

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

The Garden City Town Council held their regularly scheduled meeting on February 9, 2012 at the Garden City Office, located at 69 N. Paradise Parkway, Bldg C. Mayor Spuhler opened the meeting at 5:00 p.m.

Council Members Present:

John Spuhler, Mayor
Brian House
Bess Huefner
Darin Pugmire
Pat Argyle

Others Present:

Kathy Hislop	Curtis Wahlstrom
Kathy Anderson	Randall Knight
Anita Weston	Riley Argyle
Andy Stokes	Curtis Moldenhauer
Dan Fisher	Michael Moldenhauer
Ted Wilson	Jason Linford via speaker phone
Skip Duffin	

Additional Audience Members in Attendance During the Annexation Discussion:

James Wise	Randy Townsend
Scott Crosbie	Marilyn Larsen
Kelly Kim	Robert Pulley
Gaye Olsen	Glen Stuart
Lance Gunnell	Dave Wilkes
Staci Gunnell	Colby Heddlesten
Paige Gunnell	G. Conradsen
Flint Biessinger	Brent Conradsen
Bruce Biessinger	Brian Hirschi
Scott Symes	Mark Stringham
Craig Symes	Kathy Webb
Gaylen Roberts	Paul Webb

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

ROLL CALL

Mayor Spuhler asked for a roll call of the Council Members that are present; Mayor Spuhler, Council Member House, Council Member Huefner, Council Member Pugmire, and Council Member Argyle.

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on January 12, 2012

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on January 12, 2012. Council Member House seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Treatment Plant

Mr. Linford is reporting via speaker phone. Mr. Linford reported that the treatment plant has passed the pressure test on the pipes. Mr. Robert Worley and Mr. Linford spent a lot of time at the plant this week and re-calibrated and tested all the turbidity meters. The plant is producing good water, but the meters read it as good water for part of the time and the rest of the time they are not reading right. Mr. Linford is ordering a new flow meter and additional bubble trap that should help the meters read right.

A few of the things that still need to be done is to install a new analyzer at the neutralization basin, Pall Corp will need to do some more programming, the CIP pump still needs a new seal, there are a few items that need to be replaced including a couple check valves.

Mr. Linford talked to Mr. Mark Hansen, from the State Division of Drinking Water, he knows what has been happening with the plant and he is pleased that we are working through the problems at the plant. He and Mr. Linford discussed what needs to be done to get the plant on line. We want to get the fixes done and then run the plant a couple of times before we put the plant back on line. Mr. Hansen agrees with that plan.

If the turbidity meters start reading high again we will need to let Mr. Hansen know what the incoming turbidity is so they know that the plant is not adding turbidity. Mr. Linford said that he still doesn't have a firm date when the plant will go on line, but they have made some progress to get it back on line. He hopes to have it on line by the end of this month. Mr. Linford will send an e-mail to Pall that we need to have the treatment plant back on line asap, no later than the end of the month. Mayor Spuhler talked about the meeting in August when we had a deadline of 8 weeks but that has come and gone and we still aren't on line.

Mr. Linford stated that Build Inc would like some of the money that we owe them. The Council said we won't release any more money until the plant is up and running. Mr. Linford will let Build Inc. know that we won't release anymore funds at this time.

Council Member Argyle said that she is concerned that there have been so many pieces cut out of the lines and replaced. She said she is concerned that the repairs make that line weaker. Mr. Linford said that if the repair is done correctly it should be stronger than the regular pipe. Council Member Argyle said that a year warrantee is not very long with the problems that we have had and the money that we have spent on the plant. Mr. Linford said that unfortunately it is the industry standards, contractors and suppliers will not warrantee anything longer than one year. The filters have an extended warrantee on them.

Mayor Spuhler said that when he talked to Pall Corp, Sunrise and Build Inc. they were told that this absolutely will not go into the warranty period until the plant is running and it is running correctly.

Mr. Linford said that we have committed to Rural Development that we will pay a specific amount each year for our loan payment. As long as the payments are being made they don't care how we come up with the funds, so we can come up with some other discounts on the water rate or other water rate schedules.

Pickleville Well Bid

Mr. Linford said that the camera bid for Pickleville Well has gone out to bid. Mr. Linford will give the bid to a couple of companies that he has worked with in the past.

Council Member House asked if they scope the Pickleville Well and everything can work, do we have water rights in that well that we can start using? Yes, we do have the water rights in that well that have not been moved. We just need to look at the well to see if we can fix it and get that well back on line. The water rights in that well is about 450 gallons per minutes, but Mr. Linford doesn't know what the well actually produced. That well was abandoned sometime in the early 1970's. We are only going to do some expiration of the well to see what is there before we go any further.

Mr. Riley Argyle said that we need to get a programmer up here sooner. The switch in the feed pump didn't work so we will need a few more parts.

Right of way

The right of way for Mr. Doug Johnson has been resolved and we should have a legal description by next week. We found something that will work for all parties.

CODE ENFORCEMENT REPORT, Andy Stokes

Mr. Stokes passed out his report to the Council. He is working on the ordinances as he feels they need to be a little bit more enforceable.

He wrote 2 citation and 5 warnings. The citations were in Bridgerland for parking on the roads. Mr. Steve Watterson called Mr. Stokes and asked him to write the citations because he couldn't plow the roads with the vehicles parked there. One of the citations has been paid and one has not.

He is still waiting for BCI to approve him so he can get the information from the County.

Mayor Spuhler explained that he, Mr. Stokes, and Council Member House met with the County Attorney and the County Commissioner to clarify our program and how it will affect them. The County Commissioners were very appreciative and said that they will be working with Garden City.

Mr. Stokes is working with City Watch to get the 911 data up and running. It is a reverse 911 system so we can notify people of emergencies.

Mr. Stokes asked about getting a radio in the patrol vehicle. The Council told him to contact Mr. Nielson or Mr. Kurek to see if they can get him a radio for the vehicle.

Mr. Stokes said that it would make his job easier if he had a laptop or some other type of computer so he can do his reports while in the field. He said that there is private information that should be kept on a specific computer with limited use. Mayor Spuhler suggested that he get an iPad. The Council agreed that it would be good for him to get an iPad with the word program.

Mr. Stokes said that he found a heater for the pool for about \$1,700 which is pretty identical to the one that was in there before. He did get a verbal agreement from Worldmark that some of the workers can help him install the heater. The Council said that Mr. Stokes should look into what he needs for the new boiler.

We also need new lights for the pool, which will cost between \$400 and \$600. We need 4 total lights sets. The Council said to stick to \$400 for the lights. The paint for the pool will cost about \$1800.

Council Member House made the motion to purchase the lights for the pool and purchase the boiler. Mr. Stokes will get help from Worldmark to install the boiler. Council Member Argyle seconded the motion. All in favor and the motion carried.

PUBLIC WORKS REPORT, Riley Argyle

Mr. Argyle said that we haven't plowed much this year. They met with YESCO today and there is still a little bit of confusion about the sign. Mayor Spuhler said that the

money for the grant is available but the problem is that the state has to approve where we are moving the sign. We will try to work out with Mr. Dustin Hansen to put the sign on his property.

The fence around the park property is finished as far as they can go right now. We have had several leaks inside people's houses this past week. There have been a few leaks and freezing lines. They have fixed them all but one is frozen solid and can't be thawed.

Mr. Argyle said that we need to make sure everything works on the treatment plant before we put it back on line.

The GIS is going well. We have about 95% of the fire hydrants mapped out.

They prepared a project list for ongoing projects, which is a relatively new report for all the public works and water department projects. This new report will help make sure everything gets taken care of for each project.

The Sweetwater connection is the emergency connection with Bear Lake Water Company. The easement will be both in Bear Lake Water Company and Garden City. Those documents should be signed within the next couple weeks and the work should start as soon as the frost is gone.

The Council agreed that we can issue building permits for Lochwood since we have the cash bond on file.

BUSINESS LICENSE DISCUSSION/APPROVAL

Lakeview Market/Ace Hardware, Dan & Micheal Moldenhauer

Mr. Mike Moldenhauer explained that they want to convert the old storage unit building to an Ace Hardware. That building is approximately 7,000 square feet, which will be about 6,200 square feet of retail, and the rest will be office space and restrooms.

Council Member Pugmire asked about parking for the new addition. Mr. Moldenhauer said that there will be one exit and entrance. The proposed parking will fit with the requirements of the ordinances, which requires 34 stalls and they have 38 parking stalls in their plan. The building will meet the architectural standards.

They will also be changing around the store and making the produce section bigger and a few other re-arrangements in the store.

Council Member House made the motion to accept the business license for the Bear Lake Ace Hardware for Dan & Micheal Mouldenhauer. Council Member Pugmire seconded the motion. All in favor and the motion carried.

The Council agreed that he will need to follow the ordinance and met the architectural design on the storage shed that he is planning on building.

Council Member House said that they also need to turn in the encroachment permit since they will be entering on/off of 3rd west.

Council Member House amended his previous motion to approve the businesses license contingent on the Bear Lake Market/Ace Hardware submitting their building plans to the Planning & Zoning and passing their requirements. Council Member Pugmire seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #12-05, an ordinance making it a violation to camp or park overnight on Garden City property

Council Member House made the motion to pass ordinance #12-05, the camping ordinance. Council Member Huefner seconded the motion. All in favor and the motion carried.

Ordinance #12-06, an ordinance updating the requirement to remove trash receptacles within 24 hours of being emptied

Council Member Argyle stated that there is an issue with this ordinance because it may be difficult for the secondary residents to bring their garbage cans back, and another thing that we may have happen is people starting to load up the dumpsters. She said that we need to be fair to people and send a notice first explaining that there are public dumpsters that are available.

Council Member Pugmire said that we all help wherever we can.

Council Member Huefner made the motion to pass ordinance #12-06 updating the requirement to remove trash receptacles. Council Member House seconded the motion. All in favor and the motion carried.

DISCUSSION/APPROAL OF A NEW CASH FORM BOND AGREEMENT AND A SURETY BOND AGREEMENT

This is drafted from West Valley City's bond with a few changes to include things that we require. One change is that we will contact the developer 1 time prior to the bond expiring.

Our ordinances state the type of bonds we will accept and the amount has to be 125% of the improvements.

Council Member Huefner made the motion to approve the new cash bond agreement and a surety bond agreement for developers. Council Member House seconded the motion. All in favor and the motion carried.

DISCUSSION/APPROVAL OF BLOCK A BLUE WATER SUBDIVISION

This has been discussed during the Planning Commission meets for a long time. They have made sure that everything required is on the plat. All the signatures are on the plat page 1 so the Council can approve it pending the signatures on the plat page 2.

One of the questions was the right of ways for the utilities, because they don't know exactly where the utility lines are, so they made the entire right of way a utility easement.

Council Member Huefner made the motion to approve the Block A Blue Water Subdivision for the re-alignment of all of the subdivision lot lines and right of ways contingent on all the signatures on the plat. Council Member House seconded the motion. All in favor and the motion carried.

DISCUSSION/APPROVAL OF CAPITAL IMPROVEMENT LIST UPDATED

The Council Members reviewed the Capital Improvement List and made changes and updates to the list as proposed.

Council Member House made the motion to approve the Capital Improvement Plan as presented. Council Member Pugmire seconded the motion. All in favor and the motion carried.

UPDATE THE COPIER

The proposal is for an updated copier with full service, which will be cheaper than what we are paying now. The Council discussed leasing a copier or purchasing a new copier. Mayor Spuhler suggested that we check some references on the service company. With this proposal everything is included in the price except the paper.

Council Member Huefner made the motion to approve to purchase the new copier subject to references. Council Member House seconded the motion. All in favor and the motion carried.

PROPOSED ANNEXATION DISCUSSION – PUBLIC HEARING

Mayor Spuhler explained that the purpose of the annexation discussion tonight is to give information to the audience and to listen to concerns of the community members. Mayor Spuhler explained that the treatment plant has allowed us to produce enough water for the foreseeable future, however, we don't have enough water shares during the high peak time of the summer. There is only so much water to go around. We are asking the

property owners that are in the proposed annexation area to be included in our town so we can help protect the water for them also, which is the major purpose for annexation.

Mayor Spuhler explained that the increase in property tax would be around \$59.00 per every \$100,000 in property valuation, to be part of Garden City.

Mayor Spuhler opened the discussion up for public comments.

Mr. Craig Symes asked why there is a higher tax for seasonal people. Mayor Spuhler explained that is a state statute and it is the same all over Utah, not just in Rich County.

Mr. Scott Symes asked why there is a flat or base rate on the water when they don't use the water during the winter time. He said it should be based on usage. Mayor Spuhler said that one of the biggest challenges in Garden City is that we had to build a water treatment plant that was \$5.5 million, and it had to be built to handle the peak water use. Everyone on the system has to help pay for that treatment plant and the fee structure is set up so everyone helps.

Mr. Paul Webb asked what the benefits that they will receive by annexing and is there documentation that supports the comment that there is a risk to the non-users of Garden City that they may lose the water service. Mayor Spuhler said that we do a water report every year which documents that we are over max on our water use during the peak time of the year. We have check with legal representation that said we can do this annexation, and we can provide that documentation. Mayor Spuhler said that he doesn't say that they can't have water, he is requesting that they join the city to help protect the water, and also help us find additional water sources.

Mayor Spuhler explained that inside the city we have to treat everybody equally, so if we can prove that the water rights are an issue, we need to protect those inside the city limits and make sure that we have enough water to provide them first.

Mayor Spuhler said that some of the benefits of joining the city is that we have an Administrative Court system, which enforces our ordinances and allow us to levy fines for people that violate the ordinances.

Mr. Paul Webb asked what zone they will go to when they are annexed into the City. The Council agreed that they will try to keep the zones as close to what they are right now in the County.

Discussion ensued regarding the water rights that we have, our consumption, and the treatment plant capability, etc. The Council showed the plat of the proposed annexation area.

Flint Bessinger asked how many cabins or home sites are within the proposed annexation area and what the increase in property taxes would be. He suggested that we purchase water rights without annexing.

Discussion ensued regarding trash pickup, trash receptacles, and taking the trash cans back to their property after the trash is picked up, which is a concern for those in the audience.

Mr. Lance Gunnell said that if the water is an issue then we should look at how to take care of that problem without annexing, because the property owners are pretty happy with the way it is right now. He agrees that they should help take care of the water concerns.

Mr. Paul Webb asked if there is another option without annexing to protect the water. He suggested that they sign a contract with the city to get water. Mayor Spuhler said that we need to treat everyone the same, there is no way to separate them from those who are in Idaho.

Mr. Randall Knight said that there should be some period of time that we give to the Idaho users to provide their own infrastructure for their water service. When they go off line it will increase the amount of water available for the Utah citizens. Mayor Spuhler said that was the first thing that we looked at but we can't legally shut Idaho off without shutting off every other like user, which includes all the users outside the Garden City limits.

Mrs. Staci Gunnell asked about the proposed annexation area. Mayor Spuhler explained that it is focused specifically to those who are on the water system. Swan Creek is not included in this annexation proposal.

Ms. Colby Heddlesten said that she would prefer to contract with Garden City for the water and not annex into the city. Mayor Spuhler said that wouldn't necessarily protect the water, which is what we are trying to do with this annexation.

Mayor Spuhler explained that Swan Creek has an abundance of water but we are only allotted a specific amount that we can use from Swan Creek and we are exceeding that amount during the peak season. We either need to increase the amount of allocation or decrease the consumption.

An audience member said that there are a lot of unincorporated area on the water system and eventually those outside the city limits will be limited on our water. The State controls what water rights we have. He said that \$59 per year is very cheap to protect the water and be a part of Garden City. Mayor Spuhler said that this annexation is not a big money maker it is to protect the water shares.

Mr. Scott Symes asked if we could build another storage tank to help with the time that we are over our water allotment. Mayor Spuhler said that we don't have the right to use more than we are allotted.

Mr. Ted Wilson said that we need to remember that someone can buy water rights from Bear Lake to use somewhere else like Bear River and it will deplete what we have here. We haven't been threatened at this point but the option is always there.

Ms. Elke Brown asked if we can maintain our water system better, their water lines in Lakota freeze in the winter time. Mayor Spuhler said that we are doing the best we can but we do have a long term plan and we will try to take care of what we can.

Mr. Scott Crosby said that there are a lot of connections in Idaho that we don't even know who is connected to the water system. He suggested that we meter the water before it crosses the state line. Mayor Spuhler said that we have tried this in the past but who do we send the water bill to of all the users across the border. They are not a part of an homeowner association so there is not one person that we can send the bill to.

An audience member asked to know what the ordinances are that will be put in place. He was informed that they are all on line. He also asked if we can distinguish between culinary water and secondary water. Mayor Spuhler explained that to complete a secondary water system would cost over \$3 million.

Mr. Webb said that annexing doesn't affect our water rights, we have the same amount of water rights whether they are in or outside of the city. The Council agreed that we do have a specific amount of water rights but right now we are going over what we are allotted.

An audience member asked about additional law enforcement if they annex into Garden City. Mayor Spuhler explained that is a county function.

Mr. Bruce Bessinger asked if we could just purchase more water shares. Mayor Spuhler explained that we just don't have the funds to purchase more water rights.

Mr. Brian Hirshci said that he wants to go on record that he doesn't want more government. If they have a city business license can they fall under city requirements and not have to deal with the county. Mayor Spuhler said that we don't want to over govern, we can look at taking out some of our ordinances if they aren't working. We want to have more businesses. Mayor Spuhler said that Performance Rental can leave their building there if they are annexed into the city limits.

Mr. Ted Wilson said that if they do get annexed the property owners will have the opportunity to vote in Garden City.

The public discussion ended at 8:15 p.m.

MISCELLANEOUS ITEMS

Discussion regarding allowing a discount rate for specific type of businesses that are open year round.

The Council Member discussed what they can do to encourage businesses to be open year round. They discussed giving a discount to specific type of businesses and went through the list of who may be given the discount. The Council determined that a business must be open year round and at least 2 days a week, and their water bill must be current. If they meet the requirements they can be given a 20% discount per month all year. Council Member House said that he is okay with it because it is an incentive to the businesses.

Council Member House will write the policy and they will review it next month.

Council Member House made the motion to allow a discount rate for the businesses that are open year round at 20% and business must be open 2 days per week minimum and the water bill must be paid in full monthly. Council Member Huefner seconded the motion. All in favor and the motion carried.

Farmers Market

Ms. Melissa Spuhler passed out the requirements for the farmers market. She has talked to the person that runs the farmers market in Montpelier and in Soda Springs. He said that he thought the people that are doing those farmers market would like to come do ours also.

As a city we are not in charge of collecting sales tax, produce is not taxed. The vendors are responsible for filling out the forms, collecting and reporting the taxes.

She has talked to a few of the local businesses already and told them that they can have space at the farmers market. They will only be able to sell things that are made in the surrounding area.

Special event permit

The Council discussed increasing the Special Event Permit fee. The Council decided to add a \$500 deposit to each permit for a cleaning deposit. We will hold it to make sure everything is taken care of and cleaned up after the race. We will also make an “after the race evaluation” form to fill out and keep on file.

The Council agreed that we need to get through this season and see how everything goes and then revisit this to see if we want to raise the permit fee anymore. Council Member Pugmire said that we need to start putting money aside for trails and an increase in permit fees would be a good way to raise some funds for that.

Mayor Spuhler said that the county is going to have an application process for these events similar to what we have. We don't want to give up our authority to watch what happens in our town, we need to keep it for ourselves.

COUNCIL MEMBER REPORTS

Council Member Argyle suggested that we hire a temporary person to help with lawn mowing, restrooms, and trash pick-up. The Council Members agreed.

Council Member Huefner said that we need to work with Mr. Negus and Mr. Calder to make sure that we get the water to the park the right way.

Council Member Huefner said that Pacific Power has a grant, for up to \$3,000, which we can use for 3 phase power to the new park.

Council Member Huefner said that the Chamber is holding the Chocolate Festival this weekend and they will have 33 vendors.

The Council discussed health insurance for the employees. Mayor Spuhler said that he is waiting for the quote to come back. We will talk about it more next month when we have the quote. Health insurance may be offered to employees that work 20 hours or more per week.

Mayor Spuhler said that we had someone give us a bid to move the cabin and it will be extremely expensive to move and then the building will still need to be brought up to usable status. The Council determined that we may just need to burn it or give it to someone.

Council Member Argyle said that the Library Board is concerned about having to call the Mayor if they need to use Mr. Chuck Stocking for computer problems. Mayor Spuhler said that they should call him if they have a need and want to use Mr. Stocking, unless it is a serious emergency.

Council Member Argyle asked if they do a special event for the Library with the kids and they complete a reading challenge can they use the pool as a reward? The Council agreed that they can use it for free one time at the end of the summer.

Council Member Argyle said that the pool employees are requesting a raise in their salary. She said that she doesn't have an issue giving them a raise but they need to be more accountable for what they do when they work at the pool. They need to create a checklist of what they need to do each time they work. They even need to be more responsible as lifeguards. Mayor Spuhler said that he is fine giving Ms. Ward a raise but she needs to be more responsible for what the employees do when they are working. She also needs to take on more of the responsibilities of the chemicals and the pool functions, and also needs to take the CPO class. The Council agreed to give Ms. Ward a raise to \$10 per hour after she gets her certification.

The Council agreed that Mr. Andy Stokes has been extremely handy and is a hard worker. Mayor Spuhler said that he would like to give him a raise to \$12 per hour. He brings a lot of certifications to the Town and he is a great value. We will give him the raise immediately.

Council Member House made the motion to give Mr. Stokes a raise to \$12 per hour and Ms. Ward a raise to \$10 per hour after she completes her certification. Council Member House seconded the motion. All in favor and the motion carried.

PAYMENT VOUCHERS

The Council Member reviewed the vouchers and checks.

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

ADJOURNMENT

There being no further business Council Member House made the motion to adjourn the meeting at 10:15. Council Member Argyle seconded the motion. All in favor and the motion carried.

APPROVAL:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk