

MINUTES OF THE
TOWN COUNCIL MEETING OF
GARDEN CITY, UTAH

The Garden City Town Council held their regularly scheduled meeting on Thursday, January 11, 2024. This meeting was held at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Leonhardt opened the meeting at 5:03 p.m.

Town Council Members Present:

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

Others Present:

Cathie Rasmussen
Teri Eynon
Travis and Melinda Hunsaker
Tyson Lund
Eric Thomas
Preston Thomas
Riker Porter
Bryce Dalton
Bryce Huefner

On Teleconference:

Glen Gillies
Tami Leonhardt
Kaytlyn Dansie
Amanda Kirby
Bess Huefner

Pledge of Allegiance and Prayer

A prayer was offered by Council Member Hansen. The pledge of allegiance was led 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, and Council Member Menlove.

2. Approval of Minutes

- a. December 14th, 2023, regular Town Council Meeting, the December 14th, 2023, Public Hearing and the December 14th, 2023, Executive Session.

Town Council Member Menlove made the motion to approve the minutes of the December 14th, 2023, regular Town Council Meeting, the December 14th, 2023, Public Hearing and the

December 14th, 2023, Executive Session. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

3. Public Comments – 2-minute time limit

Bryce Huefner wanted to thank the Town Council for all the work they do. His parents live next to Cody's and are concerned about the possible liquor license, possible loud music late into the night, and wondering if closing time will be changing and clarifying it is not a bar.

He feels that Bear Lake is a family place and hopes the town will make decisions to foster the family atmosphere.

Bess Huefner on the phone, concerned about extending the liquor license, will there be enough parking when UDOT moves forward with curb and gutter?

4. Business License Discussion/Approval

- a. Health West Garden City – 325 W Logan Road. Previously Bear Lake Community Health Center, Inc. Kathy Izatt

Town Council Member Menlove made the motion to approve the business license for Health West Garden City. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

- b. Fusion 89, LLC. 105 W Logan Road. Travis and Melinda Hunsaker

Travis and Melinda Hunsaker were present and explained their business to the council.

CM Menlove asked them about the food truck zone on the west side of the property they lease for their business and that the food truck customers will be able to use their restrooms. Planning a Grand Opening February 3rd.

Town Council Member Argyle made the motion to approve the business license for Fusion 89, LLC. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

- c. AMENDED License: Cody's Gastro Garage – adding liquor to the license. Chris Shurian

Amanda Kirby was on the phone. Mayor Leonhardt reiterated the concerns from the public comments. He clarified it is not a bar. Kirby stated that the hours aren't changing, they aren't advertising as a bar. It's a restaurant serving alcohol. The room with the liquor has a bar and a couple tables. They have to be 21 and they must order food.

The mayor clarified their closing hours. Kirby stated that bands need to quit playing by 9:30 p.m. out of courtesy to the community. They can serve liquor on Sundays because it is a restaurant. They can only buy one drink at a time, other than a bottle of wine. Consumption of

all alcohol must be done on the property. Employees that serve alcohol must be 21 and complete the proper training.

They've had no alcohol related problems at the restaurant other than a small group that came in intoxicated and they did not serve them alcohol. Kirby explained her experience and training in handling a problem related to alcohol consumption.

CM Hansen asked if Garden City Code mandates a closing time for businesses. Mayor Leonhardt and Glen Gillies responded that there is not.

The Mayor and Council said that any problems related to liquor licenses, the council can pull or revoke those licenses. The council may want to see the renewal of these types of licenses in the future but currently doesn't.

CM Menlove stated he would second the motion if it's noted in the minutes that any problems with any liquor license will result in immediately revoking the license. Mayor Leonhardt said, "so noted."

Town Council Member Argyle made the motion to approve amending the business license for Cody's Gastro Garage to add liquor with the recognized note. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

5. Short-term License Discussion/Approval

- a. Monica Fabre, 150 Seasons #4. Lets Get Away Properties
- b. Nate Mueller, 539 West Raspberry Patch

Town Council Member Menlove made the motion to approve the Short-term Rental Licenses for Monica Fabre, 150 Seasons #4 stating there is still problems with parking in the Seasons. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

It was noted that Nate Mueller's license was approved last month.

6. Encumbrance

- a. Requests approval to encumber lots 55 and 56 in Eagle Feather Shundahai Subdivision. Brody Robinson

Kaytlyn Dansie was on the phone representing Brody Robinson. He is encumbering the lots so he is able to build on the line.

Town Council Member Argyle made the motion to approve the Encumbrance of lots 55 and 56 in Eagle Feather Shundahai Subdivision. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

CM Hansen excused himself and left the building stating a conflict of interest.

7. PUD Discussion/Approval: Waters Edge PUD, Phase 2 – Norm Mecham

Teri Eynon represented Norm Mecham. Eynon showed the council the land Mr. Mecham owns. She presented the previous Water's Edge Plan to the council to understand the concept. She stated that they are working on easements and clarified the parking and stages of parking. Mecham's group is meeting with the receiver, Mr. Shurian, and his attorney.

Town Council Member Argyle made the motion to approve the Preliminary Plat for Waters Edge PUD, Phase 2. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

CM Hansen returned to the meeting

8. Subdivision Discussion/Approval: Sweetwater Townhomes Subdivision – Tyson Lund Tyson Lund, Eric Thomas, and Riker Porter

Mayor Leonhardt asked if the council was approving the final plat in their packet or the one they brought with them. They responded, the one they brought with them was what they were seeking approval for. Mayor Leonhardt stated that they cannot approve that tonight because they have not had time to review it, nor has the town attorney reviewed the new copy.

Mr. Lund and Mr. Thomas said that the only thing that has changed is the radius.

CM Menlove had a few issues he addressed. He said there are 28 items on the list that need to be addressed, at least 17 have not been. Some of the items need to be done before the attorney signs the plat but not necessarily before final approval.

CM Menlove asked about the water retention notes and the 24" pipe. They responded that they met the engineer and attorney requirements. CM Argyle asked if it's true that the culvert running under the highway is too high and that's why it's not draining. Mr. Thomas said yes. They continue to be willing to work with the city and UDOT to lower the culvert. Mayor Leonhardt has reached out to the local UDOT representative, and they are moving forward on trying to work that out.

CM Menlove asked about the turnarounds on the dead-end streets. He mentioned that the towns Master Plan promotes connectivity, but this development has not intention to connect to anyone else.

CM Menlove asked what the real estate easement agreement they submitted was. It's a sewer and storm drain easement.

CM Menlove asked about page 4 item 2.3 in the CCRs, that these are not condominiums, they are townhomes, so the owners cannot "condominiumize" their upstairs and sell it. On Page 6, 3.10, is it saying the general public cannot ever come on their property? Response was the land is private, so it's not being dedicated to the public, the common areas will remain private to the owners. 4.3 and 4.6.1. means it must be residential only. You cannot operate a business in the townhome. 4.6.2 deals with nightly rentals, saying that the HOA has to approve whatever management company manages any short-term rental in the development. CM Menlove has concerns about employees of whatever management company they choose having no place to live and makes the housing issue more of a problem.

Under 9.2, CM Menlove would like it to say they will provide CCR, but they are recorded and available to the public. If the developer retains one parcel, they retain control.

CM Hansen asked if the CCR state who is responsible for maintenance of the roads and who they belong to. Yes, page 2 of the CCRs state that all roads are private and improvements that the association maintains. The council would also like to see snow removal in the document.

They have revised their CCRs in compliance with the town attorney's suggestions.

CM Menlove asked if the dead-end streets that are 5 lots deep, do they meet the Garden City code? Thomas responded that these are not streets, they are access to the units. Lund stated that they still meet the fire code.

No motion was made.

Mayor Leonhardt called for a 10-minute break.

9. Public Hearing – 6:00 p.m.

At 6:39 p.m., Mayor Leonhardt asked the council to go into a Public Hearing for Ordinance # 24-03 An Ordinance Updating Exemption Forms for Business Licenses. Council Member Hansen made the motion to move into the Public Hearing Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

Minutes for the Public Hearing were kept on a separate record.

Town Council closed the Public Hearing and returned to the regular Town Council meeting at 6:41 pm.

10. Resolution Discussion/Approval

- a. Resolution #R23-10, A Resolution to Establish a Fine for Failure to Maintain a Water Line Supplying a Fire Suppression System

Town Council Member Menlove made the motion to approve Resolution #R23-10, A Resolution to Establish a Fine for Failure to Maintain a Water Line Supplying a Fire Suppression System. Council Member Hansen seconded the motion. A vote was taken: Council Member Argyle, abstained; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

- b. Resolution #R23-11, A Resolution to Establish a Fine for Digging Without an Encroachment Permit

Town Council Member Hansen made the motion to approve Resolution #R23-11, A Resolution to Establish a Fine for Digging Without an Encroachment Permit. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, abstained; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried

- a. Resolution #R23-12, A Resolution to Establish a Fine for Flying Closer Than 1,000 Feet Without a Permit

Town Council Member Argyle made the motion to approve Resolution #R23-12, A Resolution to Establish a Fine for Flying Closer Than 1,000 Feet Without a Permit. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, abstained; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

11. Ordinance Discussion/Approval

- a. Ordinance #24-01 An Ordinance Updating the Final Plat Ordinance

The council discussed concerns with verbiage on C -10- b.

Town Council Member Menlove made the motion to approve Ordinance #24-01 An Ordinance Updating the Final Plat Ordinance and strike item C-10-b. Council Member Argyle seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

- b. Ordinance #24-02 An Ordinance Updating Building Regulations

Town Council Member Hansen made the motion to approve Ordinance #24-02 An Ordinance Updating Building Regulations. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

- c. Ordinance #24-03 An Ordinance Updating Exemption Forms for Business Licenses.

Mayor Leonhardt would like to see that the council member or the mayor is the one who signs off on the exemption from the Fire Chief.

The clerk will add an exemption box to the business license application. When a business is approved, the exemption will be noted.

No change is needed to the ordinance.

- d. Discussion ONLY: Ordinance #23-20 An Ordinance Updating Exceptions to Flying Closer than 1,000 Feet.

The council discussed the term “one-time” in the ordinance and how it can be misconstrued.

They would like to have a public hearing on this asking the public what they think about it. CM Argyle suggested putting it in the water bills, and on RCT.

12. Board Appointments for Discussion/Approval

- a. Library Board

CM Hansen does not have a new board member to fill Trudy Smuin’s position.

b. Planning Commission

Mayor Leonhardt proposed Travis Eborn for the Planning Commission.

Town Council Member Hansen made the motion to approve appointing Travis Eborn to the Planning Commission. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

c. Variance Board

Mayor Leonhardt did not have an appointee for this position.

13. Miscellaneous

Mayor Leonhardt reviewed and asked the council members to complete their Annual Ethics Pledge.

14. Council Member Reports

CM Hansen -- things are going well with the library. The Board is upbeat, and the new library director has some initiative. He will get with Glen Gillies and get the other building cleaned out and get working on renovating the other building.

He will be meeting soon with the Beautification Committee and would like to get a new committee together for the rebranding of the town. They would like to do a kick-off just before Memorial Day to move forward with the rebranding. CM Hansen has some names he'd like to ask to be on the committee.

CM Hansen met with Quinn Dance at the new potential well site up Hodges Canyon. They will begin making arrangements to do a test drill.

CM Menlove attending a grant writing class for trail grants. Mayor Leonhardt explained that they can work out agreements with the forest service and private groups to use volunteers to build/repair trails.

CM Menlove shared that Benj Becker reached out to him for assistance in getting the Bear Lake Vista PID approved. CM Menlove explained to Mr. Becker that the project needs to appear to be moving forward and be a successful project and that the PID proposal and governing documents need to meet the policy adopted by the Town.

Mayor Leonhardt added that there are 90 cities in Utah that have PIDS. He wants a list of the cities that have them and talk to them. He has also talked with Zions Bank representatives.

CM Argyle is trying to get the Raspberry Days website fixed and ready for applications. They are considering an 80's theme this year.

Saddle Strings is booked for the 2024 Raspberry Days. CM Argyle discussed some other ideas for Raspberry Days entertainment and activities. Mayor Leonhardt said that he would work with her to book the entertainment.

Mayor Leonhardt talked about the proposed room tax. He feels the extra 1 % should be put towards only certain things in their city, not just spent with no strings attached. He has a meeting with Rep. Birkeland on the 17th and will learn more.

He as approached to lobby for \$15 million more because there is a shortfall. He requested a detailed list of why there's a shortfall.

CM Argyle said that Mr. Nelson called her and talked about annexing into the city when the marina expansion moves forward.


15. Payment Vouchers

Town Council Member Argyle made the motion to pay the bills. Council Member Menlove seconded the motion. A vote was taken: Council Member Argyle, for; Council Member Hansen, for; Council Member Menlove, for; Mayor Leonhardt, for. Motion Carried.

16. Adjournment

There being no further business, Town Council Member Argyle made the motion to adjourn at 8:24 p.m. Council Member Menlove seconded the motion. Meeting adjourned.

APPROVAL:


Michael Leonhardt, Mayor



Attest:


Cathie Rasmussen, Town Clerk