



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES *ELECTRONIC MEETING* NO PHYSICAL MEETING LOCATION August 4, 2020

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

Administrative Session 6:00 PM

Minutes for the West Point City Council Administrative Session held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #82766341031 at <https://zoom.us/join> or by telephone at (669) 900-6833, on August 4, 2020 at 6:00 pm with Mayor Erik Craythorne presiding.

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

EXCUSED: None

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: Visitors able to attend electronically, no sign-in required.

1. **Discussion Regarding the Property Tax Rate for the 2020 Taxable Year and the FY2021 Final Budget for West Point City and All Related Agencies – Mr. Ryan Harvey**

Mr. Harvey stated that the purpose of this discussion today is to give the Council a chance to discuss the property tax rate, which will be approved by resolution at the August 18th Special Budget Meeting, followed by approval of the FY2021 Final Budget. The Council decided to again go through the Truth in taxation process this year, and chose to use the 2019 Property Tax Rate of .000917 in the notice published for residents. Mr. Harvey presented a table of potential property tax rates and their projected revenues:

Proposed Rate	Projected Revenue	Amount over Certified Rate
0.000917 – 2019 Rate	\$548,672	\$23,934
0.000910	\$544,484	\$19,746
0.000900	\$538,500	\$13,762
0.000890	\$532,517	\$7,779
0.000880	\$526,533	\$1,795
0.000878	\$525,337	\$599
0.000877 – 2020 Certified Rate	\$524,738	\$0

As shown in the table, if the Council chooses to maintain the 2019 rate of .000917, the projected revenue is \$23,934 above what would be collected if the Council chooses to accept the Certified Tax Rate of .000877. Mr. Harvey also presented a chart detailing property tax rates since 2006, which is the year that the North Davis Fire District was created. The highlighted years are those that the Council adopted a rate above the certified tax rate for that year:

Year	Certified Rate	Adopted Rate	Revenue
2020	0.000877	TBD	TBD
2019	0.000859	0.000917	509,283
2018	0.000881	0.000917	459,924
2017	0.000902	0.000945	434,260
2016	0.000984	0.000984	400,443
2015	0.001005	0.001036	376,649

donate those as part of the donation agreement as well. The City's Land Use Attorney has counseled that if the City requires the road to be built in this location, it forces the creation of these remnant parcels and would consequently have to also accept those parcels. Mr. Davis stated that Staff does recommend approval of Phase II, but asked the Council for their direction on this road issue.

Council Member Dawson stated that it is his understating, as he also stated in the last meeting, Cold Springs Road was always intended to be a full-width road and when the previous owners of the property received development approval, it was expected that any property that developed along the road route would develop that portion of the road. He believes that the developers should be required to develop the full 66 ft. road, feeling that they knew of this responsibility when they purchased the property. Council Member Petersen agreed, stating that if a full-width road is not constructed, he is unwilling to approve this phase. He also inquired as to whether the road route could be redesigned in order to better utilize the remnant parcels. Mr. Davis stated that this has been discussed, but the developer would have some input on whether that was feasible.

Council Member Chatterton also agreed with Council Members Dawson and Petersen, feeling that the road could be redesigned to curve to the east and intersect 300 N at a 90-degree angle. This would create more square footage for the lots along this section of the road, making them more valuable for the developer. Mr. Laws stated that before the current developers purchased the property, a previous developer had submitted a plan for townhomes along Parcel B. When that was not approved, Staff believes that the developer may have chosen to construct a normal development without any extra density, but did not relocate the road and this is where the current road design originated from. Council Member Chatterton later stated that when the Bluff Road went away several years ago, the route of the future Cold Springs Road was placed on the General Plan with the intent of replacing that collector road; with the West Davis Highway coming soon, the road becomes even more important as it connects 300 N to 700 S.

Mayor Craythorne invited those representing Ovation Homes that were attending the meeting to participate in the discussion. Brad Frost stated that he first wanted the Council to know that they "are not trying to be difficult" but do have a different opinion on how the road was laid out and placed; he feels that Staff gave them the impression that the road had to be located as originally designed. He stated that they would much rather prefer that the route of the road be altered and allow lots on both sides. If the Council agreed that the road could be curved and changed, "it would make all the difference in the world" and with lots on both sides, they would agree that they would be expected to complete the full-width of the road. He feels that the City needs to decide whether Cold Springs Road is desired to be a collector or local road. As a collector road, there would be some coordination and approvals needed from UDOT which can take quite some time to receive. Mayor Craythorne inquired as to whether the location of the entrance to the subdivision would change, or if the road design would only change within the subdivision. Mr. Laws stated that UDOT has granted approval for the entrance to the subdivision, and as long as that part of the road redesign does not change, additional approval from them would not be necessary. Mr. Davis agreed. The Council discussed with the developers different options for the road, and ultimately agreed that they were not comfortable approving the subdivision as-is with the road issue not being resolved. Mr. Frost requested that the Council approve the subdivision, subject to approval of a new road design by Staff. He feels that timing is critical as we get closer to winter, and each week spent waiting for Council approval reduces the time-frame for construction. Council Member Petersen stated that he does not feel this would be appropriate or even allowed, but would be willing to meet with the developers and work on finding an acceptable road route so that when it comes back to Council, it can be with the expectation that it will be approved. Mr. Laws asked Mr. Keller (Land Use Attorney) on whether Staff could approve the road route or if it would need to be done by the Council. Mr. Keller stated that the best option would be for Staff and/or Council Members to work with the developers on the road design and then have the Council grant final approval. Council Member Dawson inquired as to what it would take to redesign the road, and Mr. Frost stated that he and his engineers would start working on a few different options right away, and by hopefully being able to avoid waiting for another approval from UDOT (by keeping the entrance on 300 N that has already been approved), be able to present them to Staff and/or Council Members for discussion and find a solution that works for both parties before the next Council meeting. Mayor Craythorne gave his assurance that the City would do everything it can to work with the developers and engineers in order for the subdivision to be approved at the next meeting in two weeks. Mr. Frost stated that he and his team "can work with that."

Approval of Phase II and the Donation Agreement will be on the agenda at the next meeting for consideration.

3. Discussion Regarding the Harvest Field Subdivision – Mr. Boyd Davis

Mr. Davis stated this subdivision is located at approximately 1200 S 4500 W, formerly owned by the Glen Wade family, and is on the border between Syracuse and West Point. It is owned by Capital Reef Management and being developed by Ovation Homes. The final plans for phases 1-4 have been submitted and will be reviewed by the Planning Commission for approval at their August 13th meeting. The Council approved the developer's request to simultaneously develop multiple phases in a previous meeting. Mr. Davis explained the following details for each phase:

The first phase of the subdivision contains 12.3 acres and 30 lots ranging in size from 10,000 sqft. to 15,099 sqft. All lots meet the minimum size for the R-1-PRUD zone and the density is within the limits of the code.

The second phase of the subdivision contains 11.3 acres and 29 lots ranging in size from 10,020 sqft. to 15,542 sqft. All lots meet the minimum size for the R-1-PRUD zone and the density is within the limits of the code.



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Kyle Laws

**General Session
7:00 PM**

Minutes for the General Session of the West Point City Council held via electronic Zoom Meeting, accessible to attendees by entering Meeting ID #82766341031 at <https://zoom.us/join> or by telephone at (669) 900-6833, on August 4, 2020 at 7:00 pm with Mayor Erik Craythorne presiding.

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

EXCUSED: None

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: Visitors able to attend electronically, no sign-in required.

1. **Call to Order** – Mayor Craythorne welcomed those attending the electronic meeting.
2. **Prayer** – Given by Council Member Henderson
3. **Communications and Disclosures from City Council and Mayor**

Council Member Kent Henderson – None

Council Member Dawson – None

Council Member Chatterton – None

Council Member Petersen – None

Council Member Judd – None

Mayor Craythorne – None

4. Communications from Staff

Mr. Laws updated the Council on the UTOPIA fiber internet project, stating that two new phases opened up this past week and almost 1,000 homes in the City have the ability to sign-up. The number of sign-ups is well ahead of projections, and it appears that the threshold of 1,200 subscribers will be met in order to cover the bond payment. Mr. Laws reminded the Council that there is a two-year grace period before the first monthly bond payment is due.

Mr., Davis updated the Council on the 300 N Project, stating that the section of the road in West Point is nearly complete; the remaining items are the laying of the chip seal and an H5 sealcoat over the top, and then the road striping. The chip seal is scheduled to be completed the next day, the H5 seal coat is scheduled for August 15th, and the road striping is scheduled for August 17th. The road looks great and should be open and ready for use by mid-August.

- Staff has since discussed the road width and the developers have also agreed that, in exchange for approval of the access road (through the cemetery they will continue the 50 ft. road width along 3610 W.
- In order to fit a 50 ft. road width, the City may need to make some minor concessions on the setbacks of these lots. Mr. Laws specified that the side-yard setbacks of the lots on the inside of the loop will need to be reduced from 20 ft., and it may also be necessary to reduce the front and rear-yard setbacks of the lots on 3610 W. This wider road is something that Staff has asked the developers to do, feeling that a full 50 ft. road width is important for many reasons, one of which being that there will likely be a lot of on-street parking and a narrow road causes major congestion and safety issues as cars try to pass.
- Reduced the number of units in the project.
 - Mr. Davis stated that this is the most significant change to the original plan and removes 6 units from the original plan, totaling 86 units rather than 92 units. The overall density for the entire project, including the patio homes, is close to 7 units per acre; as the zoning allows for 8 units per acre; they are under the maximum density for the zone.
- Install curb and gutter along the proposed emergency access road
 - The original plan showed the access as another driveway leading to the cemetery. By installing curb and gutter, the road will be much easier to identify as an access rather than a driveway in case of emergency.

In regards to the Developer's Agreement, if approved, the City would be agreeing to grant access through the cemetery, grant a utility easement for the lines that go through the cemetery (although these lines may not be needed for the project), grant a utility easement for the sewer line on 200 S, allow adjustments to the setbacks of the lots along the loop road in order to accommodate a 50 ft. road width. Lastly, the City would allow a 20 ft. setback to the patio homes; although Staff believes that the Code that was current when this subdivision was applied for allows for 20 ft. setbacks, the developers have asked that this be specifically stated in the Agreement (the Code has since been changed to 25 ft.). In return, the developers would agree to develop the project as approved, construct a 50 ft. loop road through the townhouse area, construct the emergency access road to the required standards, including curb and gutter, and also install trees along that access.

Mr. Laws reiterated that Staff has been working with the developers for some time on the project and they have been willing to negotiate and modify their project; while not every request from Staff was agreed to and incorporated, the project has "come along way" in creating a final product that is good for the City. Mr. Laws also noted that it is correct that this townhouse part of the project is more than 8 units per acre, but the total density of the entire subdivision is under the 8 unit/acre maximum as mentioned by Mr. Davis.

Mr. Laws added that at the last meeting, the Council asked to see what an option for an emergency access road heading east would look like; the developers drafted a plan for this option, and Staff forwarded it to Council the previous week

Council Member Henderson inquired as to what the front and side yard setbacks would need to be reduced to on the lots along the road to accommodate a 50 ft. road. Mr. Davis stated that an additional 16 ft. is needed, and so the setbacks could need to be reduced to 15 ft. on either side of the road. Mr. Davis confirmed for Council Member Petersen that 50 ft. is the standard road width required for a private road. If that is the case, Council Member Petersen stated that he is struggling with why the original plan didn't already include a 50 ft. road and instead the City is negotiating with them to get it. Mr. Laws clarified that the Code also allows for private lanes and drives, but doesn't specify a road width; the developers were proposing that this would be a private road coming into the subdivision off of 300 N and connect to the public road to the east into the Nilson Homes project. Although still a private road, they have agreed to increase the road width to 50 ft., and still have multiple private lanes and drives throughout the project.

In regards to the emergency access, the option for an east route would travel along the golf course to the east and then exit out between the townhouses and patio homes. As required by the North Davis Fire District, the HOA would be required to maintain and plow either access, but the road for the east route would not be paved. Mr. Bryan Bayles, representing the developers, stated that their preferred route is through the cemetery access – the east route option ends up being about 1,800 ft., while the cemetery access road would only be about 220 ft. Further, there is already a dirt

emergency access there. Council Member Dawson stated that other emergency personnel would not need the access to be able to arrive on the scene of an emergency, but it would be the fire department's large ladder trucks and other large vehicles that would need to use the access in order to navigate equipment to the scene. Mr. Davis added that the gate would also be a 'crash-gate', meaning that if there was a true emergency, a vehicle could drive through the gate and exit through the access without a key.

Council Member Henderson also stated that he also is not in favor of the cemetery option for the access route. He does not see the benefit for the City and worried about the impact on the cemetery patrons as they visit those that have passed on. Council Member Dawson commented that he does not feel there will be a large, if any, impact on cemetery patrons and if there was an emergency, those visiting the cemetery are likely to understand why fire trucks and crews are using the road and why residents are needing to use the road to leave the area. However, most of the time he feels like it will be a vacant road like what is there now, only improved and better landscaped.

Mr. Laws commented that there is a safety benefit to the City, or at least to the residents who will live in the development, is that the cemetery access option is a shorter route to a public road compared to the long route to a public road to the east. The access would also benefit the residents on 4000 W should the situation arise where they need to exit to the south rather than onto 300 N. Should the Council choose not to grant the cemetery access, the need for a Developer's Agreement would be removed and the developers would not be required to construct the 50 ft. loop road as desired, or any of the other changes they have agreed to do in exchange. He stated that the decision is entirely up to the Council to make, but just wanted to make sure they were clear on what the trade-offs would be for the project as a whole.

Council Member Henderson thanked Mr. Laws for this clarification, and had misunderstood the intent of the Developer's Agreement. With that, he feels that granting the cemetery access in exchange for the 50 ft. loop road is indeed a good trade-off, and coupled with the fact that it would be a shorter emergency route than the route to the east, would be in favor of approving the Developer's Agreement.

Jake Shepherd, another one of the developers of the property, wanted to make it clear to the Council that they did not come to the City with this proposal because they didn't have any other options for their subdivision to work. Rather, they have worked with Staff to come up with a plan that is mutually beneficial for both the City and the developers. The Developer's Agreement is not needed to "solve any problems", but is being proposed because there is a joint interest and it would define what the offsets and benefits would be to reach that joint interest. He reiterated that Staff has done a great job working with them to bring forth a proposal that both parties would benefit from, and have looked at the issues and options "far more than any of the Council Members." In his opinion, the concessions he and the other developers are asking for are not major exceptions to the Code and he wants it made clear to the Council that there are benefits to the City if the Developer's Agreement was approved, but again, they don't need it in order for their subdivision to work. Council Member Chatterton stated that he respects Mr. Shepherd's stance on the issue and his comments, but he dislikes the idea being presented to the Council as "approve this (access) through the cemetery or you don't get your 50 ft. road."

Mayor Craythorne thanked all for the discussion and the comments made and information shared. At this time, he would like to call for a motion on approval of the Developer's Agreement.

Council Member Dawson motioned to approve Resolution No. 08-04-2020A
No second

Council Member Petersen motion to deny approval of Resolution No. 08-04-2020A
Council Member Judd seconded Council Member Petersen's motion
Council Member Henderson – Aye
Council Member Dawson – Nay
Council Member Chatterton – Aye
Council Member Petersen – Aye
Council Member Judd – Aye
The Council denied approval of Resolution No. 08-04-2020A

\$159,181. If the Council wishes to contribute funds from the second and/or third tranche of money the City receives, a new agreement will be presented to the Council for approval of each contribution amount.

The Council had no further discussion.

Council Member Chatterton motioned to approve Resolution No. 08-04-2020C

Council Member Judd seconded the motion

The Council unanimously agreed

12. Consideration of Approval to Provide COVID-19 Support to the North Davis Fire District using CARES Act Funding in the Amount of \$31,622.16 – Mr. Kyle Laws

As also discussed with the Council at the last meeting, the North Davis Fire District sent the cities served by the District a letter requesting that they share some of CARES funding that they received to help with their COVID-19 response costs. As a special district, the NDFD did not receive any CARES Act funds directly. They have requested \$141,339.74 for personnel costs. As the NDFD serves as the fire department for West Point, Clearfield, and Sunset, the three cities have all agreed that it would be appropriate to contribute the funds, and that the requested amount be split based on population. That breakdown would be as follows: Clearfield (66.5%) - \$94,009.62, West Point (22.4%) - \$31,622.16, and Sunset (11.1%) - \$15,707.97.

The Council had no further discussion.

Council Member Petersen motioned to approve providing \$31,622.16 to the North Davis Fire District from CARES Act Funding

Council Member Henderson seconded the motion

The Council unanimously agreed

13. Consideration of Approval of Ordinance No. 08-04-2020A, Rezoning Property Located at 3635 W 300 N from the R-2 to the R-4 Zone – Mr. Boyd Davis

Mr. Davis stated that this Mark Thayne and Jake Shepherd intend to purchase this property and existing home and incorporate it into their townhouse project (Bluff View Subdivision). The property is 3.5 acres and they are requesting that it be rezoned to the R-4 zone. This is consistent with the General Plan and matches the adjoining development. With this, Staff recommends approval of the rezone.

Mayor Craythorne opened the item for public hearing.

a. Public Hearing

No comments

Council Member Chatterton motioned to close the public hearing

Council Member Henderson seconded the motion

The Council unanimously agreed

b. Action

The Council had no further discussion on the rezone request.

Council Member Dawson motioned to approve Ordinance No. 08-04-2020A

Council Member Chatterton seconded the motion

Roll Call:

Council Member Dawson – Aye

Council Member Chatterton – Aye

Council Member Judd – Aye

Council Member Petersen – Aye

Council Member Henderson - Aye

Council Member Henderson - Aye

The Council unanimously agreed

16. Motion to Adjourn the General Session

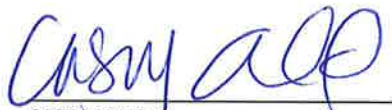
Council Member Judd motioned to adjourn the General Session

Council Member Dawson seconded the motion

The Council unanimously agreed


ERIK R. CRAYTHORNE, MAYOR

September 1st, 2020


CASEY ARNOLD, CITY RECORDER

September 1st, 2020

