

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, February 9, 2023. This meeting was held at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Leonhardt opened the meeting at 5:09 p.m.

Town Council Members Present:

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

Others Present:

Cathie Rasmussen
Lance Anderson
Aaron Grennon
Benj Becker
Danielle & Ty Jensen
Bess Huefner
Brad and Jayne Davis
Claudia Cottle

On Teleconference:

Glen Gillies
Brandon Johnson

Pledge of Allegiance and Prayer

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

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. January 2023 regular Town Council Meeting and the Minutes of the Town of Garden City First CDBG Public Hearing

Council Member Menlove suggested an edit, for clarification on page 5, fifth paragraph, of the regular Town Council Minutes from the January 2023 meeting. Town Council Member Hansen made the motion to approve the minutes of the January 2023 regular Town Council Meeting, with the suggested changes, and the Minutes of the Town of Garden City First CDBG

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

3. Business License Discussion/Approval

- a. HACQ Management Co, LLC DBA Manage It Home Services, 5445 Richland Valley St, Andrew Haacke

Council Member Argyle made the motion to approve the business license for HACQ Management Co, LLC DBA Manage It Home Services, 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. Lake Effect Landscaping, 342 W Bluegrass Way, Brendan Walker

This business is in the county. No motion was made.

4. PUD Amendment Discussion/Approval

- a. Phase 1 of 2nd North PUD, Mark Smoot

Lance Anderson was in attendance for Mark Smoot. Mr. Anderson explained the changes to Phase 1 to the Council. His proposal is updating the master plan. The reason they are not vacating the PUD is because the setbacks fit the plans they have for the area. Everyone who has ownership in the PUD has to sign approval of any change to the master plan including selling the land and deciding what comes into the PUD.

CM Menlove asked if lots 1 through 5 are residential since Mr. Anderson said that everything in the PUD is supposedly commercial. His concern was parking to accommodate commercial use. Mr. Anderson explained that as businesses come in, parking will be determined. Mr. Anderson said that the current intent is mixed use with living quarters above the business and possible rental opportunities in the future for the other lots.

Council clarified that parking requirements will change per each business and each one will have to get that approval from the council.

Mayor Leonhardt restated that the town is not required to create or change parking on 2nd North. There are options to utilize city parking, but they need to come to the town with the proposal. Nothing has formally been presented to the Town Council for consideration or approval.

CM Menlove brought up garbage collection being discussed in Planning and Zoning. That must be taken care of with the county.

Council Member Argyle made the motion to approve amending Phase 1 of 2nd North PUD. 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. Subdivision Discussion/Approval

- a. Final for Phase 2 Elk's Ridge, Lance Anderson

Mr. Anderson was present and stated that the developer's intent is to construct all improvements before recording the plat. He also reviewed the proposed access with the council. He explained the Planning Commission wanted to see a temporary turn around at the top on the lot as a condition of approval. P and Z also wanted to see fire hydrants and dedication language specifying the MOU on the plat. Mr. Anderson said the attorney recommended as well, changing the dedication of the roads, that they are private and dedicated to the HOA but that the Elk's Ridge Road is public because of the forest service access. They've also added it in the notes and restrictions.

Mr. Anderson stated there are 65 or 66 lots on Phase 2 and are close to $\frac{3}{4}$ acres. It's the same as the original plan. The roads will always be private, and they will meet the 60 foot right of way. When CM Menlove asked if there are any items in the plat that do not meet current code, the response was no. CM Hansen asked about water retention. Mr. Anderson showed where it is on the construction plan. There is an access and drainage easement on it down by Foothill Estates. The lot is reserved for the HOA and has a drainage and right of way across it.

CM Hansen if the lots close. Mr. Anderson said, "they do now."

Updated title report was sent in last week as well as the tax report. The dedication language has been changed to dedicate the roads to the HOA, and they are private.

Anderson said, per the MOU they have a certain amount of water rights. When they record the plat, they intend to pay in lieu of water shares per the ordinance. Mayor Leonhardt said that they should be able to find the necessary shares.

Attorney stated that the dead end streets are allowed, if they serve more than 2 lots there has to be a temporary easement, which they have done. The other item, town code requires that no less than 400 feet between 2 intersections. They have a couple on their plat because of where the infrastructure is at. Per the MOU, the Planning Commission agrees that it is ok.

CM Menlove has concern with Elk Ridge Road. It is currently the only access to the acreage above this development. Mayor Leonhardt stated that the road does meet the current code but it was approved at the time. Mr. Anderson explained that the width of the road will accommodate the traffic expected on it.

CCRs have been presented earlier and are approved but have not been recorded. Mr. Anderson said they can amend them stating no parking on street. The HOA will manage that.

Council Member Parry made the motion to approve Final plat for Phase 2 Elk's Ridge with the items that have been discussed. 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. PID Discussion/Approval

- a. Letter of Intent and Governing Documents for PID at Waters Edge Resort Development, Water's Edge Properties and ARETE Holdings LLC. Chris Shurian and Aaron Grennon

Aaron Grennon and Benj Becker were present.

Mayor Leonhardt asked Mr. Grennon to review the governing documents. Mr. Becker said the governing documents are intended to clarify and abide by the PID policy adopted by the Town Council and what will govern the district and the board.

Brandon Johnson was on teleconference, from the Law Firm Farnsworth Johnson, and drafted the documents.

When asked, Mr. Grennon said they are seeking 8% but would like to go up to 10%. He feels that the bond market will support that.

Mayor Leonhardt would like to send everything to the city attorney once the council approves the mill levy to make sure the governing documents meet the adopted policy and are compliant.

Mr. Grennon said they have over \$22 million in qualifying PID expenses. If they can get 10 mills, that would give them approximately \$10 million to perform the work with them covering over 50% of qualifying expenses.

CM Hansen, on page 15, at the very bottom of the Governing Documents, how often do you want them to report? Currently it's annually and is in line with the policy adopted by the town. Item 2 on page 17 needs to be revised to set the mill levy, as well as the letter of intent.

CM Hansen added that if this one is approved, it will open the door to many more potential applicants. He doesn't feel that the town will be able to "pick and choose" what PID's they approve and deny. He still doesn't see the advantage to the town. Mayor Leonhardt asked what the disadvantage is. CM Hansen replied that it's the debt to the people who choose to purchase in the PID and are now subject to another layer of government that the town does not have control over.

CM Menlove sees the only benefit to the residents of the town is improvement to the beach area and that's limited. He anticipated them coming back with additional benefits to the community and there are none. He feels that's important when considering a PID. Mayor Leonhardt stated that transient room tax and PPAL tax will come in and benefit the community. CM Menlove stated that they will come in with or without the PID. Mayor Leonhardt responded that some of the concerns and inconvenience with the project will happen with or without the PID. The PID is just another way to finance it.

When asked, CM Parry said he is pro development, and he'd like to see it run and determine if it's an improvement over an HOA because the investors have a high stake in it.

CM Menlove said on page 23, he's surprised there's an interlocal agreement in the document. Brandon Johnson responded that the interlocal agreement is intended to be for the benefit of the town. The governing documents determine how the PID will run, and the town doesn't have anything formal to do with the running of the PID. This bridges that gap and says once it is its own entity we have an interlocal agreement so the town can receive certain items, like the annual report, the PID has to have the town sign off on certain amendments, the town sets the mill levy, etc.

Mayor reiterated that the town attorney will have to review the documents before he signs if the council approves the governing documents.

Council Member Menlove made the motion to tentatively approve the request from Water's Edge for 10 mills and that the council refer the provided documents to the town legal counsel for their council and advice before making any further decisions.

Council Members clarified their vote means that they are approving 10 mills, after they seek the opinion of the attorney. There was more discussion among the Council, Mr. Grennon and Mr. Becker.

Council Member Menlove withdrew his previous motion.

Council Member Menlove made the motion to approve the Letter of Intent as included in the document January 17, 2023, received by the council that will include acknowledgement of their levy of up to 8-10 mills. Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, against; Council Member Hansen, against; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

CM Hansen does not want to approve the governing documents with the interlocal agreement. Brandon Johnson said there's no problem with that.

CM Parry wants our lawyer to read it. Menlove said an interlocal agreement to protect us is a good thing. Mr. Johnson said it would be ok to strike it tonight then approve the interlocal agreement as a stand-alone document next month.

Mr. Becker said if they approve the LOI, it doesn't bind the town to approve the governing documents. It just gives them the blessing to move forward.

No action on the Governing Documents. It will be on the agenda next month.

- b. Letter of Intent for PID at Bear Lake Vistas Development, HIG REF1 NC1, LLC, Chuck Matheny

Benj Becker presented the Letter of Intent asking for approval to move forward with Governing Documents. If you issue debt, you have to use those funds within 3 years.

8 mill is for phase 1 on residential side, 15 mills for the commercial side on the east side is just the state max. Mayor doesn't want to approve a PID for the east side since they haven't even seen the plans for that phase. Council feels they need a letter of intent for each phase. The Letter of Intent in front of them is for multiple PIDS. Council referred to the PID Policy stating that each PID will have its own Letter of Intent, a site map, and other items that are not currently before the Town Council.

Mr. Becker stressed the use of the Letter of Intent and allowing them to pursue the issuance of bonds for the intended development. He pointed out that the Governing Documents will detail each PIDS details.

No motion was made.

7. Public Comments, 2-minute time limit

Bess Huefner said she thinks the council is doing a great job and acknowledged frustration for developers. She said that Brad and Jayne Davis are frustrated with garbage and the wind blowing cans over as well as cans not being brought back in by Tuesday night.

8. Short-term Rental Discussion/Approval

- a. Laura Bangerter, 330 W Morning Star
- b. Jordan & Skye Mckee, 274 N Bear Lake Blvd
- c. Gunther/Devey, 55 W Buttercup Lane, Legacy Beach #39
- d. Tanner Purser, 55 W Buttercup Lane, Legacy Beach # 28
- e. Thurmond Dressen, 573 Aspen Drive
- f. Curtis Stucki, 871 N Newberg
- g. Kylee Maughan, 55 W Buttercup Lane #41
- h. McCain Kennedy, 570 Richland Valley Street
- i. Ryan Snow, 902 Newburg #4
- j. Jack Buck, 643 Cambridge

Council Member Menlove made the motion to approve all of the short-term rental licenses. 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 # 23-01 An Ordinance Updating Definitions

This ordinance is adding “Bed and Breakfast” to the definitions and clarifying “Boarding House” and “Lodging House” definitions. The definitions came from the building code.

Glen Gillies on the phone said that he worked with Planning Commission Member Wes Thompson to update these and add “Bed and Breakfast” to the definitions. There was discussion among the Council and Mr. Gillies.

Council Member Menlove made the motion to approve Ordinance # 23-01 An Ordinance Updating Definitions. 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.

10. Miscellaneous

CM Hansen is concerned about the willingness of the town to allow all the land to be covered with housing. He doesn’t want to see us surrender the towns capacity to do commercial business. If the council agrees, they need to take action to make some of the areas commercial. He suggested protecting Third West going south for commercial use, a school, etc. Mayor Leonhardt added they could do that with the updates on the master plan.

11. Council Member Reports

Council Member Argyle – is getting ready for Easter. She has brochures of Christmas items on sale right now, but they are still very expensive. She has some ideas for other decoration ideas that may be less expensive. Mayor Leonhardt said they can look into a Rocky Mountain Power grant. He'd also like to see some decorations at Heritage Park.

Council Member Menlove – shared one of the things that came from the Planning Commission was requiring pavement or cement on all commercial parking lots. There was discussion about the proposed requirement. CM Parry said that he's required to asphalt his driveway because he's on an asphalt road. Businesses should have to meet the same requirement.

CM Menlove discussed the conditional use for the Dance Place. The Council discussed the history of the conditional use permit issued. The P & Z said they would look into it and determine what needs to be done. The burden of proof is on Rick Rose to prove what his conditional use permit allows.

Council Member Hansen – reported the well has been drilled to 450 feet in 14-inch hole. The water's coming within 6 ft of the top. They will drop a pump at 200 feet and see what happens during the pumping period. They are now reaming it to 2 feet and then they will case it at 16". They are supposed to pack the top, 50-60 feet with the engineer there. They did it without the engineer, so now the drillers have to pack the hole to 160 feet for the surface safety and the town engineer will be there. A potential hold up will be finding a pump.

Tyler Livingston is going to do new shelving in the library. They are working on a plan to enclose the carport.

Council Member Parry – feels the town needs to get some ideas for uses for the pool building. Mayor Leonhardt said the state of Utah has change regulations on public pools. He will further research the changes and see if they affect the Garden City Pool.

Mayor Leonhardt – reminded the council of the employee and board town party tomorrow night at the Sunrise room. Went over HB 291 which is proposing STRs should be able to advertise without a license. He will be at the legislature next week to fight it. Mayor Leonhardt will also be meeting with the Joint Highway Committee for the application they put in for Third West from Buttercup heading south, and also a meeting on the 22nd at the UDOT West Valley office.

He's been asked to serve on NATO and may go to Washington DC to serve on a national board. Mayor Leonhardt reminded the council about the skijoring event coming up. He has some concerns with these kinds of events becoming a big deal and not being overseen by a member of the Chamber of Commerce in the future so that the vision of the event continues.

CM Argyle mentioned that Jared Huffaker asked her if there's someone who needs medical help that he can do a fundraiser for.

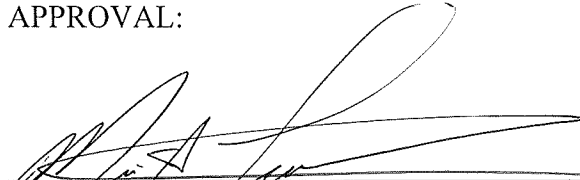
12. Payment Vouchers

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

13. Adjournment

There being no further business, Council Member Argyle made the motion to adjourn. Council Member Parry seconded the motion. Town Council adjourned at 8:20 pm.

APPROVAL:


Michael Leonhardt, Mayor

Attest:


Cathie Rasmussen, Town Clerk

