



WEST POINT CITY COUNCIL NOTICE & AGENDA

West Point City Hall
3200 West 300 North
West Point City, UT 84015
February 4, 2020

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

City Manager
Kyle Laws

ADMINISTRATIVE SESSION

6:00 PM (Board Room) – OPEN TO THE PUBLIC

1. Discussion Regarding Sewer Lift Stations – Mr. Boyd Davis pg. 5
2. Discussion Regarding the Stoddard Property Rezone Request – Mr. Boyd Davis pg. 9
3. Discussion Regarding Renaming Section of the Emigrant Trail to Honor Former Mayor Howard Stoddard – Mr. Kyle Laws pg. 11
4. Discussion Regarding a Draft License Agreement with Jake Shepherd – Mr. Kyle Laws pg. 41
5. Discussion Regarding the PRUD Code – Mr. Boyd Davis pg. 17
6. Other Items

GENERAL SESSION

7:00 PM (Council Chambers) – OPEN TO THE PUBLIC

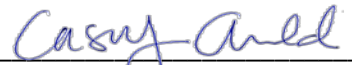
1. Call to Order
2. Pledge of Allegiance
3. Prayer (Please contact the City Recorder to request meeting participation by offering a prayer or inspirational thought)
4. Communications and Disclosures from City Council and Mayor
5. Communications from Staff
6. Citizen Comment (If you wish to make comment to the Council, please use the podium and clearly state your name and address, keeping your comments to a maximum of 2 ½ minutes. Please do not repeat positions already stated. Public comment is a time for the Council to receive new information and perspectives)
7. Update from the Davis and Weber Counties Canal Company
8. Youth Council Update
9. Recognition of Service of Council Member Jeff Turner – Mayor Erik Craythorne
10. Recognition of Service of Planning Commissioners Korey Kap and Rob Ortega – Mayor Erik Craythorne
11. Consideration of Approval of the Minutes from the January 21, 2020 West Point City Council Meeting pg. 23
12. Consideration of Approval of Resolution No. 02-04-2020A, Reappointing Council Member Andy Dawson to the North Davis Sewer District Board of Trustees – Mayor Erik Craythorne pg. 35
13. Consideration of Approval of Resolution No. 02-04-2020B, Appointing Council Member Kent Henderson to the Mosquito Abatement District-Davis Board – Mayor Erik Craythorne pg. 37
14. Consideration of Approval to Place the Isla Vista Subdivision on One-Year Warranty – Mr. Boyd Davis pg. 39
15. Motion to Move into a Closed Session

CLOSED SESSION

(Board Room)

1. Motion to Open Closed Session
2. Call to Order and Roll Call
3. Discussion Regarding the Purchase of Real Property, Pursuant to UCA §52-4-205(1)(d)
4. Discussion Regarding Pending Litigation, UCA §52-4-205(1)(c)
5. Discussion Regarding Personnel, Pursuant to UCA §52-4-205(1)(a)
6. Motion to Adjourn Closed Session and enter the General Session
16. Motion Adjourn the General Session

Posted this 31st day of January, 2020


CASEY ARNOLD, CITY RECORDER

TENTATIVE UPCOMING ITEMS

Date: **02/18/2020**

Administrative Session – 6:00 pm

1. Discussion Regarding Accessory Buildings – Mr. Boyd Davis
2. Discussion Regarding the PRUD Overlay Zone – Mr. Boyd Davis

General Session – 7:00 pm

1. Consideration of Approval of Resolution No. 02-18-2020A, Approving a License Agreement with Jake Shepherd - Mr. Kyle Laws
2. Consideration of Approval of Resolution No. 02-18-2020B, Designating *Emigrant Trail*
3. Consideration of Approval of Ordinance No. 02-18-2020A, Rezoning *Stoddard Property* - Mr. Boyd Davis
 - a. Public Hearing
 - b. Action

Date: **03/17/2020**

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. West Point Youth Council Essay Contest Winners

Date: **04/07/2020**

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: **04/21/2020**

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: **03/03/2020**

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Davis County Sherriff's Office Quarterly Update
2. Youth Council Update
3. Consideration of Approval of Ordinance No. 03-03-2020A, Amending Section ** of the WPCC Regarding Accessory Buildings
 - a. Public Hearing
 - b. Agenda
4. Consideration of Approval of Ordinance No. 03-03-2020B, Amending the PRUD Code of West Point City
 - a. Public Hearing
 - b. Action

Date: **05/05/2020**

Administrative Session – 6:00 pm

1. Code Enforcement Update

General Session – 7:00 pm

1. Youth Council Update

Date: **05/19/2020**

Administrative Session – 6:00 pm

General Session – 7:00 pm

Invocation by Rajan Zed, Hindu Leader



WEST POINT CITY 2020 CALENDAR

2020

IMPORTANT DATES

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
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5	6	7	8	9	10	11
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JULY

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DECEMBER

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JANUARY

1	New Year's Day - CLOSED
9	Planning Commission - 6 PM
10-11	City Council Planning & Visioning Session
13	Senior Lunch - 11:30 AM
20	MLK Jr. Day - CLOSED
21	City Council - 6 PM
23	Planning Commission - 6 PM

FEBRUARY

4	City Council - 6 PM
10	Senior Lunch - 11:30 AM
12	Council/Staff Lunch - 11:30 AM
13	Planning Commission - 6 PM
17	President's Day - CLOSED
18	City Council - 6 PM
27	Planning Commission - 6 PM

MARCH

3	City Council - 6 PM
12	Planning Commission - 6 PM
16	Senior Lunch - 11:30 AM
17	City Council - 6 PM
26	Planning Commission - 6 PM

APRIL

7	City Council - 6 PM
9	Planning Commission - 6 PM
11	EASTER EGG HUNT - 10 AM
13	Senior Lunch - 11:30 AM
21	City Council - 6 PM
23	Planning Commission - 6 PM

MAY

5	City Council - 6 PM
7	CEMETERY CLEANING
13	Council/Staff Lunch - 11:30 AM
14	Planning Commission - 6 PM
16	TAKE PRIDE DAY
18	Senior Lunch - 11:30 AM
19	City Council - 6 PM
25	Memorial Day - CLOSED
28	Planning Commission - 6 PM

JUNE

2	City Council - 6 PM
6	MISS WEST POINT @ SHS - 7 PM
11	Planning Commission - 6 PM
12	MOVIE IN THE PARK
15	Senior Lunch - 11:30 AM
16	City Council - 6 PM
25	Planning Commission - 6 PM

JULY

3-4	PARTY AT THE POINT EVENTS
6	Independence Holiday - CLOSED
7	City Council - 6 PM
9	Planning Commission - 6 PM
13	Senior Lunch - 11:30 AM
17	MOVIE IN THE PARK - 7PM
21	City Council - 6 PM
23	Planning Commission - 6 PM
24	Pioneer Day - CLOSED

AUGUST

4	City Council - 6 PM
6	Summer Party - 6:30 PM
13	Planning Commission - 6 PM
14	Senior Dinner - 5 PM
14	MOVIE IN THE PARK - 7PM
18	City Council - 6 PM
27	Planning Commission - 6 PM

SEPTEMBER

1	City Council - 6 PM
7	Labor Day - CLOSED
10	Planning Commission - 6 PM
11	MOVIE IN THE PARK - 7 PM
14	Senior Lunch - 11:30 AM
15	City Council - 6 PM
24	Planning Commission - 6 PM

OCTOBER

1	CEMETERY CLEANING
6	City Council - 6 PM
8	Planning Commission - 6 PM
12	Employee Training - CLOSED
14	Council/Staff Lunch - 11:30 AM
16	HALLOWEEN CARNIVAL - 7 PM
19	Senior Lunch - 11:30 AM
20	City Council - 6 PM
22	Planning Commission - 6 PM

NOVEMBER

3	ELECTION DAY
9	FLAGS ON VETERANS' GRAVES
11	Veterans Day - CLOSED
12	Planning Commission - 6 PM
16	Senior Lunch - 11:30 AM
17	City Council - 6 PM
26-27	Thanksgiving - CLOSED
30	CITY HALL LIGHTING - 6 PM

DECEMBER

1	City Council - 6 PM
4	Christmas Party - 7 PM
6	CHILD REMEMBRANCE - 7 PM
10	Planning Commission - 6 PM
14	Senior Lunch - 11:30 AM
15	City Council - 6 PM
16	Staff Christmas Party
18	CEMETERY LUMINARY - 4 PM
24-25	Christmas - CLOSED

City Council Staff Report

Subject: Proposed Sewer Lift Station
Author: Boyd Davis
Department: Community Development
Date: February 4, 2020



Background

Staff has received a preliminary plan for the Sunview Estates Subdivision at 1100 N 5000 W. This property was recently rezoned, and the developer is seeking approval for the subdivision. The plan shows a new sewer lift station that would serve all of this subdivision as well as the neighboring property to the south. The developer would like the City to own/maintain the lift station and help pay for the lift station to the extent possible. Before sending this to the Planning Commission for their review, Staff would like direction from the Council with regards to the lift station.

Analysis

The Sewer Master Plan shows a lift station in this area and it has been anticipated that the lift station would be paid for by impact fees. However, the lift station that is being proposed by the developer is not in the same location nor is it the same size as the master plan. The developer would like to build a smaller lift station that could be used until the larger one is built. He expects it will be abandoned once the final lift station is built. Staff does not believe that impact fees can or should be used to fund the smaller lift station. The impact fees that will be collected must be saved for the final lift station.

The developer would also like the City to own and maintain the lift station. This has been done in the past and Staff believes the City can maintain it as long as it is built to standards that will be set by the City. We have owned and maintained other lift stations that were not built to high standards and have been a serious liability to the City.

If the developer chooses to build the lift station as a private system, then Staff recommends that an HOA be established to maintain it and that the City require them to have proper insurance to cover any damages that may result from the lift station.

Recommendation

Staff recommends the following:

1. The City own and maintain the lift station as long as it is built to specifications outlined by the City.
2. We do not recommend the City pays for the lift station or uses impact fees to help cover the costs.
3. If the lift station is private, then an HOA must be established and maintain proper insurance.

Significant Impacts

None.

Attachments

Preliminary Plan

City Council Staff Report

Subject: Rezone – Stoddard – 1000 N 5000 W
Author: Boyd Davis
Department: Community Development
Date: February 4, 2020

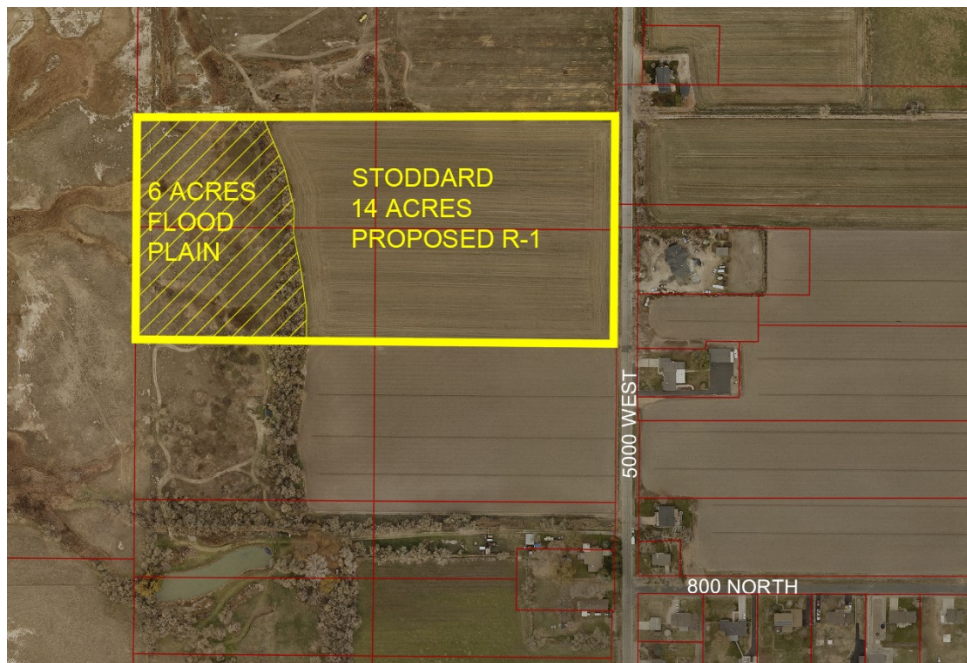


Background

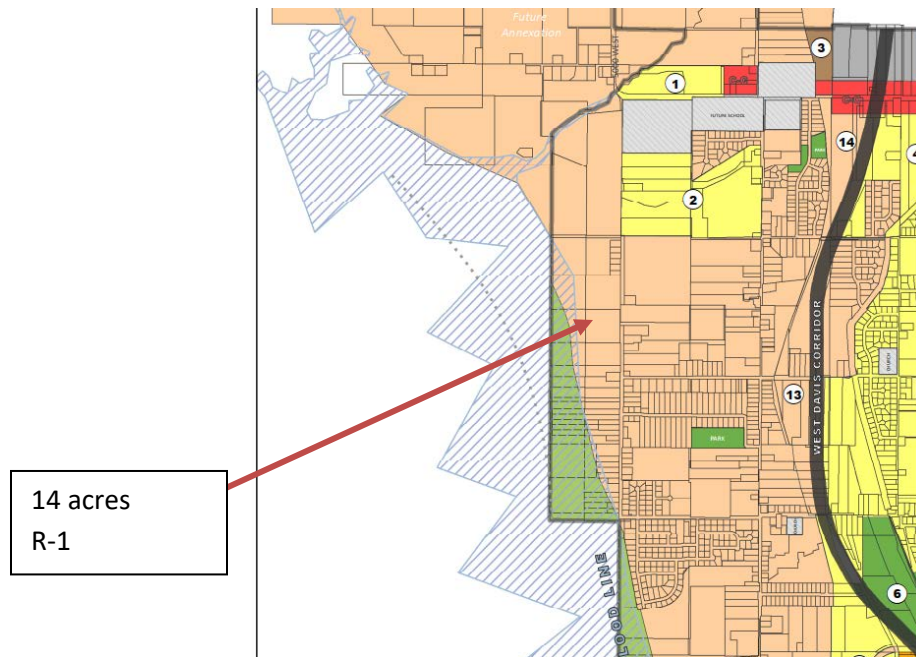
Psion Homes is in the process of purchasing the Stoddard property at approximately 1000 N 5000 W. The property consists of 4 individual parcels and the combined area is about 20 acres, 6 of which are below the flood plain. It is currently zoned A-40 (agriculture). The applicant is requesting 14 acres to be rezoned to R-1 (residential) in order to develop the property as a single-family residential subdivision.

Analysis

All the parcels shown below are currently owned by the Stoddard family. They are planning to sell all the parcels and the applicant is requesting that the 14 acres that are not in the flood plain be rezoned to R-1. They are not requesting the PRUD overlay zone. If approved, they would be allowed approximately 30 lots.



This request is consistent with the general plan, as shown on the following figure, and seems to be appropriate for the proposed use.



A public hearing will be held by the Planning Commission on February 13th.

Recommendation

No action required. This is for discussion only.

Significant Impacts

None

Attachments

None

City Council Staff Report

Subject: Trail Naming Discussion – Howard F. Stoddard Trail
Author: Kyle Laws
Department: Executive
Date: February 4, 2020



Background

The idea was raised awhile back by some residents that the City should consider naming a section of the Emigrant Trail, after former Mayor Howard Stoddard. This idea came about at the time 3500 West was being named after former Mayor John Petroff Jr. The residents suggested the portion of the trail to be named should be between 800 North and 4150 West, as this section of trail goes through what was formerly the Stoddard Family Farm.

Analysis

The City Council has discussed this idea and has asked Staff to prepare a resolution to make this happen. A resolution has been prepared and is attached in draft form. The resolution suggests renaming the trail between 800 North and 4150 West as the “Howard F. Stoddard Trail.”

Recommendation

No action is required at this time. This is for discussion purposes only. Staff would like direction from the Council on any changes to the draft resolution. Staff recommends this be approved at the next Council Meeting that the Stoddard Family is able to attend.

Significant Impacts

None

Attachments

Draft Resolution

RESOLUTION NO.

**A RESOLUTION RECOGNIZING FORMER MAYOR
HOWARD F. STODDARD FOR HIS SERVICE TO THE COMMUNITY
AND APPROVING A PORTION OF A TRAIL IN WEST POINT CITY
TO BE NAMED AFTER HIM**

WHEREAS, Howard F. Stoddard was a life-long resident of West Point City; and,

WHEREAS, Howard F. Stoddard was very civic minded and served the community in many capacities for many years; and,

WHEREAS, Howard F. Stoddard was appointed to the Planning Commission and served on the Commission for 4 years prior to his election as a member of the City Council; and,

WHEREAS, Howard F. Stoddard was a City Council Member for 12 years; and,

WHEREAS, Howard F. Stoddard was the Mayor of West Point City for 8 years serving as Mayor from January 1990 through December 1997; and,

WHEREAS, Howard F. Stoddard served on and acted as Chairman of the West Point City Military Memorial Committee up until his passing on May 7, 2019; and,

WHEREAS, West Point City desires that a section of a trail running from 800 North Street north to the crossing of 4150 West Street, which passes through the former Stoddard Family Farm, be named after former Mayor Howard F. Stoddard.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WEST POINTY CITY, UTAH, as follows:

SECTION ONE:

**APPROVAL OF NAMING PORTION OF A TRAIL
AFTER FORMER MAYOR HOWARD STODDARD**

The section of a trail from 800 North Street north to the crossing of 4150 West Street (which section of trail passes through the former Stoddard family Farm) is hereby named “The

Howard F. Stoddard Trail.”

SECTION TWO: **DESIGNATION OF TRAIL**

City personnel are hereby authorized and directed to take all appropriate action to install signs designating and marking said portion of the trail as “The Howard F. Stoddard Trail.”

SECTION THREE: **EFFECTIVE DATE**

This Resolution shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED this _____ day of January, 2020.

WEST POINT CITY,
A Municipal Corporation

ERIK CRAYTHORNE
Mayor

ATTEST:

CASEY ARNOLD
City Recorder

CERTIFICATE

STATE OF UTAH

(
) ss.

COUNTY OF DAVIS

(

I hereby certify that I am the City Recorder of West Point City, of the State of Utah; that the above and foregoing Resolution No. _____ is a full and true and correct copy of the Resolution duly and regularly adopted by the vote of a majority or more of the members of the City Council of said West Point City at a meeting of the City Council of said City duly and regularly called, noticed and held at the City Offices on _____, 2020, at which meeting a quorum was present and acting, and I was present and acted as City Recorder. That there are no provisions in the law applicable to the City conflicting with said Resolution, and that the said Resolution has not been modified or revoked and still remains in full force and effect.

IN WITNESS WHEREOF, I have hereto set my hand and seal as City Recorder of the City this _____ day of January, 2020.

CASEY ARNOLD
City Recorder

City Council Staff Report

Subject: PRUD Code Revisions
Author: Boyd Davis
Department: Community Development
Date: February 4, 2020



Background

The PRUD Code was adopted September 18, 2018. Since that time there has been one subdivision approved under that code and two other properties granted a PRUD overlay zone. Recently there have been concerns raised with some components of the code and it was suggested that the code be reviewed to see if there could be some adjustments made.

The Planning Commission has prepared a recommendation for the City Council to Consider. This report outlines their proposal and Staffs recommendations.

Analysis

The PRUD Code allows a developer to receive up to a 20% increase in density in return for installing certain amenities in the subdivision. The code includes a list of amenities that the developer can choose from to qualify for the PRUD overlay zone. The Planning Commission is recommending that the following adjustments be made to the PRUD code:

1. Remove from the list of amenities and no longer give points for:
 - a. an entrance sign
 - b. landscaped front yards
 - c. drought tolerant plants
 - d. an architectural theme
 - e. building materials
2. Allow two-story attached townhomes in the R-3 zone only, but also allow single-level attached patio homes in the R-2 zone.
3. Remove the requirement of 10% minimum size of park areas and open space and allow the Council to determine the size.

There were other items discussed, but the Planning Commission elected not to include them in the recommendation. Below are the items that were discussed and the reasoning for not including them or making the change.

4. Make the amenities proportional to the size of the project. (i.e. one pickle ball court per 50 lots.)
 - *Staff believes this is already part of the code with points being awarded on a sliding scale that can be applied proportionally to the size of the amenity. It would also be difficult to create a list of all recreational amenities. The Planning Commission agreed.*

5. Require landscaped open space as a minimum standard to qualify for the PRUD overlay zone.
 - *Staff believes this would make it difficult for smaller developments and traditional style developments. This should be optional, and points should be granted for open space rather than making it required. The Planning Commission agreed.*
6. Reduce the 20% maximum bonus density to a more reasonable number.
 - *Staff believes by removing many of the bonus items it will be more difficult to qualify for the PRUD and that 20% is still appropriate. The Planning Commission agreed.*
7. Minimum property size to be eligible for PRUD consideration.
 - *Staff believes the PRUD option is actually very helpful for small subdivisions that may need some flexibility to the lots dimensions. The Planning Commission agreed.*
8. Remove existing homes from the density calculation.
 - *Staff believes this is different for each development and should be handled by a restriction on the plat rather than changing the code. The Planning Commission agreed.*

Recommendation

No action required. This is for discussion only.

Significant Impacts

None

Attachments

Proposed PRUD Code

17.35.070 Density calculations.

A. Base Density. Base density shall be determined by the underlying zone as set forth in the zoning table found in WPCC 17.25.080. The base density shall be calculated on the gross area of the site, but shall not include sensitive lands as defined in this chapter. Developments seeking flexibility, but not necessarily increased density, may do so under the provisions of this chapter. Base density developments in a PRUD overlay zone can provide a degree of flexibility that would not normally be allowed under the base zoning code. Developments seeking such flexibility must propose a minimum of a five percent amenity bonus as outlined in subsection (B) of this section.

B. Density Bonus. The city council, after receiving a recommendation from the planning commission, may authorize a density bonus of a minimum of five percent up to a maximum of 20 percent above the base density. The bonus density shall be calculated on the gross area of the site, but shall not include sensitive lands as defined in this chapter. However, sensitive lands if properly improved may qualify as an amenity and count towards the required bonus. The purpose of the density bonus is to provide an incentive to a development while enhancing the overall characteristics of the subdivision that is not required by the applicable underlying zone, and which otherwise would not be an option. Density bonus shall be awarded according to the following list of bonus items. Each qualifying amenity or item shall be granted a percentage increase to the base density, but in no case shall the bonus exceed the percentage indicated (shown in parentheses). Bonuses listed below that share common elements regardless of the subsection shall not be used together to create a greater bonus percentage.

1. Increased Landscaping (Up to 10 Percent).

~~a. The majority of new plant material used for landscaping the PRUD shall be drought-tolerant plants. The landscaping design shall locate plant materials in similar water usage demand zones to ensure proper irrigation coverage and reduce wasteful watering. (Up to two percent.)~~

ba. Landscaping is designed and installed by the developer or other reasonable means approved by the city council along all streets of the PRUD according to a theme which provides unity and interest to the PRUD and must include the installation of two two-inch caliper street trees per dwelling placed in the park strip or near the roadway. (Up to five percent.)

~~c. Developments which provide a completely landscaped front yard by the developer or other reasonable means as approved by the city council, including grass or ground cover, shrubs, and trees as defined in WPCC 17.80.260. (Up to eight percent.)~~

2. Enhanced Overall Design Theme (Up to 15 Percent).

~~a. Entrance feature, signage, and landscaping which will establish a strong theme for the PRUD. (Up to two percent.)~~

ab. Theme lighting used throughout the PRUD for street lighting, the lighting of walkways, entrances and building exteriors. (Up to three percent.)

~~c. Architectural details of all buildings have a common theme which unifies the entire PRUD. This theme is not so dominant, however, that all buildings are identical. (Up to five percent.)~~

~~bd.~~ Fencing on all lots that is uniform in design and type and that is an upgrade from chain link or all vinyl fencing. (Up to five percent.)

~~ce.~~ Perimeter fence surrounding the PRUD that is architecturally designed and is an upgrade from chain link or all vinyl fencing. Examples include: architecturally designed brick or masonry walls, vinyl with brick or stone columns and open fencing such as wrought iron. (Up to seven percent.)

~~df.~~ Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations within the development. (Up to 10 percent.)

~~eg.~~ Large special features, such as lakes, which define the theme of the development and are utilized throughout the entire project. (Up to 15 percent.)

3. Recreational Amenities (Up to 20 Percent).

a. The PRUD development includes a recreational amenity primarily for the use of the residents of the development. Recreational amenities include swimming pools, sports courts, spas, or other features as approved by the city council. The planning commission will recommend to the city council the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (Up to 15 percent.)

b. Development of a playground or park area with play features or picnic areas. The size and quality to be determined by the city council with a recommendation from the planning commission. ~~A minimum of 10 percent of the gross area of the development must be incorporated into the park area.~~ (Up to 10 percent.)

c. Development of a common building which shall be used for meetings, indoor recreation, or other common uses as approved by the planning commission. (Up to 15 percent.)

d. Development of a trail system throughout the subdivision and connecting to adjacent trail systems where possible. (Up to 10 percent.)

e. Dedication of land to the city for the development of a regional trail system. (Up to 10 percent.)

f. Dedication of land to the city for the development of all or a portion of a regional park. (Up to 10 percent.)

4. Improved Building Design (Up to 10 Percent).

~~a. All dwellings are built of 100 percent approved materials, i.e., brick, stone, stucco, Hardie board. (Up to two percent.)~~

~~ab.~~ All single-family structures have a minimum of a three-car garage. (Up to five percent.)

5. Energy Efficiency (Up to Three Percent). All dwellings are designed with active, passive, or photovoltaic solar features. (Up to three percent.)

6. Improved Open Space (up to 15 Percent).

a. Stormwater detention facility areas that are designed and used for multiple purposes which blend with the overall theme of the open space design, i.e., the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (Up to five percent.)

b. Open space shall be designed and improved (not leftover space between buildings) and shall flow uninterrupted through the entire development, linking dwellings and recreational amenities. The percentage bonus approved by the city council will be based on the size and quality of the open space. ~~Open space shall be a minimum of 10 percent of the gross area of the development.~~ Open space must be improved with grass and a sprinkler system for the majority of the area. (Up to 10 percent.)

7. Other Amenities (Up to 15 Percent). Other amenities may be approved by the city council with a recommendation from the planning commission. (Up to 15 percent.) [Ord. 09-18-2018A § 2 (Exh. A)].

17.35.080 Development standards.

The development standards that are set forth in this section shall prevail over any contrary base zoning standards established in this title. The following standards shall apply and are still subject to the requirements set forth in Chapter 16.05 WPCC unless variations are granted as set forth in WPCC 17.35.060 and are included in a developer's agreement:

A. Common Space Subdivisions. The following standards shall apply to common space subdivisions:

1. Density. Allowed density and bonus density for common space subdivisions shall conform with the standards set forth in this chapter.

2. Open Space. Due to the clustering of dwelling units within the common space subdivisions, there will naturally be open space remaining. The open space must be maintained as set forth in subsection (C)(5) of this section.

3. Zones Allowed. Common space subdivisions shall only be allowed in the R-2 and R-3 zones and shall not be allowed in the R-1 zone.

4. Attached Units. Dwelling units in this subdivision option may be clustered in common-wall construction only in the R-2 and R-3 zones with a maximum of four consecutively attached units. Common-wall construction in the R-2 zones shall only be limited to on-level. No such units are allowed above other units.

5. Multifamily. All PRUDs that have attached units shall follow the standards set forth in WPCC 17.120.050 which shall include, but not be limited to, landscaping, parking, and building design.

6. Minimum Building Setbacks. The following minimum standards shall apply:



**WEST POINT CITY COUNCIL
MEETING MINUTES
3200 WEST 300 NORTH
WEST POINT CITY, UT 84015**

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

City Manager
Kyle Laws

January 21, 2020

Administrative Session

6:00 PM – Board Room

Minutes for the West Point City Council Administrative Session held at West Point City Hall, 3200 West 300 North, West Point City, Utah 84015 on January 21, 2020 at 6:00 pm with Mayor Pro Tem Gary Petersen presiding.

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

EXCUSED: Mayor Erik Craythorne

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

EXCUSED: None

VISITORS PRESENT: Brian Vincent, Peter Matson, Ryan Judd, Brad Frost, and Mark Sessions

1. Discussion Regarding State-Wide Utility License Agreement with UDOT – Mr. Kyle Laws

Mr. Laws stated that this agreement should have been in place for quite some time, and UDOT recently discovered that this agreement with West Point was never made. The agreement is in regards to City utilities that are in the State's right-of-way and is fairly straight forward. The City Attorney has reviewed and approved the agreement. The agreement also addresses the City's responsibilities regarding traffic control, excavation, backfill, compaction, and site restoration, emergency work, access, and maintenance. Mr. Laws noted that the City has always been following the regulations outlined, but UDOT has requested that the City agree to a formal license agreement as it does with all other cities.

The Council understood the need for this license agreement and had no further discussion.

2. Discussion Regarding Elected Officials' Pay – Mr. Kyle Laws

Mr. Laws stated that this item was discussed at the last meeting and arose when a Utah Retirement System audit found that the Mayor position's pay had fallen below the minimum earnings requirement to qualify for URS benefits. Mr. Laws stated that it seems that the Mayor's pay was previously set at a level to be eligible for these retirement benefits. Currently, the Mayor receives \$1,050 per month and the minimum requirement has increased to \$1,064 per month. When the Council discussed this at the last meeting, there was a general consensus that the pay be adjusted so that the Mayor position qualifies for URS benefits, as well as the Council's and Planning Commission pay, as they have not been adjusted in over 13 years. Council Member Dawson stated that the Planning Commission's pay has not been adjusted in over 17 years.

In the proposed Ordinance, Staff outlined some possible parameters on determining Mayor and Council pay each year, which are as follows:

1. The Mayor's pay to increase each fiscal year to be at the "Minimum Earning Requirement" established by the Utah Retirement System (URS), plus 3%. This will help eliminate the need for back pay each year due to the February 1st date used by URS.
2. The City Council pay to increase each fiscal year and be set at half the compensation amount of the Mayor
3. Planning Commission pay to be evaluated as needed.

The proposed Ordinance also outlines the following immediate changes for each of these positions:

1. Mayor: Change from \$1,050 per month (\$12,600 per year) to \$1,100 per month (\$13,200 per year) and to back pay for all of 2019 to ensure retirement eligibility for the year.
2. City Council: Change from \$450 per month (\$5,400 per year) to \$550 per month (\$6,600 per year), which is half the compensation amount of the Mayor
3. Planning Commission Chair: Change from \$45 per meeting to \$75 per meeting
4. Planning Commission: Change from \$35 per meeting to \$50 per meeting

Mr. Laws presented a summary of city council and mayor pay throughout Davis County and other surrounding cities, and these suggested amounts keep the Mayor and City Council either at or just below the average for the same positions throughout the area. Council Member Dawson noted that although the pay for Syracuse City Council Members appears low on the list, it does not include the amount Syracuse City pays to provide them with health insurance.

Mr. Laws asked the Council for their opinions on these suggested amounts and processes. Council Member Dawson stated that he is definitely in favor of raising the Planning Commissioner's pay, and is also in favor of the proposed compensation for the Mayor and Council positions. By adjusting the Mayor's compensation by 3% each year, the City will avoid the current situation of falling below and having to back-pay in order to qualify for URS benefits. Mr. Laws noted that the large majority of surrounding cities set the pay for these positions concurrent with Staff compensation schedules. Council Member Chatterton stated that if the Council pay was increased to \$600 or \$625, "we would still be in the middle of the pack" and there hasn't been an increase in over 13 years. He is concerned that with the 3% increase for the Mayor position, the Council's pay will also increase by 3%, but that 3% is much smaller and the pay for Council Members would fall behind again. Mayor Pro Tem Petersen stated that he would like the Council pay to be at 50% of the Mayor position, which Mr. Laws stated is how it is defined in the proposed Ordinance. He also explained that since the URS does not set the minimum earnings requirement until February of each year, setting the Mayor's pay each fiscal year at the previous year's rate plus 3% would hopefully ensure that that it would be above the rate set in February, which is halfway through each fiscal year. He also noted that this does not mean that the Mayor's pay is increasing by 3% each year, but rather that it is only 3% more than what URS sets its minimum rate at each year.

Council Member Chatterton commented that if the amount paid by the City each month for retirement benefits for the Mayor were included, \$550 per month for Council Members is below 50% of the Mayor's total compensation. Mayor Pro Tem Petersen reaffirmed his belief that as Council Members, it should be done for the service to the City and not the compensation. That being said, the compensation does need to be "fair" when compared to surrounding cities, especially for those that come after us; it should not be evaluated according to each current Council Member's own situation and personal feelings, but rather on what is fair for the work that they do in their service. He agrees with how the pay schedules and amounts are outlined in the proposed Ordinance. Council Member Judd stated that as a new Member of the Council, she does not have the experience that the rest of the Council does on which to base her opinion on the matter, but agrees that these positions are done in service and whatever pay may come from that "is just a number."

Council Member Dawson stated that he agreed with Council Member Chatterton in that if the Council's compensation is going to be set at 50% of the Mayor's pay, it should be of his total compensation, including the amount the City pays for the Mayor's retirement benefits. Council Member Henderson stated that if the Council pay went from \$450 to \$650, although it has not been adjusted in several years, this is a "pretty hefty percentage." He would like to hear what the public has to say about the issue in tonight's General Session.

The Council was in agreement that the Planning Commissioners do a lot of work for the City and we should make sure that their compensation is adjusted as needed with each market study, which is done every other year.

The Council will discuss the item further after the public hearing and consider possible action.

3. Discussion Regarding Ovation Homes Project Proposal for the Property at 4500 W 1200 S – Mr. Boyd Davis

Mr. Davis stated that the rezone of this property has been discussed in several meetings, and Ovation Homes has recently submitted a new rezone request for this property. The Planning Commission has reviewed and approved this rezone request, and Staff feels comfortable with recommending that the Council give final approval.

The Wade property is located at 4500 W 1200 S and consists of 64 acres, currently zoned A-40. The recently adopted General Plan shows the property as a 50/50 split of the R-1 and R-2 zones. This new request is to rezone 40% of the property as R-1 and 60% of the property as R-2, as well as a PRUD overlay zone on the whole property to allow for 188 lots. This is still the same number of lots that would be allowed under the current General Plan of a 50/50 split of the R-1 and R-2 zones (with a PRUD overlay).

The reason for requesting a 60/40 split is because the PRUD has a minimum lot width that would not allow for 188 lots if the property was split equally between the two zones, which reasoning Staff has reviewed and concurs with. Council Member Henderson inquired as to whether the line between the two zones has to be as specifically proposed, or if there can be any mixing of

the zones. Mr. Davis stated that this is up to the Council, and noted that the developers have agreed (as outlined in the developer's agreement) that the project will not exceed 188 lots, regardless of how the property is split between the R-1 and R-2 zones.

Mr. Davis showed the proposed concept plan for the project, which is a mix of housing types that include large lot single family, smaller lot single family, and detached active adult homes, but with no attached units. The overall density shown is 2.94 units/acre.

Mayor Pro Tem Petersen stated his opinion that the City "is not looking for a lot more of the smaller, R-2 lots" as the City already has a lot of multi-family projects and other types of development that have been recently approved. The City "needs to be careful" about continuing that throughout the entire City. The problem with the original proposal was that there was too much density. Brad Frost, with Ovation Homes, commented that the homes in the R-2 zones are not multi-family or first-time buyer homes; they are slab-on-grade products that are between 1,800 and 2,000 sq. ft., which is not a home-type available in the City right now, and will most likely be a buyer's second-time home purchase or more.

Mr. Laws noted that this proposed project would match the density of the Bridgeway Island Subdivision on the opposite side of 1200 South in Syracuse. Council Member Judd inquired as to what the restrictions of the active adult homes will be, which Mr. Frost stated will be 55 years old and above.

Mr. Davis reviewed the amenities and bonus items that have been proposed in order to qualify for the PRUD overlay zone, and the corresponding percentage points Staff is recommending for each:

- 1. Street Trees - 1 % (5% is the max)**
 - A landscaped entry corridor and streetscape from the main entrance on 4500 W leading the central open space area, including a landscaped strip behind the sidewalk and landscaped park strip with 2" caliper street trees
- 2. Front Yard Landscaping - 3% (8% is the max)**
 - Front yard landscaping of at least 120 lots to include grass, shrubs and planting areas in front of the homes. 40% of the active-adult lots will also have completely landscaped front, rear and side-yard. Mr. Davis stated that the developers wanted the buyers of the larger lots be able to design their own backyards.
- 3. Entrance Feature - 2% (2% is the max)**
 - The location of one entrance feature will be provided on the 4500 West entrance with a raised center median. Plans have been provided. Mr. Davis stated that full percentage points are recommended for this because it is a very nice design
- 4. Park area - 3% (15% max)**
 - Landscaped centralized 1.5-acre park that includes shade trees and a pavilion. Council Member Petersen inquired as to whether a minimum sq. footage should be set for the pavilion. Mr. Frost stated that the pavilion will be similar to the one in their Layton development that is 16'x12', which they have found to be a good size. Mr. Frost committed to not install a pavilion smaller than 16'x12'.
- 5. Architectural Theme -3% (5% is the max)**
 - The applicant states the "architectural details of homes to provide a unifying theme with common masonry building materials, varying elevations including options for active-adult homes with lofts and bonus rooms, Aspire Homes with available 3-car garages and varying elevations options."
- 6. Recreational Amenities - 5% (15% is the max)**
 - Two pickle ball courts in a landscaped central open space.
- 7. Improved Building Design – 2% (2% is max)**
 - All homes will have 100% approved materials including brick, stone, hardie-board and stucco. Mr. Davis clarified that this is an additional amenity above the Code because they will not be using any vinyl.
- 8. Improved Open Space - 2% (10% is the max)**
 - Small open space areas throughout the subdivision that will be landscaped.
- 9. Landscaped Detention Pond - 1 % (5% is the max)**
 - The detention area at the entrance to the subdivision will be landscaped with shade trees (5% max)

Mr. Davis stated that with the rezone approval, a Developer's Agreement outlining the agreed upon amenities and bonus percentages will also need to be approved. The actual design of the project and plat map will be submitted for approval later in the development process. Staff recommends that a motion to approve the rezone include clarification that there is to be a maximum of 188 lots.

4. Discussion Regarding Accessory Building Standards – Mr. Boyd Davis

Due to time restrictions, accessory building standards will be discussed at the next meeting.

5. Other Items

No other items were discussed.

The Administrative Session adjourned.

DRAFT



**WEST POINT CITY COUNCIL
MEETING MINUTES
3200 West 300 North
West Point City, UT 84015**

January 21, 2020

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

General Session

7:00 PM - Council Chambers

Minutes for the General Session of the West Point City Council held at the West Point City Hall, 3200 West 300 North, West Point City, Utah 84015 on January 21, 2020 at approximately 7:00 pm with Mayor Pro Tem Gary Petersen presiding.

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

EXCUSED: Mayor Erik Craythorne

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

EXCUSED: None

VISITORS PRESENT: Brian Vincent, Peter Matson, Ryan Judd, Brad Frost, and Mark Sessions

1. **Call to Order** – Mayor Pro Tem Petersen welcomed those in attendance and thanked them for coming.
2. **Pledge of Allegiance** – repeated by all
3. **Prayer** – Given by Council Member **
4. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – None

Council Member Dawson – The North Davis Sewer District cancelled their regularly scheduled January meeting; Council Member Dawson will provide an update after the meeting in February

Council Member Henderson – Wished to thank City Staff and the other Council Members for the City Council Visioning Session held the previous weekend; it was very beneficial and well put together

Council Member Judd – None

Mayor Pro Tem Petersen – Echoed Council Member Henderson’s comments regarding the Visioning Session; there was good discussion in the meetings regarding strategy and planning for the coming year, and Staff was given some direction on items the City Council would like to focus on.

5. Communications from Staff

Mr. Laws stated that there will be a Staff and Council Lunch on February 12th, but there are no other events or activities between now and then.

6. Citizen Comment

Mark Sessions – 430 N 3425 W: Mr. Sessions stated that he would first like to thank Casey Arnold for the wonderful job she did putting on the Child Remembrance Ceremony at the cemetery in December. At that event, she mentioned a new sound system and Mr. Sessions stated that he would like to support that suggestion, because there were issues with the current system at that event. Mr. Sessions also stated that he had hoped that the Council Member appointments to the North Davis Fire District Board would have changed at the first of this year, but hadn't seen anything indicating that they have been; he would like to see those appointments change regularly. Mayor Pro Tem Petersen noted that those were reappointed in December and sworn in at the North Davis Fire District Board of Trustees Meeting earlier this month.

7. Consideration of Approval of the Minutes from the December 17th, 2019 West Point City Council Meeting

Council Member Chatterton motioned to approve the December 17, 2019 West Point City Council Meeting Minutes
Council Member Dawson seconded the motion
The Council unanimously agreed

8. Consideration of Approval to Award the Bid for the 300 N Reconstruction Project – Mr. Boyd Davis

Mr. Davis stated that this project is regarding reconstruction of 300 N from 2000 W to 1000 W, which section is half in Clearfield and half in West Point. Mr. Davis noted that West Point is taking the lead on this project. Bids were received earlier today from qualified bidders. The amount of money received in the grant is only enough to replace the roadway and the gaps in the curb, gutter, and sidewalk. However, the bids received were under budget enough that there is a "little bit of cushion" to possibly replace some of the sidewalks as well; Staff will discuss the options for that when it is closer to that part of the project. Mr. Laws stated that when the City applied for the grant, it requested \$3 million. However, only \$2.5 million was granted, which reduced the budget for the project by \$500,000 from the start. The City then swapped this federal grant money for State funds in order to avoid the exhaustive regulations and red-tape that comes with federal grants. This swap lowered the grant money to \$1.9 million, but that amount allows for the same amount of work to be done as \$2.5 million would have if federal funds were used.

Mr. Laws also noted that with the funds that are available, the widths of the current sidewalks will not be widened to the standard 5 ft. widths and some of the park strips are going to be 2 ft. to 2.5 ft. instead of the standard 4 ft. If the Council would like to add more funds to the project to bring all of the sidewalks and parkstrips to the standard size, they can choose to do so. Mr. Laws clarified that the road width will be consistent at the standard width. Mayor Pro Tem Petersen stated that he would like to know what it would cost to do that, to which Mr. Laws answered that the estimate was around \$750,000, but noted that this amount includes relocating all of the water meters, utility lines, power poles, etc., that are not in the right spot and would need to be moved. That may be a high estimate, but Mr. Laws stated that it would likely cost at least \$500,000; it is a good project to keep on the capital projects list to hopefully fund in the future through grants or an increased budget allocation. According to the project contract, Mr. Davis stated that all of the irrigation work must be done before the end of March and the project must be completed by the end of this fall.

Mr. Davis stated that although the City has not worked directly with Wardell Brothers Construction, who submitted the lowest bid, Staff has checked their references and talked with other cities who have had experience with them. The City Engineer for Clearfield City worked with Wardell Construction when he was with Weber County, and gave them a high recommendation. Mr. Davis stated that he also spoke with the owners of recent projects that they have done and received very good reviews on their work. Wardell is also using Granite Construction as their subcontractor for the asphalt, which the City has worked with before and knows that they are highly qualified. Lastly, Mr. Davis stated that all of the received bids "were very tight", which indicates that the project and contract is clear and specific. With all of this, Mr. Davis feels very comfortable recommending that this project be awarded to Wardell Brothers Construction.

Council Member Chatterton motioned to award the bid for the 300 N Reconstruction Project to Wardell Brothers Construction for the bid amount of \$1,711,539

Council Member Henderson seconded the motion
The Council unanimously agreed

9. Consideration of Approval to Award a Land Use Consultant Contract to Mr. John Janson – Mr. Boyd Davis

Mr. Davis stated that one of Staff's goals for this year is to ensure that the City's Land Use Code is up-to-date with State Law and is both functional and beneficial for the City. To do such, hiring an outside land use consultant has been discussed with the Council and added to this year's budget. Staff has also asked that the consultant to provide land use training for the Planning Commission and the City Council, specifically on the General Plan, which all who submitted proposals were happy to do.

The City received three proposals as follows:

John Janson & Meg Ryan:	\$39,000
Rural Community Consultants	\$39,000
Epic Engineering	\$8,500

Mr. Davis noted that although Epic Engineering's proposal was quite low, it was clear to Staff after reviewing their proposal that they didn't quite understand the scope of the project. Staff has discussed the proposals and recommends hiring John Janson and Meg Ryan, who work with the Utah League of Cities and Towns, as they are familiar to City Staff, highly qualified, and submitted the strongest proposal. The City Attorney has also reviewed and approved the contract. Mr. Laws noted that one thing Staff wanted to specifically focus on is making sure that the City's Code not only be in compliance with the plain-language legislation that recently went into effect, but that all of our Code's regulations are legally defensible. Mr. Janson and Mrs. Ryan have extensive experience with this.

The Council agreed that the City's Land Use Ordinances are some of the most important, detailed regulations that the City has and it is essential to make sure that they effective for the City.

Council Member Henderson motioned to approve the Land Use Consultant Contract with Mr. John Janson and Mrs. Meg Ryan for \$39,000

Council Member Dawson seconded the motion
The Council unanimously agreed

10. Consideration of Approval of Resolution No. 01-21-2020A, Approving a State-Wide Utility License Agreement with the Utah Department of Transportation – Mr. Kyle Laws

Mr. Laws stated that this is an agreement with UDOT that will allow the City to have utilities in their right-of-ways and details how accessing those utilities is to be handled, especially in the case of emergency situations, traffic control, backfilling requirements, etc. UDOT discovered that a formal agreement with the City had never been approved, although the City has already been adhering to the regulations outlined in the agreement.

The Council had no further discussion.

Council Member Judd motioned to approve Resolution No. 01-21-2020A

Council Member Dawson seconded the motion
The Council unanimously agreed

11. Consideration of Approval of Approval of Resolution No. 01-21-2020B, Approving the Release of the West Davis Corridor Easements through the GlenDell Subdivision – Mr. Kyle Laws

Mr. Laws stated that the Council has discussed these easements in a previous meeting, summarizing that the City has received multiple requests throughout the years from homeowners wanting to remove the parts of the easement on their property that are no longer part of West Davis Corridor easement area. Some of those releases were done in 2013 and 2016, and a

new request was received late last fall from homeowner Matt Taggart. As Staff discussed this request, it was suggested that the City consider releasing all of the portion of the easement that will not be needed for the Corridor on all the affected properties. Although their permission is not needed to do this, Staff has spoken with UDOT about releasing the easement and they were comfortable with that. UDOT also acknowledges that any property, whether in or out of the easement, that is ultimately needed for the Corridor will need to be properly compensated for.

The blue portion on the map included with the proposed Resolution indicates the area to be released. Mr. Laws stated that the easement was originally put in place to alert homeowners that the West Davis Corridor was coming in the future and may affect their property, and also to discourage them from building a structure in the easement that may end up having to be moved or demolished. It was reiterated that the remaining easement does not alleviate UDOT of the requirement to compensate property owners for all of the property needed when the Corridor is constructed.

As the route for the West Davis Corridor has been more specifically designated and the actual easements needed more narrowly designated, the Council had no further discussion on removing the indicated portions of the easements on these properties.

Council Member Dawson motioned to approve Resolution No. 01-21-2020B

Council Member Chatterton seconded the motion

The Council unanimously agreed

12. Public Hearing Regarding Rezone of Property Located at Approximately 4500 W 1200 S from A-40 to the R-1 and R-2 Zones with a PRUD Overlay Zone – Mr. Boyd Davis

Mr. Davis stated that Items 12, 13, & 14 are regarding property owned by the Glen Wade Family at 1200 S and 4500 w. The property is 64 acres, and Ovation Homes plans to purchase and develop the property. The General Plan was recently updated, showing the property as a split of the R-1 and R-2 zones at a 50/50 split. Ovation Homes is requesting to rezone the property 26 acres of the R-1 zone and 31 acres of the R-2. They are also requesting a PRUD overlay zone, which could give them a maximum of 20% increase density in exchange for additional amenities. The points awarded for each amenity are at the discretion of the City Council. The amenities being proposed by the developers and Staff's recommended bonus points are as follows:

PROPOSED AMENITIES	PROPOSED DENSITY BONUS
Street Trees – Landscape entry corridor and streetscape from main 4500 West entrance leading to central open space area including landscaped strip behind sidewalk and landscaped park strip with 2" caliper street trees (5% max)	1%
Landscaped Front Yards – Front yards of at least 120 lots to include grass with shrub and flower planting areas in front of homes; 40 active-adult lots will have completely landscaped front, rear and side yards (8% max)	3%
Entrance Feature, signage and landscaping – landscape entrance feature at 4500 West entrance with raised center median and signage (2% max)	2%
Park Area – Landscaped central open space area with shade trees and pavilion (15% max)	3%
Architectural details of all buildings with common, unifying theme – Architectural details provide a unifying theme with common masonry building materials, varying elevations including options for active-adult homes with lofts and bonus rooms, Aspire Homes with available 3-car garages and varying elevations options (5% max)	3%
Recreational Amenities – Two pickle ball courts located in landscaped central open space area (15% max)	5%
Improved Building Design – all homes built of 100% approved materials including brick, stone, cement (hardi) board and stucco (2% max)	2%
Improved Open Space – Small landscaped open space areas throughout the subdivision (10% max)	2%
Landscaped Detention Ponds – two of the neighborhood open space areas will function as stormwater detention facilities that will be landscaped with shade trees (5% max)	1%
TOTAL PROPOSED DENSITY BONUS	22% (20% max)

With these recommended percentage points, the 20% maximum bonus percentage would be met. Ovation Homes has also agreed in the Developer's Agreement to not install any attached units, although they would be allowed under the PRUD overlay. Staff also recommends including in the rezone motion that there is to be a maximum of 188 lots. Mr. Davis stated that a public hearing for the rezone must be held, and a Developers Agreement outlining these amenities and density maximums must also be approved before the rezone.

Mayor Pro Tem Petersen stated that this project has been discussed many times with both the Planning Commission and City Council, and he opened the item for public hearing.

- **Public Hearing**

No comments

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

13. Consideration of Approval of Approval of Resolution No. 01-21-2020C, Approving a Developers Agreement with Capital Reef Management, LLC – Mr. Boyd Davis

Mr. Davis stated that this is the Developer's Agreement with the developers for the 1200 S 4500 W property. Mr. Davis noted that there were some grammatical errors found in the copy of the agreement that was included with the Staff Report, which have been updated. The updated, final version has no change in content.

Council Member Chatterton motioned to approve Resolution No. 01-21-2020B, Approving the Developer's Agreement with the additional specification that there is a maximum of 188 lots allowed for the development.
Council Member Judd seconded the motion
The Council unanimously agreed

14. Consideration of Approval of Ordinance No. 01-21-2020A, Approving the Rezone of Property Located at Approximately 4500 W 1200 S from A-40 to the R-1 and R-2 Zones with a PRUD Overlay Zone – Mr. Boyd Davis

The Council had no further discussion on the property.

Council Member Dawson motioned to approve Ordinance No. 01-21-2020A, rezoning the property to the R-1 and R-2 zones with a maximum of 188 lots

Council Member Henderson seconded the motion

Roll Call:

Mayor Pro Tem Petersen – Aye

Council Member Chatterton – Aye

Council Member Dawson – Aye

Council Member Henderson – Aye

Council Member Judd – Aye

The Council unanimously agreed

15. Consideration of Approval of Ordinance No. 01-21-2020B, Amending Salary Schedules for Elected Officers – Mr. Kyle Laws

Mr. Laws stated this item was discussed in a previous meeting, as well as in tonight's Administrative Session. In summary, it was discovered through an audit by the Utah Retirement Systems that the pay for the Mayor position has dropped below the minimum earnings requirement to receive retirement benefits. As discussed, it seems clear that the compensation for the Mayor position was previously set so that it would qualify for those retirement benefits. Neither the Mayor or City Council

compensation has been changed for almost 13 years, and it was discussed to analyze both as the Mayor position is considered to be adjusted.

The proposed ordinance outlines the specific changes, recommending that the Mayor position compensation be raised by \$50 per month from \$1,050 to \$1,100 and that the current Mayor be back-paid for 2019 to qualify for that year's retirement benefit. The proposed compensation for City Council Members is to be raised to half the salary amount of the Mayor position, setting it at \$550 per month or \$6,600 per year. It also proposes raising the Planning Commissioner Chair from \$45 to \$75 per meeting, and Planning Commissioners from \$35 to \$50. If these proposals are adopted, the City Council pay would be right at the average for Council pay throughout Davis County and surrounding cities. The Planning Commission pay would also be comparable to neighboring cities.

Moving forward, the proposed ordinance also outlines some guidelines and parameters to follow for future adjustment. It is proposed that the Mayor position's pay increase each year at the minimum earnings requirement amount set by the URS in February, plus 3%. This 3% is to eliminate any backpay that may be necessary in the last half of the fiscal year (February to June). The City Council pay would also be increased to continuously be at 50% of the Mayor's salary. Mr. Laws stated that in the Administrative Session it was debated on whether that 50% for the Council pay is half the salary amount of the Mayor, as written in the proposed ordinance, or half of that position's total compensation, which would include the City's retirement contribution of about \$200 per month. Mr. Laws stated that any desired changes from the proposed ordinance need to be designated in a motion.

Mayor Pro Tem Petersen noted that although the pay listed for Syracuse City Council Members is low, it does not include the costs that are paid to provide them with health insurance benefits; if that were included, it would show that they have a much higher compensation. He wanted to note that West Point City does not desire to match that, but that they want the compensation for Council Members and the Mayor to be maintained at a reasonable pace. He then opened the item for public hearing.

a. Public Hearing

Mark Sessions – 430 N 3425 W: Mr. Sessions stated that he believes that there should be an equivalency (in reduction of pay) of when the Mayor Pro Tem has to preside over a meeting because the Mayor is absent. He stated that he has been to "quite a few meetings this year" where the Mayor has been absent, and feels that "any person that does not show up for his or her job for the City should not be paid and whoever is doing their job should get that money." He is specifically referring to missed City Council Meetings, where the public is able to voice their opinions.

Council Member Henderson motioned to close the public hearing

Council Member Chatterton seconded the motion

The Council unanimously agreed

b. Action

Mayor Pro Tem Petersen stated that there has been extensive discussion of this item, and feels that it is time for a motion to be made.

Council Member Chatterton motioned to approve Ordinance No. 01-21-2020A, Amending the Mayor Position salary as proposed, and changing the Council Member pay to 50% of the Mayor's total compensation (salary + retirement benefits paid), as well as increasing the pay for the Planning Commission as proposed (\$75 per meeting for the Chair and \$50 per meeting for Commissioners).

Mr. Laws asked for clarification if Council Member Chatterton's motion designates that the pay increase for the Council that becomes effective immediately with this ordinance not be the \$550 as proposed (50% of the Mayor's salary) but rather that it be at 50% of the total compensation, which would be about \$650. The exact compensation amount would have to be calculated with the exact amount that the City pays as a retirement benefit each month. Mr. Laws stated that his recommendation would be to clarify that the immediate increase to City Council pay be set at an even \$650, because as the ordinance indicates, moving forward, the pay will be evaluated each fiscal year, and at that point the pay adjustment would be calculated to be an exact 50% of the Mayor's total compensation (salary + retirement benefits).

Council Member Dawson made a friendly amendment to Council Member Chatterton's motion to include that the immediate increase to Council pay be \$650 per month and seconded the motion. Council Member Chatterton accepted that amendment to his motion. To make sure that the motion on the table is clear, Mr. Laws stated that the corresponding part of Section 1 of the proposed ordinance would be changed as follows: "The City Council pay shall change from \$5,400 per year to ~~\$6,600~~ \$7,800 per year and the table in Section 1 be updated from \$6,600 to \$7,800 as well. Council Member Dawson reiterated that as part of the budget for the next fiscal year, beginning July 1, 2020, it would be reevaluated and adjusted to be an exact 50%.

Roll Call:

Mayor Pro Tem Petersen – Nay
Council Member Chatterton – Aye
Council Member Dawson – Aye
Council Member Henderson – Nay
Council Member Judd – Aye
Motion passed

16. Motion to Adjourn the General Session

Council Member Chatterton motioned to adjourn
Council Member Dawson seconded the motion
The Council unanimously agreed

MAYOR ERIK CRAYTHORNE

February 4th, 2020

CASEY ARNOLD, CITY RECORDER

February 4th, 2020

RESOLUTION NO. 02-04-2020A

**A RESOLUTION APPOINTING A WEST POINT CITY
COUNCIL MEMBER TO THE NORTH DAVIS SEWER
DISTRICT BOARD OF TRUSTEES AND PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, the City Council of West Point City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that under UCA §17B-1-204, it may appoint persons to serve as members of a local district board; and

WHEREAS, the West Point City Council desires to reappoint Council Member Andy Dawson to a four-year term as a member of the North Davis Fire District Board of Trustees effective January 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the City Council of West Point City to hereby reappoint Council Member Andy Dawson to a four-year term as a member of the North Davis Sewer District Board of Trustees effective January 1, 2020.

PASSED AND ADOPTED this 4th day of February, 2020.

WEST POINT CITY,
A Municipal Corporation

By: _____
Erik Craythorne, Mayor

ATTEST:

Casey Arnold, City Recorder

RESOLUTION NO. 02-04-2020B

**A RESOLUTION APPOINTING A WEST POINT CITY
COUNCIL MEMBER TO THE MOSQUITO ABATEMENT
DISTRICT-DAVIS BOARD AND PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, the City Council of West Point City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that under UCA §17B-1-204, it may appoint persons to serve as members of a local district board; and

WHEREAS, the West Point City Council desires to appoint Council Member Kent Henderson to a four-year term as a member of the Mosquito Abatement District-Davis Board effective January 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the City Council of West Point City to hereby appoint Council Member Kent Henderson to a four-year term as a member of the Mosquito Abatement District-Davis Board effective January 1, 2020.

PASSED AND ADOPTED this 4th day of February, 2020.

WEST POINT CITY,
A Municipal Corporation

By: _____
Erik Craythorne, Mayor

ATTEST:

Casey Arnold, City Recorder

City Council Staff Report

Subject: Subdivision Warranty – Isla Vista
Author: Boyd Davis
Department: Community Development
Date: February 4, 2020



Background

The Isla Vista Subdivision is located at 4100 W 1300 N. The developer has completed all the required improvements, with exception of the sidewalk and slurry seal, and is now asking that the subdivision be placed on a one-year warranty.

Analysis

The subdivision has been inspected to ensure all the required improvements have been completed and are in good condition prior to beginning the warranty period. The subdivision will be placed on a one-year warranty as required by the State Code. The required guarantee amount will be retained in escrow for the duration of the warranty period.

Recommendation

It is recommended that the City Council place the Isla Vista Subdivision on a one-year warranty.

Significant Impacts

None

Attachments

None

City Council Staff Report

Subject: Discussion of License Agreement with Jake Shepherd
Author: Kyle Laws
Department: Executive
Date: February 4, 2020



Background

The south parking lot at Loy Blake Park shares a fence with Jake Shepherd. Mr. Shepherd had built a large shop on his property right next to the parking lot and has requested a second access to his shop through the parking lot of the park. His main access will be through his driveway out on 520 N 3650 W. Mr. Shepherd made this request at the City Council Meeting on November 19, 2019 during the Citizen Comment portion of the meeting.

The City Council Discussed this on December 3, 2019 and December 17, 2019. In those discussion there were various concerns of the Council in which they directed Staff to explore and research. The Council wanted to know if there were any liability issues with granted such an access. They also wanted to make sure we weren't creating an easement or creating any safety issues.

After talking to legal counsel, there are not liability issues that were apparent. The City Attorney also suggested entering into a written License Agreement with Mr. Shepherd so the City could outline terms of use.

At the December 17, 2019 meeting, the City Council directed Staff to work on a draft agreement that would allow them to discuss this request further.

Analysis

Attached to this Staff Report is the draft License Agreement requested by the Council. Some of the key points to the agreement are as follows:

Section Three: Restrictions on Use

This states that Mr. Shepherd can only access the park during the hours the park is closed, from 10:00pm to 6:00am, or other times the City has need to temporarily close the park or access into the park.

Mr. Shepherd agrees to this condition, stating he doesn't intend for it to be a main access for him to his property. This also eliminates many of the safety concerns raised of people in the park or children walking to and from school along this route.

Section Four: Future Changes to Park

This section states that if the City changes the park or parking lot in a way that eliminates this access to his property, that the agreement shall terminate.

Mr. Shepherd is also comfortable with this condition as he recognizes this is a park first and foremost and the City shouldn't be bound in its decisions for best use of the park because of this access.

Section Five: Forfeiture of License

This section clarifies that this agreement is only with Mr. Shepherd and cannot be transferred if he sells his property.

Section Six: Adjustment to Fence & Landscaping

In this section, Mr. Shepherd agrees to move the fence back to his property far enough to provide sufficient space for shrubbery and landscaping to protect the fence on the City's side from vehicles in the parking lot. He also agrees to maintain and irrigate the shrubbery and landscaping.

Section Eight: Termination

This section states that the agreement can be terminated at any time for violating the terms of the agreement.

Section Eleven: Indemnification

In this section, Mr. Shepherd agrees to hold the City harmless in connection to any claim arising out of or in connection with this agreement.

Staff has worked with the City Attorney to draft this agreement in a way that addresses the concerns raised previously by the Council. Restricting access to times when the park is closed should eliminate any safety concerns and will ensure that the access gate is used only when patrons to the park are not present. Staff also believes the termination clauses provides sufficient control for the City to cancel the agreement if necessary as explained above and in the agreement.

If there are further concerns of the Council, Staff recommends those be raised and discussed; otherwise, it would be the recommendation of Staff to put this on the agenda of a future meeting for consideration of approval.

Recommendation

This is for discussion purposes only. Staff would like feedback from the Council on this request and the associated License Agreement.

Significant Impacts

No significant impacts at this time.

Attachments

Draft License Agreement

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is made and entered into as of the ____ day of February, 2020, by and between West Point City of 3200 West 300 North, West Point, Utah 84015, hereinafter referred to as "Licensor," and Jacob Shepherd of 522 North 3650 West, West Point, Utah 84015, hereinafter referred to as "Licensee," as follows:

RECITALS

1. The Licensor owns and operates a City park known as Loy Blake Park (hereinafter referred to as the "Park").
2. The Licensee owns a large lot the rear portion of which is adjacent to the parking lot of the Park.
3. Licensee has built a large shop in his backyard and has requested that the Licensor grant a secondary access to his property through the parking lot of the Park. A portion of the parking lot, fence and backyard of Licensee are shown in the photograph marked Exhibit "A" which is attached hereto.
4. The Licensor is amenable to granting a license to the Licensee for the purpose of providing the Licensee with a secondary access to his property.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and conditions as hereinafter set forth the parties hereby agree as follows:

AGREEMENT

SECTION ONE:

INCORPORATION OF RECITALS

All of the above and foregoing Recitals are incorporated into and made a part of this Agreement.

SECTION TWO:

GRANT OF LICENSE

The Licensor hereby grants to Licensee an access from the Park to the Licensee's property in accordance with the terms, covenants and conditions as hereinafter set forth in this Agreement. A gate in the fence between the Park and Licensee's property shall be installed at Licensee's expense at a location approved by the Licensor.

SECTION THREE: **RESTRICTIONS ON USE**

The Licensee shall use the access only when the Park is closed, from 10:00 p.m. to 6:00 a.m., unless other temporary restrictions are necessary during these hours as determined by the Licensor.

SECTION FOUR: **FUTURE CHANGES TO PARK**

The parties agree that at some time in the future the Licensor may change the Park and the parking lot in a way that eliminates Licensee's access to his property. In the event of such change this Agreement shall terminate.

SECTION FIVE: **FORFEITURE OF LICENSE**

If the Licensee ever moves or sells his property this Agreement shall terminate. The Licensee recognizes that this License Agreement is personal to him and shall not be transferrable or assigned to any party in the future.

SECTION SIX: **ADJUSTMENT OF FENCE & LANDSCAPING**

Licensee agrees to move the fence between his property and the Park toward his building to allow more space between the fence and the parking lot and to install, maintain and provide irrigation to the shrubbery and landscaping installed at Licensee's expense and with the approval of Licensor.

SECTION SEVEN: **LIMITATION TO DESCRIBE PURPOSE**

The above and described license may be occupied and used by Lessee solely for the purpose of providing a secondary access to his property.

SECTION EIGHT: **TERMINATION**

Either party may terminate this Agreement at any time for violating the terms of this Agreement upon providing thirty (30) days written notice to the other party.

SECTION NINE: **ENTIRE AGREEMENT**

This Agreement shall constitute the entire Agreement between the parties and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party except to the extent incorporated in this Agreement.

SECTION TEN: **MODIFICATION OF AGREEMENT**

Any modification of this Agreement or additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party or an authorized representative of each party.

JACOB SHEPHERD

)

) ss.

)

On this ____ day of February, 2020, personally appeared before me JAKE SHEPHERD, the signer of the foregoing instrument who duly acknowledged to me that he executed the same.

NOTARY PUBLIC

[The remainder of this page intentionally left blank.]