

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

The Garden City Town Council held their regularly scheduled meeting on April 14, 2011 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:25 p.m.

Council Members Present:

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

Others Present:

Kathy Hislop	Merrill Harword
Anita Weston	Greg Bills
Clint Barnes	Mark Hislop
Mel Maynes	Dave Cook
Ellen Maynes	Angie McPhie
Steve Arnold	Jeff McPhie
Quint Hart	Travis Hobbs
Enalu Hart	Brent Hirschi
Jon Barlow	Dwayne Gifford
Kjersti Barlow	Jonathan Hunt
George Peart	

**ROLL CALL**

Mayor Spuhler welcomed everyone to the meeting and asked for a roll call of the Council Members present; Mayor Spuhler, Council Member Leonhardt, Council Member House, and Council Member Kurek. Council Member Huefner will be calling in and participating later in the meeting via speaker phone.

Mayor Spuhler explained that he is going to start the meetings with the Pledge of Allegiance and a prayer. Council Member Kurek lead us in the pledge of allegiance. Mayor Spuhler offered the prayer.

## **APPROVAL OF MINUTES**

### **Minutes of the Public Hearing held on March 10, 2011**

Council Member Leonhardt made the motion to approve the minutes of the Public Hearing held on March 10, 2011. Council Member Kurek seconded the motion. All in favor and the motion carried.

### **Minutes of the Town Council meeting held on March 10, 2011**

Council Member Leonhardt made the motion to approve the minutes of the Town Council meeting held on March 10, 2011. Council Member House seconded the motion. All in favor and the motion carried.

### **Minutes of the Executive Session held on March 10, 2011**

Council Member Leonhardt made the motion to approve the minutes of the Executive Session held on March 10, 2011. Council Member House seconded the motion. All in favor and the motion carried.

### **Minutes of the Special Meeting held on January 11, 2011**

Council Member House made the motion to approve the minutes of the Special Meeting held on January 11, 2011. Council Member Kurek seconded the motion. All in favor and the motion carried.

## **TOWN ENGINEER REPORT**

Mr. Linford is not in attendance so Mr. Travis Hobbs will give the report on what has been happening in town.

## **PUBLIC WORKS DEPARTMENT**

### **Treatment Plant**

Mr. Hobbs stated that all the filters were delivered and now need to be installed. We need to decide what we are going to do about installation and get the person here so everything is finished and will be ready the next time we turn the plant on.

We had a power failure of all the pumps at the treatment plant. They tried to fix the problem but nothing they did would correct the problem. The pumps faulted out from the ground wire. Double D Electric tested everything and determined that they were grounding out. Build Inc. compromised the conduit and the wires going to the building. He feels that the ground water got into the wires and that is what caused the problem. Build is aware of the problem and is coming up next week to fix it.

Mayor Spuhler said that Build Inc. wants us to pay them their retainage, but Mayor Spuhler feels that before the warrantee period starts and the remaining retainage is paid we should be able to start the treatment plan. Mr. Hobbs said that he is working through all the sensors to make sure everything is working. Everything is there and things are going okay on that end. Mr. Hobbs said that Build Inc. did send up some guys to fix the roof issues today. They are working on the list to get things fixed.

Mr. Hobbs said that the biggest problem right now is the road base that is around the building, it is horrible, and needs to be fixed.

Mr. Hobbs explained that when they turned the plant on line it made it 15-20 minutes and then one of the pipes broke about half way down swan creek canyon. We were able to keep the town on the 8" secondary line so hopefully it didn't cause too much problem with the people in the community.

Mayor Spuhler said that we are hoping that the pipe there was just in a bad spot or weak. Council Member House said that when they installed the pipe, that broke, it was installed in 1980 and not installed correctly. The bedding that was used was not good, with a lot of big rocks. The water pressure coming out of the plant was tested for new pipe which should handle 300 PSI, we are pushing through about 72 PSI. We have ordered parts for a pipe repair and we will try the plant again once we have all the repairs done on the line.

We have the parts so we will try to get the plant on line soon. Mayor Spuhler said that we should give it another shot and if the line breaks again we will probably have to get the pressure reducer valve. Mr. Hobbs said that he has a concern because we will have a significant pressure increase, about 15 PSI, and it may cause a lot of line breaks throughout town.

Mayor Spuhler said that if we go with the PRV it will cost about \$100,000. We can roll the dice and see what will happen, but the pipe should be able to handle the pressure.

The council agreed that we should try to turn the plant on line one more time and see what happens.

The Council discussed the situation that Mr. Hobbs had to call in a contractor to help repair the line break and it was an emergency situation. The Council agreed that in an emergency situation we can choose a contractor who is available, we don't have to put it out for bid. We need to allow Mr. Hobbs to choose a contractor in an emergency situation based on his professional decision and the Council should support that decision.

### Turn Lane

The Council discussed that we should put off the turn lane project for another month because of all the issues in town right now.

### Secondary Irrigation

Mayor Spuhler explained that we will need engineering drawings for the secondary irrigation to the new park. Council Member Huefner said that it is too early in the process to discuss this today. Mayor Spuhler said that if we can get water to the park that is a great start and we can proceed from there.

### Garden City Heritage Fish Pond

Mayor Spuhler reported that he met with the state department of Natural Resources today and they will monitor the fish pond, provide law enforcement and re-stock the fish every 2 weeks. We have entered into a written agreement with the state. We have to provide 3 acres for the fish pond.

Mr. Hobbs will come up with a good estimate for what this will cost to get the pond dug and some of the fill used for landscaping. We will put this project out for bid.

### Payne Springs

Mayor Spuhler explained that we decided not to file a protest on Payne spring based on the advice of Mr. Ken Tuttle, Sunrise Engineering Water Right expert. He explained that Mr. Ted Wilson filed for an extension on the time limit to prove his shares in Payne Springs. We met with Mr. Wilson and discussed the issue and determined that we all need to work together on Payne Spring. Mr. Hobbs explained that by Mr. Wilson filing for an extension may even help us, it ensures that he is first in line and with that we are first in line with him because of our agreement for the 70/30 split.

### Sandbagging for flooding

Mr. Hobbs said that we have tried to let everyone know about the sandbagging issue. We have made personal contacts with property owners and sent letters to everyone we have an address for. We are working with the county and Mr. Bryce Nielson who is the county Emergency Manager. There are sandbags available here for anyone that needs them, they can come and fill them and use them on their own property.

We have created a memorandum of understanding that the private property owners need to fill out if they are going to ask for help from our public works department. If they need help from Garden City we can help them, but we are not going to be responsible for damage.

Mr. Brent Bailey, who owns Bailey Construction, is going to send a crew up tomorrow and Saturday to help us at no cost to the city. They will help fill sandbags, divert water from residences, etc. They will bring up equipment and labor. He said it is his civic duty.

### **BUILDING INSPECTOR REPORT**

Mr. Peart stated that he has issued 6 more building permits since the last meeting. They all came from Ideal Beach remodels.

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

#### **Inn at Snow Meadows, Greg & Carol Bills**

Council Member Leonhardt said that Mr. Bills has met all the requirements for a food establishment at the Inn at Snow Meadows.

Council Member House made the motion to approve the business license for the Inn at Snow Meadows, Greg and Carol Bills. Council Member Kurek seconded the motion. All in favor and the motion carried.

#### **Benchmark Realty Management, LLC., the Strong Family**

Council Member Leonhardt said that he has talked with them and they have met the requirements for a property management company for a business license.

Council Member Kurek made the motion to approve the business license for Benchmark Realty Management. Council Member House seconded the motion. All in favor and the motion carried.

#### **Chubbies, Gwenda Hansen**

Council Member Leonhardt said that he has visited with Ms. Hansen and the only thing that she still needs to get is the state sales tax number. Council Member Kurek has done an inspection and she has a few things that need to be completed.

Council Member House made the motion to approve the business license for Chubbies based on Ms. Hansen getting the sales tax number and the rest of the approvals for the inspections. Council Member Kurek seconded the motion. All in favor and the motion carried.

#### **Selling Firewood, Mike Mattson**

Council Member Leonhardt explained that he talked to the state sales tax office and because this is an on your honor system for payment there is no way to figure his sales tax requirement. He does need a sales tax number and if the state Tax Commission ever

audits him, he will have to prove what he is doing with sales tax. It also depends on where he is going to put the wood. The Council discussed the best location for the firewood.

Council Member House made the motion to approve the business license for Mr. Mike Mattson to sell firewood at 209 S. Bear Lake Blvd. contingent on him complying with the other requirements, such as the location. Council Member Kurek seconded the motion. All in favor and the motion carried.

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

#### 948 S. Snow Meadows Drive, Susan & Steven Knap

This is to re-discuss and approve the occupancy for this location. During the last Town Council meeting this location was approved for 23 occupants. There was additional square footage that wasn't calculated into the total so they should be allowed 45 occupants, based on the total square footage and the ordinance.

Council Member Leonhardt made the motion to approve the short term rental license for Susan & Steven Knap at 948 Snow Meadows for a total occupancy of 45. Council Member House seconded the motion. All in favor and the motion carried.

#### 826 N. Blackberry Drive, David Blanchard

Council Member House made the motion to approve the short term rental license for David Blanchard at 826 N. Blackberry Drive contingent on them finishing the requirements for the fire department inspection. Council Member Kurek seconded the motion. All in favor and the motion carried.

#### 175 Lychee Lane, Steven & Susan Knap

Council Member Kurek made the motion to approve the short term rental license for Steve and Susan Knap at 175 Lychee Lane. Council Member Leonhardt seconded. All in favor and the motion carried.

#### 707 N. Cambry Dr, Dr. Kett G. Blatter

Council Member House made the motion to approve the short term rental license for 707 Cambry Drive, for Dr. Kett Blatter contingent upon them completing the home and passing the inspections. Council Member Kurek seconded the motion. All in favor and the motion carried.

#### 795 S. Spruce Dr., Dr. Shad Morris

Council Member Kurek made the motion to approve the short term rental license at 795 S. Spruce Dr., for Dr. Shad Morris. Council Member House seconded the motion.

All in favor and the motion carried.

744 Spruce Dr., Dan & Shirley Schmill

Council Member Kurek made the motion to approve the short term rental license for 744 Spruce Dr., for Dan & Shirley Schmill contingent on completion of the inspections. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

458 W. Buttercup Ln., Doug Moss

Council Member House made the motion to approve the short term rental license at 458 W. Buttercup Lane, for Doug Moss contingent on them completing the inspections. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

**ORDINANCE DISCUSSION/APPROVAL**

Council Member House abstained from the discussion and approval of these ordinances because he is the Administrative Judge and has to enforce the violations of the ordinances.

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

The Council agreed that there was great comments and feedback from the public hearing. The ordinance should be updated according to the comments made during the public hearing.

Council Member Leonhardt made the motion to accept and approve ordinance #11-04. with the changes that were discussed tonight from the public hearing. Council Member Kurek seconded the motion. A roll call vote was taken: Council Member Leonhardt, for; Council Member Kurek, for; Council Member Huefner, for; Council Member House, abstained. Motion carried.

The application will be changed to fit the ordinance, and the changes will be approved by Council Member Kurek. There will also be an initial inspection on all new short term rental units.

Ordinance #11-06, an ordinance adopting the state requirements for sale of alcohol to underage persons

Mayor Spuhler explained that this is a state requirement that we fine businesses that sell alcohol to underage persons. Our being aware of this requirement is the result of a local business selling alcohol to an underage person recently. We will just be moving forward with the violations of this ordinance as it relates to the requirements. We will not go back to the previous violations.

Council Member Kurek made the motion to approve ordinance #11-06, an ordinance adopting the state requirements for sale of alcohol to underage persons. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Leonhardt, for; Council Member Kurek, for; Council Member Huefner, for; Council Member House, abstained. Motion carried.

### **BUDGET REVIEW**

Council Member Leonhardt passed out the budget for the previous years actual year to date and for the next years projections. He said that the Council Members really need to look at the budget figures for the next years projects and make sure that the figures are correct in the budget.

This is just a first review of the budget, the tentative budget approval will be held during the May Town Council meeting.

### **DISCUSSION REGARDING THE CONTINGENCY PLAN FOR THE BEACH PROGRAM 2011**

Mayor Spuhler explained that we have a 3 year permit on the beach, starting this year. We may have problems with parking this year because of the level of the lake. We will just have to work on the parking before it becomes a problem.

### **REVIEW AND APPROVAL OF THE NEW SPECIAL EVENT PERMIT APPLICATION AND DISCUSSION REGARDING SPECIAL EVENT FEES**

The Council discussed the permit and decided that they don't want to encourage these type of events during July, August and Holidays. It is just too busy during those months. We will charge \$100 permit application fee for June, and \$500 for the permit application any time during July, August or on Holidays. We also need to put on the application that the permit doesn't include any of the facilities. Rental for the facilities will be additional, and according to our rental schedule.

Council Member House made the motion to accept the special event permit with the changes. Council Member Kurek seconded the motion. All in favor and the motion carried.

### **MISCELLANEOUS ITEMS**

#### **Discussion of new employee**

Mayor Spuhler explained that we had the interviews for the new employee and Janine Kurek was the best candidate and so we offered her the job. She will have additional responsibilities and hours in addition to what she is already doing. She will also be involved in the GIS program and getting that going. We will allocate 30 hours per week



through most of the year, but will review the schedule for Ms. Kurek and Mr. Kyle Spuhler for fall and winter hours.

After the interviews were done we discussed increasing her wage to \$10 per hour. Council Member Huefner agreed that it should go to \$10 per hour. The increase is not based on her being a new employee, she has been a good employee in the past.

We also discussed increasing Mr. Kyle Spuhler's wage to \$10 per hour. He has been here a year as well and so we want to make the increase the same based on his certification and increased responsibility.

Council Member Leonhardt said that we need to vote on the pay raise but he recommends that Council Member Kurek and Mayor Spuhler abstain from the vote because of their family relationship with the employees.

Council Member Leonhardt made the motion to increase the pay to \$10 per hour for Ms. Janine Kurek and Mr. Kyle Spuhler. Council Member House seconded the motion. A roll call vote was taken; Council Member Leonhardt, for; Council Member House, for; Council Member Huefner, for; Council Member Kurek, abstained. Motion carried.

#### Vacuum

The Council discussed a new vacuum for the Lakeview Conference Room. It was decided that \$2,400 for a vacuum was too expensive. We need to look for a cheaper vacuum, but if we can't find a vacuum that is comparable then we need to get the more expensive vacuum.

Council Member House made the motion to spend up to \$2400 for a vacuum. Council Member Kurek seconded the motion. All in favor and the motion carried.

#### Impact Fee Seminar

There is a one day seminar in Salt Lake City to discuss the impact fees and new legislation. The Council agreed to send Council Member Kurek and Ms. Hislop to the seminar.

### **COUNCIL MEMBER REPORTS**

Council Member Kurek stated that he met with the Library Board during their last meeting and went over their budget with them.

Council Member Kurek said that we should try to get the bear benches out in town. They were purchased to go along Bear Lake Blvd. and he thinks it would be a good Eagle Scout project to do the cement pad and attach them down. It will look good in the city along the bike path.

Council Member Kurek said that there was an incident at the Worldmark swimming pool due to chemicals that got mixed in a pipeline and re-injected back into the pool. They have since had the state inspection and the mechanical room looks good. We need to replace one of our chemical controllers in our pool. Council Member Kurek said that he has checked on a cost to replace the controller that feeds the chemicals and the sensors, and it will cost us \$3000. It is an important piece of equipment so that we can make our pool a safe place for everyone.

We really need to be careful and not have any people in the pool room when the pumps are down. Council Member Leonhardt said that we need to make sure to get a policy in place. The Council agreed to look at purchasing the new part after the new budget, after July.

Council Member Kurek got a new pool cover and roller, which was covered under the warrantee.

Council Member House said that they have been working on the sandbags and the canal issues. He feels that we are prepared for flooding.

Council Member Leonhardt said that he met with the Raspberry Days Committee and it seems to be going pretty well. The booths are starting to fill up.

Council Member Leonhardt said that they had a Regional Commission meeting last night and they talked about going back to the old way that the Commission was run. Mayor Peterson talked about how they can use the Regional Commission more in their city, so it is available for cities to use as a resource if we are interested.

Council Member Leonhardt and Ms. Hislop are going to a budget training meeting on Tuesday in Orem at Pelorus, our accounting software company.

Council Member Huefner said that there is an Envision Utah breakfast in Salt Lake that she can't attend. Mayor Spuhler said that he may not be able to attend that meeting either. He feels that there are enough issues here, and that he should stay in town. If one of the other Council Members want to go they can.

Council Member Huefner said that she met with the National Trails Council regarding the UDOT right of way. The UDOT people were amazed that we would ask for an ATV trail on their right of way and said no, we have to use the trail along Elks Ridge. They may be interested in helping with a bike and walking trail.

Council Member Huefner said that we are still working with the people along 3<sup>rd</sup> west and trying to get them to donate their property for the road. We will work with Rich Land and Title to get the documents ready to sign.

Council Member Huefner said that she would like to have a committee that will work on the secondary water to the park. She is recommending Mr. Don Huefner and Mr. Dallas

Solum, they both said that they are willing to help out with that project. There will be a lot of work involved, once we get the engineering done, to pull it from the canal to the park. Council Member Huefner wants the Council to grant them permission to work on that project. The Council agreed to have Mr. Huefner and Mr. Solum work on the secondary water project.

Mayor Spuhler explained that we were served a legal Summons today from Cache Valley Bank vs. Frank Smith and Harbor Village. It looks like in 2005 Mr. Bullock and Harbor Village conveyed some property to Garden City. Cache Valley Bank is asserting that they didn't have legal authority to convey that property. It looks like the property is going through foreclosure and they have someone trying to purchase the property and get clear title. The Summons has been sent to Mr. Tony Martineau for his legal advice. We need to be ready for whatever is going to happen with Elks Ridge and Harbor Village because this may be the beginning. We are listed as the 3<sup>rd</sup> person on the 3<sup>rd</sup> party of the Summons.

### **PAYMENT VOUCHERS**

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

### **EXECUTIVE SESSION**

Council Member House made the motion to go into executive session at 8:30 p.m. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

The minutes for this executive session will be kept in a separate file.

Council Member Kurek made the motion to close the executive session at 9:00 p.m. Council Member House seconded the motion. All in favor and the motion carried.

### **ADJOURNMENT**

There being no further business to discuss, Council Member Leonhardt made the motion to close the meeting at 9:00 p.m. Council Member House seconded the motion. All in favor and the motion carried.

APPROVAL:

Attest:

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John Spuhler, Mayor

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Kathy Hislop, Town Clerk