



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
July 16, 2013**

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Roger Woodward

City Manager
Kyle Laws

Administrative Session
6:30 PM

Minutes for the West Point City Council Administrative Session held July 16, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Erik Craythorne presiding.

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

CITY EMPLOYEES PRESENT - City Manager Kyle Laws, City Engineer Boyd Davis, Public Works Director Paul Rochell, and City Recorder Misty Rogers

Mayor Craythorne welcomed all in attendance and turned the time over to Mrs. Rogers

- 1. Discussion of the West Point City Cemetery, specifically unused or unclaimed cemetery plots purchased over 60 years ago and revisions to the West Point City Cemetery Code 12.15.070, the Sale of Burial Rights.** – Mrs. Misty Rogers

Unused/Unclaimed Cemetery Plots Purchased Over 60 Years Ago:

Mrs. Rogers stated in early 2012, she had reviewed cemetery records and located approximately 85 unused plots purchased before 1950. Of the 85 located plots, approximately 70 had been successfully reclaimed by an heir, leaving approximately 15 plots unclaimed.

Utah State Code Section §8-5-6 states a Municipal Council may pass a resolution demanding that the owner of a lot, site or portion of the cemetery, which has been unused for burial purposes for more than 60 years, file with the City Recorder notice of any claims to the lot, site, or portion of the cemetery. Mrs. Rogers stated if the Council provided direction for Staff to proceed with the reclaiming process the following items would occur:

- The City Council would be required to approve a resolution for the reclaiming process.
- The approved resolution would be personally served on the owner of the cemetery plot in the form of a certified letter.
- If unable to locate the current owner, the approved resolution will be published in the Standard Examiner and a copy of the approved resolution will be mailed to the owner's last known address, if available.
- The approved resolution will inform the owner, heir, or certificate holder that they must express interest in maintaining the cemetery plot, site, or portion of the cemetery within 60 days.
- If no owner is found within 60 days of the last date of service or 30 days after the last publication, the owner's rights will be terminated, and that portion of the cemetery will be vested in the City and become available for purchase.

Mrs. Rogers stated that Mr. Dan Fisher claims to be an heir of 4 of the 15 remaining unused/unclaimed burial plots. Over the past nine months Staff has spoken to Mr. Fisher informing him of the requirements for the reclaiming process. Unfortunately, as of July 16, 2013 Mr. Fisher or his siblings have yet to complete the reclaiming requirements.

The Council Members directed Staff to proceed with the reclaiming process for unused plots purchased 60 years ago. Mrs. Rogers then stated she would email a list of the 15 remaining unused plots to the Council Members in hopes they could assist with owner or heir information.

Revisions to the West Point City Cemetery Code 12.15.070, the Sale of Burial Rights:

Mrs. Rogers informed the Council that 12.15.070 of the West Point City Cemetery Code currently states the following:

- The owner or certificate holder of a burial plot has the ability to sale burial rights to a direct heir.
- Burial rights may be transferred to a non-resident if the purchase of the right is accomplished prior to the time of death and the burial right certificate is in their possession.

Mrs. Rogers stated she has recently discussed West Point City Code, section 12.15.070, the Sale of Burial Rights with Mr. Lynn Kirkman and he recommended the following amendments:

- Remove the language in section 12.15.070 of the West Point City Code that prohibits an owner or certificate holder of a plot the ability to sale burial right to anyone except a direct heir or West Point City. Mr. Kirkman expressed his desire for the owner or certificate holder of a burial plot to have the ability to sale a burial right to any person for any amount in which they choose.

Mrs. Rogers expressed the following concerns with allowing owners and certificate holders to sale a burial plot for more than the original purchase price.

- If West Point City allows for the owner or certificate holder of a plot the ability to sale burial rights for more than originally paid for the plot then the certificate holder is essentially making a profit. This could cause issues in the future if a new owner wished to sale a burial plot back to West Point City, as West Point City can only repurchase a burial plot for the original purchase price paid to West Point City.

With the approval of Mr. Felshaw King, the West Point City Attorney, Staff recommended the following amendments to 12.15.070 of the West Point City Cemetery Code:

- Allow the owner or certificate holder of a burial plot the ability to transfer, convey or assign to any person at any time.
- Burial rights to any plot or lot shall only be sold to West Point City.
- The additional language be added to code, "All transfers and conveyances must be notarized and documented with West Point City.

12.15.070 E. Burial rights to any plot or lot ~~shall may be not be sold~~, transferred, conveyed, or assigned by the purchaser or certificate holder to any person. except to the city or to direct heirs. Burial rights to any plot or lot shall not be sold except to West Point City. A resident may transfer burial rights to a nonresident heir if the purchase of that right is accomplished prior to the time of death, and the burial right certificate is in their possession. The city hereby agrees to buy back the use of any plot or lot for the original purchase price paid to West Point City. All transfers and conveyances must be notarized and documented with West Point City.

Mr. Laws stated if West Point City allows for an owner or certificate holder to sale cemetery plots for any price in which they choose, it could cause issue for the City in the future. For instance, if West Point City implements a price increase to the cemetery plot fee, an owner or certificate holder of a plot could have the ability to purchase cemetery plots for one price, then sale them to someone for a higher cost than the plots were purchased for but a slightly lower cost of the increased rate. Allowing someone to buy and sale cemetery plot could potentially cause West Point City to run out of burial plots sooner than anticipated.

Council Member Petersen expressed concern with disallowing an owner or certificate holder of a burial plot the right to sale a cemetery plot. He recommended West Point City maintain control over all transactions. Council Member Petersen stated he felt comfortable allowing an owner or certificate holder the ability to transfer, convey, or assign a burial plot to any person.

Council Member Dawson expressed support with allowing the certificate holder or owner to sale a burial plot to any person, for any amount in which they choose, as long as all transactions are documented through West Point City.

Council Member Chatterton requested the language be added "original purchase price paid to West Point City."

Mayor Craythorne stated the proposed amendments to 12.15.070 E., allows for clear documentation as to acceptable practices with burial plots. The City should not encourage the purchase and sale of burial plots as an investment.

The Council Members directed Staff to continue with both the unused/unclaimed burial plot reclaiming process and the amendments to 12.15.070 of the West Point City Code.

Mr. Laws informed the Council that recruitment had been held for the hiring of the Assistant City Manager/Finance Director position. Mr. Laws stated Mr. Boyd Davis had been offered and accepted the position of the Assistant City Manager. He then stated the Council would be asked to approve the appointment of Mr. Boyd Davis during the General Session. Mr. Laws then informed the Council that the Assistant City Manager position will be restructured to encompass Community Development. Mr. Laws stated recruitment for a Finance Director will continue. The two remaining candidates remain interested in the position of Administrative Services Director. He then stated the Administrative Services Director would encompass finance, utility billing, front desk, risk management, and assist with Human Resources.

Mayor Craythorne informed the Council that a public hearing would be held during the General Session with regards to Ordinance No. 07-16-2013A, Amending West Point City Code, Section 15.15.130 relative to brick requirements. He stated he had recently met with Jonathan and Sara Arrington regarding home plans which had been submitted to West Point City. Mayor Craythorne stated Mr. & Mrs. Arrington purchased a building lot on the corner of 4000 West and 1300 North and he may be present to address the council regarding the brick requirements, and not allowing a 100% hardie board home.

Council Member Dawson stated he received a notice from Davis and Weber Counties Canal regarding the water restrictions. Council Member Dawson stated he had been out of town and his timer happened to malfunction and his sprinklers were operating every day. He stated the employees with the Davis and Weber Counties Canal were cordial and easy to work with.

The Council then adjourned into the General Session.



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
July 16, 2013**

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

General Session

7:00 pm – Council Room

Minutes for the West Point City Council General Session held July 16, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Erik Craythorne presiding.

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

CITY EMPLOYEES PRESENT - City Manager Kyle Laws, City Engineer Boyd Davis, and City Recorder Misty Rogers

VISITORS PRESENT – Richard Roginski, Nancy Roginski, Patti Seffker, Nate Seffker, Campbell Hall, Jonathan Arrington, Sara Arrington, Kendall Laws, and Brian Vincent

1. **Call to Order** – Mayor Craythorne welcomed all in attendance.

2. **Pledge of Allegiance** – Repeated by all

3. **Prayer** – Council Member Woodward

4. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – no comment

Council Member Dawson recommended the Council view a YouTube video of the re-lining of Gordon Sewer Project.

Council Member Henderson thanked the West Point City Staff for the Fourth of July celebration.

Council Member Woodward thanked the West Point City Staff, Patti Seffker, and the Youth Council for their support and participation with the Fourth of July celebration.

Council Member Petersen thanked Council Member Woodward and his family for their assistance with the Fourth of July celebration. He then stated the North Davis Fire District had promoted John Taylor as Deputy Chief.

Mayor Craythorne expressed his appreciation to the West Point City Staff for their participation with Fourth of July celebration. He then stated the Fourth of July wrap up will be held on Thursday, July 18, 2013. Mayor Craythorne also thanked the Youth Council for their participation with the Veteran's Memorial float.

Communications from Staff

Mr. Laws informed the Council of the following items:

- The West Point City Staff and Family Summer Party will be held at 5:00 pm on August 1, 2013 on Bingham Park.
- 2013 Primary Election on August 13, 2013 (7:00 am – 8:00 pm)

- 2013 Primary Election Early Voting Schedule:
 Tuesday, July 30, 2013 – Friday, August 2, 2013 (1:00 pm – 5:00 pm)
 Tuesday, August 6, 2013 – Thursday August 8, 2013 (9:00 am – 1:00 pm)
 Friday, August 9, 2013 (1:00 pm – 5:00 pm)

Mayor Craythorne informed those in attendance two public hearings, regarding potential changes to the West Point City Code would be held later in the meeting.

5. Citizen Comment

Richard Roginski – 3996 West 300 North, West Point City

Mr. Roginski expressed the support with the house plan in which Mr. & Mrs. Arrington had submitted to West Point City. He stated the Arrington's had purchased a lot at approximately 1300 North 4000 West in the hopes of building a specific home, but because of the current code, they are unable meet the requirements. Mr. Roginski stated the current building code is too restrictive. Mr. Roginski stated he had previously served on the Planning Commission and he is aware of instances when variances were given to the General Plan. He then requested the Council consider variances within the building code to allow for such instances to allow for diversity.

6. Youth Council Update

Hunter stated the Youth Council had planted and is currently maintaining the community garden.

Nate Seffker stated the Youth Council borrowed military uniforms from World War I, World War II, Vietnam, and the Korean War and displayed them on the Veteran's Memorial float during the Fourth of July parade.

Campbell state the Youth Council volunteered with the Fourth of July celebration.

Mayor Craythorne thanked the Youth Council for their efforts.

7. Appointment of Assistant City Manager, Boyd Davis – Mr. Kyle Laws

Mr. Laws informed the Council that recruitment had been held for the hiring of the Assistant City Manager/Finance Director position. He then informed the Council that the West Point Community Development Director /City Engineer Mr. Boyd Davis had been a finalist in the selection process. Mr. Laws then stated Mr. Boyd Davis had been offered the Assistant City Manager position, and he accepted the offer. Mr. Laws stated the Assistant City Manager position will be restructured to encompass Community Development. He then stated the title of "Finance Director" will now be known as the "Administrative Service Director." Mr. Laws then stated there are two remaining candidates and the recruitment process for an Administrative Services Director will continue. Mr. Laws informed the Council that the Administrative Services Director would encompass finance, utility billing, front desk, risk management, and assist with human resources.

Council Member Chatterton motioned to approve the appointment of Mr. Boyd Davis as the West Point Assistant City Manager.

Council Member Dawson seconded the motion.

The Council unanimously agreed.

8. Ordinance No. 07-16-2013A, Consideration of Amending Section 15.15.130 of the West Point City Code, Relative to Brick Requirements on New Homes – Mr. Boyd Davis

Mayor Craythorne informed the Council that Mr. Davis would present information regarding the proposed amendment to section 15.15.130 of the West Point City code and then time would be allowed for the noticed public hearing.

Mr. Davis stated the Council had discussed brick requirements item several times during past Council meetings. He then stated in previous meetings two options were presented to Council. A consensus was formed by Council and a recommendation was given for Staff to proceed with Option 2.

Option #2 – Requiring a minimum of 40% brick on the front of all new homes, a 3’ wainscot on the sides, and an option to allow vinyl siding on the sides and back of a home.

Staff recommended the approval of Ordinance 07-16-2013A; applying the 40% rule to all new homes, regardless of the subdivision (no grandfathering under the old rule). West Point City has grandfathered subdivisions in the past, and allowing another grandfather rule, will cause confusion. Mr. Davis then stated subdivisions may have issue with the proposed code, as they may fall under a grandfathered rule from several years age. Mr. Davis stated Mr. Felshaw King; the West Point City Attorney is comfortable with the proposed amendments. He then informed the Council only new building permits would be required to follow the approved Ordinance.

a. Public Hearing

Sara Arrington – 1300 North 4000 West

Mrs. Arrington stated due to the confusion with the West Point City Ordinance she purchased a lot at 1300 North 4000 West with the assumption that she and her husband could build a 100% hardie board home under the current code. She then requested the City Council and the Planning Commission allow for “right to due process,” as this would allow for diversity and a well-balanced city.

Jonathan Arrington – 1129 South 2100 West, Syracuse

Mr. Arrington stated he is a member of the Homebuilders Association. He then stated he did not choose to purchase a lot and build in Syracuse due to their restrictive code. Mr. Arrington expressed concern with current and proposed West Point City building code. Mr. Arrington stated with a restrictive code, many people will not have the opportunity to purchase a new home, as home values will increase. Mr. Arrington stated he currently works for Sierra Homes and they currently own lots within the City. He expressed his concern with the proposed amendments not allowing for a subdivision to be grandfathered. He then requested the Council consider the business position of builder and how they may be affected by the proposed amendments.

Council Member Petersen motioned to close the public hearing.

Council Member Henderson seconded the motion.

The Council unanimously agreed.

Mr. Davis clarified the two rules which have been implemented into code:

- The first or the original rule required brick on the front of a home and not allow vinyl siding on the front of the home.
- The second rule or the current rule requires 40% of the home overall must be brick, rock, or stone.

Mr. Davis then stated when the second rule was adopted any subdivisions which had preliminary approval prior to the adoption of the current rule were grandfathered.

Council Member Petersen stated the proposed amendments are less restrictive than the current code. He then stated the Council has the responsibility to consider long term effects to allow for renewable communities. Council Member Petersen stated he was in favor of the proposed amendments and moving forward.

Council Member Chatterton asked when Mr. & Mrs. Arrington had purchased the building lot. Mr. Arrington stated they had purchased the lot approximately two earlier. Council Member Chatterton stated the Council had reviewed this subject over and over for the past several months. Council Member Chatterton stated he was in favor of the proposed amendments.

Council Member Woodward asked if the Planning Commission had discussed how Pheasant Creek and other subdivisions may be affected by the proposed amendments. Mayor Craythorne stated that it had not been discussed by the Planning Commission, as it was a late coming item and because it is an Administrative function.

Mr. Davis stated the best way to implement the propose Ordinance is from a specific date, as this would give clarity. Mr. Davis stated if a rule becomes less restrictive, the grandfathered subdivision can reduce to the less restrictive rule.

Mayor Craythorne informed the Council that the proposed ordinance would take effect immediately upon signing.

The Council agreed to allow any subdivision grandfathered before the year 2006 be allowed to remain grandfathered under their original rule.

b. Action

Council Member Petersen motioned to approve Ordinance No. 07-16-2013A, Amending Section 15.15.130 of the West Point City Code, Relative to Brick Requirements on New Homes. With the additional language allowing for any for development grandfathered under the first rule be allowed to remain under the first rule.

Council Member Henderson seconded the motion.

The Council unanimously agreed.

Council Member Dawson - Yes

Council Member Henderson - Yes

Council Member Chatterton - Yes

Council Member Woodward - Yes

Council Member Petersen - Yes

9. Ordinance No. 07-16-2013B, Consideration of Amending Section 17.25.070 of the West Point City Code, Relative to the Land Use Table – Mr. Boyd Davis

Mr. Davis stated a moratorium for all commercial projects currently exists. Staff had been given direction to review and update the land use table. The Planning Commission has reviewed and approved the proposed land use table. Mr. Davis stated items were removed from the land use table if:

- The uses were already prohibited
- The uses were undesirable
- No definition

Other uses were modified to limit uses to certain zones or require a conditional use permit.

Examples of Removed Uses:

- Mobile Home Parks
- Halfway House
- Wrecking or Salvage Parks
- Taverns

Examples of Modified Uses:

- Gasoline, Sales, & Wholesales (removed from RC zone and added to R/I-P zone)
- Service Stations
- Mini Storage Units (changed to "Storage Units" and permitted in R/I-P)

Staff recommended the Council approve 07-16-2013B, An Ordinance Modifying Land Use Regulations. Mr. Davis then stated upon approving Ordinance No. 07-16-2013B the moratorium will be removed.

Council Member Chatterton asked the difference between a Storage Warehouse and a Storage Unit. Mr. Davis stated the he would need to review the definition of a Storage Warehouse, however both would only be allowed in an Industrial zone.

a. Public Hearing – no comment

Council Member Henderson motioned to close the public hearing.
Council Member Dawson seconded the motion.

b. Action

Council Member Chatterton motioned to approve Ordinance No. 07-16-2013B, Amending Section 17.25.070 of the West Point City Code, Relative to the Land Use Table.
Council Member Petersen seconded the motion.

The Council unanimously agreed.

Council Member Petersen – Yes
Council Member Chatterton – Yes
Council Member Henderson – Yes
Council Member Dawson – Yes
Council Member Woodward - Yes

10. Adoption of Minutes from the June 18, 2013 Council Meeting – Mrs. Misty Rogers

Council Member Petersen motioned to approve the June 18, 2013 City Council Minutes.
Council Member Henderson seconded the motion.

The Council unanimously agreed.

11. Motion to Adjourn

Council Member Woodward motioned to adjourn.
Council Member Dawson seconded the motion.

The Council unanimously agreed.



GARY PETERESEN
MAYOR PRO-TEM

8 Aug 2013
DATE



MISTY ROGERS
CITY RECORDER

8-6-2013
DATE

