

## Lake Point City Council Business Meeting Minutes

Date: Wednesday, Sept. 11, 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-** Ryan Zumwalt
3. **Pledge of Allegiance-** Kathleen VonHatten
4. **Presiding Officer-** Ryan Zumwalt
5. **Attendance Roll Call-**

| Lake Point Council & Staff (C=Council) | Public        | Public |
|----------------------------------------|---------------|--------|
| Ryan Zumwalt (Chair)                   | Lori Chigbrow |        |
| Kirk Pearson (Vice Chair)<br>absent    | Gino Garcia   |        |
| Jonathan Garrard (C.)                  | Regina Nelson |        |
| Kathleen VonHatten (C.)                | James Lynch   |        |
| Alexis Wheeler (C.)                    |               |        |
| Jamie Olson (RCDR)                     |               |        |
| Joel Whitehorse (Attorney)             |               |        |

6. **Legal Training - Joel**
  - A. no legal training at this time
7. **Staff Report-**
  - A. Reminder next meeting is Sept 18 and not the 25th of September.
  - B. Planning Commission Public Hearing for Subdivision Land Use Regulation is Sept. 16, 2024 7:00 pm
8. **Public Comment-**
  - A. Motion-Ryan to open Public Comment. Jonathan 2nd
  - B. Vote was unanimously approved
  - C. Gino Garcia
    - i) (Gino) asked for an update on an RFP sent out for some help for the Planning and Zoning Commission when they are working on ordinances, It was very helpful to have the recent help on the Subdivision ordinance.
    - ii) (Kathleen and Ryan) explained that they were working on an RFP for a planner.
    - iii) (Ryan) suggested the Commission talk to Erda or others about the benefits of a planner. A Planner works on future and deeper items and not just the day-to-day work Chaelea and Jamie work on.
  - D. Motion-Ryan to close Public Comment. Alexis 2nd
    - i) Motion passed unanimously
9. **Approve the Minutes-**
  - A. 2024 07.31
  - B. 2024 08.14
  - C. 2024 09.04
  - D. Motion- Ryan to approve the minutes as amended 2024 07.31 and 2024 08.14. Kathleen 2nd
    - i) Motion passed unanimously by those present.
  - E. Motion-Ryan to approve the minutes 2024 09.04. 2<sup>nd</sup> Jonathan.

- i) Motion passed 3 yay. Abstain- Alexis because she was absent at this meeting.

#### **10. Reports/Presentations**

- A. Sheriff Report (11:55 recording)
  - i) Officer Regina Nelson gave the Sheriff's Report
- B. Fire Dept Report- no report at this time.

#### **11. Action/Business Items**

- A. Appeal 1779 Davies Place Stop Work Order for fence over Swell (Public Utility Drainage Easement) (15:53 recording)
  - i) (Joel) introduced the process of appeal
  - ii) Jamie Olson swore in James Lynch
  - iii) Ryan Zumwalt swore in Jamie Olson
  - iv) (Joel) gave James Lynch an opportunity to explain his concerns and present information in his behalf.
  - v) (James) explained his process of buying, and preparing the lot, and land before he moved in, which included a fence that was installed on his property line. He purchased the home in March 2023. He moved into the house at the end of June 2023.
  - vi) (James) had a contractor install the vinyl fence and followed the property line. He wanted it to look nice, he takes pride in his place and no other yards in his neighborhood looked as nice. His property line crosses over the swell area. He elevated the fence and made sure the water could flow freely. He leveled the gravel from his fence up to the roadway. He has noticed multiple officers using his gravel park strip to catch speeders. Multiple people use that area (west side of the property) to park because he spent the money to make it look nice. He also wanted to access his property so he piped some of the swell to have a drive access into the backyard. His piping meets all codes.
  - vii) (James) has had no issues and it has been like this for over a year. He does not understand after a year he is being asked to move his fence. He feels it looks nice and has been a benefit to the community.
  - viii) (James) is asking that he isn't required to move his fence.
  - ix) (Joel) (25:55 recording)
  - x) (Joel) Expressed appreciation for trying to follow CCR's and wanting to make his place look nice.
  - xi) (Joel) asked Jamie to pull up the recorded plat, showing the PUDE (Public Utility Drainage Easement) area. This is used for Drainage and Utility Easements now and in the future..
  - xii) (James) brought up the land was farmland before the development.
  - xiii) (Joel) explained the easements are a legal property right the city has and as long as you are not interfering with that right, you should be good. But the city actually established rules to make sure the easement is not interfered with.
  - xiv) Open discussion about the easement, current and future easements.
  - xv) (Joel) explained the city code referring to easements adopted Feb 2023 (32:17 recording)
  - xvi) (Jamie) expressed her concerns that the city is responsible for maintaining and inspecting the swells and they cannot do that if they are behind a fence.
  - xvii) (Ryan) under the city's franchise agreements, utilities have a right to access the easement and they cannot with the barrier he has created by the fence. The fence does look nice, it is just the wrong location.
  - xviii) (James) asked if the city had access to the gate and could look over the fence would the city still make him move his fence? He wants the city to go after all the other people in Lake Point who have not followed the ordinances. He would move his fence if it caused an issue, but there hasn't been one issue or complaint.
  - xix) (Jamie) brought up a complaint from someone who thought they could fence over a swell because James did and the city had to stop that fence from being built. If there is one that is allowed to have a fence over a swell, then there will be more that will want to fence over the swell.

- xx) (James) asked if he moved his fence could he still have access to his side yard.
- xxi) (Jamie) if a permit is applied for and approved and inspected and done correctly, then yes.
- xxii) (Jonathan) asked Joel about the different PUDE's on the plat that line the back and sides of the plats. He doesn't believe that allows the citizen to use his property.
- xxiii) (Ryan) explained the difference in the PUDE's is that one is called out as a drainage swell easement
- xxiv) (Jamie) showed the Plat and showed the verbiage protecting the drainage swells.
- xxv) (Joel) The plat shows a restriction and the city ordinances also have restrictions.
- xxvi) (Kathleen) asked about utility easements in the back of the yards, if there is no need for the back utility, can't the city deed it back over.
- xxvii) Open discussion on easements and the land.
- xxviii) (Ryan) explained that there is a master plan for the area for that developer.
- xxix) There was a discussion about the land surrounding, who owns the land, and the plan for water flow.
- xxx) (James, Council, and Joel) Discussion on alterations to surrounding swells, utilities in the area, and maintaining swells. (1:00:00 recording)
- xxxi) (Jonathan) asked if there was a way to change the definition of structure, citizens can fence retention ponds and asked about the main point being the fence being a structure.
- xxxii) (Ryan) expressed it is not just about the definition of structure. It is also about other utilities and causing unnecessary damage.
- xxxiii) (Jonathan) brought up other utilities that have installed lines where there are fences.
- xxxiv) (Joel) could consider changing the city code. Joel explained the Council needs to uphold the law and could make a decision now, wait and give a written decision, or hold off and continue hearing.
- xxxv) Council discussed how they will move forward.
- xxxvi) Motion-Jonathan to table the topic until next week as an action item, so they could make a decision if there is a full council. Alexis 2nd (1:27:10 recording)

(a) Passed unanimously

B. Ordinance to Adopt Public Roadways Standard (1:29:40 recording)

- i) (Jamie) explained the reason this was being revoted on was because it was previously voted to adopt the Private Road Standard, but it was not adopted by ordinance. Jamie prepared and Joel reviewed the Road Standard Ordinance and the Council reviewed the language and Private Road Standard Attachment.
- ii) (Jonathan) went through the comments he had entered concerning some of the verbiage.
- iii) Council discussed the suggestions and made adjustments in the ordinance.
- iv) Council reviewed the Private Road Exhibit. (2:06:40 recording)
  - 1) (Jamie) will make the adjustments to the Exhibit and send it to the Council for review
- v) Motion- Ryan to table the ordinance for Attorney and Engineering clarification until next week. Jonathan 2nd (2:17:35 recording)
  - 1) Motion passed unanimously by those present

C. Coordination of Site Plan DRT team designation (2:18:08 recording)

D. Motion- Ryan that Jamie is the designee for the coordination of the Commercial Site Plan Reviews. Jonathan 2nd.

- i) Motion passed unanimously by those present

**12. Discussion Items (No Vote)**

A. Procurement Policies and Procedures and coordinate training sessions. (2:19:19 recording)

- i) (Alexis) feels there needs to be a written procurement policy
- ii) (Alexis) Alexis and Jamie spoke with a representative from the State Procurement office and she is willing to do an in-person training for the Council in the last half of October.
- iii) Council was open to having a training and would like to do a work session. The Council would be open to a few dates and will wait to hear which dates work for the trainer, Kirk, and Joel.

**13. Attorney Clarification-** the attorney is not in attendance at this point in the meeting

**14. Council Updates**

- A. Ryan Zumwalt
  - i) Ryan wanted to know if the Council was okay if there was a bid or assessment on the AC issue for the fire station and if the Council was willing to help fix the issue.
    - 1) The Council would be okay to look at the bid if the Fire Dept is willing to share the bid.
- B. Kirk Pearson
  - i) Not in attendance
- C. Alexis Wheeler
  - i) No updates
- D. Kathleen VonHatten
  - i) Monday POD Point of Distribution Exercise located at Beehive Building starting at 5:30 pm or until pizza is all gone.
- E. Jonathan Garrard
  - i) Gave a Transportation Master Plan update. There are some documents that need some reviews by Council and Committee.

**15. Public Comment**

- A. Motion-Ryan to open Public Comment. Jonathan 2nd
  - i) Motion passed unanimously
- B. Lori Chigbrow (2:38:20 recording)
  - i) (Lori) brought up the chatter on Facebook concerning traffic control. Lori had suggested that citizens be a solution to the problem and there could be contributions for additional shifts, Lori just wanted to know if there was anything that would restrict donations from the public for additional shifts.
- C. (Ryan and Kathleen) explained they were not aware of an limitations for donations
  - i) (Lori) expressed concerns with things that were discussed during James Lynch appeal hearing.
  - ii) (Lori) She heard all the things James said he was doing right and Joel had responded that others might not be as diligent. It made it sound like because others might not be as diligent, that he wasn't going to be allowed to do it either. She felt that was problematic
    - 1) (Ryan) expressed that it was not done right.
  - iii) (Lori) Expressed her feelings on easements all the way around properties. If you put something in the easement you run the risk of it being moved and you have to grant access. Nothing says they can't build a fence. She does not feel it obstructs the flow of water. Just because there is a fence doesn't mean it is blocking access. James said he didn't change the use of the swell.
    - 1) (Ryan) we don't know that and only an engineer can evaluate that and therefore the need for the permitting process.
  - iv) (Ryan and Lori) expressed how they felt about what was discussed concerning easements.
- D. Motion-Ryan to close Public Comment. Alexis 2nd
  - i) Motion passed unanimously

**16. Closed Session-** not needed

**17. Adjournment-**8:56 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 \_\_\_\_\_ day of \_\_\_\_\_, 2024

A handwritten signature in black ink, appearing to read "Ryan Zumwalt", written over a horizontal line.

Ryan Zumwalt, Chair

**ATTEST:**

\_\_\_\_\_  
Jamie Olson, City Recorder