

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

The Garden City Town Council held their regularly scheduled meeting on December 13, 2012 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
Pat Argyle
Bess Huefner
Darin Pugmire
Danny White, City Administrator

Others present:

Kathy Hislop
Riley Argyle
Anita Weston
Wendy Thornly
Rick Bywater
Skip Duffin
Zan Murray
Tiffany Wahlberg
Jackie Bourne
Lance Bourne
Jim Stone
Brian Hirschi
Joey Stocking
Andy Stokes
Daniel Roskelly
Cindy Gooch
George Peart

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Public Hearing held on November 8, 2012

Council Member Huefner made the motion to approve the minutes of the Public Hearing held on November 8, 2012. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Town Council Meeting held on November 8, 2012

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on November 8, 2012. Council Member House seconded the motion. All in favor and the motion carried.

Town Engineering Report, Zan Murray

Public Works Report, Riley Argyle

Both Mr. Murray and Mr. Argyle reported together on the following projects.

Mr. Murray reported that they are working with a few companies to get someone to drill the well at the city park pond. They need to make sure everything is done right so it can be used as a secondary or redundant water source for the city. JUB is working on the specifications and documentation to make sure we get consistent bids from these companies. Mr. Murray gave the Council a proposal for this project, which includes cost, etc. Mayor Spuhler asked if it makes sense to slow this process down a little bit since we just received funding for water planning and with that funding we can determine if a well is really useful. Mr. Murray said that it is not a bad idea to see how the well will work for the city and the water model can help determine that. Mayor Spuhler said that the well needs to be secondary and redundant; if it is only redundant it seems like a waste of money. It has to be something we can use for drinking water. Mr. Murray said we need it to be redundant to help with the current system. Mr. Murray said that it is a good idea to look into the planning and then plug in some places for the source that we think will work well.

Council Member Pugmire said that we need to determine what our leak is in the pond before we start dumping in more water. Mr. Murray said that he can do a test to calculate what the leak is over the area of the pond. Then we need to figure out how to plug the leak. We did use about 2" of bentonite to line the entire pond. Mayor Spuhler said that the pond was not supposed to be used as a winter pond; it was only to have water in it when there is water in the canal.

Mr. Argyle said that there is a lot more involve in making the well a culinary use well, and that is why JUB is engaged in this project. The Council Members agreed that the well needs to be used as culinary with our system.

Mr. Argyle said that there are no guarantees of how much water the well will produce. We are permitted to drill 200' deep, but we could get permitted to drill deeper if necessary. The idea with this drill is to punch a hole in the ground and get a good idea of what is there. Once we know what is in the ground we can determine if we want to spend the money on the well to meet the requirements for culinary use.

Mr. Argyle said that they are receiving quotes of \$50,000 - \$100,000 and so we need to determine why there is such a difference in the quotes. We really need to make sure what we want and that everyone will be bidding based on the same specifications.

Mayor Spuhler suggested that we wait until this spring so we can look over the water study to determine what needs to be done for the well. Mr. Argyle requested permission to allow JUB to do the design work now so when the planning is done they can go forward with drilling the well. Mayor Spuhler said that we can pay the design work out of the match for the grant. Mr. Murray said that we should do most of the study and planning so we can determine what we really need with the well. The state likes planning projects because it shows that we are proactive and we are looking at and addressing our issues.

Mayor Spuhler asked if JUB has a water right expert so we can make that transition from Sunrise to JUB for all our engineering projects. Mr. Murray said that they do have a very competent water right expert so we can start working on our point of diversion changes with them.

Mr. Argyle reported that the contractor is still working on the scenic byway restroom. There are liquidated damages, which will be charged to the contractor. Council Member Huefner will discuss that with the Council to determine how much they will pay for the time they have went over according to the contract.

Mr. Argyle reported that they installed the Payne Spring meter so that project is complete. Mr. Wilson did get his meter in so now we will know how much water each entity is using. Pyane Spring is running really well, the best it has run since he started working here.

Mayor Spuhler said that the Bear Lake Water Company has a well that they decommissioned and we may want to check with them about buying or using that well. Mr. Argyle said that the well is shallow and it only pumps about 50 gallons per minute. It may be something to put in the water study to see if it is worth anything. Mayor Spuhler said that we should check it out to see if it would be a benefit to our system, because it is close to our line and there is already power there. Mr. Argyle said that it may be worth the money to put a camera down the well to see if it is useable. The Council agreed that we should video the well.

Mr. Argyle said that he was working with Pall Corp. on the treatment plant CIP. We may be able to do the CIP's quarterly instead of monthly because our flows are so low, especially during the winter months. Each CIP's cost about \$2,000.

Mayor Spuhler said that we have all the pieces done for the deed for the Elk's Ridge water tank property. So we are just waiting for the property owner to sign the deed.

Code Enforcement Report, Andy Stokes

Mr. Stokes reported that things have been pretty slow right now. The biggest thing that he has been working on is the sign ordinance. We needed to come up with an ordinance that would be good for the community. Mr. Stokes said that he needs the Council to think about the gateways into Garden City and the downtown corridor, so we can try to protect that area.

Council Member Huefner said that the ordinance states that every sign must be installed by a contractor. She feels that a private property owner should be able to install a sign on their own property. Mr. Stokes said that there is a responsibility that when people go on to commercial property the sign should be constructed in a manner that it won't fall over on top of them. The Council discussed different size signs and the necessity of having a contractor install a sign. Mr. Peart said that legally if you have a business and you do any type of construction work, or a sign on their property, they legally need a licensed contractor to install the sign. If they put a sign on private residential property they do not need a contractor install the sign.

The Council and Mr. Stokes discussed the ordinance at length. There were no changes made to the proposed ordinance. It will be prepared to come back to the Council next month.

Mayor Spuhler asked Mr. Stokes about code enforcement related to the Bear Lake Water Adventure business in the park area. Mr. Stokes said that the biggest issue was just the signs that were placed out that were different than what the ordinance allowed. He stated that Mr. Bourne was good and took down his illegal signs. There wasn't anything else that he had to deal with.

Building Inspector Report, George Peart

Mr. Peart said that currently we have 14 outstanding residential building permits, they are in the process of building and completing their projects.

Mr. Peart said that he has been working with Cache County and he is going to try to get with their planner to talk about canals and try to look through some of the issues. He said that in 2010 the state passed a law, HB298, which states that "a canal company or canal operator, shall provide, before July 1, 2012 any municipality in which the canal company or canal operator owns or operates a canal the current mailing address, phone number, a contact name, a general description and location..." Any changes must be reported to the municipality within 30 days of the change. He said that the city should look at that and make sure that it is happening.

Mr. Peart said that we need to focus on subdivision application requests located within 100' of the centerline of a canal. We must notify the canal company of those applications. The canal company needs to play a bigger role when these subdivisions are reviewed. Mr. Argyle said that when we do the canal company approvals the canal company should sign off on the plat, which will protect both parties.

Mr. Peart said that he checked with the county and he said that there is nothing showing the canal easements as recorded easements with the county. Mr. Murray said that many municipalities require that if a development is coming in for approval that the canal easement is platted with that subdivision. We need to have a conversation with the canal companies and enhance the communication with them.

Mr. Murray said that the ordinances need to be written to protect the city. We also need to have maps of the city that show the higher risk areas.

Mr. Peart said that he will be gearing up for a new code so next year will be going to the 2012 IBC. He has been going to some classes to learn the changes that will be coming up next year. Mr. Peart said that he is working on his commercial building inspector certificate.

Mayor Spuhler said that he asked Mr. Peart to help Mr. White on some of the projects that he is working on while things are slower with the building permits.

Business License Discussion/Approval

Bear Lake Water Adventures, Lance & Jackie Bourne

Mr. Bourne explained that early in the season he met with Ms. Jennifer Sullivan, from the State Forestry and Sovereign Lands, and they worked to clean up the beach below the park. They did a lot of work there in preparation for the season. Later into the season they began to store their paddle boards in one of the restrooms in exchange for cleaning the beach, cleaning the boardwalk, and cleaning the restrooms. Mr. Argyle said that it did help the Public Works so they didn't have to clean the restrooms.

Mr. Bourne said that they did a lot of advertising and brought a lot of people from the Wasatch front, he said that he informed a lot of people that there is a boardwalk to the beach.

Mr. Bourne said that he partnered with a few of the businesses in town and had them sell the boards that he uses. Council Member Pugmire said that he needs to update his business license to include that he is a distributor and not just doing rentals.

Mr. Bourne said that he had a good working relationship with Ms. Sullivan. He made sure he had all the right permits that she required.

Mayor Spuhler said that he really enjoyed the fact that it was a quiet business and people really enjoyed it. He feels that people need things to do at the park. We may want to enhance the park with some other activities, such as volleyball and horseshoes. Mayor Spuhler said that he went to the business twice for a couple issues which were taken care of immediately by Mr. Bourne.

Mayor Spuhler explained that the Council approved this concessionaire license based on an experimental basis and he feels that it went well for the first year. Mayor Spuhler said that he didn't really agree with the letter from Mr. Hirschi, we need to look at the business and if it was successful.

Council Member Argyle asked if there was ever a problem with parking in the park. Mr. Bourne said that there wasn't ever a problem with the parking, there was always extra parking. Council Member House said that the only time there was a parking problem was when there was a race that used the park.

Council Member Argyle said that she would like to see more kiosks there and also more activities. She said that we are underutilizing the park and the beach.

Council Member Argyle said that we need to re-look at the ordinance and define the criteria.

The Council discussed the business at length.

Council Member Pugmire said that he has a conflict of interest with this business. He also said that he had a conflict with them moving the business down on the beach. He said that it was never discussed with the Council when they requested the business license. He said that if they wanted to move the business to the beach they should have come back to the Council and tell them that they were going to move and put a canopy down on the beach. Mayor Spuhler said that he may have some responsibility with this because he saw that the canopy was on the beach and didn't tell them that they needed to come back to the Council. He didn't consider it like that because it was above the high water mark. Council Member Pugmire said that Mr. Bourne needs to fix his business license to state that he is a distributor and not just renting.

Council Member Pugmire said that when we talked about this license we said that it was a first time business and then we should review it again after the first season. He said that Mr. Bourne did a great business but now he feels that it should go out for a public bid process. Ms. Bourne said that the problem with putting it out for bid is that you have big businesses on the lake and they can come in to undercut the small business. To put it out to bid would allow 1 business to monopolize this type of business on the lake. Mayor Spuhler said that he completely disagrees with the bid process that the state uses, the Council passed an ordinance last month that completely gives the Council the right to choose the best business for the license and it's not necessarily base on the price. Mr. Bourne asked what is in the best interest of the city. If they have to bid and the price goes up the customer has to pay more. Council Member Pugmire said that when they can

come in as a concessionaire and not have to pay property taxes, and not have to pay all the taxes that the businesses that are in town pay, that is why the transient business license was created. He said that we need to make sure that we follow the fair market value.

Council Member Huefner said that she appreciated that Mr. Bourne made changes quickly as she asked them to fix issues that came up throughout the summer.

Mayor Spuhler said that this is a discussion to approve Bear Lake Water Adventure Concessionaire License. We had a discussion so this is a vote to the Council. The ordinance states that it is at the discretion of the Town Council. Council Member Pugmire said that everybody should have the chance to bid on this. Ms. Bourne said that maybe you should allow more businesses down there. Council Member Pugmire said that he is opposed to that because the beach there is so small. Mayor Spuhler asked why a small business would invest money to start a business if there is a possibility that they wouldn't get the bid after the first year. Council Member Pugmire said that he wants to go back to what was stated and said in the May Town Council meeting when this was approved. He said that in the recording, that he listened to, it was said that this was a one time deal and then it would be brought back to the Council for more discussion and for a public bid. The bid was not voted on.

Mayor Spuhler said that we need to vote on this to approve to give them another year based on our current ordinance that gives the council the right to conduct this business again. He said that he feels that we should renew their business license. Council Member Argyle said that the discussion was that we talked about bids so she would like to listen to the tape of the meeting and go by what we said during that meeting. We need to be fair and honest.

Council Member Argyle said that concessionaires would be other businesses that would enhance that beach, not compete against the other concessionaires there on the beach. Those are some things that we need to think about, such as how many concessionaires we can allow there on the beach. She said that there are some things that we could learn from Mr. Bourne and their business. We need to have a better understanding of what kind of Concessionaires we are going to have, how many concessionaires we are going to allow, and how we are going to accept them. We need to make the decisions based on everything.

Mr. Bourne said that he is already working on advertising, insurance, and getting things ready for next summer. He is trying to get ready for the next season. Council Member Huefner said that we could study this out for another month and come back more prepared. Mr. Bourne said that he feels he did something very positive for the city and can't understand why they would want to take that away from them. Ms. Bourne said that she understands the Councils need to define the rules, but that doesn't have anything to do with them saying yes or no that they can do the business there. She asked why the Council can't vote tonight on whether they can do the business. At least that will give

them the answer so they can move forward with the business. They will follow the rules that the Council comes up with.

Council Member Argyle said that she wants to be straight with what they said during the meeting when they approved the business. It has nothing to do with the business that the Bourne's did. The Council agreed that they did a wonderful job. The Council will get a copy of the May 2012 Town Council meeting recording to see what was said about putting this out for a public bid.

Mr. Joey Stocking asked why the Council can't discuss why this shouldn't go out to bid and get some public input. The Council explained that this is a public meeting and not a public hearing.

Council Member Argyle said that we are just verifying what was said during the May meeting. The Council Members will listen to the tape and make sure what was discussed. This can come back during the next month meeting to make the decision regarding this business.

Ms. Bourne said that by doing this it will take care of the back and forth and the backlash of what has been going on with this business.

Ordinance Discussion/Approval

Ordinance #12-18, an ordinance to update the requirements for a sign permit & Ordinance #12-19, an ordinance to update the sign definitions.

Mr. White will check to make sure that every permanent sign must have engineering and a contractor to install it. The Council reviewed the ordinance and discussed a few changes that may need to be made. The ordinance needs to go back to the Planning Commission for their review.

July 1, 2011 through June 30, 2012 Audit Report, Tiffany Wahlberg

Ms. Wahlberg reported on the financial status for the Town of Garden City. Ms. Wahlberg explained that Garden City is in good financial status and we are increasing the assets of the city. She went through the audit report with the Council. She explained a couple issues with the financial report that will be corrected next year so we don't have those same problems.

Ms. Wahlberg explained that the water system is self sustaining for the everyday operations. It does have to rely on the city for some of big cost items, i.e. the city buildings.

There are some over expended accounts in the general fund because of the audit adjustments that were made. Ms. Wahlberg will work closer with the budget to make sure there are no over expenditures.

Council Member Huefner made the motion to accept the financial report for fiscal year July 30, 2011 through June 30, 2012. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Community Development Block Grant Discussion

Council Member Huefner said that we can qualify for the CDBG for the Bear Lake Health Clinic for some dental equipment. They will come present in January for the grant. Council Member Huefner said that the city doesn't fit the LMI requirement but the health clinic does meet that requirement. They will do the work for the grant

MISCELLANEOUS ITEMS

Buttercup property discussion

Buttercup is just waiting for a letter from Garden City that we will not come to them in the future requiring more open space because they will be giving the city their open space. Mr. White will work with our attorney to get the letter drafted. Once we get the property it will be our responsibility to create and develop the park.

COUNCIL MEMBER REPORTS

Council Member Argyle explained that there are 3 people leaving the Library Board so they need to be replaced. She presented the names of Bob Peterson, Kathryn Warner, and Jeffrey Probst.

Council Member House made the motion to accept the names as proposed for the Library Board. Council Member Argyle seconded the motion. All in favor and the motion carried.

Council Member Argyle said that the pool is going well. Council Member Pugmire explained that before when the pool was open there were a few people that paid money for exercising and then the pool closed. The Council agreed to make them some punch passes for those people who paid. We will make them \$15 punch passes.

Council Member Pugmire also said that he feels that a punch pass should be good until all the punches are done, with no an expiration date.

Council Member Pugmire made the motion that we accept the punch passes until they are all punched, with no expiration date except for the annual pass. Council Member House seconded the motion. All in favor and the motion carried.

Council Member Huefner explained that she went to the County Commission meeting and they discussed the marathons that come to this area. The 2 big marathons will start at Rendezvous Beach and go to the east side of the lake. They won't come to Garden City

for the race. Also, the County is not going to do anything regarding the quagga mussel control.

Council Member Huefner said that we need to pay Willow Valley for the work that they have done on the restroom. To date we owe approximately \$51,000. Council Member Huefner said that she feels we should charge them \$500 for liquidation damages and hold \$1,000 to get the rest of the repairs completed. Council Member Pugmire said that he would like to hold \$5,000. The Council agreed to hold \$1,500 and the retainage that we are already holding, which is about \$1,800.

The Council discussed opening the restroom, all 6 stalls, during the winter. Originally we thought we would only have 1 stall open during the winter months. Council Member Huefner will check into this more to see what it would cost to open all the stalls for the winter months.

Council Member Pugmire said that we still have a lot of top soil being stored at the pond. He feels that the contract with Stringham Construction is up and so the city can use or sell the remaining top soil. We first need to look at the contract to make sure we can take the top soil back and then decide what we want to do with it.

Mr. White said that we do have approval from UDOT to install the decorative lights, which will be in the park strip, closer to the road.

Mr. Argyle asked if we can provide Mr. Stokes with a credit card, the Council agreed to get him a credit card. Mr. Argyle also asked the Council to increase his spending limit.

Mayor Spuhler said that he feels that we are doing a good job running the city. The employees are doing a good job, and projects are getting completed.

PAYMENT VOUCHERS

The Council Members reviewed the bills.

Council Member Huefner made the motion to pay the vouchers as presented. Council Member House 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 adjourn the meeting at 8:50 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk