

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

The Garden City Town Council held their regular scheduled meeting on June 13, 2013 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:47 p.m.

Council Members present:

John Spuhler, Mayor
Brian House
Pat Argyle
Darin Pugmire
Bess Huefner
Danny White, City Administrator

Others present:

Riley Argyle
Anita Weston
Nadene Sprouse
Spring Collins
Carol Bills
Brittany Alston
Scott Huskinson
Hadlie Huskinson
CPT Earl Simmons
Leroy Gomez
Tyler Lloyd
Gillian Lloyd
Joe Stocking
Conner Ward

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the May 9, 2013 Public Hearing

Council Member Huefner made the motion to approve the minutes as written for the May 9, 2013 public hearing. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the May 9, 2013 Town Council Meeting

Council Member Huefner made the motion to accept the minutes as written for the May 9, 2013 regular meeting. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Minutes of the May 9, 2013 Staff Reports

Council Member House made the motion to accept the minutes of the May 9, 2013 staff reports. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Mayor Spuhler changed the order of the agenda and asked Captain Simmons to do his presentation next.

COMMUNITY COVENANT PROGRAM, TO HELP COMMUNITY LEADERS AND MILITARY COMMUNICATE BETTER, Captain Simmons

Captain Earl Simmons explained that he works for the Family Programs Department for the Army National Guard. They have started a new program a few years ago to help communities work with the military. This is a program where communities come together and pledge their support for the military members.

Captain Simmons said that his mission tonight is to explain the Community Covenant and establish a military liaison to work with. Mayor Spuhler said that this is a great opportunity that we would be very interested. He said that we will assign someone to be the liaison and thanked Captain Simmons for his service and coming to present this program.

BUSINESS LICENSE DISCUSSION/APPROVAL

Lakeview Rentals, Tyler Lloyd

Mr. Lloyd explained that he would like to rent out a couple jetski's from his house in Snowmeadows. He did speak with Planning Commission Chair Bourne regarding this business.

Mayor Spuhler said that he is concerned with this being in a residential zone. He said that there are kids there and the traffic will change due to the business there.

Mr. Spuhler also asked about the liability insurance for this type of business. Mr. Lloyd said that he has checked into the insurance and he can get coverage for the business. He had a couple letters from insurance companies stating that he can get coverage.

Mr. Lloyd said that he only has 2 jetski's to rent.

The Council is concerned with this type of business in a residential zone. Mr. Lloyd said that he looked at the list of businesses in Garden City and there are 20 home businesses in town. He

also read from the General Plan. He asked where the Council is going to draw the line. Mayor Spuhler said that we have to look at every situation and each business license request.

Council Member Pugmire said that if we approve this request what will the next person come in with to request a business license. The Council suggested that he rent a small space where he can do this type of a business, not in a residential zone. The Council suggested a few places for him to check out for a space to rent these jetski's.

This business was not approved.

Nucleane, Spencer Ward

Council Member Pugmire said that he has talked to Mr. Ward and he has followed everything to get his business license. He isn't going to have a location here, he is just going to come here to do the cleaning.

Council Member Argyle made the motion to accept Nucleane and give them a business license. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Hunsaker's Lazy H Jerky, Michael Hunsaker

This will be located at the Bear Country Village.

Council Member Pugmire made the motion to accept the Hunsaker's Lazy H Jerky for Michael Hunsaker to be at Village Square. Council Member Huefner seconded the motion. All in favor and the motion carried.

Zipz, Inc., Scott Huskinson

Mr. Huskinson explained that they will be doing soda's, shaved ice, slushies, most beverages. They will have a drive thru and a walk up window. Mr. Huskinson has worked with Tommy Vigil from UDOT and they have done the traffic study for the access off of Hwy 89.

Mr. Huskinson said that he has met with the Planning Commission and for parking. He will need to meet with the Board of Adjustments for a variance on the RV parking.

Mr. Huskinson said that there will be no inside seating. There will be a patio with a lot of outdoor seating.

Council Member Pugmire made the motion to accept the business license application for Zipz, Inc. with the stipulation that they get the ingress taken care of through the state as well as getting passed through the variance for parking. Council Member House seconded the motion. All in favor and the motion carried.

Request to have a display and sale of wood products at 1621 S. Bear Lake Blvd., Gale Thompson

Council Member Pugmire said that he has tried to contact Mr. Thompson but has not received a call back from him.

The Council agreed to table this item because there was no communication from Mr. Thompson

Mr. Miskin

Mr. Bob Miskin requested approval to discuss his transient business license. He was told that it is not on the agenda so if he wants to wait they can discuss it with him under miscellaneous items.

RETAIL BEER/ALCOHOL LICENSE DISCUSSION/APPROVAL

Inn at Snow Meadows/Kerasma Restaurant, Carol Bills

Ms. Brittany Alstrom said that they would like to serve beer/alcohol but only with food. They will not have a bar, it will be served with food. They have met with the state alcohol beverage control and have completed everything that they required.

Ms. Alstrom said that they will have a driving program. Mayor Spuhler said that they need to make sure that their patron's park on the property and not on the road. He also said that he appreciates that they are open year round.

Council Member Pugmire approved to accept the retail beer/alcohol license for the Inn at Snow Meadows/Kerasma Restaurant for Carol Bills. Council Member House seconded the motion. All in favor and the motion carried.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

902 N. Newberg Dr. #2, Bear Lake KOA, Curtis & Rebecca Moldenhauer

Ms. Moldenhauer explained that this will be the only condo that they own for rentals. This will only be for overflow from the KOA.

Council Member Huefner made to motion to approve this STR according to the fire inspection and building inspector. Council Member Pugmire seconded the motion. All in favor and the motion carried.

772 Spruce Drive, Stephen Lazuardo, Bear Lake Lodging

Council Member Argyle explained that they are done with their requirements for the short term rental with the exception of installing the smoke detectors.

Council Member Huefner made the motion to approve the short term rental for 772 Spruce Drive. Council Member Pugmire seconded the motion. All in favor and the motion carried.

932 S. Snow Meadows, Byron & Emily Gibb

Council Member Pugmire said that there isn't a checklist or the inspection reports with this one. The Council decided to table this short term rental because the reports are not included.

763 S. Blackberry Drive, Robert & Quinn Woolsey, Bear Lake Project Management

There is not a checklist or inspection reports included with this application so the Council Members agreed to table this application.

794 N. Cambry Dr., Brody Holbrook, Bear Lake Cabin Rentals

There is not a checklist or inspection reports included with this application so the Council Members agreed to table this application.

See motion at the end of the minutes.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #13-02, and ordinance prohibiting new private water wells in the Garden City town limits.

Mayor Spuhler explained that he has talked to the person at the state and there are a lot of cities that have this type of an ordinance. The Council discussed that we should approve this ordinance with the exemption for Mr. Ward. Mayor Spuhler said that he will contact the state and let them now that it was approved with the exemption for Mr. Ward.

Council Member Argyle made the motion to approve ordinance #13-02 with the clarification that culinary water wells will not be able to be drilled in Garden City, that they have to hook up to city water lines. Council Member House seconded the motion. All in favor and the motion carried.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R13-02, a resolution of the Garden City Town Council updating the short term/nightly rental licensing and renewal fees.

This is a resolution of the Garden City Town Council updating the short term/nightly rental licensing and renewal fees. The Council said that this is just to renew the fees. Mayor Spuhler said that he feels they are reasonable right now.

Council Member Argyle made the motion to pass resolution #R13-02 and keep it as it is currently stated in our ordinances. Council Member Huefner seconded the motion. All in favor and the motion carried.

Mayor Spuhler explained that he talked to the Town Attorney regarding the overlay for short term rental areas and he has a few concerns regarding the overlay so he suggested approving them based on HOA approval. It is still in discussions and we are looking at a solution for the issue.

BUDGET DISCUSSION/APPROVAL FOR FISCAL YEAR JULY 1, 2013 THROUGH JUNE 30, 2014

Final budget discussion/approval, general fund, enterprise fund, special improvement fund, beach fund, and capital project fund.

Council Member Huefner made the motion that we accept the beach fund budget for fiscal year July 1, 2013 through June 30, 2014. Council Member Argyle seconded the motion. All in favor and the motion carried.

Council Member Huefner made the motion that we accept the SID fund budget for fiscal year July 1, 2013 through June 30, 2014. Council Member House seconded the motion. All in favor and the motion carried.

Council Member Huefner made the motion that we accept the Capitol Projects fund budget for fiscal year July 1, 2013 through June 30, 2014. Council Member House seconded the motion. All in favor and the motion carried.

Council Member House made the motion that we accept the enterprise fund budget for fiscal year July 1, 2013 through June 30, 2014. Council Member Huefner seconded the motion. All in favor and the motion carried.

Council Member House made the motion that we accept the general fund fund budget for fiscal year July 1, 2013 through June 30, 2014. Council Member Huefner seconded the motion. All in favor and the motion carried.

Discussion/Approval to adjust budget to cover over expenditures in the General and Enterprise Fund.

Council Member Argyle made the motion to adjust the budget to cover over expenditures in the general and enterprise fund. Council Member Huefner seconded the motion. All in favor and the motion carried.

Approve the 2013 annual retirement contribution rates for Utah Retirement Systems

Council Member House made the motion to approve the 2013 annual retirement contribution rates for Utah Retirement Systems. Council Member Huefner seconded the motion. All in favor and the motion carried.

Mayor Spuhler said that we need to discuss a pay increase for the employees. This will be discussed during the next Town Council meeting. The Council will also work to figure out what will have to be done for the new health care laws.

DISCUSSION/APPROVAL OF THE CERTIFICATION OF DELINQUENCY OF ASSESSMENTS AND CHARGES FOR THE BUTTERCUP SID

Mayor Spuhler explained that people are required to pay into the Buttercup SID. If they don't pay their assessment then we have to lien the property.

Council Member House made the motion to approve the certification of delinquency of assessments and charged for the Buttercup SID. Council Member Huefner seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Mr. Miskin

Mr. Miskin showed the Council Members pictures of the business that he is proposing. He would like to bring his business to Garden City. He has a horse drawn carriage with draft horses. Council Member Pugmire said that the issue is that he came in and started without a business license. He contacted the Code Enforcer to talk to Mr. Miskin when he was here.

Council Member Pugmire said that he was going to bring this up during his Council Member report to discuss this business and the traffic problems in town. Mr. Miskin was doing the carriage on the highway when he was here before. Mayor Spuhler asked Mr. Miskin if he has contacted UDOT for a permit to run this on the highway. Mr. Miskin said that UDOT doesn't have a problem with this, it is a public road and he has the right to use the public thoroughway as an American Citizen. The Council feels that he will need to get something from UDOT in writing that they are okay with this.

Council Member Pugmire explained that this would be considered a transient business and he explained the requirements for a transient business.

Mr. Miskin said that he has done carriage rides in Ogden City around their municipal building. He did that for 2.5 weeks, every night. That gives him confidence with his horses and showed how he is able to handle the business. He feels it would be a benefit to the community. He feels that he would be able to handle the traffic and can get out of the way. Mayor Spuhler said that traffic is really an issue in July and August.

The Council gave Mr. Miskin different options for his route. Mr. Miskin appreciated that the Council will work with him. He said that he would like to bring the horses with him and load them and unload them, so he does not want to leave them, so he agrees that he is a transient business but he "can't live with the transient license". Mayor Spuhler said that we have to follow our ordinances. The Council explained how he can get a business license.

Mayor Spuhler said that he would like this activity in Garden City. He wants to be at the intersection. The Council said that he will need to get approval from UDOT to be there on the highway. Mayor Spuhler said that he must have 2 things for the approval is UDOT's approval and a business address. He will still need to come to a Council meeting for his approval.

Discussion and review of the Bear Lake Gun Range Design and Layout

This was discussed during the public hearing.

Discussion regarding Foothill Estate roads

Mr. Chad Clark said that he would like to know what the Council will consider for the Foothill Estate roads. Mayor Spuhler said that he did some investigation during the last month and there are a lot of roads in the community that are recorded as public roads. Everyone in the subdivision pays a very small amount in property taxes on the roads.

Mayor Spuhler said that he feels that Foothill Estates has a similar analogy as Hodges Beach because the Foothill Estates roads are used as access to the forest service, similar to the roads in Hodges Beach because they are used to access the beach. He said he feels like we should do some maintenance on the roads in Foothill Estates.

Council Member Huefner said that she agrees and feels like we should do a little maintenance on the roads, but not a lot. She said she feels that we should fix the pot holes and do the mag water but the HOA should take care of the snow removal. Mayor Spuhler said we should also grade the roads.

Council Member Argyle said that she agrees, we should definitely grade the road that goes to the gravel pit. The Council agreed. Mayor Spuhler said that we can't take care of plowing the roads.

The Council suggested that they form an HOA. Mr. Clark said that there are too many property owners that don't want an HOA.

COUNCIL MEMBER REPORTS

Council Member Pugmire said that we need a speed limit sign on 3rd west, going north, and at the north end we need to drop the speed down to 20 mph. He said that if we don't have something there then we will have a problem.

Council Member Pugmire said that he does have concerns with the carriage. He has talked to Mr. Miskins many times.

Council Member Argyle said that the pool has been very busy, it is going really well.

Council Member Argyle said that next week is the rummage sale for the Library.

Council Member Huefner said that mag water is coming next week.

Council Member Huefner said that one of the property owners on 350 South would like to have the gate opened while she is here. Mayor Spuhler said that he talked to her and told her that the gate is not locked and she can open it, but it is a good option to keep it closed.

Mayor Spuhler said that the Regional Commission has the contract to handle the launching passes on the beach. Garden City will follow the state laws regarding the beach. He said that we need to tell people that they need to launch at the marina.

PAYMENT VOUCHERS

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

ADJOURNMENT

There being no further comments Council Member House made the motion to close the Town Council meeting at 8:47 p.m. Council Member Argyle seconded the motion. All in favor and the motion carried.

RE-OPEN THE TOWN COUNCIL MEETING

The meeting was opened back up at 9:15 p.m. to approve the short term rental applications after finding the inspection reports necessary for approval.

Council Member House made the motion to re-open the Town Council meeting at 9:15 p.m. to discuss the short term rentals that were omitted during the previous meeting. Council Member Argyle seconded the motion. All in favor and the motion carried.

ROLL CALL

Mayor Spuhler, Council Member Argyle, Council Member Pugmire, and Council Member House.

Council Member House made the motion to approve all 3 of the short term rentals, Byron & Emily Gibbs at 932 S. Snow Meadows, Robert & Quinn Woolsey at 763 S. Blackberry Drive, and 794 N. Cambry Drive, approve them on the condition that they get their fire inspection. Council Member Argyle seconded the motion.

ADJOURNMENT #2

There being no further comments Council Member House made the motion to close the Town Council meeting at 9:16 p.m. Council Member Argyle seconded the motion. All in favor and the motion carried.

APPROVAL:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk