

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, June 12, 2014 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:19 p.m.

Town Council Members present:

John Spuhler, Mayor
Bruce Warner
Darin Pugmire
Chuck Stocking
Bess Huefner
Gary Cox, City Administrator

Others Present:

Kathy Hislop	Nate Parry
Sharlene Millard	Don Webb
Bobbie Coray	Jim Stone
Nadine Sprouse	Neal Chambers
Joan Akre	Dixie Shiffman
Tate Burnett	Reed Shiffman
Tyler Erickson	Don Davis
Levi Hancock	Lullave Davis
Mitchell Saunders	Ron Parker
Josh Christensen	Norm Mecham
Van Christensen	Robert Chamber
Caden McIntire	Rich Humphreys
Scott McIntire	Gage Humphreys

ROLL CALL

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

PLEDGE OF ALLEGIANCE AND PRAYER

The Pledge of Allegiance was lead by, Josh Christensen, one of the Scouts that is in attendance of this meeting. The Prayer was offered by one of the Scouts that is in attendance of this meeting.

APPROVAL OF MINUTES

Minutes of the Town Council meeting held on May 8, 2014

Council Member Huefner made the motion to approve the minutes for the Thursday, May 8th, 2014 regular meeting. Council Member Warner seconded the motion. All in favor and the motion carried.

Minutes of the Town Council Public Hearing held on May 8, 2014

Council Member Huefner made the motion to approve the minutes of the Public Hearing held on Thursday, May 8th, 2014. Council Member Warner seconded the motion. All in favor and the motion carried.

Minutes of the Special Town Council meeting held on April 10, 2014

Council Member Warner made the motion to approve the minutes for the Special Meeting of the Board Members of Garden City, Utah held on April 10th, 2014 regular meeting. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Minutes of the Town Council Executive Session held on May 8, 2014

Council Member Huefner made the motion to approve the Executive Meeting Statement in Lieu of minutes held on May 8th at 9:41. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Minutes of the Town Council Executive Session held on May 8, 2014

Council Member Huefner made the motion to approve the Executive Meeting Statement in Lieu of minutes held on May 8th at 9:00 p.m. for the purpose of discussing A. Council Member Pugmire seconded the motion. All in favor and the motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Western Skies Lodging, LLC., Don Webb

Mr. Webb explained that this was approved as a hotel not cabin rentals, so the business license has to be for a hotel. A hotel is an approved use in the commercial zone. Mr. Webb is approved for 16 units. They will be building more units, and each one will require a building permit.

Mr. Webb said that the access of the highway has been approved by UDOT, and he has done the work that they required.

Mr. Webb said that there will be some issues with UDOT and parking on the highway with all the businesses this summer. They will tow or ticket cars parked along the highway this summer. Mayor Spuhler asked Mr. Cox to contact UDOT to see what their plans are regarding this issue.

The parking for Mr. Webb's project is on their property, in front of the unit. They will have room for 100 stalls if needed.

Council Member Huefner made the motion to approve Don Webb's business license for Western Skies Lodging, LLC, in Garden City. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Bear Lake Marine, Harrison Bennion

Council Member Pugmire said that Mr. Bennion has come back in and filed his application for a business license. Mr. Bennion has been working on his property and cleaning it up.

Council Member Pugmire made the motion to approve the business license for Bear Lake Marine, LLC., on 100 W. Logan Road. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Firehouse Pizza, Neal Chambers

Mr. Chambers explained that they will be serving breakfast, lunch, and dinner at the current Bear Lake Lodge location. They will be employing the current chef as an employee of Firehouse Pizza. This will be Firehouse Pizzeria. They are working on the sales tax number and the health dept requirements.

They will be doing a few updates on the outside and inside of the building. They will update the sign and will need to work with Mr. Cox to make sure it is in line with the ordinances. They are just updating the existing sign.

They will be taking down the 2 large trees along the highway and they will work with UDOT.

They hope to open the first week of July.

Council Member Warner moved to grant the business license to Firehouse Pizzeria, LLC. Mayor Spuhler said that it needs to be contingent on them getting their sales tax number and the Health Department inspection. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Sunrise Resort, Nate Parry

Council Member Warner said that this is the Harbor Village remodel. Mr. Parry said that it is 98% complete. Mr. Parry said that during the peak season they have to rent the entire resort, but in the off season they can rent smaller units.

Mr. Parry explained that he owns the parking area. There was an agreement with Raspberry Patch Estates and Worldmark that said if they maintain the parking lot they can use it, but when the bank took it back it wiped out all prior agreements. Mr. Parry now has an agreement with Worldmark that they can use 24 parking stalls for their big boats. Mr. Parry said that they are going to sign the parking lot and do flyers in the cars that are renting their units. They are not going to police the parking lot, but if it doesn't work this year they will have to gate the parking lot. There is other parking for the condo users.

Mr. Parry said that he has 74 stalls, Worldmark can use 24 stalls so that will leave him 50. He said that he is only required to have 2 per room, so he only needs 40. That will leave 10 extra. Mayor Spuhler said that the city will need to stay out of the situation because this is between Mr. Parry and the HOA's.

Council Member Huefner made the motion to accept Sunrise Resort, LLC., located at 865 Harbor Village Drive, and approve the license. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

LOCATION LICENSE DISCUSSION/APPROVAL

Bear Lake For You, Jim Stone

Mr. Stone explained that all they are doing is retail sales for the beach, sand, and water. He is planning on renting paddle boards, canoes, and kayaks. Eventually he will try to rent bikes. He wants to rent anything that is non-motorized. He wants to set up packages so people can enjoy everything in the area. The customers will pick up at the store and return to the store.

Council Member Pugmire made the motion to approve the business application license for Bear Lake For You, their second location. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

TRANSIENT BUSINESS LICENSE DISCUSSION/APPROVAL

Endless Summer Shaved Ice, Co., Dillon Liechty

Council Member Pugmire said that Mr. Liechty is setting up his trailer by his shop in Raspberry Square. It's located by the entrance to his shop. This is a shaved ice business.

Council Member Huefner made the motion to accept the transient business license for Endless Summer Shaved Ice, at 6th S. Bear Lake Blvd. Council Member Stocking seconded the motion. Died for the lack of a vote.

Council Member Warner said that the application only listed a 10 day time period. Mr. Warner asked if the renewals can be approved so they can continue for more 10 day periods if they want.

Mayor Spuhler suggested that they include in the motion that it can be renewed every 10 days minus Raspberry Days.

Council Member Huefner made the motion to approve the transient business license for Endless Summer Shaved Ice, Co., at 6S. Bear Lake Blvd. with the option that they could renew all summer except for Raspberry Days week, and they meet the Garden City standards. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

McFarland Family Farms, Jamila McFarland

Request to conduct a produce stand at 116 S. Bear Lake Blvd. They want to start as soon as their corn is ready, which is approximately July 12th. It will be in the parking lot of the blue building, so there is plenty of parking.

Council Member Warner made the motion to approve the McFarland Family Farms business license with the same conditions that were put on the other transient business that we just did, beginning approximately July 12 or when the produce is ready. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

The Council agreed that they can renew if they come to the office and pay for their renewal, unless there is a concern that someone brings up. They can't renew during Raspberry Days.

SHORT TERM RENTAL DISCUSSION/APPROVAL

- A. Tom Bardsley, 1705 BL Blvd., Bear Lake Cabin Rentals
- B. Derek Bowles, 2206 S. Beach Comber Lane, S & D Properties
- C. Veronica Stucki, 607 S Belle Drive, Bear Lake Lodging
- D. Nate Parry, 1690 S. Bear Lake Blvd., Bear Lake Cabin Rentals

Mr. Cox said that he has looked through all the applications and he said that it looked like everything is in order. He relied on what Mr. Peart reported on his inspection.

Council Member Huefner made the motion to approve short term rental applications for A, B, & C as they are listed on the agenda, Tom Bardsley, Derek Bowles, and Veronica Stucki. Council Member Warner seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Council Member Warner said that he has an issue with 1690 S Bear Lake Blvd., because it doesn't have all the signatures finished for the inspections. Council Member Stocking said that he is the manager of this one and he would like an approval based on the condition that the final inspections will be done and signed off on. Council Member Warner had a question on the

actual address because the insurance is on a different address, 1670 S. Bear Lake Blvd. Council Member Stocking said that he will make sure the address is correct.

Council Member Warner made the motion to approve the short term rental license application for Nate Parry at 1670 S. Bear Lake Blvd., contingent on George's, the Building Inspector, inspection approval and sign off. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

PUBLIC COMMENTS

Ms. Joan Akre said that private companies that are doing rental for the summer time, we have a contract that they have to sign to do rentals. She asked if there is some way that the renters are issued the rules and regulations that are in our city, especially for the beach control, of things that they can and can't do. It is to inform them of what they can and can't do. They need to relay the information to the people that are actually renting the property. We also need to know who to call if there is something that goes wrong.

Ms. Akre said that people are also dumping on Sovereign Lands. Mayor Spuhler said that he has already contacted someone regarding this.

Council Member Stocking said that their company has rules and regulations that the renters have to sign and they also have rules listed at each property. He is unsure what other property management companies do.

Ms. Akre said that the renters should be informed. Mayor Spuhler said that anyone can call Chaz Crookston, his number is on the website, if there is a problem on the beach, or they can call Mr. Cox. Mr. Herb Weston is a great deputy sheriff and he can help with these type of issues.

Council Member Warner said it would be great to have the cooperation of the property management companies to give out this type of information so the renters don't get in trouble.

There were no further public comments so Mayor Spuhler closed the public comments.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #14-01, an ordinance updating the bonding of infrastructure in #11E-505.

This ordinance is to change from a bonding to a cash deposit. The Planning Commission spent a lot of time on this ordinance.

Council Member Huefner made the motion to accept the changes for Ordinance #14-01 with the change of cash deposit in the title. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Ordinance #14-07, an ordinance adding definitions of infrastructure and phasing, stand alone to #11A-200.

Council Member Huefner said that the stand alone phasing almost doesn't take care of the issue for Water's Edge if they build a parking area for phase I then they will need to rip it out for phase II. Council Member Pugmire said that there needs to be a months allowance if they need to make that type of change or correction between phases. Council Member Warner suggested that we allow the destruction for a short period of time that the original phase is not available exactly the way it was, for the construction of the second phase.

Council Member Huefner asked if a PRUD comes in for approval in 10 years, will they be forced to maintain the original infrastructure as they work on their next phase. Council Member Pugmire said that they will have to have a second source for parking or access, to accommodate the PRUD, it can't be left landlocked.

Council Member Warner moved to accept Ordinance #14-07, an ordinance adding to definitions of infrastructure and phasing, stand alone phasing as drafted by the P&Z. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Ordinance #14-12, an ordinance updating the business license ordinance governed by the Town of Garden City and allowing an organization to conduct business within the Town of Garden City.

The Council discussed the question they had during the public hearing regarding a business having a permanent structure or they would be considered a transient business. Council Member Stocking said that we are making sure that the businesses are not just a fly by night business, we need to protect our businesses that are invested in our community. Council Member Warner said that he is not in favor of the fly by night businesses, but he wants to give us the latitude or the ability to say that not every business must have a building.

Mayor Spuhler said that when it comes to business licenses we have the latitude to approve or not approve. Whenever you create those issues it could create potential legal issues, but we need to make sure that they are committed to the area. Council Member Pugmire said that they always have the opportunity to do a temporary business until they determine that they want to invest in the area, then they can get the regular business license.

Council Member Warner said that he feels the transient business license is outrageous. He suggested that we do the \$250 for 10 days and then allow a transient business for a longer time. Mayor Spuhler said that \$250 is not a lot to try out a business. He said that our business license fees are very inexpensive.

Council Member Pugmire said that we need to keep the rules and everyone needs to follow them the same. Council Member Warner said that we shouldn't be in the business of picking the

winner and the loser. Council Member Stocking and Council Member Pugmire said that the way the ordinance is re-written is more towards picking winners and losers.

Mayor Spuhler said that they can get a transient business for the entire summer, in a prime location for \$1,500. There are more requirements and costs that they will have to pay, but that is the transient business license fees.

The Council discussed the changes to the ordinance extensively.

Council Member Huefner made the motion to approve ordinance #14-12, an ordinance updating the business license ordinance governed by the Town of Garden City and allowing an organization to conduct business within the Town of Garden City, as it is changed on 8-114 to leave out the last sentence. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, opposed; Mayor Spuhler, for. The motion carried.

NEW ZONING MAP DISCUSSION/APPROVAL

This was discussed during the public hearing.

Council Member Stocking made the motion to accept the zoning map as it currently is and is presented. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

FINAL BUDGET DISCUSSION/APPROVAL

Open budget to cover over expenditures for budget year July 1, 2013 – June 30, 2014 in the General and Enterprise Funds

Council Member Huefner made the motion to open the budget to cover over expenditures for budget year July 1, 2013 – June 30, 2014 in the General and Enterprise funds. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

The Council Members went over the budget line items to make sure what is over budget. We need to cover the overages of the Attorney, the postage, etc. It is just to increase the amounts to cover the next month. The total expenditures and revenues didn't change, the amounts were just moved around to cover the over-expenses.

Council Member Huefner made the motion to approve the changes to the budget of the General Fund that runs from July 2013 – June 2014 to cover over expenditures on certain line items. Council Member Warner said that we are not over budget on many things, on most we are under budget. Council Member Pugmire seconded the motion. A roll call vote was taken: Council

Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Council Member Warner made the motion that on the existing fiscal year budget that that we approve the budget changes to cover the over expenditures in the Enterprise Fund. Council Member Huefner seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Final budget discussion/approval for fiscal year July 1, 2014 – June 30, 2015, General Fund, Enterprise Fund, Special Improvement Fund, Beach Fund, and the Capital Project Fund.

Council Member Pugmire asked if there is any changes that need to be made. Ms. Hislop said that she and Mr. Cox went over the budget yesterday and the grant amounts need to be changed to reflect the money that is coming in for the grants next year. That change was made to the budget.

The Council discussed our revenues vs. expenditures and what we have at the end of the fiscal year.

The Council discussed implementing a transportation fund to cover the shuttle expenses. Mayor Spuhler said that he would prefer to charge a fee as they get on the shuttle.

Council Member Huefner said that the Public Works Department is requesting the purchase of a new lawnmower. We have a brush hog for mowing the sides of the street. She said that the mower for the park is about 8 years old. If it goes down then we have to rent a mower. She said that we need to plan for a new mower. Mayor Spuhler said that they are expensive, \$14,000. Council Member Huefner said that we need to put it in the budget just in case it breaks down. Mayor Spuhler said that next year would be a better time, but if we need to we can look at this again.

Council Member Warner asked if we have the money to purchase the shuttle right now. Mayor Spuhler said yes, we have it in the tourism funds. We are only getting one shuttle for this year, then we can look into another one next year if it works out well. The shuttle will not require a CDL. The Council agreed to include \$20,000 in the budget for everything for the shuttle, the wrap, and the trailer. That will be budgeted in the Beach Access Fund to come out of the Resort Tax.

Mr. Cox said that we should select sections of the beach that we want to improve and disc, and in return we preserve the areas that have birds that are hatching. Hollis said that if we do this we should get the permits to do the disking. We can also mow and get rid of the fragmities. The only thing we can't do today is mow. Mayor Spuhler said that this type of money comes from a lot of different areas. We don't need to spend \$20,000 or \$30,000 to do the study. Mr. Cox said that this study will only cost about \$2,000 - \$3,000.

Council Member Huefner said that if we are not going to allow hotels to be built on the beaches then we need places for these people to access the beaches. We need to prepare for beaches purchased and ready to use in the future for high water years. The Council discussed doing this study. Mayor Spuhler suggested we go to CIB for the planning money.

Mayor Spuhler said that we are planning a new jetty. Council Member Huefner said that the jetty is a great idea. She also said that we need to plan for the future for the beaches. She asked what the process is for getting the CIB to approve more planning money. Mayor Spuhler explained the CIB process. The Council agreed to put \$1,500 in the budget to prepare a CIB application for beach planning. It will go in the Beach Fund. Mr. Cox will look to see when the next CIB meeting is.

Council Member Pugmire suggested a 3% COLA raise for the employees. The Council discussed a merit raise or across the board COLA raise. Mayor Spuhler suggested putting aside the 3% in the budget but make it based on a merit raise. Mayor Spuhler said that in the past he has made the decisions on the merit raises. The Council decided to give a 2% COLA raise across the board and to set aside an additional 2% for a merit raise based on performance. Some could get more, up to 4%, others may not get more than the 2% COLA raise. Mayor Spuhler said that he will make the recommendations on the merit increase.

The Council decided that the staff needs to come up with their own job descriptions so we can have it on file.

Council Member Huefner made the motion to approve the final budget for the general fund, the enterprise fund, the special improvement fund, beach fund and the capital project funds . Council Member Stocking seconded the budget. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

Approval of the 2014 annual retirement contributions rates for the Utah retirement systems

Council Member Huefner made the motion to approve the Utah Retirement contribution rates for 2014-2015. Council Member Pugmire seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

MISCELLANEOUS ITEMS

Discussion/approval regarding a shuttle service and a transportation tax for Garden City

The Council put the cost estimate for the shuttle in the budget for 2014 – 2015. Mr. Cox will try one this year to see how it goes.

Council Member Huefner motion to approve the shuttle service for 1 bus for 2014-2015. Council Member Stocking seconded. A roll call vote was taken: Council Member Huefner, for;

Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

COUNCIL MEMBER REPORTS.

Council Member Pugmire said that we will put 300 west back out for bid and the only ones that can bid on the new bid are the contractors that were at the mandatory meeting. The funds are available in the next years budget.

Council Member Huefner said that Raspberry Days is going fine. They have 109 craft vendors and 12 food vendors. They are working with Rocky Mtn. Power to get power and still trying to get the ATM machine.

Council Member Huefner asked about the fireworks for Raspberry Days. She has been working with the Fire Chief. Also, people have to follow the state requirements for fireworks. The Sheriff's office and the Fire Department will police the fireworks.

Council Member Pugmire said that the new rodeo doesn't have a building on a permanent foundation. They didn't do what they were required when they got their business license, so he feels that they should be fined. Mr. Cox said that he will check on this with Mr. Willis.

The Council also discussed the requirements for the rodeo conditional use permit. An ambulance/EMT was not a requirement of the conditional use permit. Mayor Spuhler said that we don't want to be involved in mixing our government with that, especially since it is not a part of our ordinances.

Council Member Pugmire said that we need to make sure our ordinance stipulates that a conditional use permit has warnings and/ or fines if they don't comply with the requirements.

Council Member Warner is still working with Mr. Mecham on his agreement for Shundahai.

Mayor Spuhler invited the Council Members to multiple meetings, dinners, HOA meetings. Etc.

Council Member Stocking said that the pool is running very well. He showed the Council Members the Kiosk software that he has been working on. He explained the different applications and how the Ipad will be attached in the Kiosk. Council Member Stocking also explained the map that will be on the Ipad.

Mayor Spuhler stated that he is working on the jetty idea. He said there are many people who are very excited about this.

PAYMENT VOUCHERS

Council Member Huefner made the motion to pay the bills. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire,

for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

EXECUTIVE SESSION

The Council decided that they need to go into executive session to discuss pending litigation

Council Member Stocking made the motion to go into executive session at 8:42 p.m. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

The minutes will be kept separately from these.

Council Member Pugmire made the motion to close the executive session at 9:00 p.m. Council Member Huefner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. The motion carried.

ADJOURNMENT

There being no further business to discuss during this meeting, Council Member Huefner made the motion to close the meeting at 9:01 p.m. Council Member Stocking seconded the motion. All in favor and the motion carried.

APPROVE:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk