

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

The Garden City Town Council held their regularly scheduled meeting on July 12, 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
Andy Stokes
George Peart
Anita Weston
Kathy Anderson
Bobby Coray
Joan Akre
Skip Duffin
Paul Webb
Kathy Webb
Joey Stocking
Jason Linford

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on June 14, 2012

Council Member Argyle made the motion to approve the minutes of the Town Council meeting held on June 14, 2012 as presented. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Minutes of the Emergency Town Council Meeting held on June 27, 2012

Council Member Pugmire made the motion to approve the minutes of the Emergency Town Council meeting held on June 27, 2012. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Public Hearing held on June 14, 2012

Council Member Pugmire made the motion to approve the minutes of the public hearing held on June 14, 2012. Council Member Argyle seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Mr. Linford explained that the notice of award has gone to Willow Valley for the Byway Restroom. His bonds have been approved by the town attorney, but they have a few documents that they need to complete. They also need to have a pre-construction meeting next week, a date was discussed.

This project has to be a “Buy American” project so Willow Valley must get the certifications to us to meet that requirement. They will be ready to go once they have the certifications to us. They are aware that they can’t work during the Raspberry Days Festival.

Mr. Linford said that he can offer evaporation pans for us to borrow so we can see how much the pond is seeping.

Mr. Ken Tuttle is still working on the change of use for the pond but Mayor Spuhler talked to the canal company and it may be a better option to dig a shallow well on the pond property, which will not have anything to do with the canal shares. Mayor Spuhler will talk more with the canal company so he can understand their concerns. Council Member Pugmire said that we need to dig a ditch around the pond or pipe it.

Mayor Spuhler said that we need to have someone on the Board for the canal company. We are the largest shareholder and should have someone on the Board.

Mr. Linford gave an update on the treatment plant. He passed out a report indicating what time they spent on the treatment plant after the initial line break, which was a substantial amount of time that was not billed to Garden City. They just want to make sure that everyone is happy with the final product. They are still willing to help make sure everyone is continuing to make sure the plant is working and on line.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Argyle said that the treatment plant has been working good but they have had a lot of alarms this week. They have had some issues with one of the turbidity meters, it was one that was purchased about 5-6 years ago and was moved from the chlorination station to the treatment plant.

Mr. Argyle said that they have put a lot of time at the park re-doing the sprinkling system.

They also worked hard on the Payne Spring line because it froze up last winter and then broke. They had to replace a lot of that line, which is about 75% completed. It depends on the winter, whether they need to winterize the line or not.

We have had a lot of overages on the meter readings and so they have done a lot of data logs this month and looked for a lot of leaks.

Mr. Argyle asked if we could get an Eagle Scout project to do the cement pad at the park by the bowery. Mr. Argyle will blue stake it so it will be ready when someone can lay the cement pad. The Council agreed that it would be good to do as an Eagle Scout project sometime this next fall.

Mr. White said that he has been looking at some other options for the windows at the park bowery. He is looking for someone to give him a bid for those windows. All the glass and window has been cleaned up.

The slurry seal on the bike path and some of the side roads have been done and so the striping should be done soon.

Heritage Park Pond is almost all complete. We have been asked for payment but we will hold the payment until the rocks are all placed.

They still haven't had time to work on the Idaho meters, but it is on their project list.

Payne Spring is flowing about 135 gallons per minute.

The fence on 300 west has been completed and the fence along 100 west should be completed next week.

They installed a fire hydrant up by the water tank above Elk's Ridge.

The State will be coming to go over the system for the Sanitary Survey, which is required every 3 years. They will be here the last week of July, so the Public Works is working to make sure everything is ready.

BUILDING INSPECTOR REPORT, George Peart

Mr. Peart reported that he has issued 16 building permits this year. The newest one poured the footings today, which is for a house.

Mr. Peart said that there is a small shack at approximately 1300 S Bear Lake Blvd, which is temporary and will be moved soon. This is just FYI for anyone that is concerned about it.

Mr. Peart said that the lots just below the canal in Lochwood are approved and buildable lots but they are extremely steep and a concern because they are below the canal. We need to watch that very close for future developments. He said that the builder on the house that is being built in Lochwood has done a very good job building the retaining wall and making it safer. Council Member Huefner said that they need to work together, the developer and the canal company, and pipe the section of canal where a home is being built below it.

Mr. Peart has met with Mr. & Mrs. McPhie about installing a sign at their new location, the old Prolux building. Also, the owner at Bear Country Village wants to turn their sign to face the road. They will work with Mr. Peart and also with Mr. Stokes.

Mayor Spuhler said that there is a committee working on a new sign ordinance or updating the current ordinance. Council Member Pugmire is the Council Member over signs and Mr. White will facilitate the process on the new sign ordinance.

Mayor Spuhler asked Mr. Peart to check with Mr. Dustin Hansen to see what his plans are for his sign and also how long it is going to take for them to finish it. Mr. Peart has worked with Mr. Hansen and the sign is on his property and within the assigned setbacks, which are 5'.

Mr. Peart talked to Council Member Pugmire about short term rentals and how he measures for the sleeping areas. He includes the bedrooms and area's that have a pull out bed, etc. Mr. Peart said that he has become more strict on the way he measures for sleeping rooms. He is considering the short term rentals as an R3 occupancy. Mr. Peart said that when he inspects them he inspects them as being safe for a residence, not a commercial building.

CODE ENFORCEMENT REPORT, Andy Stokes

Mr. Stokes reported that there were no issues with fires or fireworks on the 4th of July, at least within the city limits. People know that they can't have fires or fireworks, so it has gone pretty well.

Mr. Stokes said that he will be working with every business regarding their signs. He will take a picture of their sign and let them know if they are in compliance or not in compliance. It will be fair across the board with every business. He will make a report

for every sign. It will be a good way to educate the business owners about what is allowed by the ordinance.

Mr. Stokes is going through the code book and making a list of some changes that need to be made.

CITY ADMINISTRATOR REPORT, Danny White

Mr. White explained that he has been working on the lighting project. We didn't get the Tiger Grant so we need to use what we have in our budget for lighting. He is checking on some light poles and signs that Mr. Cody Gomez can create. They are a nice cut out and will be powder coated with a solar light at the top of the pole. He has created a model so everyone can see what it will look like. He has already met with Mr. Gomez and they will meet again to create a prototype. We should be able to purchase about 20 signs and lights with the funds in our budget.

Mr. White explained that he is working with Mr. Mike Shciess to determine the best way to handle the property that Buttercup Subdivision is thinking about deeding to the city to develop with the park. Another option they are looking at is for them to deed over just the development rights.

Mr. White said that he isn't aware of any storm water drainage plans. Mr. White is working on a scope for a drainage plan with the other cities in the area. He is working close with the Bear Lake Regional Commission and Bear Lake Watch on this project.

BUSINESS LICENSE DISCUSSION DISCUSSION/APPROVAL

AllStar Satellites, LLC. Connor Ward

Council Member Pugmire said that he will not be bringing much in, it will be mostly over the phone. He will not have merchandise set up for people to purchase he will just be doing the installantions.

Council Member House made the motion approve the Allstar Satellite business license. Council Member Huefner seconded the motion. All in favor and the motion carried.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

Bear Lake Lodging, 1385 S. Bear Lake Blvd. Pickleville West, LLC

Council Member Pugmire said that this is owned by Mrs. Margaret Seargent and Bear Lake Lodging is their emergency contact. He explained that everything except the inspection by the Garden City Building Inspector and the Fire Chief have been done.

Council Member Huefner made the motion accept the short term rental application for Bear Lake Lodging located at 1385 S Bear Lake Blvd., with the contingency that both

inspections are finished. Council Member Pugmire seconded the motion. All in favor and the motion carried.

CCR Holdings, LLC. 965 S. Gammill Lane, Cathy Tarbet

Council Member Pugmire said that Ms. Tarbet has had to pay some fines for renting without the approvals. She has completed all the inspections and everything is completed.

Council Member House made the motion to approve CCR Holdings, LLC, Cathy Tarbet for short term rental. Council Member Huefner seconded the motion. All in favor and the motion carried.

CONDOMINIUM DEVELOPMENT DISCUSSION/APPROVAL

Mr. Webb is not here. Mayor Spuhler explained that our new city engineer is extremely detailed, which is what we want. The new list from the engineer is long and Mr. Webb will need to fix everything on the list before he can move forward. Mayor Spuhler said that the developers engineer should have found the issues that the city engineer required. Mayor Spuhler and Mr. White will be meeting with Mr. Webb next week to make sure that he has everything completed before he comes back for future approvals. There are no approvals tonight.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #12-12, Rescind the annexation ordinance due to property owner protests received.

Mayor Spuhler explained that we had enough protests to the annexation that we had to stop it, and therefore, we need to rescind ordinance #12-12 based on the protests received.

Council Member House made the motion to rescind the annexation ordinance #12-12. Council Member Huefner seconded the motion. All in favor and the motion carried.

Discussion/update regarding the Garden City Sign Ordinance #11C-600

Mr. White updated the Council on the sign ordinance and what the committee is discussing for changes. Council Member Huefner said that if they are looking at the scenic byway requirements they need to make sure they meet the National requirements because we were fine with the state requirements regarding the hospital sign but the national requirements were not met.

Mr. White said that they have had 2 meetings with the committee and they are coming up with some good suggestions. They have specific concerns and are working to make the ordinance better so it will work for everyone.

Mayor Spuhler reminded everyone that the city can be more restrictive than the state but we can't be less restrictive. Council Member Pugmire said that the sign committee really wants to allow off premise signs, which they feel is very important.

Mayor Spuhler said that it would be good to have a round table discussion with the businesses once a quarter or once a month so they can discuss things that are important to them.

Discussion regarding the Garden City Procurement Ordinance, specifically 3-707, Classification of Expenditures. Also, review suggested new language.

Mr. White passed out some sample ordinances and suggested language on how some of the other municipalities are handling procurement. He said that we should modify our ordinance so it is more current and closer to what the state allows.

Mayor Spuhler said that we have a very long bidding process and it is extremely cumbersome.

Discussion regarding the Garden City Parking Ordinance, specifically 11C-303-C. Commercial Parking Requirements.

Council Member Pugmire explained that he feels that the parking needs to be more in line with the fire code, and to calculate according to what is allowed in the fire code.

Council Member Pugmire suggested that we do more parking areas like what is on 50 S. He suggested we create more parking on 75 N. and 200 N. The Council discussed using RDA funds for these parking lots and using it for a match if we can get a grant for these parking areas. The Council discussed at length creating more community parking areas to help make this a more walking community.

The Council discussed creating more parking areas and not changing the ordinance right now. The Council discussed the need of parking for different types of businesses. Council Member Pugmire will write up the ordinance with the changes so it can be ready for a public hearing.

Discussion/review of proposed changes to the Transient Merchant Ordinance, Chapter 8-200

The Council reviewed the drafted changes to the ordinance. Council Member Argyle asked about having concessionaires during Raspberry Days. The Council agreed that we need to allow Concessionaires during Raspberry Days.

Council Member House and Mayor Spuhler said that they have been working with the state and we need to re-think allowing beach vendors because we hold the general permit

and it could end up being a liability and take more manpower than we really have to watch over the beach vendors.

The Council said that they are not going to address the little children selling lemonade at a lemonade stand, just let them do it.

We will have this ordinance ready to look at again next month.

MISCELLANEOUS ITEMS

Council Member Argyle explained that we will draw up a contract between the city and between Mr. Leohnard who teaches scuba lessons in the pool. She said we will also do a contract with Ms. Ward who teaches swimming lessons.

Council Member Argyle said that Ms. Ward also requested that we shut down the pool during the winter. The discussion was when the pool is used a lot and when it is not used and it may be a good thing to close the pool during the winter. The Council agreed that it may be time to find someone who wants to manage the pool because Ms. Ward said she is done working at the pool as of September this year. She still wants to do her lessons during the summer.

Council Member Argyle suggested that we get a couple 1000 gallon propane tanks so we can fill the tank during the summer when propane is cheaper. Council Member Argyle will check with Mr. Fisher about getting another tank.

Mayor Spuhler said that he had Mr. Martineau write an opinion regarding the new water rate for people outside the city limits. Mr. Hobbs also talked to Mr. Curt Ludvigson from Rural Water and he said that we are low in what we charge for our water rates compared to other cities throughout the state. He said that we should have started charging a higher rate a long time ago. The report from Mr. Ludvigson should be done 30 – 60 days from now, which is not required before we raised the rate.

Mayor Spuhler also talked to Mr. Madsen regarding the Westlake Subdivision agreement and asked for an opinion from Mr. Martineau regarding charging the current rates to Westlake. Mr. Martineau said that the agreement does not give us the right to change our rate for Westlake Subdivision.

Mayor Spuhler said that the Council is going to get together and have a weekly summary of what they are working on to help with communication.

Council Member Pugmire said that he talked to Mr. Calder, who is asking if the city is interested in buying more acres for the new park. Council Member Pugmire said that we would be interested but we need to look at what he wants to negotiate. It will be good for us to look at for the future. We need to look at the appraisals that we have had done recently in that same area to get a better idea of what the property is worth.

COUNCIL MEMBER REPORTS

Council Member Argyle said that we are going to have Heritage Days but it will only be 1 day. The committee is working hard to make Heritage Days come together again this year.

We are still waiting for Mr. Jeff Williams to contact us regarding the Elk’s Ridge water tank.

Council Member House met with the State Parks regarding Hodges Canyon, which is a lot better and an ATV can travel it now. Mr. Drosbeck has agreed that if the trail is wide enough he will commit to grooming it during the winter. Council Member House said that the Garden City trail that was graded this year is wonderful. We may want to look into doing more next year.

State Parks is requesting a sign at the bottom of the trailhead at Hodges Canyon.

Mayor Spuhler said that he talked to one of the property owners in Elk’s Ridge and they are forming a HOA to take care of the roads, etc, so they can get building permits.

PAYMENT VOUCHERS

The Council Members reviewed the bills.

Council Member House made the motion to pay the vouchers as presented. Council Member Huefner 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 7:35 p.m. Council Member House seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk