

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

The Garden City Town Council held their regularly scheduled meeting on June 11, 2009 at the Garden City Office, located at 69 N. Paradise Parkway, Building C. Mayor Hansen opened the meeting at 5:00 p.m.

Roll call of Council Members Present:

Kenneth Hansen, Mayor
Brian House
Bess Huefner

Council Members Excused:

Mike Leonhardt
Laraine Schnetzer

Others Present:

Kathy Hislop	Jim Kemp
Travis Hobbs	Jared Carlisle
Jason Linford	Rod Thompson
John Abraham	Trevor Erickson
Bobbie Coray	JD Abbott
Anita Weston	Sharlene Millard
Lana Hodges	Bill Staker
Skip Duffin	
Stan Rowland	
Tony Johnson	
Eric Lofthouse	

Mayor Hansen asked for a roll call of the Council Members present, Mayor Hansen, Council Member House, and Council Member Huefner. Council Member Schnetzer and Council Member Leonhardt are excused.

APPROVAL OF MINUTES

Minutes of the Town Council meeting held on May 14, 2009 were reviewed by the Town Council.

Council Member Huefner stated that she had some typographical corrections that need to be made to the minutes and she will pass them to the Clerk to be corrected.

Council Member Huefner made the motion to accept the minutes of the Town Council meeting held on May 14, 2009 with the corrections noted. Council Member House seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Mr. Jason Linford explained that they have come up with a solution for the back wall of the treatment plant, which had a bow in it caused by the soil there. The Town won't be responsible for the cost, the engineering firms will cover that cost. The native soil that they backfilled with will not work so they will need to put in a different drain, which will result in a change order. They took the load off the wall and it has almost straightened already, but there are some hairline cracks that they will weather proof very heavily. They have started the block work for the building.

The weather is a problem because of so much rain and mud. We do keep track of the bad weather days when they can't work, which is added on to the end of the project. They may be asking for more time to finish the project.

The sewer line is in place and the conduit for the power is almost completed. The contract has been restored and so we are on track with that.

Mr. Linford talked to Mr. Searle and there is some clean up that needs to be done. Mr. Linford will talk to the contractor to work on that clean up. Mayor Hansen said that we need to treat Mr. Searle nice because he has been very willing to work with us.

The work on the treatment plant is going well and they will make sure we get a good product in the end.

Mayor Hansen also asked Mr. Linford to check with the contractor to find out when they will re-stripe the 50 South parking lot. Because of the weather they probably won't get that done until next week.

TBP is working with UDOT on the corrections for the turn lane. UDOT has a punch list that they want TBP to address and they are working together to get that finished.

We have received approval for the 300 west going south project. Council Member Huefner would like to get bids to do at least the apron. Mr. Linford said that they can be ready to send out

the bids next week. Mayor Hansen said that it is okay for them to send out the bids to see what they will come back at but we still need to make sure that we have the funds.

Mr. Linford said that he has seen the letter from Mr. Kemp and he feels that something needs to happen, but that people are probably just using too much water. The computer workout shows that the people in Cherimoya should have plenty of water.

BUILDING INSPECTOR REPORT

Mr. Abraham is not in attendance but he did have a report, which was passed out to the Council members for their review. He had one new building permit last month.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Travis Hobbs said that they have started working on the irrigation line down 300 west that needs to be installed to KOA. They are working on the clean out and working with LeGrand Johnson on that project.

Mr. Hobbs explained that they are grading the roads in town getting them ready for the dust seal, which should be done soon.

They have installed all the beach access gates with the exception of 1950 south, which will be installed next week depending on the location. Mayor Hansen said that it needs to be down past Mr. Gerbers house at the bottom like all the rest of them. The road needs to be lined with rocks.

They have been fixing the water leaks and one water issue where they disconnected a water connection to a house, which has now been resolved.

Things are good at the park.

Mr. Hobbs has read the letter from Mr. Jim Kemp and said that he is in 100% agreement with Mr. Kemp. When there is no demand on the system then the pressure is fine. When there is a demand on the system there is very little pressure in the house. Mr. Kemp said that about 30 minutes before the meeting he had 38 psi, then he turned on the shower, one sink, and flushed 1 toilet and the pressure went down to below 20 psi. Mr. Hobbs said that he feels that we need to get the well drilled on the end of town. Mayor Hansen said that we are pushing to get the Shundahai tank on line that will take care of the situation.

Mr. Hobbs said that in the mean time until the well is drilled or the tank is on line we need to get something done for them. Mayor Hansen said that last year we talked about putting a booster pump on the line. It is just a temporary fix. We do have a well permit but we need the money to do it, we do have a grant application turned in for the well but haven't heard anything yet.

Mr. Kemp said that his main concern is the fire hydrant in front of his house and there isn't

enough pressure there to pump from. It is a liability if there is a fire on that street.

Mr. Pugmire has purchased a booster pump and tank for his house so they have water.

Mayor Hansen said that they are hoping to get the Shundahai tank done within the next month or so. The Shundahai tank will make the flow even year round, we won't have the fluctuations that we have right now. The Shundahai tank will regulate the flow.

Mr. Kemp said that if the Town would put in a booster pump he would participate financially. Mr. Hobbs will work with Mr. Kemp to get the booster pump in place.

BUSINESS LICENSE DISCUSSION/APPROVAL

Growlers, Trevor Erickson

Mr. Erickson explained that they would like to have a food service retail vending store at 200 north Bear Lake Blvd. Mr. Erickson said that it would mainly be entertainment and novelty drinks. They would like to do some mobile vending on the big holiday weekends, taking the drinks down to the beach, etc. Mayor Hansen said that the business licenses are very specific and it is location specific and it can't be moveable. He said that mobile vending would not be allowed by our business license unless he goes with a transient business.

Mayor Hansen explained that we don't have jurisdiction on the beach, he would have to work with the State Lands department. Council Member House said that the State Parks Land, such as Rendevous Beach, would be off limits for this type of business.

Mr. Abbott said that they are mainly looking at doing the mobile vending on the public beaches.

Mr. Erickson said that the entertainment things that they want to do at the business location will vary from a comedy night to hypnotists, comedians, music, etc. They want their entertainment to be family oriented, for the whole family to attend. They may want to have some outside events on the property. Mayor Hansen said that the noise level may be an issue that they would have to be careful of. We do have a nuisance ordinance that they would have to follow.

Mr. Erickson said that they are trying to have wholesome activities at Bear Lake. They are thinking about having a large theater system where the people can bring lawn chairs and sit outside to view the movies.

Mayor Hansen said that we already have one concern with the hamburger places and their loud outside speakers. That is a way for them to judge by for outside noise. Mr. Erickson said that they may just try this and see if it creates an issue, they are willing to try to remedy the problem. Council Member Huefner asked how much of that property will be use for parking. She said that it will be really important for them to work out the parking area and the area that they will use for the outside events. They will still have to keep enough parking even when there is an outside

event.

They want to basically serve novelty drinks, and pizza. They may sell “take and bake” pizza’s. They will do very little food service. They have talked with Café Sabor and they may help with some of the food by catering to this business.

Mayor Hansen suggested that they really advertise this as a family wholesome event so people know that they can bring in their kids.

Council Member Huefner made the motion to accept the business license application for Growlers with the stipulations that were suggested, they check the parking, check the noise and become familiar with the nuisance ordinance. Council Member House seconded the motion with those conditions. All in favor and the motion carried.

Deep Blue Marine Service & Storage, Hyrum Lantz

Not in attendance at this time. Mr. Lantz came later to the meeting and those comments are further in the minutes.

Vertex Log Crafters, Jared Carlisle

Mr. Carlisle said that they just do the bookwork and office work at his home, which is at Paul Birdseys house. He won’t have any clients at his home because they usually meet them onsite so he won’t need any additional parking. He said that most of the actual work that they do is out of town right now. He only does log homes, he puts together log homes and installs the log kits.

Council Member Huefner made the motion to accept the business license application for Vertex Log Crafters run by Jared Carlisle. Council Member Huefner seconded the motion. All in favor and the motion carried.

Remax Real Estate, Lori Sealy

Ms. Sealy explained that they just want to set up a real estate office at 585 N. Bear Lake Blvd. She said that location will probably just be temporary until they can build on their property. She also rents out property, which she owns on the east side of the lake and she rents that through Bear Lake Stay. She said that it is renting well.

Council Member House made the motion to accept the business license application for Remax Real Estate. Council Member Huefner seconded the motion. All in favor and the motion carried.

Bear Lake Masonry Business License Discussion, Dustin Hansen

Not in attendance tonight.

Cantwell Bros. Lumber Co. Inc. Wayne Cantwell

Mr. Bill Staker explained that he is representing Mr. Cantwell and they would like a license to sell storage sheds on the lot next to the Pickleville Store. They will just have the display units for sale there with a phone number posted where people can contact them. They will not have a sales office there.

Council Member Huefner asked if we can allow them to put the display units there without a building. Mayor Hansen said that he can't see where it violates anything in commercial zone ordinance. Mr. Staker said that these are high end sheds and they will just be placed on skids on the ground. They will cut back all the weeds to make the lot look nice and there will be plenty of parking on this lot.

Council Member Huefner said that she is okay with this request but wonders what door it will open for empty lots. Mayor Hansen said that if they make a sale here the sales tax must stay here and go to Garden City.

Mayor Hansen said that we don't have a commercial code that says they can't have a storage unit without a building. He said his concern is that the place is well maintained and the sales tax is reported to Garden City.

This business license request was not received in time to be on the agenda so Mr. Cantwell is willing to run the business under the Bear Lake Country Store business license for one month and come back next month for his own business license.

Council Member Huefner said that she is okay with this business there as long as it doesn't open the door for someone to sell 4-wheelers on their lot or birdhouses. Mayor Hansen said that there is nothing stopping them, we would have to change the ordinances to protect against that.

Mayor Hansen said that all we can tell him tonight is that we shouldn't have a problem with this business and they can run under Bear Lake Country Store for one month. He will come back next month for a business license approval.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

Wayne & Carolyn Painter & Michael Bradley

Council Member Huefner made the motion to accept the short term rental applications for the Chalet at Snow Meadows and for Mike Bradley. Council Member House seconded the motion. All in favor and the motion carried.

SEASON RESORT FINAL PLAT APPROVAL, Rod Thompson

Mr. Thompson explained that they came to the Planning Commission and presented the phase 2

final plat. The Planning Commission was concerned about the amenities, the look and the layout of the buildings, and didn't want to give the final approval for phase 2 without the amenity concept. Mr. Thompson said that they aren't in the position to present the concept for the amenities at this point, because his investors are working on the new drawings for the buildings, but they want to continue the project with more buildings along with the 3, which have already been approved. They are ready to start building as fast as they can and want to start more buildings at the same time. They have the open space designated where the amenities will go and are working on the design of the buildings so they can bring them back for review and approval.

They are just requesting approval for the 4 buildings in phase 2. Mayor Hansen said that he is confused because of the motion that was made by the Planning Commission. Mr. Thompson explained that they approved phase I to be amended to include the 4 buildings, and the amenities can be added to phase 2. He explained that they talked with the County Recorder and felt that it would be confusing to amend phase I, so he is requesting approval of the 4 buildings in phase 2. It would be cleaner if they did the 4 buildings in phase 2 instead of phase I.

Mayor Hansen said that he is concerned because the motion that the Planning Commission made was to amend phase I and add the 4 buildings to that phase. That is the motion made by the Planning Commission and Commission Chair Huefner was very specific that is the way she wants it. That was the recommendation to the Town Council. Mayor Hansen said that would be very difficult to do because the plat would have to be re-recorded.

Council Member Huefner explained that she talked to Commission Chair Huefner and her reason to amend phase I is that the way Seasons was presented was in its entirety with the amenities. If we skip and don't complete phase I and move onto phase 2, why not call it all phase I and finish phase I instead of going right to phase 2 skipping the part of the club house. She was very concerned about skipping around and not finishing and starting phase 2.

Council Member Huefner said that the Season's was marketed as a whole resort with amenities. The Planning Commission is very concerned that we are changing the concept of the Season's and that we are just going to build the units and make the income to pay for the club house.

The buildings should be included in phase I and when they are ready for the amenities they should be included in phase 2 and approved as phase 2 with the rest of the buildings.

Mr. Thompson said that the agreement with the investors is that they want the amenities but they didn't like the way they were drawn out and want to do their own layout, which they are working on. They just don't have them to present at this time and instead of slowing the project they want to be able to start on the 4 additional buildings while they are getting the concept approval on the amenities.

Mr. Thompson explained that there are no other owners in the property yet. Mayor Hansen said that then there is no one that they are beholden to there right now and that makes a difference to him.

Mr. Thompson said that they are ready to go as soon as they get the funding, which should be coming in for the entire project in the next couple of weeks. The entire project should be done by May 2010.

Mayor Hansen said that we may not have the authority to stop them from starting phase 2 until the amenity concept is approved. Mayor Hansen said that he feels that they can ask for approval for any phase at any time. He said that there is nothing in the ordinance that states that we have the authority to require them to finish one phase before they can record the next phase.

He is requesting approval for phase 2 which includes the 4 buildings. Phase 3 will include the rest of the buildings and the amenities. Originally they were requesting, from the Planning Commission, all the remaining buildings in phase 2 and then come back with the amenities. The Planning Commission didn't like that so they recommended the change to amend phase I. Mayor Hansen felt that Mr. Thompson could come in and ask for approval for the entire project if he wants.

Phase I has been recorded with the 3 buildings and it can't be changed until it is vacated and re-recorded.

The investment group wants the entire project completed by next May, all the buildings including the amenities. Mayor Hansen said that we should really consider that there is a group that wants to bring money to the community which we need during these tough times but on the other hand we have a motion from the Planning Commission contrary to what is being requested.

Mr. Thompson said that they are only about 3 weeks away from having the designs done for the amenities. It was suggested that we approve phase 2 with the 4 buildings but not issue any building permits for that phase until the design for the amenities have been approved.

Mayor Hansen said that holding up phase 2 until phase 1 is complete and the amenities done is assuming authority that is not in the ordinances. Council Member Huefner said that she is okay to hold the building permit on the phase 2 buildings until Mr. Thompson gets approval from the Planning Commission for their amenity design.

Fire Chief Kurek said that he has worked with Mr. Thompson and they are aware that the fire hydrants can't be any further than 250' from the front of any point on a structure. All the buildings will be sprinkled. The curbs need to be painted red with a sign that says "no parking, fire lane".

Mayor Hansen said that all the water roads and utilities are finished and that is what the Planning Commission can be concerned about. They shouldn't be concerned with the completion of the buildings.

Mr. Thompson said that they will work with Mr. Linford on the water lines. He also stated that

Mr. Thompson said that the only thing left on the letter from Sunrise Engineering was that Season needed to apply with the State for approval for the water connections. Mayor Hansen said that they should be exempt from that if they are less than 10% of the water connections of the community and the plans are done by a certified engineer and approved by our engineer then he should be exempt from getting the state approval. Mayor Hansen said that Mr. Thompson needs to take care of that issue.

Council Member Huefner stated that the open space needs to be designated on the plat. The plan has been approved conceptually and the open space requirement has been approved by the Planning Commission and the Town Council for the entire project. The written designation wasn't on the plat. Mayor Hansen said that on the plat, which is recorded, it must be spelled out what is open space or common area. Mr. Thompson will contact the County Recorder to get the correct definition as to what the correct wording is, open space or common area.

Mr. Thompson is still working on the calculation for how many water shares they will need for the project. They have transferred some of the water shares, just not enough for the entire project. They will have the water shares transferred before they have final approval on the remaining buildings.

Council Member Huefner made the motion to override the Planning Commissions approval and make a motion to accept the Season's final for phase 2 contingent on the approval and the platting and the conceptual design for the amenities before we issue a building permit. Council Member House seconded the motion with those stipulations. All in favor and the motion carried. The approval for phase 2 is just for the 4 buildings requested, not for all the rest of the buildings.

BEAR HOLLOW APARTMENTS DISCUSSION/APPROVAL, Mr. Tony Johnson and Mr. Eric Lofthouse.

Mr. Johnson explained that this is an economic condition driven project. He explained that 90% of this project is dealing with the funding, etc and 10% is dealing with the actual construction. He explained what they have done to get the approval for the project.

Mr. Johnson explained that the lender was concerned with building this development in a rural area. They have large financing gaps that they have had to work through. The developer has deferred his fees until the end of the project and the contractor has deferred part of their fees, and also the town has deferred their fees.

Mr. Johnson explained that the largest stage of funding comes in at the very end, July 2010, at that time they can pay the deferred fees. That is what they are requesting is the deferral for that time period. They also would be willing to pay interest on the deferred amount.

This project is funded and the lending has closed.

Mayor Hansen explained that the problem with this is that if we defer the payment then the Town really has no leverage to get the fees paid. Mr. Johnson said that they would be willing to put up some property for security to protect the town. He said that they could also pledge their development fee as security. We will contact the town attorney to find out which option he would prefer for security. Mr. Johnson said that they would be willing to provide a personal guarantee if we determine that we need that.

Council Member Huefner said that she is very uncomfortable with their request to defer the fees until the project is 90% occupied. Mr. Johnson said that they already have a waiting list for 50% occupancy. He also said that if they don't hit the 90% occupancy then they don't get the funding and they can't pay off their construction loan.

Mr. Johnson said that with the note as suggested they would have a date that the fees have to be paid. The addition security and the guarantee would be addressed in the note.

The Council agreed to take each item as they are laid out on their letter for their approvals and the first item listed is to approve them as an affordable housing development according to our ordinances.

The ordinance requires the developer to prove that they are a certified affordable housing project. Mr. Lofthouse explained that there really isn't any way to prove that with the exception of the approval of the tax credits, which they have.

The density was discussed and Mayor Hansen explained that was already taken care of with their initial approvals and the layout of the buildings. The planned unit approval required 70% open space and the affordable housing ordinance allows for a 50% decrease in the open space, 35% open space. Mr. Linford figured the open space at 60%. There are no changes to the set backs as to what was approved. The building elevations have changed a little bit from what was approved. The Building Inspector has the new elevations.

Council Member House made the motion to approve the Bear Hollow Apartments as an affordable housing development according to our ordinances. Council Member House seconded the motion. All in favor and the motion carried.

Mayor Hansen requested another motion to remove the deed restriction, for the open space, which was required to comply with the current code until the affordable housing ordinance was in place. The deed restriction had to be recorded on the adjacent property for them to get approval to record the plat.

Council Member Huefner made the motion to remove the deed restriction on the open space on Bear Hollow Affordable Housing Project. Council Member House seconded the motion. All in favor and the motion carried.

The Council review the building permit fees and agreed that they can't reduce the water impact

fees but are willing to do a 50% reduction for the remaining fees. Mr. Lofthouse said that they are still requesting to defer that fee until they are 90% occupancy. Mayor Hansen said that all the fees will need to be paid at the same time, depending on what our town attorney stipulates. We also need to check with Mr. Martineau to see if he would rather take property for security or a loan.

Mr. Johnson went over the graph showing the time line of the payments to them. The final payment to them is July 2010.

Mr. Lofthouse suggested that we defer the fees until they are 90% occupied with the exception of the water which must be paid at time of Certificate of Occupancy.

Council Member Huefner made the motion to defer the following fees, the building permit, the park impact fee, the road impact fee and the water inspection fee at 50% and the water impact fee will be paid in full. Mr. Stan Rowland asked if the Council needs to make the motion to reduce the fees first. Motion died for lack of second because we need to reduce the fees and get advise from our attorney as to how long to defer the payments.

Council Member Huefner made the motion to reduce the following fees, the building permit, the park impact fee, the road impact fee, the deposit and the water inspection fee at 50% with the advise of our town attorney and/or with adequate security, and the water impact fee will be paid in full. Council Member House seconded the motion. All in favor and the motion carried. The water impact fee will be paid at the same time as the other fees.

Mr. Johnson said that they are withdrawing their request to have the letter of credit waived. They have looked at the option of a letter of credit but time is of the essence and they would like to get going on this project. They are requesting that Garden City enter into an agreement with the lender which requires that the fees are in an escrow form, such as the bank would hold those funds and not release them without the town signing off on the completion of that portion of the improvements.

Mr. Lofthouse gave the Council the estimate of costs for the improvements. He said that Mr. Linford has looked at the figures and he is okay with them with the exception of the vault. Mr. Stan Rowlands said that they are going to change the water system and get rid of the 8" meter and go with a couple of 2" meters. He said that if they build it the way it was designed the figures need to go up about \$13,000 but if they build it with their changes then that is what the figures will be.

Mayor Hansen said that if they can do that in an escrow form he is okay with that, as long as we have to sign off to release the fund. This may not be considered an escrow it is basically the same as a cash bond. We will do partial releases. They will supply the Town with an agreement, which will have to be approved by our town attorney.

Mayor Hansen explained that we don't require a retention of funds but we don't accept anything

within the boundaries of the subdivision until it has run maintenance free for one year.

Mr. Lofthouse said that there are 2 things that our attorney needs to look at, one is the deferral of the fees and the second is the agreement to handle this escrow. He asked how fast we can get this done. They don't have a building permit but they can do excavation without a building permit. All this must be completed before the building permit is issued.

Mr. Johnson asked if he could contact Mr. Martineau directly but Mayor Hansen stated that he cannot talk to him directly, he has to go through the Town who will contact the attorney.

RENTAL AGREEMENT DISCUSSION

Mr. Welch is requesting that we change the rental guidelines to allow alcohol use in the buildings. He said that he has already passed up opportunities by not allowing alcohol in the buildings and how many more will we pass up. Mr. Welch said that he feels that the indemnifying paragraph covers the liability, which they have to sign. Mayor Hansen said that he wants some advise from our insurance company. He also asked if the town can arbitrarily allow alcohol. Ms. Bobbie Coray said that it is not allowed in government buildings so it wouldn't be allowed in the building with the city offices. We can't have a state liquor license but we could allow private parties to serve alcohol, they couldn't sell it but could serve it. Ms. Coray sits on the State Alcohol Board and will check on the state rules to see what is allowed and where it would be allowed.

It was discussed that we shouldn't be in competition, but we wouldn't be competing with anyone because we won't allow the sale of alcohol just serving it.

It was suggested that we increase the deposit when an entity is serving alcohol.

Mayor Hansen said that he is willing to give it a try to see how well it goes and if there are too many problems then we can change it back. We need to check with our insurance company and with the state laws to make sure that we can do it. Then we can make the change.

Mr. Welch said that he would like to allow it in a way that would cover the Town in every way possible.

ESTIMATE FOR WORK ON THE SPRINKLING SYSTEM AROUND THE BUILDING

Mr. Welch presented a bill for a new timer and new wiring for all the sprinklers in the RV sites and the grassy area. We already have a timer in the garage but it doesn't work. Mayor Hansen said that it would be good to have everything working. The Council approved the bid for approximately \$800.

BUSINESS LICENSE DISCUSSION/APPROVAL (CONTINUED)

Deep Blue Marine Service & Storage, Hyrum Lantz

Mr. Lantz explained that he would like to have an open air storage area for boats. He would also like to offer the plastic wraps for the boats. He said that he hasn't utilized the A side of the Cabin Fever building, which is one building west of Vic's Hardware. It would be secured storage because it is all fenced.

Mayor Hansen said that storage is a big issue as far as the neighbors are concerned, especially outside storage. Mr. Lantz said that they could store between 100 - 125 boats outside, it is 1.35 acres. The building would be used for service and maintenance. He said that he will work to keep it clean and not allow anything other than boat storage.

The property is zoned C-3, which allows for all the uses as C-1 and residential. Mayor Hansen read through the permitted and condition uses in all the commercial zones. C-2 allows for storage sheds. Mr. Lantz said that he has a unique spot there because it isn't on any of the main roads. Mayor Hansen said that it doesn't say anything about a marine repair shop but he would liken that to an automobile service station for the repair of vehicles. Mayor Hansen said that Mr. Lantz needs to go to the Planning Commission for a conditional use permit because this type of business would only fit in the C-2 zone. Mr. Lantz asked if it would be beneficial to seek a variance there.

Mayor Hansen said that anything there would be conditional use which would take it out of the Council's hands and to the Planning Commission.

Mr. Lantz will submit an application to get him on the Planning Commission agenda. Council Member Huefner said that he really needs to come with a drawn design to present for the Council meeting.

ORDINANCES DISCUSSION/APPROVAL

Sign ordinance #09-08

The Council reviewed the ordinance and agreed to make the change of 11C-607-H under prohibited signs and made the change as indicated on the new ordinance.

Mayor Hansen asked if we allowed signs on residential property for people who have home businesses.

The Council said that one exception for an off premise sign would be the marquee monument type signs. Mayor Hansen said that he is okay with off premise signs as long as they are on commercial property. The Council suggested that off premise signs are allowed only by conditional use, and limited to one off premise sign as part of an organized marquee as approved by conditional use.

The wording on the ordinance is off premise signs are only allowed by conditional use permit, are limited to one per business and must be part of an organized marque.

11C-609-2 should be taken out because Mayor Hansen made an agreement with the real estate agents that they don't place their signs at the entrances to the subdivisions. They have been doing this already so we need to make the ordinance say what we want.

Council Member House made the motion to accept Ordinance #09-08, the sign ordinance as amended. Council Member Huefner seconded the motion. All in favor and the motion carried.

Ordinance and Resolution Samples from Bear River Health Department prohibiting smoking

The Council agreed that it would be wonderful if people didn't smoke at the park but we aren't ready to pass an ordinance prohibiting it.

Facility Marquee sign Bid

The Council looked over the bids for the 2 signs, submitted by Nate Ward, one was approximately \$4800 and one was approximately \$4100. Mayor Hansen had some suggestions regarding the way the signs need to be constructed. The Council said that the sign on Logan Road will need some more discussion and design. They both need to be designed structurally sound so that they won't blow down with the first wind storm. The sign is set up for about 9-10 spaces.

Council Member Huefner accepted the motion to accept the bid for the sign. We need to get with the health care clinic and work out the design for the sign on Logan Road. Motion died for lack of second.

Council Member House made the motion to accept the sign bid as it is designed for the east side of the city center. Council Member Huefner seconded the motion. All in favor and the motion carried.

Now we need to get together with Mr. LaVal Jensen, Mr. Chuck Stocking and Mayor Hansen to work out the details on the other sign.

BUDGET DISCUSSION & APPROVAL FOR JULY 1, 2009 - JUNE 30, 2010 FISCAL YEAR

Council Member House made the motion to accept the beach access budget as it has been presented to us. Council Member Huefner seconded the motion. All in favor and the motion carried.

Council Member Huefner made the motion to accept the SID budget. Council Member House

seconded the motion. All in favor and the motion carried.

Council Member House made the motion to accept the water enterprise fund as presented to us. Council Member Huefner seconded the motion. All in favor and the motion carried.

Council Member House made the motion to accept the general Garden City operational budget as presented to us. Council Member Huefner seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Helicopter Parking Area

Mayor Hansen said that he isn't comfortable having the helicopters land so close to a residential area. Council Member Huefner has checked into this and has a form for them to fill out.

Mayor Hansen suggested that we set a small piece of property aside on our property by Buttercup and allow them to park their helicopters there.

Mayor Hansen discussed abandoning the idea of taking 1st west over to Ned Calder's property as was agreed many years ago. He said that would be a very difficult road to build. He suggested that we come from Buttercup over the west side of Mr. Calder's property. He feels that would be a better option.

Mayor Hansen said that we need to get with Mr. Stone so we can start on that road. We need to work with Mr. Stone to go through his property.

September Town Council Meeting

The September Town Council meeting will be held on September 3, 2009.

Signs for the Library Building

We received a bid for the signs in brass, as the Library ladies are requesting, which is approximately \$2,000. The Council agreed that we are not paying that much money for the signs, we will use plastic.

Bear Lake Watch is requesting funds to mail out a notice regarding quagga mussel

The Council agreed that we can mail this out in the water bills but we aren't going to donate funds for the mailing.

Conference Table for the History Conference Room

Mayor Hansen said that he is concerned with having the trestle tables because they will be moved

around a lot and it may ruin the carpet quickly. If we got the trestle tables they would have to be on sliders so that they don't ruin the carpet. The Council agreed that we can order 2 tables and we will get them ordered asap.

COUNCIL MEMBER REPORTS

Council Member Huefner stated that the mag water is delayed due to rain. She looked over the roads at Hodges Beach which may need to be re-bladed because of all the rain.

Council Member Huefner said that she has reviewed the lease that Blue Water has to the beach. It was suggested that Blue Water put up a sign on 1990 S and 2000 S that they are walking entrances only unless they have a pass from Blue Water.

Council Member Huefner has been working with some kids to clean up the dyers woad. The County will spray the dyers woad for \$47 per hour. Mayor Hansen said that we don't have the money now to pay for a county project. Council Member Huefner suggested that we put a note in the next water billing stating that next year they must take care of the dyers woad on their property or we will take care of it and they will be billed. We can have the Public Work guys ready to do the spraying or we can hire it out. She suggested that we try to find a noxious weed grant.

We received 3 bids for the cement around the buildings. Council Member Huefner will meet with those people who submitted the bids to make sure they are bidding on the same thing.

PAYMENT VOUCHERS

Council member House made the motion to pay the bills as presented. Council Member Huefner seconded the motion. All in favor and the motion carried.

ADJOURNMENT

There being no further business to be brought before the Town Council, Council Member Huefner made the motion to adjourn the meeting at 9:25 p.m. Council Member House seconded the motion. All in favor and the motion carried.

APPROVED:

Attest:

Kenneth Hansen, Mayor

Town Clerk