

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, October 12, 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  
Jordan Parry

Others Present:

Cathie Rasmussen  
Riley Argyle  
Dan Kurek  
Tami Leonhardt  
Bess Huefner  
Mark Smoot  
Katie Dansie  
Gordon Hoskins  
Lorna Belnap  
Carl Stock

On Teleconference:

Theo Canell

**Pledge of Allegiance and Prayer**

A prayer was offered by Council Member Hansen. 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, Council Member Menlove, and Council Member Parry arrived 20 minutes late.

**2. Approval of Minutes**

- a. September 2023 regular Town Council Meeting

Town Council Member Hansen made the motion to approve the minutes of the regular September 14, 2023, Town Council Meeting. 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. Representative Kera Birkeland**

Representative Birkeland was not able to attend.

#### 4. Quarterly Reports

##### a. Bear Lake Valley Convention & Visitors Bureau Report – Tami Leonhardt

Ms. Leonhardt reviewed the Transient Room Tax totals for the last year. It is higher than last year. She passed a report around to the council. Leonhardt reported that a lot of people continue to visit even though most businesses have shut down for the year.

Leonhardt reported on visitors from the last couple of weeks being from Japan, Alaska, Italy, Canada, and many other states in the United States.

Mayor Leonhardt said they will keep a section of bike path open and areas downtown to allow people to walk through the winter. This will help tourists have a way to walk around the town.

CM Hansen told Ms. Leonhardt that the rebranding group has a survey from Raspberry Days. There's a lot of good information for her in the results of the survey. Leonhardt said they just started a blog that includes what's still available and it tracks how many people visit those websites. She reports it's been very promising.

CM Menlove asked if there is anything the town officials can do to incentivize businesses staying open all year. The businesses have stated they want to, but they can't because they do not have enough employees to stay open. There are some businesses that are trying to keep summer hours and open on Saturdays.

##### b. Garden City Public Works Report – Riley Argyle

Mayor Leonhardt changed the order and asked to have Riley Argyle next. Argyle reported on the status of the roads, and the ball fields at Heritage Park. The fencing should be in in about 4 weeks. He has worked with the Town Engineer to decide where the 2 transformers and power meters will be placed. CM Hansen said that Rocky Mountain Power will need a recorded easement. Mayor Leonhardt said he will speak with Rocky Mountain Power about making a donation for this project. If everything falls into place, Argyle feels that the ballfields will be ready for spring.

Argyle plans to have power in the park that will support Raspberry Days activities, which is the most demanding event at Heritage Park. There was additional discussion about piping the ditch. Argyle stated that it really will be a challenge to do that because of run-off. Ideas for trails in the park were discussed that would benefit Raspberry Days and not interfere with other activities at the park.

CM Menlove mentioned that trail grant that expires and what the plans were. Mr. Argyle said they have plans to do that in the spring. He feels the amount of time and money already put into that grant should cover the grant.

Mr. Argyle discussed recent water leaks at Foothill Estates, and the need to replace 2 air compressors at the treatment plant. They have a 10-year expectancy, and they are on year 13. Argyle was asked to get a quote and a turnaround time on getting the air compressors replaced.

CM Argyle asked about this springs flooding and the canal running over near Harbor Village and anything they are doing to prepare if flooding occurs next year. Mr. Argyle relayed what they did this year and that all those headgates, etc. are still in place.

Mayor and the Council expressed appreciation for Public Works and all they do. They have a great crew that does a great job.

c. Bear Lake Valley Chamber Report – Mark Smoot

Mr. Smoot began by stating that he talked with a lot of the seasonal businesses about staying open all year. He encouraged them to begin looking at a different labor force that is not seasonal. Most businesses in Garden City are profitable.

Smoot attended the annual tourism conference in St. George and the Utah One Summit. He was able to meet with many other small community officials and state officials as well as other Chamber members. Most of the discussions led back to the lack of housing for employees. With the town's approval, he would like to work with the Chamber and solicit funds from BRAG to assist with building apartments or multi-family dwellings.

Mayor Leonhardt said that he felt the best avenue for those funds would be through the town. He felt that the town needs to help be a sponsor of that funding. CM Hansen was concerned about guaranteeing the renters/owners have the money to stay in the dwellings. The mayor said that the oversight on these funds is different than it used to be. CM Hansen wants the town to be a player in ensuring that people who come and live here full-time can get a job that will support that goal. CM Parry asked if the housing needs to come first or the employment? Mr. Smoot responded with information on how they would be hired and the positions that are available to make this successful.

Mayor Leonhardt told Mr. Smoot to move forward with him.

Mr. Smoot has been visiting with 8 business owners, and he would like to engage with these owners, and work together with these owners and create a 20-year master plan of how they would like the business area to look. He has applied for a \$50,000 grant that will help facilitate that. He would like to create this plan with the business owners. Council stated that the town just did a survey and only received a response from 7 business owners. The mayor responded that all the community members are invested in the town, not just 7 business owners. Smoot would like to have these businesses he met with begin the design and then receive input from the community. CM Hansen feels that it's something that could be coordinated with what the town is already doing in their master plan. Mayor Leonhardt said he doesn't want to see 2 or 3 documents; he wants Smoot's group to work with the town's group and together come up with just 1 document.

CM Menlove said that UDOT must be a big player in the plan. The council felt that there needed to be something done, but it needs to be done together, with all the players.

Mr. Smoot has created some signage around town for the businesses that are open for the winter. They are updating their website to share this information with the public.

CM Menlove expressed his appreciation for his new building and how nice it looks. Smoot added that they are also adding to their trails permits and everything they are doing to show visitors what can be done here.

d. Building Inspector Report – Tyler Seaman/Dan Kurek

Tyler Seaman reported there were 84 permits pulled this quarter, both residential and commercial. He's been working through a couple of things with driveway permits, etc. Public Works now has access to the permit and will pass it off. Tyler is not even doing inspections until that is addressed. This should clear up some of the issues.

Mr. Kurek had to leave before he was able to report.

e. Code Enforcement Report– Glen Gillies

Mr. Gillies was not able to attend.

f. Town Engineer Report – Quinn Dance

Mr. Dance was not able to attend.

5. **HOA Board of Lake Meadow Lodge**

- a. Karl Stock, requesting update and discussion on highway and downtown safety improvements.

Karl Stock, Lorna Belnap and Theodore Canell addressed the council regarding the big trucks losing brakes and smashing into their subdivision.

They would like the town to pass an ordinance that it's a felony to not use the runaway truck lane when there are brake issues. He acknowledged the town may not have the authority to do that, but he would like their support.

Mayor Leonhardt responded that US 89 is a federal highway and a commerce highway so it will never be shut down. The town cannot write an ordinance to regulate it. He encouraged them to work through UDOT or legislators who might be able to put something in place.

Canell clarified that they want the actions of drivers to be regulated, not the highway itself. CM Hansen said that even though the county enforces the law, they don't make the law. Mr. Canell said that whether it's enforceable or not, he wants something on the books saying that the town is in some action that will facilitate the health, welfare, and safety of our citizens. Mayor Leonhardt said he could support what they take to the legislature once he saw it. The Town Council is willing to pass a resolution.

A second issue Mr. Canell brought up was that the HOA's insurance company dropped them because of these accidents. The only bid they could get was 4x their previous premium. They asked for help with the increased premium, being there are only 32 homeowners there. Mayor Leonhardt said the town is not able to help financially.

Karl Stock asked if it would be possible to put a secondary gravel ramp just around the corner. Mayor Leonhardt responded he proposed another brake check between 300 W and 100 W. UDOT said it's not long enough, but he asked if they could do a gravel one and not mark it, but hopefully encourage drivers see a place to get stopped.

There was more discussion on the things that the town has suggested and been able to successfully do. CM Menlove explained the UDOT approved dedicated lane coming down the hill for trucks who have lost their brakes. Mayor Leonhardt shared more information on GPS routes sending trucks this way in error and lack of driver experience.

Ms. Belnap reiterated comments from the quarterly reports and her concerns about improving the downtown area and bringing more people into the downtown area. She stated that it's not safe to do that. As the treasurer for the HOA, she shared what she's been doing to try and get insurance. Even if they put bollards in to stop the trucks from crashing into their HOA, it still isn't safe for the public. Ms. Belnap stated that they are in a financial predicament and do not feel safe. The mayor responded that paying their insurance premium doesn't change if a truck loses its brakes. There is an officer that works Rich and Cache County only dealing with the big trucks. Mayor Leonhardt discussed what other businesses have done to protect themselves and what he's discussed with UDOT officials.

Mr. Stock talked again about hoping UDOT will allow the gravel to be put in and perhaps add some berms to help stop a truck and keep it there. Mayor Leonhardt said he will also talk to Rep. Birkeland when she is here on Monday, and it will be discussed at the UDOT meeting next week.

Mr. Canell asked who owns Raspberry Square. Genie Willis owns the land and leases it to Austin Clark. Darin Pugmire owns a section of it. He would like the city to pass a law that it is a felony to drive a runaway truck on private property in Garden City and put signs up that it's punishable as a 3<sup>rd</sup> degree felony. He wants to know why there is no restitution coming to them from the insurance company. He feels the drivers should pay restitution as part of their fines and penalties. Mayor Leonhardt restated that everything done is through Utah Highway Patrol, and he recommended they contact them on citations, etc. He will also give Rep. Birkeland's contact information to Lorna Belnap.

Council Members shared that big truck accidents affect everyone in the community.

When asked, Mayor Leonhardt has not talked to Genie Willis, Austin Clark, or Darin Pugmire about putting in bollards. He is willing to set up a meeting to see if everyone will work together to build some to help spread the cost out among those who will benefit.

Mayor Leonhardt said the town will look into creating a resolution that will support what they will be taking to the legislature.

## **6. Public Comments – 2 minutes limit**

Gordon Hoskins on the HOA Board of the Lake Meadow Lodge. He is encouraged to hear the plans that are in place to help with runaway trucks. He suggested finding a way to get land deeded to the town to put pillars in.

Bess Huefner asked if the mayor had talked to the owner of a property near 100 W who needs to fix their fence. It's getting worse. He has not.

When talking about apartments and affordable housing, "If you build it they will come."

She asked about fixing the boardwalk. It's in the plans to fix it in the spring.

Lorna Belnap said that the signs at the lookout and the signs at the boardwalk really need to be replaced. Mayor Leonhardt agreed, and that the signs along the bike path will be done as well. Ms. Belnap said that the bike path is really beautiful.

#### **7. Short-term License Discussion/Approval**

- a. Courtney Walker, 627 Lochwood Drive
- b. Ryan & Amy Hauppa, 148 E Sailors Way
- c. Jordan Peterson, 40 Crista Circle

CM Menlove said that the one at 148 E Sailors Way is preliminarily approved for 3 parking spots. The garage is only 23 feet deep, and the door is only 16 feet wide. The driveway is only 18 feet to the road. The gravel put in for parking isn't sufficient either. Extending the gravel area would allow for an extra parking space.

Town Council Member Menlove made the motion to approve the Short-term Rental Licenses all three with the exception of the one at 148 E Sailors way be approved for occupancy of 8 because of parking. Council Member Hansen seconded the motion.

When asked if there was any more discussion, CM Argyle said that she felt the parking requirements fell under previous parking requirements. Mayor Leonhardt said that it was approved for single family residential not for short-term rentals. CM Hansen said that it's not a condo or townhome. They are coming in under the new ordinance. CM Argyle said they cannot change the size of the garage to meet the parking requirements for a short-term rental.

A vote was taken: Council Member Argyle, nay; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

#### **8. Public Hearing – 6:00 p.m.**

At 7:15 p.m., Mayor Leonhardt asked the council to go into a Public Hearing. Council Member Parry made the motion to move into the Public Hearing. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

Minutes for the Public Hearing will be kept on a separate record.

Town Council closed the Public Hearing and returned to the regular Town Council meeting at 7:21 pm.

#### **9. Encumbrance Discussion Only**

- a. Discussion to encumber parcel 41-30-090-0055 and 41-30-090-0056, Lots 55 &56 in Shundahi Subdivision. Brody Robinson

Katie Dansie, the buyer's agent representing Brody Robinson, and Shane the other property owner, were present. The mayor said they cannot make a decision until it's purchased, but 99% of the time it will happen without a problem. Once you encumber and build across that line, you can never unencumber them. That feel this discussion is more assurance that he can move forward with the purchase.

Ms. Dansie shared that she enjoyed the meeting and hearing everything available in Garden City during the wintertime.

**7:26 Mayor Leonhardt called for a 10-minute break.**

**10. Amended Plat Discussion/Approval**

- a. Requests approval to amend the Raspberry Patch #1 Plat; vacation of common areas 1 and 2, lot line adjustment between the former common areas 1 with lot 16, parcel boundary adjustment between dumpster area and Raspberry Patch Road, parcel boundary adjustment between the Argyle parcel and the former common areas 1 and 2. Jared Argyle

Pat Argyle represented Jared Argyle. This is being done because the dumpsters are on private property. The sanitation department has reviewed the plan. It will assist in creating a cleaner environment for the dumpsters. The common areas are landlocked. Mr. Argyle is purchasing the dumpster area in trade for the ground. It has been reviewed by attorneys.

CM Menlove asked how Mr. Argyle accesses the property now. CM Argyle explained that it is just past the dumpsters and it is a right of way. CM Argyle also answered that Mr. Argyle will pay for all of the dumpster improvements. CM Menlove wanted to know if the valuation of the project is equivalent to the value of the landlocked land. Over 70% of the HOA homeowners are in agreement this happens based on signatures he obtained. Discussion resulted in it would be very difficult to obtain a value.

Town Council Member Hansen made the motion to approve the amended plat for Raspberry Patch #1. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, abstained; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

**11. Resolution Discussion/Approval**

- a. Resolution #R23-07 A Resolution of the Town Council of the Town of Garden City to Declare the Official Candidates Elected for the Election on November 7, 2023.

Town Council Member Menlove made the motion to approve Resolution #R23-07 A Resolution of the Town Council of the Town of Garden City to Declare the Official Candidates Elected for the Election on November 7, 2023. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

**12. Ordinance Discussion/Approval**

- a. Ordinance # 23-20, An Ordinance Updating Exceptions to Flying Closer Than 1,000 Feet.

Mayor Leonhardt explained that this just changed it from the Town Council to the mayor and Code Enforcement officer needing to approve it.

CM Hansen asked if this ordinance affects paragliders. Mayor Leonhardt said he'd find out if that qualifies under this ordinance.

CM Menlove asked if they should differentiate between a one-time event vs continuing to fly in. They discussed two other locals that fly in regularly and have permits. CM Menlove felt that those wishing to have a permit to regularly fly into town should come before the council. Mayor Leonhardt agreed.

CM Menlove felt that the penalty should be moved into a separate item, such as "B."

Town Council Member Menlove made the motion to approve Ordinance #23-20, An Ordinance Updating Exceptions to Flying Closer Than 1,000 Feet with the following edit: Number 3 by one-time special permission by the Garden City Mayor or Code Enforcement Officer. Then number 4 by on-going permission granted by the Town Council. Then add a "B" under that saying any violation of this section shall receive a fine according to resolution by the Town Council.

Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

- b. Ordinance # 23-21, An Ordinance Updating That Storage Structures, Stand Alone Accessory Buildings, and Storage Sheds Can Be No Closer Than 300' to Highway 89, SR 30, or 300 West

Mayor Leonhardt reviewed the changes. CM Hansen asked when this would be applicable. Mayor Leonhardt stated the building on 300 West. CM Hansen said it's an agricultural building and it can't be regulated. That building should not qualify as an agricultural building because of the zoning it's in. He asked the mayor to talk to the attorney about the legality of an agricultural building in a commercial zone.

CM Argyle asked if the agricultural building on 300 West decided to become commercial. The answer was they would have to conform to all commercial ordinances as well as prove the building was built to commercial standards.

The mayor said he would ask the Planning Commission more about this ordinance.

No motion was made.

- c. Ordinance # 23-22, An Ordinance Removing Cluster Development from Conditional Uses in Hillside Estates Zone.

This is being done to protect the hillside for single family homes rather than cluster development. CM Hansen asked if the cluster development has the homes clustered together, does that not provide more open space?

CM Menlove's opinion was to allow cluster developments of single-family member homes on individual lots. He doesn't feel townhomes should be allowed in a cluster development. The conditional use would be clustering of individual single-family homes on single lots in hillside estates. CM Hansen said it's already allowable in hillside estates. It's already allowable though because of the density.

CM Hansen said that the only issue would be Shundahai that has a master plan approved before that was changed. He would say that cluster developments of condominiums and townhomes are not allowed. Council Member Menlove would just like to take cluster development out of the ordinance, but that doesn't stop townhomes and condos from being built.

Town Council Member Menlove made the motion to approve Ordinance #23-22, An Ordinance Removing Cluster Development from Conditional Uses in Hillside Estates Zone with the change: Clustering of individual single-family homes on individual lots, not to include townhomes and condominiums. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

d. Ordinance #23-24, An Ordinance Updating Building Regulations

CM Menlove asked what IBC stood for, International Building Code. He asked to spell that out in the ordinance.

A few more suggestions were made to the ordinance. After discussion, the council determined to review the ordinance at the next meeting.

No motion was made.

### **13. Miscellaneous**

CM Menlove discussed connecting the water to Bridgerland Village. The agreement says it will connect at a point, not an exact location. His concern is that Bridgerland Village received a memo saying that they were ready to connect with the town, but the town wasn't ready. The council hasn't heard a reason why things are on hold.

CM Menlove said he learned that there is concern about where the line will run, it will be 35 feet down. CM Hansen is continuing to work on where that line will go. There is a possibility of running it outside the fence and getting a permit from the state to do that. Mayor Leonhardt asked CM Hansen to get with Riley Argyle and discuss it. CM Hansen said he would this week.

CM Hansen reported that the 7 survey results that the Chamber people took were interesting results, he felt. CM Menlove said the benefit to the businesses would be to make it a walking corridor, but the highway makes that challenging. One business owner really wants to see 0 setbacks. CM Hansen discussed with them that there has to be cooperation between the businesses and the town to make it happen. CM Hansen suggested making it a conditional use so those that can meet the conditions can move forward with the 0 setbacks.

Mayor Leonhardt mentioned a foundation that would like to work with the town to make improvements, like sidewalks, beautification, etc.

CM Hansen thanked the mayor for assisting with the beautification committee and providing storage and pick up for all the planters.

Mayor Leonhardt said there were over 80 kids participating in soccer this fall. It's a great program and well attended.

#### **14. Council Member Reports**

Council Member Argyle - everything's good. They've started planning for Raspberry Days next year. CM Hansen would like an ice-skating rink this winter at the park if it works out.

Council Member Menlove – JUB has been hired by UDOT to do a Bear Lake Trail concept plan. They are looking at the trail where it ends at the marina to the Idaho border, connecting the south end of Rendezvous Beach to Cisco Road, and Gus Rich Point to Laketown.

Ronda Menlove and he met with Mitch Poulson about trails in Idaho as well. It was a positive meeting.

Council Member Hansen – the library is hiring a full-time Library Director and has a few applications. The Library Board will have a new president in January. They are looking at Michelle Thompson for the position.

Council Member Parry – Nothing to report.

Mayor Leonhardt shared the TRT grants that were applied for: splashpad, money to cover half of the short-term rental software, sidewalk around the new Pickleball courts, another pavilion by the new splashpad and lighting at the park. Preliminary approval was given for all but the 2<sup>nd</sup> pavilion. The note from the transient tax board said if the money is there for the pavilion, that it should be deemed to the Garden City for that.

CM Parry said that a family of 5 from Tennessee came to play Pickleball and said he came just to play Pickleball. He said it was the perfect location for him near Yellowstone and other locations because he and his family plays 3 times a day and it's his business. He said the courts were awesome.

#### **15. 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; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

### **EXECUTIVE SESSION**

Council Member Parry made the motion to go into Executive Session at 8:42 pm to discuss possible property acquisition. 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.

Minutes were kept on a separate record.

The Town Council returned to the regular meeting at 8:46 p.m.

**16. Adjournment**

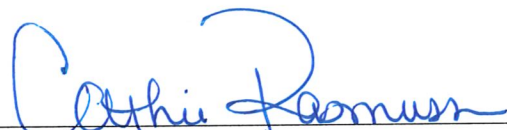
There being no further business, Town Council Member Menlove made the motion to adjourn at 8:47 p.m. Meeting adjourned.

APPROVAL:

  
\_\_\_\_\_  
Michael Leonhardt, Mayor



Attest:

  
\_\_\_\_\_  
Cathie Rasmussen, Town Clerk