

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

The Garden City Town Council held their regularly scheduled meeting on March 8, 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
Pat Argyle
Bess Huefner
Darin Pugmire

Others present:

Kathy Hislop
Riley Argyle
Anita Weston
Jason Linford
Skip Duffin
Lance Bourne
Jacob Weeks

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on February 9, 2012

Council Member Huefner made the motion to approve the minutes of the Town Council meeting held on February 9, 2012. Council Member House seconded the motion. All in favor and the motion carried.

Minutes of the Public Hearing held on February 9, 2012

Council Member Huefner made the motion to approve the minutes of the public hearing held on February 9, 2012. Council Member House seconded the motion. All in favor and the motion carried.

TOWN ENGINEER REPORT

Mr. Jason Linford reported that Mr. Kent Glenn has been at the treatment plant a couple of times to help fix some of the remaining problems at the treatment plant, which he has fixed. We have a lot of confidence in Mr. Glenn. They still think that the bad readings on the turbidity meters are because of air in the water, and they will install additional bubblers to help with those problems, which will bubble the diffuser and hopefully help clear up the water.

They are also working on the heater, the motor blew up this last week and we don't have any idea why it blew up. Council Member Argyle asked about installing a smoke detector for that building. Mayor Spuhler said that they have already installed smoke detectors, a water freeze sensor and a carbon monoxide sensor, which will call a couple of people to inform them if there is a problem at the treatment plant.

Mr. Linford explained the process of getting the plant from bid to where it is right now. Each of the entities has a contract with the city and they all are responsible to put together a good product.

Mr. Linford said that he has been communicating with the state to make sure they know what is happening with the treatment plant and that we are planning on going live soon. The state has been good to work with and they understand the problems we have had.

Mr. Linford stated that Mr. Argyle and Mr. Hobbs have been extremely helpful with the treatment plant and are very knowledgeable employees.

Video inspection on Pickleville Well

Mr. Linford explained that they bottomed out on the Pickleville well at about 90 feet. They need to watch the video to see what is in the well before they make a determination on what to do next. Mr. Linford said that he would not feel comfortable pulling water out of that well for culinary water because it is too shallow. We can drill down further or drill close to the well to see if we can get good water for a new culinary source; it is up to the Council what they want to do. There are also other options for finding another source in the same area, which we can continue to explore.

PUBLIC WORKS DEPARTMENT REPORT

Mr. Argyle explained that he went to St. George for training and now should be good on his CEU's for the next year. Also, Mr. Hobbs just renewed his license.

Mr. Argyle said that they are ready to do the connection to Bear Lake Water Company lines at Sweetwater. All the easements and agreements have been signed so they will start that project soon.

They are still working on the GIS project and have a lot of new things mapped. The Fire District has asked to work with the city to make sure all of the fire hydrants in the Fire District are mapped. They will work with the city to make sure they are fair with compensation to use the equipment and the operator.

Mr. Spuhler explained that he contact Mr. Sharon Esplin from the State regarding Stringham Construction continuing work on the pond. They cannot work on the pond until their contractor license is resolved with the state. They do have a meeting set up tomorrow to discuss this with Stringham Construction and determine when they will have this done.

Mayor Spuhler explained that he received a call from Mr. Jeff Williams, who owns the property where the Elk's Ridge tank is. He just wants to know what he can do with the water tank and see what we can work out with him. We have a meeting with him on March 16th.

Mr. Argyle said that it has been an extremely light year for plowing snow, they only bought 1 load of sand and salt and have plenty left over. We haven't had any equipment breakdown this year. We do have the new front end loader.

Mayor Spuhler said that Mr. Hobbs contacted Rural Water and we do have the ability to charge those outside the city limits a higher amount for their water rates, 1.5 to 2 times higher. We will look into this further to see what we can do. The Council discussed the commercial water rate.

Mr. Argyle requested that the city purchase them an Ipad so that they can connect whenever needed and work on the treatment plant and be online so they can make adjustments when necessary no matter where they are. It will also help with the GIS. Mr. Argyle will get more information and come back with a proposal.

We won't need 3 phase power for the ball diamond at the new park.

BUILDING INSPECTOR REPORT

Mr. Peart is not in attendance and has not provided a report.

CODE ENFORCEMENT REPORT

Mr. Stokes is not in attendance and has not provided a report.

Council Member Argyle and Mr. Stokes are working on a list for properties that need to be cleaned up. They will try to get letters out to property owners next month.

CHILD & FAMILY SUPPORT CENTER PRESENTATION

The representative called and said that they had a scheduling conflict and were not able to come to this meeting.

Declare April as Child Abuse Prevention Month

Council Member House made the motion declare April as the Child Abuse Prevention Month. Council Member Argyle seconded the motion. All in favor and the motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Jakes, Jacob Weeks

Mr. Weeks reported that he would like to convert the white house, on the corner of Logan Road and Bear Lake Blvd., into a restaurant for burgers, fries and shakes. He talked to Council Member Pugmire about the parking lot that he will need there. The house is 960 square feet so he will need 10 stalls and 1 must be an oversized stall. Mr. Weeks showed the parking layout that he is proposing. The parking area is 125 feet by 120 feet wide. He is not planning on paving but will bring in some gravel.

Council Member House said that he should talk with UDOT to see if the entrances to the parking lot will need approval from them since they are existing driveways. Council Member Pugmire said that the existing driveways will be adequate for the city requirements but he needs to work with UDOT to meet their requirements.

Mr. Weeks said that he is working with the Health Department to update the house to get it ready for their approval. He is updating the restrooms and the kitchen. Council Member House said that the exterior has to be brought up to the architectural standards. Mr. Weeks said that he is planning on doing a little bit of landscaping and at least smoothing out the lot and planting some grass. He will make sure that the restroom will be wheelchair accessible. He is going to take the shingles off and install a metal roof.

It will be outside seating and seasonal. He wants to be open the middle of May to the middle of September. He will put some picnic tables outside with a few tables inside.

Mr. Weeks said that he wants to use the garage to sell produce out of. There was a lot of discussion regarding having the produce sold out of a structure closer to the road, but the Council agreed that they would prefer that he use the garage for selling the produce.

Mayor Spuhler said that he needs to get with the Planning Commission to make sure he has all his approvals done. Mr. Weeks was told that his customers can use the parking lot next to his building but he has to have enough onsite parking to meet the ordinance requirement.

This business license was not approved, he will need to come back next month after he has the approvals from the Planning Commission.

Epic Recreation, Nathan Smoot

Council Member Pugmire said that he has talked to Mr. Smoot and with Mr. Arnold, the General Manager from Ideal Beach, and they are set up and ready to go. This is only at the Ideal Beach Resort, which is in the Garden City town limits.

Mayor Spuhler talked about the taxes and making sure that they are collecting the appropriate taxes and they get their number registered to Garden City.

Council Member House made the motion to approve the business license for Epic Recreation. Council Member Huefner seconded the motion. All in favor and the motion carried.

COVENANT TO RUN WITH THE LAND

Mayor Spuhler explained that this request is to encumber lots 4 & 5, 9, 10 & the south ½ of lot 11 of Buttercup Mobile Home Subdivision, owned by Doug Sobieski; lots 12 & the north ½ of 11 of Buttercup Mobile Home Subdivision, owned by Peter Matousek; lots 2 & 9, 11 & 12 of Buttercup Farms, owned by Paul & Dorothy Nance. The encumbrance does not make any changes to the HOA or to the County records; it is only for our records.

Council Member Huefner made the motion to accept the Covenants to Run with the Land for lots 4 & 5, 9, 10 & the south ½ of lot 11 of Buttercup Mobile Home Subdivision, owned by Doug Sobieski; lots 12 & the north ½ of 11 of Buttercup Mobile Home owned by Peter Matousek; and lots 2 & 9, 11 & 12 of Buttercup Farms, owned by Paul & Dorothy Nance. Council Member Argyle seconded the motion. All in favor and the motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #12-01, an ordinance updating the definition of Cluster Development

Council Member House made the motion to pass ordinance #12-01, the definition of cluster development, with the change of minimum added to the ordinance. Council Member Huefner seconded the motion. All in favor and the motion carried.

Ordinance #12-03, an ordinance updating the grade of roads in the subdivision ordinance

The Council Discussed the change from 10% on road grades to 8%. The Council agreed that we need to change it to 8%.

Council Member Huefner made the motion to pass ordinance #12-03. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Ordinance #12-04, an ordinance adding a definition of a farmer's market and Ordinance #12-07, an ordinance adding a farmer's market as a conditional use to the commercial zone.

Council Member House made the motion accept Ordinance #12-04 ordinance defining farmers and artisans market, and adding it to the condition use in the Commercial Zone and with the changes that were made with the definition being moved. Council Member Huefner seconded the motion. All in favor and the motion carried.

Council Member House amended the motion to include ordinance #12-04 and #12-07 in that motion. Council Member Huefner seconded the motion. All in favor and the motion carried.

Ordinance #12-08, an ordinance stating that non-conforming buildings need an address

Council Member Argyle made the motion to pass ordinance #12-08 with the changes on 11C-211. Council Member Huefner seconded the motion. All in favor and the motion carried.

Ordinance #12-09, an ordinance adding that a developer needs to pave 100' beyond an existing residence rear property line in the PUD/PRUD and affordable housing zones

Council Member Huefner made the motion to pass ordinance #12-09 that the developers need to pave 100' past existing residences. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Mayor Spuhler said that the Council needs to go through the ordinances and see if there are any ordinances that need to be changed or thrown out.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R12-01, resolution Declaring April as the religious freedom month

The Council discussed the resolution and declaring April as the religious freedom month and whether or not to approve the resolution or just declare April as the religious freedom month. The Council Members decided not to approve the ordinance as written but to declare April as the religious freedom month.

Council Member House made the motion to make April the religious freedom month. Council Member Argyle seconded the motion. All in favor and the motion carried.

Resolution #R12-02, resolution for a policy to allow a discount to businesses or agriculture water use

The Council discussed the 20% discount and if it is based on the base rate, the overages, or the entire bill. Mayor Spuhler said that this really won't be a significant amount of funds to allow the discount on the entire bill.

Council Member Huefner made the motion approve resolution #R12-02 to offer reduced water rates to commercial or residential users according to the plan. Council Member Argyle seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Bear Lake Memorial Hospital is requesting that the Town Council to declare June as "Take Pride in Garden City Month"

The Council discussed what month we should declare Take Pride in Garden City Month. The Council agreed to declare June & July as Take Pride in Garden City Months and try to get Bear Lake Memorial Hospital to come and pick up the scrap metal both months.

Council Member Argyle made the motion pass Bear Lake Memorial Hospitals offer to pick up metal for us, Take Pride in Garden City month for June and July. Council Member Huefner seconded the motion. All in favor and the motion carried.

Discussion/Approval regarding pool repairs.

The Council agreed to plaster the pool. They feel that they want to do the repairs right and get them all done now.

Council Member House made the motion to approve Mr. Stokes repairs for the pool, including plastering. Council Member Huefner seconded the motion. All in favor and the motion carried.

Commercial Building Permit Fees

Mayor Spuhler explained that Mr. Steve Hamblin is our Commercial Building Inspector. He feels that we are providing the inspections and our tax payers are subsidizing the inspection fees because we are not charging enough. There shouldn't be a dollar of taxpayer money going towards the inspection fees. We are meeting with Mr. Hamblin and will come up with a better fee schedule for commercial building. We will table this issue until after our meeting with Mr. Hamblin.

The Town Council adjourned this meeting to open the Public Hearing at 7:00 p.m.

RESUME THE REGULAR SESSION OF THE TOWN COUNCIL MEETING

Council Member House made the motion to re-open the Town Council meeting at 7:30 p.m. Council Member Huefner seconded the motion. All in favor and the motion

Council Member House amended his original motion to accept the Bear Lake legacy Pathway document and support the development of the trail. Council Member Pugmire seconded the motion. All in favor and the motion carried.

MISCELLANEOUS ITEMS

Discussion Regarding the Bear Lake Marina Proposal

Mayor Spuhler explained that in 2010 he was at a meeting with Senator Lyle Hillyard and they were talking about the Bear Lake Marina. Mayor Spuhler saw a plan for a marina that would mirror what we already have, it would be to the south of the current marina. That discussion lead to further discussion regarding the additional marina and also Garden City creating a partnership with the State in that marina.

Mayor Spuhler and Council Member House put together a proposal for the partnership. He feels that it is a dead issue right now but it could be an option in the future. He said there may be other people in the future that think the way he does and it may spur on this discussion later.

Insurance Proposal

Mayor Spuhler explained that he contacted a representative of PEHP for an insurance proposal for the employees. The proposal came back way more expensive than he thought it would be. For every employee to get insurance would cost the city \$6072. He said that employees that work more than 20 hours per week would qualify for insurance benefits.

We also have looked into a Health Savings account through Cache Valley Bank. They set up an account and money goes into the account pre-taxed. Then the employee can take money out for medical expenses. Mayor Spuhler said that if an employee is working more than 30 hours per week and has been working for Garden City for more than 6 months they can get insurance from the city, but it may just be the same as what we pay now. The employees can participate in the HSA, which is more of a taxing protection other than an insurance plan. Mayor Spuhler said that we just can't afford to pay what PEHP is proposing. This is not a use it or lose it option. Also, one of the requirements of a HSA is that the person must have a high deductible insurance policy.

Mayor Spuhler explained that he included everyone that is working at least 20 hours per week, including himself because he puts in at least that amount of hours. He said that he feels that 20 hours per week is a good place to start. They would get ½ of the insurance

payment that the city offers. The employees that want to participate in the HSA can sign up but they must have a high deductible premium.

Mayor Spuhler said that if any of the Council is putting in over 20 hours per week they would also qualify for the HSA.

A motion can't be made on this because it was not listed on the agenda.

Joan Patterson Letter

Ms. Patterson wrote a letter requesting that she receive a refund of her building permit deposit. She didn't receive the deposit back because she didn't get her inspections or certificate of occupancy. We tried to contact her and her contractor a few time and couldn't get an answer from either of them.

Mayor Spuhler said that we have a specific ordinance stating what we can do with these deposits. The Council agreed to have her pay ½ of her original building permit fee and get the inspections done, get her certificate of occupancy then we can refund the deposit.

COUNCIL MEMBER REPORTS

Council Member Pugmire said that he has been in touch with a person that wants to do an ice shack at Town & Country. It will not be on a permanent structure so it will be a transient business. If he decides to do this it will be from the middle of May to the middle of September.

Council Member Argyle explained that the Library is going to have a fundraiser in May, a Scrapbook expo.

Council Member House said that there is a road by Pickleville Country Store. It was a city street at some point but it isn't on the master plan. It should be a recorded street, on the County records. Council Member Huefner will check to see if it is recorded on the County records.

Mayor Spuhler explained that he talked to Mr. Martinuea and he believes that we have an obligation to get the Idaho water users off that line. It is more than a duty, it is an obligation because of the cross connection possibility. Mayor Spuhler said that Mr. Martinuea reported that we can absolutely turn the water off to the Idaho users but we need to give them adequate time to come up with a different option.

JUB is also looking into the annexation. At this point we may not go forward with the annexation as it was proposed before, but we will look into annexing smaller areas. Mayor Spuhler said that we do have the right to charge more for water users outside of the city limits than what we charge the Garden City residents.

The sign is complete but we need to make sure it is lighted like before.

Mayor Spuhler made an agreement with TBP on 3rd west and they need to do work for Garden City for about \$5,000. We are still waiting for them to come up with an option of what they are willing to do in exchange for the \$5,000.

Council Member Pugmire said that he is concerned with the work done on the pond. He feels that once a bid is turned in the contractor should be held to that bid. We shouldn't keep giving them extensions. The Council agreed that we need to be tighter on the bid process. A lot will be determined tomorrow during the meeting.

If the contractor can't complete pond project job they should only get the percentage of the dirt as to what has already been done per the bid. Mayor Spuhler said that we should have an independent person look at the project to determine how much of the job has been done, and the contractor can only have that much of the dirt.

PAYMENT VOUCHERS

Council Member Huefner made the motion to pay the bills as presented. Council Member House 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 closed the meeting at 9:00 p.m. Council Member Huefner seconded the motion. All in favor and the motion carried.

EXECUTIVE SESSION

The Council Members at this time went into executive session and asked everyone to leave except the Council Members and the Mayor. Mayor Spuhler left the executive session at some point.

APPROVAL:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk