

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

The Garden City Town Council held their regularly scheduled meeting held on October 10, 2013 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  
Brian House  
Darin Pugmire  
Bess Huefner via speaker phone and live stream  
Pat Argyle  
Danny White, City Administrator

Others present:

|                  |                |
|------------------|----------------|
| Kathy Hislop     | Jerry Foster   |
| Riley Argyle     | C Roberts      |
| Andy Stokes      | James Wise     |
| Anita Weston     | Jim Kemp       |
| Nadine Sprouse   | Linda Kemp     |
| Bruce Warner     | Michael Knoll  |
| Kathie Anderson  | Mike Weibel    |
| Joey Stocking    | Angelica Meyer |
| Norm Mecham      | Erin Tolentino |
| Joan Akre        | Amanda Cook    |
| Randall Knight   | Chris Shurian  |
| Sharlene Millard | Bruce Warner   |
| Mark Hislop      |                |

**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 via speaker phone and live stream, and Danny White, City Administrator.

**APPROVAL OF MINUTES**

Minutes of the Town Council meeting held on September 12, 2013

Council Member House made the motion to approve the minutes of the regularly scheduled meeting held on September 12, 2013. Council Member Argyle seconded the motion. All in favor and the motion carried.

**BUSINESS LICENSE DISCUSSION/APPROVAL**

Bear Lake Fishing Charters, LLC., request to conduct a fishing charter company on Bear Lake. Main location is 6 S. Bear Lake Blvd. Travis Hobbs

Council Member Pugmire reported that he has talked with Mr. Hobbs. He said that this business will be located at Pugstone's, 6 S. Bear Lake Blvd. Council Member Pugmire explained that Mr. Hobbs can conduct this business as long as he is not operating a motorized boat until he gets a Captains license, once he gets that license he will be able to start doing his charters with a motorized boat.

Council Member House made the motion to approve Bear Lake Fishing Charters, LLC. with the stipulations that he receive his Captain license. Council Member Argyle seconded the motion. All in favor and the motion carried.

**PLANNED UNIT DEVELOPMENT DISCUSSION/APPROVAL**

Conceptual and Preliminary Plat Discussion/Approval for Phases 1-3C of the Water's Edge Development, located at 50 So. Bear Lake Blvd.

Planning Commission Chair Bourne explained that the Planning Commission did give the approval for the conceptual and preliminary plat but they will need to go to the Board of Adjustment for the parking and the building height because it doesn't fit the current ordinance. Chairman Bourne said that they also talked about the fire truck and wetlands, but this is still in the preliminary stage. Mayor Spuhler said that some of those things will be part of the final stage. Planning Commission Chair Bourne said that we really don't know what the parking requirement will need to be because they don't have the building dimensions on the plat.

Mayor Spuhler said that when they get to the final stage they will need to get a letter from the Army Corp of Engineers. They will also need to get a traffic study, both are required before the final approval.

Mr. Mecham said that they have gone through the changes with UDOT that they are requiring for the project. They will still need to do a traffic study, which will determine if they will need a turn lane or not. They did take out the angle parking per UDOT requirements.

Mr. Mecham said that he feels that he was misinformed; he feels that this project is a PUD and in the PUD ordinance it talks about parking being negotiable. This is because there is shared use in a PUD, shared with the commercial use and the lodging. He said that the Planning Commission does have the ability to do the negotiating on the parking per the ordinance.

Mayor Spuhler said that we need to discuss a redundant water system and we need to do loops in the system. He said that we would expect that to be part of the developments cost because it is something that will be required of our system, not in the near future, but because of this project it will be necessary sooner. Mr. Mecham said that he agrees that we can discuss that but it should not be a part of the preliminary approval. Mayor Spuhler said that he agrees it just needs to be part of the negotiated process. Mr. Mecham said that he is certainly willing to discuss these

things. Mr. Shurian asked if those costs should be covered by the impact fees that they will be paying.

Mayor Spuhler said that we need to get the Shundahai water tank and water line easements done. Mr. Mecham said that he is working with Council Member House on the Shundahai easements and deeds and he will get them done. Mayor Spuhler said that we need to separate Shundahai from this project, they are different projects.

Mr. Mecham said that we have never re-zoned a project to a PUD zone. Mr. White said that it is required in the ordinance and the PUD ordinance allows height as a negotiation. Council Member Argyle said that with the additional height one of the concerns is fighting fires in the taller buildings. Mr. Mecham said that is not at that point yet, but he knows that will be discussed with the Council, and he has had those discussions with Mr. White. Mr. Mecham said that he understands that they need to discuss those issues.

Mr. Mecham said that he feels that the size of the project is overestimated.

Mr. Mecham said that he feels that the Planning Commission really did have the ability to decide on parking and on the height of the buildings. It hasn't changed from the plan they presented originally, the height is the same and the amount of parking is the same. Planning Commission Chair Bourne said that the visitors will bring toys and trailers that need to be considered also with the parking requirements.

Mayor Spuhler said that this sounds like Mr. Mecham wants to negotiate some of the elements in lieu of a variance. Mr. Mecham agreed that is what he is looking for because it is allowed by the ordinance. Mr. Mecham would like to get the approval tonight. Mayor Spuhler said that because they want to negotiate instead of going to the variance this would be the time to do the negotiations, not at a final. We need to discuss 2 of the points for this negotiation since we are talking about taking this off the table from the variance. Mr. Shurian said that they just want to go back to the ordinance and what is allowed in the PUD ordinance.

Council Member Pugmire said that when this was approved before we agreed to the height, we agreed as a Town Council, that because the buildings weren't any higher than the commercial buildings along the highway that it was fine but we have had time to review it again and that decision probably wasn't right because it doesn't fall within our ordinance. Mr. Mecham said that it is right according to the ordinances because it is within a PUD.

Mayor Spuhler said that as a Council we can basically approve the preliminary and conceptual with part of that approval being based on a detailed study on the impact to our system. The Council discussed the impact to the system, the loop system that is necessary due to the size of this project, and the easements to the shundahai tank. Mr. Shurian said that he feels that they shouldn't have to bare the entire cost of the loop system. He suggested that they come up with a developers agreement that will help them recoup some of those costs if they end up paying for the loop system. Mayor Spuhler said that we should figure out what a gallon of water costs to produce, and compare it to this project so we know exactly what the impact will be compared to

the impact fees they will need to pay. Mr. Mecham said that the impact fees have already been established based on the cost.

Mayor Spuhler said that in the PUD ordinance there is a negotiated element and these things, infrastructure that they will need for their project, are on the table with the negotiation. There is more to this and it is part of the process. He said that Mr. Mecham came to the Council and stated that they don't want to go to the Variance Board for the parking and height, they want to negotiate according to what the ordinance allows. Council Member Argyle said that anything that will impact the system should not be put on the heads of the citizens of the town, it should be put upon the heads of those who will impact the system. It's not the citizens responsibility to pay for what will benefit Mr. Mecham's project. Mr. Mecham said that he does not agree that they should pay for the loop system. He is willing to pay the impact fees that are required of any developer.

Planning Commission Chair Bourne said that if Mr. Mecham is not willing to follow what they approved then he needs to come back to the Planning Commission and start over. He said that he was expecting them to go to the Board of Adjustments for a variance for the height and parking. Mr. Shurian said that they are willing to go to the Board of Adjustments but he feels that the ordinance allows for negotiations with the Planning Commission. Mayor Spuhler agrees that the best option right now may be to go back to the Planning Commission as the ordinance stipulates they can negotiate with the developer. Mr. Mecham said that he is requesting approval now of the conceptual plan and the preliminary plat because they have already gone to the Planning Commission and have been approved.

The Council discussed in depth the negotiations, the parking calculations, the height of the buildings and the next step in this process. Mr. Shurian said that he is concerned with what will be required next. He feels that they have been to 3 meetings and should be ready for approval. Mayor Spuhler said that we need to make sure the process is done right so we don't miss anything. He said that if we need to approve the preliminary plat tonight we need to make sure that it is approved with the agreed negotiations and stipulations of what is promised and what is required.

Mr. Mecham agreed to have the easements and deeds to the Shundahai tank by the next month agreement. Council Member House said that he feels that this is not part of this project so it doesn't need to be included in with the motion. Council Member Argyle said that she feels that if that tank benefits Water's Edge then it is part of the entire project. Mayor Spuhler said that this is pretty complicated and we need to take some time and get this done correctly. He said that the tank is the city's but we don't have the right of way to the tank so we can manage it correctly. Mr. Mecham said that he will do all the things necessary to take care of the easements. Mayor Spuhler said that the tank is tied to Water's Edge. The Council further discussed the easements to the tank and the tank easement.

Mr. Shurian said that their intent is to mitigate the impact that they will have on the water system and on the fire department.

Mayor Spuhler asked if the Town Council felt that they could approve the preliminary plat subject to a detailed study on the impact of the water system, including the loops, and that we have the easement to the tank. Mr. Shurian said that he feels that the water tank in Shundahai is a different issue and shouldn't be tied to their project. Mr. Mecham said that the easements will be done in a month or so.

Mr. White said that it will also need to be re-zoned as a PUD, and will need to go through that process, starting with the Planning Commission.

Council Member House said that he feels that the Shundahai easements and right of ways doesn't involve this project but it does need to be done.

Mayor Spuhler said that in his opinion, if this is done the way Mr. Mecham said it is to be done it will be a wonderful project.

Mr. Mecham showed a side drawing of the buildings and the layout, which shows the buildings according to the grade. Mr. Mecham said that the building heights won't be any higher than the building along the highway which will be within the zone height requirements.

Mayor Spuhler said that the loop system will be critical. Mr. Mecham said that he is willing to discuss that but it can't be solved tonight because they don't have the facts. We need to know how much water will be true use for the project. Mr. Mecham said that they won't be using outside watering so they feel it will be lower.

The parking hasn't been approved because we don't have the true dimensions of the rooms so we can't calculate what is required for the project.

Mr. Shurian asked if they could get approval as per the parking study and the height as already established and in return they will commit to the water impact situation and the fire truck situation. Council Member House said that he can't. Commission Chair Bourne said that the parking calculation that is showing on the plat is a total square footage, but we can't calculate it because we base it on the square footage of the condo units and the commercial which is calculated differently. Mr. Shurian said that the footage is on the plat. Mr. White said that we can't verify what is there because the dimensions of the rooms and buildings are not on the plat the parking is shown on the table.

Council Member House said that his thoughts on his motion are that we can't approve the parking or the height because it hasn't been negotiated yet. He feels that they can make the motion to approve the preliminary conceptual approval of the Water's Edge PUD subject to negotiations of height, parking, and engineer study of water impact. Council Member Pugmire said that he feels this can't be approved as a PUD because it hasn't gone through the zone change for a PUD so it needs to go to the next Planning Commission meeting and have the zone changed and then they are the ones that can negotiate. Mr. White said that as he reviewed the PUD ordinance it doesn't stipulate when it has to be rezoned. Mr. Mecham said that they are willing to go through that process and this can be passed based on that process.

Council Member House suggested preliminary conceptual approval of Water's Edge PUD subject to negotiations of height, parking, fire truck, engineer study of water impact, and rezone of the PUD project. Mr. Mecham said he has a concern that it is subject to preliminary approval because the preliminary won't really be approved until all of those things are in place. He feels that those things can be completed before final approval. The Council stated those things need to be done.

The Council recommended that this project go back to the Planning Commission to discuss the height, the engineering study of the water impact, the water loop, the fire truck/fire issues, the shared parking, PUD and PUD re-zone. Mayor Spuhler said that they will ask the engineer if there is anything else that they think should be a part of this approval so they will be ready for the next meeting.

Commission Member Bourne said that the TIS study will be part of the final approval. The PUD re-zone will be started at the next Planning Commission meeting.

Council Member House made the motion to approve that Water's Edge go to the Planning & Zoning. Motion died for lack of a second.

The Variance meeting is cancelled since this project will go back to the Planning Commission.

### **ORDINANCE DISCUSSION**

#### **Discussion regarding the newly adopted language for Ordinance #8-600, Short Term Rental Ordinance.**

Mayor Spuhler explained that this was requested by Mr. Joey Stocking because he felt that there were issues with the language that was adopted that it didn't provide people with a notice of an inspection. Mr. Stocking said that he has a concern that the inspector could disrupt people's reunions.

Council Member Argyle said that she agrees with Mr. Stocking's concern. It is different if we have an inclination of a health issue but to do a random inspection just to check to see if they are in compliance while someone is renting the house, we can do that when people aren't there.

Council Member House said that we have always been able to go based on a complaint.

Mr. White suggested that the inspector go to the Property Management Company and take them to the inspection other than just showing up on the doorstep of the house. Council Member Argyle said that she feels the inspector can come during checkout time.

Mayor Spuhler said that he feels that we wouldn't just barge in on someone renting. Mr. White said that he feels that we can do the inspections as Council Member Argyle suggested. If they were approved once before and were compliant then go when people are not in the house. If it is due to a complaint then go then, don't wait.

The Council discussed changing the ordinance to state that inspections will be done during checkout or unoccupied times. This ordinance will be drafted for approval during the November Town Council Meeting.

### **REVIEW OF GARDEN CITY GENERAL PLAN 2013 DRAFT**

Council Member House said that the road map on page 13 needs to be finished. The Council discussed changes that need to be made before the approval, which is scheduled next month. This is just for discussion at this time, and will be on next month for approval.

### **CONSIDERATION FOR ADOPTION OF A NEW LOAN WITH ZION'S BANK AND APPROVAL OF THE REAL PROPERTY LEASE DOCUMENT**

We are going to refinance the loan we have with Cache Valley Bank on the city buildings. The loan will be financed through Zion's Bank in the amount of \$937,000 and should close on November 12, 2013. We are refinancing because we can get a lower interest, which will save us \$324,000 and will shorten the length of the loan 5 years.

Council Member House made the motion to approve the change of our loan to Zion's Bank. Council Member Pugmire seconded the motion. All in favor and the motion carried.

### **MISCELLANEOUS ITEMS**

#### **Chamber Liaison Report, Rick Rose**

He is not in attendance at this meeting.

#### **Discussion regarding the Rich County Tourism Grant and decision of a project to submit**

Mr. White explained that the first choice to submit this is for a match for the EDA grant, but if we don't get that grant then we need to be able to use the grant for starting the funding for the Planning and design for the beach access or to rough in some of the parking areas. We have to submit the EDA grant application no later than October 11<sup>th</sup> and we should hear if we get approved for that grant by January 2014.

Mayor Spuhler said that he has been working really hard to get money for the parking areas and the beach access.

#### **Appoint 3 Counting Judges for the November 5<sup>th</sup>, 2013 municipal election**

Ms. Susann House, Ms. Joan Akre, and Ms. Tammy Calder submitted their names for Counting Judges. Ms. Anita Weston said she would be the alternate.

Council Member House made the motion to accept the 3 counting judges and the alternate as presented. Council Member Argyle seconded the motion. All in favor and the motion carried.

Update of Medical Reserve Program, Internship with Medical Corporation. Mike Knoll

Mr. Weibel explained the Medical Reserve Corps to the Council.

Approval to do the Cultural Assessment for the 3<sup>rd</sup> west EDA Grant application. Cost is \$3,000.00.

Council Member Huefner said that Monson Shaver was here last week and he may be able to do this assessment for free if it is within his jurisdiction. We just need this motion if he can't do the assessment for Garden City.

Council Member House made the motion to approve the cost for the Cultural Assessment for 3<sup>rd</sup> West. Council Member Huefner seconded the motion. All in favor and the motion carried.

Approval to purchase a new sweeper, \$7,000

Mr. Argyle explained that to get our sweeper repaired would cost about \$3,000 and it will not get it completely fixed. It is about 13 years old. He can fix it but it won't be very good. The new one would be for the skid loader not the backhoe so it will be a little bit cheaper. Council Member Huefner said that we need to take the cost out of roads and trails. Council Member House said that he is okay to get a new sweeper but we should keep it inside.

Council Member House made the motion to approve the purchase of a new sweeper. Council Member Argyle seconded the motion. All in favor and the motion carried.

Schedule dates for Christmas parties

The Council agreed that we should have the employee Board Member party after Christmas. This will be held January 10, 2014.

The Community Christmas party will be held on December 7, 2013. The Rocky Mountain Power donation will go towards this Christmas Party.

**COUNCIL MEMBER REPORTS**

Council Member Argyle said that she has gone to the swimming pool 3 times a week and she feels they have been doing a good job.

Council Member House said that we did not get our OHV grant.

Council Member Pugmire said that the owner of Texaco is trying to sell his snowmobiles at the Texaco. They will run it through his credit card machine at the Texaco. Mayor Spuhler said that they should charge sales tax if it is going through the business. The Council discussed this because there are other places that have vehicles for sale on their property.

**PAYMENT VOUCHERS**

The Council Members reviewed the invoices and 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 business to discuss, Council Member Argyle made the motion to adjourn the meeting at 8:34 p.m. Council Member House seconded the motion. All in favor and the motion carried.

APPROVAL:

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John Spuhler, Mayor

Attest:

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Kathy Hislop, Town Clerk