

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, July 8, 2021, at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Leonhardt opened the meeting at 5:02 p.m.

**Town Council Members present:**

Mike Leonhardt, Mayor  
Pat Argyle  
Ken Hansen  
Jordan Parry

**Others Present:**

Anita Weston  
Kathy Hislop  
Cathie Rasmussen  
Seth Porter  
Tami Leonhardt  
Kris Shaw  
Claudia Condor  
Andy & Lisa Cox  
Randall Hansen  
Mark Smoot  
Matt Nielsen

Nadine Sprouse  
Glen Gillies  
Hal Christiansen  
Quinn Dance  
Terri Eynon  
Norm Mecham

**Via Teleconference**

Jeff Jorgenson  
Dustin Hansen  
Adam Boswell

**Pledge of Allegiance and Prayer**

The pledge of allegiance was led by Mayor Leonhardt and a prayer was offered by Council Member Parry.

**1. Roll Call**

Mayor Leonhardt asked for a roll call of Council Members present: Mayor Leonhardt, Council Member Argyle, Council Member Hansen, Council Member Parry, and Council Member Pope was excused.

Mayor Leonhardt amended the agenda to discuss adding 3 board members to the food bank

Council Member Parry made the motion to amend the agenda for the Town Council Meeting on Thursday, June 10, 2021. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

**2. Approval of Minutes**

**Minutes of the Town Council Meeting and Public Hearing held on June 10, 2021**

Council Member Parry made the motion to accept the minutes of June 10, 2021, of the Town Council meeting and Public Hearing, and Executive Session. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

### **3. Quarterly Reports**

a. Bear Lake Valley Convention and Visitor Bureau Report, Tami Leonhardt

698 last year 923 this year in Woodruff

Scenic outlook

TRT – 48K last year, 116k this year

7 min average time on website – lodging and recreation is what they are searching.

Ads – 2<sup>nd</sup> to highest rates on KSL

b. Town Engineer Report, Quinn Dance

General Plan is underway. They have sent out surveys with little response. There will be a survey in the next water bill for the public. Possibly have a kiosk at Raspberry Days for surveys.

Update on proposed well. Source protection ordinance in the work. Existing water review and meter data review.

Reviewing developments.

JUB submitted the Garden City Water Project, and it won as project of the year for the state of Utah. American Public Works Association issued a plaque.

c. Public Works, Riley Argyle - was not present to report.

d. Building Inspector Report/Code Enforcement Report, George Peart & Glen Gillies

Sending out a lot of letters and trying to keep up with calls and projects. Not a lot of tickets are being written, trying to work with people to avoid tickets. Parking is still an issue around town.

e. Bear Lake Valley Chamber Report, Mark Smoot

Businesses are noticing they are consistently busy this year. Large families and gatherings are back. Blue Clothing company is new and up and running. The new owners of Zips are happy, and business is picking up. Moosebuns has her mini golf going now.

Smoot visited with Mitch about economic stimulus money that's been placed. They are having a hard time getting people to use the money they've been given and report it. It was just under \$100K in the county given to 23 businesses. There are other opportunities for businesses to compete for money to assist with economic stimulus. Smoot stated the chamber is working surveys through businesses. BRAG is trying to monetize the economic value of the lake as a recreational resource and tourism dollars that come here.

CMP survey has been extended until the end of July. It may stay open until September 20<sup>th</sup>. This focuses updating a management plan for natural resources. Smoot would like to be involved.

Over 123 chamber members now. Business of the Bear is a forum that will be held in October discussing local businesses and their needs. There will be 4 board positions open this year and they will begin soliciting for those.

Smoot is working with Mitch to find funding for trail development. He's exploring under the city, the county, the chamber, whatever funds are available. There are many opportunities that have been missed before. Smoot has found that the grants are mostly matching fund grants. They are available in late fall and must be submitted by the end of the year. Mayor Leonhardt asked to be kept apprised of it so the city can join in participating in that. Smoot says there is a cross country trail grant in the works, to be able to run a grader up through Sunrise Campground over to Hodges to groom for cross country skiing and snowmobiling. The Forest Service has already agreed to allow it and also reconnecting North to South trails on motorized traffic.

#### **4. Business Licenses/Amendment Discussion/Approval**

- a. Caribbean Custard LLC, 2115 S Bear Lake, Dustin Hansen

Dustin Hansen attended via teleconference. This business is located out by the old Pickleville Store and the cabins.

Council Member Hansen made the motion to approve the business license for Caribbean Custard, LLC. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

- b. KLS Enterprises LLC dba Quenchers, 70 West Logan Road, Kristin Shaw

Kristen Shaw was present. She has purchased Ber's and will probably be changing the name. She's keeping the same menu right now. Mayor Leonhardt asked if her sales tax number is pending.

Council Member Argyle made the motion to approve the business license for KLS Enterprises LLC and needing proof of sales tax. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Council Member Pope, for; Mayor Leonhardt, for. Motion Carried.

- c. Amended Business License:

- i. N-C Custom Dirt Works, Inc, 425 S Bear Lake Blvd, Ned & Tammy Calder

Council was unclear what was changing with the business as far as retail. Concern was discussed over needing a sales tax # and a restroom.

No motion made.

#### **5. Short Term Rental License Discussion/Approval**

- a. Kevin Bouck, 353 W Wysteria Drive
- b. Mark Bourne 929 Harbor Village E Drive, Bear Lake Lodging
- c. Trevor Suelzle, 341 W Posies Dr
- d. Brandon Taylor, 794 Cambry Dr
- e. Howard Goodman, 636 N Lochwood Dr
- f. Deanna Weierholt, 55 Buttercup Lane, Bear Lake Cozy Cabins

- g. James Johnson, 602 S Amber Lane, Bear Lake Cozy Cabins
- h. Lauren Daniels, 55 Buttercup Ln, Bear Lake Cozy Cabins
- i. Kate Wahlquist, 190 S Bear Lake Blvd, Bear Lake Stay and Play Properties, LLC
- j. David Briggs, 920 Newberg Pl, Bear Lake Lodging
- k. Benjamin Forest, 942 Newberg Dr, Bear Lake Lodging
- l. Brandon Baker, 893 Blackberry Dr
- m. Elizabeth Fackrell, 373 W Rendezvous Way
- n. Adam & Natalie Boswell, 260 S Bear Lake Blvd.,
- o. Milenka Rico, 815 W Harbor Village Dr., Bear Lake Lodging
- p. Zachary Anderson, 495 Buttercup Lane

Council Member Argyle made the motion to approve the short-term rental licenses for items “a thru p”. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

#### **6. Public Comments, 2-minute time limit**

Adam Boswell has been blown away by the professionalism and the office and city government and the help he has received in getting his short-term rental approved. He’s not had a good experience with other cities and is just appreciative.

#### **7. Termination of Encumbrance Discussion/Approval**

- a. Requests Termination of Encumbrance for 553 W Raspberry Patch Road Lots 15 & 16, Eric Derr

Derr was not in attendance. Mayor Leonhardt asked why he wants to terminate encumbrance, the answer is to sell.

Council Member Argyle made the motion to terminate encumbrance for Eric Derr lots 15 and 16. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

#### **8. Planned Unit Development Discussion/Approval**

- a. Requests for Final Approval to a PUD for Conestoga Ranch Phases 2 and 3, 427 N Paradise Parkway. 35 motorcoach sites and 32 cabin lots. Seth Porter  
Seth Porter left building and was not available. Council put aside to come back to when Porter returned.
- b. Request for Conceptual Approval of Seasons Amenities, lot north of The Seasons and east of Bear Lake Escape, overflow parking, splashpad, pickleball courts, pavilion, play equipment, etc. Double parking garage with apartment above it.

Was not approved by the Planning Commission. No discussion at Town Council.

## **9. Subdivision Discussion/Approval**

### **a. Preliminary Plans for Buttercup Acres, 51 lot subdivision, Matt Nielson**

Matt Nielson was present. Mayor Leonhardt pointed out why it was denied last month. Nielson stated that after talking with Public Works Director, Riley Argyle, they need to form an HOA. Nielson stated that he has addressed the ingress/egress issue by connecting onto the road at Ned Calder's house. Nielson stated they would not turn the roads over the city right now.

Council Member Argyle has talked with Nielson about the roads. He will need to asphalt them and create 66 ft roads. Nielson states they will meet the standards for the city and will be asphalted depending on how fast he gets approval in order to meet the deadline for this year.

The other concern of drainage has been addressed. Quinn Dance spoke to the nature of the changes and the possibility of removing a lot to add a drainage pond and documentation to keep it that way, rather than changing back to a building lot.

Council Member Argyle brought up that Nielson has put in a hammerhead for emergency vehicles. That can be removed in the future if that goes through. Quinn Dance brought up that the most important thing is safety with the canal there. Nielson said he'd like to pipe as much as he needs to, to ensure that there is no leaking.

Council Member Hansen suggested that Nielson get the information into the CCR's so there is no hold up.

Council Member Hansen made the motion to give preliminary approval for Buttercup Acres Subdivision. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

### **Seth Porter arrived. Council went back to item #8a on agenda.**

Requests for Final Approval to a PUD for Conestoga Ranch Phases 2 and 3, 427 N Paradise Parkway. 35 motorcoach sites and 32 cabin lots. Seth Porter

Porter had left the building and came back. Mayor Leonhardt asked about water shares. Porter said that the certificates are not correct, so they've filed for a lost certificate. They can get those turned over as soon as it's corrected. Leonhardt asked what the time frame was, and Porter responded he was told a few weeks to months. There are 21.8 shares. He needs 18.93 shares for his development.

Porter responded that the addresses have been recorded by the county and the bulk meter is now on the construction documents, page 6. The CCR's have been done and turned in. Mayor Leonhardt stated that there were some problems with the CCR's according to the city attorney. There are name discrepancies with the project and title and introductory paragraph of CCR's, no legal descriptions for the property in question, and the association created by the CCR's does not seem to be on record yet and needs to be on the final plat.

Mayor Leonhardt felt it was ok to approve the project based on obtaining the correct water shares and clearing up what was covered by the attorney before it's recorded. Council Member Hansen agreed.

Council Member Hansen made the motion to give final approval for the Conestoga Ranch PUD at 427 N Paradise Parkway, contingent upon receipt of 18.93 water shares. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

### **Council Returned to Agenda #9b Subdivision Discussion/Approval**

Council Member Hansen stated a conflict and left the building at 6:28pm

#### **b. Preliminary Plan for Long Ridge @ Bear Lake, Phase 5, approximately 300 to 500 West and 1300 to 1400 South. Jeff Jorgenson**

Randall Hansen attended in person and Jeff Jorgenson attended via teleconference. Hansen handed out documents that addressed comments from the attorney.

The first item was to transfer the land. It has been transferred to the LLC and will be recorded tomorrow if approved tonight. Retention ponds are in yellow ink, so they don't show up in the photocopy document. It now shows the retention ponds and the easement around them. There is also covenant restrictions for lot 43 and 46. Jorgenson will add a few paragraphs to the Development Agreement for the easements.

Council Member Argyle asked where he's at on the road and the grade. Jorgenson said they've redone the road, flattened it out where it intersects with North Star Way. The construction drawings reflect that now. There are a couple places where it goes to 11.9% grade. One stretch of this grade is about 11.49% for 90 ft, the other is 180 ft at 11.49%. Riley Argyle and Quinn Dance both told Council Member Argyle that they would not allow over 10% grade. Jorgenson said if he can't be allowed to do this, he'd have to end Sunburst as a cul-de-sac which would not allow for good flow of traffic in the subdivision. Jorgenson said that it levels out about 9% for about 60 ft below where it's at 11.49%. Quinn said that at Planning Commission last night, that the Sanitation Department will not go up where it's over 8%.

Mayor Leonhardt asked for the timeframe on getting the roads built. Jorgenson said that it's really the sewer that's got to go in right now. The road will be built around that. If he goes another month, building will have to wait until next year. Randall Hansen quoted ordinance 11E-102 that grants the Town Council authority to deviate from the ordinance where topographical issues are a concern and recommended by the Planning Commission. Quinn feels the city should be careful in setting a precedence.

Mayor Leonhardt feels that with it being such a short distance he feels comfortable considering the city has built a road with that grade. Leonhardt talked to the mayor of Park City and got feedback from him on these issues. Council Member Parry feels that to meet the ordinance there would be too much change to the mountain. Parry agrees with the mayor. Argyle has concerns over those who plow the roads on the steeper grades. She suggested a building stamp on the lots at the bottom of the steep grade to prevent people from building in an area on the lot where they might be in danger.

Jorgenson wants to start construction on this project before he bonds the project. So, he'd like to make those noted changes in the Development Agreement. Dance reviewed the agreement and has asked Seth about it as well.

Council Member Parry made the motion to approve the Preliminary Plat Long Ridge Bear Lake Phase 5, and that it will be approved after the mayor reviews and approves the Developers Agreement and there is a stipulation to allow for the grade of the road to be the short distance that meets the city engineering qualifications. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

The mayor called for a 5-minute break.

Council Member Hansen returned to the building (no conflict because no motion is being made).

**c. Final Plat for Hawk Rock, 22 lots, northwest corner of Persimmon Dr & Paradise Parkway. The Legends at Bear Lake LLC**

Final Plat for Hawk Rock was not approved at the Planning Commission meeting, but Mecham wished to stay on the agenda for discussion.

Norm Mecham and Teri Eynon were present. Mecham said he was denied at Planning Commission because he had the correct plat, but the 2<sup>nd</sup> page was wrong and got turned in. Mecham also had road grade issues. There are 4 roads in the subdivision. JUB designed one of the roads at 11%. The cul-de-sacs off the main road are 4-6% grade. There is one short road at 8%. The road that doesn't meet the ordinance is the one Mecham granted easement to the city for the water line, and he can't cut and fill because it has the water line running along it. Mecham reports that the entire length of the road is at the 11.9% when Mayor Leonhardt asked. The road will be 66 feet wide and is fairly straight.

Mayor Leonhardt and Council Member Argyle would like to go look at the road and try and come up with some ideas if possible before proceeding with approval at that grade.

Mecham turned in CCR's and bylaws for an HOA. He doesn't want an HOA if the city will take the roads. He will put an amendment in the CCR's that the HOA will not be formed, or continue, if the roads are turned over to the city.

**10. Re-Zone Discussion/Approval**

- a. Request to re-zone property at 140 S 640 W – Parcel #'s 41-20-000-0056, 0057, & 0066 from C3 to a RR/PUD Zone. The future development will be around the Chevron but will not include the Chevron or the building north of it. Blue Vista Hills, Hal Christensen

Hal Christensen left and did not present his project.

**11. Ordinance Discussion/Approval**

- a. Ordinance # 21-20, An Ordinance to Update Recreational Vehicles and Camping on Lots with Homes, Cabins, or Businesses

Planning Commission made one change to it last night. Mayor Leonhardt read through the ordinance with approved changes. Council Member Hansen commented that his problem is not with the RV, or policing how long it's sitting there, but it's the setback issue he has a

problem with. The neighbors shouldn't have to deal with it. City Ordinance Officer Gillies, said he agrees that there should be a setback. There is a different ordinance that states the setback requirement. Mayor Leonhardt asked the council if the setback should be listed in this ordinance as well.

Mayor Leonhardt mentioned that he does not want camping on a business lot. It also affects the parking allowed for that business. He wants that removed.

Gillies said that 11-805 B, is about building permit camping. 11-805 C talks about recreational vehicles on a site. 11-805 F reflects 11-805 B and the setbacks are 10 ft from property line and 6 ft from another RV. Gillies suggested an ordinance about no RV's at a business. Leonhardt agreed.

Mark Smoot was asked, and he said businesses would beg to have RV's to house employees, but for others, the summer businesses, the opposing view is that they are here getting the cream of the crop, and it's the cost of business trying to house employees.

Gillies brought up another issue with camping on homeowner lots. Many have water stubbed in and sewer running, it's another connection. The homeowners with these connections should have to pay for the 2<sup>nd</sup> connection.

There was much discussion about setbacks, permits, and limiting numbers of RVs. Gillies read ordinances referring to how many RVs are allowed per lot per sq ft of available space.

Council Member Hansen made the motion to approve Ordinance #21-20 with the changes of permitted use days to 14 consecutive days and at the end of 14 days the recreational vehicle must be moved offsite for 14 days before returning and remove businesses from the heading and the body of the ordinance. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

b. Ordinance # 21-22, An Ordinance Changing Commercial Setbacks - did not pass the Planning Commission.

c. Ordinance # 21-23, An Ordinance Adding the Drinking Water Source Protection with Purpose, Definition, and Enforcement

This is a new ordinance. Quinn Dance spoke to the city attorney's changes, such as "the department" should read "Bear River Health Department." Council Member Hansen said he read through it and felt it met all that had been discussed with JUB.

Council Member Hansen made the motion to approve Ordinance 21-23 with the changes or additions from the city attorney. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

## **12. Miscellaneous Items**



a. Appoint Ballot Counting Workers.

Council Member Hansen asked Anita Weston in the audience if she'd like to be a worker, and if Nadine Sprouse would be around in November to be a worker. Stephanie Argyle and Emily Stocking were suggested. Mayor Leonhardt said that he would contact those who are appointed as ballot workers.

Council Member Argyle made the motion to ask Nadine Sprouse, Anita Weston, Stephanie Argyle and Emily Stocking as an alternate for ballot counting workers. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

b. Food Pantry Board

Mayor Leonhardt stated that a new Food Pantry Board would be created and separated from the Library Board. Council Member Hansen proposed that Ronda Menlove, Mary Pope, and Carmen Madsen be appointed to that board.

Council Member Parry made the motion to approve Ronda Menlove, Mary Pope, and Carmen Madsen for the Food Pantry Board. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

c. Mayor Leonhardt asked Claudia Condor to come on board with the City work with the City and JUB. There is a contract she needs to sign.

Council Member Hansen made the motion to hire Claudia Condor to help the city with the transition of water rights for culinary use. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

**13. Council Member Reports**

**Council Member Parry** – hasn't been able to talk with Rich Monk about the pool. Mayor said the pool is busy and there are 2 new lifeguards. Glen Gillies said they are on top of repairs and keeping things running well.

**Council Member Argyle** - Raspberry Days parade is coming along. She is looking for people with 4-wheelers to help keep traffic/kids back off the road. Everything is booked and ready to go. Argyle has talked to Sheriff Stacey about officers on motorcycles for the parade, and she's going to talk to Jared Johnson to get Search and Rescue to assist with the parade as well. She asked if Mayor Leonhardt got the electric bike for a prize. He also got an air-powered water toy for another prize. She wants to get some wireless speakers or something to help with getting the sound to broadcast. Ken Hansen has a suggestion for helping with that versus using wireless speakers. Glen Gillies and Ken Hansen will announce the parade.

Argyle said that they need to hire someone to do Raspberry Days. Ken Hansen said they need to hire people to do the celebrations. Mayor Leonhardt mentioned hiring people to do Parks & Rec for the city.

Argyle said that more porta-potties need to be brought in for the 4<sup>th</sup> of July and all other activities. She asked about food vendors. Discussion was to not do it because it didn't become a carnival and people were buying food from the local businesses. The chamber had a little tent there selling drinks and snacks, but limiting just a few snacks like that, helped with the family/picnic feel of the night. It was suggested that law enforcement could help with traffic next time.

**Council Member Hansen** – had a conference call with Riley and Homeserv provides insurance to people if something happens to the waterline between their house and the meter, it covers that. They will pay up to \$8500 per occurrence for something on exterior water, would cost homeowner \$5.75 a month if we did a \$.50 surcharge that comes to the city, or \$5.25 without. They can also cover their internal lines, for \$10 a month for \$3000 per occurrence coverage. The surcharge would be payable once a year in January. There is no obligation to the city to offer this coverage. The Council agreed to move forward with offering this insurance to homeowners.

Ken is going to get some people together to cut brush along the bike path. He also sent everyone pictures of proposed Garden City welcome/leaving signs he designed with help from his daughter. He would like to see them done in metal and painted, not printed. Hansen asked Quinn to find out what the state will allow on a scenic byway. He'd like one to be below Bridgerland Adventure Park and one by the Idaho/Utah state line, and one at the south end of town by ORE which is on private property and not on the state's right of way. He doesn't want to see stickers being stuck to the signs. The mayor mentioned that Norm is negotiating with UDOT right now about the expansion/right of way near Shundahai, and that Ken should get involved in that discussion for the sign placement at that location. There was discussion with Quinn about lighting the sign. Ken says he needs to work with Quinn, get permitting from the state, meet with the painter, and check on the cost. The council would like to move forward as quickly as possible. The mayor asked Quinn to get the name of the "road guy" Quinn works with so the mayor can get the information to others who can assist with getting these signs put in.

Ken has talked to Cody Gomez and he's going to give the city a bid to make bike racks for Heritage Park.

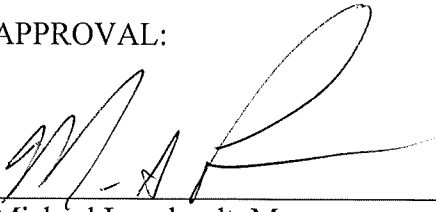
#### **14. Payment Vouchers**

Council Member Parry 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 Parry, for; Mayor Leonhardt, for. Motion Carried.

#### **15. Adjournment**

Council Member Argyle made the motion to adjourn. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Parry, for; Council Member Pope, for; Mayor Leonhardt, for. Motion Carried. There being no further business, Town Council meeting adjourned at 9:13 p.m.

APPROVAL:

A handwritten signature in black ink, appearing to read 'M. A. R.', written over a horizontal line.

Michael Leonhardt, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'Cathie Rasmussen', written over a horizontal line.

Cathie Rasmussen, Assistant Town Clerk