

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

The Garden City Town Council held their regularly scheduled meeting on June 14, 2012 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:06 p.m.

Council Members present:

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

Others present:

Danny White, City Administrator	Joey Stocking
Kathy Hislop	Dan Moldenhauer
Travis Hobbs	Curtis Moldenhauer
Anita Weston	Michael Moldenhauer
Kathy Anderson	Don Webb
Joan Akre	Mike Leonhardt
Lana Hodges	Mark Hislop
Larry Hodges	Brent Hirschi
Kirk Topham	Brian Hirschi
Nate Parry	Nadine Sprouse
Angie McPhee	Lance Bourne

ROLL CALL

Mayor Spuhler asked for a roll call of the Council Members Present, Mayor Spuhler Council Member Huefner, Council Member Argyle, Council Member Pugmire, Mr. Danny White, the City Administrator. Council Member House will be late to this meeting.

APPROVAL OF THE MINUTES

Council Member Pugmire said that he wants to make a change to the minutes because he thought that he abstained from the vote for the business license for Bear Lake Water Adventures because he was told he has a conflict of interest. The vote on the business license was changed to a roll call vote with all in favor other than Council Member Pugimre who abstained. Motion still carried. Mayor Spuhler explained that Council Member Pugmire should state his conflict but he can still vote.

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

PUBLIC WORKS REPORT

Mr. Hobbs passed out public comments regarding the pond, which were positive comments from people that have enjoyed the pond. Mr. Hobbs also passed out his project list to the Council.

Mr. Hobbs said that most everything has been completed at the treatment plant. He talked to Build Inc. and they will be here tomorrow to finish the rest of the list. Mayor Spuhler met with Build Inc. and told them that until the punch list is completed they won't receive any more funds. Mr. Hobbs said that they are working hard to get everything finished so they can get paid.

Mr. Hobbs said that they are working on a budget for the trees around the pond. Also the state of Utah said that they will get the Dedicated Hunter program involved with volunteering at the pond. We have been approved by their program to do this.

Council Member Argyle applied for a grant for work around the pond. Mr. White will work on putting together a budget for the work to be done around the pond. Mayor Spuhler said that there have been a ton of people fishing at the pond, it has been a good addition to the community.

Mr. Hobbs said that yesterday they had a leak on the 14" line and they thought they were going to have to turn the water off but the fix went extremely well and the water wasn't turned off. The City Watch notification went out but it only contacted the land line, it didn't send anything out to cell phones. Mr. Stokes will check this to see why it didn't notify every type of communication device as it should.

They did finish the emergency connection with Sweetwater. It is just for emergencies and was approved by the state.

Mayor Spuhler suggested that every body in the audience give us their contact information so we can add it to the City Watch system in the case of an emergency. They should also let their neighbors know.

BUILDING INSPECTOR REPORT

Mr. Peart is not in attendance but did give the Council a written report, which they reviewed.

CODE ENFORCEMENT REPORT

Mr. Stokes explained that he gave a property owner a letter of violation to clean up their property, they were given 15 days beginning on June 5th. Mr. Stokes said that he did issue a few citations this week.

Mr. Stokes will be working on updating a few ordinances.

BUSINESS LICENSE DISCUSSION/APPROVAL

Bee Hive Bears Furnishings, Kirk Topham

Mr. Topham explained that he would like to have a furniture retail store and would eventually like to carve at the businesses. The Council discussed adding carving to his request for a business license. They determined that Council Member Pugmire should check into the carving more and see if it would be allowed by our ordinances.

Council Member Huefner made the motion to accept the business license application for Beehive Bears Furnishing at 160 W 200 N for Mr. Kirk Topham and the outside carving will be contingent on Council Member Pugmire checking on the ordinance. Council Member Argyle seconded the motion. All in favor and the motion carried.

Little Bear Lake Monster Pre-School, Elaine Negus

Council Member Pugmire said that this pre-school will be held at the KOA in the rec-room.

Council Member Huefner made the motion to accept the business license for Little Bear Lake Monster Pre-School owned by Elaine Negus contingent on it passing the State Fire Marshall inspection. Council Member Argyle seconded the motion. All in favor and the motion carried.

Bear Lake CheeseSteak and Smoothies, RaeAnn Chavez

Council Member Pugmire said that he hasn't been able to reach Ms. Chavez yet. This business will be at Jack Dahls cabins at about 65 W. Logan Road. The Sales Tax # is pending.

Council Member Huefner made the motion to accept the business license from RaeAnn Chavez contingent upon her finishing her Utah State Tax number and getting the fire inspection. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Zumba Fitness, Katelyn Lloyd

Council Member Pugmire said that he has talked to her and she has been doing the Zumba at Ideal Beach. Ms. Lloyd wants to do retail sales there also, which Ideal Beach has agreed to allow.

Council Member Huefner made the motion to accept the business license for Katelyn Lloyd for Zumba Fitness at Ideal Beach. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Little Darling Photography, Lauriann Wakefield

Council Member Pugmire said that he has talked to Ms. Wakefield and this business license request is so she can do photography in Garden City. It will be for outside photography because she will run the business from her house in Sweetwater.

Council Member Huefner made the motion accept the business license for Ms. Wakefield. Council Member Argyle seconded the motion. All in favor and the motion carried.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

Bear Lake Cabin Rentals, 904 Cambry Drive. Owner is Jason Williams

Council Member Pugmire said that they have finished their checklist and are ready for their license.

Council Member Huefner made the motion accept the short term rental license for 904 Cambry Dr., Jason Williams. Council Member Argyle seconded the motion. All in favor and the motion carried.

Bear Lake Lodging, 952 Yacht Drive, owner is Jim & Janice Nikitin

Council Member Pugmire said that they have finished their checklist as well.

Council Member Argyle made the motion pass the short term rental license for Bear Lake Lodging at 952 Yacht Drive. Council Member Huefner seconded the motion. All in favor and the motion carried.

PS Holdings, 207 W. Snow Meadows Circle, owner is Palmers Inc.

Council Member Pugmire said that this request is almost completed but needs the building inspector inspection to include parking. This isn't going through Bear Lake Cabin Rentals, Chuck Stocking is just the contact person. Palmers Inc. will be doing their own rentals.

Council Member Huefner made the motion to accept the short term rental license contingent on the building and parking inspection. Council Member Argyle seconded the motion. All in favor and the motion carried.

COVENANT TO RUN WITH THE LAND

Request to Encumber approved vacant lots/condo units in the Seasons Resort Community. 41-21-49-101, 41-21-49-201, 41-21-49-202, 41-21-49-203, 41-21-49-204, 41-21-49-205, 41-21-49-206, 41-21-49-207, 41-21-49-301, 41-21-49-302, 41-21-49-303, 41-21-49-304, 41-21-49-305, 41-21-49-306, and 41-21-49-307. Roger Dahle

These parcels are all contingent and are the condo units in the Season's Resort Development that are not built yet.

Council Member Huefner made the motion to accept the covenant to run with the land for the Season's Resort, Roger Dahle. Council Member Pugmire seconded the motion. All in favor and the motion carried.

CONDOMINIUM DEVELOPMENT DISCUSSION/APPROVAL

Mr. Don Webb explained that his proposed condominium development will have 13 units and will have 3 complete lanes in and out with a large circle to turn around in the development. Mr. Webb said that they have plenty of parking, with 18 more parking stalls than are required. He said he may take out a few of the parking spots to accommodate the garbage trucks.

The Council discussed a time frame to make sure this project is completed. Mayor Spuhler suggested that we look at the ordinances to see if we want a time frame so these projects get completed. He asked Mr. White to look into this to add it to the ordinances.

The Planning & Zoning Commission has reviewed this project and approved the preliminary plat as presented. They did review the comments from the Town Attorney and addressed what they could. Mr. Webb said that they meet the setbacks for a condominium development. The Planning Commission agreed that they meet the setbacks.

The Planning Commission discussed where a fence is to be located. The ordinances state that the fence must be on the setback but it really should be on the property line. The Council will look into this further.

The Council discussed adding a sidewalk in the subdivision. Mr. Webb said that he is willing to do that as long as it is in the 30' setback so he can fit the units as they are laid out now. He said he can't push the houses back further to accommodate a sidewalk. The Council said that they agree and it would be good to have the sidewalk and it can be within the setbacks.

Mr. Hodges explained that the road between the Bear Lake Country Store and this project is a private road not a city road.

Council Member Pugmire made the motion to approve the condominium development for Don Webb of Pickleville Commons. Council Member Huefner seconded the motion. All in favor and the motion carried.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R12-07, a resolution establishing the Garden City Concessionaire License fee

The Council discussed the license fee at length, they felt that the fee should be anywhere between \$175 and \$250. We will only have 1 business this year and we will revise the ordinance for next year after we've had 1 season.

This resolution is good for 1 year and will be reviewed next year for changes.

Council Member Pugmire made the motion to approve Resolution #R12-07 with the application fee of \$200 and the annual renewal fee of \$200. Council Member Argyle seconded the motion. A roll call vote was called for: Council Member Pugmire, for; Council Member Argyle, for; Mayor Spuhler, for; Council Member Huefner abstained. Motion Carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #12-10, an ordinance establishing the rules and regulations for a Garden City Concessionaire License

Council Member Huefner made the motion to approve Ordinance #12-10 establishing the rules and regulations for a Garden City Concessionaire License. Council Member Argyle seconded the motion. All in favor and the motion carried.

Ordinance #12-11, an ordinance updating the rules and regulates for a Garden City Transient Vendor License.

Council Member Huefner made the motion to change the ordinance updating the rules and regulations for a Garden City Transient Vendor License to include unless special events are approved by Town Council. Council Member Argyle seconded the motion. All in favor and the motion carried.

Ordinance #12-12, an ordinance extending the corporate limits of the Town of Garden City, Rich County, Utah and Annexing Certain Territory thereto. Garden City has adopted a resolution indicating its intent to annex the area proposed for annexation. The area proposed for annexation is approximately 69.4 acres and is located north of the Garden City Town limits on the east side of Hwy 89. Also included in this proposed

annexation are 4 parcels along 300 west. The proposed annexation area include parcels #41-16-00-029, 41-16-00-028, 41-16-00-025, 41-16-00-024, 41-16-00-022, 41-16-00-021, 41-16-00-020, 41-16-00-019, 41-16-00-018, 41-16-00-017, 41-16-00-016, 41-16-00-015, 41-16-00-014, 41-16-00-013, 41-16-00-012, 41-16-00-011, 41-16-00-010, 41-16-00-009, 41-16-00-008, 41-16-00-007, 41-16-00-006, 4, 1-16-00-005, 41-16-00-004, 41-16-00-002, 41-16-00-001, 41-17-00-083, 41-17-00-082, 41-17-00-080, 41-17-00-079, and the Bear Lake State Park Marina.

Mayor Spuhler read the annexation area description.

Council Member Huefner made the motion to accept ordinance #12-12 extending the corporate limits of the Town of Garden City. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Discussion regarding the Garden City Sign Ordinance #11-600

Mr. Dan Moldenhauer explained that they have had their sign along the highway and it needed to be updated so they purchased a new sign to go in the structure. Mr. Curtis Moldenhauer said that one of his questions is what he falls under with his sign along the highway. Mayor Spuhler said that they would fall under the non-conforming structure because it is an off premise sign. Every business can have 1 off premise sign but they have to get a conditional use permit for it, which would cost \$300. The conditional use permit is good for the life of the sign. Mr. Moldenhauer asked what he can do with his sign. There was extensive discussion regarding the KOA sign.

Mayor Spuhler said that there is some structure in this ordinance and it is really a pretty good ordinance but there may need to be some changes to the ordinance.

Mayor Spuhler said that we do need to do some type of a standard for a nice sign.

Mr. Dan Moldenhauer said that signs are a direct reflection of your business and he feels that they have done a nice sign, which is better than the old sign. Council Member Argyle asked if they would object to putting in some logs and enclosing the sign to make the structure more cohesive. Mr. Moldenhauer said that their sign is registered with UDOT, so they have to follow the state requirements.

Mayor Spuhler said that it's time to look over the sign ordinance to see if it needs to be updated. He suggested that we create a committee to help update the ordinance, we need to get the business owners involved in this committee. Mr. Moldehauer said that we need to have a standard and have nice looking signage.

Mayor Spuhler said that there is a remedy for this issue in the ordinances. But we do still need to improve the ordinance to make it better. Mr. Leonhardt said that the Chamber needs to step in and get all the business people with the city and steer this discussion to make the ordinance work. The Moldenhauers are willing to help with this process also. Mayor Spuhler said that it should be a combined thing with all these entities and also

with the Council. Mayor Spuhler suggested that we have a committee of 4-5 members to help with this process.

Mayor Spuhler said that our complex sign is on our city property and we have the authority, according to our ordinances, to rent space on either complex sign to businesses as long as they are renting space in our complex.

Mayor Spuhler said that he had a question regarding some of the banner signs in town that advertise for a business but has another business logo. He said that it looks like it is a sign within a sign. Council Member Pugmire said that a banner is a temporary sign.

Mayor Spuhler said that it all really goes back to what type of signs do we want throughout town. There was extensive conversation regarding the sign ordinance and changes that may be better for the ordinance. Mr. White passed out sign ordinances from other communities, which will help when we are working on the new ordinance. Council Member Argyle suggested that we stick with a theme with our sign throughout town.

Mayor Spuhler said that we are saying that the KOA and ACE Hardware sign is non-conforming and they can change that sign if it needs to be repaired, which they did repair the old sign, so they are okay right now. Council Member Pugmire said that they are not okay unless the sign was damaged because that is what the ordinance states, if it is just a change of the sign then it wasn't damaged and they would have to get a conditional use. Council Member Huefner agreed that they need to get a conditional use. Council Member Argyle said that it wasn't just that the KOA sign was repaired it also was because the ACE Hardware sign was added. Council Member House agreed that it would need a conditional use permit. Council Member Argyle agreed that the change of the ACE Hardware was a change not a repair.

Mayor Spuhler asked if the Moldenhauers felt that the sign was damaged, and if they felt that they were just repairing a damaged sign then they could make the change, what needs to be determined is their interpretation of damaged. If it wasn't damaged then they would need a conditional use permit. Mr. Moldenhauer said that the sign was sun damaged and faded and that is why they needed a new sign. Council Member Argyle read from the ordinance and it says that the sign must remain in good condition. The Council reviewed the ordinance for a better definition.

Mr. Mike Moldenhauer said that he feels that they are being penalized for making something better. Council Member Pugmire said that he is just trying to follow the ordinance.

Council Member Argyle and Council Member Huefner agreed that the sign was sun damaged. Council Member Pugmire and Council Member House said that they agree that the sign was damaged. The final determination is that the sign was sun damaged and it was okay to repair.

Mr. Curtis Moldenhauer asked about having another sign that was connected to the sign at the bottom for Jake's. Council Member Pugmire will check with the landlord of the sign to make sure it is allowed.

Mr. Hislop asked for something on the record about his sign on the complex sign, because it has been discussed. Mayor Spuhler said that Mr. Hislop approached him about renting space at the Garden City Complex and putting a sign up in the complex sign, he said that he would have to lease some space, which he was already renting an office. Mayor Spuhler said that he couldn't rent the entire empty spot, he could only lease half. Mayor Spuhler agreed to an annual contract for rental of the sign contingent on him renting space in the town complex, which is allowed by our ordinance. He said that he would have said the same thing for any other business that is renting in the complex and it falls within the ordinance.

Council Member Pugmire said that we need to work on lighting our complex sign so it is better lit.

Discussion regarding the short term rental ordinance requirements, 8-600

Council Member Pugmire explained that he asked to have this put on the ordinance. He said that he has talked to a lot of the property management groups that do short term rentals. He feels that there are concerns with the number of people that are allowed in a rental unit. There was extensive discussion regarding this ordinance.

Council Member Pugmire is very concerned with the parking for short term rentals. He wants to specifically stipulate that they must park on the property and not on the road.

Ms. Angie McPhee said that every time the Council make changes to the short term rental ordinance it affects their business significantly. She said that the purpose to set up this ordinance originally was to take care of those who were doing it right and stop those who were not. The one's that are licensed have worked with the Building Inspector, worked with the Fire Chief, and with the city to make sure they have everything they need to do the short term rentals. She said that if it is a safety issue it shouldn't matter if it is a short term, long term or yearly rental. It shouldn't matter, they should all be treated the same.

The Council agreed that this was on the agenda for a discussion item and they felt that it is okay the way it is written right now.

Discussion regarding the Garden City Procurement Ordinance, specifically 3-707, Classification of Expenditures

Mayor Spuhler said that our procurement amounts are extremely low. The state has set an amount that they allow, they also allow the city to get bids from 3 bidders, to lessen the extensive bidding process. Our process takes too long to get through. Mr. Danny White will work on this ordinance and bring suggestions to the Council next month.

The Council agreed that they need to change the amount that can be spent without a bid be increased to \$2,000.

Discussion regarding the Garden City parking ordinance, specifically 11C-303-C, Commercial Parking Requirements

Council Member Pugmire read his suggestions for the calculations for commercial parking spaces. This ordinance will be written and discussed for approval next month.

REVIEW, DISCUSS AND APPROVAL OF THE 2012 TAX LIEN LIST FOR THE BUTTERCUP SPECIAL IMPROVEMENT DISTRICT DELINQUENT ASSESSMENTS

Council Member House made the motion to approve the Certification of Delinquency of assessment charges for Buttercup Special Improvement District. Council Member Huefner seconded the motion. All in favor and the motion carried.

BUDGET REVIEW AND APPROVAL FOR FISCAL YEAR JULY 1, 2012 – JUNE 30, 2013, GENERAL FUND, WATER FUND, SPECIAL IMPROVEMENT DISTRICT FUND, BEACH ACCESS FUND, AND CAPITAL IMPROVEMENTS

Discussion/Approval of increase to Utah Retirement System contributions for fiscal year July 1, 2012 – June 30, 2013.

Council Member House made the motion to approve the increase for URS fiscal year July 1, 2012 – June 30, 2013. Council Member Huefner seconded the motion. All in favor and the motion carried.

Open the July 1, 2012 – June 30, 2013 budget to cover over expenditures and move funds if necessary.

General Fund

Council Member Pugmire explained that in the General fund Highways and Public Works, Parks, Recreation, and Pool are over spent. We can move funds from one line item to another to cover most of the over expenditures, but we will need to increase the budget to cover about \$90,000.

Council Member Huefner made the motion to approve the over expenditures and move the funds from the PTIP fund for the highways. We will move \$20,000 for the buildings and \$26,000 for the parks to cover over expenditures and up to \$50,000 from PTIF to cover over expenditures.. Council Member House seconded the motion. All in favor and the motion carried.

Enterprise Fund

Council Member Pugmire explained that to date we have brought in more revenues than budgeted \$75,293, and spent \$38,974 more than budgeted, so we need to increase budget expenditures up to \$60,000 to cover over expenditures through the end of the year.

Council Member Pugmire made the motion to increase the budget expenditures up to \$60,000 to cover over expenditures through the end of the year. Council Member House seconded the motion. All in favor and the motion carried.

Approve the proposed budget for fiscal year July 1, 2012 – June 30, 2013.

We need to make 1 change to the proposed budget and that is to list the exact amount of the property taxes figured with the new certified tax rate. The new certified tax rate is .000670. The property taxes will go from \$180,000 to \$166,000.

Council Member House made the motion to adopt the figures for all the funds for the 2012 – 2013 budget year. Council Member Huefner seconded the motion. Motion was amended as follows.

Council Member House made the motion to adopt the budgets for the General Fund, Water Fund, Special Improvement District Fund, Beach Access Fund, and Capital Improvement Fund as amended last month. Council Member Huefner seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Past Due Water Policy Discussion/Approval

The Council Members read through the proposed policy. Council Member Argyle said that she had concerns with the new policy. The Council discussed how to notify property owners of a past due amount. It was decided not to send the notices certified mail. The Council discussed the policy. If an account goes delinquent the water is turned off after 20 days of being delinquent. If a house is sold when the water is turned off the previous owner is still responsible for the previous balance but the new owner will have to pay the \$200 turn on fee.

Council Member House made the motion to approve the water policy as written. Council Member Huefner seconded the motion. A roll call vote was called for: Council Member House, for; Council Member Huefner, for; Council Member Pugmire, for; Council Member Argyle nay. Motion carried.

Discussion regarding the Bear Lake Regional Commission request for Garden City to participate and help fund the eco monitoring of Bear Lake

Mayor Spuhler said that the Regional Commission does some good things for the community but he doesn't want to help fund this program. Council Member House said that DEQ does these type of tests at no cost. The Council agreed that we shouldn't pay for this program.

Buttercup Subdivision request for to consider the following

1. Sharing the dumpster area with Garden City.
Mr. Mike Schiess explained that he is trying to get the county to pick up black cans in Buttercup but until that happens he is proposing that the city and Buttercup make 1 dumpster area and share it. Because of 3rd west the city has agreed to move the Buttercup dumpster area at no cost to Buttercup. They had just created a new dumpster area when we started 3rd west.
2. Proposal of development in park area of the Buttercup Subdivision
Mr. Schiess said that they would like to combine the Buttercup park property with the city park property. They are adjacent property and it would be better to create a better park for everyone. The Council said they are interested to discuss this idea more.
3. Request to determine what the dividing line between the Garden City Heritage Park and the Buttercup fence.
The Council said that the property has been surveyed and the markers should be there.

COUNCIL MEMBER REPORTS

The Council discussed the pond and things that need to be repaired and finished. Council Member Pugmire and the Public Works Department are working to make sure it is going to be completed.

Council Member Pugmire said that he received an application for a transient business license. He will make sure that the applicant meets all the requirements and then he will approve it.

Council Member Pugmire will work more on the commercial parking ordinance.

Council Member Argyle said that we have a problem with the new pool heater. They sent a residential heater and we must have a commercial heater. We will get the right parts and Mr. Stokes will make the adjustments so the heater can be approved by the State. The company that sent the wrong heater will pay for the new parts.

Council Member Argyle said that she received a bid to replace the glass blocks at the park bowery. It will cost about \$4500 for all three windows. The glass block will be non-breakable. Mr. White will check to see if he can find anything less expensive.

Council Member Argyle submitted another grant to do some work at the new park.

Council Member Argyle said that she has been trying to get people signed up to help with Heritage Days. Mayor Spuhler said that he is going to go to the Chamber of Commerce and see if there are business owners that will help.

The Council explained that they will change the special event permit application to list sub-vendors that want to sell as part of a race event. Mayor Spuhler said that we need to come up with a new license that would allow these vendors to sell at the races. Mayor Spuhler said that we need to create a specific license so people don't think that they can just start selling.

Council Member Huefner is applying for another grant, which requires a 50% match but the match comes from another grant match, not from us. This grant is to install the water lines along 3rd west and is for \$1.2 million. We can apply every quarter and if we don't get it they tell us what we need to fix on the grant application. This grant will cost us \$5,000 for JUB to put the grant together.

Council Member Huefner is still working on 1st west and getting the delineation from Mr. Bryce Nielson. The striping has been started and looks really well.

Council Member Argyle is still working on the lighting project and also on the Christmas lights.

Mayor Spuhler said that there are people that don't like the bike races in town but he said it is a good thing for Garden City. It brings families to the area. He is in support of these events and there are businesses making money off these type of events.

Mayor Spuhler said that he would like to change the Garden City tag line to "Where Families Play". He wants to tag that for a slogan for Garden City. The Council agreed to make the change because we are a family recreation area.

PAYMENT VOUCHERS

The Council Members reviewed the invoices and payment vouchers.

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

ADJOURNMENT

There being no further business for the Council to discuss, Council Member House made the motion to close the meeting at 9:45 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

APPROVED:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk