



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
December 3, 2013**

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

Minutes for the West Point City Council Administrative Session held December 3, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Erik Craythorne, Council Member Andy Dawson, Council Member Kent Henderson, Council Member Gary Petersen, Council Member Jeffrey Turner and Council Member Jerry Chatterton (arrived at approximately 6:15pm).

CITY EMPLOYEES PRESENT - City Manager Kyle Laws, Assistant City Manager Boyd Davis, Administrative Services Director Evan Nelson, Public Works Director Paul Rochell, and City Recorder Misty Rogers

VISITORS – Bart Gross, Leslie and Karen Duersch, Rod Carter, John Long, and Earl Cammack

Mayor Craythorne stated there were two cards available for Council Members to sign, one for Jeff Oyler the West Point City Planner as he had been hired by Davis County and Brent Page the West Point City Inspector thanking him for the remodeling which he had done at City Hall. He then turned the time over the Mr. Davis.

1. Discussion of Cooperative Agreement with UDOT for the 3000 West Project – Mr. Boyd Davis

Mr. Davis stated this item had been discussed during the November 19, 2013 Administrative Session. He stated that West Point City had received a \$3.3 federal grant for the widening and reconstruction of 3000 West from 300 North to 1300 North.

Mr. Davis stated that UDOT had located an I-15 corridor project which is being funded by both state and federal money. Because UDOT is using federal funding for the project, they are required to meet federal funding requirements for the entire project. Therefore they have proposed swapping the state funds received for their I-15 project with federal funds from West Point, Syracuse, Clinton, and Hooper for the 3000 West corridor project.

Mr. Davis stated when state and federal funds are swapped, 15% of the funding is lost leaving 85% of the funding available. The City match also increases from a 6% match to a 10% match. Mr. Davis stated that even with the loss of approximately \$500,000 from the funding swap and the match increase, Staff believed there could be a savings of approximately \$1 million to West Point City.

West Point City has the opportunity to either complete the project for less money or the City could apply \$75,000 in addition to the matched funds for other enhancements to the project. Staff recommended the City budget for the \$75,000 match; therefore the City would receive \$750,000 in state funding. Due to the nature of the project, the matching funds would be paid from the road impact money.

Mr. Davis stated by swapping federal funds for state funds, West Point City estimated the following savings:

- Davis Bacon Wages could save approximately 10%.
- Buy America could save approximately 5%.
- UDOT Oversight could save approximately 10%.

- 1 Year of inflation could save approximately 2%.
- Not bidding the project as a UDOT bid could save approximately 10%.

Mr. Davis stated by using state funds, West Point City could save approximately 37% on the 3000 West project. Staff recommended the Council approve the Cooperative Agreement with UDOT for the state and federal funding swap during the General Session. Mr. Davis also informed the Council the Cooperative Agreement should be approved as Resolution No 12-03-2013.

The Council Members expressed no concern with the proposed funding swap.

2. Discussion of Property Owned by Mr. Leslie Duersch – Mr. Boyd Davis

Mr. Davis stated Mr. Duersch owned property located at approximately 300 North just below the Bluff and east of the Hooper Canal. Over the past several years, Mr. Duersch and his neighbors had been experiencing flooding. A map of the property was then shown to the Council Members for review.

Upon review of the area it was determined the property to the east had little slope to the south, the property mostly slopes from east to west. Mr. Davis stated that snowmelt and rain runoff seem to be the cause of flooding. Mr. Davis then presented a power point presentation showing the map of the area being discussed.

Mr. Davis stated in the past, a ditch located to the west of the discussed property had successfully drained water away from the mentioned properties to prevent flooding. However over the past few years, portions of the ditch had been filled in and a pipe which crossed under 300 North was relocated 4" higher and reduced in size from a 15" pipe to a 10" pipe by the Davis and Weber Counties Canal. To keep compliance with UDOT standards, Davis and Weber Counties Canal was required to reduce the size of the pipe from a 15" to a 10" pipe, as this allowed for a specific amount of coverage over the pipe. Mr. Davis stated due to the reduction in pipe size, it may allow water to back up. However each year Staff has inspected the area and there had not been any water which had reached the 10" pipe.

Mr. Davis stated the City had been in contact with the property owners and requested that the property owners clean the ditches in the area as they are private ditches. He then stated the property owners had made several improvements to the area over the past summer which may alleviate the drainage issue.

Mr. Davis stated that Mr. Duersch had requested the City replace the 10" pipe with a 15" pipe. However, because of the improvements made to the area and the steeper slope of the existing pipe Staff recommended waiting to see if the 10" pipe would accommodate the drainage. Mr. Davis stated because of the slope, the 10" pipe in theory could carry more than the old 15" pipe. Staff also recommended that the property owners continue to keep the ditch clean and free from debris.

Mr. Carter asked if Mr. Davis had located the ends of both pipes being discussed. Mr. Davis stated yes, he had located both ends of the pipe. Mr. Gross stated the pipe being discussed is 4" higher and he is concerned the water will continue to back up in the area. Mr. Davis stated some water may back up into the ditch, he then stated the ditch is approximately 1 foot to 1 ½ foot deeper than the surrounding property. Because the ditches had been cleaned properly the possibility of flooding should decrease.

Mr. Gross asked if Mr. Davis had taken a survey shot of the discussed area. Mr. Davis stated he had taken a survey shot of the area a few days prior to the meeting. Mr. Gross stated the pipe is 4" higher than the original 18" pipe and it followed the West boundary line. He then stated the new 10" pipe is sloping up hill at the box. Mr. Gross asked why the drainage pipe couldn't be relocated under the Davis and Weber Counties Canal pipe. He then stated since Mr. Jim Burt placed a ditch bank along the canal, it had become even more difficult for water to drain properly.

Mr. Gross, Mr. Duersch, and Mr. Carter all stated the original size of the pipe was in fact an 18" pipe, not a 15" pipe.

Mr. Davis stated that over the past few years, Mr. Duersch had discussed the following three issues with Staff. He also stated that Mr. Duersch had filed a complaint with the Property Rights Ombudsmen.

- 10 inch pipe vs. a 15" pipe (Staff agreed to re-measure and verify the size of pipe)
- Plugged drainage ditch to the south. (The Public Works Dept. had cleaned the drainage ditch several years ago to try to help alleviate flooding)
- Berms along the south of property prohibited water to access the ditch. (This had been resolved as breaks had been made within the berm to allow for drainage)

Mr. Carter stated over the past 50 years, the ditch to the south drained properly, until a berm was placed by Mr. Jim Burt. He stated it was his opinion that even if the improvements that had been made over the past year were successful and allowed for draining there would be years the 10" pipe would be incapable of accommodating drainage from the property. Mr. Carter stated on his property he installed an 18" pipe to accommodate the amount of water draining from his property. He stated in his opinion a 10" pipe could not accommodate the amount of drainage from the other discussed properties.

Mayor Craythorne asked Mr. Davis what percentage of fall the existing 10" pipe currently had. Mr. Davis stated the existing 10" pipe had a fall of approximately one foot or 3%. Mr. Carter requested that Staff re-survey the slope of the original pipe.

Mayor Craythorne stated depending on the slope of the original pipe, the new 10" pipe at a 3% fall could take almost as much water as a 15" pipe laid at a 1% slope. He then stated that both slope and size are critical elements to determine the amount of water which could flow through a pipe. Mayor Craythorne stated the slope of the original pipe was unknown. Mr. Carter stated the original pipe had a "good" slope. He then stated it didn't matter the slope of the pipe, at some point a pipe reaches capacity.

Council Member Petersen stated Davis and Weber Canal had replaced the original pipe with a 10" pipe. He asked if Mr. Duersch had contacted the Davis and Weber Counties Canal regarding the flooding issue. Mr. Gross and Mr. Duersch stated on many occasions they tried to discuss the flooding matter with Davis and Weber Counties Canal.

Council Member Petersen stated calculating water is difficult. He then stated there are multiple players within the issue. Mr. Gross stated that the property owners had done all that they could do, they need assistance from key players. Mr. Gross asked who approved the relocating of the original pipe; he also asked why the original pipe needed to be relocated. He stated he would like 18" pipe to be relocated to its original location and position.

Mr. John Long presented photographs to the Council.

Mayor Craythorne stated that Staff and members of the Council had viewed the area of concern. He then stated over the past 12 months the property owners had made improvements to the area. Therefore, Staff recommended waiting to see what type of effects the improvements would have on the area and the possibility of flooding. Mr. Gross expressed concern with waiting to make alterations to the pipes. He stated the water backs up into his barn and his horses are left standing in water.

Mr. Carter stated the old 18" pipe had been taking 58% more water than relocated 10" pipe. The flow with a 18" pipe is better and the flow of a 10" pipe.

Mayor Craythorne stated that water enters a box and must raise 4" before it can drain into the 10" pipe. The water then backs up into the ditch.

Mr. Davis stated he could not guarantee that the improvements made to the area would be adequate for proper drainage of the 10" pipe. However, Staff recommended not acting too quickly and to wait to see if the improvements made would allow for successful draining of the properties.

Mr. Davis stated the property owners had requested that West Point City replace the 10" pipe with a larger pipe. He then posed the question as who should be responsible for the material, labor, and improvements associated with the installation of a larger pipe. Mr. Davis stated that the West Point City Attorney replied to the Property Rights Ombudsmen regarding this issue, and in the response from the City Attorney he stated that West Point City did not have any responsibility with the issue, however the Council could choose to assist the property owners with the issue.

Mr. Long stated there had also been modifications made to the canal. Mr. Davis stated that the ditches are private, and the modification issues would need to be discussed with the canal company.

Council Member Petersen stated West Point City may not be able to assist with the actual improvements and modifications to the 10" pipe. He then stated West Point City may be able to assist with communication between the property owners and the responsible parties.

Mr. Carter asked the City Council where they would draw the line to assist residents and property owners who have been affected by others actions. Council Member Petersen stated he was sympathetic towards the issue at hand, however the City cannot intervene with civil issues. He stated the Council could possibly help with communication with responsible parties but the City could not take responsibility.

Mr. Duersch and Mr. Gross asked who approved the relocation of the original drainage pipe. Mayor Craythorne stated West Point City did not have any jurisdiction over a project on a state road. Therefore a permit was not required to be filed with West Point City for the modifications which were being done. Mayor Craythorne stated the canal company is a private entity; therefore modifications made to the canal are not filed with West Point City.

Mr. Long asked if a permit would be required for storm drain work within West Point City. Mayor Craythorne stated storm drain modifications within city streets would require a permit but storm drain modifications on a state road would not.

Mayor Craythorne asked the property owners if they believed the improvements done over the past 12 months would prevent or ease the flooding. Mr. Gross stated a portion of the improvements had completed last year and they still flooded in 2013. Each of the property owners stated no, they believed the improvements made would not successfully eliminate the current flooding issues.

Mr. Gross stated a 36" culvert being used as a thrust box is located on the north side of 300 North is also causing issue. Mr. Long stated the 36" cement culvert near his property sits higher than the pipe upstream causing water to back up and flooding to occur. Mr. Long stated during the spring of 2013, water reached nearly to the top of the culvert and a swirling effect could be seen. He then stated before the thrust box was installed the water would properly drain down the ditch. Since the installation of the thrust box, he has had flooding and water drainage issues.

Council Member Chatterton asked who installed the 36" culvert. Mr. Davis stated the Davis and Weber Counties Canal had also installed the 36" pipe. Mayor Craythorne asked when the 36" culvert was installed. A comment was made that the culvert had been installed at the same time that Davis and Weber Counties Canal had relocated the 10" pipe.

Mr. Carter stated flooding on Mr. Duersch's property has reached his basement floor or higher.

Mayor Craythorne stated over the years, water would flow to the west, into the ditch, and drain out. Mr. Duersch stated 35 years had passed without flooding issues. He stated flooding on his property hadn't occurred until the installation of the 10" pipe.

Mr. Duersch stated flooding started to occur around the time in which Mr. Jim Burt began developing his property. Mr. Duersch stated that Mr. Burt had begun making improvements to his property before the City approved his development. Mr. Duersch stated it was his opinion that if West Point City had forced Mr. Burt to follow state regulations, install a silt fence, and adhere to city code there would not be flooding issues. Mayor Craythorne stated West Point City is not required to force a property owner to adhere to city code if make improvements to his property.

Mr. Cammack asked if a property owner could make improvements to their property by adding sewer and storm drain lines without having a building permit. Council Member Petersen and Mayor Craythorne both stated that a property owner could make improvements such as those at the risk of the property owner, as West Point City may not approve the improvements made. Someone expressed concern with manholes installed by Mr. Burt that do not have any covers installed. Mayor Craythorne stated he understood the property owners concerns; however that was not the current issue.

Council Member Petersen stated the Council is concerned and is sympathetic to the flooding issues. He expressed his desire for Staff to discuss this issue with Davis and Weber Counties Canal.

Mayor Craythorne stated the Council would commit to contacting the Davis and Weber Counties Canal for further discussion and review. He then thanked the property owners for their input.

Mr. Duersch asked if it is the responsibility of the City or another property owner to notify another property owner know if they are causing flooding because of improvements made to property. He stated he had contacted Mr. Davis several times with regards to improvements being made by Mr. Burt. Mr. Cammack then read aloud West Point City Code section 13.25.090.

Mr. Carter asked if West Point City would be willing to provide a pump for instances when the flooding occurs.

Mayor Craythorne stated Staff would set up a meeting with Davis and Weber Canal regarding the discussed issue.

OTHER ISSUE

Mayor Craythorne stated the Council retreat had been scheduled for January 10, 2014. He then stated he had a conflict of interest and asked if the Council would be willing consider moving the retreat. The Council members agreed to change the Council retreat to January 31, 2014. He then stated the January 7th and 21st Council meetings would be held.

The Council then adjourned into the General Session.



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Jerry Chatterton
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R. Kent Henderson
Jeffrey Turner

City Manager
Kyle Laws

General Session

7:00 pm – Council Room

Minutes for the West Point City Council General Session held December 3, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Craythorne presiding.

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

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

VISITORS PRESENT – Preston Turner, Kandace Evans, Makayla Winegar, Austin Manjuca, unknown person, Alesha Horton, Kelton Smith, Brandon Swenson, Wyatt German Hugh Ryan, Kevin Ryan, Kevin Ryan, Logan Kelley, Jace Purser, Zach Ricker, Bailey Baner, Steven Fullmer, Madison Neyts, Ashley Weeks, Hannah Steed, Kelsey Perkes, Gail Perkes, Serina Hammon, Daminique Vasquez, Shaylee Milne, Kavika Fonua, Jace Gallegoes, and Bailee Franklin.

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

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

3. **Prayer** – Council Member Petersen

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

Council Member Chatterton – no comment

Council Member Dawson – no comment

Council Member Petersen – no comment

Council Member Turner – no comment

Council Member Henderson – no comment

Mayor Craythorne stated most of the cities within Davis County had lowered their flags to half-staff due to the passing of the Mr. Steve Curtis, the Layton City Mayor.

5. **Communications from Staff**

Mr. Laws stated the Cemetery Luminary would be held on Friday, December 20, 2013 at 4:00 pm

Mayor Craythorne stated the West Point City Lighting Ceremony had been held on Monday, December 1, 2013. He then expressed his thanks to the West Point City Staff for their efforts and preparation for the celebration.

6. Citizen Comment – no comment

7. Youth Council Update

Mayor Craythorne welcomed the Youth Council Members.

Youth Council Mayor, Hannah Steed stated the Youth Council currently had 54 members. She then stated within the last several weeks the Youth Council had accomplished many great things.

Youth Council Mayor Pro-Tem, Jared Seffker stated that the Youth Council had placed flags on the Veteran's graves at the West Point City Cemetery. He then stated that Mr. Harry Trease had spoken to the Youth Council about his military experiences.

Youth Council Treasurer, Allie Leerskov stated that since the Youth Council Swearing in, the Officers had met and planned the Youth Council Fall Retreat which had the theme of "Tangled". She state during the retreat the Youth Council Members discussed rules and requirements for remaining on the Youth Council.

Youth Council Recorder, Logan Kelly stated during the fall retreat the Youth Council Members played get to know you games and formed better communication skills.

Youth Council Historian, Austin Madison stated during the West Point City Lighting Ceremony, the Youth Council Members served hot chocolate, took photographs of Santa and the children, played the piano, and assisted with other activities.

Youth Council Head Chair, Kelsey Perkes stated December 4, 2013 would be the first official Youth Council meeting. They would be planning events and activities for the next year. She then thanked the Council Members for their support with the Youth Council Program.

Mayor Craythorne thanked the Youth Council Members for their involvement with the City and the Youth Council program.

8. Consideration of Approval of Cooperative Agreement with UDOT for 3000 West Project – Mr. Boyd Davis

Mr. Davis stated West Point City received a federal grant in the amount of \$3.3 million for the reconstruction and widening of 3000 West from 300 North to 1300 North. Mr. Davis then stated the City was required to match 6.7% of the funds.

Mr. Davis stated UDOT had approached the City and proposed swapping the federal grant with a state grant. Mr. Davis stated when using a federal grant, special requirements and stipulations which are costly must be met. He then stated the proposed fund swap with UDOT would be beneficial to West Point City as the requirements with state funding are not as cumbersome. Mr. Davis then stated if the funding swap were approved, West Point City would lose 15% of the funding amount and the City match would increase from a 6.7% match to a 10% match. However, West Point City could save 37% overall.

Staff recommended the Council accept the funding swap and approve of Resolution No 12-03-2013, the Cooperative Agreement with UDOT for 3000 West Project.

Mayor Craythorne stated the reconstruction and widening of 3000 West could include roundabouts at 800 North 3000 West and 1300 North 3000 West. He then stated this project is scheduled to fund in 2013, and the design phase will begin in 2014.

Council Member Dawson motioned to approve Resolution No 12-03-2013, the approval of the Cooperative Agreement with UDOT for the 3000 West Project.

Council Member Henderson seconded the motion.

The Council unanimously agreed.

Adoption of Minutes from the November 19, 2013 Council Meeting – Mrs. Misty Rogers

Council Member Petersen motioned to approve the November 19, 2013 City Council Minutes.
Council Member Chatterton seconded the motion.

The Council unanimously agreed.

Mayor Craythorne thanked the West Point City Recorder for her efforts with the Council minutes.

Motion to Adjourn

Mayor Craythorne thanked those in attendance.

Council Member Petersen motioned to adjourn.
Council Member Chatterton seconded the motion.

The Council unanimously agreed.


ERIK CRAYTHORNE, MAYOR

12/17/13
DATE


MISTY ROGERS, CITY RECORDER

12/17/2013
DATE

