PUBLIC NOTICE

The Garden City Town Council will hold their regularly scheduled meeting on Thursday, December 11, 2014 at 5:00 p.m. This meeting will be held at the Garden City Office, located at 69 N. Paradise Parkway, Building C.

Staff Reporting 4:00
Town Engineer Report, Zan Murray
Public Works Department Report, Riley Argyle
Building Inspector Report, George Peart
Clerks Report, Kathy Hislop

AGENDA

1. **Roll Call**
2. **Approval of Minutes**
3. **Business License Discussion/Approval**
   a. X Xtreme Movement Dance Company, request to have a dance studio and offer dance classes at 2332 Kimbal Lane. April Wuthrich
4. **Discussion regarding the Beach Management Plan,** Danny White
5. **Discussion/Approval of a Termination of Encumbrance Agreement and Covenant to Run with the Land.** Request to terminate the encumbrance of Lot 11 & 12 of Buttercup Farms Subdivision, parcel numbers 41-21-39-011 and 41-21-39-012. Paul & Dorothy Nance
6. **Public Comments,** 2 minute time limit
7. **Public Hearing, description on separate notice, 6:00 p.m.**
8. **Discussion/Approval of the Bear Lake Community Health Care Center requesting Garden City sponsor them with the Community Development Block Grant**
9. **Report and Approval of the Garden City Financial Report for fiscal year July 1, 2013 through June 30, 2014,** Tiffany Wahlberg, CPA
10. **Bear Lake Valley Blue Print Discussion**
11. **Miscellaneous Items**
    a. Board Members re-appointment: Planning Commission, Susann House; Board of Adjustment, Marcia Solum; Board of Appeals, Howard Pope.
12. **Council Member Reports**
13. **Payment Vouchers**
14. **Adjournment**

NOTE: The Town Council may vote to go into executive session pursuant to Utah Code 52-4-205.
NOTE: In compliance with the Americans with Disabilities Act, individuals needing special accommodation (including auxiliary communicative aids and services) during this meeting should notify the Garden City Office at (435) 946-2901 on Monday through Friday, at least 3 working days before the meeting. The office hours are 9:00 a.m. to 5:00 p.m.

Posted this 8th day of December, 2014

J-U-B ENGINEERS, INC.

J-U-B COMPANIES THE LANGDON GROUP GATEWAY MAPPING INC.

MEMORANDUM

DATE: December 5, 2014

TO: Garden City Council

CC:

FROM: Zan Murray S.E.

SUBJECT: City Engineering Update

I have prepared this memo as an update for the City Council to summarize the engineering activities in the community that are currently underway.

Beach Access Parking Lots

We have completed the construction of the parking lots at 75 North and 350 South. We are making some revisions to the parking stall layout at 350 South to accommodate access into the Carlson Property. I have prepared some alternatives to review with the City and property owner. Once agreed upon, the changes to the parking stalls will occur in the spring.

We have also completed the design of the parking lot at 150 South. Bess has been working with the Fosters on the easements on their property. They are nearly complete. J-U-B and JSH Surveying have been working on the easements with Norm Mecham. They are proceeding forward as well.

The waterline upgrade has been bored under the highway and is nearly complete as needed for the Water's Edge development. The BLSSD is currently relocating the sewer lift station to the east end of the roadway.

Once these improvements are complete we will be able to begin construction on the parking lot improvements. We will bid the project in January or February.

The City Park Parking lot will be constructed by Staker Parsons beginning in the spring.

Water's Edge Preliminary Plat

We have reviewed the Water's Edge Preliminary Plat and provided comments to the planning commission.

a 1047 South 100 West, Suite 180, Logan, UT 84321 *p* 435 713 9514 *f* 435 713 9503 *w* www.jub.com

Clerk's Office Report

November, 2014

In November we have completed the following:

- We organized and pulled off the Community Christmas Party
- We have worked with Tiffany Wahlberg to complete our part of the 2014 Audit
- We have completed the new written rental rules for community use
- We re-coded and keyed all the outside doors
- We organized and re-filed the binder documents
- We have sent the annual renewal letters for short term rentals, business licenses, and beer licenses. We are starting to receive the renewal requests in the mail.
- We have completed the background check document and training and will be starting to request background checks in December.

Items we are still working on:

- Sub for Santa, we need to continue to organize the gifts for each family. Once all the gifts are received we need to compile a list and complete the shopping. Then we do the final organizing of gifts and contact the parents to pick up.
- We will be starting on all the year-end reports, 941, w2's, State Tax report, Workforce Services, Transparency Utah, Money Management, etc.
- We will be re-vamping the business licenses on Pelorus to update the information so it is easier to access.
- Pelorus has updated their software for payroll, so we will be training on the new software.
- We have received a new hard drive where we will start transferring our documents to protect them and create a backup system.
- We are creating a change to the short term rental ordinance.
- We will be working to create a process for rescinding a business license
- We will create a process to deal with developers who want city service outside the city limits.

This is in addition to our daily duties.

MINUTES OF THE
STAFF REPORT MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held staff report meeting on Thursday, November 13, 2014 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 4:00 p.m.

Town Council Members present:

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

Others Present:

Kathy Hislop
Riley Argyle
Zan Murray
Danny White
Anita Weston
Skip Duffin
Mike Madsen
Pat Argyle

Danny White

Mr. White reported on the progress for the beach management plan. He gave the Council Members a map of the beach. The map showed the roads, the vegetation, the ditches, etc. Mr. White explained that they sprayed the frag mites last year. Mr. White said that he has been working with Matt Coombs, from the State Forest, Fire & State Lands, on this project.

A large area of the map will require very little mitigation. Mr. White said that we can knock down the frag mites but you will never get rid of them unless you are actively working to get rid of them like was done last year.

Mr. White showed a map of the beach with areas that he is recommending that we look to impact next year. We just need to get the approval first. Mayor Spuhler said that the mitigation is only as good as you are willing to maintain it. Mr. White said that he will work with Mr. Coombs to see if they are willing to team together and help with this project.

Mr. White is working on the application for the permit.

Town Engineer Report, Zan Murray

Mr. Murray said that the 75 N and 350 S projects are done. Mr. Murray and Council Member Pugmire met with Ms. Sandra Carlson and her daughter regarding some of the parking on 350 S. There are options to move some of the parking stalls around to help with the issues of access to their property. Our code requires 20' long parking stalls but they are only 18'.

Mr. Murray reported that some of the 150 S utilities are starting to be relocated. The water line will be done in the spring. JUB has put together the budgets for the 3 parking lots 75 N, 150 S, and 350 S. They will cost about $600,000 and the grant was for $500,000. He will work with Mr. Argyle to see if they can cut some of the costs down. Mayor Spuhler said that there is money in the road fund that could be used on this project. Part of the project is the water line so the water fund could help pay for the water part of this project.

The lake park parking lot has been bid out and they will start working on that in the spring, Parsons is the contractor for that project.

Mr. Murray has been working on the Shundahai agreement and he has sent the most current draft to the Council. Mayor Spuhler said that he feels that the agreement is good. The tank is there now and it is something that we can afford in the budget. We will get the land, the capacity and it will be ours.

Public Works Department Report, Riley Argyle

Mr. Argyle said that the Heritage Park project is complete.

The Birth Subdivision, 6 of the 7 meters are completed and the 7th will be done in the spring with the 150 South projects.

The bid for the pipe crossings were opened, but the Public Works Department has to do some work first before they can start that project. The bid was not awarded to any of the contractors.

Mayor Spuhler suggested that they put 2 of the street lights in the 75 north parking lot and also in the 350 south parking lot. Mr. Argyle will look to see where he can place them. There is no overnight parking at the parking lots.

UDOT is doing some work on US89 and 300 west. They would like to work during the night, but our current ordinance states that the work needs to stop at 10 p.m. The Council said that they would have to go to the Board of Adjustment meeting and ask for a variance.

Mr. Argyle said that they will have to get more salt and sand for this year.

Council Member Pugmire said that he will oversee the Gun Range Project and will work with the County Commissioners on this project.

Building Inspector Report, George Peart

Mr. Peart is not in attendance at this meeting.

The staff report meeting was closed at 5:25 p.m.

DRAFT

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, November 12, 2014 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:00 p.m.

Town Council Members present:

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

Others Present:

Kathy Hislop	Sandra Carlson
Riley Argyle	Natalie Hirschi
Zan Murray	Stephanie Carlson
Danny White	Tony Crowson
Anita Weston	Cindy McLaughlin
Skip Duffin	Joey Stocking
Mike Madsen	Connor Ward
Pat Argyle	

Roll Call

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

Approval of Minutes

Minutes of the Town Council meeting held on October 9, 2014

Council Member Warner made the motion to accept the minutes of the Town Council meeting held on October 9, 2014. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for via e-mail; Mayor Spuhler, for. Motion carried.

Business License Discussion/Approval
Xtreme Movement Dance Company, request to have a dance studio and offer dance classes at 50 S Bear Lake Blvd, the basement of Firehouse Pizza. April Wuthrich

Council Member Warner said that he didn't have any issues with this business license.

Council Member Warner moved to accept the business for Xtreme Movement Dance Company, whose owner is April Wuthrich, to be approved to have a business at 50 S. Bear Lake Blvd. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for via e-mail; Mayor Spuhler, for. Motion carried

Discussion/Approval of the request for a Covenant to Run with the Land, Peter and Bethann Matousek. Parcel #41-21-32-012 and 41-21-32-013

The Council said that there were no issues with this request.

Council Member Pugmire made the motion to approve the request of a Covenant to Run with the land for Peter and Bethann Matousek for parcel 41-21-32-012 and 41-21-32-013. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for via e-mail; Mayor Spuhler, for. Motion carried

Discussion/Approval of annexation petition request to annex 41-17-00-079, 41-17-00-080, 41-17-00-082, and 41-17-00-083. Properties are owned by SK Properties, Bear Hollow II, LLC., Charles & Marta Earl, and Dee Hildt

Mayor Spuhler explained the property that will be included in this annexation. This motion will just start the process, and accepts the petitions for the annexation.

Council Member Warner made the motion to go through the process to potentially annex the island that was discussed. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for via e-mail; Mayor Spuhler, for. Motion carried

Bear Lake Community Health Care Center requesting Garden City sponsor them with the Community Development Block Grant

Mayor Spuhler explained that we don't qualify for this grant anymore because we don't meet the low to moderate income threshold, but we can sponsor non-profit organizations. The Health Center is requesting that Garden City sponsor them for this grant.

Mayor Spuhler suggested that they build a helicopter pad, which would benefit the city. The Council agreed that it would be a great idea for the grant.

Council Member Stocking made the motion to accept the Bear Lake Community Health Care Center request for Garden City to sponsor them in the Community Development Block Grant. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Council Member Huefner, for via e-mail; Mayor Spuhler, for. Motion carried

Public Comments, 2 minute time limit

Mayor Spuhler opened the meeting up for public comments but there were no comments from the audience

Discussion regarding the Beach Management Plan, Danny White

Mr. White explained that he is working on a plan to actively maintain some nice sandy beach. He will work to get the best value to the city and the community. He said that it is a balance to get the best value as well as working with the natural resources.

Council Member Warner said that he has talked to a lot of the community members and our economic viability in the town depends on the visitors that come here. Improving the beaches is to our economic development. Mr. White said that he did a survey and the overwhelming response was to improve the environment, which includes the beaches.

Mr. White said that he has tried to find out what drives people north and it is primarily the weeds on the beach. Mayor Spuhler said that Idaho beaches are governed different than Utah. Mayor Spuhler explained that the city has approved 330 acres for the study on the beaches. We are hoping to be able to improve about 2.2 miles of beach with this permit. Mayor Spuhler said that he feels we would have a lot of community assistance on this project.

Mr. White said that he should be able to get his work done, so he can submit the application, by mid December.

Council Member Pugmire will discuss this with the County Commissioners to see if they want to work with us and extend the project area into the county.

Council Member Warner motion to approve spending $8050 for 330 acres to expand our mitigate and approval efforts as has been outlined. It seems very inexpensive for a big benefit down the road. Council Member Stocking asked if this was for the 400 acres. Mr. White said that it has been reduced to 330 acres. Mayor Spuhler suggested that we include education to the motion. Council Member Warner said that this proposal is written on a document called Envirocentric Design, from Danny white, city planner, and we discussed over 300 acres. Earlier we discussed that the City Council can become acquainted with the delineation and the boundaries so we could help educate the public on what we could manipulate at the appropriate time, to be included in the motion. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, opposed; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Council Member Pugmire said that he would like more time to think about this. Motion carried

Discussion/Approval regarding the town's intent to seek grant or loan funding from the Utah Community Impact Board.

Mayor Spuhler said that this is a grant loan funding for a management plan. We are requesting a grant for $40,000 for a long term, 20 year plan for beach management. Council Member Huefner said that this is already in the process; we have already applied for it. Mr. White said that it is already on their agenda but we need to have a public hearing before it is awarded, and it should be awarded in February.

Mr. White explained that this will be like our General Plan, but specifically how we manage the beach.

Mayor Spuhler said that this is scheduled for discussion during the public hearing.

Council Member Warner moved to close the regular meeting and open the Public Hearing at 6:05 p.m. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

PUBLIC HEARING

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

Discussion regarding the town's intent to seek grant or loan funding from the Utah Community Impact Board. The Town Council is seeking grant or loan funding from the Utah Community Impact Bard (CIB) in order to complete a Beach Management Plan. The grant request is $40,000 with a Garden City match of $20,000.

Mayor Spuhler explained that the CIB is a group that will decide who gets funded for different projects. Mr. Murray explained that the CIB uses funds from resource taxes that come primarily from central and southeast Utah. They fund projects in the areas where the mining or mineral extraction takes place. So they are favorable in funding larger projects in those areas. In other areas of the state they do provide grants, which Garden City has taken advantage of that for planning.

Mayor Spuhler asked the audience if they have any questions regarding this project and the process for the CIB grant. There were no comments from the audience.

Council Member Stocking asked if this is for planning, not for any of the work. Mr. White said that is correct, it is just for planning and he originally asked for $25,000. He said that he is not sure how it was bumped up to $40,000.

Mayor Spuhler said that he is not sure of what we are going to do with the money. Mr. White said that he has an outline of what he will be doing with this project. Mayor Spuhler said that he

would like to put this off and look through the outline so he understands this better. Council Member Huefner said that we do have the Corp of Engineer on board with us right now and we do have the winter time to do the planning. The summers are so busy to be doing the work. She said that if the Council doesn't have time to work on this tonight then it won't get worked on before Christmas. Mayor Spuhler said that he understands that he saw it back in May but now we need to take the time on this and make sure we know what we are looking at. He feels that things slow down this time of year and we can take the time to know what we are looking at.

Council Member Warner asked Council Member Huefner to explain this and remind us of the details now so we know if we want to delay this now or not. Mr. White went through the bullet points of the project vision.

- He explained that the first point would be to look at the key issues,
- What are our limiting factors to use or not use the beach?
- What are our current conditions and inventories so people can get to the beach?
- What are our constraints?
- Identifying natural resources that we want to protect.
- What are our Transportation factors
- Listing our current facilities.
- Recommendations about beach access, future facilities, where can look for additional public property.
- How we can work with the Army Corp as the lake fluctuates.

The Council discussed this at length, including spending this much money for a planning document. They also discussed knowing what type of a project can be done based on the planning. Mayor Spuhler said that lake is very fickle depending on the water levels. Mayor Spuhler said that he feels that we could identify 90% of what was listed in the bullet points. Council Member Warner said that we are working on this now, we know what we want to do, and the planning efforts are crossing over each other. He said that it seems like a duplication. He said that we should cut out some of the areas and cut some of the cost of this. Mr. White said that when they talked to the Governor he wanted this project to go forward for the beach. Mayor Spuhler said that the Governor didn't know that we already did a plan called the Bear Lake Valley Blue Print, which has a lot of this information. There are pieces and parts that have already been done.

Council Member Pugmire said that we could do more meetings and planning which would cut some of the cost of this project. Mr. Murray said that it is important to understand that these planning documents are what companies look for to help get money to do the actual work. They like these documents to make sure you have thought through the process.

Council Member Warner said that there are areas where the city has needs that we are not planning for at all. We have a need to determine how to take care of our growth, which is coming. It will be more and more pressure on us. We need to work on the things in town to make this a better place to live and make it more attractive to year round residents. We need to work on those things.

Council Member Huefner said that our focus is the wonderful beach that we have. We have done a lot of things that will make our beach a great place. The problem is the future; in 20 years will we have done enough planning to make sure that we are wise in how we handle the beach. The last 40 years we have done many things, but we have never had anything in writing, it was all just a guess. Even with a document it could happen again, but the document could be used to go after the moneys that we need. If we don't want to spend that amount of money we can revise the budget.

Council Member Huefner said that we have worked hard on this and she would like to see it finished, but we don't have to spend $20,000 on it, but we need to have a beginning of a plan.

Mayor Spuhler said that the beach is very important to the economics of the area, but we need to do other things for the community. We need to start thinking a little bit bigger than that. We should be thinking about an economic development plan other than a beach management plan. He said that he would like to wait and look at the bullet points to determine what we want to work on and add economic development to this proposal.

Mr. White said that the CIB has their own planning team that would look at the economic drivers so we can utilize them for that type of planning. He said that we can restructure the way we do the plan and use the CIB more. It would be up to them to do the in-kind work or just give us the money.

The beach is just one resource for the city, it is the main resource but there are other resources that haven't been tapped yet. The way the city is going to grow is to have year round opportunities for people to enjoy.

Council Member Stocking made the motion to closed the public hearing on the discussion of the town's intent to seek a grant or loan funding from the Utah Community Impact Bard (CIB) and re-open the regular session of the Town Council meeting at 6:47 p.m. Council Member Pugmire seconded the motion. Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Stocking, Council Member Pugmire, and Council Member Warner.

Short Term Rental Discussion

Council Member Pugmire explained that the Planning Commission is working on creating zones for short term rentals. What was discussed during their last meeting is to go with what the HOA allow. If it is allowed in a HOA then it would be allowed, if it's not allowed in an HOA then it would not be allowed in that zone. If you don't have an HOA it doesn't fall within that then it's not allowed.

Ms. Pat Argyle said that her concern is that she feels that government is too much in all of our business. And now you want to say to people that are in the city and not in a subdivision that they can't do short term rentals. She said that it is one more attack on businesses. She said that if we negate STR in the city then it would be disastrous. Mayor Spuhler said that it is not to completely take away STR's it is to follow the HOA's. He said that we have been in conflict with HOA's in the past.

Ms. Argyle said that the Planning Commission has discussed that if you are not in an HOA you would be grandfathered if you are already renting but wouldn't be allowed to after the zones are changed. Council Member Pugmire said that is correct.

Council Member Warner said that he would like to see the ordinance state that if the HOA is opposed to rentals then by city ordinance it's not permitted. Maybe that is the balance the community wants to have. He said that there are people that want to come to Garden City but they want an assurance that STR's aren't allowed in their area.

Mayor Spuhler said that STR's have been good to our area from a tax perspective, but there are also impacts, i.e. the amount of water usage in a STR. There are things that happen that we need to look at, but it would be reasonable that if an HOA doesn't want rentals then people should have the choice to live in the HOA and not expect to have a STR.

Mr. Joey Stocking said that good neighbor laws should apply to everybody; it shouldn't discriminate against short term rentals. There are other ways to deal with those problems.

Council Member Warner said that he would like to see the community developed like a good clean, good looking community, so it doesn't look like it is a jumbled up mess. We need to accommodate the various needs and strike a balance. He said that we have a lot of discussion to move forward on this issue.

Mayor Spuhler said that he feels the HOA balance seems to make sense. If someone bought in an HOA that doesn't allow STR's then it seems clear to not allow HOA's in that subdivision, but if you don't live in an HOA that is part of living in the community. He said that we do get a lot of tax revenue from these STR. A hotel with the right type of approach should work.

Council Member Pugmire said that he would like to see the zones that are allowed for the HOA's that allow STR, other than that they are not allowed, except the ones that are grandfathered in. He said that the Planning Commission is working on this during their meetings.

Discussion regarding the town's intent to seek grant or loan funding from the Utah Community Impact Board. The Town Council is seeking grant or loan funding from the Utah Community Impact Bard (CIB) in order to complete a Beach Management Plan. The grant request is $40,000 with a Garden City match of $20,000.

Council Member Stocking made the motion to table the discussion and approval regarding the town's intent to seek grant or loan funding from the Utah Community Impact Board until next month so we can look into it a little further. Council Member Pugmire seconded the motion. All in favor and the motion carried.

Miscellaneous Items

Discussion regarding Mike Madsen's water line contract extension

Mr. Mike Madsen explained that his purpose is to address the agreement that he has with the city regarding the city water line that he installed to his property along the highway to the Westlake Development. The agreement with the city states that any future development that would occur there then the developer would contribute to that line. He said that there has been no development during the past years so he could recoup his cost to put that system in, so he is requesting that the city extend the time limit on the agreement. It would be a benefit for him and for the development. He paid all the costs for the extension of the city line to his development of Westlake Subdivision.

Mayor Spuhler said that he felt that it is reasonable to extend the agreement so Mr. Madsen can recoup his investment, but he doesn't want it to go on too long. He suggested an additional 10 years.

Mr. Riley Argyle suggested that we work with Mr. Madsen. He said that he would like something in writing that states that if the city needs to connect a current existing customer onto that line then we would be allowed to do that. He said that we shouldn't have to pay for that, especially where we do the maintenance on the line. He also suggested that we get a firm figure of what Mr. Madsen will charge to connect to that line so it is a lot simpler so we all know what the charges will be. He said that Mr. Madsen can charge whatever he needs but feels that we should know what he will charge. The Council felt that a new customer needs to work with Mr. Madsen and we don't need to be involved in that conversation. It's better that we are not engaged in the issue with Mr. Madsen.

Mayor Spuhler agreed that we should have something in writing as Mr. Argyle explained for the current customer connection to that water line. Mr. Madsen said that he isn't against that, but he wants something if the entire 3" line goes bad on the east side of the highway. He said that he would like half the cost of the installation.

Mr. Murray said that the value of that line drops in time. He said that it is appropriate and his recommendation that the city have the price of the line done right now.

Mayor Spuhler asked Mr. Murray to come up with an agreement that would be fair for Mr. Madsen and the city. Mr. Murray said that he could do that for the city.

The Council was okay with extending the agreement 10 additional years.

Discussion regarding the parking on 350 South, Sandra & Stephanie Carlson

Ms. Carlson explained that they met with Mr. Murray and Council Member Pugmire regarding the parking along 350 south. They have some issues and concerns with the striping and the code issues with the plans. They have ideas that they would like to bring to the Council. She said that

they have issues with the access to their property because of the striping. They also have a gate that has been blocked because of the handicap parking.

She said that the width of the travel lane is only 22' wide. She said that the average width of a travel lane is about 24' wide. She said that the Municipal Code states that the parking stalls are to be 9' but our parking stalls are only 8'.

Mr. Murray said that we can take out one of the parking stalls so they can access the main gate. He said that we can take the handicap stalls and move them over a couple and take out the ones that are in front of their lower gate. It would eliminate only about 3 stalls. This can all be done when we are ready to stripe 150 S next spring.

Ms. Carlson asked about parking there overnight. She is concerned that people will park too close and hit their fence. Mayor Spuhler said that there will not be overnight parking, we will get signs installed.

Mr. Murray said that he tried to use a swale against the sidewalk to eliminate having the parking chucks. The parking chucks are somewhat of a maintenance nightmare.

Ordinance Discussion/Approval

Council Member Huefner was no longer in attendance during the meeting.

Ordinance #14-14, an ordinance adding the definition of Gross Leasable Area

Council Member Pugmire said that originally this ordinance would require more parking, but the Planning Commission changed this ordinance to make it more of what we are looking for with our parking ordinance.

Council Member Pugmire made the motion to approve Ordinance #14-14, an ordinance adding the definition of Gross Leasable Area. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Ordinance #14-15, an ordinance creating a hotel/motel zone within the Garden City town limits

Council Member Stocking said that it will be the vacation rentals that make it so that hotels will come to this area. The reason that hotels/motels don't make it during the winter is because there is too much cost to run during the winter. Vacation rentals don't have the cost of the business during the winter, so it will be them that keep people coming up here during the off season and growing enough to the point that eventually we get the bigger businesses so the hotels/motels will make it year round.

Council Member Warner said that he feels that this ordinance is very important and the Planning Commission should be here to explain it to us. Council Member Pugmire said that they spent a

lot of time on this ordinance and they have walked the property. The Council could have been included in the process if they wanted more information.

Mayor Spuhler said that we need to express to the Planning Commission that we appreciate what they have done and their hard work. The Council would like to have them come to the Council meeting to explain their thoughts to the Council regarding this ordinance.

The Council discussed the best place for the hotel/motel zone, where it is proposed and if it would be good to include the property along the beach. The Council agreed with the map that the Planning Commission has presented.

Ms. Hislop asked the Council if they are creating a hotel/motel zone or is this an overlay? If this is a hotel/motel zone it will only allow what is listed in the hotel/motel zone. Council Member Warner said that it has permitted uses in the hotel/motel zone. The Council agreed that it is a hotel/motel zone, not an overlay.

Council Member Warner made the motion to accept the hotel motel zone as drafted by the Planning Commission. Council Member Stocking asked if we are creating the zone have the property owners been notified. It was stated that they have been notified and a public hearing was held during the last Planning Commission meeting. Council Member Pugmire said that the way the ordinance is written, if it's a hotel, the height regulations allow for special considerations. He said that he should be able to build a house that is 100 feet tall. Council Member Stocking said that it can't exceed the height for the underlying residential zone. Council Member Pugmire asked if the setbacks will change for a residential home. Mayor Spuhler said that they may have to request a variance. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Ordinance #14-18, an ordinance stating that all subdivision should be surveyed

It was explained that the ordinance didn't require a survey of each lot for a subdivision development. This is just to make a change to the ordinance.

Council Member Warner made the motion to approve Ordinance #14-18, an ordinance stating that all subdivision should be surveyed. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Ordinance #14-19, an ordinance stating that homes can be built in all commercial zones

Council Member Warner said that we need to move toward having less conflict in commercial uses. To have homes being built in our commercial areas create a confused land use. It creates values to have commercial in commercial and subdivisions in residential areas.

The Council said that they would like to know more from the Planning Commission on why they would like this ordinance and their reason for this ordinance.

Council Member Pugmire made the motion to table ordinance #14-19 and pass the information back to the Planning Commission and give them the reason why we want them to look at a different avenue. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Discussion/Approval of Zone changes to the current zoning map. The proposed changes include 4 new Hotel/Motel zones.

Council Member Pugmire made the motion to approve the zone changes on the current map that are outlined in the 4 new hotel/motel zones as written. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Tour of Utah Discussion

The Tour of Utah is requesting that Garden City participate with the race route and be the host for the end of the race. The race is August 4, 2015. Mayor Spuhler would like to help and have the marketing but it would be extremely difficult during the middle of the summer.

The Council determined that week is Raspberry Days and a big week already with a lot of people in town. The Council agreed not to be a host for the Tour of Utah in 2015.

Discussion of recent meeting regarding potential annexation of the Sweetwater area-primarily the area involved in three HOA's.

Council Member Warner explained that this involves 3 different HOA's, Sweetwater Park, the Golf Course, and the Mobile Home Park. They are all in the same water system. Council Member Warner would have to agree that we had at least 20 years to bring it up to standard. The problem we would have would be the roads. He said that we could engage a transportation tax and use that to improve and maintain their roads.

We would also have to put water meters on the trailers in the trailer park, because they do not have meters at this time. There are 300 meters that would need to be installed at over $450 each. That is just the meter; it doesn't include the barrel, etc.

Council Member Warner said that it is the HOA that are championing the annexation. He felt that the city would be receptive to this proposal.

They also don't have the capacity to pump enough water; they do have the rights to enough water for their system. Their water system does have some major problems such as the shallow lines, which would be a big expense.

Mr. Argyle said that the roads don't meet our standards and it may take a variance to accept them without them meeting our ordinances. Council Member Warner said that they are high quality and they do maintain them well.

Mayor Spuhler said that the water is a big concern, but they have been talking about an SID to improve the system and he feels that would be a good solution. That way they are taking care of their own problems and everyone in town won't pay for their water issues.

Mr. Argyle said that he is concerned with the labor and maintenance to take care of the roads. He said that the cost and the extra manpower would be extreme. Ms. Hislop said that if you take over Sweetwater roads and maintain them the city would have to take over roads in subdivisions that are in the city limits that currently maintain their own roads.

Mayor Spuhler said that they are a part of our community, but when we discussed this earlier we stated that in order for them to come into the city they would have to create an SID for the water and exempt out the roads. Then they would have to determine if being a part of the city is worth them paying the additional property taxes. Council Member Pugmire said that if we create the ordinance prohibiting short term rentals then they might consider that for the annexation.

Mayor Spuhler said that we will wait to see what they come back with as a proposal to the city.

Miscellaneous Items

Discussion regarding a new transportation tax

Mayor Spuhler explained that there are a lot of cities that have a transportation tax.

It was explained that to impose a new tax we would need to have an election, so we could do a special election or wait until the municipal election next November. Mayor Spuhler said that we need to find out what the benefits would be before we consider this tax. He said that he wants to experience things such as using the shuttle more, but he wants to know what the costs and the benefits are.

The Council agreed to table this tax.

Discussion regarding the new ice skating rink

The Council decided to do the skating rink on the heritage pond. The new skates that were given to the city were very nice. We need to get rid of the old skates.

Discussion regarding Christmas lights

The lights and Christmas tree will go at Raspberry Square. The city will pay the electric bill from Pugstones. We will also purchase lights to go around the poles.

Discussion regarding a Christmas light contest, Andrew Stokes

Mr. Stokes would like to have a Christmas decoration contest and Ace will sponsor it and give away nice prizes. The judges will be Council Member Pugmire, Council Member Stocking, and Council Member Warner.

Discussion regarding zone changes for short term rentals, Council Member Pugmire

Council Member Stocking said that he was never for the zones. He said that he feels that by creating the zones we will be enforcing HOA rules and we shouldn't be enforcing HOA rules. He said that HOA's are there and they are their own entity. He said that we shouldn't get involved in enforcing HOA rules.

Council Member Pugmire said that it is to create a zone based on what we feel. This was just to bring it up to let the Planning Commission know that we are involved in this.

Council Member Reports

Council Member Stocking stated that the Library wants to order a terminal so they can accept credit cards. The terminal will cost about $120. Council Member Pugmire said that he has a terminal and the city can have it if the Library wants to use it. Council Member Stocking will check on this with the Librarian.

Council Member Stocking said that the Library would like to make the hours more consistent. They suggested Monday, Wednesday, and Friday from 10-5, year round. Mayor Spuhler said that they need to be opened on Saturdays. They may need a few more hours if they change the schedule to make it more consistent. Ms. Anita Weston said that the hours were set up to follow the requirement for the accreditation, state requirement. They had to have so many hours after school and so many hours on Saturday. Mayor Spuhler said that they could go over an hour or 2 but he feels that it needs to be open on Saturday's.

Council Member Stocking said that they need to replace 2 Board Members. The terms for Elaine Negus and Kathie Anderson are up this year, so they would like to replace them with Marcia Solum and Carmen Madsen.

Council Member Stocking said that the Library Board would like to give Ms. Rasmussen and Ms. Brady a bonus of $150. Mayor Spuhler said that is reasonable.

Council Member Stocking said that the pool project is done and it looks much better and is going to be much safer.

Council Member Stocking said that we need to decide a policy on who can rent the buildings for free. Mayor Spuhler said that if it is open to the Community it should be okay not to charge. Mayor Spuhler suggested that we can do it seasonal, September – May, then they need to put down a deposit and sign up then they can use it free of charge. They do need to help clean the bathrooms and it needs to be set up the way it was. They can have the building free of cost as long as it is a community event. Council Member Warner said that we need to have written rules that they need to sign or they lose their deposit of $100.

Council Member Pugmire said that the employees need to have the background check. Mayor Spuhler said that we should have a background check on all employees.

Council Member Pugmire made the motion that we change the policy that all existing employees and all future employees have a background check. Ms. Weston said that they had problems with volunteers so the Library did a background check on all volunteers. Mayor Spuhler said that we should start with the employees right now. Council Member Stocking seconded the motion. All in favor and the motion carried.

Council Member Warner said that he has talked to Questar and they determined that it will cost between 17-18 million dollars to build the pipeline. They may come talk to us the first of the year. Council Member Warner said that we have a competitive service through the propane so people would only sign up to do the natural gas if it was cheaper for them than propane.

Council Member Pugmire showed a map of the area around Snow Meadows. There is a house at the top that doesn't have a road to it. Ms. Debbie Ames, the County Recorder, would like to know where the road needs to go and if Garden City wants to name the road. Council Member Pugmire showed where the road should go. Mayor Spuhler told Council Member Pugmire to go ahead with this project and make the decisions.

Council Member Pugmire said that we need to stripe 300 west next spring, both sides and down the middle.

The Council agreed to pay an invoice for the quilters for $500 for the batting.

Payment Vouchers

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

Executive Session

Council Member Stocking made the motion to adjourn to an executive session at 9:44 p.m. to discuss the character or competence of personnel, a human resourse issue with an employee that is no longer with us. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the executive session are recorded on separate document.

Council Member Pugmire made the motion to end the executive session at 10:33 p.m. Council Member Warner seconded the motion. A roll call vote was taken: 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 Pugmire made the motion to adjourn the meeting at 10:35 p.m. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler; for. Motion carried.

APPROVAL:

_____

John Spuhler, Mayor

Attest:

_____

Kathy Hislop, Town Clerk

Welcome to
Garden City
Utah
Where Families Play

SWORN STATEMENT IN LIEU OF MINUTES

I DO HEREBY AFFIRM, being the presiding official over the executive meeting held on November 13, 2014, 9:44 p.m. to 10:35 p.m., that it was held for the purpose of discussing:

✓ (a) The character, professional competence, or physical or mental health of an individual; or

_____(b) The deployment of security personnel, devices, or systems.

This is in accordance of Utah Code Section 52-4-7.5.

APPROVED:

_____
John Spuhler, Mayor

Attest:

_____
Kathy Hislop, Town Clerk

DRAFT

P.O. Box 207 • 69 North Paradise Parkway • Garden City, Utah 84028
Phone: (435) 946-2901 • Fax (435) 946-8852
EMail: townofgardencity@gmail.com • Website: www.gardencityut.us

envirocentric design
coexisting with nature – sustaining our communities

145 West 100 South
Wellsville, Utah 84339
435-554-8465
www.envirocentricdesign.com

The following three tables correspond with the three alternative management actions for the beach improvement project (see attached maps). This was done to give the council an opportunity to see how various actions will impact wetland features and thereby determine the amount of mitigation required for this phase of work.

Approximate mitigation amount per acres = $5,250

OPTION 1 (Lakebed Only) 374 acres

Vegetation Type	Acres	Mitigation Required (acres)
Emergent Marsh	0.00	0.00
Lakebed	374.47	0.00
Phragmites	0.00	0.00
Shrubs	0.00	0.00
Sparse Phragmites	0.00	0.00
Wet Meadow	0.00	0.00
Mitigation Total		0.00

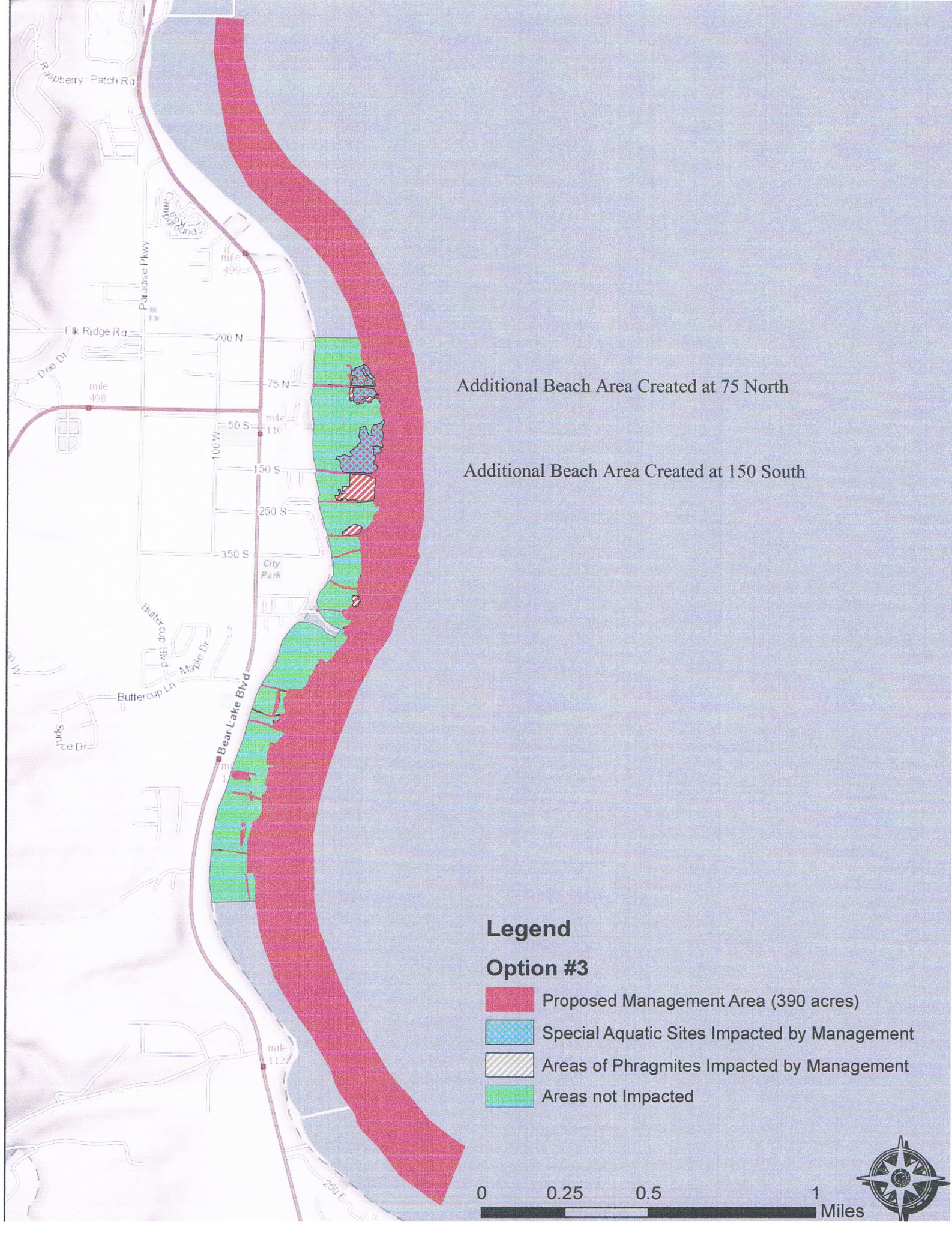
OPTION 2 (Lakebed and Phragmites) 402 acres

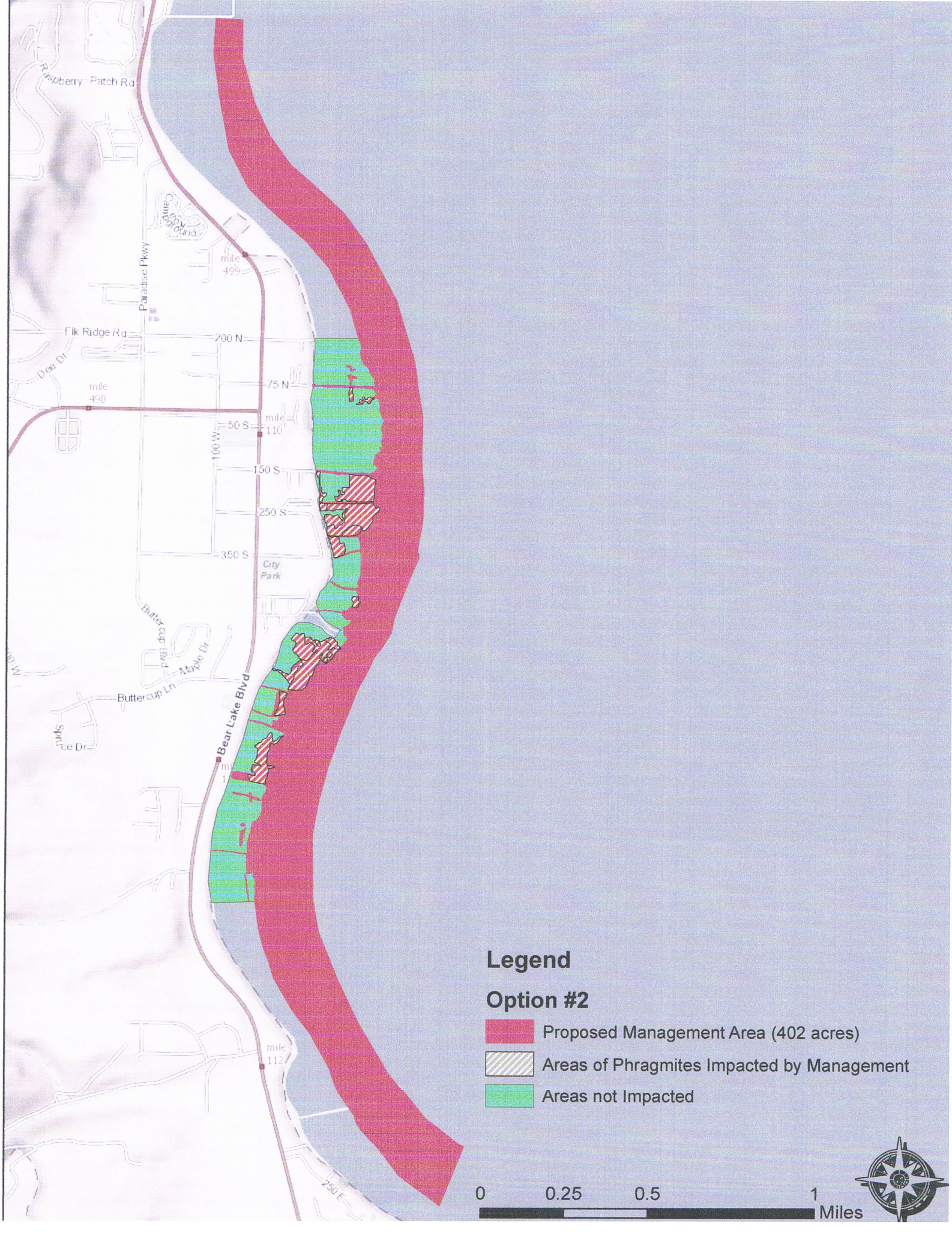
Vegetation Type	Acres	Mitigation Required (acres)
Emergent Marsh	0.00	0.00
Lakebed	374.47	0.00
Phragmites	23.75	1.66
Shrubs	0.00	0.00
Sparse Phragmites	3.78	0.95
Wet Meadow	0.00	0.00
Mitigation Total		2.61

OPTION 3 (Lakebed, Some Phragmites, and Some Wet Meadow) 390 acres

Creates more areas of open sand at 150 South and 75 North

Vegetation Type	Acres	Mitigation Required (acres)
Emergent Marsh	0.39	0.78
Lakebed	374.47	0.00
Phragmites	1.55	0.11
Shrubs	0.0003	0.001
Sparse Phragmites	4.80	1.20
Wet Meadow	11.00	22.00
Mitigation Total		24.09


Raspberry Patch Rd
Paradise Pkwy
Elk Ridge Rd
200 N
75 N
50 S
100 W
150 S
250 S
350 S
City Park
Buttercup Hill
Maple Dr
Buttercup Ln
Bear Lake Blvd
mile 499
mile 498
mile 110
mile 112
250 E
Additional Beach Area Created at 75 North
Additional Beach Area Created at 150 South
Legend
Option #3
Proposed Management Area (390 acres)
Special Aquatic Sites Impacted by Management
Areas of Phragmites Impacted by Management
Areas not Impacted
0
0.25
0.5
1
Miles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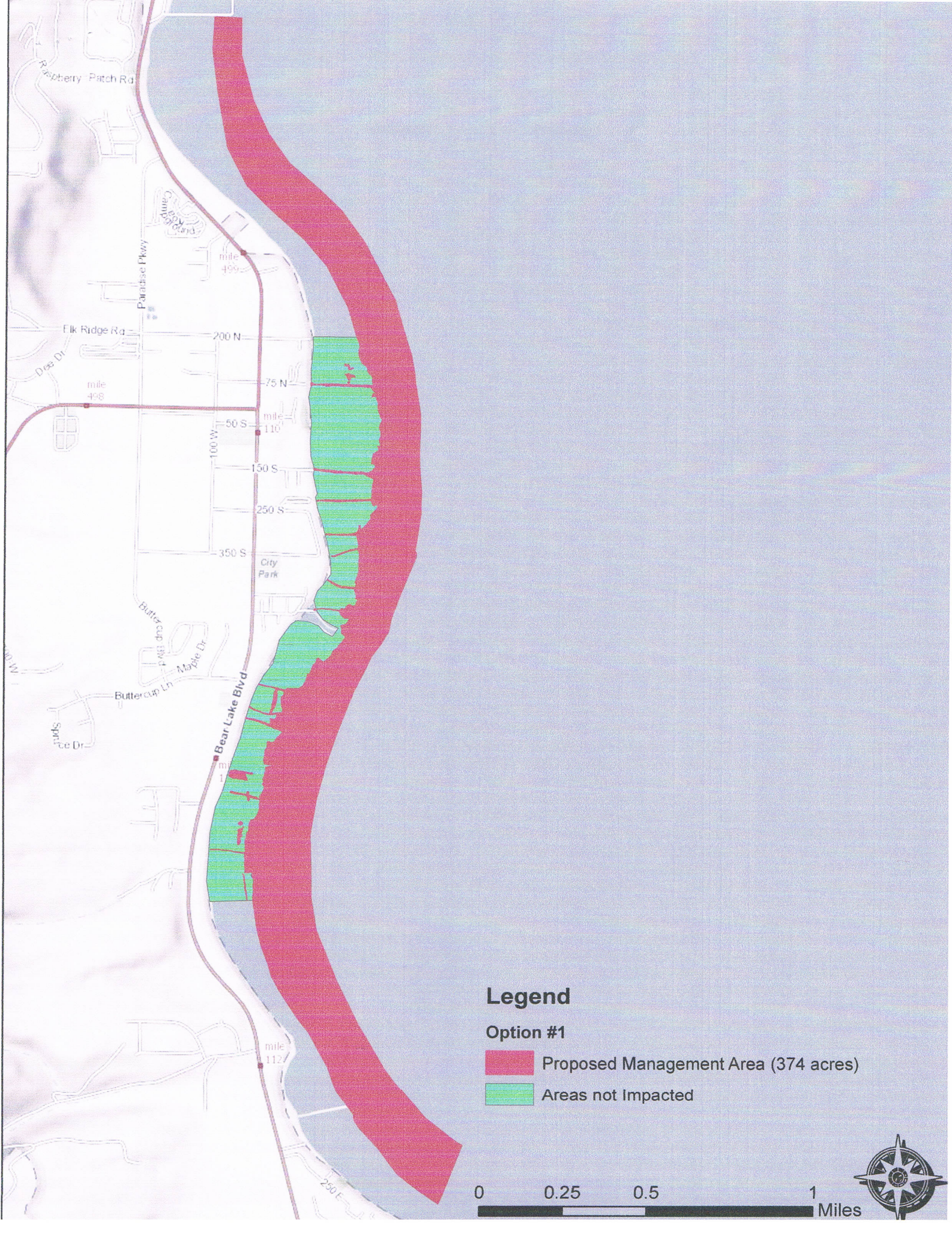
250 E
Legend
Option #2
Proposed Management Area (402 acres)
Areas of Phragmites Impacted by Management
Areas not Impacted
0
0.25
0.5
1
Miles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250 S
350 S
City Park
Buttercup Ln
Maple Dr
Bear Lake Blvd
mile 112
250 E
Legend
Option #1
Proposed Management Area (374 acres)
Areas not Impacted
0
0.25
0.5
1
Miles

After recording mail to:
Town of Garden City
PO Box 207
Garden City, Utah 84028

TOWN OF GARDEN CITY

TERMINATION OF ENCUMBRANCE AGREEMENT AND COVENANT TO RUN WITH THE LAND

ON THIS 11th DAY OF DECEMBER, 2014 COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town"), and Paul & Dorothy Nance, residents of the Town of Garden City, Utah (hereinafter known as the "owner") and owner of certain real property in the Town of Garden City, Rich County state of Utah, known generally as 41-21-39-011, and 41-21-39-12 and more particularly described as follows:

Parcel #1: LOT 11, BUTTERCUP FARMS PLAT 1
Parcel #2: LOT 12, BUTTERCUP FARMS PLAT 1
(hereinafter know as "property").

Owner is desirous of releasing the Encumbrance Agreement and Covenant to run with the land (hereinafter known as "covenant") which was recorded March 23,2012, filing no. 82943, in book F11, page 334, in the office of the Recorder of Rich County, Utah. Owners hereby request this Termination of Encumbrance Agreement and Covenant to Run with the Land (hereinafter known as "termination") as follows:

WHEREAS, the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS, the covenant was presented to the Garden City Town Council on June 14, 2012 and approved by a unanimous vote of the Council; and

WHEREAS, the owner is desirous of utilizing his land and improvements in a manner not allowed by the stipulations of the covenant; and

WHEREAS, the town is willing to grant the termination of covenant based on an inspection of the property made by to determine the property is in conformity with the Garden City ordinances or statutes on the date listed;

P.O. Box 207 • 69 North Paradise Parkway • Garden City, Utah 84028
Phone: (435) 946-2901 • Fax (435) 946-8852
EMail: townofgardencity@gmail.com • Website: www.gardencityut.us

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owner, the Town and the owner do hereby contract, promise, and agree as follows:

To Terminate the Encumbrance Agreement and Covenant to Run with the Land, granted to Paul & Dorothy Nance which was recorded March 23,2012, filing no. 82943, in book F11, page 334, in the office of the Recorder of Rich County, Utah.

DATED this 11th day of December, 2014.

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk/Recorder

Paul D Nance
Paul Nance, Owner

Dorothy Nance
Dorothy Nance, Owner

State of Utah)
)§
County of ~~Rich~~ Davis

On the 3rd day of December 2014, personally appeared before me Paul & Dorothy Nance who duly acknowledged to me that they executed the same.

Corlynn Tingey
Notary

NOTARY PUBLIC
Corlynn Tingey
676245
My Commission Expires
April 08, 2018
STATE OF UTAH

011 .46 acres Plat 1 web sight for dimensions

Application for Project Review
Garden City, Utah

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):	Ordinance Reference:
☐ Annexation	11A-301
☐ Appeal	11B-400
☐ Conditional Use Permit	11C-500
☐ Condominium/Townhouse	11E-524 or 11E-525
un ☑ Encumbrance	
☐ Extension of Time	Subdivision 11E-503/PUD or PRUD 11F-107-A-2
☐ Lot Split/Lot Line Adjustment	11E-506
☐ PUD Conceptual	11C-1950, 11E-100, and 11F-100
☐ PUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
☐ PRUD Conceptual	11C-1950, 11E-100, and 11F-100
☐ PRUD Phase Approval/Preliminary or Final	11C-1950, 11E-100, and 11F-100
☐ Subdivision	11E-100
☐ Vacation of Subdivision	11E-523
☐ Variance	11B-308
☐ Water Transfer	13A-1300
☐ Zone Change	
☐ Other Land Use Permit _____	

Project Name: Buttercup Farms Plat 1 Current Zone: 15 Proposed Zone: _____

Property Address: Lot 11 Buttercup Farms 515 S. Stump Hollow Rd.

Parcel # 41-21-39-011 .46 acres 19,860 Sq ft.

Contact Person: Paul Nance Dorothy Nance Phone #: 435-313-2866

E-mail address: sbjosten1@gmail.com

Mailing Address: 312 W Escala Dr Centerville, Ut 84014

Applicant (if different): Same Phone #: Same

Mailing Address: _____

Property Owner of Record (if different): N/A Phone #: —

Mailing Address: 312 W. Escala Ln Centerville, Ut. 84014

Project Start date: 2015 Completion date: 2015

Describe the proposed project as it should be presented to the hearing body and in the public notices.

The proposed project will vacate the March 8, 2012 covenant between Garden City and Paul and Dorothy Nance to hold in common ownership Lot 11 + 12 of Butterup Farms Plat I. The result will allow lots 11 and 12 to be sold separately and individually to prospective buyers. Copy of said covenant is attached.

Lot Size in acres or square feet: .46 acre 19,860 sq ft Number of dwellings or lots: 1

Non-residential building size: _____

I certify that the information contained in this application and supporting materials is correct and accurate.

Paul D & Dorothy S Nance
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application. **Owner of Record MUST sign the application prior to submitting to Garden City.**

Paul D Nance
Signature of Owner of Record

Dorothy S. Nance
Signature of Owner of Record

_____
Signature of Owner of Record

Office Use Only
Date Received: _____ Fee: _____ By: _____

☐ **Encumbrance**: $250

Encumbrance Packets must include A, B, D, E, & F

☑ **Un-Encumbrance**: $250

Un-Encumbrance Packets must include A, B, D, E, & F

☐ **Appeal**: $250

Appeal Packets must include A and a letter from the property owner outlining the reason for the appeal.

☐ **Extension of Time**:

Extension of Time Packets must include A, and a letter from the Developer explaining the reason for the extension request.

☐ **Other Land Use Permits**: $50

Packets must include A, B, D, E, & F

☐ **Water Share Transfer**:

Water Share Transfer Packets must include A

* The $3,000 deposit is used to cover engineer costs, attorney costs, recording fees, etc. The balance will be refunded to developer.

PACKET DOCUMENTATION REQUIREMENTS

✓ A. Completed Garden City "Application for Project Review" form.

✓ B. 11"x14' or 11'x17' plot plan showing lot dimensions and area, and the location, uses dimensions, and set backs of all existing and proposed buildings. Any right-of-ways or easements must be shown if applicable.

C. A "D" size (22" x 34") plot plan showing lot dimensions and area, and the location, uses, dimensions, and set backs of all existing and proposed buildings. When appropriate, include the same information for property from which a new lot is being created. Plot at appropriate scale (e.g. 1"=50' or 1"=100')

✓ D. A legal description and current ownership plat of the property.

✓ E. A current Title Report or Preliminary Title Report showing ownership. Must match legal description on plat.

✓ F. An electronic copy of plat.

Please review Garden City ordinances for requirements for each type of project. Garden City ordinances can be found at www.gardencityut.us .

Cathy 208

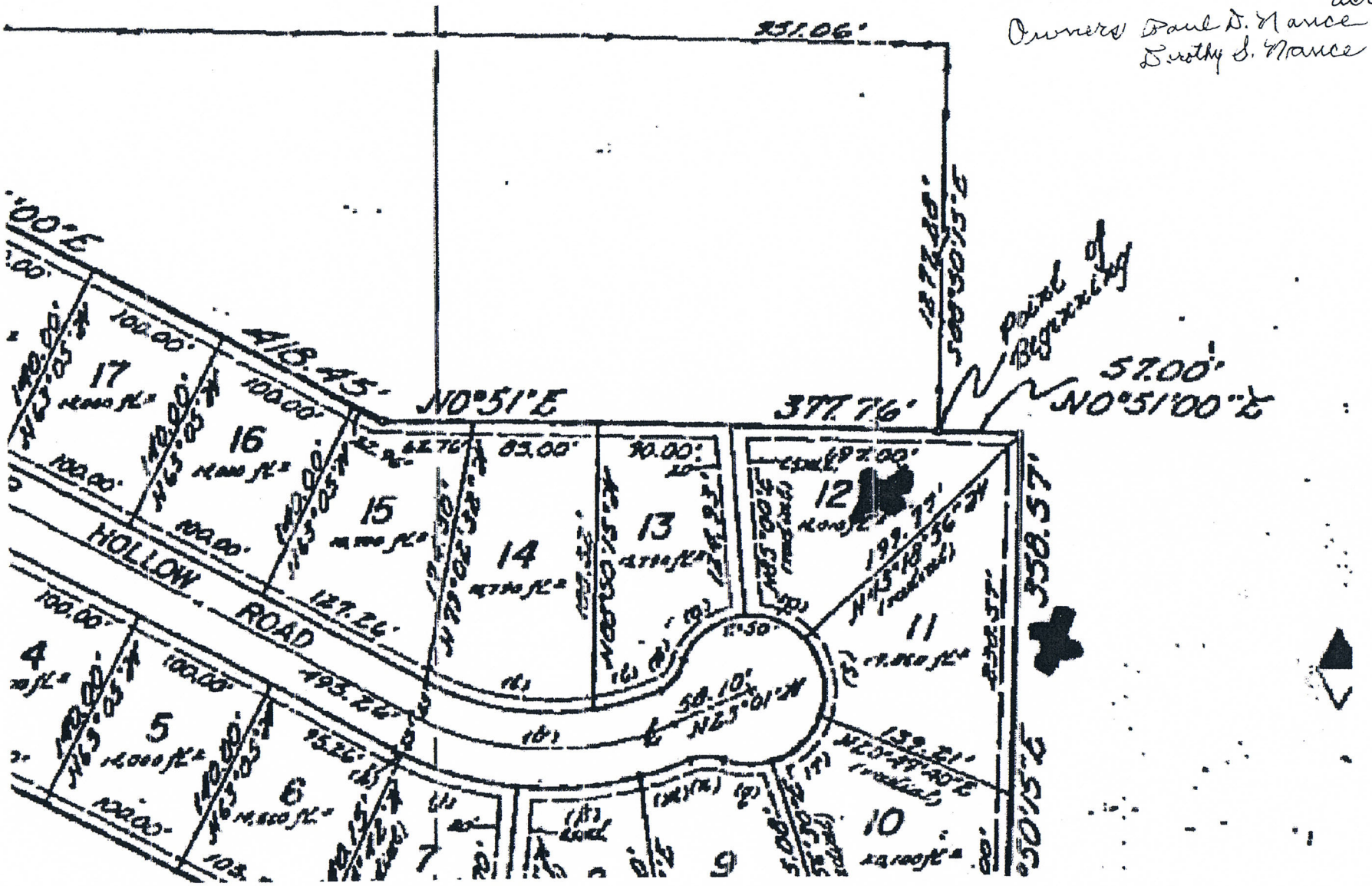
Email To

Town of Garden City G.mail.Comm

Fax

Town of Garden City G mail.Comm

Zone 15
Buttercup Farms Plat 1
Lot 11 41-21-39-011 .46 acres
Owners Paul D. Mance
Dorothy S. Mance



file

Town of Garden City

P.O. Box 207
69 North Paradise Parkway
Garden City, Utah 84028

Recorded MAR 23 2012 Filing No. 82943
At 10:11 AM/[redacted] in Book F11 Page 334
Fee $15.00 Debra L. Ames Rich County Recorder
Requested by Town of Garden City

After Recording mail to:
Town of Garden City
PO Box 207
Garden City, Utah 84028

TOWN OF GARDEN CITY

Covenant to run with the land

ON THIS 8th DAY OF MARCH, 2012 COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town") and Paul & Dorothy Nance, a property owner of the Town of Garden City, Utah (hereinafter know as the "owners") and owners of certain real property in the Town of Garden City, Rich County, State of Utah, known generally as 41-21-39-011, and 41-21-39-012, and more particularly described as follows:

Parcel 1: LOT 11, BUTTERCUP FARMS PLAT 1
Parcel 2: LOT 12, BUTTERCUP FARMS PLAT 1

(Hereinafter known as "property") and do hereby enter into this Agreement and Covenant as follows:

WHEREAS the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS owners are desirous of utilizing their land and improvements in a manner not strictly in conformity with the ordinances or statutes; and

WHEREAS the Town is willing to grant an encumbrance permit to the subject property based on the owner's providing the Town with a covenant to run with the land applicable to any and all heirs, successors of interest or assigns as set forth herein.

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owners, the Town and the Owners do hereby covenant, promise, and agree as follows:

For and in consideration the encumbrance permit granted by the town, owners, their successors in interest heirs or assigns, covenant and irrevocably agree that the above described 2 parcels of real property shall remain in common ownership of the owners or their successors in interest heirs or assigns and shall not, under any circumstances so long as the encumbrance permit

Phone: (435) 946-2901 • Fax (435) 946-8852
EMail: gardencity@cut.net • Website: www.gardencityut.us

shall be effective, be sold separately or for any reason shall one parcel be segregated from ownership interest of the other parcel. In the event that such segregation or separate ownership shall occur, the owner of parcel 1 and 2 as described above, covenants and agrees to forthwith demolish and remove from the property any and all structures not in conformance with the Garden City Ordinances or regulations at the time of the segregation or separation. The structures not in conformance with the Garden City Ordinances or requirements at the time of segregation or separation will be removed or demolished within 30 days of any such segregation of ownership.

This would also require the owner to bring property into conformity with any and all Garden City requirements, ordinances and regulations at the time of segregation.

1. THIS COVENANT shall be a covenant that runs with the land and shall be in perpetuity.

2. THIS COVENANT shall be binding on all heirs, successors in interest, assigns, sureties, or any other persons hereinafter acquiring any interest in the property.

3. THIS COVENANT shall be governed by the laws of the State of Utah and shall be enforceable through any and all remedies allowable at law including, but not limited to, injunctive or declaratory relief. The owner does hereby stipulate that the failure to abide by the covenants would leave the Town irreparably injured, and that there is no adequate remedy at law save and except injunctive relief.

4. THAT SHOULD THIS COVENANT have to be enforced, requiring the services of an attorney, either in Court, or in any administrative proceedings or otherwise, the Town shall be entitled to recover against the owners, or their successors, assigns, or heirs a reasonable attorney's fee for the enforcement of the covenant herein, as well as all costs and fees incurred therein.

5. OWNER, HIS HEIRS, SUCCESSORS IN INTEREST OR ASSIGNS promise to abide by the covenant and understand that the failure to abide by this covenant shall, be grounds for the Town to revoke the conditional use permit in addition to all other remedies, granted by the Town upon 10 days written notice to the property owners. Thereafter, the Town may enforce strict compliance with its land use planning and other ordinance allowable at law, and no claim or waiver estoppel shall apply as against the Town.

DATED this 8th day of March, 2012

APPROVED:

John Spuhler, Mayor

TOWN OF GARDEN CITY INCORPORATED SEAL JAN. 2, 1934 UTAH

Attest:

Kathy Hislop, Town Clerk

Paul Nance

Dorothy Nance

State of Utah)
)§
County of Washington)

On the 16 day of March, 2012, personally appeared before me Paul & Dorothy Nance, the signer(s) of the attached document, who duly acknowledged to me that he/she/they executed the same.

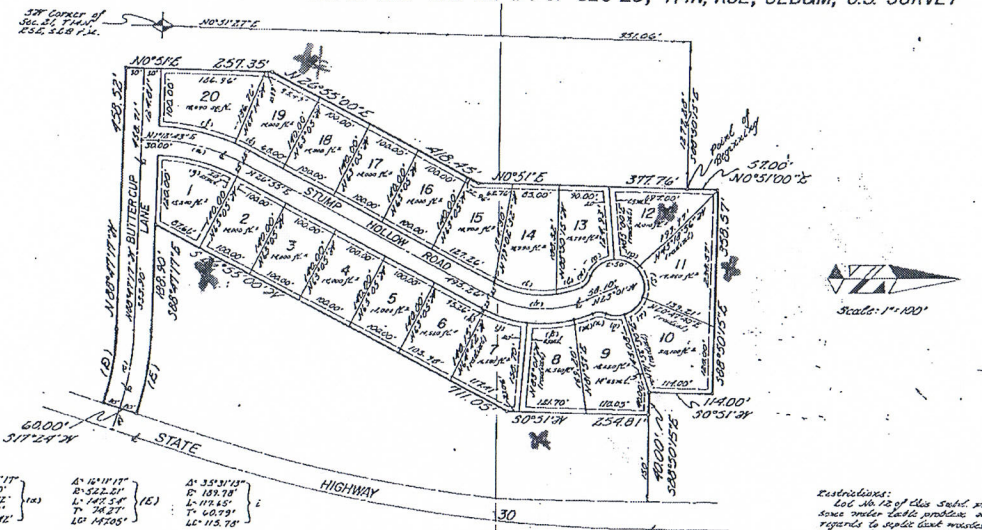
Notary

My Commission expires: 03/16/2012
Residing in: Washington, UT

NOTARY PUBLIC
Michael D DeLeeuw
604413
My Commission Expires
January 06, 2015
STATE OF UTAH

BUTTERCUP FARMS PLAT 1

A PART OF THE SW 1/4 OF SEC 21 AND THE NW 1/4 OF SEC 28, T14N, R5E, SLB&M, U.S. SURVEY



Δ: 25°42'17" R: 347.10' L: 155.72' T: 79.19' LC: 154.42' (1a)	Δ: 16°11'17" R: 522.21' L: 147.54' T: 74.27' LC: 147.05' (1E)	Δ: 35°31'13" R: 189.78' L: 117.65' T: 60.79' LC: 115.78' i			
Δ: 49°56' R: 214.78' L: 187.15' T: 100.00' LC: 181.31' (1b)	Δ: 21°55'17" R: 372.10' L: 139.99' T: 70.83' LC: 139.16' (1f)	Δ: 20°19' R: 239.78' L: 85.02' T: 42.96' LC: 84.58' (1j)	Δ: 64°35'03" R: 50.00' L: 56.36' T: 31.60' LC: 53.42' (1o)	Δ: 4°09' R: 512.10' L: 26.73' T: 13.48' LC: 26.73' (1s)	
Δ: 16°11'17" R: 492.21' L: 139.07' T: 70.00' LC: 138.60' (1c)	Δ: 25°42'17" R: 382.10' L: 171.51' T: 87.49' LC: 170.00' (1g)	Δ: 20°18'31" R: 239.78' L: 84.99' T: 42.93' LC: 84.55' (1k)	Δ: 51°41'04" R: 50.00' L: 45.10' T: 24.22' LC: 43.59' (1p)		
Δ: 16°11'17" R: 482.21' L: 136.59' T: 68.93' LC: 136.15' (1D)	Δ: 1°37' R: 239.78' L: 6.77' T: 3.38' LC: 6.76' (1h)	Δ: 14°25'41" R: 189.78' L: 47.74' T: 24.00' LC: 47.61' (1l)	Δ: 41°35'33" R: 50.00' L: 36.31' T: 19.00' LC: 35.52' (1q)		
NOTE 7' Utility and Drainage Easements each side of Property Line as indicated by dashed lines, unless shown otherwise.		Δ: 7°41'23" R: 239.78' L: 32.13' T: 16.12' LC: 32.12' (1m)	Δ: 50°03'50" R: 50.00' L: 44.23' T: 23.93' LC: 43.17' (1r)		
		Δ: 42°34'03" R: 30.00' L: 24.38' T: 12.91' LC: 23.72' (1n)	Δ: 64°00'36" R: 50.00' L: 55.85' T: 31.31' LC: 53.07' (1s)		

PREPARED BY:
GREAT BASIN ENGINEERING INC.
CIVIL ENGINEERS — LAND SURVEYORS
OGDEN, UTAH

Restrictions:
Lot No. 12 of this subd. presents some water table problem with regards to septic tank master, any septic tank installed on this lot shall not exceed 20'-0" in depth

GARDEN CITY CITY ATTORNEY

I have examined the proposed plat of Buttercup Farms Plat 1 and in my opinion it conforms with the county ordinances applicable thereto and now in force and effect.

6/23/77
Date

City Attorney

GARDEN CITY CITY ENGINEER

I hereby certify that I have carefully investigated the lines of survey of the foregoing plat and legal description of lots (and) embraced therein, and find them to be correct and to agree with the lines and monuments on record in this office.

Signed this 29 day of June, 1977.

Signature

BOARD OF HEALTH

Approved by the Bear River District Health Department on this 9 day of June 1977.

Signature

GARDEN CITY CITY APPROVAL

This is to certify that this plat and dedication of this plat were duly approved and accepted by the city council of Garden City, Utah this day of, 1977.

attest

Title Mayor

GARDEN CITY PLANNING COMMISSION

Approved by the Garden City Planning Commission on the day of, 1977.

Chairman

SURVEYORS CERTIFICATE

I, Jay R. Anderson, a registered land surveyor in the State of Utah, do hereby certify that this plat of Buttercup Farms Plat 1 in Rich County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included on said subdivision, based on data compiled from records in the Rich County Recorders Office, and of a survey made on the ground.

Signed this 28th day of May, 1977.

2430
License No.

Signature

OWNERS DEDICATION

We, the undersigned owners of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat, and name said tract Buttercup Farms Plat 1, and hereby dedicate, grant and convey to Garden City, Rich County, Utah, all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate to Garden City an easement for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage as may be authorized by Garden City.

Signed this 28th day of June, 1977.

Donald K. Harrison

Doyle E. Harrison

ACKNOWLEDGEMENT

State of Utah
County of
On the 28th day of June, 1977, personally appeared before me, the undersigned Notary Public, the signers of the above Owners Dedication, a in number, who duly acknowledged to me they signed it freely and voluntarily and for the purposes therein mentioned.

10-29-79
Commission Expires

Notary Public

State of Utah
County of
On the day of, 1977, personally appeared before me, and, and after being duly sworn acknowledged to me they are and of said Corporation and that they signed the Owners Dedication freely, voluntarily and on behalf of said Corporation for the purposes therein mentioned.

Commission Expires

Notary Public

BOUNDARY DESCRIPTION

A part of the SW 1/4 of Section 21, and the NW 1/4 of Section 28, T14N, R5E, SLB&M, U.S. Survey: Beginning at a point which is N0°51'27"E 951.06 ft. along a fence and S 89° 50'15"E 1877.28 ft. along a fence from the SW corner of said Section 21; running thence N0°51'00"E 377.00 ft. to a fence corner; thence S 89°50'15"E 358.57 ft. along a fence; thence S 0°51'W 114.00 ft.; thence S 89°50'15"E 40.00 ft.; thence S 0°51'W 254.81 ft.; thence S 26°55'00"W 111.03 ft.; thence S00°47'17"E 188.50 ft.; thence easterly along the arc of a regular curve to the right 147.54 ft. (radius: 522.21 ft.) to the west line of the highway; thence S17°24'W 60.00 ft. along said west line; thence westerly along the arc of a regular curve to the left 170.33 ft. (radius: 462.21 ft.); thence N 89°47'17"W 458.55 ft.; thence N 0°51'E 257.35 ft.; thence N26°55'E 416.45 ft.; thence N0°51'E 377.76 ft. to the point of beginning.

Contains 9.29 acres

Recorded
State of Utah, County of Rich
Recorded and filed at the request of
Date 7/22/77 Book V-2
Page 262 Entry No. 61794
Fee $8.00
Rich County Recorder

PUBLIC HEARING

The Garden City Town Council will hold a Public Hearing on Thursday, December 11, 2014 at 6:00 p.m. The meeting will be held at the Garden City Office, located at 69 N. Paradise Parkway, Building C.

AGENDA

This Public Hearing is to receive public comment and discuss with the Garden City residents regarding the following items.

1. **Roll Call**
2. **Community Development Block Grant**, The Garden City Town Council, Garden City, Rich County, Bear River Associates of Government will consider potential projects for which funding may be applied under the CDBG Small Cities Program for Program Year 2015. Suggestions for potential projects will be solicited, both verbally and in writing, from all interested parties. The expected amount of CDBG funds for this program year will be discussed along with the range of projects eligible under this program and a review of previously funded projects. The hearings will begin at 6:00 p.m. on Thursday, December 11, 2014 and will be held at 69 N. Paradise Parkway, Building C. Further information can be obtained by contacting the Garden City office at 435-946-2901. I
3. **Adjournment**

The public is invited to attend and may give written or oral comments.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this public hearing should notify the Garden City Office at (435) 946-2901, 69 N. Paradise Parkway, Garden City, Utah, on Monday through Friday, at least 3 working days prior to the public hearing. The office hours are 9:00 a.m. to 5:00 p.m. Individuals with speech and/or hearing impairments may call the Relay Utah by dialing 711. Spanish Relay Utah; 1-888-346-3162.

Posted this 1st day of December, 2014

CDBG Budget

Cost Classification	Budget
Admin and Legal Expense	$ 1,500.00
Architectural & Engineering Fees	$ 3,000.00
Demolition and Removal	$ 1,000.00
Construction	$ 79,500.00
Miscellaneous	$ 10,000.00
Contingencies	$ 5,000.00
Total	**$ 100,000.00**

Garden City

From: "Becky Lowe" <blowe@cvchc.org>
Date: Friday, November 07, 2014 9:59 AM
To: <gardencity@cut.net>
Subject: Fwd: CDBG

Chase Merrill, Clinic Manager
Sam Evans, Associate Fiance Director
will be at the meeting.

Bear Lake Community Health Center (BLCHC) is asking the Garden City Town council to sponsor them in their application for the Community Development Block Grant. BLCHC proposes to do an alteration/renovation of the building on 325 W Logan Hwy, Garden City, UT The budget would be no less then $30,000 and no more than $100,000. BLCHC plans to add handicap door openers on the front doors, add offices for patient education and behavioral health services by breaking in to the vacant space between the health center and fitness center. Some of the current bathrooms need to be fixed and other minor repairs on walls, carpets and touch up painting needs to be done. If the town council agrees to sponsor BLCHC, they will bring a more detailed description of the project as well as a final budget to the December meeting.

Let me know if you need anything else or have any questions.
Thanks
--
Becky Lowe
Finance Director
Bear Lake Community Health Centers
(435)881-0973