

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

The Garden City Town Council held their regularly scheduled meeting on March 10, 2011 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:15 p.m.

Council Members Present:

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

Others Present:

Kathy Hislop  
Travis Hobbs  
George Peart  
Anita Weston  
Cathy Anderson  
Kent Fisher  
Don Webb

**ROLL CALL**

Mayor Spuhler asked for a roll call of the Council Members Present; Mayor Spuhler, Council Member Leonhardt, Council Member Huefner, Council Member House, and Council Member Kurek.

**APPROVAL OF THE MINUTES**

Minutes of the  
Town Council Meeting held on February 10, 2011

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

**TOWN ENGINEER REPORT**

Mayor Spuhler explained that Mr. Linford is not able to attend this meeting. Mayor Spuhler explained that we have some large bills for engineering for the past couple of

months. There are large bills for drafting, which we haven't had any drafting done recently for the water treatment plant. The Council reviewed the engineering bills. Council Member Huefner said that Mr. Linford may have listed the wrong thing there because he did do some drafting for 3<sup>rd</sup> west. She said this was discussed last fall and it will cost about \$10,000 for the drafting.

We will contact Mr. Linford to make sure what he is billing for.

Mayor Spuhler said that before we do major expenses like that we need to make sure we all know what is going on. That is a major expense.

## **PUBLIC WORKS DEPARTMENT REPORT**

### Water Treatment Plant

Mayor Spuhler explained that he signed the change order for the additional filters. Mr. Hobbs reported that Mr. Patrick Hayes has been up to do the last of the work on the treatment plant. Mr. Hayes had some medical issues and left, but should be back next week to get the plant on line. We do have the operating permit so we can start the plant.

### UTWARN Mutual Aid Agreement

Mr. Hobbs passed out his report to the Council Members. He explained the MOU with UTWARN regarding helping other water systems in a time of crisis. They will also help us in return. All reimbursements will be set up according to the FEMA rate so it will be the same across the board.

All we need to do to join in on the mutual aid agreement is to sign the agreement and have our attorney sign it as to form. The state attorney has already reviewed the document so it is pretty basic across the board for everyone.

### IceXcavator

Mr. Hobbs explained that we partnered with Bear Lake Water Company to purchase the IceXcavator. Mr. Hobbs explained that right now we are only charging \$100 for the first hour and \$30 per hour after that. We signed a document with Bear Lake Water Company that we would split the revenues to help pay for the machine. We really should have 2 operators each time we need to use the IceXcavator. Mr. Hobbs said that we should stipulate that there will be no weekend use of it because that just increases their overtime.

The Council agreed that the rate should be:

Outside the city limits is \$150 for the first hour \$90 for every hour after that.

Inside the city limits is \$150 for the first hour \$40 for every hour after that.

After hours will be charged double that rate.

There are no guarantees that the water operators will even go out to help a private property owner. It will depend on their schedule.

#### Mutual Aid Agreement with Bear Lake Water Company

Mr. Hobbs explained that we want to be able to work together with each other and help when needed. It makes more sense that we use them to help with our system when we need and we can help them with their system when needed. We worked on an agreement with Sweetwater to help each other without charging up to the first 100 hours. After the 100 hours the cost will be actual cost or a standard rate. Mr. Hobbs said that he has a few projects each year that he could use the extra help.

This would also help with an agreement for the redundant water with Sweetwater. The only time we would use the redundant system is in case of an emergency. It is not a permanent full time connection for either system. It would help both systems to have that redundancy on that end of town. Each system respectfully should take care of their own needs first. It would require a special type of valve on the 8" line.

An emergency would be considered anything that someone couldn't handle. Council Member Leonhardt said that there should be a definition according to state code, which would be good to clarify.

#### Most Improved Water System Award

Mr. Hobbs reported that we were awarded the 2010 most improved water system award for Utah from the Rural Water Association. This comes from the IPS report and our compliance with the state requirements, and how safe our water is to drink. We went from over 160 points against us to -10 points, as soon as we get the treatment plant on line. We were chosen out of 524 water systems in Utah.

#### Meter Reading

Mr. Hobbs explained that reading the meters all year round helps find those meters or lines that are broken. It is now a good system and working well.

#### **BUILDING INSPECTOR REPORT**

Mr. Peart is not in attendance. Mayor Spuhler explained that we did have at least 1 building permit last month.

## **BUSINESS LICENSE DISCUSSION/APPROVAL**

Bear Lake Clothing Company, Susan Andrews

The Council questioned if they have a restroom in the store but determined that she didn't need a restroom just for that type of retail store. Council Member Kurek stated that he has not done a fire inspection yet.

Council Member Huefner made the motion to accept the business license for Bear Lake Clothing Company, after she gets a fire inspection. Council Member House seconded them motion. All in favor and the motion carried.

## **SHORT TERM RENTAL DISCUSSION/APPROVAL**

Susan & Steve Knapp, 948 Snowmeadows Dr.

The Council discussed that the measurement of sleeping rooms does not calculate out to the number of allowed occupancy suggested. When all the rooms are calculated it appears that they should be able to have 23 occupants and a minimum of 5 parking spots.

Council Member Huefner made the motion to approve the short term rental license for Susan & Steve Knapp at 948 Snowmeadows Dr. with the re-adjusted numbers of 23 persons occupancy with 5 parking spots. Council Member House seconded the motion. All in favor and the motion carried.

Norm Mecham, 116 S. Bear Lake Blvd.

This house is behind the General Store.

Council Member Huefner made the motion to accept the short term rental application for the Bear Lake Cabin Rentals at 116 S. Bear Lake Blvd. Council Member House seconded the motion. All in favor and the motion carried.

## **CHILE & FAMILY SUPPORT CENTER, PRESENTATION OF CHILD ABUSE PREVENTION MONTH PROCLAMATION DISCUSSION/APPROVAL**

There isn't anyone here to do the presentation but the proclamation was reviewed by the Council Members.

Council Member House made the motion to designate April as the Child Abuse prevention month from Child & Family Support Center. Council Member Huefner seconded the motion. All in favor and the motion carried.

Council Member House made the motion to sign the proclamation. Council Member Huefner seconded the motion. All in favor and the motion carried.

**REQUEST FOR AN EXTENSION ON PICKLEVILLE COMMONS PROJECT**

Ken Hansen and Don Webb.

Mr. Hansen explained that they are here to request an extension to get their final approval documents prepared and presented for the project. The project is not dead, they would like to continue on with the project. They are here to petition the Council to give them an extension on the approval that they received. They plan to come back to the Planning Commission with some changes that they want to do with the project.

Council Member Leonhardt asked why they didn't ask for an extension prior to this date since it is only about a month past the time limit. Mr. Hansen said that he didn't know that it was that close to the deadline.

Mayor Spuhler said that the problem he has is that what we do for one we have to do for the others. He said that we now have a new process in place and feels that they should have to go back and present the project the way things need to be done and according to the new process. The ordinance says that we can extend the date but we do have an exact format that they need to follow. The Council agreed that they should start over.

It was explained that they paid the \$3,000 for the deposit, which \$1,802 is remaining. They will get that money back and can use it towards their deposit to start over. Mr. Webb said that they are fine to start over again with the process.

**REVIEW OF CURRENT BUDGET FOR OVER EXPENDITURES. OPEN THE BUDGET TO RE-ALLOCATE SPECIFIC LINE ITEM FUNDS AND RESOLVE OVER EXPENDITURES**

The Council Members reviewed the budgeted year to date expenditures and revenues.

Council Member House made the motion to open the budget. Council Member Huefner seconded the motion. All in favor and the motion carried.

The Council reviewed all the over expenditures and the line items that needed to be adjusted. The changes were made to the budget as adjustments. The Council Members discussed using the attorney and the engineer. The expenses in that line item is over quite a bit so we need to be careful how we use them and the projects that we have them work on. We need to make sure it is a necessary expense.

Council Member House made the motion to approve the adjusted budget. Council Member Huefner seconded the motion. All in favor and the motion carried.

## **ORDINANCE DISCUSSION/APPROVAL**

### **Ordinance #11-02, an ordinance requiring bonding for developments**

This ordinance was discussed and recommended by the Planning Commission. They also held a public hearing.

Council Member Kurek made the motion to approve ordinance #11-02. Council Member House seconded the motion. All in favor and the motion carried.

### **Ordinance #11-03, an ordinance changing the definition of performance bond**

The Planning Commission spent a lot of time on this ordinance and held the public hearing. They recommended this ordinance to the Town Council.

Council Member Huefner made the motion that we accept the changes to the ordinance changing the definition of a performance bond, ordinance #11-03. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

### **Ordinance #11-04, an ordinance updating the requirements to obtain a short term rental license**

This one has gone to the attorney with no response so it will be tabled until next month.

### **Ordinance #11-05, an ordinance updating chapter 12-400, offenses against public health, safety, welfare and morals, Section 401, 402, and 403**

The Council discussed this ordinance and also held a public hearing. The change is to update the ordinance so it is in accordance with state law.

Council Member Huefner made the motion to accept ordinance #11-05 updating chapter 12-400, offenses against public health, safety, welfare and morals, with the addition of long range firearms and according to state code. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

## **MISCELLANEOUS ITEMS**

### **Easter Egg Hunt**

The Council discussed that we need to have someone in charge of the Easter Egg Hunt, on April 23<sup>rd</sup>. We just need to put this out there for someone to be in charge.

### **Appointment of Board of Adjustments new Board Member**

Mayor Spuhler stated that Mr. Clint England said that he is willing to be the new Board Member.

Council Member House made the motion to appoint Clint England as the new Board Member for the Board of Adjustments. Council Member Kurek seconded the motion. All in favor and the motion carried.

### **COUNCIL MEMBER REPORTS**

Council Member Huefner reported that she met with the Trail Committee and sent the Council a report of that meeting.

Council Member Huefner met with Marcy Demilon from the National Park Service and sent the Council a report already on that meeting. Council Member Huefner asked if the Council was okay with the trails mission statement. Council Member House said that the mission statement for the trails was approved at a previous meeting.

Council Member Huefner suggested that we have a guideline for the races that are coming to town. There is a lot of impact from these events which is okay but we should charge something for the impact such as a dollar per entrance fee, based on an event. Mr. Kent Fisher said that other cities issue a permit for these type of events. The Council agreed that we need to find out what we can do for the special permits. We will work on this for next month.

Council Member Huefner asked if we want to update the map in the General Plan to include the new roads. Council Member House said that we may want to adopt the Envision Utah Plan and the maps that they have.

Council Member Huefner said that the town needs to pay for watering the trees that are on the state highway. It shouldn't be up to the private property owners to pay that water bill for these trees

The Council Members discussed beautification for the community. It was decided that we will try to help private property owners. They need to bring in their request for help and we can determine what we can do to help.

Council Member Kurek explained that Ms. Ward is no longer working with the pool. We have 2 new lifeguards. Things are going good with the pool. The Council discussed blowing in more insulation into the ceiling to cut down on the heating costs.

The Council Discussed having someone come in to fix the furnace so the birds don't get in again. Council Member Kurek will work on that and also on the switch for the elevator.

Council Member House said that the Library made \$367 and will be getting a grant for \$1,400 from the Lebra Foundation. They have great classes available.

**PAYMENT VOUCHERS**

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

**EXECUTIVE SESSION**

Council Member Huefner made the motion to go into an executive session to discuss employees at 7:30 p.m. Council Member Kurek seconded the motion. All in favor and the motion carried.

Minutes for this executive session will be kept separately.

Council Member House made the motion to close the executive session at 8:30 p.m. 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 8:30 p.m. Council Member Kurek 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