Wamsley's property. He told him that he has until June 1<sup>st</sup> to move it. We need to let him know that it will be removed by June 30<sup>th</sup> if it is still there.

Council Member Huefner would like to put some buoys in the water down from 150 South. They are about \$70 a piece. She will work with the State Parks to see what the requirements are and how to go about doing this.

Council Member Leonhardt said that the Dive Team has ordered their sonar. It is a \$50,000 piece of equipment and it is mobile.

Council Member Leonhardt explained that the clinic would like to go down to the beach to teach yoga and exercising program. He asked if that falls under our new beach business license. The people that are involved would need to sign up with the clinic. The classes aren't open to everyone to come off the beach to join. They only do it 1 day a week. Mayor Spuhler said that they need to buy a pass to go to the beach. We have a real expense into what we are doing down there so they need to buy a pass. They can carpool to the beach and use one pass. They will not need a permit from the state. They are not exchanging money on the beach; it will all be run through the clinic.

Council Member Leonhardt said that The Raspberry Days Committee is doing well and they are ready to go. There may be a few changes with the way the booths are now.

The Library would like to have the book truck come into the fair. He will be making money but he donates some of the money back to the Library. Mayor Spuhler said that opens the door for other people to come in and do something similar. The Council determined that it would be best to park it next to the Library instead at the fair, because other people may take exception to it because they had to pay for a booth and the books can set up there for free. We can still promote them at the fair.

Council Member Kurek is still working on the Emergency Operations grant.

Council Member Kurek said that this building is plumbed for a drinking fountain and he will put one in.

Council Member Kurek is still working on someone for the maintenance on the elevator. We can get an annual service for \$400, which is required once per year. At this time we will just call for the annual service. We don't need a maintenance agreement.

### **PAYMENT VOUCHERS**

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

### **ADJOURNMENT**

Council Member House made the motion to adjourn the meeting at 9:20 p.m. Council Member Leonhardt 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