



**WEST POINT CITY COUNCIL  
MEETING NOTICE & AGENDA  
FEBRUARY 6<sup>th</sup>, 2024  
WEST POINT CITY HALL  
3200 W 300 N | WEST POINT, UT**

Mayor:  
Brian Vincent  
Council:  
Jerry Chatterton, Mayor Pro Tem  
Annette Judd • Michele Swenson  
Brad Lee • Trent Yarbrough  
City Manager:  
Kyle Laws

- THIS MEETING IS OPEN TO THE PUBLIC AND HELD AT WEST POINT CITY HALL
- A LIVE STREAM OF THE MEETING IS AVAILABLE FOR THE PUBLIC TO VIEW:  
» Online: <https://us02web.zoom.us/j/89805935597> » Telephone: 1(669) 900-6833 – Meeting ID: 898 0593 5597

**ADMINISTRATIVE SESSION – 6:00 PM**

1. Discussion Regarding a Rezone of Property at 3230 W 300 N (Hall Haven) – Mrs. Bryn MacDonald pg. 4
2. Discussion Regarding a Request for Farmer’s Market – Mr. Kyle Laws pg. 24
3. Utah’s Open & Public Meetings Act Training – Ms. Casey Arnold pg. 25
4. Other Items

**GENERAL SESSION – 7:00 PM**


1. Call to Order
2. Pledge of Allegiance
3. Prayer or Inspirational Thought (Contact the City Recorder to request meeting participation by offering a prayer or inspirational thought)
4. Communications and Disclosures from City Council and Mayor
5. Communications from Staff
6. Citizen Comment (Please approach the podium & clearly state your name and address prior to commenting. Please keep comments to a maximum of 2 ½ minutes. Do not repeat positions already stated; public comment is a time for the Council to receive new information and perspectives)
7. Youth Council Update
8. Update from the Miss West Point Pageant Royalty
9. Consideration of Approval of the Minutes from the October 17<sup>th</sup>, 2023 City Council Meeting pg. 39
10. Consideration of Approval of the Minutes from the December 5<sup>th</sup>, 2023 City Council Meeting pg. 47
11. Consideration of Approval of Resolution No. 02-06-2024A, Amending the Agreement with Bowen Collins & Associates Regarding the Sewer Expansion Project – Mr. Boyd Davis pg. 26
12. Consideration of Approval of Resolution No. 02-06-2024B, Amending the Sub-Recipient Agreement with Davis County Regarding the Sewer Expansion Project – Mr. Boyd Davis pg. 33
13. Motion to Move Into a Closed Session

**CLOSED SESSION**

1. Motion to Open Closed Session
2. Call to Order & Roll Call
3. Discussion Regarding Personnel, Pursuant to UCA §52-4-205(1)(a)
4. Motion to Adjourn the Closed Session

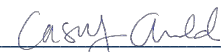
14. Motion to Adjourn the General Session

Amended & Posted this 5<sup>th</sup> Day of February, 2024:

  
Casey Arnold, City Recorder

I, Casey Arnold, the City Recorder of West Point City, do hereby certify that the above February 6, 2024 West Point City Council Meeting Notice & Agenda was posted on the date indicated in the following locations: 1) West Point City Hall, 2) official City website at [www.westpointcity.org](http://www.westpointcity.org), and 3) the Utah Public Notice Website at [www.utah.gov/pmn](http://www.utah.gov/pmn).

In compliance with the Americans with Disabilities Act, persons in need of special accommodations or services to participate in this meeting shall notify the City at least 24 hours in advance at 801-776-0970.



## TENTATIVE UPCOMING ITEMS

**Date:** 02/20/2024

**Administrative Session – 6:00 pm**

1. Quarterly Financial Update – Mr. Ryan Harvey
2. Code Enforcement Update – Mr. Bruce Dopp
3. Discussion Regarding \*\*

**General Session – 7:00 pm**

1. Recognition of West Point City Planning Commissioners – Mayor Vincent
  2. Consideration of Approval of Ordinance No. \*\*\*, Approving Amendments to WPCC 17.130 Regarding Public Works Standards Specifications & Drawings – Mr. Boyd Davis
    - a. Public Hearing
    - b. Action
  3. Consideration of Approval of Ordinance No. \*\*\*, Rezoning Property Located at 3230 W 300 N from \*\* to \*\* - Mrs. Bryn MacDonald
    - a. Public Hearing
    - b. Action
  4. Consideration of Approval to Place the Wildfire Estates Subdivision Phase 4 on Warranty – Mr. Boyd Davis
- 

**Date:** 03/01 – 02/2024

**City Council Planning and Visioning Session**

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**Date:** 03/05/2024 - CANCELLED

**Presidential Primary Election**

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**Date:** 03/19/2024

**Administrative Session – 6:00 pm**

1. Discussion Regarding \*\*

**General Session – 7:00 pm**

1. Update from the Davis County Sheriff’s Office
  2. Consideration of Approval of \*\*
- 

**Date:** 04/02/2024

**Administrative Session – 6:00 pm**

1. Discussion Regarding \*\*

**General Session – 7:00 pm**

1. Youth Council Update
- 

**Date:** 04/16/2024

**Administrative Session – 6:00 pm**

1. Discussion Regarding \*\*

**General Session – 7:00 pm**

1. \*\*
- 

**Date:** 05/07/2024

**Administrative Session – 6:00 pm**

1. Discussion Regarding the FY2024 Amended Budget & FY2025 Tentative Budget for West Point City & the CDRA – Mr. Ryan Harvey

**General Session – 7:00 pm**

1. Youth Council Update
- 

**Date:** 05/21/2024

**Administrative Session – 6:00 pm**

1. Quarterly Financial Update – Mr. Ryan Harvey
2. Discussion Regarding the FY2024 Amended Budget & FY2025 Tentative Budget for West Point City and the CDRA – Mr. Ryan Harvey

**General Session – 7:00 pm**

1. \*\*
-



# WEST POINT CITY 2024 CALENDAR

## 2024

## IMPORTANT DATES

### JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### JULY

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

### FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

### AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

### MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

### SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

### APRIL

SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

### OCTOBER

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

### MAY

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

### NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

### JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

### DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

### JANUARY

1	New Year's Observed-CLOSED
2	Swearing-In Ceremony - 12 PM
9	Senior Lunch - 11:30 AM
11	Planning Commission - 6 PM
15	MLK Jr. Day - CLOSED
16	City Council - 6 PM
23	Council/Staff Lunch - 11:30 AM
25	Planning Commission - 6 PM

### JULY

2	City Council - 6 PM
3 & 4	PARTY AT THE POINT EVENTS
9	Senior Lunch - 11:30 AM (Loy Blake)
11	Planning Commission - 6 PM
12	MOVIE IN THE PARK - DUSK
16	City Council - 6 PM
24	Pioneer Day Holiday - CLOSED
25	Planning Commission - 6 PM

### FEBRUARY

6	City Council - 6 PM
8	Planning Commission - 6 PM
13	Senior Lunch - 11:30 AM
19	President's Day - CLOSED
20	City Council - 6 PM
22	Planning Commission - 6 PM

### AUGUST

2	Summer Social - 6:30 PM
6	City Council - 6 PM
8	Planning Commission - 6 PM
13	Senior Lunch - 11:30 AM (Loy Blake)
16	MOVIE IN THE PARK - DUSK
20	City Council - 6 PM
22	Planning Commission - 6 PM

### MARCH

1-2	City Council Planning & Visioning Session
5	PRIMARY ELECTION DAY
14	Planning Commission - 6 PM
19	Senior Lunch - 11:30 AM
19	City Council - 6 PM
28	Planning Commission - 6 PM
30	EASTER EGG HUNT - 10 AM

### SEPTEMBER

2	Labor Day - CLOSED
3	City Council - 6 PM
10	Senior Lunch - 11:30 AM (Loy Blake)
12	Planning Commission - 6 PM
17	City Council - 6 PM
26	Planning Commission - 6 PM

### APRIL

2	City Council - 6 PM
9	Senior Lunch - 11:30 AM
11	Planning Commission - 6 PM
16	City Council - 6 PM
25	Planning Commission - 6 PM
TBD	ANNUAL SPRING CLEAN-UP

### OCTOBER

1	City Council - 6 PM
3	CEMETERY CLEANING
8	Senior Lunch - 11:30 AM
10	Planning Commission - 6 PM
14	Employee Training - CLOSED
15	City Council - 6 PM
22	Council/Staff Lunch - 11:30 AM
24	Planning Commission - 6 PM
26	HALLOWEEN CARNIVAL 6-8 PM
TBD	ANNUAL FALL CLEAN-UP

### MAY

2	CEMETERY CLEANING
7	City Council - 6 PM
9	Planning Commission - 6 PM
14	Senior Lunch - 11:30 AM
21	City Council - 6 PM
21	Council/Staff Lunch - 11:30 AM
23	Planning Commission - 6 PM
27	Memorial Day - CLOSED

### NOVEMBER

5	GENERAL ELECTION DAY
11	Veterans Day - CLOSED
12	Senior Lunch - 11:30 AM
14	Planning Commission - 6 PM
19	City Council - 6 PM
28/29	Thanksgiving - CLOSED

### JUNE

4	City Council - 6 PM
7	MOVIE IN THE PARK - DUSK
11	Senior Lunch - 11:30 AM (Loy Blake)
13	Planning Commission - 6 PM
18	City Council - 6 PM
19	JUNETEENTH - CLOSED
27	Planning Commission - 6 PM

### DECEMBER

2	CITY HALL LIGHTING - 6 PM
3	City Council - 6 PM
6	CHILD REMEMBRANCE - 7 PM
7	Christmas Party - 7 PM
10	Senior Lunch - 11:30 AM
12	Planning Commission - 6 PM
17	City Council - 6 PM
20	CEMETERY LUMINARY - 4 PM
25/26	Christmas Holiday - CLOSED
1	New Year's - CLOSED

# CITY COUNCIL STAFF REPORT



**Subject:** Hall Haven Subdivision: Rezone to R-3 with a PRUD (Planned Residential Unit Development)  
**Author:** Bryn MacDonald  
**Department:** Community Development  
**Date:** February 6, 2024

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## **Background**

Capital Reef Management has submitted an application to rezone 3.641 acres located at 3230 and 3250 W 300 North. The request is to rezone from R-2 Residential (2.7 units/acre) to R-3 Residential (3.6 units/acre). The application includes a request to add the Planned Residential Unit Development (PRUD) overlay zone. The applicant has also submitted a draft development agreement for the property.

The City Council had a discussion regarding this application on December 19, 2023. The applicant has now submitted a revised plan based on feedback from the Council.

## **Process**

Rezone requests are legislative decisions. In legislative matters, the Planning Commission and City Council have broad discretion, provided that it can be demonstrated that their action will promote or protect the overall welfare of the community. The rezone requires a public hearing and recommendation from the Planning Commission before a final decision can be made by the City Council. The Planning Commission held a public hearing on October 26, 2023. During their meeting on November 9, 2023, the PC recommended denial of the rezone. The City Council can now hold a public hearing and approve, deny, or modify the request.

## **Analysis**

The applicant is requesting a rezone from R-2 to R-3. The current zone would allow up to 10 units on the property. The R-3 zone (3.6 units per acre) would allow up to 13 units on the property. The applicant is also asking for the PRUD overlay zone. The PRUD overlay zone is a special zoning designation that allows for greater flexibility and increased density in exchange for higher development standards. To qualify for the PRUD zone, a development must meet certain requirements, including providing a minimum of 5% amenity bonus. West Point City Code 17.60.160 states:

*“Developments seeking flexibility, but not necessarily increased density, may do so under the provisions of this chapter. Base density developments in a PRUD overlay zone can provide a degree of flexibility that would not normally be allowed under the base zoning code. Developments seeking such flexibility must propose a minimum of a five percent amenity bonus as outlined in subsection [\(G\)\(2\)](#) of this section.”*

The amenity bonus is achieved by providing features or improvements that go above and beyond the minimum requirements for residential development. Examples of bonus amenities include parks, playgrounds, street trees, and trails. These amenities provide benefits to both the residents and the community as a whole.

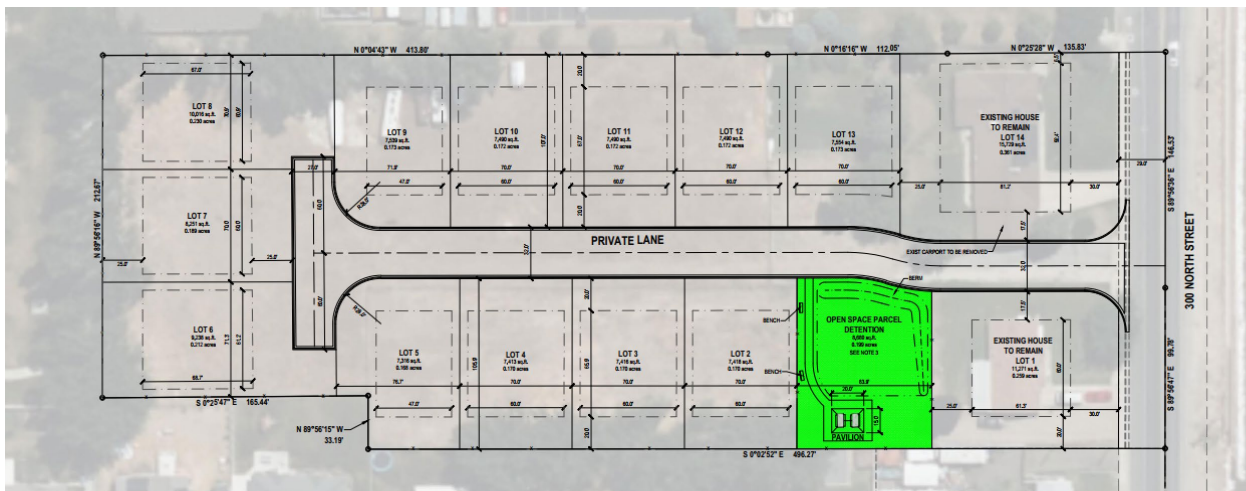
The PRUD overlay zone requires the applicant to submit a concept plan along with a detailed description of the proposed density calculation and bonus amenities. The applicant originally proposed 14 units,

which would equate to 3.85 units per acre. On January 11, 2024, the applicant submitted a revised plan with 13 lots. After a discussion with the City Council, the applicant has now submitted another revised plan with only 12 lots.

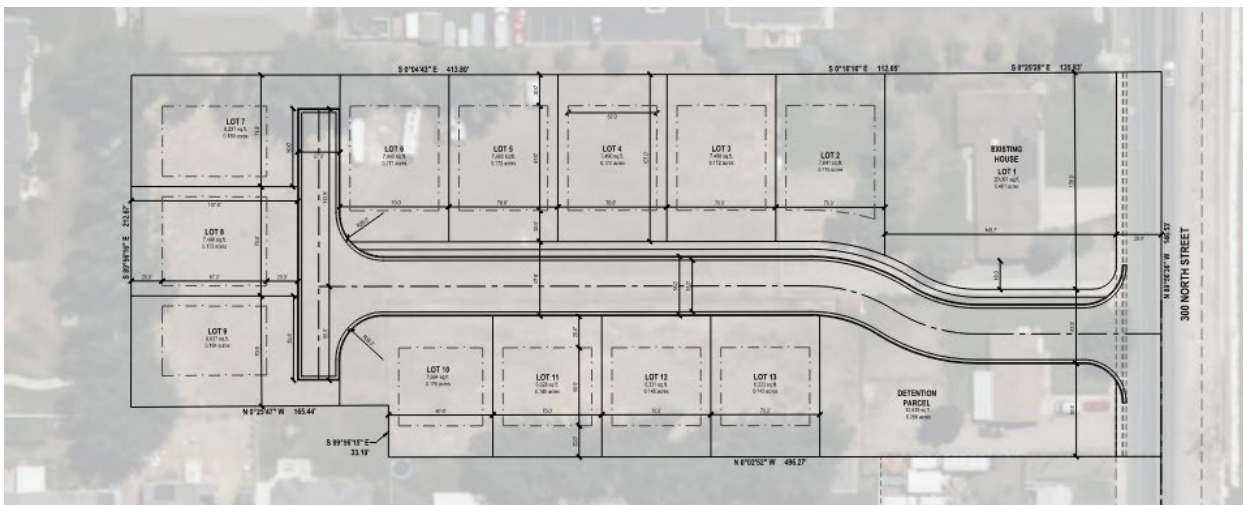
The revised plan would comply with the R-3 density and not require any bonus density. However, the PRUD still requires a minimum of 5% bonus amenities to allow for other flexibility, such as lot size and lot width. The applicant has indicated that they will improve the detention pond as outlined in section 17.60.160(G)(3)(e), which states:

*“Storm water detention facility areas that are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible (up to five percent).”*

Original Plan

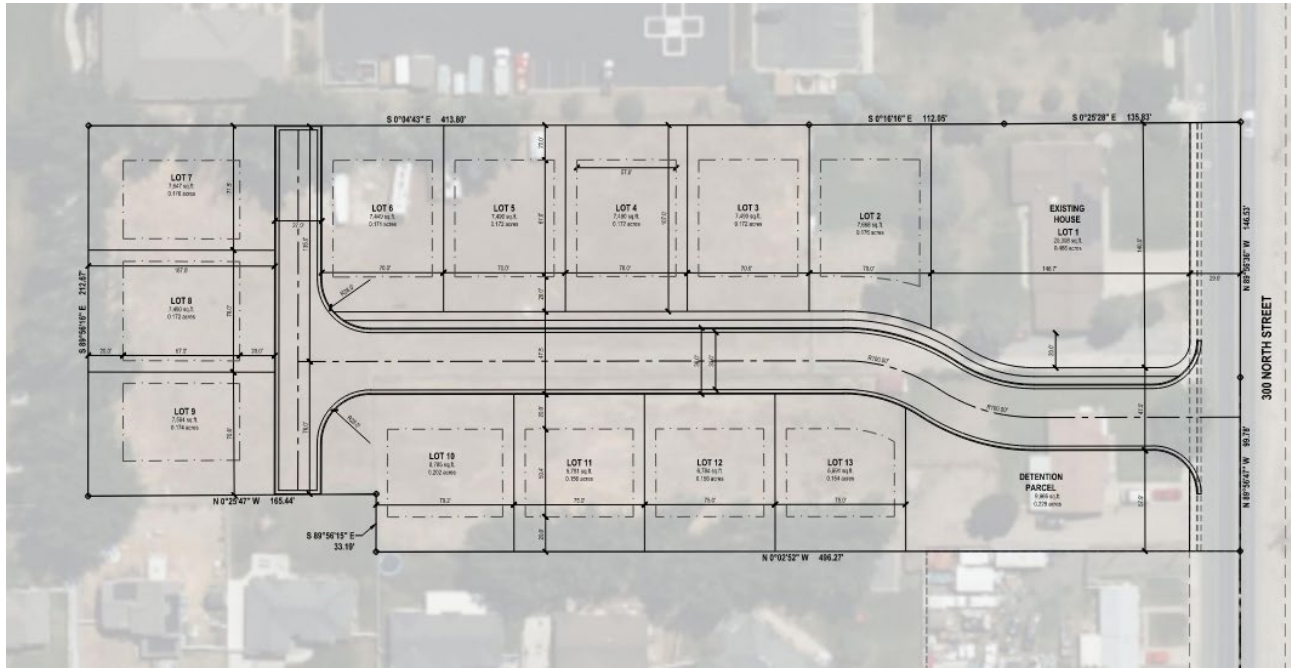


Revised Plan January 11, 2024





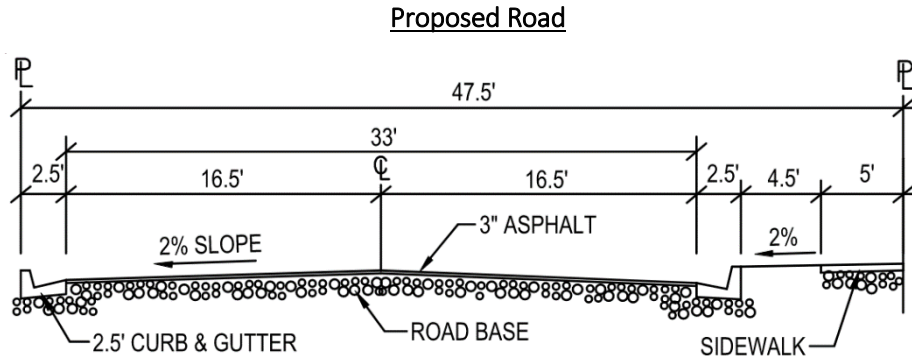
Revised Plan January 24, 2024



The applicant had requested several deviations from the underlying standards with their original plan. They have now submitted a revised plan with 12 lots. They have eliminated the need for exceptions to lot width and side setbacks, however, they have created additional exceptions for lot depth, road standards, and lot size.

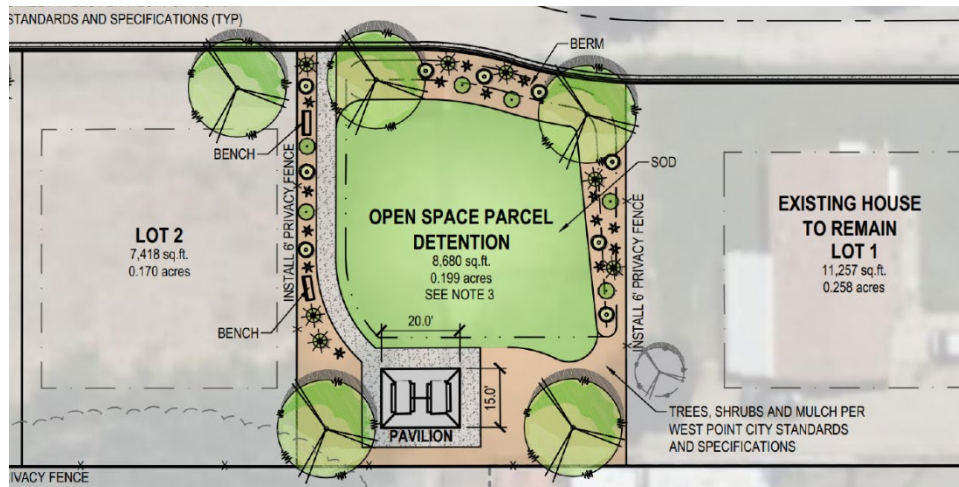
	R-3 PRUD	Request
Front Setback (Minimum distance to garage)	25'	20'
Rear Setback	25'	20'
Side Yard Setback (existing home)	20'	20'
Minimum Lot Widths	70'	70'
Minimum Lot Depth	100'	90'
Minimum Lot Size (lots 11, 12, and 13)	7,000sq ft	6,781sq ft

The original plan had a 32-foot private lane with no sidewalks. The revised plan has removed the existing home on 300 North and now has a 47.5-foot road with a sidewalk on one side. The plans indicate that this 47.5-foot road would be private, however, this would be an exception to a standard 50-foot private road.

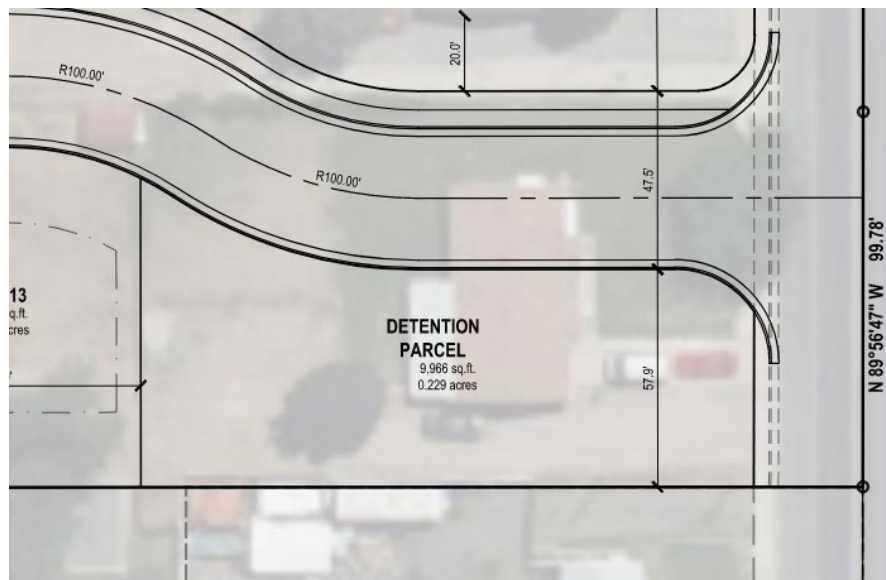


The original plan showed landscaping the detention area and adding a pavilion, tables and benches. The revised plan does not show any landscaping or amenities in the detention area, but the applicant has indicated they will landscape the detention area.

***Original Landscaping***

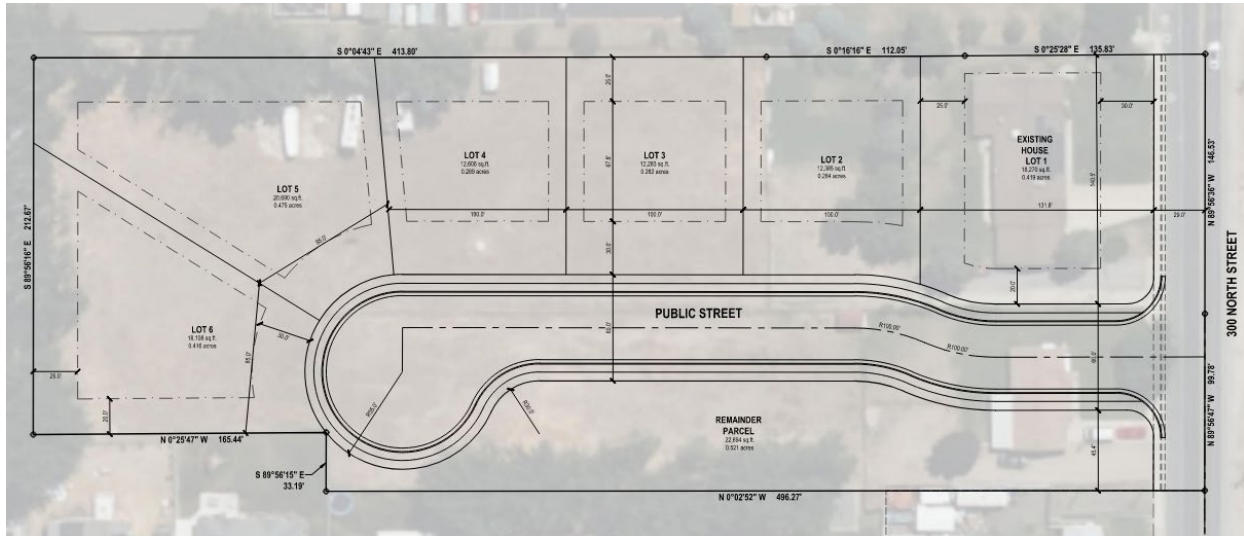


***Revised Landscaping***



Maintenance: The PRUD requires that all common areas, including open space, shall be maintained by a homeowners association. Perimeter fencing will also be required.

The applicant has also submitted a plan which shows how the property could develop if it was built under the existing R-2 zone, without a PRUD or any other exceptions:



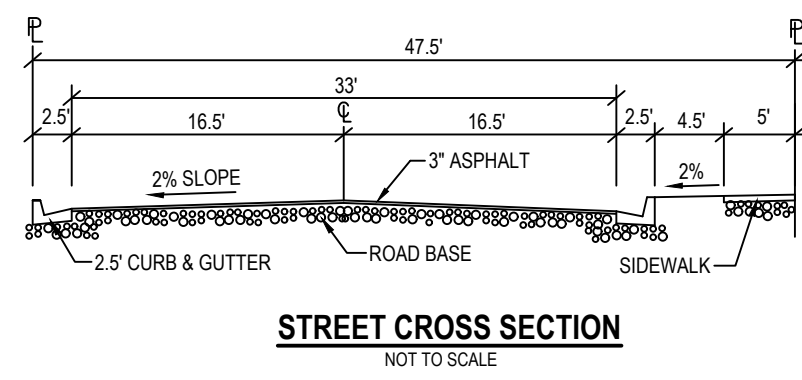
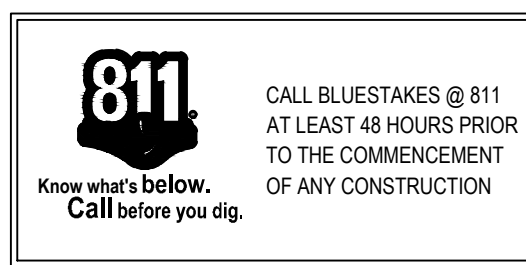
**Recommendation**

This item is on for discussion only. No action is required at this time. Rezone requests are legislative decisions that are subject to broad discretion by the City Council to promote or protect the community's overall well-being.

**Attachments**

- Revised Plan
- Memo from applicant





LAND USE TABLE	
OVERALL AREA	156,800 sq.ft. / 3.59 acres
TOTAL LOTS	13
DENSITY	3.62 UNITS/ACRE

**ENSIGN**  
THE STANDARD IN ENGINEERING

**LAYTON**  
919 North 400 West  
Layton, UT 84041  
Phone: 801.547.1100

**SANDY**  
Phone: 801.255.0529

**TOOELE**  
Phone: 435.843.3590

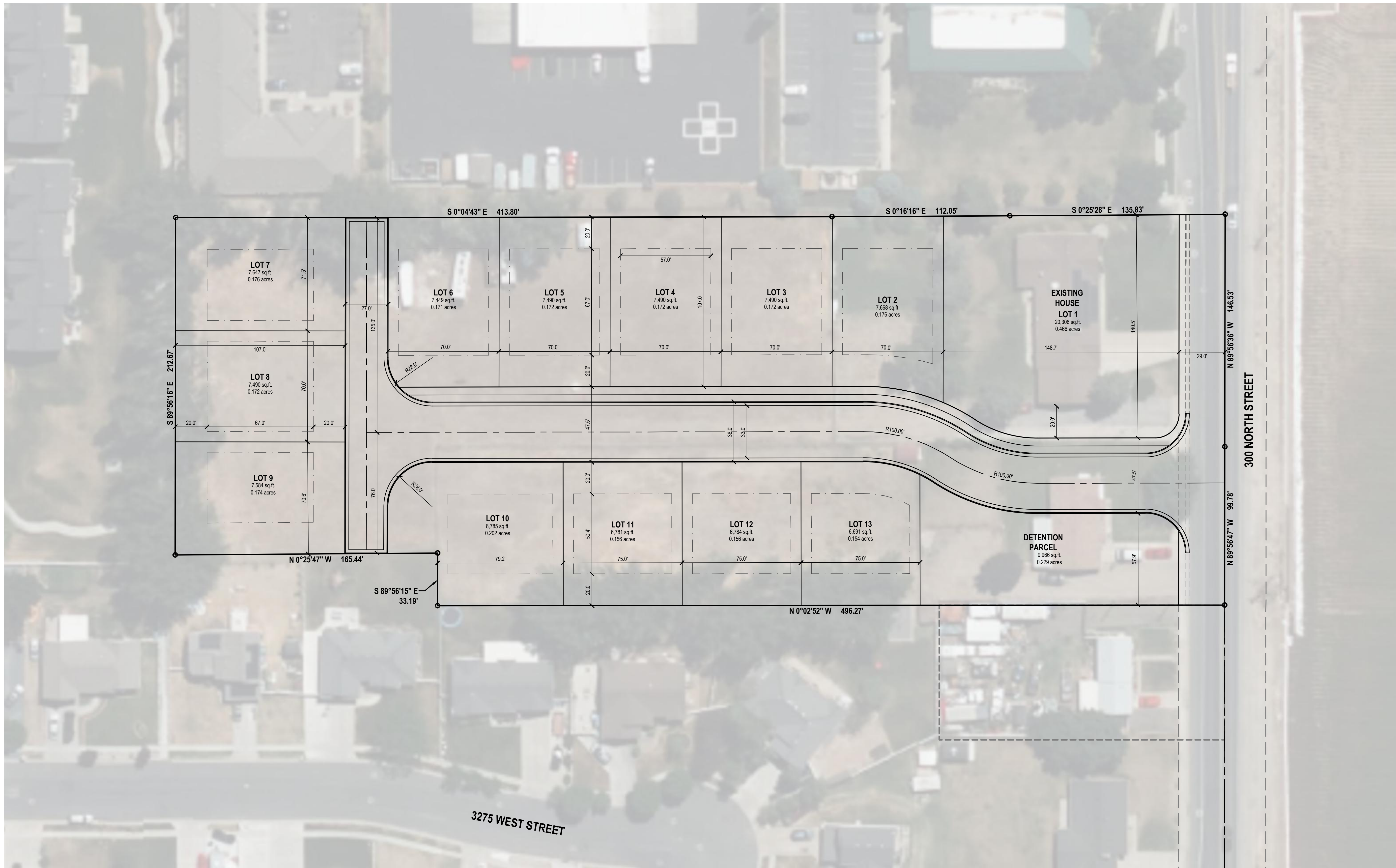
**CEDAR CITY**  
Phone: 435.865.1453

**RICHFIELD**  
Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

FOR:  
CLIENT  
CLIENT'S ADDRESS  
CLIENT CITY STATE ZIP

CONTACT:  
CLIENT CONTACT  
PHONE: 801.000.0000



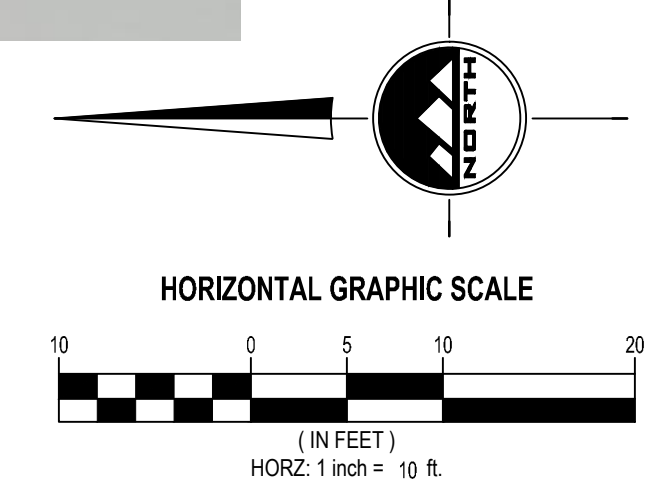
**HALL HAVEN CONCEPT**

**3230 WEST 300 NORTH**  
**WEST POINT, UTAH**

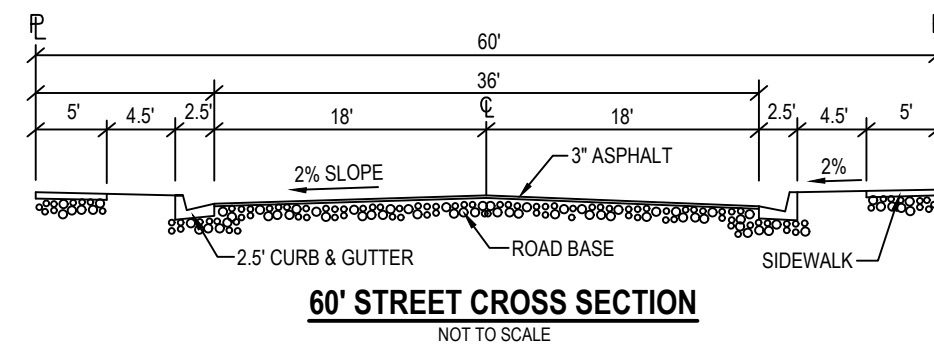
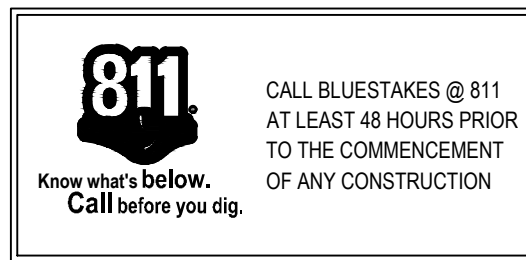
**CONCEPT PLAN**

PROJECT NUMBER: 12565  
PRINT DATE: 1/25/24  
PROJECT MANAGER: C.PRESTON  
DESIGNED BY: M.ELMER

**1 OF 1**







LAND USE TABLE	
OVERALL AREA	156,800 sq.ft. / 3.59 acres
TOTAL LOTS	6
DENSITY	1.65 UNITS/ACRE

- NOTES**
- PROPERTY IS ZONED R-2.
    - FRONT YARD SETBACK IS 30'
    - SIDE YARD SETBACK IS 10', 20' TOTAL
    - CORNER SIDE YARD SETBACK IS 20'
    - REAR SETBACK IS 25'

**ENSIGN**  
THE STANDARD IN ENGINEERING

**LAYTON**  
919 North 400 West  
Layton, UT 84041  
Phone: 801.547.1100

**SANDY**  
Phone: 801.255.0529

**TOOELE**  
Phone: 435.843.3590

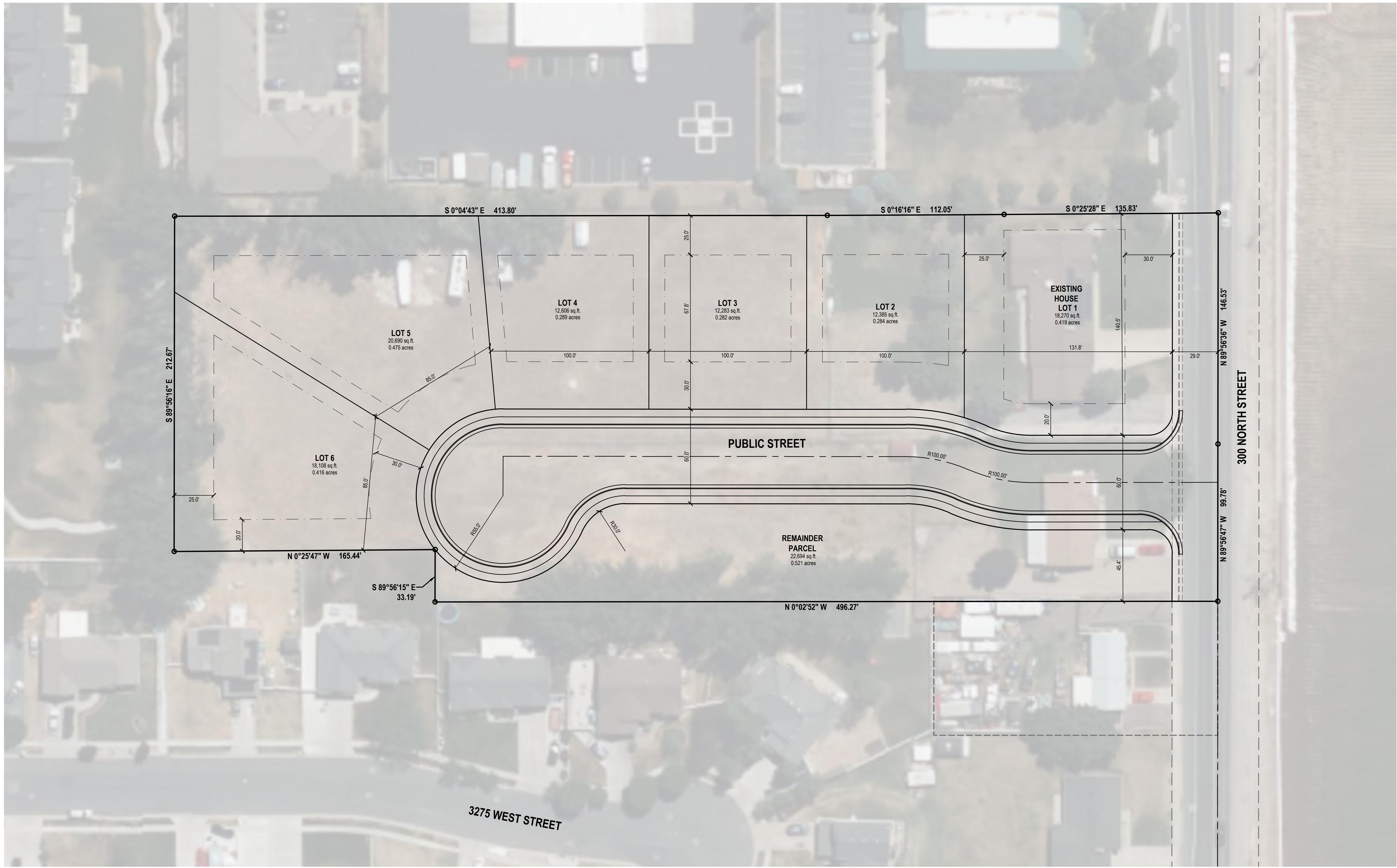
**CEDAR CITY**  
Phone: 435.865.1453

**RICHFIELD**  
Phone: 435.896.2983

[WWW.ENSIGNENG.COM](http://WWW.ENSIGNENG.COM)

FOR:  
CLIENT  
CLIENT'S ADDRESS  
CLIENT CITY STATE ZIP

CONTACT:  
CLIENT CONTACT  
PHONE: 801.000.0000

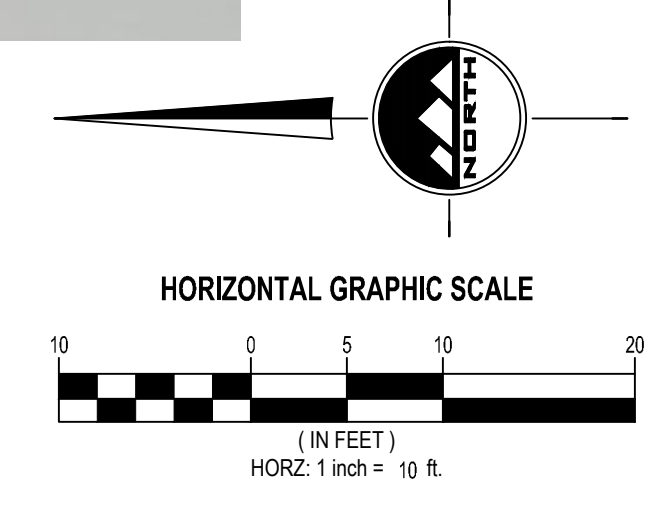


**HALL HAVEN CONCEPT**

**3230 WEST 300 NORTH**

**WEST POINT, UTAH**

R-2 CONCEPT PLAN



PROJECT NUMBER: 12565  
PRINT DATE: 1/25/24  
PROJECT MANAGER: C. PRESTON  
DESIGNED BY: M. ELMER

**1 OF 1**

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**MEMORANDUM**

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**TO:** MAYOR VINCENT, CITY COUNCIL AND CITY STAFF  
**FROM:** CRAIG JACOBSEN  
**SUBJECT:** HALL HAVEN/OTHER OVATION ACTIVE ADULT PROJECTS  
**DATE:** JANUARY 24, 2024  
**CC:**

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In the prior City Council meeting held on January 16, 2024, we were asked if we could provide some locations of other Active Adult communities that we have developed that had private lanes with similar setbacks to what we have been discussing for Hall Haven. Below are four different communities, all of which can be seen in about thirty minutes:

**1. The Cottages at Chapel Park**

This community has two private lanes, which are located at Cottage Way (775 East and Elm Street (100 South) in Layton.













## **2. The Cottages at Orchard Ridge**

This community is located off of Mountain Road at Orchard Ridge Lane and Cobblewood Court in Kaysville. This is a great street to look at, because it actually has more lots than what we are proposing for Hall Haven.











### **3. The Cottages at Valley View**

Valley View Court (1075 North 2125 East) in Layton.



**4. The Cottages at Fairfield**

Off of Church Street, Frost Way (900 East) in Layton.





# CITY COUNCIL STAFF REPORT



**Subject:** Discussion Regarding a Farmers' Market  
**Author:** Kyle Laws  
**Department:** Executive  
**Meeting Date:** February 6, 2024

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## **Background**

Matthew and Diana Siemens are the owners of a company called Dream Events LLC. They set up, organize, and run Farmers' Markets. They have most recently started the Sunset Farmers' Market at Central Park in Sunset, last year being the first year. Matthew & Diana have approached the City to see if we are interested in getting one going in our city, as they think there is a lot of interest in the area.

## **Analysis**

Details about the Farmers' Market are still being discussed and ironed out, but before getting too far into the process, the City Council should discuss this and determine if it should be pursued further. As proposed, this would not be a city event, but rather a private event organized by Dream Events. They would find food trucks, as well as produce and merchandise vendors to participate. The City would provide them with space in a park one night each week from May through September. The proposed plan would be Friday evenings from 5-9pm. Part of the process involves an inspection by the Department of Agriculture, and we would have a contract in place with Dream Events that details rules and requirements.

## **Recommendation**

This is for discussion only. Staff would like feedback from the Council on how to proceed with this request.

## **Significant Impacts**

No significant impacts at this time.

## **Attachments**

None

# CITY COUNCIL STAFF REPORT

**Subject:** Open & Public Meetings Act Training  
**Author:** Casey Arnold  
**Department:** Executive  
**Meeting Date:** February 6, 2024



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## **Background**

Utah State Code requires that members of a public body be provided with annual training on the requirements of Utah's Open and Public Meetings Act. As we enter the new year, a review of these rules and procedures will be beneficial for both elected officials and City Staff, as well as satisfy this requirement.

## **Analysis**

The stated goal of the Open & Public Meetings Act is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly (UCA52-4-102). The following are some of the key points of the OPMA Act that the Council will receive training on at the meeting:

- Public Meetings
- Public Notice
- Actions & Deliberations
- Closed Meetings
- Meeting Minutes & Recordings

## **Recommendation**

This is for training, review, and discussion only.

## **Significant Impacts**

Certificates of Training will be issued to the Council and Mayor as proof of annual training.

## **Attachments**

None

# CITY COUNCIL STAFF REPORT

**Subject:** Sewer Expansion Project Amendments  
**Author:** Boyd Davis  
**Department:** Engineering  
**Meeting Date:** February 6, 2024



## **Background**

The sewer expansion project is moving forward, and we expect construction on project 1 to begin within a few weeks. The design of the other phases of the project, including the two lift stations, is nearly complete and it is estimated that the design work will be nearly \$400K under budget leaving a significant amount of money that can be put towards other portions of the project.

## **Analysis**

Staff is proposing that the additional funds be used to cover the costs of construction management services. We are required to have oversight of the construction and will need to use our consultants to accomplish that work. We would propose that the contract with Bowen Collins and Associates (BCA) be amended to include construction management services. We will use the remaining \$400K in the design budget to pay for the services, but there will be additional costs that will come from the construction budget. The total estimated cost for construction management for all projects that are planned to be bid out is \$1.7MM, of which \$400K will come from the first grant (design) and \$1.3MM will come from the second grant (construction).

In order to move forward with the construction management, we will need to amend the current contract with BCA and amend the subrecipient agreement with Davis County. We have discussed this with Davis County and they are very willing to amend the agreement.

In addition to amending the contract for the construction management services, there are few other small items that need to be amended. First, the insurance limits for subconsultants needs to be amended to reduce the required limits for small contracts. We have two subconsultants whose total cost is under \$50,000 and cannot meet the insurance limits.

Second, we need to amend the contract to include an additional subconsultant that did a wetland study for the two lift station sites and some of the pipelines. We were required to do the study, but it was not part of the original contract. The cost of the study was approximately \$10,000.

## **Recommendation**

Staff recommends approval of the amendments by resolution.

## **Significant Impacts**

An additional \$400K will be spent on construction management, but this is offset by a decrease in the design budget. There is also an additional \$10,000 spent on a wetland study, but this fit within the design budget.

## **Attachments**

Resolution & Amendment No. 1 to the BCA Contract  
Resolution & Amendment No. 1 to the Davis County Agreement

**RESOLUTION NO. 02-06-2024A**

**A RESOLUTION APPROVING AN  
AMENDMENT TO THE AGREEMENT  
BETWEEN WEST POINT CITY AND  
BOWEN COLLINS AND ASSOCIATES**

**WHEREAS**, West Point City, on November 16, 2022, executed an agreement with Bowen Collins and Associates for the design of the sewer expansion project; and

**WHEREAS**, It has become necessary to amend said agreement to include additional tasks that were not approved in the original agreement; and

**WHEREAS**, other items such as insurance limits for small contracts and an adjustment to the approved budget need to be amended to include the additional tasks.; and

**WHEREAS**, other minor text changes are needed in the agreement to adequately reflect the additional task; and

**WHEREAS**, the City Council has reviewed said agreement and finds it acceptable and in good order.

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED**, by the City Council of West Point City as follows:

1. The City Council hereby accepts the Agreement, which is attached hereto and incorporated by this reference.
2. The Mayor is hereby authorized to sign and execute said easement.

**PASSED AND ADOPTED** this 6<sup>th</sup> Day of February, 2024.

**WEST POINT CITY,**  
A Municipal Corporation

By: \_\_\_\_\_  
Brian Vincent, Mayor

**ATTEST:**

\_\_\_\_\_  
Casey Arnold, City Recorder

**AMENDMENT NO. 1 TO AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS  
STATE AND LOCAL FISCAL RECOVERY FUNDS SUBAWARD AGREEMENT**  
**BETWEEN**  
**WEST POINT, UTAH**  
**AND**  
**BOWEN COLLINS & ASSOCIATES, INC**

THIS AMENDMENT NO. 1 TO AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS SUBAWARD AGREEMENT (“**Amendment No. 1**”) is between the City of West Point, Utah, a body politic and political subdivision of the State of Utah (“**West Point**”), and Bowen Collins & Associates, Inc, a corporation organized in the State of Utah (“**Bowen Collins**”, “**Contractor**”).

**RECITALS:**

A. The parties previously entered into an *American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds Subaward Agreement Between West Point, Utah* and Bowen Collins & Associates (“**Original Agreement**”) for the purpose of providing engineering design services for sewer pipelines and sewer lift stations for the West Point Sewer Expansion project. This project covers areas of West Point City and unincorporated areas of Davis County.

B. The Original Agreement included an Approved Activities and Detailed Task Budget, also known as the Scope of Services. The Scope of Services listed several projects to be designed by the Contractor and were designated as approved work activities. Due to adjustments made by West Point not all the projects will be designed, namely projects 3, 6, and 7. The scope of services also included engineering services during construction, which is also known as Construction Management Services, but was not designated as an approved activity in the Original Agreement due to budget constraints. It is the parties intention to now designate Construction Management Services as an approved activity.

C. The Exhibit C of Original Agreement included an approved budget for the design of the various projects. There have been some budget overruns, additional tasks added and some tasks eliminated from the scope of services resulting in an overall net savings in the budget. It is the parties intention to use the savings to fund a portion of the Construction Management Services.

D. After the Original Agreement was executed, it became necessary to add additional tasks to complete a wetland study and a cultural survey.

E. The required insurance limits listed in the Original Agreement were determined to



be too high and cumbersome for some of the sub-consultants and prevented some portions of the design work from being completed.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, stipulations and agreement herein contained in this Amendment No. 1, the parties hereby agree as follows:

1. Recitals; Defined Terms. The above recitals are incorporated herein and made a part of this Amendment No. 1. All terms used herein with initial capital letters which are not otherwise defined herein shall have the meanings ascribed to them in the Original Agreement.

2. Exhibit B; Approved Activities and Detailed Task Budget. On page 1 of Exhibit B of the Original Agreement, Task 5 (Construction Services), shall be deemed an approved activity and shall be expanded to include Construction Services for all projects that will be bid out for construction. An additional task shall be added to the list for a wetland study and a cultural survey. All other activities listed will remain approved activities.

3. Exhibit C; Approved Budget. Notwithstanding anything to the contrary contained in the Original Agreement, from and after the effective date of Amendment No. 1, Exhibit C, attached hereto and incorporated herein by this reference, shall replace Exhibit C of the Original Agreement.

4. Sub-Section VIII(A) Insurance. Contractor shall require all sub-contractors to maintain insurance limits as listed in Section VIII(A) of the Original Agreement. An exception shall be granted to small sub-contracts under \$50,000. For said small sub-contracts the following minimum insurance limits shall apply:

1)	Workers Compensation State Employer's Liability	Statutory \$100,000
2)	Comprehensive General Liability Bodily Injury and Property Damage Combined Single Limit	\$1,000,000 \$1,000,000
<hr/>		
3)	Automobile Liability Combined Single Limit	\$1,000,000
4)	Professional Liability	\$1,000,000

5. Sub-Section I(C) Source of Funding: This subsection of the Original Agreement shall be changed to read as follows: C. Source of Funding. This agreement is funded by a portion of the \$24,000,000.00 allocated to West Point by Davis County from their Coronavirus State and Local Fiscal Recovery Fund awards created under section 603 of the American Rescue Plan Act of 2021 (“ARPA/CSLFRF”).

6. Effective Date. The effective date of this Amendment No. 1 is the date that this Amendment No. 1 is signed by both parties.

7. Continuing Effect. Except as specifically modified by this Amendment No. 1, the Original Agreement is in full force and effect and is ratified as amended hereby.

8. Counterparts; digital Signatures; Electronically Transmitted Signatures. This Amendment No. 1 may be executed in counterparts, each of which will be deemed an original but all counterparts together will constitute one agreement. If the parties sign this Amendment No. 1 or electronically transmit signatures by email, such signatures will have the same force and effect as original signatures.

[Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Subaward Agreement as of the date first set forth above.

**WEST POINT CITY:**

**BOWEN COLLINS & ASSOCIATES:**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Attest**

**Attest and Countersign**

\_\_\_\_\_

\_\_\_\_\_

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**C: Approved Budget**

Consult West Point’s Allowable Costs and Cost Principles Policy get actual numbers from Cristina RF Final Rule for specific directives and limitations on cost items. Detailed Task Budget is available in Exhibit B.

<b>REVENUES</b>			<b>Total Revenue</b>
Bowen Collins & Associates, Inc. Coronavirus State and Local Fiscal Recovery Funds Awarded		\$	3,300,000.00
<b>Budget Cost Categories</b>		<b>OMB Uniform Guidance Federal Awards Reference 2 C.F.R. Part 200</b>	<b>Total Expenditures</b>
1. Personnel (Salary and Wages)		\$	
2. Fringe Benefits		\$	
3. Travel		\$	
4. Equipment		\$	
5. Supplies		\$	
6. Contractual Services and Subawards		\$	1,600,000.00
7. Consultant (Professional Service)		\$	
8. Construction <span style="color: red;">Services</span>		\$	1,700,000.00
9. Occupancy (Rent and Utilities)		\$	
10. Research and Development (R&D)		\$	
11. Telecommunications		\$	
12. Training and Education		\$	
13. Direct Administrative Costs		\$	
14. Miscellaneous Costs		\$	
a. Advertising and public relations costs			
b. Materials and supplies costs, including costs of computing devices			
15. Add additional cost items as needed			
16. Total Direct Costs (add lines 1-15)		\$	3,300,000.00
17. Total Indirect Costs		\$	0
Rate %:		\$	
Base*:			
18. Total Costs Federal Grant Funds (Lines 16 and 17)		\$	3,300,000.00
<b>MUST EQUAL REVENUE TOTALS ABOVE</b>			

\* The Base is modified total direct costs (MTDC) of the subaward project. Pursuant to 2 C.F.R. § 200.1, MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

**RESOLUTION NO. 02-06-2024B**

**A RESOLUTION APPROVING AN  
AMENDMENT TO THE AGREEMENT  
BETWEEN DAVIS COUNTY AND  
WEST POINT CITY**

**WHEREAS**, West Point City, on October 4, 2022, executed a sub-recipient agreement with Davis County for the funding of the design work for the sewer expansion project; and

**WHEREAS**, It has become necessary to amend said agreement to include additional tasks that were not approved in the original agreement; and

**WHEREAS**, other items such as insurance limits for small contracts and an adjustment to the approved budget need to be amended to include the additional tasks.; and

**WHEREAS**, other minor text changes are needed in the agreement to adequately reflect the additional task; and

**WHEREAS**, the City Council has reviewed said agreement and finds it acceptable and in good order.

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED**, by the City Council of West Point City as follows:

1. The City Council hereby accepts the Agreement, which is attached hereto and incorporated by this reference.
2. The Mayor is hereby authorized to sign and execute said easement.

**PASSED AND ADOPTED** this 6<sup>th</sup> Day of February, 2024.

**WEST POINT CITY,**  
A Municipal Corporation

By: \_\_\_\_\_  
Brian Vincent, Mayor

**ATTEST:**

\_\_\_\_\_  
Casey Arnold, City Recorder

**AMENDMENT NO. 1 TO AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS  
STATE AND LOCAL FISCAL RECOVERY FUNDS SUBAWARD AGREEMENT**  
**BETWEEN**  
**DAVIS COUNTY, UTAH**  
**AND**  
**WEST POINT, UTAH**

THIS AMENDMENT NO. 1 TO AMERICAN RESCURE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS SUBAWARD AGREEMENT (“**Amendment No. 1**”) is between the City of West Point, Utah, a body politic and political subdivision of the State of Utah (“**West Point**”), and Davis County, Utah, a body politic and political subdivision of the State of Utah (“**Davis County**”).

**RECITALS:**

A. The parties previously entered into an *American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds Subaward Agreement Between Davis County, Utah and West Point, Utah* (“**Original Agreement**”) for the purpose of providing funding for engineering design services for sewer pipelines and sewer lift stations for the West Point Sewer Expansion project. This project covers areas of West Point City and unincorporated areas of Davis County.

B. The Original Agreement included an Approved Activities and Detailed Task Budget, also known as the Scope of Services. The Scope of Services listed several projects to be designed by the Contractor and were designated as approved work activities. Due to adjustments made by West Point and Davis County not all the projects will be designed, namely projects 3, 6, and 7. The scope of services also included engineering services during construction, which is also known as Construction Management Services, but was not designated as an approved activity in the Original Agreement due to budget constraints. It is the parties intention to now designate Construction Management Services as an approved activity.

C. Exhibit C of Original Agreement included an approved budget for the design of the various projects. There have been some budget overruns, additional tasks added and some tasks eliminated from the scope of services resulting in an overall net savings in the budget. It is the parties intention to use the savings to fund a portion of the Construction Management Services.

D. After the Original Agreement was executed, it became necessary to add additional tasks to complete a wetland study and a cultural survey.



E. The required insurance limits listed in the Original Agreement were determined to be too high and cumbersome for some of the sub-consultants and prevented some portions of the design work from being completed.

F. The parties desire to amend the Original Agreement as set forth in this Amendment No. 1.

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, stipulations and agreement herein contained in this Amendment No. 1, the parties hereby agree as follows:

1. Recitals; Defined Terms. The above recitals are incorporated herein and made a part of this Amendment No. 1. All terms used herein with initial capital letters which are not otherwise defined herein shall have the meanings ascribed to them in the Original Agreement.

2. Exhibit B; Approved Activities and Detailed Task Budget. On page 1 of Exhibit B of the Original Agreement, Task 5 (Construction Services), shall be deemed an approved activity and shall be expanded to include Construction Management Services for all projects that will be bid out for construction. An additional task shall be added to the list for a wetland study and a cultural survey. All other activities listed will remain approved activities.

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1)	Workers Compensation State Employer's Liability	Statutory \$100,000
2)	Comprehensive General Liability Bodily Injury and Property Damage Combined Single Limit	\$1,000,000 \$1,000,000
<hr/>		
3)	Automobile Liability Combined Single Limit	\$1,000,000
4)	Professional Liability	\$1,000,000

5. Effective Date. The effective date of this Amendment No. 1 is the date that this Amendment No. 1 is signed by both parties.

6. Continuing Effect. Except as specifically modified by this Amendment No. 1, the Original Agreement is in full force and effect and is ratified as amended hereby.

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[Signature page follows.]

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Subaward Agreement as of the date first set forth above.

**DAVIS COUNTY:**

**WEST POINT CITY:**

**By:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**Attest**

**Attest and Countersign**

\_\_\_\_\_  
**Brian McKenzie**  
**Davis County Clerk**  
**Dated:** \_\_\_\_\_

\_\_\_\_\_

**C: Approved Budget**

Consult West Point’s Allowable Costs and Cost Principles Policy get actual numbers from Cristina RF Final Rule for specific directives and limitations on cost items. Detailed Task Budget is available in Exhibit B.

<b>REVENUES</b>		<b>Total Revenue</b>
Bowen Collins & Associates, Inc. Coronavirus State and Local Fiscal Recovery Funds Awarded		\$ 2,000,000.00
<b><u>Budget Cost Categories</u></b>	<b>OMB Uniform Guidance Federal Awards Reference 2 C.F.R. Part 200</b>	<b>Total Expenditures</b>
1. Personnel (Salary and Wages)		\$
2. Fringe Benefits		\$
3. Travel		\$
4. Equipment		\$
5. Supplies		\$
6. Contractual Services and Subawards		\$ 1,600,000.00
7. Consultant (Professional Service)		\$
8. Construction <span style="color: red;">Services</span>		\$ 400,000.00
9. Occupancy (Rent and Utilities)		\$
10. Research and Development (R&D)		\$
11. Telecommunications		\$
12. Training and Education		\$
13. Direct Administrative Costs		\$
14. Miscellaneous Costs		\$
a. Advertising and public relations costs		
b. Materials and supplies costs, including costs of computing devices		
15. <i>Add additional cost items as needed</i>		
16. Total Direct Costs (add lines 1-15)		\$ 2,000,000.00
17. Total Indirect Costs		\$ 0
Rate %:		\$
Base*:		
18. Total Costs Federal Grant Funds (Lines 16 and 17)		\$ 2,000,000.00
<b><u>MUST EQUAL REVENUE TOTALS ABOVE</u></b>		

\* *The Base is modified total direct costs (MTDC) of the subaward project. Pursuant to 2 C.F.R. § 200.1, MTDC means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.*



3200 WEST 300 NORTH  
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL**  
**MEETING MINUTES**  
WEST POINT CITY HALL  
**October 17<sup>th</sup>, 2023**

**Mayor**  
Brian Vincent  
**City Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Annette Judd  
Michele Swenson  
Brad Lee  
**City Manager**  
Kyle Laws

**Administrative Session**

**5:30 PM**

Minutes for the West Point City Council Administrative Session held on October 17<sup>th</sup>, 2023, at 5:30 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 844 2519 8755 at <https://zoom.us/join> or by telephone at (669) 900-6833.

**MAYOR AND COUNCIL MEMBERS PRESENT:** Mayor Brian Vincent, Council Member Gary Petersen, Council Member Michele Swenson, Council Member Annette Judd, and Council Member Brad Lee

**EXCUSED:** Council Member Jerry Chatterton

**CITY EMPLOYEES PRESENT:** Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

**EXCUSED:** None

**VISITORS PRESENT:** Randee Bereece, Ricci Galvan, Gabe Galvan, Karen Moore, Brad Phillips and Joelle Caruso. No sign-in required for those attending virtually.

**1. Discussion Regarding the Proposed Long-Term Plan of the West Point Arts Council – Mrs. Randee Bereece**

Mrs. Bereece provided an overview of the West Point Arts Council's proposed long-term plan. She emphasized the importance of creating awareness about the Council's goals, activities, and the purpose behind its initiatives. She highlighted two surveys conducted by the Arts Council to understand community interests. These surveys, combined with the Council's bylaws and goals, formed the basis for the proposed plan.

Long-Term Plan Categories and Highlights:

- Visual Arts:
  - Chalk Art Festival: Successfully held the first edition, aiming to make it an annual event.
  - Parade Activities: Inclusion of art activities and performances.
  - Art Classes: Offer 2D and 3D classes, exploring culinary arts, sculpting, woodworking, quilting, and more.
  - Contests: Introduction of contests, including a potential local film festival.
- Performing Arts:
  - Marching Muskrats: Already established, ongoing success.
  - Stage Performances: Planning for a choir, musical theater, and dance classes for all ages.
  - Productions: Aim for up to two annually, exploring the possibility of a gingerbread house-making contest.
  - Collaborative Efforts: Engaging with local arts councils to avoid competition and instead complement each other's efforts.
- Publicity and Fundraising:
  - Social Media: Active pages established with Casey Arnold's assistance.
  - Logo Creation Contest: Planned for the winter to involve the community.
  - Advertising: General promotion for all events.
  - Fundraising Initiatives: Application for grants, seeking sponsorships, and exploring concession stand operation.

In regards to grants and funding, Mrs. Bereece shared details about the grants the Arts Council is applying for, ranging from \$2,500 to \$5,000. Explained challenges faced in the initial stages and expressed confidence in stronger proposals in the future.



As for facility considerations, Mrs. Bereece discussed the potential use of West Point Junior High facilities, aiming for an agreement to utilize the theater space for productions. Acknowledged the significant cost savings and potential sponsorship opportunities.

Council Members expressed support for the Arts Council's initiatives and discussed various aspects, including:

- Collaboration with surrounding councils.
- Coordination on event schedules to avoid conflicts.
- Positive feedback on the inclusion of activities for all age groups.
- Consideration of facility rentals and potential cost savings.

Council Members thanked Mrs. Bereece for the comprehensive presentation and expressed enthusiasm for the growth and development of the West Point Arts Council. Emphasized the importance of coordination with surrounding councils. They invited her to reach out for any assistance needed.

## **2. Discussion Regarding Multiple Agreements for the Sewer Expansion Project – Mr. Boyd Davis**

Mr. Davis expressed his excitement about the progress of the Sewer Expansion Project and emphasized the importance of the upcoming agreements and documents that the City Council needs to approve for the project.

### Project Overview:

Mr. Davis provided a brief recap of the sewer project, highlighting its location in the annexation area northwest of the city boundaries. He stated that there are five significant agreements related to the project.

### Agreements Overview:

- Interlocal Agreement with Davis County:
  - Authorizes West Point City to own and operate a sewer system outside city boundaries.
  - Allows the collection of fees from residents not within the city limits.
  - A key agreement forming the basis for the entire project.
- \$22 Million Grant Agreement:
  - Ready for approval tonight.
  - Covers the construction cost of the project and includes funds for property purchase.
- Three Purchase Agreements:
  - Three additional purchase agreements for Lift Station 1, Lift Station 2, and an access easement.
  - Details on these agreements to be discussed in a future meeting.

### Project Authorization and Timeline:

The Council sought clarification on the timeline for construction based on bids. Mr. Davis explained the flexibility in the bidding process, aiming to start construction in spring and complete the trunk line by the end of the next year.

In regards to the \$22 Million Grant Agreement with Davis County, Mr. Davis presented key points from the 32-page agreement, emphasizing the projects and sub-projects authorized for construction. He highlighted the importance of building the trunk line and two lift stations for the entire system to function. Mr. Davis explained that the Council is being asked to approve this agreement in tonight's General Session in order to expedite bidding and secure funds for the project.

The Council expressed their support for the project and discussed the potential challenges with construction standards. They understood the need to approve the grant agreement in order to move the project along and will consider approval of the \$22 Million agreement in tonight's General Session.

## **3. Discussion Regarding the Site Plan and Final Plat of The Movement Dance Center – Mrs. Bryn MacDonald**

Mrs. MacDonald presented the Site Plan and Final Plat of The Movement Dance Center to the City Council. The proposal includes the construction of a new building in front of the existing one, along with site improvements. The site, located on 1800 North, has been in operation for 10-15 years. The proposed new building is intended to provide additional space for the dance center. Mrs. MacDonald explained that a plat is required for the new building, and so they are proposing a simple, one-block plat.

Due to the proximity of 1800 North and the right-of-way for the future extension north, the property line sits farther back from the road, providing space for potential future expansion. Mrs. MacDonald discussed the parking layout, highlighting three parking spots encroaching on the easements. The applicants have requested an exception to the 10-foot landscaping buffer requirement in front of the three parking spaces so that there is adequate space for the stalls. They are also requesting an exception to the building material requirement of stone or brick, as they are proposing to construct a metal building.

The Council expressed concerns about parking and traffic flow, specifically in regards to the turning radius, number of parking spaces, potential need for overflow parking, and safety during drop-off and pick-up of students. They discussed the feasibility of widening the turning radius and reconfiguring parking arrangements. They also questioned the necessity of the detention pond and its size, and an underground detention area integrated with the parking area was suggested.

The applicant, Ricci Galvan (owner of The Movement Dance Studio), explained their efforts to work with the community and their desire to continue for their business to be a positive addition to the City. She expressed concerns about the impact to their budget of some of the suggested changes and the efforts they have already gone to in order to address the concerns raised by the Planning Commission.

The Council expressed their desire for the applicant to explore potential modifications to the building's location and site layout to address their concerns and submit those modifications for further discussion and consideration in a future meeting.

#### **4. Discussion Regarding the Maximum Height of Single-Family Dwellings – Mrs. Bryn MacDonald**

Mrs. MacDonald stated that the Planning Commission has worked for the past several months on revisiting the proposal that was sent back from the City Council regarding standards to the overall height of attached accessory dwelling units (ADU's). The Council had concerns about how home additions (above the garage for instance) might change the character of the existing neighborhoods. The current code stipulates that an attached ADU cannot exceed the height of the existing home. The discussion originated from an applicant's request to modify this code for an addition to his home.

The Planning Commission, upon receiving the matter, explored various options to address the concerns, including fixed height limits, proportional height restrictions, and increased setbacks based on height. Ultimately, the Planning Commission proposed a comprehensive change to the height regulations for all single-family dwellings, both ADU's and additions.

Under the existing code, while an addition could reach the maximum height of 40 feet, an attached ADU was restricted to the height of the existing home. The new proposal suggests setting heights based on lot sizes. The idea is to prevent excessively tall structures on smaller lots and promote a more harmonious neighborhood aesthetic.

The Planning Commission suggested a range of heights based on lot sizes: 30 to 35 feet for lots up to 10,038 square feet and 35 to 40 feet for larger lots. The Council noted that 35 feet is a common height limit in many cities, while 30 feet is still considered substantial.

Additionally, the proposal aims to align the height limits for ADU's with those of the corresponding zone, arguing that if an addition can be a certain height, an ADU should not face different restrictions.

During the Council's discussion, questions were raised about the measurement of height, with considerations for flat roofs, chimneys, and the point of measurement from the driveway or the top of the foundation. While there was some deliberation on potentially changing the measurement point, no specific amendments were proposed.

The Council expressed general satisfaction with the proposal, acknowledging the reasonableness of the height limits considering lot sizes. One member suggested deferring the matter to the Planning Commission to further define certain aspects, such as the measurement point.

The Council set a public hearing for the next meeting, after which it will continue the discussion as it considers approval of the proposed language.

**5. Discussion Regarding Amendments to the Subdivision Code – Mrs. Bryn MacDonald**

Mrs. MacDonald presented the proposed amendments to the Subdivision Code, which underwent a thorough review with the Planning Commission over several meetings. The primary objective is to repeal the existing chapter and replace it with updated provisions to align with recent changes in State Code, streamline processes, and introduce new standards.

The key changes highlighted in the proposed amendments are as follows:

Pre-Application Meetings:

State code no longer allows the city to mandate pre-application meetings for subdivisions. Developers may opt for such a meeting, and the City can only provide feedback if requested within 15 business days.

Preliminary Plat Approval:

The Planning Commission will continue to approve preliminary plats, provided they comply with applicable city ordinances. A comprehensive checklist for preliminary plats includes requirements for will-serve letters, agreements, improvement plans, phasing information, traffic studies, wetlands considerations, water shares, and HOA documents.

Final Plat Approval:

State code now restricts City Council or Planning Commission approval for final plats. Staff, specifically the Community Development Director or a designated committee of staff members, will approve final plats based on a complete application.

Infrastructure and Standards:

Mrs. MacDonald emphasized the importance of the city's existing code in ensuring proper infrastructure and noted that new standards are being developed to further enhance these provisions. Infrastructure concerns, including drainage, water table issues, and other considerations, are addressed through the city's strengthened and evolving standards.

Decision-Making Authority:

The proposed changes aim to streamline the approval process, providing more administrative decision-making authority to staff members. Mrs. MacDonald highlighted the importance of having strong codes, and any desired policy changes should be addressed within the code framework.

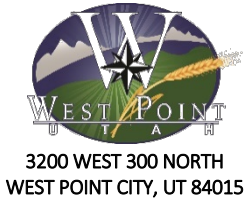
During the discussion, the Council raised questions about specific details, such as the role of the committee for final plat approvals and the extent of the City's authority in enforcing standards. The Council expressed concerns about potential challenges in relying solely on administrative decisions, emphasizing the importance of robust codes and continuous review of policies to address emerging issues. Mrs. MacDonald and the Council engaged in a thorough conversation to clarify these aspects. The Council expressed a desire to maintain proactive involvement in policy updates and to ensure the city's standards are comprehensive and resilient.

At the next meeting, Boyd Davis will cover additional public works standards and infrastructure considerations in the proposed amendments. The Council will have opportunity to continue discussion on the proposed code over the next several meetings before holding a public hearing and considering final approval.

**6. Other Items**

No other items were discussed.

The Administrative Session adjourned.



**WEST POINT CITY COUNCIL  
MEETING MINUTES  
WEST POINT CITY HALL  
October 17<sup>th</sup>, 2023**

**Mayor**  
Brian Vincent  
**City Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Annette Judd  
Michele Swenson  
Brad Lee  
**City Manager**  
Kyle Laws

**General Session**  
**7:00 PM**

Minutes for the West Point City Council General Session held on October 17<sup>th</sup>, 2023, at 7:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 844 2519 8755 at <https://zoom.us/join> or by telephone at (669) 900-6833.

**MAYOR AND COUNCIL MEMBERS PRESENT:** Mayor Brian Vincent, Council Member Gary Petersen, Council Member Annette Judd, Council Member Michele Swenson, and Council Member Brad Lee

**EXCUSED:** Council Member Jerry Chatterton

**CITY EMPLOYEES PRESENT** Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

**EXCUSED:** None

**VISITORS PRESENT:** Ricci Galvan, Gabe Galvan, Karen Moore, Brad Phillips and Joelle Caruso. No sign-in required for those attending virtually.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer or Inspirational Thought** – Given by Council Member Swenson
4. **Communications and Disclosures from City Council and Mayor**

Council Member Swenson – A few citizens have reached out to her about issues related to the trails, specifically in regards to electric bikes, motorbikes, and other similar vehicles. She was unsure whether this would be under the jurisdiction of the Davis County Sheriff's Office to regulate or under the purview of the City as it is our trail system.

Council Member Judd – None

Council Member Petersen – Thanked all those who attended the North Davis Fire District's Open Houses held earlier in the month. They had record attendance and everybody seemed to have a lot of fun. He thanked the NDFD for the work that they do and service that they provide to our community.

Council Member Lee – Provided a detailed update on West Nile testing for 2023, highlighting Davis County's leading position in the number of mosquitoes trapped and tested. He shared statistics, stating that out of 2,272,000 mosquitoes trapped, 379,307 were tested, resulting in 49 positive test pools. The overall positive rate for Davis County was reported to be 1.1%. Council Member Lee commended the mosquito abatement efforts and mentioned the approval of a new spray for the upcoming year. He also discussed residents' ability to request mosquito spraying for events and provided insights into the factors influencing mosquito activity, concluding with information about the conclusion of their regular spraying and the possibility of additional sprays for specific events or areas.

Mayor Vincent – The Mayor provided a brief update on the sewer line project along the causeway, stating that it is 96% complete. He highlighted the significant cost savings for the district and residents by discharging the sewer to Gilbert Bay instead of following the processes other sewer districts in the state are currently undergoing. The Mayor expressed satisfaction with the progress of the project, emphasizing its long-term benefits.

**5. Communications from Staff**

Mr. Laws stated that next Wednesday, October 25<sup>th</sup>, City Hall will be open for a Candidate Meet & Greet Event from 6 PM – 8 PM for residents to come in and talk with the candidates running for City Council. The Annual Halloween Carnival sponsored by the Miss West Point Royalty.

**6. Citizen Comment**

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated that in regards to Council Member Swenson’s comment about motorized vehicles on the trails, they are not just an issue on the trails but also at the parks as well. She has tried to get drivers’ attention to let them know they are not allowed, but she is just a resident and not the police. She suggested putting something in the newsletter or on social media to remind people that motorized vehicles are not allowed at the parks or at the school. In regards to the dance studio being discussed in the Administrative Session, Shaw Dance studios on 1800 N is a metal building and it is very professional. This metal building will look nice and still look rural. She states she has also heard about the new legislation regarding development codes. She would like to know if the code can require the community development director to approve development agreements, and if not, the where in the code can the city “hand-tie” developers? Because thinking about all the give and take that has been done through development agreements in the past has brought some good things to the city. Also, there is a sliver of property on 800 N 4500 W that the Stoddard family is wanting to sell and a developer is wanting to build storage units there. She would like to suggest that the city purchase that property and create a dog park. This land is always wet and has drainage issues. The city does not have a dog park, but we have them in our parks or at the school all the time and people take them there with no leashes. This might be another good thing to remind residents of.

**7. Consideration of Approval of the Minutes from the December 20, 2022 West Point City Council Meeting**

Council Member Judd motioned to approve the minutes from the December 20, 2022 West Point City Council Meeting  
Council Member Swenson seconded the motion  
The Council unanimously agreed.

**8. Consideration of Approval of the Minutes from the March 7, 2023 West Point City Council Meeting**

Council Member Lee motioned to approve the minutes from the March 7, 2023 West Point City Council Meeting  
Council Member Swenson seconded the motion  
The Council unanimously agreed.

**9. Consideration of Approval of the Minutes from the August 29, 2023 West Point City Council Meeting**

Council Member Lee motioned to approve the minutes from the August 29, 2023 West Point City Council Meeting  
Council Member Judd seconded the motion  
The Council unanimously agreed.

**10. Consideration of Approval of Resolution No. 10-17-2023A, Approving a Coronavirus State and Local Fiscal Recovery Funds Subaward Agreement with Davis County – Mr. Boyd Davis**

Mr. Davis stated that this agreement is in regards to the Sewer Expansion Project northwest of the City. This agreement grants \$22 million from Davis County to West Point City for the construction of the sewer system and purchase of properties for the lift stations. The funding source is the State and Local Fiscal Recovery Funds (SLFRF) which are federal funds administered by the County.

This item was discussed earlier in tonight’s Administrative Session and the Council had no further discussion.



Council Member Petersen motioned to approve Resolution No. 10-17-2023A  
Council Member Swenson seconded the motion  
The Council unanimously agreed.

**11. Consideration of Approval of Ordinance No. 10-17-2023A, Creating the Limited Commercial Zone – Mrs. Bryn MacDonald**

Mrs. MacDonald presented the proposal to create a new limited commercial zone, primarily motivated by requests for the addition of vehicle repair businesses such as Big O Tire and Oil Changers. The Planning Commission recommended the creation of a new zone instead of incorporating it into existing commercial zones. The limited commercial zone mirrors neighborhood commercial zone standards, including building, setbacks, and landscaping requirements. The only permitted use in this new zone is limited vehicle repair, and the proposal adds this use as a conditional use in the table. The presentation also highlighted the addition of architectural requirements that were omitted in the previous code, reinstating them for all zones, including the LC zone. The creation of the limited commercial zone aims to provide a targeted approach for specific types of businesses without affecting existing commercial zones.

The Mayor opened the item for public hearing.

**a. Public Hearing**

Joelle Caruso -457 N 3650 W: Ms. Caruso expresses concerns and sought clarification regarding the proposed limited commercial zone. She found the information in the packet somewhat confusing, particularly about the zone not being specified in the general plan. Ms. Caruso questioned the process of determining where the new zone would be located once approved and how it would impact other areas. She pointed out the rapid creation of the limited commercial zone to accommodate specific developers, contrasting it with the lack of progress on issues such as creating a zone between R3 and R4, which has been discussed for years. Additionally, Ms. Caruso raised questions about the distinction between neighborhood commercial and community commercial. He referenced previous information stating that neighborhood commercial businesses typically operated with normal business hours to maintain a residential feel at night. However, she noted conflicting information in the current proposal, suggesting more frequent use. She sought clarification on the differences between neighborhood and community commercial zones.

Council Member Lee motioned to close the public hearing  
Council Member Petersen seconded the motion  
The Council unanimously agreed.

**b. Action**

Council Member Swenson inquired as to whether applying for a limited commercial zone required a general plan amendment. Mrs. MacDonald clarified that the intention of creating the limited commercial zone was to restrict and limit its use, serving as a gatekeeper for specific purposes rather than accommodating particular businesses.

The Council reiterated the purpose of the limited commercial zone and that it was not intended to be on the general plan until a specific use for it was identified, therefore allowing proposals for the zone to be evaluated on a case-by-case basis.

Council Member Petersen motioned to approve Ordinance No. 10-17-2023A  
Council Member Swenson seconded the motion

Roll Call:

Council Member Lee: Aye

Council Member Chatterton: Absent

Council Member Petersen: Aye

Council Member Judd: Aye

Council Member Swenson: Aye

The Council unanimously agreed

**12. Motion to Move into a Closed Session**

Council Member Lee motioned to move into a closed session  
Council Member Swenson seconded the motion  
The Council unanimously agreed.

**Closed Session**

**1. Motion to Open Closed Session**

Council Member Lee motioned to open the Closed Session  
Council Member Swenson seconded the motion  
The Council unanimously agreed

**2. Call to Order and Roll Call**

Mayor Brian Vincent called the October 17, 2023 Closed Session to order

Roll Call –

Mayor Brian Vincent  
Council Member Gary Petersen  
Council Member Annette Judd  
Council Member Michele Swenson  
Council Member Brad Lee

Kyle Laws, City Manager  
Boyd Davis, Assistant City Manager  
Casey Arnold, City Recorder / HR Manager

**3. Closed Discussion Regarding the Purchase of Real Property, Pursuant to UCA §52-4-205(1)(d)**

**4. Motion to Adjourn the Closed Session and Enter the General Session**

Council Member Petersen motioned to adjourn the closed session and enter the General Session  
Council Member Lee seconded the motion  
The Council unanimously agreed

**13. Motion to Adjourn the General Session**

Council Member Swenson motioned to adjourn  
Council Member Judd seconded the motion  
The Council unanimously agreed.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024:

\_\_\_\_\_  
BRIAN VINCENT, MAYOR

\_\_\_\_\_  
CASEY ARNOLD, CITY RECORDER



3200 WEST 300 NORTH  
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL**  
**MEETING MINUTES**  
WEST POINT CITY HALL  
**December 5<sup>th</sup>, 2023**

**Mayor**  
Brian Vincent  
**City Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Annette Judd  
Michele Swenson  
Brad Lee  
**City Manager**  
Kyle Laws

**Administrative Session**

**5:30 PM**

Minutes for the West Point City Council Administrative Session held on December 5<sup>th</sup>, 2023, at 5:30 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 833 7541 1264 at <https://zoom.us/join> or by telephone at (669) 900-6833.

**MAYOR AND COUNCIL MEMBERS PRESENT:** Mayor Brian Vincent, Council Member Michele Swenson, Council Member Jerry Chatterton, and Council Member Brad Lee

**EXCUSED:** Council Member Gary Petersen and Council Member Annette Judd

**CITY EMPLOYEES PRESENT:** Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

**EXCUSED:** None

**VISITORS PRESENT:** Erik Craythorne, MeChel Bauer, and Trent Yarbrough. No sign-in required for those attending virtually.

**1. Discussion Regarding an Interlocal Agreement Regarding Shared Position of Emergency Preparedness Coordinator – Mr. Kyle Laws**

Mr. Laws discussed the proposal for an interlocal agreement regarding the shared position of Emergency Preparedness Coordinator among Clearfield, Clinton, and West Point. The objective was to create a shared emergency manager position, complying with State Code requirements for each city to have an emergency manager, and addressing challenges faced by smaller cities in supporting a part-time role. The position would be hosted by Clearfield, providing office space, but responsibilities, decisions, and budget considerations would be shared among the three cities.

Mr. Laws informed the Council that concerns raised in previous discussions had been resolved, incorporating feedback from legal counsel. The presented draft of the interlocal agreement was considered final unless further issues arose.

Questions were raised about budget considerations, and it was clarified that the budget would be shared among the cities based on a percentage breakdown, with the expectation of integrating the emergency coordinator into each city's operations, including face-to-face interactions with staff.

The Council expressed satisfaction and comfort with the proposal, and Mr. Laws was thanked for his work on the significant initiative. The plan was to have the agreement on the agenda for approval at the next meeting. Clearfield City is expected to adopt it at their upcoming council meeting, and Clinton at a meeting in the near future.

**2. Discussion Regarding the Final Plat for Whiteside's Place Subdivision – Mrs. Bryn MacDonald**

Mrs. MacDonald presented the final plat for Whiteside's Place Subdivision, which is located east of the junior high. The property had been rezoned a few months earlier, accompanied by a development agreement. The development is comprised 43 lots and an open space potential pond, maintaining the same plan as previously presented. Mrs. MacDonald highlighted a minor adjustment in Lot 143 due to efforts to eliminate driveways on 300 N.

The development agreement included specifications on minimum home size and architectural requirements, offering options for brick or stone and hardy-board. Mrs. MacDonald emphasized the adherence to lot size and other requirements while maintaining a density lower than the maximum allowed.

Questions from the Council addressed driveway locations, road connections, and safety considerations near the junior high. Mrs. MacDonald confirmed that the proposed plan met standards and regulations.

The Council expressed approval and indicated that the Final Plat would be on the agenda for the upcoming meeting, with no major concerns raised during the discussion.

**3. Discussion Regarding the Final Plat for Bennett Century Farms Phase 3 Subdivision – Mrs. Bryn MacDonald**

Mrs. MacDonald presented the Final Plat for Bennett Century Farms Phase 3 Subdivision to the City Council, highlighting that this phase is a part of the recent rezoning for the entire subdivision, and is subject to the development agreement that was approved at the time of the rezone. Phase 3 is consistent with the architectural standards and other requirements of that development agreement. This phase consists of 23 lots ranging from 10,000 to 19,000 square feet. The concept plan was slightly adjusted during the Planning Commission review phase to incorporate three additional lots and combine detention ponds into one centralized location. Mrs. MacDonald clarified the layout, emphasizing that Phase 3 covered the top half of the area closer to the Kirkman's property. The Planning Commission had already approved the revised plan.

The Council had no further questions or concerns about Phase 3 and will consider approval of the plat at the next meeting.

**4. Discussion Regarding an Impact Fee Reimbursement for the Bennett Century Farms Phase 3 Subdivision – Mr. Boyd Davis**

Mr. Davis stated that part of the engineering aspect of Phase 3 involved the piping of the ditch along 1300 North, encompassing both Phase 3 and Phase 4. The ditch served as both storm drain and irrigation, and the proposed 36-inch pipe project was part of the impact fee facilities plan, listed as project number nine, and is eligible for reimbursement. The estimated total cost is \$442,000, with 80% deemed eligible for impact fees, amounting to \$354,000. However, they are only building 55% of the initially planned project, equating to a reimbursement request of \$194,000.

The Council discussed options for reimbursement, including upfront lump sum payment, a lump sum upon project completion, or installment payments. The agreement details would be presented at the next meeting for Council approval, in conjunction with approval of the Final Plat for Phase 3. The project was expected to commence in four to six weeks.

The Council agreed that the project was appropriate for impact fee reimbursement and will continue the discussion about the details of the agreement as it considers final approval at the next meeting.

**5. Discussion Regarding the Davis County Animal Care Code – Mr. Boyd Davis**

Mr. Davis presented proposed changes to West Point City's Animal Care Code, aligning it with Davis County Animal Care's updated code. The objective is to streamline regulations across the county and enhance uniformity. Previously, the city funded animal care services through a fee system, but now, with a direct property tax allocation to the county, adopting the county's code seems more practical. Several key changes were discussed:

- Pet Limits: West Point allows two dogs and five cats, while Davis County permits three total animals, with flexibility in the combination of dogs and cats.
- Trapping of Cats: West Point prohibits trapping cats, whereas Davis County allows it to control feral cat populations through spaying, neutering, and release programs.
- Small Animals Limit: West Point sets a limit of six small animals (e.g., hamsters, parakeets), which the county doesn't address. This rule is deemed challenging to enforce and may be removed.
- Kennel Permits: West Point has been issuing conditional use permits for kennels but may shift the responsibility to Davis County to license and regulate kennels, reducing confusion.

- Sidewalk Restriction: West Point prohibits animals on sidewalks, aside from leashed pets. The county has no similar provision. This rule could be deleted, as it poses minimal enforcement challenges.

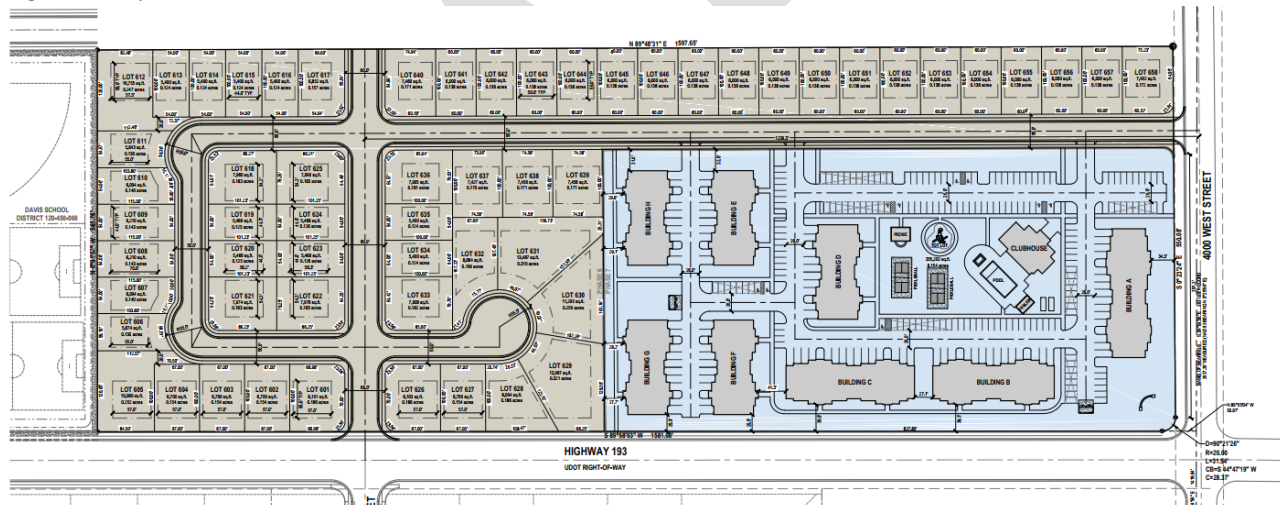
Council Members discussed each proposed change, expressing concerns about pet limits and gathering information on kennel permits. Ultimately, they expressed general agreement with adopting the county code and deleting West Point's exceptions to meet the goal of simplifying regulations, improving coordination and consistency with the County, and ensuring effective animal care services. A public hearing was set for the next meeting, after which the Council will consider approval of the ordinance approving the amendments.

**6. Discussion Regarding a General Plan Amendment Application for Property at 4100 W 400 S – Mrs. Bryn MacDonald**

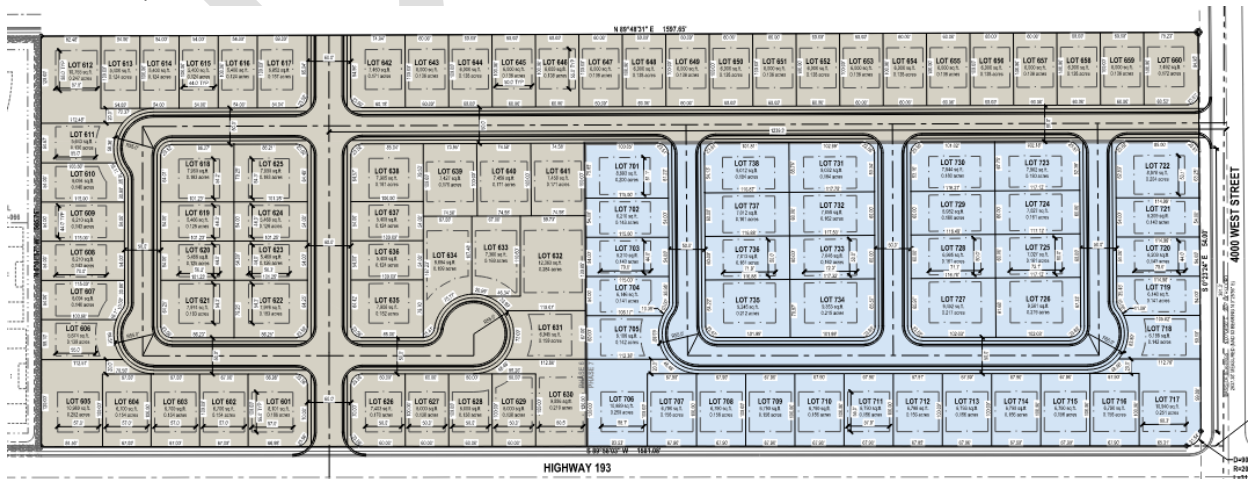
Mrs. MacDonald stated the property being considered contains two separate parcels, consisting of 15.55 acres and 5.30 acres, for a combined area of 20.85 acres located near the future interchange off Cold Springs Road, north of SR-193 and east of the new elementary school. The area currently has a general plan designation of R-2 (2.7 units per acre), which would allow 57 total units.

The original proposal had 12.7 acres as R-4 (8 units per acre), consisting of 58 single-family dwellings. This area would have a density of 4.56 units per acre, which is under the max density of 8 units per acre. The other 8.15 acres requested the R-5 zone (20 units per acre), with 160 multi-family apartments and a density of 19.63 units per acre. The entire proposed density would be 10.45 units per acre and a total of 218 units. However, on November 20, 2023, the applicant submitted a revised request and concept plan. They are now asking for R-4 on the entire property. The revised plan shows 98 single family lots, with an overall density of 4.7 units per acre. The lots range in size from 5,468 to 10,960 square feet.

Original Concept Plan:



Revised Concept Plan:



Eric Craythorne, representing the applicant, addressed the Council. He shared insights into the historical context of the land, highlighting its transformation from being considered worthless due to drainage issues to its current relevance in the city's development plans; the property's location, adjacent to a future interchange and near a new elementary school, makes it a prime spot for development. He stressed the importance of cultivating a commercial tax base and explained that the decision to move forward with the proposed development was made with the city's long-term interests in mind.

Mr. Craythorne also discussed the concept of the missing middle in housing options, referring to the gap between single-family homes and larger multi-unit developments. He emphasized the need for more diverse housing options, including smaller lots and affordable housing, to cater to different demographics within the community.

The proposed development includes smaller lots, ranging from 1,400 to 1,800 square feet. Mr. Craythorne noted that the starting price for these houses would likely be around \$450,000, leading to a discussion about the definition of affordable housing and the challenges of achieving it in the current market.

Regarding the development plan, the Mr. Craythorne indicated a phased approach, with the first phase focusing on smaller lots near the new elementary school. The intention is to observe market demand and adjust the plan accordingly in subsequent phases. He expressed optimism about the proposed development's potential to address the missing middle and contribute to the City's commercial tax base.

During the discussion, Council Members appreciated the applicant's response to feedback received and submitting a new concept plan of rezoning the entire property to R-4, allowing flexibility in responding to market demands. Concerns were raised about the potential impact on school capacities and traffic. Mrs. MacDonald reassured the Council that the proposed development aligns with the City's Transportation Master Plan, emphasizing that the infrastructure, especially the roads, can support the proposed changes.

In conclusion, the Council acknowledged the challenges and benefits of the proposed plan, recognizing the need for a balanced approach to address housing diversity, commercial development, and community concerns. They reiterated the Council's commitment to strategic and sustainable growth while considering the well-being of current and future residents.

#### **7. Discussion Regarding Amendments to the Subdivision Code & Public Works Standards – Mrs. Bryn MacDonald**

Mrs. MacDonald and Mr. Davis presented updates to the City Council regarding amendments to the Subdivision Code and Public Works Standards. Mrs. MacDonald explained that they are proposing to repeal and replace the City's current Subdivision Code in order to comply with state law and update processes.

Highlights of the proposed changes include the following key points:

- **Code Replacement and Compliance:**

The entire Subdivision Code is undergoing a repeal and replacement process to align with state law requirements. The update aims to comply with state laws and enhance existing processes within the subdivision code.

- **Elimination of Concept Plan Requirement:**

The current code's requirement for a concept plan as part of the subdivision process is being eliminated. State code changes prohibit the mandatory inclusion of a concept plan, and a pre-application meeting is now only possible if the applicant specifically requests it.

- **Land Use Authority Clarification:**

Emphasis was placed on the need to clarify the land use authority for each application. Staff will be responsible for approving final blocks, and detailed discussions were held on designating the Community Development Director and City Engineer for final plat approval.

- **Introduction of Checklists:**

Detailed checklists for both preliminary and final plats have been introduced to outline submission requirements and timelines. The checklists play a crucial role in adhering to state code timelines for plan reviews.



- **Timelines and Reviews:**

State code timelines were highlighted, including a 15-day requirement for a pre-application meeting, 15 days for preliminary plat review by Planning Commission, and a maximum of four reviews within 15 days each for final plat approval. The importance of complete applications, as indicated by the checklist, was emphasized to trigger the start of the review process.

- **Private Streets and Road Standards:**

Discussions centered on private streets and the determination of when and where they are required.

Consideration was given to the standards for private roads, especially in multifamily developments like townhouses or apartments.

- **Driveway Spacing and Measurements:**

Specific changes were made to driveway spacing regulations, considering exceptions granted by the Planning Commission.

Measurement standards were modified to specify that spacing shall be measured from the center of the right of way for streets and from the edge of pavement in driveways.

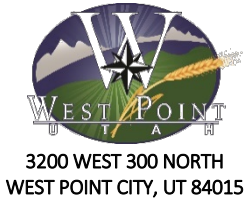
Concerns were addressed regarding the land use authority for final plat approval, with suggestions to designate the Community Development Director and City Engineer for the approval process.

The Council discussed the proposed changes and set a public hearing for the next meeting. After the public hearing, the Council will continue the discussion as it considers approval of the code amendments.

## **8. Other Items**

No other items were discussed.

The Administrative Session adjourned.



**WEST POINT CITY COUNCIL  
MEETING MINUTES  
WEST POINT CITY HALL  
December 5<sup>th</sup>, 2023**

**Mayor**  
Brian Vincent  
**City Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Annette Judd  
Michele Swenson  
Brad Lee  
**City Manager**  
Kyle Laws

**General Session**

**7:00 PM**

Minutes for the West Point City Council General Session held on December 5<sup>th</sup>, 2023, at 7:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 844 2519 8755 at <https://zoom.us/join> or by telephone at (669) 900-6833.

**MAYOR AND COUNCIL MEMBERS PRESENT:** Mayor Brian Vincent, Council Member Michele Swenson, Council Member Jerry Chatterton, and Council Member Brad Lee

**EXCUSED:** Council Member Gary Petersen and Council Member Annette Judd

**CITY EMPLOYEES PRESENT** Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

**EXCUSED:** None

**VISITORS PRESENT:** MeChel Bauer, Trent Yarbrough, Katie & Chip Gabbitas, Landon Gregg, Brecken Malloy, Diana Medina, Jen Hill, Kristin Milius, Annette Nussbaum, Trent Brown, Jason Nelson, Derrick Hawkins, Brittany Montoya, Melissa Hawkins. No sign-in required for those attending virtually.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer or Inspirational Thought** – Given by Council Member Chatterton
4. **Communications and Disclosures from City Council and Mayor**

Council Member Swenson – None

Council Member Chatterton – Commended the Recreation Department for their outstanding management of senior luncheons and programs. He highlighted the shift from catering the meal to home-cooked meals prepared by Staff and volunteers at City Hall. He feels that these monthly meals provide seniors with a valuable opportunity to reflect on West Point, fostering a sense of community and allowing for meaningful one-on-one interactions that were previously limited. He expressed gratitude to the Recreation Department for their efforts in enhancing the senior citizen programs in West Point.

Council Member Lee – Shared information from his position on the Board of the Mosquito Abatement District Davis, and emphasized the important work that the district does in Davis County. He stated that millions of mosquitoes are eradicated to enhance the quality of life for residents, joking that, "we kill millions of mosquitoes so you can enjoy only thousands." He then drew attention to the more severe situation in Colorado, where they had 590 cases of West Nile virus, 45 human deaths, and 64 deaths in horses attributed to the virus. There have been no reported cases in Davis County. Despite occasional complaints about mosquitoes, he reminded the audience of the critical role mosquito abatement plays in preventing diseases and ensuring public health.

Mayor Vincent – Provided an update on the causeway pipeline project, stating that work has been ongoing through these colder months. He informed the audience that the pipeline installation is completed, and the causeway should be open, although a final paving will be scheduled for a warmer time. He highlighted the progress made in the construction project and anticipated improvements in our infrastructure.

5. **Communications from Staff**

Mr. Laws stated that the Annual Child Remembrance Ceremony will be held the following evening at the cemetery. This is a special event held each year on December 6<sup>th</sup> at the Angel of Hope statute and provides an opportunity to honor and remember children (whether in our cemetery or not) that have passed on.

The next monthly Senior Lunch will be held next Tuesday, December 12<sup>th</sup>. He encouraged those wanting to attend to RSVP as soon as possible to get on the list.

The Cemetery Luminary will be held on Friday, December 22<sup>nd</sup>. This is another neat event at the cemetery where luminaries are placed on each headstone and stay lit throughout the night. Those wanting to help fill and place the bags and light the candles are asked to come at 4 PM that afternoon. He encouraged everyone to take the time to visit the cemetery that evening, because it is a special site to see all of the luminaries glowing.

Mr. Laws also stated that he has a bit of “insider information” he has been authorized to share regarding the West Davis Corridor. The project is complete and they are planning a Grand Opening for January 6<sup>th</sup>. This is an exciting project that was completed ahead of schedule and is a great thing for our area.

## 6. Citizen Comment

MeChel Bauer – 4045 W 475 S: In regards to the Craythorn Homestead concept plan (4100 W 400 S) discussed in tonight’s Administrative Session, Ms. Bauer stated that the new proposal with the apartments removed was received more positively by surrounding residents. It seems like the removal of the apartments was a “happy medium” and single-family housing will better serve the community at this location, especially being so close to the elementary school. She stated that she understands the need for commercial development, and wants the Council to know there is some support for that, but hopes that the city and residents that live in that area can work together to come up with a good plan. There was a previous proposal on the northeast corner on 4000 W and SR-193 for apartments, and she feels like that is a better area for such high-density housing as it is farther away from current homes, but still close enough to access the commercial area that was part of the small area market study and plan.

## 7. Youth Council Update

None

## 8. Recognition of the West Point Titans WFFL Mini-Bowl Championship Teams – Mayor Brian Vincent

The Mayor announced the Mitey Mites and Sr. Pee Wee teams as WFFL Mini-Bowl Champions. He acknowledged the football team’s achievements and recognized the coaches’ dedication over the years, mentioning a coach who had been involved since 2005 and was now coaching his grandson. The Mayor emphasized the commitment, dedication, and sacrifice required to be a coach, expressing appreciation for the coaches’ efforts. The Mayor then invited the coaches to come forward for individual recognition, presenting certificates to each and shaking hands with them.

### Mitey Mites

Coaches:

Head Coach – Blake Ross

Assistant – Dusty Putnam

Assistant – Micah Zabriskie

Assistant – Jason Nelson

Assistant – Colby Brown

Players:

#1 Brendon Clayton

#2 Cash Lauro

#3 Trip Brown

#4 Eli Zabriskie

#7 Knox Ross

#10 Kameron Kiesz

#11 Paetyn Montoya

#12 Kendrik Kelly

#13 Aydrian Martinez

#14 Benicio Sotelo

#15 Lukas Keller

#17 Ammon Parker

#21 Taysom Nelson

#25 Daxton Milius

#26 Xavien Putnam

#28 Lyndon Lemieux

#31 Irvin Mozqueda

#33 Levi Collins

#54 Jexxen Brown

#99 D'Angelo Martinez

#00 Reid Atkinson

**Sr. Pee Wee**

Coaches:

Head Coach – Joey Hill

Assistant – Brad Wojciechowski

Assistant – Chance Russell

Assistant – Randy Tobler

Assistant – Tyler Britt

Assistant – Chris Falk

Players:

#1 Cache Bitton

#2 Nikellias Hernandez

#3 Christian Medina

#4 Eric Falk

#6 Breymen Russell

#7 Teegan Young

#8 Cannon Lauro

#9 Kyler Hunter

#10 Mason Wojciechowski

#11 Ridge Britt

#13 Jeremy Weston

#16 Bairo Rivas

#17 David Nussbaum

#22 Mason Dahl

#25 Brecken Malloy

#30 Jackson Benoit

#32 Landon Gregg

#33 Teagan Tobler

#37 Chip Gabbitas

#41 Oliver Robins

#42 Callen Chugg

#47 Easton Hawkins

#87 Ty Rypien

#90 Asher Patterson

#98 Matt Rogers

#99 Sawyer Brady

**9. Consideration of Approval of the Minutes from the April 4<sup>th</sup>, 2023 West Point City Council Meeting**

Council Member Chatterton motioned to approve the minutes from the April 4, 2023 West Point City Council Meeting

Council Member Swenson seconded the motion

The Council unanimously agreed.

**10. Consideration of Approval of the Minutes from the May 2<sup>nd</sup>, 2023 West Point City Council Meeting**

Council Member Lee motioned to approve the minutes from the May 2, 2023 West Point City Council Meeting

Council Member Chatterton seconded the motion

The Council unanimously agreed.

**11. Consideration of Approval of the Minutes from the May 16<sup>th</sup>, 2023 West Point City Council Meeting**

Council Member Swenson motioned to approve the minutes from the May 16, 2023 West Point City Council Meeting

Council Member Lee seconded the motion

The Council unanimously agreed.

**12. Consideration of Approval of the Minutes from the June 6<sup>th</sup>, 2023 West Point City Council Meeting**

Council Member Chatterton motioned to approve the minutes from the June 6, 2023 West Point City Council Meeting

Council Member Lee seconded the motion

The Council unanimously agreed.

**13. Consideration of Approval of the Minutes from the July 18<sup>th</sup>, 2023 West Point City Council Meeting**

Council Member Lee motioned to approve the minutes from the July 18, 2023 West Point City Council Meeting

Council Member Chatterton seconded the motion

The Council unanimously agreed.

**14. Consideration of Approval of Resolution No. 12-05-2023A, Approving the Real Estate purchase Agreement for Lift Station No. 2 – Mr. Boyd Davis**

Mr. Davis stated that this agreement is in regards to the Sewer Expansion Project in the area northwest of the City boundary. The purchase agreement is for the acquisition of a half-acre property for Lift Station No. 2, located at the northeast corner of 1925 North. The property is owned by the Fowers family and the purchase price is \$58,500, with an additional \$40,000 agreed upon for the costs to relocate an existing corral. Originally, the City was planning to pay a contractor to move the corral and had estimated the costs to do so to be about \$55,000 (which was included in the budget for the project). The Fowers asked if they could move it themselves and would charge the City only \$40,000. Staff agreed to this, as it will save the city both money and hassle, and so it has been included as part of the agreement.

The Council had no further discussion.

Council Member Lee motioned to approve Resolution No. 12-05-2023A

Council Member Chatterton seconded the motion

The Council unanimously agreed.

**15. Consideration of Approval of Resolution No. 12-05-2023B, Approving the Easement Purchase Contract for Property Located at 1413 N 5000 W – Mr. Boyd Davis**

Mr. Davis stated that the new sewer line on 5000 West will cross the South Arm of the Howard Slough and will require reconstruction of the existing culvert. To have adequate room to do the construction it is necessary to purchase a temporary easement from Kirkman Farms, who owns the property adjacent to the culvert on the west side. The agreement is to purchase a 2,776 sq. ft. temporary easement. The owner has signed the purchase agreement. The total purchase amount is \$2,165.28.

The Council had no further discussion.

Council Member Swenson motioned to approve Resolution No. 12-05-2023B

Council Member Chatterton seconded the motion

The Council unanimously agreed.

**16. Consideration of Approval of Resolution No. 12-05-2023C, Approving the Interlocal Agreement with Davis County for the Sewer Expansion Project – Mr. Boyd Davis**

Mr. Davis stated that this agreement grants West Point City the authority to construct, own, and operate the sewer system in the County's unincorporated area outside the City's boundaries. The County Attorney reviewed the draft and asked for the removal of sections related to West Point City issuing building permits and zoning approvals. Instead, these responsibilities will be carried out by Davis County. Because the area has not been annexed into West Point and is still owned by the County, they must be the ones to issue the permits and approvals. However, they have agreed to waive permit fees.

The Council had no further discussion.

Council Member Chatterton motioned to approve Resolution No. 12-05-2023C

Council Member Lee seconded the motion

The Council unanimously agreed.

**17. Consideration of Approval of Remove Craythorn Homestead Phase 3 from Warranty – Mr. Boyd Davis**

Mr. Davis stated that the Craythorn Homestead Subdivision Phase 3 is located at 550 S Cold Springs Rd. It was placed on warranty on August 3, 2021 and has completed the required one-year warranty period. The developer is requesting that it be removed from warranty. An inspection of the improvements in the Subdivision was done in anticipation of the end of the warranty period. A punch list of items that needed to be repaired/replaced before the end of the warranty period was given to the developer. All the items listed on the punch list have been completed. Staff recommend that it be removed from warranty.

The Council had no further discussion.

Council Member Chatterton motioned to approve  
Council Member Swenson seconded the motion  
The Council unanimously agreed.

**18. Consideration of Approval to Remove the Westlake Estates Subdivision Phase 2 from Warranty – Mr. Boyd Davis**

Mr. Davis stated that the Westlake Estates Subdivision Phase 2 is located at 1000 N 5000 W. It was placed on warranty on November 1, 2022 and has completed the required one-year warranty period. The developer is requesting that it be removed from warranty. An inspection of the improvements in the Subdivision was done in anticipation of the end of the warranty period. A punch list of items that needed to be repaired/replaced before the end of the warranty period was given to the developer. All the items listed on the punch list have been completed. Staff recommends that it be removed from warranty.

Council Member Swenson motioned to approve  
Council Member Chatterton seconded the motion  
The Council unanimously agreed.

**19. Consideration of Approval to Place the Wildfire Estates Subdivision Phase 3 on One-Year Warranty – Mr. Boyd Davis**

Mr. Davis stated that the Wildfire Estates Subdivision is located at 50 S 4500 W. The developer has completed all the required improvements in phase 3, with exception of the sidewalk and slurry seal, and is now asking that the subdivision be placed on a one-year warranty. The subdivision has been inspected to ensure all the required improvements have been completed and are in good condition prior to beginning the warranty period. The subdivision will be placed on a one-year warranty as required by the State Code. The required guarantee amount will be retained in escrow for the duration of the warranty period.

The Council had no further discussion.

Council Member Lee motioned to approve  
Council Member Chatterton seconded the motion  
The Council unanimously agreed.

**20. Public Hearing Regarding a Request to Rezone Property at 340 N 2000 W from N-C and R-3 to the L-C Zone – Mrs. Bryn MacDonald**

Mrs. MacDonald presented the request to rezone the property located at 340 N 2000 W from N-C (Neighborhood Commercial) and R-3 (Residential) to the L-C (Limited Commercial) zone. The applicant aims to change it to L-C, which permits limited vehicle services and repairs, and build an "Oil Changers" business on the property. In a recent work session, the City Council discussed this particular property and concluded that the proposed rezone is consistent with the intent of the General Plan and that an amendment was not necessary since the property is adjacent to existing commercial properties.

The Planning Commission will review the site plan in their upcoming meeting, and Mrs. MacDonald recommended holding a public hearing at the City Council meeting on the rezone, but delaying actual approval until the site plan and development agreement are presented and ready to be approved. The public hearing will be part of that decision process. Mrs. MacDonald confirmed for the applicant that waiting to approve the rezone will not delay the approval process for the project.

The Mayor opened the item for public hearing.

No comments received.

Council Member Lee motioned to close the public hearing  
Council Member Chatterton seconded the motion  
The Council unanimously agreed.



**21. Motion to Adjourn the General Session**

Ms. Arnold reminded the Council of the special meeting scheduled for the following day (Wednesday, December 6<sup>th</sup> at 5 PM) to approve the General Election Canvass results. She added that she was informed earlier in the day from the Davis County Clerk that there was actually a tie between two candidates. State Code says that a tie shall be determined “by lot” (coin toss, drawing of straws, etc.). As such, the agenda for the meeting has been amended to include an item after the canvass is approved to determine the winning candidate. The two candidates, Jeremy Strong and Jerry Chatterton, have been notified and will be in attendance at the meeting, as required.

Council Member Chatterton motioned to adjourn  
Council Member Lee seconded the motion  
The Council unanimously agreed.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024:

\_\_\_\_\_  
BRIAN VINCENT, MAYOR

\_\_\_\_\_  
CASEY ARNOLD, CITY RECORDER

DRAFT