

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

The Garden City Town Council held their regularly scheduled meeting on April 12, 2012 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:10 p.m.

Council Members present:

John Spuhler, Mayor  
Brian House  
Pat Argyle  
Bess Huefner  
Darin Pugmire

Others present:

|                |                  |
|----------------|------------------|
| Kathy Hislop   | Ned Calder       |
| Travis Hobbs   | DeWayne Gifford  |
| Riley Argyle   | Cindy Gooch      |
| Anita Weston   | Sharlene Millard |
| Jason Linford  | Kathy Anderson   |
| Skip Duffin    | Mark Hislop      |
| Lance Bourne   | Don Hunt         |
| Jacob Weeks    | George Peart     |
| Jill Davis     | Jason Ward       |
| Sandra Carlson | Andy Stokes      |
| Ted Wilson     |                  |

Council Member House made the motion to open the Town Council meeting at 5:10 p.m. Council Member Argyle seconded the motion. All in favor and the motion carried.

**ROLL CALL**

Mayor Spuhler asked for a roll call of the Council Members present; Mayor Spuhler, Council Member House, Council Member Huefner, Council Member Argyle, Council Member Pugmire.

**APPROVAL OF MINUTES**

Minutes of the Town Council Meeting held on March 8, 2012

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on March 8, 2012 with the changes made to said minutes. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Executive Session held on March 8, 2012

Council Member Huefner made the motion to approve the minutes of the executive session held on March 8, 2012. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Public Hearing held on March 8, 2012

Council Member House made the motion to approve the minutes of the public hearing held on March 8, 2012. Council Member Pugmire seconded the motion. All in favor and the motion carried.

**TOWN ENGINEER REPORT**

Treatment Plant

Mr. Linford explained that the treatment plant has been online for a week and the turbidity issue has been fixed. There have been some bugs that have come up with the treatment plant since it was put on line and they are working through them.

The batteries for the generator haven't been working. The Cummins guys were up today and they said we need new batteries and a charger. Mr. Linford said that they did a test last year and everything worked okay. Mr. Hobbs said that as of a month ago the generator was turning on and testing as it should have. Mr. Hobbs said that Sunday morning they received an alarm that the plant shut down, the generator must not have kicked on at that time. It must not have been a big enough power outage to take the plant all the way down because when they got to the plant the power had been restored. The battery backup must have kept it on line. The things worked out and the plant was fine, but they now need to get the generator working.

The plant is making good water. The state knows that we are up and running and they are getting the reports that they require.

Council Member Argyle said that she went to the treatment plant and took some pictures of items that are concerns to her. She passed out the pictures and stated that she feels that we shouldn't be responsible to pay for or fix these items. Mr. Linford said that he has already addressed some of the concerns that she has on her list, and he will make sure that someone makes the rest of the repairs.

Mr. Linford said that the contractor is still working on the heaters. The heater that was smoking has been tested and they felt that the thermostat was faulty and so we have a new thermostat on its way up to fix that issue.

Council Member Argyle showed the remaining pictures to Mr. Linford and he said that he will work to make sure these issues are fixed. Council Member Argyle said that she would like to know when all these things are fixed so she can check to make sure

everything is corrected. Mr. Linford and Council Member Argyle will put a list together and send it to the contractor so they can fix the issues.

Mr. Linford asked for us to release the remaining funds or at least part of the remaining funds to Build and Pall. The Council was very concerned with releasing anymore funds at this time. Mr. Linford said that we haven't done the final acceptance and the warrantee period doesn't start until after the final acceptance has been completed. The warrantee period is one year. Mr. Linford said that legally, according to the contract we need to release the rest of the retention money after final acceptance is given, which is after the issues have been addressed.

Mayor Spuhler explained that when the other funds were released we were operational at the time and we had given them the substantial completion. Things were running and we thought all things were working at the time. Based on that we had to release funds, but we still held back a bit of the funds. Council Member Pugmire said that in the future we need to be more careful with these types of projects.

### Restrooms

Mr. Linford asked what the set back is for the area where the new restrooms will be constructed. The area is 40' by 40', and the bathrooms is 35' x 22' so it will be really tight for that bathroom. The Council said that it may need to go to the Board of Adjustments to get a variance for the setbacks. Council Member Huefner can represent the city for that request. Mr. Linford said that we need to do this quickly so we can get it out for bid. Mr. Linford met with the sewer district today find out where they are going to run the sewer lines from.

Mayor Spuhler requested that we put the bid out now and do the variance while it is out. Mayor Spuhler said that the funds from the federal government have been released and are available.

Mr. Linford said that the specifications are 95% done and Council Member Pugmire will look them over so it can go out to bid.

### 300 west

Mr. Linford said that there was future planning for a water line to go down that road. He discussed how many crossings they will need, which they felt 4 would be good. They will also do a few additional stubs and T's for development planning. Mayor Spuhler explained that we have 9 months before anything can be done on that road, unless we get the Tiger grant and then we can ramp up sooner than that if needed, so we do have a little bit of time.

Mr. Linford said that the bid for the water line along 3<sup>rd</sup> west is \$15.00 per foot for C905, and we need to go about 3000 feet, which would be from Logan Road to Buttercup.

\$15.00 is just for the pipe; installed would be about \$23-\$25 per foot. Council Member Pugmire said that he was quoted a price of \$24.00 just for the pipe. Mayor Spuhler said that we can use funds from the water fund for that project; we can also use some of the Tiger grant money if we get that grant. Council Member Argyle said that we should look into using some of the funds from the RDA for water lines along 300 west.

We still need to work with some of the property owners along the west side before we can run the line.

One of the biggest expenses for this project is the boring under the highway along US 89. Mr. Hobbs said that it is stubbed 14" at the stop sign and then goes smaller across the highway. Mr. Calder said that it is 14" all the way and along the south side of Logan Road. There are a lot of questions on this so they will evaluate what there really is and go from there.

#### Hours at the plant

Mr. Linford said that he talked to some of the other treatment plants that are similar size to our plant, and they spend anywhere between 5 to 20 hours per week at their plants. They are getting the plant going right now and will need to spend a lot more time at the plant. The time may be less as things get fixed and working better. We should plan on one of the guys spending 15-20 hours per week at the plant. Mayor Spuhler said that there is so much automated at the plant that there isn't a lot that can be done away from the plant. Mayor Spuhler said that we need a list of what needs to be done at the plant on a daily basis.

Mr. Linford said that the public works employees are getting called out at all hours to work at the plant which is creating a lot of on call hours. Mayor Spuhler said that we have had a lot of conversation about this in the past and that is why we hired Mr. Stokes to help pick up the slack so we don't have so many comp time hours. We need to address this at a later date.

### **PUBLIC WORKS REPORT**

#### GIS

Mr. Hobbs said that right now we are sharing the equipment with the sewer district, but the software and the unit are not compatible for both entities to use. He said that the unit was purchased by Homeland Security and was purchased for the city. He suggested that the sewer district purchase their own unit so there isn't the problem of having someone come re-program our system because of non-compatibility.

Mr. Gifford, from the Bear Lake Special Service District, is looking into purchasing their own unit and software.

### Betenite bid

The Council Members said that they need to determine what they need for the betenite and then go with the low bid.

Council Member Pugmire said that one truck is about 30 tons and we should go with one truck load this year and see what happens.

Council Member House made the motion to go with the low bid on the delivery truck and the betenite and then also the low bid on the compaction. Council Member Pugmire said that they are all below \$1,500 so it doesn't need a motion. Motion died for a lack of a second.

### Pickleville Well

We did the camera inspection and this won't be a good option for the culinary system.

### Shundahai Water Submittal and Approvals

Mr. Hobbs explained that all submittals have been done and turned into the state. We are just waiting for their review and then we will schedule a meeting.

### Sweetwater Connection

This water connection should be done sometime the end of April.

### Fence Bid

The fence along 300 west has gone out to bid and they had a pre-bid meeting today.

### Concrete pad extension at the park, just north of the bowery

It was agreed to extend the cement on the north side of the bowery because it never dries out and is always muddy.

### Buttercup Canal

There are 4 canal wing walls that they need to install in Buttercup. We agreed to do that 2 years ago but the canal was flooded last year and they weren't able to do them last year so maybe this year. Buttercup understood the issues last year, but we should do it this year.

### Water rate study

Mr. Curt Ludvigson, from Rural Water, is still working on the rate study. Mayor Spuhler explained that our water ordinance states that if we don't have the water we can't service

water outside our city limits. Our Attorney has agreed with this. We are right on the edge of our water allowable usage.

Council Member Pugmire said that the cities that he checked with charge 2 times more for those outside the city limits. The Council agreed to wait to increase the water rates until we get the water rate study.

### **BUILDING INSPECTORS REPORT**

Mr. Peart said that there are 11 bids out and Lockwood is back on line since they posted a cash bond to finish the 2<sup>nd</sup> access. Council Member Pugmire said that he is concerned with the new house going in Lochwood because there is an extreme cut below the canal. Also, would we be held liable if that canal breaks loose and floods that house out? Mr. Peart said that he has to go by the fact that Lochwood is an approved subdivision, the plat was approved by the city, and the plans were approved by an engineer. It is an approved building lot. The property owner is going to build a retaining wall on the back side of the house.

Mr. Peart said that the engineer specified what the slope is and he will make sure that they build according to the plans. Mr. Peart said that he tried to talk the property owner into asking for a variance to build it closer to the road, further away from the canal, but he didn't want to do that. There is a 33' right of way for the canal, from the center line out, and that the house is well out of that right of way. Mayor Spuhler asked Mr. Peart to document his conversations with the property owner regarding requesting a variance.

Mayor Spuhler suggested that we work with the canal company and have a better relationship with them so we don't allow building where it shouldn't be. Mr. Peart said that he tries to make sure that the houses are not built within the easement. He said that we need to be more careful when these subdivisions are approved that they don't get approved with these type of problems.

Mayor Spuhler said that we need to document what we do and the conversations we have with this project and work through it.

### **CODE ENFORCEMENT REPORT**

Mr. Stokes explained that he has been working with some of the property owners that need to clean up their properties. He said that he feels that he is being pretty reasonable and it has been received pretty well by the property owners. He said that he has given them a time frame to do their clean up, and if they don't meet the time frame then there will be a fine.

Mr. Stokes asked if we need a fence on all sides of the offending property or only the side along US 89. The Council said that he needs to complete the fence on all sides.

Mr. Stokes said that we have had a hard time getting the chemicals right on the pool since it was re-plastered, but we are working hard to get the chemical to level out so we can get the pool re-opened.

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

#### **Jakes, Jacob Weeks**

Mr. Weeks was here tonight and he said that they are working really hard to get the building up to code so they can open. Council Member Pugmire asked about the approval from UDOT. Mr. Weeks said that he forgot that he needs to meet with UDOT but he will contact them to get their approval.

Council Member House asked if he is going to replace the roof on the garage. Mr. Weeks said that he is going to re-paint it; he will replace the roof on the house. The garage roof will be painted the same color as the house.

Mr. Hobbs said that there are some areas along the sidewalk that are in pretty bad shape and they may need to be fixed. Mayor Spuhler said that we do need to look at it but it doesn't pertain to this business license.

Council Member Pugmire said that his only concern at this point is to make sure everything is completed as needed for the building codes and Health Department requirements. He also needs to work with UDOT for their access approval.

Council Member House made the motion to accept Jakes business license application contingent on his UDOT approval. Council Member Huefner seconded the motion. All in favor and the motion carried.

#### **Sunshine Roofing Company, Bruce Weatherston**

Council Member Pugmire has talked to Mr. Weatherston and he has everything he needs, the contractor's license. It will be conducted out of his house, which is not in Garden City, but he wants to do construction work in Garden City.

Council Member House made the motion to approve Sunshine Roofing Company to do business in Garden City. Council Member Pugmire seconded the motion. All in favor and the motion carried.

#### **Bear Lake Emporium, Randi Hirschi**

Council Member Pugmire has talked to Ms. Hirschi and their plan is to take their inventory to the businesses to sell at their stores. They do have their sales tax number.

Council Member House made the motion to approve the business license for the Bear Lake Emporium, Randi Hirschi. Council Member Huefner seconded the motion. All in favor and the motion carried.

Paris Grill, Teresa Hottel

Council Member Pugmire has talked with Ms. Hottel and she has everything for her business license, i.e. the sales tax number for Garden City. She will also do catering and the Council determined that because she is running it through the Paris Café so it should be the same business and they won't need a separate business license for catering.

Council Member House made the motion to approve the business license for the Paris Cafe. Council Member Pugmire seconded the motion. All in favor and the motion carried.

**DISCUSSION REGARDING THE VISION FOR GARDEN CITY**

Mayor Spuhler changed the agenda to have Ms. Cindy Gooch come and talk about the vision of the town.

Mayor Spuhler explained that he has spent a lot of time on different Boards and going to many meetings. He said that there are different opinions as to what direction the Town is going and what people want for the community.

Mr. Gooch has been successful at getting us a great grant for 3<sup>rd</sup> west 2.5 million dollars and she is working for additional funding through other grants, the Tiger Grants. She works for JUB as the Grant Specialist and Urban Planning.

There was extensive conversation regarding the vision for Garden City.

Mayor Spuhler asked if we want the projects that will make this a great place and if we do want the projects we need to do what is necessary to work through the projects. He said that if we want to progress and do these projects we need someone in charge to make sure they get done right. We need to have someone, such as a City Administrator, to work through these projects and deal with the situations. The Mayor and Town Council work extremely hard but are not experts; it may be time to hire someone to help take care of the projects.

Council Member Pugmire said that as a Council, he thinks it may be good to change the way we govern by having a 5 member Council and a Mayor. He also suggests that we have Town Council meetings twice a month. He feels that the Council would be a lot more uniform and more effective.

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

Bear Lake Project Management  
151 N 100 W, Mike Leonhardt  
850 N. Cambry Drive, Glen & Genette Biddulph  
521 Raspberry Patch Drive, Sandra Fielding  
936 S. Bear Lake Blvd., Bob Dunkley

Mr. Mark Hislop is the property manager for these short term rental licenses. He has all the inspections and requirements for the short term rentals.

Council Member Huefner made the motion to approve the short term rental license for 151 N 100 W, 850 N Cambry Drive, 521 Raspberry Patch Drive, and 936 S. Bear Lake Blvd, all of them under Mark Hislop, Bear Lake Project Management. Council Member House seconded the motion. All in favor and the motion carried.

## **LAND USE COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL**

Council Member Pugmire explained that Mr. Beazer is make these lots 2 from ½ acre to a full acre. It is a corner lot so it will make it a more desirable lot. He will build a garage on the lot adjacent to the lot the house is on.

Council Member Huefner made the motion to accept the covenant to run with the land for Steve & Christine Beazer. Council Member House seconded the motion. All in favor and the motion carried.

## **RE-ZONE DISCUSSION/APPROVAL**

Mayor Spuhler explained this is to re-zone all the property above the canal to Hillside Estates with the exception of the approved and recorded subdivisions and also the commercial area by Bridgerland Village owned by Mr. Ted Wilson.

Council Member House made the motion to re-zone property above the canal to Hillside Estates that would exclude Ted Wilson's commercial property by Bridgerland and all approved and recorded subdivisions. Council Member Argyle seconded the motion. All in favor and the motion carried.

## **DISCUSSION/APPROVAL TO PROCEED WITH ANNEXATION AS PROPOSED TO BEAR LAKE MARINA**

Mayor Spuhler explained the annexation and that the state has already given us a letter to annex the marina. We just need an approval to proceed with the annexation, which will include the property between the current town boundaries and the marina. This will be under the annexation process initiated by the municipality.

Mayor Spuhler said that as a liability issue we need to get the Idaho water users off the city system. We need to encourage them to get off the line or put them on a bulk meter. We can't just shut them off so we need to work through this and give them due process. It is a huge concern for the cross connection possibilities. Every one of those users must be metered ASAP.

Council Member Huefner made the motion to proceed with the annexation as proposed to the Bear Lake Marina. Council Member House seconded the motion. All in favor and the motion carried.

### **DISCUSSION/APPROVAL TO PROCEED WITH EMINENT DOMAIN/CONDEMNATION ALONG 3<sup>RD</sup> WEST**

Council Member Huefner made the motion to proceed with eminent domain condemnation along 3<sup>rd</sup> west as required. Council Member Pugmire seconded the motion. All in favor and the motion carried.

### **BUDGET DISCUSSION**

#### Hire a City Manager

Mayor Spuhler explained that the Council already talked about hiring a City Manager and decided to look at the numbers and see where we are and what we can do, maybe coordinate with Montpelier and then have a follow up conversation.

#### Discussion regarding employee compensation COLA increase

Mayor Spuhler explained that last year they gave a COLA increase of 1.5% and then gave a bonus at the end of the year. He said that we still need to do the 6 month evaluation for all the employees.

The Council agreed that the raise should be given based on performance and a performance bonus is a good option.

Mr. Hobbs said that he feels we need a better on call policy because they are called out at any time during the night and after hours, for the treatment plant and for snowplowing, it is a huge stress.

#### Hiring a Seasonal Employee

The Council Members discussed hiring a seasonal employee vs. contracting with a landscape company. The Council agreed to put this out to hire a seasonal employee. We will put up a job opening posting for cutting grass and cleaning the restrooms. We will start them at \$8.50 and find the best person we can. It will be 30 – 40 hours per week.

Mayor Spuhler said that he talked to Mr. Nichol recently and he said that he is still going to work for the city as the Code Enforcement Officer. Mayor Spuhler will contact him.

#### Discussion regarding a water rate increase for water users outside the Garden City town limits

Mayor Spuhler said that we are still waiting for the water study from Rural Water. The Council discussed the rate that they want to increase the water rate to. Mayor Spuhler said that we can set the rate without the water study but we should have that study first.

The Council discussed in depth the rate increase and decided to raise the rate for the water users outside the city limits to 1.5 times the current rate on both the base rate and the overage.

#### Budget Discussion

The Council agreed to have a work meeting in a couple of weeks to go over the budget.

### **MISCELLANEOUS ITEMS**

#### Discussion regarding Commercial Building Permit Fees

We have the commercial building permit fees worked out and the calculations are working fine. It was explained that Mr. Hamblin charges a plan check fee which is 65% of the building permit fee. We charge a plan review fee deposit which is paid when the building permit application is dropped off for review. This fee is credited towards the building permit fee. We also charge a plan check fee which is in addition to the building permit fee and this is charged when the customer pays the building permit fee. The plan check fee is only charged on commercial building permits. The Council agreed that this is what we should be doing.

#### Council Meetings 2 times each month

Council Member Pugmire is suggesting the Council meet 2 times per month. The Council agreed so this will be on the next meeting for approval.

#### Discussion/Approval of new Christmas lights/decorations

Council Member Argyle explained that they meet with a man that makes the Christmas light decorations. We need to work towards getting new decorations. The Council agreed to spend \$2,000 this year and \$2,000 next year for new lights. We can work next year for more Christmas lights.

Council Member House made the motion to approve \$4,000 for new Christmas lights decorations, \$2,000 down and \$2,000 upon completion. Council Member Huefner seconded the motion. All in favor and the motion carried.

## **COUNCIL MEMBER REPORTS**

Council Member House said that the Planning Commission approved Jakes Burger Shop. He also attended the road and trail class, which he talked about some of the things that he learned.

Council Member Pugmire explained that the business licensing is going fine. He is concerned with the cost of the business licensing. He feels that we don't charge enough for a business license. He has done a lot of research and we are extremely low compared to other cities. Council Member House said that when we started the short term rental license the fees were to break even and to make it safer, it wasn't to make money. Council Member Pugmire said that this is just a suggestion. He asked the Council to think about it and they can discuss it during the next Council meeting.

Council Member Pugmire said that the parking ordinance needs to be updated. He said that for short term rental it is way too low but for retail the requirement is too high. We need to go over this again and get it closer than what is needed.

Council Member Pugmire said that he has a concern about paying insurance. He said that he feels that full time employees should get insurance but not part-time employees. We don't offer insurance policy benefits, we just pay a specific amount and the employee can pay that towards their own insurance.

Mayor Spuhler said that we should provide insurance supplement, the same type that we offer full time, to those who work 20 or more hours per week. Their insurance supplement would be based on 20 hours per week or half what the full time employees receive. Council Member Pugmire said that the insurance for part time employees was not voted on last month, but we did start paying them the insurance supplement in April.

There was significant discussion regarding paying Mayor Spuhler the insurance supplement. Mayor Spuhler said that he does a lot of work above what the Mayor's job is. He does more work than what is expected of a Mayor, more of what a City Manager would do. He said that he needs to focus more on his personal business and that means he needs to cut back on what he does as the city manager functions, and focus more on what he should do as the Mayor.

Mayor Spuhler said that he has talked to BRAG and Montpelier to see if we could partnership with them on a city planner. He said it would probably cost us \$1,500 - \$3,000 per month. We could check to see if the partnership would work and if not we can interview and get someone hired.

The Council agreed that we need to have someone in the position within the next 30 days. Mayor Spuhler will ease out of that function over the next 30 days. Mayor Spuhler will contact BRAG to see if we can get Mr. Covington to work for Garden City 1 – 2 days per week.

Council Member Argyle said that the pool and the Library is going really well.

Council Member Huefner said that the Raspberry Days Committee is doing great. They are looking to get a new music provider.

The Council agreed to have Ms. Gooch design the new park, which will cost about \$500. This will be used for the Land & Water Conservation Grant.

**PAYMENT VOUCHERS**

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

**ADJOURNMENT**

Council Member House made the motion to adjourn the meeting at 11:05 p.m. Council Member Argyle 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