

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

The Garden City Town Council held their regular Town Council meeting on September 11, 2008 at the Garden City Office, located at 145 W. Center (Logan Road). Mayor Hansen opened the meeting at 3:45 p.m.

**Field Trip to Hodges Beach Subdivision and Real Beach Subdivision.**

Roll call of Council Members Present:

Kenneth Hansen, Mayor  
Bess Huefner

Excused:

Mike Leonhardt  
Laraine Schnetzer

Others Present:

Kathy Hislop

The Town Council traveled to Hodges Beach Subdivision and Real Beach Subdivision to discuss the beach accesses. They discussed the accesses that can be left as they are, the accesses that need to be improved for a walking path and the accesses that need to be improved for motorized beach access. We have accesses that need to have boundary agreements drawn up and negotiated with private property owners.

The Council agreed that the access at 1990 S. 250 South Loop will remain as a walking path from the corner. It is not a good access for vehicles because of the marsh at the beach area.

The Council returned to the Garden City office to meet for the Public Hearing.

The minutes of the Public Hearing are kept on separate record.

**REGULAR SESSION OF THE TOWN COUNCIL MEETING**

Mayor Hansen opened the regular session of the Town Council meeting at 5:00 p.m.

Council Members Present:

Kenneth Hansen, Mayor  
Bess Huefner  
Brian House

Excused:

Laraine Schnetzer  
Mike Leonhardt

Others present:

Kathy Hislop  
Anita Weston  
Dan Kurek  
Ted Wilson  
Travis Hobbs  
John Abraham  
Loretta Fidler  
Sharlene Millard  
Skip Duffin  
Jason Linford  
Nate Parry  
Gary McKee  
Randy Deem

**ROLL CALL OF COUNCIL MEMBERS PRESENT**

A roll call was taken of the Council Members Present. Mayor Hansen excused Council Member Schnetzer and Council Member Leonhardt

**REMEMBRANCE OF 9/11**

Mayor Hansen asked for a minute to remember what happened on September 11, 2001.

**APPROVAL OF MINUTES**

Minutes of Town Council meeting held on August 14, 2008.

The Council reviewed the minutes of the Town Council meeting held on August 14, 2008. Council Member Huefner made the motion to accept the minutes as written. Council Member House seconded the motion. All in favor and the motion carried.

## **TOWN ENGINEER REPORT, Jason Linford**

### Treatment Plant Update

Mr. Linford explained that Build Inc. started the work for the treatment plant on Monday September 8<sup>th</sup>. They are clearing and grubbing the area. The material there is good so they haven't had to blast. They are digging where the treatment plant is going.

Build Inc. wants to know if the Council wants them to work through the winter. It would cost more because they would have to heat the building. The Council agreed that they should work as long as they can in the winter and then do a winter shut down and come back to finish in the spring.

They have grubbed out where the road will be and the treatment plant and also where the tank will go. They will be able to use a lot of the material that they took out to help build the road through the subdivision.

Build Inc. will be working 4, 10 hour days and taking Fridays off.

TBP Construction will grade the original road and open it so that the people in Little Switzerland can pass through.

The loan closing for the treatment plant will be on September 17<sup>th</sup> and Mayor Hansen will go to do the final paperwork.

### Zoning Map

Mr. Linford passed out the new zoning map. He can make changes to the map fairly simply so as soon as we have everything on the map he can print out more copies.

### 300 W

Mr. Linford explained that the bid was awarded last week for the 3<sup>rd</sup> west paving. It was at a pretty reasonable price, \$108,000. Kyle from Parson Paving said that they will start paving 300 west in a couple of weeks so they should be done by the end of September.

### 50 S. Parking lot

Mr. Linford has this advertised this project to be bid out on September 25<sup>th</sup>.

### Turn Lane.

We did get UDOT approval for the 3<sup>rd</sup> west turn lane and the bid opening will be on September 25<sup>th</sup>.

Mr. Linford said that the estimate for the turn lane will be over \$400,000, which is a lot higher than what we have planned for. We planned on around \$250,000. Mr. Linford said that Mr. Stan Lamborn, from UDOT, said that they have extra money that we may be able to pool their money with ours so that we can get it done. We just need to wait until we see the bid. UDOT said that they will work with us on the time line.

There is no guarantee that we will award the bids for the turn lane or 50 S. It will depend on what the bids come in at and what we can afford.

### Hodges Lane

Hodges lane is done and they did a great job. They have completed the shoulders just recently.

### **BUILDING INSPECTOR REPORT**

Mr. John Abraham passed out his building inspector report. There were no comments from the Council. The permit fees are about ½ of what they were last year.

### **WATER OPERATOR REPORT**

Mr. Hobbs reported that his project on 300 west is done, the water lines, fire hydrants and the culvert. It is now ready for Parson to prepare for paving.

They have been taking care of a few water leaks, but there hasn't been anything that was too serious.

Mr. Hobbs will be gone for a couple of weeks but Mr. Argyle will be here and he is prepared to take care of the water problems.

They have been working on the necessary water samples that are due.

The bike path has been shouldered out by Harbor Village so they will work on getting some seed to rake in.

There are a few issues still with the Elk's Ridge water system. There is an obvious water leak but they can't tell where it is. They can't see the leak but the water in the tank has been going down every day. The warranty period on that system will not start until all the issues are resolved.

Mr. Hobbs has tested the water for chlorine where it is leaking by the State Park, coming out in front of the highway. There is no chlorine in that water so it is probably ground water. Mr. Stan Lamborn, from UDOT, said that they will help try to investigate to see if we can figure out where the water is coming from.

CAT/Wheeler let them demo the skid steer with a brush cutter on it. They tried it out and trimmed some trees and it works very nice and very fast. Our skid steer will be here in 2 weeks. Our lease on the backhoe is up and so we will be getting a new backhoe in a couple of weeks.

We are getting new electronic meter readers which are being installed now. They have changed the lids and some of the meters.

### **ORDINANCE DISCUSSION/APPROVAL**

#### **Ordinance #08-14, An Ordinance deleting the requirement to receive homeowners association approval prior to obtaining a Garden City Business License.**

Council Member Huefner said that we need to do what our Attorney advises us to do. We need to follow his advise. Mr. Ted Wilson said that he appeals to the Council not to pass this ordinance and try to work it out with the Associations that have a concern, and try to help maintain their quality of life. He feels that it will have a negative affect in the valley and the adjacent property owners. Mayor Hansen said that his advise to the Council is to follow the direction of our Attorney, which is that we should in no way enforce the HOA rules. Council Member Huefner that we can use the leverage that the HOA has for the new renters coming on line. Mayor Hansen said that they need to watch the agenda and be aware of what is going on.

Council Member Huefner said that she feels the concern of the Bridgerland Homeowners Association and their concern to maintain their quality of life, but we have to do what our Attorney advises us, we need to follow his advise. Mayor Hansen said that we don't have the right to regulate their CC&R's. If we continue to do this then we will also be looking at HOA architectural standards and everything else, and where does it stop.

Council Member Huefner made the motion that we do as the lawyer said and remove F in our short term rental ordinance, adopting ordinance #8-14, deleting the requirement to receive homeowners association approval prior to obtaining a Garden City business license. Council Member House seconded the motion, but explained that he understands the concern but he agrees that we need to follow what the Attorney tells us to do. All in favor and the motion carried.

#### **Ordinance #08-15, An Ordinance deleting the requirement to receive homeowners association approval prior to obtaining a Garden City Short Term Rental license.**

Council Member House made the motion to adopt ordinance #08-15 deleting the requirement to receive homeowners association approval prior to obtaining a Garden City Short Term Rental license, with the same feeling again, that we have to do what we have been instructed to do by our Attorney. Mr. Wilson said that he wants the record show that they are opposed to this and appeal to the Council not to pass this ordinance and not issue a business license or a short term rental license in areas that generally restrict commercial licenses. Council Member Huefner seconded the motion. All in favor and the motion carried.

Mayor Hansen said that the record will show the concerns of the audience members. Council Member House said that we know what their HOA is about and that they don't want the rentals there. Mr. Wilson said that this scares him and it just opens the allowance broader.

#### Review of Sign Ordinance regarding off-premise signs, Gary McKee

Mayor Hansen asked that we hold off on this item until we have more information. Mr. McKee is not in attendance at this time.

#### Garden City Road Development Policy

The Council reviewed the document and discussed changes that should be made to the document. Mayor Hansen suggested that it be in the ordinances or the General Plan and not a separate document. Mayor Hansen said that the General Plan is supposed to remain general and not have specific requirements.

The Council agreed to have Council Member Huefner and Mayor Hansen go through the ordinances and take out all the ordinances pertaining to roads and consolidate them in one place in the ordinances.

### **BUSINESS LICENSE DISCUSSION/APPROVAL**

#### Anvil Cabinet & Mill. Randy Deem.

Mr. Deem explained that they will use the front building at 65 W. Logan Road as a showroom for cabinets. They may make this a virtual tour store so that it doesn't have to be physically manned all the time. They may be able to have the people dial into their office in Brigham City so they can remotely open the door and let them into the showroom. Through a computer system they will be able to talk back and forth to answer questions. Mr. Deem said that they need to check it out more.

They have been doing business with contractors here in town for several years.

Council Member Huefner made the motion to accept the business license application for Anvil Cabinet & Mill for Randy Deem. Council Member House seconded the motion. All in favor and the motion carried.

### **SHORT TERM RENTAL APPROVAL**

#### Jeff Randall, Marina View Condo's #5.

Council Member Huefner made the motion to accept the short term rental application from Jeff Randall. Council Member House seconded the motion. All in favor and the motion carried.

### **APPOINTMENT OF NEW DEPUTY CLERK**

Tami Bowen is now working part time and needs to be appointed as a Deputy Clerk Recorder so she can legally help take care of the records of the Town.

Council Member House made the motion to accept Tami Bowen as a new Deputy Clerk for the Town of Garden City. Council Member Huefner seconded the motion. All in favor and the motion carried.

### **REVIEW OF LETTER FROM POCATELLO REGIONAL TRANSIT**

Mayor Hansen read the letter from PRT to the Council and the audience. As explained in the letter the anticipated budget last year was \$20,000 and they received about \$8600 from other entities to help with the expenses. The actual expenses were \$33,000. Their next year anticipated budget is \$40,000. They will work with the chamber and Montpelier for additional funds this year. They are requesting \$5000 from Garden City for next year. Mayor Hansen said that we will need to look at the budget and see where we are for next year.

The Council agreed that it was a benefit to the Town and it was a success, but we need to see what our budget is because our budget is getting tighter.

### **REVIEW OF THE SIGN ORDINANCE FOR OFF PREMISE SIGNS.**

Mr. Gary McKee said that he would just like a further explanation of the sign ordinance because of the letter he received stating that he has an off premise sign. He said that he is not sure what off premise means and it is not defined in our ordinances. Mayor Hansen said that he is not sure either so we need to get some further information and talk to our Attorney. He said that we need to get some clarification on the ordinance before we can come up with a good explanation and decision.

Mayor Hansen said that he is concerned with allowing signs that advertise for things that aren't even in Garden City. He feels that it will open it for anyone to come in from anywhere and place signs throughout the town.

Mr. McKee explained that he is concerned that he can't advertise his project at his business. He is still an owner in the Reserve and an owner in Bear Lake Realty. His office is the project office for the Reserve. He wants to maintain Garden City as a nice place but Garden City is the hub of what is going on and he wants to be able to advertise in Garden City.

Mayor Hansen said for right now we are going to try to work through this because he has the concern of letting everything come in and advertise in town. Mr. McKee said that it would be really tough for Garden City to say that he is not the project office for the Reserve. Mayor Hansen said that he wasn't aware that was the project office for the Reserve, he thought it was just a real estate office.

### **GRANT UPDATE**

#### **CDBG Grant 2008**

We just applied for the first CDBG draw for the phone system.

### Scenic Byway Grant

Council Member Huefner said that they are still waiting for an answer on the grant and it may take until we get a new President before we will know anything more.

### CDBG Grant 2009

The Fire District is requesting that Garden City sponsor them for the CDBG 2009 grant. They would like to apply for \$60,000 for equipment. They think they will have some matching funds for the grant. This year there is 13 other entities applying for the grant. They would like to purchase a new front line brush truck that can get to the high country. It will be fully equipped.

We will start the process and we will schedule the public hearing for next month.

### Garden City Fire District requests approval for funding from the Garden City Emergency Service Grant for EMT Training, Dan Kurek

Mr. Kurek explained that he has talked with Mr. LaVal Jensen, from the Bear Lake Community Health Center and he is proceeding with the state permit for the ambulance. Mr. Kurek would still like to get some funding for EMT training here in town. He has commitments from 4 individuals that are ready to take the EMT training. He wants to work it so that we have EMT's here in town that are committed either for the County ambulance or the Community Clinic ambulance. We will pay for the training and the people we train will need to commit to at least a year of running on the ambulance.

Mayor Hansen asked who the people will be working with, specific ambulance units. If we train them where will they work, the clinic or the county. Mr. Kurek said that we just need to get the people trained and start to work through the process. He is just looking to have EMT's trained in Garden City. He would also like to have Emergency Vehicle Operator trained and also First Responders. Mayor Hansen said that right now they will be working with the county more than the clinic. Mr. Kurek said that we don't need to pick sides, we should be able to work with both. We just need to work out the differences between the County and the Clinic.

Mayor Hansen said that there are politics with having the clinic ambulance and the county. It will take a great effort in getting the 2 entities working together. Mr. Kurek said that he is going to talk to Ms. Chris Hodges to see if she will be a training officer to help with this.

Mayor Hansen said that his suggestion to the Council is to make the money available for this service but it needs to be worked out that both entities are working together and are willing to work with the new EMT's.

The first training, basic EMT, is 120 hours, which would be for 3 months.

Council Member House made the motion that we support the EMT request and pay \$4000 for the Garden City Fire Department for EMT training. The people who are trained will need to commit

to run on the ambulance for a year and they also need to pass the class. Council Member Huefner seconded the motion. All in favor and the motion carried. Mayor Hansen said that we want a monthly report on the project.

### **UPDATE OF PROGRESS FOR THE NEW LIBRARY/TOWN HALL**

Ms. Bobbie Coray said that the building remodel is going well. The carpet is laid and it is ready for the trim. There is 3 phase power to the building. We should be ready to move in a couple of weeks.

They have started the phone system and it should be ready by September 30th.

### **GENERAL PLAN AMENDMENT TO INCLUDE NEW ROADS IN GARDEN CITY**

The new roads are drawn in on the new map.

Council Member House made the motion to adopt the map as presented to be included in the General Plan. Council Member Huefner seconded the motion. All in favor and the motion carried.

### **MISCELLANEOUS ITEMS**

#### **Discussion regarding charging a building permit application fee.**

Ms. Hislop explained that we are getting building permit application where the Building Inspector is taking the time to review and complete the paperwork for the building permit then the person applying for a building permit decided that they don't want the building permit. The Building Inspector is spending time on the permit, which we should be compensated for if they decide not to pull the permit. Ms. Hislop is suggesting that we charge a permit review fee, which should be a set amount that is paid when they drop off the building permit application. It could be rolled into the building permit fee when they pull the permit or if they don't it is already paid for the work that has gone into the permit review. .

The Council agreed that we should contact a few other towns to see if they charge the building permit review fee and how much they charge. This can be on the agenda for next month.

#### **Avoiding Public Official's Liability DVD's**

Ms. Hislop explained that we have received a couple of training DVD's that may have good information for the Council. One is from the Utah Local Governments Trust and one is from the Utah League of Cities and Towns.

Council Member Huefner said that she will watch the DVD's and give a review.

### Discussion/Approval for new accounting system

We have had a couple of companies give us a presentation for a new accounting program. We need a new system that will interface with the new meters. There was a huge difference in the price and the Clerks preferred the cheaper system. We preferred Polerus, which will cost about \$10,000 for the new program and the conversion. The quarterly fee will be \$750.

Council Member Huefner said that she would like us to contact some of the cities that use this program and get their feed back.

Council Member Huefner made the motion to go with the low bid from Polerus, for the new computer system depending on the feedback from the other cities. Council Member House seconded the motion. All in favor and the motion carried.

### Bowery

On September 28<sup>th</sup> there will be 200-300 motorcycles coming into the town. They will be using the park for a couple hours and they do know that they need to bring in a couple extra porta potties.

### ESRI Maintenance Agreement

The maintenance agreement, customer service agreement, is \$400 a year. It is only on the ArcView program. The Council agreed that we are in the process of trying to use this so we need to pay the fee.

### The pool

Ms. Jessica Ward gave the Council a new flyer to review. She would like to send the flyer out in the October water bills. The Council discussed proceeding with the pool project at this time or to put it on hold until we finish some of the other projects that we are working on. The Council agreed that we need to wait because we are just not ready to take this project on at this time. We may be ready to try it again the first of the year.

## **COUNCIL MEMBER REPORT**

Council Member Huefner said that she is still working on the road issues. She will have a meeting with the Transportation Board once they are able to finish the projects that they started.

## **EXECUTIVE SESSION**

Council Member Huefner made the motion to go into executive session at 8:05 p.m. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the executive session will be kept and approved separately.

Council Member House made the motion to come out of the executive session at 8:15 p.m.  
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 as they are presented before us.  
Council Member Huefner seconded the motion. All in favor and the motion carried.

**ADJOURNMENT**

There being no further discussion, Council Member House made the motion to adjourn the meeting at 8:15 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

APPROVED:

\_\_\_\_\_  
Kenneth Hansen

Attest:

\_\_\_\_\_  
Town Clerk