

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

The Garden City Town Council held their regularly scheduled meeting on August 13, 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
Mike Leonhardt
Laraine Schnetzer

Others Present:

Kathy Hislop
Travis Hobbs
Jason Linford
Sharlene Millard
Anita Weston
Jesse Taylor
Heather Valentine
Dan Kurek
Mona Case
Martin Argyle

Mayor Hansen welcomed everyone to the meeting and asked for a roll call of the Council Members present, Mayor Hansen, Council Member Leonhardt, Council Member Schnetzer, Council Member House, and Council Member Huefner.

APPROVAL OF MINUTES

Town Council meeting held on July 9, 2009

Minutes of the Town Council meeting held on July 9, 2009 were reviewed by the Town Council.

Council Member Huefner made the motion to approve the minutes of the Town Council meeting June 11, 2009 as written. Council Member Leonhardt seconded the motion. Council Member Schnetzer stated that she had changes that needed to be made to the minutes. Motion died for lack of a vote.

Council Member House made the motion to accept the minutes as amended. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Treatment Plant

Mr. Linford explained that the tank now has a lid to it. He showed pictures of the tank, the lid and the inside. They are going to bury the tank soon. Mr. Linford showed picture of the treatment plant building, which is starting to look like a real building. They are working on the roof of the treatment plant.

The plan is to be done with the project this fall, around the end of November. They are far enough along that they should be done by that time. Mr. Linford will calculate what their construction deadline will be.

The power conduit is ready to pull and it has been paid for. Everything is done and ready for them to finish their work to get the power to the building. We need to get Rocky Mountain Power to run that asap. Mayor Hansen will call tomorrow to get that scheduled.

Road Projects

300 W. turn lane hasn't been started yet because UDOT is still working with Consolidated on the final plans. It will probably happen about the same time when Paradise Parkway going south is paved.

Paradise Parkway access and going South is coming along well and should be done by the end of this month.

Stand by user fees

Mr. Linford passed out a report on the number of vacant lots in each subdivision within the water system. There are approximately 516 vacant subdivision lots in Garden City, which are in subdivisions which are already platted. This doesn't include the downtown proper area and vacant lots which are not in subdivisions.

If we charge a \$10 standby fee we will generate approximately \$61,920 per year. A \$15 standby fee will generate approximately \$92,880 per year. Both Sweetwater and Bridgerland Village charge a standby fee on the vacant lots.

Questions that need to be answered is; do we charge just a subdivision lot or all the vacant property in Garden City, and do we charge all lots or just the lots which have been sold.

Mayor Hansen said that we need to charge this because our impact fees are non-existent. Our impact fees go towards the treatment plant project and will be used to pay the loan off early. The State won't allow us to use the impact fees for the loan payment.

The Impact fees do need to be updated and changed to include the treatment plant. Mr. Linford will start working on the impact fees and make sure everything is included in the calculation.

Mayor Hansen said that the stand by fee will give the Council some pretty good options for improvements which are needed for the system. It could also be a good option to pay off the treatment plant early. We need to be prepared for water line breaks/repair and for expansion.

Mayor Hansen said that we should implement this, it shouldn't even be a question. We will need to do this by resolution and we may need to change the ordinances.

BUILDING INSPECTOR REPORT

Mr. Abraham is not in attendance and therefore there is no report.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Travis Hobbs explained that the treatment plant is coming along well. He said that he is nervous about what will happen with the treatment plant and how much time it will take to run it. All the other treatment plants in the state require approximately 30 hours a week to run them. He said that they can't spend 30 hours a week there so he is requesting another employee to help run the treatment plant. He understands that money is tight right now but we need to start thinking about what we will need for the treatment plant. Council Member House said that we have talked about hiring a part time employee for the treatment plant.

Mr. Hobbs explained that they have been working on getting all the meters in and the numbers read so they are ready to start reading the meters soon.

Mr. Riley Argyle is working to repair the boardwalk.

AQUATIC INVASIVE SPECIES REPORT

Heather Valentine explained the problems with the quagga mussel issues. They are trying to make people aware of the problem and prevent the quagga mussels from being introduced into Bear Lake.

Mayor Hansen asked about their survivability in Bear Lake. He said that he understood that the lake temperatures are such that they wouldn't survive here. Council Member Leonhardt said that they can reproduce in water as cold as 7 degrees, they are a cold water species. The state biologists say that they won't only live but thrive and reproduce in Bear Lake.

If the quagga mussels get into Bear Lake it would affect our new treatment plant, which would be devastating to our water system.

Right now this presentation is just for education.

INTERLOCAL EMERGENCY AGREEMENT REPORT

Mr. Jesse Taylor explained that there is legislation written to fix the issue with the interlocal agreement. There will be many people involved in the legislation coming to a meeting tomorrow for a meeting to work out the issues. This agreement would make it so that the emergency vehicles and personnel can cross the state lines between Idaho and Utah.

The legislation, which has been re-written is only to cover law enforcement, not other emergency service entities. This is a problem with many of the other western states, not just Idaho and Utah. Once this legislation is written the other states can follow and adopt the same type of legislation to help alleviate the problem in the other states as well.

BUSINESS LICENSES

Council Member Leonhardt explained that he has been working on the new business license process and has meet with the following people regarding a business license request.

JA & AK Enterprices, LLC., Annetta Kim Condemarin

Council Member Leonhardt explained that he has meet with JA & AK Enterprices, LLC, and they are doing internet retail sales of stools, furniture, etc. He did issue them a business license.

Body Needs Chiropractic, Jeremiah Hoopes

Mr. Hoopes would like to run this chiropractic clinic out of a house located at 1621 S. Bear Lake Blvd. They have a few things, ADA requirements, which need to be updated before he can be issued a business license. The business license won't be issued until this is completed.

Council Member Leonhardt said that Mr. Hoopes will also need to contact the Fire Chief and the Building Inspector for an inspection of the building prior to getting a business license.

Hillier's High Mountain Catering, Coyan Hillier

Mr. Hillier needs a tax number and also have the health inspector in to do an inspection. He is also planning on conducting this business out of his house located at 325 S. 100 W. He needs to finish this prior to getting a business license.

Only one business license was issued this month, the other 2 need to finish a couple things first.

SHORT TERM RENTAL

Council Member Huefner made the motion to approve the short term rental for Bear Lake Lodging, Dawn Binyon, if John has done the inspection and it has been approved. This place is located at 865 N. Harbor Village East Drive #209. Council Member Schnetzer asked for a copy

of the Building Inspectors inspection report, which is available in the office. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

Council Member Huefner made the motion to accept the short term rental for Blaine & Katrina Prestwich at 129 N. 100 W. Heidi Murbrook is the contact person for this rental. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

2009 Pre-Disaster Mitigation Plan and Meeting

This meeting is available to any of the Council Members that want to attend.

Rich County Tourism Grant Application/Project Discussion

Mayor Hansen suggested that we ask for \$25,000 for maintenance and repair of the bike path. It is the most used thing that we have that the tourist use in Garden City. We will fill out the application and submit it for this project.

Alcohol Use on Garden City Property/Facilities

The Council has discussed this issue prior but we haven't come to a decision. The Council agreed that we should allow alcohol on the property and facilities but we should charge more and also charge a higher deposit fee. The Council agreed to allow it but if it becomes a problem then we can change the policy.

Mayor Hansen asked if we should allow alcohol at the park. A concern would be to allow it there right next to the kids playground area. The Council agreed that we should not allow alcohol at the park.

Council Member House made the policy to allow alcohol use in the Garden City enclosed facility, the City Complex. We need to charge an additional \$100 to allow the alcohol use. There is to be no commercial activity, alcohol can't be sold on the town owned premises. The Council agreed with the new policy.

COUNCIL MEMBER REPORTS

Council Member Huefner explained that Harbor Village has a problem with the short term rentals in their subdivision. They want to work with Garden City on their short term rentals. They received a list of the rentals and the contact people for each rental in Harbor Village so they know who to contact if there is a problem.

Mayor Hansen said that they can also work within their Homeowners Association and be more restrictive than the Town. They can set their own penalties.

Mayor Hansen said that if there is a problem with a rental we need to know while it is going on. We can't do anything after the fact, but if we know when it is going on we can document it and 3 strikes and they are out and the license goes away. We need to know as it is happening so we can make the call and give them a time limit to resolve the problem. If they don't resolve it then it is a strike.

Council Member Huefner said that she met with Steve Watterson and the road is coming along well. We will have to pay an additional \$5,000 above the bid for extra work that we had them do.

Council Member Huefner said that she met with a group to look at the road coming off Buttercup through Mr. & Mrs. Stone property and through the Town property. She said that it will be staked and then Mr. Linford can engineer it so we can get it built.

Council Member Huefner is still also working on getting a road from 100 west through to the Town property. There was a discussion regarding this road and if it is possible to go through this area. Council Member Huefner and Mayor Hansen will work on this project.

Council Member Huefner wants to start working with the property owners along 300 west to get the road going through. Mayor Hansen said that the only thing we can offer them right now is for them to donate the property and get a tax write off for the full estimated value of the property.

Mayor Hansen said that there are some things that the Planning Commission put on the back burner that we could start working on now since it is slower.

Council Member Schnetzer said that Raspberry Days went great. She said that eventually we will need more power there at the parking lot for future Raspberry Days. There was a problem with the power, which affected one of the trailers and we may have to replace some of their equipment. Council Member Leonhardt will work with him on replacing his equipment if it is needed.

Mayor Hansen said that we really need to get together with the 2 Bishops to discuss next year so we can have everything worked out. We need to get both of them together at the same time to discuss next year.

Mayor Hansen said that he talked to a lot of the downtown businesses and they felt that they were busier this year than they have been in the past and they felt that it was due to the craft fair being at the parking lot. It also helped with the foot traffic around town so there wasn't so many vehicles.

Raspberry Days was a success and the new location worked out well.

The Library Board has picked out a new Librarian, Cathy Rasmussen. The Council agreed that she would do a great job.

Council Member Schnetzer said that the State Sovereign Lands Department would like us to get a right of entry permit for this year, for the beach access. In addition to that they would like us to help pay for some of the expenses that they incur on our behalf because of the money that we collect going down to their beach.

Council Member Schnetzer said that we should come to an agreement with Sovereign lands to have a right of entry so that we can go down on the beach and if they haven't done what they say they will do we have some authority to go down there. They said that we have 3 choices, we can collect the fees and give them a portion of what we collect, or they can run the program and give us a percentage of the money that they collect, the third was to stop collecting the fees and then and we wouldn't have any authority on the beach.

Council Member Schnetzer said that if we're going to control the beaches here in town it doesn't do any good unless someone controls the beaches at the south end of the lake.

Mayor Hansen went over the budget for the beaches, which the state is requesting we participate with. The budget total for Garden City area is \$71,485.00, which they would like Garden City to participate with. Mayor Hansen will try to negotiate the amounts with the state.

Mayor Hansen explained that he told the state that we were not going to settle for anything less than this program going all the way to Rendevous Beach and that they would have to administer that and they can do check points the same as we have. His suggestion to the state was for them to hire Ms. Spuhler to start the program for them and she can tell them what they will need and it will be a lot less than what they have in their suggested budget.

Mayor Hansen said that we will participate with the state for only the portable toilets on the beaches in Garden City. The rest of the budget doesn't apply to the Garden City beaches.

Mayor Hansen will help the state lobby for the beaches on the south end of the lake to be administered the same as the Garden City beaches. That way the state can administer the program and they would have to pay Garden City a percentage of the profit.

The Council Members agreed that they are fine with either the state running the program on the south beaches or the town running the program, but if the state runs the program we need to set a minimum amount that we will take as our percentage for the program.

Council Member Leonhardt asked the Council if they want to rent the new tent that we purchased for Raspberry Days. The Council agreed that we need to use it just for Raspberry Days and not rent it out.

PAYMENT VOUCHERS

Council Member Huefner made the motion to pay the vouchers as presented. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

ADJOURNMENT

Council Member Huefner made the motion to adjourn the meeting at 7:45 p.m. Council Member Schnetzer seconded the motion. All in favor and the motion carried.

APPROVAL

Kenneth Hansen, Mayor

Attest:

Town Clerk