

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, September 14, 2023. This meeting was held at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Leonhardt opened the meeting at 5:00 p.m.

Town Council Members Present:

Mike Leonhardt, Mayor

Pat Argyle

Ken Hansen

Martell Menlove

Excused: Jordan Parry

Others Present:

Sharlene Millard

Shean Bjoralt

Lana Hodges

Nadine Sprouse

Bess Huefner

Travis Gardner

Tyson Lund

John R. Ward

Rod & Jake Thompson

Lance Anderson

Natalie Jacobsen

Maddie Soto

On Teleconference:

Glen Gillies

Stephanie Sears

Jason Clark

Pledge of Allegiance and Prayer

A prayer was offered by Council Member Menlove. The pledge of allegiance was led by Mayor Leonhardt.

1. Roll Call

Mayor Leonhardt asked for a roll call of Council Members present: Mayor Leonhardt, Council Member Argyle, Council Member Hansen and Council Member Menlove.

2. Approval of Minutes

- a. August 2023 regular Town Council Meeting, and the August 2023 Town Council Executive Session.

Town Council Member Hansen made the motion to approve the minutes of the regular August 10, 2023, Town Council Meeting and the August 10th Town Council Executive Session. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

3. CAPSA Presentation

- a. October is Domestic Awareness Month. Maddie Soto

Maddie wanted to shed information about domestic violence. Last year they supported 327 individuals through emergency shelters, 7,062 through their crisis line and 1,558 through outreach case work. Their mission is to provide services to those victims of domestic violence and create a safe environment for all. They appreciate the town leaders taking a part in supporting those survivors. Mayor Leonhardt thanked her for the work they do for our community.

4. Public Comments – 2 minutes limit

Brad Davis – He's looked at the Sweetwater Townhome plat and doesn't see where the ditches are located. On the northwest corner is a ditch that doesn't have a culvert and has been dammed and could cause problems. If it's not fixed by next spring it will tend to flood. He feels like it's too early to approve the preliminary plat.

Lana Hodges – Her property will be flood irrigated and there will be cows. She's concerned and said he may have to do something to keep the water away from his property.

Bess Huefner – She looked over all the projects the Public Works Dept. has been doing and she's amazed. But is wondering if they could do a little project for her. The power company pulled some wires and put it under the sidewalk for the condo's. They've left a mess by pulling out the sidewalk and now it gets muddy. Mayor Leonhardt said he will send Riley out tomorrow to look at it.

5. Business License Discussion/Approval

a. DataManifold LLC, DBA Overview Analytics, 1275 S Bear Lake Blvd. Shean Bjoralt

Mr. Bjoralt said his business is centered around data. Some is gathered from drones with cameras and he can process those pictures into maps. Council Member Argyle asked about a height restriction and privacy for personal homes. Mr. Bjoralt said he flies 50-100' high and can zoom into his subject lots. He gives the neighbors their privacy.

Town Council Member Argyle made the motion to approve the business license for DataManifold LLC, DBA Overview Analytics. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen stated a conflict of interest, but will still vote, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

b. ParrotDise Frozen Yogurt, LLC, 220 W 10 S. Jason Clark

Mr. Clark said they have a bird sanctuary with 22 exotic birds. You can learn about the birds and maybe pet them. They will sell soda and pre-packaged foods. They are using the Lego Outpost building and will be sharing the parking lot with Moose Buns. They will be open Saturdays and Sundays for the rest of this year. There is no water to that building, but they can use the hose bib of Moose Buns to clean the bird cages. The frozen yogurt will be for next year. They are sharing the restrooms with Moose Buns. Mayor Leonhardt asked him to bring in a letter from Moose Buns stating they are sharing the restroom and they can use it on Saturdays, even if it's just added to the letter about parking.

Town Council Member Menlove said he already gave temporary approval, but wants it noted that his permit will only last until the end of the year and then they will need to re-apply. But now, he is also concerned with 20+ birds on the property and no water. He would have trouble approving this on a long-term basis.

Town Council Member Menlove made the motion to approve the business license for Parrottdise Frozen Yogurt LLC for the rest of this year. He will need to re-apply for next year's license. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

c. RBW Property LLC, 920 North Newberg Dr #1. Jack Bradford Winword

Town Council Member Argyle made the motion to approve the business license for RBW Property LLC. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

6. Short-term Rental Discussion/Approval

- a. Elissa Johnson 365 Rendezvous Way
- b. Orlando Cintron, 204 W Seasons Lane

Council Member Menlove questioned the grace period of new rentals and the new parking ordinance that has been approved. Glen Gillies explained that they need to follow the new ordinance as soon as possible and he thinks these were in the works at that time. He will look into this.

Town Council Member Menlove made the motion to approve the short-term rental license for Elissa Johnson and Orlando Cintron and have Glen look up about following the new ordinance for 365 Rendezvous. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, against; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

7. Encumbrance Discussion/Approval

- a. Requests approval to encumber an additional 7.5 feet on parcel 41-21-320-0104 lot 104 in Buttercup Mobile Home Estates. Stephanie Sears

Town Council Member Argyle made the motion to approve the encumbrance of parcel 41-21-320-0104 and the additional 7.5 feet. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

8. Amended Subdivision Discussion/Approval

- a. Requests approval to Amend Subdivision, Longridge Lots 43 & 44. Connie Dunn

Town Council Member Menlove made the motion to approve Amending the Subdivision, Longridge Lots 43 & 44. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

9. Subdivision Discussion/Approval

a. Requests approval of Preliminary Plat for The Fell Subdivision. Lance Anderson

Mr. Anderson said the MOU gives Elk's Ridge 2/Fell Subdivision all of their easements. He talked about getting a Conditional Use for a Cluster Development in July. Council Member Menlove talked about the cluster development needing to follow the zoning, which is single family residential, not multi-family residential. They went through the Attorney letter.

Council Member Hansen asked about the waterline not going in the easements, but in lots. Mr. Anderson said they can make that adjustment. They are to be in the public utility easements. There was a discussion about the roads. Council Member Hansen wants to make sure that Mr. Anderson has an agreement with the two property owners not in the subdivision. Council Member Argyle is concerned about the steepness of the roads and the wind and snow that will accumulate.

Town Council Member Menlove made the motion to deny because the cluster development is not in conformity with the zone. Motion died for lack of second.

Mr. Anderson said we have a lot of ambiguity in our ordinances and was able to get it passed by the Planning Commission. He was able to get the density he wanted with the conditional use permit and leaving about 45 acres open.

Mayor Leonhardt asked Mr. Anderson how he would feel by not using the condo's for Short-Term rentals. There's so many people that don't know how to drive those roads in the winter. Mr. Anderson thought that would be fine.

Town Council Member Hansen made the motion to approve the Preliminary Plat for Elk's Ridge Phase 2 with the stipulations that the water lines get moved out of the lot utility easements and into the road and that we have verification of a cooperative agreement between property owners for the stretches of roads that are not in the subdivision and no Short Term Rentals in the townhomes and a temporary turn around. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

b. Requests approval of Preliminary Plat for Sweetwater Townhomes. Tyson Lund

Mr. Lund said they have their letter from the Army Corp. of Engineers and will pave Pickleville Parkway in front of their project. They are happy to install a culvert in the ditch to make sure it drains. Council Member Menlove said he's talked about going up about 2 feet and stabilizing the ground. Does that include going down? Mr. Lund said no, the way the Geotech report states, they don't have to stabilize anything in the ground as long as the ground is undisturbed.

Council Member Argyle feels that our position is for us to do the best for our community. The property he has purchased is land that you don't have to dig very far down to get water. All the property around him is farm ground. Those people don't have to retain their water until they come in to build. All the water in that area goes to his land. That piece of ground is so

saturated with water, she's concerned reading his Geotech report that the wording is so vague of whose responsibility it will be when problems start occurring.

Mr. Lund said the liability always gets passed down. Council Member Argyle said this piece of land has historically had a lot of water. Council Member Hansen said we are not engineers. Our responsibility is to go by the ordinances. If someone brings in all of these documents from professionals which was required, he's not sure we can go against that. He can have the same concerns but needs to give people credit. There are things he doesn't like about this project. There will be those who irrigate, but they don't have the right to irrigate past their property line. There was more discussion about water. Mr. Lund said everything that is built there changes the water, including Pickleville Parkway. They went through the Geotech report. More details will come at final.

Mayor Leonhardt said he doesn't feel like there's enough information to approve as a preliminary. The Town Council would like it more detailed for preliminary. He would like our attorney to look at some specific items.

Council Member Menlove would like to know the impact of raising the ground 2' will have on neighbors and how his CCR's can be changed in the future.

Council Member Argyle would like to know how the dissipation will happen. How the water will move on/off your land.

Council Member Hansen said this property is different. You're fulfilling all of the requirements, but there are special circumstances on this property. He needs to know how this will affect those around him.

Mayor said they want to discuss some concerns with the Engineer and Attorney and will get back to him within 15 days.

Mr. Lund is frustrated that he's been doing this for a year now and every month brings in something that is asked for, but it doesn't satisfy anyone.

Town Council Member Argyle made the motion to deny the Preliminary Plat for Sweetwater Townhomes pending further conversation and information. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

10. Changing Townhomes to Condos Discussion/Approval

a. Harbor View LLC requests approval to change 7 townhomes units to 14 condos. Rod Thompson

Rod Thompson said one person has purchased 2 units. Natalie Jacobsen explained the difference between a townhome and a condo. Jake Thompson said they have the same CCR's and HOA already. They are part of the Master Assoc. as far as utilities. They will have to do some work on the walls and maybe floors to change this to a condo. They have to make the fire protection work and meet code.

The Mayor talked about a letter the town received from an HOA concerning the extra traffic. He asked how parking will work with the power boxes that close. He said if he parked

his truck there, guaranteed no one would be able to get around him to park. He would like to see that changed. Moving the power boxes would help with a safety issue and cost money. They know they need to pay water fees, impact fees, etc.

Town Council Member Argyle made the motion to approve the Harbor View LLC changing 7 townhome units to 14 condos as far as the power boxes are gone with clean up after, impact fees that will be associated with that, meet all fire codes, architectural and engineered drawings. We'll need to talk with Quinn about needing water shares. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

Miscellaneous- Building Inspector

Mayor Leonhardt asked Dan Kurek to come up. He is our new part-time building inspector. Glen will be retiring but working part-time at the end of this month. So, they are splitting up their jobs.

Miscellaneous - Branding Garden City, John Ward

Council Member Hansen said he has enjoyed working with the young people on this. John Ward said their survey had 476 participants; Over 200 were out-of-towners. 166 part-timers and 100 full-time. The main interest was parking, beach, or lake access. More interests were; farmers markets, concerts, festivals. Maybe more arts and crafts in the fall.

Mr. Ward talked about people liking it here in Garden City. The brand of "Where Families Play" is still our brand, but his team will give us options of other ideas. They're not telling us what we should do. They have a grant writing team that can also help.

Council Member Hansen talked about the beautification committee doing such a great job this year. There are bike racks or light posts that could help and coordinate with our branding. Council Member Hansen talked about closing streets and having lights, lots of art/sculptures and having food to eat. We can make it a fun place to be in the evenings. Council Member Argyle said we could involve the university.

Mr. Ward said the businesses will be surveyed in October. Mayor Leonhardt said we are already building trails, ball diamonds, soccer fields, a splash pad, Winterfest, Christmas tree lighting, Christmas tree burning, hot chocolate, fireworks, skijoring, etc.

11. Ordinance Discussion/Approval

a. Ordinance #23-17 An Ordinance Updating Cluster Development Road Grades

Town Council Member Menlove made the motion to approve Ordinance #23-17, An Ordinance Updating Cluster Development Road Grades. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

b. Ordinance #23-18 An Ordinance Updating Zone Conformity for Building Permit

Town Council Member Argyle made the motion to approve Ordinance #23-18, An Ordinance Updating Zone Conformity for Building Permit. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

12. Council Member Reports

Council Member Argyle said she's already working on Raspberry Days for next year. Their Thank You dinner will be September 27th at 6:00 p.m. at Sunrise Resort. She would like to do a haunted activity for Halloween at Camp Hunt sometime. Our baseball fields are about ready. The Diamond Dust has been put down. The foundation for the new restrooms is in. The bids are in for the pavilion, and she wants it done before summer 2024.

Council Member Menlove said he enjoyed the high school kids' involvement at Raspberry Days. Chris Woods is such an extremely talented man. He attended a Utah trail meeting. There is a one-time allocation of \$45 million to build a trail network in Utah. It's a paved multi-use trail. It could be used outside of the city.

Council Member Hansen talked about a place that might be a good place to get water. He's wondering if we could talk with Bear Lake Water and work together. He talked about new proposed tier rates and keeping our water lines at ¾" not increasing to 2". The beautification people were great to work with. The flowers are already ordered for next year. The concrete has been poured for the bike stations. He would like to have a Thank You note sent to the Sheehan's with a gift card.

Mayor Leonhardt wanted to give an update on the marina. They still haven't received a final okay from the Corp of Engineers yet. They're hoping to start this year. If the Corp. of Engineers needs to test the rock, it will hold up the project until next year. They are way over budget. He wants details from them of where money is used from.

Brad Wilson will resign from the Speaker of the House so he can campaign for Mitt Romney's Office.

Council Member Menlove wondered if the Sun RV Park has stopped. Nothing's been happening. Mayor Leonhardt said we don't know. Council Member Argyle mentioned how Bear Lake Vista's changing the whole mountain. Mayor Leonhardt said we are going to get a ground disturbance permit created to be used from now on. Before you can dig, you'll need to establish the grade and mark it before you disturb any ground. They have turned dirt so many times, he doesn't know how we'll establish grade.

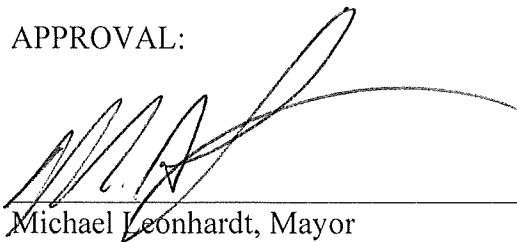
13. Payment Vouchers

Town Council Member Hansen made the motion to pay the bills. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

14. Adjournment

There being no further business, Town Council Member Menlove made the motion to adjourn at 8:57 p.m. Council Member Argyle seconded the motion. Meeting adjourned.

APPROVAL:



Michael Leonhardt, Mayor



Attest:


Sharlene Millard, Deputy Clerk