

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, April 9, 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
Bess Huefner
Darin Pugmire
Chuck Stocking
Bruce Warner

Others Present:

Kathy Hislop
Riley Argyle
Anita Weston
Skip Duffin
Norm Mecham
Joey Stocking
Gary McKee
Jade Willis
Don Huefner
Mitch McBride
AJ Franks
Jeremy Jones
Danieta Mahra
Mike Knapp
Jim Hanzelka via speaker phone

ROLL CALL

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

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on March 12, 2015

Council Member Huefner made the motion to approve the minutes of the regular Town Council meeting held on March 12, 2015. Council Member Warner seconded the motion. A roll call vote

was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Executive Session held on March 12, 2015

Council Member Pugmire made the motion to approve the minutes as outlined of the executive session held on March 12, 2015. 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.

Council Member Warner asked to change precedence to precedent throughout the minutes.

BUSINESS LICENSE DISCUSSION/APPROVAL

Crepes & Coffee, a request to conduct a business at 235 N Bear Lake Blvd. This business request is for a takeout crepe and specialty coffee/drink establishment. Elke Brown

There was no discussion regarding this business license.

Council Member Pugmire made the motion to accept Crepes and Coffee business license application as it is outlined. Council Member Huefner seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Rily Property Management, request to conduct a property management company in Garden City. Rick & Lyn Bessey

Council Member Warner asked if there is a local contact person for these short term rental units. Mayor Spuhler suggested that the Council approve the business license conditional to the local contact person.

Council Member Warner moved to approve Rily Property Management business license application with the condition to check the local contact. 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.

Conestoga Ranch, request to conduct a glamping resort at 400 n 300 w. Mike Knapp

Mayor Spuhler stated that Mr. Knapp has already gone through a lot of detail with Mr. Murray and the Planning Commission.

Council Member Pugmire made the motion to accept the business license application for Conestoga Ranch as outlined. Council Member Warner seconded. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Bear Lake Rodeo Discussion, Jade Willis

Mr. Willis said that they are still planning on doing the rodeo this year. The Conestoga Ranch wants a western theme so they will incorporate the rodeo in their resort. Mr. Willis said that one of their main sponsors last year was Olympus fireworks so they would like to do 2 firework shows this year. He discussed the location for the firework shows so that he can advertise it at the rodeo and allow them to use their stands for seating. The Council discussed doing the firework shows for a private business. Mr. Willis said that he is asking the city to do more firework shows not necessarily at the rodeo grounds but for the community to enjoy.

They want to bring in a demolition derby and a concert. Mr. Willis asked the Council to look into bringing in a concert series and use the rodeo for the venue. Mayor Spuhler told Mr. Willis that he would need to look into this because we don't have the resources to handle it at the city level. Mr. Willis said that he could work with Council Member Huefner to see if the concert idea is feasible. Council Member Pugmire will help also.

Mr. Willis asked the Council to put a sign on the highway for the rodeo grounds. Mayor Spuhler said that we can't install a sign for a private business.

BEER/LIQUOR LICENSE DISCUSSION/APPROVAL

Conestoga Ranch, request for an alcohol license to at Conestoga Ranch, located at 400 n 300 w. Thomas Hedges

Mayor Spuhler said that to attract the upper end client they may have to offer alcohol. He said that they have done a good job working with the Planning Commission and Mr. Murray

Council Member Pugmire made the motion to accept the application for the Conestoga Alcohol license located at 400 N 300 W for the selling of alcohol to his patrons and not set up as a liquor store. Council Member Warner said that we should add the sale of beer in the convenience store, that's what we would be approving, those 2 things. Council Member Warner said that this is just to add to what Council Member Pugmire said that we are approving the sale of beer in a convenience store to be built, that are the 2 things that we are approving. 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 Harbor Village Drive #204, Doug Lusk, Bear Lake Lodging

Council Member Pugmire wants the drawing more legible. Council Member Stocking said that the application is stated for Bear Lake Lodging Property Management. The Council said that we need to be consistent, so they need to change the property management company to Bear Lake Lodging.

Council Member Huefner made the motion to accept the short term rental license at 865 Harbor Village Drive #204, with the stipulation that she send in a better drawing to scale. 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.

628 Eutaw Rd, David & Hillary Force

Council Member Pugmire made the motion to approve the short term rental application for David & Hillary Force at 628 S. Eutaw Rd. 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.

109 Harbor Village, Shindig Enterprises, LLC, Bear Lake Lodging

Council Member Warner motion to accept for the short term rental license for 109 Harbor Village, with the same condition on the drawing, that it's too light and needs to be enhanced. 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.

911 Blackberry Dr, Jacob Strain

Council Member Warner made the motion to accept the short term rental license and approve it for Jacob Strain at 911 Blackberry Drive. 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.

COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL, request to encumber parcel number 41-21-40-268, which has 2 separate legal descriptions. Cisco Holdings, LLC/Roger Dahle

This agenda item is was not discussed because Mr. Dahle withdrew his request from the agenda prior to the meeting.

UNITED WAY PRESENTATION AND DISCUSSION ABOUT A PARTNERSHIP WITH GARDEN CITY, AJ Franks, and Mitch McBride

Mr. AJ Franks and Mr. Mitch McBride explained what United Way does and can do for Rich County. They also explained how Garden City can partnership with United Way. Mr. Franks said that if the city is in favor of finding out how the United Way can help the city they will also begin to work with the Chamber.

Council Member Warner made the motion to move forward with United Way as long as they have jurisdiction in a partnership in the extent the city can encourage that with the Chamber. 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.

PUBLIC HEARING

The public hearing was opened at 6:20 p.m.

ROLL CALL

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

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.

Mayor Spuhler explained that this public hearing is to allow the community to comment regarding the proposed ordinance.

The Council Members have looked through the ordinance.

Mr. Joey Stocking said that the Chamber discussed this ordinance during their meeting today. Their question was who has the right to suspend a business license. Mayor Spuhler said that the business license official can suspend or revoke the license and then there is an appeal provision that can follow, which would go to the entire Town Council. The Council agreed that right now Council Member Warner is the business license official, because he is the Council Member over the business licenses.

Mr. Joey Stocking said that he would like it to go to the entire Council to discuss the issue before the business license is in a hurry and shut down situation. Mayor Spuhler said that he thinks the ordinance gives the opportunity to appeal and then the business can continue until the situation goes through the appeal procedure.

Council Member Warner said that 8-901 gives the conditions that a business license can be revoked.

There were no further comments regarding the proposed ordinance.

Council Member Huefner made the motion to close the public hearing at 6:35 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.

PUBLIC COMMENTS, 2 minute time limit

Mr. Joey Stocking asked why there is not restaurant tax line item on the budget. It was explained that it is on the budget and it is listed as a local grant, which is a revenue. The County charges the restaurant tax and then gives it out to the towns as a local grant.

ORDINANCE DISCUSSION/APPROVAL

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.

Council Member Warner made the motion to approve ordinance #15-11 as read the various provisions of it. 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 #15-13, an ordinance updating RV Parks.

Council Member Huefner motion to update the RV park ordinance as it is written. 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 #15-15, an ordinance updating signs.

Mayor Spuhler said that he appreciates the work that Mr. Joey Stocking did to get the ordinance ready to be approved.

The Council Members discussed the ordinance and made minor changes to the proposed ordinance.

Council Member Warner moved to approve ordinance #15-15. Motion died for more discussion regarding the ordinance.

Council Member Warner made the motion to approve ordinance #15-15 with the modification and changes and the typographical errors corrected and the most consequential change to 15 days in 11C-610. 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 #15-16, an ordinance stating that windmills/turbines that generate electricity are prohibited in the town limits.

Mayor Spuhler suggested to change the ordinance that the windmills/turbines can be 25 feet tall, to be consistent with the height limits in the ordinance.

The Council Members also changed the title of the ordinance to “an ordinance regulating windmills/turbines that generate electricity in the town limits.

Council Member Warner made the motion to approve ordinance #15-16 with the change in the title as stated and a change in the wording as stated. 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 #15-17, an ordinance updating the sign definitions

Council Member Pugmire made the motion to accept ordinance #15-17 as it is written. 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.

Draft of possible change to business license ordinance, Council Member Warner

Council Member Warner explained that we have routinely approved business licenses subject to specific conditions. He said that it seems reasonable to him that if the staff looks through the application and there not unusual licenses, then we have a couple Town Council Members review the application and agree with the license then it should be able to be approved.

Council Member Pugmire suggested a change to the proposed ordinance that the business licenses can't be approved during Raspberry Days. He said that the ordinance right now says that transient or temporary businesses are not allowed during Raspberry Days. The Council discussed this and felt that we should follow the current ordinance, no transient business license during Raspberry Days period.

The changes will be made and ready for next month for public hearing and approval.

MISCELLANEOUS ITEMS

Employee Housing Discussion

Mayor Spuhler said that there is a company that builds dormitory type housing that can be use for a temporary period of time.

Mr. Ken Hansen said that there are quite a few employers in town that need some type of employee housing during the summer. It is an ongoing situation. He said that the businesses are being hampered because there isn't enough places for employees to stay during the summer. He suggested that we get the business community to come together and discuss this to help come up with a good solution.

Mayor Spuhler said that we could get some type of buildings for the employees and put them behind the city office in the RV spots. He felt that if it is controlled with a resident attendant it would be a good option. We could have whatever we want in the modular units, i.e. kitchen, bathroom facility, etc.

Council Member Stocking said that there are grants that may be available for these modular units. He also said that the units could be used during the school season for a charter school and

then during the summer transform it to be used for employee housing. He said that it would help create jobs for the area.

Mr. Hansen said that we are always concerned about the appearance of what this would look like so we need to be careful how we go about allowing this.

The Council discussed communities that have used these type of modular units that we may be available to get for our area.

Council Member Warner said that if we are going to move forward on this project he would like to know where the money is going to come from to pay for these buildings. Mayor Spuhler said that the city could provide the land and the utilities, but the business community should come up with the funds to pay for the buildings. It would benefit all the businesses. They could use the grant to help pay for the buildings.

Discussion Regarding Purchase of Shundahai Water Tank

This discussion is in regards to purchasing the Shundahai water tank or construct a new water tank at a different location. Mr. Zan Murray joined the conversation at this point via speaker phone. Mayor Spuhler said that he wants to do what is best for the city.

Mr. Murray explained that based on his calculations both options will be a significant cost. He stated that to purchase the Shundahai water tank and get it up to standards will cost approximately 1.3 – 1.5 million dollar range. He said that construction of a new well would cost between 1.0 and 1.3 million dollar range.

Mayor Spuhler said that we have gone through a lot of due diligence to make the right decision for the city. He said that he believes that the best decision for the city is to purchase the tank that already exists. It would take 2 years to construct a new tank and he feels like the 2 years is not worth the time.

The Shundahai tank would help solve some of the redundancy issue we have on the south end of the town.

Mr. Mecham has the agreement and the easements signed and ready to go with the exception of 1 easement.

Council Member Warner asked what we need to do to get the financing in place. He felt like we need a construction loan and some type of financing to pay for the tank. Mr. Murray said that we need to move forward to get the financing in place with the USDA, but we need a preliminary engineering report done first for the existing water analysis plan. That will be required to apply for the USDA financing. Mr. Murray went through the process to get the financing in place, which takes about 150 days. Then we can draw on that financing.

Council Member Warner asked if this is something that Mr. Murray could handle for the city. Mr. Murray said that they routinely handle this type of process.

Mr. Mecham said that the agreement was wrote to have the financing completed by the end of August but he can extend that if needed.

Mr. Mecham said that he is okay to deed the 12 foot piece of property, along 150 South, to Garden City if we can have a trust deed not. The trust deed note will be forgiven if the city purchase the water tank. If not then the city would have to pay him for the property, \$92,000. It is 12' wide, \$7900 per lineal foot.

The Council agreed that it is a good solution to purchase the tank, then we won't have to pay for the 12' easement.

Mayor Spuhler said that he would like to take care of this tonight and vote to move forward contingent on the final signature on the one easement. It was explained that this was not on the agenda so it can't be voted on. The Council Members discussed what they can do and determined to just tell Mr. Mecham that they are in agreement with the plan to purchase the water tank.

Mayor Spuhler said that he is comfortable moving forward with this proposed plan. Council Member Huefner and Warner agreed that they would like to move forward on this plan. Mr. Mecham said that he is fine to move forward but we do need to make sure that it is on the agenda next month.

BUDGET DISCUSSION

The Council reviewed the budget and looked over each fund, each line item. The Council discussed the overages and what needs to be moved to cover the overages.

Council Member Pugmire and Ms. Hislop will work on the budget for next month so it will be ready for the tentative budget approval during the May Town Council meeting.

Mayor Spuhler discussed the shuttle program for the summer. He said that he wants to extend the route to Ideal Beach. He is having a hard time finding someone that wants to drive the shuttle this summer, but will continue to look for someone.

COUNCIL MEMBER REPORTS

Council Member Pugmire said that the parking lots will be done pretty soon and they are going to be very nice.

Mayor Spuhler said that the County is going to pay \$175,000 to get a detailed study on the land for the marina expansion.

Council Member Pugmire talked about the gun range project. He said that the state is donating the property, but only the property. It is still proposed to be in the original location. Mayor

Spuhler said that we have spent about \$10,000 and lots of time on the gun range proposed project.

Council Member Pugmire said that he is working with the company for magwater this spring.

Council Member Pugmire said that he is still working with Mr. White on his bill and the work that he has been doing.

Council Member Huefner said that she met with the trails committee. They have a lot of things outlined and plans for the future. He has also done the maps for the trails.

Council Member Huefner said that she has been working with the Raspberry Days Committee and they are doing pretty well. There is one issue with the local fair.

Council Member Stocking said that the Library Board is working to get the sign and get it installed. It will cost about \$1,000 total.

Council Member Stocking said that the heater is working well now on the spa. He will also talk with Mr. Monk to make sure they have 2 lifeguards at all times.

Council Member Warner said that he has worked with a few water account holders on delinquent charges and leaks.

Mayor Spuhler said that he has met with DNR and we have the ability to do things and create things on the beach within our permit area. He worked with DNR to create different type of zones to allow specific type of travel on or to the beach.

Mayor Spuhler explained the different zones that have been proposed on the beach. It hasn't been finalized yet, but should be sometime in May. He also explained that a registered voter in Garden City would get a free pass to the beach.

Council Member Warner said that he doesn't feel that we are spending enough on the ordinance enforcement this year. Mayor Spuhler said that he has received 5 applications for the position. He said that he has hired Mr. Bob Peterson for this position and he will start in May. Mayor Spuhler said that he wants this to be an educational position also.

PAYMENT VOUCHERS

Council Member Huefner made the motion to pay the bills as presented. 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.

EXECUTIVE SESSION

Council Member Huefner made the motion to go into executive session at 9:05 p.m. to discuss legal matters. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Huefner, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the executive session are kept on separate record.

Council Member Stocking made the motion to close the executive session at 9:22 p.m. 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.

Adjournment

There being no further business to discuss, Council Member Huefner made the motion to adjourn the meeting at 9:22 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:

John Spuhler, Mayor

Attest:

Kathy Hislop, Town Clerk