

Lake Point City Council Business Meeting Minutes

Date: Wednesday, July 10, 2024

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

Time: 5:00 PM

1. **Call to Order-** 5:03 pm
2. **Prayer-** Jonathan Garrard
3. **Pledge of Allegiance-** Alexis Wheeler
4. **Presiding Officer-** Kirk Pearson
5. **Attendance Roll Call-**

Lake Point Council & Staff (C=Council)	Public	Public
Ryan Zumwalt (Chair) arrived during closed session at 5:09 pm		
Kirk Pearson (Vice Chair)		
Jonathan Garrard (C.)		
Kathleen VonHatten (C.)		
Alexis Wheeler (C.) left the meeting at 9:12 pm		
Jamie Olson (RCDR)		
Joel Whitehorse (Attorney)		

6. **The Council convenes to a closed session until 6:00 pm** for strategy sessions to discuss pending or reasonably imminent litigation Utah Code 52-4-205-1-c
 - A. Motion-Kirk convenes to a closed session until 6:00 pm for strategy sessions to discuss pending or reasonably imminent litigation Utah Code 52-4-205-1-c. Jonathan 2nd
 - i) Roll Call Vote-[Jonathan-Yea] [Ryan-Absent] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
 - 1) Motion passed unanimously by those present
 - B. Business Meeting Adjourned for Closed Session- 5:05 pm
 - C. Start time of the closed session – 5:07 pm
 - D. Attendance Roll for the Closed Session
 - E. Ryan Zumwalt, Kirk Pearson, Jonathan Garrard, Alexis Wheeler, Kathleen VonHatten, Joel Whitehorse, Jamie Olson
7. **Council returned to the business meeting**
 - A. Council convened the business meeting- 06:01 pm
8. **Call to Order**

Lake Point Council & Staff (C=Council)	Public	Public
Ryan Zumwalt (Chair)	Gino Garcia	Tate Baxter
Kirk Pearson (Vice Chair)	Scott Caldwell (Sheriff Dept)	
Jonathan Garrard (C.)	Doyle Garrard	
Kathleen VonHatten (C.)	Lori Chigbrow	
Alexis Wheeler (C.)	Levi Mele	
Jamie Olson (RCDR)	Chris Robinson	
Joel Whitehorse (Attorney) left the meeting at 10:20 pm	Buck Peck (NTFD)	

9. Legal Training - Joel

- A. No legal training

10. Public Comment- (0:47 recording)

- A. Motion-Ryan to open Public Comment. Alexis 2nd
 - i) Vote was unanimously approved
- B. (Gino Garcia) -wants to update the Council. Now that he has learned more, if he were to do the fireworks at the park, there are items that would make his show much more difficult
- C. (Gino) Some of the items that would be additional would be the transportation of the fireworks before and after, extra manpower for fire watchers, he would have to stay with the fireworks once they were set up, clean up and disposal plan would be more difficult, he would not be able to do it all on his own and would need help from Park's, City, and/or Sponsors.
- D. The Council asked some follow-up questions about the restrictions.
- E. (Kirk) feels that the change of location isn't going to make a difference, as it would still affect livestock owners.
- F. (Ryan) asked if the restrictions were placed on Gino by the state licensing, not the parks board.
 - i) (Gino) the restrictions were because he is getting licensed or will be licensed
- G. (Doyle Garrard) asked if the fire truck would still need to be there if he did the show at the park.
 - i) (Gino) a fire truck would be there if it is done at the park.
- H. (Gino) He will start planning his show as early as January. So he would need to know what route the City would want. Gino prefers to do it at his house.
- I. (Jonathan) asked if he had to do anything else if he did it at his house
 - i) (Gino) nothing different only that he is more cautious because of what he has learned getting licensed
- J. Motion-Kirk to close Public Comment. Alexis
 - i) Motion passed unanimously

11. Approve the Minutes- 2024 06.12 (11:18 recording)

- A. Motion-Jonathan to approve the minutes 2024 06.12 as is correct and presented before our meeting. Kathleen 2nd
 - i) Motion passed unanimously

12. Reports/Presentations

- A. Sheriff Report (11:49 recording)
 - i) (Officer Scott Caldwell) Gave the sheriff's report
 - 1) Encourage people to close their garages, and lock vehicles.
 - ii) (Caldwell) asked if the city had adopted a Parking Regulation.
 - 1) (Ryan) no they do not yet, but he is working on it.
 - iii) (Jamie) brought up the "fence out fence in" regulation and farmers wanting to make sure they were informed when a fence was damaged by a traffic accident so they can be proactive in making sure their livestock do not get out.
 - iv) (Kirk) asked about the option for speeding enforcement in Lake Point.
 - 1) Extra shifts, and speed trailers were some examples.
 - v) (Jonathan) asked about finding locations from a call where there aren't physical addresses.
 - 1) (Caldwell) explaining how GPS locations work with cell towers and how they give a pretty good location from a call.
 - vi) (Council moved to 13.A until the fire dept arrived for their report)
- B. Fire Dept Report (1:46:39 recording)
 - i) Fire Marshal Buck Peck gave some updates (1:47:27 recording)
 - 1) (Ryan) asked who is responsible for the pressure of water in a hydrant.
 - (a) Oquirrh Mountain Water Company (Levi) will be doing the testing.
 - 2) (Buck) explained a business that was trying to establish in Lake Point and Buck isn't sure how it will be allowed.
 - (a) There was an open discussion on how it would fit and how it would comply with the fire code.

- 3) (Buck) Fire danger is high, please be careful.
- 4) (Buck) He brought up a couple of fires in Lake Point
- 5) (Jonathan) asked about weed control care around areas around fire poles being done recently that were possibly using flames to bring down the weeds.
 - (a) If anyone sees someone burning they can check with the fire dept.
- 6) (Jonathan) asked if it is typical for a company to have their own First Aid or Response in an emergency that they deal with the emergency until the County Response Team arrives.
- 7) (Buck and Alexis) yes, it depends on the company or facility.
- ii) (Council moved back to 13. B.)

13. Action/Business Items

- A. Basement Standard Vesting Agreement (21:40 recording)
 - i) (Joel) introduced the new language in the agreement.
 - ii) The public, Counsel and Council discussed the adjustments that were made.
 - iii) Adjustments included putting a time limit of 5 years to the agreement and measuring from the crown of the roadway.
 - iv) There was a discussion on sump location and access to the sump.
 - v) Language was edited to address each party's concerns.
 - vi) Motion- Kathleen to approve Basement Standard Vesting Agreement currently proposed with amendments made this evening Ryan 2nd. (53:18 recording)
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Nay] [Kathleen-Yea] [Kirk-Yea]
 - (a) (Kirk) does not think it is needed but will vote yea
 - (b) Motion passed 4 to 1
 - vii) Chris agrees that isn't needed but it is helpful.
 - viii) (Council moved to Storm Water Management Plan 13.E.)
- B. R-2024-07 Planning and Zoning Offer/ Appointment (2:02:50 recording)
 - i) (Ryan) recommends that the Council approve one of the four applicants for the vacant Planning and Zoning position. The applicants are Gino Garcia, Josh Carter, Lily Erickson, and Steven Kernerman. He pointed out their involvement in the community and the location of where they live in Lake Point. (The full statement for the Record is attached as exhibit A.)
 - ii) (Jonathan) also pointed out that the other two who were specifically interviewed for the Planning Commission vacancy were Evan Harrison and Lawrence Law
 - iii) Motion- Jonathan to go to action item 11.C. (Resolution to amend Planning and Zoning Commission) before continuing on with this action item. Alexis 2nd
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Nay] [Alexis-Yea] [Kathleen-Nay] [Kirk-Yea]
 - (a) Motion passed 3 to 2
 - iv) (Council moved to 13. C. on the minutes)
 - v) (Council returned to this agenda item) (2:30:40 recording)
 - vi) (Jamie) prepared papers for the Council to write their vote down
 - vii) Council cast a paper vote over the 6 citizens being considered who are Gino Garcia, Josh Carter, Lily Erickson, Steven Kernerman, Lawrence Law, and Evan Harrison.
 - viii) The first vote was
 - 1) Kirk- Lawrence Law, Jonathan-Lawrence Law, Ryan- Gino Garcia, Alexis-Lily Erickson, Kathleen- Gino Garcia.
 - ix) They narrowed it down to the top two and voted again
 - x) The 2nd vote was
 - 1) Kirk- Lawrence Law, Jonathan- Lawrence Law, Ryan- Gino Garcia, Alexis- Lawrence Law, Kathleen- Gino Garcia.
 - xi) The Council had an open discussion of their thoughts on the process moving forward and the reasons they favored each candidate.
 - xii) (Kathleen) feels Lawrence's political views are similar to other Commission members' and thinks Gino would have a different perspective and aspect.

- xiii) (Alexis) feels eliminating Lawrence because of where he lives, is doing him a disservice, assuming he is just like everyone else and that he would not represent all of Lake Point.
- xiv) (Kirk) does not see what Kathleen is referring to in reference to political views, and he was on the Commission.
- xv) (Jonathan) appreciated Lawrence has lived in many communities in Utah, he does good research, knows how to use a computer, and has the time.
- xvi) (Ryan) feels like the location of where someone lives is where they get the most input.
- xvii) The Council discussed how they will move forward and further express their feeling on the situation.
- xviii) Kirk, Alexis, and Kathleen agreed that if they flipped a coin, they would change their vote. If it lands "Heads" then their votes would be changed to get a super-majority for Gino Garcia, if it was "Tails" then their votes would be changed to Lawrence Law. Ryan and Jonathan choose not to entertain changing their votes.
- xix) (Jamie) flipped a coin and it landed on heads.
 - 1) Roll Call Vote-[Jonathan-Lawrence] [Ryan-Gino] [Alexis-Gino] [Kathleen-Gino] [Kirk-Gino]
- xx) Vote passes 4 to 1 supermajority in favor of Gino Garcia
- xxi) (Jamie) will send the Planning and Zoning paperwork to Gino.
- xxii) Motion- Kathleen to approve Resolution 2024-07 as amended to appoint Gino Garcia to the Planning and Zoning Commission. Ryan 2nd (3:10:37 recording)
 - 1) Roll Call Vote-[Jonathan-Nay] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
 - (a) Motion passed 4 to 1.
- xxiii) (Council moved back to Item 13.C.)
- C. 2024-XX Amend Planning and Zoning Commission Ordinance 2023-09 (2:07:00 recording)
 - i) (Jonathan) explained the reason for his desire for this amendment.
 - ii) (Jonathan) would like to change the verbiage to the requirement of a Super Majority to fill the vacancy spot filled by the Council, to be to a majority. The appointment of the Chair and Vice Chair also needed clarification. It has taken several months to get this done and the Planning and Zoning need a full Commission.
 - iii) (Kirk) pointed out the way it was intended was to be majority.
 - iv) (Ryan and Kathleen) disagreed that is was their intent that it be a supermajority.
 - v) (Kathleen) feels like it changing the law to get who we want and feels they can come to an agreement.
 - vi) Record- (Ryan) gave his reasons for keeping the Resolution the way it is currently written. (See Exhibit B.)
 - vii) (Alexis) since Ryan had mentioned the living location of the 4 applicants she asked Ryan if the 4 applicants didn't live on the South Side of town.
 - 1) (Ryan) correct they live north of Canyon Road
 - viii) (Kirk) asked if they can vote on the 6 people previously named.
 - 1) (Ryan) yes
 - ix) (Jonathan) feels he is hearing one thing and then later another thing, from Ryan and is trying to understand where he aligns.
 - x) (Ryan) is going off of what was last discussed in finding new applicants.
 - xi) (Kirk) would like to come back to this if they just keep going 3 to 2 votes, so they don't keep dragging this out.
 - xii) Motion- Kirk to vote and see how it comes out and if we can pick somebody, we go with it, if it's going to drag out to this big long thing, then maybe we better come back to this resolution of going to a lesser majority if we need to, to get it done. (2:26:37 recording)
 - xiii) (Ryan) asked how it was done before and Jonathan brought up that it was done in a closed session and should not be discussed.
 - xiv) (Ryan) explained how it was done by narrowing down the interviewees.

- xv) Motion-Kirk to go back to and vote on the six candidates or any others that someone wants to list and see if we can come up with a majority. Ryan 2nd (2:28:35 recording)
 - 1) Motion passed 4 to 1 (Jonathan- Nay)
 - 2) (Council went back to Item 13. B.)
- xvi) (Council came back to this item from 13. B.) (3:12:00 recording)
- xvii)(Jonathan) is still in favor in changing this to a regular majority and does not believe in leaving the decision to chance, by flipping a coin.
- xviii) (Ryan) is okay to change the appointment of the Chair section of the resolution.
- xix) (Council) discussed how to fix the amendment concerning the Chair selection.
- xx) Motion- Jonathan to adopt the Planning and Zoning Resolution as presented and now amended including his change from the super majority to majority. Kirk 2nd (3:25:40 recording)
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Nay] [Alexis-Absent] [Kathleen-Nay] [Kirk-Yea]
 - (a) (Ryan) – nay, he supports the chair change but not the majority change
 - (b) Motion fails lake of majority.
- xxi) Motion- Kathleen to approve Ordinance 2024-09 without the changes on section 3.b. just the section 7.a. about the appointment of chair and vice chair. (3:27:07 recording)
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Absent] [Kathleen-Yea] [Kirk-Nay]
 - (a) (Jonathan) will be a yea- knowing this portion needs to be fixed, but still feels the other section needs to still be fixed.
 - (b) Motion passes 3 to 1 with those present.
- D. 2024-XX Amend Policies and Procedures for Council Meeting Resolution 2022-02 (3:28:20 recording)
 - i) (Kathleen) would like more time to look at this one.
 - ii) (Jonathan) gave a brief summary of some changes proposed.
 - iii) Motion- Jonathan moved to table this until the August 14 meeting. Ryan 2nd
 - 1) Motion passed unanimously by those present.
 - iv) (Council moved to 13. F. CivicLinq Contract)
- E. Storm Water Management Plan (56:19 recording)
 - i) (Kathleen) introduced a Storm Water Management Plan proposal that was sent by the city engineers Jones and DeMille.
 - ii) (Kathleen) feels this would be beneficial to have a Storm Water Management Plan
 - iii) (Levi) explained the desire for OMWC and the city of Lake Point to have Active Blue Stakes Maps so other entities can identify underground assets
 - iv) (Kirk) asked where other crossings were across I-80 and how to get Blue Stakes
 - 1) (Levi) explained the process to Blue Stakes and the different crossings
 - v) (Chris) explained where he designed the water to flow to in Lake Point in his developments and gave some history on the ET canal.
 - vi) (Chris) The land lower from Bridle Walk needs to have some thought on getting the water across Hwy 36 and I-80
 - vii) Open conversation about swells and zero-scaping.
 - viii) (Jonathan) asked about the cost of the Storm Water Management Bid being over \$25,000.00 and if they needed to treat this as an RFP
 - ix) (Joel) said if the job is covered under the contract with Jones of DeMille, it should be fine.
 - x) (Kathleen) was told that this is a reason they hired Jones and DeMille to do this and similar things.
 - xi) (Ryan) understand that this is the first step in public works and would be okay to use Jones and DeMille.
 - xii) (Jonathan) prefers putting this out to Bid and not just take the proposal from Jones and DeMille.
 - xiii) (Kirk) doesn't mind getting another bid and asked how the city was paying for it.
 - 1) (Kathleen and Ryan) it is allowed under the budget that was adopted.

- xiv) Motion- Kathleen to approve the bid by Jones and DeMille to complete the Storm Water Management Master Plan. Ryan 2nd (1:44:40 recording)
 - 1) Roll Call Vote-[Jonathan-Nay] [Ryan-Yea] [Alexis-Nay] [Kathleen-Yea] [Kirk-Nay]
 - (a) (Jonathan) would like to get more bids so he knows they are in the right ballpark.
 - (b) (Kirk and Alexis) are Nay for now for the same reasons
 - (i) Motion fails 3 to 2 for lack of majority
- xv) (Kathleen) will get an RFP created and it will be put on the state site.
- xvi) (Council moved back to Fire Dept Report 12. B.)
- F. CivicLinq Contract (3:32:08 recording)
 - i) Jamie explained this contract and what it covered for coding
 - ii) Motion- Kathleen- approving the contract with CivicLinq once the dates have been verified as 4.10. 2025 with \$2,000 as the scope of work total. (3:35:21 recording)
 - 1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Absent] [Kathleen-Yea] [Kirk-Yea]
 - 2) Motion passes unanimously by those present
- G. ET Canal Cleanout (3:36:16 recording)
 - i) (Kathleen) There was a citizen concern about weeds and fire hazards.
 - ii) (Doyle) explained the history and cleaning out of the ET canal and the reason it got slightly stopped last year. Jerry is concerned with fire danger in the canal. Doyle asked Jeff if he was willing to clean out the canal. Doyle also talked with Cameron, the CEO of Beehive to see if they were open to cleaning out the canal and Cameron is okay if they did as long as Blue Stakes.
 - iii) (Council and Doyle) had an open discussion on the topic.
 - iv) (Kirk) will go take a look and get back to the Council so they can make a plan.
- H. Temporary Speed Bumps (4:03:25 recording)
 - i) (Kathleen) introduced a couple of quotes that she sent the Council during the meeting and the cost of temporary speed bumps.
 - ii) Council discussed the temporary speed bumps and other options for traffic control.
 - 1) More patrolling, hiring for more patrolling
 - 2) More Speed Limit Signs
 - 3) More Stop Signs
 - 4) Needing not just speed bumps but possibly a sign alerting there is a bump
 - iii) Council moved to 14. Attorney Clarification so they could excuse Joel for the evening
 - iv) Council came back to this topic and continued open discussion about speed control options. (4:19:30 recording)
- 14. Attorney Clarification (4:15:56 recording)**
 - A. Lori Chigbrow
 - i) There is a proposed Commercial business, and it has been determined how it will be an allowed use, and if the Planning and Zoning is only responsible is to making sure it is an allowed use. They aren't responsible for it if it is compliant with things like ADA and fire.
 - 1) (Joel) once they are further in the process they will need to be compliant, and it is helpful for them to know in the beginning.
 - ii) (Lori) Asked if he is cross-referencing the upcoming Subdivision Ordinance with the other city ordinances.
 - 1) (Joel) yes, he is reviewing the draft in preparation for the public hearing.
 - B. (Council) moved back to Temporary Speed Bumps
- 15. Council Updates**
 - A. Ryan Zumwalt
 - i) No updates
 - B. Jonathan Garrard
 - i) Suggested reaching out to the citizens about the options they can save money on their Waste/Trash billing.
 - C. Kirk Pearson

- i) No updates
- D. Kathleen VonHatten
 - i) Suggested highlighting youth and it also helps preventions for things like drugs, suicide etc.
 - ii) Brought up the needing to for Private Road Standards to address a need for a commercial company who wants an address on a private road, so it shows up on GPS.
- E. Alexis Wheeler
 - i) No updates not in attendance during updates
- F. Recorder Jamie Olson
 - i) Informed the second Comcast permit will be issued soon.
- 16. Public Comment**
 - A. No Public Comment
- 17. Closed Session- if needed**
- 18. Adjournment-10:45 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 14 day of August, 2024



Ryan Zumwalt, Chair

ATTEST:



Jamie Olson, City Recorder

Ryan Zumwalt "for the Record" Comment
Exhibit A

As Chairman of the council, tonight I request that we appoint a resident to fill the vacancy on the planning and zoning commission and I am recommending 4 names to be

considered for consent of the council. They have applied and expressed the desire to serve in this capacity.

We all have had these 4 applications by email and have had these to look at and evaluate for the past 2 weeks. They are a 1 to 1 1/2 page document of answers about the applicants desires and background and 2 of them have had interviews with this council body before.

I recommend the council provides consent and approves the appointment of one of these 4 recommended applicants named Josh Carter, Gino Garcia, Stephen Kernerman,

or Lily Erickson who desire to be chosen for the vacant planning and zoning position.

By offering the appointment of one of them tonight it is in the best interests of our city, residents, and the planning commission. Their applications, community involvement and

attendance and their active participation in meetings and in the community reflect their desire and ability to serve the city in this role well.

We currently have 7 appointed planning commission members and 5 elected officials totaling 12 of these positions. Of those 12 members of these bodies, we have 4 council members living on the South end of the city and 2 planning commission members living

on the south end of the city for a total of 50% of these groups coming from one area of the city from Canyon Road going south.

All these applicants who applied provide the opportunity for representation and service from a resident from different parts of the city North of Canyon road and will provide the

newest representative on Planning and Zoning selected to not be located on the South end of Town where we have a heavy presence of 4 City Council Members and 2 existing

planning members from Canyon Road going South.

I motion to vote on these candidates who applied to see who is selected and can be offered and appointed to the position for the vacancy and then approve the resolution 2024-07 for the appointment.

Thank You for your consideration and evaluation of these applicants to be appointed.

Send to
Jamie

My opposition to Changing of the City Ordinance 2023-09 regarding the appointment of planning and zoning members appointed by the full council to only have the vote be 3 instead of 2/3rds of the council. (All for the Record)

For consideration of the council, there is a proposal to amend this ordinance tonight on 7.10.2024 that I do not support relating to the way we appoint members of the planning commission for members appointed and chosen by the whole council to a simple majority.

As a council member and the current chairman I do not support this change and recommend we vote against and do not make this change as it is not in the best interests of the city, our residents, and this council not to have the members represented by a supermajority or by the unanimous council.

Each council member gets to appoint their own selected member of this commission without any opposition or say of the other council members. The remaining 2 commission members were intended and desired when this ordinance unanimously passed 5-0 several times to be appointed and approved by a Supermajority to assure fairness and broad community representation on the commission.

Constitutional History and Best Practice

As I have thought about the best practice on how we do these full council appointments and about 250th anniversary of our country signing the declaration of independence it made me also think of the constitution and how our founding fathers in their government did things right and when they originally set up our country they did not make it so that a majority can outweigh the minority voice. On some of the most important items in our history when things were done right, they were done with supermajority in the decision making.

The two-thirds rule is used at all levels of government and in many social and political organizations to prevent the dominance of a small majority over a large minority.

The US constitution when ratified had to be ratified by a supermajority with 9 of 13 ratifying it. The delegates who signed the constitution were a super majority with 38 out of 41 signing the document.

Any amendment to the US Constitution may be proposed by a supermajority two-thirds vote of both Houses of Congress, or, if two-thirds of the States request one, by a convention called for that purpose. The amendment must then be ratified by three-fourths of the State legislatures, or three-fourths of conventions called in each State for ratification.

These founding fathers and our country knew the importance of the supermajority and working together, and these supermajorities still stand today and have not been changed.

This Ordinance I believe was instituted under the same principles when we unanimously adopted it for the equal representation and collective voice, and it should not be altered or changed.

The same reasons and principles our country was founded on for the constitution, amendments to it and such that required them to work together on decisions and find common ground to pass items with a supermajority should be the same values, principles and actions we take as a

city council where we must work together to find a common representative on the commission rather than stack it with the representatives a few of us desire. Having the super majority puts us in line with our founding fathers and their actions that established this great country.

Recent Statements of Working Together and Other Statements Opposite of Desired Changes being sought.

In recent emails in May 2024 council members stressed the importance of big decisions involving all council members where it was stated "It is crucial that significant agenda items reflect the input of the full council" and it was stressed the importance of "the collective voice of the council." although these statements were made on a different subject matters, I believe these statements made here apply to this situation where if this ordinance is changed I go against these thoughts and statements and the selection of the full council commission appointed members would not have the collective voice and to change the ordinance whereas it is currently written as a required supermajority does guarantee the input and collective voice of the council requiring a vote of 4 members minimum.

Ordinance History

In the 1.11.2023 Meeting this Ordinance originally adopted under Ordinance 2023-01 was discussed, and the existing requirement for the 2/3rds majority was present and it was unanimously adopted by the council in a 5-0 vote. Recording at 3:18

In the 3.15.2023 Meeting this Ordinance 2023-09 was discussed, and the existing requirement for the 2/3rds majority was present and it was unanimously adopted by the council again in a 5-0 vote. Recording at 1:45:30

Previous Members on the Council Last year found common ground and saw the importance and value of the At large selected members of the commission to be chosen by a supermajority and many times they were unanimously chosen, I do not see why the council members that existed then could do so but the new ones now cannot do the same to chose someone to appoint to this commission.

Prior History of Full Council Selections

Result of 3.15.2023 Meeting was numerous candidates were discussed and voted on and then in the end after working together Hannah Caldwell and Marilyn Sharp were both supported Unanimously in 5-0 vote exceeding the threshold 2/3rds vote required and were appointed by the full council. Resolution 2023-05

Result of 11.29.2023 Meeting was Herbert Davila met the 2/3rd Majority vote of 4 council members with the recorded vote of 4-1 to appoint Herbert to the planning commission with only Council Member Jonathan Garrard voting against Herberts Appointment. Resolution 2023-29.

Result on 3.20.2024 Meeting was that other candidates had not received a majority vote, further discussions were held, and Jake Maxfield met the 2/3rds Majority vote of 4 council members with the recorder vote being 4-0 unanimous for all 4 council members present in the meeting. At this time Dan had Resigned so it was another unanimous vote. Resolution 2024-05

The other Candidates Considered Evan Harrison / Lawrence Law would put the New member in the same area of the city South of Canyon Road causing ~~the~~ a lack of Representation in other parts of the city

Previous Council members found common ground and voted multiple times for 4 at large full council appointees with supermajority support on 1 and the unanimous support on 3 appointees, we can do the same now.

Concerning this council, if this change is adopted our council will take actions like the current Federal Government or Politics that many people dislike our country doing so why do it here.

If this is changed, we will be no different than current federal government and political parties who change the rules to get what they want, examples such as removing procedural steps in bills requiring less votes to pass or such as desiring to change the # of Supreme court seats to be able to stack the seats with the person individuals desired rather than finding common ground and compromise. This is the same thing this change proposes reducing the votes required and changing the procedures to eliminate compromise and working together.

It is my opinion as we have operated as a city for 21 months now that this ordinance is only sought to be changed for political reasons so that a desired appointee that does not have the supermajority support or unanimous support through compromise can be appointed and I oppose the change to this ordinance for the reasons I outlined in my statement.

Do we not want to be better than that for our residents? As a council, I know I do and want to make sure we do not change the rules that require working together and compromise for the good of this city and I ask that you vote against these changes.

Thank You for your consideration of my thoughts.

Councilmember Zumwalt