



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
April 4, 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

6:00 PM

Minutes for the West Point City Council Administrative Session held on April 4th, 2023, at 6:00 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# 813 1643 6784 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 Jerry Chatterton, Council Member Annette Judd, Council Member Michele Swenson, and Council Member Brad Lee

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager (online); 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 (online)

EXCUSED: None

VISITORS PRESENT: Matt Leavitt, Jeni Hall, and Trent Yarbrough. No sign-in required for those attending virtually.

1. Discussion Regarding the Land and Water Conservation Fund Grant – Mr. Boyd Davis

Mr. Davis introduced the discussion regarding the Land and Water Conservation Fund grant available through the Utah Division of Outdoor Recreation. West Point City had previously received this grant and considered its potential use for developing a park near the junior high. The cost estimate to acquire the property and develop the space is \$2,960,499.0, for 10.3 acres. Staff is requesting \$1,480,249.50 in grant funds. Mr. Davis highlighted the following key points:

- Grant details: Intended for park space development.
- Eligible projects: Land acquisition and park space development.
- Significant requirements:
 - Perpetual open space easement, requiring the designated park space to be available to the public forever.
 - Proper maintenance and periodic inspections.
 - Restrictions on formal sharing agreements, as the park must remain open to the public at all times.

Mr. Davis explained that while Staff recommends moving forward with applying for the grant, there are stipulations that need to be considered, primarily the following:

- Perpetual open-space easement that can never be removed.
- The property and park are subject to inspection by the Utah Department of Outdoor Recreation at any time in perpetuity.
- The City cannot enter into a "Sharing Agreement" with the school.

The Council discussed the grant stipulations, specifically the potential shared usage with the school district. The discussion centered on the areas the school district would allow for shared use, including football fields, gym space, soccer fields, and pickleball courts, clarification on the term "football field" encompassing multiple sports, including football, lacrosse, and soccer, the potential for track facilities, and possible future development in the blank space near the football field, possibly reducing the park space acreage.

It was decided to move forward with the grant application, but to reduce the acreage from the 10.3 acres in order to have more property eligible for shared use with the school. Council will need to approve a resolution in support of applying for the grant (which must be submitted with the application), however, the resolution will not contain specifics in regards to the acreage or grant amount. That resolution is on the agenda for consideration of approval in tonight's General Session. Staff will work with the school

district regarding the shared-use areas, and the application will be adjusted to request funding for only the designated acreage that will be non-shared, open park space.

2. Discussion Regarding a Development Agreement & Rezone of Property Located at 3230 W and 3250 W 300 N – Mrs. Bryn MacDonald

Mrs. MacDonald stated that the applicant, Matt Leavitt, who represents the property owners Stan & Jeni Hall, is requesting a rezone on the property located at 3230 W and 3250 W 300 N from R-2 Residential to R-3 Residential. The subject property consists of 3.64 acres split between two parcels. There is an existing home on each parcel. The property is currently zoned R-2. The General Plan identifies this property as R-3 Residential.

The R-3 zone (3.6 units/acre) would allow up to 13 lots on the property. The applicant has submitted a concept plan with 12 lots. However, the applicant has also submitted a development agreement to be approved along with the zoning because the concept plan requires several variations from the R-3 code requirements:

1. Lot widths that are 82 feet wide, instead of the 85-foot minimum required.
2. Lot depths that are 99 feet, instead of the required 100 feet minimum.
3. A minimum lot size of 8,200 square feet, instead of the required 9,000 square feet.
4. A 46-foot private street, with a cross section consisting of 31 feet of asphalt, 5 foot of curb and gutter, and a 5-foot sidewalk on each side of the street.
5. Ten (10) foot corner lot side yards for the two existing homes presently addressed as 3230 West and 3250 West and shown on the Concept Plan as lots 1 and 12.
6. The flag lot, shown as lot 7, is allowed to be 11,611 square feet, instead of the required 13,500.

In addition to the code exceptions, the developer is proposing greater landscaping and architectural standards in the development. This includes 2 trees on each lot, 40% brick or stone on each front elevation, and minimum home sizes.

It was noted that the concept plan will be attached to the development agreement; however, the developer will still be required to go through the subdivision process if the zoning and development agreement are approved. The subdivision still has to meet all other zoning and engineering requirements.

During the meeting on February 21, the Council had questions about the proposed flag lot and about the existing driveways on 300 North. The applicant has since submitted site plans showing how homes would fit on the flag lot, and informed Staff that they have been working with UDOT to determine if the existing driveways can stay where they are or if they need to be reoriented to access the new private road.

The Council's discussion of the rezone request focused on the following main points:

- **Compliance with City Ordinances:** Council Members highlighted the need to adhere to city codes and ordinances, expressing worry about the number of exceptions requested in the Development Agreement.
- **Flag Lot Classification:** Concerns were expressed regarding the classification of the proposed flag lot and whether it truly aligned with the designated definition in city ordinances.
- **Infrastructure and Maintenance:** Concerns were raised about the maintenance of private roads, potential impact on existing structures, particularly in relation to driveway relocations, and structural adjustments.
- **Meeting City Code Regulations:** Emphasis was placed on the importance of complying with city code regulations, especially concerning lot sizes and street specifications.
- **Proposed Solutions:** Suggestions were made to potentially eliminate a lot for better compliance, and to revise the proposal to meet city code requirements more effectively.

Mr. Leavitt was present at the meeting and responded to some of the concerns raised, stating that they have already significantly reduced the number of the units from the initial plan of 29 units in order to be in line with the density of the surrounding neighborhood, and the exceptions being asked for are not to increase density, but are necessary because of the shape and width of the property. He feels that the City Code allows for exceptions in situations like this, and are for minimal footage. For example, there are two lots that require the exception to the 100 ft. lot depth requirement because they only have a depth 99.86 ft., which is a matter of inches. He believes that the high-level of architectural design and above-standard landscaping is well worth the exchange for allowing these minimal exceptions. He would like the Council to put their past "prejudices" aside and let this development move

forward. Council Members Petersen and Chatterton both wanted it stated on the record that they are neither prejudiced or biased, and take offense to being labeled such, as it is their job to make decisions based upon what ordinances and codes are in place.

Public hearings have been noticed and will be held for both the development agreement rezone and in tonight's General Session. After which, the Council will continue the discussion and take action on whether to approve, table, or deny both the development agreement and rezone request.

3. Discussion Regarding the Site Plan for the Salt Grass Townhomes Located at Approximately 1800 N 4500 W – Mrs. Bryn MacDonald

Mrs. MacDonald reviewed the Salt Grass project located at 1800 N 4500 W, which property has also been previously referred to as the Scadden property or Davis School District Property. This development consists of 16.5 acres and is located in the R-4 zone. The proposal is for 132 townhomes, and the project is subject to a development agreement approved by the City Council in June 2022. The developer is now seeking site plan approval.

The Planning Commission held a public meeting on March 23, 2023, and recommended approval of the site plan with the following requirements:

- The interior units of phase 2 be built first and the park with all amenities be built prior to building permits being issued on the exterior units. These amenities will include 2 pickleball courts, playground equipment, and landscaping open space as depicted in the site plan.
- The HOA to maintain the stub road on the northeast side of the subdivision in a way that would discourage weed growth and long-term parking.
- Provide a 6-foot fence along the east property line.
- The timing of the construction of the fence and landscape buffer along 4500 W to be determined by City Council.

The Council discussed the site plan, development agreement requirements, and recommendations from the Planning Commission. Key points from the discussion are as follows:

Development Phases

Approval for 132 units was granted in the development agreement, structured into two phases. The first phase involves the initial construction of units along with specific park elements. The Planning Commission emphasized the sequencing of park-related amenities to prevent delays until after the units are occupied and recommended prioritizing the construction of units adjacent to the park before those along the exterior road in phase two.

Amenities & Landscaping

Discussions revolved around the timing of construction for amenities and landscape features, such as two pickleball courts, playgrounds, and a vinyl fence along 4500 W. Approval of elevations and different color combinations met the requirements specified in the development agreement.

Property Realignment

The developers proposed dedicating property to the city for the future realignment of 4500 W. Uncertainties regarding the timing of that realignment raised concerns about property dedication and maintenance responsibilities. Suggestions were made to let the City Council determine the fence and landscaping buffer construction in alignment with road construction plans.

Parking and Driveway Depths

Adjustments were made to driveway depths, extending them to 25 or 28 feet. The issue of additional parking spots and street parking was discussed, meeting the requirements but with limited on-street parking available.

Infrastructure and Drainage

Drainage plans involve installing pipes to connect to the storm drain on the south side of 1800 N, addressing concerns about the direction of water flow and its connection.

The discussion concluded with unresolved questions concerning the stub road, drainage, road realignment, and the City's future plans. Further clarification was requested from the developers and Staff regarding certain property dedications, maintenance

responsibilities, and the coordination of construction timelines for amenities and roads. The Council will continue the discussion in future meetings.

4. Other Items

No other items were discussed.

The Administrative Session adjourned



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
April 4th, 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 April 4th, 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# 813 1643 6784 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 Jerry Chatterton, Council Member Annette Judd, Council Member Michele Swenson, and Council Member Brad Lee

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager (online); 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 (online)

EXCUSED: None

VISITORS PRESENT: Matt Leavitt, Jeni Hall, Brent Stoddard, Randee Bereece, Trent Yarbrough, Terry & Liz Morris, and Kelsey Hall. 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 Brad Lee
4. **Communications and Disclosures from City Council and Mayor**

Council Member Swenson – Stated the last Planning Commission meeting was the last one for Jason Nelson. He has been called by Governor Cox to be a district judge and his presence will be missed on the Commission.

Council Member Judd – None

Council Member Petersen – None

Council Member Chatterton – None

Council Member Lee – None

Mayor Vincent – None

5. **Communications from Staff**

Mr. Laws stated as a reminder the Easter Egg Hunt will be held this Saturday, April 8th, at 10 am at Loy Blake Park. He encouraged the public to attend this fun event and plan accordingly for weather elements.

Mr. Davis stated it has been recommended by the staff of Wasatch Regional Council for the City to receive a grant to perform construction on 4500 W where the road will be realigned. That will be for over \$1 million. However, it will not take place for 6 years. Mayor Vincent asked if that is something we can accept and the City reimburse themselves later. Mr. Davis stated no as it is a federal grant. Council Member Petersen stated by that time, there will need to be a light located at that intersection and if that can be incorporated as he does understand that is a UDOT intersection. Mr. Davis stated yes it can and he has had a conversation with

UDOT who stated they will most likely pay for the signal. The signal will be needed as soon as the West Davis Highway connects to 1800 N.

6. Citizen Comment

None

7. Appointment of Board Members to the West Point Arts Council – Mayor Brian Vincent

Mayor Vincent stated the West Point Arts Council was created earlier this year and Randee Beerece was appointed as Chair and Mr. Laws is currently filling the position of Vice-Chair. They have been tasked with filling the Arts Council Board. Interviews have taken place and names recommended to him to present to the Council for approval (in accordance with the bylaws). The four individuals being recommended as Board Members are: Amy Koster, Julie Beasley, Terry Morris, and Liz Morris. They have great talents and abilities that will enrich the community and Arts Council. The Mayor thanked them for being willing to serve and volunteer their time and efforts.

Council Member Petersen motioned to approve the appointment of Amy Koster, Julie Beasley, Terry Morris, and Liz Morris to the West Point Arts Council Board

Council Member Chatterton seconded the motion

The Council unanimously agreed.

At this point in the meeting, Item 12 and Item 13 were discussed

8. Consideration of Approval of Resolution No. 04-04-2023A, Approving an Interlocal Agreement with Davis County for Election Services – Ms. Casey Arnold

Ms. Arnold stated this election cycle there are three City Council seats available. In the past, Davis County has been contracted for election services. They have done a great job. She believes that every city in the County is also contracting with them which helps things run smoother. They are not obligated to contract with them; however, Davis County has the resources, knowledge, experience, and personnel available to handle the election. This year, they have provided an estimate of \$9,787 to administer each election. That would be for primary, if needed, and for the general election. They based this on the previous year's voter turnout. The City has budgeted \$20,000 for election costs, and so even if both elections were held, the total cost should be within that budgeted amount. She noted that the initial estimate provided by the County has been historically higher than the actual cost, and a major benefit of contracting with them is that many of the expenses can be shared between all other participating cities.

The Council had no comments or questions.

Council Member Swenson motioned to approve Resolution No. 04-04-2023A, Approving an Interlocal Agreement with Davis County for Election Services

Council Member Chatterton seconded the motion

The Council unanimously agreed

9. Consideration of Approval of Resolution No. 04-04-2023B, Indicating the City Council's Support for the Land and Water Conservation Fund Grant – Mr. Boyd Davis

Mr. Davis stated that this item was discussed in tonight's Administrative Session, and summarized that funding is available through a grant with the Utah Division of Outdoor Recreation for projects related to land acquisition and park space development, subject to certain conditions. The eligible projects must be committed to maintaining the space as a park in perpetuity through the placement of an easement. Additionally, the space must be open to public access at all times and is subject to inspections.

A map was presented, depicting the area intended for West Point City ownership, adjacent to the school district site, which includes a school, football field, multi-use sports field, and track. The designated area, approximately 10.3 acres, is proposed to be dedicated as grass-filled space for the city's recreational programs, therefore qualifying for the grant. However, there was a discussion about reducing the acreage to align with the grant's stipulations.

The estimated cost for the 10.3 acres is \$2.9 million, with the grant being a 50/50 match. Accordingly, the council would request \$1.4 million, but this amount would be adjusted proportionally should the acreage decrease. The resolution presented to the council sought their support for the grant application and remained open for modifications before submission.

During the discussion, it was highlighted that part of the field space would comprise artificial turf, while the city park area would be sodded. Concerns were raised about the clause requiring the space to remain in perpetuity and discussions centered around potential modifications to the acreage and negotiations with the school district.

There were deliberations on whether the school district would contribute financially for the portion held for their use in the future, and if there was an agreement in place indicating that. Mr. Laws stated he feels that asking them to enter into an agreement may be too much to ask right now, as they are not asking for funds to be able to share in the participation of their gym space with our gym space for events and activities. They are paying for that. What they are not paying for is use of other aspects of their facilities, like the theater room and stage inside the gym in which we are asking for participation for the Arts Council. Council Member Petersen stated he does understand they are working a lot with the school district to make everything work, he is wondering if the asking could be just more as informative to let them know our situation. It could help them solidify their future use.

Council Member Swenson asked about the exception Mr. Davis stated about it being open at all times for the public, it is a public school and would that qualify. She knows it states no sharing agreement with the school but it being a public entity, if that is how they can get around it. Mr. Davis stated the grant specifically preclude schools.

The Council was in favor of applying for the grant, and had no further discussion on the resolution indicating their support, as it does not contain specifics in regards to the acreage or grant amount that will be applied for. Staff will work with the school district and gather more information in determining the appropriate acreage size to be subject to the stipulations.

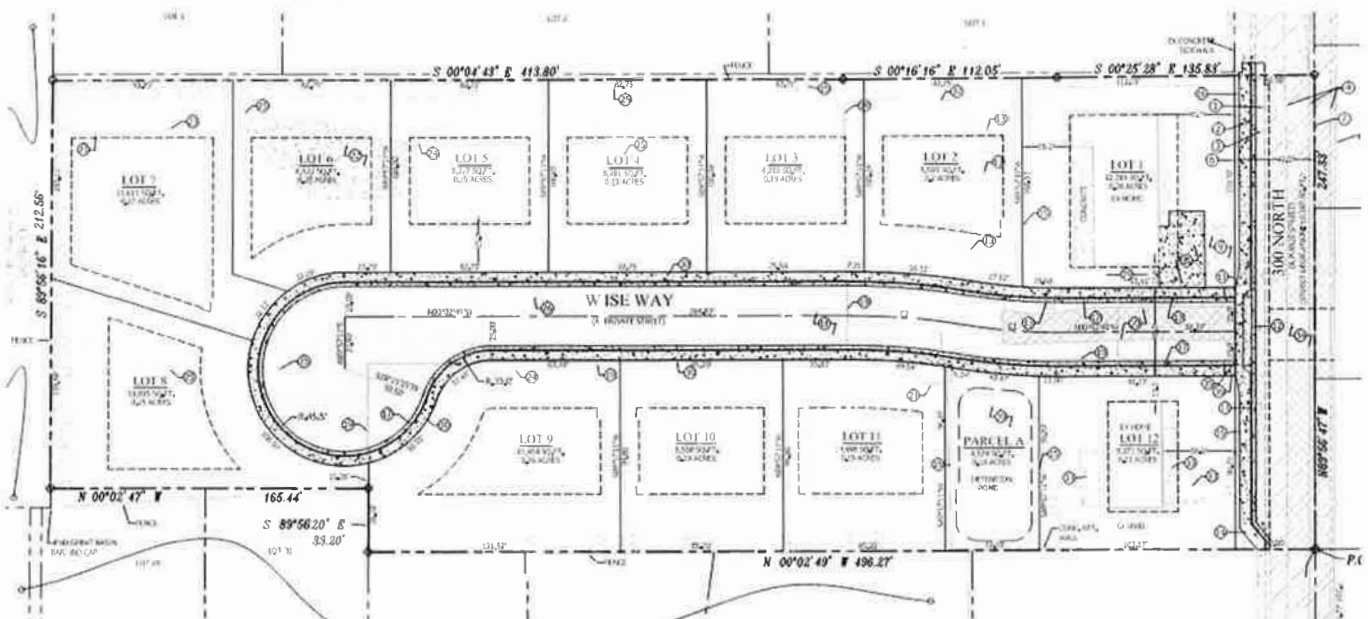
Council Member Petersen motioned to approve Resolution No. 04-04-2023B, Indicating the City Council's Support for the Land and Water Conservation Fund Grant

Council Member Lee second the motion

The Council unanimously agreed.

10. Consideration of Approval of Resolution No. 04-04-2023C, Approving a Development Agreement with James Stanley Hall and Jeni S. Hall for Property Located at 3230 W 300 N – Mrs. Bryn MacDonald

This is a development agreement and a rezone request for the property 3230 W 300 N and 3250 W 300 N, totaling 3.6 acres. The property is currently zoned as R2 but aligns with the R3 designation in the general plan. The proposal involves rezoning the property to R3, accommodating the creation of 12 lots, inclusive of two existing homes at the front and a detention pond.



Details of the Proposal:

The concept plan outlines 12 lots, including a flag lot, however there are two existing homes on the front, so it would be 10 new lots, 2 existing homes, and a detention pond. Variations from zoning requirements include lot sizes, private road width, side yard requirements for the homes, and the creation of a flag lot. In exchange for the variations, the developer is proposing additional landscaping, architectural standards, and the use of brick or stone on home elevations.

The Council has discussed this proposed project previously, and again raised their concerns regarding the narrowness of the proposed private road and issues of maintaining a private road, specifically its implications for parking, snow removal and parking. They also expressed their concerns about the number of variations being requested, feeling that there is a need to remain in compliance with current zoning standards.

Questions were raised concerning the need for a development agreement, considering the property's rezoning and site plan approval. Mrs. MacDonald confirmed for the Council that a development agreement is the only avenue through which there can be any control over the resulting development once the property is rezoned. Once rezoned, the developer can develop the property as desired, as long as it meets the ordinances applicable to the zone and all other building codes.

The Mayor opened the item for public hearing.

a. Public Hearing

No Comments.

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

b. Action

Council Member Chatterton motioned to table approval of Resolution No. 04-04-2023C, Approving a Development Agreement with James Stanley Hall and Jeni S. Hall for Property Located at 3230 W 300 N, pending more information about the private road (specifically road width, maintenance, and utility services).
Council Member Judd seconded the motion
The Council unanimously agreed

11. Consideration of Approval of Ordinance No. 04-04-2023A, Approving a Rezone of Properties Located at 3230 W and 3250 W 300 N from the R-2 to R-3 Residential Zone – Mrs. Bryn MacDonald

Mayor Vincent opened the public hearing.

a. Public Hearing

Jenn Hall – 3230 W 300 N: Mrs. Hall stated that she is the owner of these properties and would like to inquire as to whether there is any reason that the rezone could not be approved, even if the site plan is not approved. Her purpose in asking is in regards to marketing of the property, as the property would be more marketable if it were already zoned for development as an R-3 zone. She stated that the site plan being proposed could be entirely different than the one that might be proposed by someone else that purchase the property.

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

b. Action

Council Member Petersen stated that in regards to the question raised by Mrs. Hall, the rezone and development agreement need to go hand-in-hand. Mrs. MacDonald confirmed, adding that if the rezone were approved, there would be no reason for the developer to enter into a development agreement – they could submit a new site plan with density up to the allowed 3.6 units per acre. The point of the development agreement is to obligate the developer to develop the rezoned property to the concept plan that they submitted.

The Council had no further discussion.

Council Member Chatterton motioned to table Ordinance No. 04-04-2023A, Approving a Rezone of Properties Located at 3230 W and 3250 W 300 N from the R-2 to R-3 Residential Zone

Council Member Swenson seconded the motion

The Council unanimously agreed.

12. Public Hearing Regarding the Annexation of Properties in the Area of Approximately 700 S 4500 W into the Boundaries of West Point City – Mr. Kyle Laws/Ms. Casey Arnold

Mr. Laws stated the property at 700 S 4500 W is the location of a new junior high being built in West Point. Although the property is within the City's future annexation area, the property is not currently within the City's boundaries and must be officially annexed. There are two property owners in the area to be annexed, the Davis School District and Susan Elbrader Trust, who are both supportive of the annexation and have given their written consent. This annexation was initiated by the City, in accordance with State Statute, and with there being only two property owners that are in favor of the annexation, there is no open protest period. Notice of the proposed annexation and public hearing date has been noticed as required. After the public hearing, the Council will consider approval of the annexation via ordinance.

Council Member Petersen asked about the two homes on the property and if they were both occupied. Mayor Vincent stated the school district owns the one and is using it as the job site/headquarters until the project nears completion, at which point it will be demolished.

The Mayor opened the public hearing.

There were no public comments.

Council Member Judd motioned to close the public hearing regarding the annexation

Council Member Swenson seconded the motion

The Council unanimously agreed.

13. Consideration of Approval of Ordinance No. 04-04-2023B, Approving the Annexation of Properties in the Area of Approximately 700 S 4500 W into the Boundaries of West Point City and Designating the Zoning of Said Properties as an R-1 Residential Zone – Mr. Kyle Laws/Ms. Casey Arnold

The Council had no further discussion or comments on the annexation.

Council Member Lee motioned to approve Ordinance No. 04-04-2023B, Approving the Annexation of Properties in the Area of Approximately 700 S 4500 W into the Boundaries of West Point City and Designating the Zoning of Said Properties as an R-1 Residential Zone

Council Member Judd seconded the motion

Roll Call:

Council Member Swenson – Aye

Council Member Judd – Aye

Council Member Petersen – Aye

Council Member Chatterton – Aye

Council Member Lee – Aye

The Council unanimously agreed

14. Motion to Adjourn the General Session

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

APPROVED THIS 5 DAY OF December, 2023:



BRIAN VINCENT, MAYOR



CASEY ARNOLD, CITY RECORDER

