

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

The Garden City Town Council held their regularly scheduled meeting on Thursday, January 13<sup>th</sup>, 2022. This meeting was held at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Leonhardt opened the meeting at 5:01p.m.

Town Council Members Present:

Mike Leonhardt, Mayor  
Pat Argyle  
Ken Hansen  
Martell Menlove  
Jordan Parry

Others Present:

Cathie Rasmussen  
Chris Shurian  
Travis Bolles  
Nickolaus Weaver  
Joe England  
Chuck Metheny  
Greg Kloberdanz  
Kathy Izatt

Hal Christiansen  
Jackie Webb  
Phillip Webb  
Zach Swensen  
Joseph Stocking  
Dan Kurek  
Aaron Grennon  
Benjamin Becker

On Teleconference:

Glen Gillies  
Quinn Dance  
Dan Kurek  
Thomas Burningham  
Matt Nielson  
Norm Mecham

**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 Menlove, and Council Member Parry.

**2. Approval of Minutes**

a. December Town Council Meeting

Council Member Parry made the motion to approve the minutes of the December 9<sup>th</sup>, Town Council Meeting. 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.

**3. Business License Discussion/Approval**

a. Burger Barn, (from Quick-N-Tasty) 28 N Bear Lake Blvd, Austin Clark

Mr. Clark was not present.

Council Member Argyle made the motion to approve the business license for the Burger Barn. 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. Blue Water Beach Resort, RV Park/Hotel room rentals, 2126 S Bear Lake Blvd, Sun Bluewater Beach RV LLC

Sun Bluewater Beach RV LLC was not present.

Council Member Argyle made the motion to approve the business license for the Blue Water Beach Resort, RV Park/Hotel. 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.

c. That Place Outfitters LLC, 242 South Bear Lake Blvd, Joe England & Richard England

Joe England was present. Showed an example of some of the engravings and 3D printing he will be doing. He will be moving his FFL license from the county to the city when he gets his building moved to the location behind. He is currently doing it in his home located in the county.

Council Member Argyle made the motion to approve the business license for That Place Outfitters, LLC but that he cannot move into the building until all requirements are finalized, and all inspections are complete. 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. BL Laundry LLC DBA Bear Lake Laundry, 2141 S Bear Lake Blvd, Joseph Stocking

Joseph Stocking was not present.

Council Member Hansen made the motion to approve the business license for BL Laundry LLC. 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.

#### 4. PUD Discussion/Approval

- a. Requests Preliminary approval for BLUE VISTA HILLS, Hal Christiansen.

Hal Christiansen, Chuck Metheny, and Greg Kloberdanz were present. There are 250 residential units. Phase 1 is 87 units including clubhouse and pool area. They are going to widen the road per the Planning Commission, and they will finalize the access with UDOT to Highway 89. They've hired Horox Engineering as their traffic engineers and to work with UDOT. They have not talked to the county about the ingress/egress on the county road. They are talking about improving the county road.

They said the CC&Rs will say there will be someone onsite 24/7 to police the HOA. There was a lot of discussion about overflow parking to accommodate trucks and trailers and a concierge service to shuttle people to the parking.

Mr. Christiansen addressed drainage and the retention box. He has performed a perk test. There will be a catch basin for the short piece of road on the north end that will be piped to the concrete retention box.

There is some concern about the dumpster locations. Mr. Christiansen said that the Sanitation Dept has not seen this preliminary plat. They are willing to cut some landscape space to make the dumpster placement and angles work for the Sanitation Department. There was also discussion about snow removal, how the trucks can move it, where it will be put. It cannot replace parking space. The islands showing on the plat will be removed on the final plat.

The commercial side of the development will have storage for boats, UTV's, etc. and will allow for the full-time residents at the development to store their toys there. The footprint of the proposed storage building is 150,000 sq ft.

The pool, shower room, etc. has not been confirmed yet. The units will be 3-bedroom with the possibility of doing some 2-bedroom units with larger bedrooms. The buildings will be concrete and a height of 34 ft with access to the roof. There will be a wet bar on the roof and a possible hot tub but there will not be a roof over the amenities on the roof.

They addressed the road on the north side. They will improve the county road to 60 ft. The development will have another 30 ft plus parking. They meet with UDOT next week to discuss the ingress/egress, etc. They will let UDOT know they are crossing the highway with golf carts and by Phase 2 the south entrance will be signalized. Golf carts will need to be licensed in order to cross the highway.

When asked by Council Member Hansen, they answered that they have addressed the water shares needed.

Quinn Dance said that he still needs to see some volume calculations for the storm drain and retention box, but conceptually it appeared adequate. Mr. Dance felt that there would need to be some addition drain work done near the clubhouse because grading may not address all the issues. When questioned, Quinn said that they have met all the requirements for preliminary approval, but there is still a lot of engineering to do.

Mr. Hansen feels they need to use the town's negotiating ability, because of the density, to widen the roads, particularly the alleys, that do not appear to allow the proper flow of traffic.

Mayor Leonhardt stressed that enforcement of their CC & R's will be key. Mr. Hansen commented that the town is responsible for all guests and residents of Garden City, even in a private subdivision.

Mr. Kloberdanz said he will see how they can widen the roads and driveway areas. Mr. Metheny said the HOA will make sure the sidewalks are shoveled and that people can move around the development safely. Mr. Hansen read the ordinance explaining the alley is another method to access the space, not meant to be a primary street.

Council Member Argyle made the motion pass the Preliminary of Blue Vista Hills with the suggestion they go back and review widening the roads. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, against; Council Member Menlove, against; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

b. Requests Preliminary Approval for Phase 7 of the PUD-Water's Edge Resort, Chris Shurian

Chris Shurian was present. They have not yet finalized their storm drain planning but have options. Joey Stocking said the Planning Commission asked Mr. Shurian to bring in his master plan because 2 different ones have been approved. Quinn Dance said he still needs to see how they are going to manage the storm water. Quinn said that everything is in for the preliminary, but they do need to confirm the storm water issue on this phase and on 8B that was approved prior.

Dan Kurek mentioned the height of the building from a previous approval years ago and that it was addressed during the Planning Commission meeting. Joey Stocking asked for them to add the elevations on the diagram on the plat at the Planning Commission meeting.

Ken Hansen asked why he had a plat labeled 7A and 7B. Mr. Shurian stated it's one phase that's been divided into 2 buildings, building A and building B.

Council Member Parry made the motion for Preliminary approval for Phase 7 Buildings A and Building B of the PUD- Water's Edge Resort. 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.

**5. Subdivision Discussion/Approval**

a. Request for Final Approval of a 5-lot Subdivision at approx. 275 S Bear Lake Blvd. CW AT THE LAKE, Zach Swenson.

Zach Swenson was present. He stated he has received UDOT approval for the one driveway onto Highway 89. Mr. Swenson commented on the Planning Commission requests.

1. Fire hydrant will be on the plat.
2. Addresses have been issued and will be on the plat
3. There are a few signature blocks that need to be adjusted.

4. The culvert and asphalt driveways in the city's right-of-way will be reflected on the mylar.

The architecture will be a Cape Cod style home for all 5 lots. They will connect to the sewer on 250 South. There will be fence on the west side. Mr. Hansen suggested he speak to the neighbors about a fence, they may not want it. Mr. Swenson said that they intend for each lot to have its own fenced in yard since they are designed to sell to different owners.

Dan Kurek, stated that one of the neighbors has requested that there be a fence if the subdivision is approved.

Mayor Leonhardt stated that he assumes they will become short-term rentals and asked if Mr. Swenson would support restricting one home for long-term rental or full-time residential. Mr. Swenson felt that to do so would hurt his profitability too much because it's intended to be a higher quality subdivision and setting one unit aside for affordable housing wouldn't meet their margins. The 5<sup>th</sup> lot is not currently showing a home because it is being designed right now. It will be a larger home. He expects his boss will be purchasing the larger lot/home for personal use.

Council Member Hansen made the motion for Final approval of a 5-lot Subdivision, at 275 South, CW at the Lake, Zach Swenson. 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.

- b. Request Conceptual and Preliminary Approval for a 7-lot subdivision along Buttercup Lane, Buttercup Acres, Thomas Burningham.

Thomas Burningham and Matt Nielson were on the phone.

Mr. Neilson stated that they would be building the subdivision out of the flood plain and that the canal would be piped in that area for 100 ft.

Mayor Leonhardt mentioned that the canal companies may have specifics on what kind of pipe is being used. Mr. Nielson said he has no problem meeting the requirements of the canal companies.

Quinn addressed the storm drainage and slope of the project and said to have Mr. Nielson form some curbside swells to maintain the storm water.

Dan Kurek said that the back portion of lot 1 and 2 needed to be labeled as "unbuildable" per the discussion during Planning Commission. There was continued discussion about piping the canal, setbacks and seepage from the canal.

Council Member Parry made the motion for Conceptual and Preliminary approval of the 7-lot subdivision along Buttercup Lane, Buttercup Acres. 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.

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

Phillip Webb asked about the Blue Vista Development. He has concerns about them crossing Highway 89.

Norm Mecham on the phone voiced his concerns with Blue Vista and about the road width and setbacks in the development, and the safety hazards that presents, in his opinion.

Kathy Izatt also commented about the enforcement of the parking and private roads in the Blue Vista Development. Ms. Izatt mentioned she was bothered by how enforceable is a ticket for parking, etc. inside the development on private roads?

## **Mayor Leonhardt called for a 10-minute break.**

## **7. PID Discussion/Presentation – Nicholaus Weaver**

Nicholaus Weaver, Aaron Greenon and Benjamin (Benj) Becker were present.

They each introduced themselves and what they specialize in. Mr. Weaver led the discussion on Public Infrastructure Districts and reviewed a Powerpoint presentation with the council. PIDS can be used to incentivize the developments that they want to see. The town does not hold the bond. There is no recourse to the town or the homeowner. In return the PID rate is a higher rate. The PID is a separate process than a normal subdivision process. The town gets to determine how that happens. The PID is audited and must comply with all requirements and ordinances, but the responsibility lies with the PID which includes the bond holders, etc.

Mr. Becker addressed what a PID can finance. It can finance anything that will be deeded back to the public like roads, parks, trails, etc. Not electric or pipes, etc.

Becker stated that the town would need to adopt a PID policy. He offered samples of what other towns have.

It requires a 100% property owner approval. This is typically for new developments, not for existing property owners, developments.

A developer will need to write a letter of intent to city staff, not the council. If they give approval, then the developer will move forward with creating the PID governing documentation, etc. There must be a revenue source and the town determines if they are comfortable with that revenue source to cover the bonds issued for the PID.

The governing board of a PID is usually property owners or developers with staggering terms so they don't all exit at the same time.

Mr. Becker brought up that the town can levy a tax on the PID development up to 15 mils. Right now, Garden City is about 7 mils. The town can negotiate that for the life of the PID which is a 30-year bond which expires in 40 years, which will be the revenue that pays those bonds back. There must be visible amenities for receiving cheaper upfront money for the developer to build. Those outside of the PID can still use the public amenities that are provided by the PID. Those inside the PID pay the higher taxes to be closer to the amenities, etc.

A primary usage is the town can cap the levy anywhere they want below 15 mils. The town can use TRT taxes, sales tax, etc. to use to pledge toward the bonds.

Second key usage of a PID as a conduit as the pledge of the future revenue stream to issue a bond today knowing that increment will pay the bond back over the years.

The county does not have a say in the levy rate, the town is the jurisdiction. That is the difference between a PID and an RDA. RDA's and PID's can work together or on their own.

Mr. Weaver would like to work with the 1<sup>st</sup> application for a PID in the town, where that applicant would bear the cost of creating the PID policy, etc., for the town but following PID applicants would benefit from it. Chris Shurian would like to be that first application for Water's Edge. He would like to work on a Letter of Intent for Mr. Shurian if the town is amenable to this.

Pat Argyle asked what in Water's Edge would go back to the public? Mr. Weaver said that the amenities would be "public" to those investing in the Water's Edge development. Mr. Grennon stated that the PID could help pay for cleaning up the frontage and the beach which would be available to ALL public, not just those inside Water's Edge. Mr. Weaver stated that there is a list, or requirements, of what can be paid for by a PID, but there is not a percentage that needs to be used for amenities that are made public.

Legislation dictates what soft costs can be reimbursed or used by the developer.

Mayor Leonhardt asked what the next step is. Mr. Weaver said that they would submit a Letter of Intent, the council could react to that and respond, which would then help create a PID policy. Once approved, the council would approve the governing documents and PID policy, which can be created simultaneously.

When asked from start to issuance, what's the time frame? Mr. Becker stated that PID approval can take about 90 days if things are all agreeable. The issuance the bond may take 3-4 months. He said that 6 months would a conservative estimate.

Quinn Dance commented that he felt it facilitated the development quicker, but asked if those improvements don't need to be put in anyway or is this just speeding up the process? Mr. Becker stated that this is for "above and beyond" what would be proposed so you have better quality of life, better amenities, and expedite development.

Council Member Parry asked if there have been any problems with PIDs. Mr. Becker stated that having multiple tax rates in a city have created concern with some cities. The mayor felt that that's not really an issue for the town because of the 2<sup>nd</sup> homeowners, etc.

The mayor and council felt that it was a good idea and to allow them to move forward with the idea that if the council felt there was a conflict of interest with them working with Chris Shurian and the town, that they would work with Zions or someone else.

**8. Short-term Rentals**

- a. Todd Guymon, 705 N Lochwood, Vacasa
- b. Ryan Kirkham, 735 Blackberry Drive
- c. Jon White, 570 S Amber Lane, Bear Lake Cozy Cabins

Council Member Menlove made the motion approve the short-term rental licenses for Todd Guymon, Ryan Kirkham and Jon White. 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.

**9. Ordinance Discussion/Approval**

- a. Ordinance #22-01, an Ordinance Adding Showroom to C-1 Zone

Clarifying, Dan Kurek said it is stated in the C2 zone, and they feel it should be added to the C1 zone as conditional use. Mr. Menlove suggested they change the word “labor” to “product” and also change it in the C2 ordinance as well.

Council Member Hansen made the motion approve Ordinance #22-01, an Ordinance Adding Showroom to C-1 Zone and change “labor” to “product.” 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.

- b. Ordinance #22-02, an Ordinance Changing Definitions of Roadways.

Joey Stocking explained it’s just cleaning up the language for the roads in the ordinance. There was much discussion about foot traffic, sidewalks, trails, etc. Funding these things and maintaining them was also discussed in depth.

Council Member Hansen made the motion approve the changes on Ordinance #22-02, an Ordinance Changing Definitions of Roadways. 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.

- c. Ordinance # 22-03, an Ordinance Changing Street Improvement Requirements

There was discussion among the council about the verbiage in the ordinance.

Council Member Argyle made the motion approve an Ordinance Changing Street Improvement Requirement with the change of adding “be in harmony with the intent to” the comprehensive plan and omitting the word “conform” and removing “curb and gutter”. 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.



## **10. Board Member Appointment**

Mayor Leonhardt said he is not ready to make the Board of Adjustments appointment.

Mayor Leonhardt stated that Martell Menlove will take over trails, the liaison for Planning Commission, Board of Adjustments, and the Appeals Board.

Jordan Parry will take the position of Treasurer.

Council Member Menlove made the motion approve Council Member Jordan Parry as the Treasurer. 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.

## **11. Miscellaneous Items**

There was no miscellaneous business.

## **12. Council Member Reports**

Mayor Leonhardt has met with Speaker of the House, Director of State Parks, Jeff Rasmussen, and State Representatives on moving forward with the marina expansion.

The mayor reported that they put him on the Board of Utah League of Cities and Towns.

The sheriff's office will be posting a job for a new deputy in the county and Garden City will receive a set number of hours that will be dedicated to Garden City. Right now, it's 750 hours.

The mayor met with the canal companies and is looking for some funding to help the canal companies pipe the canal and improve the canals.

Pat Argyle – has a co-chair for the craft fair for Raspberry Days. Andrea Carlisle will do it and will learn how to be the chair for next year. She asked Jackie and Philip Webb in the audience if they'd like to be over the parade. She is still looking for a chairperson over the entire Raspberry Days.

They are getting ready for Easter, and she is meeting next week to find out what light poles will be put up for lighted Christmas decorations. They also need to visit about the baseball diamond at Heritage Park. The mayor mentioned that when he drove through Heber City during the holidays they had downtown lit up, but it was on temporary power. He will look contact them on how they did that.

Martell Menlove – Mayor Leonhardt said he told Mark Smoot to get with Martell about the trails foundation group. Ken Hansen and Pat Argyle is getting the emails from the committee already. Martell stated he read in the minutes from last month that he will was asked to do something, and he will follow up on that.

Ken Hansen – reported that the library needs to get back on track, review some procedures, and focused on the library. Robert Gardner's family has a foundation that donated \$20,000 to the

library for the remodel/enclosing the drive through creating a reading area. The Gardener's do not want any recognition of any kind, just a receipt.

Hansen feels the council needs to revisit the PUD. He feels that the town needs to address some of their outdated ordinance, specifically the ingress/egress ordinance. Also, stubbing roads into the next subdivision instead of them each being locked up inside the subdivision. He would like to encourage on-going roads connecting to other subdivisions.

He is concerned about the drainages coming out of the canyons and the canals being able to hold the water, especially with the piping that will be going on. He proposed working with our engineers to identify the places of concern and decide how to solve the problem of run-off, drainage, and how to divert it to the lake. The mayor suggested working with the 2 canal companies and with JUB. They've been meeting and working on a plan of piping sections of the canal. Mayor Leonhardt would like Hansen to attend those meetings instead of him.

Mr. Hansen is really interested in the PID especially if it can be used for a water tank.

Jordan Parry – the pool is good. They got the board for water rescue and have been doing some training. They do not have the external defibrillator yet. Glen is going to work on a few things to make sure the pool stays healthy and is working on getting the hot tub repainted. They are starting a punch list and checklist to make sure that procedures are being followed and things are being taken care of correctly.

The mayor had Glen turn down the pool and the temperature 2 degrees.

Parry wanted to compliment the city on the snow plowing. He said he received a lot of calls saying how happy they were with the job the Public Works was doing to keep the roads clear.

Mayor Leonhardt reported that there is about \$50,000 in the bank for the Cluff Van fundraiser in the bank. The match has already happened. The original goal was \$40,000, but because of some of the things they need, the goal is \$60,000 and there have been some people say they'd like to do some matching still.

Ken Hansen wanted to state that he really appreciates the council and is enjoying working with everyone.

Mayor Leonhardt added that Shalie Argyle will begin working in the office on January 18<sup>th</sup>. He added his appreciation for the council and the opinions that are respectfully shared.

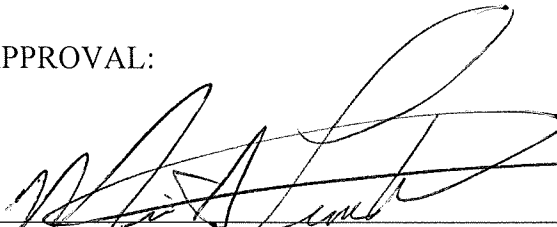
### **13. Payment Vouchers**

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

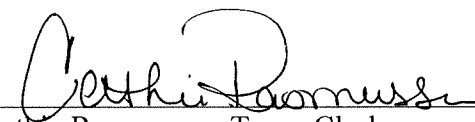
**14. Adjournment**

There being no further business, Council Member Argyle made the motion to adjourn at 9:38 pm.

APPROVAL:

  
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Michael Leonhardt, Mayor

Attest:

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

