

# Lake Point City Council Minutes

Date: Wednesday, April 10, 2024

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

Time: 6:00 PM

1. **Call to Order-** 6:20 pm
2. **Prayer-** Rickey Lloyd
3. **Pledge of Allegiance-** Alexis Wheeler
4. **Presiding Officer-** Ryan Zumwalt
5. **Attendance Roll Call-**

Lake Point Council & Staff (C=Council)	Public	Public
Ryan Zumwalt (Chair)	Cody Detter	
<del>Dan Crawford (Vice Chair)</del>	Alexis Wheeler	
Jonathan Garrard (C.)	Rick Wheeler	
Kathleen VonHatten (C.)	Regina Nelson (Sheriff Dept.)	
Kirk Pearson (C.)	Kevin Nunn (NTFD)	
Jamie Olson (RCDR)	Buck Peck (NTFD)	
Joel Yellowhorse (Attorney) attorney left at 9:45 pm		

6. **Legal Training – Joel Yellowhorse (2:09 recording)**
  - A. Kathleen asked about adopting a sensitive land ordinance and wanted some guidance
    - i) (Joel) explained it was an engineering recommendation to geotechnical companies or engineering to get their recommendations for our area.
    - ii) (Kirk and Kathleen) met with the building official. It was suggested to find an ordinance they like and then it can be adapted to the needs of Lake Point.
    - iii) (Ryan) mentioned our Engineer recommended we do the study because the study will pinpoint the areas of concern.
    - iv) (Ryan) thinks we need a study and it will help know the current and also the history of water level, eluvial fans, slopes, fault lines, etc.
    - v) (Kirk) asked if the county had a study already.
      - 1) (Ryan and Kathleen) they do but the Planning Commission thought it didn't all fit.
    - vi) (Rickey Lloyd) (Planning and Zoning) wasn't aware if the Commission had looked at Tooele Counties but was wondering if it has already been done by Tooele County, why would we need the large expense
    - vii) (Kirk) suggested looking at Tooele Counties and adopting what fits Lake Point
    - viii) (Ryan) mentioned it might not be in Lake Point now, but it might be in the future after annexation.
    - ix) (Jonathan) brought up if they did the study, would they study an area outside of the boundary?
      - 1) (Kathleen) not sure
    - x) (Council) discussed the boundary concern, scope of work, and costs.
    - xi) (Kirk) would like to know the cost and if it is necessary
    - xii) (Ryan) asked if they would be comfortable getting an RFP done
      - 1) (Kirk) suggested to follow up with Planning and Zoning and see what they have done.
7. **Public Comment- (15:34 recording)**
  - A. Motion-Ryan to open Public Comment. Jonathan 2nd

- i) Vote was unanimously approved
- B. No public comment
- C. Motion-Ryan to close Public Comment. Kirk 2nd
  - i) Motion passed unanimously
- 8. Approve the Minutes- 2024 03.20 (16:00 recording)**
  - A. Motion- Kathleen to approve the minutes 2024 03.20. Jonathan 2nd
    - i) Motion passed unanimously
- 9. Reports/Presentations**
  - A. Sheriff Report (16:24 recording)
    - i) Officer Regina Nelson gave the Sheriff's report to the Council
    - ii) (Officer Nelson) reported on the number of Tooele County animal stray pick-ups for research for a regional animal shelter
    - iii) (council moved to Impact Fees until the Fire Dept arrived)
  - B. Fire Dept. Report (1:23:00 recording)
    - i) (Chief Kevin Nunn) There is nothing interesting in Lake Point and he gave an update on a safety event for city officials, it will be a large wildfire evacuation drill on April 19, 8:30 am to 1:30 pm.
    - ii) Register on the website for chipper days, and dumpster days dates are on the fire dept. website.
    - iii) (Kathleen) asked about the fireworks season. Chief will be worried this year since we have not had a lot of snow.
    - iv) (Marshal Buck Peck) Marriot is communicating with Buck concerning their interest in some property for a pre-pre-inspection.
    - v) (Council moved back to 10 B. Speed Bumps)
    - vi) (Buck) is happy with how we did fireworks last season.
      - 1) (Kathleen) asked about the large fireworks show and if they would attend.
        - (a) (Buck) they would provide a fire watch if someone were willing to pay for it.
    - vii) (Buck hasn't heard anything on the illegal dumping concerning some commercial property.
    - viii) (Kathleen) asked about the Tesla charging station.
      - 1) (Buck) there is a code that covers that, he can provide a will-serve letter.
    - ix) (Jonathan) asked for suggestions on possibly burning the tumbleweed disposal for the citizens.
      - 1) (Buck) apply for an open burn permit. Burn permits do not absolve a person of liability.
    - x) (Council moved back to 10. B. Speed Control)
  - C. Impact Fee Presentation/ Information - by Cody Detter at EFG Consulting (23:45 recording)
    - i) (Cody) works in the municipal finance industry mostly in the state of Utah- Councils usually want to leave things better than they found them. He helps local governments and gives them the tools to help make those decisions-
    - ii) (Cody) 4 areas that are needed and that need to be balanced to provide good services to the community.
      - 1) A good attorney
      - 2) Having a Technical Plan for services provided that is engineering-based.
        - (a) Doing a condition analysis including a capital facility plan, operation, and maintenance
      - 3) Financial Plan- what fees and what revenues need to be brought in
        - (a) General Fund – pays for a wide range of services, inputs and outputs don't usually match.
        - (b) Utility Fund- cost matches inputs and outputs
      - 4) A Marketing Plan (Decision Making Plan) explains to the citizens what you're trying to do
    - iii) (Cody) explained in more detail the financial plan which included impact fees (31:28 recording)
      - 1) Different things that can be assessed Impact Fees

- (a) Growth Related Roads Impact Fee- Collector Roads or larger
- 2) Revenue Bonds- loan against the sales tax
- 3) Access to USDA loans
- 4) PID (Public Improvement District)
- 5) Road Impact Fees are explained further
- iv) (Ryan) asked if the Council would be okay if Cody did an assessment.
- v) (Jonathan) asked if a frontage road could be covered under an impact fee
  - 1) That would be determined by an engineer's technical analysis
  - 2) (Cody) the money would need to be spent within 6 years
  - 3) (Jonathan) asked if the money needed to be spent by the 6 years or the project needs to be started within the 6 years
    - (a) It would need to be spent
  - 4) (Cody) his basic quote for the impact fee would be about \$10,000 per impact fee.

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

- A. Zoning Administrator/Planner (47:50 recorder)
  - i) (Ryan) Introduced the information he collected concerning a zoning administrator and he presented to the Council previously in a file of slides.
  - ii) (Kathleen) The permit fees collected could provide this service to the citizens.
  - iii) (Kathleen) This might help with understanding the development agreements
  - iv) (Jonathan) asked about the number of development agreements, he counts 4.
  - v) (Jonathan, Ryan, and Joel) discussed administrative, legislative, and legal roles in land questions.
  - vi) (Jonathan) asked about a certifications and training slide.
    - 1) (Jonathan and Ryan) discussed the qualifications of a professional planner and how they may or may not serve our community the best.
  - vii) (Kirk) doesn't see this as a big deal and we have the ordinances that Jamie knows. If Jamie doesn't know she can call and find out, there aren't that many that might pose a question. (58:05 recording)
  - viii) (Ryan) explained duties of the Zoning Administrator
  - ix) (Jonathan & Ryan) discussed the working hours of the Erda Planner
  - x) (Kathleen) asked what the negative was since we already have the cost in the building permits. We have an overage in our building permits.
  - xi) (Jonathan) then maybe we need to lower our fees.
  - xii) (Jonathan) expressed wanting an update about a meeting Ryan and Kathleen had with Rob about the development agreement.
    - 1) (Ryan) will send a written update
  - xiii) (Kathleen) The scope of work needs to be identified if we put out an RFP (1:08:30 recording)
  - xiv) (Council) discussed that this is a contract as needed and the experience of Erda having a Planner.
    - 1) (Kirk) is okay to get costs, but he doesn't see the need.
  - xv) (Ryan) said we are losing businesses, and a planner could be a liaison to keep them.
  - xvi) (Jonathan) most are not coming here because of the cost of land.
  - xvii) (Jonathan) asked if they would be willing to teach our staff how to do it.
  - xviii) (Ryan) thinks we would need to hire more staff
  - xix) (Council) discussed whether this service is needed.
  - xx) (Jonathan) our staff is already doing the work, so he was seeking clarification on what the planner would do and how that would overlap with our current staff.
  - xxi) The council discussed if they would be okay with getting a scope.
    - 1) Jonathan would like to reduce the permit fees
    - 2) Kirk is okay to work on a scope of work and we don't have our ordinances in place to create a scope of work.
    - 3) (Ryan) has started a scope of work already

xxii)(Council moved to Fire Dept Update 9.B.)

B. Speed Bumps/Dips and Speed Control Signs (1:39:08 recording)

- i) (Kathleen) Dips would need to be engineered, they are typically put in for flow of water and not speed control. Jed suggested citizens could put out private speed bumps during spring summer and fall.
  - 1) (Ryan) would that be illegal for a citizen to affect the right of ways?
    - (a) (Joel) there could be liability issues.
  - 2) (Kathleen) asked if it were a program the city implemented and regulated.
    - (a) (Joel) the city would need to regulate it and have a permit for it.
  - 3) (Kathleen) said there are different kinds, ones that screw down or stick.
  - 4) (Rickey Lloyd) had a suggestion on speed bumps that he has come up with.
- ii) (Ryan) is not opposed to seeking contractor snow services that will serve an area with speed bumps.
- iii) (Kathleen) our services with the County want to help but cannot take on the risk of speedbumps. If one takes out a truck, it will highly affect their services to the county.
- iv) Record-Jonathan favors speed control signs, I do not think that speed bumps or dips are the correct way. When you are talking about the temporary ones, there is friction that associated with the rubber on the roads and makes the road deteriorate even faster as well as whatever you're using to anchor it, whether it is a nail or screw or other device. It could also cause drainage issues if you are giving them to citizens and they are putting them the wrong way and causing accumulation or drainage of the water in a weird way. Increased vibrations. If you were to just do a regular speed bump. Here in the farming community, you have a lot of farming equipment going over it, they are more sensitive to bumps, if you don't believe me, try going over a small bump with a tractor. With the animals going up and down the roads, I don't think it is a good idea that way. That is why I am in favor of the speed control signs. There are also studies that have been done with crashes in rural communities in particular. people may not be able to see them. I drive for a living and in residential and rural communities, there are certain times during the day, even though they might have it painted. There might be a shadow of a tree and I don't see it and I'm going the speed limit and it literally rocks the whole vehicle I'm carrying valuable electronic equipment that I don't want to have damaged. If someone is going faster, there is a chance of someone veering off the side of the road and crashing into somebody's home. I don't think having speed bumps is the best idea. Once again my opinion.
- v) (Ryan) pointed out this was on the agenda because it was requested by numerous citizens. And sent the council info on possible speed humps.
- vi) (Kathleen) would like to know what the speed signs cost.
- vii) (Ryan) would like to have an answer for the citizens if we will not be doing speed bumps
- viii) (Ryan and Kirk) likes the idea of the speed signs
- ix) (Kathleen) the speed reports from the speed trailers show that citizens might be thinking people are going faster when they aren't. Large trucks are loud and it makes it sound like they are going faster.
- x) (Jonathan) the navigation systems might not have updated data, he saw parts of Lake Point had it at 35 mph.
- xi) (Ryan) will be getting prices on speed control signs.

C. Right of Way (ROW) Permits (1:52:18 recording)

- i) (Ryan) this was to start the discussion on the Right of Way permits because of the feedback from Beehive. The costs are too high for Beehive for small jobs to just connect to their conduit costing \$1,100.00.
- ii) (Kirk) suggested the running permit and making sure they are bonded and covering damage.
- iii) (Ryan) Beehive thinks it would be appropriate for a permit and bonds for higher-impact projects because of the impact. They believe in smaller impact items like installing flower pots (conduit boxes) bringing lines to a house etc. They thought they covered these items in the

franchise agreement and if it doesn't do we need to amend the agreement. The fees are hurting the citizens because they have

- 1) (Joel) the franchise agreement doesn't dismiss them from needing a permit.
- iv) (Jamie) explained the fees associated and that the fees cover the inspection costs, the bond covers if there is damage done.
- v) Council discussed what they want to do to protect the city and verbiage to address the concern.
- vi) Council will bring back the fee schedule to discuss adjustments.
- vii) (Council moved to 11.C.)

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

- A. Review Auditor Bids for selection (2:48:12 recording)
  - i) (Ryan) explained the need and request for a proposal for an auditor.
  - ii) The Council discussed the proposals
  - iii) Motion- Jonathan to extend the offer to the K&C Accountant for our audit and we go with them as long as they are amenable to that and not let the others know until we gotten the okay from them. Ryan 2nd (2:59:49 recording)
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Kathleen-Yea] [Kirk-Yea]
      - (a) Motioned passed Unanimously
- B. R 2024-07 Planning and Zoning appointment (3:01:00 recording)
  - i) Council discussed how to move forward to pick a person to fill the Commission vacancy
  - ii) Ryan will reach out to people on the list and Council can add suggestions to the list
    - 1) Motion- Ryan to extend the appointment of the 7<sup>th</sup> Planning and Zoning member to the May 8<sup>th</sup> meeting. (3:20:24 recording)
    - 2) Ryan-Amend the motion to May 15, 2024, Kirk 2<sup>nd</sup>
      - (a) Motion passes unanimously
- C. O 2024-05 General Plan adoption (2:37:20 recorder)
  - i) Council discussed the General Plan and the concern about a map they want to replace on the Transportation
  - ii) Council decided to remove the transportation map in question and adopt the General Plan
  - iii) Motion- Ryan pass O 2024-05 General Plan adoption as amended in the meeting with the attached Final General Plan. Kirk 2<sup>nd</sup> (2:47:00 recording)
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Kathleen-Yea] [Kirk-Yea]
      - (a) Motioned passed Unanimously
  - iv) Council made adjustments to the General Plan Ordinance (recording 3:38:00)
  - v) Motion- Ryan to pass Ordinances 2024-05 as amended by our Recorder, the ordinance, and the General Plan as amended by removing the map. Kathleen 2<sup>nd</sup> (3:43:38 recording)
    - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Kathleen-Yea] [Kirk-Yea]
      - (a) Motioned passed Unanimously
  - vi) (Council moved to Section 14 Public Comment)

#### **12. Attorney Clarification (3:23:50 recording)**

#### **13. Council Updates**

- A. Jonathan Garrard
  - i) No updates
- B. Dan Crawford
  - i) No updates
- C. Kirk Pearson
  - i) (Kirk) asked Jamie when she needed the ethics and conflicts forms
    - 1) (Jamie) It can be done tonight or just get it to her
- D. Kathleen VonHatten (3:25:40 recording)
  - i) (Kathleen) volunteered the city to test a Point of Distributing (POD), where in an emergency you can distribute emergency supplies. No date set yet

- ii) (Kathleen) is applying for a grant for the Emergency Management Conference she will be attending
- iii) (Kathleen) updated further on the Tooele Shelter concerns and the possibility of a regional animal shelter
- iv) (Kathleen) suggests we look into hiring a Civil Inspector.
- v) (Kathleen) the city needs to possibly look into getting emergency supplies and put them in a POD trailer. Like cones, and other stuff.
- vi) (Kathleen) there might be an update on the Mosquito Abatement on some incorrect taxing for Districts by the County.
- vii) (Jamie) pointed out an edit that was missed in the General Plan ordinance.
- viii) (Council) returned to the 11.C. General Plan Adoption)

E. Ryan Zumwalt

- i) No updates

**14. Public Comment** (3:44:30 recording)

- A. Motion- Ryan to open Public Comment. Kirk 2nd
- B. Motion passed unanimously
  - i) No public Comment
- C. Motion-Ryan to close Public Comment. Kirk 2nd
- D. Motion passed unanimously

**15. Closed Session-** not needed

**16. Adjournment-** 10:05 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 15<sup>th</sup> day of May, 2024

  
 \_\_\_\_\_  
 Ryan Zumwalt, Chair

**ATTEST:**

  
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 Jamie Olson, City Recorder