

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, April 13, 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 5:04 p.m.

Town Council Members Present:

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

Others Present:

Cathie Rasmussen
Quinn Dance
Maddie Soto
Ashley Shaw
Riley Argyle
Terry Allen
Spencer Crab

On Teleconference:

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. March 2023 regular Town Council Meeting and March 9, 2023, Public Hearing

Town Council Member Parry made the motion to approve the minutes of the regular March 2023 Town Council Meeting and the March 9, 2023, Public Hearing. 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. CAPSA – Presentation: March was Sexual Assault Awareness Month

(Correction: April is Sexual Assault Awareness Month, not March).

Maddie Soto, Community Engagement Coordinator from CAPSA was present.

Ms. Soto read a message about April being Sexual Assault Month to the Town Council, statistics on sexual assault, survivors, and their support efforts.

4. Public Comments – 2-minute time limit

No public comments

5. Quarterly Reports

- a. Bear Lake Valley Convention & Visitors Bureau Report – Tami Leonhardt
 - Ms. Leonhardt was not present.
- b. Bear Lake Valley Chamber Report – Mark Smoot
 - Mr. Smoot was not present.
- c. Garden City Public Works Report – Riley Argyle

Mr. Argyle discussed patching the roads, the deepest holes will be first. It will be a temporary patch until they can get hot mix to repair the roads.

They have the grant for the bike path and will start working on that as well. They've already been stocking materials to complete it. They are trying to identify what portions of the bike path they can try and keep open throughout the winter. Argyle reminded the council that open stretches of bike path in the winter will not be accessible by snowmobilers.

They have 16-18 pallets of sandbags ready in preparation for flooding. They've been cleaning culverts, working on the canal, and removing debris to help mitigate flooding.

There was a discussion with Mr. Argyle about different areas of flooding concern around town. Council Member Hansen suggested having a drainage plan for the town after we get through this thaw.

Argyle reported that the well project has been pushed back because of some concerns. The contractor will be doing it at their expense. The well will be dug 20 feet from the original site. Quinn Dance was asked to comment on it. He reported they should be able to complete it in 2 months. He expects the well will be operational by next spring. The original well will be concreted in and capped.

The town will need to reset the contract because of the extended completion date. The town could bill for damages because the contract has expired. The mayor feels that because they are working with the town, have been on site continually working on it, and are still moving forward, he's hesitant to do that.

Mr. Dance also addressed the flood management plans the town has. NRCS funding program is something they are pursuing to help pay for flood management expenses. Procuring the funding does take some time. This can include upsizing culverts in troubled locations, canal work, ag water, and recreational components.

Council Member Parry asked about the park restrooms. He was told they are working on them being open year-round and are currently building a roof over the walkway.

Some parts and fittings are in for the sprinkler system at the park. There is still quite a bit that is being waited on before they can move forward.

- d. Building Inspector Report/Code Enforcement Report– Tyler Seamans/Glen Gillies
 - Mr. Gillies was excused and not present.
- e. Town Engineer Report – Quinn Dance

They are working on about 8 development reviews right now, but nothing very big. He discussed the intersection on 350 South. They will start advertising next week and open bids by the beginning of May and hope to award the contract by June.

The state did some minimum sizing requirements for water. They are working on getting an online GIS system up and going.

6. Garden City General Plan Discussion/Approval

- a. Quinn Dance

Mr. Dance explained the comments from the several open houses they've had have been addressed and the final public hearing was last week with the Planning Commission.

This General Plan does not have a Parks and Trails chapter because the town has a separate Parks and Trails Plan. The council would like the General Plan to reference the Parks and Trails plan. There is now a land use chapter. One of the biggest changes is they recreated the land use map because it needs to be separate from the zoning map. Land Use map is more of a planning document for the town to decide on a proposed zoning change.

They did incorporate a brand-new land use called a "Mixed Use." This also makes commercial areas very strictly commercial.

There is a Transportation update on the new map and a Transportation section. There is also an Economic Development and Tourism and Community Resources section that helps to clarify those different areas moving forward.

Council Member Menlove recommended on page 9 of the Transportation section, he would like to see goal 2.2 be made goal 2.1 and goal 2.1 be made goal 2.2. On the map on page 7, off of 350 South it comes to a "T" and then there's a little circle road, he doesn't know what that is, but he wants to see it removed. CM Menlove asked with the hospital being built, do we need a road built directly to it from the highway? Mayor Leonhardt believes there is a private road the developer will be putting in for that access. The council discussed some options.

CM Menlove would make Appendix A, B, and Appendix B to A.

CM Menlove also recommended that the page numbering continue to ascend throughout the document, rather than restarting in each chapter.

CM Argyle mentioned a little piece of land by Heritage Park on 100 W and 350 S there's an easement road that goes up to 3rd West. The mayor wants to make sure that shows in the plan as a future road, and it does. There was discussion over that area and learning what exactly is owned in that area and what conditions may exist on that property. The mayor will reach out to the title company to do a search and learn more about the possibilities for a road extension there.

Town Council Member Menlove made the motion, with the recommendations that have been noted, to approve the April 2023 draft of the Garden City General Plan. 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.

7. PUD Amendment Discussion/Approval

- a. Amendment to Bear Lake RV Resort PUD, Plat 1, relocating some structures on the plat. Sun Acq. II, LLC, Brady Berry, Atwell

Spencer Crab was present.

Before starting, CM Hansen expressed gratitude to Sun Communities for assisting the community in housing family members during recent tragedies. Other developers and community members were acknowledged as well for their generosity.

Mr. Crab explained that they are just refining the placement of the buildings as he reviewed the proposed amendments. There are a few changes made to the retention ponds. Quinn Dance said he needs to verify that. Their retention boxes are equal to the historical flow rate, but he does have a few comments for them. Everything will be addressed through Mr. Dance during the construction permitting process.

Town Council Member Parry made the motion to approve the Amendment to Bear Lake RV Resort PUD, Plat 1. 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.

8. Short-term Rental Discussion/Approval

- a. David Fieldsted, 1145 S 198 W
- b. Ember 4 UT 2022 LLC, 1670 S Bear Lake Blvd
- c. Distant Star Properties, 195 Lychee Lane
- d. Ryan Wade, 890 S Booseway Circle
- e. David Briggs, 920 Newberg Place #3
- f. Howard Gurney, 98 W 350 S
- g. Milan Chandler, 341 W Posies

CM Menlove asked if there's an understanding if Paradise Parkway Townhomes does not meet 3 vehicles, they are still approved for 12 occupants. CM Argyle explained the history of STR licensing in that area and the changing of the parking ordinance. The council did not think anything had been negotiated or an exemption given to allow for 12 people when parking doesn't meet the three-car requirement for that occupancy. CM Menlove reiterated that there are not three 10'x 24' parking spots and many of the units are being passed for 12 occupants. The council will look into what's happening and move forward accordingly.

Council Member Argyle made the motion to approve the Short-Term Rental licenses for items “a. through g.” 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.

Mayor Leonhardt called for a 5-minute break.

9. Resolution Discussion/Approval

- a. Resolution # R23-03 A Resolution of the Town Council of the Town of Garden City Updating Land Use Fees and Miscellaneous Fees for Services Rendered and Providing an Effective Date

Mayor Leonhardt explained some of the reasons for the changes in fees. Software to manage short-term rentals has increased greatly and the costs to the town to manage short-term rentals need to be covered.

CM Menlove commented that he would like some clarifying verbiage of “Short Term Rental **License Application Fee**” and to clarify per property owner/management company in relation to the fees listed.

Council Member Argyle made the motion to approve Resolution # R23-03 A Resolution of the Town Council of the Town of Garden City Updating Land Use Fees and Miscellaneous Fees for Services Rendered and Providing an Effective Date. 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. Ordinance Discussion/Approval

- a. Ordinance #23-05 An Ordinance Updating Maximum Road Grades

CM Argyle said that the International Fire Code grade is 10 % and Fire Marshall must approve anything beyond that. Fire chief Wahlberg will not approve anything over a 10% grade. Council Members discussed the Fire Chief’s concerns.

CM Hansen challenged CM Argyle’s report saying that the town doesn’t need any fire code to dictate what the town can approve. CM Argyle is concerned about the liability to the town if emergency response cannot happen, etc.

Riley Argyle was asked to speak on the topic. He is ok with 10%. He related his experiences with road grades over 10% and he does not feel it’s necessary. He continued to discuss concerns with the council.

Council feels that maximum allowable grade is 12% but standard maximum would be 10%. Mayor Leonhardt also feels that the council should be the authority to authorize a variance beyond 10%, not the Variance Committee on a city road.

CM Menlove feels there needs to be 200 ft of no more than 4% on any intersection. Discussion revealed that that would be very difficult to meet in most areas of the town.

Riley Argyle offered that if the grade is going to be that steep, they should be required to be asphalted because they are easier to maintain, plow, and melt the snow.

Mayor Leonhardt suggested that all private roads can go up 12% if asphalted, and city roads up to 10% but the Town Council may grant up to 12% grade if it's determined it's reasonable if special conditions exist.

Council Member Menlove made the motion to approve Ordinance #23-05 An Ordinance Updating Maximum Road Grades with the verbiage change of "All Garden City streets (roads) shall not exceed 10% grade. Private roads shall not exceed 12% grade. All roads with intersections must have 100 feet of not more than 4% grade approaching all intersections. The Town Council may grant exceptions to these guidelines." Council Member Parry seconded the motion. A vote was taken: Council Member Argyle, against; Council Member Hansen, for; Council Member Menlove, for; Council Member Parry, for; Mayor Leonhardt, for. Motion Carried.

- b. Discussion ONLY: An ordinance requiring water shares for single family residential homes.

CM Hansen wants to make sure that things are fair to all new builders and developers. Subdivisions must bring in water shares when they build but a single-family residential home does not have to when they build a home on a lot. For most new home builders, it would be about a quarter of a share of water they'd have to turn over to the town.

CM Hansen feels that in history, a single-family dwelling on one lot should not have to bring in water because the resources were planned that way. Subdivisions should still have to because they could be building multiple units on a lot that historically was planned for one home. So, this isn't something that he feels the town needs to pursue.

Terry Allen was recognized and expressed his concerns to protect the water that is here and the ability to build only as much as there is water. He brought out his concerns of owners not using their shares and losing rights to the water people are holding onto. The council had a good discussion with Mr. Allen and Riley Argyle. There is a lot of work being done to identify who the shareholders are.

It was suggested the town begin a campaign of trying to locate shareholders and tell them if they aren't doing anything with their shares, that there are ways for canal companies to protect the water and keep it here. Mayor Leonhardt offered his full support of helping the canal companies with whatever is needed to move forward with this idea.

11. Miscellaneous

CM Argyle – Easter Egg hunt is done and she's getting ready to move forward with Raspberry Days plans.

CM Menlove – would like to have a conversation about annexation in the future. He met with Richard Droesbeke involving the marina. CM Menlove has also been working with people on the trail heading north, but it is outside of town limits. UDOT wants the town to build it and that it would be advantageous for the town to own the property.

CM Menlove asked if the mayor had a short-term rental report. The mayor will follow up next month. He'd also like to know about building permits.

Mayor Leonhardt reported that due to the lack of participation in the pool, the operation and maintenance costs of the pool, he proposes that the pool be closed and use the space to expand the library. He'd like to substitute the pool amenity with splashpads at each park. He feels it would be more beneficial to the public and more widely used.

CM Hansen would like to create a breezeway between the library and current pool and redo the pool as an expansion of the library. The children's area in the current library is too small. This would give them a nice youth area and a lot of much-needed storage. Along with the breezeway, contain the area north of it and create a nice outdoor space for the library as well.

CM Hansen reported on learning and discovery programs that could be used in the space, indoor and outdoors. CM Argyle supports that having attended other programs in other towns she feels the town should promote.

CM Menlove is disappointed in the loss of the pool but sees the proposed uses and additional splash pads as a benefit. He hopes that with these considerations, the food pantry will have a way to expand. Mayor Leonhardt pointed out that it is a county program. He suggested that all the good that's being done, a proposal be taken to the county to have them build something on town property that would allow for the pantry to expand and be more accessible to the public.

12. Council Member Reports

Mayor Leonhardt - reported that they are trying to open a gun range in the county down by the rest area. This is something that was attempted years ago, and a lot of research was done at that time. JUB drew up a nice range with a gun range, trap shoot, and archery range. They will be moving a lot of material out of there soon for the marina expansion. He feels it's a great time to move forward on accomplishing a gun range now. He explained some of the good things that will come of having a gun range, including the dedicated hunter program, and youth programs.

CM Argyle – had nothing additional to report.

CM Menlove - \$380,000 that's gone to Outdoor Recreation can be used for any construction, engineering, or other project. Menlove is waiting to see if the money can be used as a match for state funds, but it can be used as a match for federal programs. He has been working with UDOT, and JUB to get some estimates on costs to build a trail through the new marina.

CM Hansen – requested a change of policy to be a card holder at the library you have to be a property owner inside Garden City limits or pay a fee. He proposes that anyone living within the annexation area are allowed to have a library card. Council members support the change. CM Hansen was told to draw up the policy change and have the mayor sign it so it will be in effect as soon as possible.

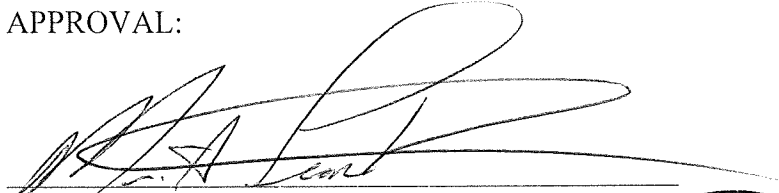
13. Payment Vouchers

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 Menlove made the motion to adjourn. The Town Council adjourned at 8:48 pm.

APPROVAL:



Michael Leonhardt, Mayor

Attest:


Cathie Rasmussen, Town Clerk