Lake Point City Council Minutes

Date: Wednesday, April 5, 2023
Place: Lake Point Fire Station 1528 Sunset Rd Lake Point, UT 84074
Time: 6:00 PM

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

Lake Point Council & Staff (C=Council)	Public	Public
Jonathan Garrard (Chair)	Josh Carter	James Simko
Ryan Zumwalt (Vice Chair)	Nycole Carter	Destiny Martinez
Dan Crawford (C.)	Rickey Lloyd	Darren Archer
Kathleen VonHatten (C.) absent 09:25pm	Kelly Brown	Buck Peck- Fire Marshal
Doyle Garrard (C.)	Jared Brown	Marc Virkus
Jamie Olson (RCDR)	Bill Ketchum	
Rob Patterson (Attorney) 10:35pm left meeting	Lori Chigbrow	

6. **Legal Training – Rob** (recording 2:39:00)
   A. Rob is working on rules on liability for flooding.
   B. Update on Legislative Session.
      i) Land Use Changes
      ii) (Rob) Subdivision code has changed and is now the Commission responsibility because it is administrative.
         1) Planning Commission or staff can approve the preliminary plat
         2) 2 Planning Commission members or staff can approve the final plat
      iii) (Ryan) did they change the review process
      iv) (Rob) They get 4 review cycles; you give the developer 4 chances to fix it. Then you approve or deny.
7. **Public Comment-** (13:50 recording)
   A. Motion- Dan to open Public Comment, Kathleen 2nd
      i) Vote was unanimous approved
      ii) Josh Gardner
         1) (Josh) Plats that are already zoned for 1 acre lots, how will that work going forward. Some might want to add another dwelling, will that open everyone else to do that.
         2) (Kathleen)- it depends how we write the code
         3) (Ryan) explained on existing plats they stay the same
         4) (Josh) are 1 Acre parcels for Lake Point going to stay the same?
         5) (Dan Doyle Ryan)- general plan and public will have a say.
      iii) Darrin Archer- ADU and wanted to discuss and curious the business license aspect
         1) (Darrin) Relatives are CPA and they say you don't need a business license for an ADU
         2) (Darrin) Saw ADU's were being talked about on Facebook.
         3) (Dan) you can visit our FB and gave an overview of where to find meeting info
         4) (Dan) Planning and Zoning Commission meets on Monday nights.
         5) (Kathleen) ADU's isn't on the agenda tonight, we are far off on ADU's

6) (Lori Chigbrow) wanted to know Darrin's and Josh's thoughts on ADU
7) (Darrin) Seems excessive to be concerned about just adding a kitchen to your basement, if it's an external ADU he understood inspections to make sure things were done right. He wasn't sure about requiring the business licenses.
8) (Josh) concern with ADU is the infrastructure and where water comes from.

iv) (James Simko) the commission is learning about the ADU topic right now. Nothing has been done with it and they will be opening it for the public and they welcome the input
v) (Jonathan) in past meetings we have been talking about ADU's but not specific to the code.
vi) (Kathleen) Current it's been discussed because of a couple permits that we are trying to put back to the county.
vii) (Kathleen)- discussed Moderate Income Housing and the requirements and we need to meet 3 to 6 requirements. If we have ADU's in our city, how do we know about them, so we can meet one of those requirements. Kathleen is looking into these questions
viii) (Doyle, Ryan, Kathleen) another plus, rather than year-end tax statement, it gets prorated based on population, accurate citizen count, roads money's if we know how many people live here.

B. Rickey Lloyd- part of PZ water is a critical issue, with I'm wondering what the state says about water collecting water from roofs
1) State allows it and we just need to put it in an ordinance
2) 2/100 gallon containers legal

8. **Approve the Minutes-** *Council moved out of order and went to 9B and then returned to this topic* (1:22:45 – 1:59:27recording)

A. (Ryan) I Motion to table (Ryan's reasons as Noted on the record) due to being unaware of the discussion or pending discussion. I had previously requested in emails and texts that went unanswered, so I'd like to be aware of any prior discussion regarding minutes. We also had a 2-hour previous discussion on minutes, and I don't think ability to discuss openly on what's going on without my notes present is a good time for me, so I'm motioning to table and also in the interest of time we have a council member that needs to leave early and we have other public here to meet with us regarding their post moratorium requests
i) (Jonathan) wanted to remind the council about the March 15th Minutes needing to be discussed so they can be approved

B. (Jonathan and Ryan) made comments concerning time spent, efficiency and email communications and in person discussion
C. (Jonathan) brought up liking the state code on minutes.
D. (Doyle and Kathleen) liked the state code.
E. Council discussed missing the piece on what they want to do with public comment
F. (Jonathan) March 15 minutes need to be on the for next week
G. (Rob) explained that minutes don't need to be approved, but the recorder must have minutes drafted and posted for the public
H. Council discussed their point of view on whether minutes should include written public comment.
i) (Ryan) wants all public comment treated the same and public comment all be summarized and not to attach written public comment and if the public wanted the record, they could request it.
ii) (Jonathan) is okay if public comment is summarized as long as it is available for the public to view. He would like them attached at the end
iii) (Doyle) is okay with Jonathan's suggestion and making a note that there was a written statement
iv) (Kathleen) is fine if they are available to the public but does not want them attached to the minutes.
v) (Dan) wants them to be attached to the minutes.
vi) (Rob) explained that if there is something publicly distributed in the meeting it needs to be included in the minutes.

I. Council discussed this code and interpretation.

J. Motion-Ryan - that we require that public comment be summarized in the minutes along with all other public comment, meeting the state code for the format of (Utah Code) 52-4-203 and that we post any submitted written comments to our website in a separate section available for the public to access. (1:52:52 recording)
   i) (Doyle) had concern with the word "required"
   ii) (Jonathan) wanted clarification on distributed documents and the location they are posted.
   iii) (Rob) you need to add a link to the city website and could even put it in the minutes where you're planning on posting those distributed documents.

K. Motion-Ryan - amend the motion to change the word "require" to "will follow"
   i) (Dan)-wanted to be sure everyone agreed that there would need to be a link available.
   ii) 2nd Doyle
   iii) Vote was 4 yay and 1 nay approved
      1) (Dan) wanted to know why Jonathan was a "nay" because he thought they were all in agreement.
      2) (Jonathan) was a nay, he wanted it in the motion that the link to be "required" and is a designated place, so it was easy for the people to find. It may still happen but wanted it to be on record.

9. Reports/Presentations

A. Treasurer's Report (1:59:27 recording)
   i) (Doyle) Pointed out expenses that need reimbursement that council has paid for and wanted to make sure everything was in there.
   ii) (Council moved on to Item 10. Because item 9.B. was already discussed)

B. Inspectors & Fire Marshall (31:00-1:22:00 recording)
   i) Kelly Brown, Seth Clegg, and Jared Brown
      1) Introduced themselves
      2) Explained process for building inspection process
         (a) (Kelly) If you build anything, you need to meet the building code.
         (b) (Kelly) Explained the Building inspector job and how it relates to the city and possible options for the city
      3) Open discussion for the council and some of the Planning and Zoning Commission in attendance to asked questions and get answers
      4) (Council moved back to Minutes 8.)

10. Action/Business Items

A. Post Moratorium Submission Review for moratorium exemptions – (2:02:43 recording)
   i) Motion - Kathleen to approve them and move them back to the county, with standard basement finishes verbiage. Withdrawal the motion.
   ii) Motion - Kathleen to approve (the following)
      1) Anderson 7749 Cobble Rock Road
      2) Kranz 8665 Iron Horse
      3) Carr 8330 Lakeshore Dr.
      4) For basement finish with HOA language, to complete the basement finish by Dec 31, 2023, to be turned over to the county. Doyle 2nd
         (a) Passed Unanimous
   iii) Water one- Shane (2:13:00 recording)
      1) Council briefly discussed this permit request and will take care of this one as soon as Shane arrives.
   iv) Motion - Dan to approve 8804 Clinton Landing Road using previous commercial verbiage under commercial with a deadline to complete by Dec 31, 2023. 2nd Kathleen (2:18:115 recording)
      1) Passed Unanimous

v) Motion - Ryan to approve Jorgensen's application using the previous existing solar motion and language with date of Dec 31, 2023. With address 1887 Sunset Rd. 2nd Dan
   1) Passed Unanimous
vi) Motion - Ryan approval applicant Stephen Geliette 1905 Sunset Rd. and Dave Mattes 1977 E Stoney Mountain Drive, for the approval language using the solar verbiage, but replacing it for a water heater and a furnace and AC unit. With the end date of Dec. 31, 2023, Doyle 2nd
   1) Passed Unanimous
vii) Motion – Ryan to change the previous end date for 1225 Antonio Dr. That was approved on 3.17.2023 and extend date of completion to Dec 31. Kathleen 2nd
   1) Passed Unanimous
viii) Motion – Ryan to approve Richmond America for lot 1226- 2017 Antonio Dr and Lot 1223 1981 Antonio Dr, using previous existing motion language for houses on an existing plat with a deadline of Dec 31, 2023, Dan 2nd
   1) Passed Unanimous
ix) Council discussed with Shane about his plans getting waterline to his house. (2:27:18 recording)
   1) Motion – Ryan to approve applicant Shane Hardy for water and fiber line Beehive and Oquirrh Mountain Water to be reviewed by the city engineer cost paid for by the utility company or franchisee for those services and this be for the single use lateral line, single existing residence and any future applications will require a franchise agreement. Dan 2nd
      (a) Passed Unanimous
x) (Doyle) wanted to review the outside building and the reason of existing setbacks and side yards. Unless we aren't wanting to change those.
   1) (Jonathan) addressed setbacks depend on lot size and some lots have "conservation easements" attached to them, which effects their setbacks. And has a hard time not letting the people move on their projects
   2) (Ryan) brought up the city not having setbacks set unless Doyle was referring to adopting the counties.
   3) (Ryan) was concerned with opening it up and if we approve one out building, we need to approve all of them.
   4) Council continued discussion
xi) Council Moved to 10. F. Waste Management so Kathleen could leave.

B. R 2023-09 Annual Meeting Schedule (after the meeting it was discovered this resolution was mistakenly numbered wrong, it was posted in the PNW (Public Notification Website) on the agenda and as a public handout on 2023 04.03. It is being corrected to be R 2023-12 Annual Meeting Schedule and the signed resolution will show the correct number and was posted on the PNW) (3:37:46 recording)
   i) Officially doing as a resolution already in the minutes in the beginning of the year
   ii) Motion - Ryan to approve Resolution 2023-09 Lake Point Annual Meeting schedule Dan 2nd
      1) Passed Unanimous - by all council members in the meeting- Katheen was absent for vote before leaving expressed she was okay with this motion.

C. R 2023-10 - Ratification of Actions
   i) Jonathan explained this resolution
   ii) Motion - Ryan to approve Resolution 2023-10 - Ratification of Actions, Doyle 2nd
      1) Passed Unanimous - by all council members in the meeting- Katheen was absent for vote before leaving expressed she was okay with this motion.

D. R 2023-11 - Travel Reimbursement
   i) Motion - Dan to approve Resolution 2023-11 - Travel Reimbursement, Jonathan 2nd
      1) Passed Unanimous - by all council members in the meeting- Katheen was absent for vote before leaving expressed she was okay with this motion.

E. Dispatch Service Agreement (3:42:30 recording)
   i) Council discussed the agreement
   ii) Motion - Ryan approve Tooele LP Dispatch Service Agreement if there are no changes from the county and authorize the chair to sign it.
      1) (Jonathan) asked when the county comes back with it if there are no changes, does he sign it with today's date or the date he signs it? (Rob) the date he signs it.
      2) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Absent -Doyle Yea
      3) Passed Unanimous - by all council members in the meeting- Katheen was absent for vote before leaving expressed she was okay with this motion.
      4) (Council went to item 10.G. since 10.F. was previously taken care of)

F. Waste Contract (3:00:15 recording)
   i) Motion- Ryan to approve to enter contract negotiation with ACE. 2nd Kathleen
      1) Passed Unanimous
   ii) (Council went Kathleen's Updates 12.D.)

G. Discuss/decide Policy to have minimum of Chair and Vice Chair in relation to prevent bottleneck of emails and correspondence to Planning and Zoning Commission with attorney and other items (3:45:58 recording)
   i) (Dan)- Is it okay if the Chair and Vice Chair is communicating with attorney, in case the Chair isn't available and holding things up.
      1) (Ryan) suggested adding the Commission secretary
      2) Council further discussed this and would like to return to the topic for review in two weeks
   ii) (Ryan) brought up things for the Planning Commission that are not on their plate, regarding non land use items and Ryan will put together some thoughts/bullet points.
      1) (Dan) would like solicitors license in two weeks.
      2) (Doyle) reminded that the council needs to visit business license
      3) (Jonathan) brought up trying to work on Commercial license first and separate it from the Home Occupation Business license.
      4) (Jonathan) shared thought on inspectors and their possible motivations in wanting lots to have permits and licenses. paid to inspect (4:05:00 recording)
      5) Council gave Rob the go ahead to work on separating out Commercial Licenses for next week.

H. RFP for Financial Auditor
   i) (Ryan) the city needs to hire an auditor for our audits.
   ii) (Doyle) having a "review" is a lot less than an "audit" and would like doing that looked into it since revenue will be low this year.
   iii) Motion- Ryan to approve the RFP for a financial auditor for FY 23 and it be sent to the 6 recommended auditors from our accountant, the Utah League of Cities and Towns recommended list and on the city website. Dan 2nd
      1) Passed Unanimous with 4 council members present

11. Attorney Clarification -for any items in Council Update (4:19:35-4:32:20 recording)
   i) (Dan) was wanting to work on getting court system, defense, persecutors, law enforcement etc. bids.
   ii) (Doyle) is meeting with the Lake Point Improvement District for a franchise agreement for next Thursday 13th and need the franchise agreement from RMP to give a layout. Rob will send that over.
   iii) (Jonathan) On things that are administrative is it okay or good practice to have a vote to formality to make it clear.
      1) Often very useful.
   iv) (Rob) on the Emergency Plan
      1) NIMS have to adopt it if you want to NIMS grants

        (a) Jonathan looked up several city's most didn't mentioned NIMS
        (b) They will still come and help, it mostly is needed for Grants
    v) (Rob) advised if he is on an email and if Rob replies all and it goes outside the city, you have lost attorney client privilege for that subject. Just be careful on emails.
    vi) Rob left at 10:35pm

12. Council Updates (4:32:30 recording) Council went to Dan's update

A. Jonathan Garrard (5:03:08 recording)
- i) (Jonathan) mentioned being better about using the drive, having subcommittees working together and then presenting it to the council. Liked bringing it to the meeting and go through it and do a quick run through.
- ii) (Doyle) adopting tax rate was discussed.

B. Dan Crawford (4:33:00 recording)
- i) Reach out to Jed about franchise agreements. Council agreed
- ii) (Dan) Coordinating a meeting with General Plan Company and Council.
  - 1) (Dan) Do they add the Planning and Zoning? The Engineers?
  - 2) (Dan) schedule a work session
  - 3) (Dan) will send out an email for the council to look over.

C. Doyle Garrard (4:41:45 recording)
- i) (Doyle) had point of sales question and if the auction is a point of sale? Discussion sounds like it is.
- ii) (Doyle) listed companies that the city needs franchise agreements with.
- iii) (Ryan) informed the council that Kennecott is not interested in a franchise agreement on their waterline because at this time they are no plans to do anything.
- iv) Council had a discussion on building inspectors and building officials and how the city wants to move forward.
- v) (Doyle) is looking at Bills and wanted to make sure he wasn't missing anything-Rob, ULT, Dave Sanders, Jamie, ULCT, FirstNet.
- vi) (Jonathan) brought up paying those that participated on city logo's,
- vii) (Ryan) we need to eventually pay for the election (5:03:08 recording)
- viii) (Council moved to Jonathan's update)

D. Kathleen VonHatten (03:02:00 – 3:22:24 recording)
- i) (Kathleen) Trash bins will be brown
- ii) (Kathleen) We will be getting more sand for sandbags
- iii) (Kathleen) 2000 bags 1300 unfilled. Do we want another 1000 bags?
  - 1) (Ryan, Dan) expressed being good with that.
- iv) (Kathleen) update on what she found out about barricades for flooding.
- v) (Kathleen) she brought up contract for emergency services
- vi) (Kathleen) Update on ET canal regarding flooding
- vii) (Kathleen) scheduling a couple meetings for 2 council members doing a Zoom call with Chris Robinson (discussion)
- viii) (Jonathan) gave the public a moment to address the council. (3:22:50 – 3:37:30 recording)
  - 1) (Ricky Lloyd) brought up setbacks and what he has learned in his recent research.
  - 2) (Ricky Lloyd) had questions on the firework topic
    - (a) (Dan and Jonathan) addressed this topic and what the council needs to work on.
  - 3) (Lori Chigbrow) had questions on the sewer line hole on a road on Cluff Lane in Lake Point that is sunk and there is just a cone in it and how that can be addressed.
    - (a) Dan and Doyle will look into it and address it.
  - 4) (Marc Virkus) expressed concerns about some lots and their zoning before Lake Point became a city and expecting the 1-acre lot zoning to be honored.
    - (a) Ryan addressed that the council was looking into it.

ix) Council returned to agenda item 10.B.

E. Ryan Zumwalt (5:15:30 recording)

i) (Ryan) Park District wanted to have a partnership with the railroad on getting the trestles to a Public Right of Way. But the park needs a government entity to sponsor.

ii) (Ryan) Storm water and piping was discussed and maintaining.

iii) Council discussion on sending on the ET Canal agreement.

iv) (Ryan) Brought up a conex and the cost of "one use" is $10,000 delivered. To store city items, sand bagging supplies etc. Ryan will look into prices. (5:25:17 recording)

13. Public Comment (5:29:25 recording)

A. Motion - Dan to open Public Comment, Ryan 2nd

B. Vote was unanimous approved

i) Rhondalyn Garrard, you are doing awesome and almost out of here before midnight

C. Motion - Doyle to close Public Comment, Dan 2nd

D. Vote was unanimous approved

14. Adjournment-Motion- Ryan 11:33 pm

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 23rd day of August, 2023

Chair

ATTEST:

Jamie Olson, City Recorder

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