



West Point City Council Notice and Agenda (Amended)

West Point City Municipal Center
3200 West 300 North
West Point City, UT 84015

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Roger Woodward
City Manager
Kyle Laws

August 6, 2013

ADMINISTRATIVE SESSION

6:00 pm – Council Room

1. FY2014 Budget Discussion – Mr. Kyle Laws

GENERAL SESSION

7:00 pm – Main Council Chamber

1. Call to Order
2. Pledge of Allegiance
3. Prayer. (Please 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. (If you wish to make comment to the Council, please use the podium and clearly state your name and address, keeping your comments to a maximum of 2 ½ minutes. Please 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. Resolution No. 08-06-2013A, Award Bid for 300 North Sidewalk Project – Mr. Boyd Davis
9. Appointment of Administrative Services Director, Evan Nelson – Mr. Kyle Laws
10. Resolution No 08-06-2013B, Consideration of Adoption of the FY2013 Property Tax Rate for West Point City – Mr. Kyle Laws
 - a. Public Hearing
 - b. Action
11. Ordinance No 08-06-2013A, Adopting the FY2014 Budget for West Point City and All Related Agencies – Mr. Kyle Laws
 - a. Public Hearing
 - b. Action
12. Ordinance No 08-06-2013B, Consideration of Amending Section 12.15.070 of the West Point City Code, the Sale of Burial Rights – Mrs. Misty Rogers
 - a. Public Hearing
 - b. Action
13. Resolution 08-06-2013C Consideration of a Resolution Declaring the Intent of West Point City to Reclaim Unused Cemetery Plots purchased over 60 years as found in Utah State Code, §8-5-6 – Mrs. Misty Rogers
 - a. Public Hearing
 - b. Action
14. Adoption of Minutes from the July 16, 2013 Council Meeting – Mrs. Misty Rogers
15. Motion to Adjourn

Posted and dated this August 1, 2013

MISTY ROGERS, CITY RECORDER

If you plan to attend this meeting and, due to disability, will need assistance in understanding or participating therein, please notify the City at least eight hours prior to the meeting and we will seek to provide assistance.

TENTATIVE UPCOMING ITEMS

Date: 8/20/2013

Administrative Session

1. Fourth of July Wrap-up – Mrs. Jolene Kap
2. Consideration of Approval for Bartholomew Lane Phase 3 – Mr. Boyd Davis
3. City Council Mid-term Vacancy Interviews

General Session

1. Appointment of New West Point City Council Member – Mayor Craythorne
2. West Davis Corridor Update, Draft EIS Report – Randy Jefferies
3. Resolution No 08-20-2013A, Consideration of an Interlocal Agreement with UDOT for Construction of 300 North Sidewalk – Mr. Boyd Davis

Date: 9/3/2013

Administrative Session

1. Discussion of Fence Ordinance – Mr. Boyd Davis

General Session

1. Award Bid for Loy Blake Park Restroom – Mr. Boyd Davis

Date: 9/17/2013

Administrative Session

General Session

Future Items

Administrative Session

1. Discussion of West Point City Fence Ordinance – Mr. Boyd Davis

General Session

- Consideration of the Removal of Yalecrest Estates Subdivision from Warranty – Mr. Boyd Davis
- Swearing in of Youth Council Members (October 15th)

West Point City 2013 Calendar

January
February
March
April
May
June
July
August

3 City Council-7pm
12 Planning Commission-7pm
16 Senior Lunch-11:30am
17 City Council-7pm
20 Cemetery Luminary-4pm
25-26 Christmas -Office Closed

January 2014
10-11 Council Retreat

1 Summer Party-5pm
6 City Council-7pm
8 Planning Commission-7pm
13 Primary Election 7:00 am – 8:00 pm
16 Senior Dinner-5:30pm
20 City Council-7pm
22 Planning Commission-7pm

September

2 Labor Day-Office Closed
3 City Council-7pm
4 Council/Staff Lunch-11:30am
11-13 ULCT Annual Convention
12 Planning Commission-7pm
16 Senior Lunch-11:30
17 City Council-7pm
26 Planning Commission-7pm

October

1 City Council-7pm
3 Cemetery Cleaning
10 Planning Commission-7pm
15 City Council-7pm
21 Senior Lunch-11:30am
24 Planning Commission-7pm
25 Halloween Carnival-7pm

November

5 Election Day
9 Flags on Veteran's Graves YC
11 Veteran's Day-Office Closed
14 Planning Commission-7pm
18 Senior Lunch-11:30am
19 City Council-7pm
28-29 Thanksgiving -Office Closed

December

6 Christmas Party-7pm
2 City Hall Lighting Ceremony-6:00 pm

City Council Staff Report

Subject: FY2014 Budget and Property Tax Rate
Author: Kyle Laws
Department: Administration
Date: August 6, 2013



BACKGROUND

Typically the City Council will adopt the final budget by June 22nd of each year. However, in the event that the City goes through the Truth in Taxation process, the budget approval deadline is delayed until August 17th. Because we are going through that process this year in order to maintain our existing property tax rate, the final budget will should be approved on or before August 17th.

ANALYSIS

Outstanding Issues

Property Tax Rate – We will be holding a public hearing during the General Session in anticipation of maintaining our existing property tax rate. Each year as part of the budget approval process, the Council approves several policies relating to revenues and taxation. One of those policies states:

*West Point City should seek to maintain a stable tax rate;
including maintaining the property tax rate when assessed values
increase.*

The assessed property values in West Point are increasing this year by nearly 8%. As a result, the Certified Property Tax Rate, which is set by the Auditor's Office, is proposed to change from 0.001111 to 0.001041. In accordance with the above stated policy, the City should seek to maintain the current rate of 0.001111. In order to do this, the City is required by State Law to go through a process called Truth in Taxation. This process outlines specific public notices and requires a public hearing. By maintaining the rate (0.001111) and not taking the Certified Rate (0.001041), the City's property tax revenues would increase by a total of \$21,294 for the year. The total revenue amount at those rates would change from \$316,676 at the Certified Rate to \$337,970 at the current rate. Additionally, this will delay the final approval of the FY2014 Budget. Unless otherwise directed, Staff will move forward with the Truth in Taxation process in order to maintain the current property tax rate.

Compensation Schedule – Attached is the FY2014 Pay Scale which shows the new pay ranges for each position in the City. This document reflects the changes previously discussed regarding the pay plan market study. All positions in the City currently fall within the appropriate range of this document.

RECOMMENDATION

Staff recommends that the Council take the following actions in the General Session:

1. Hold a public hearing and approve Resolution No. 08-06-2013A, adopting the existing property tax rate of .001111 for 2013.
2. Hold a public hearing and adopt the FY2014 budget by ordinance, which includes a compensation schedule for employees and elected officials.

SIGNIFICANT IMPACTS

There are no significant impacts at this time.

ATTACHMENTS

A – Resolution No. 08-06-2013A, adopting the property tax rate for 2013

B – Ordinance No. 08-06-22013A, adopting the FY2014 budget and compensation schedule

City Council Staff Report

Subject: 300 North Safe Sidewalk Bid Award
Author: Boyd Davis
Department: Community Development
Date: August 6, 2013



Background

Last year West Point was awarded funding from UDOT for a safe sidewalk project on 300 North from 1795 W to 1885 W. After talking to residents in the area and also to our public works department we found out that there is also a flooding problem in that same area due to the lack of curb and gutter. We went back to UDOT and asked if we could use the money to also install the curb and gutter. They agreed and also agreed to provide additional funding to cover the costs of the curb and gutter. We have opened bids and are ready to have the Council award the project to the lowest bidder.

Analysis

The original grant from UDOT was for \$47,000 which was split 25/75% between the City and UDOT respectively. UDOT has agreed to provide an additional \$30,000 in grant money to pay for this project. Of course, West Point is required to pay 25% of that amount. This amount is in our budget and we are comfortable recommending the approval of the inter-local agreement to accept the additional funds.

The low bidder on the project is Marsh Construction. We have done work with Marsh in the past on several different projects, including the 75 south reconstruction and sidewalks along 3000 West. We are very comfortable recommending that the bid be awarded to Marsh Construction for \$76,008.50. A bid tabulation is attached to this report.

Recommendation

Staff recommends that the Council approve resolution 08-06-2013 authorizing the Mayor to execute the inter-local agreement with UDOT for the additional funding.

Staff also recommends that the Council award the bid to Marsh Construction for \$76,008.50

Significant Impacts

None.

Attachments

Resolution 08-06-2013
Bid Tabulation

SAFE SIDEWALKS - SIDEWALK INSTALLATION PROJECT

DATE: 6/18/2013
ENGINEERS ESTIMATE



BID ITEM	DESCRIPTION	BID QUANTITY	BID UNIT	UNIT COST	TOTAL COST	MARSH CONSTRUCTION		ADVANCED PAVING		YARBOROUGH CONSTRUCTION	
						UNIT COST	TOTAL COST	UNIT COST	TOTAL COST	UNIT COST	TOTAL COST
	SIDEWALK INSTALLATION										
1	MOBILIZATION	1	LS	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$3,985.00	\$3,985.00	\$3,500.00	\$3,500.00
2	SAWCUT ASPHALT	480	LF	\$2.50	\$1,200.00	\$2.50	\$1,200.00	\$1.50	\$720.00	\$4.17	\$2,000.00
3	REMOVE TREE	2	EA	\$750.00	\$1,500.00	\$1,500.00	\$3,000.00	\$500.00	\$1,000.00	\$1,750.00	\$3,500.00
4	INSTALL TREE	2	EA	\$400.00	\$800.00	\$425.00	\$850.00	\$300.00	\$600.00	\$325.00	\$650.00
5	REMOVE CONCRETE LANDSCAPE WALL	92	LF	\$3.00	\$276.00	\$10.00	\$920.00	\$5.00	\$460.00	\$3.00	\$276.00
6	REMOVE CONCRETE LANDSCAPE CURB	215	LF	\$1.50	\$322.50	\$3.00	\$645.00	\$5.00	\$1,075.00	\$2.00	\$430.00
7	REMOVE LANDSCAPE PLANTER BOX	2	EA	\$200.00	\$400.00	\$350.00	\$700.00	\$150.00	\$300.00	\$200.00	\$400.00
8	REMOVE 4'x4' IRRIGATION BOX	1	EA	\$500.00	\$500.00	\$1,300.00	\$1,300.00	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00
9	INSTALL 3'x3' IRRIGATION BOX	1	EA	\$2,000.00	\$2,000.00	\$1,800.00	\$1,800.00	\$2,500.00	\$2,500.00	\$2,100.00	\$2,100.00
10	SURFACE PREP AND GRADING	1,500	SY	\$3.00	\$4,500.00	\$7.50	\$11,250.00	\$12.00	\$18,000.00	\$46.25	\$69,375.00
11	REMOVE/RELOCATE IRRIGATION VALVE	3	EA	\$450.00	\$1,350.00	\$350.00	\$1,050.00	\$250.00	\$750.00	\$700.00	\$2,100.00
12	REMOVE CONCRETE DRIVEWAY	750	SF	\$3.00	\$2,250.00	\$1.50	\$1,125.00	\$1.00	\$750.00	\$2.75	\$2,062.50
13	INSTALL FLARED CONCRETE DRIVEWAY (6")	410	SF	\$11.00	\$4,510.00	\$3.85	\$1,578.50	\$4.50	\$1,845.00	\$6.50	\$2,665.00
14	INSTALL CONCRETE DRIVEWAY TRANSITION (6")	380	SF	\$9.00	\$3,420.00	\$3.25	\$1,235.00	\$4.50	\$1,710.00	\$6.50	\$2,470.00
15	30" TYPE B2 CURB AND GUTTER	460	LF	\$15.00	\$6,900.00	\$18.00	\$8,280.00	\$25.00	\$11,500.00	\$21.50	\$9,890.00
16	4' SIDEWALK	460	LF	\$15.00	\$6,900.00	\$14.00	\$6,440.00	\$20.00	\$9,200.00	\$20.50	\$9,430.00
17	ADJUST WATER METER TO GRADE	3	EA	\$350.00	\$1,050.00	\$275.00	\$825.00	\$100.00	\$300.00	\$400.00	\$1,200.00
18	RELOCATE MAIL BOX	3	EA	\$300.00	\$900.00	\$100.00	\$300.00	\$200.00	\$600.00	\$275.00	\$825.00
19	ADJUST FIRE HYDRANT TO GRADE	1	EA	\$500.00	\$500.00	\$1,300.00	\$1,300.00	\$1,500.00	\$1,500.00	\$1,100.00	\$1,100.00
20	RELOCATE TELEPHONE PEDESTAL	1	EA		BY OTHERS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
21	GRANULAR BORROW	580	TN	\$14.00	\$8,120.00	\$14.50	\$8,410.00	\$20.00	\$11,600.00	\$20.50	\$11,890.00
22	UNTREATED BASE COURSE	350	TN	\$16.00	\$5,600.00	\$18.00	\$6,300.00	\$30.00	\$10,500.00	\$23.10	\$8,085.00
23	HMA PG 64-34	215	TN		BY OTHERS	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
24	LANDSCAPE REPAIR/RESTORATION	500	SY	\$13.00	\$6,500.00	\$18.50	\$9,250.00	\$20.00	\$10,000.00	\$38.00	\$19,000.00
25	TRAFFIC CONTROL	1	LS	\$2,000.00	\$2,000.00	\$4,500.00	\$4,500.00	\$4,500.00	\$4,500.00	\$7,800.00	\$7,800.00
26	MAINTAIN SWPPP	1	LS	\$500.00	\$500.00	\$750.00	\$750.00	\$500.00	\$500.00	\$2,500.00	\$2,500.00
	PROJECT SUB TOTAL				\$63,998.50	TOTAL =	\$76,008.50	TOTAL =	\$94,895.00	TOTAL =	\$164,448.50
	CONTINGENCY		10%		\$6,399.85						
	PROJECT TOTAL				\$70,398.35						

RESOLUTION NO. 08-06-2013A

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN UDOT
AND WEST POINT CITY FOR THE 300 NORTH SAFE SIDEWALK PROJECT FROM 1795 W
TO 1885 W**

WHEREAS, The 300 North Street is a State Highway also known as State Route 107; and

WHEREAS, West Point has submitted for and been rewarded, by the Utah Department of Transportation Funding for the 300 North Safe Sidewalk Project from 1795 W to 1885 W; and

WHEREAS, It was determined that additional funding would be required to complete the project; and

WHEREAS, UDOT has agreed to provide the additional funding that is needed; and

WHEREAS, West Point City has agreed to pay 25% of the funds that have been awarded.

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

1. The inter-local agreement, which is attached hereto and incorporated by this reference, is hereby approved.
2. The Mayor is hereby authorized to sign and execute said agreement.

PASSED AND ADOPTED this 6th day of August, 2013.

WEST POINT CITY,
A Municipal Corporation

By: _____
Gary Petersen., Mayor Pro-Tem

ATTEST:

Misty Rogers, City Recorder

RESOLUTION NO. 08-06-2013B

**A RESOLUTION AUTHORIZING THE CITY MANAGER
TO SET THE PROPERTY TAX RATE
FOR THE 2013 TAXABLE YEAR**

WHEREAS, the provision of the “Uniform Fiscal Procedures Act for Utah Cities” §§ 10-6-101 et seq., Utah Code Annotated, 1953) provide and require that the City Council of West Point City, (hereinafter referred to sometimes as the “City”) shall adopt and certify to the County Auditor a Resolution specifying the Property Tax Rate to be levied for the coming year on all the taxable property within the City: and,

WHEREAS, a public hearing was duly noticed and held according to law during which said proposed Tax Rate was considered,

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

SECTION 1. PROPERTY TAX RATE ESTABLISHED

The City Manager is hereby authorized to set the Property Tax Rate on all taxable property lying and being within the corporate boundaries of West Point City for the tax year 2013, and the same is hereby fixed, set and established at a tax rate which is currently estimated to be .001111.

**SECTION 2. CERTIFIED COPY OF RESOLUTION TO DAVIS COUNTY
AUDITOR**

That the City Recorder of West Point City is hereby authorized and directed forthwith to certify a copy of this Resolution and forward and direct it to the Davis County Auditor,

Farmington, Utah, in accordance with and as required by the provisions of § 10-6-134, Utah Code Annotated, 1953.

SECTION 3. LEVY, COLLECTION AND REMITTANCE OF TAXES

This City Council requests that the Board of County Commissioners of Davis County include this Property Tax Rate in its levying process for property taxes and that such taxes be assessed and collected in the manner provided by law for the collection of general county taxes and that the proceeds thereof, as collected, be turned over to West Point City and that said taxes in all respects be collected and delivered to the City according to law.

SECTION 4. EFFECTIVE DATE

This resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED by the City Council of West Point City, Utah this 6th day of August, 2013.

WEST POINT CITY
A Municipal Corporation

Gary Petersen, Mayor Pro-Tem

ATTEST:

Misty Rogers, City Recorder

ORDINANCE NO. 08-16-2013A

**AN ORDINANCE ADOPTING A BUDGET FOR FISCAL YEAR 2014, AND A
COMPENSATION SCHEDULE FOR EMPLOYEES AND OFFICERS OF THE CITY.**

WHEREAS, the City Council of West Point City, County of Davis, State of Utah (hereinafter referred to as the “City”) is required by law to adopt a budget for the 2014 Budget Year in accordance with § 10-6-118, UCA, 1953, as amended, and the other provisions of the “Uniform Fiscal Procedures Act for Utah Cities,” § 10-6-101 through § 10-60-159, UCA, 1953, as amended; and,

WHEREAS, the West Point City Manager has heretofore caused to be prepared and submitted to the City Council a Tentative Budget for the City for the 2014 Budget Year; and,

WHEREAS, said Budget appears to be in proper form, subject to minor modifications, and appears correctly to set forth the anticipated disbursements and anticipated receipts of the City for the 2014 Budget Year; and,

WHEREAS, a Public Hearing on said Budget was duly advertised and held according to law,

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

SECTION 1 - BUDGET FOR FY 2014. The hereto attached Budget, together with the modifications and adjustments made by the City Council after the public hearing, be and the same is hereby adopted as the Budget for the City for the 2014 Budget Year and that a copy of said Budget as finally adopted be deposited with the State Auditor within Thirty (30) days from the date hereof.

SECTION 2 – COMPENSATION SCHEDULE. A compensation schedule for employees and elected officials, and appointed officials of West Point City is hereby adopted as referenced in the hereto attached Budget.

PASSED AND ADOPTED this 6th day of August, 2013

WEST POINT CITY,
A Municipal Corporation

By: _____
Gary Petersen, Mayor Pro-Tem

ATTEST:

Misty Rogers, City Recorder

City Council Staff Report

Subject: West Point City Cemetery:
Reclaiming Unused Plots Over 60 Years & Ordinance Update
Author: Misty Rogers
Department: Administration
Date: August 6, 2013



Background

In this Staff Report, two issues will be discussed. The first issue pertains to unused or unclaimed cemetery plots purchased over 60 years ago. The second issue recommends revisions to section 12.15.070 of the West Point City Code, Sale of Burial Rights.

Unused Cemetery Plots Over 60 Years:

Over the years, individuals have purchased numerous cemetery plots. As time has passed, individuals have passed away or had no contact with West Point City with regards to their unused cemetery plots. The City has been left without current ownership and contact information of the unused plots. Without this information, it becomes difficult for an heir to claim ownership rights of the unused cemetery plots.

In early 2012, the City Recorder searched the West Point City cemetery records and located approximately 85 unused burial plots which had been purchased over 60 years ago. The City Recorder has spent the last 16 months contacting and meeting with people throughout the community who may have had contact information for the owners of the unused burial plots. With much determination, the City has successfully transferred ownership rights to approximately 70 legal heirs. However, West Point City currently has 13 burial plots in which we have not been able to gather updated ownership information. Of those 13 remaining plots, the City Recorder has spoken with an heir to four of those plots on two separate occasions over the last 19 months. Unfortunately that heir has yet to complete the requirements to obtain ownership rights of those plots.

12.15.070 West Point City Cemetery Code:

While in the process of contacting relatives of the cemetery plot owners, several individuals have stated they would be selling their ownership rights of a burial plot to a direct heir. The City Recorder has advised them that it may cause an issue in the future for the following reason:

- If an heir purchases a burial plot from a relative for more than the original price paid and in the future decides to sale the plot back to the City, West Point City can only repurchase a burial plot for the original purchase price.

Mr. Felshaw King, the West Point City Attorney, has reviewed the proposed amendments found in both Ordinance 08-06-2013B and Resolution No. 08-06-2013B.

Analysis

Given the effort involved in trying to track down ownership information for unused plots purchased 60 years ago, it does not seem likely that any more information will surface, and those 15 remaining plots will remain unclaimed. Even in the event that the City Recorder is able to gain cooperation from the heir to four of those plots, approximately 9 plots will still remain unused and unclaimed.

Due to the dwindling number of available cemetery plots, Staff recommends the Council consider allowing the Cemetery Administrator to begin the reclaiming process for unused burial plots purchased over 60 years ago.

Allowing the owner or legal heir of a cemetery plot to sale a burial right to anyone other than West Point City could cause discrepancies and record keeping issues in future years.

Staff proposes the following amendments to Section 12.15.070 E. of the West Point City Cemetery Code currently states:

E. Burial rights to any plot or lot ~~shall not may~~ be ~~sold~~, transferred, conveyed, or assigned by the purchaser or certificate holder ~~except to direct heirs to any person. Burial rights to any plot or lot shall not be sold except to West Point City. A resident may transfer burial rights to a nonresident heir if the purchase of that right is accomplished prior to the time of death, and the burial right certificate is in their possession.~~ The city hereby agrees to buy back the use of any plot or lot for the original price paid. All transfers and conveyances must be notarized and documented with West Point City.

Recommendation

Staff recommends the approval of Resolution No 08-06-2013C, a Resolution Declaring the Intent of West Point City to Reclaim Unused Cemetery Plots purchased over 60 years as found in Utah State Code §8-5-6. Staff also recommends the approval of Ordinance 08-06-2013B, Amending Section 12.15.070 of the West Point City Code, the Sale of Burial Rights.

Significant Impacts

Attachments

Ordinance 08-06-2013B and Exhibit B
Resolution 08-06-2013C

**ORDINANCE NO. 08-06-2013B
AN ORDINANCE AMENDING CHAPTER
12.15 OF THE WEST POINT CITY CODE
PERTAINING OT THE CEMETERY AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the West Point City Council for and on behalf of West Point City, State of Utah (hereinafter referred to as the “City”) has determined to amend Chapter 12.15 of the West Point City Code; and

WHEREAS, a public hearing was duly noticed and held according to state law and the interested parties were given an opportunity to be heard; and,

WHEREAS, the City Council has duly considered said amendments; and,

WHEREAS, the City Council, after due consideration of said amendments, has concluded that it is in the best interest of the City that said amendments be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT CITY, UTAH as follows:

Section One: Amendment of Title 12, Chapter 15

Title 12, Chapter 15 of the West Point City Code is hereby amended as follows:

See Exhibit A (strike through text indicates text being removed from the code, underlined text indicates text being added to the code)

Section Two: Severability

In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

Section Three: Effective Date

This Ordinance shall take effect immediately upon passage and adoption and publication of a summary as required by law.

DATED this 6th day of August, 2013

WEST POINT CITY, a Municipal Corporation

By: _____

GARY PETERSEN

MAYOR PRO-TEM

ATTEST:

MISTY ROGERS
CITY RECORDER

DRAFT

ORDINANCE NO. 08-06-2013B

Exhibit A

12.15.010 Definitions.

In this chapter, the following words or phrases shall have the following meanings unless the context otherwise clearly indicates:

“Block” shall mean a land area of one or more lots.

“Cemetery” shall mean any cemetery owned or maintained by the city for the purpose of receiving the remains of deceased humans for earth interments.

“Cemetery office” shall mean the main office maintained at West Point City Municipal Center.

“Certificate” referred to herein shall mean burial right certificate.

“Certificate holder” is intended to mean and shall be construed to mean owner or purchaser of burial rights and privileges, or the collateral right of use of any burial plot, evidenced by a burial right certificate or by proved and recognized descent or devise from the original owner.

“City” shall mean West Point City, Utah, whether or not so designated.

“Council” or “city council” shall mean the city council of West Point City, Utah.

“Human remains” shall be construed to mean any portion relating to that of a deceased human being.

“Lot” shall apply to numbered divisions as shown on the record plat which consists of two or more plots.

“Lot marker” refers to the cement blocks approximately eight inches by eight inches by eight inches used by the cemetery and located in each corner.

“Marker” means a headstone flush with the surface of the ground or four inches high made of granite, marble, or metal substances.

“Monument” shall include a tombstone or headstone of granite, marble, or metal substances which shall extend above the surface of the ground at least 12 inches in height or higher, but not exceeding three feet in height.

“Perpetual care” shall refer to the maintenance care that the city agrees to give and shall consist of care of the cemetery generally, but shall not include repairing or replacing marker or monument structures of any nature, except when the need for repair or replacement is directly caused by the city.

“Person” shall mean an individual, group, partnership, firm, corporation or association.

“Plat” shall mean a land area designated by a letter in the alphabet (namely A, B, C, D and E) that is bordered by roadways and is one or more lots.

“Plot” shall apply to a space of sufficient size to accommodate one adult interment approximately 49.5 inches by 99 inches or one infant interment approximately 28 inches by 52 inches. Baby interment should be approximately 24 inches by 24 inches. Urns should be 12 inches by 12 inches. The maximum amount of urns per plot is two and one headstone per plot.

“Resident” shall be defined as follows:

1. Any person who was domiciled within the corporate limits of West Point City, Utah, at the time of death, regardless of the actual place of death.
2. Any person owning real property within the corporate limits of West Point City, Utah, at the time of death, regardless of the residence or domicile of such person.
3. Any person who was a legal resident of West Point City, Utah, at the time of death, regardless of domicile.
4. Any person who was formerly domiciled within the corporate limits of West Point City, Utah, immediately prior to moving from the city for the purpose of becoming domiciled in any facility for the purpose of receiving medical or residential care.

“Responsible party” shall refer to any person selected by the family of the deceased to act in its behalf and can include the heir apparent, religious leader, mortician, funeral director, or any other person the family selects in choosing graves, making available information on the deceased party, and taking full liability for the family obligations concerning the services performed on the cemetery’s property.

Words. Single words shall include the plural, and masculine words shall include the feminine and neuter. [Ord. 10-19-2010 § 1; Ord. 05-05-2009. Code 2000 § 12-3-1].

12.15.020 Cemetery name.

The burial ground of West Point City shall be known and designated by the name of West Point City Memorial Cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-2].

Repealed 12.15.040 Duties of City Manager.

A. It shall be the duty of the city manager, or his representative, to supervise, manage, operate, maintain and improve the cemetery in accordance with the provisions of the city ordinances and the rules and regulations adopted by the city council including but not limited to the following:

- B. Keep a true and correct plat of the cemetery showing the location of all burial plots and such other information as the city council may prescribe and shall keep or have kept such other records regarding the cemetery as the city council shall direct.
- C. Direct the layout and digging of all graves required for burial therein, to direct all removals, changes and other authorized operations.
- D. Take charge of all funeral corteges while in the environs of said cemetery and regulate all traffic within the cemetery as deemed necessary.
- E. Approve all claims chargeable against the cemetery and shall furnish such information regarding the cemetery as the city council may from time to time require.
- F. Employ such help as shall be necessary to carry out the duties prescribed by the city ordinances and by the rules and regulations adopted by the city council.
- G. Promulgate additional regulations, concerning the care, use, maintenance and government of the cemetery not in conflict herewith, as shall, from time to time, prove necessary.
- H. Any person or firm desiring to perform any work within the cemetery must first secure the approval and written permission of the city manager or representative. All settings of vases, markers and monuments, and all plantings of trees, shrubs and flowers must be approved by the city before the work is commenced and all work shall be performed under direction of the city.

12.15.050 Interments.

- A. Nothing other than human remains shall be interred within the West Point City cemetery, and no cemetery shall be established without the express written permission of the city council.
- B. Before burying human remains in the cemetery, there shall be procured from the cemetery office an interment order for the deceased person in such plot, lot, block and plat as may be designated by the responsible party. This order must be executed 48 hours prior to the scheduled funeral service.
- C. Under no circumstances will the city assume responsibility for errors in opening graves when orders are given by telephone or for any mistake occurring from want of precise and proper instructions as to the particular plot, size of grave, and location where interment is desired.
- D. Funeral directors must schedule the use of the cemetery, have the interment order signed, and have fees paid in full before arrangements with the family are concluded.
- E. No person, except the certificate holder of a lot upon which interment is to be made, shall use a plot or lot in the cemetery, without first obtaining written permission from the certificate holder of said lot, or nearest relative of the certificate holder thereof, or legal heirs, which permission shall be filed with the cemetery office.

F. No interment of two or more bodies shall be made in one grave except in the case of a parent and child or two infants buried in one casket.

G. The human remains must be delivered to the cemetery at or before 3:00 p.m. for interment if the grave is to be filled in with earth the same day.

H. There shall be no interments on Sundays or the legal holidays of New Year's Day, Memorial Day, Independence Day, Pioneer Day, Thanksgiving Day and Christmas Day.

I. It shall be unlawful for any remains to be interred in the cemetery unless the casket or urn shall be placed in a vault made of reinforced concrete, stone, or metal.

J. No grave will be opened in the cemetery until the interment fee, burial right fee and other applicable fees, as established from time to time by resolution of the city council, are paid in full. The interment fee is solely determined by the residential status of the deceased at the time of death and not by the person(s) who assumes responsibility for paying for interment. The city may make other arrangements as deemed necessary by the city manager.

K. Once a casket containing the human remains is within the confines of the cemetery, no funeral director nor his embalmer, assistant, employee, agent, or any other person, shall be permitted to open the casket or to touch the body without the written consent of the legal representative of the deceased or any order signed by a court of competent jurisdiction.

L. West Point City employees designated by the city manager are the only persons who will be permitted to open graves with the following exceptions:

1. When the cemetery is directed to make a disinterment by order of a court of competent jurisdiction and a certified copy of such order has been filed with the city.

2. When the coroner directs the disinterment for the purpose of holding an inquest and has filed with the cemetery office his signed authorization to release the body to himself and his lawful agents. In such case, the disinterment must be made by the coroner or his lawful agents. City employees will not be permitted to assist the coroner or his agents.

M. The city will not be liable for the identity of the person to be interred.

N. The city council, with the advice of the city manager, may designate a portion of the cemetery for the burial of indigents. A burial of an indigent in the cemetery must be approved and administered by current policy as set forth by Davis County in conjunction with local morticians prior to interment.

O. Certificate holders shall not allow interments in their plots or lots in return for remuneration of any kind.

P. Persons responsible for the deceased will have full liability for the remains of the deceased when it enters the grounds of the cemetery and will have complete charge of those remains and will cause the

deceased to be lowered into the grave site. After this has been accomplished, the city will take charge of the remains and will proceed thenceforth with the closing of the grave.

Q. The city has the perpetual right of ingress and egress over any part of the cemetery burial plat areas and shall use reasonable care in protecting all existing turf, markers, monuments, grave flowers, grave decorations, trees or existing shrubbery in order to cause the opening and closing of graves with the required vehicles, equipment, tools and personnel.

R. Saturday services will be charged an additional fee as set forth by resolution of the city council in addition to the standard interment fee.

S. A portion of the cemetery is designated for the burial of infants and urns subject to the following regulations:

1. All burials therein must be in concrete vaults as required elsewhere in the cemetery.
2. All grave markers therein must not extend above the level of the ground.
3. In the event of disinterment, the right to burial reverts to the city and the value will be applied to re-interment, if in the West Point City cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-5].

12.15.060 Disinterment.

A. No person shall disinter any human remains in the cemetery, except under the direction of the city. All disinterments shall comply with applicable state law.

B. The order for disinterment shall include the name of the deceased, when and where born, when and where the place of death occurred, together with the name of parents and spouse, also the date of burial, as well as the name of the cemetery, with the initial letter of the plat, as well as the number of block, lot and burial plot number, and the place of destination if disinterred and transferred beyond the environs of the cemetery.

C. If the disinterment is to be transported outside the environs of the cemetery, the cemetery office shall require a written order for disinterment together with a burial transit permit from the Davis County department of health to be executed by the certificate holder or his heirs authorizing such removal at least one week prior to the day of the disinterment.

D. The city assumes no responsibility whatsoever for the condition of any casket or vault involved in any removal.

E. It shall be unlawful for any person to remove the body of a person who has died of a contagious disease within two years from the date of burial unless the body has been buried in a hermetically sealed coffin, or vault, and is found to be so encased at the time of removal.

F. Fees for disinterments will be charged according to the work involved, with a base fee established by the city council.

G. The cemetery reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments or removals, or the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the cemetery office, or, in the sole discretion of the cemetery office, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the disinterment of the remains of any person in such property, the cemetery reserves and shall have the right to remove or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

H. In the event of disinterment, the right to burial of said plot(s) reverts to the city and the value at time of purchase will be applied to re-interment, if in the West Point City cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-6].

12.15.070 Sale of burial rights.

A. The city is hereby authorized to sell the use of burial plot(s) in the cemetery for interment purposes only and to collect all sums arising from such sale. The city shall keep a complete record of all sales, which record shall describe the location of the burial plot(s) purchased and the price paid therefor. The purchaser shall receive a receipt describing each right of use so purchased, together with the amount paid and the balance, if any. The city shall retain a duplicate copy in the cemetery receipt book.

B. The city council may establish by resolution the burial right fee for all cemetery lots or parts thereof and may include the perpetual care fee on said lots or parts thereof.

C. It shall be unlawful for any person to bury the remains of a deceased person in the cemetery without first paying in advance, and before the opening of the plot to be occupied, the full cost for use of said plot.

D. A burial right certificate shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for any cemetery services.

E. Burial rights to any plot or lot ~~shall not may~~ be ~~sold~~, transferred, conveyed, or assigned by the purchaser or certificate holder ~~except to the city or to direct heirs- to any person. Burial rights to any plot or lot shall not be sold except to West Point City. A resident may transfer burial rights to a nonresident heir if the purchase of that right is accomplished prior to the time of death, and the burial right certificate is in their possession.~~ The city hereby agrees to buy back the use of any plot or lot for the original price paid. All transfers and conveyances must be notarized and documented with West Point City.

F. Whenever plots or lots are transferred, or revert to the city, or become vested in the municipality for any reason, the original certificate shall be canceled, and the record shall be so changed before new

certificates are issued. A transfer fee as set forth from time to time by resolution of the city council shall be paid to the city recorder for such transaction. The city shall be the sole judge of the size of the plot or the number of plots to be sold to any person or family.

G. No work may be performed until all fees are paid. Plots may be purchased in advance, but residential status will be determined at the time of interment based on the residential status of the deceased at the time of death, and nonresident rates may apply. All other fees must be paid at the time of interment.

H. In the event the city or any party desires to exchange one plot(s) inside the cemetery with another plot(s), they may do so by informing the city of their desire and paying for the certificate transfer fee.

I. The right to enlarge, reduce, replat or change the boundaries or grading of the cemetery or a section or sections, from time to time, including the right to modify or change the locations of or remove or re-grade roads, drives, walks, or any part thereof is hereby reserved. The right to lay, maintain, operate, alter or change pipelines for sprinkling systems, drainage, etc., is also expressly reserved, as well as is the right to use cemetery property not sold to individual plot owners or plots reclaimed for cemetery purposes, including interment of the dead, or for anything necessary, incidental or convenient thereto. [Ord. 05-05-2009. Code 2000 § 12-3-7].

12.15.080 Perpetual care.

Repealed by Ord. 05-05-2009. [Code 2000 § 12-3-8].

12.15.090 Capital improvement fund.

There is hereby established a capital improvement fund for future expansion of new burial sites and portions thereof and construction of fixtures as deemed necessary in the cemetery. There shall be deposited in the fund the portion of the burial right fees as established from time to time by resolution of the city council. The sum total of these monies deposited and interest accrued thereon shall be used solely for the purposes of capital improvement or expansion of the cemetery. [Ord. 05-05-2009. Code 2000 § 12-3-9].

12.15.100 Monuments and markers.

A. The certificate holders for spaces or relatives of the deceased person(s) buried in the cemetery may not install or remove, or cause the installation or removal of, any type of permanent marker or monument on any grave space(s) without first obtaining the approval of the city. B. Permanent grave markers and monuments shall either be flush with the ground or no taller than 36 inches in height. Secondary markers must be flush with the ground.

C. Permanent grave markers shall have and be set in a finished, grass-level cement base or apron (commonly known as a mow strip) extending outward from the outer perimeters of the stone or metal grave markers for at least six inches, so that the lawn may be cut conveniently without contact to the headstone or marker.

D. The combined length (extending north/south) of the mow strip and grave marker shall not be longer than 46 inches for a single headstone and 92 inches for a double headstone, the rights to which are owned by the monument owner.

E. The inscription with the name(s) of the deceased on all grave markers in the cemetery shall be so inscribed on the stone or metal marker so that a person may be able to read it when facing east or west.

F. The installation of all permanent grave markers or monuments will be under the supervision of the city. A notice to the cemetery office by the monument company or responsible party must be made at least 24 hours prior to the installation. Flat headstones and monuments will be installed under the direction of the city.

G. All permanent grave markers and monuments shall be set with the outside west edge of the burial space on the marker placement line as established by the city (including mow strip).

H. Temporary markers - One temporary grave marker shall be permitted per burial plot for a maximum of six months from date of interment, or as otherwise approved by the city manager. The temporary grave marker shall not exceed 18 inches in length (extending north/south) and 18 inches in height. Temporary grave markers must be attractive and made of durable material to withstand the elements.

I. Failure to comply with the above regulations for grave markers and monuments will justify the city in refusing the placement of said markers or monuments. Any and all costs involved with altering said markers in order to comply with the above regulations will be borne by those having ordered said markers. J. Before any marker or monument may be placed on any plot(s), the full purchase price for use of said plot(s) must be paid in full whether or not the plot(s) are occupied with human remains. [Ord. 10-19-2010 § 2; Ord. 05-05-2009; Ord. 01-15-2008 § 1. Code 2000 § 12-3-10].

12.15.110 Decoration of graves.

A. Cemetery maintenance will be performed on an as needed basis from April 1st to November 1st, weather permitting. Only grave decorations deemed to be unsightly or that may interfere with maintenance by the cemetery crew will be discarded as necessary. A general cemetery cleaning and detailing will take place twice a year. This detailing will happen the first Thursday in October and the first Thursday in May (weather permitting). Before detailing dates, cemetery patrons should remove any decorations they do not want discarded. Grave decorations will be discarded by the cemetery crew at that time. Items deemed of value will be stored for one month.

B. During the winter months, cemetery maintenance will be performed on an as needed basis, weather permitting. All grave decorations deemed to be unsightly by the cemetery crew will be discarded at that time.

C. Pinwheels, shepherd's hooks and grave decorations that are inserted into the ground shall not extend over or cover any ground that is outside of the area covered by the grave marker. Solar lights are permitted if they are mounted on the concrete mow strip or placed next to the mow strip or headstone. Other decorations that utilize wires, pegs, glass or other containers that may pose safety hazards shall not be permitted in the cemetery. Arbors are not permitted, as well as shepherd's hooks over three feet high. These items or similar items will be removed by cemetery employees without giving notice.

D. Funeral flowers and floral pieces or decorations will be removed and discarded without notice when they become unsightly or after two weeks, whichever may occur first.

E. Artificial (dried, silk, or plastic) flowers or grave decorations and any fresh cut flowers are permitted in a sunken vase at any time but will be removed when they become unsightly or during the fall and spring cemetery maintenance. Flower pots, baskets, holders and grave decorations are permitted on the headstone, shepherd's hooks, or concrete border. No decorations are permitted on the grass except for funerals, Memorial Day, and the winter holiday season.

F. All holiday decorations must be removed within two weeks following a holiday. If holiday decorations are not removed within two weeks they may be removed and discarded at the city's discretion.

G. The cemetery accepts no responsibility or liability, nor will accept any claims against it, for loss or destruction of personal property left in the cemetery, and disclaims all responsibility for loss or damage from causes beyond its reasonable control, and, especially, from damage caused by the elements, an act of God, common enemy, thieves, vandals, explosions, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral, other than as herein provided. [Ord. 01-15-2008 § 2. Code 2000 § 12-3-11].

RESOLUTION NO. 08-06-2013C

A RESOLUTION DECLARING THE INTENT OF WEST POINT CITY TO RECLAIM UNUSED CEMETERY PLOTS

WHEREAS, the Utah State Code Section §8-5-6 states a Municipal Council may pass a resolution demanding that the owner of a lot, site, or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the city recorder notice of any claim to the lot, site, or portion of the cemetery;

WHEREAS, the West Point City Council met in an Administrative Session on July 16, 2013, and requested the Cemetery Administrator draft a resolution allowing West Point City to gather information and request the owner of a lot, site or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the City Administrator notice of any claim to the lot, site or portion of the cemetery. The Cemetery Administrator will follow the procedure outlined in the Utah Code for advertisement of the resolution and termination of abandoned plots;

WHEREAS, the Cemetery Administrator shall cause a copy of the approved resolution to be personally served on the owner of the cemetery lot in the form of a certified letter. If unable to locate the owner, the approved resolution shall be published in the Standard Examiner. The resolution shall notify the owner that the owner shall, within 60 days after service of the resolution on the owner, express interest in maintaining the cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to use the property for burial.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF WEST POINT CITY, UTAH, as follows, to-wit:

SECTION 1. CEMETERY ADMINISTRATOR SHALL SERVE COPY OF RESOLUTION

The Cemetery Administrator shall cause a copy of the resolution to be personally served on the owner of each lot, site, or portion of the cemetery purchased over 60 years ago, such service to be in the same manner as service of process in a civil action.

SECTION 2. THE CEMETERY ADMINISTRATOR SHALL ADVERTISE

If the owner cannot be personally served with the resolution the Cemetery Administrator shall publish the resolution for three successive weeks in the Standard Examiner, a newspaper of general circulation within the City, and mail a copy of the resolution within 14 days after publication to the owner's last known address, if available.

SECTION 3. THE CEMETERY ADMINISTRATOR SHALL CHANGE OWNERSHIP

When an owner/heir is found and provides sufficient proof of ownership, the Cemetery Administrator will update the record of the property and provide a new certificate, if necessary. If no owner is found after 60 days of the last date of service, or 30 days after the last publication, the owner's rights are terminated, and that portion of the cemetery shall be vested in the City and will become available for sale.

SECTION 4. EFFECTIVE DATE

This resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED by the City Council of West Point City this 6th day of August, 2013.

WEST POINT CITY,

A Municipal Corporation

By: _____
Gary Petersen, Mayor Pro-Tem

ATTEST:

Misty Rogers, City Recorder



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
July 16, 2013**

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Roger Woodward
City Manager
Kyle Laws

Administrative Session
6:30 PM

Minutes for the West Point City Council Administrative Session held July 16, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Andy Dawson, Council Member Kent Henderson, Council Member Jerry Chatterton, and Council Member Roger Woodward

CITY EMPLOYEES PRESENT - City Manager Kyle Laws, City Engineer Boyd Davis, Public Works Director Paul Rochell, and City Recorder Misty Rogers

Mayor Craythorne welcomed all in attendance and turned the time over to Mrs. Rogers

- 1. Discussion of the West Point City Cemetery, specifically unused or unclaimed cemetery plots purchased over 60 years ago and revisions to the West Point City Cemetery Code 12.15.070, the Sale of Burial Rights.** – Mrs. Misty Rogers

Unused/Unclaimed Cemetery Plots Purchased Over 60 Years Ago:

Mrs. Rogers stated in early 2012, she had reviewed cemetery records and located approximately 85 unused plots purchased before 1950. Of the 85 located plots, approximately 70 had been successfully reclaimed by an heir, leaving approximately 15 plots unclaimed.

Utah State Code Section §8-5-6 states a Municipal Council may pass a resolution demanding that the owner of a lot, site or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the City Recorder notice of any claims to the lot, site, or portion of the cemetery. Mrs. Rogers stated if the Council provided direction for Staff to proceed with the reclaiming process the following items would occur:

- The City Council would be required to approve a resolution for the reclaiming process.
- The approved resolution would be personally served on the owner of the cemetery plot in the form of a certified letter.
- If unable to locate the current owner, the approved resolution will be published in the Standard Examiner and a copy of the approved resolution will be mailed to the owner's last known address, if available.
- The approved resolution will inform the owner, heir, or certificate holder that they must express interest in maintaining the cemetery plot, site, or portion of the cemetery within 60 days.
- If no owner is found within 60 days of the last date of service or 30 days after the last publication, the owner's rights will be terminated, and that portion of the cemetery will be vested in the City and become available for purchase.

Mrs. Rogers stated that Mr. Dan Fisher claims to be an heir of 4 of the 15 remaining unused/unclaimed burial plots. Over the past nine months Staff has spoken to Mr. Fisher informing him of the requirements for the reclaiming process. Unfortunately, as of July 16, 2013 Mr. Fisher or his siblings have yet to complete the reclaiming requirements.

The Council Members directed Staff to proceed with the reclaiming process for unused plots purchased 60 years ago. Mrs. Rogers then stated she would email a list of the 15 remaining unused plots to the Council Members in hopes they could assist with owner or heir information.

Revisions to the West Point City Cemetery Code 12.15.070, the Sale of Burial Rights:

Mrs. Rogers informed the Council that 12.15.070 of the West Point City Cemetery Code currently states the following:

- The owner or certificate holder of a burial plot has the ability to sale burial rights to a direct heir.
- Burial rights may be transferred to a non-resident if the purchase of the right is accomplished prior to the time of death and the burial right certificate is in their possession.

Mrs. Rogers stated she has recently discussed West Point City Code, section 12.15.070, the Sale of Burial Rights with Mr. Lynn Kirkman and he recommended the following amendments:

- Remove the language in section 12.15.070 of the West Point City Code that prohibits an owner or certificate holder of a plot the ability to sale burial right to anyone except a direct heir or West Point City. Mr. Kirkman expressed his desire for the owner or certificate holder of a burial plot to have the ability to sale a burial right to any person for any amount in which they choose.

Mrs. Rogers expressed the following concerns with allowing owners and certificate holders to sale a burial plot for more than the original purchase price.

- If West Point City allows for the owner or certificate holder of a plot the ability to sale burial rights for more than originally paid for the plot then the certificate holder is essentially making a profit. This could cause issues in the future if a new owner wished to sale a burial plot back to West Point City, as West Point City can only repurchase a burial plot for the original purchase price paid to West Point City.

With the approval of Mr. Felshaw King, the West Point City Attorney, Staff recommended the following amendments to 12.15.070 of the West Point City Cemetery Code:

- Allow the owner or certificate holder of a burial plot the ability to transfer, convey or assign to any person at any time.
- Burial rights to any plot or lot shall only be sold to West Point City.
- The additional language be added to code, "All transfers and conveyances must be notarized and documented with West Point City.

12.15.070 E. Burial rights to any plot or lot ~~shall may be not be sold~~, transferred, conveyed, or assigned by the purchaser or certificate holder ~~to any person. except to the city or to direct heirs. Burial rights to any plot or lot shall not be sold except to West Point City. A resident may transfer burial rights to a nonresident heir if the purchase of that right is accomplished prior to the time of death, and the burial right certificate is in their possession.~~ The city hereby agrees to buy back the use of any plot or lot for the original purchase price paid to West Point City. All transfers and conveyances must be notarized and documented with West Point City.

Mr. Laws stated if West Pointy City allows for an owner or certificate holder to sale cemetery plots for any price in which they choose, it could cause issue for the City in the future. For instance, if West Point City implements a price increase to the cemetery plot fee, an owner or certificate holder of a plot could have the ability to purchase cemetery plots for one price, then sale them to someone for a higher cost than the plots were purchased for but a slightly lower cost of the increased rate. Allowing someone to buy and sale cemetery plot could potentially cause West Point City to run out of burial plots sooner than anticipated.

Council Member Petersen expressed concern with disallowing an owner or certificate holder of a burial plot the right to sale a cemetery plot. He recommended West Point City maintain control over all transactions. Council Member Petersen stated he felt comfortable allowing an owner or certificate holder the ability to transfer, convey, or assign a burial plot to any person.

Council Member Dawson expressed support with allowing the certificate holder or owner to sale a burial plot to any person, for any amount in which they choose, as long as all transactions are documented through West Point City.

Council Member Chatterton requested the language be added "original purchase price paid to West Point City."

Mayor Craythorne stated the proposed amendments to 12.15.070 E., allows for clear documentation as to acceptable practices with burial plots. The City should not encourage the purchase and sale of burial plots as an investment.

The Council Members directed Staff to continue with both the unused/unclaimed burial plot reclaiming process and the amendments to 12.15.070 of the West Point City Code.

Mr. Laws informed the Council that recruitment had been held for the hiring of the Assistant City Manager/Finance Director position. Mr. Laws stated Mr. Boyd Davis had been offered and accepted the position of the Assistant City Manager. He then stated the Council would be asked to approve the appointment of Mr. Boyd Davis during the General Session. Mr. Laws then informed the Council that the Assistant City Manager position will be restructured to encompass Community Development. Mr. Laws stated recruitment for a Finance Director will continue. The two remaining candidates remain interested in the position of Administrative Services Director. He then stated the Administrative Services Director would encompass finance, utility billing, front desk, risk management, and assist with Human Resources.

Mayor Craythorne informed the Council that a public hearing would be held during the General Session with regards to Ordinance No. 07-16-2013A, Amending West Point City Code, Section 15.15.130 relative to brick requirements. He stated he had recently met with Jonathan and Sara Arrington regarding home plans which had been submitted to West Point City. Mayor Craythorne stated Mr. & Mrs. Arrington purchased a building lot on the corner of 4000 West and 1300 North and he may be present to address the council regarding the brick requirements, and not allowing a 100% hardie board home.

Council Member Dawson stated he received a notice from Davis and Weber Counties Canal regarding the water restrictions. Council Member Dawson stated he had been out of town and his timer happened to malfunction and his sprinklers were operating every day. He stated the employees with the Davis and Weber Counties Canal were cordial and easy to work with.

The Council then adjourned into the General Session.



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
July 16, 2013**

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Roger Woodward
City Manager
Kyle Laws

General Session
7:00 pm – Council Room

Minutes for the West Point City Council General Session held July 16, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Kent Henderson, Council Member Andy Dawson, and Council Member Jerry Chatterton

CITY EMPLOYEES PRESENT - City Manager Kyle Laws, City Engineer Boyd Davis, and City Recorder Misty Rogers

VISITORS PRESENT – Richard Roginski, Nancy Roginski, Patti Seffker, Nate Seffker, Campbell Hall, Jonathan Arrington, Sara Arrington, Kendall Laws, and Brian Vincent

1. **Call to Order** – Mayor Craythorne welcomed all in attendance.
2. **Pledge of Allegiance** – Repeated by all
3. **Prayer** – Council Member Woodward
4. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – no comment

Council Member Dawson recommended the Council view a YouTube video of the re-lining of Gordon Sewer Project.

Council Member Henderson thanked the West Point City Staff for the Fourth of July celebration.

Council Member Woodward thanked the West Point City Staff, Patti Seffker, and the Youth Council for their support and participation with the Fourth of July celebration.

Council Member Petersen thanked Council Member Woodward and his family for their assistance with the Fourth of July celebration. He then stated the North Davis Fire District had promoted John Taylor as Deputy Chief.

Mayor Craythorne expressed his appreciation to the West Point City Staff for their participation with Fourth of July celebration. He then stated the Fourth of July wrap up will be held on Thursday, July 18, 2013. Mayor Craythorne also thanked the Youth Council for their participation with the Veteran's Memorial float.

Communications from Staff

Mr. Laws informed the Council of the following items:

- The West Point City Staff and Family Summer Party will be held at 5:00 pm on August 1, 2013 on Bingham Park.
- 2013 Primary Election on August 13, 2013 (7:00 am – 8:00 pm)

- 2013 Primary Election Early Voting Schedule:
Tuesday, July 30, 2013 – Friday, August 2, 2013 (1:00 pm – 5:00 pm)
Tuesday, August 6, 2013 – Thursday August 8, 2013 (9:00 am – 1:00 pm)
Friday, August 9, 2013 (1:00 pm – 5:00 pm)

Mayor Craythorne informed those in attendance two public hearings, regarding potential changes to the West Point City Code would be held later in the meeting.

5. Citizen Comment

Richard Roginski – 3996 West 300 North, West Point City

Mr. Roginski expressed the support with the house plan in which Mr. & Mrs. Arrington had submitted to West Point City. He stated the Arrington's had purchased a lot at approximately 1300 North 4000 West in the hopes of building a specific home, but because of the current code, they are unable meet the requirements. Mr. Roginski stated the current building code is too restrictive. Mr. Roginski stated he had previously served on the Planning Commission and he is aware of instances when variances were given to the General Plan. He then requested the Council consider variances within the building code to allow for such instances to allow for diversity.

6. Youth Council Update

Hunter stated the Youth Council had planted and is currently maintaining the community garden.

Nate Seffker stated the Youth Council borrowed military uniforms from World War I, World War II, Vietnam, and the Korean War and displayed them on the Veteran's Memorial float during the Fourth of July parade.

Campbell state the Youth Council volunteered with the Fourth of July celebration.

Mayor Craythorne thanked the Youth Council for their efforts.

7. Appointment of Assistant City Manager, Boyd Davis – Mr. Kyle Laws

Mr. Laws informed the Council that recruitment had been held for the hiring of the Assistant City Manager/Finance Director position. He then informed the Council that the West Point Community Development Director /City Engineer Mr. Boyd Davis had been a finalist in the selection process. Mr. Laws then stated Mr. Boyd Davis had been offered the Assistant City Manager position, and he accepted the offer. Mr. Laws stated the Assistant City Manager position will be restructured to encompass Community Development. He then stated the title of "Finance Director" will now be known as the "Administrative Service Director." Mr. Laws then stated there are two remaining candidates and the recruitment process for an Administrative Services Director will continue. Mr. Laws informed the Council that the Administrative Services Director would encompass finance, utility billing, front desk, risk management, and assist with human resources.

Council Member Chatterton motioned to approve the appointment of Mr. Boyd Davis as the West Point Assistant City Manager.

Council Member Dawson seconded the motion.

The Council unanimously agreed.

8. Ordinance No. 07-16-2013A, Consideration of Amending Section 15.15.130 of the West Point City Code, Relative to Brick Requirements on New Homes – Mr. Boyd Davis

Mayor Craythorne informed the Council that Mr. Davis would present information regarding the proposed amendment to section 15.15.130 of the West Point City code and then time would be allowed for the noticed public hearing.

Mr. Davis stated the Council had discussed brick requirements item several times during past Council meetings. He then stated in previous meetings two options were presented to Council. A consensus was formed by Council and a recommendation was given for Staff to proceed with Option 2.

Option #2 – Requiring a minimum of 40% brick on the front of all new homes, a 3' wainscot on the sides, and an option to allow vinyl siding on the sides and back of a home.

Staff recommended the approval of Ordinance 07-16-2013A; applying the 40% rule to all new homes, regardless of the subdivision (no grandfathering under the old rule). West Point City has grandfathered subdivisions in the past, and allowing another grandfather rule, will cause confusion. Mr. Davis then stated subdivisions may have issue with the proposed code, as they may fall under a grandfathered rule from several years age. Mr. Davis stated Mr. Felshaw King; the West Point City Attorney is comfortable with the proposed amendments. He then informed the Council only new building permits would be required to follow the approved Ordinance.

a. Public Hearing

Sara Arrington – 1300 North 4000 West

Mrs. Arrington stated due to the confusion with the West Point City Ordinance she purchased a lot at 1300 North 4000 West with the assumption that she and her husband could build a 100% hardie board home under the current code. She then requested the City Council and the Planning Commission allow for "right to due process," as this would allow for diversity and a well-balanced city.

Jonathan Arrington – 1129 South 2100 West, Syracuse

Mr. Arrington stated he is a member of the Homebuilders Association. He then stated he did not choose to purchase a lot and build in Syracuse due to their restrictive code. Mr. Arrington expressed concern with current and proposed West Point City building code. Mr. Arrington stated with a restrictive code, many people will not have the opportunity to purchase a new home, as home values will increase. Mr. Arrington stated he currently works for Sierra Homes and they currently own lots within the City. He expressed his concern with the proposed amendments not allowing for a subdivision to be grandfathered. He then requested the Council consider the business position of builder and how they may be affected by the proposed amendments.

Council Member Petersen motioned to close the public hearing.

Council Member Henderson seconded the motion.

The Council unanimously agreed.

Mr. Davis clarified the two rules which have been implemented into code:

- The first or the original rule required brick on the front of a home and not allow vinyl siding on the front of the home.
- The second rule or the current rule requires 40% of the home overall must be brick, rock, or stone.

Mr. Davis then stated when the second rule was adopted any subdivisions which had preliminary approval prior to the adoption of the current rule were grandfathered.

Council Member Petersen stated the proposed amendments are less restrictive than the current code. He then stated the Council has the responsibility to consider long term effects to allow for renewable communities. Council Member Petersen stated he was in favor of the proposed amendments and moving forward.

Council Member Chatterton asked when Mr. & Mrs. Arrington had purchased the building lot. Mr. Arrington stated they had purchased the lot approximately two earlier. Council Member Chatterton stated the Council had reviewed this subject over and over for the past several months. Council Member Chatterton stated he was in favor of the proposed amendments.

Council Member Woodward asked if the Planning Commission had discussed how Pheasant Creek and other subdivisions may be affected by the proposed amendments. Mayor Craythorne stated that it had not been discussed by the Planning Commission, as it was a late coming item and because it is an Administrative function.

Mr. Davis stated the best way to implement the propose Ordinance is from a specific date, as this would give clarity. Mr. Davis stated if a rule becomes less restrictive, the grandfathered subdivision can reduce to the less restrictive rule.

Mayor Craythorne informed the Council that the proposed ordinance would take effect immediately upon signing.

The Council agreed to allow any subdivision grandfathered before the year 2006 be allowed to remain grandfathered under their original rule.

b. Action

Council Member Petersen motioned to approve Ordinance No. 07-16-2013A, Amending Section 15.15.130 of the West Point City Code, Relative to Brick Requirements on New Homes. With the additional language allowing for any for development grandfathered under the first rule be allowed to remain under the first rule.

Council Member Henderson seconded the motion.

The Council unanimously agreed.

Council Member Dawson - Yes
Council Member Henderson - Yes
Council Member Chatterton - Yes
Council Member Woodward - Yes
Council Member Petersen - Yes

9. Ordinance No. 07-16-2013B, Consideration of Amending Section 17.25.070 of the West Point City Code, Relative to the Land Use Table – Mr. Boyd Davis

Mr. Davis stated a moratorium for all commercial projects currently exists. Staff had been given direction to review and update the land use table. The Planning Commission has reviewed and approved the proposed land use table. Mr. Davis stated items were removed from the land use table if:

- The uses were already prohibited
- The uses were undesirable
- No definition

Other uses were modified to limit uses to certain zones or require a conditional use permit.

Examples of Removed Uses:

- Mobile Home Parks
- Halfway House
- Wrecking or Salvage Parks
- Taverns

Examples of Modified Uses:

- Gasoline, Sales, & Wholesales (removed from RC zone and added to R/I-P zone)
- Service Stations
- Mini Storage Units (changed to "Storage Units" and permitted in R/I-P)

Staff recommended the Council approve 07-16-2013B, An Ordinance Modifying Land Use Regulations. Mr. Davis then stated upon approving Ordinance No. 07-16-2013B the moratorium will be removed.

Council Member Chatterton asked the difference between a Storage Warehouse and a Storage Unit. Mr. Davis stated the he would need to review the definition of a Storage Warehouse, however both would only be allowed in an Industrial zone.

a. Public Hearing – no comment

Council Member Henderson motioned to close the public hearing.
Council Member Dawson seconded the motion.

b. Action

Council Member Chatterton motioned to approve Ordinance No. 07-16-2013B, Amending Section 17.25.070 of the West Point City Code, Relative to the Land Use Table.
Council Member Petersen seconded the motion.

The Council unanimously agreed.

Council Member Petersen – Yes
Council Member Chatterton – Yes
Council Member Henderson – Yes
Council Member Dawson – Yes
Council Member Woodward - Yes

10. Adoption of Minutes from the June 18, 2013 Council Meeting – Mrs. Misty Rogers

Council Member Petersen motioned to approve the June 18, 2013 City Council Minutes.
Council Member Henderson seconded the motion.

The Council unanimously agreed.

11. Motion to Adjourn

Council Member Woodward motioned to adjourn.
Council Member Dawson seconded the motion.

The Council unanimously agreed.

GARY PETERSEN
MAYOR PRO-TEM

DATE

MISTY ROGERS
CITY RECORDER

DATE