

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

The Garden City Town Council held their regularly scheduled meeting on July 8, 2010 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the public hearing at 5:05 p.m.

Council Members Present:

John Spuhler, Mayor
Dan Kurek
Mike Leonhardt

Others Present:

Kathy Hislop
Anita Weston
Joan Akre
George Peart
Jessica Ward

ROLL CALL

Mayor Spuhler asked for a roll call of those present; Mayor Spuhler, Council Member Kurek, Council Member Leonhardt.

APPROVAL OF MINUTES

Minutes of the June 10, 2010 Public Hearing

Council Member Leonhardt made the motion to approve the minutes as presented. Council Member Kurek seconded the motion. All in favor and the motion carried.

Minutes of the June 10, 2010 Town Council Meeting

Council Member Leonhardt made the motion to approve the minutes as presented. Council Member Kurek seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Treatment Plant

Mr. Linford was not in attendance for this meeting so we called him and he gave his report via speaker phone. Mr. Linford explained that a piece of equipment was broken

but it has been re-manufactured and is installed now, we won't have to pay for these parts because they were faulty parts. The Pall representative has been doing some testing at the plant and has been able to produce treated water.

Mr. Linford explained that our public works employees will need to spend a couple days with the Pall representatives for training. Build Inc. has received substantial completion on the treatment plant at this point but still has a few items to complete.

The Division of Drinking Water Board will be here, probably on July 21, 2010, to sign off on the plant. The Mayor and Council should be available during that visit. Mr. Linford will be there also. This project should be rapping up soon.

We should schedule a grand opening soon, maybe around the middle of August.

Paradise Parkway

Mr. Linford said that progress is being made and it looks good. We did approve a change order for some geo-textile fabric to stabilize the underground, which will cost approximately \$4,500 extra.

Mr. Linford explained that we agreed to some changes with Mr. & Mrs. Stone and we need to work with Circle C to have them take care of those items. These additions will need to come in and be paid as a change order.

Turn Lane

Mr. Linford explained that he met in Ogden with Mr. Tommy Vigil, Doug Madsen, Mayor Spuhler, and Mr. Hobbs. He explained that UDOT is looking to participate in some of the funding to fix the issues on the turn lane. It looked like they were admitting to some wrong doing and some responsibility. It was a very productive meeting.

Sunrise Engineering is in the process of helping to figure out what they can do to fix the problems with the turn lane. Mr. Linford said that Sunrise Engineering is going to step forward with some responsibility because there were some things that were missed on the drawing. TBP has some responsibility also, especially for the things that they said they were going to do to fix the issue. It looks like we can get this issue resolved soon.

Standards Book

Mayor Spuhler said that the standards book is a lot more detailed than what he thought it would be and when we do improvements it may cost us more because we need to be held to the same standards. He is concerned about having to pay for boring under a road because it is a requirement in the book. Council Member Kurek agreed.

BUILDING INSPECTOR REPORT

Mr. Peart said that he highly recommends that the Council adopt ordinance #10-12 and #10-13. He stated that it will make the ordinances more uniform

Mr. Peart explained that he has been working on the building permits for the yurts, and they should be ready to issue soon. The permit for Mr. Jacobsen still needs the lot split to be recorded before the building permit is issued. They will both need to sign a letter stating that we will not provide services to the yurts because of the location.

Mr. Peart said that he is trying to police the building permits as best he can to make sure that they have all their permits and approvals prior to issuing the permit. We are not issuing building permits for Shundahai yet, until they have their infrastructure completed.

Mr. Peart explained that he is working with Council Member Kurek on the inspections of the short term rentals, and they are establishing a few more requirements.

Mr. Peart issued 3 building permits in June, 2 garages and 1 addition.

Mr. Peart went with the commercial inspectors to inspect the treatment plant and there are just a few things to complete.

PUBLIC WORKS DEPARTMENT REPORT

Road and Water Standards Manual

The Council discussed the standards manual and had a few questions that they wanted to have answered before they approve the book. They decided to table this issue for one more month until they get their questions answered. They will discuss their concerns with Mr. Hobbs before they approve the standards manual.

Council Member Kurek made the motion to table this issue for one more month until we have more information. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R10-09, a resolution to update the infraction fee schedule.

This is the same schedule we went through last month with the addition of fees to correspond with the new ordinances.

Council Member Leonhardt made the motion to accept and approve the resolution #R10-09, the infraction schedule, as presented. Council Member Kurek seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #10-12, an ordinance to update the definition for a garage/accessory building.

The Planning Commission made a change to this ordinance when they recommended it to the Town Council. The requirements for a building permit is 160 sq feet, so they changed the ordinance to state that a garage was over 160 sq feet and an accessory building is less than 160 sq feet.

Council Member Kurek made the motion to accept ordinance #10-12, an ordinance to update the definition for a garage/accessory building, with the changes. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Ordinance #10-13, an ordinance to increase the height of a garage in the single family residential zone from 15' to 25'

There were no changes from the Planning Commission regarding this ordinance.

Council Member Leonhardt made the motion to approve the ordinance #10-13. Mayor Spuhler seconded the motion. All in favor and the motion carried.

Ordinance #10-14, an ordinance adding offenses to general police powers.

Council Member Leonhardt made the motion to approve and accept ordinance #10-14. Mayor Spuhler seconded the motion. All in favor and the motion carried.

Ordinance #10-16, an ordinance rescinding criminal fines.

Mayor Spuhler explained that this is necessary to allow our civil process to take place instead of the criminal process.

Council Member Kurek made the motion to accept ordinance #10-16. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Ordinance #10-17, an ordinance making it a violation to park in a handicap parking space except by permit or to park in a fire lane.

Council Member Leonhardt made the motion to accept ordinance #10-17. Council Member Kurek seconded the motion. All in favor and the motion carried.

Ordinance #10-18, an ordinance regulating litter control.

Council Member Leonhardt to accept and approve ordinance #10-18, regulating litter control. Council Member Kurek seconded the motion. All in favor and the motion carried.

Ordinance #10-19, an ordinance adopting the State of Utah fireworks regulations.

Council Member Leonhardt asked what this ordinance does this for the city. Council Member Kurek said that it allows the enforcement officer and the council the ability to enforce the use of fireworks. Council Member Leonhardt said that he just doesn't want our enforcement officer spending all his time chasing fireworks on the holiday weekends.

Council Member Kurek made the motion to approve ordinance #10-14, an ordinance adopting the State of Utah fireworks regulations. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Ordinance #10-20, an ordinance prohibiting urinating or defecating in public.

Council Member Leonhardt made the motion to approve ordinance #10-20. Mayor Spuhler seconded the motion. All in favor and the motion carried.

Ordinance #10-21, an ordinance establishing definitions, restrictions and fines for reckless endangerment or wanton disregard.

Council Member Leonhardt made the motion to approve ordinance #10-21. Mayor Spuhler seconded the motion. All in favor and the motion carried.

Ordinance #10-22, an ordinance establishing fines for unlawful use or destruction of city property, owned leased or rented.

Council Member Kurek made the motion to accept ordinance #10-22, an ordinance establishing fines for unlawful use or destruction of city property, owned, leased or rented. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Ordinance #10-23, an ordinance establishing requirements, control, and fines for unlawful use within the Garden City General Permit area.

Mayor Spuhler made the motion to accept ordinance #10-23. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Mind Body & Soul, Tiffany Seamons

Council Member Leonhardt explained that Ms. Tiffany Seamons still needs a Utah State sales tax #. The Council agreed that she doesn't need a fire inspection of the specific room, because she is in our building and we should be inspecting the building, not the individual rooms.

Mayor Spuhler made the motion to approve the business license for Mind Body & Soul subject to verification of Council Member Leonhardt. Council Member Kurek said that he has a concern of approving these businesses before they are completely ready. We are giving temporary approval on stipulations that they are not completing. Mayor Spuhler said that is a fair point. Council Member Leonhardt said that it really isn't the approval of the business license it's that they open up without a business license. They aren't issued a business license until every stipulation is complete. If they are doing business with a license we need to send the enforcement officer to fine them. Council Member Leonhardt will also follow up to make sure that they have a business license prior to conducting business. Council Member Kurek seconded the motion. All in favor and the motion carried.

Lighthouse Wellness Center, Kathrine Hawkins

Council Member Leonhardt explained that Ms. Hawkins does not have a business license yet. He told Ms. Hawkins that she needs a certificate or license from the state that she can do professional counseling. Council Member Leonhardt said that until she has all those things she won't get the license.

Mayor Spuhler made the motion to approve the Lighthouse Wellness Center, but to conduct business they need to get the necessary state licenses to Council Member Leonhardt indicating that they have the capacity to do the counseling that she wants to do. Council Member Kurek seconded the motion. All in favor and the motion carried.

SHORT TERM RENTAL

Bear Lake Lodging:

929 Harbor Village Drive, John & Kimberly Seavers

The can't open or rent until they get all their proper inspections.

Council Member Leonhardt made the motion to approve 929 N. Harbor Village Drive; however they will not be able to rent their facility out until they have passed all their requirements from the fire inspector and the building inspector. Council Member Kurek seconded the motion. All in favor and the motion carried.

75 N. 100 E. unit #1, unit #2, unit #3, unit #4, and unit #5, Seasons, Rod Thompson

Council Member Leonhardt made the motion to approve all the units at 75 N. 100 E Units #1,2,3,4, and 5 for short term rentals. Council Member Kurek seconded the motion. All in favor and the motion carried.

Bear Lake Cabin Rental:

680 Cambry Drive, Harbor Village, Dan Ferguson,
931 Newberg Drive, Harbor Village, Larry Smith
220 Lychee Lane, Cherimoya Subdivision
594 S. Maple Drive, Buttercup Subdivision

These have been inspected by the Building Inspector but not the Fire Inspector.

Mayor Spuhler made the motion to approve the nightly rentals for Chuck and Ginger Stocking at 680 Cambry Drive, 931 Newberg, 220 Lychee Lane, and 594 Maple Drive, all subject to the inspection by the Fire Chief Dan Kurek. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Bearlake Getaways, Kody Nelson, Snowmeadows

Mayor Spuhler made the motion to approve the short term rental for Kody Nelson subject to a fire inspection by Fire Chief Dan Kurek. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

We need to make sure that we get the fire inspection done on all the short term rental applications.

We don't need to make any motions on the 2 short term rentals remaining on the agenda because they are just new owners and the ordinance states that it is just a change on the application and they don't need new inspections or new approvals.

ENCUMBRANCE DISCUSSION/APPROVAL

Lots # 1, 2, and 3 of the Buttercup Mobile Home Subdivision, Christian G. Pendleton

Mayor Spuhler made the motion to approve the request to encumber lots 1, 2, and 3 of the Buttercup Mobile Home Subdivision for Christian G. Pendleton. Council Member Kurek seconded the motion. All in favor and the motion carried.

DISCUSSION REGARDING THE REQUEST FROM MR. TED HOLMBERG FOR A RIGHT OF WAY EASEMENT AND A UTILITY EASEMENT THROUGH THE GARDEN CITY COMPLEX PROPERTY.

Mayor Spuhler explained that he has some concern with this request. He talked to Mr. Holmberg and explained his concerns with him. He explained that he doesn't see an advantage for the town but a huge advantage for Mr. Holmberg. Mayor Spuhler said that we paid for an easement for the treatment plant and why would we give the easement to him for free. Mr. Holmberg stated that he feels that he was already given the approval for the easement. Mayor Spuhler told him that the only approval the Council gave him was to go forward with the engineering.

Mayor Spuhler explained that allowing the easement through our property is a liability issue. People will take the path of least resistance and if it is through our parking lot that is the way they will go. Secondly, it is an impact to our facility and a public safety issue.

Mayor Spuhler said that there are a lot of reasons not to open up the access. Mr. Holmberg doesn't know exactly what he wants to build there and there could be a large risk to him if he gives up the easement. Mayor Spuhler said that Mr. Holmberg doesn't have the vision of what he is going to do with his property. Mayor Spuhler explained that he doesn't have a major issue with the utility easement but that he may have to pay something for it. There is also an issue that our property may be used for overflow parking for his development.

Mr. Holmberg said that he felt that he already had approval from the Council. Mayor Spuhler said that the minutes state that we asked him to get engineering done but he didn't get approval for the easement.

Mr. Holmberg will be here next month to discuss this issue with the Town Council.

MISCELLANEOUS ITEMS

Discussion regarding a backup system for the city accounting and important documents

Mayor Spuhler explained that he feels that it is important for us to have a good back up system. All our data now is stored on our computers. If a virus gets on one computer it can go very quickly through the other computers through the network. He said that the cost would be about \$1000 to set it up and approximately \$65 per month.

Mayor Spuhler explained that the paperwork for the EOC was lost at the state level so we didn't get that grant. They felt bad about it so they said that they would give us \$10,000 in exchange for the grant, which the town needs to match. They require data backup and offsite data backup, so we can use part of that money for paying that a year in advance.

Council Member Leonhardt suggested that we bring this back to the Council next month so we can have the rest of the council vote on it. Mayor Spuhler said that he is doing this pro-bono. He can also get a temporary system in so that we can see if that is something that we want to do.

COUNCIL MEMBER REPORTS

Council Member Leonhardt explained that he has been dealing with the church over the property for Raspberry Days. Last year there was an issue with selling things on the church property. Council Member Leonhardt said that he made a point to meet with the Bishops and had some good discussion and they said that the church policy is that we can't take money on church property. Council Member Leonhardt said that he has taken pictures of other venues happening on church property, which he took to the church leaders. He said that the city has been good neighbors with the church, we built the

parking lot which benefits the church and we need to continue to work together. Council Member Leonhardt received a phone call from Bishop Pope and they will allow vendors on the church property but due to liability reasons they won't allow the rides for the kids. Council Member Leonhardt asked them to give us a little leniency this year to allow the things the way they are for this year just because we only have 20 days until Raspberry Days. They will not give that approval, so Council Member Leonhardt called the people who run the games and told them that they will need to move to the property across the street and there will be no power for them. He may allow them to run a generator in that field. One way or another we will have a solution.

Council Member Leonhardt said that there are a lot of businesses coming to town. Mayor Spuhler and Council Member Leonhardt are working with the Outdoor Cinema's to make sure that they are being good neighbors.

Council Member Leonhardt said that the Regional Commission is moving forward with their programs.

Mayor Spuhler asked about the new transient type signs, which are not in compliance with our ordinance. We just need to treat everyone the same.

Council Member Kurek stated that he talked to Mr. George Peart and they are working together on the yurts.

Council Member Kurek asked about getting paid for the short term rental fire inspections. The Fire Board has agreed that they will need to charge a fee for the fire inspections. The Council agreed that the fire department must write a letter stating that they will be charging a fee, but we will collect it. They will have the letter ready to go in with the renewal letters. We will write a check to the fire department quarterly. The fire department will keep their own records, they will just send us a letter or an e-mail stating that it has been approved.

Council Member Kurek said that then fire district will also be charging a fee for new business fire inspections.

Council Member Kurek explained that they have collected about \$13,000 for the pool and they have spent only a minimal amount. We have done really well on propane. Mayor Spuhler said that we need to be careful with how many people have a key to the pool.

Ms. Jessica Ward is requesting permission to open the pool 2 more days a week. They want to open Monday, Wednesday, Friday and Saturday through January. Mayor Spuhler said that if more people start using the pool now it will get the momentum going and get people excited to buy a pass. We will have more pool use and sell more passes in the winter time. The Council agreed to let this be up to Council Member Kurek call to open the pool more days and more hours as long as there are enough funds to run it.

PAYMENT VOUCHERS

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

ADJOURNMENT

There being no further discussion Mayor Spuhler made the motion to adjourn the meeting at 7:45 p.m. Council Member Kurek seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk