

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

The Garden City Town Council held their regularly scheduled meeting December 8, 2011 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg B. Mayor Spuhler opened the meeting at 5:00 p.m.

Council Members present:

Spuhler, Mayor
Brian House
Pat Argyle
Bess Huefner
Mike Leonhardt

Others present:

Kathy Hislop
Travis Hobbs
Andy Stokes
Jason Linford
Anita Weston
Dan Fisher
Norm Mecham
Skip Duffin

Mayor Spuhler offered the prayer and led everyone in the Pledge of Allegiance.

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on November 10, 2011

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on November 10, 2011 with corrections made to said minutes. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Executive Session held on November 10, 2011

Council Member Huefner made the motion to approve the minutes of the Executive Session held on November 10, 2011 as presented. Council Member House seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT, Jason Linford

Treatment Plant

Mr. Linford explained that the Pall Corporation was here a couple weeks ago and made some corrections. Mr. Patrick Hayes has also made some corrections to the programming. Pall Corporation said that the treatment plant is ready to go with the exception of 1 thing and they should be back to make that fix next week. Mr. Hobbs said that there is a few things that still need to be fixed, but Mr. Linford said he thought they were taken care of with the last visit.

Mr. Hobbs said that the turbidity is still a problem and the water is not clearing up, they ran it today. Council Member Argyle said that it is important to make the turbidity filters work because the high turbidity is the reason that we had to construct the treatment plant. Mr. Hobbs said that the turbidity is running higher coming out of the plant.

Mr. Linford said that the warrantee period does not start until the plant is up and running. Pall Corporation will be responsible to make sure it is up and running correctly. Mayor Spuhler said that it is important to get it up and running asap, so that we have some time before the peak use, to make sure that we have all the problems resolved.

Mayor Spuhler said that when we had the conference call, in August, they said they should have everything up and running by the first of November. They are a month behind, but Mr. Linford is putting on the pressure to get it done. Mr. Linford said that there have been a lot of people here and on the phone from Pall Corporation to get this done.

Turbidity Meters

Mr. Hobbs asked about the Hach service agreement for the turbidity meters, which would 100% cover the turbidity meters. The service agreement is \$4,316 per year for 6 meters. The replacement cost for each unit is about \$1,000 a piece. Mayor Spuhler said that this agreement is very expensive for a maintenance contract. Mr. Linford said that he will check to see what the other cities are doing. Mr. Hobbs said that when Hach comes up they go through the entire unit and completely check it out and fix everything. Mr. Hobbs will check to see what the actual cost is for a replacement meter. Council Member Argyle suggested that we find out what it would cost for a maintenance call, and just call them when we need them.

Scenic Byway Restroom and Hospital Sign

Mr. Linford gave the scenic byway restroom specifications to Council Member Huefner. Mayor Spuhler explained that he received a call from UDOT stating that the segmentation of the scenic byway didn't follow the Federal Guidelines. The word

billboard was brought up in the Town Council meeting and because of that one word the \$175,000 grant will not be given to Garden City until we move the hospital sign, which they now consider a billboard. Mayor Spuhler told them that the hospital has a permit from UDOT to put it there. UDOT told Mayor Spuhler that if they allow the sign to stay where it is they will lose their Federal funding. UDOT said that we could have a sign there but it has to meet their criteria for a hospital sign which is a very small sign that says hospital with an arrow pointing in the direction of the hospital.

Mayor Spuhler contacted Mr. Rod Jacobsen, from Bear Lake Memorial Hospital, and he was very upset and said that he was not moving the sign. It cost them \$30,000 to put up that sign originally. Mayor Spuhler said that everybody did everything right from our side and according to what we were told by the State and UDOT. Mr. Jacobsen said that he followed the e-mails from the state and he did everything he was told to do, and he even got a permit to put it there.

Mayor Spuhler said that the state gave us a few options for the sign, and one was to move it back to the same location it was before it was moved. Mayor Spuhler asked the state to reimburse the hospital for the lease that Mr. Jacobsen has already paid and to pay the cost to move the sign. UDOT said that they would have a conversation about paying those costs and get back to Mayor Spuhler, and that is what we are waiting for now. Mayor Spuhler said that he also wants a letter from them stating that we will get the grant money for the restroom if we do everything to move the sign.

Pickleville Well

Mr. Linford said that it looks like we can get the camera for the well. Mr. Linford said that he can have a well driller do it for \$2000, but we need to have it go out to bid. Mr. Linford said that he will put out a bid for the camera job. Then we will know what is there and if we can use the well.

Elk's Ridge Water

Mr. Linford said that he is working on getting some numbers for the water system in Elks Ridge, to get it all fixed and completed. Cache Landmark is going to send Mr. Linford the overall water master plan as to what is in the ground so Mr. Linford can verify what needs to be done there. They will continue to work on that project.

Mayor Spuhler said that he explained to the homeowners in Elk's Ridge via a letter that the roads are their responsibility; they were up to our specifications at some point but now have deteriorated over the past 5 years. Mayor Spuhler said that we need to avoid a conflict of interest if the homeowners contacts Mr. Linford, it will be on the homeowner's time and not the city's responsibility to pay for their conversation with Mr. Linford.

Mr. Hobbs explained that any dirt road will deteriorate if there is no maintenance for 5 years.

Water Model

Mr. Linford is working on updating the water model and will have that finished soon.

Fish Pond at the new park

Council Member House said that the fish pond has been started and they have been working on it for a couple of weeks.

PUBLIC WORKS REPORT, Mr. Hobbs

Plow Truck

Mr. Hobbs reported that the plow truck had some problems this month and went back to the shop for repair. He said that we have put about \$9000 into the plow truck over the past few years and it is extremely tough to not have the truck when it is in the shop. Mr. Hobbs said that it may be time to replace the plow truck. Council Member Argyle asked if they can pick one up at the auction for cheap. Mr. Hobbs said that he will watch to see if he can pick up at the auction, from the state, or from KSL. Some of the \$9,000 was covered under warrantee.

Loader

Mr. Hobbs said that we lost the winter service agreement for the loader this year. He has checked into purchasing a loader from other companies and found one from John Deer which will cost about \$116,000; the monthly lease amount is \$1,180.00, for 36 months. He checked into other companies and this one was the cheapest. Council Member Leonhardt said that if we go with the lease we need to make sure that we get a new machine every 3 years. This lease includes the loader, forks and a bucket. We would have to buy a snow plow which would cost about \$3000 - \$4000. The Council agreed that we should go with the lease for 36 months.

Mayor Spuhler asked if we can look at hiring someone to clear the roads when they are bad instead of buying a loader. Mayor Spuhler said that we should look into hiring someone with the right equipment to clear the roads, either with a snow blower or a loader. Mr. Hobbs said that he is a bit leery about hiring another company just because we aren't always a priority if we get someone with other obligations, and we are at their mercy. Mayor Spuhler said that we would have to write up a contract so that it will protect us so that we can get our roads cleared as a first priority.

Council Member House made the motion to approve the rental lease of the John Deer Front Loader from Honan Equipment, contingent upon the research that's done on finding a local contractor to remove snow. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

JUB, GIS

Mr. Hobbs said that we are up and going with the GIS and we are taking points and mapping. The winter is going to be a little tough to find things in the snow, but it is going good so far. Mayor Spuhler said that JUB has been really impressive and good to work with.

Payne Springs

Mr. Hobbs said that they have finished the Payne Spring project and they have the meter installed.

Elk's Ridge

Mr. Kent Glen has ordered the pumps for Elk's Ridge and he will get them installed as soon as he gets the pumps in.

We are waiting for the title report from Ms. Adams, from Hickman Title, on the pump house property. We also need to find out where the tank is and who owns the property where it is. We need to call the County Recorder to see if she can give us an idea of who's property the tank is on.

Appraisal for Sprouse Property

We haven't been able to get the appraisal back from Appraisal Associates and it has been 3 months since we ordered it. The Council decided that it is time to get another appraisal company so we can get done with this project.

MOU for Sweetwater

The MOU has been written and we are just waiting for all parties to sign it. Mr. Hobbs explained that Sweetwater is still waiting for one of the HOA's to sign the easement going through the property where they will run the line. Mayor Spuhler said that we really need to have it signed before next spring.

Sturges Electric hit our water line twice which is in Idaho. Because our line is in Idaho and they use a different blue stakes company they don't call us unless we join Dig Line, which is their blue stake company. Mr. Hobbs will look into joining Dig Line, which may help the Public Work Employees. Council Member Leonhardt said that we should use the Regional Commission office for those blue stakes. He will contact them to see if they can help us.

Snow Plow Ordinance

Mr. Hobbs explained that we came up with the Snow plow ordinance 3-4 years ago. We really haven't been enforcing it in the past, but now our Enforcement Officer is enforcing the ordinance, which will help the public works when they have to plow the snow. Ever other city in the State of Utah has a snow plow ordinance similar to ours. We have sent the information about the ordinance in past water bills. Our ordinance is based on other cities ordinances.

Mr. Stokes said that he has enjoyed doing the code enforcement and he knows that it will be a huge benefit for the city. He would like to know what the Council would like him to report on during these meetings. Mayor Spuhler said that he would like a weekly report during the Monday morning meetings, it doesn't need to be extremely detailed but he does need to document everything as much as he can. Taking pictures is a great documentation. Council Member Huefner said that she would like a written report each month at the monthly Town Council meeting. Mayor Spuhler said that if there are ordinances that are not enforceable he should bring those to the Council so they can discuss changing the ordinance if necessary.

BUSINESS LICENSE DISCUSSION/APPROVAL

Bear Lake Propane, Dan Fisher

Council Member Leonhardt said that he talked to Ms. Fisher this morning regarding the business license. Mr. Fisher said that they have been in contact with the State Fire Marshall and the commercial building inspector, etc. He is working to get all the appropriate approvals. He has worked through the Planning Commission and they have been approved based on completing the requirements for the State and the State Fire Marshall. Mr. Fisher is also working closely with the Garden City Fire Chief.

They are not building anything this year, they will only be installing the 30,000 gallon tank. They will be heavily insured.

Mr. Fisher said that he will be operational as soon as he gets the permitting done and can get the tank set. The Council agreed that it will be a good service for the community. Mr. Fisher said that he will eventually be a full service propane company, they will rent and sell tanks.

Council Member Leonhardt made the motion to approve and accept the business license for Bear Lake Propane with the stipulation that they meet all the criteria from the State and the State Fire Marshall. Council Member Huefner seconded the motion. All in favor and the motion carried.

TAG Company, Inc., Gary & Debbie Forakis Mopheads Cleaning and Property Management, Kristina Livingston

TAG Company is just a brokerage and they do most of their work on the computer. They do this business out of their house.

Mopheads was in business under Prolux but since Prolux has left town Mopheads needs to change their business license. They are doing the same business as before. Both businesses just need to be approved for their business license.

Council Member House made the motion to approve Mopheads Cleaning and Property Management and TAG Company, Inc. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

DISCUSSION REGARDING THE KIRK AND DIXIE RICH PROPERTY ALONG 3RD WEST

This item will be discussed during an executive session later in the meeting because it deals with a property purchase.

DISCUSSION REGARDING CREATING A NEW REDEVELOPMENT AREA IN GARDEN CITY, Norm Mecham

Mr. Mecham said that it would cost a fair amount to contract with Randy Sant to create a new RDA area. Mr. Sant worked with Garden City to create the RDA area that exists right now and he is willing to help us put the new RDA together. This would be worth the work and cost to get a new RDA area, but the Town Council must be on board with the project or it really isn't worth it.

Mr. Mecham said that there is so much competition right now for development purposes it is important to offer something to help bring projects to the area. It helps bring in additional property taxes, sales taxes, and transient room tax.

Mr. Mecham said that he would be willing to pay the cost for what it takes to get the RDA in place. He certainly wants to have his project in the new RDA area but we can add other property if we choose to. We just need to look at the map and determine if there is other property that can be incorporated in the new RDA area.

The Council all agreed that the RDA is a great benefit to Garden City and is willing to work with Mr. Sant to get this working and in place.

The Council Members contacted Mr. Sant, who explained the new process to create an RDA. The process takes between 4 and 5 months to complete. He feels that we may be looking at a 6 month process. Mr. Sant said that there is a new process to work with the taxing entities, which gives more flexibility in working with the taxing entities. Mr. Sant said that recently the taxing entities have been a bit more acceptable because it brings in more taxes for their entity.

Mr. Sant said that 2 requirements that are no longer with the new process is that the parcels don't need to be contiguous and the RDA area can be as big as we want.

Mr. Sant said that he would put a letter together with a potential contract, get a project area legal description, and send it to the Council. In the January meeting we can have a resolution ready to adopt to move forward with the plan.

The Council felt that the contract and the resolution will come to Garden City, but the partners of Mr. Mecham's project is willing to pay for this process.

Mayor Spuhler requested that each of the Council Members come next month with a list of properties that would be good for a new RDA area.

Council Member House made the motion to officially support creating a new redevelopment area in Garden City. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Appoint a new Planning Commission Member

Mayor Spuhler said that he has talked to Mr. Dwayne Gifford. Mr. Gifford has shown interest in serving the community. Mayor Spuhler suggested that the Council appoint Mr. Gifford as a new Planning Commission Member, replacing Mr. Darin Pugmire who will be moving to the Town Council in January.

Council Member House made the motion to appoint Dwayne Gifford as a new Planning Commission Member. Council Member Huefner seconded the motion. All in favor and the motion carried. He will be replacing Darin Pugmire.

Mayor Spuhler explained that Ms. Jennifer Huefner is getting extremely busy and will be resigning from the Planning Commission. Mayor Spuhler said that we need to appoint another person to the Planning Commission.

Art Council report, Melissa Spuhler.

Ms. Spuhler reported that she went to a conference for the Arts Council and is now a Certified Change Leader, as part of the Utah Arts Division, which is good for Garden City. It helps with grants, which she will write and request a grant for the farmers market. She is also looking for someone to help her with the farmers market, if anyone has any ideas.

Ms. Spuhler reported that the Rich Legends and Melodies went really well, the music was really great and the stories were excellent. It was great entertainment and Ms. Spuhler got it all on video.

Appoint new Library Board Members, Kathy Anderson and Elaine Negus

Council Member Argyle said that both Kathy Anderson and Elaine Negus have shown an interest in being on the board. Council Member Argyle said that they are really a good board and they get a lot done, They are an asset for Garden City.

Council Member Argyle made the motion to bring in Kathy Anderson and Elaine Negus to the Library Board. Council Member House seconded the motion. All in favor and the motion carried.

Discussion/Approval regarding a new representative for the Bear Lake Regional Commission

Council Member Leonhardt said that we need a good voice on the Regional Commission Board; we need good representation on the board. Mayor Spuhler said that he would like to be on that board, because he said that there have been some things that he requested that he hasn't seen done. He feels like we really need to be represented.

Council Member Leonhardt made the motion that Mayor Spuhler fill the seat on the Regional Commission Board. Council Member House seconded the motion. All in favor and the motion carried.

Discussion/Approval regarding moving the Bear Lake Memorial sign

Mayor Spuhler said that we need to make sure that we will get the grant funds, a written document, before we go forward on moving the sign. We need a guarantee from the state. We also need them to guarantee that they will pay to move the sign. We did everything that we were supposed to do and we shouldn't be penalized as a small city.

Discussion/Approval regarding the sign repair bid

The Council discussed the repair of the sign and if we should be responsible to pay for the repair. The Council discussed that we didn't have a warrantee on the stability of the sign. Council Member Argyle said that we should file a claim with our insurance company.

This project needs to go to bid and it needs to be drawn using cement and a more secure structure. Include in the bid a warrantee for 24 months. We also need to include the electrical with the new sign.

Discussion/Approval for Bear Lake Computer Bid

Mayor Spuhler said that he talked to Mr. Stocking about putting together a proposal for a monthly cost for a set number of hours for computer help. Mr. Stocking gave us a proposal for 10 hours a month for \$25 per hour. The Council agreed to this proposal starting in January.

Council Member House made the motion to approve option #3 for Bear Lake Computers for computer service. Council Member Huefner seconded the motion. All in favor and the motion carried.

DISCUSSION AND APPROVAL TO PROCEED WITH ANNEXATION OF PROPERTY FROM THE CURRENT GARDEN CITY TOWN LIMITS TO THE UTAH/IDAHO BORDER

Mayor Spuhler explained that we have a problem with the water users in Idaho. They are not on a meter and so they essentially have unlimited water use and we can't turn them off if they ever go delinquent. We can't turn off one home owner, we would have to turn off the line which would disconnect service to the entire group.

Legally we can disconnect anyone who is not in our city limits if we can prove that it costs us more to deliver water outside our city limits or that we don't have adequate water to service them. This is one of the determining factors in annexing property to the state line.

The water users in Idaho have an option to connect to a couple of other water companies in Idaho.

We have received letters from the State Parks for the marina and also Camp Hunt stating that they are interested in annexing into Garden City.

Council Member House made the motion to go forward on the annexation as was discussed. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

COUNCIL MEMBER REPORTS

Council Member Argyle reported that she is working with Ms. Ward on the pool building to get it organized and cleaned.

Council Member Argyle reported that the Library is going really well.

Council Member House reported that the Planning Commission is working on a couple ordinances that should be ready for the Council to review soon.

Mayor Spuhler said that he is working on the situation with the AOG and make sure that they continue to get their funding.

Mayor Spuhler said that he is going to work with JUB on another project in Garden City for a grant for lighting along the boulevard.

Mayor Spuhler said that he is going to check into giving a water discount to businesses that are open year round. We need to check to make sure it is legal and also that it won't jeopardize the grant.

PAYMENT VOUCHERS

The Council Members reviewed the bills.

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

EXECUTIVE SESSION

Council Member House made the motion to go into an executive session meeting at 7:55 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

The executive session is to discuss the purchase of property in Garden City.

Council Member House made the motion to go out of the executive session and back into the regular session of the meeting at 8:20 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEM

Council Member House made the motion to reimburse Dixie and Kirk Rich \$12,000 for the water system that they installed. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

ADJOURNMENT

There being no further business to discuss, Council Member House made the motion to adjourn the meeting at 8:25 p.m. Council Member Leonhardt seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk