

Lake Point City Council Minutes

DATE: Wednesday, Jan 25, 2023

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

TIME: 6:00 PM

1. **Call to Order-** 6:04pm
2. **Prayer-** Doyle Garrard
3. **Pledge of Allegiance-** Jamie Olson
4. **Presiding Officer-** Ryan Zumwalt
5. **Attendance Roll Call-** Ryan Zumwalt

Lake Point Council & Staff (C=Council)	Public	Public	Public
Jonathan Garrard (Chair) remote	Heath Denny- Erda		
Ryan Zumwalt (Vice Chair)			
Dan Crawford (C.)			
Kathleen VonHatten (C.)			
Doyle Garrard (C.)			
Jamie Olson (RCDR)			
Rob Patterson (Attorney)			

6. **Public Comment-** Ryan skipped this so council came back to this because public showed up after 8. A. (23:07 recording)
 - A. Motion-Ryan to open Public Comment Kathleen 2nd
 - B. Vote was unanimous approved
 - i) No public Comment
 - C. Motion-Doyle to close Public Comment Dan 2nd
 - D. Vote was unanimous approved
7. **Approve the Minutes-** Lake Point City Council – Jan 11, 2023 – Ryan Zumwalt
 - A. Motion-Doyle to approve the minutes for Jan 11, 2023, Kathleen 2nd
 - B. Vote was unanimous approved
8. **Action/Business Items**
 - A. Ordinances
 - i) O 2023-02 Business Licenses-Ryan
 - 1) (Rob) This is basically to get a business that is already established and in an existing building to be able to renew their business license. You can adopt it as is or wait and keep working on it. There are items that you're not ready for, you

can come back to them and amend the Ordinance. Some will be land use item and will have to wait.

- 2) (Ryan) what parameters do we have on Sexually oriented establishments.
 - (a) (Rob) They are a first amendment right, you can regulate time, place and matter, but you can't tell them no. So, some cities will allow it industrial zones, but not allow them around schools, churches etc. But you can't eliminate the whole city, by limiting all the zones.
 - (b) (Ryan) we don't have industrial zones; we don't have zones right now so leave them reserved.
 - (c) (Rob) Your business license is your enforcement mechanism.
 - (d) (Rob) you biggest ones will be alcohol and in home-based business.
 - (e) (Ryan) is there a regulation on what you can charge for business license fees?
 - (f) (Rob) reasonable cost of providing the service. The higher the administrative cost the higher the fee can be.
 - (g) (Rob) There is a separate Fee schedule Resolution we will be discussing.
 - (h) (Kathleen) just to clarify we are trying to work on this so business licenses that expire soon will have a way to renew so they don't have an expired license.
 - (i) (Dan) will this shut down a business if they don't get their license renewed.
 - (j) (Rob) there are some state and federal licenses that require a local municipal business license.
- 3) Motion-Dan to Table for further review and discussion for next week. Jonathan
2nd
- 4) Vote was unanimous approved
- ii) Franchise Agreement/Use of Public Ways Ordinance (24:00 recording)
 - 1) (Rob) This ordinance didn't get finished but we can talk about it and have it ready for next week.
 - 2) (Rob) This allows for a franchise to use a public right a way
 - 3) (Rob) Utility companies will need to partner with the city to run lines in the right a way.
 - 4) (Rob) Lake Point has total jurisdiction of Class C Roads.
 - 5) (Rob) This allows them to dig in roads, park strips, and to lay lines for the benefit of the city.
 - 6) (Rob) You need this ordinance, so companies know they need to come to you to get permission.
 - 7) (Rob) Repair and remediate how they restore
 - 8) (Rob) You can't charge utilities for the franchise agreement except for franchise tax, telecommunication tax that we have talked about before.
 - 9) (Rob) anytime you cut into a road your cutting years off the life of a road and those franchise taxes help with maintaining it long term.
 - 10) (Ryan) Mentioned some utilities digging up trails, can we prevent digging up trails and swells (Rob) likes to keep them from digging up trails and you can request them to not dig up swells.
 - 11) (Rob) would suggest reaching out to utilities that they need to have a franchise agreement with the city.

- 12) (Ryan) Can Engineering do before and after pictures. Yes
 - 13) Rob will look over the one Rocky Mountain Power sent.
 - (a) Motion-Ryan to table until counsel can finish the Ordinance, Dan 2nd
 - (b) Vote was unanimous approved
- B. Resolutions
- i) R 2023-03 Credit Cards – Kathleen
 - 1) Kathleen and Doyle will go talk to Mountain America and discuss credit cards. At the Stansbury Office they said that if they wanted a credit card it would have to be in Kathleen or Doyle's name. Which they will not be doing it that way. Dave Sanderson said get only credit cards, do not get debit cards.
 - 2) Using credit card rewards and putting it back into the city.
 - 3) Erda named their credit cards one, two and three.
 - (a) Motion-Kathleen to approve as written Doyle 2nd
 - (b) Vote was unanimous approved
 - ii) R 2023-04 Fee Schedule (55:17 recording)
 - 1) This will cover the GRAMA request fee and the rest can be added, and this will be amended a lot.
 - (a) Motion- Dan with payment methods (checks) and returned/bounced check fee added as discussed and amended by counsel Kathleen 2nd
 - (b) Vote was unanimous approved
- C. Website Contract 469Design – Kathleen (1:05 recording)
- i) It was an invoice not a contract, so Kathleen needs approval and needs to be paid by the end of January. This will cover us until the end of Jan 2024
 - 1) Motion-Ryan to approve payment of this invoice at 2,031.88 Dan 2nd
 - 2) Amend Motion- Ryan with possible credit card fees if needed Doyle 2nd
 - 3) Vote was unanimous approved
- D. City Engineer RFP – Dan Crawford
- i) (Ryan) we need to have 30-minute session with Jamie so she can teach us where to find things set up files the way they need them.
 - ii) Discussion on getting it on the state site and extending deadline or not.
 - iii) Move the deadline to Feb 10th Dan will work with Jamie to get it on the state procurement website.
- E. General Plan RFP – Dan Crawford
- i) Council needs to go in and make edits and suggestions. Go to other cities and find what you like. If there are General Plan you find and like, upload it to the Google Drive. Keep putting this on the agenda.
- F. Review Waste Management Bids – Doyle (1:34 recording)
- i) All council members were given physical copies of the proposals from Ace and Republic.
 - ii) Kathleen gave council a cost comparison and extra costs that need to be considers in a spreadsheet.
 - iii) Discussion on the price comparison, focusing on the garbage and not the recycle, but at least we have the information and can get feedback from the community.
 - iv) Making sure we add additional costs that will incur for example, tipping fees, billing, staff, office costs, accounting software, parts and equipment, bank fees, mailing services etc.

- v) (Ryan) Things we need to ask ourselves; Do we get the same service, same amount of money and cut out the middleman? Do we save money? Does it save the citizens money?
- vi) (Kathleen) do we want look into the extra costs more to gather more information.
- vii) Biggest cost will be accounting software, discussion on what Kathleen found about Caselle and Polaris software and do we have a computer big enough to handle the software.
- viii) (Doyle) after some accounting discussion Doyle would like our accountant to come out and give us a presentation.
- ix) (Kathleen) went over mailing company information she collected
- G. Election Calendar – Ryan (2:39 recording)
 - i) Feb 1 is the deadline for districts like Lake Point Improvement District and what positions are up for election.
 - ii) Council discussed the alternative voting method. (Jamie) was asked to reach out to Tracy and see if there is a cost difference to the city for doing the alternative way of voting.
 - iii) Add this to the agenda 1st meeting in April
- H. ILA update – Rob
 - i) (Rob) Interlocal agreement is done and signed.
 - ii) (Kathleen) expressed that the county did not like the 30 day out, but it was mentioned we would try and give them more of an out. And they trust us to hold to that word.
 - iii) (Doyle) we still don't have a check.
 - iv) Rob will reach out to the county.
- I. Work meeting Feb 6, 2023 6pm for Planning and Zoning
 - i) Council still needs to do questions and put them in the PZ spreadsheet for commission and expectations
 - ii) This work meeting is to pick the 7 members for Planning and Zoning Commission
 - iii) Vote and appoint them in the next meeting
 - iv) If we need to fit in some General Plan discussion we can if we have time.
- J. Planning Commission – Dan
 - i) Add questions to sheet
 - ii) Add expectations
- K. COG grants deadline Mar 1 -Doyle
 - i) Doyle will contact Wayne Bennion who is a good contact for the grants
 - ii) (Kathleen) Oquirrh Mountain Master Trail Plan and the county is looking to work with the cities just as heads up.
 - iii) (Kathleen) also brought up the random campers on our trails and what can be done about that issue.
 - iv) (Doyle) was concerned with the parks district taking on the trails from the HOA and being responsible for fire retention.
 - v) (Ryan) the HOA voted to deed over the trails to the parks district.
- L. Post Moratorium Submission Review
 - i) The bulk of them are existing houses requesting to finish basements, sign permits etc.

- ii) Jamie logs when she is contacted.
- iii) (Ryan) there are some that make sense to let the county take care of, but there are some that involve a change in Plat Map or Land Use.
- iv) Kathleen how do we handle the Star Bucks sign, the building is already permitted, but the sign isn't tied to it?
- v) (Rob) we could just say these are exempt from the moratorium and the county could still process them. In the language we allowed for something to be exempt from the moratorium. If you allow it under the county, then it's whatever the county does.
- vi) (Ryan) Can we send things to the county, but request that once we have an engineer, that the engineer could review it. (Rob) I wouldn't have the language, when you have your engineer just have him review the plans.
- vii) (Kathleen) I am okay sending a basement finish to the county.
- viii) (Ryan) is concerned with code being followed and ADU's and if you're approving all basement finished there might be some that are an ADU
- ix) (Kathleen) we can specify if it's in a primary living space.
- x) (Ryan) I don't want to get sued because we pass one thing and not another.
- xi) (Rob) you have authority to exempt something from the moratorium and when you send it to the county you have the details of what the project is specifically and let the county know you are authorizing this specific thing. You could ask the county to double check with us before the final approval. (Ryan) County now requires rental internal ADU must have their own address.
- xii) (Jamie) was asked a question and added we need to be specific on these and ask if it is a basement finish because that is an internal ADU.
- xiii) (Kathleen and Dan) can we do that? (Rob) internal ADU would be allowed (if you choose).
- xiv) (Ryan) if it's a basement rental unit we need to be able to regulate that.
- xv) (Dan) doesn't think we would be able to regulate the basement apartment. I think we need to be careful; I don't think it will go well and we'll get major pushback.
- xvi) (Kathleen) what if it has a separate entrance and a kitchen, and it's not intended for an apartment like at Kathleen's house.
- xvii) (Ryan) that is like someone finishing a basement, we want to regulate the ones that are rental units.
- xviii) (Kathleen and Dan) how can we do that, at what point can you tell them what they are doing with their home?
- xix) (Ryan) We do it by having ordinances and regulations
- xx) (Dan) you need to be careful with that, I think if you do that, you're going upset people
- xxi) (Ryan) We need to prevent the issues; I'm talking about regulating a rental unit and rental units are regulated by law.
- xxii) (Dan) It doesn't matter and if you start driving through Lake Point (looking for rentals) it isn't going to go well.
- xxiii) (Ryan) We aren't there now, and this is for the future. How much do we want to be in meetings approving stuff and just sending it back to the county. We did this so we can regulate what is going on in the city.
- xxiv) (Dan and Kathleen) are concerned with micromanaging.

- xxv) (Ryan) We could have a mess of unregulated stuff. We are liable as a city. The county could take care of it and if something goes wrong and we are liable, not the county.
- xxvi) (Rob) There is a liability, where we are protected, but can someone sue you because the county didn't require it, not likely but the fact is someone's house still burnt down because the fire code wasn't enforced.
- xxvii) (Rob) As a city you just have to respond to stuff and you get to deal with it and you have to figure out how to deal with it.
- xxviii) (Ryan) And proactive is always better than reactive.
- xxix) (Ryan) We have 21 filed in only 30 days, do we hand things over to the county except big things? And explain to the citizens even though we wanted to do our own ordinances we are going to turn everything to the county for the next 6 months. We could have over 200 in the next few month's. I didn't not sign up to go with the county, I want to get away from the county. It seem like you're wanting to hand it over to the county except the big things.
- xxx) (Kathleen) doesn't want to let them all go through to the county, just the ones that are in an existing home.
- xxxi) (Ryan) What about a shed, gazebo, swimming pool, a retaining wall because the neighbor's yard is flooding. (Kathleen) that is not what I want, it needs to be in an existing home, like solar or a basement. If it's a shed to block a view or without fire restriction is a great risk.
- xxxii) (Doyle) would be fine with retaining walls
- xxxiii) (Kathleen) I thought the HOA delt with retaining walls
- xxxiv) (Ryan) No they need a permit
- xxxv) (Kathleen) we can make those decisions if they come up
- xxxvi) (Ryan) I'm not okay with approving a basement but not a shed
- xxxvii) (Kathleen) I'm only okay with what's existing, that is my line.
- xxxviii) (Dan) if we say no to everything, we would be out 3-4months. I'd like to know from Rob what has more risk to the city
- xxxix) (Ryan) Concerned with citizens questioning why you approved that and you didn't approve this.
- xl) (Ryan) I would like to go on record that I want these voted on individually
- xli) (Doyle) my concern is pushing people off too long.
- xl ii) Council was fine to vote on each one individually.
- xl iii) (Jonathan) I would like to make sure it's okay with Rob and risk. I have talked to some people who ask and they have understood the reasons for the moratorium, and it will take some time, I don't want to open ourselves up legal wise.
- xl iv) (Rob) There is a liability question, but that is not the real question. Everything that get built, gets built and stays. What you allow, will stay. What do you want to allow to stay without having regulations and land use set forth. If you are wanting to vote on each one, you might need to ask them what exactly they are wanting done and we need to give specifics to the county. It's not just a basement finish, it's this many square feet, this address, this is the plan. Then it can be reviewed by Lake Point Council and then those specifics can be passed onto the county, if it's voted to pass it along.

- xlv) (Ryan) we can make this an action item every week. Jamie will request extra details from those on her list that have contacted her.

9. **Council Updates** (4:05 recording)

A. Dan Crawford

- i) Phones- email about the caller ID being changed on the city phones.
- ii) Duties and responsibilities and define and reassigning rolls between council members

B. Doyle Garrard

- i) Road's update (04:11)
 - 1) Some roads signs were updated today.
 - 2) Jed approached Doyle brought up the power pole on center street and canyon southwest corner that makes that turn really hard and it gets hit. Proposing it is a safety issue. A discussion on what to do about it.
 - 3) Had a chat with the treasurer for Erda, Terry Miner, they use the same accountant we use and talked with him and what the accountant was doing for Erda. Doyle would like to have our accountant come talk to the council
 - 4) Utah Chamber of Commerce wants a cut of our permit fees and we send it to them every quarter, its 1% plus 85% of a 1% goes back to the state. Erda didn't know about it and so they had to back pay.
 - 5) Credit Card, Zions asked for \$25,000 from Erda to open a credit card.
 - 6) Water Connection with the COG, it's a proposal to taking Tooele, Stansbury, Grantsville and connect their water together.
 - 7) Doyle did some research on gun safes on KSL and Costco safes and Doyle would like to move on that as soon as we have funds.

C. Kathleen VonHatten (05:07 recording)

- i) Emergency Management Committee
 - 1) We completed our first mitigation for emergencies.
 - 2) We can do Cyber security training that FirstNet has available.
- ii) Key fobs have been given out to everyone but Jonathan.
- iii) Kathleen needs to check her email and if she gave them our wants for the agreement and add finish the wall into the office.
- iv) CERT training is coming up for those that are interested.
 - 1) (Kathleen) Can this be paid by the city?
 - 2) (Dan and Ryan) it will be a value for the city so yes and the city can take care of Jamie's training too.

D. Ryan Zumwalt (05:06 recording)

- i) When to have Rocky Mountain Power present Franchise Agreement?
 - 1) Once Rob reviews the franchise agreement with Rocky Mountain Power we will get something scheduled.
- ii) Track training for Council Members.
 - 1) Jamie has made a folder for training certificates and document explain how to take a training with a link to the State Audit site that has several trainings available. Council has not set up anything requiring training, so Jamie created this to help keep track of what council is doing. If someone finds trainings, please send them Jamie's way. Add them to a spreadsheet Jamie will make.

- iii) Making Reference Documents, so future council members know some how to's and where to go to do's.
- iv) Making a list of items to do, and prioritize that list separate from the agenda To Do lists Jamie sends out (Jamie will make this).

10. Public Comment

- A. Motion- Kathleen to open Public Comment Dan 2nd
- B. Vote was unanimous approved
 - i) Heath Denny from Erda was wondering what's your timeline. Sounds like your working on Planning and Zoning
 - ii) If I stuck with what the County when I was required to put a "No Truck Sign up, then you wouldn't have trucks going down the road and hitting the power pole on Canyon.
 - iii) Basement finish is there a way for you to self-regulate on a basement finish. If someone came up with a plan and did what the city asked.
 - iv) (Rob) We don't have a building official. To do all the checks and make sure its done right.
 - v) (Ryan) We need to look into Building Inspector.
 - vi) Heath would like to know the council's time frame.
 - vii) Council is working hard, should have Commission members soon.
- C. Motion-Dan to close Public Comment Kathleen, 2nd
- D. Vote was unanimous, approved

11. Adjournment

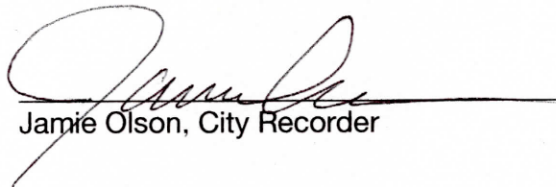
- A. Motion-Ryan to move to adjourn to closed session for reasons of reasonably imminent or pending litigation. 2nd Kathleen
- B. Vote was unanimous approved
- C. TIME- 11:11pm
- D.

Note-The minutes may include a summary of what was discussed and are not intended to be verbatim

PASSED AND APPROVED but the Council this 1st day of February, 2023


Chair

ATTEST:


Jamie Olson, City Recorder