

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, September 11, 2014 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:35 p.m.

Town Council Members present:

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

Others Present:

Kathy Hislop	Dawn Brady
Riley Argyle	Wes Thompson
Anita Weston	Nate Carter
Nadine Sprouse	Joey Stocking
Zan Murray	Dale Brower
Danny White	

Roll Call

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

Approval of Minutes

Minutes of the Town Council meeting held on August 14 , 2014

Council Member Pugmire made the motion to approve the minutes of the Town Council meeting held on August 14, 2014, as outlined. 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. Motion carried.

Bio-West Proposal for Beach Management, Wes Thompson & Danny White

Mr. Thompson introduced himself, he is a Hydrogeologist. Mr. Thompson presented his report for the Beach Management.

Mr. Thompson said that he would like to do a wetland delineation this fall, under the direction of Mr. White, the City Planner.

Mr. Thompson presented a plan to go from muddy marshy beaches to a beautiful sandy beach. His plan also deals with the deer flies.

Mr. Thompson said that the initial plan is to plow out the ditches, and the cost for that will be minimal. We have to get the permit to do that first, through the Corp of Engineers. Mayor Spuhler said that we could dig the ditches under our general permit, but we do need to have the permission from the Corp of Engineers. Also, the adjacent land owners may be willing to help maintain the ditches after they are plowed out.

Mr. Thompson said that we need to map the ditches, which may have to be done through historical documents or pictures. After we have a map we need to draft a good plan for the project to send to the Corp. Any ditch that was there before 1976 is grandfathered under the clear water act.

Mr. Thompson said that his cost, for the ditch inventory, will be about \$7,600. Once we map where the ditches are we have that documentation forever. Mr. White explained that to get the delineation, permitting, etc. will be \$18,600 for his work. The plan would be to inventory and delineate from 200 N. to about 800 S.

Council Member Warner said that this project is very important, the beaches are so important economically for the area and the businesses. This is a great project for this area and the quality of life.

Council Member Warner made the motion to accept and approve the Bear Lake Beach Restoration Plan to do the field work and necessary reports to get these permits so we can, hopefully, next year get in business. 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. Motion carried.

Business License Discussion/Approval

Nitnoi, request to conduct an online craft fair sales of small handcrafted items at 848 S.

Lakeview Dr. Marty Adams

This business seems to be very straight forward and will be done all online.

Council Member Huefner made the motion to approve the business license application for Nitnoi as requested by Marty Adams. 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. Motion carried.

Public Comments, 2 minute time limit

Ms. Dawn Brady said that the bottom of the lake is traditionally marshy and mucky. She said that they need to make sure they know what they are dealing with when they bring sand on to the beach. Mayor Spuhler said that the intent is to restore the beach topography of what it was originally.

Mr. Nate Carter said that he is in favor of the pickleball court and will support whatever the Council decides to create. The Council discussed where they could possibly put a pickleball court.

Update Capital Improvement Plan

The Council reviewed the Capital Improvement Plan and made a few changes in priorities and added some financial information to the proposed plan.

The Council discussed projects that need to be done for the water system. They discussed drilling a new well and the new water lines along 300 west. Mr. Argyle explained the need for the new well. The Council decided that there were other projects that would be cheaper to do now so we can put the new well into the future a few more years.

Mayor Spuhler said that we were successful in the lawsuit against Garden City with the Shore Lodge Subdivision. He said that he will reach out to the property owners, but now we should be able to lay some blacktop down the access, maybe 1 per year, and sign it with public easement or public access. He said that we should install signs to make it clear as to where the public can walk down to the beach, not on the private property. It is not clear right now. Council Member Warner said that he feels we need to put up better signage. Council Member Huefner said that she feels if we pave the access it would make it easier for people to drive down the access and turn around, but we only want walking, not vehicles. Council Member Warner said that he agrees, it must be clear that it is walking, not vehicle access. Council Member Huefner suggested just a path. Mayor Spuhler said that he will contact the property owners and see if they have any suggestions.

Council Member Pugmire said that there is a lot of work on 300 west to get it usable. Mayor Spuhler said that he would like to get people used to the idea of using 300 west. Mayor Spuhler explained the process to get the grant for 300 west.

Council Member Huefner made the motion to adopt the Capital Improvement Plan as corrected. 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. Motion carried.

Miscellaneous Items

Pickleball discussion, Dale Brower

Mr. Brower said that he is here to talk about a pickleball/tennis court. Mr. Brower said that he would help facilitate this anyway he can. Council Member Warner asked Mr. Brower what he is recommending. Mr. Brower said that we lack a tennis court in the community and we can use the tennis court for pickleball.

Mayor Spuhler suggested that Mr. Brower ask Ideal Beach if they would be willing to create a membership opportunity for people to come in and use their courts for pickleball. There is already a very nice facility there that we may be able to use. Mayor Spuhler will also help Mr. Brower work with Ideal Beach to use their tennis courts.

Ordinance Discussion/Approval

Ordinance #14-13, An ordinance updating the conditional use definition

Council Member Warner suggested a grammatical change to the definition. The Council agreed with the change.

Council Member Warner moved to approve the ordinance with the language as previously described. 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. Motion carried.

Discussion regarding the Sign Ordinance, Discussion requested by the Garden City Planning Commission

Mayor Spuhler suggested that we put this back to the community and the Planning Commission to come up with the changes that need to be made to the sign ordinance. Council Member Pugmire said that this is such a tough ordinance, he would like to see more simplicity.

Mr. Cox explained that the Planning Commission would like the Council's input as to what they are really looking for. What is the most important, safety or design? Mr. Cox asked the Council what they really want and what don't they want to allow?

Mayor Spuhler asked if we want to enforce certain standards on the large signs for public safety. He said that there is a need for people to advertise their business with signs so we need to get something in writing. The Council discussed having pictures of signs and a description.

Mayor Spuhler said that he would attend the next Chamber meeting and ask them to help change the ordinance so it is more of what they want.

Discussion regarding potential changes to business license ordinances, Bruce Warner

Council Member Warner said that he has some concerns with the business license process. All he really wants is the main business license ordinance to state that the “City Council can impose additional requirements on any business licensee if warranted for public safety and welfare. The City Council also has the discretion of not requiring any normal license condition that is not required under the circumstances.”

Council Member Warner said that he would like to see, for any standard simple business, to be defined in the ordinance of those type of businesses, those shouldn't be required to go to the Council.

Mayor Spuhler said that if they come to the Town Council we have the chance to negate or add some of the conditions; we can make a good decision. Mayor Spuhler said that he agrees that the very simple businesses should have a simplified process.

This item is just on the agenda for discussion, not approval. The language change, as suggested, will be on the agenda for the next Town Council meeting for approval.

Discussion regarding water outside of city limits.

It is unclear who requested this item on the agenda, so it was skipped

Discussion regarding the proposed agreement regarding Garden City's purchase of capacity in the Shundahai water storage tank and revision to impact fee to be presented during the October Town Council meeting. Bruce Warner

Council Member Warner explained that they had a meeting with Mr. Norm Mecham regarding the Shundahai system. He felt that this was a very important meeting. He said that Garden City needs capacity in the Shundahai tank. We need capacity that is available and useful for the city and the residents.

Council Member Warner said that it is not fair to make the developer pay the cost of the tank and then make it part of the Garden City water system. Council Member Warner said that next month the impact fee can be revised and assessed on new construction, to bring in additional revenue. Mr. Mecham has offered to the city, that we pay for the capacity that is useful to the city. The cost to the city would be about \$925,000 for the facility that is useful to the city.

Mayor Spuhler said that the original agreement with Balzamorisa was a proposal to the city. He said that the city hasn't used any capacity in their system to this point. Council Member Warner said that our water master plan assumes that we are already using about 450,000 gallons in that capacity. Council Member Pugmire said that we cannot be using that. Council Member Warner said that we can't be using that right now because the improvements to allow us to use the tank have not yet been done.

Mayor Spuhler said that we are not taking advantage of the developer because of the original agreement and because we can't use the system at this point.

Council Member Warner said that the city needs the storage capacity. If we leave the storage capacity with the developer and we don't use that tank then we would have to build our own storage to provide what we need. We would have to build it at a higher cost than what we can get in the Shundahai tank. There are many other requirements for building our own tank. We have a facility that is already built that we can buy into at a 30 year loan at 3% interest.

Council Member Warner said we would have to pay \$25,000 - \$30,000 per year is all and he is recommending that we do that.

Mayor Spuhler said that it was previously discussed that if we used capacity in that tank then we would pay for what we used. Council Member Warner said that we have a need to use capacity in that tank. Mr. Cox said that in the agreement we are getting all the easements and the land. If Shundahai wants to do a future development they would have to work with the city to obtain more capacity. They will retain the part of the facility to service Eagle Feather, 60,000 gallons. We would be buying 940,000 gallons.

Council Member Warner said that he will have the draft agreement for review during the next Town Council meeting. The total is \$47,500 per year, \$20,000 comes out of the impact fees. Mayor Spuhler said that this will be a great opportunity we just need to make sure that the details are outlined in the agreement.

Discussion regarding the meeting held with Elk's Ridge parties to begin steps to resolve issues preventing issuing building permits in Phase 1 and obtaining easements in Phases 2 and 3. Bruce Warner

Council Member Warner said that they had a very productive meeting with multiple representatives from each phase of Elk's Ridge Subdivision. The reason for this meeting was to discuss what needed to be done so that the owners can get building permits in phase 1. They discussed ingress/egress, etc.

The owners would like the city to explore options for them getting a secondary access to their development. Council Member Warner said that they have been looking at options through Raspberry Patch and Foothill Estates. Council Member Warner said that the meeting was very productive and the city is engaged and willing to work with them.

Council Member Warner said that Dr. Williams is concerned and wants some assurance on utility easements and the roads. We also need to clarify who owns the tank. Council Member Warner told Dr. Williams that he would need to go to the Planning Commission to do some type of preliminary assurances. Mayor Spuhler said that he is concerned with the scope of his project keeps changing. Council Member Warner said that he is not clear how we can provide those assurances.

Mayor Spuhler said that it would be great if we can clarify what Dr. Williams wants. Council Member Warner said that there are a few emotional issues that he wants so we can get past this, he also wants a donation.

Mayor Spuhler said that we all need to work together to help make this happen. That way the city isn't entangled. He said that Dr. Williams has asked us to involve ourselves in areas that we can't do for them. We can help but we can't do it for them.

Discussion/Approval of funding for permitting of 75 N and 200 N.

Mr. White explained that this for the permitting to have those access roads. They were asked to hold off on this earlier in the year because they weren't sure where the budget would be for the road funds. This is to finalize the wetland permit so we can put in the gravel and culverts. This is below the high water mark. The permits are filled out and need to be submitted. The cost will be about \$750 for the permitting at this time.

Council Member Huefner made the motion to approve the funding for the permitting of 75 N and 200 N. 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. Motion carried.

75 N and 200 N Beach Improvements, culvert and road improvement, Gary Cox

Mr. Cox said that this item piggy backs on the previous discussion. He asked if we want to fund putting in the culverts and what we want to do with these roads when we finally get the permitting done and approved. Once we have the permit we have 2 years to complete the project. The Council discussed what it would take to complete this project. Mayor Spuhler said we need to table this until we get a better idea of how much it will cost. Mr. White said that it will cost about \$55,000. Mayor Spuhler said that we need to wait until we get a firm cost for this project.

Miscellaneous Items

Appoint New Planning Commission Member, Steve Arnold

Mayor Spuhler said that he has talked to Mr. Steve Arnold and asked him to serve on the Planning Commission Board. There was no opposition to this appointment.

Council Member Huefner made the motion to appoint our new Planning Commissioner, Mr. Steve Arnold. 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. Motion carried.

Discussion regarding a time limit for billing adjustments. Bruce Warner

Council Member Warner said that it is common for utilities to have a time frame to correct and audit an account where billing adjustments can be made retroactive for a period of time, he suggested 6 months.

Council Member Warner said that in the past he has waived an overage if it is reasonable, such as a leak. When we do that we go back to the same month of the previous year and only waive it for 1 month. Mayor Spuhler said that what he is doing is a good policy, and 1 month is reasonable. The Council agreed.

The Council took a 10 minute break. The recorder was stopped and restarted when the meeting resumed.

Council Member Reports

Pool

Council Member Stocking said that they looked at the pool chemicals and putting them outside the building. He said that there is a room on the back of the building where the furnace is. The furnace isn't working so they can make that the chemical room. Then they won't have to build anything new and we can still get all the chemicals out of the back room. He is also looking at getting a bid to get all the devises on the wall fixed. We need to pull it all off and put up something waterproof and re-install.

Farmers Market

Council Member Huefner said that the farmers market grossed \$330 and spent \$385.

Encumbrance Document

Council Member Huefner said that she has been working on the encumbrance document. Mr. Tony Martineau suggested that we form a special improvement district for the water standby fee. She said we will discuss this at another time when we have more information.

Heritage Park Project

Mr. White said that we had 4 bidders for the Heritage Park project. One of the bidders came 3 minutes late, just after all the packets had been opened. Unfortunately they were the lowest bidder, but they were too late. So the lowest bidder was Willow Valley Construction at a bid price of \$246,045. The next bid was \$276,700. The ordinance allows the Council Members to select a contractor, not necessarily based on the lowest bidder.

Substantial completion is November 14th. The only thing that may be left until next spring will be the hydro seeding.

The Council discussed Willow Valley and the restroom project, that project was quite frustrating at times for us and for the contractor.

Mr. White said that he has the contract documents so they can be signed next week. He would like to have a pre-construction meeting to get the timeline done so they can start next week.

Council Member Pugmire made the motion to approve Willow Valley to be the winning bidder and accept to do the project. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member

Warner, for; Mayor Spuhler, for; Council Member Huefner stepped out of the office because of a conflict of interest. Motion carried.

Mr. White will start executing the documents tomorrow.

Sweetwater Annexation

There is a meeting here on October 1st to discuss annexing the Sweetwater Subdivisions.

Fairness of Water Charges to Ideal Beach

Mr. Arnold has created a map of Ideal Beach with their uses and facilities. Council Member Warner said that we need a detailed audit of that facility to make sure they are getting appropriately billed. Mr. Argyle said that he has the map and will help with the audit to make sure what is billed is accurate and fair.

Council Member Warner said that we may look across the city to make sure we are doing a fair billing.

Mr. Argyle and Mr. Cox can work on this project to determine what is fair.

Beautification

The Council Members discussed a beautification project with the property owners to clean up some of the unsightly properties in town. They discussed a cooperative effort with the property owners, but it has to be fair throughout town.

Council Member Warner suggested that we get a Beautification Committee that will work on this project to identify properties that we can work with the owner to help clean up their property.

Marina Expansion

Mayor Spuhler said that they had a meeting and formed a committee to look at a marina expansion on the south side. Senator Hillyard wants a proposal for the entire project. Mayor Spuhler said that it is a huge mistake not to have a marina on the south side, or at least a boat launch at a minimum. It is a huge public safety issue. It will be good for the economy in Garden City and would enhance land values.

Shore Lodge Lawsuit

Mayor Spuhler explained that the lawsuit was dismissed and so he wants to reach out to the property owners and let them know that we want to have a conversation about how we can help manage that area.

Beach Management

Mayor Spuhler explained that he has been working with State Fire and Forestry on the beach management and things that will help enhance the beaches. He turned in a proposal to them explaining access and launching.

Taxes

Council Member Huefner is proposing a transportation tax of .45%, which would be used to provide the transportation to the sand on the sovereign lands leased by the city. This would raise our sales tax to 7.95% and would generate about \$30,000.

The second tax increase that she is proposing is in our property tax. She said that to provide for the future we need an incremental increase in property tax. She said that the Garden City property tax is so low, only a very small portion of the property tax comes back to Garden City.

Council Member Huefner suggested that we create another Mayors Committee going so they can help educate the citizens about a tax increase.

The Council discussed creating the new CDA because our RDA is going away in a year or two.

Payment Vouchers

The Council Members reviewed the checks, the invoices, and the invoice register.

Council Member Huefner made the motion to pay the bills. 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. Motion carried.

Executive Session

Council Member Huefner made the motion to go into executive session at 10:15 p.m., for the purpose of discussing land acquisition. 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. Motion carried.

Minutes of the executive session will be recorded on separate document.

Council Member Pugmire made the motion to end the executive session and return to the regular Town Council meeting at 1055 p.m. 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. Motion carried.

Adjournment

There being no further business to be discussed Council Member Pugmire made the motion to adjourn the Town Council Meeting at 10:55 p.m. Council Member Stocking seconded the motion. All in favor and the motion carried.

APPROVED:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk