

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

The Garden City Town Council held their regularly scheduled meeting on February 21, 2013 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
Brian House
Pat Argyle
Darin Pugmire
Danny White, City Administrator

Others present:

Kathy Hislop
Riley Argyle
George Peart
Anita Weston
Curtis Wahlstrom
Cooper guy
Skip Duffin
Andy Stokes
Zan Murray
Cindy Gooch
Brian Hirschi
Lance Bourne
Joey Stocking
Tony Crowson

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Pugmire, Council, Council Member Argyle, Council Member House, and Danny White, City Administrator.

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on January 10, 2013

Council Member Pugmire made the motion to approve the minutes of the Town Council meeting held on January 10, 2013. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Public Hearing held on January 10, 2013

Council Member House made the motion to approve the minutes of the Public Hearing held on January 10, 2013. Council Member Argyle seconded the motion. All in favor and the motion carried.

Minutes of the Executive Session held on January 10, 2013

Council Member Argyle made the motion to approve the minutes of the Executive Session held on January 10, 2013. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Public Hearing held on February 1, 2013

Council Member Argyle made the motion to approve the minutes of the Public Hearing held on February 1, 2013. Council Member House seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT, Zan Murray

Mr. Murray explained that they are starting the planning for the water master plan and also the General Master Plan. The Public Works department is also working on the GPS so they can integrate that infrastructure information in the plans.

They are also working on the design work for 5 master meters and working with the meter supplier so it can go out to bid soon. They want to have the meters constructed and installed before Memorial Day.

They are working on a design to access the second story level in the treatment plant for equipment storage so they can utilize that space.

They are working to replace the meter at Paris Café with a 2" meter, but that probably won't be big enough for the development that is proposed for that area. When the developer comes in for their project approval they should have to pay and install the new meter that will be required for their project.

They are waiting for the results of the water master plan before they do much more with the well design to make sure that it will integrate with the water system.

Mayor Spuhler explained that he has concerns with the mining project just over the border. They figure that most of the employees won't be from here, up to 80% will be commuting. He is concerned about the impact that many people will cause, without spending money here and helping to pay for the infrastructure. What will the possible impacts be on our community and infrastructure.

PUBLIC WORKS DEPARTMENT REPORT, Riley Argyle

Mr. Argyle passed out his report to the Council. He explained that there were a couple issues with the plow truck but they did get it back and running quickly. Mr. Steve Watterson let them borrow a snow plow at no cost so they could keep up with the snow removal.

Mr. Argyle will be starting the GIS mapping again in a couple of weeks. They will install the new streetlights as soon as the weather allows.

They are working on the plans for the Heritage Park so they can get going on the landscaping this spring. They will do more bentonite at the pond this year to make sure it is sealed off.

They are down to the last couple meters on the Idaho side and they will get those done this spring.

The water line down 3rd west is on hold for a little bit until we are positive that the grant is on line.

They are using the pellet stove a lot and it is working well to keep the propane use down at the treatment plant.

The gun range is still in the conceptual stage but they are proposing that project to the state next month. Mayor Spuhler explained that the County has agreed to build and maintain the roads to the gun range. The State Parks Department is willing to donate the land for the gun range. We are working to see how extensive it will be and how basic it is for the maintenance.

BUILDING INSPECTOR REPORT, George Peart

Mr. Peart explained that there isn't too much happening with building inspections right now. He has been more involved in the sign ordinance and the seasonal housing request. Mayor Spuhler explained that the new owner of the Traveland RV Park wants to build the small cabins, and he is willing to have some of them for seasonal housing to help out the other business owners. This seems to be a positive option.

Mr. Peart explained that there is an encumbrance on the agenda because they want to build a garage on the adjacent piece of property from the house.

CODE ENFORCEMENT REPORT, Andy Stokes

Mr. Stokes explained that he has spent a lot of time on the sign ordinance and feels that it is a good document now. He has met with a few of the business owners and has incorporated most of their concerns in the proposed document.

He has had a couple of complaints of dogs running around so he will look at that ordinance next.

Mayor Spuhler requested an amendment to the agenda to move to the sign ordinance discussion after the City Administrator Report.

CITY ADMINISTRATOR REPORT, Danny White

Mr. White showed the Council the new banner for Raspberry Days, which will go on the new light poles. He will keep moving forward on this project as soon as the weather will allow.

Mr. White went to a seminar last month to learn about how the new Obama health care plan is going to affect our city. The League of Cities and Towns is going to put together a memo to send out to towns to let them know how to deal with the new Obama health care plan.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #13-03, An Ordinance to update the requirements for a sign Permit

Last week approximately 10 people attend a meeting to discuss the sign ordinance. They brought up some really good points, which were changed in the current ordinance. Mr. Stokes went through the ordinance and explained the changes to the Council and the audience. Most of the changes were based on the input of the business owners that attended the meeting.

Businesses in Garden City could benefit by putting up an off premise sign but they still need to follow the ordinance requirements, which is only allowed by conditional use permit.

Off premise signs were discussed and whether or not to allow off premise signs for businesses which are outside the Garden City limits. Mayor Spuhler explained that there was a big change from the last proposed ordinance to this one, which is that the new ordinance requires that a business must have a current business location in the Garden City town limits before they can have an off premise sign. Mayor Spuhler said that he had a few of the businesses call him with this concern. They feel that the businesses should have a location here and be paying taxes the same as they have to, so the change was made to the ordinance. Without this requirement we could eventually have signs throughout Garden City that don't have a connection here.

Mr. Crowson, From Bear Lake West, said that he is just over the border and feels like he brings a lot to this community and requested the Council give him an exemption so he can put up a sign in Garden City. He said that some of the businesses in Garden City prosper from his business and what he brings to the community. Mayor Spuhler explained that we know that he is a great member of this community but when we are

dealing with an ordinance we are not dealing with an individual situation, we are dealing with the community as a whole and we need to do what is best for the community as a whole. This is not anything against his business. Mayor Spuhler asked the Council for their opinion regarding this issue. Council Member Pugmire said that he agrees that a business must have a business location in Garden City to allow an off premise sign in Garden City. Council Member House said that he agrees and feels like it should stay the way it is written. Council Member Argyle said that as a Town Council Member our obligation is to the betterment of this city. She suggested that Mr. Crowson visit with the property management companies and have them put a card or coupon in their rental units so the renters know about his restaurant. Our obligation must be to our city and community. Mayor Spuhler said that he feels the same way and we need to listen to our business community.

The Council discussed the temporary signs and had many different ideas and concerns. The sign ordinance will be tabled at this time so the temporary signs can be reviewed again, and if needed it will be changed. The sign ordinance will be on the March Council agenda for final approval.

BUSINESS LICENSE DISCUSSION DISCUSSION/APPROVAL

Bridgerland Bookkeeping, Karlette Johnson

Council Member Pugmire explained that these people have already been cited once because they didn't have a short term rental license to rent the house. He worked through that with them and then they wanted to rent another house, so he sent her a letter stating that she needs a business license to rent 2 homes. She sent him the letter stating that she already has a business license in Millville. Council Member Pugmire contacted her and told her that if she will send us documentation that she does have a business license in Millville then we refund her \$50. The Council agreed with him. If she can't show that she has a license then we can re-address this next month.

CANN Enterprises, Lakeside Pizza & Pantry, Natalie Doolin

CANN Enterprises is leasing to purchase Lakeside Pizza & and Pantry.

Council Member House made the motion to accept the business license for CANN Enterprises/Lakeside Pizza & Pantry to conduct their business. Council Member Argyle seconded the motion.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

796 S. Spruce Drive, Brian Huggard, Bear Lake Project Management

941 N. Newberg Place Unit #4, Donald Bizios, Bear Lake Project Management

Council Member Pugmire explained that Mr. Mark Hislop will be the manager of these properties and he has a few issues that he needs to work out on the inspections. He will have to do those things before he can rent the homes.

Council Member Argyle made the motion to approve the rentals on 796 S. Spruce Drive and 941 N. Newberg for short term rentals with the conditions that they have those 2 items on the inspections taken care of. Council Member Pugmire seconded the motion. All in favor and the motion carried.

BEACH VENDOR LICENSE DISCUSSION

Request for a Beach Vendor License at 150 S. Beach, Brian Hirschi

Mayor Spuhler said that the purpose of this discussion is to let Mr. Hirschi explain what he would like to do and present his proposal. Mr. Hirschi is requesting approval to sublease the Garden City general beach permit to him so he can rent water craft on the 150 S. Beach.

Mr. Hirschi said that he contacted the State Sovereign Lands and they told him that he can sublease the general permit area that we hold. The State also contacted Mayor Spuhler and gave him the same information.

Mr. Hirschi would view this as an extension of Bear Lake Funtime. He would move his equipment down to the beach so it would be easier and safer for people to rent their equipment. It would be basically the same type of business that he has elsewhere around the lake. He would like approval from the Garden City Town Council so he can go to the State for their approval.

Council Member Argyle asked about parking for his customers on the beach. Mr. Hirschi said that he would like to keep the equipment on the beach all the time. If the Council required him to he could haul them to his location along the Boulevard. He would also like to leave a portable enclosed trailer on the beach for all the lifejackets and a credit card machine. He has a vehicle that would carry the fuel to fuel up the equipment.

Mayor Spuhler said that one of his concerns is that if one of his customers gets hurt or killed they may be more litigious and we could be in line. Mr. Hirschi said that he would list the city as additional insured with his liability policy. Mayor Spuhler said that he looks at liability very strong because the way people are litigious in our society. Mayor Spuhler said that we need to look at the public safety and liability concerns before we would consider a request like this.

Council Member Pugmire said that he is concerned with the location and the parking there on the beach because there are so many people that use that beach, and his business will take away from the available space. Mr. Hirschi said that he is willing to work with the Council regarding what they feel they need on that beach and the space they want to keep open there.

Council Member House said that he has a couple concerns, the first is fuel and the state requirements. He also is concerned about the restrooms there because we are paying for the restrooms. He also brought up HB 33, which will close most of the beaches for launching, and means that more people will be on the Garden City beach.

Mayor Spuhler said that he is concerned about the administrative component that this will bring to the city. This will bring up additional issues for the city to deal with administratively.

Council Member Argyle said that her concern is that the 150 beach is already so busy and this would add to the congestion.

Mr. Hirschi addressed the Council's concerns and said that he will work with the Council to make sure it is a safer area for everyone.

Mayor Spuhler said that he will contact the city attorney for his opinion, and the Council should look into this and get back with him on their decision. Mayor Spuhler said that he will let Mr. Hirschi know the decision within 10 days.

COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL

Parcel #41-21-40-157 & 41-21-40-158, Doug & Judy Webb

Council Member Argyle said that it needs to be stated in the minutes that the property owners want to encumber the lots and the garage will be built on a lot by itself. They must understand that the garage cannot be on its own without the encumbrance. It is stated in the agreement, which they must sign, that the property cannot be sold separately unless the structures are brought to conformance. This includes everything including what is already built on the lot. The agreement must be signed by them and then it is recorded.

Council Member House made the motion to grant the request to encumber parcel #41-21-40-157 & 41-21-40-158, for Doug & Judy Webb with the stipulations as described and discussed. Council Member Pugmire seconded the motion.

Parcel #41-17-03-007, 41-17-03-008, and 41-17-03-009, Charles & Jessica Van Wagoner

Council Member Argyle made the motion to encumber parcel #41-17-03-007, 41-17-03-008, and 41-17-03-009 for Charles & Jessica Van Wagoner. Council Member House seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #13-03, An Ordinance to update the requirements for a Sign Permit

This ordinance has been tabled until next month.

Ordinance #13-04, An Ordinance to update the Sign Definitions

This ordinance has been tabled until next month.

MISCELLANEOUS ITEMS

Council Member Argyle will work with Mr. Monk about the swimming lessons and the cost to rent the pool. She will also work with the lifeguards to maybe get them certified to teach swimming lessons. She will work with Mr. Jarman and the clinic to see if they are interested in using the pool for their patients.

Mayor Spuhler explained that Mr. Norm Mecham would like to bring in the old Bear Lake Lodge plans in for approval, so that he can decide later whether he wants to use the Lodge plans or the Water’s Edge plans. He has also requested that we waive the fee for the Lodge approvals. The Council unanimously agreed that he must pay the fee for the Lodge approval process again, he has already paid the fee for the Water’s Edge.

PAYMENT VOUCHERS

The Council Members reviewed the bills.

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

ADJOURNMENT

There being no further business to discuss, Council Member Argyle made the motion to adjourn the meeting at 7:30 p.m. Council Member Pugmire seconded the motion. All in favor and the motion carried.

APPROVAL:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk