

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

The Garden City Town Council held their regularly scheduled meeting on August 14, 2008 at the Garden City Office, located at 145 W. Center (Logan Road). Mayor Hansen opened the meeting at 5:00 p.m.

Roll call of Council Members Present:

Kenneth Hansen, Mayor
Brian House
Mike Leonhardt
Bess Huefner

Council Members Excused:

Laraine Schnetzer

Others Present:

Kathy Hislop
Anita Weston
Travis Hobbs
Jim Stone
John Abraham
Tim Jensen
Dan Kurek
Kent Fisher
Don Webb
Phil Gertge
Jim McCown

ROLL CALL OF COUNCIL MEMBERS PRESENT

The Council Members introduced themselves. Council Member Schnetzer is excused from this meeting.

APPROVAL OF THE MINUTES

Minutes of the Council Meeting held on July 10, 2008 were reviewed by the Town Council

Council Member House made the motion to accept the minutes of the Town Council meeting held on July 10, 2008 as presented. Council Member Leonhardt stated he was not in attendance but he seconded the motion. All in favor and the motion carried.

Minutes of the Executive Session held on July 10, 2008 were reviewed by the Town Council

Council Member House made the motion to accept the minutes of the Executive Session held on July 10, 2008 as we have before us. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT, Jason Linford

Mr. Linford is not in attendance so Mayor Hansen gave his report.

Left Hand Turn lane

Mayor Hansen explained that UDOT has the plans for the left hand turn lane at the end of 3rd west. They have a 45 day review time but they will try to get them done as soon as possible.

Hodges Canyon Road

The paving on Hodges Canyon Road is complete and it is very nice. We have a little bit of landscaping to do with the rock gutters. The shoulder work will be finished next week.

50 S. Parking Lot

We just need to get the approval from UDOT to hook up with their drainage and then we can put this project out for bid.

Treatment Plant

We are working on an alternative easement for the power because DWR is taking too long with their approval of the easement. We can get started as soon as we get the alternate easement recorded, then we can close the loan. The alternative easement is coming through Mountain Springs Subdivision. We probably will not use that route, we are just getting it so we have an easement in place, we still want to use the easement through the DWR property.

300 West Paving Project

Mayor Hansen explained that we have been looking at the possibility of paving 3rd west, going north, this year. We have estimated it to cost \$140,000 to get it paved. We will pave 2750 feet and stop before we get to where the left hand turn lane project begins because we don't have a permit for the left hand turn lane yet. They will only need to grade, compact it, pave it and then do the shoulder.

Mayor Hansen suggested that we pursue this project this year and get it done. It will show a commitment that we are willing to get it done and it will really help with the parade.

Mayor Hansen has instructed Jason to put some bid documents together so that we can open the bids on the 3rd of September.

The Council agreed that we need to pursue this project as soon as possible.

BUILDING INSPECTOR REPORT

Mr. John Abraham explained that the building report is very short, there was 1 permit issued in July for \$2200 in permit fees. He has already written 4 permits for August. There were no questions from the Council Members.

WATER OPERATOR REPORT

Mr. Travis Hobbs explained that he had a water leak on Pelican Lane, down to Gus Rich Lane. There was no blow off so the line filled with rocks and sand. That line may need to be lowered & up-sized before winter. There are 4 houses on that line at this point but there is possibility of more homes in the future.

The 24" line by Swan Spring broke, which was a major project to repair. There was a lot of help with that project and the citizens of the Town were very cooperative.

Mr. Hobbs explained that they had to re-locate 2 irrigation lines on Hodges Canyon Road. One is done and the other is stubbed but will be done after the paving is completed.

There were no questions or comments from the Council Members.

RASPBERRY DAYS REPORT, Gwenda Hansen

Ms. Hansen is not in attendance so we will move on through agenda.

INTRODUCTION OF THE NEW GARDEN CITY FIRE CHIEF, Dan Kurek

Mr. Kurek introduced himself, he is the new full time Fire Chief. He explained that he has

talked to Hyrum about a 5000 gallon water tender, a tractor and a truck. Hyrum will donate the fire truck to Garden City but there are a few things that need to be repaired. Mr. Kurek is asking for a donation from Garden City for the truck, to repair and paint it. It is a Peterbuilt with an old style double stick transmission. It would be an asset to the community. Mr. Kurek explained that the Fire District is asking for \$750 to go through the truck and get it in good repair.

Mayor Hansen said that we have the fund for emergency service grants, we can use that money for this donation. He said that he appreciates everything that Mr. Kurek is doing for the Fire Department.

Council Member Huefner said that it is good for us to be supportive of the Fire District and this should be a good vehicle for them.

Council Member Leonhardt made the motion to donate \$750 to the Garden City Fire District to help fix up a tender truck. Council Member House seconded the motion. All in favor and the motion carried.

Mr. Kurek said that he stopped by Pickleville Playhouse and wrote up some safety concerns that need to be fixed by next week. There is nothing drastic, just things like exit lighting. Mayor Hansen said that we need to work with them and we shouldn't shut them down before the end of the season. Mr. Kurek said that this will be an ongoing process and he will work with her to get her to where she needs to be.

BUSINESS LICENSE DISCUSSION/APPROVAL

Anvil Cabinet & Mill, Randy O. Deem

Mr. Deem is not in attendance.

TW Jensen Construction, Tim Jensen

Mr. Jensen explained that he is a licensed contractor and has been doing work in the Town so he needs to get a business license to do the work here. Mr. Jensen would just do the construction here and the office work will be ran out of his home in Hyrum.

Council Member House made the motion to accept TW Jensen's application for a business license. Council Member Huefner seconded the motion. All in favor and the motion carried.

SHORT TERM RENTALS

Council Member Huefner made the motion to accept the short term rental approvals for a-e as listed on the agenda. Council Member Leonhardt seconded the motion. All in favor and the

motion carried.

SUBDIVISION DISCUSSION/APPROVAL

Request for an extension of time to record a final plat for the Lighthouse Pointe Subdivision, Kent Fisher

The Council reviewed the letter submitted by Mr. Fisher requesting a 3 month extension to get Lighthouse Pointe Subdivision Plat recorded.

Council Member Huefner made the motion to accept the extension on Lighthouse Pointe Subdivision. Council Member Huefner amended the motion to state a 3 month extension for the Lighthouse Pointe Subdivision. Council Member Leonhardt seconded the motion. Council Member Huefner asked if Mr. Mel Maynes has contacted Mr. Fisher about connecting his roads to Mr. Fishers. Mr. Fisher said that he has not contacted him. We will give Mr. Fisher Mr. Maynes phone number so they can discuss that possibility. Mr. Maynes' property is just above the canal and connecting the roads may give us a cleaner project in the future. This is just something that they can discuss as property owners. All in favor and the motion carried.

Council Member Leonhardt asked if the lighthouse was approved for people to be in the lighthouse. Mr. Fisher said that the safety concerns of people in the lighthouse was just if it was above 35'. Council Member Leonhardt said that he just wanted to clarify it as to what was discussed.

PUD/PRUD PLAT APPROVAL/DISCUSSION

Pickleville Commons PRUD Preliminary Plat Review , Don Webb

Mr. Webb said that the only concern that the Planning Commission had was the setback of 20'. They now have the new plat with 30' setbacks. The property line is outside the ditch. Mayor Hansen said that he can show Mr. Webb's surveyor where the property corner should be.

Mr. Webb said that they are trying to do affordable housing and they may sell some of them outright. All of them will have a garage. They do have adequate parking just incase some of them turn into rentals which will be allowed in this PRUD.

Each building is an individual, stand alone condominium. There will be 3 different sizes and layouts for the buildings.

Mr. Webb said that they are looking at a cost of \$79,000 - \$159,000, which will make it appealing to investors that will use them for rentals.

Mayor Hansen suggested that they put the hydrants somewhere else like the grassy area, out of the middle of the parking area. Mayor Hansen said that is only a suggestion, Mr. Webb said that

he is not against that suggestion.

Mr. Webb will need to get the UDOT approval for his entrance before he can come back for final approval. He shouldn't need a turn lane there. He will also need the plans and the engineering plans for his final. The engineering plans will just go to the engineer. He will also need a copy of the CC&R's for review.

Council Member Huefner made the motion to accept the preliminary plans for Pickleville Commons with the suggested changes for the fire hydrant. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Raspberry Ridge, Preliminary Plat Phase I and Master Plan, Phil Gertge

Mayor Hansen explained that they are working hard on water issues that will benefit the town and Mr. Gertge. They are working on a combined effort with a new water tank. Right now the Shundahai tank will take the pressure off on that end of Town and will take care of the problems that we have in Cherimoya.

Mr. Jason Linford said that we have plenty of capacity in that tank for the connections in that end of town.

Mr. Gertge said that there were 8 items that they needed to resolve from the Planning Commission meeting. They have all the street names for the PUD. It also shows the drainage system mapped out. The street names have been check out against the existing county road names.

The phase I plat also now shows the over flow parking area. Mr. Gertge showed the dumpster locations.

There are 350 units for the entire project and phase I has 71 units. Phase I goes up to the canal.

The roads in this project will line up with Mr. Fishers.

This will be a gated area but the bike trail along 300 west is outside the gated area. Mr. Gertge has talked with the Fire Chief and is working on what they need to do for access for the emergency services.

Mr. Gertge said that the impact statement has been completed and he will make sure that it is e-mailed to us.

The drainage plan is drawn on the plat. The open space calculation will be done by our engineer. The street width is laid out on the plat and the streets that were requested to be widened have been widened on the plat. Mr. Gertge has had a meeting with UDOT and they said that there is

no problem with the access but they will need a traffic impact study to determine if they need a turn lane. The turn lane will really only be needed as the project is built out. Mr. Gertge said that he wants to know what will be required right now and build it into the new road now other than trying to come back and do it later.

Mr. Gertge said that as far as what they are planning, the main entrance and the south end will be where they will start and move north. The club house, etc. will be started in the beginning but they will be completed with the funds as things get sold.

Council Member Huefner made the motion to accept the Raspberry Ridge Preliminary approval for the Master Plat and also for the Phase I. He still needs to get us the impact statement. Motion died for lack of second.

Council Member Leonhardt made the motion to accept the preliminary plat for Raspberry Ridge. Council Member House seconded the motion. All in favor and the motion carried.

Council Member Leonhardt made the motion to accept Phase I Preliminary of Raspberry Ridge. Council Member Huefner seconded the motion. All in favor and the motion carried.

GRANT PROJECT UPDATE

Community Development Block Grant 2008

Mayor Hansen explained that there were a few concerns with our procedure and so we have changed the grant and it is in for approval of the changes.

Scenic Byway Grant.

Council Member Huefner said that she hasn't heard anything on this grant yet.

Community Development Block Grant 2009

The Fire Department asked the Town Council if they would sponsor them on this grant for a new brush truck. The Council Members agreed so they will apply for the CDBG 2009.

UPDATE OF PROGRESS FOR THE NEW LIBRARY/TOWN HALL

Mayor Hansen said that this project is going great. The sheetrock looks great and the paint looks great. The floor coverings will be started tomorrow. It has been a great project for the community.

We will have a town party once it is completed to let everyone see the changes that have been

made. Council Member House suggested that we do a time capsule for the building.

MISCELLANEOUS ITEMS

Request for a reduced rate for the Bear Lake Regional Commission.

Council Member Leonhardt said that the Bear Lake Regional Commission would like to rent the 5 rooms upstairs, 3 will be used for office rooms and the other 2 will be storage right now. They would like a reduced rate on the storage rooms until they turn them into offices. They won't heat the storage rooms. At that time it would go back to the rate of what we are charging for the office rooms.

The Council agreed to charge them 40 cents per square foot for the storage rooms and 50 cents per square foot for the office rooms.

Homeowner Association Rules

Mayor Hansen explained that he had a discussion with the Town Attorney who said that we have no business whatsoever enforcing any HOA rules or holding up any of our approvals waiting for letters from HOA's. The Attorney said that if we hold up approval waiting for a HOA we violate the due process because the laws need to be the same for everyone in the community regardless of where they live.

Mayor Hansen said that we need to go through the ordinances and take that requirement out our business licence, short term rental and building permit approvals. If a HOA is going to be like a government then they need to act like a government and enforce their own rules.

Mayor Hansen said that he is suggesting that we do this. The Council all agreed that if the attorney directed us this way then we need to do what he tells us to do. Council Member Huefner said that she does not like bullies who come to town and say that they will do whatever they want.

We will get the ordinances ready for next month with the amendments.

COUNCIL MEMBER REPORTS

Council Member Huefner explained that they met with Mr. Linford to go through all the roads and have them re-drawn on the zoning map. They will hold a public hearing to add it to the general plan.

Council Member Leonhardt explained that we have the governor coming to Town next week. It is a retreat/get away. Then he will come to town again in September for a discussion with the

Mayors and Commissioners. The governor of Idaho will also be here. There will also be a lot of key people coming with them. Both events will be coming to Garden City.

Council Member House said that he received 1 bid on the weed eating and the yard work around the town office. This is just for a one time basis to knock down the weeds. Council Member Leonhardt suggested that we given them a time frame for them to do the work. Next spring we need to have our Public Works Department spray for weeds. The Public Works Guys need to take the class so that they will be able to spray for the weeds.

Council Member House said that there is some discussion going on between the sovereign lands, state parks and the Lt. Governors office concerning charging to use the beach. They are questioning the ability of the Town to collect the fees to get to the beach. The Council Members said that is our access and we can close that road at any time we choose to do so. Mayor Hansen said that he has give the state every opportunity to charge there if they would, but they have not They have no say over our accesses.

PAYMENT VOUCHERS

Council Member Huefner made the motion to accept the payment vouchers as presented. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

ADJOURNMENT

There being no further business to discuss, Council Member Leonhardt made the motion to adjourn the meeting at 7:30 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

APPROVAL:

Attest:

Kenneth Hansen, Mayor

Town Clerk