

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, March 10, 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 5:02 p.m.

Town Council Members Present:

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

Others Present:

Cathie Rasmussen
Steve Talbot
Melissa Spuhler
Leo Spuhler
Aaron Grennon
Randall Knight

On Teleconference:

Glen Gillies
Bess Huefner

Pledge of Allegiance and Prayer

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

2. Approval of Minutes

- a. February Town Council work meeting and regular monthly meeting.

Council Member Hansen made the motion to that we approve the minutes of the February work meeting and the February Town Council meeting. 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.

3. Concessionaire License Discussion/Approval

- a. Leo's Bear Lake Water Adventures, 390 S Bear Lake Blvd, Leo Spuhler

Leo Spuhler was present to explain his business that his up for renewal. Council Member Menlove asked who owned the building. The shed is Lance Bourne's and the building, restroom, is owned by the city. Mayor Leonhardt explained that Mr. Spuhler leases the business, from Mr. Bourne. They both carry the insurance, and the Mr. Spuhler owns the paddleboards and other equipment.

There was more discussion about the beach area including the fact the Mr. Spuhler must call on people who get stuck often. Mayor Leonhardt also explained that in order to open the beach, there has to be employees to manage it.

Council Member Menlove made the motion to approve the annual concessionaire license for Leo's Bear Lake Water Adventures. 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.

4. Amended Plat/Encumbrance Discussion/ Approval

- a. Wayne Scholes, Encumber 3 lots into 2 in Lochwood.

Council Member Argyle explained that the reason behind this is to improve parking,

Council Member Argyle made the motion to amend the plat from 3 lots into 2 lots in Lochwood for Wayne Scholes. 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.

5. PUD Discussion/Approval

- a. Requests Approval of updated Preliminary Plans for Phases 2 & 3, Conestoga Ranch. Seth Porter

This did not pass Planning Commission March 09, 2022 and was not discussed.

- b. Requests approval of Preliminary Plat for Phase 1, 5, and 6 of the PUD-Water's Edge Resort, 35 E 150 S., Chris Shurian

Aaron Grennon was present and has been hired to develop this project. This was approved at Planning Commission with the conditions that they move the trees on the plat, add the fire lane access into the current plat approval, verify they meet the parking requirements, and do a percolation test when they are able. Mr. Grennon said everything will be addressed on the final with no problem, and he will do whatever is needed, including a vault if needed, to accommodate retention requirements after the perc test.

Mayor Leonhardt told the council that he's been working with Mr. Grennon on a possible PID and they have a goal to finish this in 20-24 months and he is pleased with how things are progressing.

Council Member Hansen made the motion to approve the Preliminary Plat for Phase 1, 5, and 6 of the PUD – Water's Edge Resort with the same stipulations from the Planning Commission (which were parking is verified and the fire turnaround being added to this phase, with a follow

up of the percolation test requirements when the ground is thawed). 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. Requests Approval of Preliminary Plat for Bear Lake RV Resort. Sun Communities Acquisitions, LLC

This did not pass Planning Commission March 09, 2022.

6. Subdivision Discussion/Approval

- a. Requests Final Approval for Buttercup Acres, Thomas Burningham

This did not pass Planning Commission March 09, 2022.

7. Public Comments, 2-minute time limit

No public comments other than Steve Talbot from Rich County Sanitation Department. He was offered time at the table to discuss county sanitation ordinances. He provided copies of ordinances and costs for services. He has given the Garden City office a copy of the ordinances for reference purposes.

Mr. Talbot explained that they have rules about when black garbage cans can be used vs. dumpsters, and that there are many variables that go into determining when one option is better than another. He stated that all subdivisions get a dumpster based on their ordinances.

Council Member Hansen brought up the roads and they discussed the grade and the ability to go above the canal in a garbage track. Mayor Leonhardt said it is helpful when Mr. Talbot attends the Planning and Zoning meetings. Mayor brought up the billing end of their job as well. Mr. Talbot responded that he is currently working on getting the ordinances out and that Lynn is working on that other side of it to present a full packet to the commissioners, so everyone is on the same page county-wide.

Mr. Talbot stated they just went to a digital system where they can now note issues, container condition, etc. They are working the bugs out of it right now, but it has been very helpful.

Mr. Talbot asked how to get more dumpsters in developments with that are still growing. When asked, he explained that residents have a fee and short-term rental pay a different fee. Mayor Leonhardt is concerned about putting more dumpsters in Buttercup and ending up paying for short-term rentals garbage. He specified Buttercup Acres that is not approved yet, but will have 7 more homes, and putting another dumpster in Heritage Park for Buttercup. Mayor Leonhardt and council agreed if there is room to put another dumpster at Heritage Park that is being paid for by Buttercup Acres homeowners, they are fine with that.

When asked Mr. Talbot mentioned agreeing that if a subdivisions roads are maintained by the city, they can cooperate with using black cans, or the grade of the road, etc. He just wants to see more cooperation between the city and the county.

Mayor Leonhardt would like to start providing a basic packet of just conceptual and preliminary plats that come in for Planning Commission that Mr. Talbot can stop in the office and pick and view.

Council Member Argyle talked about black cans at short-term rentals, and he is finding that they really need to do 2 runs a week because they are full half-way through the week. There was more discussion about the city leased dumpsters and how full they are getting.

Mayor and Council Members expressed appreciation for the job that they do.

Randall Knight asked to speak and asked how many dumpsters are put along the beach in the summer. He is thinking that if there were more dumpsters along the beach, there may be less garbage in the other town dumpsters. He also asked height of enclosures for dumpsters. Mr. Talbot said there is not a stipulated height.

8. Short-term Rentals

- a. Kevin Busby, 670 N Lake Sight Drive
- b. Shiloh Veda, 533 Raspberry Patch
- c. Bruce Schows, 734 Cambry Drive
- d. Jarmo Matsuda, 881 S Boosway, Vacasa
- e. Rauni McDonald, 888 Newberg #3, Vacasa
- f. Cody Miller, 275 Snow Meadows Circle
- g. Craig Allen, 588 Raspberry Patch Rd

Glen Gillies explained if they have a handwritten check list, they are a new short-term rental. If it's not, they are a renewal.

Council Member Menlove would like to have a more in-depth discussion on short term rentals. He'd like additional data, such as how many new ones are coming in, etc. He is concerned about how many short-term rentals there are and yet there's no long-term housing for anyone. Council Member Argyle said if too many short-term rentals flood the market and are not renting, they will become long-term rentals. Council Member Hansen disagreed. He asked if it's so needed, why has no one provided data showing the need for long-term rentals.

Council Member Menlove stated that at Planning Commission, Mark Smoot mentioned he has families he'd like to hire but they can't find housing. Council Member Parry added his comments that housing people for 3 months is one thing, and that employees can find housing in other nearby towns.

Council Member Menlove appreciated the conversation but has concerns about having too many short-term rentals and no families living here. The discussion continued about how much the government should be involved in telling people what they can and cannot do with their land, tax rates, and lack of community because short-term rentals.

Council Member Argyle made the motion to approve the short-term rentals "a through g." 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.

9. Ordinance Discussion/Approval

- a. Ordinance # 22-06, an Ordinance Adding Items to Final Plat

Council discussed the ordinance and trouble with getting addresses. Changes were discussed.

Council Member Menlove made the motion to approve Ordinance # 22-06, an Ordinance Adding Items to Final Plat with the change to strike out calculated per the Rich County Addressing System. 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 #22-07, an Ordinance Deleting Two Ingresses/Egresses in Subdivisions.

The mayor reviewed the ordinance with the Town Council. It was mentioned the need to only have 2 ingress/egresses when a certain number of units is reached, etc. Also, that this sometimes encourages "little towns" all through Garden City rather than a continuous flow of housing in Garden City.

Council Member Argyle argued that many subdivisions want it that way so they can offer amenities to their homeowners. She brought up that some HOA's don't keep up their roads, and continuous access will increase traffic, and the HOA will have to pay to maintain the roads for all that outside traffic.

Council Member Hansen talked about other ideas as far as if the HOA is public it should have to have 2 ingress/egress, etc. Council continued in discussing safety, the National Fire Code, and the Garden City roadway plan.

Mayor Leonhardt will reach out to North Logan's mayor and get their ordinance and not reinvent the wheel on this.

Glen Gillies spoke that North Logan ordinance says the limit is 30 before you need 2 ingress/egresses. Mayor Leonhardt asked to get a few samples and send out to the council.

This will need to go back to the Planning Commission with a Public Hearing because it was rewritten.

10. Board Member Appointment

Mayor Leonhardt is not ready to do this yet.

11. Miscellaneous

Mayor Leonhardt presented the referendum that is underway. He stated on record that it is a class A misdemeanor fraud if you sign it without being a full-time resident, registered voter in Garden City. Sponsors have 30-45 days (depending) to get 40% of signatures. Once verified it will go to a ballot and an election.

Mayor Leonhardt stated on record that he disagrees with how a referendum can happen. That anyone in the state can produce a referendum even if they are not residents of that town.

Mayor Leonhardt also explained that the appeal by Mr. Mecham for the approval of Blue Vista Hills was upheld by the Appeals Authority and will come back as preliminary.

Council Member Menlove discussed the definition of a PUD. Council Member Hansen responded that not all PUD's are the same and not all the elements will exist all the time. He asked for clarification of "multiple-use" which might be nightly rentals, home based businesses, pools, exercise clubs, or any number of amenities. Council Member Menlove said he is thinking of commercial and different kinds of housing and regarding zoning.

Discussion continued about when a PUD is appropriate. Council Member Menlove believes it shouldn't be used when there is what he considers a single use, like the proposed RV park. Council Member Hansen disagreed because of the different camping options and amenities. The term "public" was also discussed and the interpretation of it in various scenarios.

There was more discussion about PUD's and that many ordinances will not directly affect a PUD.

Mayor Leonhardt asked the city attorney to offer more information on "multiple use". He couldn't before the meeting, but he will.

Council Member Menlove asked if there is a compensation for the decisions they make. For example, changing a piece of residential property to commercial, do they find commercial property to change to residential?

Mayor Leonhardt stated that in his opinion, if a property owner has a reason to change it to something else, they have a right to do that. If someone doesn't like that, they need to purchase that land and do what they believe should have been done with it.

Council continued to express opinions on land use, and the right to petition to change a zone

Council Member Menlove also asked about having public comments at the beginning of the meeting instead of the end of the meeting. Mayor Leonhardt said he has been considering how public comments are done. Council Member Hansen stated that public comments are different than public hearings and we must be careful how we do them. Council stressed they want to make sure the public feels heard and that their comments spark ideas and thoughts that haven't been considered.

12. Council Member Reports

Council Member Argyle - said she is just about ready for the Easter Egg hunt, and she's ordered more tables for the park. She is also looking into bleachers. It was suggested that materials needed for the park need to be ordered as the cost is increasing. They are planning the park for a variety of uses and things are moving forward.

Council Member Menlove – reported that Mark Smoot and he are working on a grant for a paved trail on 300 West. The grant is due on Friday, and he needs information from the office. He is asking for \$200,000 with a city match. The width of the trail will be 10-12 ft. Mayor Leonhardt asked Council Member Argyle to reach out to John Nelson of Psion homes to help with the trail. Mr. Smoot was going to talk to Seth Porter of Conestoga Ranch.

Mr. Menlove said he spent half a day with Riley Argyle, the Planning Director for Region 1 for UDOT, Transportation Commission representative, and others who will be conducting a parking study along the lake. He stated there are over 200 access points onto Bear Lake Blvd. When discussing a turn lane option, Council Member Hansen said the right-of-way is over 100 feet. During the meeting it was agreed that something needs to be done. Council Member Menlove said we need to get on the UDOT's long-range plan, and the town has the potential to get moved up the list to receive funding.

Council Member Hansen – said we need to get equipment to keep the sidewalks open during the winter, sooner than later. There are many people walking around town in the winter. Mayor Leonhardt said they've had to designate an area to keep walking areas open. There are complications with plowing snow and keeping walking areas open.

Council Member Hansen has a bid for the glass for the library. It's about \$19,000 for that and the 2 doors. He doesn't have much more to report on enclosing the library yet.

He stated that the deed for property for the well site should be done next week. The sewer line needs to be viewed with a camera and checked, because the line runs within the parameter of the well site. We have start-cards for the well. As soon as the protection zone around the well is approved by the state, bids will go out to drill the well. Mr. Hansen thinks they will give them 90 days to drill the well. They anticipate about 1000 feet.

They may tie the line in at Kimball Lane and the golf course so there will be 2 routes for the well. They want it online and functioning because next fall they want to suggest replacing a section of line to the water plant. He expects that there are contractors gearing up to be part of the marina project, and they want to replace the needed section before that happens.

Council Member Hansen said they are working on the water rights plan and how to protect those. They need to get a new estimate on how many homes will be built. He expects a draft of that will be coming soon. There was discussion about finding all the water rights and protect those shares.

Mayor Leonhardt asked that the council encourage zero landscaping and really watch the developments that are coming in.

Council Member Parry reported on the pool. Glen has not been able to finish the hot tub yet. The lifeguards are training with their external defibrillator. Glen Gillies will go to the classes on chemicals for the pool.

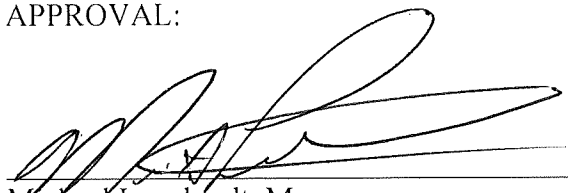
13. Payment Vouchers

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

14. Adjournment

There being no further business, Council Member Argyle made the motion to adjourn. Council Member Parry seconded the motion. Town Council adjourned at 7:56 pm.

APPROVAL:



Michael Leonhardt, Mayor

Attest:



Cathie Rasmussen, Town Clerk

