



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
April 19, 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 April 19, 2016 at 6:00 pm with Mayor Craythorne presiding.

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

EXCUSED: Council Member Kent Henderson

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Evan Nelson, Administrative Services Director; and Casey Arnold, City Recorder

VISITORS: Rob Ortega

1. Quarterly Financial Report - Mr. Evan Nelson

Mr. Nelson stated that a quarterly financial report has been provided to the Council as a snapshot of the current financial state and financial progress of the fiscal year. Revenues currently exceed expenditures in each fund; however there are projects coming up that will change the balance between revenues and expenditures. The Council thanked Mr. Nelson for the update.

2. Discussion of Recycling Program – Mr. Kyle Laws

Mr. Laws stated that a letter was sent from the Weber County Transfer Station to Econo Waste, the City's current waste hauler, which was then forwarded onto the City. The letter states that all entities outside of Weber County taking their recyclable materials to this Transfer Station will now be charged a tipping fee at \$20.00 per ton. Mr. Laws stated that the value of recyclable materials is tied directly to the price of oil, and that 80% of the recyclables are exported to China. With such low oil prices, it has become difficult to export the materials and there is not a large market for them overseas. It is also costing Weber County around \$10 per ton to bail the materials, and the current market conditions are causing them to operate in the negative. This necessitates the need to impose a tipping fee. Mr. Laws stated that he hopes this is not a long-term issue, as long as the oil prices rise and stabilize.

\$20 per ton charged to the City equates to roughly \$6,000 per year. If you divide this by 1,857 recycling cans currently used in the City, this is about \$3.36 per year per resident, or \$.28 per month. The current recycling charge is \$4.75, which covers the City's cost per can to Econo Waste for \$3.65, and an additional \$1.10 fee per can to cover administrative costs, including the delivery and pick up of new and old cans. Passing the \$.28 charge to residents would increase the fee from \$4.75 to about \$5.03 per month.

As budget discussions are currently in session, it is a good time to discuss this issue. Mr. Laws stated that there are three different options for the City. The first is that the City could absorb that extra \$.28 charge per can per month. Mr. Laws does not think that this is a good long term plan, but the Waste Fund could support that additional charge for a year or so. The second option is to pass the full extra charge directly onto the resident, and the last option would be for the City to absorb part of the cost, and pass the rest onto the resident.

Mr. Laws stated that Staff is frustrated with the tipping fee, as the letter was sent on March 15, 2016, and the tipping fee became effective March 28, 2016, which did not leave the City much time to prepare for the additional cost. Mayor Craythorne stated that when the recycling program was started, an administrative fee was included in the cost to the resident, and it could be used to absorb the extra cost short-term. Council Member Petersen commented that he did not believe that now that the tipping fee has been imposed, Weber County is not likely to take it away in the future, regardless of economic conditions. The Mayor agreed, and stated that there is only a certain percentage of the City that is enrolled in the recycling program, and many of those do not even want to be a part of it but it was mandatory for all new residents, and the fee is an issue as it is. Mr. Laws added that when the recycling program was first started, there were numerous complaints from residents that did not believe that they should have to pay anything for curbside recycling. The Mayor stated that if we raise the rates, we can't tie it to a dip in the economy, or else there will be an expectation by residents that the rate will drop when oil prices recover, and the City can't promise that. Mr. Laws stated that if recycling turns profitable again, and the transfer station begins making money, then the City should be receiving a check back for the materials, and the fee could be lowered at that point. He cautioned however, that checks have not yet been received, and we might not be able to count on it on the future.

Council Member Petersen stated that the City should not absorb the cost, even temporarily, because he does not believe that Weber County considers the fee temporary. He believes that if the City passes the fee on to the residents, and residents stop participating in the program, then the cost of normal waste is going to rise as well, so there will be a fee increase either way. He believes that an additional \$.28 per month is completely reasonable to pass onto the residents. Staff commented that \$.28 is just an estimate at this point. Council Member Turner believed that we need to be fair and honest with residents, but a cost increase is a cost increase, and the residents are paying for this service. Council Member Dawson commented that an option would be to increase the cost of the second black cans to encourage residents to get a recycling or greenwaste can instead, as a main goal of the City is to extend the life of the landfill. If residents have to pay more for additional regular waste cans, they may look into recycling instead.

The Council decided to reassess all of the garbage rates as part of the FY2017 budget, and absorb the cost until that budget is adopted.

3. Discussion of Animal Control Ordinance Relating to Feral and Domesticated Cats – Mr. Kyle Laws

Mr. Laws stated that this issue was brought to the attention of the City by two residents that commented at a previous City Council meeting. The residents' neighbor was baiting their domestic cats, calling animal control, and they then had to pay a fee to retrieve their cat from the shelter. The residents were frustrated that a feral, undomesticated cat would be picked up, spayed or neutered, vaccinated and then returned to the area, at no charge. Mr. Laws has spoken with Clint Thacker of Animal Control, and he has suggested that the easiest solution would be to adopt an exception to the current ordinance. West Point City has adopted the Davis County Ordinance for Animal Control, and the related ordinance reads as follows:

6. *"Animal at large" means any animal, whether licensed or not, when:*
 - a. *The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control.*
 - b. *The animal is on the property of the owner or custodian and is not:*
 - (1) *Securely confined in a building, fenced area, cage or kennel;*
 - (2) *Under the immediate physical restraint by the owner or custodian; or*
 - (3) *Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort or health of other persons.*

In addition, our code states:

2.65.030 Keeping regulations – Numbers allowed.

A. Household pets must be kept in pens, or otherwise secured, unless housed within the dwelling unit.

The City could adopt an exception to this ordinance exempting cats from the definition, including the restraint part, as most residents are currently not likely restraining their cats with leashes, cages, etc. Cats would only be picked up by Animal Control if they are found to be a nuisance. This may not be the best option and have unintended consequences, but it would allow residents to have domestic, vaccinated and spayed/neutered cats, and still allow them to be free to catch mice and other rodents. The issue of what constitutes a “nuisance” would have to be defined.

4. Discussion Regarding the Ordinance Regulating Chickens – Mr. Boyd Davis

Mr. Davis stated that a resident complained during citizen comment at a previous City Council meeting that after his neighbor complained about his chicken, he researched the Code and discovered that according to the ordinance, he was not allowed to have a chicken based on his current lot size. The resident felt that West Point is a rural city, and that even those in residential areas should be allowed to have chickens for eggs. Mr. Davis stated that the current ordinance allows chickens and other farm animals based upon a point system. 100 points is given per full vacant acre, and all residential properties shall deduct .20 acres (8,700 sq. feet) from the total acreage of a lot before calculating the animal allowance. If a residential lot is .25 acres, they would begin with 25 points. Once the .20 acres is deducted for the home (20 points), the resident would be left with 5 animal points. Chickens are currently 5 points per animal, and consequently a lot would need to be a minimum of ¼ acre to have one chicken. Properties under a ¼ acre are not permitted to have any farm animals according to the current code. Mr. Davis stated that the point system is working well and is easy to explain to residents, but the Council may want to revalue the points allotted to each animal, or the size of the deduction.

To compare to other cities, Layton City requires a minimum of 10,000 SF to have chickens, with a limit of 6. Syracuse City requires a minimum of ¼ acre, and also uses a point system with 48 points per acre and chickens are 2 points per chicken. Clinton City requires a minimum of 10,000 SF to have chickens, but their code did not specify a limit.

Mayor Craythorne stated that chickens are fairly harmless and are not necessarily a nuisance. The Mayor went on to state that if a resident is allowed to have chickens on their lot, they need to have more than just one and the current code does not allow that if their lot is only ¼ acre. Mr. Laws stated that Layton City operates along those lines, as if a lot is at least 10,000 SF, they can have up to 6 chickens, not based on a point system per chicken. Council Member Turner suggested that the allowance be on a sliding scale. For example, residents on a ¼ acre are allowed five chickens, and for larger lots, each additional chicken over the initial five requires five more points. Council Member Petersen commented that chickens are unique to other small animals like ducks or rabbits because they do provide food, and so if there is a change to the ordinance, it should only include chickens.

Mr. Davis commented that as this is a land use ordinance, the issue needs to go through the Planning Commission. The Council agreed that the ordinance should be reevaluated and directed Staff to present the issue to the Planning Commission for their recommendation.

5. Other Items

Mr. Davis stated that an individual has inquired about purchasing some vacant property in the City and putting in a modular home. Historically, the City has not allowed modular homes or mobile home parks according to City Code. However, State Code was pointed out to the City dictating that the City cannot prohibit modular homes. Mr. Laws stated that even though the City cannot prohibit them, they still have to meet certain requirements such as a two car garage, 40% brick, solid foundation, etc. Mr. Davis stated that the individual has indicated that those requirements are no problem, and the modular home would be in compliance. Council Member Chatterton stated that he had previously worked for a modular home company, and had even constructed one on a property he used to own in the City. He believes that if you drove past the house, you would not recognize it as a modular home, due to the upgrades

he made to the outside of the home. Staff wanted to inform the Council of the individual's plan, in case there were any resident complaints. The Council agreed that as long as the home met all the building codes and requirements, it would have to be permitted.

Council Member Petersen inquired as to whether the Council should send an official response to the Derby Acres Subdivision issue that arose in a previous Council Meeting and the City's position on the issue so that all of the affected residents are informed. Council Member Turner commented that some residents still believe that the Council approved the developers plan to tie on to the Derby Acres road. Mr. Laws agreed to draft a letter for Council to review.

The Administrative Session adjourned.



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Gary Petersen, Mayor Pro Tem
Jerry Chatterton
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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 April 19, 2016 at 7:00 pm with Mayor Craythorne presiding.

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

EXCUSED – Council Member Kent Henderson

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

VISITORS PRESENT – Rob Ortega, Dallon Tobler, Duane Singleton, Chris Singleton, Brian Singleton, and Jason Watterson

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

Council Jerry Chatterton – As a member of the Mosquito Abatement District Davis Board, he informed the Council that information is still not widely known about the Zika Virus, but there have been no deaths originating from the virus in United States. The District does not believe there any mosquitos in this area that carry that virus and could possibly transmit it.

Council Member Turner – no comment

Council Member Petersen – Thanked for the North Davis Fire District for their quick response to an incident he was involved with.

Council Member Dawson – The North Davis Sewer District is preparing to replace some of the sewer lines along 2000 W. The project should not greatly impact the City and will try to correspond with the widening project of 2000 W.

Mayor Craythorne – Reminded the Council and residents of the annual Take Pride Day on May 7th. Work will be completed at the parks, and will consist of cleaning playground equipment, adding a supplement to the baseball fields, and other work as needed. The Mayor also reminded the Council of the Spring Clean-Up on April 22-23, wherein dumpsters will be available for residents at all three of the parks. The dumpsters will be manned by Mr. Dopp, the Code Enforcement Officer, who has organized the project. This is a great opportunity for residents to get their yards and homes cleaned up from the winter months.

5. Communications from Staff

Mr. Laws confirmed the Take Pride Day and Spring Clean-Up are coming up. He also updated the Council on the Park Redevelopment and stated that the sewer line placement is almost complete, and will be followed by installation of the water and secondary water lines. The contractor has filled all the ponds as well. There has been a slight delay in the project, as crews hit ground water about three feet down. Compaction tests will be conducted before proceeding.

The round-a-bout work on 3000 W and 1300 N has started, and contractors are still working on placing the utilities before beginning the concrete work on the actual round-a-bout in the next two to three weeks.

Rocky Mountain power has been installing power poles along the trail towards the golf course, which is a transmission line starting from Clearfield and will end at the new substation by the secondary water pond. The project is moving along.

The demolition of the vacant homes along 2000 W will begin shortly, with the work completed by the Department of Corrections. They have started demolition on the homes in Syracuse, and will move down into West Point. Council Member Dawson commented that the homes are unsightly.

6. Citizen Comment Follow-Up

None

7. Citizen Comment

None

8. Consideration of Approval of Minutes from April 5, 2016 City Council Meeting

Council Member Chatterton motioned to approve the minutes from the April 5, 2016 City Council Meeting
Council Member Turner seconded the motion
The Council unanimously agreed

9. Trust Accountability Program Presentation – Mr. Jason Watterson, Utah Local Governments Trust

Mr. Watterson stated that he was attending the meeting to present the Trust Accountability Program award to the City for the second time. The Trust was created to provide insurance for local governments and functions as a mutual. In addition to claims, they work with cities to manage risk management and to implement polices to minimize claim issues. The most common and costly cause of liabilities in the state is automobile liabilities, followed by sewer back-ups. The Trust works to minimize damage to employees, as well as tax payers who ultimately pay for those damages. By receiving the award, the Trust refunds the City a portion of their paid premium, as well as gives us a discount on the Workmen's Compensation premium. Mr. Watterson praised Staff for their efforts in receiving this award.

10. Consideration of Awarding Bid for the 520 N Roadway and Parking Lot Project – Mr. Kyle Laws

Mr. Laws stated that this project includes the construction and paving of 520 N and parking lot. Ten bids were received from major contractors, and bids within budget were received. Advanced Paving was the low bid, coming in at \$328,403, and was roughly \$50,000 under budget. Staff recommends awarding the project to Advanced Paving.

Most members of the Council were familiar with this company, and looked forward to working with them. The Mayor commented that Advanced Paving had also done the Syracuse portion of 3000 W as well as some other projects within our City.

Council Member Peterson motioned to award the bid for the 520 N Roadway and Parking Lot Project to Advanced Paving

Council Member Dawson seconded the motion

The Council unanimously agreed

11. Approval of Beer License Application for the Smiths Marketplace – Mr. Kyle Laws

Mr. Laws stated that Smiths Marketplace has applied for a Class “A” beer license, which means that it is for prepackaged beer products, and only for off premise consumption. The fee is \$250 per year, in addition to the business license fee. The supervisor on sight must be 21 years of age or older, though the cashier could be younger. Mr. Laws reviewed the West Point Code 5.15.040B with the Council and stated that Smiths is in compliance with that Code. The Application was discussed in the previous Council Meeting, and Staff recommends approval of the beer license.

Council Member Dawson motioned to approve the Beer License Application for the Smiths Marketplace

Council Member Petersen seconded the motion

The Council unanimously agreed

12. Approval of Ordinance 04-19-2016A, an Ordinance Rezoning Property at 1300 N 5000 W from A-40 to R-1 – Mr. Boyd Davis

Mr. Davis stated that as discussed in previous meetings, Duane Singleton’s family owns approximately 20 acres on the southwest corner of 1300 N and 5000 W. He is requesting to rezone roughly 2 acres of that property from A-40 to R-1. Mr. Singleton eventually plans to apply for 4 building lots on those 2 acres. The Planning Commission held a public hearing, to which there was no opposition, and recommends approval of the rezone, along with Staff.

a. Public Hearing

No comment

Council Member Petersen motioned to close the public hearing

Council Member Turner seconded the motion

The Council unanimously agreed

b. Action

Council Member Turner motioned to approve Ordinance 04-19-2016A, and Ordinance Rezoning Property at 1300 N 5000 W from A-40 to R-1

Council Member Petersen seconded the motion

Roll Call Vote

Council Member Turner – Aye

Council Member Petersen – Aye

Council Member Dawson – Aye

Council Member Chatterton – Aye

The Council unanimously agreed.

13. Consideration of Resolution No. 04-19-2016A, the Adoption of the FY2016 Amended Budget for West Point City and All Related Agencies – Mr. Evan Nelson

Mr. Laws stated that there is a need to amend the FY2016 budget at this point to budget for upcoming projects and personnel changes. The details of the Amended Budget were discussed at previous City Council Meetings, and a public hearing was held as well.

a. Public Hearing

No comment

Council Member Petersen motioned to close the public hearing

Council Member Chatterton seconded the motion

The Council unanimously agreed

b. Action

Council Member Chatterton motioned to approve Resolution No. 04-19-2016A, the Adoption of the FY2016 Amended Budget for West Point City and All Related Agencies

Council Member Dawson seconded the motion

14. Motion to Adjourn

Council Member Chatterton motioned to adjourn

Council Member Petersen seconded the motion

The Council unanimously agreed




MAYOR ERIK CRAYTHORNE May 3, 2016
DATE


CASEY ARNOLD, CITY RECORDER May 3, 2016
DATE