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

March 3, 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
5:30 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 March 3, 2020 at 5:30 pm with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, and Council Member Jerry Chatterton

EXCUSED: Council Member Kent Henderson and Council Member Andy Dawson

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 and Matt Leavitt

1. **Quarterly Financial Report – Mr. Ryan Harvey**
   Mr. Harvey stated this report is for the time period of October 1st – December 31st 2019, which is the 2nd quarter of FY2020. The Report indicates that the City is in good shape financially, with revenues exceeding expenditures in every fund except for the Capital Projects Fund where the majority of revenue comes from the excess money in the General Fund at the end of the fiscal year.

   The revenues in the Special Revenue Fund are especially high for this point in the fiscal, which Mr. Harvey stated is due to the high amount of Impact Fees paid for new developments that are in process. In regards to the General Fund, all departments are below 50% in expenditures, with some being closer due to contracts, software purchases, etc., that are paid at the beginning of the fiscal year.

   The City's cash position is quite high currently, but Mr. Harvey stated that there are projects that will be completed or begin this spring and the cash position will decrease as those projects are paid for.

   The Council was pleased with the City's current financial position and thanked Mr. Harvey for the work he does. Mayor Craythorne encouraged the Council to talk with Mr. Harvey if they ever have questions about the budget. There was no further discussion.

2. **Discussion Regarding the 2019 Municipal Wastewater Report – Mr. Paul Rochell and Mr. Kasey Gibson**
   Mr. Rochell stated that this is a yearly report required by the State of Utah Department of Environmental Quality to assist cities in their awareness of their wastewater collection and treatment. Mr. Rochell turned the time over to Kasey Gibson, Public Works Lead, to review the report, which he completed for 2019.

   Mr. Gibson stated that some of the general financial questions that the report asks are if the City's sewer revenues are maintained in a dedicated purpose enterprise account and whether the City is collecting 95% or more of anticipated sewer revenue, both of which are true. The report also asks questions regarding the actual sewer system, the answers to which include that the average depth of the City's collection system is 7 ft., and the total length of sewer pipe in the City is 29 miles. Mr. Gibson noted that pipeline length increased by about 2.5 miles in 2019, majorly due to the sewer line that will serve the apartments; it runs from 3000 W to 2000 W and is almost a mile in length. The number of new connections to the sewer system was 78 in 2019.

Mr. Gibson commented that although it takes some time to complete, he enjoys this report and the viewable analysis it provides of the City's sewer system. The Council thanked him for completing the report and had no further discussion. Consideration of approval will take place in tonight's General Session.

3. **Discussion Regarding Joining the Syracuse Youth Court Program – Mr. Kyle Laws**

Mr. Laws stated that he was unaware that this program existed until he was approached by Syracuse City, asking if the City would like to participate. The request arose from West Point Jr. High Principal, Wendy Nelson, who expressed interest in the school participating in the Syracuse Youth Court, which is currently only available to the youth attending Syracuse schools or live in Syracuse City boundaries. Syracuse City stated that they would like to have a Memorandum of Understanding with West Point City in order to let West Point Jr. High participate.

The Syracuse Youth Court is a "restorative justice" program which means that it focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. It is a non-judicial diversion program for school aged children (12-18 years old). The Youth Court is run by youth ages 14-18 in grades 9-12 and act as judges, bailiffs, clerks, and other roles to help them develop leadership skills and knowledge of the court system. Youth who get into trouble can be referred to the Youth Court instead of the Justice Court, appearing before their peers who determine the appropriate punishments. It provides an option to keep them out of the court system, yet still provides consequences and teaches them to become better citizens. The youth that are referred to the Youth Court by law enforcement, their violation is essentially withheld from being processed in the Justice Court and if they satisfactorily complete the program, the violation is not recorded. The youth is aware upfront that if he/she does not complete the requirements asked of them in the timeframe set, they will be referred to the Justice Court. The parents have to give permission for their child to be in the Youth Court, and are required to attend the hearing and must also agree to the terms set. Council Member Chatterton stated that this is important because it makes the parents "buy-in" to the program and be involved in the resolution.

Mr. Laws stated that he has met with Syracuse City, Principal Nelson, Chief Deputy Oblad, and a deputy with the Davis County Sheriff's Office who have all seen the benefits the Youth Court Program has had. There is an adult advisor who oversees the programs, who works with the Court system professionally, and local law enforcement is also always present. In regards to parents being upset or unruly about the violation and the program, they informed him that it does not happen frequently, but they have simply reminded the parent that it is a voluntary program that their child does not have to participate in and can instead go directly to the Justice Court.

If the City decides to participate, Mr. Laws stated that there are two options to consider:

1. Participation in referring kids to attend Youth Court instead of Justice Court. This would primarily happen at the West Point Jr High through the School Resource Officer.
2. In addition to option 1, this second option would be to allow kids from West Point City to participate as judges, bailiffs, clerks, etc. Other youth outside of the school would also be referred to the Youth Court by the Davis County Sheriff's Office. The costs would be very minimal as the entire budget for the program in Syracuse is around $5,000 per year.

Again, the budget for the entire program is approximately $5,000 per year and if participating, Syracuse City asks that West Point contribute to the cost; Mr. Laws stated this would likely be about $2,000 to $3,000 at the most.

Mr. Laws asked the Council for their opinion, commenting that this is a program he only recently learned about and has not had direct experience with it. The Mayor stated that the City has dealt with a few incidents involving vandalism by youth in the last year that would have been good cases to send to the Youth Court Program. Principal Nelson also has a particular group of youth that have caused trouble at school over the years and she would like to have another option for accountability/discipline when dealing with them. Council Member Chatterton suggested that the City try participating for a year and then re-evaluate. Mayor Craythorne stated that if Syracuse City has had the program for over 15 years, it must be providing a good benefit and that we shouldn't limit it to one year. The Council agreed with participating in the program and will consider approval of the final draft of the MOU at a future meeting.

4. **Discussion Regarding the Red Fox Ranch Estates Subdivision – Mr. Boyd Davis**

Mr. Davis stated that this request is for a single-lot subdivision located at approximately 2691 W 300 N, consisting of .393 acres and zoned R-2. The lot meets all the requirements for the zone and the utilities will be stubbed from 300 N. The Planning Commission recently approved the request and approval from all the necessary agencies have been received. The owner will also request a postponement agreement for curb and gutter, which the Council will be asked to approve with final approval of the subdivision. Mr. Davis clarified that the postponement agreement is recorded on the property so any future owners are aware that it exists.

This is a fairly straightforward subdivision and the Council had no further discussion. Final approval will be asked at the next City Council Meeting.

5. **Discussion Regarding the PRUD Code – Mr. Boyd Davis**

Mr. Davis stated that in the last discussion, the Council agreed with the recommendation to remove the following items from the last of amenities that would qualify for bonus density points:

- Entrance signs
- Landscaped front yards
- Drought tolerate plants
- Architectural theme
- Building materials

The Council also added three-car garages to the list of amenities to be removed.

The Council also discussed the following items at the last meeting, but did not come to a final agreement:

1. Theme Lighting. There was some feeling that lighting is already required and that points should not be granted for this item. The current code states:

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

The intent is to have lighting that is above and beyond the minimum standard (one street light at each intersection and each cul-de-sac). This item would allow a maximum of 3 percentage points, which on a 10-acre parcel would not be enough for even 1 additional lot. Staff feels that the points allotted for this amenity are minimal as they should be, and that this item is ok as is. However, the words "street lighting" could be removed from the code to clarify that points will not be awarded for the streets lights that are already required. The Council felt that building exteriors, entrances, and walkways are going to have lights on them regardless of whether they are trying to get bonus density or not. With that, the Council agreed to remove "Theme Lighting" entirely from the list of qualifying amenities.

2. Open Space. The current code allows bonus density points for improved open space. It is optional, but states that it must be at least 10% of the gross area to qualify. Staff suggested that the minimum size be removed and allow points to be granted at the Council's discretion based upon the size of the open space, i.e. 1 point for 1% of the gross area. Council felt that a chart or scale should be included in the code to formalize the points that would be awarded such as the following:

Size of Open Space (percent of gross area)	Density Bonus
1%	1%
2%	2%
3%	3%

However, for simplicity Mr. Davis stated that it may be adequate to simply state that 1 point will be awarded for each 1 percent of open space up to 10%. Mayor Craythorne commented that beginning with 1% of open space qualifying for 1% bonus density is too low. For example, a developer could be just one bonus point away from qualifying for an additional lot and if 1% open space for his particular development results in just one small patch of grass, he could get a whole additional lot for really nothing in return. The Council agreed that with his point.

In addition, the Council was concerned that developers may ask for bonus points for space that is not usable or accessible, such as areas between buildings. This is currently stated in the code, but the Council thought it may need to be better defined and pointed Staff to Layton City's Code as an example. Layton's Code states:

Open space areas shall not include areas that are occupied by buildings, lots, structures, parking areas or streets. Additionally, required open space shall not include:

1. *Area between buildings and outside of platted lots and building pads unless part of the approved pedestrian circulation plan and at least eighteen feet (18') in width;*
2. *Front, rear, and side yard setbacks; and*
3. *Paved areas such as driveways, streets, and private sidewalks.*

Similar language could be included in West Point's Code if desired by the Council.

After discussing the item, the Council decided to remove the 10% minimum of improved open space to qualify for bonus density and instead have a sliding scale, beginning with 5% of the gross area of open space qualifying for bonus density. The Mayor suggested that there be a dividing line, using 10-acres as an example, between large and small projects and begin with a minimum of 5% open space for the smaller projects and 2% for the larger projects. He stated that the dividing line may not be 10 acres, but at 10 acres, 2% of the property results in a space that is "actually useable" as an open space. The Council agreed with this suggestion, although did not come to a final conclusion in this meeting on what size of development would be considered large or small. The Council also agreed with including the language used in Layton City's Code.

Mr. Davis also reiterated to the Council that developments applying for the PRUD overlay, by design, are subject to approval by the City Council – the point of the Code is to incentivize the creativity of a development and if every qualifying amenity has specific requirements and regulations and exact percentage points guaranteed in return, it takes away the Council's discretion of being able to award more/less points for proposed amenities that it does or doesn't like. The incentive for creativity is also removed if the Code lays out exactly what will and won't qualify. Mr. Laws agreed, but stated that if the open space density bonus is going to be clearly qualified and based on a scale, it should be an obligation of the Council to follow the scale (i.e. give the specified bonus density in return for the corresponding open space percentage it is stated to require). Mr. Davis and the Council agreed.

3. Townhouse & Patio Homes. The current code allows 2-story townhouses in the R-2 and R-3 zones with the PRUD overlay option, but the Council asked that the code be changed to allow them only in the R-3. After review, the Planning Commission recommended that 2-story townhouses be allowed in the R-3 zone with the PRUD overlay option and that 1-story patio homes would be allowed in the R-2 zone with the PRUD overlay option. Staff would like direction from the Council on this item.

Mayor Craythorne commented that he cannot see a situation where "it would pencil" for a developer to put patio homes in a property that is zoned entirely as R-2. Mr. Davis agreed, stating that if a developer is wanting to do a patio home project, they are going to need the density of the R-3 and R-4 zones to have it make sense. However, if a piece of property is mixed between R-2 and R-3 or R-4, it may make sense to allow 1-story patio homes in the R-2 part of the property.

The Council will hold a public hearing on the PRUD Ordinance at the March 17, 2020 City Council Meeting and possibly consider approval of amendments to the ordinance.

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

Mr. Davis reviewed the five items in the current Code that the Planning Commission focused on when considering its proposed amendments:

1. Design standards for accessory buildings in side yards.
2. An updated definition of "front yard"
3. Reduced setback between an accessory building and the principle structure.
4. Regulations for temporary structures.
5. Modified rules for administrative approval.

In its discussion of the Planning Commission's proposal at the last meeting, the Council had questions regarding the definition of a "front yard." The proposal states that the accessory building may be in the side-yard but most follow the design standards unless it is at least 10' behind the front-yard. The front-yard is defined as the distance between the front lot lone and the required setback. The Council had expressed the concern that this could result in a shed being place in front of the house when the house is set back further than the setback line. Mr. Davis explained that the Code states that accessory buildings are allowed in the "side yard" which is defined as the area between the house and the side lot line, so a shed could not be located in front of the house. However, to add additional clarity, Mr. Davis suggested that the proposal could be changed to state that the shed must be 10' behind the "front yard depth", which is defined as the distance between the front lot line and the house, rather than the setback line. The Council agreed with this suggestion.

The Council had also discuss the question of whether or not accessory buildings must be behind a fence. The Planning Commission's proposal states that accessory buildings must follow the design standards unless they are 10' behind the front yard depth and behind a 6' privacy fence. The Planning Commission's reason for that requirement was to block the view to sheds that don't meet the design standards. Council Member Petersen expressed his opinion that, while he understands the aesthetic reasoning, he feels that this requirement may be too invasive. Council Member Chatterton agreed that requiring a building to be behind a fence is too burdensome. The Council was in agreeance that this requirement be removed.

The final question the Council had discussed in the last meeting was whether shipping containers could be allows as an accessory building if approved by the Planning Commission. The general feeling expressed was that this puts too much pressure on the Planning Commission to determine "what looks good and what doesn't look good." Mayor Craythorne commented that this puts the current and future Planning Commissioners "in a bad spot." The Council decided to modify the proposed language to state that shipping containers are not allowed in residential zones, but could be allowed in agricultural zones. Mr. Davis noted that all existing structures are grandfathered in and not subject to this Code. Should there be a question of whether a structure existed before the new Code was approved, the owners are required to produce some sort of proof to evidence that (purchase receipt, supplier delivery confirmation, etc.).

The Council will hold a public hearing and consider approval on the accessory building amendments at the March 17, 2020 City Council Meeting.

7. Other Items

Mr. Laws stated that the Land Use Consultants that the City has contracted with would like to hold a joint training session with the Planning Commission and City Council. Staff had proposed having this meeting on April 7, but that date was unavailable with the consultants. They suggested April 14th, which would be a special meeting for both the Planning Commission and Council. Various dates were discussed and Staff will work the Planning Commission and the land consultants to find the best date.

Mr. Laws stated that he has been emailing a resident who has inquired about the possibility of starting a farmer's market in the City. He stated that she will likely be at tonight's General Session to address the Council during citizen comment. Mayor Craythorne commented that this idea has been brought up before, and he is of the opinion that we need to support the ones in our extended community that already exist; the Syracuse Farmer's Market struggles to have good vendors and good attendance and he is concerned that another market in the area will not be a benefit to either. This item will be discussed further once Staff is able to meet with the resident and get more information.

Mr. Laws also informed the Council that there has been a code enforcement issue with a resident and the basketball standard she has in your street. She has been informed that this against City Code and has been asked to remove it, which she has responded that she is not going to take it down and is not concerned about the safety of her kids because of the type of the street they live on and age/ability of her children. Mr. Laws stated she may be at the meeting tonight to make a citizen comment as well. The Council discussed the issue, but ultimately concluded that they are against our current ordinance and Staff would have to proceed accordingly.

The Administrative Session adjourned.

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

March 3, 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 March 3, 2020 at approximately 7:00 pm with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, and Council Member Jerry Chatterton

EXCUSED: Council Member Kent Henderson and Council Member Andy Dawson

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, Richard Wood, Jillian Robinette, and Luke Hardman

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

   Council Member Chatterton – None

   Council Member Petersen – None

   Council Member Judd – The tour that the Council and Staff were able to attend of the Davis County Animal Care facilities was really informative and she was glad to have had that opportunity.

   Mayor Craythorne – In regards to the 800 N Reconstruction Project being done in conjunction with West Point City, the bid was awarded by Clinton City to Staker Parsons, however the project is about $1.4 million dollars over budget. The Mayor stated that there is the 3rd Quarter sales tax revenue that will be given to Davis County to contribute to various projects, and both West Point and Clinton will apply for that money to help cover the budget shortfall. In the meantime, the plan is to continue the project as far west as the current budget allows. The Mayor stated that this will likely be to about 2700 W.

   The Mayor stated that he and Mr. Laws also attended the LPC (Legislative Policy Committee) Meeting of the Utah League of Cities and Towns the previous day, and there has been a lot of legislation proposed this session. Mr. Laws stated that one bill in particular that is a concern to local governments is HB 273 – Property Rights Ombudsman Amendments. The original version of the bill allowed a land use applicant to collect damages if an advisory opinion from the Ombudsman prevailed in court. The League opposed the bill because it weaponized the position of the Ombudsman, which is supposed to be a neutral party, and it allowed outrageous fines for damages. A substitute bill was proposed by the League that addressed some of these concerns was passed out of the House. Mr. Laws stated that at the LPC meeting, the comment was made of the bill that the "original version

was horrible and now I just don't like it." Mayor Craythorne stated that in comparison to past years and some of the legislation that had been proposed, this being one of the only real bills affecting local government is a good thing.

5. **Communications from Staff**
Mr. Laws had no additional comments.

6. **Citizen Comment**

Jillian Robinett – 2886 W 600 N: Ms. Robinett addressed the Council with her proposal to start a farmer's market in West Point. She stated that she would be interested in overseeing the program, but would like the City's input. Ms. Robinett explained the benefits that she feels a farmer's market would bring to our City and residents. The Council thanked her for her proposal and directed her to work with Staff to provide more information.

Richard Wood – 2181 W 800 N: Mr. Wood stated that he has lived in West Point for about 15 years and loves it. He would, however, like to approach the City Council about amending the current accessory building or accessory dwelling unit ordinance. Mr. Wood stated that he recently began constructing an accessory building on his property, passing all the inspections up to the 4-way. At that point, he discovered that he was too far up on the setback to get an occupancy permit for it to be used as a dwelling unit or apartment. After reviewing the City's code and neighboring cities', Mr. Wood stated that he feels that the City's code requiring the same setbacks for an accessory building as is required for the principal building is very restrictive. His current setback would be allowed under other cities' code, and he is sure that they have considered fire, safety, and privacy concerns when establishing their codes. He would like the City to take this into consideration, and also how allowing more accessory apartments would contribute to the moderate-income housing availability in West Point. Mr. Wood also suggested that military personnel here on short-term assignments be added to the list of allowed occupants for accessory apartments.

7. **Davis County Sheriff's Office Quarterly Update**
Postponed to the April 21, 2020 City Council Meeting

8. **Consideration of Approval of the Minutes from the February 18, 2020 West Point City Council Meeting**

Council Member Petersen motioned to approve the February 18, 2020 West Point City Council Meeting Minutes
Council Member Judd seconded the motion
The Council unanimously agreed

9. **Consideration of Approval of Resolution No. 03-03-2020A, Approving the 2019 Municipal Wastewater Report – Mr. Paul Rochell and Mr. Kasey Gibson**
Mr. Gibson stated that this report is required each year by the State of Utah Department of Environmental Quality to be filed by all those with wastewater systems. Mr. Gibson reviewed some highlights of the report, stating that the City's sewer revenues are maintained in a dedicated purpose enterprise account and the City is collecting 95% or more of anticipated sewer revenue. The average depth of the City's collection system is 7 ft., and the total length of sewer pipe in the City is 29 miles. Mr. Gibson noted that pipeline length increased by about 2.5 miles in 2019, majorly due to the sewer line that will serve the apartments; it runs from 3000 W to 2000 W and is almost a mile in length. The number of new connections to the sewer system was 78 in 2019. He recommends approval of the 2019 report.

The Council thanked him for completing the report and had no further discussion. .

Council Member Judd motioned to approve Resolution No. 03-03-2020A
Council Member Chatterton seconded the motion
The Council unanimously agreed

10. **Consideration of Approval to Place the Isla Vista Subdivision on One-Year Warranty – Mr. Boyd Davis**

Mr. Davis stated that this subdivision is located at 4100 W 1300 N, and was actually on the Council's agenda earlier in the year to be placed on warranty, but were still waiting for two items to be completed. Mr. Davis stated that all of the required items have now been completed and recommends that it be placed on one-year warranty. The Council had no further discussion.

Council Member Petersen motioned to place the Isla Vista Subdivision on One-Year Warranty
Council Member Judd seconded the motion
The Council unanimously agreed

11. **Motion to Adjourn the General Session**

Council Member Chatterton motioned to adjourn the General Session
Council Member Petersen seconded the motion
The Council unanimously agreed

April 7th, 2020
ERIK R. CRAYTHORNE, MAYOR

April 7th, 2020
CASEY ARNOLD, CITY RECORDER

WEST POINT CITY
CORPORATE SEAL
DAVIS COUNTY, UTAH