



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
September 15th, 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 in accordance with the signed August 25, 2020 Written Determination of the Mayor and Planning Commission Chair of West Point City Concerning Electronic Meeting Anchor Location. Meeting was accessible to attendees by entering Meeting ID #82856880849 at <https://zoom.us/join> or by telephone at (669) 900-6833, on September 15, 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. Quarterly Financial Update – Mr. Ryan Harvey

Mr. Harvey stated that this update is in regards to the fourth quarter of Fiscal Year 2020, representing April 12th – June 30th. He noted that the audit for FY20 is currently being prepared and will be presented to the Council in a few months. He presented a chart of the revenues and expenditures for this quarter, showing that general fund revenues were above budget and expenditures were below budget. Because of this, the City should be able to have a sizeable transfer from the General Fund to the Capital Projects Fund once the year is closed out. In regards to the Special Revenue Fund, revenues were quite high due to the increased number of building permits, impact fees, and other development fees during this time of growth in the City. The Capital Projects Fund will receive the majority of its revenue with the transfer to the General Fund at the end of the fiscal year. At the end of this fourth quarter, the Waste, Water, and Storm Water revenues for the whole fiscal year are also all above budget, with total expenditures for each department being below budget. In regards to the City's cash position, there is a healthy balance in each City Fund, although the PTIF interest rate is down from FY19's rate of about 3% to slightly below 1%.

The Mayor thanked the Mr. Harvey and with his report indicating the City's good financial standing, the Council had no comments or discussion.

2. Discussion Regarding Placement of Permanent Ballot Drop Box – Ms. Casey Arnold

Ms. Arnold stated that, as the Council is aware, both the State and Davis County have transitioned into a vote by-mail election process the last few elections, and the County is asking the City if we would be willing to place a permanent ballot box outside of City Hall. There is currently a temporary ballot box that Staff places in the foyer at City Hall during each election for residents to come in, only during business hours and drop in their ballot. Per the County's request, the City also agreed to store the ballot at City Hall when not in use. This box would be replaced by the permanent ballot box and, by being outdoors, it would be accessible to residents 24 hours a day up through 8 PM on Election Day. Ms. Arnold stated that not only does this provide more accessibility to residents, but it also eliminates the need for walk-in traffic through City Hall. She explained that it is already a regular occurrence for ballots to be placed in the City's Utility Drop-Box by residents, whether that is because they are dropping off their ballot after hours or prefer not go into City Hall, and it is not ideal for Staff to have to handle the ballots when collecting utility payments and taking them inside to be placed in the proper ballot box.

The County would install the box at no cost to the City and it would be available for all elections, including the City's municipal elections. She noted that this could help reduce the number of ballots returned by mail, thereby saving the City costs for return postage. Ms. Arnold displayed a picture of what the ballot box looks like and stated that she and Mr. Laws met with Brian McKenzie

of the Davis County Clerk's Office to determine where the best location would be, considering accessibility and the flow of traffic through the parking lot. All felt that the best place for it to be is near the current utility drop-box and US Post Office box; the ballot box is bright red in color with colorful signage indicating it is for election ballots, clearly distinguishing it from the other boxes.

Council Member Chatterton inquired as to whether it could be placed between the utility and post office boxes, rather than to the east (being the first box when pulling into the parking lot), so that it doesn't block the sign designating the utility drop-box. Ms. Arnold stated that this was discussed, and Staff feels that putting a higher, more prominent sign on the utility drop-box would reduce any confusion. Mr. Laws added that there will be enough room between the two that there shouldn't be any visibility problems. He also noted that the cement base for the ballot box would extend to the base for the utility box so that there isn't a section of grass in between that would have to be maintained. Council Member Petersen echoed Council Member Chatterton's concern, adding that his preference is for the ballot box to be in the middle of the utility and Post Office boxes. However, as long as each box is easily identifiable for residents, he stated that it isn't a major issue to him.

An Interlocal Agreement with Davis County for the permanent ballot box is on the agenda in tonight's General Session for consideration and the Council had no further discussion at this point.

3. Discussion Regarding the Davis Education Foundation Cares Act Request – Mr. Kyle Laws

Mr. Laws stated that Staff has received a request from the Davis Education Foundation to provide \$51,400 of our CARES Act funding for a Child Care Assistance Grant that will be administered by the Davis School District and the Davis Education Foundation. The City has received the second tranche of CARES Act Funding of \$318,362, making a total of \$636,724 received so far.

This program will benefit West Point residents that need childcare assistance due to the Davis School District's move to in-person classes only two days per week. There are several guidelines and qualifications that must be met in order to receive any money from the grants, as well as specific income guidelines. Mr. Laws reviewed those items with the Council as follows:

- Have one or more elementary student(s) enrolled in Davis School District
- Have all parents/guardians/responsible adults in the household verify employment outside the home during elementary school hours
- Not have any secondary students in the household
- Meet the following income guidelines:

Household size	Gross monthly income
2	\$3,712
3	\$4,585
4	\$5,458
5	\$6,332
6	\$7,205
7	\$7,369
8	\$7,532
9	\$7,696
10	\$7,860

The amount of the request, \$51,400, was calculated by the Davis Education Foundation after determining the number of households in each city that was likely to be in need of childcare assistance and the typical cost of child care for elementary-age students. They identified 514 children in West Point that they think would qualify for the program and estimated that child care costs for the three days a week that children will not be in school to be about \$200/month per child. They also estimate that only about half of those households will apply for assistance, so for 257 children at \$200 a month, the amount needed works out to \$51,400. Mr. Laws explained that the money will only be used for West Point families and will be done through a one-time payment to the household. Whatever is not used initially will be used to fund a second disbursement for those in the City that may need it. Other cities in the County are being asked to donate their respective calculated amounts as well.

Mr. Laws stated that Staff recommends approval of contributing the \$51,400 as it seems to be an appropriate use of CARES Act funds for the benefit of West Point families.

Council Member Dawson inquired as to how they are ensuring that the funds are being used directly for childcare, possibly in payments made directly to the childcare provider. Mr. Laws stated that he believes that the funds will be given directly to the families that meet the criteria and income guidelines as more of an income supplement to help cover the costs of childcare rather than specifically to providers.

Mayor Craythorne asked what would happen to funds not yet disbursed if the Davis School District decides to move back to in-person classes four or five days per week before the end of the fall term; he had heard that the School Board and Health Department will be considering this at their meeting in October. Mr. Laws stated that the program is only planned to be available

through the end of December, and he is unsure exactly what will happen to funds that were not yet distributed. Mayor Craythorne suggested that the City request that no funds be dispersed until after that meeting in October and then if school goes back to in-person classes all week, the money can be given back to the City. Mr. Laws stated that he would discuss that with them.

Council Member Dawson stated that he is concerned that families won't have to verify that the money they received was actually spent on childcare costs. For example, there could be a situation in which a household with a large number of children could qualify for and receive the money, but a grandmother actually lives in the home and takes care of the children at no cost. He feels that the program is a little too "open-ended." Mayor Craythorne stated that this is likely a common concern with the use of all CARES Act funds and we just have to trust that those that qualify will use the money as intended; it would be hard for the County to try to manage and verify every family's use of the funds.

Council Member Petersen stated that one thing to consider is that the program is going through the Davis Education Foundation, which has its own official Board and processes. This may make other Council Members more comfortable in being assured that there is proper disbursement and application of the funds, though there is always the chance with any program for people to take advantage and misuse funds. Apart from that, Council Member Petersen suggested that the request for funding could be approved by the Council now, but that the funding not actually be given until after a decision by the School Board is made.

Mayor Craythorne stated that he was just informed (during this discussion) that the School Board is actually currently in their meeting, discussing and voting on moving to in-person classes four days per week. His suggestion is that whatever the Council decides to do in regards to the request, that it be contingent on the School Board's final decision this evening. If there is an increase to the number of in-person classes per week, there will likely be some modifications in calculating the funding amount needed.

Mr. Laws stated that the request is on the Agenda in tonight's General Session for consideration of approval. The Council will have further discussion at that time on whether or not to approve the request, and if approved, what contingencies may be placed on disbursement of the funds.

Council Member Henderson also noted that the Mosquito Abatement District Davis plans to request some CARES Act funds from the cities that it serves, as it is not eligible to receive funds directly from the Act. Mr. Laws stated that it is a small request, in the amount of \$1,500, and does not believe that there needs to be official Council approval to contribute this amount, unless there are any strong objections. The Council was in favor of granting the request.

4. Discussion Regarding a Petition for Annexation – Mr. Kyle Laws

Mayor Craythorne stated that this item has been discussed in depth by Staff and with representatives from the various groups involved. As such, there is a lot of information that will be presented and discussed, and even apart from this specific petition, will be things that need to be discussed and addressed in the near future as the City prepares for development of the annexation area.

Beverly Parker Bailey submitted a Petition for Annexation for the Parker Place Subdivision located at approximately 2424 N 6000 W. The property is within the City's Annexation Plan along the boundary line between Davis and Weber Counties, however it is about ½ of a mile away from the City's current boundary. Under previous State Law regarding annexations, the annexation of an area that was not contiguous to the City's boundaries would have been prohibited. However, in this year's Legislative Session, legislation was passed that seems to be intended to allow for this type of 'island' to be annexed into a city, if both the city and the county in which the property is located agreed. However, the legislation is not very clear and refers to allowing annexation that would result in an 'unincorporated' island rather than 'incorporated' island. Mr. Laws stated that, regardless of what Legislators may have been trying to accomplish with this new legislation, annexing the Parker property would create an incorporated island which is not allowed. Further, the City's Annexation Policy states that an annexation should not create topographically isolated areas, areas for which the provision of services could be costly or difficult, or an area in which groundwater runoff would create multi-jurisdictional problems. Annexing this property would be contrary to the City's Code by creating a topographically isolated area and Staff feels that providing services to the property at this time would be costly and difficult. A particular concern is the ability to provide sewer to not only this property, but the entire annexation area. A sewer study is currently underway that will include evaluating this area and exploring possible options. In the Staff Report for this item, Staff was not making a recommendation on whether to approve the Petition for further consideration or deny it. However, after more discussion and consideration, Staff now recommends denial of the Petition due to the issues that exist with State Code, the City's Annexation Policy, the sewer issues that exist and need to be resolved, and the small, oddly shaped sized of the property. Mr. Laws stated that he spoke with Mrs. Bailey this afternoon to let her know what Staff's recommendation would be in tonight's meeting and the reasons why. He also wanted to let her know that West Point fully expects that this area will be a part of the City, but that the timing is not quite right as there are issues that need to be explored and understood better.

Mayor Craythorne also reminded the Council that about a year ago, Davis County passed legislation that only allowed for only one lot per 10 acres to be developed in the unincorporated area. The reasoning for this is to make sure that as much property is possible is annexed so that the cities can be able to provide the services that the County is not fully able to provide. The Parker family has been wanting to develop their property, whether it be done through the County or annexed into West Point. As Kyle also mentioned, previous State Law would not have allowed for the property to even be considered, but after talking with the Legislators

that represent this area, the Mayor feels that the intent of and the language of the new legislation are not consistent. He wanted to reiterate that West Point wants this property and those around it to be a part of the City, and wants to make sure that the City is able to provide the services to those areas in the best and most efficient way possible. Right now, there are too many barriers that exist for that to happen.

Council Member Dawson inquired as to whether the property could be annexed, but not be allowed to develop until the properties around it create a large enough area or reach the City's boundaries. Mr. Laws stated that once incorporated, as long as they meet the City's ordinances, they could not be prohibited by the City from developing. However, the same issues still exist that might be barriers to developing the property. It was confirmed for Council Member Judd that if annexed, the property would automatically be zoned as agriculture. The General Plan calls for the area to be an R-1 zone, and so they would have to apply for a rezone in order to be able to develop.

Mayor Craythorne stated that the City has "done more" the last 18 months in taking steps to pave the way for annexation of the unincorporated area than has been done the past 20 years, and he feels that the City has an obligation to continue taking steps to make it work and find solutions to the existing issues.

Council Member Petersen agreed with Mayor Craythorne, and also inquired as to whether there is a process in place to hear from neighboring property owners on their desire to be annexed or not. If they approved the Petition for further consideration, it could allow time for noticing or contacting the neighbors to see if a larger area could be annexed, rather than just denying the Petition now. Their willingness to or not to be annexed may already be known, but he feels there may be some benefit in doing that. Mayor Craythorne stated that from discussions he has had over the past years, some property owners would rather be annexed into Hooper City rather than West Point. However, he agreed that if the process did move forward, we would need to contact the adjacent property owners and see if they want to include their properties. Hopefully, the area under consideration would grow to a larger piece of land and not a small, "puzzle" piece. He added that Jeff Oyler of Davis County informed him that the owners of the large piece of land directly to the south of the Parker property just put the property into some sort of agricultural protection zone and so it doesn't seem that they are interested in moving in the direction of annexation at this time. Mr. Laws stated that regardless of what the Council determines tonight, contacting these property owners would still be beneficial to get a better idea of where they stand. He added that one benefit of not moving forward with this Petition is that it would allow more time to do this, rather than trying to contact them all and get their decision within 30 days.

The Mayor suggested that if the Petition is denied, that the \$300 Petition Fee be refunded to the Parkers so that it can be applied to a future petition once some of these issues are resolved and more is known. The Council agreed.

Mr. Laws also wanted to add that even if the State Code were to be interpreted as allowing an island to be annexed as we think is the intent, it still has to meet the following criteria:

- (i) the area is within the annexing municipality's expansion area;*
- (ii) the specified county in which the area is located and the annexing municipality agree to the annexation;*
- (iii) the area is not within the area of another municipality's annexation policy plan, unless the other municipality agrees to the annexation; and*
- (iv) the annexation is for the purpose of providing municipal services to the area.*

The City's Land Use Attorney, Rob Keller, is of the opinion that when considering if this annexation is being done for the purpose of providing services to the area, this property does not meet that purpose as it is so far away from existing utilities and it is unknown how they can be best provided. As such, the City would not be able to provide those services and meet that criteria. Mr. Keller agreed with Staff that the appropriate action would be to deny the Petition, if not only just for this reason.

Council Member Petersen wanted it known that the City wants to be and is trying to be proactive in this process, even if it might not appear so. However, once the City's and County's sewer studies are complete, a lot more will be known and more action can be taken. Once these studies are completed, he would like the outcomes to be specifically on the Council's agenda for discussion and that the information be shared with the Parker family and other landowners.

The Council will consider approval of accepting the Annexation Petition for further consideration in tonight's General Session and will have more discussion at that time.

5. Other Items

No other items were discussed.

The Administrative Session adjourned.



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Mayor
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City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
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Annette Judd
City Manager
Kyle Laws

General Session

7:00 PM

Minutes for the General Session of the West Point City Council held via electronic Zoom Meeting in accordance with the signed August 25, 2020 Written Determination of the Mayor and Planning Commission Chair of West Point City Concerning Electronic Meeting Anchor Location. Meeting was accessible to attendees by entering Meeting ID #82856880849 at <https://zoom.us/join> or by telephone at (669) 900-6833, on September 15, 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 Mayor Craythorne
3. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – None

Council Member Dawson – As a Board Member of the North Davis Sewer District, he informed the Council that at the last meeting, the Board discussed how in some cities, such as Layton, Roy, and several others, there are subdivisions that are being serviced and maintained by the Sewer District. He is working with these cities to try and have them take over their own subdivisions and include them in their city's sewer system. He stated that as all of West Point is serviced by the NDSD and does not have its own sewer system, it doesn't make sense for the fees we pay to go towards things like relining a sewer pipe in a Roy City subdivision. He asked the Council for their thoughts on how to best accomplish this, whether it be by having the District abandon those lines and the cities taking them over, or if there are other ideas and suggestions the Council may have.

Council Member Henderson – In regards to mosquito abatement, which he is a Board Member of the Mosquito Abatement District Davis, there were 31 water areas in Utah that had positive cases of West Nile Virus; 16 of those were in Davis County. Most of the traps that were set this year were destroyed in the major windstorm that came a few weeks ago, which hindered testing and analysis capabilities that they are normally able to do.

Council Member Petersen – None

Council Member Judd – She would like to thank those residents who put their faith and trust in the Council to represent them and believes that we are trying to do the best job for them. She also appreciates the feedback residents give on social media sites and noted that many express their appreciation to the City for the work that they do.

Mayor Craythorne – In regards to Item 12 on the agenda, the Mayor disclosed that he is involved with the Bennett Century Farms Subdivision and would recuse himself from that discussion. Mayor Pro Tem Petersen will preside over that item.

4. Communications from Staff

Staff had no comments for the Council.

5. Citizen Comment

Beverly Parker Bailey – 179 Peachtree Drive (Centerville, UT): Mrs. Bailey stated that she is the Petitioner of the Annexation Petition filed on behalf of the Parker Family Trust, which the Council had discussed in tonight's Administrative Sessions. She would like to express her appreciation to Staff and the Council for the work and efforts that have been done to consider all of the issues about this annexation request. She specifically thanked Mayor Craythorne, Kyle Laws, and Troy Moyes (City Planner) for the time they have spent on the issue, and for Mr. Laws in keeping her informed throughout the process. Mrs. Bailey said that she does feel as if the City is willing to work with them, and that means a lot to the family. The Parker Family has put a lot of time, energy, and money into developing the property and have been working with Davis County to do so. The expense of improvements and installation of a secondary water line to the property were quite significant, and a septic tank was set to be installed. They were able to sell seven lots for development, but then Davis County suddenly restricted development of the unincorporated area to 1 lot per 10 acres. This is obviously not what the Parker Family expected, as the land is zoned for 1-acre lots, and there are now seven property owners that were thrilled to purchase the property and start building their homes. As such, the Parkers are very frustrated now that they have been abruptly stopped from moving forward – they would really like to finish off the project that they started. She stated that they understand the issue with providing sewer services, but there are other homes in the area that are served by septic tanks and they believe that a septic tank would also be effective for this property. They feel that they should be able to move ahead with their project and once there is a sewer system in the area, these homes would be required to connect to it. Mrs. Bailey also stated that they are willing to work with surrounding property owners, but that it would be helpful for the City to reach out to them; she and her family were raised in the area and know most of the people, but are not sure what the general feeling is about annexation. If the City could help determine that, they would be very grateful. In summary, Mrs. Bailey reiterated her appreciation to the City and the support they have shown and hope that they can continue working together through the process and getting this project completed.

Mayor Craythorne thanked Mrs. Bailey for her comments and thanked her for her patience as these issues are worked through and resolved to keep the process moving forward.

6. Consideration of Approval of the Minutes from the August 18th, 2020 West Point City Council Meeting

Council Member Henderson motioned to approve Minutes from the August 18, 2020 West Point City Council Meeting

Council Member Dawson seconded the motion

The Council unanimously agreed

7. Consideration of Resolution No. 09-15-2020A, Approving an Interlocal Agreement with Davis County for Placement of Permanent Ballot Drop Box – Ms. Casey Arnold

Ms. Arnold stated that as discussed earlier in the Administrative Session, Davis County has approached the City about placing a permanent ballot box outside of City Hall. The County would pay for and install the box, and it would be available for use for every election (municipal, county, state, federal). It would replace the temporary ballot box that is placed inside the foyer at City Hall each election, and so be available to residents 24/7 rather than just during City Hall business hours. Staff proposed approval of the Interlocal Agreement for the permanent ballot box, and recommend it be placed by the existing utility drop-box and U.S. Post office in the north east corner of the parking lot.

The Council had no further comments or discussion.

Council Member Judd motioned to approve Resolution No. 09-15-2020A

Council Member Chatterton seconded the motion
The Council unanimously agreed

8. Consideration of Acceptance for Further Consideration of an Annexation Petition for Property Located at Approximately 2425 N 6000 W – Mr. Kyle Laws

Mayor Craythorne stated that as Mrs. Bailey had stated in her comments, this item was discussed by the City Council in tonight's Administrative Session. He asked for Staff to give a brief summary for those attending this meeting that were not there for that discussion.

Mr. Laws stated that Beverly Parker Bailey submitted a Petition for Annexation on behalf of the Parker Family Trust and displayed a map highlighting the subject property. Staff's recommendation is to deny the Petition, but wanted to make it clear that this would not be a "permanent" denial, but only at this time. Staff's reasons for that recommendation is because of the unclear language and conflicting interpretations of the State Code regarding unincorporated islands; annexing this property would create an incorporated island (or City island) and it isn't clear whether that is allowed or not. Additionally, State Code says that certain requirements have to be met for an unincorporated island to be allowed, and it also isn't clear on whether this property meets that criteria. The City's Annexation Policy stated that annexing an area should not create topographically isolated areas or areas where it would be possibly difficult to provide city services. If the area being annexed included more than just one property and was a substantially larger piece of land, it may be more feasible for the City to provide the sewer service and there wouldn't be such a significant distance from the City's current boundaries.

Mr. Laws stated the sewer studies are currently being done, both by the City and by the Davis County Health Department to better understand long-term solutions and capabilities to provide sewer services to not only this property, but the entire future annexation area. Further, providing services such as snowplowing and other maintenance would also be difficult, but there have been discussions with the County about how to address these issues and they have indicated their willingness to assist with these services, but the details still need to be worked through and resolved.

The Council had no further discussion on the Petition for Annexation.

Council Member Chatterton motioned to deny at this time the acceptance for further consideration of the Annexation Petition for property located at 2425 N 6000 W, noting that the annexation area will be on a City Council agenda in the future as various information becomes available that will help the Council make a proper decision (about a future petition) and also help the Petitioner move forward through the annexation process.

Council Member Dawson seconded the motion

The Council unanimously agreed

9. Consideration of Approval to Authorize the City Manager to Distribute City CARES Act Funds to the Davis Education Foundation for the Davis School District Child Care Assistance Grant Program – Mr. Kyle Laws

Mr. Laws stated that as also discussed in tonight's Administrative Session, the Davis Education Foundation is establishing a child care assistance grant program and are requesting contribution from the cities within the County. They are requesting \$51,400 from West Point, which will all go to West Point residents that are in need of childcare assistance due to the Davis School District's decision to reduce the number of in-person class days to two days per week. However, the DSD may be changing that schedule and increasing in-person class days. Mr. Laws stated that the Council's earlier discussion indicated that they are in favor of contributing to the program, but would like approval to be subject to the School's District decision and that the contribution amount be reduced if the number of in-person class days per week is increased. The Council agreed with that and had no further discussion.

Council Member Petersen motioned to approve the request to contribute CARES Act Funds to the Davis Education Foundation (in the amount of \$51,4000 as calculated based on students being in school 2 days per week), subject to the Davis School District Board's decision on whether or not in-person class days will be increased. If the number of in-person class days per week is increased, he includes in this motion that consideration of approval be delayed until the next meeting in order to discuss a recalculated contribution amount.

Council Member Chatterton seconded the motion

The Council unanimously agreed

10. Consideration of Approval to Place the Bannock Subdivision Phase 2 on Warranty – Mr. Boyd Davis

Mr. Davis stated that Phase 2 of the Bannock Subdivision is located at 625 S 4000 W and the project is being developed by Nielsen Homes. This phase will connect to Cold Springs Road and all items required to be placed on warranty have been completed. Staff recommends approval and the Council had no further discussion.

Council Member Henderson motioned to approve placing the Bannock Subdivision Phase 2 on warranty

Council Member Dawson seconded the motion

The Council unanimously agreed

11. Consideration of a Request to Simultaneously develop Bluff View Subdivision Phase 1 and 2 – Mr. Kyle Laws

Mr. Laws stated that the Bluff View Subdivision is a combined project with Nelson Homes on the west side and NHM8 (Mark Thayne and Jake Shepherd) on the east side. This request to develop multiple phases simultaneously is similar to other requests received in the past from Ovation Homes. Their request is based on the fact that these phases contain different types of homes and uses, and they specified in their request that the next phase of either home product would not be requested or submitted for approval until 50% of the combined total of lots in Phases 1 and 2 have been sold and building permits issued, as required by City Code. Mayor Craythorne added the Code also states that the City Council may grant exceptions to this requirement if deemed appropriate.

The Council had no further discussion.

Council Member Petersen motioned to approve

Council Member Judd seconded the motion

The Council unanimously agreed

12. Consideration of Approval of the Amended Plat for the Bennett Century Farms Subdivision – Mr. Boyd Davis

****Mayor Craythorne recused himself from the discussion of this item and
excused himself for the remainder of the meeting.
Mayor Pro Tem presided over the meeting from this point****

Mr. Davis stated that the Bennett Century Farms Subdivision is located at 1100 N 4000 W. The Yaeger Family are the owners of Lots 101, 102, and 103 and they have requested to amend the plat in order to combine the three into one single lot. Staff sees no issue with request and recommends approval. In the Council's last discussion on this item, Mr. Davis stated that there may be additional action the Council needs to take in regards to the existing utility easement between Lots 101 and 102. However, he has since spoken with the Davis County Recorder who informed him that once the amended plat is recorded the easement is automatically vacated and no other action is needed. The Council had no further discussion.

Council Member Dawson motioned to approve

Council Member Chatterton seconded the motion

The Council unanimously agreed

13. Motion to Adjourn the General Session

Council Member Dawson inquired Staff as to what transpired with the recent road closure issue on 5000 W. Mr. Laws stated that there are two subdivisions on 5000 W that are currently being developed – the Sun View Subdivision that is being developed by Mark Thayne and the West Lake Subdivision being developed by Psion Homes. Both have had to access 5000 W in order to get to the sewer line and other utilities, which has created large manholes in the road. The Sun View project is done, although it did take them awhile to repair the asphalt, but now the West Lake Subdivision is needing to cut into 5000 W for utility access for their project. Mr. Laws stated that residents that live along the road likely feel like it is one, ongoing project that has been taking forever, but the timing of when the two different developments began construction just happened to be one right after the other. Adding to the frustration is that the utilities are in the middle of the road, and so they have to close the entire road when accessing them. The situation that Council Member Dawson is referring to happened

this past Friday when the road was closed without the City's knowledge and there was no notification to residents, nor did they obtain a Street Cut Permit from the City. The contractor has since paid for and received that Permit, and have completed one of the two manholes that they need to install, but they cannot backfill it for at least 24 hours so that the North Davis Sewer District can inspect it for no leakage. During that 24-hour period, it was covered with large, metal plates that are rough and potentially dangerous to drive over. Again, the City had no knowledge of the closure and residents were upset, posting about it on Facebook and also calling the City. Mr. Laws stated that he went down to the site on Friday evening to assess the situation and had Public Works bring out more candlesticks and cones to make the road a little safer, especially at night, and allow more traffic to go through. Staff has communicated to the contractor of the proper process and that it needs to be followed. The Council thanked Staff for their response to the situation and getting it resolved. Mr. Laws noted that the new Public Works Inspector position that the Council approved will be really beneficial in avoiding situations like this in the future, as part of the position's duties is to communicate with developers and oversee projects through the development process.

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



ERIK R. CRAYTHORNE, MAYOR

October 6th, 2020



CASEY ARNOLD, CITY RECORDER

October 6th, 2020

