

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, June 11, 2015 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:10 p.m.

Town Council Members present:

John Spuhler, Mayor
Darin Pugmire
Chuck Stocking
Bruce Warner
Bess Huefner via speaker phone

Others Present:

Kathy Hislop
Bobbie Coray
Nadine Sprouse
Riley Argyle
Bob Peterson
Zan Murray
Norm Mecham
Mike Wahlberg
Sharlene Millard
Mark Hislop
Ted Wilson
Emily Schwarting
Burt Carlisle

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Huefner via speaker phone, Council Member Pugmire, Council Member Stocking, and Council Member Warner.

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on May 14, 2015

Council Member Warner made the motion to approve the minutes of the regular Town Council meeting held on May14, 2015 with the changes noted that Council Member Pugmire was not in attendance during the entire meeting. Council Member Pugmire seconded the motion. A roll call

vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.
Minutes of the Town Council Public Hearing held on May 21, 2015

Council Member Pugmire made the motion to approve the minutes of the Town Council public hearing held on May 21, 2015. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Executive Session held on May 14, 2015

Council Member Pugmire made the motion to approve the minutes of the executive session held on May 14, 2015. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Statement in Lieu of Minutes for the Executive Session held on May 14, 2015

Council Member Warner moved to approve the statement in lieu of minutes for the executive session held on May 14, 2015. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Airbrush Tan by Em, request to conduct an airbrush spray tanning and retail product shop at 585 N Bear Lake Blvd. Emily Schwarting

Ms. Schwarting explained that she is from Dingle Idaho. This business license request is for spray tanning; it colors the pigment in the skin. She has been doing this out of her home but would like to try it in Garden City. She will charge \$30. She will be selling skin care products to extend the life of the tan. She said that she may offer clothing at some time. The Council said it was ok to add clothing or retail products to the business license application at this time so she won't have to come back at a later time to add retail.

Ms. Schwarting does have her Utah sales tax number and she is a certified technician. She is located at the beach Waves Salon.

Council Member Pugmire asked about the parking for this building. The Council Members agreed that they felt that there was plenty of parking for that businesses located at that building.

Council Member Warner moved that the airbrush spray tanning and retail product shop by Em be approved. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Common Sense Custom Homes, request to conduct a General Contracting Company, Jared Burt Carlisle

Carlisle explained that the address on the application is for the office. The material will be kept at the job storage and he also has a storage unit that he will use. He won't keep building material at the office location.

Council Member Pugmire motion to accept the business of Common Sense Custom Homes. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Southwick Black Belt Academy, LLC., request to conduct martial arts classes. Tia & Scott Southwick

This business license has been approved before, they just want to move to a new location.

Council Member Stocking made the motion to accept the business license application for Southwick Black Belt Academy, LLC. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

SHUNDAHAI TANK AGREEMENT

The agenda item was moved up on the agenda after the BL discussion by Mayor Spuhler.

The Council members have had a chance to look over the agreement. There are no comments or concerns with this agreement.

Council Member Warner made the motion to authorize the Mayor to sign the agreement on behalf of the Town to purchase the Shundahai tank as outlined in the purchase contract agreement. Council Member Pugmire asked if the easements are required in the agreement. Mr. Mecham said that it is in the agreement. Council Member Pugmire seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Mr. Mecham and Mayor Spuhler will sign the documents tomorrow.

REQUIREMENT FOR SPRINKLER SYSTEMS IN LARGE BUILDINGS AND RESIDENCES

The agenda item was moved up on the agenda by Mayor Spuhler.

Mr. Wahlberg explained the issues the Fire Department had with the fire at the Brian Burr building. He said to do a quick search of a building that size is extremely difficult to save someone. He suggested that once we reach a specific size we should require sprinkling systems.

He said that a sprinkling system would buy them time to do a better search for someone. He said that the footprint of the building also plays into the search of the building. He suggested that a structure 8,000 feet or bigger should require a sprinkler system.

Mr. Wahlberg said that a sprinkler system for 8,000 square feet will cost approximately \$8,500.

The Council discussed basing the requirement on size and occupancy load. They discussed 8,000 square footage and 50 people as a fair way to judge.

Council Member Pugmire read the remarks from Steve Hamblin.

Mr. Murray read from the building code, which indicates that anything over 3600 square feet requires a sprinkling system. Mr. Carlisle said that Utah doesn't require that at this time. Mayor Spuhler said that we need to do more research on this issue. Mr. Wahlberg said that as long as we are reasonable with this we can find a good option for safety.

Mayor Spuhler said that there is a lot of economic benefit from the short term rentals in Garden City.

Mr. Hislop suggested that the Council look at requiring alarm system that will notify a company if there is a problem.

Council Member Stocking said that he felt \$7,000-\$8,000 may be a fair threshold for a sprinkler system. He said that he feels that short term rentals shouldn't be singled out, it should be fair to everyone. If it is going to be required it should be required of everyone and not just short term rental. He said that from a safety perspective he feels that there are good things with the suggestion but at some point it is cost prohibited. Mayor Spuhler agreed that it needs to be across the board at a specific size. Mayor Spuhler said that should be for a new construction and we grandfather the current short term rentals in.

Council Member Warner said that he feels it is different if you are renting out a house to others than if you are bringing in your own family.

Council Member Warner recommended that we have the engineer and the fire chief look into the requirements for this new ordinance and come to us with a recommendation. He said that between them we would get good standards and the reason we would be considering this is for this is for public safety issue and to prevent a tragedy from happening.

Mayor Spuhler said that there are other economic reasons to look at this because if a house catches on fire and they burn the hillside it is an economic driver, but at a certain threshold we need to look at public safety. We are looking into the future and we want to make this a premier destination.

The Council discussed this agenda item at length.

The Council asked Mr. Wahlberg and Mr. Murray to work on a suggestion for the Council to look at next month.

Mr. Ted Wilson said that a sprinkler system for 1200 square feet would have cost him \$40,000 plus a 4" line and a connection with the water department. Mr. Wahlberg said that a new home may be a lot less.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

952 N Yacht Dr., Adam & Heather Norris, Bear Lake Lodging

Council Member Warner made the motion to approve the short term rental license at 952 N. Yacht Dr. for Adam & Heather Norris, they are working with Bear Lake Lodging. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL, request to encumber parcel numbers 41-28-45-024 and 41-28-45-025, property owners are Gary Larsen

Council Member Stocking motion to accept the covenant to encumber the land, request to encumber parcel numbers 41-28-45-024 and 41-28-45-025 for property owner Gary Larsen. Council Member Huefner seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

PUBLIC COMMENTS

Mayor Spuhler opened up the meeting for public comments. There were no public comments.

DISCUSSION/APPROVAL REGARDING THE WATER METER REQUIREMENT FOR ZIPS

Mayor Spuhler said that he talked to Mr. Steve Schenk and Council Member Warner regarding this request. He said that he explained to them that we have to treat everyone the same, and treat everyone fairly.

Mr. Huskinson said that he looked at the water impact fee which gives exceptions for the impact fee. He asked if this would be treated the same if he built it at the same time as the initial building or as an addition to the current building.

Mayor Spuhler said that he sent Mr. Huskinson to discuss this with the city engineer.

Mr. Huskinson said that when he did the original plan that was presented to the Council it included extra bathrooms in the back of the property. They want to do 2 or 3 extra bathrooms in the cisco building. The new building has been approved by the Planning Commission. The reason that he is here tonight is that he was told that he needs to put in a meter because of a new

structure. Mayor Spuhler said that when it is 2 separate building, our ordinance is very clear, each building requires a connection. He suggested that Mr. Huskinson tie the two structures together or go to the variance board to ask for a variance. He said that they could even do a bulk meter.

Mayor Spuhler said that the ordinance is built for everything across the board not for each individual situation. The Council discussed this situation extensively.

The Council suggested that he either go to the variance board or build a roof to connect the 2 buildings. Mayor Spuhler said that a pergola would be considered a roof to connect the 2 buildings, but it has to be a permanent structure that would connect the 2 buildings. Mayor Spuhler said that he could also leave it as a dry building. Mr. Huskinson will decide what he wants to do and get back with the Council.

PUBLIC HEARING

Mayor Spuhler opened the public hearing at 7:20 p.m.

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Huefner via speaker phone, Council Member Pugmire, Council Member Stocking, and Council Member Warner.

ORDINANCE DISCUSSION

Ordinance #15-22, an ordinance updating the exemptions of height limitations

Mayor Spuhler read the ordinance to the audience. The Council discussed this ordinance and felt that there were items that didn't fit, they were from an old ordinance. They discussed sending it back to the Planning Commission to discuss further changes to the ordinance. The Council liked the changes that the Planning Commission already made to the ordinance but felt that there were more changes needed.

Ordinance #15-25, an ordinance updating beach use within the Garden City General Permit Area

Mr. Peterson said that he has a question regarding the enforcement of this ordinance because people leave paddle board and kayaks, etc. He said those items could be used to save their spot. He asked if the goal is to keep out the riff raff and everything or just the canopies? He asked what he should do for enforcement. Mayor Spuhler said that he should use his common sense. Mayor Spuhler said that the law reads that nothing should be left on the beach overnight.

Council Member Pugmire made the motion to close the public hearing at 7:30 p.m. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #15-22, an ordinance updating the exemptions of height limitations

Council Member Stocking made the motion to send ordinance#15-22 back to the Planning Commission to review and make changes. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Ordinance #15-25, an ordinance updating beach use within the Garden City General Permit Area

Council Member Warner made the motion to approve ordinance #15-25 as drafted. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Discussion of Parking Ordinance, 11C-700

Council Member Pugmire & Mayor Spuhler will go to the Planning Commission meeting next month to see if they can help with the discussion on the parking ordinance.

DISCUSSION/APPROVAL OF THE GARDEN CITY CAPITAL IMPROVEMENT PLAN

The Council reviewed the Capital Improvement Plan and made updates. The Capital Improvement Plan needs to be approved each year and is a requirement for the CDBG grant.

Council Member Pugmire made the motion to approve the Capital Improvement Plan and add onto \$50,000 for the Bear Lake Community Health Center for the CDBG grant, and as has been discussed and updated. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

FINAL BUDGET DISCUSSION/APPROVAL FOR FISCAL YEAR JULY 1, 2015 THROUGH JUNE 30, 2016. BUDGET FUNDS INCLUDE THE GENERAL FUND, BUTTERCUP SPECIAL IMPROVEMENT DISTRICT FUND, CAPITAL PROJECTS FUND, BEACH ACCESS FUND AND THE ENTERPRISE (WATER) FUND

Review Budget for current fiscal year, July 1, 2014 through June 30, 2015. Open Budget to approve over expenditures.

The over expenditures were approved during a previous Town Council meeting.

Review and approval of the final budget for fiscal year July 1, 2015 through June 30, 2016 which includes the General Fund, Buttercup Special Improvement District Fund, Capital Projects Fund, Beach Access Fund and the Enterprise (water) Fund.

The Council Members went over the proposed budget for each fund. The Council Members discussed the budgets and made adjustments that they felt were necessary for next year.

Council Member Warner motion to approve the up-coming fiscal year budget with the changes as was discussed and as mentioned. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Discussion regarding cola/salary increases.

The Council Members discussed a merit or COLA increase for the employees. Council Member Warner said that he isn't in favor of approving a COLA increase. He would like to see the increases based on the market and performance. The Council Members discussed 1.5 percent COLA and a merit increase with a maximum of 4%.

Council Member Warner made the motion to approve an overall budget increase for the upcoming fiscal year for salaries, 4% for employees. A percent and a half to be given to all employees and the balance to be allocated by the Mayor according to his feelings and perceptions and requirements and other factors. Council Member Pugmire seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

MISCELLANEOUS ITEMS

Council Member Warner wanted to thank Mayor Spuhler for getting us such a good compliance officer. It is something that we really needed and feels like he will do a good job.

COUNCIL MEMBER REPORTS

Council Member Pugmire said that he has talked to Mr. Murray on the 150 S. project. Mayor Spuhler said that they are working very hard and are getting things done. They should be completed in the next couple of weeks. It has to be done by July 1st.

Council Member Huefner said that Mr. Jade Willis called and asked if he was good to have fireworks at the rodeo. She told him that he was fine as long as he cleared it with the Fire Chief and the Council Members. Mr. Willis is paying for the fireworks and will keep the grass wet. Mayor Spuhler said that he has to follow the state code and that he knows that the city is not paying for it.

PAYMENT VOUCHERS

Council Member Huefner motion to pay the vouchers. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ADJOURNMENT

There being no further business to discuss Council Member Huefner made the motion to adjourn the meeting at 9:10 p.m. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

APPROVED:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk