



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES WEST POINT CITY HALL November 16th, 2021

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

5:30 PM

Minutes for the West Point City Council Administrative Session held on November 16, 2021 at 5:30 PM with Mayor Erik Craythorne presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 880 7961 9234 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne (attending virtually), Council Member Kent Henderson, Council Member Jerry Chatterton, Council Member Annette Judd (attending virtually), and Council Member Gary Petersen

EXCUSED: Council Member Andy Dawson

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

EXCUSED: None

VISITORS PRESENT: Brian Vincent, Michele Swenson, Chris Swenson, and Brad Lee. No sign-in required for those attending virtually.

1. Discussion Regarding the 2022 West Point City Council Meeting Schedule – Ms. Casey Arnold

Ms. Arnold stated that State Code requires legislative bodies of municipalities to approve an annual schedule of their regular meeting dates and times. The City Council has historically met on the 1st and 3rd Tuesday of each month, and the proposed meeting calendar for 2022 continues that schedule, with the following exceptions or additions:

- Monday, January 3rd – Swearing-In Ceremony of Newly Elected Officials
- Tuesday, July 5th – Meeting Cancelled in recognition of the Independence Day Holiday
- Tuesday, August 16th – Special Budget Meeting in addition to regular Administrative and General Sessions

She noted that the approved meeting dates and times are subject to change as needed and will be noticed accordingly.

The Council had no further discussion and will consider approval of the 2022 Meeting Schedule in tonight's General Session.

2. Discussion Regarding Employee Health Insurance Renewal – Mr. Kyle Laws

Mr. Laws stated that the open enrollment period for the upcoming benefit year is approaching and renewal rates have been received from the City's current health insurance provider, PEHP. Keys Insurance Services, Inc., the City's insurance broker, gathers rates and plans from other insurance providers in the market to see how the renewal rate and benefits compare to other options. For some time now, the City has budgeted for a 12% increase to benefit costs, although the renewal rate has never been that high.

The 2022 renewal rate to stay with our existing plan from PEHP for medical insurance is 4.7%. This current plan is a high deductible plan with a Health Savings Account (HSA). The current premium share with employees is 90/10, with the City paying 90% and the employee paying 10%. The City also contributes \$5,000 per year to employees with family coverage and \$2,500 per year for individual coverage to the employees' HSA. The dental insurance renewal has a 1.7% increase. The total annual cost went from \$232,943.76 to \$243,897.48, which is significantly less than the 12% increase budgeted for. Mr. Laws briefly reviewed some of the other provider options, and while there are some plans with lower premiums, the deductibles are either higher or have a coinsurance requirement, or have high out-of-pocket maximums. With the relatively low renewal on the existing plan with PEHP, Mr. Laws stated that it is his recommendation to avoid having to change providers, networks, doctors, etc., and accept the 4.7% increase.

Mr. Laws stated that the Council does not need to take any specific action to approve the renewal rate, as the cost is within the approved budget amount, but asked for direction on whether the Council was comfortable accepting the renewal rate or if they

would like Staff to further research other options. The Council agreed that the renewal rate from the current provider was acceptable and had no concerns or comments. PEHP will continue as the City's health insurance provider for the 2022 benefit year.

Staff expressed their appreciation to the Council for allowing the City to provide medical benefits to employees.

3. Discussion Regarding the Final Plat of the Wildfire Estates Subdivision Phase 4 – Mrs. Bryn MacDonald

Mrs. MacDonald stated that Phases 1 – 3 of this subdivision have already been approved, and the developers are now requesting approval of the final plat for Phase 4, which consists of 17 lots. Phase 1 is completely built out, about 50% of the building permits in Phase 2 have been issued, and Phase 3 is still under construction. In order to begin construction of Phase 4 immediately, the Council would need to allow an exception for it to be done simultaneously with Phase 3.

The Council had no further discussion at this time and will consider approval of the final plat for Phase 4 and the request to begin construction concurrently with Phase 3 at the next meeting.

4. Discussion Regarding the Final Plat of Phase 2 of the Westlake Subdivision – Mrs. Bryn MacDonald

Mrs. MacDonald stated that all of the building permits have been issued for Phase 1 of this subdivision and the developers are requesting approval of the final plat for Phase 2. Phase 2 consists of 17 larger-sized lots and will connect to the Sun View Estates Subdivision on the north side, and in doing so, create the second access for that subdivision. As building permits have been issued for all of Phase 1, no exception is needed from the Council to begin immediate construction of Phase 2.

The Council had no further discussion at this time and will consider approval of the final plat for Phase 2 at the next meeting.

5. Discussion Regarding Security Cameras – Mr. Kyle Laws & Mr. Paul Rochell

Mr. Laws stated that the idea of installing security cameras at City Hall, the Public Works building, and at all of the City's parks has been talked about for the past few years, but has yet to happen, although there are two cameras at East Park that have been in place for the past few years, due to the amount of vandalism happening there. Those cameras are not connected to WiFi and footage has to be pulled directly from a computer at the park that is connected to the cameras. Even so, there have been multiple instances where Staff was able to use the footage and work with the Sheriff's Office and school resource officers to identify and charge the individuals. However, WiFi has now been able to be installed at all of the City's parks using a portion of CARES Act funds that the City received, and it is now possible to have a wireless, cloud-based security system installed that can be viewed from any device. The security system would also be paid for by CARES Act funds, so there would be no impact to the City's budget.

Staff has been working with a company named Verkada to purchase this system. There is a state contract price with them which will allow the City to move more quickly to secure a contract, as an existing state contract eliminates the requirement for multiple bids to be received. The total cost for a 10-year license with Verkada is \$53,752.53 and would provide multiple cameras at each of the City's three parks, the Public Works Shop, and at City Hall. He explained that the system would allow for anyone who had access to log in and view each specific camera, with advanced viewing options. The cameras record continuously and the footage is stored in the cloud for 30 days. Mr. Rochell stated that the technology in all of the cameras is 4k, providing high-quality visibility. The owner of the company actually provided a demonstration of a camera at their own building that was able to do facial recognition within about 100 meters of the individual; once identified, the system was able to show everywhere the individual went inside the building within a camera's view.

As the amount is over \$30,000, Staff is bringing the purchase of the system to the Council for consideration of approval, in accordance with the City's purchasing policy and practice of how CARES Act funds are to be spent.

Mr. Laws displayed for the Council the proposed locations of the cameras and their ranges of visibility at each park, the Public Works building, and at City Hall. He commented that while there has not been a real issue of vandalism at City Hall, there have been requests from residents that the parking lot be monitored as a "safe exchange place" for situations like custody exchanges or when buying/selling an item online. The Council discussed the locations and ranges of the cameras, feeling that a camera needed to be added on the north side of City Hall and another in the Council Chambers. Mr. Laws confirmed for the Council that once purchased, the cameras can be relocated as needed. He also confirmed that any software updates are included with the license and would be automatically downloaded.

The Council had no further discussion and will consider approval of the contract with Verkada in tonight's General Session.

6. Discussion Regarding Water Analysis Software – Mr. Boyd Davis

Mr. Davis stated that the City was recently approached by Josh Palmer, with a company named GovFriend, Inc., who has created a software platform that will allow residents to monitor their water usage via an online portal, to purchase the software for West Point. While the software is quite expensive, Mr. Palmer explained that there is currently a grant opportunity through the State of Utah's Division of Water Resources that could be applied for to actually cover the cost. The City has applied for this grant jointly with the Davis & Weber Counties Canal Company (DWCC), as they provide the secondary water service to residents, and that water usage would also be reported. The \$100,000 grant requires a match of \$8,600 each, however, it is not necessarily a monetary match. It is what they call a "soft match" and does not require any actual funds, but a match of staff time for setting the system set-up and making it available for residents. Mr. Davis showed an example of the software, which is used by South Weber City and where he is a resident, and what the resident portal looks like. He noted that the platform would be branded with the City's logo.

In regards to secondary water usage monitoring, the limitation with the data currently is that it is only available as often as the meters are read by DWCC, which currently requires them to drive-thru the entire City to radio-read the meters. Once the entire City has the new electronic meters, they will be able to be read remotely through a radio tower and gather the data constantly, at which point the software would be especially useful. Mr. Davis stated that electronic meters have been installed on about a third of the existing residences in the City, and DWCC is continuously installing the meters as they receive grants for the funding to be able to do so. All new homes are required to have the electronic meters installed at construction.

The Council inquired as to whether Hooper Water Improvement District would be willing to share their data on the homes in West Point that are connected to their system so that those residents are able to use the program for their culinary water usage as well. Mr. Davis stated that he believes that if their data can be shared, the information could be available in the same portal for the resident. The Council felt that while the portal should be branded with West Point City's logo as it is for West Point residents, it also should be branded with Davis & Weber Counties Canal Company's logo and Hooper Water (if possible and applicable) and their respective contact information so that it is clear that there is different ownership of each system.

The Council had no further discussion regarding the water analysis software at this time and directed Staff to proceed with the grant application process.

7. Discussion Regarding the Water Conservation Report – Mr. Boyd Davis

Mr. Davis stated that every five years, State Code requires water systems with over 500 connections to submit a water conservation plan to the Utah Division of Water Resources to comply with the Water Conservation Act. These plans contain existing and proposed water conservation measures outlining how the entity and the end culinary water user will conserve water and limit or reduce consumption so that adequate water supplies are available for future needs and meet Regional Water Conservation Goals.

There are currently nearly 2,600 connections in West Point and the City uses about 600 acre-ft of culinary water annually. Those numbers are expected to double over the next 40 years to 5,300 connections using nearly 1,500 acre-ft of water. To meet the future water demands the City exacts water shares from all new developments.

As part of the report, the State requires that a specific goal be set of how much the City plans to reduce water usage over the next five years, which Mr. Davis stated he has set at 3% and believes this is a conservative goal that can be met. The water conservation plan includes the following strategies for the next five-year period to meet that goal:

- Continue to use a tiered water rate structure, assessing a higher charge for higher water usage
- Provide water conservation tips and information to the residents by means of the City Newsletter and water bills.
- Apply for the Water Analysis Software Grant that will be used to create an online portal where residents can track their water usage.

The Council thanked Mr. Davis for putting together the report and had no further discussion at this time. Approval of the report via resolution will be considered in tonight's General Session.

8. Discussion Regarding Land Use Code Changes – Mrs. Bryn MacDonald

Mrs. MacDonald stated that the City Council recently adopted the new Title 17 - *Land Use and Development Code* and as Staff has been implementing the new code, a few items have been found that need to be fixed or modified. The proposed changes to address those items are as follows:

1. Amendments to the Land Use Regulations and the General Plan: Applications for General Plan Amendments are currently accepted during the months of April and October. With limited meetings during the holiday months it is proposed that the months be changed to March and September for adequate time to review the proposals.

2. **Table of Land Use Regulations:** The following changes are proposed.
 - a. Changing the "CC" approval back to "PC" approval within the table. This was an oversight that never got changed back prior to final adoption.
 - b. Adding "Internal Accessory Apartments" and "External Accessory Apartments" to the table to comply with new State code requirements.
 - c. Adding back to the table "Open Storage for Recreational Vehicle, Boat and Trailers" that was inadvertently removed prior to final adoption
3. **Residential Dwellings:** Utah State Code 10-9a-534 prohibits municipalities from enforcing regulations on "building design elements" (this includes brick and minimum square footage). The proposal removes sections that are not in compliance with state code.
4. **Accessory Buildings:** On December 15, 2020 the City Council adopted changes to accessory buildings code that removed the requirement to be limited to one story. As the new code draft was being finalized the wording for those changes made by City Council was not adjusted prior to final adoption. These changes correct the wording.
5. **Accessory Dwelling Units:** Utah State Code 10-9a-530 requires municipalities to approve "Internal ADU's." This section addresses those requirements, which includes a restriction on short-term or weekend rentals – rentals have to be 30 days or longer.

In regards to the new State Legislation placing more restrictions on a city's ability to enforce regulations on building design elements, and the resulting increased importance of development agreements, Council Member Petersen felt that it is important that the current language and regulations of the General Plan be preserved so that the expectations/desires of the City are already known when negotiating a development agreement, rather than starting with a blank document and result in a development that is not inline with the City's vision. Council Member Petersen stated that he also thinks it would be beneficial to have another land use training for the Council and Planning Commission, especially in regards to rezone requests and development agreements and what can and cannot be done under the new legislation. Mayor Craythorne added that one of the most important things the City learned when land use expert Meg Ryan gave the last training was that the Council has the ability to approve or deny a rezone for any reason, and while the City cannot require development agreements in City Code, it can decide to approve a rezone only under certain conditions agreed to by a developer. He cautioned that this should be a major tool utilized by the Council when making decisions on rezones, especially because once a property is rezoned, the developer is entitled to that zone's density, without any additional conditions. The Council agreed with this, and wanted it to be very clear to Staff that the current and future City Councils and Planning Commissions understand that rezone requests should be considered in-depth, with a clear understanding of, and agreement to, what the resulting development will be. Essentially, it should be informal policy that a development agreement be a part of every rezone. Mr. Laws suggested that the Council could pass a resolution giving direction to City Staff that a development agreement should try to be negotiated with each rezone request. This would not require that a developer agree to an agreement, which would be against State Code, but would make it clear that an effort to negotiate an agreement be a part of the rezone application process. He stated that he would consult with the City's land use counsel for their opinion on that option. The Council also wanted to have another joint meeting with the Planning Commission to make sure that both bodies understand the new legislation and the tools the City has to be able to regulate development.

The Council had no further discussion on the proposed changes at this time and will consider approval of the changes after holding a public hearing.

9. Discussion Regarding the "Terraform Annexation" Application – Mr. Kyle Laws

Mr. Laws stated that this annexation petition is regarding property in the north east area of the unincorporated area of Davis County, extending from about 1800 N up to the County line, west to 6000 W and east to the boundary of Clinton City. A map of the area is below:



Mr. Laws stated that Utah State Code dictates the annexation process and has specific requirements and deadlines that must be adhered to. Once a petition is received, there is a 14-day period in which the City Council must take action on whether to deny the petition or accept it for further consideration. Accepting it for further consideration does not approve the annexation, it simply allows the process to continue. If the Council does not take action within the 14 days, the petition is automatically deemed accepted for further consideration. Once accepted, either by the Council or through inaction, the City Recorder has 30 days to certify the petition, which involves verifying that the petition meets all the requirements of the State Code in regards to property designation, owner signatures, acreage thresholds, property valuation, etc. There are issues with some of the properties included in the Terraform Petition that will need to be addressed in regards to rural real property and ag protection areas that will require advice from legal counsel as part of the certification process as well. If the Petition is determined to meet the requirements and is certified by the City Recorder, a three-week noticing process to affected entities, property owners within the proposed area and also within a certain radius outside of the area begins. After the noticing period ends, there is a protest filing period wherein protests can be filed by affected entities and owners of rural real property. If protests are received, another process begins with a formation of a Davis County Boundary Commission. Essentially, acceptance of the Petition for further consideration begins a two to three-month process. Mr. Laws stressed that accepting the Petition for further consideration does not mean the annexation is approved, only that it is allowed to move forward through the process. Further, an annexation is a legislative decision and approval is at the discretion of the City Council.

The Council felt that there was a lot of information to discuss and factors to consider with the Petition, and understood that there would be opportunities to have those discussions in the future if the Petition was accepted for further consideration. The Council also understood that a public hearing would be required to be held, and so they would also have the opportunity to gather and evaluate public input as well. As such, the Council was in agreeance that the Petition not be denied at this point and therefore be deemed accepted for further consideration and allow the annexation process to continue.

10. Other Items

No other items were discussed.

The Administrative Session adjourned.



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Kyle Laws

General Session

7:00 PM

Minutes for the West Point City Council General Session held on November 16th, 2021 at 7:00 PM with Mayor Erik Craythorne presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID #880 7961 9234 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne (attending virtually), Council Member Kent Henderson, Council Member Jerry Chatterton, Council Member Annette Judd (attending virtually), and Council Member Gary Petersen

EXCUSED: Council Member Andy Dawson

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

VISITORS PRESENT: Brian Vincent, Michele Swenson, Chris Swenson, Tim Gooch, and Brad Lee. No sign-in required for those attending virtually.

1. **Call to Order** – Mayor Craythorne welcomed those attending the meeting.
2. **Pledge of Allegiance**
3. **Prayer** – Given by Council Member Chatterton
4. **Communications and Disclosures from City Council and Mayor**

Council Member Petersen – None

Council Member Henderson – None

Council Member Judd – None

Council Member Chatterton – The Mosquito Abatement District Davis recently held their annual conference in Park City and there were some great keynote speakers that shared really interesting information, and he was glad to have had the opportunity to attend. The most recent mosquito report, with data through the end of October, states that Arizona went from 220 to 308 cases of the West Nile Virus and jumped from 37 to 73 deaths caused by the virus within the last month. There were no reported death cases in Utah, nor any that were serious enough to require hospitalization.

5. **Communications from Staff**

Mr. Laws stated that there are a few events coming up in the next few weeks. Monday, November 29th, is the City Hall Lighting Ceremony, with some of the highlights of the event being a short firework show and Santa arriving to City Hall on a fire truck. The annual Christmas Party for City Staff and Officials will be held on December 3rd, and he encouraged all those who have not yet RSVP'd to do so. The annual Child Remembrance Ceremony will be held on December 6th at 7 PM at the West Point Cemetery.

6. **Citizen Comment**

Joelle Caruso – 457 N 3650 W: Ms. Caruso's home is near the City's splash pad at the Loy Blake Park, and she is aware that there are many kids that use the splash pad as a place to skateboard or for other similar activities. However, there are also people that come park their cars in the parking lot late at night and stay for long periods of time, often times playing loud music. She knows that there are cameras at the park, but would like to know if any of them are able to view the parking lot and could help identify

these individuals. Ms. Caruso also had a comment in regards to the new land use code, and the ("Terraform") annexation petition, and whether a development agreement can be used to allow for more density for the property but to make sure that the developer is giving something in return. Further, with it now being a combined petition, she believes that there are more people not in favor than in favor and she would like to know whether that is a responsibility of the Planning Commission or the City Council to find out and consider when approving, or if it is up to Staff.

7. Consideration of Approval of the August 17th, 2021 West Point City Council Meeting Minutes

Council Member Henderson motioned to approve the minutes
Council Member Judd seconded the motion
The Council unanimously agreed

8. Consideration of Approval of the Minutes from the August 24th, 2021 West Point City Council Meeting

Council Member Petersen motioned to approve the minutes
Council Member Chatterton seconded the motion
The Council unanimously agreed

9. Consideration of Approval of Ordinance No. 11-16-2021A, Approving the 2022 Meeting Schedule of the West Point City Council – Ms. Casey Arnold

Ms. Arnold reviewed the 2022 Meeting Schedule in tonight's Administrative Session and the Council had no further discussion.

Council Member Chatterton motioned to approve Ordinance No. 11-16-2021A
Council Member Judd seconded the motion
Roll Call:

Council Member Chatterton – Aye
Council Member Petersen – Aye
Council Member Henderson – Aye
Council Member Judd – Aye
Council Member Dawson – Absent

The Council unanimously agreed

10. Approval of the 2021 General Election Canvass – Ms. Casey Arnold

Ms. Arnold reviewed the results of the 2021 General Election, which were finalized and released by Davis County the previous evening:

REGISTERED VOTERS	BALLOTS CAST	VOTER TURNOUT
6,150	2,395	38.94%

Municipal General Election November 2, 2021 Summary of By-Mail and Provisional Ballots Not Counted	Total ballots not counted	Already Voted	Affiliation Differences	No Proof of Identity	Incomplete Application	No Proof of Residency	Power of Attorney	Signed by someone other than voter	Deceased	Moved out of County	No Signature	Signature did not match	Empty Envelope	Not Timely
West Point By-Mail	17										2	9		6
West Point Provisional	0													
Total	17	0	0	0	0	0	0	0	0	0	2	9	0	6

MAYOR CANDIDATE	BALLOTS CAST	% OF VOTES
BRIAN VINCENT	1,232	51.51%
GARY L PETERSEN	1,160	48.49%
TOTAL	2,392	100.00%

CITY COUNCIL CANDIDATE	BALLOTS CAST	% OF VOTES
BRAD LEE	1,430	32.24%
MICHELE SWENSON	1,156	26.06%
ANDY DAWSON	1,026	23.13%
JEREMY STRONG	824	18.58%
TOTAL	4,436	100.00%

Based upon the results, Brian Vincent has been elected to fill the Mayoral position and Brad Lee and Michele Swenson will fill the two City Council Member seat vacancies.

The Swearing-In Ceremony will be held on January 3rd at 12:00 PM at City Hall. The Ceremony will be live-streamed as well. Ms. Arnold invited all to attend as these individuals are sworn-in to begin their four-year terms as elected officials.

As the Board of Canvassers, Staff recommends that the City Council approve the 2021 General Election Canvass Results. The Council had no further discussion.

Council Member Petersen motioned to approve
Council Member Henderson
The Council unanimously agreed

11. Consideration of Approval of Resolution No. 11-16-2021A, Approving a Contract with Verkada for Security Cameras – Mr. Kyle Laws & Mr. Paul Rochell

Mr. Laws briefly summarized the information presented to the Council in tonight's Administrative Session, stating that Staff has been working with a company named Verkada to purchase a security camera system. There is a state contract price with Verkada, which will allow the City to move more quickly to secure a contract by eliminating the need to receive bids from multiple providers. The total cost for a 10-year license with Verkada is \$53,752.53 and would provide multiple cameras at each of the City's three parks, the Public Works Shop, and at City Hall. The system would allow for anyone who had access to log in and view each specific camera, with advanced viewing options. In the earlier discussion, the Council had expressed their desire to add an additional camera on the north side of City Hall and one inside the Council Chambers as well, which will increase the price of the contract. Council Member Chatterton inquired as to whether it would make sense to purchase an additional camera for the public works facility with this initial purchase, because the cameras can be taken down and relocated as needed, instead

of waiting until the new facility is built to have to purchase an additional camera. Mayor Craythorne noted that CARES Act Funds will be used to pay for the cameras and system, and there is funding available to add this suggested camera as well as the other two additional cameras already discussed.

The Council were in agreement with the proposed camera purchase and system, as well as three additional cameras and had no further discussion.

Council Member Chatterton motioned to approve Resolution No. 11-16-2021A, with the adjustment to include the costs of the three additional cameras discussed

Council Member Petersen seconded the motion

The Council unanimously agreed

12. Consideration of Approval of the Final Plat for the Legacy Storage Subdivision (Located at Approximately 4200 W 1800 N) – Mrs. Bryn MacDonald

Mrs. MacDonald stated this item has been discussed in previous meetings, and explained that the developer is requesting final plat approval of this one-lot subdivision. The development consists of 8 acres and will be a mix of storage units and outdoor RV storage. After the final plat has been approved, the applicant will need to come back for a site plan review and approval from the Planning Commission and City Council on site specific improvements. The site plan will address issues like water drainage, building design, etc., which will all be discussed by the Council as they consider final approval of the site plan.

The Council had no further discussion.

Council Member Henderson motioned to approve

Council Member Judd seconded the motion

The Council unanimously agreed

13. Consideration of Approval of Resolution No. 11-16-2021B, Approving the 2021 Water Conservation Report – Mr. Boyd Davis

Mr. Davis stated that this item was discussed earlier in tonight's Administrative Session, and briefly reviewed that State Code requires that every five years, water systems with over 500 connections to submit a water conservation plan to the Utah Division of Water Resources to comply with the Water Conservation Act. These plans contain existing and proposed water conservation measures outlining how the entity and the end culinary water user will conserve water and limit or reduce consumption so that adequate water supplies are available for future needs and meet Regional Water Conservation Goals.

There are currently nearly 2,600 connections in West Point and the City uses about 600 acre-ft of culinary water annually. Those numbers are expected to double over the next 40 years to 5,300 connections using nearly 1,500 acre-ft of water. To meet the future water demands the City exacts water shares from all new developments.

As part of the report, the State requires that a specific goal be set of how much the City plans to reduce water usage over the next five years, which Mr. Davis stated he has set at 3% and believes that is a conservative goal that can be met. The water conservation plan includes the following strategies for the next five-year period to meet that goal:

- Continue to use a tiered water rate structure, assessing a higher charge for higher water usage.
- Provide water conservation tips and information to the residents by means of the City Newsletter and water bills.
- Apply for the Water Analysis Software Grant that will be used to create an online portal where residents can track their water usage.

Council Member Chatterton motioned to approve Resolution No. 11-16-2021B

Council Member Henderson seconded the motion

The Council unanimously agreed

14. Consideration of Approval of Ordinance No. 11-16-2021B, Adopting an Impact Fee Facilities Plan & Impact Fee Enactment for the Sanitary Sewer System – Mr. Boyd Davis

Mr. Davis stated that this is a significant item that has been in process for several months and been discussed by the City Council in multiple meetings. The City contracted with the firm Bowen Collins & Associates to complete the sewer system study and provided a brief overview of the results of the study and the information that has been previously presented:

This Impact Fee Facilities Plan is specific to the area northwest of the City that is expected to be annexed in to West Point at some point in the future. This area will be served by the sewer system proposed in the plan, and will be considered its own system with its own impact fee that is unique to the area. Because of this, the impact fee is expected to be much higher than the impact fee in other parts of the City because it will be a brand-new system and nearly 100% of the costs will be borne by new growth.

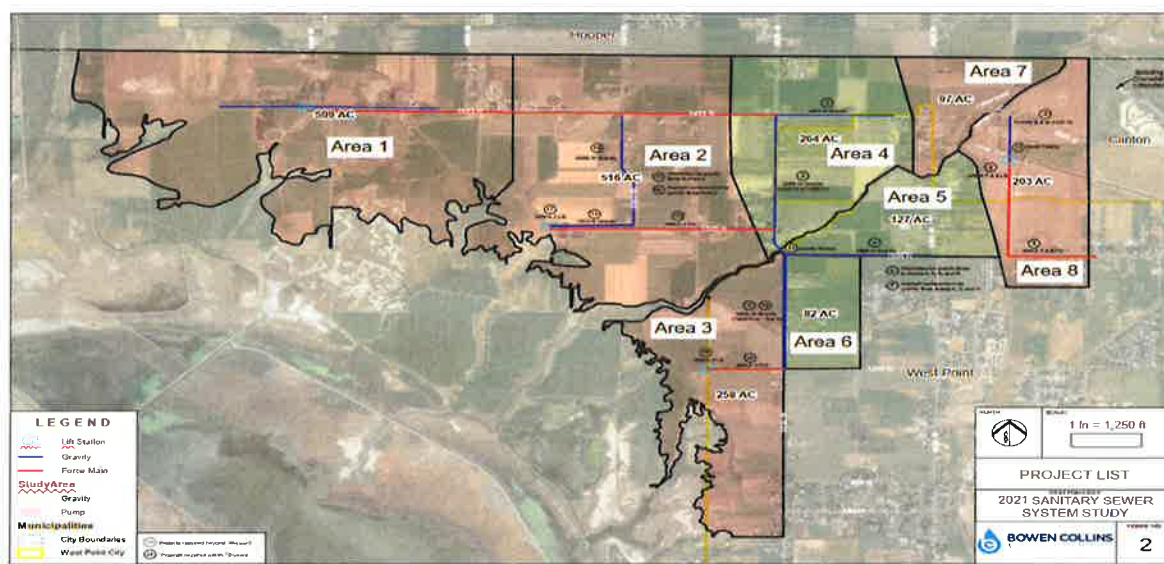
The purpose of the impact fee facilities plan is to identify new projects that will be required to meet the future needs. It also provides an estimated cost of the improvements and possible financing sources. A fair impact fee is calculated by dividing the cost of existing and future facilities by the amount of new growth that will benefit from the unused capacity. Only the capacity that is needed to serve the projected growth within in the next ten years is included in the fee. Costs used in the calculation of impact fees include:

- New facilities required to maintain (but not exceed) the proposed level of service in the system; only those expected to be built within ten years are considered in the final calculations of the impact fee.
- Historic costs of existing facilities that will serve new development
- Cost of professional services for engineering, planning, and preparation of the Impact Fee Facilities Plan and impact fee analysis

The costs not used in the impact fee calculation are as follows:

- Operational and maintenance costs
- Cost of facilities constructed beyond 10 years
- Cost associated with capacity not expected to be used within 10 years
- Cost of facilities funded by grants, developer contributions, or other funds which West Point City is not required to repay
- Cost of renovating or reconstructing facilities which do not provide new capacity or needed enhancement of services to serve future development

The following map depicts the eight different areas that will be served, and the sewer system capital projects that are proposed to be needed:



The total cost of these projects is between \$25 to \$30 million, which only includes the system level projects (main trunk lines) – it does not include the costs that developers will have to pay to connect to these lines to serve their developments. By law, projects can only be included if they are projected to be needed within the next ten years, and a summary of the costs and impact fee analysis for the next 10-year period is summarized in the table below:

Table E8-1
Impact Fee Calculation per ERU – West Point City Service Area

System Components	Total Cost of Component	% Serving 10-year Growth	Cost Serving 10-year Growth	10-year ERUs Served	Cost Per ERU
Collection Facilities					
10-Year Projects	\$ 15,784,110	24.5%	\$ 3,870,251	1049	\$ 3,689
10-Year Project Interest Costs	\$ 6,760,806	24.5%	\$ 1,657,744	1049	\$ 1,580
Credit for User Fees Paid Toward Existing					\$ (128.96)
Subtotal	\$ 22,544,916		\$ 5,527,995		\$ 5,141
Studies					
All Studies	\$ 65,300	96.3%	\$ 62,867	1049	\$ 59.93
TOTAL	\$ 22,610,216		\$ 5,590,862		\$ 5,201

Mr. Davis stated that the impact fee assessed cannot be higher than the amount calculated, and rather than setting the fee at \$5,201, recommends that the impact fee be set at an even \$5,200. However, Mr. Davis stated that he was approached by a developer earlier in the day whose development would be one of the first impacted by this new fee. That development is the Sun View Estates Subdivision, being developed by Mark Thayne, and is within the service area. Mr. Thayne stated that he only recently was made aware of the sewer study and impact fee analysis, and asked if approval of the fee by the Council could be delayed to allow him time to review all of the information. Mr. Davis stated that Staff is not opposed to granting this request, as there is no rush to implement the fee, but told Mr. Thayne that it was ultimately the Council's decision.

The Mayor opened the item for public hearing.

a. Public Hearing

Mark Thayne – 704 N 3500 W: Mr. Thayne thanked Mr. Davis for relaying his request to delay final action to the Council, adding that he was caught off guard by the information, at no fault to the City, and had not been able to process the information and impact the large fee would have. He also would appreciate the opportunity to discuss with Staff a few concerns that he may have.

Council Member Chatterton motioned to continue the public hearing to the next meeting and table taking action on the proposed ordinance until at least the close of the public hearing.

Council Member Henderson seconded the motion

The Council unanimously agreed

15. Motion to Adjourn the General Session

Council Member Petersen motioned to adjourn

Council Member Chatterton seconded the motion

The Council unanimously agreed


BRIAN VINCENT, MAYOR

April 19th, 2022


CASEY ARNOLD, CITY RECORDER

April 19th, 2022

