



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
May 19, 2020

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

Administrative Session
6:00 PM

Minutes for the West Point City Council Administrative Session held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #87093242763 at <https://zoom.us/join> or by telephone at (669) 900-6833, on May 19, 2020 at 6:00 pm with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Kent Henderson, Council Member Andy Dawson, and Council Member Jerry Chatterton

EXCUSED: None

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

EXCUSED: None

VISITORS PRESENT: Visitors able to attend electronically, no sign-in required.

1. Discussion Regarding the FY2021 Tentative Budget for West Point City & All Related Agencies – Mr. Ryan Harvey

Mr. Harvey stated that this budget discussion will focus on the Capital Projects Matrix, which was provided in the staff report. The spreadsheet outlines a recommended 5-year plan for construction and improvements in the City. The matrix also includes a column for "FY2020 Carryforward" which represents amounts that were budgeted but not expended during Fiscal Year 2020. Mr. Harvey explained that unless the project is canceled and the funds reallocated, the amount will also be included in the FY2021 budget. This is so that the intended project can still be completed even though the fiscal year has ended. The following projects are those proposed to be funded for FY2021 (some of which have carryforward balances from previous fiscal years in addition to the amounts listed here):

- *006 – Power Installation East Park & Bingham Park - \$20,000* – This project has been unfunded in past years, but Staff recommends funding it in FY2021.
- *012 – Street Maintenance –\$200,000* – This is the normal, yearly amount. Mr. Laws stated that this project is a Class C Roads funded, and in a townhall meeting the previous with the ULCT, economist Ken C. Gardner with the U of U shared some analysis of Class B & C Road funds for cities. From March 2019 to March 2020, there has been a 13% decrease in revenue, and it expect an even larger decrease from April 2019 to April 2020. They do however, expect that with the move into the Yellow and Green Phases, those funds will eventually start to increase, but this information provides some preliminary insight into how the COVID-19 pandemic has affected the economy. Mr. Harvey stated that for the last few years, the City has been budgeting about \$375,000 per fiscal year, and just over \$395,000 was collected in FY2019. With a large part of the current fiscal year (FY2020) over, it was looking like the City was going to receive about that same amount, but these last few months of the pandemic will likely change that projection. For FY2021, Staff is proposing to budget just \$200,000 for Class C Roads Fund revenue in order to conservatively budget for the uncertainty in the economy.
- *015 – Salt and Street Materials – \$30,000* – Historically, the City has funded this at \$10,000. Last year we increased that to \$15,000, but it still was not enough. Staff is proposing \$30,000 this year to catch up, and then \$20,000 going forward.
- *021 – Sewer Master Plan/Impact Fee Analysis - \$40,000* – This amount is for the Annexation Study Area.
- *031 – Source Protection Plan - \$20,000* – The current plan was completed in 2016, so it is time to update the plan.
- *043 – Cemetery Perpetual Care – \$29,590* – This is the amount that the City has received so far this year. This amount will be updated on July 1 and included in the final budget.

- *057 – Rebuild PRVs - \$18,500* – This is the amount needed to bring the total budgeted amount to \$25,000 to complete this project.
- *059 – Vehicle Replacement – \$28,516* – This is the amount needed to be added to the carryforward amount to replace the 2016 Chevrolet 3500 Crew Cab (\$55,000).
- *060 – Equipment Replacement - \$25,000* – This project was overspent by this amount in FY2020 due to the Vacuum Truck tank replacement.
- *068 – City Hall Maintenance and Repair - \$50,000* – This amount is the estimated cost for a new roof replacement for City Hall as well as general maintenance and upkeep of the building. Mr. Laws explained that City Hall does not need an entirely new roof, but the flat parts of the roof have a membrane layer that has begun leaking and needs to be replaced; the metal roofing is still in good shape. Mr. Laws also noted that City Hall was constructed about 18 years ago, and the current membrane has a 15-year warranty and the metal roofing a 20-year warranty.
- *073 – 5 Year CIP – \$50,000* – This is the normal, yearly amount.
- *075 – Park Improvements – \$135,000* – This is the normal, yearly amount.
- *080 – Storm Water Management Plan - \$30,000* - The current plan was completed in 2016, so it is time to update the plan.
- *089 – Local Option Sales Tax – \$83,024* – This is the amount that the City has received so far this year. This amount will be updated on July 1 and included in the final budget.
- *096 – 200 South 12” Sewer Line (3000 W to 2500 W) - \$100,000* – This is the yearly amount the City is projecting to receive, and which will be paid back to the developer for construction of the line.

Total - \$869,630

Mr. Harvey stated the only other change to the budget not related to Capital Projects or the Personnel Changes discussed in the last meeting is the water purchase from Weber Basin Water Conservancy District. The amount for FY2021 is \$205,865, which is an increase of \$18,455. Mr. Davis clarified for the Council that the amount of water being purchased is the same each year, it is just the fees for that water that varies from year to year.

At the next meeting, Mr. Harvey stated that the budget discussions will cover the CDRA Fund, the Fee Schedule, Compensation Schedule, Property Tax Rate, and any other outstanding issues that need to be covered. At that meeting the Council will also consider adoption of both the FY2021 Tentative Budget and the CDRA FY2021 Tentative Budget.

The Council thanked Mr. Harvey and Staff for their work in the budget and will continue this discussion into future meetings.

2. Discussion Regarding a Requested Amendment to the Garbage Collection Contract with Econo Waste, Inc. – Mr. Kyle Laws

Mr. Laws stated that in the discussion regarding the fee increase requested by Econo Waste at the last Council meeting, Staff was asked to research the costs other cities are paying for the first garbage can. That information was presented as follows:

| City | 1st Can 2017 | 1st Can Current | 1st Can 7/1/2020 |
|--|---------------------|------------------------|-------------------------|
| Clearfield | \$4.38 | \$4.97 | \$4.97 |
| Clinton | \$3.95 | \$4.13 | \$4.34 |
| Fruit Heights | \$5.20 | | |
| Kaysville | \$4.05 | \$4.25 | |
| Layton | \$4.83 | \$5.69 | |
| Sunset | | \$3.70 | |
| Syracuse | \$3.73 | \$3.96 | \$4.07 |
| West Point | \$3.20 | \$3.20 | \$3.50* |
| *Assuming a \$0.30 increase as requested | | | |

In looking at the prices, Mr. Laws stated that even with the \$.30 increase being requested, the City is still receiving a great price. Since the last meeting, Staff has continued discussing the request with Val Sanders at Econo Waste and would like to propose that the current contract be extended for an additional three years, beginning July 1, 2020 and ending June 30, 2025. In 2020, the rate of the 1st can would increase by \$.30, with no increase in year 2, and then increase by 2% each of the remaining three years. This proposal is summarized as follows:

| Proposed 1 st Can Rate Structure - West Point City | | | | | |
|---|--------------|--------------|--------------|--------------|--------------|
| Date | July 1, 2020 | July 1, 2021 | July 1, 2022 | July 1, 2023 | July 1, 2024 |
| Rate | \$3.50 | \$3.50 | \$3.57 | \$3.64 | \$3.71 |
| % Increase | | 0% | 2% | 2% | 2% |

The Council felt that Econo Waste has provided a good service to the City and is still offering a great price. With that, the Council agreed with this proposal and would consider approval of the contract at a future meeting. The \$.30 fee increase beginning July 1, 2020 will also be included in the City's Fee Schedule for FY2021, which is scheduled to be approved at the meeting on June 16th.

3. Discussion Regarding the Sunview Estates Subdivision Phase I – Mr. Boyd Davis

Mr. Davis stated that this subdivision was discussed at the last City Council meeting and gave a quick recap of the project for the Council. The Sunview Estates Subdivision is located at 1100 N 5000 W and is owned and being developed by Mark Thayne. The property was formally known as "The Sod Farm." The property was recently rezoned to the R-1 PRUD zone and Mr. Thayne is now requesting final approval for Phase I of the Subdivision. This first phase consists of 1.6 acres and contains 6 lots, ranging in size from 10,140 sq. ft. to 12,749 sq. ft. All of these 6 lots are able to connect directly to the gravity sewer line and therefore not require a lift station. Phase I has received final approval by the Planning Commission, subject to the storm water drainage issue being resolved.

The plan calls for the storm water to drain to the west, eventually draining across Lynn Kirkman's property. There is disagreement between Mr. Kirkman and Mr. Thayne about the drainage plan, as Mr. Kirkman is concerned that the water quality will be changed and could potentially harm his cattle. The City has been working with both parties for several months, hoping that they could resolve the issue between themselves. Davis stated that since the last meeting, there still has been no resolution. The City has also reached out to the Utah Department of Agriculture and the Utah Division of Water Quality, neither of which were able to provide clear standards on which to base whether or not the water would be safe for cattle. Mr. Davis stated that the City's Code requires that a storm drain plan be submitted, which includes a water quality component, and as the City Engineer, he has reviewed the submitted storm drain plan and it addresses both the water quantity and water quality requirements. The plan calls for a detention pond to control the quantity of the water flow and also to help aid in controlling the water quality. This detention pond will have the capacity to hold drainage from a "100-year storm" which is the City's standard requirement. Additionally, the plan calls for two "Snouts", which is a brand name of an oil and water separator mechanism and filtering system. Generally, only one Snout is included in a storm drain plan, but this storm drain plan calls for a Snout at both the entrance to the pond to prevent oil and debris from reaching the pond and another at the outlet of the pond to further filter the water before reaching Kirkman's property. Mr. Davis stated that this is a typical, widely accepted plan, which the Division of Water Quality also agreed with, and even goes a little beyond with the second Snout.

Mr. Davis shared the City Attorney's (Felshaw King) opinion with the Council again, which is that this is a natural drainage channel which Mr. Thayne has a right to discharge water into as long as he takes reasonable measures to control the quality and quantity of the water. Based upon the storm drain plan submitted, Mr. Davis stated that he believes Mr. Thayne has met this standard and Staff's position is that this subdivision should be approved. Council Member Dawson expressed his reservations with relying on Mr. King's opinion, as he is not a specialized land-use attorney. Mr. Laws noted that even so, Mr. King's response was consistent with the communication given by the State Ombudsman to Mark Thayne. Mr. Davis added that the City also received a letter from the attorney for Pson Homes who is developing the property to the south of this, who is also claiming a drainage right to this natural drain. The Kirkman's attorney responded to that letter, explaining their concern about the quality of the water and asking that if they use the drain channel, that they install a detention pond in the subdivision and that the Kirkman's have a right to the well water on the Stoddard property.

Mr. Davis clarified for Council Member Petersen that the City will maintain the Snouts and have an easement to use the detention pond. Council Member Judd asked for more information about the easement issue the Utah Division of Water Quality raised that was in the staff report. Mr. Davis explained that Jeanne Riley of the Division was concerned about whether Mr. Thayne had the right to access the drainage easement across the Kirkman property, but Mr. Davis stated that she acknowledged she was not familiar with 'prescriptive easements', which is a historical easement that is not recorded, but the rights to it are assumed by a long period of use. Mr. King's opinion is that this is a natural drainage channel and neither a written or prescriptive easement exists.

Council Member Chatterton inquired as to whether any funds are being collected in the development process to contribute to the City's cost of maintaining the storm drain system. Mr. Davis stated that just as in all subdivisions within the City, the City will take on the maintenance and liability of all the utilities built for the project. The funding comes from the subdivision's residents, who pay a storm water impact fee as part of the building permit, and also a storm water fee each month as part of their utility bill. Mayor Craythorne clarified that the City will not maintain the detention pond itself (landscaping, etc.), but rather the drainage infrastructure.

The Council will consider approval Phase I of the Sunview Estates Subdivision in tonight's General Session and will have further discussion at that time.

4. Discussion Regarding a Request to Develop Multiple Phases of the Wade Farms Subdivision – Mr. Boyd Davis

Mayor Craythorne prefaced this item, stating that some years ago, an ordinance was approved that set a 30-lot maximum in each phase of a subdivision, and 50% of those lots had to have building permits taken out on them before the next phase could begin to be developed. Since that time, developments have become larger and developers are wanting to be able to develop more than one phase at a time. As a developer himself, the Mayor stated that he is unaware of any other city that has a maximum lot number like West Point does and expressed his opinion that it may be time to consider revising or removing that restriction.

Mr. Davis stated that the developers of the Wade Farms Subdivision, Ovation Homes, submitted a request to the City that they may be allowed to develop the first four phases of their development simultaneously. The submitted phasing plan designates eight different phases across the 60-acre development. The Planning Commission considered the request, and was concerned about the timing of the development of the open-space amenity which is shown in the Phasing Plan to be part of Phase 6. Ovation Homes has agreed that if granted their request to develop Phases 1-4 concurrently, they will also include development of the open-space.

As Mayor Craythorne explained, Mr. Davis stated that the City Code does not allow for more than two phases to be developed consecutively. However, the Code also states that "the city council may grant exceptions to these rules if deemed appropriate." (WPCC 16.05.090(D)). Staff is not entirely sure why this language was put in the Code, but speculates that it was to prevent a developer from overextending and becoming unable to complete a project. Examples of situations where this has occurred are the Cold Springs Subdivision and the Fairways Beyond the Bluff Phase 2. However, there are also examples in the City of completed subdivisions with more than 30 lots in each phase, such as the Paice Farms Subdivision, which was developed with over 100 lots in the first phase.

In their request letter, Ovation Homes outlined their reasons for wanting to develop Phases 1-4 concurrently, which Mr. Davis shared with the Council:

- *The existing ordinance limiting phases and approval thereof to 30 lots seems a bit out of date and perhaps originated at a time when homes were not being constructed at the pace they are today.*
- *Final plat approval and construction of the first four phases allows for the extension of infrastructure throughout the project and to the park area at the center of the subdivision.*
- *Additional homes up front will allow the HOA to become established in a timely manner for the overall sustainability of the PRUD and associated amenities.*
- *With approval to move forward with the first four phases at the same time, we are able to construct three different housing types:*
 - *Phases 1 and 2 – larger homes with basements on larger lots,*
 - *Phase 3 – Aspire Homes catering to younger buyers who may be purchasing their first home, and*
 - *Phase 4 – Ovation Homes - single family homes for active-adult residents.*

Mayor Craythorne stated that it takes a substantial amount of money to develop a subdivision and with the lending regulations progressing to where they are currently, "not just any" developer will be approved to borrow those kinds of funds. With that, the "vetting out" of developers who could get to the point of not being able to complete their project is done through other means and really doesn't need to be regulated through City Code. Council Member Chatterton agreed.

Council Member Henderson questioned whether Staff has any reservations regarding granting this request. Mr. Laws stated that Staff's recommendation would be that if the Council motioned to approve the concurrent development of Phases 1-4, that part of that motion include the development of Parcel D, which would include the open-space amenities and detention basin. Brad Frost, with Ovation Homes, was in electronic attendance at the meeting and commented that the plat included with the staff report has been revised to reflect the direction received from the Planning Commission that Parcel D be included with these first phases, and Parcel D is now part of Phase 1. Council Member Chatterton inquired as to whether that map is available for the Council to view before approval. Mr. Laws clarified that the Council is not being asked to consider final approval of the plat for Phases 1-4 at this time, but just the request to develop multiple phases simultaneously. Mayor Craythorne added that if the Council chooses to approve the request, the final plat for these phases will be submitted to the City and considered by the Planning Commission before coming to the City Council for final approval.

Council Member Judd inquired as to what the harm would be in keeping the 30-lot maximum per phase in the Code as an extra protection for the City, and exceptions be granted by the Council when they felt comfortable doing so. Additionally, she wondered how the development of so many lots at once would affect our Public Works and Community Development Staff in keeping up with inspections, permits, etc. Lastly, (as a realtor), her experience is that most subdivisions are developed in phases, with each phase "creating more buzz" for buyers to purchase lots. Mayor Craythorne stated that because this development has three different types

of homes (single-family, town-homes, and active adult), their intent is likely to be able to develop some of each product in the initial development of the project. He also agrees that her concern about the extra burden on Staff is valid, but hopes that with the personnel changes and additional positions being discussed as part of the budget will help the City ensure it has the resources to handle the increase in development that West Point is experiencing. The Mayor also agreed that most subdivisions are done in phases, but usually in larger phases with more lots and, like he mentioned earlier, a developer has to go through other steps (like securing funding) before being able to start a new phase and that whole process serves as checkpoints even before the City is involved. Council Member Petersen commented that he had some of the same thoughts as Council Member Judd and would be in favor of "relaxing" the Code, but not removing the maximum lot restriction entirely. He would like to have more information on what other cities have in their codes, their experiences, etc., and discuss the matter further. He added that in regards to this project, he is comfortable with development of multiple phases as requested, but another development may come along where the City would be glad to have some sort of regulation in the Code. The Mayor agreed that gathering more information about phasing sizes and practices in other cities is a good idea and directed Staff to start researching that data, noting that if the Council was in favor of considering a modification to the Code, that process would start with the Planning Commission and they would discuss that information before making a recommendation to the City Council.

The Council was in agreeance to consider a modification to the Code and approved of the Mayor's direction to Staff. The Council also agreed that this was a type of development that they would be in favor of granting an exception to the Code and allow multiple phases to be developed simultaneously. Consideration of approval of Ovation Homes' request is on the agenda in tonight's General Session. Final approval of the actual plat for Phases 1-4 will be on an agenda after approval by the Planning Commission.

5. Other Items

No other items were discussed.

The Administrative Session adjourned.



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General Session

7:00 PM

Minutes for the General Session of the West Point City Council held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #87093242763 at <https://zoom.us/join> or by telephone at (669) 900-6833, on May 19, 2020 at 7:00 pm with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Kent Henderson, Council Member Andy Dawson, and Council Member Jerry Chatterton

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Ryan Harvey, Administrative Services Director; Paul Rochell, Public Workers Director; and Casey Arnold, City Recorder

EXCUSED: None

VISITORS PRESENT: Visitors able to attend electronically, no sign-in required.

1. **Call to Order** – Mayor Craythorne welcomed those attending the electronic meeting.
2. **Prayer** – Offered by Rajan Zed, Hindu Prayer Leader
3. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – No comments

Council Member Kent Henderson – The Mosquito Abatement District Davis is open and at work preparing for this year’s mosquito season. They have already had over 90 spray requests submitted that they are getting completed and are working on getting all their abatement strategies into place.

Council Member Judd – Would like to thank Mr. Laws and Mr. Davis and all of Staff for all of the extra work they have been doing for the City in the present climate and for their communication with the Council. As the new Planning Commission liaison for the Council, she would also like to recognize the Commissioners for the hard work that they do for the City; it has been a bit of an eye-opener for her as she has attended the meetings to see the extent of effort they put into serving and expressed her appreciation for them.

Council Member Petersen – No comments

Council Member Dawson – As his residence is in a section of the City that UTOPIA has completed, his family has signed up for the fiber internet service and are very excited to have installed to his home on June 2nd.

In regards to the North Davis Sewer District, the Board had a presentation on the nutrient problems that are being flowed into the Great Salt Lake. Because the salinity of the water is so much lower, the system is starting to fall under the water quality regulations for the removal of nitrogen and phosphates. He would like to show the Council a presentation at a future meeting to detail what is being done to resolve the problem. He noted that the pipeline will likely have to be extended across a sandbar out into Gilbert Bay, but the Utah Department of Water Quality is in favor of the plan and it is estimated to save about \$100-million as opposed to redesigning the sewer plant to chemically treat the problem. Mayor Craythorne was in favor of having this

presentation, and because of the number of items on the tentative agenda for the next meeting, asked Mr. Laws to place the presentation on the agenda for the following meeting.

Mayor Craythorne – Wasatch Integrated Waste Management was able to make its first waste transfer this week from the new transfer station that was recently completed to replace the waste energy facility. This is an exciting program as it will hopefully be able to transfer as much waste as they were previously burning.

The Mayor also stated that both he and Mr. Laws continue to meet with the Davis County Health Department and officials from other cities in the County every Monday to discuss the COVID-19 situation, receive updates, ask questions, coordinate planning, brainstorm strategies, etc. He stated that it has been a great help and benefit to have such a collaborative effort throughout the County to help all navigate through the difficult situation and make decisions based on the best interest of residents.

4. Communications from Staff

Mr. Laws shared the Davis County Health Department's COVID-19 Data Dashboard with the Council (which is available to the public online). He stated that the Health Department focuses a lot on the week-by-week case counts to judge the situation, and have stated that it is good news that the number of cases is beginning to plateau. In regards to West Point, there have been 5 confirmed cases, although that only reflects actually tested and confirmed individuals. There is currently only one active case in West Point and commended residents for being proactive and following the health guidelines in place to keep the City's numbers very low. Mayor Craythorne commented that the percent of people tested being positive is declining, which is also a positive indicator. Mr. Laws added that there was a ULCT meeting this week about the effects on tourism in Utah; as a majority of the tourism in the State comes from international travel, the industry has really been impacted by the pandemic. The State has come out with some new videos thanking visitors for being cautious and restricting travel, while also promoting our parks and encouraging people to visit when the time comes for restrictions and guidelines to be lifted. They expect that it won't be until the 3rd quarter of 2021 that numbers will return to 2019 levels.

In regards to UTOPIA, City Hall was connected earlier in the day and Staff is excited for the fiber internet as well. The east side of the City is now eligible to sign-up and hopefully the rest of the City will be ready for residents to sign-up by the end of summer.

Mr. Laws also informed the Council that the 4th of July Committee met the previous week and plan to announce the cancellation of the annual Party at the Point Celebration to residents this week. The Committee discussed different ideas and options for events that could still be offered to help residents honor Independence Day, some of which involve the Council's participation. Mr. Laws was asked to gauge the Council's interest of having two 'mini' parades, with one being led by the North Davis Fire District and including half of the Council Members and the other half being led by the Davis County Sheriff's Office. These would be more 'waving parades' that would travel down multiple streets in the City to avoid congregation of residents along a main route.

The Baby Contest is usually judged by the West Point Pageant Royalty at the celebration, and the Committee felt that this could still be held virtually; parents would submit videos (not available to the public) to be judged the Royalty and the prizes/awards would be announced. The Committee also decided that the Art Contest could still be held, with the voting done virtually or judged by the Committee. The idea of a chalk-art festival was also discussed, which could also possibly be a judged event where neighborhoods or streets would submit their locations as wanting to participate. Matt Drake also suggested a City-wide scavenger hunt and was going to put some ideas together for how that would work and bring those back to discuss with the Committee. Lastly, the design for this year's t-shirts had already been completed, and the Committee came up with the idea to still sell the t-shirts for residents to purchase, but instead of the words "Party at the Point", they would say "Party at ~~the~~ SOME Point." The thought was thought offering the t-shirts would be a fun way to still celebrate the holiday and also make sure residents know that we may not be able to have the event this year, but that it will be back next year just as it always has. Mr. Laws shared the modified design with the Council:



The Council liked the t-shirts and agreed that it would be a fun way to still recognize the event in spite of the current situation. Mr. Laws verified that the year 2020 will be printed on the shirts and they would be pre-ordered by residents and shipped directly to their home.

Mayor Craythorne expressed his stance that if the City was not going to be able to hold its regular celebration, he would rather be able to join his family this year on the vacation they regularly take over the holiday. Council Member Chatterton commented that he feels the same way as the Mayor and may also go on vacation. He also worries that even if the City publishes the route and modified parade, people will still gather together on the streets. Council Member Petersen shared his opinion that the parade is not usually attended each year just because City Council is in it – it is likely some of the entries that draw the attention, and for kids especially, things like the fire engines and patrol car sirens. He felt that if the NDFD and DCSO were willing to participate, it might be an option to include some other popular entries, but would also be concerned about the crowds of people that might bring. Council Member Judd stated that although she was looking forward to participating in the parade this year for the first time as a Council Member, she also leans towards wanting to spend the holiday with her family. She also commented that many residents probably attend the parade because they have family or friends participating in it, and would think that many families would also choose to go out of town or plan some other activity to celebrate the holiday. Council Member Dawson agreed with all the comments and is also concerned about the potential of crowds gathering. In all, both the Mayor and Council agreed not to hold a parade this year and instead focus on making next year's celebration even better. Mr. Laws also added that there is planning in the works for a special fly-over by Hill Air Force Base in collaboration with surrounding cities to help signify the importance of the Independence Day holiday.

Mr. Davis also updated the Council on how the meetings with the Land Use Consultants have been going, stating that Staff has really enjoyed working with both Meg Ryan and John Janson and have spent hours with them in reviewing the City's Land Use Code. The original plan was to hold a joint meeting with the City Council and the Planning Commission to introduce them before starting on the project, but that was not able to happen given the current situation and they have moved forward. Mr. Davis encouraged the Council to ask Staff any questions or raise any concerns that they may have about the City's Land Use Code while this review is taking place. All changes that may be recommended will come to the Council for consideration and approval.

In regards to the citizen comment received by Mr. Richard Wood regarding accessory building setback requirements, Mr. Laws stated that he sent an email to the Council for their direction on Mr. Wood's request to modify the Code. There was no objection to considering the request, with those who responded stating that they were in favor of having the issue discussed by the Planning Commission for a recommendation. The item will be discussed by the Planning Commission in a meeting in the near future.

Mr. Laws made one last comment that using the Chat feature available with Zoom meetings should probably be avoided, as the threads cannot be seen by attendees and may violate the Utah Open and Public Meetings Act.

5. Citizen Comment

Mr. Kirkman – 3633 W 1300 N: Mr. Kirkman wanted to express that, (in regards to the drainage issue with Mr. Thayne's and Pasion Homes planned developments) he is not trying to "shut their projects down", but is just concerned about the quality and

quantity of the drainage water. He feels that it is an issue that can be worked out without having attorneys involved. Mr. Kirkman added his stance that there *is* some land value with the easement of the drainage channel across his property.

Mark Thayne – 704 N 3500 W: Mr. Thayne stated that, (also in regards to the drainage issue with his development and the Kirkman’s property) he agrees with Mr. Kirkman in that involving attorneys to resolve the issue is not desirable for either party. However, he would like to explain that he has worked closely with Staff on this issue, met with the Kirkman’s on multiple occasions, reached out for opinions with multiple entities, received the City Attorney’s opinion and also the opinions of other attorneys, and feels that the plan he has submitted meets all City and State Code. Mr. Thayne added that City Staff, “the professionals of the City Code”, has given their recommendation to the Council and confirmed that the plan meets all necessary requirements. With all of that, Mr. Thayne asked that the Council approve his subdivision (on the agenda for consideration later in this meeting) and allow him to move forward with the project. He also asked that he be allowed to respond to any questions the Council may have during that discussion. Mayor Craythorne stated that it is a normal practice for a developer to be available for questions when the Council is considering approval of a subdivision and that Mr. Thayne would likewise be allowed to participate.

6. Public Hearing Regarding the FY2021 Tentative Budget for West Point City and All Related Agencies – Mr. Ryan Harvey

Mr. Harvey stated that the proposed budget for FY2021 has been presented to the Council, with the proposed Personnel budget changes, General Fund Department budget requests, Capital Projects funding, and Enterprise Funds changes all having been discussed. Mr. Harvey reviewed the General Fund Revenues for the Council, stating that with the uncertainty of the economy and in light of recent events caused by the COVID-19 pandemic, Staff wants to be conservative in budgeting of revenues in FY2021. As such, there are no General Fund revenue line items that Staff is proposing to increase, and the following are the significant revenue sources that Staff is proposing to decrease:

- Sales Tax – \$1,300,000 (a decrease of \$100,000)
- Class C Road Revenue - \$200,000 (a decrease of \$175,000)
- Building Permits - \$200,000 (a decrease of \$110,000)

Mr. Harvey reviewed the proposed Personnel Budget changes, which include the following:

- 2% Merit Increase –\$22,539
- Benefits Increase – \$13,047
- Public Works Inspector Position – \$91,164
- Public Works Position – \$71,813
- City Planner Position – \$97,213

The Mayor confirmed that the proposed budget is available online with the agenda for this meeting, or by contacting City Hall for any residents wishing to review it.

The Mayor opened the item for public hearing, noting that the Council is not considering action on the budget at this meeting. There will be a second public hearing at the next meeting, after which the Council will consider approval of the proposed FY2021 Tentative Budget.

No Comments

Council Member Petersen motioned to close the public hearing
Council Member Chatterton seconded the motion
The Council unanimously agreed

7. Consideration of Approval of Ordinance No. 05-19-2020A, Amending Chapter 17.25.080 of the West Point City Code Regarding the Minimum Front Yard Setbacks in the R-4 Zone – Mr. Boyd Davis

Mayor Craythorne informed the Council and those in attendance that at their meeting the previous week, the Planning Commission voted to table consideration of approval of this item. Although the Planning Commission has not yet made a recommendation to the Council, a public hearing was noticed for this meeting and will still be held for the City Council to receive any public input.

Mr. Davis summarized this item, explaining that the Planning Commission received a request from Jake Shepherd to consider changing the front yard setback in the R-4 zone from 25 ft. to 20 ft. Mr. Shepherd is planning a development that will include townhouses and feels that 20 ft. is appropriate. There are currently three existing townhouse projects in the City that have setbacks of 20 ft. and some even ranging down to 9 ft. Those projects are the Yalecrest Towns, which has a variety of setbacks ranging from 9 ft. to 25 ft.; the Lakepoint Village project includes townhouses ranging from 19 ft. to 23 ft.; and the Sandy Point Townhouse project has setbacks from 20 ft. to 25 ft. In the Council’s last discussion on the issue, Staff was directed to research the history on these projects and why they were allowed exceptions to the 25 ft. setback requirement.

Mr. Davis stated that there are four different sections in the Code that address front yard setbacks:

| Section | Standard |
|---|----------|
| 17.25.080 (Zoning Chart) | 25’ |
| 17.35.080 (PRUD) | 20’ |
| 15.20.165 (Multifamily/Townhouse Standards) | 20’ |
| Old PUD Code | 20’ |

In regards to the Lakepoint Village, the project was granted a PUD overlay zone under the old PUD Code, which stated: *“Garages with entrances facing directly on the street, whether in a front or side yard, shall be set back at least 20 feet from the property line.”*

As for Sandy Point and Yalecrest Towns, the specific language in Section 15.20.165 states: *“Driveways can be used to meet the parking requirement provided there is at least 20 feet from the garage to the sidewalk or street.”*

As Mayor Craythorne mentioned, Mr. Davis stated that the Planning Commission had a lengthy discussion but was not able to come to a consensus and tabled taking action on this item. Several of the Commissioners were concerned about a potential safety issue if a vehicle was longer than 20 ft. and blocked the sidewalk, which some Council Members had also expressed during the last discussion. Staff was asked to look into code enforcement records to see if and how many code violations had been issued in these existing subdivisions where a vehicle was blocking the street. Staff was also asked to review other cities’ code to see what other cities allow. Mr. Davis stated that Staff is currently gathering that information and would recommend that the City Council also table consideration of this item until the Planning Commission makes their recommendation.

One comment was received at the Planning Commission’s public hearing, made by a representative from Nilson Homes, who was in favor of the 20 ft. setback. The reasoning explained was that it is difficult, and maybe even impossible, to fit 8 units to the acre and maintain the 30% open space required with 25 ft. setbacks. He also commented that the blocking of sidewalks can and does happen even in longer driveways, and so is not solely due to the actual driveway length.

Mayor Craythorne opened the item for public hearing.

a. Public Hearing

Jake Shepherd – 522 N 3650 W: Mr. Shepherd thanked Mr. Davis for his explanation of the issue, reiterating that 20 ft. front yard setbacks are already allowed within City Code in various situations, noting specifically that the PRUD overlay zone in both the R-2 and R-3 zones allows for 20 ft. setbacks. Further, Mr. Shepherd stated that an R-3 PRUD zone has a potential for 4.3 units per acre and the R-4 allows for 8 units per acre, but with the 30% open space requirement, it is difficult to

reach the density the R-4 zone allows for without compromising the size of the units. He also stated that the City has an ordinance that prohibits blocking the sidewalks, which still occurs throughout the City regardless of the length of the driveway. Lastly, the Planning Commission had made a comment that a resident with a large vehicle would not be able to park in the driveway, but Mr. Shepherd stated that there are obviously other homes in the City with longer driveways, and a potential buyer would likely take the driveway length into consideration before purchasing a home in the R-4 zone. IN summary, he feels that this is a higher density project and accommodations should be made for this zone as they are already allowed in other zones with even less density. He also noted that just because a front yard setback is 25 ft. does not necessarily mean that the driveway will actually be that length in some types of home designs.

Brian Bayles – 1656 Equestrian Parkway, Kaysville UT: Mr. Bayles stated that he was the representative of Nilson Homes that had commented during the public hearing at the Planning Commission meeting and in addition to what was mentioned by Mr. Shepherd, he would like to reiterate that there are probably some “unintended consequences” that result in a development that reaches the density allowed in the zone (8 units per acre) and has the 30% open space when 25 ft. front yard setbacks are required. Namely, the size of a unit is negatively impacted. Having to reduce the depth of a home by 5 ft. to meet the 25 ft. setback could realistically result in the loss of a whole bedroom; which for those already not in favor of high-density projects in the City, likely makes the development even more undesirable because of the small size of the homes. Another impact is on the number of attached units in a project. To meet the density allowed, a developer is incentivized to construct more attached units in the development to maximize profit. While attached units create more “affordable homes” for buyers, a subdivision full of attached units may not be the vision the Council has for the City. Lastly, Mr. Bayles stated that again, there are already developments within West Point with 20 ft. front yard setbacks and he hopes that the Council will consider reducing the 25 ft. setback requirement to be consistent throughout these types of developments in the City.

Council Member Henderson motioned to close the public hearing
Council Member Petersen seconded the motion
The Council unanimously agreed

b. Action

Mayor Craythorne thanked the individuals for their comments in the public hearing and encouraged the Council to reach out to Staff with any questions they may have. For now, it may be best to postpone a discussion until the Planning Commission makes its recommendation unless Council Members had any comments that they would like to make at this time. No further comments were made by the Council.

Council Member Chatterton motioned to table approval of this item at this time
Council Member Petersen seconded the motion
The Council unanimously agreed

8. Consideration of Final Approval of the Sunview Estates Subdivision Phase I – Mr. Boyd Davis

Mr. Davis stated that the Sunview Estate Subdivision is located on 5000 W and approximately 1100 N, owned and being developed by Mark Thayne. The first phase of the subdivision contains 1.6 acres and 6 lots ranging in size from 10,140 sq. ft. to 12,749 sq. ft. This first phase includes those lots along 5000 W that can connect directly to the gravity sewer line and will not require a lift station. There is an existing home on lot 105 that they plan to remodel or rebuild, which required the lots to face 5000 W. Four of the six lots will face 5000 W, while lots 102 and 103 will face the interior street. Staff has reviewed the plans and approvals have been received from the Hooper Water Improvement District, Davis & Weber Counties Canal Co., and the North Davis Fire District.

As has been previously discussed, the outstanding issue is the storm drain of the development, which calls for the storm water to drain to the west across the Stoddard property and onto the Lynn Kirkman’s property. To summarize the issue, Mr. Kirkman feels that Mr. Thayne does not have a right to the storm drain channel on his property, is concerned about the increased

quantity of water that will flow on his property, and worries about the quality of the water remaining safe for his cattle. Conversely, Mr. Thayne feels that this is a channel that water has always drained through and he therefore has a historic right to it.

The City Attorney's opinion is that this is a natural drainage channel that Mr. Thayne has a right to use, and Staff has confirmed that the storm drain plan meets all requirements. With that, Mr. Davis stated that Staff recommends approval of the subdivision but strongly encourages the two parties to come to a resolution on the storm drain issue.

Mayor Craythorne agreed that this issue has been discussed in depth and asked the Council for any further comments or questions that they may have. Council Member Chatterton commented that with this first phase, four of the six lots face 5000 W, which will serve as the storm drain for most of this phase. He inquired as to why there may be an issue with approving this first phase and consider the storm drain issue with approval of future phases, giving the two parties time to hopefully come to an agreement. Mr. Davis confirmed that the storm drain plan will not actually come into use until the development of Phase 2, but Staff felt that Mr. Kirkman's concerns should be discussed with approval of Phase 1 because those homes will also eventually contribute to the storm drainage system.

Council Member Petersen stated that Staff has done a good job in trying to vet through the situation and has thoroughly considered all the information. While the parties may not be in agreement with each other at this time, the City has received its legal counsel and Staff's recommendation. With that, Council Member Petersen motioned to approve the Sunview Estates Subdivision Phase I.

Council Member Chatterton seconded the motion

Council Member Judd – Aye

Council Member Chatterton – Aye

Council Member Petersen – Aye

Council Member Dawson – Nay

Council Member Henderson – Aye

Motion was approved

9. Consideration of Approval of a Request to Develop Multiple Phases of the Wade Farms Subdivision – Mr. Boyd Davis

Mayor Craythorne stated that this item has also been discussed in depth by the Council and asked Mr. Davis to provide a quick summary. Mr. Davis stated that Ovation Homes is the developer of this subdivision and has requested that they be allowed to develop Phases 1-4 of the project simultaneously. City Code states that no more than two phases shall be developed at one time, but does allow for the City Council to grant an exception to the rule. Mr. Davis stated that Staff has no recommendation regarding this request.

Mayor Craythorne added that from discussions about this request, the Council has considered the separate issue of the reasons this language was put in the City's Code and directed Staff to review the subdivision phasing regulations in other cities. It was agreed that the City's phasing restrictions should be further reviewed for possible modifications.

Mayor Craythorne reiterated that approval of this request is not granting final approval of Phases 1-4, but just the request to simultaneously develop the four phases. Plans for Phases 1-4 will be submitted to the City and go through the normal approval process, ending with the Council's final approval.

Council Member Dawson motioned to approve the request to develop multiple phases of the Wade Farms Subdivision

Council Member Henderson seconded the motion


Council Member Judd suggested that the motion to approve the request should include the condition that the open space be part of these first four phases as the Council had agreed.

Council Member Dawson revised his motion to include Council Member Judd's friendly amendment to approve the simultaneous development of the first four phases with the condition that the open space be included as part of those phases. Council Member Henderson revised his second

The Council unanimously agreed

10. Motion to Adjourn the General Session

Council Member Chatterton motioned to adjourn the General Session
Council Member Petersen seconded the motion
The Council unanimously agreed


ERIK R. CRAYTHORNE, MAYOR

June 19th, 2020


CASEY ARNOLD, CITY RECORDER

June 19th, 2020

