

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, September 8, 2022. The 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
Martell Menlove
Jordan Parry
Ken Hansen was excused

Others Present:

Cathie Rasmussen	Brad Davis
Nadine Sprouse	Spencer Crab
Glen Gillies	Art Stowers
Peni Stevens	Pegge Stowers
Bess Huefner	Mark Smoot
Matt Goodell	Lance Anderson
Ronda Goodell	

On Teleconference:

David Warwick
Thomas Hunt
John Hansen

Pledge of Allegiance and Prayer

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

1. Roll Call

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

2. Approval of Minutes

Council Member Argyle made the motion to approve the minutes of the August 11, 2022, Town Council Meeting. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

3. Public Comments, 2-minute time limit

No public comments.

4. Business License Discussion/Approval

- a. Bear Lake RV, 2300 S Kimball Lane. Eric John & Cameron Whittier
- b. Amended License to include retail - Bear Lake Physical Therapy, 95 W 50 South. Kam & RuthAnn Jarman

Council Member Argyle made the motion to approve the business license for Bear Lake RV and amend the business license for Bear Lake Physical Therapy. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion carried.

5. Encumbrance Discussion/Approval

- a. Requests approval to encumber parcels 41-29-040-0028 and 41-29-040-0029 in Long Ridge Phase 4 Subdivision. Judy Warwick

David Warwick was on the phone. Mayor Leonhardt clarified with Mr. Warwick that the accessory building cannot be used as a residence, a short-term rental, or have any kind of cooking appliance. The home must be finished before the accessory building can receive a Certificate of Occupancy.

CM Argyle, with the mayor's permission, offered Mr. Warwick some time to call the owners and discuss their plans before proceeding with the encumbrance.

Council returned to this item after completing item #8 on the agenda.

John Hansen asked for clarification if he could do short-term rental if the dwelling was on the other lot or attached to the current dwelling. He was told yes. There must be a breezeway with a roof to attach both buildings together if they are going to attach decks. It can be an open breezeway, but the roof must be connected.

Council Member Argyle made the motion to approve the encumbrance of parcels 41-29-040-0028 and 41-29-040-0029 in Long Ridge Subdivision, Phase 4. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

6. Rezone Discussion/Approval

- a. The Season's Requests approval to Rezone Lot 1, outside of the PUD to a PUD. Stan Goodell and Thomas Hunt.

Ronda Goodell was present, and Thomas Hunt was on the phone. Ms. Goodell showed the council on the plans what they are planning to do. She explained that this would be for overflow and boat parking. Mayor Leonhardt discussed the private road with Ms. Goodell. The road is too narrow for the town to take it over.

Council Member Menlove made the motion to approve the Seasons request to rezone Lot 1 outside of the PUD to a PUD. Council Member Argyle seconded the motion. A vote was

taken: Council Member Argyle, for; Council Member Menlove, for; Mayor Leonhardt, for.
Motion carried.

7. Amended PUD and PUD Discussion/Approval

- a. The Season's request approval to Amend the PUD and add Lot 1 to the existing Seasons PUD. Stan Goodell and Thomas Hunt.

Council Member Menlove made the motion to approve the request to amend the PUD and add Lot 1 to the existing seasons PUD. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Mayor Leonhardt, for.
Motion carried.

Mayor Leonhardt called for a short break at 5:20 p.m. Meeting reconvened at 5:24 p.m.
Mayor Leonhardt stated that item 7 (b) will be moved down on the agenda.

- b. Lake Rental Resort PUD, requests approval to amend Development Plan and amend Phase 1, 200 N 100 W. Mark Smoot
- c. Bear Lake RV Resorts, requests approval of Final Plat, approximately 1875 S. Bear Lake Blvd. Sun Acquisitions II, LLC

Spencer Crab was present. Mr. Crab explained that comments and concerns since last meeting with the council have been addressed. He showed a map and explained some of the adjustments such as moving the road and getting the grade to meet ordinance as well as reworking some units to fit into the adjusted plan. He explained that there will be a few final adjustments on construction documents based on the towns engineer.

Mayor Leonhardt asked about drainage. Mr. Crab said that all that information will be in the construction documents making sure they meet 100-year storm. Mayor Leonhardt asked when they would see all those adjustments on the final construction drawings. Mr. Crab said he expected they would be ready and submitted for permits by end of year. He said it would not be changing anything material on the plans, just the calculations. They expect to break ground spring of 2023.

Mayor Leonhardt welcomed Council Member Parry to the meeting at 5:29 pm.

Mayor Leonhardt explained to the council that they are working on an agreement with Paradise Parkway and an MOU. He also stated he suggested an adjustment to Hodges Canyon Road that will improve the line of site and the grade of that road. The land is owned by Sun Communities and is outside of the proposed project.

CM Menlove asked about negotiations on Paradise Parkway. Mayor Leonhardt said there is an MOU and the town attorney has reviewed it and made suggestions. CM Menlove asked about the trail that is no longer going to be along the canal. Mayor Leonhardt said that they will be working with Sun on that and that it will be in the MOU. Mr. Crab agreed to that and expressed they were interested in working with the town on that.

CM Menlove also brought out his concerns about canal share holders having access to the water during the construction process. He would like a guarantee there will not be interruption to their water usage during and after construction. Mayor Leonhardt stated they can put that in writing. Mr. Crab responded that they do have a plan for that and explained part of their plan. He added that there would be temporary lines ran because many lines are unknown. They do not expect there to be more than a couple of hours of no access. Mr. Crab said the purchase agreement states that this access is protected, and they will honor that.

CM Menlove asked if there is a way to protect the town from being held liable if during construction there is another canal breach. Mayor Leonhardt said that would be something the town attorney would need to address that. Mr. Crab agreed that they will have engineers and Geotech reports for the project. The mayor asked to have copies of those approvals.

Brad Davis from the audience was allowed to speak. He explained that because there currently is not a requirement, he wonders about it being done.

CM Menlove brought up the approval of the conditional use permit that was done by the Planning Commission. Mayor Leonhardt said it is approved because they have been given the authority to pass conditional use permits.

Council Member Menlove made the motion to approve final plat of Bear Lake RV Resorts conditional upon the following three items:

1. An MOU for access for canal shareholders to the canal
2. Any construction below the canal will be done with a Geotech and engineer
3. An MOU for Paradise Parkway trail.

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

Mayor Leonhardt returned to Agenda Item 7 (b)

- b. Lake Rental Resort PUD, requests approval to amend Development Plan and amend Phase 1, 200 N 100 W. Mark Smoot

Mark Smoot and Lance Anderson were present. Mr. Smoot is now calling it 2nd North Mixed-Use PUD.

Mr. Anderson would like a partial amendment of phase 1 of the PUD. They would like to move a lot line to allow for the parking requirements. They would like to create 4 lots on the north side rather than 2, which will be an update to their Development Plan. The front 2 lots will be about a half-acre. The back two will be smaller.

CM Argyle asked what the plan was for the front lot. Mr. Smoot replied that the focus is on commercial/retail with parking in the back. They are planning a restaurant because it requires more parking. If they change the commercial plan, they will have already met the parking requirement because it may be less.

Mayor Leonhardt brought up that the bike path goes along 200 North on the south side. He'd prefer it be on the north side because of the danger. There was discussion about working with the town on moving the bike path to the north side of the road.

Council Member Argyle made the motion to amend the Development Plan and approve the lot line adjustment in Phase 1 of Lake Rental Resort PUD. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

8. Amended Subdivision Discussion/Approval

- a. Requests approval to Amend Subdivision for Lots 77 and 78 of Bridgerland, Plat A. Art Stowers and Peni Stevens.

Art and Pegge Stowers and Peni Stevens were present.

Stowers have a house on lot 78 encroaching on lot 77. They have had a survey done and have an agreement with the neighbor to buy that piece of property.

Council Member Menlove made the motion to amend the Bridgerland Subdivision Plat A for Lots 77 and 78. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

Council returned to item 5(a) to complete discussion. See item 5 (a) for meeting notes.

Mayor Leonhardt called for a 5-minute break.

9. Resolution Discussion/Approval

- a. Resolution #R22-04, A Resolution Updating the Rate for a Short-Term Rental Parking Fine.

Mayor Leonhardt explained it changes the fine from \$150 to \$250. CM Menlove asked if "allowed" could be changed to "approved." There was discussion about it being per occurrence and clarification of verbiage. Council discussed changing the verbiage

Council Member Parry made the motion approve Resolution #R22-04, A Resolution Updating the Rate for a Short-Term Rental Parking Fine with the changes reading, "Parking off premise or in excess of ~~allowed~~ **approved number of vehicles** will be **fin**ed \$250.00 per vehicle **per occurrence**." Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

- b. Resolution #R22-05, A Resolution Designating Juneteenth as a Town of Garden City Holiday.

Mayor Leonhardt stated that this holiday has been adopted by the state.

Council Member Parry made the motion approve Resolution #R22-05, A Resolution Designating Juneteenth as a Town of Garden City Holiday. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

- c. Resolution #R22-06, A Resolution of the Town of Garden City Establishing a Fee to Extend a Building Permit.

Mayor Leonhardt explained that there have been issues with expired permits.

Council Member Argyle made the motion approve Resolution #R22-06, A Resolution of the Town of Garden City Establishing a Fee to Extend a Building Permit. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

10. Ordinance Discussion/Approval

- a. Ordinance #22-04, an Ordinance Changing Parking Spot Requirements

Mayor Leonhardt explained that in a commercial area, the current ordinance is just too big, and they could never meet the ordinance. This ordinance will only affect commercial spaces.

Council Member Argyle made the motion approve Ordinance #22-04, an Ordinance Changing Parking Spot Requirements. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

- b. Ordinance #22-05, an Ordinance Changing Short-term Rental Parking Requirements

Council Member Argyle made the motion approve Ordinance #22-05, an Ordinance Changing Short-term Rental Parking Requirements. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

- c. Ordinance #22-13, an Ordinance Clarifying Building Permit Requirements

Glen Gillies explained the requirements and penalties of renewing a permit before or after it has expired.

Council Member Menlove made the motion approve Ordinance #22-13, an Ordinance Clarifying Building Permit Requirements. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

- d. Discussion Only- Changing the Short-term Rental Parking ordinance to not include garages as parking space.

Glen Gillies said that this is something that needs to be considered. CM Argyle mentioned that the town just passed the off-premises resolution that should address renters not having the parking space they need. If a rental property cannot support the approved vehicles because the garage is not able to be used, the town can then drop the occupancy limit.

Mayor Leonhardt asked if Mr. Gillies can write a warning letter to short-term renters that if they are not allowing parking in their garages, and they are needed to meet the parking requirement, the town will drop their occupancy. Mr. Gillies said he can inspect a short-term rental any time there is a concern.

- e. Discussion Only- Adopting an Ordinance regarding the Canal. Reference the "Resolution of Hodges Irrigation Company and Swan Creek Canal Company"

Mayor Leonhardt said the town attorney and engineer are working on an ordinance addressing the canal resolution. He has not seen anything yet. This will be back on the agenda for discussion/approval by the Town Council and there will be a public hearing for it.

CM Argyle said that she does not see how this is something legal the town can do. Brad Davis in the audience asked permission to speak. He said that the way Utah Water Law is written, he believes this is something that can be addressed by the town. He also stated that if the canal is piped, then the town has mitigated the liability of a breach to the town and the canal company. Mr. Davis continued to express thoughts on building near the canal and the effects and responsibilities of the builders, the town, and the canal companies. CM Argyle argued damage caused from seepage from the canal and the concerns and liabilities with that.

Council said they would continue to discuss this item after the town attorney submits a proposed ordinance.

11. Short-term Rentals

- a. Mark Smoot, Smoot Lighthouse Condo, 85 N Harbor Village East Drive #106.
- b. Mark Smoot, Harbor Village Condo 3-16 "Tennis Condo", 815 N Harbor Village East Drive # 310
- c. Reef Management Trust, Jim Christensen, 215 W Persimmon Drive.
- d. Glen and Miguel Garcia Harris, 354 W Wysteria
- e. Mark Smoot, Smoot Lighthouse Condo 202 Inn Building, 865 N Harbor Village East Drive # 202
- f. Mark Smoot, Smoot Lighthouse Condo 111 Inn Building, 865 N Harbor Village East Drive # 111
- g. Joshua and Alana Wilson, 534 Richland Valley Unit 8
- h. Sandra Minion, 130 Seasons #4

CM Menlove is concerned about knowing who was approved under other ordinances. Such as Paradise Parkway Townhomes being approved with previous parking requirements. Glen Gillies explained some of the areas and what they've been approved for.

Council Member Menlove made the motion to approve the short-term rental licenses for items “a through h”. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

12. Board Appointments

a. Food Pantry Board

Mary Pope has resigned from the Food Pantry Board. Mayor Leonhardt expressed gratitude for her service. The Board would like Arlene Buhler, a current volunteer at the pantry, to fill Ms. Pope’s vacated position.

Council Member Menlove made the motion appoint Arlene Buhler to the Food Pantry Board. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

13. Miscellaneous

a. Schedule Town Christmas party

The town Christmas party will be scheduled for the first Saturday in December.

14. Council Member Reports

CM Parry – the hot tub is down. They are waiting on parts. Glen Gillies said that they had the yearly inspection, and they did very well. They will keep the same schedule at the pool, and they are looking for lifeguards. They will begin advertising for fall swim lessons.

CM Menlove – asked about attending the ULCT convention to which he was encouraged to attend if he desires. He is concerned about roads and where they should be between 300 West and Highway 89. He is hearing that UDOT is approving roads for developers. He suggested not approving development in that area until a master plan has been approved designating roads the way the town would like them rather than the way the developer would like it. Mayor Leonhardt stated he would see if that is something the town can legally do. CM Menlove will bring in a map next month with some ideas of proposed roads.

He also brought up the day of service scheduled September 10th and expressed appreciation to Glen Gillies for helping with that.

CM Argyle – she needs to have a meeting about Raspberry Days and tighten up the things that need to be addressed for next year. She will get that scheduled in the next couple of weeks. She will look into buying Christmas lights. Glen Gillies suggested working with the Chamber and see who will decorate with lights or allow the town to plug into their business to decorate town for the holiday season. She will bring materials and discuss prices with the mayor.

She will order all the Easter eggs early and have them ready and stored. The Halloween party is being planned by Tonya Peterson and Rebecca Moldenhauer.

CM Argyle will plan the Raspberry Days appreciation dinner in October.

Mayor Leonhardt – the explained that the town has submitted 4 requests for TRT money to finish the ball fields, the public restrooms, a covered pavilion, and bleachers. CM Argyle asked for a total of how much money we've gotten from TRT. She also asked for expense and revenue numbers from Raspberry Days.

CM Menlove asked to have a meeting about the trails grant.

Mayor Leonhardt relayed that he signed a bid for \$1.5 million to drill the new well. The town will use impact fees first to pay for the new well. There is also money available to cover the cost.

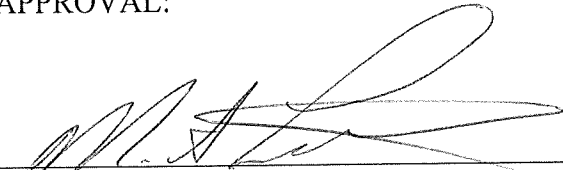
15. Payment Vouchers

Council Member Argyle made the motion pay the bills. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion carried.

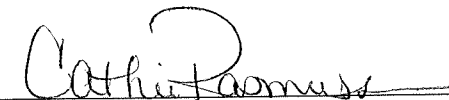
16. Adjournment

There being no further business, Council Member Argyle made the motion to adjourn. The Town of Garden City Town Council meeting was adjourned at 7:54 pm.

APPROVAL:


Michael Leonhardt, Mayor

Attest:


Cathie Rasmussen, Town Clerk

