

Lake Point City Council Minutes

Date: Wednesday, August 9, 2023

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

Time: 6:00 PM

1. **Call to Order-** 6:02 pm
2. **Prayer-** Gino Garcia
3. **Pledge of Allegiance-** Bryan Colter
4. **Presiding Officer-** Jonathan Garrard
5. **Attendance Roll Call-** Jonathan Garrard

Lake Point Council & Staff (C=Council)	Public	Public
Jonathan Garrard (Chair)	Regina Nielson	Jordan Taylor
Ryan Zumwalt (Vice Chair)	Gina Garcia	Becky Cook
Dan Crawford (C.) on phone and left at 10:21 pm	Lori Chigbrow	Gina Levesque
Kathleen VonHatten (C.) on phone and left the meeting at 9:02 pm	Bryan Coulter	Carla Adams
Doyle Garrard (C.)	Tina Garrard	Darrell Adams
Jamie Olson (RCDR)	Douglas White	Lori Daffern
Rob Patterson (Attorney) arrived at 06:10pm and left at 11:51pm	Rhondalyn Garrard	Miken Garcia

6. Legal Training –

- A. Table until Rob arrived. The Council moved to Public Comment Section 7.
- B. Rob explained subdivision amendments (49:08 recording)

7. Public Comment-

- A. Motion-Doyle to open Public Comment. Jonathan 2nd
 - i) Vote was unanimously approved
- B. Jamie Olson (2:50 recording)
 - i) (Jamie) had questions and concerns about the firework permit
 - 1) She listed several concerns on the notifications of neighbors
 - 2) revoking a permit
 - 3) defining infraction
 - 4) property damage liability
 - 5) working with the citizen instead of adding more regulations.
 - ii) (Jamie) listed her concerns with the new draft of the Home-Based Business Ordinance.
 - 1) Doesn't agree with excluding servicing of vehicles
 - 2) Strike the verbiage requiring only 50% of the heated area of the house
 - 3) Strike the verbiage requiring permission from 75% of your neighbors to do a business in their home.
 - 4) Wanted to know the difference between type I and type II
 - 5) What kind of "inspections" are you referring to?
 - 6) Question on requiring a parking permit.

- 7) Question on if the city is not requiring a license for a business, but then if the person still chooses to be licensed, do they then have to follow the regulations of the other types of licenses?
 - 8) Concerns about using "portions of the yard".
 - 9) When previously licensed with Tooele County and City, she never had to send them proof of her state license, and wouldn't agree with more requirements to send paperwork when she was already doing that all with the state.
- C. Bryan Coulter (12:52 recording)
- i) Fireworks
 - 1) Other cities tell the citizens where they can do their fireworks and he thinks the city should go that direction.
 - ii) Business License
 - 1) What the city is offering is deadly to the city and explain the city needs to explain the "why" they chose a certain regulation. And if you can't explain the "why"? You want the business to flourish. People have a right to sell legal items and are not required by the state to get a license.
 - 2) If you regulate this sounds like a lot of control. Please step down the regulation, teach the citizens and use the word "suggested".
 - 3) Not only explain the "why" but you need the manpower to search homes.
 - 4) Search and seizure and control. You're stopping commerce and going forward with the basic rights of owning property.
 - 5) The city should encourage everyone to get a business license.
 - (a) (Ryan) asked Bryan in his experience at what point does it cross over into commercial.
 - (b) (Bryan) Address issues with nuisance.
 - (c) (Bryan) We don't gain money from the actual business licenses.
 - (d) (Bryan) Create e-commerce in the city, that create a successful place to live.
 - (e) (Bryan) Internet services come back to the town because of taxes on internet services.
 - (f) (Bryan) A small business can grow and become a nuisance. But don't overregulate it, be simple.
 - (g) (Bryan) You need to let people try different businesses. Maybe they won't be successful. It takes 3-4 tries usually to be successful.
 - (h) (Bryan) You're looking for it in a positive way because a business license is a positive.
- D. Gina Levesque (22:37 recording)
- i) She doesn't understand the licensing and overreach.
 - ii) Lake Point is a farming community which is what brought her here.
 - iii) Our children have left and now they do an air b&b and are licensed with them and pay taxes and then if required by the city and then I am double taxed.
 - iv) I have talked to my neighbors, and they have no problem and told me they don't care.
 - v) She is getting testy that she needs to come to meetings to tell the council to get out of her life and her property.
 - vi) She is concerned with a person that is on the council, the parks, and the cemetery board.
- E. Gino Garcia (26:49 recording)
- i) Has been to a few city council meetings and the impression from the city they were going to let the citizens do kind of what they wanted.
 - ii) Things can be addressed by the Health Dept.
 - iii) Commercial kitchen- the Health Dept can also address those concerns.
 - iv) The regulation and micromanaging is disappointing.
 - v) Residents have been doing this for years and it hasn't been a problem so why is it a problem now?
 - vi) Firework-
 - 1) Notifying neighbors- and how do I know who the owner is?

- 2) City is on notice since it is the 4th of July.
- 3) Apologize to anyone that had a negative experience and who were offended.
- 4) The ultimate goal would be for him to do it at the park
- vii) Mayor of Grantville to get him info on applying for a license.
 - 1) Gino explained the extensive process to get licensed to be a professional shooter.
- F. Lori Chigbrow (31:31 recording)
 - i) Everyone has a right and talk about their concerns. The more conversations the better chance of resolution.
 - ii) In a previous meeting, it was said that we didn't have any rules and we were left alone.
 - iii) Encourage citizens to know what your regulations were with the county.
 - iv) The rules that existed weren't in their conscience, they exist, but they didn't have an interaction with them.
 - v) Encourage everyone to read the Salt Lake County land use regulations to understand them.
 - 1) Just because you didn't engage in the rules doesn't mean they weren't there.
 - 2) It is very important for your voices to be heard, but no one is trying to be overbearing in most cases.
- G. Jordan Taylor (34:47 recording)
 - 1) Question to Rob concerning building code.
 - 2) Whichever one is most restrictive is the one we have to follow.
 - 3) If the city makes a rule that is less restrictive, aren't we still under the county rules?
 - (a) (Rob) Certain things, yes. Health Dept yes.
 - (b) Businesses are under the city now, state law still applies, but not the county, most of them.
 - (c) (Jordan) so the noise ordinance is gone and if the city doesn't adopt one, the county one doesn't apply.
 - (i) (Rob) correct.
- H. These comments were from a Facebook Post that Ryan told the citizens he would read in the meeting. The following citizens had Facebook comments (36:39 recording)
 - i) Mark Gines (read by Ryan's FB post)
 - 1) Fireworks concerns with farm animals and fireworks over livestock
 - ii) Donna Phillips
 - 1) Fireworks concern with bombs bursting in the air
 - iii) Tosha Tatafu
 - 1) Fireworks, loved them, maybe compromise on location.
 - iv) Selina Thomas
 - 1) Fireworks, Gino was careful and cautious and did a great job.
 - v) Marianne Gines
 - 1) Fireworks, she has filed complaints on fireworks and does not support them in the city
- I. Ryan got a call from Donna Quintana that Ryan summarized.
 - i) Firework, concerned with fall out and wanted more distance on big shows.
- J. Motion- Jonathan to close Public Comment. Doyle 2nd
 - i) Vote was unanimously approved
- K. Council moved to the Sheriff Report 9.A.
- 8. Approve the Minutes- (56:25 recording)**
 - A. May 11, 2023
 - B. June 14, 2023
 - C. June 28, 2023
 - D. June 30, 2023
 - E. July 5, 2023
 - F. July 19, 2023
 - G. Motion- Jonathan to approve all the minutes as revised except June 30, 2023. Ryan 2nd.
 - i) Vote was unanimously approved
 - H. Motion-Doyle to accept the minutes for June 30. Ryan 2nd
 - I. Ryan, Kathleen, Doyle voted yay

- J. 2 abstained because they were not in attendance.
- 9. **Reports/Presentations**
 - A. Sheriff's Report (See Exhibit A.) (41:55 recording)
 - i) Regina Nielson
 - 1) Gave monthly sheriff report.
 - ii) Council moved to Legal Training Section 6.
 - B. Treasurer's Report (58:50 recording)
 - i) Doyle asked if the council had any questions about the treasurer's report that he sent out.
 - ii) (Doyle) gave a brief update on the report.
- 10. **Action/Business Items** (1:02:05 recording)
 - A. Franchise agreement with Lumen
 - i) Council discussed the Ordinance
 - ii) Motion-Jonathan to approve the franchise agreement and our attorney will clean up the redline and make it pretty. Kathleen 2nd
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - 2) Vote was unanimously approved
 - B. O-2023-17 DRAFT Fireworks (1:10:03 recording)
 - i) Kathleen and Jonathan introduced the changes that were proposed to the ordinances.
 - ii) Council discussed.
 - 1) Motion-Kathleen to amend the Firework Ordinance 2023-17 to include Section 2. d. and remove Section 2. b. vi. from the proposed ordinance. Doyle 2nd. (1:20:35 recording)
 - (a) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - (b) Vote was unanimously approved
 - (c) Council will revisit this in October to revisit the topic of providing notice to other property owners
 - C. Ordinance Home-Based Business/Occupation Revision from Public Feedback & Surveys (1:30:00 recording)
 - i) Record- (Kathleen) is opposed to this home-based business ordinance and think we need to go back to one that was a little bit more condensed and work on that one. A lot of this I cannot support.
 - ii) (Doyle) He noticed it didn't require licensing until it was the highest level. There are not a lot of requirements out there for this one for licensing.
 - iii) (Jonathan) Explained some comments he entered addressed some of the mentioned comments.
 - iv) (Doyle) thinks it needs more work and some parts are more restrictive.
 - v) (Dan) explained how this version was created, because he thought the one initially proposed was too restrictive and Jonathan took the initial one and Dan's version and combined them. Dan would like to work through this document.
 - vi) (Jonathan) gave a history of the creation of this draft, based on the 2 previous drafts and public feedback. He doesn't agree with some of the items in the document but was going off of feedback. (1:40:20 recording)
 - vii) (Rob) hasn't seen a city regulate space inside a home for a business or a city asking to see that. It usually is brought up for businesses operating out of a home that no one is living in.
 - 1) "secondary and incidental usage" verbiage explained
 - viii) Council discussed concerns and questions they had about home occupations.
 - ix) (Ryan) expressed his concerns with some of the language in this draft. (2:01:00 recording)
 - 1) Traffic was discussed further
 - x) Continued discussion.
 - xi) (Kathleen) left the meeting at 9:02 pm (3:00:00 recording)
 - xii) Motion- Jonathan to move our home-based business discussion to a work meeting tentatively on Monday, August 14, 2023, at the time of 6 pm. Doyle 2nd (3:00:49 recording)
 - xiii) Vote was unanimously approved by those present. Kathleen had left the meeting.

- D. R 2023-23 - Support TCCOG Application (3:06:00 recording)
 - i) Doyle introduced the details of this agenda item.
 - ii) Motion-Doyle regarding R 2023-23 - Support TCCOG Application in support of the application. Jonathan 2nd (3:08:44 recording)
 - iii) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Absent -Doyle Yea
 - iv) Vote was unanimously passed by those present- Kathleen was absent
- E. Post Moratorium review (3:09:47 recording)
 - i) Motion-Jonathan approves a 6-month extension for them upon the review of the county and make sure they are working on it.
 - ii) Amend-Ryan with any restrictions the county has placed or any issues they have called them on to be cleared before we give the final approval, Jonathan is okay with the amendment. Dan 2nd
 - 1) Motion passed by those present. Kathleen is not present.
- F. League of Cities and Towns Conference (3:14:38 recording)
 - i) Dan introduced this conference and wanted to know who wants to go.
 - ii) Motion- to approve an amount of not more than \$1,500 for those that would benefit on the council or staff attending this conference and that they register by the 16th of August so they get the discounted rate. Dan 2nd.
 - iii) Amendment-Jonathan to give Council and Recorder First Priority, Commission Secretary next, and Planning and Zoning third priority. Ryan 2nd.
 - 1) The amendment was approved unanimously.
 - 2) The original motion vote
 - 3) Roll Call Vote-Jonathan Nay -Ryan Yea -Dan Yea -Kathleen absent -Doyle Yea
 - 4) Motion passes 3 to 1
 - 5) Council will return to the topic of continuing membership with the League of Cities and Towns in 2 weeks.
- G. Beehive Franchise Agreement (3:41:38 recording)
 - i) (Ryan and Rob) explained the proposed changes.
 - ii) Motion- Ryan to approve the Beehive Franchise Agreement to be signed by the Chairman and sent to Beehive from City Council as recommended by counsel. Jonathan 2nd.
 - 1) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen absent -Doyle Yea
 - 2) Passed unanimously by present council members
- H. Lake Point Vision Statement (3:46:30 recording)
 - i) Council discussed the Vision Statement
 - ii) Motion- Ryan approve the city Vision Statement as presented in the meeting as the city vision statement. Doyle 2nd.
 - 1) Passed unanimously by present council members. Kathleen- absent.
 - iii) Council discussed and made edits to the Lake Point Core Values (3:54:29 recording)
 - iv) Dan left the meeting at 10:21 pm. (04:19:13 recording)
 - v) Council continued to discuss edits.
 - 1) Motion-Jonathan adopted the Core Values as amended. Doyle 2nd (4:48:25 recording)
 - 2) Passed Unanimously by present council members. Kathleen and Dan absent.
- I. Design Review Committee (4:49:17 recording)
 - i) (Jonathan) explained how he would like to move forward on this.
 - ii) This will move to Rob and then it will be sent to Planning and Zoning.
 - iii) (Council and Lori Chigbrow) discussed some land use zoning questions.
 - iv) Motion-Jonathan suggested to do as previously discussed and get this to Planning and Zoning. Doyle 2nd (5:32:50 recording)
 - 1) Passed unanimously by present council members. Kathleen and Dan absent.
- 11. Attorney Clarification (5:35:55 recording)**
 - A. (Jonathan) asked Rob some questions concerning the church build and if there was need for road improvements.
 - i) Rob answered the questions and the Council discussed.

12. Council Update

- A. Ryan Zumwalt (5:49:30 recording)
 - i) Expressed concern with Roll call votes.
 - ii) Asked about protecting golf cart, ATV, and motorcycle usage in our community and preventing it from being restricted.
 - iii) Engineering goals and high priorities follow up.
 - iv) Discussion on the recycling container and garbage issues at the parks.
 - v) Finding out where they are on General Plan
 - vi) Oquirrh Mountain Express Way discussion.
 - 1) This can go on the next meeting agenda.
 - vii) Putting a time limit of presentations during meetings.
- B. Dan Crawford (not in attendance)
- C. Kathleen VonHatten (not in attendance)
- D. Jonathan Garrard (6:01:00 recording)
 - i) Church Site- concerning roads and right-of-way improvements.
 - ii) Citizen concern- on an old power line sagging on Canyon.
- E. Doyle Garrard (6:14:33 recording)
 - i) Doyle went over the Property Tax Notice
 - ii) Citizen Concerns were discussed.
 - iii) Doyle will review the first dump bill with Kathleen
 - iv) swales and water drainage

13. Public Comment (6:30:20 recording)

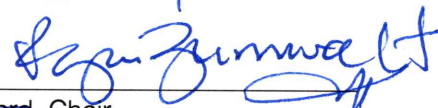
- A. No indication of public comment

14. Adjournment-12:32 am

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.

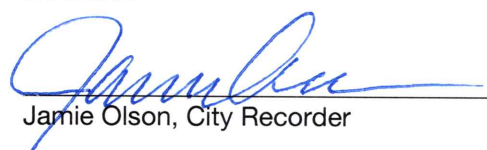
Note- Additional information concerning meetings including agendas, minutes, recordings, written/typed public comment, other distributed materials, ordinances, resolutions, public notices, and how to sign up for notifications on the Public Notification Website, can be found at <https://lakepoint.gov>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

PASSED AND APPROVED but the Council this 11 day of Dec, 2023


Jonathan Garrard, Chair


Ryan Zumwalt

ATTEST:


Jamie Olson, City Recorder

