

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

The Garden City Town Council held their regularly scheduled meeting on February 11, 2011 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:05 p.m.

Council Members Present:

John Spuhler, Mayor  
Mike Leonhardt  
Dan Kurek  
Bess Huefner  
Brian House

Others Present:

Kathy Hislop  
Anita Weston  
Jason Linford  
Cathy Anderson

**ROLL CALL**

Mayor Spuhler asked for a roll call of the Council Members Present; Mayor Spuhler, Council Member Leonhardt, Council Member Huefner, Council Member House, and Council Member Kurek.

**APPROVAL OF THE MINUTES**

Minutes of the town Council Meeting held on January 13, 2011

Council Member Huefner made the motion to approve the minutes. Council Member House seconded the motion. All in favor and the motion carried.

**TOWN ENGINEER REPORT**

Treatment Plant

Mr. Linford stated that we should have the operating permit for the treatment plant by the first of next week. Once we get that done we will have Patrick come back and we can get the treatment plant on line. Build Inc. was up yesterday addressing some of the issues. The Electrician was up to address the things that he needed to finish.

Mr. Linford said that if Build Inc. comes back up to finish the last thing then we should be ready to pay them a substantial share of their retainage, about \$120,000 of the \$140,000. Mr. Linford said that he was at the treatment plant today and things look really nice.

Pall Corp. has all the paperwork for the new filters and it will take about 6 weeks to get them here. The state has agreed to allow us to get the additional filters for the 3.5 mgd. The state has allowed us to use the contingency money for the additional filters. It will be project funds, we are not asking for additional funds for the filters.

The Contractor looked at the pipe to the canal and said that he will fix it however we need it to be. They will repair it so it looks better and is not such an eye sore there. We had to take it to the bottom canal. It has worked out but we do need to have the pipe fixed so it looks better.

#### Grant options

There are a couple grant options that we weren't aware of that Mr. Linford will check out to see if we can qualify for any of these funds.

Mayor Spuhler explained that he is meeting with Mr. Conine from USDA to see what type of grant options that he may be able to offer us.

#### 300 west

Mr. Linford said that there is a design layout for 300 west but we need to determine what we are going to do with the canal because it runs right down the middle of where the road is designed.

#### Decorative Lights

Mr. Linford is going to look into decorative lights for the downtown area. He said that there are some grants available for those type of projects. Rocky Mountain Power may have some funding options also.

### **PUBLIC WORKS DEPARTMENT REPORT**

Mr. Hobbs is not in attendance but he did send a report for the Council to review. The Council reviewed the report and had no comments.

### **BUILDING INSPECTOR REPORT**

Mr. Peart is not in attendance tonight. The Council received a report of how many building permits have been issued per year for the past 10 years.

Mayor Spuhler read a letter that we received from Mr. & Mrs. Hancock regarding their stop work order. He will be meeting with Mr. & Mrs. Hancock, Mr. Sharon Esplin, and the Building Inspector to determine what we need to do to help resolve this issue. This meeting is on February 17<sup>th</sup>.

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

#### G & G Team, LLC., William & Jayson Gough

Council Member Leonhardt met with Mr. Gough and they just need to pass the contractors test, which they will take the first of March. They should be good to go once they pass this test.

Council Member Huefner made the motion to pass the business license for Jayson and William Gough for a consulting business based on them passing their professional test. Council Member House seconded the motion. All in favor and the motion carried.

#### Yard Master Services, LLC., Robert Strebel

Council Member Leonhardt explained that Mr. Strebel want to move their business over here and store their equipment in the garage next to Quick N Tasty. Council Member Huefner is very concerned with them using that alley because it is so busy in that area. Council Member Leonhardt said that they won't be using the access for customers, the garage will only be used to store their equipment, so they won't create much traffic there. Council Member Leonhardt did talk with Mr. Strebel and they have all their tax numbers and are a legitimate business in Logan.

We will get the right address for the building.

Council Member House made the motion to approve the business License for Yard Master Services based on checking on the address. Council Member Kurek seconded the motion. A roll call vote was taken, Council Member House, for; Council Member Kurek, for; Council Member Leonhardt, for; Council Member Huefner, abstained. Motion carried.

#### Firewood Business, Michael Mattson

Council Member Leonhardt has tried to contact Mr. Mattson to let him know that he does need a sales tax number but has not received a response back from him. We will watch to see if he starts selling firewood without a license. No motion was made until Mr. Mattson contacts Council Member Leonhardt with an affirmative that he will get his sales tax number.

## **ENCUMBRANCE/COVENANT DISCUSSION/APPROVAL**

John McGee, Lots 109, 110, 115, 118, 119, 120, 121, 122, 123, 124, 125, 128, 129, and 130

Mr. McGee is requesting an encumbrance of the lots listed above. Mr. McGee has other lots that he could encumber but he would like to use the \$250 for both encumbrances. Mayor Spuhler said that he feels that it is reasonable. Ms. Hislop stated that there are tangible fees that we should at least charge so it doesn't come from the town funds. Council Member Huefner said that she is okay granting this request as long as it is the same for everyone. Council Member Leonhardt suggested that we charge \$250 for the first encumbrance and \$50 for the second encumbrance, for a total of \$300 for both.

Council Member Leonhardt made the motion to accept the encumbrance for the requested lots for John McGee for the amount of \$300 which will include the recording fees and the second encumbrance. Council Member Huefner seconded the motion. All in favor and the motion carried.

## **SHORT TERM RENTAL APPLICATION DISCUSSION/APPROVAL**

799 S. Spruce Drive, Roger Smith

Council Member Kurek said that he has met everything as far as the fire inspection.

Council Member Huefner made the motion to accept the short term rental application for 799 Spruce Drive, for Roger Smith. Council Member House seconded the motion. All in favor and motion carried.

## **REVIEW CURRENT BUDGET FOR OVER EXPENDITURES. OPEN THE BUDGET TO RE-ALLOCATE SPECIFIC LINE ITEM FUNDS AND RESOLVE OVER EXPENDITURES**

The Council reviewed the budget and the over expenditures for each line item. The fund balances are not over expended. Council Member Leonhardt will go over the budget again and move the funds around to cover the over-expenditures then bring it back to the Council for their review next month.

## **DISCUSSION REGARDING THE INCREASE IN THE RESORT TAX**

Council Member Leonhardt said that we really need to determine how we are going to disperse the additional funds from the Resort Tax Increase. We should have approximately \$50,000 additional from this increase. The funds will go towards the pool, the library, the parks, and the arts, with probably most of it going to the pool and the library.

Mayor Spuhler said that these funds are to assist in their expenditures, it is not to fund the entire program. Without this additional moneys they may not even survive.

Council Member Leonhardt said that we all need to think about what will be needed in the specific areas and consider that when we do the budget planning.

### **ORDINANCE DISCUSSION/APPROVAL**

Ordinance #11-01, an ordinance requiring phases within a subdivision to include amenities.

The Planning Commission recommended that the Town Council approve this ordinance. The Council Members reviewed the ordinance and made a one word change to the heading.

Council Member House made the motion to approve ordinance #11-01 with the one word added in the heading. Council Member Kurek seconded the motion. All in favor and the motion carried.

### **Short Term Rental Ordinance Discussion 8-600**

Council Member Kurek said that with these changes we are trying to take the liability off the town and onto the homeowners. We won't do the inspections anymore, but we will have the homeowners sign a statement that the home is safe. The signature will have to be notarized.

The Council discussed issues that made them concerned with this new way. Council Member Kurek said that it is impossible to bring an older home up to code. The Council discussed this proposed process and had concerns with not doing the inspections. With an inspection we find those houses that don't have appropriate exits in sleeping rooms.

We would require the homeowner to bring in a drawing of the layout of the home so we can determine from that the number of allowed occupancy and parking.

Mayor Spuhler said that it makes sense to take the liability off the town, but not scale down the size of the sleeping room. Council Member Kurek said that the homeowner will be signing the application stating that they are renting a safe place. We are looking at liability but we are also looking at the public safety.

Mayor Spuhler said that he may feel better taking the high road and do the inspections. Council Member Kurek said that he talked to South Jordan and they don't do any inspections.

Mayor Spuhler suggested that we have them fill out and submit the packet with their signature that states that they know the rules and regulations of renting their place and they also are stating the safety of their home. Mayor Spuhler said that he would like every owner sign the same document and also the prior renters. Council Member Leonhardt said that the signature needs to be notarized.

The Council said that we need to have the attorney review the liability statement that they sign. We will bring that statement back along with the new ordinance for next months meeting.

Ordinance Discussion 12-400, Offences against public health, safety, welfare and morals

The Council reviewed this ordinance and made changes to the ordinance. It will be brought back to the Council for approval next month.

The Council discussed the ordinance and not allowing hunting within the town limits, which includes Swan Flats. Everything within the town limits will be treated the same.

**RESOLUTION DISCUSSION/APPROVAL**

The Council discussed the fine for shooting within the town limits. The Council feels like this needs to be a substantial fine. It needs to make them think before they break this ordinance.

Council Member Huefner made the motion to approve Resolution #R11-01, and set the fine at \$1500. Council Member Leonhardt seconded the motion. A roll call vote was taken, Council Member Huefner, for; Council Member Kurek, for; Council Member Leonhardt, for; Council Member House, abstained. Motion carried.

**BOARD MEMBER DISCUSSION/RE-APPOINTMENT**

Mayor Spuhler explained that we need a new member for the Board of Adjustments. He suggested Clint England, Brandon Moldenhauer, or Brent Hirschi. Council Member Leonhardt suggested RuthAnn Jarman, Kathy Stringham, Randall Hansen or Howard Pope. Mayor Spuhler said that Ms. Jarman has previously stated that she is not interested and Mr. Pope is already on the Appeals Board. Mayor Spuhler has talked to Mr. England and he is interested. The Council agreed to offer the position to Mr. Clint England and bring it back to the Council next month for approval.

**MISCELLANEOUS ITEMS**

Discussion regarding water rates

Mayor Spuhler explained that some of the businesses are asking for a break on the water rates, or at least a change in the way we bill. The Council stated that it is really hard to change the rate structure basically because we don't know what it will cost to treat the water. The Council would feel better to table this issue right now until we get a better feel for how much the water is costing us and then adjust the rates accordingly. We will wait to make any changes until we have the data.

## **COUNCIL MEMBER REPORTS**

Council Member Kurek reported that the swimming pool has been being used a lot and the life guards are going to start tracking how many people come to use the pool. He has projected out what it will cost to run the pool for the remainder of the year. We will be about \$4,000 short. Instead of costing us \$70,000 to run the pool for a year it will be closer to \$50,000.

Council Member House made the motion to approve the payment of the bills as presented. Council Member Huefner seconded the motion. All in favor and the motion carried.

The Council discussed the new employee to replace Tami Bowen. We will try to wait until closer to spring before we post the position and hire someone. We should have a new person hired this spring and ready to go this summer. We can take the position down to 1 or 2 days per week.

Council Member House will look into the taxes that will be additional if Swan Creek annexes into the town.

Council Member Huefner is going to meet with Mr. Tony Early from UDOT to talk about some of the parking issues in town and other state highway issues. She would like to get a flashing light at the intersection on the stop signs.

Council Member Leonhardt explained that they had a Raspberry Days meeting and they changed the Chairman, Nikki Weston. They are doing a great job.

Council Member Leonhardt said that he has had some of the businesses comment to him that they are concerned with turning off the street lights. They are concerned with the safety. Mayor Spuhler said that we really want to save the money that we would have spent on the street lights and get some good downtown lighting that won't cost so much, some really nice lights that will be long term.

Mayor Spuhler said that he was contacted by Mr. Cory Haddock who is having a marathon here in June. They would like to include a flyer in the water bills. Mayor Spuhler felt that it was okay to allow businesses or events to advertize in the water bills but they have to pay half the cost of the mailing, which would be about \$250. They have to provide the flyer so it is ready to stuff. It can't increase the weight so we would have to put on more postage. Town entities, such as, the library and pool are still free.

Council Member Huefner said that we need to let them know of the regulations and what we expect them to do while they are in town, such as, parking, etc. Mayor Spuhler said that the event is in June and it brings over 1000 people to town, which is great to have that business here.

Mayor Spuhler said that he was really disappointed in the process of how the resolution regarding industry around the lake. He was disappointed in how it was handled and felt that the Regional Commission should have been more involved in that process and in making sure the local officials were aware of the resolution.

Mayor Spuhler said that we really need a group that advocates on behalf of this area.

**PAYMENT VOUCHERS**

The Council Members reviewed the payment vouchers and signed the checks.

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

**ADJOURNMENT**

There being no further business to be discussed, Council Member Leonhardt made the motion to adjourn the meeting at 8:00 p.m. Council Member Kurek seconded the motion. All in favor and the motion carried.

APPROVED:

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John Spuhler, Mayor

Attest:

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Kathy Hislop, Town Clerk