

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

The Garden City Town Council held their regularly scheduled meeting on February 13, 2014 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
Bruce Warner
Darin Pugmire
Chuck Stocking
Bess Huefner via speaker phone
Gary Cox, City Administrator

Others present:

Kathy Hislop
Anita Weston
Zan Murray
Riley Argyle
Glen Gillies
Brett Oxborough
Jade Willis
Rhonda Willis
Skip Duffin
Norm Mecham
Brian House
Bryce Nielson
Mark Hislop
Sharlene Millard
Jim DeGroot
Paula DeGroot

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Pugmire, Council Member Warner, Council Member Stocking, Council Member Huefner via speaker phone, and Gary Cox, City Administrator.

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on January 9, 2014

Council Member Stocking made the motion to approve the minutes of the Town Council Meeting held on January 9, 2014. Council Member Pugmire seconded the motion. All in favor and the motion carried.

DISCUSSION/APPROVAL OF GARDEN CITY GENERAL PLAN 2013

The Council said that they have not reviewed the entire General Plan. Mayor Spuhler said that they should all look at the specific goals and make sure that they are in the right priority.

Council Member Pugmire made the motion to table this until next month. Council Member Warner seconded the motion. All in favor and the motion carried.

BEAR GRANT DISCUSSION, Mitch Poulsen

Mr. Poulsen was not in attendance but he did prepare a letter for the Town Council to act on.

The Council Members read the letter from Mr. Poulsen. Council Member Pugmire said that Mr. Poulsen is just looking for someone to review the project with and go through the survey. Mayor Spuhler said that he doesn't see a downside to being involved with the Bear Grant Program. It is a good thing for the businesses.

Mayor Spuhler suggested that Council Member Stocking be the contact for Mr. Poulsen. Mr. Cox will also be a contact member for Mr. Poulsen.

Council Member Warner made the motion that Council Member Stocking be appointed. Council Member Pugmire seconded the motion. All in favor and the motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Brite Side Professional Cleaners DBA of Bear Lake Project Management, request to conduct a cleaning company at 65 W. Logan Road #9, Mark Hislop

Mr. Hislop explained that through the rental business he needs cleaners. He has subcontracted that out in the past but now he is bringing it in house. They will also do full service laundry. It's not a laundry mat where people can do their own laundry, they need to drop it off and Brite Side Cleaners will do it for them.

He won't have dry cleaning machines but he will shuttle dry cleaning items to Logan and back.

Council Member Warner moved that Brite Side professional Cleaners receive a business license. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Discussion regarding a rodeo in Garden City.

Mr. Willis said that he would like to put on a professional rodeo here every weekend; he will be leasing the property. It will be a good family atmosphere. Council Member Warner asked how they will layout the stands, parking etc. Mr. Willis said that they have 20 acres so there will be plenty of room for everything including parking. He has leased the stands, chutes, etc. The stock comes in the day of the rodeo and is gone as soon as the rodeo is over. Right now all they have plans for is a rodeo, but they would like to expand to other areas as it grows. They plan to start Memorial Day and go through Labor Day.

They will have a food stand but it will be very limited. They will have merchandise to sell, such as hats, and T-shirts. The merchandise will be sold from a tent.

Council Member Warner said that if they build a building then it can be a regular business license, not a transient business. Mr. Willis said that they plan to build an announcer stand, which will be permanent. The Council said that would be all they would need. Council Member Warner said that he thought this would need to go to the Planning Commission. Council Member Pugmire said that they have been to the Planning Commission and they didn't have any concerns.

They will bring in portable restrooms.

Mayor Spuhler said that when they fill out the business license application they need to include the events that they want to bring in, such as the concerts, etc. They need to be a little bit more broad than narrow. They need to make sure they are approved by the state for the food.

Council Member Warner asked about security. Mr. Willis said that they will be using a portable fence. They will sell the tickets outside the fence then the ticket takers at the gate can help control the that people will try to bring in.

Council Member Warner asked them about cleaning up trash and restoring the area to the way it is originally. Mr. Willis said that the owner of the property was just planning on farming it. As soon as they are done with the piece of property they will take out the fences and take everything off the property, including trash.

They plan to start the rodeo early enough so that they don't need lights. It will end early enough that they can clean up the property the night of the rodeo.

They have already started talking to people that will help with the rodeo and contract to help the rodeo.

Mr. Oxborough said that they would not like to rule out the lights, because they may want to have a concert later at night. Mayor Spuhler said that there is a noise ordinance regarding noise after 10 p.m. Mr. Willis said that they don't plan on doubling up on events in a night so they should be done early enough.

The property they are planning on using is on 3rd west, between Bear Hollow and Lochwood.

They are planning on having a split entry, parking the contestants on one side with all their horses, and the spectators will enter on the other side. They will have to bring in dirt and they will have dust control.

They will have 2 million dollars of event insurance for each event.

The contestants will not be competing in back to back nights. Mr. Willis said that they don't expect that there will be anyone camping there except security if they have stock stay there over night.

Council Member Pugmire said that this should be a good idea and it should be very well attended.

Ms. Sharlene Millard asked the Council if this requires a conditional use permit. Council Member Pugmire said that he didn't see it listed as a conditional use in the commercial zone. Council Member Huefner said that she is concerned with them doing the rodeo during the Raspberry Days Festival, because Laketown already has a rodeo then. Mr. Willis said that having a rodeo in both places is good for the contestants, so they can hit 2 rodeos in the same trip. He said that there is enough people in the area that he doesn't feel that it will hurt the ticket sales. Mr. Willis said that he will talk to Mr. Weston, who is over The Raspberry Days Rodeo. Council Member Huefner said that they need to coordinate with Laketown. Mr. Willis said that they don't want to cause problems so if Mr. Weston has a problem they won't do it that weekend.

Mr. Willis will come back to the Town Council in March for his request for a business license.

DEVELOPMENT PLAN DISCUSSION/APPROVAL FOR THE LODGE AT BEAR LAKE PROJECT, Norm Mecham

Mayor Spuhler said that we are talking about the Lodge at Bear Lake. He said that he likes the plan, it looks like a good design and it follows the ordinance. He talked to Mr. Murray, from JUB, and he feels that it follows the ordinance and meets their criteria.

Council Member Pugmire said that the Planning Commission went over the plan extensively and he said that things are good.

Council Member Warner said that the meeting earlier helped.

Mr. Mecham said that he applied as owners of the property, which are himself and Mr. Ray Elliott. He said that the design of the buildings may need to change a little in the future when they get into the design.

Mr. Mecham said that his partners did not agree that he should have withdrawn the original plan. They liked the original plan and they would like to see it considered one more time. He said that

there really wasn't a formal action taken on the original plan. Mr. Mecham had a letter from his partners regarding the action on the original plan. Mayor Spuhler said that the action on the last plan would be that we are not going to approve the original plan due to the height. Council Member Warner said that is true but we are still willing to entertain changing the ordinance in the future, which could consider the original plan. Mayor Spuhler said that would take us back to a place, which would take a lot of time. Mr. Mecham said we need to move forward.

Mr. Mecham said that a motion was not made on the previous plan, so he would like it to be reconsidered. He said that he thinks the new plan works but it will be more expensive to build the new plan. He said that his partners would like a formal action.

Council Member Pugmire said that the reason why he wouldn't accept the original plan was because it didn't fall within the ordinance and feels that the new plan fits within the ordinances.

Council Member Pugmire made the motion to deny the primary plan or the first plan that Mr. Mecham brought before us for the Lodge at Bear Lake. Council Member Warner seconded the motion. A roll call vote was taken, Council Member Pugmire, for; Council Member Warner, for; Council Member Huefner, nay; Council Member Stocking, nay; Mayor Spuhler, for. Motion carried.

Mr. Mecham asked that the letter, that he has, be made a part of the minutes, it just spells out what he requested. The letter just states that the project be denied based on height and that the ordinances will be applied uniformly.

Mr. Mecham said that the new plan has been reviewed by the Planning Commission and the Town Council Members. Mr. Mecham has talked to and answered questions of Council Members that have contacted him during the past month. There was a question on ingress and egress, Mr. Mecham explained that the access has to be off 50 S. and 150 S. because UDOT won't allow them to access off of SR30.

Council Member Stocking made the motion to approve the development plan for the Lodge at Bear Lake, LLC as it is defined on the plat and presented to us. Council Member Pugmire seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION

Discussion regarding the current parking ordinance, Council Member Pugmire

Council Member Pugmire said that he took this parking plan to the Planning Commission and they all seemed to like the idea. There wasn't a change from them, but they will look at it closer during the next meeting.

This needs to go back to the Planning Commission for their recommendation.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R14-01, Resolution giving authority to the Council Member Assigned to the water system responsibility to determine when or if a water reduction can be applied for a specific reason on a case by case basis.

Mayor Spuhler said that this is good, he likes having one person taking care of this.

Council Member Warner said that he doesn't want to arbitrarily make decisions without the authority to reduce revenues coming into the city that would offset our expenses. He suggested one correction to the resolution. He said that there are a lot of situations that come up that may warrant a reduction in water billing, and this will give someone the authority to make these decisions.

This just gives him the authority to make that decision. He said that he will only grant the waivers when they are justified. If he has questions he will bring them to the Council for their assistance.

Council Member Warner moved to approve resolution R14-01 as drafted with the one change that was mentioned. Council Member Stocking seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Discussion regarding Appeals Authority Ruling, Jim DeGroot

Mr. DeGroot said that he wanted to explain to the Council how they came to their decision on the appeal. He explained that the Appeals Authority felt a bit like they were tossed under the bus. He said that he did a lot of research on the decisions that he made. He talked to a District Judge and a couple of attorneys, etc. He explained what he learned through his research and why they applied the ruling that they made. He feels that they would make the same decision if this came back to them again. He suggests that the height ordinance be taken out if that is what created such a stir, then there is no question.

Council Member Stocking said that he agrees with what Mr. DeGroot is stating. Mayor Spuhler said that he agrees, but the attorney states that what was done was wrong. He feels that we need to listen to our attorney, and that is what they did ultimately.

Mayor Spuhler said that he understands what Mr. DeGroot is saying, but what was clear to him is that our insurance was in jeopardy. He said that we needed to rely on the expertise of our Attorney. Mayor Spuhler said that his one objective was to keep the city out of a liability issue, and there was a potentially huge liability.

Mr. DeGroot said that he understands what Mayor Spuhler is explaining. The Council agreed that we need to look at that ordinance to see if we need to make a change. Mayor Spuhler said that we have learned from this and we just need to make sure it doesn't happen again, and move forward.

COUNCIL MEMBER REPORTS

Potential Annexations of Surrounding Subdivisions, Bruce Warner

Council Member Warner explained that he is just trying to open up a discussion and explain his thoughts on the potential of annexing the surrounding subdivisions. He said the natural annexation area should be from the Idaho border through the Sweetwater Development.

Council Member Warner said that he is trying to make this a special place to be for everyone. He also said that he doesn't like the fact that Garden City can impact the businesses in the area even if they are not in the city limits. He said that the surrounding subdivisions need to have a place at the table and have a voice in what is happening in the area.

Council Member Warner said that it is worth having the discussion to develop a better and lower cost community so we can deal with our long range issues with everyone having a seat at the table.

Mr. Bryce Nielson said that in the 80's Sweetwater petitioned the city for annexation, but there were 2 reasons that they were turned down. The first reason was due to the water system, which they wanted the city to take over. The other reason was the increase of property taxes. Sweetwater has updated their water lines. He said that he feels that this annexation would be a good thing for Sweetwater because it will provide a community feeling. The annexation has to be good for the people coming in and it also has to make sense for those who are already in the city limits.

Mr. Skip Duffin stated that whatever the Council gives to Sweetwater they will need to be willing to give to the subdivisions that are already a part of the city. Mr. Nielson agreed that they deserve the same. Mayor Spuhler said that Mr. Duffin and Mr. Nielson are already a part of the city and they can help make the decisions.

Water Resolution Changes, Bruce Warner

Council Member Warner stated that this item was already taken care of and didn't need further discussion.

Water Meeting Report, Bruce Warner

Council Member Warner stated that this item was already discussed and didn't need further discussion.

Review of Sign Ordinance, Bruce Warner

Council Member Warner said that he met with the Chamber regarding the sign ordinance. He explained that Mr. Ken Hansen is putting together a group that will give further input to the Council from the Businesses. They felt that the sign ordinance is their number 1 priority and also working with the beach. They will form some type of committee that will work on the sign ordinance and present their suggestions to the Council.

Council Member Warner said that 3 members of the Town Council including the Mayor put in a lot of time on the current sign ordinance. The objectives of the ordinance are good. Mayor Spuhler said that his intention from the very beginning was to include the businesses and get their input. Council Member Warner said that their intention is to fix the things in the ordinance that are objectionable.

Mayor Spuhler said that the sign ordinance isn't just about the business owner's, it is also about the people that live here and visit here. It has to take into consideration everyone.

The Council Members discussed the old sign ordinance and what can be done to make the sign ordinance better.

Council Member Stocking reported that the heat has been turned up higher in the pool lately. He said that he is trying to keep the pool at a better temperature, around 85 or 86. He is looking through the revenue and expenditures, for the pool, to see what is working and if the pellet stove is making a difference. He also suggested that we get more propane tanks and fill them in the fall to keep the propane costs down.

The Council Members discussed requiring a back ground check on all new employees and also a drug check. We need to make sure it is in the Employee Handbook, if not we will revise the handbook to add the back ground check and drug testing.

Council Member Stocking reported that he talked to the person about the kiosk and having an electronic touch screen to get information about the businesses. He said that it would be very expensive. The Council discussed options for the kiosk. Council Member Stocking will continue to check out options.

Council Member Pugmire said that he is concerned with all the traffic on 150 s. He said that the new project will bring in more traffic. He suggested that we look into using some of the private property along 150 south and leasing it for parking. He said that we need more open area for the beach accesses.

Mayor Spuhler said that he talked to Representative Menlove regarding parking for beach access. What was presented was a concept and estimated cost figures. Mayor Spuhler said that we really need parking and we need to make it nice. Council Member Pugmire said that we should make the access at 75 north better so we can take pressure off 150 south.

Mayor Spuhler discussed adding a transportation tax, to the sales tax, to help fund a transportation system, which could include a trolley system. Council Member Pugmire will check into a transportation tax.

Council Member Pugmire asked if there is any way to fast forward the grant for 300 west. Mayor Spuhler said that he is going to try to get us moved up on the STIP.

The Council discussed the access to Elk's Ridge and the property west of Elk's Ridge.

Mayor Spuhler said that there are many cities that are using a hearing officer instead of a Board of Adjustments. They like it because it is usually an outside person that doesn't have an emotional attachment to the area. He asked the Council to read the emails to see if they are interested in making the change.

Mayor Spuhler stated that we did get \$100,000 from UDOT for additional parking, they want to make the decision where the parking will go, and they chose the park. Fire, Forestry & State Lands has \$150,000 for Bear Lake. Commissioner Cox wants to use that money around the lake and he will also try to get that \$150,000 for every year.

Mayor Spuhler said that there was a meeting last week with legislators, etc. and they decided that they are going to raise their budget to help work against the quagga mussel problem.

Mayor Spuhler is a great organization and it gives us a great opportunity to network with other communities. He said that he is now the president of the BRAG Board.

Mayor Spuhler asked the Council if they are willing to give the quilters some money for batting. He said that they do a lot of humanitarian efforts that help the community. He suggested that we take money out of the arts budget because it is an art form. The Council agreed that would be okay, because they do give back to the community. We will just need an invoice because it will be paid as a bill.

Council Member Pugmire said that we need to order more sandbags and get ready for flooding this spring.

Council Member Pugmire discussed performance bonds and cash bonds. The Council will discuss this and look further into which way would be the best for the city.

PAYMENT VOUCHERS

The Council Members reviewed the bills and checks that were prepared.

Council Member Pugmire made the motion to pay the bills. Council Member Stocking seconded the motion. All in favor and the motion carried.

ADJOURNMENT

There being no further discussion by the Council Members, Council Member Pugmire made the motion to adjourn the meeting at 9:00 p.m. Council Member stocking seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk