



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
January 21, 2014**

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

Administrative Session
6:30 PM

Minutes for the West Point City Council Administrative Session held January 21, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Pro-Tem Petersen presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Pro-Tem Petersen, Council Member Jeffrey Turner, Council Member Kent Henderson, and Council Member Andy Dawson

EXCUSED – Mayor Erik Craythorne and Council Member Jerry Chatterton

CITY EMPLOYEES PRESENT – City Manager Kyle Laws, Assistant City Manager Boyd Davis, Administrative Services Director Evan Nelson, and City Recorder Misty Rogers

Mayor Pro-Tem Petersen excused Mayor Craythorne and Council Member Chatterton he then turned the time over to Mr. Davis.

1. Discussion of Memorandum of Understanding with Davis County Health Department – Mr. Boyd Davis

Mr. Davis stated Federal Law requires each City to have a storm drain program. Approximately two years ago, the state of Utah performed an audit of West Point City's storm water program. At the conclusion of the audit, it was found that an enforcement agreement between West Point City and the Davis County Health Department didn't exist. Mr. Davis informed the State of Utah that West Point City had an enforcement strategy in place, and that West Point had always relied on the Davis County Health Department for their services as well as their enforcement. The State of Utah then informed the City that a verbal agreement was not acceptable and requested that West Point City and the Davis County Health Department enter into a formal agreement.

Mr. Davis stated because the Davis County Health Department currently has the authority for enforcement, West Point City must use a document called a Memorandum of Understanding(MOU). This memorandum cites State Code, clarifies the plan which had been in place, and allows for additional language with regards to enforcement.

Mr. Davis informed the Council that Salt Lake County had already used the MOU to satisfy the requirement with the State of Utah. Mr. Davis stated that West Point City Staff had met with Davis County and together they had drafted the proposed memorandum and both City Staff and Health Department are comfortable with the proposed memorandum. Once the West Point City Council approves the MOU, it will be presented to the County Commission for their approval.

Mr. Davis informed the Council that the MOU drafted by West Point City and Davis County would be used as a template throughout Davis County, as every City within the County will be required to enter into the same agreement with the Davis County Health Department.

The MOU states that the Davis County Health Department has the authority to enforce both state and local laws with regards to public health, sanitation, safety, and environmental quality. The County has the authority to issue citations and take legal action if necessary. It also states that Davis County has jurisdiction in both the unincorporated and incorporated areas of Davis County.

The MOU states that Davis County has the responsibility to investigate incidents, report to West Point City, determine appropriate enforcement action, initiate action, and recoup costs. It also states that West Point City has the responsibility to report incidents to Davis County Health Department, cooperate with investigations, and have a representative of the City on site during investigations.

Council Member Dawson asked if the Davis County Health Department tests any area of the City on a regular basis. Mr. Davis stated no testing occurs on a regular basis. The Health Department patrols and receives tips via hotline reporting. He then stated regular testing typically occurs in areas of the County where natural streams exist.

Staff recommended the Council approve the proposed MOU and authorize the Mayor to sign the document.

Council Member Henderson asked if the proposed memorandum would be acceptable by the State of Utah and allow for West Point City to remain in compliance with federal law. Mr. Davis stated yes, Staff believes the memorandum would satisfy the requirements of the State of Utah.

Council Member Petersen asked if the Davis County had always had the responsibility for enforcement with the storm water program. Mr. Davis stated yes, the proposed MOU only formalized what was already in place.

The Council expressed no concerns with the proposed memorandum.

Mr. Laws informed the Council of the following items which had be scheduled for the General Session:

- Item #7, the presentation from the Mosquito Abatement District of Davis would be rescheduled for a future meeting.
- Utah State Code requires that on or before the first Monday in February following a Municipal Election the Mayor, with the advice and consent of the Council is required to appoint qualified persons to the office of City Recorder and Treasurer. Therefore, during the General Session the Council would be asked to reappoint Julie Gentry as the West Point City Treasurer and Misty Rogers as the West Point City Recorder. Mr. Laws then stated the West Point City Ordinance may need to be amended in the future as it currently states the City Manager has the authority to appoint the City Recorder and Treasurer Position, however state code specifies otherwise.

Council Member Dawson expressed his appreciation to Misty Rogers, the West Point City Recorder with regards to the way in which the election process was conducted. He stated the information and notices received from the City Recorder were much appreciated.

Mayor Pro-Tem Petersen stated the election process seems to get better each year. He then stated the 2013 election process for the surrounding areas made him realize how grateful he was to those who assisted with the West Point City Election process. Mrs. Rogers thanked the Council for their comments.

- Item #12, Staff would recommend two subdivisions be released from Warranty.
- Item #11, Wise Country Meadows Ph. 2.

Mr. Davis stated Castle Creek Homes had approximately seven lots to sale to comply with the 80% rule within Wise Country Meadows Ph. 1. He then stated a few of the lots may have been transferred to another entity to satisfy the 80% rule. Mr. Davis stated he had spoken with Mayor Craythorne with regards to the 80% rule and it was the impression of the Mayor that this was a rule for larger subdivisions.

Council Member Henderson stated the 80% rule is a rule and must be followed. Mr. Davis stated other developers have satisfied the 80% requirement by transferring ownership to another entity. Council Member Henderson then

asked if transferring ownership to another entity could be considered the same as a sale of a property, thus reaching the 80% lots sold requirement.

The Council expressed concern if developers are transferring lots to other entities only to satisfy West Point City's 80% lot sold requirement. The Council requested that the Planning Commission and City Staff review the current ordinance and consider amending the rule to differentiate between a sale and a transfer.

Council Member Turner stated if the 80% rule had been intended for larger subdivisions, he recommended language be added to the code stating any subdivision over a specified number of lots must meet the 80% rule.

Mayor Pro-Tem Petersen asked why the developer was asking for approval for Ph. 2 if the 80% requirement hadn't been met. Mr. Davis stated that he believed that Castle Creek Homes, the developer would like to begin the improvements of Ph. 2. He then stated that would be a question for Mr. Kyle Hamblin, an associate of Castle Creek Homes.

Mr. Davis reminded the Council that the developer's agreement from Ph. 1 covers the other 3 Phases of the subdivision. He then stated the Council could table the item if they were uncomfortable with approving Wise Country Meadows Ph. 2

Mayor Pro-Tem Petersen expressed concern with approving Wise Country Meadows, Ph. 2 as the 80% rule had not been satisfied. He stated the Council may wish to table the items to future meeting if they chose.

Mr. Laws informed the Council that because of the January 31, 2014 Council Visioning Meeting, the February 4, 2014 Council meeting had been cancelled. He stated the next Council Meeting wouldn't be held until February 18, 2014.

Council Member Turner stated the developer may be trying to get ready for spring construction. He stated if the Council tabled the item the development could be pushed behind schedule as the Council wouldn't be meeting again until February 18th.

The Council recommended that Staff and the Planning Commission review the current ordinance and consider amendments for clarification.

The Council then adjourned into the General Session.



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Mayor
Erik Craythorne

Council
Gary Petersen, Mayor Pro Tem
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 January 21, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Pro-Tem Petersen presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Pro-Tem Petersen, Council Member Kent Henderson, Council Member Jeff Turner, and Council Member Dawson

EXCUSED – Mayor Erik Craythorne and Council Member Jerry Chatterton

CITY EMPLOYEES PRESENT – City Manager Kyle Laws, Assistant City Manager Boyd Davis, Administrative Services Director Evan Nelson, and City Recorder Misty Rogers

VISITORS PRESENT – Kyle Hamblin and Three Members of a Boy Scout Troop

1. **Call to Order** – Mayor Pro-Tem Petersen welcomed all in attendance.
2. **Pledge of Allegiance** – Repeated by all
3. **Prayer** – Council Member Turner

Mayor Pro-Tem Petersen excused Mayor Craythorne from the January 21st Council Meeting.

4. Communications and Disclosures from City Council and Mayor

Council Member Dawson stated the North Davis Sewer District had recently met with West Point City Staff to discuss the North Davis Sewer District Fee Schedule which would take effect in July 2014. Council Member Dawson informed the Council that the upcoming fee schedule included the following:

- Sewer Impact Fee - an increase of approximately \$200.
- Sewer Fees (collected monthly by West Point City) - an increase of \$3.00 per month. A total increase to the sewer fee of \$12.00 over the next four years.

Because of needed upgrades to the North Davis Sewer District facility, it was imperative to increase the fees charged by the Sewer District. The fees collected by the Sewer District will be used for upgrades and expansion to the facility, which will allow the Sewer District to remain in compliance with state and federal laws.

Council Member Dawson stated that he had been vocal and argumentative with regards to the fee increases by North Davis Sewer District. He expressed concern with the need to increase fees; however he worked hard to keep the rate increases as low as possible for the residents of West Point City.

Residents should expect to see information in the mail from the North Davis Sewer District with regards to fee increases and upcoming Open Houses. Council Member Dawson stated the fee increases to the North Davis Sewer District are an initiative of the Sewer District and not West Point City.

Council Member Dawson stated the North Davis Sewer District had been in the process of lining sewer pipes in Layton City. The lining of sewer pipes is a cost savings compared to that of actually replacing pipes; however numerous sewer pipes throughout the County are in need of lining.

Council Member Turner – No Comment

Council Member Henderson – No Comment

Mayor Pro-Tem Petersen requested that Staff bring forth information from the North Davis Sewer District during an upcoming Administrative Session.

5. Communications from Staff

Mr. Laws reminded the Council that the West Point City Council Visioning Retreat would be held on Friday, January 31, 2014 and the Council would meet socially at 6:30 pm following the meeting. Mr. Laws then stated because of the January 31st meeting, the February 4, 2014 Council Meeting would be cancelled.

6. Citizen Comment – No comment

7. Presentation by Mr. Gary Hatch, General Manager of the Mosquito Abatement District Davis (MADD)

The presentation by the Mosquito Abatement District of Davis was cancelled and will be rescheduled for a future meeting.

8. Consideration of Reappointment of Planning Commissioners – Mayor Craythorne

Council Member Henderson motioned to appoint John Detamore, Curtis Seeds, and Brian Vincent as West Point City Planning Commissioners.

Council Member Dawson seconded the motion.

The Council unanimously agreed.

9. Resolution No 01-21-2014, Consideration of Reappointing City Treasurer and City Recorder – Mayor Craythorne

Mayor Pro-Tem Petersen informed those in attendance that Utah State Code requires that following a Municipal Election the Mayor, with the advice and consent of the Council, is required to appoint qualified persons to the office of City Recorder and Treasurer. Therefore, it was recommended the Council reappoint Julie Gentry as the West Point City Treasurer and Misty Rogers as the West Point City Recorder.

Council Member Dawson motioned to reappoint the current West Point City Treasurer, Julie Gentry and the current West Point City Recorder, Misty Rogers by approving Resolution 01-21-2014.

Council Member Henderson seconded the motion

The Council unanimously agreed.

10. Consideration of Memorandum of Understanding with Davis County Health Department – Mr. Boyd Davis

Mr. Davis informed those in attendance that this item had been discussed during the Administrative Session. He stated that Federal requirements mandate that West Point City have a Storm Drain Program and an Enforcement Program for

hazardous waste spills or dumping into a storm drain or stream. Mr. Davis stated that the Davis County Health Department has always and will continue to enforce the program. The proposed Memorandum of Understanding clarifies the agreement and states the Davis County Health Department will continue to enforce the storm drain program for West Point City and that the City will cooperate with the Health Department.

Staff recommended the Council approve of the Memorandum of Understanding with the Davis County Health Department and authorize the Mayor to execute the document.

Council Member Henderson motioned to approve the Memorandum of Understanding with the Davis County Health Department and to authorize the Mayor to execute the document.

Council Member Turner seconded the motion.

The Council unanimously agreed

11. Consideration of Approval of Wise Country Meadows Ph. 2 – Mr. Boyd Davis

Mr. Davis informed those in attendance that this item had been discussed during the Administrative Session. He then stated the Wise Country Meadows Subdivision was located at 550 N. 3000 W. and Ph. 1 of the subdivision consists of approximately 21 lots and was currently under construction.

The developer requested the Council's approval of Ph. 2 which consists of approximately 20 lots. Mr. Davis stated the subdivision had met all review requirements and had submitted all requested items, however the 80% lots sold requirement had yet to be met. He then asked Mr. Kyle Hamblin if any of the unsold lots had been transferred to another entity in order to meet the 80% requirement. He then turned the time over to Mr. Hamblin, an associate of Castle Creek Homes to address the Council.

Mr. Hamblin stated no lot transfers to another entity had occurred. He stated Wise Country Meadows Ph. 1 consists of 21 lots, ten of those lots had sold, five homes within Ph. 1 were under construction, three homes were occupied, and approximately six additional lots have sold or were under contract. He stated if the Council considered the six lots under contract as sold, Wise Country Meadows Ph. 1 would meet the 80% lots sold requirement.

Mayor Pro-Tem Petersen asked if Castle Creek Homes would be comfortable with the approval of Wise Country Meadows Ph. 2, subject to City Staff verifying 80% of the lots actually being sold. Mr. Hamblin stated Castle Creek Homes would be comfortable with the approval subject to Wise Country Meadows meeting the 80% lots sold requirement. The Council requested that Mr. Davis verify 80% lots sold within Wise Country Meadows Ph. 1 before any work began on Ph. 2.

Mr. Hamlin asked if the fence line issue between Wise Country Meadows and Mr. Glen Wade had been resolved. Mr. Davis stated yes, it had been discussed during a previous meeting and all issues had been resolved.

Council Member Dawson motioned to approve Wise Country Meadows Ph. 2, subject to the sale of homes within Ph. 1 equaling 80% and verification with Mr. Davis, the West Point City Assistant City Manager. Council Member Turner seconded the motion.

The Council unanimously agreed.

12. Consideration of Removal of 800 North Street Church Subdivision From Warranty – Mr. Boyd Davis

Mr. Davis stated the 800 North Street Church Subdivision was the LDS Church located at 3290 West 800 North. It has been under Warranty since August 2012, and it has exceeded the one year warranty period. Mr. Davis stated the only Warranty items for the 800 North Street Church Subdivision were the curb, gutter, and sidewalk in front of the Church.

Mr. Davis then stated Lindon Estates Ph. 3 Subdivision consisted of approximately seven lots and has been on Warranty since February 2011, and the remaining sidewalk has been installed.

Staff recommended both the 800 North Street Church Subdivision and the Lindon Estates Ph. 3 Subdivision be removed from Warranty.

Council Member Henderson motioned to remove the 800 North Street Church Subdivision and the Lindon Estates Ph. 3 Subdivision from Warranty.

Council Member Dawson seconded the motion.

The Council unanimously agreed.

13. Consideration of Removal of Lindon Estates Ph. 3 from Warranty – Mr. Boyd Davis

The removal of the Lindon Estates Ph. 3 from Warranty took place at the same time as item 12, removing the 800 North Church Street Subdivision from Warranty. *(See item 12)*

14. Adoption of Minutes from the December 17, 2013 Council Meeting – Mrs. Misty Rogers

Council Member Henderson motioned to approve the December 17, 2013 City Council Minutes.
Council Member Turner seconded the motion.

The Council unanimously agreed.

15. Motion to Adjourn

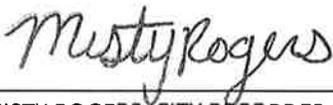
Mayor Pro-Tem Petersen thanked the Boy Scouts for their attendance.

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

The Council unanimously agreed.


ERIK CRAYTHORNE, MAYOR

2/18/14
DATE


MISTY ROGERS, CITY RECORDER

2-18-2014
DATE

