

## Lake Point City Council Minutes

Date: Wednesday, May 15, 2024

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

Time: 6:00 PM

1. **Call to Order-** 6:00 pm
2. **Prayer-** Kathleen VonHatten
3. **Pledge of Allegiance-** Ryan Zumwalt
4. **Presiding Officer-** Ryan Zumwalt
5. **Attendance Roll Call-**

Lake Point Council & Staff (C=Council)	Public	Public
Ryan Zumwalt (Chair)	Rick Wheeler	Jared Brown
Kirk Pearson (Vice Chair) arrived at 6:05 pm and left at 10:36 pm	Dawn Newberry	Chaelea Allred
Jonathan Garrard (C.)	James Newberry	
Kathleen VonHatten (C.)	Neil Howick	
Alexis Wheeler (C.)	Lindsey Howick	
Jamie Olson (RCDR)	Jordan Taylor	
Joel Whitehorse (Attorney) left at 11:13 pm	Kelly Brown	

6. **Legal Training –**

- A. (Joel) brought up an excavation permit that is potentially being done on a road that might be less than 5 years old. Jamie's question to the Council was to define a "new road" (less than 5 years old) because a new road cut requires the Council's approval.
  - i) (Joel) since the road is the cities, the city could clarify in the future the definition of a new road to make it clear. This will be left up to Jamie as administer authority to determine if it is a new road and if the Council objects it can be put on an agenda.

7. **Public Comment-** (7:55 recording)

- A. Motion-Ryan to open Public Comment. Kathleen 2<sup>nd</sup>
  - i) Motion was unanimously approved
- B. No public comment
- C. Motion-Ryan to close Public Comment. Jonathan 2<sup>nd</sup>
  - i) Motion passed unanimously

8. **Approve the Minutes-**

- A. 2024 04.10 and 2024 04.17
- B. Motion- Jonathan to approve the minutes 2024 04.10 and 2024 04.17 as they have been corrected prior to this meeting. Kathleen 2<sup>nd</sup>
  - 1) Motion- passed unanimously, Alexis abstain

9. **Reports/Presentations-**

- A. Treasurer Report (10:20 recording)
  - i) The treasurer report was emailed out, Treasurer is not in attendance, if there are any questions they can be emailed out or asked next month.
- B. Emergency Management Report (12:25 recording)
  - i) Kathleen VonHatten reported
    - 1) A stormwater pipe that needed to be repaired.

- 2) Speedco and Starbucks had flooding on the April 27<sup>th</sup> rainstorm
- 3) 4 homes, that she is aware of, reported flooding to the city
- 4) There has been road sinkage, from cable line installations, from not being compacted correctly.
- 5) She would like to do a POD (Point of Distribution) training exercise in an emergency on Sept 16 in the evening. The exercise will be handing out pizzas. The city would need 10-13 volunteers
- 6) Emergency Community Fair possibly on August 31, she might need funds for advertising this event. She was thinking \$500-\$1,000 for flyers.

#### 10. Discussion Items (No Vote)

- A. High water Table discussion with building officials and engineering (19:16 recording)
  - i) (Kelly Brown) (Building Official) explained what they observed after the rainstorms. He expressed Geotechnical is very technical and he is not an engineer.
  - ii) (Kelly) On the east side, most was surface water coming from window wells or lack of proper draining from gutters.
  - iii) (Kelly) Bridle Walk flooding in phase 4, the geotechnical report says it is the worst area. Minimal issues for those who started pumping from the beginning. The north side of Parker Lane didn't flood and the south side of the road under construction had water accumulating.
  - iv) (Kelly) Cluff Lane house that flooded is sitting next to a pond
  - v) (Neil and Lindsay Howick) explained their experience with the flooding of the basement, most of the water was coming through the foundation cracks. They had a french drain they were pumping water from, they had a 3-horse and 6-horse pump going and they couldn't keep up with it. They rented a pump that had a two-inch pipe and it ran for 24 hours and that helped. They are still pumping now 40 gallons a minute.
  - vi) (Lindsay Howick) She isn't placing blame but would like future owners to know of the issue and be prepared.
  - vii) (Neil and Lindsay Howick) They had Howard Schmitt, Kelly Brown, Andy Lewis, a couple of plumbers who came out to look at their situation.
  - viii) (Neil Howick) They have two retention ponds near them and were pumping into them to have the water just keep coming back.
  - ix) (Neil Howick) They can't get flood insurance, so it is on them.
  - x) (Kathleen) brought up the current Geotechnical stud
  - xi) (Kelly) they are requiring sump pumps and running two-inch lines and they are running off and on. From the building side on the recorded plats, it states that the area is a high-water table area and may be ineligible for basements, if owners choose to build a basement it is at their own risk.
  - xii) (Kelly) is requiring geotechnical studies- they are getting the studies for each lot, but the engineers are the professionals, and they are saying it can be done.
  - xiii) (Kelly) The water table is fluctuating. (36:46 recording)
  - xiv) (Ryan) asked what would be most helpful for the building official.
    - 1) (Kelly) He thinks their basements are too deep, but the building code allows for a specialist (engineer) to say otherwise.
  - xv) (Joel) For past issues, they met the standard when they were built so they are grandfathered.
  - xvi) (Joel) Going forward there could be an ordinance saying that there might remedy the situation.
  - xvii) (Jordan Taylor) he dug several test pits and found the water level about 7-9 feet, explained what he had done to figure out the water is flowing along a clay seam.
  - xviii) (Kelly) is a complicated situation and needs more information so we know what to do. The houses need a complete system.
  - xix) (Alexis) she is looking at the building permit discussed plans on the Howick home and on the plans it is in red almost on every page stating the high water table and ground work requirements. (47:24 recording)



- xx) (Levi) (Oquirrh Mountain Water) he was looking at the depth of this particular home, this one needed an ejection pump for sewage, since the basement was much lower than normal.
- xxi) Open discussion about ejection pump for sewage
- xxii) Open discussion about sump and perforated pipe
- xxiii) Open discussion about educating buyers about the sumps and pumps (1:02:00 recording)
- xxiv) Open discussion on pumping watering from retention ponds to another location
- xxv) (James Newberry) their house got raised (on Cluff Lane)- he has been pumping non-stop. He has a retention pond on his property, and one next to his house. The one next to his house was overflowing into the one on his property and explained his situation.
- xxvi) (Jordan) the sizing of the retention ponds is designed off past data and is a state regulation (1:21:35 recording)
- xxvii) (Jordan) In the last 8 months, we have 3, one hundred year storm events.
- xxviii) (Jordan) Percolation rates are also based on that data.
- xxix) (Levi) There wasn't much flowing of water in the last storm the difference between the two storms is that the water came down fast and the last one was a slow steady for hours.
- xxx) (Levi) There are natural dams, and they are Hwy 36 and I-80. He recommends more stormwater crossings.
- xxxi) (Kelly) explained the Stansbury subdivision drain system, and because they have a higher water table, all have subdivision draining systems and it might be something to look into.
- xxxii) (Levi) Injection wells explained
- xxxiii) (Chaelea Allred) She knew of the water table and the risk and explained her situation with pumping water and flooding.
- xxxiv) Open discussion with Council, Staff, and Public
- xxxv) (Jordan) people and houses that have been here for 20-30 years had flooding for the first time, it was a lot of water (1:35:07 recording)
- xxxvi) (Kelly) suggested there needs to be a study done and the information that Jordan has explained would be helpful to the engineering company.
- xxxvii) Open discussion on waterproofing of foundations and possible code requirement to a higher thickness, Rocky Mountain Damp Proofing had helpful information. (1:43:54 recording)
- xxxviii) (Kathleen) this was to get information to the other Council members and can't be a vote on right now, hopefully a plan can be made and put in place. Sensitive lands and stormwater management will be discussed later.

#### **11. Action/Business Items (1:49:30 recording)**

- A. Site Plan Presentation Review 2005 Sunset, recommended by Planning and Zoning
  - i) Motion- Kathleen to approve the Site Plan for the Church of Jesus Christ of Latter-Day Saints applicant Mike Davey. Alexis 2<sup>nd</sup> (2:07:50 recording)
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
    - 2) Jonathan- yea, but was concerned with the fence against the collector road not being sufficient.
      - (a) Motion passes unanimously
- B. Sensitive Lands Ordinance recommended by Planning and Zoning (2:09:39 recording)
  - i) (Council) discussed how they felt about this ordinance
  - ii) (Kathleen) doesn't think what was recommended properly addresses Lake Point's issues.
  - iii) (Ryan) is not in favor of passing the ordinance without a geotechnical study.
  - iv) (Kirk) asked if the main concern was flooding?
    - 1) (Kathleen) explained the needs for the Sensitive Lands Ordinance and what it covers.
  - v) (Alexis) is okay to get the Geotechnical Study, but would still want a site-specific study. This ordinance does not fit Lake Point and would table it until there was a better fit.
  - vi) (Jonathan) He also doesn't feel it meets the needs and is too complex and would be okay with the recommendation from the city that basements are not below the ET canal.

- vii) Motion- Ryan to table
  - 1) (Kathleen) was concerned with not doing anything right now and tabling it.
- viii) Open discussion between the public and the Council on what to do going forward
- ix) (Chaelea) explained that the Planning and Zoning did not want to send the Sensitive Lands to the Council and wanted to wait for the geotechnical study but were told to send something forward and the study could wait. So, they did the best they could with what was given them.
- x) (Council) continued discussing whether to table or create something to adopt this evening.
- xi) (Jonathan) showed the Council an example of a simple sensitive land ordinance that is only 2 pages long and asked if using something like that would be possible since it changes it significantly (2:53:40 recording)
  - 1) (Joel) Read the state code, allowing the Council to reject or accept after making any revision that they consider appropriate.
- xii) (Council, Staff, and Public) worked through edits to the Sensitive Lands Ordinance draft that Jonathan provided.
- xiii) (Kelly) pointed out to the Council that they will likely get builders who want another option or way to have a basement and if the Council allowed a way for the builders to do that.
  - 1) (Kathleen and Ryan) suggested adding that to the subdivision ordinance or adjusting the sensitive lands ordinance.
- xiv) Motion- Kathleen to approve O2024-08 as amended. Kirk 2<sup>nd</sup> (4:11:14 recording)
  - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
  - 2) Record- Kathleen wanted to thank you guys for being open-minded and consider changes to help our citizens.
  - 3) Record- Ryan is concerned with the sections that do the same things our citizens have already faced regarding just notification on the other sensitive land issues and not requirements for our developers.
    - (a) Motion passed unanimously
- C. Commercial Uses Amendment recommended by Planning and Zoning (4:12:22 recording)
  - i) (Jamie) explained the amendment was adding commercial charging stations as an allowed use with a limit of 10 and requiring they be associated with a business.
  - ii) (Kathleen) asked the reason why there was limit of 10 charging stations.
    - 1) (Chaelea) it was a compromise, some did not want a limit and some did.
  - iii) Motion- Jonathan to pass the Commercial Uses Amendment as recommended on May 6, 2024, to the City Council by the Planning Commission (4:13:50 recording)
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
    - (a) Motion passed unanimously
- D. RR-1 Zone Amendment recommended by Planning and Zoning (4:14:14 recording)
  - i) (Jamie and Chaelea) explained the amendment was clarifying language concerning duplexes not allowing an interior or external ADU on a parcel with a duplex.
    - 1) Motion- Jonathan that we pass Ordinance 2024-09 RR-1 Zone Amendments as recommended on May 6, 2024, to the City Council by the Planning Commission. Kathleen 2<sup>nd</sup>
    - 2) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
    - (a) Motion passed unanimously
- E. Treasurer Contract (4:15:37 recording)
  - i) (Council) addressed adjustments and concerns to the Contract
  - ii) Motion- Alexis to approve the Treasurer Contract as amended. Ryan 2<sup>nd</sup>
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Absent]
    - (a) Motion passed unanimously by those present
- F. Roads Standards (4:49:40 recording)
  - i) (Jonathan) asked Joel if these standards could be asked of the projects in the process now with the county since these standards are higher.



- 1) (Joel) If the plat was applied through the county, then they technically would not be required to abide by the new standards.
- ii) (Jonathan) would like to reach out to still ask if they will meet the higher standard on the roads in the new plats.
- iii) (Kathleen) would like if the option of a dirt path next to a road is considered, that public feedback be taken into consideration.
  - 1) (Council) continued discussion on pathways and trails in front of and around houses.
- iv) Motion-Ryan to adopt Ordinance 2024-10 Lake Point Road Standards with the measurements of thickness being changed back to the original numbers. Jonathan 2<sup>nd</sup> (5:07:28 recording)
  - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Absent]
  - 2) Record- Kathleen- yes with citizens are objecting to the path and local roads and she would like that taken into consideration when they choose that option.
    - (a) Motion passed unanimously by those present
- G. Storm Water Management Plan (5:08:15 recording)
  - i) Motion-Jonathan to wait till we have FEMA funding. Alexis Wheeler
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Nay] [Alexis-Yea] [Kathleen-Nay] [Kirk-absent]
    - (a) Motion fails without a majority
  - ii) Motion-Jonathan to table at this time until we have all of our council members are present. Alexis 2<sup>nd</sup>
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Nay] [Alexis-Yea] [Kathleen-Yea] [Kirk-Absent]
    - (a) Record- Kathleen that the stormwater management plan will deal with the retention ponds, detention ponds, how everything goes, and having them correctly developed and need before next spring. If we wait till October, given I don't want to spend the money, I went back and forth and back and forth, oh we need a grant, but what if we don't get a grant, and we are now in the spring and we have flooding and we haven't done anything with our retention ponds so I don't a prudent idea.
    - (b) Record- Ryan we have an absolute need to protect the safety, health and welfare of the stormwater management system, our engineers that are preparing this will find issues with the current system to fix, prevent issues current development and he advised the timeline would be anywhere from 6 months to a year and half to complete. So delaying till October pushed that out a couple years.
      - (i) Motion Passes 3 to 1 to table
- H. Master Transportation Plan Final Approval (5:13:15 recording)
  - i) The council discussed thoughts on the proposals
    - 1) Motion- Jonathan to send an offer to Galloway.
      - (a) Motion dies for lack of a 2<sup>nd</sup>
    - 2) Motion-Ryan to approve Hales Engineering to do the Master Transportation Plan after receiving a contract and reviewing it and the requirements are being met in the contract. Alexis 2<sup>nd</sup>
      - (a) Roll Call Vote-[Jonathan-Nay] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-absent]
      - (i) Motion passes 3 to 1
- I. Attorney decision from bids (5:26:43 recording)
  - i) Council discussed when to revisit this item.
    - 1) Truth and Taxation Notice needs to be to the County before June 21 so Council discussed what agenda to add this item to.
      - (a) Council will not be raising taxes so this should be fairly quick to get done.
    - 2) Council discussed a meeting on June 5
  - ii) Motion- Ryan that we have a special meeting on June 5 with only three agenda items, the attorney decision, the site plan for a commercial property, and the taxation resolution. 6 pm

**12. Attorney Clarification - none**

**13. Council Updates**

- A. Kathleen VonHatten
  - i) No updates
- B. Ryan Zumwalt
  - i) No updates
- C. Jonathan Garrard
  - i) No updates
- D. Kirk Pearson
  - i) No updates
- E. Alexis Wheeler
  - i) No updates

**14. Public Comment**

- A. Motion- Ryan to open Public Comment. Kathleen 2nd
  - i) Motion passed unanimously
- B. (Jonathan Garrard) as a community member is disappointed in the Council on the Master Transportation and yes there are grants, but those grants still come from taxpayers. He likes to support companies that aren't trying to charge a lot just because it is government.
- C. Motion- Ryan to close Public Comment. Kathleen 2nd
  - i) Motion passed unanimously


**15. Closed Session-** not needed

**16. Adjournment-**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 12<sup>th</sup> day of June, 2024

  
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Ryan Zumwalt, Chair

**ATTEST:**

  
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Jamie Olson, City Recorder