



West Point City Council Notice and Agenda

West Point City Municipal Center
3200 West 300 North
West Point City, UT 84015
October 7, 2014

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

ADMINISTRATIVE SESSION

6:00 pm – Board Room

1. Discussion of the Military Memorial Monument – Mayor Craythorne
2. Discussion of Amended Plat for the Paice Farms Phase 2 – Mr. Boyd Davis [page 5](#)

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. Consideration of Adoption of City Council Minutes from August 19, 2014 and September 2, 2014. [page 11-44](#)
7. 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).
8. Swearing-In of Youth Council Members
9. Consideration of Resolution No. 10-07-2014A, Approval of Developers Agreement with Castle Creek Homes – Mr. Boyd Davis [page 45](#)
10. Consideration of Resolution No. 10-07-2014B, Approval of Payback Agreement for Bartholomew Lane Phase 2 & 3 – Mr. Boyd Davis. [page 63](#)
11. Motion to Adjourn

Posted and dated this 3rd day of October, 2014



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 twenty-four(24) hours prior to the meeting and we will seek to provide assistance.

TENTATIVE UPCOMING ITEMS

Date: 10/21/2014

Administrative Session – 6:00 pm

1. Animal Care & Control Feral Cat Program – Mr. Clint Thacker
2. Discussion of Pheasant Creek Property Owned by West Point City – Mr. Boyd Davis
3. Quarterly Financial Report – Mr. Evan nelson
4. Discussion of Sewer System Management & Safety Plan – Mr. Paul Rochell
5. Discussion of the Proposed Mixed Use Zone – Mr. Boyd Davis

General Session – 7:00 pm

1. Consideration of Amending the Paice Farms Phase 2 Plat – Mr. Boyd Davis

Community Development & Renewal Agency

1. Adoption of the Minutes from the August 19, 2014 CDRA Meeting.
2. Review of Plan and Budget with RDA – Mr. Kyle Laws & Mr. Randy Sant

Date: 11/4/2014

No Meeting - Elections

Date: 11/18/2014

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Resolution No. 11-18-2014A , Adoption of the West Point City Sewer System Management & Safety Plan – Mr. Paul Rochell
2. Ordinance No. 10-21-2014A, Consideration of Proposed Mixed Use Zone – Mr. Boyd Davis

Future Items

Administrative Session

1. Discussion of Debris Management – Mr. Paul Rochell
2. Discussion of Street Light Replacement – Mr. Kyle Laws
3. Discussion of Cemetery Expansion

General Session

January
February
March
April
May
June
July
August
September
October

7 City Council-7pm
8 Council/Staff Lunch-11:30am
16 Planning Commission-7pm
17 Halloween Carnival-7pm
20 Senior Lunch-11:30am
21 City Council-7pm
30 Planning Commission-7pm

November

4 Election Day
8 Flags on Veteran's Graves YC
11 Veteran's Day-Office Closed
13 Planning Commission-7pm
17 Senior Lunch-11:30am
18 City Council-7pm
27-28 Thanksgiving -Office Closed

December

1 City Hall Lighting Ceremony-6:00 pm
2 City Council-7pm
5 Christmas Party-7pm
11 Planning Commission-7pm
15 Senior Lunch-11:30am
16 City Council-7pm
19 Cemetery Luminary-4pm
25-26 Christmas -Office Closed

January 2015

9-10 Council Retreat

City Council Staff Report

Subject: Amended Plats – Paice Farms & Stoddard Legacy
Author: Boyd Davis
Department: Community Development
Date: October 7, 2014

Background

We have received two requests to amend two separate subdivision plats, one in the Paice Farms Subdivision and the other in the Stoddard Legacy Subdivision. No action will be required tonight, but this item is on the agenda simply to discuss the upcoming item and to give the Council ample time to review the plan before holding a public hearing.

Analysis

The applicant for the amended plat in the Paice Farms Subdivision is Tim Moss. He has purchased additional property adjacent to his lot and would like to combine it with his lot. His neighbors have done the same and we have suggested that they work together so as to amend the plat only once. The proposal is shown on the attached map.

The second applicant is Craythorne Construction. They have requested to split a large lot in the Stoddard Legacy Subdivision into two separate lots as shown on the attached map. It appears that there is enough property to create two lots and staff sees no reason that it could not be split.

State code requires that a public hearing be held after proper notice is given to the affected property holders and other affected entities. Once the surveyed plats have been submitted staff will send out the notices and schedule the public hearing. The Planning Commission is not required to approve the amendments and therefore it will be presented to the City Council only. We tentatively plan to hold the public hearing at the next Council meeting

Recommendation

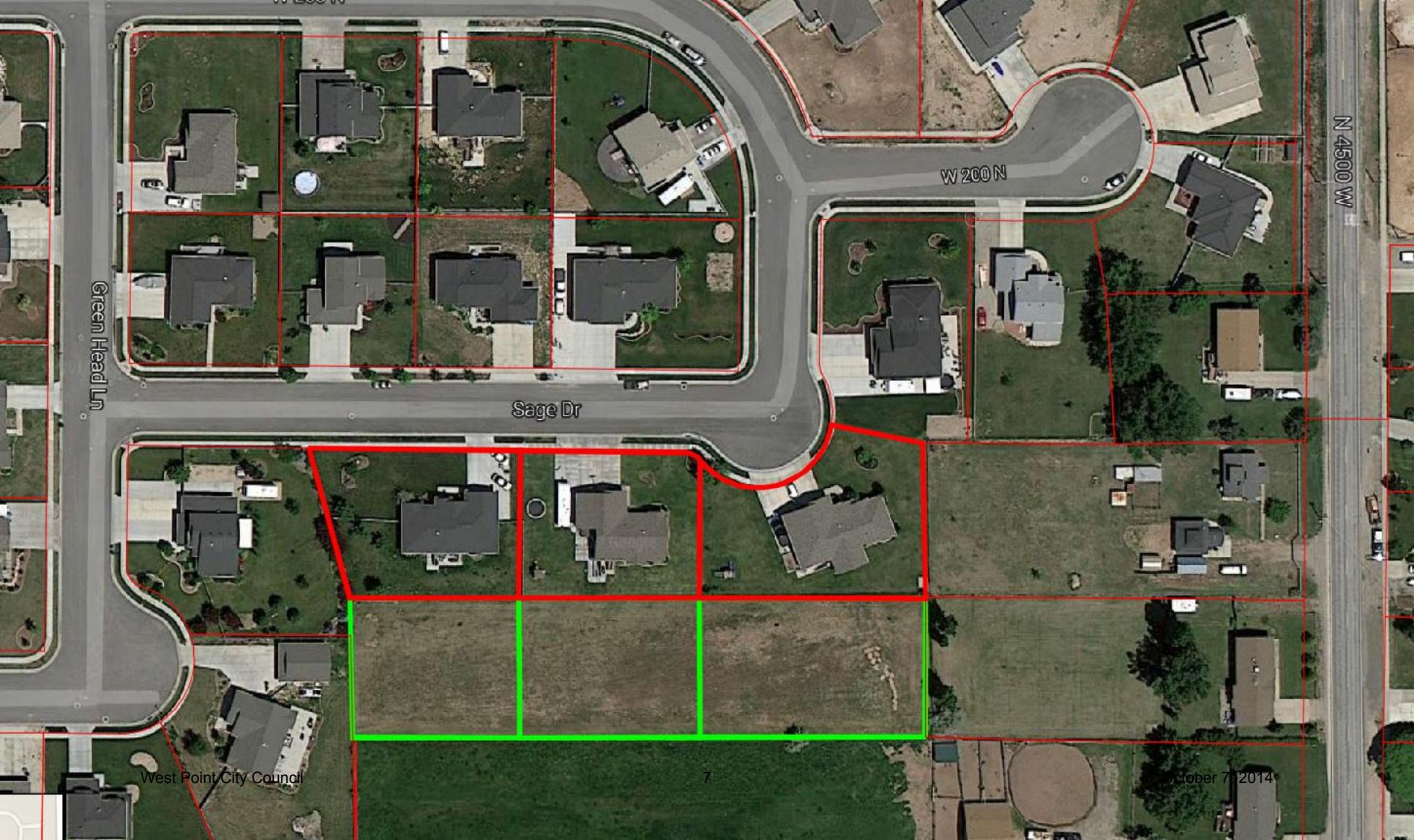
No action required tonight; however Staff is in favor of the amendments and recommends that the City Council discuss the issue and give any feedback to Staff that you may have.

Significant Impacts

None

Attachments

Maps



W 1500 N

Green Head Ln

Sage Dr

W 200 N

N 4500 W



Scale: 1" = 20'



Graphic Scale

Stoddard Legacy Phase 2 - Amending Lot 24

A part of the Northeast 1/4 of Section 31, T5N, R2W, SLB&M, U.S. Survey
West Point City, Davis County, Utah

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that this plat of Stoddard Legacy Phase 2 - Amending Lot 24, in West Point City, Davis County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Davis County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17.

Signed this _____ day of _____, 2014.

6242920

License No.

Andy Hubbard

OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into lots and streets as shown on this plat, and name said tract Stoddard Legacy Phase 2 - Amending Lot 24, and hereby dedicate, grant and convey to West Point City, Davis County, Utah, all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate to West Point City those certain strips as easements for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of public utility service lines and drainage, as may be authorized by West Point City.

Signed this _____ day of _____, 2014.

- Craythorne Construction Company, Inc. -

Erik Craythorne - President

ACKNOWLEDGMENT

State of Utah }
County of } ss

On the _____ day of _____, 2014, personally appeared before me Erik Craythorne, who being by me duly sworn did say that he is President of Craythorne Construction Company, Inc. and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and Erik Craythorne acknowledged to me that said Corporation executed the same.

Residing at: _____

A Notary Public commissioned in Utah

Commission Expires: _____

Print Name

BOUNDARY DESCRIPTION

A part of the Northeast Quarter of Section 31, Township 5 North, Range 2 West, Salt Lake Base and Meridian, U.S. Survey:
Beginning at the Southeast Corner of Lot 3, Stoddard Legacy Phase 1, West Point City, Davis County, Utah, said point being 484.83 feet North 89°57'29" West along the Quarter Section line and 571.59 feet North 0°02'31" East from the Southeast corner of said Quarter Section; and running thence seven (7) courses along the Easterly and Northerly boundary line of said Stoddard Legacy Phase 1 as follows: North 0°28'15" West 284.90 feet;
South 89°55'32" East 22.81 feet; North 0°04'28" East 170.00 feet; North 89°55'32" West 65.98 feet; North 50°15'17" West 60.00 feet; South 39°44'43" West 41.04 feet and
North 50°15'17" West 150.00 feet to the Southeasterly boundary line of the Layton Canal Property; thence North 39°44'43" East 243.00 feet along said Southeasterly boundary line to an existing fence line; thence North 89°49'08" East 530.75 feet along said fence line to the West right of way line of 4000 West Street; thence South 0°04'28" West 679.01 feet along said West right of way line; thence South 89°49'08" West 133.00 feet; thence
South 0°04'28" West 100.00 feet; thence South 89°49'08" West 217.02 feet to said Easterly boundary line of Stoddard Legacy Phase 1; thence North 71°36'50" West 107.58 feet along said Easterly boundary line to the point of beginning.
Contains 8.713 Acres

NOTES

- 10' wide Public Utility and Drainage Easements on front and rear lot lines and subdivision boundaries. 7.5' wide on Side Yard each side of property line as indicated by dashed lines, except as otherwise shown.
- Many areas in West Point City have ground water problems due to a seasonally high (fluctuating) water table. Approval of this plat does not constitute representation by the City that any building at any elevation will solve ground water problems. Solution of these problems is the sole responsibility of the permit applicant and property owner.

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND
RECORDED _____ AT
_____ IN BOOK _____ OF OFFICIAL
RECORDS, PAGE _____ RECORDED
FOR _____

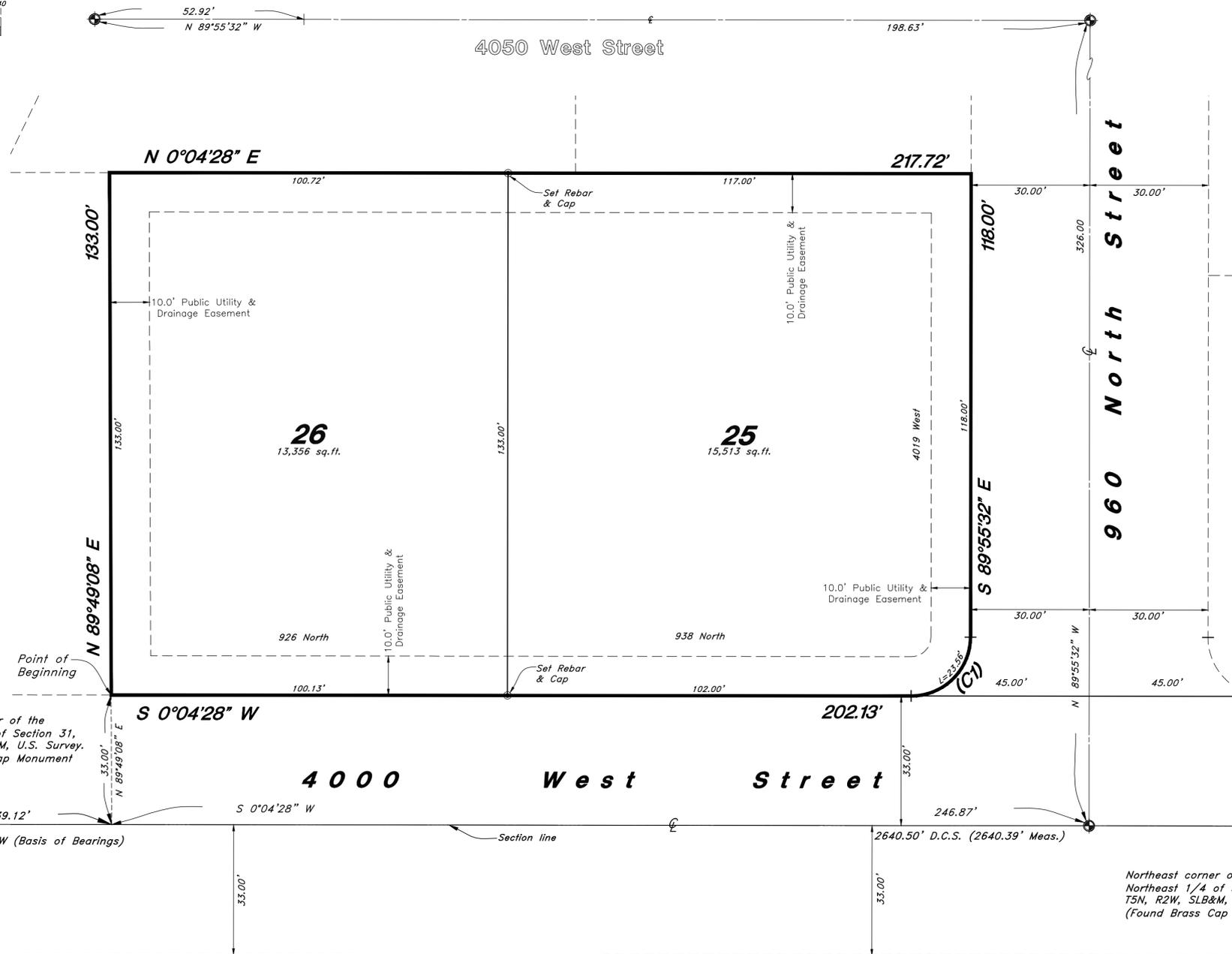
DAVIS COUNTY RECORDER

BY: _____
DEPUTY

NARRATIVE
This survey and subdivision plat was requested by Mr. Erik Craythorne for the purpose of Amending Lot 24. Brass Cap Monuments were found at the Southeast corner and the Northeast corner of the Northeast 1/4 of Section 31, T5N, R2W, SLB&M, U.S. Survey. A line bearing S 0°04'28" W between these two monuments was used as the Basis of Bearings. Property corners were monumented as depicted on this drawing.

LEGEND

- Found Great Basin Engineering Rebar & Cap
- Set Nail & Washer in Conc. Set 5/8" Rebar (24" long) & Cap w/ Fencepost
- Set Hub & Tack
- (Rad.) Radial line
- (N/R) Non-radial line
- D.C.S. Davis County Surveyor
- ⊕ Monument to be Set



WEST POINT PLANNING COMMISSION

Approved by the Planning Commission of West Point City on the _____ day of _____, 2005.

Chairperson

WEST POINT CITY ENGINEER

I hereby certify that I have carefully investigated the lines of Survey of the foregoing plat and legal description of the land embraced therein, and find them to be correct and to agree with the lines and monuments on record in this office.

Signed this _____ day of _____, 2005.

Signature

WEST POINT CITY ATTORNEY

Approved by the Attorney of West Point City on this _____ day of _____, 2005.

Signature

WEST POINT CITY APPROVAL

This is to certify that this plat and dedication of this plat were duly approved and accepted by the City Council of West Point City, Utah this _____ day of _____, 2005.

Attest _____

Title _____

Mayor

CURVE DATA					
Curve	Delta	Radius	Length	Chord	Chord Bearing
C1	90°00'00"	15.00	23.56	21.21'	N 44°55'32" W



5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C (801)521-0222 FAX (801)392-7544
WWW.GREATBASINENGINEERING.COM

West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
August 19, 2014

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner

City Manager
Kyle Laws

Administrative Session
6:00 PM

Minutes for the West Point City Council Administrative Session held at 6:00 pm on August 19, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

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

EXCUSED – Council Member Kent Henderson and City Manager Kyle Laws

CITY EMPLOYEES PRESENT – Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director; Matt Lee, West Point City Intern; and Misty Rogers, City Recorder

VISITORS – Rob Ortega

1. Discussion of the Creation of the Community Development and Renewal Agency – Mr. Boyd Davis

Mr. Davis stated the Council will be asked to approve Ordinance No. 08-19-2014C, the creation of the Community Development and Renewal Agency of West Point City (CDRA) and the Notice of Impending Boundary Action. He then stated once approved, the CDRA will have authority over the entire West Point City boundary. This authority will allow the CDRA to create multiple project boundaries within the agency boundary.

Mr. Davis informed those in attendance that immediately following the August 19, 2014 City Council meeting, the CDRA will convene. He then stated Mr. Randy Sant will conduct the CDRA meeting as well as present the following items to the board for consideration:

- Resolution No. R08-19-2014A, Approving Bylaws for Community Development and Renewal Agency
- Appointment of Officers and Staff
- Resolution No. R08-19-2014B, Authorizing the Creation of the 300 North Community Development Project Area, and Directing Staff to Prepare the Project Area Plan and Budget

Mr. Davis stated the bylaws will reference positions rather than names as Officers of the Agency. For example, the *Mayor* of the City shall be the Chair of the Board; the *Vice-Chair* shall be a member of the governing board of the CDRA. The *City Recorder* shall be the Agency Secretary; the *City Treasurer* shall be Agency Treasurer; and the *Executive Director* shall be appointed with the advice and consent of the Board of Directors.

Mr. Davis stated project boundaries will only be approved by board members during CDRA meetings. He then informed those in attendance that during the August 19, 2014 CDRA meeting, board members will be asked to approve the 300 North Community Development Project Area, the future sight of Smiths Marketplace.

Mayor Craythorne stated the 300 North Community Development Project Area can be expanded in the future if necessary. He then informed those in attendance that if it is necessary to expand the project area in the future, taxing entities must approve.

2. Discussion of FY2015 Budget – Mr. Evan Nelson

Mayor Craythorne informed the Council that a public hearing for Truth in Taxation process will be held during the General Session. He then stated that he has been contacted by numerous residents who have expressed concern with the significant increase to their property valuations. Mayor Craythorne stated the Council should expect an increase in public attendance as well as public comment during the General Session.

Mayor Craythorne stated property tax revenue received by an entity is determined by the certified tax rate set by the County. He then explained that as property values increase, the certified tax rate decreases and as property values decrease, the certified tax rate increases. This process ensures that an entity receives the same amount of property tax revenue each year. However, by maintaining the current property tax rate, an entity can collect higher property tax revenue. Mayor Craythorne then explained that if an entity considers maintaining the tax rate, they must complete the Truth in Taxation process. If the governing body of the entity approves to maintain the tax rate, property owners typically see a minimal increase in their property taxes. This creates an increased amount in property tax revenue which is received by the entity.

Mayor Craythorne stated over the past several years, the policy of the Council has been to complete the Truth in Taxation process to determine if maintaining the property tax rate of 0.001111 is in the best interest of the City. As property values in West Point have slowly increased, the City has maintained a property tax rate of 0.001111. This has allowed the City to receive additional property tax revenue without causing large increases to property owners. He then stated that small incremental increases are typically more effective than that of occasional substantial increases.

Mayor Craythorne stated during the FY2015 budget process, the Council recommended completing the Truth in Taxation process as well as possibly maintaining the current property tax rate of 0.001111. The Council agreed that completing the Truth in Taxation process regularly is good practice. He then stated that additional property tax revenue could assist with the funding for upcoming projects, park improvements, or unfunded projects. Because the Council considered maintaining the property tax rate of 0.001111, West Point City is required to complete the Truth in Taxation process.

Mayor Craythorne informed the Council that the 2014 property valuations for West Point City have significantly increased and the City could receive additional property tax revenue if the property tax rate of 0.001111 is maintained. Mayor Craythorne stated that increased property tax revenue could be utilized; however, significant increases to property valuations within the City and maintaining the property tax rate of 0.001111 could have adverse effects on property owners.

Mayor Craythorne reminded the Council that completing the Truth in Taxation process does not require the Council to approve the property tax rate of 0.001111. The Council has the ability to consider and approve a property tax rate for West Point City between 0.000996 (the certified rate) and 0.001111 (the current rate).

Mayor Craythorne informed the Council that he and Mr. Laws have been discussing property valuations and the pro's and con's to maintaining the property tax rate (0.001111), accepting the certified rate (0.000996), or possibly approving a rate somewhere in-between. During those discussions, Mayor Craythorne and Mr. Laws agreed that approving a property tax rate between 0.000996 and 0.001111 is acceptable and that he and Mr. Laws support the Council's decision.

Mayor Craythorne informed the Council that he and Council Member Petersen had spoken earlier in the day. During their discussion, Council Member Petersen expressed concern with maintaining the property tax rate of 0.001111, as maintaining the rate will cause an 11.54% increase over the certified rate. He then stated the recommendation of Council Member Petersen is that the Council approves a smaller percentage of increase over the certified rate (0.000996).

Mayor Craythorne stated Mr. Nelson has created a property tax rate option spreadsheet (*exhibit A*). He stated the Council will be provided the spreadsheet later during the meeting.

Council Member Turner asked Mayor Craythorne if he has received feedback from property owners with regards to maintaining the property tax rate. Mayor Craythorne stated the property owners in which he has spoken with have expressed deep concern with the 2014 property valuations as well as the maintaining of the 2014 property tax rate.

Mayor Craythorne stated property tax rates, property tax revenue, and the Truth in Taxation process is difficult to understand as well as explain. He then stated it is unfortunate that more residents are unaware of the process.

Council Member Chatterton stated the Mosquito District of Davis recently held their Truth in Taxation hearing. He stated 25 to 30 citizens were in attendance; however there was a great deal of confusion. Many of those in attendance thought the public hearing being held was for all taxing entities collecting property tax revenue. Council Member Chatterton stated once those in attendance were informed that the public hearing was only for the property tax rate for the Mosquito Abatement District of Davis, the majority in attendance departed.

Council Member Petersen stated there may be numerous residents in attendance during the General Session concerned with their property valuations. He then expressed concern that a significant number of citizens do not understand that the property tax rate is determined by the City but property valuations are determined by the County.

Council Member Chatterton stated the property valuations mailed to property owners were not clear. He stated the valuations did not clearly inform property owners that they must attend specific public hearings for each taxing entity.

Mayor Craythorne turned the time over to Mr. Nelson to discuss the FY2015 Budget and Truth in Taxation process.

Mr. Nelson informed the Council that he had created a Truth in Taxation presentation (*exhibit B*) for citizens who may be in attendance during the General Session. He then presented and briefly discussed the following information with the Council.

I pay property taxes, where does the money go?

- Davis County
- Davis County School District
- Davis County Library District
- North Davis Fire District
- Davis Mosquito Abatement District
- West Point City
- North Davis Sewer District
- Etc.

What is the money used for?

- In West Point City, property tax is General Fund revenue and is used for general government operations. Including personnel parks & trails, public safety, community development, building maintenance, recreation, and public works.
- At the end of each year, excess balance in the General Fund is moved to the Capital Projects Fund, as required by State Law.

Who sets my tax rate?

- Each entity has a governing board with the authority to set property tax rates. The governing board in West Point City is the City Council.
- Property tax rates are approved annually by each governing board.
- If an entity requests more total revenue than the previous year, they must complete the Truth in Taxation process.

Is it that simple?

- Property tax bills are calculated with two variables that can change annually. For example, property tax rates are based on property valuations and property valuations are based on the market.

Property Valuation

- Property valuations are determined by the County Assessor.
- An increase in property value or of other properties in the County, City, or Districts can cause and increase to an increased tax bill.

Council Member Petersen clarified that property tax revenue in which West Point City receives is based solely on West Point City's assessed valuations. He stated assessed valuations for other cities have no effect on the assessed valuations and the property tax rate for West Point City.

- The County Assessor determines property valuations, collects property taxes, and disburses the property tax revenue to each entity, including West Point City.

Why did my tax bill go up so much?

- The tax rate may have increased.
- Your property value may have increased relative to other properties.
- A tax rate may decrease, however property valuations may cause an increase on your tax bill.

Council Member Chatterton stated he had recently spoken with Davis County Commissioner John Petroff. During the discussion, Commissioner Petroff stated the County expects that approximately 5,000 property owners will appeal their property valuations. Of the appeals filed with the County, approximately 80% will be granted some type of reduction in their property valuation.

Council Member Petersen stated the projected number of property owners who will file an appeal and be granted a reduction in their property valuations is significant. He stated there needs to be a better system with regards to determining property values.

Mayor Craythorne agreed with Council Member Petersen, the system used by Davis County to determine property values may be faulty. He then stated the 2014 property valuations for numerous properties within the City are significantly over valued.

Why did my tax bill increase more than my neighbor's?

- Property owners are typically subject to the same tax rates.
- One property may be valued higher.

Why would West Point City raise the tax rate?

- General Fund budgeted expenditures are \$79,824 higher than the previous year.
- In the past, the City has taken the approach that small incremental increases are more effective than occasional hefty increases.
- The City maintains a Capital Improvement Program for major City projects and improvements. The Capital Projects Program is partially funded by property taxes. For example, the new restroom located at the Loy Blake Park was funded by the Capital Improvements Program.

How much additional money will the City receive if the current tax rate is maintained?

- If the City maintains the current tax rate of 0.001111, property tax revenue will be approximately \$44,553 higher than the previous fiscal year.
- If the City approves the certified tax rate of 0.000996, property tax revenue will be approximately \$4,958 higher than the previous fiscal year.

Mr. Nelson stated the additional \$4,958 in property tax revenue in which West Point City will receive if the Council approves the certified tax rate is related to new growth.

Can the Council approve an alternative tax rate?

- Yes, the Council has the ability to approve a tax rate of no higher than 0.001111.

Mr. Nelson informed those in attendance that the Council is required to approve a property tax rate during the General Session. He presented the property tax rate option spreadsheet (*exhibit A*) to the Council.

Exhibit A (revised following the August 19, 2014 Council meeting)

						TAX ON \$204,000 RESIDENCE		
	Tax Rate		Total Revenue	Revenue Over Certified	% Increase Over Certified	Tax Amount	Increase Over Certified	% Increase Over Certified
\$ 344,305,131	0.001111	Current Rate	\$ 382,523	\$ 39,595	11.55%	\$ 124.65	\$ 12.90	11.54%
\$ 344,305,224	0.001106		\$ 380,650.08	\$ 37,722	11%	\$ 124.04	\$ 12.29	11%
\$ 344,305,224	0.001096		\$ 377,220.80	\$ 34,293	10%	\$ 122.92	\$ 11.17	10%
\$ 344,305,224	0.001086		\$ 373,791.52	\$ 30,864	9%	\$ 121.80	\$ 10.05	9%
\$ 344,305,224	0.001076		\$ 370,362.24	\$ 27,434	8%	\$ 120.69	\$ 8.94	8%
\$ 344,305,224	0.001066		\$ 366,932.96	\$ 24,005	7%	\$ 119.57	\$ 7.82	7%
\$ 344,305,224	0.001056		\$ 363,503.68	\$ 20,576	6%	\$ 118.45	\$ 6.70	6%
\$ 344,305,224	0.001046		\$ 360,074.40	\$ 17,146	5%	\$ 117.33	\$ 5.58	5%
\$ 344,305,224	0.001036		\$ 356,645.12	\$ 13,717	4%	\$ 116.22	\$ 4.47	4%
\$ 344,305,224	0.001026		\$ 353,215.84	\$ 10,288	3%	\$ 115.10	\$ 3.35	3%
\$ 344,305,224	0.001016		\$ 349,786.56	\$ 6,859	2%	\$ 113.98	\$ 2.23	2%
\$ 344,305,224	0.001006		\$ 346,357.28	\$ 3,429	1%	\$ 112.86	\$ 1.11	1%
\$ 344,305,221	0.000996	Certified	\$ 342,928	\$ -	0%	\$ 111.75	\$ -	0%

Council Member Dawson if in 2013 the Council approved a 6% increase over the certified rate. Mr. Nelson stated West Point City received approximately \$22,000 of additional property tax revenue in 2013.

Council Member Petersen stated he would like to review property tax rates, property valuations, and property tax revenues for the past several years.

Mayor Craythorne stated during the General Session, a public hearing will be held for the consideration of the property tax rate a required in the Truth in Taxation process. He recommended the Council consider approving an increase of 5% to 6% over the certified rate instead of the 11% increase to maintain the rate. Mayor Craythorne stated he is confident that the property tax rate approved by the Council will be in the best interest of the property owners and the City.

Council Member Chatterton recommended the Council consider a 4% increase.

Council Member Dawson stated when determining property tax rates, the Council must determine what is best for the City.

Mayor Craythorne stated during citizen comment and the public hearing, the Council should refrain from conversing with those in attendance.

Council Member Chatterton stated the Truth in Taxation process is a good practice. He then recommended the City complete the Truth in Taxation process each year, this will allow the City to have the option to accept a certified rate, maintain the rate, or approve a rate in-between.

Mayor Craythorne stated property owners and West Point City receive a cost of living increases each year. He stated with cost increases, it seems as if the City is expected to maintain the same level of service as in the past. Completing

the Truth in Taxation process on a regular basis allows for the Council to determine if the City can provide same level of service as the prior year. It also allows for the Council to determine if small incremental increases are needed. He stated holding Truth in Taxation each year should prevent hefty increases to property taxes in the future.

Council Member Dawson stated the expenditures for West Point City have increased approximately \$79,000 in FY2015. He stated the City experiences increase just as property owners experience increases.

Council Member Petersen stated many residents view the Truth in Taxation process as the City vs. the resident. He stated it is important for property owners to know that the property tax revenue received by the City is used assist with the costs of providing services to the citizens of West Point.

Council Member Petersen stated there are specific requirements with regards to the Truth in Taxation process. For instance, an entity is required to choose if they will complete the Truth in Taxation process by a specific date each year. He then stated it is unfortunate that property valuations and the certified rate had not been released before the Truth in Taxation deadline.

Council Member Petersen stated choosing to complete the Truth in Taxation process is good practice. He stated when completing the Truth in Taxation process, the Council is cautious to ensure the City receives adequate property tax revenue without negatively affecting property owners.

Council Member Petersen clarified that the Council is not required to maintain the property tax rate of 0.001111. He stated because of the Truth in Taxation process, the Council can approve a property tax rate between the certified rate of 0.00996 and the current rate of 0.001111.

Mayor Craythorne stated it is wise to complete the Truth in Taxation process yearly. Each year that West Point City participates in Truth in Taxation, more residents are educated and informed of the process.

Council Member Turner stated completing the Truth in Taxation yearly allows for Staff and the Council to review the prior year's property tax rate to the proposed certified rate. This will ensure the City is adequately collecting enough money for operating expenses.

Council Member Dawson stated completing the Truth in Taxation process is a benefit to the City. He stated not completing the Truth in Taxation is poor management.

Mr. Nelson informed the Council that upon approval of Resolution 08-19-2014A, the City Recorder will insert the approved property tax rate into resolution.

Mrs. Rogers informed the Council that a roll call vote will be held when approving Resolution 08-19-2014A, adoption of the 2014 property tax rate.

Mr. Nelson stated the 2014 property tax rate approved during the General Session will determine the final budget for FY2015.

Mr. Nelson stated the Planning Commissioners currently receives \$25 per meeting and the Commission Chair receives \$35 per meeting. In the past, the Planning Commissioners were paid by check from Accounts Payable. He stated that the IRS requires the City to pay Planning Commissioners through payroll. Because of the changes, Mr. Nelson proposed Planning Commissioners receive \$35 per meeting and the Commission Chair receive \$45 per meeting effective in the FY2015 budget.

Council Member Dawson asked if the IRS rule applies if the pay is considered a stipend. Council Member Petersen stated yes, the IRS rule applies as a stipend is considered a reimbursement.

Council Member Chatterton asked if Planning Commissioners are only paid if they attend the Planning Commission meeting. Mr. Nelson stated yes, Planning Commissioners are only paid if they attend the meeting.

Council Member Petersen recommended paying Planning Commission Members regardless if they were able to attend the meeting.

Mayor Craythorne stated the Council will review the compensation for Planning Commission Members in a future meeting.

3. Quarterly Financial Report – Mr. Evan Nelson

Mr. Nelson stated he will present the 4th quarter financial report (April-June) of the FY2014. He stated the information provided to the Council is tentative as year-end adjustments will be made at the advice and consent of the accountants.

Mayor Craythorne stated the year-end adjustments which will be made should be minor.

Mr. Nelson stated all funds remain healthy and revenues exceed expenditure. The Water Fund netted approximately \$2,700 and budgeted approximately \$300,000 in fund balance which had not been spent in FY2014.

Mayor Craythorne stated the \$300,000 left in fund balance is from the 2000 West waterline project. Because of the location, the waterline project was able to move off of the road and into the field allowing for substantial savings. He stated the savings from the 2000 West waterline project will be allocated to another project.

Mr. Nelson stated he and Staff will be assisting with the year-end audit and the closing out of FY2014 in the near future.

Mayor Craythorne excused Council Member Petersen at 6:35 pm; he stated Council Member Petersen will return shortly after 7:00 pm.

4. Discussion of Cooperative Agreement with UDOT, Accepting a Safe Sidewalk Grant and Authorizing the Mayor to execute the Agreement – Mr. Boyd Davis

Mr. Davis informed the Council that West Point City received a grant for a Safe Sidewalk Project on the South side of the road on 300 North from 1600 West and 1500 West.

Council Member Dawson asked where installation of the new the sidewalk will end. Mr. Davis stated the sidewalk will end near the power lines, on Clearfield City's side.

Mr. Davis stated he has been in contact with Rocky Mountain Power and they have agreed to assist with the funding for the installation of sidewalk on their property. He then stated that he and Mr. Laws have contacted Clearfield City to discuss the sidewalk project. It is the hopes of the City that Clearfield City will join West Point and help complete the gap in sidewalk on 300 North.

Council Member Dawson asked what the gap distance is between the West Point City sidewalk and the Clearfield City sidewalk. Mr. Davis stated he believed the Clearfield's portion of sidewalk will be a few hundred feet.

Mr. Davis stated the grant funds are available to West Point City for two years and the project is expected to begin in the summer of 2015.

Council Member Dawson asked if the safe sidewalk grant is similar to that of the grant issued for the 200 South trail. Mr. Davis stated no, the requirements of safe sidewalk grant are much easier to comply with. He then stated the bids received for the 200 South trail are approximately \$100,000 more than what the actual grant allowed.

Council Member Chatterton asked if the installation of the sidewalk on 300 North will require the relocation of utilities. Mr. Davis stated the grant funding only allows for the installation of sidewalk. He then stated there are no utilities which will need to be relocated. However, an existing ditch will be realigned or removed.

Mr. Davis recommended Council approve Resolution 08-19-2014B, a Cooperative Agreement between West Point City and UDOT for the 300 North Safe Sidewalk Project

5. Discussion of Amendment to the West Point City Cemetery Code, 12.15.130 (E)(7) Traffic & Safety Regulations Pertaining to Firearms – Mr. Matt Lee

Mayor Craythorne thanked Mr. Lee for his assistance with the amendment of the West Point City Cemetery Code, 12.15.130 (E)(7). He then stated Mr. Lee has been an asset to the City while serving as the City Intern.

Mr. Davis informed the Council that Mr. Lee's internship is nearing an end. He stated Mr. Lee has been an asset to the City and a great addition to Staff. Mr. Davis thanked Mr. Lee for the numerous tasks he has successfully completed on behalf of West Point City. Mr. Lee thanked Council and Staff for the privilege to intern with West Point City.

Mr. Lee stated the City had recently received a letter from the Second Amendment Foundation citing section 12.15.130(E)(7) of the West Point City Cemetery Code. In the letter, the Second Amendment Foundation stated 12.15.130(E)(7) of the West Point City Code is illegal under Utah State Law as it prohibits the carrying of firearms into the cemetery. The Second Amendment Foundation then "respectfully request[ed]" and "formally demand[ed]" that West Point City repeal this portion of the code to bring West Point City Code into compliance.

Mr. Lee informed the Council that the letter from the Second Amendment Foundation has been turned over to Mr. Felshaw King, the West Point City Attorney for review. After careful review of section 12.15.130(E)(7) of the West Point City Code and Utah State Law, Mr. King responded to the Second Amendment Foundation in a letter which informed them that West Point City is acting within their legal rights to regulate and prevent the discharge of firearms. Mr. King then cited section 10-8-47 of the Utah State Code, "*the municipal legislative body may regulate and prevent the discharge of firearms*". Mr. King explained in the letter that West Point City has no intention of infringing upon any legitimate Second Amendment Rights. To prevent confusion and to provide clarification, the following revisions will be made to section 12.15.130(E)(7) of the West Point City Code:

"7. ~~Brandishing or discharging~~ ~~Bringing~~ firearms within into the cemetery except by any a military escort accompanying a veteran's funeral or attending memorial services will not be permitted within the environs of the cemetery."

Mayor Craythorne stated the proposed changes to the language in section 12.15.130(E)(7) are for clarification purposes only.

Council Member Dawson asked if the Second Amendment Foundation has responded to the letter in which they had received from Mr. King; if so are the language changes acceptable? Mr. Lee stated no response has been received; therefore it has been determined to move forward and amend section 12.15.130(E)(7) of the West Point City Code.

Mayor Craythorne stated the intent of West Point City is not to infringe on anyone's Second Amendment rights. He then stated the Council should adhere to Mr. King's advice and approve the proposed language changes.

Council Member Chatterton expressed concern with using the term "brandishing" as this term may interfere with constitutional rights.

Mayor Craythorne stated Mr. King is a qualified Attorney and the Council should follow his advice and approve the proposed language changes. He stated again, it has never been the intent of West Point City to infringe in anyone's Second Amendment rights.

Council Member Dawson quoted the definition from the merriam-webster.com:

- Brandish – 1: to shake or wave (as a weapon) menacingly
- 2: to exhibit in an ostentatious or aggressive manner

Mayor Craythorne thanked Mr. Lee for his report and willingness to assist with the amendments to the Cemetery Code.

Mr. Lee informed the Council that over the past several months he has gathered and compiled information in which he used to develop a Capital Projects Plan to use together with of the Capital Projects Matrix. He stated the Capital Projects Plan allows for Staff and Council to track project progress, budget amounts, and expenditures. Mr. Lee stated if the Capital Projects Matrix and Capital Projects Plan are updated, the information will remain real-time. In the future, Mr. Laws plans to provide the Council with an updated Capital Projects Plan each year.

The Council expressed their excitement and satisfaction with the development of the Capital Projects Plan.

Mayor Craythorne and Mr. Davis informed the Council that while Mr. Lee has been working with the City he has also created and completed the many tasks which include:

- Creation of the Criminal Activity Map
- Creation and implementation of the random draft process for the Recreation Department

On behalf of the Council, Mayor Craythorne thanked Mr. Lee for the numerous tasks he has completed on behalf of West Point City. He wished Mr. Lee luck with his final year of school.

The Council then adjourned into the General Session.

West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
August 19, 2014

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner

City Manager
Kyle Laws

General Session
7:00 pm – Council Room

Minutes for the West Point City Council General Session held at 7:00 pm on August 19, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Jeff Turner, Council Member Andy Dawson, Council Member Jerry Chatterton and Council Member Petersen (arrived at 7:12 pm)

EXCUSED – Council Member Kent Henderson and City Manager Kyle Laws

CITY EMPLOYEES PRESENT – Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director; Matt Lee, West Point City Intern and Misty Rogers, City Recorder

VISITORS PRESENT – Rob Ortega, Randy Sant, Gavin Nelson, Kelsey White, Farrell Cook, and Reid Child

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

Council Member Chatterton stated the Mosquito Abatement District of Davis is providing extra spraying throughout the county. He then informed those in attendance that special spray requests can be submitted through the Mosquito Abatement website.

Council Member Dawson stated the North Davis Sewer District is in final discussions with Mr. Randy Marriott for the use of bio-solids for land applications on his farm in western Weber County. Currently, Mr. Marriott obtains the bio-solids from the NDSD on an as-needed basis. This means, the NDSD must hold the bio-solids at the facility until it is needed. Council Member Dawson stated the upcoming agreement with Mr. Marriott will allow for the bio-solids to be shipped directly from the sewer plant to Mr. Marriott's farm. He stated shipping the bio-solids directly from the sewer plant will hopefully eliminate the odor produced from the bio-solids.

Council Member Turner stated over the past several weeks, numerous residents have expressed their appreciation of the Public Works Department for the upkeep of the trail.

Mayor Craythorne informed those in attendance that Smiths Marketplace has committed to development on the corner of 300 North 2000 West. It is anticipated construction of Smiths Marketplace will begin in 2015 and opening in 2016. He then stated over the past several years, the developer of the property has hoped to bring a quality commercial business to the City. Mayor Craythorne stated Smiths Marketplace is a quality commercial business and will be a welcome addition to West Point City. He then stated the services provided by a Smiths Marketplace include

groceries, clothing, furniture, electronics, and a fuel station. The Smiths stores located in Sunset and Syracuse will remain open.

Mayor Craythorne informed those in attendance that the Community Development and Renewal Agency (CDRA) meeting will be held immediately following the City Council meeting. He stated commercial tax base will be a benefit to West Point City and the residents in the future.

Mayor Craythorne excused City Manager Kyle Laws and stated Mr. Boyd Davis is the acting City Manager.

5. Communications from Staff – no comment

6. Adoption of Minutes from the August 5, 2014 Council Meetings

Mayor Craythorne informed the Council that minor grammatical changes had been made to the minutes. He stated the Council could obtain the revised minutes from the City Recorder, Mrs. Misty Rogers.

Council Member Dawson motioned to approve the amended minutes from the August 5, 2014 City Council meeting. Council Member Turner seconded the motion.

The Council unanimously agreed.

7. Citizen Comment – no comment

Mayor Craythorne welcomed the Boy Scouts to the Council meeting. He then stated a public hearing for the Truth in Taxation process will be held further into the meeting.

8. Consideration of Resolution No. 08-19-2014A, Adoption of the Property Tax Rate for the 2014 Taxable Year for West Point City – Mr. Evan Nelson

Mayor Craythorne informed those in attendance that before property valuations and the certified rate were released, the Council was required to choose if they would complete the Truth in Taxation process. Because of this, the policy of the Council has been to complete the Truth in Taxation process, this allows the Council to review property valuations and make educated decisions as to maintaining the property tax rate, accepting the certified rate, or approve a rate in-between. He then turned the time over to Mr. Nelson.

Mr. Nelson stated the Truth in Taxation information in which he will present to the Council is in a question and answer format. He stated he is hopeful that the information in which he will present to the Council will educate those in attendance. Mr. Nelson presented the following presentation to those in attendance.

I pay property taxes, where does the money go? Mr. Nelson stated the following are taxing entities which affect property owners in West Point City.

- Davis County
- Davis County School District
- Davis County Library District
- North Davis Fire District
- Davis Mosquito Abatement District
- West Point City
- North Davis Sewer District
- Etc.

Mr. Nelson stated the Truth in Taxation hearing being held by the West Point City Council on August 19, 2014 is strictly for the West Point City property tax rate.

What is the money used for?

- In West Point City, property tax is General Fund revenue and is used for general government operations. Including personnel, parks & trails, public safety, community development, building maintenance, recreations, and public works.
- At the end of each year, excess balance in the General Fund is moved to the Capital Projects Fund, as required by State Law.

Who sets my tax rate?

- Each entity has a governing board with the authority to set property tax rates. The governing board in West Point City is the City Council.
- Property tax rates are approved annually by each governing board.
- If an entity requests more total revenue than that in the previous year, the entity must complete the Truth in Taxation process.

Is it that simple?

- No, property tax bills are calculated with two variables that can change annually. For example, property tax rates are based on property valuations and property valuations are based on the market.

Mr. Nelson informed those in attendance that property valuations are determined by the County Assessor and property tax rates are determined by the entity.

Property Valuation

- Property valuations are determined by the County Assessor.
- An increase in property value or of other properties in the County, City, or Districts can cause an increase to an increased tax bill.
- The County Assessor determines property valuations, collects property taxes, and disburses the property tax revenue to each entity, including West Point City.

Mr. Nelson stated property valuations and tax amounts in West Point are not affected by neighboring communities. He then reminded those in attendance that property values are determined by the County Assessor, not by West Point City

Why did my tax bill go up so much?

- The tax rate may have increased.
- Your property value may have increased relative to other properties.
- A tax rate may have decreased, however property valuations may cause an increase on your tax bill.

Why did my tax bill increase more than my neighbor's?

- Property owners are typically subject to the same tax rates.
- One property may be valued higher.

Why would West Point City maintain the tax rate? Mr. Nelson stated the following reasons are why the Council may consider maintain the current rate.

- General Fund expenditures are approximately \$79,000 higher than the previous year.
- In the past, the City has taken the approach that small incremental increases in property tax revenue are more effective than occasional hefty increases.

Mr. Nelson stated several cities in the surrounding area are proposing hefty increases to their property tax rate. He stated he is thankful that West Point City isn't in the position of needing to propose large increases to the property tax rates.

- The City maintains a Capital Improvement Program for major City projects and improvements. The Capital Projects Program is partially funded by property taxes. For example, the new restroom located at the Loy Blake Park was funded by the Capital Improvements Program.

How much additional money will the City receive if the current tax rate is maintained?

- If the City maintains the current tax rate of 0.001111, property tax revenue will be approximately \$44,553 higher than FY2014.
- If the City approves the certified tax rate of 0.000996, property tax revenue will be approximately \$5,000 higher than FY2014.

Mr. Nelson informed those in attendance that the "certified tax rate" is set by the County. He then stated the additional \$5,000 in property tax revenue West Point City will receive if the certified rate is approved is related to new growth.

Can the Council approve an alternative tax rate?

- Yes, the Council has the ability to approve a tax rate of no higher than 0.001111.

Mr. Nelson stated the Council has the ability to approve the certified rate of 0.00996, the current rate of 0.001111 or somewhere in-between. Mayor Craythorne thanked Mr. Nelson for his presentation.

Mayor Craythorne invited anyone wishing to provide public with regards to the adoption of the 2014 property tax rate to address the Council.

- a. Public Hearing - Mayor Craythorne stated during the public comment period, the Council will not converse with those in attendance.

Kelsey White (Utah Tax Payers Association) - Draper, Utah

Ms. White informed the Council that she is a Research Analyst for the Utah Tax Payers Association. She then expressed her appreciation for the opportunity to address and inform the Council of perspective of the Utah Tax Payers Association. Ms. White stated maintaining the current property tax rate creates an unnecessary "tax hike" for property owners.

Ms. White informed the Council that earlier in the day, she had the opportunity to review the West Point City budget. She asked the Council why, \$96,000 in unbudgeted funds is sitting in the contingency account. Ms. White stated that she has spoken to employees of the City with regards to the proposed "tax hike" (maintaining the current rate) and the excess \$96,000 within the Contingency Fund. She then stated that it seems as if the unbudgeted funds within the Contingency account are for whatever the Council chooses. Ms. White stated the Council should not ask property owners for more money when there are sufficient funds within the budget.

Ms. White stated during conversations with employees of the City, it was stated that the increase in property tax revenue could possibly assist with the replacement of playground equipment, tennis courts, and basketball courts. However, Staff and Council have yet to specify where the additional property tax revenue will be spent.

Ms. White stated during the Truth in Taxation presentation, it was stated that any money remaining in the Contingency fund at the end of the year will be moved to the Capital Projects Fund. Ms. White stated she has reviewed the Capital Projects Fund and \$400,000 has been budgeted for park improvements, with additional funds available within the account.

Ms. White stated every time she has spoken with an employee of the City, it has been said that they are only trying to gain a little more revenue for the City or a rainy day fund. But tonight, during the Truth in Taxation presentation it was said that small incremental increases are more effective than an occasional hefty increases. Ms. White stated the logic of the Council and Staff is "faulty", the primary principle of fair taxation is that citizens are taxed when the funds are actually needed and going to be spent. She stated citizens should not be taxed now for future projects. Ms. White stated it is "unfair" and "disgusting" to raise taxes with no pressing need and if the Council cannot specify where the additional funds will be used. Ms. White stated because West Point City has unbudgeted funds available, she encouraged the Council to approve the certified tax rate.

Mayor Craythorne thanked Ms. White for her comments.

Reed Child - 4674 West 650 North, West Point City

Mr. Child thanked Ms. White for her comments. He then stated that he is the owner of several properties within Davis County and each of his properties has increased in value. Mr. Child then expressed concern with approving an 11.55% increase over the certified tax rate. Mr. Child stated West Point City maintained the property tax rate in 2013 and received an increase in property tax revenue. He then expressed concern with maintaining the rate in 2014 and received another increase in property tax revenue.

Mr. Child stated many property owners experience cost of living increases without a receiving a pay raise. He stated it is good to have extra funds available for other projects, however the Council should wait until the City is in need of money before they ask for it. Mr. Child stated every time citizens incur an increase; it is less money in the citizen's pocket.

Mr. Child stated his father owns a property in Clinton City and they have not completed the Truth in Taxation process for the last few years. Mayor Craythorne informed Mr. Child that Clinton City held a Truth in Taxation hearing approximately one week ago.

Mayor Craythorne thanked Mr. Child for his comments.

Mr. Child stated he would like an 11.55% pay raise. He then stated it is the Council's decision as to how much money they will take from his pocket this year. He then requested the Council approve the certified tax rate.

Farrell Cook - 2485 West 800 North, West Point City

Mr. Cook stated he hasn't had the opportunity to review the FY2015 budget. He stated if \$90,000 dollars does exist within the Contingency budget the Council should not ask for additional funds. He stated he is unsure where the additional revenue will be spent. Mr. Cook stated maintaining the tax rate is unfair and unpopular.

Mr. Cook stated his property located on 800 North has been assessed as if the property is located within the nearby subdivision which is 20 years newer than his home. He stated if he were to sale his home, it would not sale for the same amount as that of a home that is 20 years newer. Mr. Cook stated his property valuation increased over \$500 in 2014. He stated when combining the property valuation increase and the property tax increase his tax amount increases approximately 36%. Mr. Cook stated the decisions of the Council will greatly affect numerous property owners within the City.

Mr. Cook stated over the past several years, utility services have also increased drastically and property owners are being affected from every entity. He stated if additional funding is not needed, please don't ask for it.

Mayor Craythorne thanked Mr. Cook for his comments.

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

The Council unanimously agreed.

Mayor Craythorne expressed his appreciation for the comments in which the Council had received. He then stated it is the policy of the Council to complete the Truth in Taxation process regularly. Mayor Craythorne informed those in attendance that completing the Truth in Taxation process, does not mean the Council will choose to maintain the property tax rate of 0.001111. Mayor Craythorne stated the Council has the ability to approve the certified rate of 0.00996, the current rate of 0.001111 or anywhere in-between. He stated the Council will determine if it is necessary to maintain the current rate, accept the certified rate, or approve a rate in-between the certified rate and the current rate.

Mayor Craythorne informed those in attendance that West Point City has completed the Truth in Taxation process each year for the past several years. He stated this is the first year in which citizens have attended the meeting and provided public comment. Mayor Craythorne thanked Ms. White, Mr. Child, and Mr. Cook for attending the hearing and providing comments to the Council.

Council Member Dawson stated maintaining the current rate will increase the certified tax rate 11%. This will cause an increase of \$12 to residential properties valued at \$204,000. He stated \$12 is minimal; however, property owners such as Mr. Cook who have had significant increases to their property valuations could have significant increases to their property taxes. Council Member Dawson recommended that Mr. Cook contact the County Assessor to question the significant increase to his property valuation. He then thanked those in attendance who provided comment to the Council.

Council Member Dawson recommended the Council consider approving a 6% increase over the certified rate. He stated West Point City could benefit from additional property tax revenue as there are numerous Capital Projects which remain unfunded.

Mayor Craythorne stated he and several Council Members have been contacted by several residents in the City to discuss property taxes. Mayor Craythorne stated 100% of the residents in which he has spoken to are more concerned with the significant increases to property valuations within the City.

Council Member Chatterton stated a 6% increase over the certified rate for properties valued at \$204,000 is only an additional \$6.70 per year. However, property owners with higher valuations will be assessed significantly higher increases to their property taxes. Council Member Chatterton recommended the Council approve a 4% increase over the certified tax rate. He stated a 4% increase over the certified rates is one-third of the current tax rate.

Council Member Chatterton stated he would like to address the Contingency Fund. He stated the Contingency Fund is used to offset the cost of unforeseen events. For example,

- West Point City received a bid for a trail project; however the bid received is approximately \$100,000 over the anticipated and budgeted cost. Council Member Chatterton stated the unbudgeted money within the Contingency Fund will not cover the overage of the trail project. The City will re-bid the trail project in the future.
- During the construction of the Loy Blake Park restrooms, it was determined that upgrades were needed. The Contingency Fund assisted with the cost of overages.
- If a snowplow or other source of equipment breaks down or is damaged, the Contingency Funds may be needed to assist with the cost of the repair. If the snowplow or other source of equipment is inoperable the safety of residents may become an issue.

Council Member Chatterton expressed the importance of having and maintaining a balance in Contingency Fund.

Council Member Petersen thanked those individuals who provided comments to the Council. He then stated that he like Mayor Craythorne has been contacted by residents of the City to discuss property taxes, specifically property valuations. Council Member Petersen stated he along with numerous residents in the City are frustrated with the significant increase of property valuations. He stated property valuations are determined by the County, he then expressed concern with the valuation process.

Council Member Petersen stated it is important for citizens to know that when the Council decided to participate in a Truth in Taxation process, property valuations and the certified tax rate had not been made available by the County. He then clarified that when "the Council will consider holding the rate" means that the Council will consider any rate between the certified rate and the current rate. This allows the Council to consider options and determine the best rate possible for the City as well as the residents of West Point.

Council Member Petersen stated because of the increase of property valuations, the Council should consider the need of the City as well as which rate will be less burdensome to property owners. He stated the Truth in Taxation process is a good practice by the Council and can be educational for property owners.

Council Member Petersen thanked Ms. White for her comments; he then stated that he wished that more residents were as educated on the Truth in Taxation process as her. Council Member Petersen stated that he wished that Ms. White would have obtained better information. He then stated that he disagrees with Ms. White's statement; taxes should not be raised until there is a need. He stated property owners in neighboring cities have received hefty property tax increases because cities have not planned, provided proper maintenance to fleet and infrastructure, and collected enough revenue. Council Member Petersen stated small incremental increases to property tax revenue assist with the cost to properly maintain roads, equipment, etc. He stated by planning, preparing, and maintaining, future costs to West Point City will be less. Council Member Petersen expressed the importance of properly maintaining vehicles, equipment, roads. He then stated upkeep and maintenance are an essential part of proper management. Council Member Petersen stated it is the Council's job to carefully plan for the future and to promote safety.

Council Member Petersen stated there are numerous budget needs, essential items, and increases assessed to the City in FY2015. Many of which exceed the amount of revenue the City will receive if the rate is maintained. He stated increasing the property tax rate by 11% may be burdensome to property owners; however not adequately increasing the property tax rate will prevent the City from providing the quality services to the residents of West Point. Council Member Petersen then recommended approving a 4% - 6% increase over the certified rate.

Council Member Petersen stated as a City, the rate is one of the lowest in the County, however when combining the NDFD rate with West Point City's rate the overall rate is among the highest in the County. He requested those in attendance remember that the proposed increase is only for West Point City. Combining the NDFD rate with the West Point City rate is an overall increase of 2.4%.

Mayor Craythorne asked Council Member Turner for his comments.

Council Member Turner stated he can see the perspective of property owners as well as the City. He stated taxes are disliked by most everyone; however taxes are a necessity for all communities. Council Member Turner stated when the Truth in Taxation process began actual property valuations and the certified rate had not been released. He stated when property valuations were released Council Members, Mayor Craythorne, and members of Staff were astonished with the increase to valuations. Council Member Turner stated there is value in planning for the future and contingencies. He then expressed the need for West Point City to maintain contingency funds, preparing for unexpected situations will hopefully keep West Point from imposing hefty increases to residents.

Council Member Turner stated during the budgeting process, Council and Staff united to determine which projects were of higher importance than others. He then recommended the Council approve a 4%-6% increase. Council Member Turner stated he is aware that the increase will impact all property owners differently. He then expressed frustration with the process used by the County to determine property valuations.

Because of the significant increases to property valuations, Council Member Petersen recommended a tax rate of 0.001036, a 4% increase over the certified tax rate.

Mayor Craythorne stated approving the tax rate of 0.001036 will allow the City to receive an additional \$13,717 of property tax revenue.

Council Member Petersen stated this is an increase of \$4.47 per year for residential properties valued at \$204,000.

b. Action

Council Member Petersen motioned to approve Resolution No. 08-19-2014A, adoption of the 2014 Property Tax Rate of 0.001036, for the 2014 Taxable Year for West Point City.

Council Member Chatterton seconded the motion.

Council Member Chatterton stated the economy has been through a severe downturn. During that time, Council and Staff remained united and provided cut backs wherever possible. Council Member Chatterton stated it has been numerous years since the City approved an actual property tax increase.

Mayor Craythorne and Council Member Chatterton clarified that the property tax rate has been maintained. However it has been several years since an actual property tax increase was approved by the Council.

Council Member Chatterton stated that he and the other Council Members have also been affected by the increase in property valuations. He stated his 2014 property valuation increased from \$287,000 to \$327,000. Council Member Chatterton stated a 4% increase will allow for the City to provide the same level of service to the residents as in the past. He stated that he and the Council are mindful and concerned for those residents who are on fixed incomes. Council Member Chatterton stated that he is aware that when taxes increase, they rarely decrease. He thanked those who provide comment to the Council.

Roll Call Vote

Council Member Chatterton - yes
Council Member Dawson - yes
Council Member Petersen –yes
Council Member Turner - yes

The Council unanimously agreed.

Mayor Craythorne expressed his appreciation to Staff for planning and budgeting. He stated the City receives increases each year for health care, retirement, and many other services. Mayor Craythorne expressed his appreciation to the Council. He then stated that both the Council and Staff are an asset to the City. Over the past several years, the Council and Staff have worked diligently to provide a conservative budget for the City.

9. Consideration of Ordinance No. 08-19-2014A, Adopting the FY2015 Budget For West Point City and All Related Agencies - Mr. Evan Nelson

Mayor Craythorne stated the Truth in Taxation process has been completed, the Council can now consider the adoption of the FY2015 budget. He stated public hearings for the adoption of the FY2015 budget have been held throughout the budget process.

a. Public Hearing – no comment

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

The Council unanimously agreed.

Mayor Craythorne informed those in attendance that discussions of the FY2015 budget process began in January and have been continued over the past several months. He stated the budget is typically approved before the end of the fiscal year; however the Truth in Taxation process extends the adoption date.

Council Member Petersen stated the public hearing for the adoption of the FY2015 budget has been open for several months.

b. Action

Council Member Petersen motioned to approve Ordinance 08-19-2014A, the Adoption of the FY2015 Budget for West Point City and All Related Agencies.

Council Member Chatterton seconded the motion.

Mayor Craythorne stated the FY2015 budget will include an additional \$13,717 of property tax revenue.

Roll Call Vote

Council Member Turner – yes

Council Member Petersen - yes

Council Member Dawson – yes

Council Member Chatterton – yes

The Council unanimously agreed.

Mayor Craythorne stated because of planning and conservative behavior, Council and Staff are able to use a small budget and still provide the community with great service.

Council Member Turner clarified that the original 11% increase to the certified rate was not determined by the Council or Staff. The 11% increase over the certified rate was generated because of the property valuations determined by the County Assessor.

Mayor Craythorne stated if the City were to maintain the rate, the property tax rate would have increased 11%. If the City were to receive the same revenue as last year, the certified rate would need to decrease.

10. Consideration of Resolution 08-19-2014B, Approval of a Cooperative Agreement with UDOT, Accepting a Safe Sidewalk Grant and Authorizing the Mayor to execute the Agreement – Mr. Boyd Davis

Mayor Craythorne stated West Point City has received several safe sidewalk grants over the past several years. He then stated West Point City has been fortunate to receive another Federal Grant for installation of sidewalk on 300 North from 1600 West to 1500 West.

Council Member Chatterton asked Mayor Craythorne to specify where the 25% matching funds will be paid from. Mr. Davis stated the 25% match for the safe sidewalk has been budgeted in the Capital Funds Projects.

Council Member Petersen motioned to approve Resolution 08-19-2014B, a Cooperative Agreement with UDOT, accepting a Safe Sidewalk Grant and authorizing the Mayor to execute the agreement.

Council Member Chatterton seconded the motion.

The Council unanimously agreed.

11. Consideration of Ordinance No. 08-19-2014B, Amending the West Point City Cemetery Code, 12.15.130 (E)(7) Traffic & Safety Regulations, Pertaining to Firearms – Mr. Matt Lee

Mr. Lee stated West Point City has no intention to infringe on anyone's second amendment rights. He then informed those in attendance that West Point City had recently received a letter from the Second Amendment Foundation citing section 12.15.130(E)(7) of the West Point City Cemetery Code. In the letter, it stated 12.15.130(E)(7) of the West Point City Code is illegal under Utah State Law as it prohibits the carrying of firearms into the cemetery. The Second Amendment Foundation then "respectfully request[ed]" and "formally demand[ed]" that West Point City repeal this portion of the code to bring West Point City Code into compliance.

After careful review and consideration, Mr. Felshaw King, the West Point City Attorney recommended the following language change.

"7. ~~Brandishing or discharging~~ ~~Bringing~~ firearms within ~~into~~ the cemetery except by ~~any~~ a military escort accompanying a veteran's funeral or attending memorial services will not be permitted within the environs of the cemetery."

Mr. Lee recommended the Council approve Ordinance No. 08-19-2014B, amendment to the West Point City Cemetery Code.

Mayor Craythorne stated the ordinance being discussed pertains to firearms within the cemetery. He stated it has never been the intent of the City to infringe on anyone's second amendment rights. He stated for language clarification, Mr. King advised only minor amendments. Therefore, with the advice and consent of Mr. King, the West Point City Attorney, Mayor Craythorne recommended the Council approve Ordinance No. 08-16-2014B.

Council Member Dawson motioned to approve Ordinance No. 08-19-2014B, amendment to the West Point Cemetery Code, 12.15.130 (E)(7) Traffic & Safety Regulations, pertaining to firearms.
Council Member Turner seconded the motion.

Roll Call Vote

Council Member Chatterton - yes
Council Member Dawson - yes
Council Member Petersen - yes
Council Member Turner - yes

The Council unanimously agreed.

12. Consideration of Ordinance No. 08-19-2014C, the Creation of the Community Development and Renewal Agency of West Point City – Mr. Boyd Davis

Mayor Craythorne informed those in attendance that Smiths Marketplace has expressed interest with development on the corner of 300 North 2000 West. It was believed that the creation of the Community Development and Renewal Agency (CDRA) of West Point City was completed in 2004. However, it has recently been discovered that steps were missed during the creation process. Because of oversights, West Point City is required to complete the creation of the CDRA of West Point City again.

Council Member Chatterton motioned to approve Ordinance No. 08-19-2014C, the Creation of the Community Development and Renewal Agency of West Point City.
Council Member Dawson seconded the motion.

Roll Call Vote

Council Member Turner - yes
Council Member Petersen -yes
Council Member Dawson - yes
Council Member Chatterton – yes

The Council unanimously agreed.

13. Motion to Adjourn

Mayor Craythorne informed those in attendance that immediately following the August 19, 2014 Council meeting, the CDRA will convene.

Council Member Petersen motioned to adjourn

Council Member Dawson seconded the motion.

The Council unanimously agreed.

ERIK CRAYTHORNE, MAYOR

DATE

MISTY ROGERS, CITY RECORDER

DATE

DRAFT

**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
September 2, 2014**

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner

City Manager
Kyle Laws

Administrative Session
6:00 PM

Minutes for the West Point City Council Administrative Session held at 6:00 pm on September 2, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Gary Petersen (departed at 6:40 pm), Council Member Jerry Chatterton, Council Member Kent Henderson, Council Member Jeff Turner and Council Member Andy Dawson

CITY EMPLOYEES PRESENT – Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director; and Misty Rogers, City Recorder

VISITORS – Rob Ortega and Mike Schultz

Mayor Craythorne informed the Council that the agenda items scheduled for the Administrative Session will be presented out of order. He then stated the payback agreement for Bartholomew Lane Phase 2 & 3 will be discussed first. He then turned the time over to Mr. Davis.

1. Discussion of Payback Agreement for Bartholomew Lane Phase 2 & 3 – Mr. Boyd Davis

The Bartholomew Lane Subdivision is located at approximately 3600 West, just north of 1300 North.

Mr. Davis stated West Point City Code allows for a developer to request a payback agreement if an adjacent property will benefit from installed infrastructure. Because the adjacent property will benefit from installed infrastructure the developers of the Bartholomew Lane Subdivision have requested a payback agreement for Phase 2 & 3.

Mr. Davis confirmed that the adjacent property owners (Mr. Wayne Hall and his daughter) could benefit from the infrastructure installed by the developer. He then stated it isn't likely the other adjacent properties will benefit from the infrastructure as they are separated by the Layton Canal. Mr. Davis stated a payback agreement is between West Point City & Developer. The agreement will prohibit adjacent development until the payback agreement has been fulfilled. A fair payback amount will be determined by the City Engineer.

Mr. Davis informed the Council that a holding-strip had previously been recorded on Phase 1 of the Bartholomew Lane Subdivision. He then stated a "holding strip" is similar to a payback agreement, it requires that adjacent property owner's purchase a 1' strip of property from the developer before they can obtain access.

Mr. Davis informed the Council that the total estimated cost of the improvements for Phase 2 & 3 of the Bartholomew Lane Subdivision is \$31,837. He then stated if only a portion of the adjacent property is developed, the cost of the improvements will be prorated. Mr. Davis stated only infrastructure installed beyond the minimum standards can be included in the payback agreement.

It is recommended the following improvements be included in the payback agreement:

- 12' of the asphalt
- Road base

- Fill material
- Curb & gutter (west side only)
- Secondary Water Line (difference of 12' and 8")

Council Member Turner asked if the payback agreement will expire after 10 years. Mr. Davis stated yes, all payback agreements are void 10 years after the date of the agreement.

Council Member Petersen stated if the adjacent property owners do not develop within the 10 years, the payback agreement is void. Mr. Davis agreed, he again stated payback agreements expire 10 years after the date of the agreement.

Council Member Petersen asked if the adjacent property owners will benefit from culinary and secondary waterlines and sewer lines installed by the developer. Mr. Davis informed the Council that Code only allows a developer to receive payback for installed infrastructure above and beyond the minimum standard requirement. The items which are included in the payback agreement were installed above the minimum requirement.

Mr. Davis stated several years ago, the developer recorded a holding strip in Phase 1 of the Bartholomew Lane Subdivision. During this process, the Council had expressed concern with requiring a property owner to purchase a holding strip from a developer as it could become extremely costly. As a protection to the adjacent property owner, the City Code was amended; holding strips were eliminated and payback agreements were implemented.

Council Member Dawson asked if a detention pond exists in the Bartholomew Lane Subdivision. Mr. Davis Stated yes, a detention pond exists in the subdivision. Council Member Dawson asked if the adjacent property owner (Wayne Hall) will share the detention pond with the subdivision. Mr. Davis stated no, the detention pond in the Bartholomew subdivision is only for the use of the Bartholomew development.

Mr. Davis stated the Council will be asked to take formal action for the payback agreement with Bartholomew Lane Phase 2 & 3 in a future Council meeting. Once approved by the Council, the payback agreement will be recorded with the County and the agreement will be visible on the deeds of the two adjacent properties.

Council Member Dawson asked which phases will be included in the payback agreement. Mr. Davis stated only Phase 2 & 3 of the Bartholomew Lane Subdivision will be included in the payback agreement.

Council Member Petersen asked who will sign the payback agreement. Mr. Davis stated West Point City and the developer of Bartholomew Lane Subdivision will sign the agreement, as it is an agreement between the Developer and the City.

Council Member Petersen asked if the adjacent property owners (Mr. Hall and his daughter) are aware of the proposed payback agreement for phase 2 & 3. Mr. Davis stated no, as adjacent property owners are typically not notified of the agreement.

Council Member Henderson asked if Mr. Hall is aware of the 1' holding strip within phase 1 of the Bartholomew Lane subdivision. Mr. Davis stated he has not personally contacted the adjacent property owners regarding the holding strip. However, it is likely Mr. Hall is aware of the holding strip as they were active during the development process.

The Council agreed the adjacent property should be notified of the agreement. Mr. Davis stated he will contact Mr. Hall and his family and inform them of the proposed payback agreement.

2. **Fourth of July Wrap-up** – Mrs. Jolene Kap

Mrs. Kap stated the fourth of July wrap-up meeting was held on July 16, 2014 and all committee members were in attendance (Jolene Kap, Kyle Laws, Paul Rochell, Kasey Gibson, Brad & Kelli Lee, Kent & Ruth Ann Henderson and Erin

Davidson). She then informed the Council that in 2015, the Fourth of July will fall on a Saturday and the celebration will continue as a one day event.

Mrs. Kap stated the following changes were implemented for the 2014 Fourth of July celebration.

- Vendor Applications - Revisions were made to vendor applications, prohibiting anyone under the age of 18 from renting a vendor booth.
- Parade Staging – The staging of horse entries and larger floats such as semi-trailers were held at East Park and a nearby church.

Council Member Dawson asked if West Point Jr. High could be utilized for the staging of the parade. Mrs. Kap stated no, because of the 5K route, the race and the staging of the parade at the Jr. High will interfere with one another.

- Parade Applications – For the safety of participants and bystanders revisions were made to the parade application, prohibiting drivers from throwing anything from the vehicle.

Council Member Petersen expressed concern with allowing anything to be thrown from inside of a vehicle. Mrs. Kap stated prohibiting drivers from throwing anything assists with the safety of the parade. However, if there are safety issues in the future, it may be necessary to require that each float provide their own “spotters”.

- BINGO – In the past, issues of fairness have been a concern with the BINGO event. Because of this, the following ideas were successfully incorporated into the BINGO event:
 - One BINGO card per participant
 - Turning in BINGO cards more often
 - Provide additional breaks, this allows for more participation

Council Member Chatterton stated that while assisting with BINGO, someone would periodically walk through the area and verify that each participant only had one card.

Mrs. Kap stated prizes seemed to be evenly distributed among participants and BINGO was a success.

Mrs. Kap informed the Council that during the Fourth of July wrap-up, the following changes were recommended:

- Update Sponsor Letter - It seems that sponsor donations are decreasing and for the past few years, Wal-Mart and Sam’s Club have not provided a donation for the Fourth of July celebration. Mrs. Kap is hopeful that updating the sponsor letter, sponsor benefits information, and donation amounts will invite additional sponsors.

Council Member Henderson asked if Wal-Mart and Sam’s Club have indicated as to why they did not provide a donation. Mrs. Kap stated no.

Council Member Chatterton recommended Mrs. Kap contact Smiths Marketplace for donations.

- Implement a charge to vendors who use a pop-up tent supplied by the City. Mrs. Kap stated each pop-up tent costs approximately \$200 and each year pop-up tents are damaged or disappear. The cost of replacing the tents is expensive to the budget and burdensome to employees.
- Provide a way for the Grand Marshall and Woman of Honor to be more visible. Mrs. Kap gave the examples of the Woman of Honor riding in a convertible vehicle and contacting the Rogers to request the use of their horse and buggy for the Grand Marshall.
- Utilize the metal fencing used earlier in the day to assist with the forming of a line when serving dinner. Mrs. Kap stated approximately 1,200 people were served dinner on the Fourth of July.

- Change the parade route to end at West Point Elementary. Mrs. Kap stated in the past, the parade traveled north on 3500 W and would end at the entrance of the Loy Blake Park. Because of congestion on 3500 W and increased participation, the current parade route is a safety concern for bystanders as well as participants.

Council Member Petersen stated because of safety concerns, he is supportive of changing the parade route; however several residents may not be pleased. Mrs. Kap stated she is aware that residents may be upset; however notices will be provided to the residents living on 3500 West and there will be additional noticing in the Fourth of July flyer.

Council Member Petersen asked where participants of the parade will be dropped off when they reach the end of the parade route. Mrs. Kap stated West Point Elementary has two locations where participants could be dropped off, in the front loop on 300 North or the side loop on 3830 West. Council Member Petersen expressed concern with parade participants being dropped-off at West Point Elementary. He stated the area around the elementary will become congested with parents picking up parade participants as well as people trying to gain access to the park.

Mr. Laws informed the Council that the dirt access to the Loy Blake Park on 520 North is opened during the Fourth of July celebration to allow additional access.

Mrs. Kap stated the parade entries which are stationed at the park all day will be directed down 3830 West and allowed access to the park on 520 North.

Council Member Dawson recommended the parade turn north on 3650 West, follow the road into the dirt parking at the park, drop off participants and then exit parade entries on 520 North and 3830 West.

Council Member Petersen recommended staging volunteers at the end of the parade route to direct entries to designated drop-off and pick-up locations. Mrs. Kap stated in the past, the only available people at the end of the parade route has been Mrs. Kap, Mr. Rochell, Mr. Page, and when possible Council Member Chatterton. She stated additional volunteers will be needed to assist with directing parade entries at the end of the route. Council Member Petersen stated if the Council entries are staged near the first of the parade, Council Members could assist with directing entries at the end of the parade route.

Council Member Henderson asked how many parade entries were received in 2014. Mrs. Kap stated in 2014, approximately 80 entries were received, more than in any other year.

Mayor Craythorne thanked Mrs. Kap for the Fourth of July report.

Council Member Dawson requested that the Council not be given salt water taffy to distribute during the parade. Mrs. Kap stated she will price check other candy such as tootsie rolls, etc.

3. Discussion of Youth Council Program – Mrs. Jolene Kap

Mrs. Kap informed the Council that the Youth Council program continues to grow each year. The structure of leadership positions within the Youth Council will remain as full year positions. She then stated the Youth Council plans to job shadow the Council at least two times within the year.

Mrs. Kap stated in 2013, Trish Estheimer was called as the Youth Council Advisor. Mrs. Estheimer has assisted with the creation and implementation with the Youth Council Charter. Mrs. Kap stated Mrs. Estheimer is a great addition to the Youth Council program.

Mrs. Kap stated last year, the Youth Council program had 80 participants, at the end of July 50 of the participants still remained active. Because of the participation level, Mrs. Kap recommended calling an additional Youth Council Advisor.

Council Member Dawson asked the age requirements for the Youth Council participation. Mrs. Kap stated participants must be in grades 7th to 12th.

Council Member Chatterton asked if Mrs. Estheimer is the only Youth Council Advisor. Mrs. Kap stated yes, however parents will assist when necessary and Mrs. Estheimer does not have reliable assistance. Council Member Chatterton expressed concern with only one Advisor; he recommended always having a minimum of two Advisors present at each Youth Council function.

Council Member Henderson agreed with Council Member Chatterton, he then recommended calling someone to the Youth Council Advisor position.

The Council agreed, parents or guardians of Youth Council participants should be asked to assist with a minimum of one activity per year. Mrs. Kap stated a parent/guardian volunteer sign-up sheet will be made available at the swearing in of the Youth Council Members.

4. Discussion of Developers Agreement with Castle Creek Homes – Mr. Boyd Davis

Mr. Davis stated the Council previously compared the Ivory Homes and the Castle Creek Subdivision Developer's Agreements. He then stated the majority of the items proposed in the developer's agreement are acceptable by Mr. Schultz and the Council. However, during the previous discussion, Council Members expressed concern with allowing Castle Creek Homes to use color schemes other than earthtones as well as permitting no architectural design on the rear of the buildings.

Mr. Davis presented photographs of the Stoker Garden's Subdivision, Senior Housing Development, and Ivory Homes Subdivision to the Council.

Stoker Garden's Development

Mr. Davis informed the Council that Castle Creek Homes is the developer of the Stoker Garden's Subdivision in Syracuse. He stated the Stoker Garden's development is attractive; and the units include single and double car garages, architectural design (on the front of the buildings), wainscot (on the side of the building that faces the road), color scheme variations, and the use of materials such as rock and hardi-board. Mr. Davis stated a disadvantage to the Stoker's Garden development is the lack of architectural design on the rear of the buildings

Senior Housing Development

Mr. Davis stated the senior housing development is located to the south of Smiths in Syracuse. The units within the development are considered fourplexes (two side-by-side units in front and two side-by-side units attached in the back), and includes common driveways. Additional features in the senior development include attractive landscaping, gable ends and bump-outs on each building, and a club house. Mr. Davis stated the senior housing development is very attractive, however the Council should remember that a senior housing development is different than that of a townhome development.

Council Member Chatterton asked if the senior housing development is part of an HOA. Mr. Davis stated yes.

Mr. Davis informed the Council that the senior housing development in Syracuse has set aside a portion of commercial property adjacent to the senior development. He stated this development is similar to that of the Heslop property.

Ivory Homes Development

Mr. Davis stated the buildings within the Ivory development include brick, architectural variation and rear garages. Ivory Homes has included a roof line bump-out over the garage and some brick.

Council Member Petersen stated a distinction between each garage can be seen on each building. Mr. Davis agreed, he then stated there is approximately 1' foot of articulation between each garage.

Mr. Davis requested that Mr. Schultz address the concerns of the Council with regards to rear architectural design and color schemes.

Mr. Schultz informed those in attendance that Castle Creek Homes previously requested outdoor sales be approved as an acceptable use for the zone. The example he had previously given for outdoor sales is a John Deere dealership. He stated the John Deere dealership was only used as an example; several other sales could fit within the definition of outdoor sales. Mr. Shultz stated he respects the Council and he requested that they be open-minded and consider outdoor sales as an acceptable use for the area.

Mayor Craythorne the Council will discuss possible uses for the location in a future meeting. He then requested Mr. Shultz address the Council's concerns of rear architectural design and color schemes.

Mr. Schultz stated originally, the units in which Castle Creek Homes had planned for the development included the rear of the buildings to have flat backs. After a previous Council meeting, Mr. Davis notified Mr. Schultz that Council had requested architectural design to be included in the rear of the buildings. Mr. Schultz informed the Council that Castle Creek Homes will incorporate architectural design on the rear of the buildings as required by the developer's agreement. He then stated looking back; rear architectural design should have been incorporated in the Stoker Garden's development.

Council Member Petersen stated requiring rear architectural design will hopefully add quality and value to the development.

Mr. Schultz requested the Council allow him flexibility when selecting color schemes to be used in the Castle Creek development. He then assured the Council, the color schemes selected will be acceptable and tasteful.

Mayor Craythorne asked if a professional designer is used by Castle Creek Homes to assist with selecting color schemes. Mr. Schultz stated yes, the professional designer assists both Castle Creek Homes as well as homebuyers to select appropriate color schemes.

Mr. Schultz informed the Council that Castle Creek Homes is reviewing both townhome and senior development options. He stated it hasn't been determined which development will be in the best interest of the developer and the City.

Mayor Craythorne excused Council Member Petersen at 6:40 pm.

Council Member Chatterton asked if the designer for Castle Creek Homes could submit color schemes to the Council for approval. Mr. Schultz stated color schemes could be submitted to Council for approval if necessary. He then stated if the development is unattractive, the units will be unsellable. He then reassured the Council that the color schemes selected will be tasteful.

Mayor Craythorne stated he and several Council Members are supportive of Castle Creek Homes selecting color schemes.

Council Member Henderson cautioned that louder colors tend to date a development. He recommended Castle Creek Homes use earthtone color schemes

Mr. Schultz stated Castle Creek Homes tends to use color schemes which will remain popular for a significant length of time.

Mayor Craythorne stated if Mr. Schultz agrees to incorporate rear architectural design, the developer's agreement can be created. Mr. Shultz agreed rear architectural design will be incorporated into the design of the units.

Mayor Craythorne stated that Council Member Petersen had departed. At the request of Council Member Petersen, Mayor Craythorne mentioned adding a wainscot on the rear of the units.

Mr. Schultz asked if incorporating a wainscot on the rear of the unit will fill the requirement. The Council stated no, rear architectural design should include more than a wainscot. Mr. Schultz agreed to incorporate rear architectural design as required in the developer's agreement.

Mr. Laws informed the Council that Ivory Homes went above and beyond the requirements of the architectural design. He stated the developer's agreement with Ivory Homes didn't reference the rear of the buildings. The rear design incorporated by Ivory Homes is more than what was required.

Mr. Schultz stated if Castle Creek Homes chooses to develop townhomes, the square footage will exceed the requirements and most units will include a double car garage.

When the developers agreement discussion ended, Mr. Schultz informed those in attendance that he is candidate for State House, District 12 which encompasses a portion of West Point (west of 4500 West). He stated that he looks forward to working with the West Point City Council as one of the City's legislators.

On behalf of the Council, Mayor Craythorne thanked Mr. Schultz for his comments.

5. Davis County Commissioners Report

Mayor Craythorne welcomed Commissioner John Petroff, Commissioner Louenda Downs, and Commissioner Bret Millburn to the West Point City Administrative Session.

Commissioner Downs stated attending meetings with Municipal Governments allows the Commissioners to interact with the Mayor and Council. It also allows for the Commissioners to be informed of issues the City may be facing.

Mayor Craythorne informed the County Commissioners that Smiths Marketplace plans to develop on the corner of 2000 West 300 North. The proposed marketplace is approximately the size of a Super Wal-Mart and will include a fuel station and business pads. It is anticipated that construction will begin in 2015 and completion in 2016. Mayor Craythorne stated the commercial sales tax base generated by this project will be a great benefit to West Point City. He then stated Mr. Gary Wright is the developer of the property and will bring positive development to the City.

Commissioner Petroff stated that West Point City is in the process of creating a Community Development and Renewal Agency (CDRA). Mayor Craythorne expressed his appreciation to the County for their assistance with the CDRA process.

Mayor Craythorne stated federal funding had been secured to assist with the costs associated with connecting the Emigrant Trail to 2000 West. He stated West Point City is responsible for a 7% match and the estimated cost of the project is \$300,000. Because of federal funding requirements, UDOT was required to complete the bidding process using Davis Bacon Wages, Buy America, etc. The trail project cost estimate was originally \$300,000 and by the time the project was bid, the estimate had increased to \$400,000. Mayor Craythorne stated he and Mr. Laws have decided to use the available funding to complete as much of the project as possible. Because of funding issues, it is likely that the City will not complete the trail project for an additional year or two.

Mr. Laws stated the lowest bid received was approximately \$100,000 over the estimated cost of the project.

Commissioner Petroff asked if West Point City is responsible for 7% of the actual bid amount of \$400,000. Mr. Laws stated no, West Point City is responsible for 7% of the estimated cost of \$300,000 (the grant amount) in addition to the total overage of the project.

Commissioner Downs asked who the lowest bidder for the trail project is. Mayor Craythorne stated that UDOT hasn't released that information to the City.

Commissioner Petroff and Mayor Craythorne stated approximately one mile of the route is already roto-milled and in good condition. A mountain bike could easily be ridden on the current surface.

Mr. Laws stated paving the trail around the golf course will likely be a large expense to the project.

Commissioner Petroff asked if the project will require the installation of culverts. Mr. Davis stated no, however there is one ditch and a retaining wall in the area which will need to be improved.

Mayor Craythorne informed the Commissioners that the trail corridor has been secured from Mr. and Mrs. Thornley and Rocky Mountain Power.

Commissioner Petroff asked if the trail corridor donated to the City could be considered in the 7% match. Mr. Davis stated he is unsure, however even if the property could be used as a match, the City must still pay for all overage. He then stated when using federal funds, it seems to be more cost effective for an entity to entirely fund the project.

Mayor Craythorne stated SR-193 currently terminates at 2000 West. Since the opening of the new section of SR-193, 2000 West has received a significant increase in traffic. Mayor Craythorne stated over the past few years, he has been working with Stuart Adams and Jerry Stevenson to locate funding for the widening of 2000 West. He stated funding for the widening of 2000 West should be available in 2017 or 2018.

Mayor Craythorne stated he would like to locate funding and begin the EIS process for SR-193 to eventually join up with the West Davis Corridor. He stated that he recently met with The Church of Jesus Christ of Latter-day Saints to discuss potential property which could be purchased for the extension of SR-193 and the joining up with the West Davis Corridor.

Mayor Craythorne stated the SR-193 extension to 2000 West is a benefit; however it has also created additional traffic problems. He stated between the hours of 3:30 pm and 5:30 pm 2000 West should be avoided.

Council Member Chatterton asked when the County Commission meetings are held. Commissioner Petroff stated Commission meetings are held every Tuesday at 10:00 am and usually consist of 15 and 20 agenda items.

Mayor Craythorne informed the Commissioners that West Point City offers a Youth Council program. He stated in October 2013 the program had 80 active participants and in July 2014 there were still 50 active participants remaining. Mayor Craythorne stated each year, the Youth Council participants have the opportunity to attend a conference at Utah State, compete against other Youth Councils in Davis County and much more. He stated the Youth Council program has great participants and advisors.

Mayor Craythorne informed the Commissioners that Mr. Laws had recently been interviewed by FOX 13 news and KSL Radio on behalf of West Point City. He stated West Point City along with 48 other cities within Utah had recently received a letter from the Second Amendment Foundation. The letter stated section 12.15.130(E)(7) of the West Point City Code was illegal under Utah State Law as it prohibits the carrying of firearms into the cemetery. The Second Amendment Foundation then "respectfully request[ed]" and "formally demand[ed]" that West Point City repeal this portion of the code to bring West Point City Code into compliance.

Mayor Craythorne stated Mr. Felshaw King, the West Point City Attorney carefully reviewed the letter from the Second Amendment Foundation, section 12.15.130(E)(7) of the West Point City Code and Utah State Law. He determined that West Point City was acting within their legal rights to regulate and prevent the discharge of firearms. However, to prevent confusion, and with the advice and consent of Mr. King minor language changes were made to the Code.

Commissioner Petroff stated several years ago an ordinance was passed by the County prohibiting the discharge of firearms under a certain elevation. He stated the ordinance was only in effect for two weeks, it was determined that the County did not have legal authority to issue gun control. Commissioner Petroff stated he receives more requests for gun control than anything else, but the County does not have any authority.

Mayor Craythorne thanked Commissioner Petroff, Commissioner Downs and Commissioner Millburn for the support they provide to West Point City.

Commissioner Petroff asked if West Point City has had issues with regards to property tax. Mayor Craythorne stated yes.

Commissioner Millburn stated the County used a new system when determining property valuations. He stated the new system is complicated but fairly accurate.

Mayor Craythorne stated Council Members have received numerous comments from frustrated residents because of the significant increase to property tax valuations.

Commissioner Petroff stated if property valuations have significantly increased, property owners should complete the appeal process with the County Assessor. Mayor Craythorne stated many residents do not have extra funds available to obtain an appraisal. Commissioner Petroff stated an appraisal isn't required if a property owner can submit qualifying comparisons. He then stated the County Assessor is willing to assist property owners if possible.

Council Member Dawson asked if any property valuations decreased. Commissioner Downs stated yes, because the County can only collect a specific amount, some property valuations increase and other property valuations decrease. She then stated a property valuation should be similar to that of the fair market value.

Mayor Craythorne stated there are several property owners within the City who have been assessed incorrectly. The Commissioners agreed those properties who have received significant increases should contact the County Assessor.

Commissioner Petroff informed the Council that there are over 100,000 pieces of property with the County. He stated the County Assessor has a large task and determining property valuations typically cannot begin until approximately June 1st of each year.

Commissioner Millburn stated the property valuations are based on values as of January 1st of each year.

Following the property tax discussion, Mayor Craythorne told the County Commissioners that West Point City has the greatest City Council in all of Davis County.

The Council then adjourned into the General Session.

West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
September 2, 2014

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner

City Manager
Kyle Laws

General Session
7:00 pm – Council Room

Minutes for the West Point City Council General Session held at 7:00 pm on September 2, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Jerry Chatterton, Council Member Henderson, Council Member Jeff Turner, and Council Member Andy Dawson

EXCUSED – Council Member Petersen

CITY EMPLOYEES PRESENT – Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director; and Misty Rogers, City Recorder

VISITORS PRESENT – Rob Ortega, Sgt. Dan Yeaman and Lamont Class

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

Council Member Henderson - no comment

Council Member Turner – no comment

Council Member Dawson stated the North Davis Sewer District will be accepting bids for accounting services.

Council Member Chatterton – no comment

Mayor Craythorne informed those in attendance that he is a board member for Wasatch Integrated Waste Management. He stated waste removed from Davis County is processed by the Waste Energy Facility. The Waste Energy facility burns the waste to create steam; the steam is then sold to Hill Air Force Base.

Mayor Craythorne stated Hill Air Force Base and Wasatch Integrated Waste recently entered in a \$53 million contract for steam delivery. This contract will allow the Waste Energy Facility to maintain, repair, upgrade and keep the facility in operation for the next 10 to 12 years. Mayor Craythorne stated burning waste lessens the impact to the landfill and will keep garbage and tipping fees low. He stated once the landfill meets capacity, waste removal fees will increase as the waste will be transported elsewhere.

Council Member Dawson asked if other cities are going to implement the green waste and recycling programs. Mayor Craythorne stated yes, other cities are considering the implementation of the green waste and recycling programs. He then stated currently the facility does not have the means to accommodate green waste from every city but each year, the facility is able to accommodate more and more. Mayor Craythorne informed those in attendance that West Point City diverts more trash out of the landfill than most cities in Davis County.

Mayor Craythorne stated the next board meeting for Wasatch Integrated Waste will be held on September 3, 2014.

5. Communications from Staff

Mr. Laws informed the Council that the date for the Youth Council awards banquet has changed to September 20, 2014 at 6:00 pm.

Mr. Davis stated the Davis & Weber Counties Canal recently passed their budget with no rate increases.

Council Member Dawson asked how the secondary water situation is. Mr. Davis stated D&W will end the year with approximately 1,000 acre feet of carry-over, this is lower than expected. He then stated the secondary water system is scheduled to be shut-off on October 1, 2014.

6. Citizen Comment

Mayor Craythorne informed those in attendance that Council will not typically converse with the residents during the Citizen Comment period. He stated the Council will listen to and consider all comments received.

Rob Ortega - 3816 West 520 North, West Point City

Mr. Ortega stated he was present during Administrative Session when the Council had discussed the Developer's Agreement with Castle Creek Homes. He stated the color schemes selected by Castle Creek Homes will likely be attractive. However, allowing a builder to have too much flexibility with color schemes could be an issue in the future, if the agreement is going to be used as a guide for future developments. Mr. Ortega suggested requiring Planning Commission approval for color schemes other than earthtones.

Mayor Craythorne thanked Mr. Ortega for his comments as well as his presence at City Council meetings.

Lamont Class - 560 North 2000 West, West Point City

Mr. Class stated he is aware that Smiths Marketplace plans to develop on the corner of 2000 West 300 North. He stated he is also aware that the City plans to start the EIS process for the SR-193 connection to the West Davis Corridor. Mr. Class asked when 2000 West will be widened.

Mayor Craythorne stated funding for the widening of 2000 West will likely be available in 2017. He then stated the funding available in 2017 will allow for the widening from Antelope Drive to 300 North.

Mr. Class stated his house is currently for sale and he wants to know how these projects will affect the sale of his home. He stated it is rumored that UDOT will begin purchasing homes on 2000 West in 2015 or 2016. Mr. Class asked Mayor Craythorne if this rumor is true. Mayor Craythorne stated it is a possibility; However, UDOT may only purchase properties where they will be widening the road.

Mr. Class asked if UDOT will pay taxable value or appraised value for homes purchased on 2000 West. Mayor Craythorne stated UDOT will pay the appraised value for properties they purchase.

Mr. Class asked how the widening of 2000 West from Antelope to 300 North and the Smiths Marketplace Development will affect the sale of his home. He stated eventually 2000 West will be widened beyond his property. Mayor Craythorne stated he is unsure, but he is hopeful that much 2000 West will be widened. Mayor Craythorne then stated nothing is final.

Mr. Class asked the Council what they plan to do with the traffic issues if funding isn't available for the purchase of his home. Mayor Craythorne stated for the past several years he has pushed the legislature to provide funding for the widening of 2000 West.

Mr. Class asked what the Council plans to do with traffic issues if 2000 West is not widened. Mayor Craythorne informed Mr. Class that neither West Point City or the Council have no jurisdiction on 2000 West as it is a State Road. He then informed Mr. Class that funding for the widening of 2000 West must be obtained by the state.

Mr. Class asked the Council to provide him with a contact a UDOT. Mayor Craythorne stated he should contact Mr. Jerry Stevenson with the legislature or UDOT's main office. Mr. Class stated that he has called UDOT and all he has got is the run-around. He then demanded the Council provide him with a name and number for the UDOT contact. Mayor Craythorne stated he has never had an issue with obtaining information from UDOT. Mr. Class stated it is unfair that UDOT is keeping projects secret.

Mayor Craythorne informed Mr. Class that the Council does not and should not converse with residents during the Council meeting. He then stated the widening of 2000 West is a new project. Because of its newness, it is likely that only a few people within the main office of UDOT even know of the project. Mayor Craythorne stated he hadn't been notified of the 2000 West project and possible funding until last week.

Mr. Class asked if residents can expect the opening of Smiths Marketplace and the widening of 2000 West in 2016 and 2017. Mayor Craythorne stated yes.

Mr. Class stated it is rumored that there are three route options for widening of 2000 West. He then stated he is aware that 2000 West is a state road, but he is sure the City can assist in selecting the route. Mayor Craythorne stated no, the City does not have any input when dealing with a state road.

Mr. Davis stated he could meet with Mr. Class during regular office hours to show him the information he has received from UDOT regarding the 2000 West widening.

Mr. Class stated he attended the meeting to get answers from the Council.

7. Youth Council Update - no comment

8. Consideration of Resolution 09-02-2014A, Postponement of Improvements Agreement with Rocky Mountain Power
– Mr. Boyd Davis

Mayor Craythorne informed those in attendance that Rocky Mountain Power will be constructing a substation at approximately 200 South 4200 West.

Mr. Davis stated the postponement agreement will allow Rocky Mountain Power to pay for their portion of the improvements when the road is developed. He then recommended the Council approve Resolution 09-02-2014A, the postponement of improvements agreement with Rocky Mountain Power.

Council Member Chatterton asked if a sunset agreement is attached to the postponement agreement. Mr. Davis stated he didn't believe so; however there may be statutes which may apply.

Mayor Craythorne commended the Planning Commission for their assistance with postponement agreement with Rocky Mountain Power.

Council Member Dawson motioned to approve Resolution 09-02-2014A, Postponement of Improvement Agreement with Rocky Mountain Power and authorize the Mayor to execute the agreement. Council Member Henderson seconded the motion.

The Council unanimously agreed.

Prior to the motion to adjourn, Council Member Chatterton, on behalf of the Council, thanked the Davis County Sheriff's Department for the service they provide the residents of West Point City.

Mr. Laws informed the Council that Sgt. Yeaman has been reassigned to West Point City.

On behalf of Council and Staff, Mayor Craythorne welcomed Sgt. Yeaman to West Point City. He then requested that Sgt. Yeaman report to the Council once per quarter.

9. Motion to Adjourn

Council Member Henderson motioned to adjourn
Council Member Turner seconded the motion

The Council unanimously agreed.

ERIK CRAYTHORNE, MAYOR

DATE

MISTY ROGERS, CITY RECORDER

DATE

DRAFT

City Council Staff Report

Subject: Development Agreement
Author: Boyd Davis
Department: Community Development
Date: October 7, 2014

Background

At the last Council Meeting it was determined that the Council is ready to move forward with the developer's agreement with Castle Creek Homes for their property located at 1800 W 800 N. All of the suggested changes have been made to the agreement and it is now ready to be voted upon.

Analysis

Although this has been reviewed a number of times by the Council, the following chart has been included in this report as a reminder of what has been agreed upon. The chart compares the agreement with Ivory Homes, which was used as a template, to the agreement with Cast Creek Homes.

	<u>Ivory Homes</u>	<u>Castle Creek Homes</u>
R-3 zone	11 acres	0 acres
R-5 zone	9 acres	6.5 acres
C-C zone	4 acres	5.3 acres
Timing of zoning	All property rezoned at the same time	All property rezoned at the same time
Prohibited in C-C	storage sheds, outdoor storage, etc.	Would like outdoor sales of equipment (i.e john deere tractors)
Landscaping	15% min	15% min
Landscaping approved by PC	Yes	Yes
Landscaped entrance	Yes	Yes
Brick	40% overall brick	40% brick front 4' brick wainscot sides
Vinyl siding	Not allowed	Not allowed (stucco & hardy)
Square footage	1,300 sq. ft. per unit (above grade)	1,300 sq. ft. above grade
Architectural design	yes	Is willing to do the front and

		some on the back
Colors of buildings	Earthtones	Other colors allowed
Density	8.0 units per acre max	10.5 unit per acre max
Fence	Vinyl or masonry	Vinyl or masonry
Garage	Attached garage (single car)	Attached (single & doubles)
Parking requirement		2 ½ parking stalls per unit

At the last meeting, the Council expressed their desire to have more architectural design on the back of the buildings. The developer has agreed to do some design on the backs, but it will not be to the extent that Ivory Homes has done. The developer feels that this is in line with the agreement, which is probably true. It appears that Ivory Homes went above and beyond the requirements of the agreement. The Council felt comfortable with the developer's proposal at the last meeting.

This agreement was challenged at one point and was sent to the State Property Rights Ombudsmen's Office for review. It was determined that the agreement was good and binding. However, there was a clarification made. The finished square footage clause was not clear enough and it was determined that the developer could abide by the City Code that allowed 1,200 sq. ft. above grade. We had hope for 1,300 sq. ft. above grade. Cast Creek Homes has agreed to 1,300 sq. ft. above grade.

Later the brick requirement was clarified to mean that the developer must follow the 40% rule that was part of the City Code, but were not allowed to use any vinyl siding. We have made these two sections more clear in the new agreement.

There has also been a question brought up about the garages. The Ivory Homes agreement simply states that they must have an attached garage, but it does not say the number stalls. The current City Code requires a single car garage for town houses, but also requires 2 ½ parking stalls per unit, including the garage. This means that they must have some additional parking in the development to meet the requirement.

Recommendation

Staff recommends approval of the developer's agreement.

Significant Impacts

None

Attachments

Agreement

**AGREEMENT FOR DEVELOPMENT OF LAND BETWEEN
WEST POINT CITY AND CASTLE CREEK HOMES
(Approximately 1800 West 800 North, south side)**

THIS AGREEMENT for the development of land (hereinafter referred to as “Agreement”) is made and entered into this ___ day of _____, 20___, between WEST POINT CITY, a municipal corporation of the State of Utah (hereinafter referred to as “City”), and CASTLE CREEK HOMES LLC (hereinafter referred to as “Owners”). City and Owners collectively referred to as the “Parties” and separately as “Party”.

RECITALS

WHEREAS, the City has considered an application for a zone change from the present zoning of A-40 (Agricultural) and R-2 (Single Family Residential) R-5 (Multi-Family Residential), and C-C (Community Commercial), of certain property located at approximately 1800 West and 800 North on the south side of 800 North and contained by the following tax identification number: 143470003, (hereinafter the “Subject Area”); and

WHEREAS, the overall Subject Area consists of approximately 11.67 acres; and

WHEREAS, the overall Subject Area is described in legal descriptions in more detail in “Exhibit B” attached hereto (hereinafter “Exhibit B”); and

WHEREAS, Owners are the owners of the above described property and have presented a proposal for development of the Subject Area to the City, which provides for development in a manner consistent with the overall objectives of West Point City’s General Plan, and is depicted in more detail on “Exhibit A” attached hereto (hereinafter “Exhibit A”); and

WHEREAS, the City has considered the overall benefits of a “Mixed-Use” concept for the Subject Area to facilitate a combination of retail, professional business, and multiple family residential uses that will provide a range of housing types, services and employment opportunities; and

WHEREAS, Parties desire to enter into this Agreement to provide for the rezoning of the Subject Area, in a manner consistent with the overall objectives of the City’s General Plan and the intent reflected in that Plan; and

WHEREAS, City is willing to grant R-5, and C-C zoning approval for the Subject Area (as shown in “Exhibit A”) subject to Owners’ agreeing to certain limitations and undertakings described herein, which Agreement will enable the City Council to consider the approval of such development at this time; and

WHEREAS, City believes that entering into the Agreement with Owners is in the best interest of the City and the health, safety, and welfare of its residents.

NOW, THEREFORE each of the Parties hereto, for good and valuable consideration, the

receipt and sufficiency of which is hereby acknowledged, covenant and agree as follows:

ARTICLE I DEFINITIONS

The following terms have the meaning and content set forth in this Article I, in this Agreement:

1.1 “Owners’ Property” shall mean that property owned by Owners, as depicted on “Exhibit A”.

1.2 “City” shall mean West Point City, a body corporate and politic of the State of Utah. The principal office of City is located at 3200 West 300 North, West Point, Utah 84015.

1.3 “City’s Undertakings” shall mean the obligations of the City set forth in Article III

1.4 “Owners” shall mean Castle Creek Homes LLC. The principal mailing address for Castle Creek Homes LLC is 1798 W 5150 S Suite 103, Roy, Utah 84067. Except where expressly indicated in this Agreement, all provisions of the Agreement shall apply jointly and severally to the Owners or any successor in interest. In the interest of advancing the project, however, any responsibility under this Agreement may be completed by any Owners so that the completing Owners may proceed with their project on their respective parcel.

1.5 “Owners’ Undertakings” shall have the meaning set forth in Article IV.

1.6 “Subject Area” shall have the meaning set forth in the Recitals hereto.

1.7 “Exhibit A” shall mean the map depicting the ownership, property lines and zoning and the map for proposed zoning.

ARTICLE II CONDITIONS PRECEDENT

2.1 Zoning consistent with “Exhibit A” is a condition precedent to Owners’ Undertakings in Article IV. Zoning of the Subject Area shall reflect the general concept and schematic as depicted in “Exhibit A”, which includes:

2.1.1 Approximately 6.5 acres of R-5 (Multi-Family Residential) zoning;

2.1.2 Approximately 5.3 acres of C-C (Community Commercial) zoning;

2.2 With respect to each zoning designation:

2.2.1 **R-5 Zone.** Owners agree to construct a high quality multi-family residential project based on the design criteria outlined in the West Point City Ordinances. Owners shall not exceed an overall density of 10.5 units per acre.

2.2.2 **C-C Zone.** Owners agree to reserve the property for, or construct, a center focused on retail commercial uses within the C-C area.

2.3 With respect to all zoning designations, Owners agree to design and construct superior quality structures and amenities and to comply with all landscaping provisions of the West Point City Ordinances and specific setback, landscaping and buffer requirements of Article IV of this agreement.

2.4 This Agreement shall not take effect until City has approved this Agreement pursuant to a resolution of the West Point City Council.

ARTICLE III CITY'S UNDERTAKINGS

3.1 Subject to the satisfaction of the conditions set forth in Section 2.2 and Article II, City shall approve the rezone of the Subject Area from its present zoning of A-40 and R-2 to R-5, and C-C, with an effective date no sooner than the effective date and adoption of this Agreement by the City Council. Any zoning amendment shall occur upon finding by the City Council that it is in the best interest of the health, safety and welfare of the citizens of West Point City to make such changes at this time. All permits and site plan reviews and approvals shall be made pursuant to City ordinances. Nothing herein shall be construed as a waiver of the required reviews and approvals required by City ordinance.

3.2 The proposed zoning changes are as reflected on "Exhibit A" for the overall area, in that the property on the east portion of the parcel is proposed for R-5 zoning which constitutes approximately 6.5 acres. The west portion of the parcel immediately adjacent to 2000 West is proposed C-C zoning which constitutes approximately 5.3 acres.

ARTICLE IV OWNERS' UNDERTAKINGS

Conditioned upon City's performance of its undertakings set forth in Article III with regard to the zoning changes of the Subject Area, and provided Owners has not terminated this Agreement pursuant to Section 7.8, Owner agree to the following:

4.1 **Land Uses.** Development on the property shall be limited as follows:

4.1.1 Land Uses within the area depicted as C-C in "Exhibit A" shall be focused on retail commercial uses specifically limited to the following uses:

4.1.1.1 The 5.3 acre area zoned C-C may not contain all uses in the C-C zoning district and shall be limited to those listed as conditional and permitted from Table 17.25.070 of Chapter 17.25 of the West Point Municipal Code. The following uses though normally allowed as conditional or permitted in a C-C area shall not be allowed: outdoor truck storage, open storage and sales of machinery and appliances, package liquor store, pawn shop, tavern, dance hall and night club, mini-storage units, storage units, a trucking terminal, mobile home park, recycling collection point, and warehouse storage.

4.1.1.2 In the situation where a use is not specifically included in Table 17.25.070, such a use shall be subject to the regulations of the use (whether permitted by right or a conditional use) to which it is related or similar, as determined by Community Development Director.

4.1.1.3 The 6.5 acre area zoned R-5 may not contain all uses in the R-5 zoning district and shall be limited to those listed as conditional and permitted from Table 17.25.070 of Chapter 17.25 of the West Point Municipal Code. The following uses though normally allowed as conditional or permitted in an R-5 area shall not be allowed: single-family dwelling.

4.2 **Site Plan.** Owners agree to develop the properties within the subject area, such that:

4.2.1 All lighting from the subject area is directed away from the residential uses surrounding the subject area, which shall include compliance with the West Point Municipal Code restrictions of lighting.

4.2.2 The landscape plan approved by the Planning Commission, in compliance with the terms of this Agreement, shall become a part and condition of this agreement and shall constitute an adequate buffer for the purposes of this paragraph.

4.3 **Landscaping.** Each Owner shall see that the Subject Property within their ownership and control shall have a minimum of fifteen percent (15%) landscaping. Each parcel or lot within the development shall, independently satisfy the landscaping requirement of fifteen percent (15%) landscaping. The vehicular entranceway to the R-5 area shall be landscaped and shall be included in the landscape plan approved by the Planning Commission.

4.4 **Architecture and Design.** The buildings constructed shall be masonry (stucco, brick, rock according to the rules outlined in the West Point City Code) of reasonable colors determined by the Developer. Development of the Subject Area shall produce an architecturally integrated project that provides a consistent architectural feel and a high level of architectural detail. Corporate or prototype architecture shall be modified to be compatible with the surrounding neighborhood, including modifications to architecture, materials, color, bulk, scale and height. All fencing shall be of a vinyl or masonry material.

4.4.1 The facades of multi-family residential buildings in the R-5 area shall be designed to incorporate changes in building or unit plane, height or elements such as balconies, porches, arcades or dormers to lessen the visual impact of the length, bulk or mass of the building. Each building shall include predominant characteristics shared by all buildings with the R-5 area so that the development forms a coherent design within the neighborhood and community. Each dwelling unit in the R-5 area shall be provided with a minimum single car attached garage. Each dwelling unit shall not be less than 1,300 square feet finished space above grade.

4.5 **Not Considered Approvals.** Except as otherwise provided, these enumerations are

not to be construed as approvals hereof, as any required process must be pursued independent hereof.

4.6 **Amendments.** Owners agree to limit development to the uses provided herein. If other uses are desired, Owners agrees to seek amendment of this Agreement before pursuing approval thereof.

4.7 **Conflicts.** Except as otherwise provided, any conflict between the provisions of this Agreement and the City's standards for improvements, shall be resolved in favor of the stricter requirement.

ARTICLE V GENERAL REQUIREMENTS AND RIGHTS OF THE CITY

5.1 Issuance of Permits - Owners. Owners, or assignee, shall have the sole responsibility for obtaining all necessary building permits in connection with Owners' Undertakings and shall make application for such permits directly to West Point City and other appropriate agencies having authority to issue such permits in connection with the performance of Owners' Undertakings. City shall not unreasonably withhold or delay the issuance of its permits.

5.2 Completion Date. The Owners shall, in good faith, reasonably pursue completion of the development. Each phase or completed portion of the project must independently meet the requirements of this Agreement and the City's ordinances and regulations, such that it will stand alone, if no further work takes place on the project.

5.3 Access to the Subject Area. For the purpose of assuring compliance with this Agreement, so long as they comply with all safety rules of Owners and their contractor, representatives of City shall have the right of access to the Subject Area without charges or fees during the period of performance of Owners' Undertakings.

ARTICLE VI REMEDIES

6.1 Remedies for Breach. In the event of any default or breach of this Agreement or any of its terms or conditions, the defaulting Party or any permitted successor to such Party shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, and in any event cure or remedy the breach within thirty (30) days after receipt of such notice. In the event that such default or breach cannot be reasonably be cured within said thirty (30) day period, the Party receiving such notice shall, within such thirty (30) day period, take reasonable steps to commence the cure or remedy of such default or breach, and shall continue diligently thereafter to cure or remedy such default or breach in a timely manner. In case such action is not taken or diligently pursued, the aggrieved Party may institute such proceedings as may be necessary or desirable in its opinion to :

6.1.1 Cure or remedy such default is pursued, including, but not limited to, proceedings to compel specific performance by the Party in default or breach of its

obligations; and

6.1.2 If the remedy of reversion is pursued, the defaulting Owner(s) agree(s) not to contest the reversion of the zoning on undeveloped portions of the Subject Area, by the City Council to the previous zoning on the property, and hereby holds the City harmless for such reversions of the zoning from R-3, R-5 and C-C to A-40 and R-2.

6.1.3 If Owners fail to comply with applicable City codes, regulations, laws, agreements, conditions of approval, or other established requirements, City is authorized to issue orders requiring that all activities within the development cease and desist, that all work therein be stopped, also known as a “Stop Work” order.

6.2 Enforced Delay Beyond Parties’ Control. For the purpose of any other provisions of this Agreement, neither City nor Owners, as the case may be, nor any successor in interest, shall be considered in breach or default of its obligations with respect to its construction obligations pursuant to this Agreement, in the event the delay in the performance of such obligations is due to unforeseeable causes beyond its fault or negligence, including, but not restricted to, acts of God or of the public enemy, acts of the government, acts of the other Party, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes or unusually severe weather, or delays of contractors or subcontractors due to such causes or defaults of contractors or subcontractors. Unforeseeable causes shall not include the financial inability of the Parties to perform under the terms of this Agreement.

6.3 Extension. Any Party may extend, in writing, the time for the other Party’s performance of any term, covenant or condition of this Agreement or permit the curing of any default or breach upon such terms and conditions as may be mutually agreeable to the Parties; provided, however, that any such extension or permissive curing of any particular default shall not operate to eliminate any of any other obligations and shall not constitute a waiver with respect to any other term, covenant or condition of this Agreement nor any other default or breach of this Agreement.

6.4 Rights of Owners. In the event of a default by Owners’ assignee, Owners may elect, in their discretion, to cure the default of such assignee, provided, Owners’ cure period shall be extended by thirty (30) days.

ARTICLE VII GENERAL PROVISIONS

7.1 Successors and Assigns of Owners. This Agreement shall be binding upon Owners and their successors and assigns, and where the term “Owners” is used in this Agreement it shall mean and include the successors and assigns of Owners not approved by City. Notwithstanding the foregoing, City shall not unreasonably withhold or delay its consent to any assignment or change in ownership (successor or assign of Owners) of the Subject Area.

7.2 Notices. All notices, demands and requests required or permitted to be given under

this Agreement (collectively the “Notices”) must be in writing and must be delivered personally or by nationally recognized overnight courier or sent by United States certified mail, return receipt requested, postage prepaid and addressed to the Parties at their respective addresses set forth below, and the same shall be effective upon receipt if delivered personally or on the next business day if sent by overnight courier, or three (3) business days after deposit in the mail if mailed. The initial addresses of the Parties shall be:

To Owners: CASTLE CREEK HOME LLC
1798 W 5150 S Suite 103
Roy, Utah 84067

To City: WEST POINT CITY CORPORATION
3200 West 300 North
West Point, Utah 84015

Upon at least ten (10) days prior written notice to the other Party, either Party shall have the right to change its address to any other address within the United States of America.

If any Notice is transmitted by facsimile or similar means, the same shall be deemed served or delivered upon confirmation of transmission thereof, provided a copy of such Notice is deposited in regular mail on the same day of transmission.

7.3 Third Party Beneficiaries. Any claims of third party benefits under this Agreement are expressly denied, except with respect to permitted assignees and successors of Developer.

7.4 Governing Law. It is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Utah, both as to interpretation and performance. Any action at law, suit in equity, or other judicial proceeding for the enforcement of this Agreement or any provision thereof shall be instituted only in the courts of the State of Utah.

7.5 Integration Clause. This document constitutes the entire agreement between the Parties and may not be amended except in writing, signed by the City and the Owner or Owners affected by the amendment.

7.6 Exhibits Incorporated. Each Exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.

7.7 Attorneys’ Fees. In the event of any action or suit by a Party against the other Party for reason of any breach of any of the covenants, conditions, agreements or provisions on the part of the other Party arising out of this Agreement, the prevailing Party in such action or suit shall be entitled to have and recover from the other Party all costs and expenses incurred therein, including reasonable attorneys’ fees.

7.8 Termination. Except as otherwise expressly provided herein, the obligation of the

Parties shall terminate upon the satisfaction of the following conditions:

7.8.1 With regard to Owners' Undertakings, performance of the Owners' Undertakings as set forth herein.

7.8.2 With regard to City's Undertakings, performance by City of City's Undertakings as set forth herein.

Upon an Owners' request (or the request of Owners' assignee), the other Party agrees to enter into a written acknowledgment of the termination of this Agreement, or part thereof, so long as such termination (or partial termination) has occurred.

7.9 Recordation. This Agreement shall be recorded upon approval and execution of this agreement by the Owner(s), whose property is affected by the recording and the City.

7.10 Site/Landscape Plan. The Owners will prepare an overall Site/Landscape Plan reflecting the proposed development of the Subject Area. The Site/Landscape Plan shall be executed and binding on the Parties. This Plan may be amended as agreed upon by the Parties, to the extent that said amendments are consistent with the objectives of this Agreement and the City's ordinances and regulations.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representatives effective as of the day and year first above written.

WEST POINT CITY CORPORATION:

ERIK CRAYTHORNE ., Mayor

ATTEST:

MISTY ROGERS, City Recorder

I (we), _____, _____ being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached agreement and that the statements contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Managing Member of Castle Creek Homes, LLC.

Subscribed and sworn to me this _____ day of _____ 20__

Notary Public
Residing in: _____
My Commission Expires: _____

EXHIBIT A

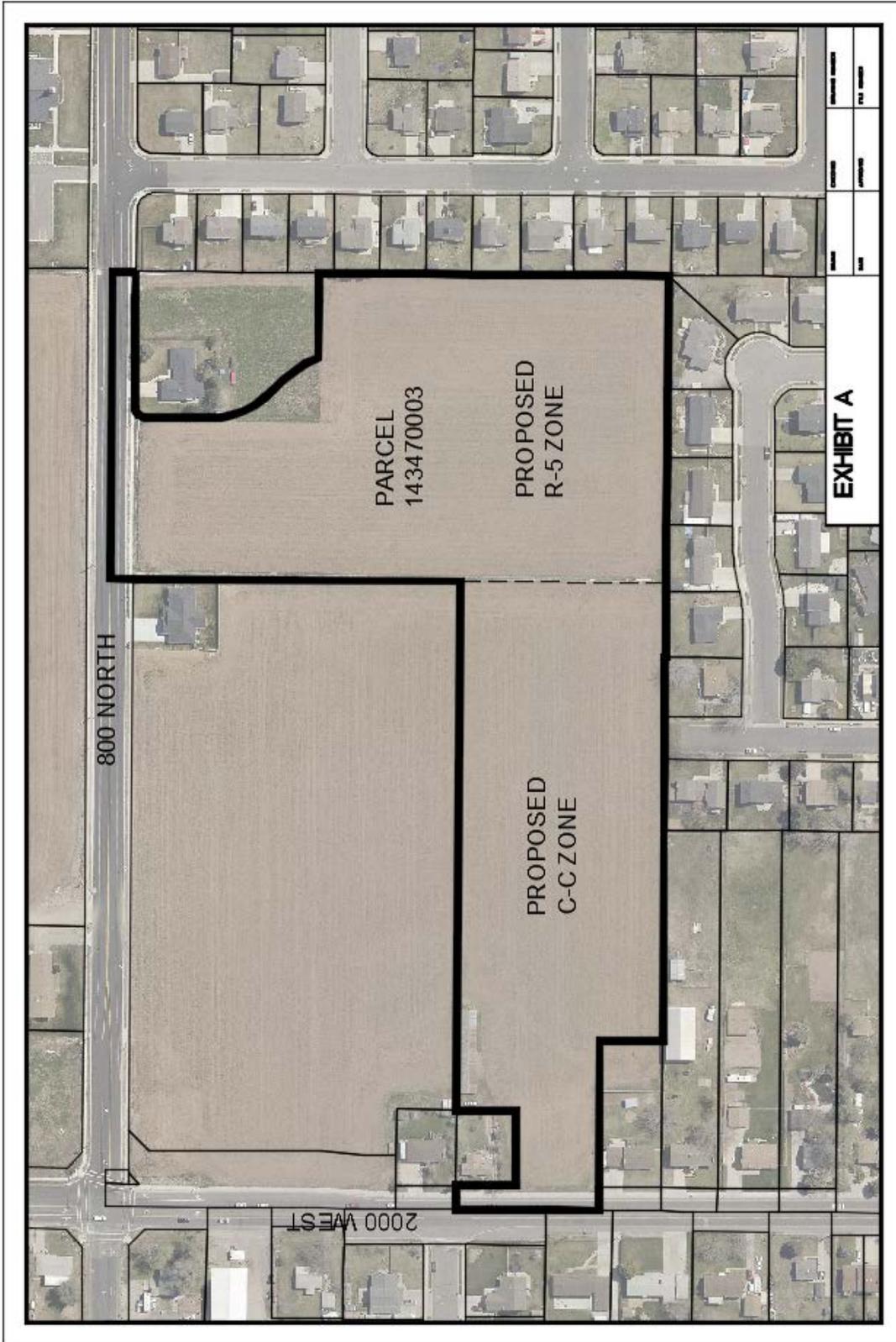


EXHIBIT B

Parcel ID: 143470003

Legal Description:

ALL OF LOT 2, C. HESLOP SUBDIVISION.

CONT. 12.78 ACRES LESS & EXCEPT: PART OF THE SW 1/4 OF SEC 34-T5N-R2W,
SLB&M, DESC AS FOLLOWS: BEG AT A PT ON THE S R/W LINE OF 800 NORTH
STR, SD PT BEIN

RESOLUTION NO. 10-7-2014A

A RESOLUTION APPROVING A DEVELOPERS AGREEMENT BETWEEN WEST POINT CITY AND CASTLE CREEK HOMES FOR THE DEVELOPER OF PROPERTY LOCATED AT APPROXIMATELY 1800 WEST 800 NORTH

WHEREAS, Castle Creek Homes, LLC is the owner of real property identified as Davis County parcel ID 143470003; and

WHEREAS, West Point City desires to enter into a developer's agreement with Castle Creek Homes, LLC; and

WHEREAS, West Point City and Castle Creek Homes, LLC have jointly prepared the written agreement, attached hereto; and

WHEREAS, the West Point City Council has reviewed said agreement and finds it acceptable to the City.

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

1. The Developer's 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 7th day of October, 2014.

WEST POINT CITY,
A Municipal Corporation

By: _____
Erik Craythorne, Mayor

ATTEST:

Misty Rogers, City Recorder

City Council Staff Report

Subject: Payback Agreement – Bartholomew Lane 2&3
Author: Boyd Davis
Department: Community Development
Date: October 7, 2014

Background

The developers of the Bartholomew Lane Subdivision have requested a payback agreement for phases 2 and 3. The City Code allows a developer to enter into a payback agreement when they have been required to install infrastructure that will benefit adjacent properties. This subdivision has a road running parallel to the adjacent property that will provide road access and utilities for both properties. Staff believes that a payback agreement is appropriate.

Phase 1 of this same subdivision has a holding strip along the same street, which has the same effect as a payback agreement. The code no longer allows holding strips, but now allows payback agreements which are easier for the City to administer.

Analysis

The City Code explains that the payback agreement will be between the developer and the City. The City will agree to prohibit the adjacent property from subdividing until payment has been made to the developer. The code further explains that the amount of the payment shall be determined by the City and that the agreement will become null and void after 10 years.

The attached map shows the area in question and indicates the properties that staff believes will benefit from the improvements that were installed. The code explains that only infrastructure installed that is above and beyond the minimum standards can be included in the agreement. The improvements that will be included are as follows:

- 12' of the asphalt
- Road base
- Fill material
- Curb & gutter (west side only)
- Secondary Water Line (difference of 12" and 8")

A cost estimate for the improvements was determined using the original prices submitted by the developer. A detailed estimate is attached. The total estimated value of the improvements included in the payback agreement is \$31,837.

If the payback agreement is approved, it will be recorded at the Davis County Recorder's Office on each parcel included in the agreement.

Recommendation

Staff recommends approval of the payback agreement.

Significant Impacts

The City will be responsible to enforce the payback agreement on the future developments.

Attachments

Resolution 10-17-2014B
Agreement

ATTACHMENT A

WEST POINT CITY PAYBACK FOR IMPROVEMENTS AGREEMENT

This agreement made and entered into this ____ day of _____ 20__, by and between West Point City, a municipal corporation of the State of Utah, hereafter referred to as “City” and Bartholomew Lane, L.L.C., hereafter referred to as “Developer.”

WITNESSETH

WHEREAS, the Developer has agreed to contribute funds and/or resources necessary to construct infrastructure of a type and in a location specified by EXHIBIT A attached to and made part of this agreement; and

WHEREAS, the City’s engineer has determined said contribution to value Thirty One Thousand Eight Hundred Thirty Seven dollars (\$31,837) at the time of the signing of this agreement; and

WHEREAS, the City has determined that said contribution represents an investment on the part of the Developer in excess of that which the City would, under normal circumstances, require of the Developer; and

WHEREAS, the City has determined that future developers shall benefit from the Developer’s willingness to install this infrastructure at the Developer’s own expense and that the costs relative to such infrastructure should inevitably and ultimately be born by those developers who will benefit from this infrastructure as specified by EXHIBIT B attached to and made part of this agreement; and

WHEREAS, the City Council did, on March 17, 2009 pass Ordinance 03-17-2009 amending West Point Revised Code 16.05.100, including a provision which empowers the City to negotiate with developers their participation in infrastructure development and collect from future developers the rightful share of the costs associated with said infrastructure development;

NOW THEREFORE THE PARTIES AGREE TO THE FOLLOWING STIPULATIONS

SECTION ONE: INSTALLATION OF INFRASTRUCTURE

The developer agrees to install in a timetable agreeable to the City and the Developer, infrastructure as described in EXHIBIT A.

SECTION TWO: ASSESSMENT OF INFRASTRUCTURE VALUE

Notwithstanding the developer’s costs associated with the installation of infrastructure as described in this agreement, and in accordance with WRC 16.05.100, the City’s engineer shall determine the amount due, in accordance with the methodology set forth in WRC 16.05.100, at times and in circumstances when future developments as specified in EXHIBIT B impacts or will likely utilize the infrastructure described in EXHIBIT A.

That infrastructure assessment will constitute the amount to which the Developer is entitled.

SECTION THREE: COLLECTION AND DISBURSEMENT

The City shall not allow development of property impacting the infrastructure described in EXHIBIT A until the developer of such property, as specified in EXHIBIT B, pays to the City in full obligation for infrastructure costs associated with that developer's impact on the infrastructure, as determined by the City's engineer.

Upon payment of costs set-fourth in this section, the City shall immediately reimburse to the Developer those funds collected. The City shall not be responsible for the reimbursement of any funds not collected.

West Point City

Mayor

Developer

Bartholomew Lane, LLC

By

Title

ATTEST:

Address for Giving Notices

West Point City Recorder

EXHIBIT A

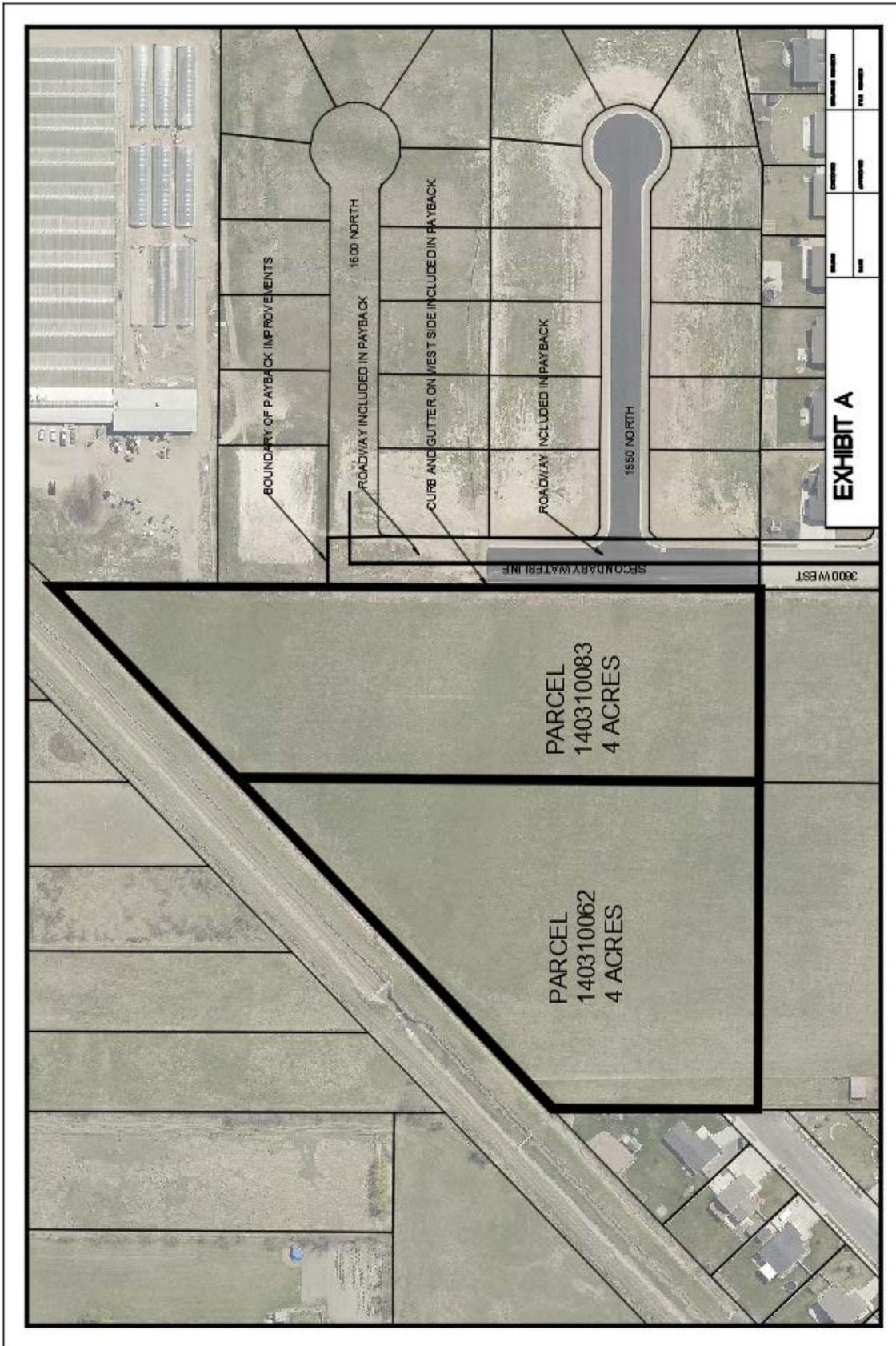


EXHIBIT B

Exhibit B				
Bartholomew Lane Payback Agreement				
Parcel ID	Owner	Acres	Percent of Total	Cost
140310062	HALL, EARL WAYNE & MARJORIE LORRAINE	4	50%	\$ 15,918.58
140310083	HALL, DANIEL R & EARL WAYNE & MARJORIE LORRAINE	4	50%	\$ 15,918.58
		8	100%	\$ 31,837.16

EXHIBIT C

Bartholomew Lane Phases 2&3					
Payback Agreement Estimate					
Item	Description	Quantity	Unit	Unit Price	Total
1	Asphalt - 12' wide	667	SY	\$ 10.01	\$ 6,673.33
2	Road Base - 10" deep by 12' wide	667	SY	\$ 9.03	\$ 6,023.01
3	Slurry seal	667	SY	\$ 2.00	\$ 1,334.00
4	Fill Material	450	TON	\$ 10.31	\$ 4,641.82
5	Curb & gutter	500	LF	\$ 14.24	\$ 7,120.00
6	Secondary water line - difference between 8" & 12"	500	LF	\$ 12.09	\$ 6,045.00
	Total				\$31,837.16

Legal Descriptions

Parcel ID: 140310062

Legal Description:

BEG ON THE N LINE OF 1300 N STR & ON THE 40 ACRE LINE AT A PT 1323.245 FT N 89°58'11" W ALG THE SEC LINE & 33 FT N 0°06'35" E FR THE S 1/4 COR OF SEC 29-T5N-R2W SLM, & RUN TH ALG THE N LINE OF 1300 N

Parcel ID: 140310083

Legal Description:

BEG ON THE N LINE OF 1300 N STR AT A PT 1323.245 FT N 89°58'11" W ALG THE SEC LINE & N 0°06'35" E 33 FT & S 89°58'11" E 400 FT FR THE S 1/4 COR OF SEC 29-T5N-R2W SLM, & RUN TH N 0°06'35" E 1850.302 FT

RESOLUTION NO. 10-7-2014B

A RESOLUTION REQUIRING NEW DEVELOPMENT TO PAY FOR IMPROVEMENTS INSTALLED PREVIOUSLY BY THE DEVELOPERS OF THE BARTHOLOMEW LANE SUBDIVISION.

WHEREAS, Bartholomew Lane, LLC (hereinafter referred to as the “Developer”) has or will install street and utility improvements along 3600 West from approximately 1550 N to 1600 N as part of the Bartholomew Lane Subdivision Phases 2 & 3; and

WHEREAS, consistent with the City’s policy and Section 16.05.100 of the West Point Municipal Code, the City has determined that new development should pay its proportional share of the costs of the improvements that will specifically benefit development activity within the City; and

WHEREAS, the City has calculated the costs of those improvements, based on the methods outlined in said section 16.05.100 and desires to impose, by resolution, those costs on future development; and

WHEREAS, the City Council of West Point City deems it to be in the best interest of the citizens of West Point City, to pass this resolution, requiring that those costs attributable to new development, be properly assessed to new development.

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

1. The payback for improvements agreement, identified as Attachment “A” to this resolution, which is attached hereto and incorporated by this reference, is hereby approved.
2. That the owners of those properties, identified in Attachment “A” that have been benefited by the installation of the improvements, be assessed their proportional share of the costs of said waterline as provided in Attachment “A” to this resolution.
3. That, pursuant to Section 16.05.100 of the West Point Municipal Code, the payment of these costs become a condition precedent to any development approval or permit requested or applied for.

4. That a copy of this resolution be recorded upon each parcel of property identified in Attachment “A”, to be assessed their proportional share of the costs of the improvements, only when development occurs on the property, as identified in Attachment “A”, which is attached hereto and incorporated herein by this reference.

PASSED AND ADOPTED this 7th Day of October, 2014.

WEST POINT CITY,
A Municipal Corporation

By: _____
Erik Craythorne, Mayor

ATTEST:

Misty Rogers, City Recorder