

Lake Point City Council Minutes

Date: Wednesday, April 24, 2024

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

Time: 6:00 PM

1. **Call to Order-** 6:01
2. **Prayer-** Jonathan Garrard
3. **Pledge of Allegiance-** Ryan Zumwalt
4. **Presiding Officer-** Ryan Zumwalt
5. **Attendance Roll Call-**

Lake Point Council & Staff (C=Council)	Public	Public
Ryan Zumwalt (Chair)	Doyle Garrard	
Alexis Wheeler (C.)	Chaelea Allred	
Jonathan Garrard (C.)	Ricky Wheeler	
Kathleen VonHatten (C.)		
Kirk Pearson (C.) absent		
Jamie Olson (RCDR)		
Joel Whitehorse (Attorney) 6:13 pm arrived and left at 10:09 pm		

6. **Legal Training-** (12:44 recording)
 - A. (Alexis) asked Joel some questions on RFP's
 - i) Evaluation Committee
 - 1) (Alexis) asked about the Council having contact with the companies submitting a proposal.
 - (a) (Joel) there might be some communication between Council and Proposers, just depends, but proposals should not be opened by Council Members and proposals should go to the Recorder.
 - ii) (Kathleen) discussed how she thinks they should proceed with the address mistake on the Master Transportation Plan RFP going forward. Kathleen would like to reach out to those that RFP was sent to, to make sure there are no other missing proposals.
 - iii) (Jonathan) Are requests for bids the same process as RFP's?
 - iv) (Council and Joel) discussed different types of bids and the differences between them
 - 1) Sole Source Bids-
 - 2) Sealed Bid
 - v) Alexis asked why they weren't using the state website for RFP (37:18 recording)
 - 1) Council discussed
 - B. Kathleen asked about power to a house from a pole and if it comes down and damages the line and under certain circumstances, the citizen might need to hire and electrician to fix it. Do we have a way for them to get a permit in an emergency situation?
 - i) (Kathleen) had a suggestion to waive a permit so if there was an emergency situation, the citizen could get the power restored.
 - 1) (Joel) that could be added but recommends the permit still be applied for and inspection made after power was restored.
 - C. (Jonathan and Kathleen) LEPC Local Emergency Planning Committee
 - D. (Ryan) asked about a variance

- i) (Joel and Council discussed) it is a substantial right that is threatening the use of the land. For example, if the project renders the property valueless. Changing a setback is not a reason for a variance.
- 7. Public Comment-** (01:48 recording)
- A. Motion- Jonathan to open Public Comment. Kathleen 2nd
 - i) Motion passed unanimously
 - B. Motion- Kathleen to close Public Comment. Alexis 2nd
 - i) Motion passed unanimously
- 8. Reports/Presentations** (2:18 recording)
- A. Treasurer Report
 - i) Doyle gave the treasurer's report
 - ii) (Council returned to Legal Training)
- 9. Discussion Items** (No Vote) (52:08 recording)
- A. Communication Preferences for Council and Staff.
 - i) (Ryan) would like to know everyone's preferences on communication and would like to know so he can understand how to better communicate.
 - ii) (Ryan) any type of communication work for him.
 - iii) (Kathleen) is okay with any type of communication.
 - iv) (Jonathan) he doesn't have a quick answer. For some items, there is a question he needs to research so it takes time. He does not get to text until evenings. His schedule varies greatly.
 - v) (Alexis) prefers email, if it needs to be a call she would prefer a heads-up on the topic. She won't check her phone or emails after 4:30 pm. She is fine with WhatsApp chats as long as it has to do with city business.
 - vi) (Jamie) open to any communication at any time, she doesn't usually have her city phone on her on the weekends so please email on the weekends and she will see those or call her personal phone.
 - vii) (Chaelea) prefer text and email. She tries to reserve after 5 pm to be with her family, but will answer the phone for the Commission, Council or Jamie if she can.
 - viii) (Joel) he checks emails often and tries to answer his phone
 - B. Committee Reassignments Descriptions for Discussion (1:08:38 recording)
 - i) Ryan went through the committees and gave a brief description of each.
 - ii) In the Council's next meeting, they will reassign the committees.
- 10. Action/Business Items**
- A. Planning and Zoning Commission vacancy offer (1:20:58 recording)
 - i) (Council) discussed how to move forward in filling the vacancy on the Planning Commission
 - ii) (Council) discussed the appropriateness of interviews in a closed session or a public meeting. (1:27:00 recording)
 - 1) This will be decided by a vote by the Council
 - iii) Motion- Ryan to extend the appointment of the Planning and Zoning Commissioner vacancy for 30 more days.
 - 1) Motion died without a second
 - iv) Motion- Kathleen to extend it to 60 days. Alexis 2nd.
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Nay] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
 - (a) Ryan- Nay the Planning and Zoning has been without a Commissioner for 4 ½ months.
 - (b) Motion passed 3 to 1
 - B. Stake Center fence approval (1:35:57 recording)
 - i) (Jonathan) feels the decision was already made.
 - ii) (Council) discussed the option of rail and cement fence
 - iii) Motion- Ryan to approve rod iron around the property with privacy screening on the home owners side to allow for better rural feel openness and safety security and crimes occurring

- on the property and other reasons north, east, and west. 3 rail fence on the front. Kathleen 2nd
- 1) Roll Call Vote-[Jonathan-Nay] [Ryan-Yea] [Alexis-Nay] [Kathleen-Yea] [Kirk-Absent]
 - (a) Fails for lack of majority
 - iv) Motion- Jonathan that they do the cement fence for the privacy option west, north, and east and split rail in the front, similar to the existing church Alexis
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Nay] [Alexis-Yea] [Kathleen-Nay] [Kirk-Absent]
 - (a) Fails for lack of majority
 - v) Motion- Ryan to send this back to the church and let them decide which of the 3 options they want to do around the property so they can decide what they want. (1:51:15 recording)
 - vi) Amend the Motion-Ryan to the 2 options they voted on (3 sides the same, front is the split rail)
 - vii) Amend the Motion- The west side requires privacy if rod iron is chosen. Kathleen 2nd
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Absent]
 - (a) Passes unanimously
 - (b) Jamie will communicate this decision to the applicant
 - C. Treasurer Contract (1:54:39 recording)
 - i) Motion- Ryan to table so the Council, Doyle, and the Attorney can review the contract, for the next meeting. Kathleen 2nd
 - 1) Motion passes unanimously by those present
 - D. K&C CPA's External Financial Audit Contract Approval (1:56:38 recording)
 - i) Council tabled and will review it later in the meeting so Counsel could review it
 - ii) Council returned to this item (2:15:36 recording)
 - 1) Motion- Jonathan to accept the engagement letter with K&C CPA's External Financial Audit Contract for FY 2024 for the cost of \$9,900. Kathleen 2nd
 - 2) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Absent]
 - (a) Motion passed unanimously
 - iii) (Council moved back to 10.I.)
 - E. Continue contract with Civic Review permit software (1:58:29 recording)
 - i) (Jamie) explained the need for a review to see if the Council wanted to continue the service.
 - ii) Motion- Kathleen to continue services with Civic Review. Alexis 2nd
 - 1) Motion passed unanimously
 - F. 2024-2025 Dispatch Services Agreement (2:01:30 recording)
 - i) Motion- Kathleen to approve the 2024-2025 Dispatch Services Agreement. Ryan 2nd
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Absent]
 - (a) Passes unanimously by those present
 - G. Clerk Conference Reimbursement (2:06:38 recording)
 - i) Motion-Kathleen to approve the reimbursement for the Clerks Conference. Ryan 2nd
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Abstain] [Kathleen-Yea] [Kirk-Absent]
 - (a) Passes unanimously by those present, with Alexis abstaining
 - H. RFP Transportation Plan review for selection (2:08:23)
 - i) Motion- Jonathan to contact them if they mailed their proposal to advise us by Friday, and put it on the next meeting on May 8, 2024. Kathleen 2nd.
 - 1) (Council) discussed clarifications on if they are doing interviews and deadlines for the Council to communicate if they want to do interviews (by May 1st)
 - (a) Motion passes unanimously
 - ii) Moved back to 10 D.
 - I. Attorney Bids Review and the plan moving forward (2:18:28 recording)
 - i) (Council) discussed if they want to interview the bids
 - ii) (Jonathan) is happy with our current legal and his firm, he can also counsel the firm if there is something needed.
 - iii) (Kathleen) would like to interview Brems.

- iv) (Alexis) would be okay to interview Brems and Gordon, and is not interested in Smith because of a conflict of interest.
- v) (Ryan) would like to also interview Smith even with the conflict of interest.
- vi) (Council) discussed if they would interview Smith.
- vii) (Council) will interview the Gordan and Brims, tentative for May 13 for interviews
- J. Resolution 2024-08 Fee Schedule - Telecommunications Franchise Permit Fees (2:42:04 recording)
 - i) (Council) extensively discussed the fee schedule in regard to the excavation fee and tried to create a different fee for telecommunications and/or smaller impact excavations in the right of way.
 - ii) (Ryan) prefers to keep this to the telecommunication franchises and not open this up to any applicant.
 - iii) (Kathleen and Alexis) doesn't agree that it should exclude nonfranchise/citizens and to have a record of the work and have a recourse if there is a problem.
 - iv) (Jonathan) is okay with allowing the citizen to use the low-impact excavation.
 - v) (Council) discussed lowering the right of way no asphalt impact fee
 - vi) Motion- Kathleen to accept the fee schedule as amended. Alexis 2nd
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Absent]
 - (a) Motion passes unanimously

11. Attorney Clarification (3:56:45 recording)

- A. (Kathleen) followed up on a Sensitive land RFP, that Joel will get back to her on.
- B. (Ryan) asked about the rezoning of property after incorporation
 - i) The city's zones would override past zoning. For subdividing of property, if recorded, it would remain and the city could not change it.
- C. (Ryan) Asked about non-nonconforming qualifications or disqualifications.
 - i) Joel gave few examples
- D. (Jamie) if someone wanted to subdivide their property that made the lots smaller than 1 acre, they would need to apply for a rezone and then apply for a subdivision.
- E. (Council and Joel) continued to discuss.
- F. (Jamie) brought up a permit regarding wanting to reduce setbacks and it was discussed.

12. Council Updates (4:08:20 recording)

- A. Kirk Pearson
 - i) Not in attendance
- B. Alexis Wheeler
 - i) No updates
- C. Kathleen VonHatten
 - i) Kathleen updated the Council on the UDOT Scope Meeting
 - ii) She got a call from someone on the parks board about the dead sheep near the road (4:15:37 recording)
 - iii) She wanted it back on the agenda for the city to offer incentives/partial payment for citizens to get a library card in Tooele City so it is cheaper for the citizens.
 - iv) Wanting to paint a mural under the railroad tracks, to try and prevent more graffiti
- D. Ryan Zumwalt
 - i) No updates
- E. Jonathan Garrard
 - i) No updates

13. Public Comment

- A. No public comment


14. Closed Session- not needed

15. Adjournment 10 :20 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 12th day of June, 2024



Ryan Zumwalt, Chair

ATTEST:



Jamie Olson, City Recorder