



3200 WEST 300 NORTH  
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL**  
**MEETING MINUTES**  
WEST POINT CITY HALL  
**October 15<sup>th</sup>, 2024**

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

**Administrative Session**  
6:00 PM

Minutes for the West Point City Council Administrative Session held on October 15<sup>th</sup>, 2024, at 6:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and livestreamed for the public to view via Zoom. The livestream of the meeting was accessible to view by entering Meeting ID# 823 3129 2027 at <https://zoom.us/join> or by telephone at (669) 900-6833.

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

**EXCUSED:** Council Member Jerry Chatterton

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

**EXCUSED:** None

**VISITORS PRESENT:** David Peterson, Mike Hatch, Brad Devereaux, Jeramie Humphries, and PJ Roubinet. No sign-in is required for those viewing online.

**1. Discussion Regarding 2025 Employee Health Insurance Renewal Rates – *Mr. Kyle Laws***

Mr. Laws provided an overview of the 2025 Employee Health Insurance Renewal Rates, explaining that the city's medical insurance with PEHP (Public Employees Health Plan) will renew at the start of the new year. The current budget provided funds adequate for a 12% rate increase, but PEHP's renewal rate came in at 6.6%, which is well below that budgeted amount. Mr. Laws explained that Keyes Insurance, the city's insurance broker, also explored alternative health insurance plans to ensure that the city was getting the best deal. There were two plans with lower estimated renewal rates, however Mr. Laws highlighted that the alternatives were not exactly comparable to the PHP plan. The city's current plan has a \$2,500 deductible and \$5,000 out-of-pocket maximum for individual and family coverage, respectively. In contrast, the alternative plans had higher deductibles of \$3,300 and \$3,500, and higher out-of-pocket maximums of \$6,300 and \$7,500 for individuals, with family plans reaching up to \$15,000 in out-of-pocket expenses. This made the alternatives much less appealing despite their lower renewal rates.

The Council discussed the renewal rates and asked for clarification of whether there would be any changes to employees' existing coverage. Mr. Laws confirmed that there would be no changes to the current plan, coverage, or provider options; the renewal rate is simply an increase to the existing plan.

The Council expressed their support for renewing the current plan with PEHP for 2025 and were comfortable with the rate increases. Staff expressed their appreciation to the Council for providing these employee benefits.

**2. Discussion Regarding an Amendment to the Development Agreement for the Hall Haven Subdivision Regarding the Water Line – *Mr. Boyd Davis***

Mr. Davis presented an amendment to the development agreement for the Hall Haven Subdivision concerning the water line. He explained that the subdivision, located next to City Hall, has private roads, and while the developer is responsible for maintaining most utilities, the city does not want the private group maintaining the water line due to legal and safety concerns. The city has previously handled similar situations in other subdivisions by maintaining the water line as a public utility. The proposed amendment clarifies that the city will own and maintain the water main and service laterals up to the meter box, while the developer will be

responsible for repairing the road if the city needs to dig it up to fix a water line leak. The developer or their successor would also be responsible for paving the road after any necessary repairs. Mr. Davis mentioned that the developer, Ovation Homes, was comfortable with the proposed language.

The City Council had no further questions or concerns and will consider approval of the amendment to the development agreement in tonight's General Session.

3. **Discussion Regarding an Amendment to the Development Agreement for the Smith Ranches Subdivision – *Mrs. Bryn MacDonald***  
Mrs. MacDonald presented an amendment to the development agreement for the Smith Ranches Subdivision, which the developer is requesting changes to a few items in the agreement. The first proposed change is regarding the architectural requirements for the homes. Currently, the agreement mandates a three-foot wainscoting with brick or stone on the sides of each home. The developer is requesting to limit this requirement to only the street-facing sides of corner lots, with the sides of interior homes left without wainscoting, using only hardiboard or stucco materials.

The second requested change involves basements. The original agreement set the minimum finished floor elevation to be 12 inches above the back of the curb, but the developer is requesting that the language be modified to follow the current City Code. This will allow basements in Zone B if they meet drainage requirements required in the code, such as land drains and sump pumps. The Council discussed the potential for basements in this area, with concerns raised about drainage issues and the risk of basements flooding. The developer assured the Council that they would cover the costs of the land drainage system, which would mitigate flooding risks, and emphasized that not all homes would have basements.

The Council was concerned that *any* of the homes in the development would have basements, given the drainage issues known to exist on the property. The developer proposed the possibility of working with UDOT to combine the subdivision's detention pond with a nearby UDOT pond, which could reduce the number of lots and create more open space. This proposal raised concerns about the use of the space and whether the drainage system would function as planned. The Council discussed options for creating an easement for the land drain and the possibility of incorporating access to a trail.

Ultimately, the Council agreed that while the idea of combining the detention ponds and modifying the architectural requirements seemed reasonable, they felt that the requested amendments to allow basements required further review and more information from the developer to address the drainage concerns. Although on the agenda for consideration of approval in tonight's General Session, it was agreed that action would be tabled to the next meeting so that these details can be provided and reviewed before a final decision is made on whether or not to amend the agreement.

4. **Discussion Regarding the General Plan Update – *Mrs. Bryn MacDonald***

Mrs. MacDonald provided a detailed overview of the updates to the City's General Plan, as recommended by the Planning Commission. She explained that the process of creating a draft plan has been ongoing for some time, with extensive public outreach and participation. The city conducted a survey sent out to residents to gather input and even attended community events like the senior lunch and Fourth of July celebration to help inform and encourage residents to provide their comments. They also held multiple stakeholder meetings, hosted open houses, and consulted with various professionals. These efforts allowed the City to gather valuable feedback that helped shape the recommendations and strategies outlined in the draft General Plan.

The Planning Commission spent significant time reviewing the draft plan over the course of several months, making changes based on the feedback they received. The Council is now being asked to review the updated draft plan and make adjustments as needed before taking action to approve the plan. Mrs. MacDonald explained that the plan contains both a detailed document with specific recommendations and a "Citizens Guide," which provides a simplified version of the plan for easier public understanding. She focused on key elements of the plan, such as land use, housing, economic development, infrastructure, and risk resiliency.

In terms of land use, several recommendations were made to ensure that future developments fit within the city's long-term vision. One of the key recommendations was to buffer new developments from existing rural and agricultural areas. This would be done through design guidelines and zoning adjustments, ensuring that developments respect the existing character of the area while allowing for growth. The plan also emphasizes the importance of protecting historical and agricultural sites and encouraging civic pride through community events and active engagement.

Regarding housing, the plan advocates for a variety of housing types to meet the needs of different residents. This includes encouraging the development of smaller, more affordable housing options and identifying specific areas of the city that would be best suited for various types of housing. The Council discussed this idea of preserving farming and agricultural lifestyles, and zoning recommendations aimed at accommodating larger lot sizes suitable for animals and agricultural uses.

Economic development is another focal point of the plan, with several recommendations aimed at diversifying the local economy. This includes promoting small business programs, attracting more retail establishments to increase local tax revenue, and creating cultural and historical venues to foster community engagement. The plan also touches on the need to capitalize on commercial corridors, in an effort to provide opportunities for commercial development and attract more businesses to the area.

Transportation infrastructure is another critical component of the draft plan. The Council discussed the recommendations for improving transit options, including more trails and bike paths to promote active transportation. There was also mention of improving sidewalk connectivity throughout the city, which the city has already been working on in previous plans.

A section on risk and resiliency identified the challenges posed by high water tables in certain areas of the city. The plan proposes strategies for dealing with these issues, including identifying the most suitable areas for development and implementing necessary infrastructure to mitigate potential flooding risks. The conversation around basements, for example, centered on the risk of flooding in certain zones. The plan proposes that homes with basements should have dedicated land drain systems and sump pumps to handle the water table issues, ensuring that the homes could safely include basements without causing drainage problems.

The zoning map of the proposed plan was discussed in depth with the Council. Several changes are proposed to accommodate the updated zoning designations, including the addition of a new A-2 zone, which would allow for half-acre agricultural lots with minimal residential development. This zone was designed to preserve more rural, agricultural spaces and allow property owners to have animals like horses while also providing more space for larger homes. The R-1 zone, with its current density of 12,000 to 15,000 square feet per lot, is very similar to the A-2 zone, though the A-2 zone would specifically require minimum half-acre lots. Mrs. MacDonald explained that the Planning Commission discussed the placement of the A-2 zone, and after several adjustments, decided to position it in areas where agricultural uses are still present and where there is demand for larger, more rural-style lots.

There was also significant discussion on the creation of a new zone to be a middle ground between the existing R-3 and R-4 zones. This new zone would allow up to 6 units per acre. Staff recommends that this new zone be designated with the name of "R-4" to maintain consistency with existing zoning designations, which will require the code to be amended to change the name of the current R-4 zone to R-5, and the current R-5 zone to a new name of R-6. The new R-4 zone is intended for single-family homes but could allow for higher density when appropriate.

In terms of commercial zoning, the plan proposes a change to the names of the commercial areas around the interchange. The "Community Commercial" zone was changed to "Regional Commercial" to better align with the types of businesses that are expected to develop in the area. This change reflects the growing need for retail and commercial businesses in the area to serve not only the city but also the surrounding regions. The proposed changes to zoning, particularly with the industrial areas around the interchange, reflect the need to support both commercial and industrial growth while ensuring that the area remains accessible and attractive for businesses.

There is also a proposal to change some zoning for specific areas to reflect current land use more accurately. For example, the area around the Flint Nursery and the Movement Dance Center on 1800 N, currently designated as R-2, has been changed to "Neighborhood Commercial" to align with its commercial function. On the east side of 2000 West, the zoning for professional offices was changed to "Neighborhood Commercial," reflecting the commercial potential of the area as it continues to develop.

The Council briefly discussed the possibility of combining detention ponds with UDOT's existing infrastructure, which could lead to cost savings and provide more usable space for the community. They emphasized the need to ensure that any detention or stormwater management systems are properly planned to prevent flooding issues, especially in areas with higher water tables.

Lastly, the Council discussed the idea of new gateway signs for the city, designed by UDOT, to be placed near the interchange. Several design options were presented, with one design, featuring agricultural elements, receiving particular support. These signs will help define the city's identity and welcome visitors as they enter the community.

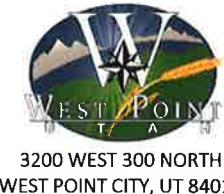
Mrs. MacDonald stated that this discussion is just the start of the Council's opportunity to review the draft plan, and that it will continue to be presented over the next several meetings, with more in-depth details of the proposed changes. The overall goal of the plan is to guide the city's growth while maintaining its character, supporting economic development, and ensuring that infrastructure and services meet the needs of the population.

The Council thanked Mrs. MacDonald for her presentation and looks forward to further discussions.

**5. Other Items**

No other items were discussed.

The Administrative Session adjourned



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Jerry Chatterton, *Mayor Pro Tem*  
Annette Judd  
Michele Swenson  
Brad Lee  
Trent Yarbrough  
**City Manager:**  
Kyle Laws

**General Session**

7:00 PM

Minutes for the West Point City Council General Session held on October 15<sup>th</sup>, 2024, at 7:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and livestreamed for the public to view. The livestream of the meeting was accessible to view by entering Meeting ID 823 3129 2027 at <https://zoom.us/join> or by telephone at (669) 900-6833.

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

**EXCUSED:** Council Member Jerry Chatterton

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

**EXCUSED:** None

**VISITORS PRESENT:** David Peterson, Mike Hatch, Brad Devereaux, Jeramie Humphries, Matt Leavitt, Rena Hunt, Randee Bereece, Ricks Scadden, Beverly Parkey bailey, Alan Parker, Aaiden Taylor, Jonah & Melissa Taylor, Shannon Kotter & kids, Lauren Tesoro, Jan Thompson, Dale Parker, and PJ Roubinet. No sign-in is required for those viewing online.

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

Council Member Yarbrough – None

Council Member Judd – None

Council Member Swenson – The West Point Arts Council is hosting a Paint Night on November 8<sup>th</sup>. Registration is open online, and she encouraged residents to sign up and participate.

Council Member Chatterton – Absent

Council Member Lee – As a board member of the Mosquito Abatement District Davis, Council Member Lee provided an update on the mosquito situation in the area, noting that while many might not be looking forward to the colder weather and snow, it will help reduce mosquito activity, which has been particularly bad this year for mosquitoes, with several instances of mosquito-borne illness in the region. He highlighted the seriousness of those situations, which includes one human case where a gentleman was hospitalized and nearly died but is now recovering. There have also been cases in surrounding counties, including Weber, Box Elder, and Utah, with West Nile virus also found in horses in Weber County. On the positive side, he stated that the new adulticide used for mosquito control has been highly effective, with a significantly improved kill rate compared to previous methods. He concluded by expressing optimism for continuing the spraying efforts next year to manage mosquito populations.

Mayor Vincent – None

5. **Communications from Staff**

Mr. Laws stated the quarterly Staff/Council Lunch is scheduled for Tuesday of next week, and invited Council Members to attend if they were available. The Halloween Carnival will be held at West Point Jr. High on Friday, October 26<sup>th</sup>. This event is organized by the Miss West Point Royalty, with support from the West Point Youth Council and promises to be a fun event for the community. The Annual Fall Clean-Up event was held the previous weekend, which was another successful event utilized and appreciated by residents. The regularly scheduled City Council meeting on November 5<sup>th</sup> has been canceled due to Election Day. Lastly, there are three West Point football teams competing in the WFFL Mini Bowl for their divisions, which is a great accomplishment. He encouraged the Council and residents to attend and show their support to these teams.

## **6. Citizen Comment**

Michael Lambert – Layton, UT: Mr. Lambert stated that he is a resident of west Layton and is addressing the City Council as a candidate for Davis County Commissioner. He introduced himself as an unaffiliated, bipartisan candidate, expressing his concern about the growing divisiveness in politics. He emphasized his desire to contribute to more collaboration in local government. He noted that he was impressed with the Utah League of Cities and Towns' Dignity Index, which was provided as a handout at the meeting, stating that it aligned with his values. Professionally, he is a licensed clinical social worker with experience working with young people and families, and he is involved in his local school community council. He highlighted his interest in issues such as children's welfare, aging populations, conservation, and air quality. He thanked the Council for the opportunity to speak and shared his appreciation for being involved in the community.

Jan Thompson – West Point, UT: Ms. Thompson stated that she would like to advocate for a sidewalk on 4000 North, often referred to as Cold Springs Road. She explained that the north side of 4000 North has a narrow sidewalk used by children walking, biking, and scootering to the new elementary school, which forces them to go into the road. She stated that this road is already dangerous, mentioning that there have been approximately 15 accidents since her daughter moved there two years ago. She further explained that the subdivision in question is unfinished, with only one lot completed, and that the road is wider compared to 700 South, which will become more difficult for elementary school kids when the junior high opens. She shared that, after visiting the area, she had seen children almost getting hit while riding bikes or scooters because they have no choice but to go into the road. She mentioned that the crossing guard had requested the city cut back some of the vegetation, but that visibility issues for the children still remain. She emphasized the need to find an alternative route and expressed that finishing the sidewalk would help address the safety concerns.

Jeramie Humphries – West Point, UT: Mr. Humphries stated that his comment is in regards to the new R-6 zone proposed in the updated general plan. He would like his property to be considered for that zone and be moved from an R-1 to the R-6 in the plan.

Matt Leavitt – West Point, UT: Addressed the City Council regarding a request he made at the Planning Commission's public hearing on August 8, where he asked for R-6 zoning for his property located west of the park and West Point Elementary School. He explained that the Planning Commission agreed to add the request to the map, but two weeks later, during a meeting on August 22, the request was removed. Leavitt asked the Council to reconsider granting R-6 zoning for this parcel, stating that he doesn't believe it would ever reach the maximum density allowed. He then briefly shared his perspective on the housing affordability crisis, noting how much housing costs have increased in just 20 years. He pointed out that homes that were once being built at 3,500 to 4,000 square feet for under \$200,000 now cost around \$800,000. He expressed concern that this price increase is pricing out younger generations, making it difficult for them to afford to live in the area. He advocated for the development of more affordable housing, specifically smaller lots of 7,000 to 8,000 square feet, that would still allow young families to own homes with yards. While acknowledging the value of townhomes and the fact that "density" gets a bad reputation, he stressed the need for options that are more affordable for families. He also shared an example of a young couple living in their grandparents' basement who were unable to afford a \$650,000 home in the area but could purchase a similar home for \$450,000 in Roosevelt. He urged the Council to consider the long-term impact of rising home prices, which could drive local families away, and to think about creating more affordable housing options. He concluded by reiterating his request to reconsider R-6 zoning for the property.

**7. Presentation of Awards for the 2024 Chalk Art Festival – Mayor Brian Vincent**

Mayor Vincent presented awards for the 2024 Chalk Arts Festival. He acknowledged the impressive skill displayed by participants and the large number of entries. Randee Bereece, the Arts Council Chair, and Lauren Tesoro, Visual Arts Committee Chair, were invited to assist in the award presentation.

The awards were given in three age groups. In the youngest group (ages 0 to 12), the third-place winner was Sophie Kotter (Art #9), second place went to Aiden Taylor (Art #2), and the first-place winner was Eleanor Hansen (Art #15).

In the 13 to 17 age group, there was a tie for third place between Sadie Kotter (Art #7) and Baylee Isaksor (Art #112). Second place went to Seth Kotter (Art #11), and the winner of this group was Ashlynn Gray (Art #115).

For the adult group (ages 18 and above), third place went to Kristy Boatwright, second place to Kelsey Thurgood (Art #1001), and the first-place winner was Whitney Hansen (Art #1006).

After the awards, the winners were invited to stand at the front for a photo, and the Mayor and Council posed for a picture with them. The event celebrated the artistic talents of the community and recognized the creativity of all participants.

**8. Consideration of Approval of the Minutes from the July 16<sup>th</sup>, 2024 City Council Meeting**

Council Member Lee motioned to approve the minutes from July 16, 2024

Council Member Yarbrough seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

**9. Consideration of Ordinance No. 10-15-2024A, Approving the “Ivy Meadows & Adjoining Properties” Annexation Petition – Mr. Kyle Laws**

Mr. Laws presented the "Ivy Meadows & Adjoining Properties" annexation petition. He began by explaining that the proposed annexation area is part of the city's future annexation plan, which has been in place for 24 years. He provided historical context, noting that there was a previous petition for annexation that included some of the area part of this petition that was denied after a protest from Clinton City. As a result of that protest and denial, an agreement was reached with Clinton City for the area east of 4500 West to remain under Clinton's future annexation area, while the area west of 4500 West would become part of West Point City's future annexation area.

Mr. Laws discussed the annexation process, emphasizing that the petition met the State's required thresholds for property owner signatures when it was submitted and certified by the City Recorder, with 78.4% of the total acreage and 34.6% of the property value in signing in favor of the annexation. He explained that there was a 30-day protest period, which ended on October 10. During this period, the two letters of protest were received, but under State Statute, neither were considered valid since the protesting properties were too small (less than 1,000 acres) to meet the criteria for a valid protest. Additionally, after the Petition was certified by the City Recorder, one property owner submitted a request to remove their signature in favor from the petition. Although this does not remove that property from the area being proposed for annexation as the certification period had already passed and it met the requirements at the time it was certification, he is notifying the Council of this request so that they are aware as they consider the Petition.

The proposed annexation area would initially be zoned as A-5, which is an agricultural zone that allows one unit per five acres, slightly higher density than the County's current zoning of one unit per 10 acres, but most closely matches current city zoning designations. Mr. Laws clarified that any future developments requiring higher density would need to go through the rezoning process. The A-5 zoning designation would make some existing properties non-conforming, especially those with one-acre lots. However, these properties would be grandfathered into the A-5 zone and would retain their agricultural uses.

Following the presentation, Mayor Vincent opened the meeting to a public hearing for anyone who wished to comment on the proposed annexation.

**a. Public Hearing**

Rena Hunt – 2025 N 5500 W: Ms. Hunt asked for clarification on the two conditions mentioned by Mr. Laws, specifically asking, “One was the acreage. What was the other one?” Mr. Laws clarified that the second condition required property owner signatures in favor that represented at least 1/3 of the taxable value of the entire area. She continued, saying, “I was under the impression that another petition was going to be coming around asking us whether we were in favor or not in favor.” She explained that while her property is not included in the proposed annexation boundaries, neither she nor one of her neighbors, who is in the included area, were approached a second time. She mentioned that this neighbor had originally agreed to the annexation but later changed their stance and recently submitted the letter requesting her signature to be removed. Hunt inquired as to why she wasn’t approached again in regards to this new petition. She concluded by thanking the Council.

Council Member Swenson motioned to close the public hearing

Council Member Judd seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

**b. Action**

Following the public hearing, Mr. Laws addressed the question raised by Rena Hunt regarding why a new petition wasn’t required for the annexation, explaining that the State Code specifically states that signatures from an original petition may be used for a petition that was re-filed after being modified to correct for any deficiencies. This was the case for this petition, and the petitioner removed some properties from the proposed area of the previous petition so that the thresholds could be met. He further clarified that the statute doesn’t mandate every property owner be asked to sign whether they are against or in favor of an annexation petition, even if their property is included in the proposed area, as long as signatures in favor that are received are adequate to meet the thresholds. The annexation process includes notices and a 30-day certification period allowance, as well as a protest period. While a request was received from a property to remove their signature from the petition, as he previously explained and Ms. Hunt mentioned, the petition had already been certified, and the required notices were sent out and the 30-day protest period completed.

Council Members then discussed the matter further and wanted to emphasize that the annexation process is governed by state statutes, not local decisions. The city must follow the legal process and the rules for the petition and protest process as set by the state legislature. It was further pointed out that the city had not actively pushed for, nor initiated, this annexation but has been expecting that this area, and the area surrounding, will eventually be part of West Point, as it is not the intent or desire of Davis County to keep this area as unincorporated. The city has been preparing to be able to serve these residents based upon that expectation. The Council welcomed any new residents from the annexation area and expressed that they hope to provide them with the same services as other residents of West Point, while recognizing that some individuals may have valid reasons for not wanting to annex.

The Council had no further discussion regarding the petition.

Council Member Judd motioned to approve Ordinance No. 10-15-2024A

Council Member Yarbrough seconded the motion

Roll call:

Council Member Swenson – Aye

Council Member Chatterton – Aye

Council Member Yarbrough – Aye

Council Member Lee – Aye

Council Member Judd – Aye

The Council unanimously agreed

**10. Consideration of Resolution No. 10-15-2024A, Approving a Contract for Retail Brokerage Services – *Mr. Kyle Laws***

Mr. Laws presented the draft agreement for retail brokerage services to help recruit retail businesses for the city's property located at the interchange of the West Davis Corridor and SR-193, along Cold Springs Road. He explained that he and the Mayor have been meeting with brokers and developers to explore the best way to move forward with the development of the property. The proposed agreement would be with Mountain West Real Estate, who would assist the city in attracting retail services to the area. Additionally, the city might enter into an agreement with a developer to master develop the property in collaboration with adjacent property owners.

Mr. Laws noted that the agreement falls under professional services, which requires City Council approval for contracts over \$30,000. However, the contract itself would not have an upfront cost for the city. Instead, the brokerage would receive a 6% commission from the sale of the property, which could be split with the buyer's agent. The contract is for one year but would transition to a month-to-month arrangement afterward. If the arrangement is not working out, the city has the option to cancel. He recommended approval of the agreement.

The Council has discussed the use of a retail brokerage service in previous meetings and had no further questions or concerns regarding the proposed contract for such services.

Council Member Yarbrough motioned to approve Resolution No. 10-15-2024A

Council Member Lee seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

**11. Consideration of Resolution No. 10-15-2024B, Approving the Amended Development Agreement for the Hall Haven Subdivision – *Mr. Boyd Davis***

Mr. Davis reviewed the purpose behind the proposed amendment to the development agreement for the Hall Haven Subdivision, located immediately west of City Hall. He explained that the subdivision is under construction, with a private road and private utilities, except for the water line, which the city wants to remain public for maintenance purposes. To clarify this arrangement, the amendment would add language to the existing development agreement stating that the city will maintain and repair the water line up to the meter box, including any necessary water leak repairs. However, if the city needs to dig up the road for repairs, the developer or their successors would be responsible for repairing the street afterward. Mr. Davis recommended that the amended development agreement including this language be approved.

The City Council had no further questions or concerns.

Council Member Swenson motioned to approve Resolution No. 10-15-2024B

Council Member Judd seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

**12. Consideration of Resolution No. 10-15-2024C, Approving the Amended Development Agreement for the Smith Ranches Subdivision – *Mrs. Bryn MacDonald***

Mrs. MacDonald presented the amended development agreement for the Smith Ranches Subdivision. She outlined three key changes requested by the developer:

- Architectural Change: The developer requested removing the requirement for a three-foot brick or stone wainscoting along the entire side of each home, limiting it to only the corner lots.

- **Basement Requirements:** The current agreement specifies that the lowest finished floor elevation must be 12 inches above the back of the curb. The developer proposed changing this to allow the lowest finished floor to adhere to the city code, which would allow basements to be lower if land drains and sump pumps are installed.
- **Detention Pond:** The developer requested using a UDOT detention pond in place of a private detention pond, and they proposed a new easement for a trail path between the two lots, which would require some adjustments to the lot sizes.

The Council discussed these requests, particularly the impact on lot sizes and the trail access. There were concerns raised about how the adjustments could affect the lot sizes, specifically whether the lots would remain at the required 10,000 square feet with the changes. Council members suggested moving some lot lines or making exceptions if needed, particularly for the trail easement.

Regarding the basement elevation, there was some confusion about the proposed change. The developer wanted to go two feet below the existing grade, which would allow more affordable housing by increasing basement space. After some discussion, it was clarified that the developer was asking to allow a finished floor elevation 24 inches below the curb, without needing the land drain system.

The Council decided they needed further clarification of the proposed changes before making a decision. They requested more specific details and a written compromise on the changes and agreed to table action until the next meeting to allow the developer time to provide this information.

Council Member Swenson motioned to table action on the amended development agreement until the next meeting to allow the developer time to provide further clarification and information addressing the concerns raised

Council Member Yarbrough seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

### **13. Consideration of Resolution No. 10-15-2024D, Approving a Postponement Agreement for the North Point Retail Project – Mr.**

***Boyd Davis***

Mr. Davis presented a proposed postponement agreement for the North Point Retail Project, located across from 7-11 on 300 North. The development, approved by the City Council, required the installation of a raised median on 300 North, as recommended by a traffic study, to restrict turning movements. However, Mr. Davis suggested postponing the installation of the median, as it may not be necessary at this time, but could be needed in the future. The developer agrees to install the median when the city requests it.

Council Members discussed the implications of delaying the median installation. Some raised concerns about traffic safety, particularly with current traffic patterns and congestion at the intersection. Council Member Yarbrough in particular emphasized the need for the raised median to avoid potential accidents, especially when people attempt to turn left into the development. Others agreed that waiting for more traffic data would help make an informed decision.

A key point also discussed was the entrance to the development, which would remain a "right in, right out" only, with signage indicating that movement. There were also concerns about the second access point from UDOT, which the developer was still waiting to receive approval for.

The Council considered whether to approve the postponement, deny it, or table the decision. There were some that felt that tabling action to wait until further traffic issues became evident would be appropriate, while others felt a raised median was necessary to ensure safety, even if it meant installing the median sooner. If the postponement agreement was denied, the raised median would be required to be installed before final approval of occupancy for the retail center would be issued.

Council Member Yarbrough motioned to deny approval of Resolution No. 10-15-2024D, citing concerns about pedestrian safety if installation of the median was delayed.

Council Member Swenson seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

**14. Consideration of Approval to Place the Bluff View Subdivision Phase 3 on Warranty – Mr. Boyd Davis**

Mr. Davis presented the request for approval to place the Bluff View Subdivision Phase 3 on warranty. He explained that the subdivision is located at 3030 West 300 North, with Phase 3 including six buildings. He stated that the road and all utilities for this phase have been completed. Based on this, he recommended that the phase be placed on one-year warranty.

The City Council had no further questions or concerns.

Council Member Yarbrough motioned to approve

Council Member Swenson seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

**15. Motion to Adjourn**

Council Member Swenson motioned to adjourn

Council Member Judd seconded the motion

In Favor: All

Opposed: None

The Council unanimously agreed

APPROVED THIS 16 DAY OF February, 2025:

Brian Vincent  
BRIAN VINCENT, MAYOR

Casey Arnold  
CASEY ARNOLD, CITY RECORDER



