

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

The Garden City Town Council held their regularly scheduled meeting held on November 14, 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
Pat Argyle
Danny White, City Administrator via speaker phone

Others present:

Kathy Hislop	Dave Cottle
Anita Weston	Claudia Cottle
Bruce Warner	Brian Thornley
Andy Stokes	Ed Hansen
Zan Murray	Cyndy Hansen
Riley Argyle	Cindy Gooch
Curt Knutson	Bryce Nielson
Mark Hislop	DeWayne Gifford
Bobbie Coray	Adam Mecham
Chuck Stocking	Jenn Andrs
Norm Mecham	Todd Hageman
Mike Leonhardt	Dustin Hansen

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Town Council meeting held on October 10, 2013

Council Member Huefner made the motion to approve the minutes of the regularly scheduled meeting held on October 10, 2013. Council Member Argyle seconded the motion. All in favor and the motion carried.

COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL

Request to encumber lots 37 & 38 of Foothill Estates, 41-20-01-037 & 41-20-01-038. Chad & Stephane Clark

This is just a general encumbrance.

Council Member Huefner made the motion to accept the encumbrance for lots 37 & 38 of Foothill Estates Subdivision. Council Member House seconded the motion. All in favor and the motion carried.

RE-ZONE DISCUSSION/APPROVAL

Re-zone application for the Water's Edge Development, current zone is Commercial 1 and Beach Development, proposed zone is Planned Unit Development/Planned Residential Unit Development zone. Norm Mecham

Planning Commission Chair Bourne explained said that they don't have enough information about square footage of the buildings so that they can calculate the parking. They tried to table the project because they were so far apart with where they thought they should be with the height which is 25 feet on the beach front. They made a recommendation and sent it to the Town Council for their decision. Planning Commission Chair Bourne said that he feels that they need to look at all the impacts that this project will have on our city and go from there. They weren't able to come to a decision on the negotiations.

Mr. Murray said that in regards to the re-zone we understand that it is a negotiable item in regards to the parking layout. He said that we are moving in a positive direction on agreeing on the parking for the development. Mr. Murray said that we are still lacking information on the water demands, which will help us to understand the type of impacts the development will have on the water system. He said that according to the ordinance parking can be a negotiated item but height is not and that was verified with the city attorney. We need to work back and forth through this without handling anyone negatively. Mr. Murray said that we really need to have a line drawn on the site plan to show where the beach development zone is on the plans vs. the commercial zone.

Mayor Spuhler said that there were points made in the prior meeting that we didn't do the approval right in the previous approvals. Mayor Spuhler said that according to the attorney we, absolutely without question, don't have the authority to negotiate the height. He said that it is not an option to negotiate the height with this project. Mr. Murray has done a study to look at the design to see if it would impact views and he did find that it is a problem, but it is not an option on the height.

Mayor Spuhler read from ordinance #11F-105, that the Council may remand the application back to the Planning Commission if they find they need more information for further review. He said that is his opinion.

Mr. Mecham requested that the council discuss the agenda that they are on right now, which is the PUD re-zone. He said that there is a PUD right next to the project his project and it has been there many years.

Mr. Murray said that a PUD allows them to do some negotiations for the project with. If this is at the zoning approval the negotiations can be discussed during the re-zone. Council Member Huefner said that those negotiations can be done during the preliminary approval. Mr. Murray said that is correct as long as everyone understands that the water system, the height, and the parking are still things that are pertinent to the project. Mayor Spuhler read from the ordinance which things are negotiable in a PUD zone.

Height was discussed extensively and if the Council may change the height and allow taller buildings. Mr. Mecham said that he feels the ordinance allows for the height to be negotiated. Mayor Spuhler said that he has talked with the city attorney and he said that height is not a negotiated item; we need to follow our ordinances. Mayor Spuhler said that he will go back to the city attorney and find out what we can do regarding the height. Mr. Mecham said that if it comes back from the attorney that we can't negotiate height it may change what he does with his project and buildings but it doesn't change his desire to have the project re-zoned to a PUD.

The Planning Commission sent this to the Council for review regarding the PUD re-zone, but they said that changing the zone to PUD zone changes the requirements for the project. He said that we need to be careful with the height and it should stay at the 25 feet on the beach front.

Mr. Murray said that he feels that this is getting the cart before the horse. He said that the PUD ordinance says that the items are negotiated during the approval process. He said that he feels that some of the negotiated items should be discussed but during the PUD re-zone or during the preliminary phase. Council Member Huefner said that she feels that it should be negotiated during the preliminary phase. Mr. Murray said that height, water, parking will impact the project and what is approved. Mayor Spuhler said that if we provide the re-zone then those items will still be pertinent.

Mayor Spuhler read the ordinance PUD zone. Mr. Mecham asked him to read 11F-102-5. Mayor Spuhler said that he talked to the attorney and he said that height is not negotiable. Mr. Mecham said that according to 11F-102-5 sounds like it should be negotiable. Mayor Spuhler said that we will go back to the attorney to see what his advice is on this ordinance.

Mr. Mecham said that if the attorney said that the height discussion will change the project, but he wants to move forward on the PUD re-zone.

Mayor Spuhler said that we need to get advice from our attorney regarding the view scapes and the height requirement as per our ordinance. He said that there is potential liability if we don't follow our ordinances and our attorney stated that if we don't follow our ordinances our insurance policy may not cover us. Mayor Spuhler said that he feels that we need to get with our attorney to make sure that we don't make any decisions that will hurt the city.

Mr. Mecham said that the project next door is a PUD and some things were not followed that would have to be followed in a residential zone. He said that the Council has approved that project as a PUD. He said that he is requesting a PUD.

Board Chairman Bourne said that when it was approved the first time the plans have changed so there was different circumstances from the first plans to the plans that we have now. Mr. Mecham said that height has never changed.

Council Member Huefner said that changing the zone, and calling it a PUD, doesn't change what we can approve or discuss for the project. It doesn't change the height or the parking regulations. Mr. Murray said that ordinance #11F-107 allows for a development plan approval, which is an opportunity to discuss the development and what it is. We have discussed that in a number of ways. As long as everyone understands that if this is approved tonight that the Council explicitly states that these items in question will clearly be reviewed during the next stages of the approval process, and that they are not missed over.

Council Member House said that Mr. Mecham is here on the agenda for a re-zone discussion. Mayor Spuhler so we need to make sure we state the motion properly so there isn't a question later. We should itemize the list so there is no confusion.

Council member House made the motion to approve Water's Edge request for re-zone, also to be discussed at a later time when the plan comes before the Board for discussion approval, the transportation impact study, the wet land delineation, drainage easement, water demands, a water model, beach front zone boundaries shown and a list of revised parking calculations, and height restrictions. Council Member House said that there are some issues with Shundahai that has been discussed in other meetings. Mayor Spuhler said that the issues with Shundahai doesn't affect this approval. Council Member Pugmire 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. This discussion/approval will also include negotiations as permitted by the PUD ordinance. Norm Mecham

Mayor Spuhler said that he wants to table this discussion and get this to the city attorney for his opinion regarding the height negotiations. Mr. Mecham said that he comes in to this meeting with a punch list of 3 items that need to be completed. He feels that they can discuss the other items, not the height. Mayor Spuhler said that there are important things that he has asked for many months, such as the water model, which Mr. Mecham hasn't produced. Mr. Mecham gave the water model to Mayor Spuhler, and said that he doesn't expect a decision on that water model tonight. Mayor Spuhler said that the Planning Commission has asked for more information for the parking calculation. Mr. Mecham said that the parking calculations and the building dimensions have always been on the plat. Mr. Murray said that he needs to look over the calculations and work through that with Mr. Mecham.

Planning Commission Chair Bourne said that shared parking is not allowed in the ordinances, but Council Member Pugmire said that it is in the ordinances because the PUD ordinance allows negotiations on the parking requirements. Council Member Pugmire said that he is good with the shared parking as Mr. Mecham is proposing. Mr. Mecham said that he is willing to working with Mr. Murray to make sure that the parking works for the city. Mayor Spuhler said that he doesn't disagree; he thinks that the parking should be looked at and negotiated.

Mr. Murray said that he has worked with Mr. Mecham on the parking layout and feels that we are headed in the right direction with the parking for the project. Mayor Spuhler said that this is a complex project and he just wants to get it right. We are working together to make things right. This project will be there a long time and needs to be done right. He wants to make sure that we follow the ordinances and do it right. Mr. Mecham said that the changes that have been made have all come from suggestions from the city.

Mr. Mecham said that he can meet the requirement for parking on his property, he has the space to do it but it will look like a Walmart parking lot but he doesn't feel that is the best for his project or for the city. But it can be negotiated because the ordinance allows it.

Mr. Mecham said that he would like to work with someone and asked the Council if he can work with Mr. Murray to get the parking layout completed. The Council agreed that Mr. Mecham can work with Mr. Murray to figure out the parking. Council Member Pugmire said that it would be nice for them to have a separate area for the larger parking for the boats and trailers that will come into their project; this will help the parking congestion in the main parking area. Mr. Mecham said that the burden really is on him to make sure that he has adequate parking for his customers because if there isn't enough parking they won't stay at his place.

Council Member House said that he wants to talk about the water model. He said that Mr. Mecham may have to run an upsized line for their project. Mr. Murray will look at that, now that he has the water model, to determine what will be necessary for this project. There is only a 6" line down 150 South next to this project; the impact may require a larger line for use and for fire flow requirements. Mayor Spuhler explained that if a larger line is required for this project Mr. Mecham will be responsible to pay for the upsized line. Mr. Mecham said that sometimes those costs are shared. Mr. Murray said that this would be a direct impact driven by the development and may be a direct cost to the project.

Council Member House asked if our attorney says that the height is not negotiable what would that do to his project. Mr. Mecham said that he will have to look at that to determine what he can do with his project.

Mr. Mecham said that his previous plan had a large building along the north property line that would impact the view of the adjacent property owners. Mr. Murray said that he would appreciate the buildings lower on the periphery of the project and the taller buildings in the center of the project to protect the view for the adjacent property owners. Mr. Mecham said that his original plan had the buildings along the property lines and they were 25 feet tall. Then they worked with the Planning Commission and decided that it would be better to bring the buildings in from the property line so there is a view not only from the highway and it wouldn't affect the

adjacent property owners. Mayor Spuhler said that at the end of the day we need to go back to the attorney about the height. Planning Commission Chair Bourne said that we need to have the beach zone drawn on the plat.

Mayor Spuhler said that he feels that this does follow our downtown plan and what we are trying to do; it just has to follow our ordinances. He wants to get it done right. We need to work together to get it done right and go through the process to get it done right.

Mayor Spuhler will talk to the attorney in respect to the height issue.

Mr. Mecham said he is working on getting the easements signed and it should be done by December 31, 2013. He said that he isn't the only signer on all of the deeds, but he is working on getting them signed.

Mayor Spuhler asked Mr. Murray to make sure that Mr. Mecham has the list of what he needs to finish so he can address each of his concerns.

Council Member Pugmire said that we need the wet land delineation. Mr. Mecham said that it is almost ready to go to the corp. of engineers.

The next step in the process is to go back to the Planning Commission because the ordinance says that they negotiate the parking. And for Mr. Mecham to work with Mr. Murray on his list that needs to be completed.

MISCELLANEOUS ITEMS

Tour of Utah Presentation, Jenn Andrs and Todd Hageman

Mr. Hageman gave the presentation for the Tour of Utah. He said this tour is an opportunity to sell the state; it is televised live every day on Fox. They have a lot of partnerships. They showed a video which explained the tour and places that it has been. They are asking Garden City to be a host city. If we are interested we will need to get a letter to them soon explaining our interest in the race. There are some requirements that Garden City will need to commit to if we are a host city. The Tour will go through Garden City on August 6th, 2014 if we are a host city.

Ms. Andrs explained that they are in the very preliminary stage of determining the race route.

The Council Members said that they are interested in being a host city we just need to determine what we can do and what they are requiring.

Raspberry Days Report, Rich County Sheriff Dale Stacey

Sheriff Stacey reported on the incidents during Raspberry Days. He said that he feels the Raspberry Days Committee does a great job keeping the law enforcement informed of what is going on. It is a great necessary thing to get help from the other agencies to help during Raspberry Days.

He said that they are learning new things every year to keep control during Raspberry Days. Sheriff Stacey said that 95% of the people that come for Raspberry Days are great people and are good and respectful when they come, but the other 5% are difficult for the law enforcement.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #13-14, an Ordinance updating parking requirements for short term rentals and nightly rentals.

This ordinance came from a recommendation from the Planning Commission. This is just to clean up the ordinance and make it more understandable.

Council Member House made the motion to approve ordinance #13-14. Council Member Huefner seconded the motion. All in favor and the motion carried.

Ordinance #13-15, an Ordinance updating annexation and re-zone requirements.

Council Member Pugmire made the motion to pass ordinance #13-15. Council Member Argyle seconded the motion. All in favor and the motion carried.

Ordinance #13-16, Short Term Rental Ordinance update to change wording on random inspections and allow the inspections during check out times or unoccupied periods.

Council Member Pugmire made the motion to pass ordinance #13-15 as it is written. Council Member House seconded the motion. All in favor and the motion carried.

RESOLUTION DISCUSSION/APPROVAL

Consideration and adoption of Resolutions authorizing the issuance of Refunding Bonds in an aggregate amount not to exceed \$2,515,000 to refund the following outstanding bonds: (1) Water Revenue Bonds, Series 1981 (2) General Obligation Bonds, Series 11982 and (3) Water Revenue Bonds, Series 2008B

Mayor Spuhler said that we looked at our bonds and loans and because we are going to refinance we are going to save around 1 million dollars to refinance these loans. Mr. Warner asked if it is in the city's best interest to refinance these loans with a variable interest rate after 10 years. The Council said that we can pay these off at any time to lock in the interest rate if we see it going up. The Council reviewed the Bond Resolution. The variable rate ceiling is 7.31%.

We have already finalized the new loan for the building through Zion's Bank.

Resolution #R13-08, Water Revenue Bonds, Series 1981

Council Member House made the motion to adopt the resolution authorizing the issuance of refunding bonds in the aggregate. Motion died for a lack of a second.

Council Member House made the motion to amend the motion to adopt the resolution to issuance of the bond for the water revenue bond, series 1981. Council Member Huefner seconded the motion. A roll call vote was called for, Council Member Huefner, for; Council Member Argyle, for; Council Member House, for; Council Member Pugmire, abstained. Motion carried.

Resolution R13-09, General Obligation Bonds, Series 1982

Council Member House made the motion to adopt the resolution to issuance of the bond for the general obligation bond, series 1982. Council Member Huefner seconded the motion. A roll call vote was called for, Council Member Huefner, for; Council Member Argyle, for; Council Member House, for; Council Member Pugmire, abstained. Motion carried.

Resolution #R13-10, Water Revenue Bonds, Series 2008B

Council Member House made the motion to adopt the resolution to issuance of the bond for the water revenue bond, series 2008B. Council Member Huefner seconded the motion. A roll call vote was called for, Council Member Huefner, for; Council Member Argyle, for; Council Member House, for; Council Member Pugmire, abstained. Motion carried.

DISCUSSION/APPROVAL OF GARDEN CITY GENERAL PLAN 2013

Mr. Danny White is no longer on speaker phone; therefore this agenda item will be on the December Town Council agenda for discussion.

CANVASS NOVEMBER 5, MUNICIPAL ELECTION RESULTS

The election result/documents were given to the Council Members. We received 1 ballot that was mailed within the time limit so the Council can count that ballot. They chose not to count it because it won't change the results.

There were 139 people who voted this year, which was 54% of the registered voters for Garden City.

Council Member House made the motion to accept the ballots as presented. Council Member Huefner seconded the motion. All in favor and the motion carried.

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.

COUNCIL MEMBER REPORTS

Council Member Pugmire said that he still wants to review the parking ordinance to change it so it isn't so restrictive. The Council Members said that want to see his suggestions again. Council

Member Pugmire said that he is suggesting that the parking space requirement go by the fire code.

Council Member Argyle said that there are 3 positions opening up at the beginning of the year for the Library. She is submitting 3 names for consideration, Doris Miller, Sharie Hardinger, Cindy Caldwell. Those 3 are suggested for the new Board Members.

Council Member Argyle said that she went swimming the other day and it was so nice and toasty warm. She is working with Mr. Monk to become certified to teach swimming lessons. The pellet stove is so nice in there. He has started the dive in movie nights on Saturdays.

EXECUTIVE SESSION

Council Member Huefner made the motion to adjourn into Executive Session at 8:20 p.m. Council Member House seconded the motion. All in favor and the motion carried.

Council Member Huefner made the motion to end the executive session at 8:30 p.m. Council Member Argyle seconded the motion. All in favor and the motion carried.

ADJOURNMENT

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

APPROVAL:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk