

Lake Point City Council Minutes

Date: Wednesday, 06.28 2023

Place: Lake Point Fire Station 1528 Sunset Rd Lake Point, UT 84074

Time: 6:00 PM

1. **Call to Order**- 6:03 pm
2. **Prayer**- Dan Crawford
3. **Pledge of Allegiance**- Kathleen VonHatten
4. **Presiding Officer**- Jonathan Garrard
5. **Attendance Roll Call**- Jonathan Garrard

Lake Point Council & Staff (C=Council)	Public	Public
Jonathan Garrard (Chair)	Tina Garrard	Jordan Taylor
Ryan Zumwalt (Vice Chair)	Lori Chigbrow	Becky Griffin
Dan Crawford (C.)	David Walbeck	Gina Levesque
Kathleen VonHatten (C.)	Michael Sexton	Matt Littlefield
Doyle Garrard (C.)	Melissa Sexton	Willis Adams
Jamie Olson (RCDR)	Carla Adams	Dailee Adams
Rob Patterson (Attorney) left at 11:11pm	Darrell Adams	Hannah Caldwell
	James Simko	Rick Wheeler
Aunika Chartier	Craig Anderson	Alexis Wheeler
Lane Seely	Laura Anderson	Brandy Seely
		Unknown Signature

6. Legal Training – Rob (2:45 recording)

- A. (Rob) explained the scope of meetings and site visits.
 - i) (Rob) Any discussion of public business needs a notice of public meeting.
 - ii) (Rob) Meeting and hearing differences.
 - 1) Budget hearings and how they are set
 - 2) Don't need a formal motion on public hearings for land use.
 - iii) (Rob) Supplemental Provisions and how to complete those for the future.

7. Public Comment- (8:44 recording)

- A. Kathleen explained the nuisance ordinance and how it was drafted
- B. Motion- Kathleen to open Public Comment. Doyle 2nd
 - i) Vote was unanimously approved
 - 1) Kirk Allen
 - (a) Kirk has been a resident since 1995. Explained his limited technology access and would like to know about items that are being discussed. He wanted to know if the people were going to just get the draft at the meeting.
 - (b) The draft was posted in PNW and Jamie printed a copy off for those that wanted one.
 - 2) Jordan Taylor (12:58 recording)
 - (a) Opposed to adopting most of these. It looked like it was on the agenda to be voted on and the people read through this and panicked, and it reads like an HOA. Once these are adopted they don't go backwards. Concerned with items weaponizing against neighbors. There are a couple of good neighborly practices in there. This ordinance had very little to do with noise, smells, light, etc.

- 3) Tina Garrard (16:36 recording)
 - (a) Public Comment written and sent to Jamie. Echo Jordan. This is a city-wide HOA and doesn't want to live in an HOA. Her husband likes cars and can't afford to put them in a garage. Lake Point has a personality, a rural personality we want to live in. We were sold on the incorporation to stay rural and she would throw out %100 of this. She wants to stand up for her rights as a property owner.
- 4) Gina Levesque (18:53 recording)
 - (a) Gina had written public comments and it was given to Jamie and one to each of the council. She read parts of the ordinance concerning the code enforcement officer and was astounded. The council might think it is in the best interest of Lake Point, but it's not in the best interest of those that elected the council. She went over what the code enforcer and what they can do. The info they gather can be stored and used against us. She doesn't understand the aggressiveness, agenda and the goals of this council. This is my house and my property and I'm here for a reason. It's invasive and restrictive. But if she says nothing then she deserves what she gets, she doesn't like one part of this.
- 5) Brandy Seely (23:38 recording)
 - (a) She commented about reading a lot of legal documents and this doesn't feel like a draft, we need to figure out how to communicate. Being told it is a draft makes us feel we are being deceived.
 - (b) Questions she had about not being able to find the budget, and wasn't sure if we have the funds for a code enforcement officer and if we don't have the budget where does the revenue come from? Concerned we are not quite ready for this as a community and there might be bigger fish to fry. Concerned in the chair being the code enforcement officer and the power that may hold. Same concerns as Gina. Concerned with 200 square feet for a building for housing a horse or a cow and now we will need to erect larger buildings. She doesn't understand flies and mosquitos and how we control that. She loves this community and moved here because of the feel and we could have our horses. Doesn't want Day Break and having to have doors painted a certain color.
 - (i) (Dan) asked if she would scratch the whole thing.
 - a. (Brandy) would scratch the whole thing and she explained further.
- 6) Michael Sexton (31:08 recording)
 - (a) He moved from Dallas to get out of the city and likes the freedom and the space, we knew we would have animal sounds and kids in the street and youth riding motorcycles. He loves the patriotism here. He explained if they had a problem with a neighbor and we would go knock on their door. He is upset because they have a puppy and an older dog that were used against us and no matter what evidence they had, they were enforcing Tooele County in Lake Point a month ago and he lost in court. Explained he works for everything and after the trial, there was more talk about more ordinances. It bothered him because of the time it took and the lack of courtesy. He moved to get out of the city.
 - (i) (Ryan) clarified that Lake Point doesn't have a nuisance ordinance; therefore, the county has no jurisdiction to enforce the county code in Lake Point.
- 7) Laura Anderson (38:21 recording)
 - (a) lived here for 37 years. Doesn't really want restrictive ordinances but there was kind of a war on how many cars someone could have. Having two unregistered vehicles was created because of Lake Point. There has to be some kind of a balance between rural and a nuisance. Thinks we are wise to look at an ordinance so the county can't come in. She trusts the council to do ordinances that are good for this area. Gave an example when her husband wrote letters to everyone who had multiple dogs because the barking was constant.
- 8) Kirk Allen (41:52 recording)

- (a) Now that he read the document. Police can't come onto property without probable cause. Part of his therapy is he works on cars and to say he can't have more than 4 cars destroys his pursuit of happiness. Concerned with people not being able to have their vehicles, travel trailers, and rec vehicles.
 - (b) If you have registered vehicles, you have paid your taxes and that is all the law requires. Parked cars outside of the driveway, were brought up and how it drastically affects his life to not have his cars and work on them.
- 9) Carla Adams (45:34 recording)
 - (a) She understands that there needs to be a basic rule, but this is overreach and this is the start of weaponizing against us. It is dangerous to make these rules. This is not keeping to Lake Point values, and this is too far, and it will become more and more intrusive, and we don't want the HOA junk. Let's start with something more basic.
- 10) Alexis Wheeler- (47:59 recording)
 - (a) They bought an acre for a reason and wanted to get out of Salt Lake regulations and the entire needs to be scrapped. Saw the ordinance minutes before the meeting. The entire sections need to be gone. 90% of Lake Point will be violating this if it is passed. We have animals, bugs, mosquitoes, and gardens. Brought up mosquito pucks to prevent mosquitoes and if it is a written ordinance is the city providing those pucks? She is concerned with the fines and neighbors complaining to the city. They have 9 kids, and we are instantly 3 times over the limit on vehicles and she thinks this needs to start from the ground up. Draft, this doesn't look like a draft. Let's discuss and open the dialog and all of you ran because you were going to keep Lake Point rural.
 - (i) (Doyle) if you need those mosquito pucks, please get a hold of him.
 - (ii) (Gina) suggested corn oil, it works really well in the water troughs for mosquitoes
- 11) Lori Chigbrow (53:32 recording)
 - (a) Is attending as a public citizen and is on Planning and Zoning. Nothing happens by accident, and it was good to get you all out here. Lori explained how the meetings will usually go and they talk about keeping the regulations down. She explained it probably wasn't the intention and explained how they create a draft. Balancing rural and protecting people's property rights. Explained a bad actor that may cause problems. She explained how the land use items were going to refer back to the nuisance ordinance and agreed that this one is too much but there needs to be a nuisance ordinance. What if you can't talk to your neighbor, and what would be useful for you and how can we help with a horrible neighbor? Agreed with the comment about rural and nuisance. The city isn't trying to rule your life and they would like to help you if you need a recourse.
- 12) Ken Child (59:12 recording)
 - (a) Supported having some way to help. Pointed out their neighbor that is probably in violation of everything in this document and he loves that all that stuff, it reminds him where he is. There needs to be a way to address things, but we don't need an overzealous yard cop.
- 13) Todd May (1:01:15 recording)
 - (a) Read by Jonathan Todd was unable to attend. Todd- please asked that this not be done without a public hearing.
- 14) Jonathan Garrard (1:51:56)
 - (a) agreed that this should be done as a work session.
- 15) Gina Levesque (1:02:17 recording)
 - (a) Suggested a mediator. Gave examples of Draper politicians that were overzealous. Gave examples while living in Draper. A neighbor complained about the dust because of her horse circling, and she came up with an idea and it solved the problem. People can resolve their issues.
- 16) Brandy Seely (1:05:01 recording)

- (a) Has 5 horses and lives next to Hannah. Explained the willow trees Hannah wanted to plant, so they moved their horses. Explained an incident with her horses and Hannah's daughter. Because of her horses, and the conversations they have had, they are friends. A mediator wouldn't be a good idea but she likes the idea of neighbors communicating.
 - 17) (Tina Garrard) (1:07:30 recording)
 - (a) She appreciates that Todd's voice was heard and appreciated that his comment was read. Talking is terrifying and is glad that the council facilitated that.
 - ii) Motion- Kathleen to close Public Comment. Dan 2nd (1:08:05 recording)
 - 1) Vote was unanimously approved
 - iii) Doyle- asked if there were any volunteers to get help with a committee to help with this ordinance and give input (1:08:33 recording)
- 8. Approve the Minutes-** (1:10:45 recording)
- A. Motion-Jonathan to approve the minutes as written and revised by the recorder. Kathleen 2nd
 - i) May 3, 2023
 - ii) May 17, 2023
 - iii) May 22, 2023
 - 1) Vote was unanimously approved
- 9. Reports/Presentations**
- A. Potential Eagle Scout Project (1:14:00 recording)
 - i) Aunika Chartier wants to refurbish the Lake Point Sign and explained what she wanted to do to make it look better.
 - 1) Doyle thought it might be helpful to get a sample of the materials being used.
 - 2) Kathleen asked for a timeline
 - (a) Aunika said this year maybe August.
 - 3) Aunika asked for a point of contact on the council, so she doesn't need to come back to a council meeting.
 - 4) Jonathan suggested being careful with the type of metal that they use and the type of metal used to fasten the lettering to make sure it doesn't oxidize.
 - 5) Aunika needs a signature
 - 6) Motion- Kathleen to approve the refurbishment of the Lake Point sign. Doyle 2nd
 - (a) Vote was unanimously approved
- 10. Action/Business Items** (1:22:30 recording)
- A. Post Moratorium Submission Review for moratorium exemptions
 - i) A permit request to split a 1.3 into two lots and the council discussed how to move forward.
 - ii) (Rob) it doesn't meet the zoning code and the council doesn't have a subdivision ordinance.
 - 1) Jonathan and Dan will compose a letter to respond to the request.
 - B. Update/Clarify R 2023-19 Policy and Procedures for Land Use Adoption (1:29:47 recording)
 - i) Council discussed the Policy and Procedures and the suggested edits that Ryan made to the previously adopted resolution.
 - 1) Motion- Ryan approve R 2023-19 Policy and Procedures for Land Use Adoption. Dan 2nd.
 - (a) Roll Call Vote- Jonathan Nay -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - (b) Vote passed 4 to 1
 - C. Public Hearing & Amend Budget for Fiscal Year ending June 2023 (1:39:38 recording)
 - i) Motion- to the table the amended budget there were no changes that required an amendment. As per the accountant. Jonathan 2nd
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - (a) Vote was unanimously approved
 - D. Public Hearing & Adopt Final Budget for Fiscal Year 2024 (1:42:26 recording)
 - i) Motion- Ryan to Open Public Hearing & Adopt Final Budget for Fiscal Year 2024. Doyle 2nd
 - (a) Vote was unanimously approved
 - 2) Hannah Caldwell (1:43:10 recording)

- (a) Asked if they were able to track the online purchases and to see how much has come in from sales tax.
 - (b) (Doyle) is looking into it.
 - (c) (Hannah) would like to get that posted on FB regularly so people know to make sure the public uses that 9-digit zip code when making online purchases.
- 3) Brandy Seely (1:46:35 recording)
 - (a) asked why Class C Roads went down.
 - (i) (Ryan) it was amortized over 12 months, and it wasn't what was projected.
 - (b) (91,000) what does that entail?
 - (i) (Ryan) That is the street maintenance, weed care, and snow plowing, etc.
- 4) Motion-Jonathan to close the Public Hearing. 2nd Dan
 - (a) Vote was unanimously approved
- ii) Motion-Ryan to approve Final Budget for Fiscal Year 2024. Doyle 2nd
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - 2) Vote was unanimously approved
- E. NTFD contract - Lease Agreement with Fire Station (1:52:42 recording)
 - i) Council discussed the contract.
 - ii) Motion- Kathleen to approve the NTFD contract starting July 2023. Dan 2nd
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - (a) Vote was unanimously approved
- F. R-2023-18 Fee Schedule (to add engineering fees) (1:59:10 recording)
 - i) Council and Counsel discussed the additions to the fee schedule.
 - ii) Motion- Doyle to table for review for the additional update for the next meeting. Kathleen 2nd
 - 1) Vote was unanimously approved
- G. Nuisance Ordinance (initial introduction) (2:19:28 recording)
 - i) (Kathleen) introduced the ordinance.
 - ii) Council went through the ordinance where any council members had concerns, so they had something to pass along to the Nuisance Ordinance Committee.
 - 1) Motion- Ryan to move forward on the ordinance. Kathleen 2nd (3:58:00 recording)
 - (a) Ryan-Amend to go to section 3. Kathleen 2nd
 - (b) Passed 3 yea 2 nay
 - iii) Council continued to discuss the ordinance.
 - (a) Motion- Dan to adjourn- Jonathan 2nd (4:50:49 recording)
 - (b) Motion fails 3 nay 2 yea
- H. Motion-Ryan to table the Nuisance Ordinance until completed by the council and can be sent to the committee 7 days electronically with meeting notes. Doyle 2nd (4:51:42 recording)
- I. Passes 3 to 2.
- 11. Attorney Clarification** (4:58:15 recording)
 - A. (Hannah and Lori, PZ Commission)-asked Rob about some of the emails that they had sent him concerning their upcoming hearings.
 - B. (Kathleen) asked about the definitions Mike sent the council.
 - C. Council and Commission discussed how to handle definitions and supplemental regulations.
- 12. Council Updates**
 - A. Jonathan Garrard (5:08:40 recording)
 - i) (Jonathan) reminded the Council of the Emergency Management (successors designated for Bucky needed by July)
 - B. Doyle Garrard (5:09:16 recording)
 - i) No updates
 - C. Dan Crawford (5:09:28 recording)
 - i) Home Based Business
 - 1) (Dan) Suggested having a work session on our next business meeting
 - (a) Council discussed July meeting dates and upcoming agendas.

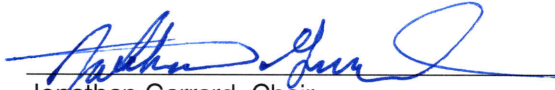
- 2) (Jonathan) pointed out he had made some graphs on feedback from the public and is working on combining 2 versions of the Home-Based Business Ordinance and would have it done shortly.
 - ii) (Dan) asked about posting an end time on Public Notice Website for Business and Work Sessions
 - 1) Council discussed.
 - D. Ryan Zumwalt (5:28:14 recording)
 - i) (Ryan) wanted to reconsider contracts with inspectors, officials, accountants, etc. because the council expressed concern with the city attorney working for the Lake Point Cemetery and Parks Districts and so he wanted to look at anyone the city contracts with that serves other local jurisdictions because of possible conflicts.
 - 1) Council discussed.
 - E. Kathleen VonHatten (5:36:17 recording)
 - i) (Kathleen) Flyers- needed to know if the council had any other changes to the flyer
 - ii) (Kathleen) Vision statement- get these done
 - iii) (Kathleen) CivicInQ- Kathleen updated the council
 - iv) (Kathleen) Trash Update- new cans update
 - v) (Kathleen) Fire Station payment
 - vi) (Kathleen) Health Dept
- 13. Public Comment** (5:57:40 recording)
A. No Public Comment
- 14. Adjournment 12:01 am**

Note- This meeting includes public comment that was written and given to the city recorder for the record. To find the complete record please visit lakepoint.gov Departments-Recorder-Downloaded Forms- Meeting Minutes.

Note-The minutes may include a summary of what was discussed and are not intended to be verbatim. All public meetings have an audio recording, time stamps are included in the minutes to help the public find where certain topics were discussed. Please see the audio recording of this meeting for a full audio record of the meeting.

Note- Additional information concerning meetings including agendas, minutes, recordings, written/typed public comment, other distributed materials, ordinances, resolutions, public notices, and how to sign up for notifications on the Public Notification Website, can be found at <https://lakepoint.gov> under Departments-Recorder.

PASSED AND APPROVED but the Council this 9th day of August, 2023


Jonathan Garrard, Chair

ATTEST:


Jamie Olson, City Recorder