

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

The Garden City Town Council held their regularly scheduled meeting held on July 11, 2013 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:10 p.m.

Council Members present:

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

Excused:

Pat Argyle

Others present:

Kathy Hislop
Riley Argyle
Andy Stokes
Anita Weston
Nadine Sprouse
Bruce Warner
Kathie Anderson
Joey Stocking
Cindy Gooch
Jim Hanselka
Cyril Hanselka
Phil Olsen
Bob Miskin
Kathlene Thompson
Gale Thompson
Dixie Serliclyer Schiffman
Reed Schiffman
Birgit Chinnock
Charles Chinnock

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Town Council meeting held on June 13, 2013

Council Member Huefner made the motion to approve the minutes of the last Town Council meeting. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Minutes of the Public Hearing held on June 13, 2013

Council Member Pugmire made the motion to accept the minutes of the public hearing held on June 13, 2013. Council Member Huefner seconded the motion. All in favor and the motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Robert Miskin, request to conduct a horse drawn carriage in Garden City

Mayor Spuhler explained that he talked to Mr. Kelly Barrett and Mr. Kris Petersen, from UDOT, and Sgt. Perry, from Utah Highway Patrol, and was told that they did not know that when Mr. Miskin called them that he wanted to have a commercial venture on the highway. He explained that Mr. Miskin will need a permit from UDOT to conduct the business on the highway and before we can address this business license request.

Council Member Huefner said that the concern is the intersection and having this business conducted through that area. Mr. Miskin said that he wants to travel a planned route to see what works, he wants to be out of the traffic area, but he wants to be on Hwy 89. Council Member Huefner said that she would be happier to have it off the hwy. She also said that she needs to see a plan of his route. Mr. Miskin said that he wants to go around the block, hwy 89 to 100 west and back. Council Member Huefner said that we can't have him on hwy 89.

Mayor Spuhler said that he talked to Lt. Perry and he agrees that this would be a very dangerous venture in Garden City on the highway.

The Council agreed that Mr. Miskin cannot have his horses on Hwy 89 or SR 30. Mr. Miskin said ok and left the meeting.

J2RIC Technical Services, LLC. DBA Bear Lake Lodging, Jeff Winter

Council Member Pugmire explained that Mr. Winter is taking over the Bear Lake Lodging business. It will be ran out of the same building and the same business. He said that he doesn't see any reason why this shouldn't be approved.

Council Member House made the motion to approve the business license for J2RIC Technical Services, operated by Jeff Winter. Council Member Pugmire seconded the motion. All in favor and the motion carried.

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

Council Member Pugmire explained that he has talked to Mr. Thompson and it will be at the same location that he will be operating a short term rental, out of the house. The commercial business will only be operated and out when there was no one renting the house. He will just put the wood products out in the yard when he is there.

Mr. Thompson explained that he would like to sell slabs of wood in front of his house. People could turn the slabs of wood into furniture, etc. He said that he would also like to finish some of the wood and try to sell it there. He said that he doesn't feel that he needs a sign.

Council Member Pugmire said that he has a little concern that it is a residential zone, it's not in a commercial area. Council Member Huefner asked if it is a home occupation business. Mayor Spuhler suggested that they take their wood products to the Farmers Market. The Council agreed that it would be considered a home based business, but he would have to conform with the parking ordinance.

Council Member Pugmire made the motion to accept the business license for Gale Thompson at 1621 S. Bear Lake Blvd. to conduct business when a short term rental is not being used. Council Member House seconded the motion. All in favor and the motion carried.

SHORT TERM RENTAL

1621 S. Bear Lake Blvd., Gale O. Thompson

Mr. Thompson said that he has done all the improvements that were required by the fire chief for his approval.

Council Member Pugmire made the motion to pass this short term rental for Gale Thompson at 1621 S. Bear Lake Blvd. Council Member House seconded the motion. All in favor and the motion carried.

Mayor Spuhler explained that the Council is working on opening the public accesses in Shore Lodge Estates. There are 6 accesses that are public access to the beach. There will be more discussion regarding this item later during the meeting

195 W. Lychee Lane, Scott or Patricia Davis, Bear Lake Lodging

Council Member Pugmire said that they have all their approvals and inspections completed.

Council Member Huefner made the motion to pass the short term rental application for Scott or Patricia Davis. Council Member House seconded the motion. A roll call vote was taken; Council Member House, for; Council Member Huefner, for; Council Member Pugmire abstained; Mayor Spuhler, for. Motion carried.

ENCUMBRANCE DISCUSSION/APPROVAL

Jay Jensen, request to encumber Lots 66 & 67 of Hodges Beach Subdivision with previous encumbrance, 41-33-28-066 and 41-33-28-067

These lots are contiguous even though they are across the street.

Council Member Huefner made the motion to pass the encumbrance for lots 66 & 67, 41-33-28-066 and 41-33-28-067, of Hodges Beach Subdivision. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Brian & Brook Hunsaker, request to encumber lots 20 & 21 of Cherimoya Subdivision to build a house across the property lines, 41-33-05-020 & 41-33-05-021

Council Member Huefner made the motion to pass the covenant that runs with the land for lots 20 & 21 of Cherimoya Hills Subdivision. Council Member House seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION/APPROVAL

Discussion regarding short term rental ordinance 8-600

Mr. Stokes reported that he wants to update the language in the short term rental ordinance to be clear and specific as far as being able to revoke some ones license for safety issues or code violations. He would like the Council discuss how they would like to make the ordinance more understandable. He wants to be able to revoke the license until the situation is remedied. If we have multiple calls to one location for safety issues or code violations we should be able to revoke the license. The Council agreed that we need to update the ordinance to make it more specific.

Mr. Stokes will write up the change to the ordinance and get it to the Council so we can have it ready for approval during the next Council meeting.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R13-03, a resolution of the Garden City Town Council updating the short term/nightly rental licensing and renewal fees

The Council discussed this resolution, which is to update the fees to pay for the Fire Department short term rental inspection. The Council discussed having a fire inspection for every short term rental before the annual renewal. The Council agreed that they should do the random inspections instead of inspecting every one of the STR's when they are renewed.

Council Member House made the motion to approve resolution #R13-03. Council Member Huefner seconded the motion. All in favor and the motion carried.

Resolution #R13-04, a resolution of the Garden City Town Council establishing a safe place to light and enjoy Utah legal fireworks within the Garden City town limits.

Council Member Pugmire said that he feels the requirement should be from the canal down, not 200 feet below the canal. It would be a lot easier to enforce. The Council agreed but stated that this was the way the Fire Chief wrote the resolution so we should follow what he suggested. We will need an ordinance in the future so we can discuss it more before we pass the ordinance. The Council agreed.

Council Member Pugmire made the motion to pass the resolution #R13-04 as it is written. Council Member House seconded the motion. All in favor and the motion carried.

Resolution #R13-05, a resolution establishing a safe place to light and watch fireworks within the Garden City town limits in extreme fire conditions.

Council Member Pugmire made the motion to pass resolution #R13-05 as it is written. Council Member Huefner seconded the motion. All in favor and the motion carried.

Resolution #R13-06, a resolution establishing a safe place to light and enjoy recreational fires within the Garden City town limits.

Mayor Spuhler explained that the reason we need this resolution is to allow fires in approved fire pits, even in campgrounds.

Council Member Pugmire made the motion to pass resolution #R13-06. Council Member Huefner seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Discussion/Approval of the Memorandum of Understanding with the Garden City Fire District that Garden City will collect the short term rental inspection fee.

This is the same thing as we talked about earlier to collect the \$30 for short term rental fire inspections and turn it over to the fire district. This MOU gives us the authority to turn money over to the Fire District.

Council Member House made the motion to pass the MOU. Council Member Huefner seconded the motion. All in favor and the motion carried.

Discussion regarding the Water Conveyance Facility Safety Management Plan for Hodges Irrigation Company

Mayor Spuhler explained the state code that requires this safety management plan, which was completed by Hodges Irrigation Company and will be kept on file.

Approval of new Planning Commission Member, Susann House

Mayor Spuhler said that he has talked to Ms. Susann House and she has agreed to be a member of the Planning Commission. Mayor Spuhler said that she will replace Commission Member Solum.

Council Member Huefner made the motion to accept Ms. Susann House for the new Planning Commission Member. Council Member Pugmire seconded the motion. A roll call vote was taken; Council Member Pugmire, for; Council Member Huefner, for; Council Member House, abstained; Mayor Spuhler, for. Motion carried.

Discussion regarding open walking access to the beach.

Mayor Spuhler explained that this is an overview discussion regarding opening the public accesses for walking accesses to the beach. Mayor Spuhler said that he is not looking at opening any private property for access to the beach. He explained that we are basically looking at opening walking accesses to the beach.

Mayor Spuhler said that the roads in Hodges Beach Subdivision were open for public access to the beach. He has had many comments from people that say that it is not fair that some accesses are open up but not all of them. They should all be open to the public. Shore Lodge Estates were recorded as public accesses with the exception of 1 that was vacated and given back to the private property owner and recorded that way.

Mr. Jim Hanselka said that there are actually 4 that were vacated by the Mayor at that time. Mayor Spuhler asked Mr. Hanselka to provide that documentation so he can review it. Mr. Hanselka also asked what the Council has done to include the property owners of Shore Lodge Estates in this process. Mayor Spuhler said that he has sent a letter to the property owners inviting them to a meeting to discuss this proposal and be informed. He said that we want to include the property owners in the design work to help identify the walking paths. He said that this process is starting and he has answered lots of e-mails and phone calls regarding this process.

Mayor Spuhler said that if we can work together to design this right collectively it will be a lot better for everyone. Mr. Hanselka asked if one of the property owners of Shore Lodge be included on the Planning Commission to help with this process. Mayor Spuhler said that we can have an advisory, non-voting, person to help with this process.

The Council discussed the condition of the beach and where good areas are for people to enjoy the beach, and where there are mucky areas. Mayor Spuhler said that below the high water mark is "the peoples land". It is not private property.

Mayor Spuhler said that we need to do it in a responsible way but we do need to open the public accesses. A member of the audience said that we need a well thought out and a well drawn out plan.

Council Member Huefner said that in the past there have been many Mayor's state that we really need to open those accesses but there hasn't been a Mayor that has wanted to take on that project yet. She said that it is on the deed that those accesses are public roads.

Council Member Huefner said that we need to look to the future and determine how we can take care of the people 15-20 years in the future. She said that as we plan for the future for Garden City there are people that don't want people near them, but we are inundated in the summer. We do appreciate the people who pay their secondary taxes and help out so much that way but we still have to plan for the future. We as a small town are trying to plan for the times when we get so many people that we need to take care of. As secondary homeowners we would appreciate information and advice from you, the negative comments do not help. If you are negative you are not helping us develop the future of Garden City.

Mr. Phil Olsen suggested that the Mayor create a Mayor's Roundtable and get a few members of the community to sit on that committee to help with suggestions and comments from the community.

Mr. Phil Olsen suggested that we open the meetings up to a live feed so people can watch the meeting even if they can't attend in person. Mayor Spuhler said that he feels that is a great suggestion and he will look into getting that set up for future meetings.

Salary Increase

Mayor Spuhler said that he would like to discuss a cost of living increase. He said that he sits on the BRAG Board and they did a cost analysis and they ended up giving a 2.5% increase. He is proposing a 2.5% increase this year because it is a standard for the state. Council Member Huefner said that she has a problem with an automatic increase and she is wondering about how the insurance will affect the city next year. Mayor Spuhler said that it shouldn't affect us because we don't have 50 employees.

Mayor Spuhler said that a few of the employees received a raise during the year but he feels that we should look at a cost of living raise for the employees. Council Member Pugmire said that there needs to be consistency for what the employees get. He said if we don't give the employees a set amount of an increase each year then they are making less each year because of inflation.

The Council discussed the increase and determined that a 3% increase is fair. Mayor Spuhler said that the employees do work very hard but it is the people's money so we do need to be responsible.

Council Member House made the motion to give a 3% increase for the city employees. The Council discussed giving the raise to the full time and part time employees and determined to give the raise to all the employees, full and part time across the board. Motion died for lack of a second.

Council Member House made the motion to approve a 3% COLA to all employees. Council Member Pugmire seconded the motion. All in favor and the motion carried.

COUNCIL MEMBER REPORTS

Council Member Huefner said that Raspberry Days is going really well. She got the canopies to help with the shade.

Mayor Spuhler said that we need more signage. Mr. White is working on getting it ordered.

PAYMENT VOUCHERS

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

ADJOURNMENT

There being no further business to discuss Council Member House made the motion to close the meeting at 8:20 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

Mayor Spuhler asked to re-open the meeting to discuss a conversation he had with our attorney.

Council Member Huefner made the motion to re-open the meeting at 8:20 p.m.

Mayor Spuhler said that he talked to the city attorney regarding a gate that is on the road next to the park. He has talked to many of the people and they don't deny that they have access through the gate. He made the decision to keep the gate shut, not locked just shut because the property below the gate is private property. The attorney told him that he can absolutely make that decision.

Council Member Pugmire asked about zoning specific subdivisions for short term rentals. He feels that we need to do the zones regardless of what the attorney feels. Council Member Pugmire said that we should really look at this in the future. The Council discussed this and determined that it really isn't an easy solution. There are 2 options, the overlay zone or a letter from the homeowners association for each short term rental. The Council will continue to think about a way to make this work.

There being no further business to discuss Council Member House made the motion to close the meeting at 8:30 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk