

Lake Point City Council Minutes

DATE: Wednesday, Feb. 1, 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-** Kathleen
3. **Pledge of Allegiance-** Ryan
4. **Presiding Officer-** Jonathan Garrard
5. **Attendance Roll Call-** Jonathan Garrard

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

6. Public Comment-

- A. Motion-Doyle to open Public Comment, Ryan 2nd
- B. Vote was unanimous approved
 - i) Jordan Taylor from Lake Point
 - 1) Jordan works for the developer who developed Bridle Walk and there is an owner with a detention pond that they called a member of the city council and that person and was told that they could fill it in if they didn't like the detention pond. Jordan and Rob wanted to express that these ponds are designed by engineers and cannot be filled in, removed, or altered. They are very important for storm water.
 - 2) (Jonathan) asked if the retention pond was on the property?
 - 3) (Jordan) Yes, it is on their property, made them part of the lot and owner can landscape it but can't fill it in. The county chose to not maintain them so they are included in the property, some cities will own them, some HOA will maintain them.
 - 4) (Ryan)- we were contacted by the builder of the lot, and the county has turned it over to the city it is under our jurisdiction.
 - 5) (Doyle) was questioning the size of the pond
 - 6) (Jordan) this person just didn't like the retention pond and didn't think it was needed. Everyone thinks that until we have a storm, and they start filling up with water.
 - 7) (Kathleen) is the retention pond the correct size?
 - 8) (Jordan) Lot 311 phase 3 yes, it is the correct size.
 - 9) (Dan) and you can't modify those at all?
 - 10) (Jordan) If you want to pay an engineer and inspection, you could accommodate the same volume of water, but most don't.
 - 11) (Jordan) Those lots are discounted because of the detention pond.

- 12) (Doyle) we didn't tell them to do that, yet.
- 13) (Ryan) good point because anyone can approach us to make a change.
- C. Motion-Ryan to close Public Comment, Dan 2nd
- D. Vote was unanimous approved
- 7. **Approve the Minutes-** Lake Point City Council – Jan 25, 2023 – Jonathan Garrard
 - A. Motion-Kathleen to approve the minutes, Doyle 2nd
 - B. Vote was unanimous approved
- 8. **Action/Business Items**
 - A. Ordinances
 - i) O 2023-02 DRAFT Business Licenses- Jonathan
 - 1) (Dan) For Dan's business they go through the state of Utah and don't do one for the city.
 - 2) (Rob) Depends how many different businesses you want to regulate. There are franchises that have offices located in a city. The franchise main office would have a license and most cities will require every branch to be licensed.
 - 3) (Rob) Some are exempt from getting a local business license
 - (a) Home Based that don't have an impact.
 - (b) Lemonade stands
 - (c) Food Trucks
 - 4) (Ryan)- Dan your main business is located in Lake Point
 - 5) (Dan)-business will want to work with the city.
 - 6) (Kathleen) we need this ordinance to establish business license fees
 - 7) Discussion on Food Truck – Point of sales
 - 8) Discussion on Solicitors
 - 9) Jonathan- Youth businesses
 - (a) Define occasional
 - (b) Fruit stand for 30 days?
 - 10) Ryan home-based business
 - (a) (Ryan) what about a bakery and the sales out of their home whether it's allowed? Customers coming to house.
 - (b) (Rob) whether its allowed or not is something you will have to decide. Customers might be coming to their house.
 - (c) Jonathan cottage laws- threshold discussion
 - (i) (Rob) If someone can tell your operating a business, that has an outside impact.
 - (ii) (Rob) You need to decide if you require a business license if they have no offsite impact.
 - (iii) (Rob) some businesses are very beneficial, salons, bakery, preschool or daycare.
 - (iv) (Ryan) had daycare questions so there was a discussion on daycare.
 - (v) (Ryan) I don't want to overregulate it I just want to know what's being operated in town and the tax revenue to come back to the city.
 - (vi) (Dan) we want to support the businesses
 - (vii) Service based and retail-based discussion.
 - (viii) (Kathleen) Fees for different kind of businesses.
 - (ix) (Jonathan) Renewal dates possibly different
 - (x) (Doyle) discussion on youth not needing a business license.
 - (d) Public comment- Jordan Taylor-Jonathan gave him a minute to comment.
 - (i) Brought up CUP and for residential business and using them as leverage to make sure they meet the requirements
 - (ii) Dan- asked for more insight on this from Jordan
 - (iii) Several in West Jordan if they are non-conforming. Jordan applied for CUP every year.
 - (iv) Notification radius and neighbor get to comment if its yearly
 - (e) Dan- anything we can do that is similar to a CUP?
 - (i) (Rob) non-conforming rules

- (ii) (Rob) Grandfathered of non-conforming on whatever code applied at the time you started your business.
 - (iii) (Rob) Issue a non-conforming and tie it to a business license
 - (iv) (Rob) If in violation of zoning rules and don't issue the business license
 - (v) Short term rentals discussion.
 - (vi) Jonathan Agriculture question and Daycare or Home School.
- (f) Jonathan- violation questions
 - (i) Violation discussion
- (g) Jonathan question on ADU rentals and business licenses and discussion followed
- (h) Motion-Ryan table for more work shared document, then council discussed a time frame.
- (i) (Rob) gave a summary of his notes that he can work on and he will send it out to the council.
- (j) Council discussed working in committees and a good working system.
- (k) Motion-Ryan table and review by March 1st
- (l) Motion withdrawal-Ryan for further discussion.
- (m) Discussed software, drop boxes and mail
- (n) Motion-Ryan O 2023-02 DRAFT Business Licenses to table for further council review Dan 2nd
- (o) Vote was unanimous approved
- ii) O 2023-03 DRAFT Administrative Protest- Ryan (recording 1:14)
 - 1) Motion-Kathleen as written, Dan 2nd
 - 2) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - (a) Vote was unanimous approved
- iii) O 2023-04 DRAFT Financial Administration 2- Kathleen (recording 1:18)
 - 1) Motion-Dan as written, Ryan 2nd
 - 2) Roll Call Vote-Jonathan Yea -Ryan Yea -Dan Yea -Kathleen Yea -Doyle Yea
 - (a) Vote was unanimous approved
- iv) O 2023-05 DRAFT Use of Public Ways and Franchises (recording 1:21)
 - 1) (Rob) reviewed and explained the ordinance to the council.
 - 2) Discussion on wording for the park strip and swells
 - (a) Motion-Dan to table to next week so we can review Robs edits, Doyle 2nd
 - (b) Vote was unanimous approved
- B. General Plan RFP – Dan (1:52 recording)
 - i) Motion-Dan to table for further review for another week, Doyle 2nd
 - ii) Vote was unanimous approved
- C. Waste Management – Doyle Kathleen (2:01 Recording)
 - i) Discussion on rating system, administrative costs, tipping fees, dumping locations, deadlines and more.
 - ii) (Kathleen) Council go through your bids and rank them, we will need the budget for this, if we pursue this.
- D. Post Moratorium Submission Review/approvals for moratorium exempt – Ryan (3:03 recording)
 - i) Jerry Houghton is recommending that the chair sign all documents recorded that concerns land use, because Lake Point is the land use authority.
 - ii) (Rob) for plats yes, not normal building permits, just things that need to be recorded.
 - iii) Ryan) Jamie has collected all the information we need so we can vote on these, but we haven't been able to look at these. Do we want to approve them or review them? Do we want to focus on the ones that have reached out to us and set aside the ones from the county?
 - iv) Discussion on the List the County sent that were missed and not added to the ILA
 - 1) (Ryan) There are two on the list that were approved and processed after the moratorium.
 - 2) (Dan) asked what it meant by "closed" on the list
 - 3) (Ryan) the records are not accurate.

- 4) (Kathleen) the county opening admitted they messed up, if there are any dates after the moratorium, I don't think we should approve. If it's a date before I don't think we should hold the builders to something the county forgot to include. If we held them to the application and fees before the moratorium or the 22nd, why would we not accept these?
- 5) (Doyle) I think before we approve anything we need to put have someone to put into place for inspections.
- 6) (Kathleen) asked if Doyle understands what is going on and explained that the county forgot to add these to the list
- 7) (Ryan) I don't buy that they forgot, the letter to the county could not be more clear asking in everything they were already working on.
- 8) (Kathleen) what the county has said is they messed up and forgot and didn't give them all, I don't know how. I honestly think sometimes people just screw up. If we have proof that it was before the moratorium, then we would just add them to the list, they just messed up.
- 9) (Ryan) I would tell you a lot of these are Chris Robinson's and that is very suspicious. Some are land use issues, plats not recorded.
- 10) (Ryan) Why are they picking favorites and sending them back to us, I talked to Rachelle on this and was tagged on the emails and they said it was all of them.
- 11) (Ryan) If Janet honestly pulled the wrong list and gave it to Rachelle and then they said "yep that it". I don't know.
- 12) (Ryan) showed a date that recorded before it was applied for.
- 13) (Kathleen and Doyle and Dan) wanted to know if they should go sit down with the county to get some clarification on the lingo?
- 14) (Ryan) no, we are the land use authority, and we have to decided what they can touch. And the more Jamie inquired the worse it got. I see no benefit to sitting down with the county
- 15) The council review and discussed the county list and the details
- 16) (Dan) so our two options are to do nothing until we have our people in place or we put them back to the county.
- 17) (Ryan) thinks we should focus on the ones that have reached out to us and go in the order of application. The ones that are being prioritized are "special people", that is not right, special developers and then telling another one goes back to Lake Point when all his stuff was there.
- 18) Moratorium list was discussed.
- 19) (Jonathan) I think we open ourselves up to liability if we start pulling people from dates that are later.
- 20) (Kathleen) if this had been on the original moratorium list, would we have isolated it out?
- 21) (Ryan) I would have isolated several things on this list.
- 22) (Kathleen) They mess up but do we hold this company hostage because of a mistake
- 23) (Ryan) It's not hostage it's just what we want to accept and not accept.
- 24) (Ryan) A bunch of these I would have kept off the original list.
- 25) (Kathleen) on the original list we didn't hold any back.
- 26) Council discussion on the original list
- 27) (Ryan) I recommend we review each of these and see if we have any concerns. And I don't want to get into a position to just accept what they do.
- 28) (Ryan) explained some land use verbiage.
- 29) (Ryan) asked Rob, we approve one plat, we have focused on basement finishes and existing houses. If we turn around and approve all these houses, we can't really tell anyone else no, right?
- 30) (Kathleen) why couldn't we, they were before the moratorium?
- 31) (Ryan) because we are the entity signing off on them.
- 32) (Rob) if you can find a way to categorize and class them, and it's a reasonable classification before the moratorium, it doesn't set a precedence for future ones.

- 33) (Doyle) my concern is with a new home is we don't have our criteria in place, we don't have our setbacks. And those types of issues. And we still need someone to come in and do the inspection.
- 34) (Dan) Maybe we go forward with making criteria, before the moratorium, and look where they are in the process.
- 35) List verbiage was discussed again
- 36) A discussion on an email from Jerry Houghton
- 37) More discussion on how to proceed
- 38) Council will review the list, it is the first time Jonathan and Doyle and Dan had seen the list.
- 39) (Ryan) I want a cutoff date set in place with the county, I believe the county will come back with more.
- 40) (Dan) agreed. We could send them all back and say sorry you messed up, here is your list back. If we did that would they finish them up?
- 41) (Kathleen) no they would all sit and nothing would happen with them until the moratorium is lifted.
- 42) Motion-Dan to review categorize them and approve, if we can do that and if not we send it back.
- 43) Ryan amends the motion that we will need more than a week
- 44) (Kathleen) can we at least approve the commercials?
- 45) (Doyle) doesn't want to approve anything tonight.
- 46) There was no 2nd Motion fails
- 47) More discussion clarifying if this is for both lists.
 - (a) Motion-Ryan table approval for review on the Post ILA from the county in 2 weeks. Kathleen 2nd
 - (b) Vote was unanimous approved
- v) Post Moratorium list that are on hold, these are those that have permit requests from the city and have submitted the council requested additional information. They are being discussed to see if the council approves any to be exempt from the moratorium. (Recording 4:11)
 - 1) Motion-Ryan to approve the sign permits for Star Bucks Kathleen 2nd
 - (a) Vote was unanimous approved
 - 2) (Ryan) asked Counsel (Concerning another sign permit), because they are getting state approval can we attach that the owner of the parcel may remove it or does it stay for 2 years. There might be a reason we want it removed because it was vandalized. It's on a state highway.
 - 3) (Rob) Is there any language from UDOT for a time length? You could ask that there be a hard timeline, they may push back and say where in your ordinances do you have that restriction. I would go for it and see what happens.
 - 4) (Ryan and Jonathan) were concerned of signs being dilapidated or just not applying anymore or leaving them forever.
 - 5) (Ryan) Is there a document for Jonathan to sign off on this?
 - 6) (Ryan) the landowner said they are temporary signs and could be removed at any time
 - 7) (Ryan) we could try and attach something to it or try and work with the landowner.
 - 8) (Jonathan) suggests we be upfront with them and if it gets dilapidated, we will ask for it to be removed.
 - 9) (Kathleen) who is the judge of that? Your opinion might be different than mine.
 - (a) Motion- Ryan to approve sign permit for DR Horton with a letter to UDOT with conditions that it be removed if it becomes a blight on the city and request it can be removed on short notice if necessary. Dan 2nd
 - (b) Vote was unanimous approved
 - 10) Discussion on other requests.
 - 11) Jamie can let these know the council discussion.
 - 12) Rob was excused at 10:42pm
9. Council Update (4:41 recording)

- A. Jonathan Garrard
 - i) Didn't have anything at this time
- B. Dan Crawford
 - i) Work meeting Feb 6 6pm for Planning and Zoning discussion.
 - ii) City Engineering discussion
 - iii) Planning Commission discussion
 - iv) Other
- C. Doyle Garrard
 - i) Bank Updates-
 - 1) Express debit card that is preloaded was discussed
 - 2) Doyle has printed checks
 - ii) County check should be picked up tomorrow
 - iii) Road's update-
 - 1) Received documents from the county
 - (a) 5-year road plan
 - (b) Road conditions
 - (c) Doyle sat down with the county and added the new roads into the map and then it can be sent in for PTIF account
 - iv) COG grants
 - 1) Discussion on a couple grants
- D. Kathleen VonHatten
 - i) Tax Exempt- She had me fill out another form
 - ii) Had Mike add all the major businesses on Hwy 36
 - iii) Mike will contact Jamie and Dan to schedule training on back door for website
 - iv) Discussion on businesses and sales tax
 - v) Kathleen wanted to check if the council wanted a flagpole.
- E. Ryan Zumwalt
 - i) Beehive and Kennecott are setting up a meeting.
 - ii) Will chair signing anything land use that the county has, and we can't answer Jerry's other questions until we know what we are doing with the other post moratorium county list.
 - iii) Do we need to work on a list of ordinances that we can start working on?
 - iv) Budget was discussed and what numbers council need so the budget can be completed

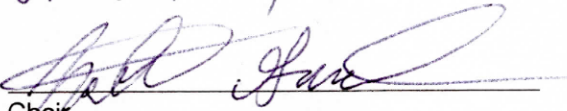
10. Public Comment

- A. No public in attendance.

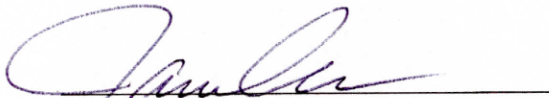
11. Adjournment- Motion- Dan -11:43pm

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 8th day of February, 2023


Chair

ATTEST:


Jamie Olson, City Recorder