

Lake Point City Council Minutes

Date: Wednesday, May 3, 2023

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

Time: 6:00 PM

1. **Call to Order-** 6:01pm
2. **Prayer-** Rob Patterson
3. **Pledge of Allegiance-** Gino Garcia
4. **Presiding Officer-** Jonathan Garrard
5. **Attendance Roll Call-** Jonathan Garrard

Lake Point Council & Staff (C=Council)	Public	Public
Jonathan Garrard (Chair)	Hannah Caldwell	
Ryan Zumwalt (Vice Chair)	Gino Garcia	Attendance Checked
Dan Crawford (C.)		
Kathleen VonHatten (C.)	Lori Chigbrow	
Doyle Garrard (C.)	Mark Vos	
Jamie Olson (RCDR)	Rhondalyn Garrard	
Rob Patterson (Attorney)	James Simko	
Rob left at 9:40pm		

6. **Legal Training – (2:28 recording)**
 - A. Rob sent out flooding liability information to the council
 - i) Irrigation ditches
 - ii) A lot of water coming off a mountain is not a liability to the city
 - iii) Groundwater isn't something that the city can control. You can address it in the code
 - B. (Ryan) asked about a Saddleback plat issue (8:53 recording)
 - i) Road dedication is to the county and not to Lake Point
 - ii) The county can sign a deed that all of the roads are owned by the city.
 - C. (Doyle) asked about 5 properties that have been bisected and their parcels are divided, because of a taxing district boundary by Parks and Cemetery District. The county had to split a parcel.
 - i) Rob- that is a park and Cemetery District issue. Not a city issue. Rob gave an overview on how that might work and what needed to be done.
7. **Public Comment-**
 - A. Motion- Dan to open Public Comment, Doyle 2nd (19:30 recording)
 - B. Vote was unanimously approved
 - i) James Simko- he had questions and some Planning and Zoning and to ask a few questions (20:07 recording)
 - 1) Had questions concerning the moratorium on the 6th of June
 - 2) Possibly doing extensions and fearful of losing the trust of the citizens. That it will be up in June and there is a feeling we need to get rolling
 - 3) Some in Planning and Zoning would like to see it in writing, where it says that, as we have questions
 - 4) How long can the extension be applied?
 - 5) If they need to meet more? So, it doesn't hold up residents.
 - 6) Like to see it in law form because of fear of complications if it is extended.
 - ii) Gino Garcia (23:40 recording)
 - 1) Wondering how we can get exemptions, so they aren't held up for barns and sheds?
 - iii) Mark Vos (24:25 recording)
 - 1) New to Lake Point and moved in in March
 - 2) Wants to introduce himself and to learn and listen.
 - C. Motion- Doyle to close Public Comment, Kathleen
 - D. Vote was unanimously approved
8. **Reports/Presentations**
 - A. Treasurer's Report (25:50 recording)
 - i) Concern because we are meeting every week. Do we need to do this every week?

- ii) (Rob) you have a policy and need to do it at least once a month.
- iii) Council decided this can be done on the 2nd week of the month.
- B. Emergency Operations Center - Bucky answering Council questions (29:33-1:04:30)
 - i) Bucky Whitehouse introduced himself.
 - ii) Has been working with the city to make policy
 - iii) Council is able to make decisions in case of an emergency
 - iv) Explained Local Emergency Management ACT.
 - v) Lead individuals need to have a designated and a secondary. Every council member needs 2 lines of succession.
 - vi) In July, Bucky will be asking for these designations in July
 - vii) Bucky answered questions the council asked. (35:15-1:04:30 recording)

9. Action/Business Items (1:04:45 recording)

- A. Interlocal Agreement with Tooele County on the 2023 Election
 - i) (Rob) was fine with the contract as written and could address some small changes next year, that don't change the effect of the contract.
 - ii) (Ryan) wanted the contract edited for this contract and not wait until next year.
 - iii) (Doyle) questioned not having the work bonded and/or guarantee.
 - iv) Motion-Ryan to approve the contract with edits from counsel to add the language required by state code for interlocal agreements. Doyle 2nd (1:11:05 recording)
 - v) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
- B. Post Moratorium Submission Review for moratorium exemptions (1:11:50 recording)
 - i) Hardy water line was discussed.
 - 1) The road was dug into, and engineering was not consulted
 - 2) (Ryan) explained the water company partially dug into the road to put the water line in.
 - 3) (Council) Franchise Agreement was discussed because the Oquirrh Mountain water company does not have a franchise agreement with Lake Point.
 - 4) Council will work on getting the Franchise Agreements they have been assigned to get done.
 - 5) Motion-Ryan-to close it pending the engineering inspection after the asphalt work, Kathleen 2nd (1:31:40 recording)
 - 6) Amendment- Dan- he is paying the engineer? Kathleen 2nd
 - 7) Previous motions were withdrawn, Ryan
 - 8) New Motion- To have the applicant, close this pending the engineering inspection of the applicant's asphalt, after the asphalt is completed and that the inspection be paid for by the applicant or the company that did the work. Kathleen 2nd
 - 9) Vote was unanimously approved
 - ii) (1:35:04 recording)
 - iii) Thomas Calton Lot 1229
 - 1) Motion-Kathleen to approve Thomas Calton, Pastures lot 1229/2057 Antonio Drive with the motion verbiage, new house on Preexisting Plat with completion deadline Dec 31, 2023, Dan 2nd
 - iv) Kilee Russell Solar
 - v) Motion- Kathleen approve solar for Kilee Russell on 6061 E. Spring Court based on the verbiage of the solar motion no deadline Dan 2nd
 - 1) Vote was unanimously approved
 - vi) Edgar Gonzalez and David Kranz basement finish
 - vii) Motion- Ryan to approve Edgar Gonzalez at 8255 N. Cobble Rock for a basement finishing using the existing basement finish motion and HOA language and also to approve David Kranz 2060 E. Shelby Rd. for a basement finishing using the existing basement finish motion and HOA language. Dan 2nd (1:38:37 recording)
 - 1) Vote was unanimously approved
 - viii) Moratorium discussed (1:39:45 recording)
 - 1) (Ryan) wanted Rob to explain how we come out of the moratorium because there has been confusion.
 - 2) (Rob) talked to Mike today and explained how we can move forward and doesn't think it is a large risk to the city.

- 3) (Rob) recommended coming up with a road map and putting out a/some public hearing notices for adopting land use ordinances, before the moratorium ends so we are notifying we are in the process of adopting the relevant codes.
- 4) (Rob) feels they are on solid ground.
- 5) (Kathleen)- can we release some applicants that need permits if we came up with setbacks
- 6) (Rob) There will be a ban on things while Commission and Council work through ordinances, as soon as the ordinances are done that are required for a certain permit, then release those permit requests.
- 7) The zoning map and its importance was discussed (1:43:00 recording)
- 8) (Rob) Best practice- For example, we are going to discuss this ordinance on "this" date. It can be extended or tabled if needed, spell out the road map to get land use ordinances set up and we will provide the notices for the public hearing.
- 9) (Ryan) asked what that looks like, the code to get out of the moratorium.
- 10) (Rob) in a resolution giving notice that this is our process and road map and adopting these provisions to allow us to do this and will process applications once code is adopted that is in line with this road map. Rob gave examples of dates that certain things might be done.
- 11) (Rob) The moratorium will lift. Applicants are subject to code till the ordinance is done.
- 12) (Kathleen) asked about the zone and how it works with the general plan.
- 13) (Kathleen, Dan, Doyle, Ryan) discussed zoning map.
- 14) (Rob) You could write zoning very narrowly, so you don't have to guess all the other areas
- 15) (Jonathan) Words from Rob were "some uncertainty" and "fairly confident".
- 16) (Jonathan) What is our risk of a lawsuit?
 - (a) (Rob) The risk is very low because it will get resolved in a couple of months and Rob explained further.
 - (b) (Jonathan) Asked about the 50-year agreement with the developer and some of the verbiage in that and the council and counsel discussed it.
 - (c) Compelling Countervailing Public Interest was discussed.
- 17) Kathleen asked about RR1 properties – make a zoning map- can change the zoning map after the general plan? (1:57:00 recording)
 - (a) (Rob) yes and the topic was discussed
 - (i) setting a public hearing was discussed.
 - (b) Council, commission members, and Rob discussed the following
 - (i) Public hearings for zoning map
 - (ii) Zoning Map
 - (iii) Public hearing for RR-1
 - (iv) RR-1
 - (v) Building Code
 - (vi) Accessory building shops and garages (2:11:00 recording)
 - (vii) Pools and fencing

C. Inspector contract - building official (2:21:00 recording)

- i) (Dan) got two responses back and Dan wants a couple more and come back in a week or two depending on how fast they get back
- ii) Motion- Dan table for 2 weeks. Doyle 2nd
- iii) Passed Unanimously

D. General Plan Engineer Agreement/Contract (2:25:12-2:54:27 ish)

- i) Council and Counsel discussed and reviewed the contract that arrived just before the meeting.
- ii) Discussed dates and plans
- iii) Motion- Doyle- accept the general plan initiative as presented to us with modifications that we have added based on their acceptance. Dan 2nd
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea

- iv) Follow-up discussion on dates

E. Court Services Agreement (2:54:27 recording)

- i) Motion- Dan- to Table for July 2nd Ryan
- ii) Passed Unanimously

F. Fireworks Ordinance 2023-10 (2:56:00 recording)

- i) Council discussed the ordinance and added a couple more holidays that were missing.
- ii) Motion- Dan to approve Fireworks Ordinance 2023-10 as amendments. Doyle 2nd

- iii) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
- G. Software decision - review/approve contract (3:02:50 recording)
 - i) (Kathleen) Civic Review offered and prorated and changed the contract
 - ii) (Kathleen) IWorq's did come back with a better offer and less of a year contract.
 - iii) Motion- Dan Trash Flow to move forward with the contract as is. Jonathan 2nd
 - iv) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - v) Motion- Dan Civic Review to move forward with the contract as discussed as subject to the prorating part of the cost. Kathleen 2nd
 - vi) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea

10. Attorney Clarification -for any items in Council Update, (3:13:42 recording)

- A. (Rob) asked if the council wanted to add a fee if a candidate misses the Election campaign finance disclosures deadline. It can be a \$50 fee. The council is okay with a \$50 fee.
- B. (Rob) Need a tentative budget soon
- C. (Rob) Firework permit fee
- D. (Kathleen) asked Rob about the landfill bond and Rob explained it.
- E. (Doyle) asked about bringing the right-a-way down to 10 feet off-center. Doyle would be more comfortable with 15 feet.
 - i) Council discussed the right-a-way

11. Council Updates (3:40:00 recording)

- A. Dan Crawford
 - i) Local Food and Community Self-governance Ordinance. Dan got it back from Rob and so the council can start looking at it.
- B. Ryan Zumwalt (3:41:42 recording)
 - i) Doesn't have anything
 - ii) Council moved to Doyle's Updates 11. E.
- C. Kathleen VonHatten (3:52:30 recording)
 - i) Waste- Kathleen updated on Waste.
 - ii) Flyer - public communication for trash, services, emergency, etc.
 - iii) Website - Additional Pages and Public Questionnaire (4:06:50 recording)
 - iv) Meeting Schedule - Do we need to amend it? We are supposed to be at 2 meetings a week in June.
 - 1) (Ryan) Maybe do the business meetings every two weeks and then a work session the other weeks
 - 2) (Dan) decide from week to week
 - v) May 24th is High School graduation, and we have a meeting scheduled that day.
 - 1) Wait and see, possibly cancel and do it Tuesday the 23rd.
 - vi) Work Session on May 11th Open House Style to gather information for Business License discussion with the public.
- D. Jonathan Garrard (4:23:00 recording)
 - i) Google Vault and Microsoft – update
 - 1) (Jamie) gave an update and asked Council if they would prefer him to present online or in person
 - ii) Planning and zoning alignment meeting – this is May 8 and May 15
 - 1) (Ryan) will be getting the maps.
 - iii) (Kathleen) reviewed all the upcoming meeting dates with Council and Commission
- E. Doyle Garrard (3:42:16 recording)
 - i) Spring conference - League of Cities and Towns he doesn't have anything to add to this report.
 - ii) Canal - beehive Cleanup -this was already discussed
 - iii) Dominion Gas – This was already taken care of.
 - iv) Roads- the power pole on the corner across from the church on Canyon and options for that area.
 - v) Sewer issues in Bridle Walk. Council discussed. (3:48:00 recording)
 - vi) Council moved to Kathleen 11. C. (3:52:17 recording)

12. Public Comment (4:35:05 recording)

- A. Motion-Dan to open Public Comment, Kathleen 2nd
- B. Vote was unanimously approved
 - i) Lori Chigbrow, do you have a concern about the outgoing trash company if we are losing service? Since trash hadn't been picked up today yet.
 - (a) (Kathleen) shouldn't be, it was abnormal, a truck might have broken down.
 - 2) Home-Based Business – Consider an outreach campaign on the city website for businesses.
 - 3) (Lori) and suggested a local volunteer business chamber

ii) Hannah Caldwell- as a small business owner most people will not just volunteer to give you info on their business until they trust the government. Maybe they will eventually.

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

D. Vote was unanimously approved

13. **Adjournment-** Dan 10:40 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 28th day of June, 2023


Jonathan Garrard, Chair

ATTEST:


Jamie Olson, City Recorder