

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, February 12, 2015 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
Bruce Warner via speaker phone
Bess Huefner via speaker phone

Others Present:

Kathy Hislop
Riley Argyle
Zan Murray
Anita Weston
Skip Duffin
Bobbie Coray
Norm Mecham
Ray Elliott
Joey Stocking
Durk Bailey, on speaker phone

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 via speaker phone.

APPROVAL OF MINUTES

Minutes of the Town Council meeting held on January 8, 2015

Council Member Huefner made the motion to accept the minutes of the Town Council meeting held on January 8, 2015. 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 special Town Council meeting held on January 22, 2015

Council Member Pugmire made the motion to accept the minutes of the special Town Council meeting held on January 22, 2015. Council Member Warnen 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 special Town Council meeting held on January 24, 2015

Council Member Pugmire made the motion to accept the minutes of the special Town Council meeting held on January 24, 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 Town Council executive session held on January 8, 2015

Council Member Huefner made the motion to accept the minutes of the Town Council executive session meeting held on January 8, 2015. 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.

BUSINESS LICENSE DISCUSSION/APPROVAL

Winding Waters, request to conduct a lawn care and maintenance business at 1559 S. Bear Lake Blvd. Shawn Walker

Council Member Warner said that he doesn't have any concerns with this business license.

Council Member Pugmire said that Mr. Walker wants to run this out of his house, and it is just a lawn care business.

Council Member Stocking made the motion to accept the business license application for Winding Waters. 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.

Bills Construction, request to conduct a landscaping and excavation business in Garden City. Martin Bills

Council Member Pugmire explained that Mr. Bills wants a business license in Garden City so he can bid on city projects when they come up.

Council Member Warner made the motion to approve the business license for Bills Construction. 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.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

865 N Harbor Village E. Drive #209, owner is Steve Bramwell, the property management company is Bear Lake Lodging

This unit is inside the Sunrise building in Harbor Village.

Council Member Pugmire made the motion to accept the short term rental for Mr. Steve Bramwell at 865 N Harbor Village E. Drive #209. Council Member Huefner 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.

CONCESSIONAIRE LICENSE ANNUAL REVIEW/APPROVAL

Bear Lake Water Adventures, Concessionaire business located at the Garden City Lake Park, approximately 400 S. Bear Lake Blvd. Lance Bourne

Mr. Bourne said that paddle boarding has become a very popular sport and they have had a great year. They try to keep their prices down so that everyone can afford it. Mr. Bourne said that he wants to keep this very safe so he doesn't send out rentals if it is windy.

Mr. Bourne explained that as of right now all paddle boards and canoes need to be checked for quagga mussel.

Mr. Bourne said that he met with Mr. Matt Coombs from Sovereign Lands so he know where he can rent his equipment on the beach. Mayor Spuhler said that we will need to look at the placement for rentals depending on the new HB140. Mr. Bourne said that it has been a good business and he will work with everyone to make this a great opportunity.

PUBLIC COMMENTS

Mayor Spuhler asked the audience for any public comments.

Mr. Joey Stocking asked if the Council has ever not approved a short term rental. Council Member Pugmire said that as long as they complete the check list then it is approved. Mr. Stocking asked if it is possible for them not to come to the Town Council for approval. He suggested that it be handled and approved by the office. Mayor Spuhler said that he is concerned about shoddy work, and if they are getting things done at the last minute.

Council Member Pugmire said that it is only 30 days that they would have to wait to get on the Council agenda.

Mayor Spuhler said that the ordinance requires that it go to the Council for approval and that makes it so that one person doesn't have a bias in the approval process. He said that the process is reasonable right now. Council Member Stocking said that someone may not buy a piece of property until May and they want to get going on their rentals. It's not necessarily that they are not planning, it's just a timing issue.

Council Member Warner said that he feels it becomes problematical to isolate certain businesses and have a different process for them. The current process creates a standard process across the board.

Mayor Spuhler explained that he has been working with the PIRG group, which is the sovereign lands, DNR, law enforcement, and special interest groups, etc. Mr. Elliott explained that the Comprehensive Management plan looks at the specific constraints on the sovereign lands. Mayor Spuhler said that we are working to maintain the ditches on the beach. We need a permit to maintain the ditches and improve the beach.

DISCUSSION/ APPROVAL OF PRELIMINARY PLAT FOR THE LODGE AT BEAR LAKE DBA WATER'S EDGE, a PUD consisting of an 84 room hotel, 72 condo units and 3 commercial mixed use buildings. This project is located between 50 S and 150 S. Bear Lake Blvd.

Mayor Spuhler said that this project has gone through the Planning Commission review process and was approved to move on to the Town Council.

Mr. Murray said that they are still working on the drainage issues. Once that is taken care of then the easement will be in place and that takes care of all the issues he had.

Mr. Murray said that Turner Engineering said that they took the time to go through the ordinance and address every issue so it made his review easier.

Mr. Mecham said that the drainage along 150 needs to take care of his drainage also, it needs to handle both. After that is designed that way he can give up the easement on 150 s.

Mr. Mecham said that phase 1 is just the hotel. The parking that is in the common areas will be built out to accommodate each phase that is approved. A percentage of the common ownership areas will pass on to the owners with phase 1. As the next phases are built they will also have access to the parking areas.

Mr. Mecham said that there may be a gravel access on 150 rather than paving it then having to rip it back up. He said that in phase 1 the parking will happen on the north side because it is closest to it. Then as they do other phases they will add the other parking. They have discussed doing the underground parking with phase 1.

This is just the preliminary approval request. Mr. Mecham will have to come back for approval for each phase.

Council Member Pugmire made the motion to approve the Preliminary Plat for The Lodge at Bear Lake, DBA Water's Edge, as outlined. 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.

PUBLIC HEARING

Council Member Pugmire made the motion to open the public hearing at 6:00 p.m. 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.

ANNEXATION DISCUSSION/FINAL APPROVAL, INCLUDING DISCUSSION OF ANNEXATION RESOLUTION #R15-01, A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE TOWN OF GARDEN CITY, RICH COUNTY, UTAH, AND ANNEXING CERTAIN TERRITORY THERETO,

The annexation area includes property owned by SK Properties, LLC., Dee Hildt, Charles L. and Marta Earl, and Bear Hollow Holdings, LLC. Parcel numbers are 41-17-00-083, 41-17-00-082, 41-17-00-080, and 41-17-00-079. The property is approximately 14.63 acres and is west of 300 West.

There were no comments regarding the proposed annexation. Mayor Spuhler explained that we have had many public meetings regarding this and this is the last phase.

ORDINANCE DISCUSSION

Ordinance #15-07, an ordinance updating the requirement for culvert installation.

Mr. Argyle explained that we are just upsizing the requirement of culverts from 12” to 18”.

Ordinance #15-08, an ordinance creating the requirement for developers to request water service for projects outside the Garden City town limits.

Mayor Spuhler said that this just requires the developers do the same thing for anyone outside the town limits as is required inside the town limits.

This doesn't have anything to do with them getting approval for water. Mayor Spuhler said that outside the city limits we are able to say no we don't have sufficient water for their development.

Ordinance #15-09, an ordinance updating the Garden City fireworks ordinance.

Mayor Spuhler said that we are changing the ordinance to follow the state statute.

Ordinance #15-10, an ordinance updating the Garden City sidewalk requirements

Mr. Argyle said that this just states that property owners are responsible for the sidewalk in front of their house. It also states that if there is long term wear and tear on a sidewalk the Public Works Department will take care of replacing the sidewalk. If the property owner destroys the sidewalk then they are responsible to repair the portion of sidewalk that was damaged.

Ordinance #15-11, an ordinance establishing policies and procedures for a suspension or revocation of a business license, transient merchant license, alcoholic beverage license, peace and good order license, short term rental license, and concessionaire license.

This is just a process and procedure for revoking a license so that there is due process.

Council Member Warner asked if there is a plan to get a code enforcement officer in place. He said that we should have someone by the beginning of the summer. Mayor Spuhler said that there is a plan for a short term rental enforcement process. Ms. Hislop explained the plan that she will be a 24/7 on-call person to take care of and resolve the short term rental complaints. We hope by the end of the summer we will be able to come up with a report that shows the complaints, who took care of the complaints and how it was resolved. This plan is only for short term rentals. Mayor Spuhler said that we need to get some data on what is actually happening and the issues.

Mayor Spuhler said that the Public Works employees can also write citations for certain issues or problems. He said that the Council still needs to work on getting someone to take care of other code issues.

Ordinance #15-12, an ordinance establishing motorized or non-motorized access based on the general welfare and public safety of the community.

Mayor Spuhler said that this ordinance is seasonal in nature. There is more criteria that was written initially and Mayor Spuhler explained what needs to be added to the ordinance.

Mayor Spuhler said that we own our roads. The state doesn't own the roads, the city does.

Mr. Elliott said that there are easements that are a problem because people try to pull a boat down a narrow access and they can't get all the way to the beach so they have to try to back up the truck and boat, so safety is an issue.

Mayor Spuhler explained specific accesses and the problems of motorized vehicles trying to use these accesses. He said that Garden City has the authority to manage our accesses. He explained how the shuttle will work and the benefit of using the shuttle.

Mr. Elliott stated that the CMP designates areas where we can set aside for different uses.

There being no further discussion regarding the public hearing agenda items Council Member Stocking made the motion to close the public hearing at 7:14 p.m. 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.

ANNEXATION DISCUSSION/FINAL APPROVAL, INCLUDING DISCUSSION OF ANNEXATION RESOLUTION #R15-01, A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE TOWN OF GARDEN CITY, RICH COUNTY, UTAH, AND ANNEXING CERTAIN TERRITORY THERETO

The annexation area includes property owned by SK Properties, LLC., Dee Hildt, Charles L. and Marta Earl, and Bear Hollow Holdings, LLC. Parcel numbers are 41-17-00-083, 41-17-00-082, 41-17-00-080, and 41-17-00-079. The property is approximately 14.63 acres and is west of 300 West.

There were no further comments regarding the annexation.

Council Member Huefner made the motion to approve the annexation of the meets and boundaries that was stated before. 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

ANNEXATION RESOLUTION APPROVAL, RESOLUTION #R15-01, A RESOLUTION EXTENDING THE CORPORATE LIMITS OF THE TOWN OF GARDEN CITY, RICH COUNTY, UTAH, AND ANNEXING CERTAIN TERRITORY THERETO

There were no further comments regarding the proposed annexation resolution.

Council Member Pugmire made the motion to approve the annexation and Resolution #R15-01 as outlined. 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

ORDINANCE DISCUSSION/APPROVAL

Ordinance #15-06, an ordinance stating that homes can be built in specific commercial zones.

This ordinance wasn't on the public hearing agenda so it needs to be sent back for a public hearing before it can be approved.

Council Member Pugmire made the motion to table ordinance #15-06 until next month. 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 #15-07, an ordinance updating the requirement for culvert installation.

Council Member Pugmire made the motion to accept ordinance #15-07 as stated. 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.

Ordinance #15-08, an ordinance creating the requirement for developers to request water service for projects outside the Garden City town limits.

Council Member Stocking made the motion to approve ordinance #15-08 with the change at the beginning stating an ordinance creating a requirement for developers who request water service for projects outside the city limits. 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 #15-09, an ordinance updating the Garden City fireworks ordinance.

Council Member Huefner made the motion to adopt the updated Garden City fireworks ordinance to match the state code. 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.

Ordinance #15-10, an ordinance updating the Garden City sidewalk requirements

Council Member Pugmire made the motion to adopt ordinance #15-10 as outlined. Council Member Huefner 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 #15-11, an ordinance establishing policies and procedures for a suspension or revocation of a business license, transient merchant license, alcoholic beverage license, peace and good order license, short term rental license, and concessionaire license.

The Council Members agreed to work on this ordinance and have it ready for next month.

Council Member Pugmire made the motion to table approving ordinance #15-11 until next month. 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.

Council Member Pugmire will work with Ms. Hislop to fix this ordinance for next month.

Ordinance #15-12, an ordinance establishing motorized or non-motorized access based on the general welfare and public safety of the community.

This ordinance was discussed at length during the public hearing, but needs to be re-written to add verbiage submitted by Mayor Spuhler.

Council Member Pugmire made the motion to table approval of ordinance #15-12. 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/APPROVAL OF THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE TOWN OF GARDEN CITY AND THE SALT LAKE CHAMBER OF COMMERCE TO WORK TOGETHER ON THE UTAH TRANSPORTATION COALITION

The Council Members agreed that they didn't know enough about this request. We have sent e-mails for more information but have not received any information back.

Council Member Pugmire made the motion to table #11, Discussion/Approval of the agreement for professional services between the town of Garden City and the Salt Lake Chamber of Commerce to work together on the Utah Transportation Coalition, until we hear back and get an idea of how much it will cost to do it. 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.

DISCUSSION/APPROVAL OF RESOLUTION #R15-02, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GARDEN CITY, ENCOURAGING THE STATE OF UTAH TO ADDRESS COMPREHENSIVE TRANSPORTATION FUNDING.

This item is for the same thing as the previous item.

Council Member Pugmire made the motion to table #12 until we hear back and get an idea of how much it will cost to do it. 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.

MISCELLANEOUS ITEMS

Planning Commission Member Appointment, Jim DeGroot

Mayor Spuhler presented Jim DeGroot for a new member of the Planning Commission.

Council Member Stocking made the motion to accept the appointment of Jim DeGroot for a Planning Commission Member. 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.

Award Bid for DJ services during 2015 Raspberry Days Festival

It was explained that the Raspberry Days Committee didn't pick a DJ, they want to wait until they get an entertainment chairman. We only had 1 bid. Mayor Spuhler said that he doesn't want to wait for the committee to decide, we need to get going on this.

Council Member Huefner made the motion to accept Brady Miksell for our DJ for Raspberry Days. 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 the Garden City fee schedule

This was a discussion for the fee for the GRAMA request. Ms. Hislop explained that she checked with other cities and they charge the wage for whomever prepares the report for the GRAMA request. Mayor Spuhler said that we should charge the wage plus 15% for the additional costs.

Council Member Pugmire made the motion to change the Garden City fee schedule for the GRAMA request to be paid out by the hour of whomever within the staff that does the project with an additional 15% added. 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.

COUNCIL MEMBER REPORTS

Council Member Huefner said that the Raspberry Days Committee met today.

Council Member Huefner said that we need to start advertising for the park and she will work on this project. We need to get 2 couples to help with some of the city working.

Council Member Stocking said that there was an incident at the pool, but it was taken care of. There is still a problem with the heater, but they are working to get it going again.

Council Member Stocking said that he has talked to Ms. Jessica Ward about doing swimming lessons at the pool. She would like to be paid as an employee, an hourly wage. Council Member Stocking will talk with Mr. Monk to work this out.

Council Member Stocking said that the Library Board would like to put a sign in the structure that is on the corner so they can advertise the rummage sale, etc. They are requesting help from the city. For a double sided sign would be \$530. This would be the very bottom slot and would leave an empty spot in the middle. Council Member Stocking will check with other sign companies to get the best price. He said that the Library Board is looking for approval from the City to do this and is asking the city to split the cost. Mayor Spuhler said that it is reasonable to pay ½ of the cost.

Council Member Pugmire said that he is going to start working on roads this spring. They will work on Stump Hollow first. The base of that road is old asphalt.

Mayor Spuhler explained that a survey done by JSH Surveying shows a gap in the deed between the property owned by the Calders, Garners, and Garden City. Council Member Pugmire said that he has different documentation from Van Garner and according to those documents there is no gap. Those documents are done by a different surveyor when Garners bought their property, and it doesn't show a gap. Mr. Calder doesn't agree that there is a gap in the property. Ms.

Hislop said that she has talked with Mr. Calder and told him that he would have to prove that there is no gap.

Mayor Spuhler said that we would be willing to give Mr. Calder the gap but he would like Mr. Calder to give permission for a walking path from Bear Lake Blvd to the park. He said that we would need that in writing. Council Member Pugmire said that he understands that we want that property but we need to make sure that the City owns it. Mayor Spuhler said that he feels that the gap property is the city's and he is willing to hire someone to make sure it is city property. He said that it would be a great thing for the city to have the walking path to the park.

Mayor Spuhler said that he went to the Committee Hearing and has been engaged with Representative Webb regarding the proposed HB140 bill. He said that he doesn't feel that the bill is all that bad, there is a lot of good things in his bill. They both agree that if beach front property owners can launch on the beach then everyone else should have the same option. Mayor Spuhler said that the parallel driving option in the bill is a big mistake.

Mayor Spuhler said that we have a lot of good people with a lot of vision here.

Council Member Pugmire said that the County Commissioners want to wait to have the meeting for the gun range until Memorial Day.

Mayor Spuhler said that he is looking into a Charter School for Garden City. He explained the benefits for a Charter School. He said that he can work with Ms. Tiffany Wahlberg because she has written a charter before. Mayor Spuhler will continue to watch the bill regarding charter schools.

PAYMENT VOUCHERS

Council Member Pugmire made the motion to pay the bills. 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.

ADJOURNMENT

There being no further business to discuss Council Member Pugmire made the motion to adjourn the meeting at 8:05 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.

APPROVAL:

Attest:

John Spuhler, Mayor

Kathy Hislop, Recorder