

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

The Garden City Town Council held their regularly scheduled meeting on August 12, 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 via speaker phone
Mike Leonhardt
Dan Kurek
Bess Huefner
Brian House

Others Present:

Kathy Hislop
Travis Hobbs
Anita Weston
Jason Linford via speaker phone

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Public Hearing held on July 8, 2010

Council Member Leonhardt made the motion to approve the minutes of the public hearing held on July 8, 2010. Council Member Huefner seconded the motion. All in favor and the motion carried.

Minutes of the Town Council Meeting held on July 8, 2010

The Council Members reviewed the minutes and made minor changes.

Council Member Huefner made the motion to accept the minutes of the Town Council Meeting held on July 8, 2010 with the changes discussed. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT, Jason Linford

Treatment Plant

Mr. Linford was confernced in to the meeting via speaker phone. Mr. Linford went over his report with the Council.

Mr. Linford explained that the state representatives inspected the treatment plant on the 21st of July and didn't find anything that needed to be fixed, so the treatment plant is close to being ready to go.

Mr. Linford explained that Build Inc. is requesting substantial completion on the treatment plant. We are still waiting for their change order with the list of things that they did in addition to the contract. We need to find out how much money is left in the contingency fund so we know how much money we have to spend for the additional filters that we need because at this point it has been determined that the treatment plant will not treat enough water for what the use is during our peak time.

Mr. Linford explained that the original proposal from Pall Corporation included a replacement cost per filter. He said that there is a little bit of confusion as to what they thought they were bidding on. Pall said that the bid they gave us, \$1,400, was for a filter that went bad and needed to be replaced, not for additional and new filters. Our intent was that we wanted a cost for new filters. The cost they are giving us now for new, additional filers are \$2,700 per filter. Mr. Linford is working with them trying to get a better price. We need 48 new filters, which will increase the treated water from 2 million gallons per day to 3 million gallons per day.

Mayor Spuhler explained that we can use our contingency money to help pay for the additional filters but we still don't know how much we will have in the contingency fund until all the bills are in.

Paradise Parkway

Mr. Linford said that Circle C is about 90% complete with the road from Buttercup to the Town park property. They have to fix some problems with the drainage. The cost for the improvements that need to be made along Paradise Parkway for Buttercup and Mr. & Mrs. Stone will cost about \$8,600. We just need to approve that so that we can get it started and have Circle C do those improvements while they are there.

Mr. Linford explained that it will cost about \$13,000 to take Paradise Parkway further north, to the next fence. Council Member Huefner explained that she talked to Robert and decided that they won't go any further north because of the wetness of the ground. We need to wait until next spring when it dries up. Mr. Linford will get us a change

order so that we can sign it and get going on the improvements required by Mr. & Mrs. Stone. The Council agreed that we just need to get it done.

Turn Lane

Mr. Linford explained that they had that surveyed and will have a meeting with UDOT to present their proposal to get the turn lane fixed. Mayor Spuhler asked about who will be paying for some of these repairs. Mr. Linford explained that will be a discussion issue when he goes back to UDOT.

Contract with the Property Owners of the Treatment Plant

We are still working on this issue but there are a couple of things that need to be completed before they will sign the deed. Mr. Hobbs said that we still need to do something with the generator and the best thing may be to build a fence around it, especially for security reasons.

PUBLIC WORKS DEPARTMENT REPORT, Travis Hobbs

Water Standards Manual

Mayor Spuhler explained that the question last month was about boring under the road. Mr. Hobbs said that when you cut the road it can never be put back the way it was, pot holes form in the crack, and the line always settles. Mr. Hobbs said that we always bore the road when we have to do a crossing under an asphalt road. The cost to bore for a contractor is about \$1,500 for a general bore. Mr. Hobbs said that we should be money ahead to bore instead of cutting.

Mr. Hobbs said that we hire someone to bore across the road. Mayor Spuhler said that you never really know what the cost will be if we cut a road because we will have to deal with pot holes, settling, etc. Council Member Leonhardt suggested that we look at buying our own bore machine. Mr. Hobbs will look to see what a cost would be for a bore machine. Mr. Hobbs said that it would be good to have one when we need it and we won't have to wait to rent the machine.

The Standards Manual states that we won't plow subdivision roads until there is a 50% build out within the subdivision. Mr. Hobbs said that a lot of cities have this same policy. It costs the city a lot of money to plow roads for just a few homes. The Council felt that a 50% build out was too high and suggested that we lower it to 25% build out. We also need to add sidewalk drawings in the manual.

This manual will need to be continually updated as new things come up or as we find stipulations in the manual that need to be changed. We also need to determine what we are going to require for subdivision roads that we are not going to accept and will be maintained by the developer or subdivision.

Mayor Spuhler said that we don't need to accept the road in front of Mr. Draney's property in Buttercup. He said that we have taken over all the roads in Buttercup and we should just take over his little road and have some continuity in the subdivision. We do need to make sure that it is built according to our standard book.

Mr. Hobbs said that we need to determine what we are going to charge for the book for the contractors. Council Member Kurek suggested that we put it on line so the contractors can print it off and make their own book. We can make it available for them if they want to purchase a copy of the book.

Council Member Kurek said that he is okay with the standards manual, but we all know that it will be evolving as we work through new things. Mr. Hobbs said that we can't change it for specific instances, we need to be consistent. If it is changed it has to come back to the entire Council for their approval. It can't just be changed to benefit one group or one person.

Council Member Huefner made the motion to accept the standards manual with the suggested revisions of 25% build out for snow removal and adding the sidewalk drawings. Council Member House seconded the motion. All in favor and the motion carried.

Mr. Hobbs explained that they have heard some discussion about the work that they are doing in the Public Works Department. Mayor Spuhler said that it is up to Mr. Hobbs as the Director of the Public Works Department to communicate what they are doing and what their job entails so the Council is made aware. The Council explained that they would like a written report when they come in to report to the Council meeting.

The Council stated that Mr. Hobbs and Mr. Argyle need to burn up their comp time. They can't keep continue to build and build and build the time. If they need help they can contact some of the Council Members for help. We need to stick to what the Employee Handbook allows.

Mr. Hobbs asked about the on call time. He said that one of them is always here at any time. He would like to know what the Council expects on the weekends for their on call. He said that if they are expected to be here they should be compensated. Also, how close are they expected to be when they are on call? Mayor Spuhler said that we need to think about this issue and decide what we would like from them.

The Council stated that they really appreciated everything that the Public Works employees do for the community, they work hard.

BUILDING INSPECTOR REPORT

Mr. Peart explained that both yurts have been issued a building permit. They are all cleared and moving forward. They were concerned with the road impact fee but they paid them. And every thing is going good there.

The building permit for Connie Hancock has been re-instated. They got their survey and they are following the agreement that they made with Mayor Spuhler.

We have had 5 new permits since the 30th of July. We have one that is ready to come in for the Eagle Feather Subdivision. It will be the first one for Eagle Feather but we will make sure that we have all the utility agreements in writing before that permit is issued.

Mayor Spuhler explained that we followed the process to make sure that everything was completed and we have a letter from each utility entity stating that their utility is completed in the subdivision. We will follow this process with each new subdivision before we will issue any permits.

BUSINESS LICENSE DISCUSSION/APPROVAL

The Chickadee Boutique, Terri Stephens

Council Member Leonhardt said that he met with Ms. Stephens and they are okay to open once they meet with the Building Inspector and the Fire Chief.

Council Member Huefner made the motion to accept the business license for Chickadee Boutique upon the condition of Building Inspector and Fire Chief inspections. Council Member House seconded the motion. All in favor and the motion carried.

SHORT TERM RENTALS

Blue Mesa, Vickie Harward, Karen Larson, Nancy Graff, Kersti Barlow

Council Member Leonhardt made the motion to approve the short term rental for Blue Mesa. Council Member Huefner seconded the motion. All in favor and the motion carried.

Bear Lake Masonry, Dustin Hansen

Council Member Leonhardt made the motion to approve Bear Lake Masonry for a short term rental but he needs a fire inspection. Council Member House seconded the motion. All in favor and the motion carried.

Mayor Spuhler asked about a time frame for the business and the short term rental license to be complete before they open for business or rent out their property. We need to make sure that they are completed prior.

ENCUMBRANCE DISCUSSION/APPROVAL

Mayor Spuhler explained that he has had several conversations regarding this issue. We shouldn't treat anyone different if they want to encumber lots, including developers, it is

their legal right if we allow encumbrances. If a developer encumbers multiple lots in a subdivision they will have to terminate the encumbrance if they sell any of those lots, and the developer is made aware of this.

Mar Vista Subdivision Lots 10 & 14, Gene Taylor

Council Member Huefner made the motion to accept the encumbrance of the Mar Vista Subdivision lots 10 & 14. Council Member House seconded the motion. All in favor and the motion carried.

Shundahai Subdivision Lots 82, 85, & 91, Shirl Tomlinson

Council Member Leonhardt made the motion to approve to encumber lots 82, 85 & 91 of Shundahai Subdivision. Council Member Huefner seconded the motion. All in favor and the motion carried.

Triangle Estates Subdivision Lots 11 & 12, Nathan & Christina Gracey

Council Member Kurek made the motion to approve the encumbrance of the Triangle Estates Subdivision lots 11 & 12, Nathan & Christina Gracey. Council Member House seconded the motion. All in favor and the motion carried.

Lochwood PUD Lots 28, 29, 30, 31, 32, 38, 39, 40, 41, 48, and 49, Paul Stuart

Council Member Leonhardt made the motion to approve the encumbrance for Paul Stuart. Council Member House seconded the motion. All in favor and the motion carried.

Foothill Estates Lot 25, 26, 34, 35, Robert & Cynthia Dowland

Council Member Leonhardt made the motion to approve the encumbrance for Robert & Cynthia Dowland. Council Member Kurek seconded the motion. All in favor and the motion carried.

Thornberg Subdivision Lots 7 & 8, John Suseata

Council Member Huefner made the motion to accept the application from John Suseata for the Thornberg Subdivision lots 7 & 8 to encumber his lots. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Shundahai Subdivision

1,3,6,7,8,9,13,14,15,16,17,18,19,20,21,22,23,24,25,26,27,29,30,32,34,35,36,41,43,44,45,46,47,48,49,50,51,52,53,55,56,57,58,59,6,61,63,64,65,66,67,68,69,70,74,75,76,77,78,79,80, and 81, Norm Mecham

Council Member Leonhardt made the motion to approve the request to encumber the lots. Council Member House seconded the motion. All in favor and the motion carried.

DISCUSSION REGARDING THE CURRENT SIGN ORDINANCE AND PROPOSED CHANGES TO THE ORDINANCE

Mr. Poppleton discussed changing the ordinance so that off premise signs are allowed. This would allow a monument or a marquee type sign at the entrances and exits of Garden City. He has erected these type of signs in other areas and they work well. It would allow the businesses to have more exposure through the sign advertisements. He would like the Council to look at his signs and discuss changing the ordinance. The Council asked Mr. Poppleton to send some information and drawings of the type of signs that he has erected in other areas.

Garden City would need to discontinue the byway status to be able to have these type of signs along the highway. The state requirements along a byway wouldn't allow these type of signs and especially not close to the highway.

Mayor Spuhler stated that we just need to be careful with the changes that we allow in the ordinances so that it works for the businesses and the community members. He said that unless the business owners want this we probably won't move forward with changing the ordinance. Council Member Leonhardt suggested that Mr. Poppleton contact the Chamber and the businesses before we would even start the process on changing the sign ordinance. Council Member House suggested that he also check with UDOT to make sure what they will allow.

APPOINTMENT OF A NEW PLANNING COMMISSION MEMBER

Mayor Spuhler explained that he met with Mr. DJ Ballingham and asked if he could continue to be on the Planning Commission Board. Mr. Ballingham said that he can't attend the meetings unless they change the date. Council Member House asked the Planning Commission Members if they were willing to change the date and they felt that they had already changed the date a few times and felt that they needed to leave it on the 1st Wednesday of the month, which will not allow Mr. Ballingham to attend.

Mayor Spuhler suggested that the Council Members approve Mr. Travis Hobbs as a new member of the Planning Commission. The Council Members felt that Mr. Hobbs already had too much to do and didn't feel that he would have enough time to dedicate to the Planning Commission. They felt that Mr. Hobbs would be an asset if he would just come to the meetings and discuss issues that are relevant to the Public Works Department.

The Council Members suggested other names for Planning Commission Member. Mayor Spuhler will check with these people and come back with other names next month.

RICH COUNTY TOURISM GRANT APPLICATION

Council Member Huefner said that she would like to work with the State to continue the bike trail past Sweetwater and use this grant for the match. She also suggested that we may use it for the park to match what the state is giving us for the fish pond. Council Member Kurek asked if we should take city funds as the match for a project that is outside the city boundaries. Council Member Leonhardt said that he wouldn't have a huge issue with that as long as the County also help out with some funding. Mayor Spuhler said that he has a problem spending Garden City tax payer dollars outside of the city limits, unless it is a collaborative effort with all the other entities.

Mayor Spuhler said that the bike path may be a long project to collaborate with. He said the money may be best spent on the new park, which would benefit everyone.

COUNCIL MEMBER REPORTS

Council Member House said that the first Court went well. The fines amounted to \$2,750. The Ordinance Officer is making a big difference in our city and people will be more compliant.

Council Member Leonhardt said that everyone came together and helped out during the big storm of Raspberry Days. The vendors were great and they weathered a lot. Raspberry Days went well.

Council Member Huefner will keep working on the little road for Mr. Draney and the issues there.

Council Member Kurek said that the pool has been running fine; the tests are coming back fine from the Health Department. There is an issue from Harbor Village, they paid \$3,500 for annual passes but now they want to have some of that money refunded because they haven't sold as many passes as they thought they would sell. We will refund them \$2,100, but we will not grant them any more favors in any way and in the future the funds will be non-refundable.

Mayor Spuhler said that it is good to have the Buttercup plat signed and that is all behind us, the roads are officially ours. We are still working on the water treatment system and it is a concern that we have to add to the filtration system already. We are still getting a lot of phone calls from people who have high water bills, but they are using a lot of water.

Mayor Spuhler stated that the State Director of Natural Recourses was here and he is very happy with how the beach lease is working.

Mayor Spuhler said that he has been talking to other Mayors from around the state and they have a time prior to their Council meetings for members of the community to come and address the Council regarding issues that they feel are important or concerns they may have. The Council agreed that would be a good thing for us to start. We will come up with a form for them to fill out prior to the meeting so we know what they want to discuss.

MISCELLANEOUS ITEMS

The Bear Hollow Deposit

The owners of Bear Hollow are requesting their deposit back; it is the retainage for their improvements if all the improvements done are we should refund their deposit. Council Member Huefner and Council Member House said that they are okay to refund the money. Council Member Kurek said that there was still an issue with the drainage. Mayor Spuhler said that is still a problem and it is not draining correctly. We need to send them a letter that they need to correct the drainage there before the money is refunded.

Bid for Check Scans

During the summer we have large deposits. There is a company offering a check scanning machine so we can scan the checks and they will go right through to the bank. Mayor Spuhler said that our bank should be able to that and they should do it for free. We need to check with our bank to determine what they can do for us for a check scan and also for online payments. Mayor Spuhler also suggested that we do PayPal for our online payments. Mayor Spuhler said that we have extremely large deposits and we are hand delivering the large amounts of money, which is a safety concern.

PAYMENT VOUCHERS

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

EXECUTIVE SESSION

Council Member Huefner made the motion to go into the executive session at 8:00 p.m. Council Member Kurek seconded the motion. All in favor and the motion carried.

Council Member Huefner made the motion to close the executive session at Council Member Leonhardt seconded the motion. All in favor and the motion carried.

ADJOURNMENT

Council Member Huefner made the motion to adjourn the meeting at 8:20 p.m. Council Member Kurek seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk