

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

The Garden City Town Council held their regularly scheduled meeting on August 11, 2011 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  
Brian House  
Mike Leonhardt  
Bess Huefner  
Pat Argyle

Others Present:

Kathy Hislop  
Anita Weston  
Travis Hobbs  
Jason Linford  
Marcia Solum  
Joan Akre  
Skip Duffin  
Cathy Anderson  
Robert Worley  
Lance Bourne  
Nadene Sprouse  
Phil Hoyt  
George Peart  
Sue Lutz  
Ray Lutz  
Chuck Stocking  
Ramona Harris  
Nate Parry  
Joanne Anderson

**ROLL CALL**

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

The Council Members started the meeting with the Pledge of Allegiance.

## **ELECTRONIC PARTICIPATION**

The Council Members discussed the importance of allowing electronic participation of participation.

Council Member Huefner made the motion to allow all the City Government Boards or Committees, Engineers, Attorney, and employees to make contact by electronic transmission during the meetings. Council Member House seconded the motion. All in favor and the motion carried.

## **APPOINTMENT OF NEW COUNCIL MEMBER**

Mayor Spuhler presented Ms. Pat Argyle for appointment as the new Council Member.

Council Member House made the motion to appoint Ms. Pat Argyle for the Town Council through December 31, 2011. Council Member Huefner seconded the motion. All in favor and the motion carried.

## **APPROVAL OF MINUTES**

Minutes of the Town Council meeting held on July 7, 2011

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on July 7, 2011, with the corrections made to said minutes. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Executive Meeting Statement in Lue of Minutes held on July 7, 2011

Council Member Huefner made the motion to approve the Executive Meeting Statement in lue of minutes, for the Executive Session held on July 7, 2011 as presented. Council Member House seconded the motion. All in favor and the motion carried.

## **TOWN ENGINEER REPORT**

Treatment Plant

Mr. Linford explained that he and Mr. Patrick Hayes, the Pall Corporation representative, went through some of the items to get the treatment plant back on line. The pipe that broke last time was fixed, but when they were doing the re-checking of the plant they had another line break. The new break was in a completely different area of the plant and different size of line. Mr. Linford said that they have a theory on the original break but there is no theory on the new break. They will fix the new break and pressure test all the lines in the plant. Their newest plan is to get a 3<sup>rd</sup> party expert in to evaluate some of the theories that they will propose and have him make suggestions. They want to get the plant up and running as soon as possible and running correctly. They will do whatever it

takes to get the plant up and running right. The state has been notified of the new break today. Mr. Rich Petersen said that he will let the others know at DDW.

Mr. Robert Worley is here today, the Sunrise Design Engineer, to help figure out what the problem is with the line breaks. It is also important to know that Sunrise is working on this project, and the previous break, and they are doing it on their own time at no cost to the city.

Mr. Linford said that the sand they found in the filters after the last break was due to extremely high run off this year, and could have been from a re-circulation line that rinses the filters. There is a potential that during the re-circulation time the sand could have backed up in the filters. It is not important that we use the re-circulation and so it has been turned off at this time.

Mayor Spuhler said that we are all working together to get through these problems with the plant. We will continue to work with the plant off line until we figure out what is going wrong.

Mr. Linford said that they don't feel that the problems are due to the design of the plant but that is unknown at this time, that is why we are getting a 3<sup>rd</sup> party here to evaluate what is going on with the plant.

Mr. Hobbs said that we are not sure what is going on there right now. His biggest concern is that the warrantee period will end soon and then we will be stuck with the problems. Mr. Linford said that the warrantee period should probably end about November 1<sup>st</sup> with the Pall equipment. Mayor Spuhler said that the plant really wasn't ready to go online November 1<sup>st</sup> of last year, obviously it really isn't ready to go right now because of all the problems we are still having. He feels that we need to determine what we will all agree on for the end of the warrantee period.

Mr. Linford said that the compressors have been checked out and they are ready to go again. Everyone is concerned about what can potentially happen next with the plant.

We have received a check from the insurance company for the initial costs to fix the 1<sup>st</sup> blowout. We will hold the check from the insurance company until after we determine what is going on with the plant. We need to know who is responsible for the problems that we are having with the plant.

#### Rotor milling on the turn lane

Mayor Spuhler said that TBP did the rotor milling on the 300 West turn lane. Council Member Huefner said that the state called Mr. Tony Early and told him to inspect what was done because the rotor milling is a simple thing to do. Mr. Doug Madsen told Council Member Huefner that he didn't need an encroachment permit because it is an ongoing project. Mr. Tony Vigil did send a permit for TBP. Mr. Hobbs said that he is concerned that we are getting in the same rut that got us to this point; we are not getting

the right documentation. He hasn't seen any documentation from the state. Mr. Hobbs called the state yesterday and was told that there has to be an inspector on site when TBP is doing the work. There has not been a state inspector on site to this point. TBP must have a state inspector there at all times when they are working in the state right of way. Mr. Hobbs said that he is worried that we are going to get in another problem on this project with the state. He said that TBP knows what is required by the state and we need to go through the proper channels.

TBP has the encroachment permit and will have Consolidated Paving here next week to do the paving. We do need to make sure that there is a state inspector here when any of the work is being done. We need an inspector here before they do any more on the project to make sure the rotor milling is done right and when the paving is being done we must have a state inspector.

Council Member Huefner will check with TBP to make sure that the state inspector is here. She will also call the state to make sure that the rotor milling was done correctly so we can move forward. Council Member Huefner said that she did talk with Mr. Kelly Barrett and he said that the project was okay. TBP is responsible for the project and knows that they need to put in the drainage line before they pave.

#### Completion of the Swan Spring Subdivision Project

Mr. Hobbs said that we need to move forward with the electrical line in the Swan Spring Subdivision. We do have the power plans for the project. We will work on getting it out for bid.

#### Water connection with Sweetwater

Mr. Linford said that he will be in contact with DDW to work out the details on the connection to Sweetwater. Mr. Hobbs said that the connection will only be an emergency connection, not a daily use connection. It is not a permanent connection. It is just a reciprocal help solution for each system. We need to make sure that there is a quality connection and that it will meet state requirements.

### **PUBLIC WORKS DEPARTMENT**

#### Miscellaneous Items

Mr. Hobbs said that they have been doing some weed spraying along the roads. The treatment plant has been taking a lot of time. They are working on the bike path and brush mower. They are still working on a lot of leaks throughout town, and the lower pressure has helped reduce the number of additional breaks.

### Payne Spring

Mr. Hobbs said that they found out that there was never an air vac on the Payne Spring line. They worked on it at installed an air vac on the line yesterday, which increased the flow on our side.

Mr. Hobbs said that they will work to get the meter installed at Payne Springs soon.

### New Compound Water Meters at Worldmark and Ideal Beach

The installation of the new meters at Worldmark and Ideal Beach will be started next week. The parts will be delivered tomorrow. The contractor will contact the resorts to let them know when the water will be shut off to the resorts and they will work with the resorts so they don't shut off the water during their busy times.

### Elk's Ridge Pumps

Mr. Hobbs reported that Mr. Kent Glenn, from Glen's Electric, is working on getting some smaller pumps installed at Elks Ridge to help save us some money.

### Pump Station and Garage

Mr. Hobbs said that they are trying to get bids to hang drywall and insulation in the garage and the Elk's Ridge pump house. It will probably save us some money in heating costs.

### Cemetery Water Meter

Mr. Hobbs said that they are planning on installing a meter at the cemetery next month. He suggested that the Town Council give the cemetery some kind of a discount because they will have a large increase in their water rate. Council Member Huefner said that we can add them to our secondary water list. Council Member Leonhardt said that they are a community cemetery and we may be able to make an adjustment on their water rate. Mayor Spuhler said that they get tax money and he feels that they should pay their fair share just like everyone else.

## **BUILDING INSPECTOR REPORT**

Mr. George Peart said that he issued a couple permits in the past month; several of the current permits are being finalized. One of the homes he is doing the final inspection on will be in this year's parade of homes.

Mr. Peart said that the new building height requirements will be a change for the contractors and he is going to try to put together a conference with the local contractors, which will give them some training on any issues or new requirements. The conference will probably be towards the end of September.

Mr. Peart is getting ready to do a final inspection on the house in Shundahai. He said that he understands that there are still no new building permits being issued in Shundahai and some of the other subdivisions. There are a few issues that still need to be finalized with the house in Shundahai.

Council Member Huefner said that there is a basement being built in Bridgerland that doesn't have a building permit. She will show Mr. Peart where it is being built so he can check it out.

Mr. Peart explained that there is a variance request coming up soon for a garage that was started many years ago which is 1 foot too close to the side setback. He said that is why surveys are so important.

The Council discussed trailers being brought in and set up to stay in all summer. Mayor Spuhler said that is an ordinance enforcement issue and he will get the Ordinance Enforcement Officer engaged on this problem.

### **CODE ENFORCEMENT REPORT**

Mayor Spuhler reported that we have a number of significant ordinance violations that are being dealt with right now. He reported that during raspberry days we had a number of transient businesses that were dealt with and one was issued a citation. We don't allow transient businesses during Raspberry Days. We don't encourage transient type businesses.

Mayor Spuhler explained that there was an issue at Café Sabor during Raspberry Days. Mr. Justin Hamilton sent a letter of apology to the Council Members, which was read during the meeting. Mayor Spuhler reported that as a city we sent a certified letter to Mr. Hamilton with 3 citations related to violations of specific codes. Mayor Spuhler said that the fines are significant. Mayor Spuhler spoke with Mr. Hamilton and let him know that he was very disappointed. Mr. Hamilton is willing to pay the fines and is very forthright in his apology.

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

#### **Of the Earth, Janice E. Miller**

Council Member Leonhardt said that he has not been to this business yet. He is waiting until the fire inspection is complete. The Council said that it can be complete once the inspection is complete.

Council Member Huefner made a motion to approve the business license for Of the Earth, contingent on the fire inspection and meeting with Council Member Leonhardt. Council Member House seconded the motion. All in favor and the motion carried.

Riley Properties, Richard & Lyn Bessey

This request for a business license is for a short term rental license business for more than one rental unit. We need to make sure that he has a local emergency contact.

Council Member House made the motion to accept the business license for the business of Riley Properties, contingent on them having the local representation. Council Member Huefner seconded the motion. All in favor and the motion carried.

David Longfellow Construction, David Longfellow

Council Member Leonhardt said that Mr. Longfellow just wants to hang a sign where he is leasing office space. He has leased part of the building by KOA.

Council Member Huefner made the motion to accept the business license application for David Longfellow Construction Company. Council Member House seconded the motion. All in favor and the motion carried.

**ENCUMBRANCE DISCUSSION APPROVAL**

Request to encumber lots 41-21-40-001 and 41-21-40-002, 50 W 200 N and 171 N. Bear Lake Blvd. Darren and Cheree Lutz

Mr. Nate Parry is representing Mr. & Mrs. Lutz. He explained that they want to do a resort project there on the corner so they need to encumber those 2 lots, which are contiguous. It will be a family reunion resort and will be designed somewhat like the Inn at the Lake.

Council Member House made the motion to allow the encumbrance between the 2 lots as requested. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

**PLANNED UNIT DEVELOPMENT DISCUSSION/APPROVAL**

Waters Edge Resort

Mayor Spuhler explained that Mr. Norm Mecham has requested not to be on the agenda tonight. He will be ready to present his project during the September Town Council meeting.

Mayor Spuhler said that during the Planning Commission meeting there was a lot of opposition to this project. The Council received a letter from Mr. Phil Hoyt outlining a lot of concerns with this proposed project. Mayor Spuhler said that he had a long conversation with Mr. Hoyt and also with Mr. Mecham to discuss these problems.

Mayor Spuhler said that parking is a big issue and he suggested to Mr. Mecham that they will not be able to work with them on the 150 south road parking. It is one of the busiest roads during the summer. The traffic flow there is so intense that creating parking there would not be good. There are also problems with access to other properties along 150 S. Mayor Spuhler suggested that they go back as a group and try to resolve the parking issues to meet the excess demand that would be on 150 south and would also comply with our ordinances.

Mr. Mecham will come back with their project to the Planning Commission and the Town Council next month.

The Council will respond to the letter from Mr. Hoyt.

### **ORDINANCE DISCUSSION/APPROVAL**

Ordinance #11-08, an ordinance adding that paving by developers and change of setbacks be in all zones.

Council Member House made the motion to accept the changes to ordinance #11-08 as written. Council Member Huefner seconded the motion. All in favor and the motion carried.

### **MISCELLANEOUS ITEMS**

#### Street light discussion

Ms. Sue Lutz asked the Council why the street lights are shut off and if they are going to be turned back on and when. Mayor Spuhler said that we spent over \$100,000 on street lights over the past 10 years. He did an inventory and found that there were lights in people's back yards and on side streets. His objective is to see what money the city has, what money we can save, and look at the public safety that is involved. He left the lights on that he felt was necessary for public safety.

He said that he had several conversations with the state on the street lights. He told them that he would like to have the state pay for the street lights on the state highway. We had approximately 58 street lights turned off, which will save the city about \$700 per month.

Council Member Leonhardt said that there are quite a few citizens here tonight that have the same concerns with the street lights. He said that we may need to look into turning on a few of the street lights for safety issues.

Ms. Lutz said that we have a bike path in Garden City and it is extremely dark. She said a lot of people enjoy walking in the evening. She said that the bike path could use some more lighting. She said that homeowners are required to put numbers on their homes and since there are no street lights it is too dark to see the street signs or house numbers

Mayor Spuhler said that if there is a few lights that we can add, that will make a difference, and we can look at turning them back on. Our goal is to save some of the money and set it aside and get some high quality LED lights that will light up the town better and in a more efficient way. We need to do this without costing the citizens more money.

The Council will look into the safety of the street lights and determine if we do need to turn a few lights back on.

#### Suggestion to pay the Administrative Judge

Mayor Spuhler is requesting that we consider the time that the Administrative Judge spends and pay him for what he does. The Council agreed that we should pay him for his time as the Administrative Judge, when he is on the bench.

Council Member Argyle made the motion to pay the Administrative Judge \$25 per hour while he is on the bench, and during the months that he doesn't have to be on the bench we won't pay him. Council Member Huefner seconded the motion. A roll call vote was taken, Council Member Argyle, for; Council Member Huefner, for; Council Member Leonhardt, for; Council Member House abstained. Motion carried.

#### Water Share Lease Fee

Council Member House said that we shouldn't go too high because one of the benefits of letting them use our shares is so we can show beneficial use; if we go too high then they won't lease the shares. Mayor Spuhler suggested that we charge \$50 per share, which is closer to the real cost per share considering everything that we do for those water shares.

We can save the money that we bring in on the leases to use for a secondary water project. We will set up a new PTIF account for canal lease funds.

Council Member Huefner made the motion to increase the water share lease fee to \$50 per share. Council Member House seconded the motion. All in favor and the motion carried.

#### Commercial Building Permit fees

Mr. Steve Hamblin, who does our commercial inspections, suggested that we increase our commercial building inspection fees. He said that we don't charge enough to cover our costs for the commercial building inspections. The Council reviewed the proposed charges from Mr. Hamblin and increased the fees accordingly. The Council agreed that we don't want to charge too much and discourage building in town.

Council Member House made the motion to adopt the new fee schedule for commercial building permits as discussed. Council Member Huefner seconded the motion. All in favor and the motion carried.

### Water Grant

The Council determined that the way this program is working right now is not really what was discussed at first. We need to stop all the water grants and review this again later. We need to get specific limitations for this grant before we do any more. The Council will not make any decisions regarding this grant tonight so it will be on the next Town Council meeting agenda. We need to have specific parameters in place.

### Worldmark

Worldmark is requesting that they use our pool at a reduced rate during the time they are refurbishing their pools. They are suggesting that they pay \$400 per month for the use of our pool. The Council agreed to let them use the pool at that rate but they need to know that we are not going to change our hours and we must have lifeguards at the pool at all times. We need to make them aware of our limitations. If they have life guards they can use them also. We will not issue any refunds, if they decide to use our pool, it is their risk.

### **COUNCIL MEMBER REPORTS**

Council Member House said that the treatment plant still has issues but they are working through those problems.

Council Member Leonhardt said that Raspberry Days went pretty well with the exception of a few issues. There were a lot of good comments from the vendors. He feels that the traffic flow was better this year.

Council Member Huefner is working with the Attorney on a letter for Mr. & Mrs. Sprouse to sign for their property for 3<sup>rd</sup> West.

Mr. Brandon Lincogle wants to put in a backstop at the new park, which will cost between \$2,500 and \$3,500. Mayor Spuhler said that we need to make sure that we have a pond before we determine if we want to do the backstop.

Council Member Huefner asked if we want to buy a tree spade for \$3,500 instead of paying someone else to dig the trees. The Council said that we really don't dig trees very often so we may not use it much.

Council Member Huefner said that we have a service project coming in tomorrow to put linseed oil on the boardwalk.

### **PAYMENT VOUCHERS**

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

**ADJOURNMENT**

There being no further discussion, Council Member Huefner made the motion to adjourn the meeting at 7:30 p.m. Council Member House seconded the motion. All in favor and the motion carried.

APPROVAL:

---

John Spuhler, Mayor

Attest:

---

Kathy Hislop, Town Clerk