

Lake Point City Council Minutes

Date: Wednesday, June 12, 2024

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

Time: 6:00 PM

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

Lake Point Council & Staff (C=Council)	Public	Public
Ryan Zumwalt (Chair)	Jeremy Taft	Trayson Baldwin
Kirk Pearson (Vice Chair)	Ricky Wheeler	Jessica Young
Jonathan Garrard (C.)	Buck Peck	Diana Young
Kathleen VonHatten (C.)	Derek Grandstaff	Jessica Young
Alexis Wheeler (C.)	Heidi Grandstaff	Lori Chigbrow
Jamie Olson (RCDR)	Jordan Taylor	Caleb Metzger
Joel Whitehorse (Attorney) 6:20 pm to 10:07 pm	Regina Nelson (Sherriff Dept)	Tim Gillie
	Chris Robinson	Tate Baxter
	Brent Bateman	Jonathan Garrard (public)
	Kelly Brown	

6. **Legal Training** – (this topic was tabled until Joel arrived, but was not revisited. Questions for Joel were asked at the end of the meeting during section 12.)
7. **Public Comment**- (2:29 recording)
 - A. Motion-Kathleen to open Public Comment. Jonathan 2nd
 - i) Vote was unanimously approved
 - B. Darrel Anderson
 - i) He applied for a building permit in Lake Point with his brother Jed Beckstead
 - ii) They received a denial and after the denial they requested information about the appeal authority and Jamie has been communicating with him concerning the topic.
 - iii) He learned the appeal authority for decisions by the City Council could be appealed to the district court.
 - iv) His appeal is an administrative decision not made by the City Council. He doesn't think there is an appeal authority set up and it is required by state statute. He then quoted the state code requiring one or more appeal authorities.
 - 1) It doesn't make sense to appeal a denial to the court
 - 2) It would be nice to solve a simple item with an appeal authority and not clog up the courts.
 - v) He suggests the city make a land use appeal authority.
 - C. Jordan Taylor (6:41recording)
 - 1) He lives in Lake Point and his comment is regarding the Sensitive Lands Ordinance sent from Planning and Zoning. During the meeting, there was extensive talk on the high-water table which was listed as "no vote" taken on the agenda. He left the meeting after that discussion with the impression that the topic was finished being discussed. Later the Sensitive Lands Ordinance was on the agenda. He continued to read minutes from

that meeting explaining Kathleen, Ryan, and Alexis expressed not wanting to pass the ordinance the way it was written. In the minutes the Council continued the discussion of whether to table or adopt something and then later it was motioned to approve unanimously.

- 2) He was disappointed with how it was adopted and as many had stated it needed more research.
 - 3) He felt it jumped the gun, he wanted to get up now and state his disapproval.
 - ii) Heidi Grandstaff (10:29 recording)
 - 1) Expressed concern with the fireworks, their property borders the property (doing a firework show) they had a horse with a broken jaw even after given calming medicine last year. They are not able to sedate their 6 horses at \$100 a horse. She was wondering if the show could be moved to a different location.
 - iii) Emily Kohler (12:25 recording)
 - 1) The neighbor on the other side has 11 horses all ranging 2-5 years. Their horse kept ramming a fence last year. The biggest issue was it was right over their horses.
 - iv) Derek Grandstaff (13:26 recording)
 - 1) Not that he doesn't want to have the show, it is the location.
 - 2) He would suggest the park.
 - 3) A lot of people showed up in the cul-de-sacs
 - 4) If there was a malfunction there was nowhere for the people to go. The park has parking and emergency vehicles can access the show.
 - 5) Shared a story of a show done by a citizen in Ogden, and he did his show at a park, and it worked well.
 - 6) (Jonathan) asked some clarifying questions if it was the length of time or the loudness that was the problem.
 - (a) (Emily) explained that horses are prey animals and she thought she would have to put her horse down
 - 7) (Heidi) showed a picture stating it was not normal and was about \$25,000 worth of fireworks.
 - 8) (Derek) it is not an adequate place for a show and would like the location to be rethought and possibly make it a community event.
 - 9) (Jonathan) would like to get an idea of the parameters they thought made it too big of a show. Is it the amount of fireworks, the length of time, is loud and high in the air, and it is constant, or is it because it is right over the backyard?
 - 10) (Derek) when you use mortars.
 - 11) (Emily) Their horses don't like the boom, and right over the backyard, they don't have the horse trailer to haul the horses.
 - 12) (Jamie) Shared the option of the park not being an option because the park's insurance prohibits it without an explosives license.
 - D. Motion- Ryan to close Public Comment. Alexis 2nd
 - i) Motion passed unanimously
- 8. Approve the Minutes- Date** (29:34 recording)
- A. 2024 04.24
 - B. 2024 05.08
 - C. 2024 05.13
 - D. 2024 05.15
 - E. Motion- Jonathan to approve the minutes for minutes lines 8. A-D as corrected and presented to us. Kirk 2nd
 - i) Motion passed unanimously
- 9. Reports/Presentations**
- A. Sheriff Report (30:10 recording)
 - i) (Regina Nelson) shared the sheriff's report
 - ii) (Regina) explained the scam phone calls of someone stating they were deputies, so the public was aware.

- iii) (Public) asked what they should do if they got one of the calls.
 - 1) (Regina) gather information but, give no information and call 435-882-5600 and make a report.
- B. Fire Dept Report (33:49 recording)
 - i) Spoke on the Transfer Station accident where someone was found deceased. They were concerned with chemicals being involved. It did not involve chemicals
 - ii) Council moved to 10. A.
 - iii) Council came back to this item at the request of Fire Marshal Buck Peck (54:24:69 recording)
 - 1) June 25th, 10 am they will have a Push Back they have obtained a new apparatus
 - 2) (Kathleen) asked about the Fireworks and fire truck accessibility
 - 3) (Buck) suggested a Large Public Gathering is an option
 - 4) (Buck) Unless there is a public complaint the fire dept isn't going to do anything. If someone starts a fire they are responsible for the cost of the fire being extinguished.
 - iv) Council moved to Item 11. A.

10. Discussion Items (No Vote)

- A. Compensation & benefits discussion for City Recorder and Planning Secretary, discussion on changes to compensation, job duties, contracts, hours of work, etc. (36:29 recording)
 - i) Motion- Jonathan- that we go no longer than 15 minutes in total on this discussion tonight which includes any questions or replies to those questions. Topics that are not discussed may be discussed in a different meeting or in the Council Updates if time allows. Alexis 2nd
 - 1) Motion approved unanimously
 - ii) (Jonathan) gave some background and a recommendation to the Council concerning the Planning and Zoning Secretary and Recorder. He recommended the wages be calculated as full-time. Current wages were a guess and are not accurate to average wages for similar-sized cities
 - iii) Three areas he would like reviewed
 - iv) (Jonathan) \$23.84 per hour for City Recorder
 - v) (Jonathan) \$21.46 per hour for The Planning and Zoning Secretary.
 - vi) (Jonathan) Do not recommend traditional retirement. The benefits would cost the city for URS is about 17%
 - vii) (Jonathan) The recommendation is for additional compensation of a multiplier of %.655 for full-time employees
 - viii) Paid time off of 10 days at 8 hours a day of paid time and it would not be accrueable.
 - ix) (Jonathan) gave the yearly totals so that they could make the adjustments
 - x) (Jonathan) They (HR Committee) discussed keeping an hourly wage vs salary and their recommendation at this time is to stay hourly.
 - xi) (Alexis) there has been discussion on reducing hours and having 1 full-time and 2 part-time employees (Planning and Zoning Secretary and Treasurer)
 - xii) (Alexis) The committee does not recommend reducing the hours of the Planning and Zoning Secretary, it is not feasible at this time, and recommends relooking at it in the future.
 - xiii) (Ryan) thought that 80 hours was a lot of vacation time
 - 1) Jonathan clarified that 80 hours was Paid Time Off and included sick time.
 - xiv) (Ryan) he cannot understand needing the Planning Secretary to be full-time. Ryan gave some comparisons between Erda's Recorder and the Lake Point Improvement District Secretary.
 - xv) (Jonathan and Ryan) discussed further
 - xvi) (Ryan) was shooting for 40 hours of vacation for the year.
 - xvii) (Ryan) a benefit to the employees is they work from home.
 - xviii) (Ryan) expressed having partially set office hours.
 - xix) (Kathleen) doesn't feel good about not knowing what the staff is doing and has a hard time paying the employees without knowing what they are doing.
 - xx) (Jonathan) asked if Kathleen had not seen the time sheets.

- xxi) (Alexis) can forward those sheets
- xxii) (Alexis) has spoken at length with staff employees. She has asked for details of their duties so their contracts can be adjusted. For Trash, there are a lot of reports done while multitasking. Without doing some observing she doesn't feel she is part-time just because of trash. They have long meetings.
- xxiii) She wanted this recommended forward so they could plan for the budget.
- xxiv) (Council moved to Fire Dept Report 9.B.)

11. Action/Business Items

- A. Site Plan Review Commerce Drive, Presented by Jamie (58:15 recording)
 - i) (Jamie) presented a Site Plan Presentation for Commercial Business on 8320 North Commerce Drive, Lake Point Utah 84074
 - ii) Motion-Jonathan to approve the Site Plan for 8320 N. Commerce Drive that was recommended to us by Planning and Zoning. Kathleen 2nd
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
 - (a) Motion passed unanimously
- B. Ordinance 2024-11 Property Tax Rate for FY25 discussion and adoption (1:02:34 recording)
 - i) Motion- Kathleen to keep the tax rate the same Ordinance 2024-11 Property Tax Rate for FY25. 2nd Kirk
 - ii) Record- Ryan that line item shrinks the property taxes by \$10,000
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
 - (a) Motion passed unanimously
- C. Sinking and damaged road repair bid approvals (1:05:25 recording)
 - i) (Kathleen) introduced the bid from Staker Parson's
 - ii) (Kathleen) He is about 3-4 weeks out to work on this fix.
 - iii) (Jonathan) likes that this will give us a chance to see how the standards set by the city work.
 - iv) (Kathleen) Lake Point portion would be about \$9,000
 - v) Motion- Jonathan to approve the contract with Staker Parsons for the repair of the damaged roads with the city's total financial amount of \$9,278.80 with the remainder being paid for the other parties and he listed the breakdown numbers. Kathleen 2nd
 - 1) (Alexis) had some follow-up questions about the quote.
 - 2) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Nay] [Kathleen-Yea] [Kirk-Yea]
 - (a) Motion passes 4 to 1
- D. Approval for payment of water shares reoccurring bill with Oquirrh Mountain Water Company (1:13:30 recording)
 - i) (Ryan) explained that the roundabouts used to be the Saddleback HOA's and were transferred to the city when it was incorporated. The HOA owned some water shares, and the HOA wants to transfer the water shares to the city so the vegetation can be watered. There are 2 shares of water, one for each roundabout. The cost will be \$200.00 a year, going to Oquirrh Mountain Water Co.
 - ii) (Ryan) recommends to the Council to approve the water shares
 - iii) (Jonathan) is not in favor of taking on that quarterly cost and would like further details of the Council agreeing to take on the water shares. He also thought the plants planted there were native and could survive without watering
 - iv) (Ryan) the water shares can be used by the city for future uses.
 - v) (Chris Robinson) he signed today 1.5 shares to the cemetery and park district and .1 share going to the city for the roundabouts.
 - vi) (Chris) felt the \$200 was a large amount for such a small amount of water share, he will try to find out why it is high.
 - vii) (Ryan) another item discussed was the HOA moving the Saddleback Sign from the roundabout to their property
 - viii) (Council Move to G. Master Transportation Plan Contract until Chris gets more info). (1:20:50 recording)

- ix) Council returned (1:24:37 recording)
 - x) (Chris) gave the cost of the water shares from Oquirrh Mountain Water. The total would be \$147.68 annually. The 2 smart meters are why the cost is a little high.
 - xi) (Alexis) brought up the care of the roundabouts and weeding and the costs associated with the care.
 - xii) (Kathleen) brought up the care of other areas that have weeds.
 - xiii) (Jonathan) in the development agreement. If the roundabout was under the development agreement and was the HOA's responsibility. He doesn't feel like it is the city's responsibility. The county wasn't paying the water company before the city was incorporated. He feels he needs more information.
 - xiv) (Chris) explained the past discussion and agreement with the county concerning the roundabouts and even the lights in the roundabouts and who was responsible for the cost. So in the plat, the center of the roundabouts was dedicated to the HOA as an open space. The center of the roundabouts would not be dedicated to the city at the time of the city's incorporation, because they were not in the county's name. This was confirmed when Chris read the language from the Recorded Plat Map
 - xv) (Ryan) when he met with the HOA present the HOA was operating off the assumption that the roundabout centers were the cities.
 - xvi) (Council) discussed in further detail.
 - xvii) (Alexis and Kirk) is in favor of leaving them with the HOA with extensive further information on the cost of care.
 - xviii) (Kathleen) doesn't mind taking it on as long as the care includes other areas that need care.
 - xix) The Saddleback Sign was discussed
 - xx) Motion- Ryan that we do not move forward at this time on anything related to this matter of the roundabouts and water shares. Jonathan 2nd
 - 1) Motion passed unanimously
 - xxi) (Ryan) will follow up with the HOA and Chris will take care of the water rights he signed today.
 - xxii) Council moved to 11 H.
- E. Planning and Zoning vacancy extension for 30 Days (3:38:25 recording)
- i) Motion- Ryan to extend the Planning and Zoning vacancy to be filled in the next 30 days with the offer being made before the July 26 meeting. 2nd Kathleen
 - 1) Motion passed 4 to 1 (Jonathan nay)
- F. Chairman - Recommended names for Planning and Zoning appointment seeking the consent of Council for appointment of a new member to commission per state code 10-3b-104 (c)(v)(b)(ii) (3:40:50 recording)
- i) Motion-Jonathan to table this particular item.
 - 1) Alexis wanted background on why Jonathan wanted to table the item.
 - (a) (Jonathan) pointed out that the code referred to in the agenda referred to the powers and duties of a mayor and the city voted to not have a mayor.
 - (b) (Ryan) the mayor is the chair, and you can't take away the authority of the mayor under state code.
 - (c) (Jonathan) referred to the meeting where they established the duties of the mayor (in name only) and the chair had equal power as the other Council members.
 - (d) (Joel) listed the code where you can limit the powers of the mayor (state code 10-3b-403)
 - (e) (Jonathan) asked Ryan how this item made it on the agenda according to the laws set up for placing things on the agenda.
 - (f) (Ryan) explained the Chair can add things to the agenda according to the resolution adopted stating the chair can add items to the agenda.

- (g) (Jonathan) always asked for a second Council member to second an item going on the agenda as it was intended in the beginning because the Council did not want the Chair to be able to add items without the support of another.
 - (h) (Jonathan) suggested changing the verbiage to clarify what it was intended (3:53:23 recording)
 - (i) (Ryan) states that he as the Chair is fine adding things to the agenda without the consent of another Council member.
 - (j) Record-Jonathan that is not what you stated in the meeting on Nov 30, 2022
 - ii) Moving back to the motion of tabling the item
 - iii) Alexis 2nd because at 4:21 pm (same day of this meeting) the Council was given 4 additional names to consider and she has not had time to review them and the appointment has already been extended. She suggested reviewing all 6 potential applicants.
 - 1) Motion passes 4 to 1 (Ryan-nay)
- G. Master Transportation Plan Contract. (1:21:10 recording)
- i) (Jonathan) had some suggested corrections
 - ii) Edits were made based on the start and finish timeline.
 - 1) Motion- Kathleen to approve with corrected dates on conditions that they also approve. Jonathan 2nd
 - (a) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
 - (i) Motion passed unanimously
 - iii) (Council moved back to the water shares 11. D.)
- H. Fiscal Year 25 Tentative Budget Public Hearing (1:40:30 recording)
- i) Motion- Ryan to open the public hearing for the Tentative Budget hearing, Jonathan 2nd
 - 1) Motion passed unanimously.
 - ii) Lori Chigbrow (1:40:46 recording)
 - 1) Suggested researching if the Council chose to do salary to avoid overtime to check if those positions are exempt from overtime or not.
 - 2) She was confused about the 401K or retirement using the URS
 - 3) 17% seems high, most are 4-5% match on retirement. If you add it to a salary, who is to say they will use it for retirement? Not all employees pay retirement and with no guarantee it is going to retirement. In the HR world, you would not be allowed to add it to a salary in lieu of retirement.
 - iii) Derek Grandstaff-
 - (a) Derek) is a state employee, we don't get paid like the private sector but they counteract that with the benefits and he was not sure if they were offering insurance and if the research they had included which benefits.
 - (b) (Jonathan) shared that the comparisons for wages were gotten off the transparency state site.
 - (c) (Derek) this is a budget discussion and wanted to bring up these
 - iv) Diane Young (1:49:05 recording)
 - (a) Was getting 4% as a federal government employee
 - (b) Asked if the work being done was hourly, salary, or part-time.
 - (c) Are you working smarter, is all the billing being done automated?
 - (d) Is the work being done in an office or working from home and taking care of kids?
 - v) The motion- Kathleen to close the public hearing on the tentative budget. Alexis 2nd
- I. R 2024-09 FY 25 Tentative Budget Adoption & Final Budget Public Hearing (1:51:00 recording)
- i) (Ryan) introduced the Tentative Budget and if the Council had concerns
 - ii) (Council) discussed the budget.
 - iii) Discussion on Grants and how to incorporate that into the budget if needed.
 - iv) (Jonathan) asked about how the permits and such items show as income and are being allotted to the correct allotted items. Since salary can come from different areas.
 - v) (Kathleen) explained the statements and the allocations.

- vi) (Kathleen) asked where they would budget for weeds.
- vii) (Ryan) review certain line items on each line item and explained why he raised the amount or lowered the amount. (2:09:10 recording)
 - 1) Motion- Ryan to approve Resolution 2024-09 adopting the FY 25 Tentative Budget and set the final budget hearing for June 26, 2024, with the budget as an exhibit A as amended in the meeting tonight. (2:33:20 recording)
 - (a) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
 - (i) Motion passed unanimously
- J. Sensitive Lands Ordinance 2024-08 (2:35:00 recording)
 - i) (Kathleen) explained she sent some geotechnical studies to engineers, Joel and Kelly concerning the changes they had put into place. The intent was to raise the houses up and not to make things harder.
 - ii) (Chris Robinson) introduced the visitors he had with him.
 - iii) (Kathleen) explained the document outlining some suggestions for engineers attached as Exhibit A. Sensitive Lands Suggestions
 - iv) (Kelly) these suggestions are not really much different than what they are already doing it just requires a working system. The size of the pump and pipes is needed, or they will do the minimum.
 - v) (Kirk and Council) discussed rescinding the Sensitive Lands Ordinance or asking Planning and Zoning to meet in two weeks with a Sensitive Lands Amendment (2:45:50 recording)
 - vi) (Richmond)- explained they haven't had any issues from a groundwater issue except for one
 - 1) There would need to be a specific regulation that names specifications on the pump.
 - vii) (Chris) explained he is in a due diligence period with Richmond for the purchase of Plat 14 with it already being extended twice over this issue.
 - viii) Chris- it needs to be decided whether they are vested in the development agreement and if this ordinance applies to them. And then if they need to they can commit to certain standards.
 - ix) (Council and Public) had an open discussion.
 - x) (Jordan) sides with Chris, these subdivisions and developments should be vested, and the Sensitive Lands Ordinance would not apply to preexisting Development Agreements (3:04:50 recording)
 - xi) (Jordan) questioned the liability this ordinance would put on the city when their house still floods
 - xii) (Lori) Homeowners are responsible for knowing and taking care of their homes and pumps.
 - xiii) (Kathleen) Feels like the people moving in should be made aware of the high-water table and the city should be better for the people.
 - xiv) (Jordan) there are 1 million in lot closings that have been canceled since this ordinance was passed. He does not understand adopting something so fast without knowing the ramifications
 - xv) (Tray Baldwin) they had one home that had an issue at the lowest end of Bridle Walk. The last thing a builder wants is home flooding.
 - xvi) (Tray Baldwin) He will add pumps to future homes and has contacted previous ones that they need to monitor their sumps. They tell the new homeowners about the sumps and possible needs for the pumps.
 - xvii) (Lori) asked why all the houses were required to have sump pumps, and what is the standard for when it is required and when it is not required.
 - xviii) (Council and Public) continued open discussion (3:14:30 recording)
 - xix) (Chris) whether this gets rescinded tonight or not, he still needs to know if the ordinance applies to him.
 - xx) Motion- Kirk to rescind the Sensitive Land Ordinance, that we passed, at this time. We can let Planning and Zoning go back and redo it. My recommendation to Planning and Zoning is that they don't go any stricter than this. The worst-case scenario would be a sump pump required

and I don't think we need to have it pumped out into some street location, or whatever. Alexis 2nd (3:23:15 recording)

- 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Nay] [Kirk-Yea]
- 2) (Ryan) was a "yea" with realizing something needs to be done.
- 3) (Alexis) "yea," a comment for planning and zoning that the city can only do so much. The homeowner still needs to do their due diligence.

(a) Motion passes 4 to 1

- xxi) (Jordan) He would be okay if he were asked to put a sump pump and there was some type of notification on the building plans.

(a) Builders continued to discuss and cautioned if a sump pump is required there needs to be a justified reason for the requirement.

xxii) (Steve Young) explained his experience with his sump pumps.

xxiii) The exhibit will be emailed to the builders so they can review it and give feedback.

xxiv) (Council moved back to 11.E. Planning and Zoning Vacancy)

- K. Council Member Jonathan Garrard's proposed amendment to Ordinance 2023-09 regarding the appointment of Planning Commission Members. (3:56:08 recording)

- i) Motion- Ryan to table Item K. and L. along the same lines until the applications are read. Kathleen 2nd.

1) (Jonathan) asked for discussion and pointed out that item K is the amendment to the resolution that requires a majority instead of a supermajority. He believes it is holding up the Commission.

2) (Kathleen) feel like we are taking away compromise by doing this and it is unfair to take that away.

3) (Kirk) will not be here on the June 26 meeting, so all 4 would need to have all 4 agree.

4) (Lori) Planning and Zoning would like to request that the person have a good head on their shoulders and not get stuck on things like Constitutional issues and be able to balance constitutional issues and the needs of the community and don't always butt heads. Be able to do research and use a computer, work outside of Planning and Zoning meetings. It would be nice to be invited to those meetings where people are being interviewed.

- ii) Motion- Passed 3 to 2 (Nay- Jonathan and Kirk)

iii) (Ryan) wanted to read his notes on the topic of Planning and Zoning

iv) (Jonathan) the item was tabled, and pointed out that Ryan was Out of Order

v) (Ryan) stated as the Chair he did not recognize Jonathan

vi) (Jonathan) Out of Order

vii) (Ryan) moved to Attorney Clarification

- L. Planning and Zoning Vacancy Appointment

- i) Item tabled

- M. Attorney bids discussion and decision (4:06:20 recording)

i) (Alexis) never saw the point of this. The cost amount to change and only considers one of the interviewees to be an option. Current legal counsel- there is a learning curve since he was not there when the ordinances were created, and the learning curve is going to be the same with a different legal counsel. We can get Joel a desk or set him up where Rob sat. She doesn't see a reason to change.

ii) (Kathleen) would like to change to Gordan. She doesn't have confidence in Joel's knowledge and feels like her questions don't get answered.

iii) (Kirk) is not comfortable with the ones we have interviewed. He doesn't know why Joel is sitting where he is and it makes it awkward and doesn't like that people could be looking at what he is doing. Liked the water guy and possibly used him for that topic.

iv) (Ryan) thought the price was negligible and is the same as what we are paying now. He has had frank conversations with Joel, and this is not what he does. Joel is a prosecutor. He

thinks having two attorneys, one for the day-to-day items and one for the bigger things. Ryan liked Gordon and brought back the lady who worked for the firm that Chris Robinson uses.

- 1) (Alexis) will not consider her because of the conflict of interest.
- v) (Ryan) tossed out the idea to try and hire Rob full-time and pay him more.
- vi) Council discussed what to do to move forward.
- vii) Motion- Alexis to table item 11.M. Attorney bids discussion and decision and send it back out again to see if we can get more candidates that we can choose from, expand the candidate pool, and revisit it at that time.. 2nd Kathleen
 - 1) (Ryan) will adjust the RFB and get it to Jamie so it can be put on the state website.
 - (a) Motion passes unanimously by those present

12. Attorney Clarification (4:04:50 recording)

- A. (Ryan) asked Joel, on the Development Agreement vesting in building code and not zoning, does Joel make any commitments on the vesting when Joel meets with the other attorney?
 - i) (Joel) they would only be talking and he would come back to the Council with what they say.
 - ii) (Ryan) feels they can't vest under the building code.
- B. (Council moved to Item 9.M.)

13. Council Updates (4:22:12 recording)

- A. Ryan Zumwalt (4:24:08 recording)
 - i) Update agenda items for upcoming meetings
 - ii) Asked for any updates on the meetings with developers and site visits.
 - 1) (Kathleen) gave a brief update on a meeting with a developer concerning Kennecott Land.
 - iii) (Ryan) read some of his notes concerning the Planning and Zoning Commission Vacancy applications. He listed the 4 residents who had applied. Ryan sent it to 18 people. These applicants are from other parts of the city. Ryan asked the Council to review the applications before the next meeting.
- B. Jonathan Garrard
 - i) No updates
- C. Kirk Pearson
 - i) No updates
- D. Alexis Wheeler
 - i) No updates
- E. Kathleen VonHatten
 - i) The state flood plane topic. We were a class D and the state will likely move us to a flood plain. It will allow the city to get flood insurance.

14. Public Comment (4:28:40 recording)

- A. Motion- Ryan to open Public Comment. Alexis 2nd
 - i) Motion passed unanimously
- B. (Jonathan Garrard) feels like when we are here in this meeting the utmost respect is given. Occasionally the City Council tries to place themselves above the law. As there is an interaction with the Council. The Council is making rules for the citizens and expecting them to be held to a higher standard but as a Council, the Council is not holding itself to the higher standard. He does not think that is healthy and would caution the Council that just because you are in a position of power, do not elevate yourself above others, especially the citizens.
- C. Motion- Ryan to close Public Comment. Kirk 2nd
 - i) Motion passed unanimously

15. Closed Session- not needed

16. Adjournment- 10:32 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 10th day of July, 2024



Ryan Zumwalt

Ryan Zumwalt, Chair

ATTEST:



Jamie Olson, City Recorder

Exhibit A
Sensitive Lands Suggestions
06.12.2024

Engineers suggestion for replacing section 4, D, 1 in the sensitive land ordinance: Building Official to add #4

1.
 - Basement slab elevation must be a minimum of 3 feet above the stabilized groundwater level. This is to be established by test holes, prior studies, investigations, or reports.
 - Foundations extending 24 inches or more below the native ground level will require the installation of perimeter drain system. Native ground level is the ground elevation before any subdivision, utility, or other soil disturbance has occurred in the area.
 - The perimeter drain system shall gravity drain to a suitable discharge location such as the storm drain system. If the system cannot gravity drain, internal and external sump pumps will be required.
 - If the foundation is less than 24 inches below the native ground level and groundwater is encountered during construction, by prior studies, investigations, or reports, foundation perimeter drains as listed above will be required.
2.
 - Must include foundation drains, an exterior and interior sump with a minimum 18 inch diameter, and an automatic sump pump in the exterior sump with at least 2 inch diameter pipe to the approved stormwater drainage location.
3.
 - Builder shall place obvious notice on the electrical panel connecting to the automatic sump pump that indicates the presence of a sump pump on the property.
4.
 - A licensed geotechnical engineer must complete a lot-specific site inspection to verify the top of the native soil level, soil load-bearing capacities, and that the basement floor elevation is at least 3 ft above stabilized groundwater level. The Geotechnical Engineering must provide an engineered stamped report with verification of these requirements. A copy of the report must be submitted to the Building Official before the footing inspection.