Lake Point City Council Minutes

Date: Wednesday, June 26, 2024
Place: Lake Point Fire Station 1528 Sunset Rd Lake Point, UT 84074
Time: 6:00 PM

1. **Call to Order-** 6:00 pm
2. **Prayer-** Doyle Garrard
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)	Rickey Lloyd	
Kirk Pearson (Vice Chair) left the meeting at 9:47 pm	Doyle Garrard	
Jonathan Garrard (C.)	Tate Baxter	
Kathleen VonHatten (C.) (called in)	Hunter Riches	
Alexis Wheeler (C.) left the meeting at 9:47 pm	Chris Robinson	
Jamie Olson (RCDR)		
Joel Whitehorse (Attorney) left at 10:34 pm		

6. **Legal Training –** Joel (2:28 recording)
   A. (Kathleen) asked about the options for an appeal authority for land use items.
      i) (Joel) If the ordinance is changed, it could be changed if the Planning and Zoning or staff are the ones making the decision, to the Council or other options.
7. **Public Comment-** (4:29 recording)
   A. Motion- Ryan to open Public Comment. Jonathan 2nd
      i) Motion was unanimously approved
   B. (Doyle Garrard) asked for a follow-up on the fence in and out range
      i) The Cluff's have capped their well and he has now moved his cattle. He has had several calls about livestock getting out from fences being damaged.
      ii) It would be helpful if the Sheriff Dept would let cattle owners know if a fence is damaged from vehicles hitting it, so they can be aware before the livestock gets out.
      iii) (Joel) will look to see if he has another cities regulation on the matter.
   C. (Rickey Lloyd)
      i) Asked what the "fence in", and "fence out" means
         1) (Doyle) explained the difference between "open range" and the "fence out" terms.
   D. Motion- Jonathan to close Public Comment. Alexis 2nd
      i) Motion passed unanimously
8. **Reports/Presentations**
   A. Treasurer Report (10:53 recording)
      i) (Doyle) gave the treasurer's report
      ii) (Council returned to Treasurer Report from 8.B. (22:33 recording)
      iii) (Doyle) reported on the corner of Canyon and Center Street and the softening of the curve now that the power pole has been removed and it might be worked on next week or so.

iv) (Council moved to 9.A.)

B. Emergency Manager Report (15:37 recording)

i) (Kathleen) notified of a report of a company who had some flooding and allegedly draining the water/oil into the storm drainage system. This is being looked into by the EPA.

1) (Ryan) asked if the city could do any enforcement through the business license or nuisance.

2) (Joel) it could be if it is verified that it happened since EPA is separate from the City

ii) (Kathleen) reminded the Council to report to her their emergency successors by the end of the month.

iii) The County is getting a mass casualty trailer.

iv) She updated on the POD Event (Point of Distribution)

v) She gave an update on the spike in hazardous material responses from the County.

vi) She updated on critical wildfires from lightning

vii) On August 17 there will be a hazardous waste dump and she will get a flyer and post it.

viii) Gave information on electric cars in wrecking yards

ix) There will be the Health and Safety Fair on August 31

x) Council moved back to Treasure Report (8.A.)

9. Discussion Items (No Vote)

A. Storm Water Management Plan (27:20 recording)

i) (Kathleen) informed the Council that the city won't qualify for the grant

ii) Motion- Ryan to table the Storm Water Management Plan to the next meeting with all five Council members present Alexis 2nd

1) The motion was unanimously approved.

10. Action/Business Items (Council moved to 10.D. to start)

A. Treasurer Compensation for work prior to contract approval (1:52:45 recording)

i) Record- Ryan -the contract was signed by our Treasurer on May 16, 2024, and had performed the work since before Jan 1, 2024. Since May 16 he has worked 61.5 hours for $610.50. In totality, since Jan 1 he had worked 285 hours for $2,850.00 at the contracted $10.00 rate.

ii) Ryan- explained the proposal to back pay the Treasurer for work done starting in January 2024 until now and his recommendation is to back pay for the work done prior to the contract being signed and work after up until current time.

iii) Record- Jonathan asked who had seconded this being on the agenda

1) (Ryan) Kathleen had seconded the item.

iv) Motion- Kathleen to pay the Treasurer the $2,850.00 from 1.1.2024 to 6.25.2024 for the 285 hours worked. Ryan 2nd

1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]

(a) Motion passed unanimously

B. FY 24 Budget Amendment Hearing (1:59:30 recording)

i) Motion- Ryan- to open FY 24 Budget Amendment Hearing. Kathleen 2nd

1) Motion passed unanimously

2) (Jonathan Garrard) asked for some clarification on a few line items (2:03:15 recording)

ii) Motion- Ryan to close the public hearing for FY 24. Jonathan 2nd

1) Motion passed unanimously

iii) (Ryan) reviewed four departments' overall budgets and went over needed adjustments.

iv) Council wanted to put the surplus in the reserve funds

v) Council went through the budget line items for accuracy.

vi) Motion- Ryan to adopt the Budget Amendment for FY2024 as discussed and changed in the meeting and on the record. Kathleen 2nd

1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]

(a) Motion passed unanimously

C. FY 25 Final Budget Hearing Adoption (2:46:25 recording)

i) Motion- Ryan to open the FY 25 Budget Hearing. Jonathan 2nd
   1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
      (a) Motion passed unanimously
   2) Council discussed the concerns and amendments/adjustments to the budget.
   3) (Council moved to Item 10.G.) (3:29:33 recording)
   4) (Council returned to the budget (3:37:40 recording)
   5) Council continued the discussion of the FY 25 budget

ii) Motion- Ryan to approve final budget Fiscal Year 24-25 Resolution 2024-10 with the attached exhibit as amended and discussed In the meeting. Alexis 2nd (3:44:20 recording)
   1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Yea] [Kathleen-Yea] [Kirk-Yea]
      (a) Motion passed unanimously

iii) (Council moved to Item 10.E.)

D. Richmond and Saddleback Agreement with the City of Lake Point (30:00 recording)

i) (Council, Chris, Joel, and Representatives of Richmond) discussed the proposed Agreement and the 2 versions and edits inside the document.

ii) Open discussion on the Agreement, vesting a basement standard in Plats 12,13, 14, and Tratos.

iii) (Kathleen) would like the future homeowners to be made aware of the sumps somehow.

iv) (Jonathan) is concerned with the term "vesting" and tying things up over time and blocking the Council from addressing future problems.

v) (Chris) addressed the "vesting" terminology.

vi) (Alexis) does not feel that this needs to be in writing as the citizen still should do their due diligence. This agreement is between Richmond, Saddleback, and the City and what about the other builders? She isn't comfortable signing the city to this agreement. (1:21:05 recording)

vii) (Chris) this agreement requires Richmond to be higher on the basement and also assures Richmond can build a basement and the rules won't change. They need to know the rules.

viii) (Jonathan) would like to consult Counsel possibly in a closed session and the missing Council member Kirk and think about the edits before agreeing to it. (1:35:00 recording)

ix) (Ryan) would like to move forward tonight because it locks in the possibility of a basement for future residents.

x) (Kathleen) is glad this is being discussed and would be okay to vote on this tonight with the edits that were made.

xi) Motion- Kathleen to approve as amended the Basement Standard Vesting Agreement. 2nd Ryan (1:49:20 recording)
   1) Roll Call Vote-[Jonathan-Nay] [Ryan-Yea] [Alexis-Nay] [Kathleen-Yea] [Kirk-Nay]
      (a) Motion failed for lack of majority

xii) Chris would like this to be on the agenda for July 10th and will create a clean version from the edits in the meeting.

xiii) Council moved to Item 10.A.

E. Planning and Zoning Vacancy Appointment or offer (3:45:20 recording)

i) Motion-Ryan to table for next meeting. Jonathan 2nd

F. Franchise Agreement Comcast (9:46:10 recording)

i) (Jonathan) had a few questions pertaining to cable vs internet service.

ii) The Council discussed inspection fees

iii) Motion- Ryan to approve the franchise agreement between Comcast and Lake Point with additional language to cover the cost of inspections as discussed tonight and that the approval tonight condition of acceptance of our changes. Kathleen 2nd (4:24:50 recording)
   1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Absent] [Kathleen-Yea] [Kirk-Absent]
      (a) Motion passed unanimously by those present

G. MDM (Mobile Device Management) approval

i) (Jamie) explained the need for a Mobile Device Management software for the future devices of the city. (3:29:33 recording)

ii) (Council moved back to the budget after discussion so they could budget this item. They will return to this item later for approval)
iii) (Council returned to this item) (4:28:10 recording)
iv) Motion- Ryan to approve the $3.00 plus tax and fees of the Apple MDM software that can be canceled anytime for the single phone we use it on at this time. (4:28:20 recording)
v) (Jonathan) suggested an amendment to Ryan's motion including new and compatible devices.
vi) (Ryan) withdrew his motion and second Jonathan's suggestions as stated.
vii) (Motion Clarification) Jonathan- to approve the Mobile Device Management for new phones and compatible devices. Ryan 2nd
    1) Roll Call Vote-[Jonathan-Yea] [Ryan-Yea] [Alexis-Absent] [Kathleen-Yea] [Kirk-Absent]
        (a) Motion passed unanimously
viii) (Ryan) asked to make sure the city is covered on all its devices and equipment

11. Attorney Clarification
- A. No attorney Clarifications

12. Council Updates (4:33:30 recording)
- A. Jonathan Garrard
    - i) Other
- B. Kirk Pearson
    - i) Absent
- C. Alexis Wheeler
    - i) Absent
- D. Kathleen VonHatten
    - i) No Updates
- E. Ryan Zumwalt
    - i) Adding an item to the next meeting about Citizen Concerns and closing them out.
    - ii) (Jamie) needed clarification on an idea that was brought up for having Staff Reports every week and she would prefer to give an update briefly during the meetings so it also updates the public. The Council was fine with doing it at the meetings.
    - iii) (Ryan) wanted to see if the Council wanted to do a closed session for possible litigation.
        - 1) (Council) discussed doing it before the next meeting, depending if the other Council members are available.

13. Public Comment
- A. Motion- Ryan to open Public Comment. Kathleen 2nd
    - i) Motion passed unanimously
- B. Jonathan Garrard (4:46:00 recording)
    - 1) Grasshopper invasion will happen this year and there are products that are available, that don't require chemicals, and people should know about it.
- C. Motion- Ryan to close Public Comment. Kathleen 2nd
    - i) Motion passed unanimously

14. Closed Session- not needed

15. Adjournment- 10:49 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 28th day of August, 2024

Ryan Zumwalt, Chair

ATTEST:

Jamie Olson, City Recorder