



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
April 21, 2015**

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 – Board Room

Minutes for the West Point City Council Administrative Session held at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 on April 21, 2015 at 6:00 pm with Mayor Craythorne presiding.

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

CITY EMPLOYEES PRESENT – Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; and Misty Rogers, City Recorder

VISITORS PRESENT – Eddie & Chris Montgomery, Wendy Snounou, Alan Oakey, Stan McVey, Deanna Davis and Lynn Davis

Mayor Craythorne welcomed those in attendance. He stated that he and members of Staff had recently met with developers of the Smith's Marketplace project to discuss the development. A building permit application will likely be submitted on approximately June 1, 2015 and earthwork and construction will begin by July. The Smith's Marketplace Grand Opening is expected to occur in April 2016. Mayor Craythorne stated the discussion of the 800 North sidewalk will be the first item discussed during the Administrative Session.

1. Discussion of 800 North Sidewalk – Mr. Boyd Davis

Mayor Craythorne informed those in attendance that Mr. Davis will address the Council and then one resident will be given the opportunity to provide comment on behalf of residents living on 800 North. The Council will then hold a discussion and a solution may or may not be made at this time.

Mr. Davis stated in the fall of 2014 sidewalk had been installed on 800 North between 2525 West and 2700 West. During the installation of the sidewalk, residents of the area became concerned with the height of the sidewalk, driveway approaches and drainage. Because of these concerns, it was determined to leave the driveways alone until the spring of 2015.

Mr. Davis stated the height of the sidewalk in relation to the driveways varies, on average the sidewalk is 6" higher than the driveways. During the design phase of the 800 North sidewalk project, the height of the sidewalk in relation to the driveways had been discussed. Mr. Davis stated that he and members of Staff were aware that if the installation were to follow City Standards the sidewalk would be located higher than many of the driveways. Staff knew that alterations would likely need to be made to the driveways to make them accessible for the property owners. Mr. Davis stated that Staff ultimately determined the sidewalk should be installed using City Standards. That way, when the road improvements are complete and the curb and gutter have been installed, the sidewalk will already be in its permanent location.

Mr. Davis stated there are residents of Clinton City living near the water tanks who have been in a similar situation. He stated that the situation is not ideal. This is a result of homes being built before roads are improved.

Mr. Davis informed the Council that many of the residents on 800 North are unhappy with the height of the sidewalk in relation to their yards. He stated that Staff made a decision to install sidewalk using the City Standards knowing that provisions would need to be made to slope driveways to the sidewalk. Mr. Davis stated an alternative to the current

plan could include the dipping of the sidewalk at the location of driveways. He stated this isn't ideal and water from the streets would likely drain into the yards of property owners. Mr. Davis stated this option is not favorable by Staff, but it is an option.

Mr. Davis informed the Council that residents have requested that the sidewalk be removed. He had informed the residents that the removal of the sidewalk is not an option as significant amount of funding has been spent on this project. Mr. Davis recommended completing the sidewalk but would like direction from the Council with how to handle the driveway situations.

Mayor Craythorne thanked Mr. Davis for the information in which he provided to the Council. He then stated each month Mayors and County Commissioners attend a Council of Government meeting and once a year a representative from the State provides a report of what projects will receive funding within the next few years.

Mayor Craythorne stated West Point and Clinton City have submitted requests to Wasatch Front Regional Council for funding for the following projects.

- 2000 West to 2400 West (Clinton)
- 2400 West to 3000 West (West Point)

Mayor Craythorne stated the Wasatch Front Regional Council ranks projects and both of these projects were ranked near the top of the list. He stated another request will be submitted next year for these same projects and it is likely the City could be awarded funding within the next few years. These projects include a total reconstruction, which means the widening of the road, installation of curb and gutter, etc. and will cost approximately \$3 million.

Mr. Laws stated that funding is awarded five years in advance so the actual funds will not become available for approximately five years after it has been awarded.

Mayor Craythorne turned the time over to Mr. Stan McVey to represent the residents on 800 North.

Mr. McVey stated he has water in his driveway with or without a sidewalk. He expressed concern with where the sidewalk ends going into the driveway to where the cement has been tapered is at least 10 feet into the driveway. His concern is that the slope will be too steep unless the city extend it further towards their homes to make it a more gradual slope.

Ms. Wendy Snounou expressed frustration that the sidewalk had not been installed next to her front yard property line. She stated that in several locations, a 6 foot gap exists between the sidewalk and property lines.

Mayor Craythorne stated that he has discussed this same concern with the Courtney's. In the past it was believed that 800 North would need to be wider than it actually needs to be. This is the reason there is additional property located between the sidewalk and front yard property lines.

Mr. Davis stated the property owners could landscape between their property line and sidewalk if they wish. Mayor Craythorne recommended deeding the extra frontage between the sidewalk and the property line to the property owner's.

Council Member Petersen stated he has no issue with deeding the property to the residents. He asked Mr. Davis if an easement would need to be granted to the City. Mr. Davis stated a 10 foot easement is typically located behind of the sidewalk.

Council Member Dawson stated if it were him, he'd have the City keep the property between the sidewalk and the front yard property lines. He would then plant grass in the area to improve the appearance of the area.

Council Member Petersen stated as a resident he would hesitate to landscape an area in front of his home that belongs to the City.

Mr. Lynn Davis asked if the driveway alternatives could be selected by the individual residents. Mayor Craythorne stated no, whatever alternative is selected will be used throughout the project.

Mayor Craythorne recommended those who have not seen the driveways in Clinton City, across the street from the water tank visit the area to gain an understanding of how this could look. He then stated the elevation changes in Clinton City near the water tanks are more drastic than what we would see on our project. Mayor Craythorne stated if the sidewalk is dipped down to the level of each driveway there will be inconsistencies in the driveways and reiterated the need for consistency at each home.

Council Member Petersen stated his mother-in-law lives across from the water tanks in Clinton City and they too had similar concerns as the residents on 800 North. He stated the driveways turned out better than expected and she couldn't be happier with the new driveway.

Mr. Lynn Davis informed the Council that Council Member Dawson took him and his wife to view the driveways and sidewalk in Clinton City across from the water tanks.

Mr. Boyd Davis stated that Staff is aware that there are locations on 800 North in which the slope from the driveway to the sidewalk will need to be changed.

Mayor Craythorne asked if the design calls for asphalt or concrete to be installed from driveway to the sidewalk. Mr. Davis stated that asphalt was designed as that is the same material that is being removed. However, concrete could be installed if the Council preferred, and that typically improvements of this nature are at the expense of the home owner.

Mr. McVey stated that he prefers "dipping" the sidewalk to the driveway as it would have less of an impact to his finances.

Mr. Davis stated changing the asphalt to concrete from the sidewalk to the driveways could cost approximately \$5,000.

The Council expressed their support with upgrading from the asphalt to concrete.

Mayor Craythorne requested Mr. Davis verify the cost of replacing the asphalt with concrete from the driveways to the sidewalk and to verify the slope of each driveway to ensure it not be too steep.

Council Member Petersen expressed concern with "dipping" the driveways. He stated that he is supportive of keeping the sidewalk as it coincides with City Standards. He then recommended sloping driveways to the sidewalk to allow access to the properties.

Council Member Henderson recommended the slope extend further into driveways, this will create a gradual slope.

Council Member Chatterton agreed the cement should be sloped from the back of sidewalk to existing driveway. He then expressed the importance of the job being done correctly the first time.

Council Member Petersen clarified that asphalt will be installed from the sidewalk to the road. He then stated the Council loves West Point and they want the community to look nice.

Mayor Craythorne thanked those in attendance. The residents requested that Staff keep them informed of decisions being made.

2. Discussion of Discussion of Pay Plan and Market Study – Mr. Kyle Laws

Mr. Laws stated the Council briefly discussed the Pay Plan and Market Study in a previous Administrative Session. He then stated that every other year, a market study is completed. The market study compares compensation salaries of West Point City positions to a benchmark group of 10 cities (Clearfield, Clinton, Farmington, Kaysville, North Ogden, North Salt Lake, Roy, South Weber, Syracuse, Washington Terrace, and West Bountiful). Mr. Laws stated these cities were chosen for a benchmark group because they are neighboring cities, cities of equal size, and next step cities.

Mr. Laws stated that because of the way the market study is done, it does not have an impact to the budget. The position ranges are compared to the ranges in the market. If the position range is similar, the range is left alone. If position is not within range, the adjustments are made to the range and not the employee’s salary. Mr. Laws stated that the only way the budget will be impacted by this process is if a range shifted enough that an employee was being paid below the minimum of the range. The employee would then need to be compensated to fit within the range. Mr. Laws stated most ranges are within market; only a few positions are in need of adjustment.

Council Member Henderson asked if any West Point City employees are at the maximum range. Mr. Laws stated no, some employees are at or near the mid-point of their range, but employees still have the ability to grow within their range.

Vacation Leave Accruals - Mr. Laws stated that Staff recently completed a comparison of vacation leave accrual rates for West Point City to the same benchmark cities. The comparison included the years of service tier and vacation leave accrual rates. Mr. Laws stated that all cities have a variation when determining the number of years of service and the accrual rates. He then presented the years of service and vacation accrual rates currently used by West Point City to the Council:

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 5	3.08 (80hours annually)
5-9	3.69 (96 hours annually)
10-14	4.31 (112 hours annually)
15 or more	4.92 (128hours annually)

Mr. Laws stated the years of service and the vacation leave accrual rates are below market. During the early years, the difference isn’t as noticeable. But as the years of service increase, the accrual rates are significantly higher in the market than what we offer. Mr. Laws presented the proposed changes to the vacation accrual rates and years of service to the Council based on the study that was completed:

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 5	3.08 3.69 (80 96 hours annually)
5-9	3.69 4.62 (96 120 hours annually)
10-14 19	4.31 6.15 (112 160 hours annually)
15 20 or more	4.92 6.92 (128 180 hours annually)

Mr. Laws stated if vacation leave accrual rates are increased, it will likely create a liability to the City when those balances are carried on the books. He stated when comparing the maximum vacation which can be accrued with the benchmark cities, five cities reported a maximum of 240 hours and the other cities did not report. Mr. Laws stated if vacation accrual rates are increased, he would recommend decreasing the maximum vacation hours which can be accrued from 320 hours to 240 hours. Mr. Laws stated one employee has 320 hours of vacation leave accrued and a few employees have over 240 hours of vacation leave accrued. Mr. Laws recommended the following options to the Council.

Option 1 - Immediately lower the maximum accrual to 240 and cash out any hours above the 240 hours. Mr. Laws cautioned that this option would create an impact to the budget.

Option 2 - Current employees could be "grandfathered" and permitted to collect a maximum of 320 hours of vacation leave. While employees hired after July 1, 2015 would collect vacation leave using the lower maximum accrual rates. Over time, the more employees will be utilizing the maximum accrual rates.

Option 3 - Lower the maximum accrual to 240 for all employees, but allow employees one or two year to draw their balance down to 240 by a specific date. At the deadline date, employees over the 240 could be cashed out or the overaged could be considered "use or lose".

Council Member Dawson recommended any vacation hours over the allotted 240 hours remaining become "use or lose". He stated the City should avoid cashing out vacation time if possible.

The Council expressed their satisfaction with Option 3, lowering the maximum vacation hours which can be accrued to 240 hours for all employees. Employees currently over the 240 hours of vacation leave will have the ability to draw down their balance down by the end of 2016. Any leave accrued beyond the 240 hours will become "use or lose" at the end of that calendar year.

Council Member Petersen expressed concern that employees may hold their excess vacation time until the end of the year. This may create coverage issues and the City must have adequate employee coverage at all times. Mr. Laws informed the Council that vacation leave must be approved by the employee's supervisor. Employees are also aware of their leave balances and they can calculate how many hours must be used to keep under the 240 cap.

Council Member Dawson expressed the importance of employees taking vacation leave.

Council Member Henderson stated under special circumstances the City Manager should be able to make exceptions to the policy. For example, if an employee isn't able to use their time because of work duties then the City Manager could make exceptions.

Council Member Petersen recommended the policy be specific, otherwise the City Manager may have "special circumstances" to consider on a regular basis.

Council Member Henderson asked if employees are required to fill out a leave schedule at the beginning of each year. Mr. Laws stated the Public Works Department does something similar, but in the office a 12 month calendar is available for employees to designate the time in which they will be gone. This allows for all employees to see if time off is available. He then reminded the Council that employees must have time off requests approved by their supervisor in advance. Mr. Laws stated it is the responsibility of the employee and supervisor to track leave.

Mayor Craythorne asked if any Council Member has concerns with the proposed vacation accrual rates. Council Member Petersen stated the accrual rates are significant but he will support the increase. The remaining Council Members expressed their support with the increase to the vacation accrual rates and the years at which the accrual rates change.

Council Member Petersen asked that employees understand that, in his opinion, the additional time-off is essentially a raise.

Mr. Laws stated that employees will be appreciative. He then thanked the Council for their willingness to keep rates in line with the market. Mr. Laws stated the benefits are a recruitment tool and a retention tool.

3. Discussion of Vote by-Mail – Mayor Craythorne

Mayor Craythorne stated the option for a vote-by-mail election had been presented to the Council a few months earlier. At the time the Council stated they wanted to continue with traditional voting as a vote-by-mail election would have cost the City a substantial amount of money.

Mayor Craythorne stated that since the vote-by-mail discussion in March, other ballot items have come to light. He then stated it is likely that local option sales tax will be placed on the 2015 ballot. During the legislative session, a \$0.05 increase to the gas tax was approved. This will provide the City with an additional \$37,000 - \$40,000 for Class C road funds. Mayor Craythorne stated that the 29 counties in Utah have the option to implement a local option for sales tax (a quarter of a percent is a sales tax increase). He stated if the local option is approved, it will provide the city with an additional \$80,000 of transportation funds. After meeting with the COG and the County Commissioners, it is likely the sales tax option will be placed on the ballot.

Mayor Craythorne stated he wanted to provide the Council with this new information before the voting method was finalized. He then expressed the importance of voter participation. Mayor Craythorne stated the quarter percent sales tax increase will be used to increase revenue for transportation. He then stated that UTA will receive .05, the County will receive .10, and cities will receive .10 and distribution will be determined by point of sale and population, the same formula that currently exists with general sales tax distribution.

Mayor Craythorne stated most of the cities within Davis County have chosen a vote-by-mail election in 2015, except for Layton City. Layton has chosen to proceed with a traditional voting election. Mayor Craythorne stated a similar item had been placed on the 2009 ballot using the traditional method of voting and it failed within Davis County. Mayor Craythorne stated there will be a push throughout the County to gain support for the local option sales tax increase.

Mr. Laws stated the quarter percent sales tax has been "ear marked" and it must be used for transportation, for example a parking lot for a park and ride, trails, and the maintenance of roads.

Mayor Craythorne stated he doesn't have an opinion with regards to which voting method is selected. He stated he would like to receive a recommendation from the Council.

Council Member Turner stated the vote-by-mail election may receive higher participation. Mayor Craythorne stated he believes a vote-by-mail election could increase participation to approximately 30%.

Mayor Craythorne then informed the Council that Davis County School District will likely have a bond that will be placed on the 2015 ballot.

Council Member Petersen asked how much it will cost for a vote-by-mail election. Mrs. Rogers stated a vote-by-mail election will cost approximately \$7,400 for a General Election. However if the school district has a ballot item they will assist with the cost of the election.

Mr. Laws stated a voting method must be selected today as the County must have time to prepare for the election.

Council Member Dawson stated he is supportive of a vote-by-mail election. Council Member Petersen, Council Member Chatterton, Council Member Turner, and Council Member Henderson stated they are supportive of a traditional election.

4. Discussion of Davis County Gala – Mayor Erik Craythorne

Mayor Craythorne stated that each September, the Davis County Gala is held to raise funding for non-profit organizations. The Gala includes dinner, silent auction, entertainment, and the recognition of an outstanding member of the county. In the past when the budget would allow, West Point City would purchase one table at the Davis County

Gala. Mayor Craythorne asked the Council to think about purchasing a table at the Davis County Gala. If the Council wishes to purchase a table, it will need to be included in the budget.

Council Member Chatterton asked how much a table at the Davis County Gala typically costs. Council Member Petersen stated a table at the Gala cost approximately \$1,500.

The Council expressed interest in participating in the Davis County Gala.



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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 the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 on April 21, 2015 at 7:00 pm with Mayor Craythorne presiding.

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

CITY EMPLOYEES PRESENT – Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; and Misty Rogers, City Recorder

VISITORS PRESENT – Eddie & Chris Montgomery, Jackie Detamore, Jill Detamore, John L. Detamore, Kelsey Bate, Mallory Thomas, Virginia Mooney, Nick Soto, Kirk Yamashita, Annice Nixon, Scott Allen, Gary Wright, Doug Zaugg, Bryan Bayles, Pat Galloway, and Erin Davidson

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 Henderson stated that landscaping has been installed in the area of 2000 West and SR-193 and the area is looking nice. Mayor Craythorne stated the West Point City Public Works Department will maintain the landscaping on the corner of 2000 West and SR-193.

Council Member Turner – no comment

Council Member Petersen – no comment

Council Member Dawson – no comment

Council Member Chatterton stated each year in April; the Council has the opportunity to attend a conference in St. George. While at the conference Council Member Chatterton had the opportunity to attend a retail class. Council Member Chatterton stated this class provided him with much education with regards to retail development.

Mayor Craythorne stated the new playground equipment will be installed at the Loy Blake Park by June 6th and the reconstruction of the tennis and basketball courts should be complete within the next few weeks.

5. Communications from Staff

Mr. Laws stated the playground equipment which will be installed at the Loy Blake Park will be a great addition to the area. He stated renderings of the playground design are available at City Hall for viewing.

Mr. Laws stated the Take Pride in West Point Day will be held on June 6th at the Loy Blake Park. Volunteers will assist with the spreading of the bark in the playground area. Following the spreading of the bark, a ribbon cutting ceremony will be held for the reopening of the playground area at Loy Blake Park.

Mr. Laws reminded those in attendance that a complete Cemetery Cleaning will be held on Thursday, May 7th. All items and decorations must be removed from the cemetery 24 hours prior to the cleaning. Remaining items may be discarded by the City.

6. Citizen Comment

Doug Zaugg – 438 North 3000 West, West Point City

Mr. Zaugg stated that he is submitting signatures to the Council from residents who oppose the changes being made to 3000 West. Mr. Zaugg expressed his unhappiness with the changes to 3000 West as well as the changes happening throughout the City. He then stated that residents don't have any way to stop the changes to the City. Mr. Zaugg expressed his concern that 3000 West will turn into another 2000 West, and he does not want another 2000 West.

Mr. Zaugg requested the Council consider the following changes to the 3000 West project:

- Move the location of the sidewalk to the curb and eliminate the park strip as it is unneeded. This will give residents more of a buffer between their homes and the street.
- Eliminate the proposed street lights as they will contribute to light pollution and hinder the current view residents have in looking at the stars and living in a rural environment.
- Fight against the unneeded changes in the City and keep West Point City quiet and rural.

Mayor Craythorne thanked Mr. Zaugg for his comments.

7. Miss West Point City Royalty

Ms. Jackie Detamore, Miss West Point Co-Queen; Ms. Kelsey Bate, Miss West Point Co-Queen; and Ms. Mallory Thomas, Miss Jr. West Point Queen

Ms. Detamore thanked the Council for the support they provide to the pageant as well as the scholarship money awarded to the royalty. She stated she is pursuing a nursing degree and the scholarship money has been used to assist in paying for her education. Ms. Detamore stated her favorite memories of serving as Miss West Point Co-Queen include taking food to a homeless shelter and providing a family in need with Christmas gifts. Ms. Detamore stated serving those less fortunate was an amazing and humbling experience. She then thanked the residents of the City for their support.

Ms. Bate stated that she too is pursuing a nursing degree and scholarship money she received has been a blessing as it has assisted in paying for her education. Ms. Bate stated some of her favorite memories of serving as the Miss West Point Co-Queen include Sub for Santa and Spirit Week at Lakeside Elementary. She stated providing Christmas to a family in need included shopping and making blankets and it was great to see the blessings that come from serving. Ms. Bate expressed her joy in serving the community.

Ms. Thomas stated serving as Miss Jr. West Point has been great. Her favorite activity while serving as royalty was the Halloween Carnival. She stated that she hadn't ever realized how many people within the City that she doesn't know. Ms. Thomas thanked the Council for the opportunity to participate in the Miss West Point Pageant.

Council Member Petersen asked who will participate in this year's Miss West Point Pageant. Ms. Thomas stated she isn't able to participate this year, but she is hopeful to participate next year.

Mayor Craythorne thanked the Miss West Point Royalty for their example and the service they have provided to the City. He then thanked Mrs. Erin Davidson for conducting the pageant as well as the time she provides on behalf of the City. Mayor Craythorne stated West Point City is better because of the Miss West Point Royalty.

8. Consideration of Adoption of Minutes from the April 7, 2015 Council Meeting

Council Member Dawson motioned to approve the minutes from the April 7, 2015 City Council meeting.

Council Member Henderson seconded the motion.
The Council unanimously agreed.

9. Awarding of Contract for the Tennis & Basketball Court Lighting – Mr. Kyle Laws

Mr. Laws stated the existing tennis and basketball court lights have not been used for a number of years and six of the lights throughout the park currently do not work. Staff and Council determined that during the reconstruction of the tennis and basketball courts lighting should be included.

Mr. Laws stated reviewing the lighting proposals have been cumbersome. He then expressed his appreciation to Council Member Turner as he has been instrumental in assisting with educating staff in regards to lighting. Mr. Laws stated according to the West Point City purchasing policy, any purchase over \$30,000 requires a minimum of three bids and City Council's approval. West Point City received bids from the following:

- LSI (Metal Halide Lighting)
- Tech Light (LED Lighting) \$38,800
- Royal Wholesale (LED Lighting) \$35,586

Mr. Laws informed the Council that the installation of LED Lighting is being recommended, and he agrees. Royal Wholesale is the low bid with additional work included in the bid. Mr. Laws stated the six non-working lights located throughout the park will be replaced and a dimming sensor will be added to the light. Rocky Mountain Power currently offers a rebate when lighting is switched to LED and the addition of the dimming sensor will increase the rebate amount. Mr. Laws stated when adding the six new lights to the original bid from Royal Wholesale the overall cost remains less than the other bids which were received. Mr. Laws recommended the Council award the contract for the tennis and basketball court lighting to Royal Wholesale.

Mayor Craythorne stated the motion sensors will provide additional security at the parks. The motion sensors will allow the lighting to dim when there is inactivity in the area. When there is activity in the park, the light will turn on to full strength. If the sheriff's department is in the area at night and they see the lighting at full strength they will know that someone is in the parks after hours.

Mr. Laws stated the sensitivity of the motion sensor can be set as to not sense a small animal.

Council Member Petersen asked if the six lights will have their own motion sensor. Mr. Laws stated each light will have their own individual motion sensor.

Council Member Chatterton asked if the proposed lighting meets the "dark sky" requirement. Mr. Laws stated yes the proposed lighting will meet the dark sky requirement.

Mayor Craythorne thanked Mr. Laws and Council Member Turner for the time in which they have spent reviewing and selecting a lighting proposal that is best for the City.

Council Member Petersen motioned to award the contract for the tennis & basketball court lighting to Royal Wholesale.

Council Member Dawson seconded the motion.
The Council unanimously agreed.

10. Consideration of Ordinance No. 04-21-2015A, Amending the West Point City Firearms Ordinance, Relative to the Discharging of Firearms within West Point City Limits for the Abatement of Nuisance Animals – Mr. Kyle Laws

Mr. Laws informed those in attendance that West Point City has an ordinance pertaining to the use of firearms within city limits. He stated the ordinance lists several exceptions as to when the discharging of a firearm within City limits is permitted.

Mr. Laws stated there have been circumstances when Davis County Animal Control has exhausted all options for the abatement of nuisance animals. Davis County Animal Control recently approached the City requested permission to

shoot nuisance animals only when all other abatement methods have been exhausted. Mr. Laws stated that Staff couldn't just give permission to the County because of the way the code is written. Both the Davis County Attorney's Office and the West Point City Attorney have reviewed the proposed changes and have given their approval. Mr. Laws recommended the following language be added to firearms ordinance:

7. The discharge of guns for the purpose of abating nuisance animals within the limits of West Point City:
 - a. When other traditional methods of animal control have been exhausted or are ineffective or impractical, due to cost or otherwise;
 - b. When the discharge of a gun or guns is performed by an authorized animal control officer or officers operating pursuant to a contract with West Point City;
 - c. After the authorized animal control officer or his/her superior submits a written application to the West Point City Manager requesting authorization to discharge a gun for the purpose of abating nuisance animals within the limits of West Point City; and
 - d. After the West Point City Manager reviews and approves of the written application referenced in subsection c directly above.

The West Point City Manager may, as he/she deems appropriate and in response to the written application referenced in subsection c directly above, impose written restrictions on the authorized person's ability to discharge a gun or guns for the purpose of abating nuisance animals within the limits of West Point City, including, but not limited to, the type of gun or guns that may be discharged, the times that the gun or guns may be discharged, the dates that the gun or guns may be discharged, and the locations where the gun or guns may be discharged.

- a. Public Hearing – no comment

Council Member Henderson motioned to close the public hearing
Council Member Chatterton seconded the motion

The Council unanimously agreed.

- b. Action

Mayor Craythorne stated Davis County Animal Control has used a similar method in other communities with much success.

Council Member Petersen motioned to approve Ordinance No. 04-21-2015A, amending the West Point City Firearms Ordinance, relative to discharging firearms within West Point City Limits for the abatement of nuisance animals.

Council Member Turner seconded the motion.

Roll Call Vote:

Council Member Chatterton - aye
Council Member Dawson - aye
Council Member Petersen - aye
Council Member Turner - aye
Council Member Henderson - aye

The Council unanimously agreed.

11. Consideration of Ordinance 04-21-2015B, the Rezoning of the Property Located at Approximately 2250 West 300 North from A-40 to C-C, R-4, and R-5 - Mr. Boyd Davis

Mr. Davis stated a rezone request has been submitted for the property located at approximately 2250 West 300 North. The rezone requests that 19 acres of property be rezoned from A-40 (Agricultural) to Commercial (C-C), Medium Density Residential (R-4) and High Density Residential (R-5). Mr. Davis stated that the General Plan calls for the area to be zoned Mixed Use (M-U) and the request is in compliance with the General Plan.

Mr. Davis stated the owner plans to continue to farm the property, they are only planning and preparing for the future. He then recommended the Council approve the rezoning of the property located at 2250 West 300 North from A-40 to C-C, R-4, and R-5.

a. Public Hearing

Kirk Yamashita – 2379 West 300 North, West Point City

Mr. Yamashita asked for Staff to define the zonings.

Mayor Craythorne stated the C-C zone is for Community Commercial, the R-4 zone allows 6.7 units per acre, and an R-5 zone will allow for 10.5 units per acre. He then stated the property being discussed is located directly to the west of the Smith's Marketplace development. He stated the proposed rezone will provide a buffer between the commercial developments using higher density housing.

Annicc Nixon – 314 North 2300 West, West Point City

Ms. Nixon asked if a 4-way stop will be needed on the corner of 2300 West because of the development.

Mayor Craythorne stated he is unsure. He then stated this request is only for a rezone and not for development.

She then asked where the access to the property will be located. Mayor Craythorne stated that is unknown as this request is specifically for a rezone and not development plans.

Council Member Chatterton motioned to close the public hearing

Council Member Dawson seconded the motion

The Council unanimously agreed.

b. Action

Council Member Dawson asked why the R-5 and R-4 zones are being proposed in their specific locations. Mr. Davis he is unsure. However, Mr. Gary Wright submitted the rezone request and he may be able to answer Council Member Dawson's question.

Mr. Gary Wright with Wright Development Group – 1178 Legacy Crossing Blvd, Centerville

Mr. Wright stated that currently there are no plans to develop the area and the owner of the property plans to continue to farm the property. He stated the owner of the property felt that with the development of the 25 acres to the east it would be appropriate to plan for the future. The owner felt that transitioning from commercial zone to an R-5 and R-4 zone is more desirable.

Mr. Davis stated the Planning Commission has approved the rezoning of the property located at approximately 2250 West 300 North from A-40 to C-C, R-4, and R-5.

Council Member Dawson motioned to approve Ordinance No. 04-21-2015B, the Rezoning of the Property Located at Approximately 2250 West 300 North from A-40 to C-C, R-4, and R-5.

Council Member Henderson seconded the motion.

Roll Call Vote:

Council Member Henderson – aye

Council Member Turner – aye

Council Member Petersen – aye

Council Member Dawson – aye

Council Member Chatterton – aye

The Council unanimously agreed.

12. Consideration of Ordinance No. 04-21-2015C, the Rezoning of Property Located at Approximately 2333 W 300 N from R-2 to R-4 – Mr. Boyd Davis

Mr. Davis stated a rezone request has been submitted for the property located at approximately 2333 West 300 North. Currently two older homes are located on the property. The owners would like to tear down the homes and replace them with a duplex, however the current R-2 zoning of the property will not allow for a duplex. Because of this, the owner of the property is requesting a rezone of the .88 acres from an R-2 zone to an R-4 zone so it will allow for a duplex.

Mr. Davis stated General Plan designates the property located at 2333 West 300 North in the mixed use (M-U) zone, and the M-U zone allows for mix of commercial and residential. He then expressed the importance of preserving this area of 300 North for commercial uses. Because the rezone request does not coincide with the General Plan, Staff recommends denying the rezone request. Mr. Davis stated with the current zoning of the property as residential, both homes could be removed and one home could be built.

a. Public Hearing

Eddie Montgomery – 4839 South Ridgeline Drive, Ogden

Mr. Montgomery stated that he is the owner of the property located at 2333 West 300 North. He stated that he believes that this request coincides with the General Plan as his plans should be considered mixed use. Mr. Montgomery stated that he was told by Mr. Davis that the area should be preserved for commercial, but it is unclear when the area could support commercial.

Mr. Montgomery stated that for over 40 years, the homes on the property have been rental units. He stated that it is becoming difficult to obtain insurance policies for the rental properties due to the age of the homes. Mr. Montgomery stated he does not support the decision to deny his request. He believes that saving his property for commercial use "ties" up his property. Mr. Montgomery stated no one wants to have their property "tied up" for a several years. He then stated it is unknown if the area will even support commercial uses in the future.

Mr. Montgomery stated the late Justice Potter Stewart of the Supreme Court said, "Ethics is knowing the difference in what you have the right to do and what is the right thing". Mr. Montgomery stated he understands that the City Council has the right to zone his property in accordance with what is right for the city. He is asking the Council to "do the right thing and work with him." Mr. Montgomery asked the Council to allow him to zone his property with what the area will support. He then stated at the beginning of the meeting a prayer was given and he believes that each of us will stand and be held accountable for our actions. Mr. Montgomery asked the Council what they would like to be held accountable for, he stated "do you want to report that you had a right to do what you did or would you rather say we did the right thing and worked with Mr. Montgomery".

Annice Nixon – 314 North 2300 West, West Point City

Ms. Nixon stated that she agrees with her brother (Eddie Montgomery). She doesn't understand why the property located at 2333 West 300 North cannot be rezoned R-4. Ms. Nixon stated there is commercial property to the east and the proposed R-4 zone would act as a buffer between the commercial and residential homes.

Council Member Petersen motioned to close the public hearing

Council Member Turner seconded the motion

The Council unanimously agreed.

b. Action

Mayor Craythorne stated that he has spoken to Mr. Montgomery regarding what he envisions for the property. He stated an R-4 zone will allow for duplexes and could possibly allow for over five units per acre. Mayor Craythorne stated that he understands Mr. Montgomery's concerns and frustrations, and he is in a similar situation with property in Syracuse. He then asked if the Planning Commission vote was unanimous. Mr. Davis stated yes.

Council Member Dawson stated the current zoning for the property will not change at this time. It only designates a commercial use on the General Plan. He stated that Mr. Montgomery could still build one single family home on the property if the rezone isn't approved. Council Member Dawson stated he also understands the frustrations of Mr. Montgomery.

Council Member Dawson stated "for the record, I'm not being sympathetic just because you told me I would go to hell if I didn't vote for the rezone". Mr. Montgomery responded by saying he never said the Council would go to hell if the rezone request was denied. Council Member Dawson stated "it was implied."

Council Member Turner stated he that he also is in a similar situation as Mr. Montgomery with property in Centerville. It was purchased with a specific intent and the zoning was changed later. Council Member Turner stated at some point the commercial use must stop. He asked where commercial space is located on the General Plan.

Mr. Davis stated the mixed use area isn't clearly defined. The Council will have the ability to choose where the commercial areas should be located. He stated that staff believes that the most viable location for commercial is on 300 North.

Council Member Petersen stated these decisions can be difficult as the future is uncertain. But the Council must try to plan for the future and preserve as much commercial space available as possible. Council Member Petersen stated that he his supportive of the Planning Commission's decision to deny the request. He then recommended the Council also deny the rezone request.

Mayor Craythorne stated if the rezone is approved, the potential for commercial is gone. He then stated that there have been instances in which people have requested the Council deviate away from the General Plan. Mayor Craythorne stated it is uncommon for the Council to deviate from the General Plan. For example on the east side of the 2000 West (across the street from the upcoming Smith's Marketplace) the General Plan called for the area to be commercial. A developer approached the City and a developer placed single family homes on the property. In hindsight, the City may have lost viable locations for commercial. Mayor Craythorne stated anytime the Council deviates away from the General Plan, the potential for commercial is lost. He then stated the General Plan is reviewed and updated every five to seven years. This allows for changes to be made to the General as we move into the future. Mayor Craythorne stated if the rezone request is not approved, the owner has the ability to tear down both homes and replace them with one single family home.

Council Member Turner asked if the owner could build a two level single family home on the property and rent both levels. Mayor Craythorne stated no, the West Point City Ordinance will not permit that use. Council Member Turner expressed the importance of following the General Plan. He then stated the value of the property will likely increase.

Mayor Craythorne stated the decision to approve or deny rezone requests can be difficult as the future cannot be predicted. He then stated that the City has petitioned for additional funding to assist with the improvements and widening of 300 North from 2000 West to 3000 West.

Council Member Chatterton stated that he has questions that he would like to discuss with Mr. Davis in private. He then motioned to table the rezoning of the property located at approximately 2333 West 300 North from R-2 to R-4.

Mayor Craythorne stated that Council Member Chatterton motioned to table the rezone request until May 5th. He asked if any Council Member would second the motion. No motions were made. Mayor Craythorne stated the motion to table the rezone fails due to the lack of a Council Member seconding the motion.

Mayor Craythorne stated Council Member Chatterton could either make motion again or ask his question, keeping in mind that the Planning Commission has denied the rezone request and that Staff has reviewed and recommends the denial of the rezone request.

Council Member Henderson stated that no one can predict the future. However the Council has the responsibility to make decisions that are in the best interest of the City and the residents. Council Member Henderson understands the frustrations of Mr. Montgomery.

Council Member Petersen motioned to deny Ordinance No. 04-21-2015C, the Rezoning of Property Located at Approximately 2333 W 300 N from R-2 to R-4.
Council Member Turner seconded the motion.

Mayor Craythorne stated the motion made is to deny the rezone request for the property located at approximately 2333 West 300 North.

Roll Call Vote:

- Council Member Chatterton – nay
- Council Member Dawson – aye
- Council Member Petersen – aye
- Council Member Turner – aye
- Council Member Henderson - aye

Mayor Craythorne stated the motion to deny of the rezone of the property located at 2333 West 300 North carries four to one. Four Council Members voted aye and one Council Member voted nay to the denial of the rezone of the property located at 2333 West 300 North.

13. Motion to Adjourn

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



GARY PETERSEN, MAYOR PRO-TEM May 19, 2015
DATE



MISTY ROGERS, CITY RECORDER May 19, 2015
DATE

