



**West Point City Council Meeting  
3200 West 300 North  
West Point City, UT 84015  
January 5, 2016**

**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 West Point City Hall, 3200 West 300 North, West Point City, Utah 84015 on January 5, 2016 at 6:00 pm with Mayor Craythorne presiding.

**MAYOR AND COUNCIL MEMBERS PRESENT:** Mayor Erik Craythorne, Council Member Kent Henderson, Council Member Andy Dawson, Council Member Jerry Chatterton and Council Member Jeff Turner.

**EXCUSED:** Council Member Gary Petersen

**CITY EMPLOYEES PRESENT:** Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

**VISITORS:** Jennifer Lewis, Natalie Armstrong, Ross Smith, Jane Smith

**1. Discussion of Ordinance 01-05-2016A – Mr. Boyd Davis**

Mr. Davis refreshed the Council on the Road Impact Fee Analysis that was conducted to make sure the City is in compliance with State Law. In summary, the existing single family residential fee is \$3,403 per lot, and the proposed fee from the Analysis is \$1,529 per lot. The current multi-family residential fee is \$2,382 per lot and the proposed fee is \$1,063 per lot. The current commercial fee is \$3,578/1000 sf and the proposed fee is \$4,529/1000 sf.

Mr. Davis wanted to make sure that the Council was aware that the proposed commercial fee is a significant increase, and point out that the Council could choose to implement a lower increase, but they could not increase past the proposed maximum rate. Council Member Henderson suggest splitting the current fee and proposed fee right down the middle, and implementing that fee. Council Members Turner and Dawson agreed. Council Member Turner inquired as to how the fee compared to other surrounding cities, to which Mr. Laws stated that the analysts cautioned against doing any comparisons, as each city is unique in their capacities for commercial development. Council Member Petersen stated that the increase is really not that significant, and would not put the City to that much of a disadvantage in attracting development. Mayor Craythorne commented that in regards to the Smith's project, a 150,000 sq. foot project, that increase would have been significant. However, the City will most likely not have another commercial development that large for some time, and the increase will not be that significant for future, smaller commercial developments. Council Member Dawson, who serves on the North Davis Sewer District Board (NDSD), commented that NDSD did not increase their rates for years, in an effort to keep their rates low, and are now having to raise the rates fairly drastically each year because they did not raise them when they should have.

Council Member Petersen stated that if the Council did increase the fee to \$4,000 (the midpoint of the current fee and the proposed fee), on a 4,000 sq. foot building, such as a strip mall, the fee would only be roughly \$2,000 less than if the fee was the proposed maximum, which is not a significant difference, so the maximum fee of \$4,529/1,000 sf should be implemented. Mayor Craythorne and the Council agreed.

**2. Discussion of Final Approval for the Homewood Subdivision (Mr. Boyd Davis)**

This item is on the Agenda for Approval in the General Session, but Mr. Davis asked that it be tabled until the next meeting, as there are some minor adjustments being made to the final plat and plans, and some other items needed.

Council Member Petersen inquired as to whether the Carter Property that adjoins to the north is actually wide enough for a road to go through to the street, to which Mr. Davis stated that there would not be. Council Member Petersen went on to say that if Mr. Carter came to the City, and wanted to put a road in there, we would have to tell him that it could not be allowed, but could have been if he had combined with the developer. Mr. Davis confirmed this, and said Mr. Carter is aware of this.

Mr. Davis asked the Council if they had any specific items that they would like included in the Development Agreement. Council Member Petersen asked if there was any landscape requirement, to which Mr. Davis answered that the developer is planning to do trees along the street, but was not required by City Code to do such.

### **3. Discussion of Final Approval of the Fuel Center for the Smith's Marketplace Project (Mr. Boyd Davis)**

Mr. Davis stated that this item is up for approval in the General Session, should the Council decide to do so. The Fuel Center was presented to the Planning Commission on December 10, 2015 and was approved and forwarded to the City Council for final consideration. It will be located in the parking lot right in front of the Smith's Marketplace building, and will consist of four fuel stations, with a small kiosk covered by a canopy for one employee. The signs were all approved with the Sign Plan that was passed last year. Staff has required that the colors and rock of the Fuel Center will match the Smith's Marketplace building, to which the developer agreed. The developer has also responded that there will not be any room to add built in planter boxes, as requested, because of the other display stands that will be located around the kiosk. The developer did state that there will be landscaping on the outside edges of the pad. Council Member Chatterton asked if there were code requirements for the dimensions on how much access there is to enter the Fuel Center. Mr. Davis answered that the City does not have a code for that, which Council Member Chatterton stated that he wished it was bigger, and that the accesses were more easily accessible.

### **4. Discussion Regarding Townhomes on the Heslop Property (Mr. Boyd Davis)**

Mr. Davis stated that the Council has discussed this property on 800 N 1750 W (east half), where the townhomes will be located, a few times in previous meetings. The developer has submitted a few plans, and the final one they presented they actually called "Stoker Gardens", which is the design that Staff and Council had not wanted the townhomes to be patterned after. Council Member Turner interjected and said that we (the Council) *really* did not want this design.

In the first option, the developer has added roof covers over the back door, and the second option had one roof over the entire back line of the building. The plan that was previously presented had no canopies or roof covers on the backside of the townhomes. The Developer Agreement was put in place to guard against this type of townhome that has a flat line backside and/or no roof variation. The City has spoken with the developer and told him that we would like the townhomes to be patterned after the current townhomes in the City completed by Ivory Homes, which have much more architectural variation. Staff realizes that the Developer Agreement does not require it to be just like those particular townhomes, but the City has suggested some options that have variations on the back and on the roof. If the townhomes were going to have porches like the townhomes to the north of City Hall, both the Mayor and Mr. Laws have previously stated that they still have quite a bit of variation in the back line and on the roof. Staff believes that we are currently at a "standstill" with the developer, and have told him that the plans are not acceptable and do not meet the requirements of the Developer Agreement. The developer is claiming that section 4.4.1 of the Developer Agreement, "designed to incorporate changes in building or unit plane, height or elements such as balconies or porches" is met by adding the small roofs over the back of the porches. Mr. Davis does not believe that those additions meet the spirit of this particular section. Mr. Davis also stated that in section 4.4, the townhomes should have "a high level of architectural detail". Council Member Petersen commented that he does not believe the developer has met either the requirements in either 4.4 or 4.4.1, as there is not a "high level of architectural detail", and there are no "balconies, porches, arcades or dormers". The Agreement specifies in 4.4 that "corporate or prototype architecture shall be modified", and all that the developer has provided is a prototype. He goes on to say that when the City has continually given examples of what we would like to see, and neither option comes close to meeting those

expectations; his opinion is that the City should tell the developer that these plans are not close to receiving approval for the townhomes.

Council Member Chatterton believes that when there is a discrepancy between interpretations of requirements, it is always the stricter interpretation that takes precedence. He believes the Council should stand by their interpretation of the requirement. Mr. Laws confirmed that although the developer believes that these porches meet the intent of these sections of the Developer Agreement, Staff has told him that they do not. Mr. Davis requested some direction from the Council on how to proceed, and his suggestion was that the Council vote on approving the proposed plans, and deny it. It will then be the developer's responsibility to create and present new plans for the townhomes. Mayor Craythorne inquired as to whether the City should involve legal counsel, to which Council Member Petersen stated that he did not think that action was necessary yet at this point, and that the Council can let the developer know that they are not comfortable approving the plans as-is. If the developer is unreceptive and disagrees, at that point, legal counsel might be needed. Council Member Turner commented that the City gave up commercial property, with the understanding that we would have a quality project, to which the proposed plans do not meet.

Mayor Craythorne inquired as to if the landscaping requirements of the project were being met. Mr. Davis replied that the landscaping plan must be approved by the Planning Commission, and that the developer committed to "enhanced landscaping". Mr. Davis did not believe that commitment was being met either, and that direction can be given to the Planning Commission that the landscaping plan also needs to better.

Council Member Chatterton believes that the developer knows exactly what the City is looking for, to which Council Member Henderson agreed, and that the developer will not be surprised that the Council is not going to approve these proposed plans. In regards to color schemes, the Council trusted that the developer would pick appropriate colors, and that the issues are in regards to the architecture. Council Member Turner commented that these proposed plans are "1980's" architecture, and that Staff and Council had made clear what the expectations were, and bringing these proposed plans to the Council was a waste of the Council's time. Council Member Henderson agreed. Mayor Craythorne suggested looking at the minutes from the previous meeting when the developer was present to show him what was discussed and what was expected by the Council.

In summary, it was decided that the Council might have to be clear as it can be about its expectations, with exact dimensions of each variation, etc., etc. The minutes from the meeting when the developer was present should also be reviewed with him, and the developer should be made aware that these proposed plans are far from the Council's expectations, and currently have no support from Council.

##### **5. Citizen Comment Follow-up (Mr. Laws)**

Mr. Laws stated that there was concern about an animal control ordinance as it relates to feral cats. In summary, the citizens' concerns were about a common neighbor who was baiting their domesticated cats, and reporting them to animal control. When the owners go to the shelter to retrieve their cats, they have to pay a fee, which doubles after each instance. Had the reported cat been a feral cat, Davis County Animal Control would spay or neuter the cat, vaccinate it, and then return it to the area. In the residents' communications with Clint of Davis County Animal Control, he had suggested potentially opting out of certain clauses of the County's ordinances. The request from Ms. Lewis was for the City to opt-out of this particular clause, as it seems feral cats get better treatment than domesticated cats. She believes that she is penalized for having a domestic cat that she has paid to have fixed, vaccinated, licensed, collared and chipped. Ms. Lewis felt that if her cat was out and was picked up by Animal Control, she would be fine paying the fee. However, the neighbor is baiting the cats and then having them sent to shelter. Additionally, the domesticated cats are also used for mice and rodent control, due to the agricultural field behind their properties. If the cats are not allowed out, for fear of them being baited, they are not able to help keep the mice out of their homes. The residents confirmed that neighbor has admitted to them that she is baiting cats, as she believes cats should be in homes or on leashes. The Council felt that this leash law for cats should also be addressed.

Mayor Craythorne clarified that Clint had told the residents that the City could opt-out of certain clauses, to which the residents confirmed. Mr. Laws stated that he did not know what the City would exactly opt-out from, but that Clint realized and recognized that there are problems in other Cities (that have adopted the same ordinances) with the Trap, Neuter and Release (TNR) Program. He also told Mr. Laws that he is not exactly sure how to handle the problem.

The Council directed Staff to have further conversations with Clint on how to address and fix this issue, as it is complicated with some gray areas, and will most likely not be fixed overnight.

Additionally, Mr. Laws stated that he had provided some editorials given to him by a resident regarding electronic water meters. There was no other comment by, or discussion with, the resident.

The Administrative Session adjourned.



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3200 West 300 North  
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**Mayor**  
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**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 the West Point City Hall, 3200 West 300 North, West Point City, Utah 84015 on January 5, 2016 at 7:00 pm with Mayor Craythorne presiding.

**MAYOR AND COUNCIL MEMBERS PRESENT** – Mayor Erik Craythorne, Council Member Jerry Chatterton, Council Member Andy Dawson, Council Member Jeff Turner, Council Member Kent Henderson and Council Member Gary Petersen (who would excuse himself later in the meeting).

**EXCUSED** – none

**CITY EMPLOYEES PRESENT** – Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

**VISITORS PRESENT** – Ryan Judd, Jolene Kap, Korey Kap and Paul Ray

- 1. Call to Order** – Mayor Craythorne welcomed those in attendance, and thanked Representative Paul Ray for his attendance and presentation later in the meeting.
- 2. Pledge of Allegiance** – Repeated by all
- 3. Prayer** – Council Member Gary Petersen
- 4. Communications and Disclosures from City Council and Mayor**

Council Member Henderson – no comment

Council Member Turner – no comment

Council Member Petersen – no comment

Council Member Dawson – The North Davis Sewer District is analyzing its master plan, and has found some pretty significant needs. The District is looking again at bonding to meet the needs for the collection system.

Council Member Chatterton – wished to thank those who attended the Oath of Office ceremony earlier in the day, and thanked Casey Arnold, City Recorder, for conducting the ceremony.

Mayor Craythorne – no comment

- 5. Communications from Staff**

City Manager Kyle Laws – The City Council meeting scheduled for February 2, 2016 has been cancelled due to the close proximity to City Council Retreat that will be held on January 29-30<sup>th</sup>. A tentative agenda for this Retreat has been sent via email to Council.

- 6. Citizen Comment**

None

**7. Consideration of Approval of Minutes from January 5, 2016**

Council Member Dawson motioned to approve the minutes from the January 5, 2016 City Council Meeting. Council Member Henderson seconded the motion. The Council unanimously agreed.

**8. Presentation from Representative Paul Ray, from the Utah House of Representatives**

Representative Ray stated that the House Session starts January 25, 2016, and he plans on giving another update to City Council mid-session. The session is now organized so that the budget issues are discussed in the beginning of the session, followed by policy issues in the middle, and then the budget is revisited. Representative Ray is over the Social Services Department, which involves health services, work force services, and other services that involves the largest chunk of the state budget at \$4.5 billion dollars. Rep. Ray stated that a meeting is being set up with those over the Transportation Services to make a plan to approve the "cheapest road mile in the State of Utah", to which he agreed that it is by far the cheapest stretch of road to develop, and believes that with Rep. Schultz, there is a good chance for it to be approved. He does not think that the money to fund the project will be hard to find in this year's budget. Mayor Craythorne stated that Syracuse also offered to help conduct traffic studies for that expansion. If Syracuse involves itself, Rep. Brad Wilson would also become part of the effort. Representative Ray stated that he would be very surprised if this road expansion was not approved in this upcoming session.

Rep. Ray stated that this year there would be a slight deficit in this budget, and the economy is not doing as well as President Obama and his administration would like us to think. President Obama created a lot of "part-time" jobs, and the employment rates advertised are not accurate, as we have stopped tracking those employees who have "given-up" and are no longer searching for jobs through workforce services. Council Member Chatterton also commented that if it is being advertised that 250,000 new jobs were created, but 30% of those jobs were only part time, that would only result in 170,000 new jobs. Rep. Ray concurred and stated that this is where the issue is, and that the numbers presented are not always accurate. He went on to say that when Obamacare was passed, many employers cut their employees' hours back to 30 hours or less, and those losses were not reported. Similarly, some employers cut one full time position to two part time positions, which would be reported as one new job created, and that is not accurate. Rep. Ray felt that it would be more accurate to say that this resulted in one job loss.

Medicaid expansion in Utah has not yet occurred, as there is not the budget to support it. Rep. Ray stated that while he desires coverage for all those who need it, the State needs to be responsible and be sure there is adequate funding to do so. This is not what is being reported in the press, and instead the House is being portrayed as "cold hearted" and uncaring, when the reality is that they are first trying to find the funding. Part of the problem is that many of those that are uninsured choose to be uninsured because they can't afford it (at \$1,200 a month), or choose to pay the penalty fee of \$200 instead of paying \$12,000 a year for insurance. Those people would, under the Affordable Health Care Act, have to be included in the Medicaid expansion, and those sort of definitions need to be worked out before Medicaid expansion can proceed.

Discussion was also conducted about Daylight Saving's Time, in which Council Member Petersen stated that the House had many other important things to discuss, and wished the House would focus on other things. Rep. Ray said that he had voted against doing the study that was conducted on this issue, as he felt like it was a waste of funds that were needed in other areas. Council Member Petersen also stated that the people that are responding to surveys on this issue are slanted towards making the change, but that the silent majority likes things the way

they are, and he felt like those citizens need to be heard, because businesses will really be harmed if the change is made.

Rep. Ray stated that he could be reached anytime during the session, and Mayor Craythorne thanked him for his comments.

Council Member Petersen excused himself from the meeting at this time.

- 9. Consideration of Approval of Resolution No. 01-05-2016A, Reappointing City Treasurer and City Recorder –**  
Council Member Henderson motioned to approve Resolution No. 01-05-2016A, Reappointing Julie Gentry as City Treasurer and Casey Arnold as City Recorder.  
Council Member Chatterton seconded the motion.  
The Council unanimously agreed.

- 10. Appointment of West Point City Planning Commissioner Corey Kap –** Mayor Craythorne  
Mayor Craythorne thanked the Planning Commission for their work, and Corey Kap for his willingness to serve on the Commission again.

Council Member Chatterton motioned to approve reappointing Planning Commissioner Corey Kap for another three year term.

Council Member Dawson seconded the motion.

The Council unanimously agreed.

- 11. Consideration of Approval of Ordinance 01-05-2016A, regarding Road Impact Fee for West Point City –** Mr. Boyd Davis  
Mayor Craythorne provided a brief summary of why the analysis was conducted, for the visitors' benefit, and that details of the Road Impact Fee were discussed in detail during the Administrative Session.

Council Member Dawson motioned to approve Ordinance 01-05-2016A, regarding Road Impact Fee for West Point City.

Council Member Henderson seconded the motion.

Roll Call Vote

Council Member Henderson – Aye

Council Member Turner – Aye

Council Member Dawson – Aye

Council Member Chatterton – Aye

Council Member Petersen - Absent

The Council unanimously agreed.

- 12. Consideration of Final Approval for the Homewood Subdivision –** Mr. Boyd Davis  
Mayor Craythorne stated that this item needed to be tabled, as decided in the Administrative Session.

Council Member Turner motioned to table Item 12, Final Approval for Homewood Subdivision.

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

- 13. Consideration of Final Approval of Fuel Center for the Smith's Marketplace Project – Mr. Boyd Davis**  
Mayor Craythorne stated that this item was also discussed during the Administrative Session, and there was no further comment from Staff or Council.

Council Member Chatterton motioned to approve the Final Approval of Fuel Center for the Smith's Marketplace Project.  
Council Member Dawson seconded the motion.  
The Council unanimously agreed.

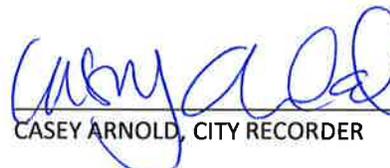
**14. Motion to Adjourn**

Mayor Craythorne asked for any additional comments, to which there was none.

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



  
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GARY PETERSEN, MAYOR PRO TEM      January 19, 2016  
DATE

  
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CASEY ARNOLD, CITY RECORDER      January 19, 2016  
DATE