3200 W 300 N, West Point, UT 84015
801.776.0970

WEST POINT CITY COUNCIL
MEETING NOTICE & AGENDA

WEST POINT CITY HALL
3200 W 300 N, WEST POINT UT
October 6, 2020

Members of the public wishing to attend this meeting are encouraged to follow all health guidelines issued by the Utah Department of Health, including:

- *Avoid entering if they have a fever of 100.4 degrees Fahrenheit or above, cough, trouble breathing, sore throat, muscle aches and pains, sudden changes in smell or taste, or feel generally unwell*
- *Maintain 6-foot physical distancing*
- *Wash hands often, and for at least 20 seconds*
- *Use of face coverings is encouraged and recommended*
- *Sneeze/cough into cloth, tissue, elbow or sleeve (not hands)*
- *Avoid hand shaking or unnecessary physical contact*

The public may monitor or listen to the meeting electronically and provide public comment when appropriate by following the instructions below:

- **Join Zoom Meeting at**: https://us02web.zoom.us/j/84730363268 *or*
- **Connect via Telephone:** Dial 1(669) 900-6833 and enter **Meeting ID: 847 3036 3268**

Members of the public may also participate in the Citizen Comment item via email prior to the meeting
Comments must be received prior to the 7PM City Council Meeting

- **Email**: carnold@westpointcity.org
- **Subject Line:** Must be designated as "Citizen Comment – October 6, 2020 City Council Meeting"
- **Email Body**: **Must** include First & Last Name and Address and a succinct statement of your comment.

ADMINISTRATIVE SESSION

6:00 PM – OPEN TO THE PUBLIC

1. **Discussion Regarding a Donation Agreement for the Dahlia Estates Subdivision –** Mr. Boyd Davis pg. 4
2. **Discussion Regarding the Bennett Century Farms Subdivision Phase 2** – Mr. Boyd Davis pg. 12
3. **Discussion Regarding Requests for CARES Act Funding from the Davis Education Foundation and the North Davis Fire District –** Mr. Kyle Laws pg. 14
4. **Discussion Regarding City Hall Maintenance Project and Changes at City Hall –** Mr. Kyle Laws pg. 21
5. **Other Items**

GENERAL SESSION OF THE WEST POINT CITY COUNCIL

7:00 PM – OPEN TO THE PUBLIC

1. **Call to Order**
2. **Prayer** (Please contact the City Recorder to request meeting participation by offering a prayer or inspirational thought)
3. **Communications and Disclosures from City Council and Mayor**
4. **Communications from Staff**
5. **Citizen Comment** (If you wish to make comment to the Council, you are encouraged to email your comments prior to the meeting using the instructions above. If you have joined the electronic meeting, use the "raise hand" icon if on a computer or dial *9 to indicate that you would like to make a comment. When it is your turn, the meeting host will unmute you. If attending the meeting in-person, please approach 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)
6. **Consideration of Approval of the Minutes from the September 1, 2020 West Point City Council Meeting** pg. 23
7. **Consideration of Approval of the Minutes from the September 15, 2020 West Point City Council Meeting** pg. 32
8. **Consideration of Approval of Resolution No. 10-06-2020A, Accepting a Donation Agreement for the Dahlia Estates Subdivision –** Mr. Boyd Davis pg. 4
9. **Consideration of a Motion to approve a Memorandum of Understanding with the Davis Education Foundation Regarding CARES Act funding –** Mr. Kyle Laws pg. 14
10. **Motion to Adjourn the General Session**

Posted this 2nd day of October, 2020

Casey Arnold

CASEY ARNOLD, CITY RECORDER

If you plan to attend this meeting and, due to disability, will need assistance in understanding or participating therein, please notify the City at least twenty-four (24) hours prior to the meeting and we will seek to provide assistance.

TENTATIVE UPCOMING ITEMS

Date: 10/20/2020

Administrative Session – 6:00 pm

1. Update from Land Use Consultants
2. Discussion Regarding Setback Requirements for Private Driveways and Alleys – Mr. Boyd Davis
3. Discussion Regarding Maximum Height Restrictions for Accessory Buildings – Mr. Boyd Davis
4. Discussion Regarding Health Insurance Renewal Rates – Mr. Kyle Laws

General Session – 7:00 pm

1. Consideration of Approval of the Bennett Century Farms Subdivision Phase 2 – Mr. Boyd Davis

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Date: 11/17/2020

Administrative Session – 6:00 pm

1. Quarterly Financial Report – Mr. Ryan Harvey
2. Code Enforcement Update – Mr. Bruce Dopp
3. Discussion Regarding the West Point City Council 2021 Meeting Schedule – Ms. Casey Arnold

General Session – 7:00 pm

1. Consideration of Approval of Ordinance No. 11-17-2020A, Regarding Amendments to WPCC 15.20.165 (Multifamily Developments) Regarding Setback Requirements for Private Driveways and Alleys – Mr. Boyd Davis
   a. Public Hearing
   b. Action
2. Consideration of Approval of Ordinance No. 11-17-2020B, Approving the 2021 West Point City Council Meeting Schedule – Ms. Casey Arnold

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Date: 12/1/2020

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: 12/15/2020

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: 01/05/2021

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update

Date: 01/19/2020

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: TBD

JOINT MEETING w/ PLANNING COMMISSION – 5:00 PM

WEST POINT CITY 2020 CALENDAR

2020

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
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26	27	28	29	30	31	

FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
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AUGUST

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23	24	25	26	27	28	29
30	31					

MARCH

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22	23	24	25	26	27	28
29	30	31				

SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
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20	21	22	23	24	25	26
27	28	29	30			

APRIL

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

SUN	MON	TUE	WED	THU	FRI	SAT
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4	5	6	7	8	9	10
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25	26	27	28	29	30	31

MAY

SUN	MON	TUE	WED	THU	FRI	SAT
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
1	2	3	4	5	6	7
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
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7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

*UPDATED AS OF August 31, 2020

IMPORTANT DATES

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

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
- 21 City Council - 6 PM
- 23 Planning Commission - 6 PM
- 24 Pioneer Day - CLOSED

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

AUGUST

- 4 City Council - 6 PM
- TBD Summer Party - 6:30 PM
- 13 Planning Commission - 6 PM
- *N/A Senior Dinner - CANCELED*
- *N/A MOVIE IN THE PARK CANCELED*
- 18 City Council - 6 PM
- 27 Planning Commission - 6 PM

MARCH

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

SEPTEMBER

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

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

MAY

- 5 City Council - 6 PM
- 7 CEMETERY CLEANING
- 8-9 SPRING CLEAN UP
- 8-9 TAKE PRIDE IN WEST POINT
- 14 Planning Commission - 6 PM
- 18 Senior Lunch - CANCELED
- 19 City Council - 6 PM
- 25 Memorial Day - CLOSED
- 28 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

JUNE

- 2 City Council - 6 PM
- 6 MISS WEST POINT ONLINE PAGEANT
- 11 Planning Commission - 6 PM
- 15 Senior Lunch - 11:30 AM
- 16 City Council - 6 PM
- 25 Planning Commission - 6 PM
- 30 GENERAL PRIMARY ELECTION

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: Donation Agreement – Dahlia Estates
Author: Boyd Davis
Department: Community Development
Date: October 6, 2020

Background

The proposed Dahlia Estates Subdivision is located at approximately 300 N 4300 W (Cold Springs Road). The final plans for phases 1 & 2 have been prepared and were recently approved by the City Council, but the approval was subject to a donation agreement being finalized for the property along the Cold Springs Road. An agreement has been prepared and reviewed by the land use attorney and is attached to this report.

Analysis

The attached map and legal description show the portion of Cold Springs Road that is being donated by the developer. As you can see on the map the developer is responsible to build a standard 60' road as part of the subdivision from 300 North to the south end of lot 125 and there will be no donation given for that portion. The additional 6' of width along the entrance road, which is required on collector roads, will be considered part of the donation because it is above and beyond what is required for the subdivision. In addition, the property from lot 125 to the south boundary of the subdivision will be donated for the future construction of the Cold Springs Road.

The attached agreement has been approved by the land use attorney and is simple and straight forward. The agreement states that the donor (Ovation Homes) will donate the property described in the legal description and shown on the map. It states that donor will determine the value of the property being donated, which our attorney said is very typical for a donation. The agreement also states that the City will reimburse the donor for the additional six feet of asphalt as discussed.

Recommendation

Staff recommends approval Resolution 10-06-2020A.

Significant Impacts

None

Attachments

Resolution 10-06-2020A
Map
Legal Description

RESOLUTION NO. 10-06-2020A

A RESOLUTION APPROVING A DONATION AGREEMENT BETWEEN WEST POINT CITY AND CAPITAL REEF MANAGEMENT LLC FOR THE DONATION OF THE RIGHT-OF-WAY FOR THE FUTURE COLD SPRINGS ROAD

WHEREAS, CAPITAL REEF MANAGEMENT LLC, is an authorized agent of the owner of real property identified as Davis County parcel IDs 120430107 and 120430110; and

WHEREAS, West Point City desires to enter into a donation agreement with CAPITAL REEF MANAGEMENT LLC; and

WHEREAS, West Point City and CAPITAL REEF MANAGEMENT LLC, have jointly prepared the written agreement, attached hereto; and

WHEREAS, the West Point City Council has reviewed said agreement and finds it acceptable to the City.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED, by the City Council of West Point City as follows:

1. The Donation Agreement, which is attached hereto and incorporated by this reference, is hereby approved.
2. The Mayor is hereby authorized to sign and execute said agreement.

PASSED AND ADOPTED this 6th day of October, 2020.

WEST POINT CITY,
A Municipal Corporation

By:___________________________________
Erik Craythorne, Mayor

ATTEST:

____
Casey Arnold, City Recorder

LAND DONATION AGREEMENT

Recipient: West Point City, a municipal corporation of the State of Utah
3200 West 300 North
West Point, Utah 84015

Donor: Capital Reef Management, LLC
498 North Kays Drive, Suite 230
Kaysville, UT 84037

The parcel of real property that is the subject of this Agreement is situated in West Point City, Davis County, State of Utah and is located near 4350 West 300 North, in West Point City, Utah, and more particularly depicted and described on the attached Exhibit "A" (the "Parcel"), which is attached hereto and incorporated herein by this reference.

WHEREAS, West Point City (hereinafter referred to as "CITY") desires that the Parcel be dedicated to the CITY as part of the recorded final plat for the project known as "Dahlia Estates, to be used for a future collector road;" and

WHEREAS, Capital Reef Management, LLC (hereinafter referred to as "DONOR"), owns or controls the Parcel; and

WHEREAS, DONOR desires to donate the Parcel to CITY for use by the CITY for its future collector road and which road is not otherwise needed for Dahlia Estates; and

WHEREAS, DONOR agrees to donate approximately 26,322 square feet of DONOR=s property for the uses specified.

THE PARTIES AGREE AS FOLLOWS:

1. **Valuation of Donation:** The value of this donation shall be established by the DONOR.

2. **Dedication of the Parcel:** DONOR or its assignee shall, in conjunction with recordation of the final plat for Dahlia Estates, dedicate to the CITY the Parcel, which is a portion of that certain road depicted in the final plat as "Cold Springs Road" (4300 West). DONOR's dedication of the Parcel to the CITY shall be done with no expectation of any consideration to be received from the CITY, with DONOR intending to claim a charitable tax deduction for the dedication of real property to be utilized by the City for a collector road to service traffic that is above and beyond the traffic that will be generated from homeowners within Dahlia Estates.

3. **Approval:** This donation requires acceptance by the West Point City Council by Resolution. All documents are to have the approval of the City Attorney.

4. **Expenses:** The CITY shall reimburse DONOR or the entity that undertakes the development improvements of Cold Springs Road from 300 North to the south end of Lot 125 for the cost of road base, asphalt and slurry seal needed to complete the six additional feet of road necessary to preserve Cold Springs Road as a collector street.

5. **Default:** If CITY refuses to proceed with the transaction and complete the agreement according to its terms and condition, DONOR shall retain all rights it otherwise would have to seek just compensation for dedicating the Parcel to the City as part of the recordation of the final plat for Dahlia Estates. The acceptance of the terms of the agreement by DONOR shall abdicate and obviate the right of DONOR to further pursue and enforce any rights it otherwise may have to seek just compensation for being required to dedicate the Parcel to the City.

6. **Representations:** CITY declares that the property has been personally inspected and the same is being received "as is" upon personal examination and judgment and not through any representation made by DONOR or DONOR's agent, as to its location, value, future value or zoning.

7. **Attorney's Fees:** If either party fails to comply with the terms of this agreement, said party shall pay all expenses of enforcing the agreement, or any right arising out of the breach thereof, including reasonable attorney's fees.

8. **Entire Agreement:** The terms of this agreement constitute the entire contract between the parties, and any modifications must be in writing and signed by both parties.

This is a legally binding document. If not understood, seek competent advice.

DATED this _____day of ___________________, 2020.

WEST POINT CITY

____
ERIK CRAYTHORNE, Mayor

ATTEST:

____
CASEY ARNOLD, City Recorder

DONOR
Capital Reef Management, LLC.

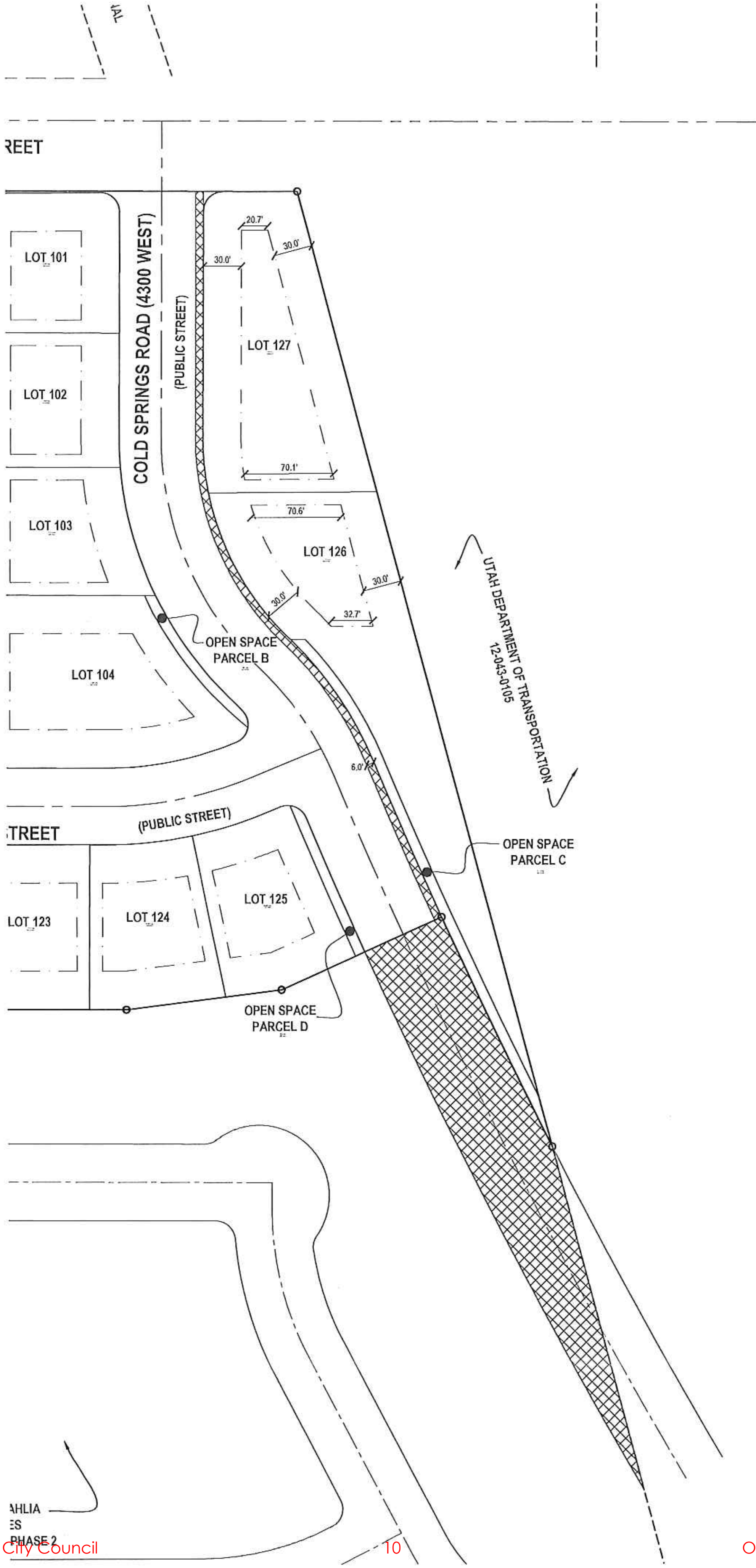
By:______________________________
Title:____________________________
Date:____________________________

STATE OF ______
:ss
COUNTY OF ______

On this _________ day of _______________, 2020, personally appeared before me _____ ___________________ who being by me duly sworn did say that he/she is the ________________ of Capital Reef Management, LLC, a Limited Liability Company, and that the foregoing Land Donation Agreement was signed in behalf of said company by authority, and he/she acknowledged to me that said company executed the same.

____
NOTARY PUBLIC

EXHIBIT "A"


REET
COLD SPRINGS ROAD (4300 WEST)
(PUBLIC STREET)
LOT 101
LOT 102
LOT 103
LOT 104
LOT 127
LOT 126
20.7'
30.0'
30.0'
70.1'
70.6'
30.0'
30.0'
32.7'
6.0'
OPEN SPACE
PARCEL B
UTAH DEPARTMENT OF TRANSPORTATION
12-043-0105
TREET
(PUBLIC STREET)
LOT 123
LOT 124
LOT 125
OPEN SPACE
PARCEL C
OPEN SPACE
PARCEL D
AHLIA
ES
PHASE 2

By: TRW

Date: August 18, 2020

Project: L2264

Dahlia Donation Area Description

A strip of land, situate in the Northeast Quarter of Section 6, Township 4 North, Range 2 West, Salt Lake Base and Meridian, said parcel also located in West Point City, Utah. Being more particularly described as follows:

Beginning at a point on the southerly right-of-way line of 300 North Street, said point being South 89°43'00" East 1007.57 feet along the section line and South 00°17'00" West 55.00 feet from the North Quarter Corner of said Section 6 and running thence:

South 89°43'00" East 6.00 feet;

thence South 00°17'00" West 190.77 feet;

thence Southeasterly 176.82 feet along the arc of a 217.00-foot radius tangent curve to the left (center bears South 89°43'00" East and the long chord bears South 23°03'34" East 171.97 feet with a central angle of 46°41'09");

thence Southeasterly 117.63 feet along the arc of a 283.00-foot radius curve to the right (center bears South 43°35'51" West and the long chord bears South 34°29'41" East 116.79 feet with a central angle of 23°48'56");

thence Southeasterly 332.68 feet along the arc of a 4476.42-foot radius curve to the left (center bears North 67°24'47" East and the long chord bears South 24°42'58" East 332.60 feet with a central angle of 04°15'29"), to the westerly line of UDOT Property (for the proposed West Davis Highway, Davis County Parcel ID#12-043-0105);

thence South 14°50'46" East 278.22 feet along said westerly line of UDOT Property;

thence Northwesterly 474.56 feet along the arc of a 4542.42-foot radius non-tangent curve to the right (center bears North 59°43'13" East and the long chord bears North 27°17'13" West 474.34 feet with a central angle of 05°59'09");

thence North 65°42'19" East 60.00 feet;

thence Northwesterly 133.54 feet along the arc of a 4482.42-foot radius non-tangent curve to the right (center bears North 65°42'22" East and the long chord bears North 23°26'26" West 133.53 feet with a central angle of 01°42'25");

thence Northwesterly 115.14 feet along the arc of a 277.00-foot radius curve to the left (center bears South 67°24'47" West and the long chord bears North 34°29'41" West 114.31 feet with a central angle of 23°48'56");

thence Northwesterly 181.71 feet along the arc of a 223.00-foot radius curve to the right (center bears North 43°35'51" East and the long chord bears North 23°03'34" West 176.72 feet with a central angle of 46°41'09")

thence North 00°17'00" East 190.77 feet to the southerly right-of-way line of 300 North Street and the point of beginning.

Contains: 26,322 square feet or 0.604 acres.

City Council Staff Report

Subject: Bennett Century Farms Ph 2 Subdivision
Author: Boyd Davis
Department: Community Development
Date: October 6, 2019

WEST POINT
U T A H

Background

The first phase of the Bennett Century Farms subdivision is nearly complete, and most of lots are now occupied. The developer has submitted plans for the second phase of the development that we would like to present to the Council for your review and discussion.

Staff has reviewed the plans and has sent our comments to the developer to be addressed. The Planning Commission granted approval at their last meeting.

Analysis

Phase 2 includes 15 lots ranging in size from 12,350 SF to 24,497 SF. This phase is just east of the first phase and is slightly different than the original plan. The developer requested a change to the preliminary plan, which was approved by the Planning Commission. The lots in phase 2 are still larger than required by the zone, but smaller than originally planned.

The developer was given a list of review comments and all items have been addressed. The developer has also received approval from the following agencies:

- D&W
- North Davis Fire District

Recommendation

No action required. This is for discussion only.

Significant Impacts

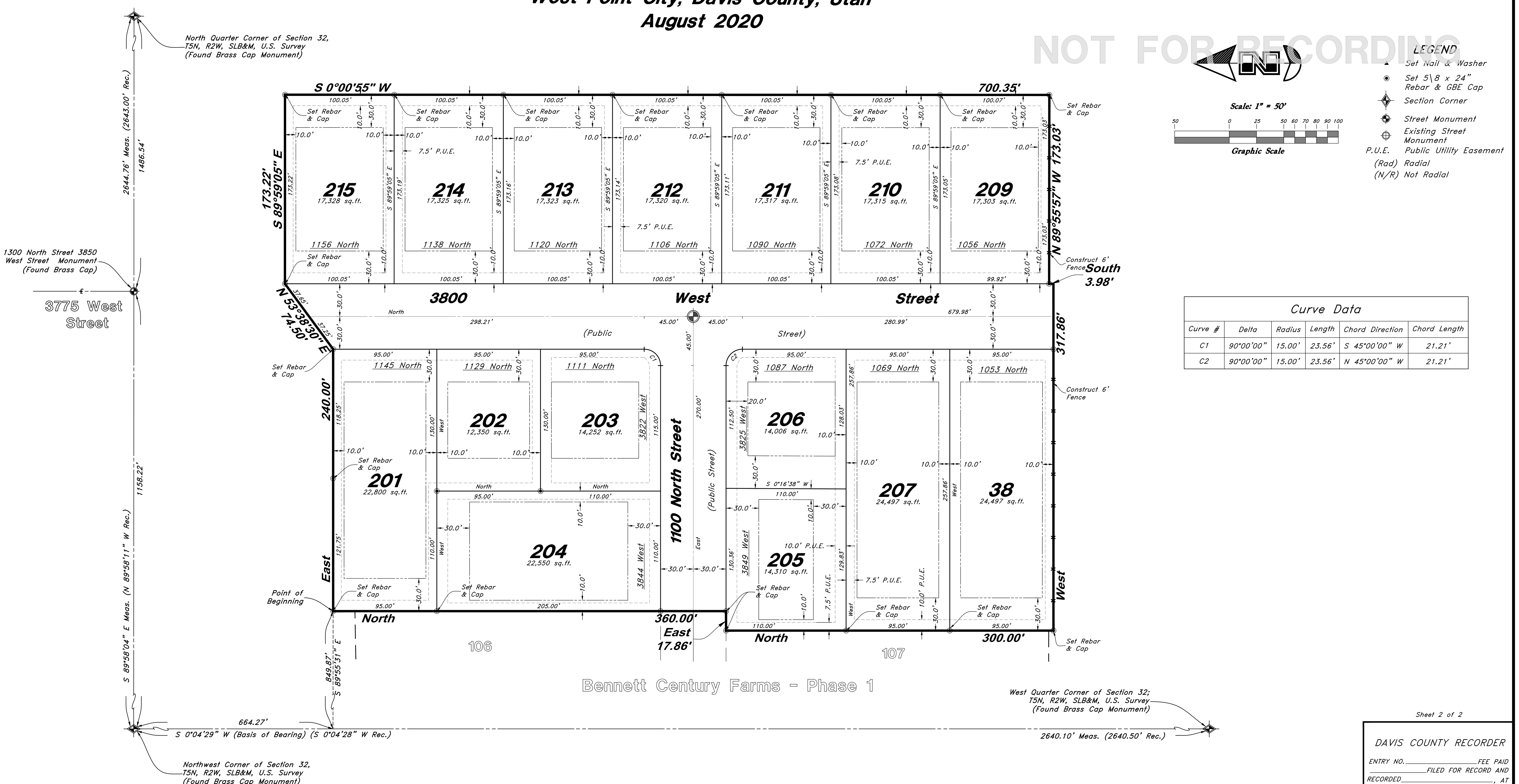
There are no significant impacts at this time.

Attachments

Plat

Bennett Century Farms - Phase 2

A part of the Northwest Quarter of Section 32, T5N, R2W, SLB&M, U.S. Survey
West Point City, Davis County, Utah
August 2020



Curve Data

Curve #	Delta	Radius	Length	Chord Direction	Chord Length
C1	90°00'00"	15.00'	23.56'	S 45°00'00" W	21.21'
C2	90°00'00"	15.00'	23.56'	N 45°00'00" W	21.21'

Sheet 2 of 2

DAVIS COUNTY RECORDER

ENTRY NO.__________ FEE PAID __________ FILED FOR RECORD AND RECORDED__________, AT __________ IN BOOK__________ OF OFFICIAL RECORDS, PAGE__________. RECORDED FOR__________

DAVIS COUNTY RECORDER

BY:__________

DEPUTY

06N306-BP

GREAT BASIN ENGINEERING INC
5746 South 1475 East Ogden, Utah 84403
Main (801)394-4515 S.L.C (801)521-0222 Fax (801)392-7544
www.greatbasinengineering.com

City Council Staff Report

Subject: CARES Act Funding Requests
Author: Kyle Laws
Department: Executive
Date: October 6, 2020

Background

At the last City Council meeting, held on September 15, 2020, we discussed a request from the Davis Education Foundation for CARES Act funding to help residents in West Point receive assistance for Child Care. The motion was to grant the request if the Davis School District continued with the hybrid school schedule, but if they switched to 4 days per week that the request would come back for further consideration. As you know, the DSD implemented the 4-day school schedule. As a result, we are bringing this back for further discussion and consideration and with new information from the Davis Education Foundation.

Analysis

Davis Education Foundation (New Information)

The initial program we talked about at the last meeting is being referred to as "Phase 1", which we did not participate in. They are now calling this new approach, "Phase 2." Due to the change in schedule, the following information was prepared regarding the Davis Education Foundation Request for CARES Act funding.

Rather than $200 per qualified child, this phase will provide $75 per qualified child to assist with remote learning on Fridays. Assistance will also be available for child care costs in the event that a student is required to quarantine at home and the parent or guardian has already expended their Families First Coronavirus Response Act Employee Paid Leave. The Memorandum of Understanding (MOU) that we would enter into would stipulate that if funds remain after all requests have been filled, the balance will be sued to cover the cost of social/emotional/mental health "well checks" for Davis Connect students. Davis Connect is the program established for those who need/wanted their children to be 100% remote. These kids have had no in-person contact with teachers or counselors and these "well checks" are important opportunities to check in with these students. Family Service workers will travel to the homes of individual students to assess needs and unsure students' wellbeing.

Below is the information from the previous staff report, regarding the "Phase 1" approach:

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.

Due to COVID-19, Davis School District has opted to temporarily adopt an alternating-day school schedule which enables appropriate distancing protocols in school buildings. This schedule raises concerns for families in which all household adults work during school hours on remote learning days. The purpose of this grant is to offset the cost of childcare so parents can continue to work and young students can learn in a supervised environment. To qualify, households must:

- Meet the income guidelines specified
- 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

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

*Income guidelines courtesy of Utah Division of Workforce Services (85% of Utah median income)

The Davis Education Foundation determined the number of households in each City that was likely to be in need of childcare and then determined the typical cost of child care for elementary-age students. After reviewing nearly 73,000 students, 6,604 households were identified as potentially needing assistance. The 6,604 households were then filtered by city of residence to arrive at an estimated number of households and children in need of care in each municipality. According to careaboutchildcare.utah.gov, the average monthly cost of child care for a school age child in Davis County is $599.32/month per child in a day care facility and $511.84/month per child in a home day care. Based on these figures, and taking into consideration that the hope is to only defray costs for three days per week, the grant is for $200 per child per family for those who qualify. It was estimated that only half of the 514 identified children will be from households that will apply for a grant, $51,400 is the total amount requested for this grant program (514/2=257 children; 257*-x$200/child= $51,400).

All $51,400 will remain in West Point City and will only be used for our residents.

North Davis Fire District

We received a second request from the North Davis Fire District asking for further assistance with our CARES Act money. Their total request from all three contract cities is $40,750.00. The letter and breakdown of expenditures is attached to this report. In talking with Clearfield and Sunset, we have agreed, subject to our Councils' approvals to split this amount the same way we did before Clearfield (66.5%), West Point (22.4%), and Sunset (11.1%). So our portion would be $9,128.00.

Recommendation
Staff recommends that the City Council approve the Memorandum of Understanding with the Davis Education Foundation and allow the Mayor to execute the document.

Staff also recommends issuing $9,128.00 of CARES Act funding to the North Davis Fire District.

Significant Impacts
None

Attachments
MOU for Davis Education Foundation CARES Funding
North Davis Fire District Request Letter

Davis Education Foundation
CHILD CARE ASSISTANCE GRANT

Memorandum of Understanding

This memorandum of understanding is between Davis Education Foundation, a Utah non-profit corporation (DEF) and West Point City, a municipal corporation (the "City").

Provisions

1. This grant supports West Point City residents with pre-K/elementary students enrolled in Davis School District in defraying child care costs incurred on remote learning school days which have been imposed due to Covid-19 restrictions. The City has committed $51,400 of CARES funding to cover the cost of the grants.

2. DEF will receive grant applications, determine eligibility and disperse funds to qualified applicants.

3. If funds remain after all grant requests have been filled, DEF will contract with Davis School District family service workers to do social/emotional learning "well checks" for West Point resident-students who have no in-person contact with counselors or teachers due to exclusive online learning until no funds remain.

4. All funds will be dispersed by December 30, 2020, and any unused funds will be returned to the City by January 30, 2021.

5. Grant award criteria are as follows:

   a. Applicants must provide employer verification for all household parents/guardians/responsible adults that demonstrates employment away from home during elementary school hours.
   b. Applicants must provide names and student ID numbers for all students in the household enrolled in Davis School District Pre-K and elementary schools.
   c. Applicants must have no secondary school students residing in the household.
   d. Applicants must meet the household income guidelines provided in the grant application.

6. If for any reason DEF ceases to exist, funds shall be transferred back to the City. The City may authorize the transfer of the funds to another organization that accepts the terms of this MOU, at the City's discretion.

7. The CARES money used is subject to audit by state or federal authorities. As such, the City must ensure that all dollars are being distributed in accordance with the CARES act. DEF shall maintain an accounting of all expenditures of funding provided by the City, along with all documentation provided by applicants being benefitted by those funds, for at least three years following the expiration of this MOU. DEF shall allow the City to inspect the accounting and records upon five days' notice. If the City or its auditors inspect those documents, DEF may choose to redact the names and street addresses of the applicants, at DEF's discretion. This paragraph shall survive MOU termination until the expiration of the three years of record keeping.

8. This memorandum represents the complete understanding and can only be modified in writing by the mutual assent of the aforementioned parties or their legally-designated successors.

9. This memorandum shall be effective upon the date it is signed by both Parties.

10. Either party may terminate this MOU upon seven days' written notice. The MOU shall automatically terminate under the following events, whichever occurs first: (1) upon the termination of CARES Act funding, or (2) when Davis School District returns to a five-day in-person schedule. Upon termination, any funds which have not been spent or obligated shall be returned to the City within thirty days.

11. Funds identified by the City in this MOU are subject to appropriation by the City Council. If the funds are not appropriated by the Council for any reason, DEF acknowledges that the City is under no obligation to provide funds.

12. The Parties agree to indemnify the other Party, including their officers, agents, representatives and volunteers for and from any liability, costs or expenses arising from any action, cause of action, claim for relief, demand, damages, expense, costs, fees or compensation, which are related to the Party's performance under this MOU.

13. The provisions of this MOU are for the benefit of the Parties. No third party shall have any rights under this MOU.

Signed this _______day of____________2020.

DAVIS EDUCATION FOUNDATION, INC.

_____________________________________ ___________________________________

Erik Craythorne – West Point City Mayor Jodi Lunt – Executive Director

From the Desk of
Chief Becraft
NORTH DAVIS FIRE DISTRICT
381 NORTH 3150 WEST
OFFICE: (801) 525-2850
FAX: (801) 5256935
EMAIL: MABECRAFT@NOFIRES.ORG

To; Clearfield City, West Point City, Sunset City, Davis County.
From; North Davis Fire District.
Subject; Cares Act Funding
Date; September 21, 2020

This is a formal letter requesting Covid-19 funding allocation to the North Davis Fire District to cover additional costs for preparedness and supplies related to the pandemic, these costs were not approved in our current budget from July 1, 2020 to December 30, 2020.

North Davis Fire District has incurred additional expenses for supplies and operations for our EOC and also has an MOU with Davis County for a first responder quarantine sight to be located at the Station 41 headquarters, with the current increase in cases in Davis County and the Fire District that serves your Communities, we have the obligation and duty to be prepared for this emergency.

Per Coronavirus Relief Fund Guidance for State and local government entity's monies can be distributed from County's and local Municipalities to fund smaller non-profit local governments and local essential Service Districts.

Attached is documentation of already incurred costs as well as anticipated until December 30, 2020. These costs fall well within Care Act Guidance and US Department of Treasury allocations for funding. Any help with funding is truly appreciated from the communities we serve we respectfully ask for any allocation of funding to help offset these costs for the healthcare we provide, the costs incurred attachment is only a guidance for entities to determine a possible funding amount.

Communications Administrative computers with video conferencing technology for pandemic operations as well as EOC and interaction with our governing body.

3 Computers $4500.00

Teleconference phone and digital recorder $3000.00

Zoll EMS Ventilator and CPAP monitors $16.000 two $32.000.00

2 each decontamination systems for each station $ 2.000.00

5 additional jump kits for decontamination program $2250.00

Total $40,750.00

Once again on behalf on the North Davis Fire District and the Board of Trustees, we appreciate any consideration for funding through the Cares act.

Respectfully
Chief Becraft

Tim Roper
Board Chairman

City Council Staff Report

Subject: City Hall Office Changes
Author: Kyle Laws
Department: Executive
Date: October 6, 2020

WEST POINT
U T A H

Background

West Point City Hall was built in 2001 and has proved to be a great facility for both Staff and residents. There have been upgrades and maintenance to the building over the last 19 years, such as carpet replacement, the addition of new offices, and technology upgrades, just to name a few. The growing population has resulted in a growing staff and additional changes are needed.

Analysis

The space at City Hall has not been very efficiently used over the years and Staff would like to propose some changes that would allow for a more efficient use of the space. In the past, as new positions have been added, those employees have been placed in whatever space was available. As the City Manager, I would like to shuffle Staff around and get departments and employees who work together to be closer to each other. Some of these changes will require the removal of walls and the addition of other walls. This will also necessitate the purchase of some cubicle partitions and desks/furniture.

The budget is in place in the City Hall Maintenance and Repair Project within the Capital Projects Fund. However, with structural changes such as this, Staff would like to have the approval of the Council before move forward. This doesn't require formal action, unless you would like to take formal action, since there is budget already in place.

Some diagrams will be provided and shown at the City Council Meeting to explain the proposed changes, but the following would take place, if approved:

- The Recreation Department will be relocated to the northwest side of the building (back by the counter at the Employee Entrance). We think the counter back there can be effectively used by the Recreation Department for receiving deliveries and supplying equipment and uniforms to coaches and teams.
- The City Manager will move to the east side and take over the Mayor's Office.
- The Mayor's Office will be relocated.
- The Assistant City Manager/City Engineer will move to the City Manager's Office.
- The new Community Development Director will move to the City Engineer's Office.
- Other employees will shift around to areas that makes sense to us.

We look forward to the discussion at City Council meeting.

Recommendation

Staff recommends moving forward with the proposed changes and would like feedback from the Council, if they have anything to provide.

Significant Impacts

The more efficient use of the space will be welcomed by Staff and changes in office space seem to give a fresh perspective and a feeling of starting new. Some of the changes, particularly those related to the front desk staff, are COVID-19 related and CARES Act money can be used for those.

Attachments

None

3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION

September 1st, 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

6:30 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 #88137342842 at https://zoom.us/join or by telephone at (669) 900-6833, on September 1, 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 Sale of Property Located at Approximately 369 N 3000 W – Mr. Kyle Laws**
Mr. Laws stated that the City owns a small strip of land along the south boundary of Lot 1 of the Equestrian Ranchettes Subdivision. When the subdivision was built, the City retained a 15 ft. utility easement for a water line and a right-of-way for an access lane to some City property and facilities. The City no longer needs the access road but would retain an easement for the water line that exists. Lot 1 is owned by Nathan and Rebecca Scott and they have approached the City about purchasing a portion of this strip of land in order to extend their yard and keep it maintained. Staff has contacted the property owner to the south and they are not interested in the property, and has worked with the City Attorney to have an agreement and special warranty deed drafted for the transaction. The portion that they would be purchasing of this property is just to the back property line of their neighbors to the south, where the fence line marks the start of the Monticello Academy to the west, and the Scotts are offering $1,500 as the purchase price. Consideration of approval of the sale is on the agenda in tonight's General Session.

   Council Member Chatterton inquired as to why the Scotts wouldn't want to purchase the entire strip along their full lot, and Mr. Laws stated the parking lot for the medical building (now Monticello Academy) and landscaping encroached upon the property; he is unsure whether they were given permission to do that or not, but after the transaction with the Scotts is complete, Staff plans to approach Ed Miles (owner of that property) about purchasing that section since it is already being used.

   The Council had no further discussion on the sale and would consider final approval in the General Session.

2. **Discussion Regarding Setback Requirements for Private Driveways and Alleys – Mr. Boyd Davis**
Mr. Davis stated that the Council recently approved new R-4 zone setback requirements of 20 ft. front yard setbacks, 20 ft. setbacks to the house, and a 25 ft. setback for the garage. However, through those discussions, there was some unanswered questions about the setback requirements along private lanes, alleys, and driveways. The Council approved the setbacks and decided that they would be applied the same to all street types but asked to discuss the private lanes again at a future meeting.

   Staff believes that before considering the setbacks on these types of lanes, they should be clearly defined in City Code. Mr. Davis presented a map of the Yale Crest Townhomes Subdivision, which has three different street types within it, and also of the proposed Bluffview Subdivision, which has several road types in it as well. Through comparing the different road types and researching other cities' definitions, Staff proposes the following definitions:

Alley: A private roadway that provides access to the rear of residential or commercial buildings with a minimum of 20' of asphalt with curb and gutter on each side. Alleys can be a through street or a dead end, but dead-end alleys shall not provide access to more than 15 lots or units. Units or lots that have rear access from an alley shall also have frontage on a public road or a private road.

Private Lane: A private roadway that provides access to the front of residential or commercial buildings with a minimum width of 20' of asphalt with curb and gutter on each side. Private lanes can be a through street or a dead end, but dead-end lanes shall not provide access to more than 15 units or lots.

Private Road: A private roadway with a minimum of 50' right-of-way that includes curb, gutter, and sidewalk on both sides and meets the requirements found in the public works standard drawings. Dead ends are allowed but must be provided with a dedicated turnaround at the end and shall be no longer than 600' in length.

Public Road: A public roadway with a minimum of 60' right-of-way that meets the requirements found in the public works standard drawings.

Using those definitions, Staff also proposes the following front setbacks for the R-4 zone:

Road Type	Setback to Building	Setback to Garage
Alley	10'	10'
Private Lane	20'	20'
Private Road	20'	25'
Public Road	20'	25'

Mr. Davis stated that the definitions and setbacks are only proposals and meant to be a starting point for the Council's discussion. However, Staff does believe that what is proposed is a significant enough change to the Code that it should be sent to the Planning Commission for consideration and a recommendation to the Council. As such, the item is being presented to the Council now for initial thoughts and comments for the Planning Commission to consider.

Council Member Petersen inquired as to the width of a particular street type in the Yale Crest Subdivision, which Mr. Davis stated is a total of 25 ft. wide (20 ft. of asphalt with 2 ½ ft. curb and gutter on each side). Considering that, Council Member Petersen stated that under the proposed definitions, this would be considered a private lane. However, it is clear that this particular lane is not intended to be a street and only serves four units; he is concerned that a private lane providing access to more than 15 lots as proposed is a really high number for such a small street width. He continued to state that the street type at the back of these units seems to be an appropriate use of an "alley" as it accesses parking and different things, although it should still have a limitation on it. Mr. Davis noted that the '15 units' used in the proposed private lane definition came from the Sandy Point Townhome project wherein the longest private lane accesses 15 units. Mr. Laws stated that a lane long enough to access 15 units may seem like a lot, but when seen in reality, the length is not quite as long as it sounds. Council Member Petersen stated that his initial thoughts are that if there is going to be enough movement on a street that reflects what would be on a 'road', it needs to be considered an actual road and not an access lane or alley.

Council Member Chatterton agreed, and added that although projects in the R-4 zone will most typically have townhomes, a developer could choose to have less density and include single family lots. These definitions and setbacks would still apply in that situation because they would still be in the R-4 zone. He suggests that it may be better to use an 'and/or' definition that limits the maximum length of a road, rather than just be limited by the number of units.

Council Member Petersen also stated that in considering the proposed definitions and restrictions, he feels like "private lanes are the ugly stepsister in the mix"; the philosophy is that the normal access to a unit should be on a normal road, private or public, but developers might choose to install private lanes of 20 ft. rather than what really should be a 50 ft. road. The proposed definitions would allow a developer to do that, and so the definitions need to be clear on when a particular street type use is or isn't allowed.

Council Member Dawson added that it is important that the definitions also be specific on what materials are required for a street type – whether they can be gravel, asphalt, etc. Mr. Laws noted that the proposed definitions all require asphalt.

The Council will have further discussion on the item after receiving a recommendation from the Planning Commission.

3. Discussion Regarding a Request to Combine Lots in the Bennett Century Farms Subdivision – Mr. Boyd Davis

Mr. Davis stated that in this first phase of the Bennett Century Farms Subdivision, the Yaeger family owns Lots 101, 102, and 103. Their home is on Lot 102 and they would like to build an accessory building on their property, but City Code does not allow them to build an accessory building on a vacant lot. As such, they have requested to combine the three lots into one.

As this is a combination of lots owned by a single owner, no signatures from other lot owners or a public hearing is necessary. There is also no requirement for the amended plat to be reviewed by the Planning Commission. The only issue that must be resolved is that there are public utility easements between the lots; these must be vacated by the City, which should not be an issue as there are no utilities that would necessitate the easements.

Council Member Petersen inquired as to what the use of the accessory building is intended to be. Mr. Yeager responded that it will be used for an indoor sports court.

The Council had no further discussion and would consider final approval of the amended plat at the next meeting.

4. Other Items
No other items were discussed.

The Administrative Session adjourned.

3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
September 1st, 2020

Mayor
Erik Craythorne
City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
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 #88137342842 at https://zoom.us/join or by telephone at (669) 900-6833, on September 1, 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 Chatterton
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 – The Swearing-In of the new West Point City Youth Council was held the previous week, and she thanked the Mayor for asking her to attend in his place. She would also like to thank every Youth Council Member and their families for their involvement and participation. The Youth Council is a great opportunity to experience leadership and learn how city administration works, and she looks forward to the future of these "awesome" youth.

Mayor Craythorne thanked Council Member Judd for attending the Swearing-In (held at the Loy Blake Park this year rather than during a City Council Meeting), in his place as he was under quarantine. He agreed that the Youth Council is a great program and thanked the leaders and all those involved.

Mayor Craythorne – The Mayor also disclosed that he is involved with the Bennett Century Farms Subdivision that is the subject of Item 9 in tonight's meeting and will defer to Mayor Pro Tem Petersen to preside over that item.

The Mayor also informed the Council that Marilyn Cook, a West Point employee back when there were only two City employees, passed away the previous Friday. Mrs. Cook worked for the City for many years and the Mayor wanted to recognize and thank her for her service and wishes her family the best. Council Member Dawson also noted that she was a wife to a longtime Council Member, Farrell Cook, and so she served the City in that capacity as well.

Lastly, Mayor Craythorne stated that he received a call the previous day from Tim Gooch, whose property on 1800 N was approved for storage units. Mr. Gooch asked if there would be a possibility of using the front portion of the property for temporary, open storage while the storage units behind are being built; the front portion is zoned differently than the back and doesn't allow storage units. There is not any ordinance in the City Code that allows for a temporary use or temporary zone, and the Mayor asked for the Council's thoughts on whether they would like to explore that possibility. The Mayor stated that one comment Mr. Gooch made that may be something for the Council to think about was that the zoning of the front part of his property would allow him to have an RV lot that *sells* RV's, but not to store them. The Council discussed the request and felt that, in Mr. Gooch's particular situation, the construction of the storage units wouldn't take long enough for it to be worth Staff's time and effort into researching the possibility – especially as Mr. Gooch has already submitted the preliminary plat for the units for approval. In regards to the idea as a whole, the Council also felt there isn't a need at this time to consider allowing temporary zoning and/or uses in City Code.

4. Communications from Staff

Mr. Laws stated that UTOPIA completed another phase in the City and those residents are now able to sign-up for service. This phase mostly runs down 4500 W and includes 25 S and 625 S. Mr. Laws also displayed a chart of the number of residents that have signed up for fiber internet, which shows an average about 30 new connections per week. Total sign-ups are already over the halfway mark of the 1,200 threshold needed to cover the bond payment. He stated that he is happy with the project and optimistic moving forward.

5. Citizen Comment

Michael Heinze – 366 N 3650 W: Mr. Heinze stated that he would like to comment on the subdivision that Jake Shepherd and Mark Thayne are planning to building on the old Matthews Family property off of 300 N and 3650 W. He has heard that these houses are going to be like "chicken coops" and is upset because surrounding residents did not spend upwards of $400,000 to have "low income houses right next to us." He is concerned about increased crime in the area, because "if these are going to be low income houses, its going to be low income people." Mr. Heinze asked if this concern has been discussed and when the point will come when property taxes have to be raised to pay for more sheriffs. Mr. Heinze stated that his second concern is regards to schools, and how West Point Elementary is already overpacked. He asked if the property taxes from these low-income houses are going to be enough to pay for a new school. His third concern is about the traffic. He stated he has heard from the City that traffic capacity along 300 N is currently only at 50%, but doesn't understand why we would ever want it to be at 100% capacity. With an additional 250 homes coming in, traffic is going to be "a joke" as it already gets backed up clear to the west before and after school. His last concern is that even if, as he believes Mr. Shepherd has said, these houses are going to be around $300,000 but are intended as "starter homes", not many couples just starting out will be able to afford a $300,000 house. As a result, he believes that property managers are going to come in and buy the properties to rent them out and there is nothing to stop them from doing so. Mr. Heinze also suggested that instead of having to click on every agenda to see when subdivisions are going to be approved, that there be an outline of each agenda listed so that it is not so cumbersome.

Mayor Craythorne thanked Mr. Heinze for his comment and noted that the rezone for the property Mr. Heinze is referring to has already been approved, but the final plans for the subdivision have not yet been submitted or approved. He invited Mr. Heinze to watch for when the subdivision is on an agenda to be considered for approval and provide comment at that meeting as well.

6. Consideration of Approval of the Minutes from August 4th, 2020 West Point City Council Meeting

Council Member Dawson motioned to approve the Minutes from the August 4, 2020 West Point City Council Meeting
Council Member Henderson seconded the motion
The Council unanimously agreed

7. **Consideration of Final Approval of the Wildfire Estates Subdivision Phase 2 –** Mr. Boyd Davis

Mr. Davis stated that this subdivision is located at approximately 50 S 4500 W and has been discussed by the Council in previous meetings. The streets and utilities in Phase 1 are already complete and houses are currently being built. The developers have submitted plans for Phase 2 and they have been reviewed by both Staff and the Planning Commission. There are 21 lots in Phase 2, ranging from 14,000 sq. ft. to 23,000 sq. ft. Additionally, there are three large lots on the west end of the project that range between 1 ½ to 2 acres. Approval has been received from all required agencies and Staff recommends approval of Phase 2. The Council had no further discussion.

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

8. **Consideration of Approval to Accept a Proposal for the Sanitary Sewer Study –** Mr. Boyd Davis

Mr. Davis stated that the Council recently approved the City budget that included funds for a sewer system study in the proposed annexation area northwest of the City, which consists of about a full square mile of property. The area does not currently have a sewer system and is lower than the existing sewer system in the City and so there are some unique challenges that exist in the area. Pump systems or some other type of mechanical system will have to be installed in order for these properties to be developed. There have been recent inquires by developers about the area, and it seems time to have an in-depth study done to determine what the best sewer system for the area will be.

Requests for proposals were sent out to engineering firms that specialize in evaluating sewer systems and four proposals were received. A committee made up of three members of Staff, one Council Member, and one Planning Commissioner was put together to review the proposals. Those on the committee were himself, City Manager Kyle Laws, Public Works Director Paul Rochell, Council Member Andy Dawson, and Planning Commission Chair Brian Vincent. Each used a scoring sheet in order to make the selection as objectionable as possible – these types of proposals do not require that the City select the lowest bid, but rather the selection also consider qualifications, experience, etc. Mr. Davis stated that fortunately, the firm that the committee felt was the most qualified was also the lowest priced.

The four bids that were received are as follows:

Firm	Price
Bowen Collins	$54,000
JUB Engineers	$59,804
CRS Engineers	$81,750
Sunrise Engineering	$86,838

Mr. Davis stated that all four firms were considered highly qualified and so costs did come into play; the committee narrowed the selection down to the two lowest priced, which were Bowen Collins & Associates and JUB Engineers. Reference checks were done on both firms, and Bowen Collins received the best references. As such, the committee recommends that the contract for the study be awarded to Bowen Collins & Associates for $54,000. Mr. Davis stated that the Council approved the budget for the study at $40,000, but Davis County has committed to help fund the study, as the unincorporated area is within the County. Mr. Laws noted that the County has only verbally committed to contribute funds – they have not made any official decision. Mayor Craythorne stated that he "feels good" that the County will follow through with their commitment, and just need to go through the process to finalize their contribution.

Mayor Craythorne inquired as to how long the study is anticipated to take, which Mr. Davis responded that they estimate about five months to have it completed. The Mayor also asked for confirmation as to whether or not Bowen Collins will be coordinating with the North Davis Sewer District; in his conversations with Steve Lamb of the NDSD, there may be the possibility of a sewer system with two parallel lines that are smaller in diameter being able to service properties farther north than what has been thought could be done with a single line. Mr. Davis stated that Bowen Collins will definitely be working with the NDSD to evaluate all of the possible options to provide sewer to the area.

Council Member Chatterton asked Council Member Dawson, as the Board Chair of the NDSD, if the District has ever worked with Bowen Collins before. Council Member Dawson informed him that they have not, but he did ask the

District's current engineering firm, Brown & Caldwell, for their thoughts and they said that they are a "good firm and do good work." He added that although he had never heard of Bowen Collins personally before, after receiving their references it "was an easy call to make."

Council Member Petersen asked for clarification as to what creates the western boundary of the future annexation area. Mr. Davis stated that the west boundary is marked by the floodplain and the land below it is considered non-buildable.

The Council had no further discussion.

Council Member Dawson motioned to award the contract to Bowen Collins & Associates in the amount of $54,000.
Council Member Chatterton seconded the motion
The Council unanimously agreed

9. Consideration of Final Approval to Place the Bennett Farms Subdivision Phase 1 on Warranty – Mr. Boyd Davis

****Mayor Craythorne recused himself and Mayor Pro Tem Petersen presided over this discussion***

Mr. Davis stated that the Bennett Farms Subdivision is located at 1100 N 4000 W and Phase 1 has actually been under construction for the past few years, with most of the homes already built and occupied. However, the subdivision has not been put under warranty because the detention pond had not yet been installed. It has now been completed and all required improvements have been installed. Staff recommends placing the subdivision under warranty.

Council Member Petersen inquired as to whether the detention pond is required to be landscaped. Mr. Davis stated that it is required to be landscaped, but the detention pond is actually part of a separate phase that will be developed in the future and is not adjacent to Phase 1. Although it will serve as a detention pond for Phase 1, he recommends that the landscaping be done once that future phase is built.

The Council had no further discussion.

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

****Mayor Craythorne returned to preside over the meeting at this point***

10. Consideration of Approval of Resolution No. 09-01-2020A, Approving a Motion to Sell Property Located at Approximately 369 N 3000 W – Mr. Kyle Laws

Mr. Laws stated that as discussed in tonight's Administrative Session, this strip of property is located on the south side of Lot 1 of the Equestrian Ranchettes Estates Subdivision and is owned by Nathan and Rebecca Scott. When the subdivision was built, the City retained a 15 ft. utility easement for a water line and a right-of-way for an access lane to some City property and facilities. Those facilities no longer exist and the Scotts have approached the City about purchasing a portion of the property in order to extend their yard and keep it maintained. The portion that they would be purchasing is just to the back property line of their neighbors to the south, where the fence line marks the start of the Monticello Academy to the west. The Scotts have offered $1,500 as the purchase price. The water line easement will remain in effect and be recorded on the plat.

The Council had no further discussion.

Council Member Dawson motioned to approve Resolution No. 09-01-2020A
Council Member Chatterton seconded the motion
The Council unanimously agreed

11. Consideration of Approval of Resolution No. 09-01-2020B, Approving Standards for Sanitary Lift Stations – Mr. Boyd Davis

Mr. Davis stated that these standards have been discussed multiple times by the Council and reviewed the proposed standards with all revisions as discussed:

1. Wet Well & Site
   a. The site shall be adjacent to a public road or have a paved access from the public road to the site.
   b. The site shall be owned by the City or an easement provided to the City.
   c. The site shall be sized to allow a minimum of a 10' clear zone around the wet well and shall contain all of the components listed below within the site.
   d. A black vinyl coated chain link fence with privacy slats shall be installed around the perimeter of the site.
   e. A 14' wide opening with a lockable gate shall be provided.
   f. The site shall be finished with a hard surface of asphalt or concrete.
   g. There shall be no overhead obstructions over the site or the entrance to the enclosure.
   h. The access and gate shall provide a straight path for a boom truck to access the wet well without turning.
   i. An extendable ladder shall be provided and stored at the site.
   j. Conduits for power cables shall be provided from the wet well to the control panel.
   k. Separate conduits shall be provided for each motor.
   l. Extra conduits shall be provided for future upgrades.
   m. The wet well shall be sized to provide 2 hours of emergency storage during peak hour flows.
   n. The wet well shall be sized for the expected peak hour flows based upon data from the City's existing lift station or the standards of the Division of Water Quality, whichever is greater.
   o. A hose bib connection shall be provided on the site that is connected to the culinary water system for year-round water supply.
   p. Flood lights shall be provided on site for nighttime emergency operations that is tied into the onsite power and generator. The switch shall be in the enclosed electrical panel.

2. Power & Pumps
   a. 3 phase power shall be provided to the site for all pumps over 3hp.
   b. Single phase power supply shall be allowed for pumps under 3hp, but all pump motors and grinders shall be 3 phase equipment.
   c. Variable Frequency Drives (VFD) shall be provided for each pump. The VFD selected shall be approved by the City based upon expected loads and ampacity.
   d. Pump motors shall be a minimum of 5 hp or based upon engineering calculations and shall be approved by the City.
   e. Dual pumps shall be installed for redundancy and alternating of pumps.
   f. Grinders shall be used in all lift stations. They shall be separate from the pump. The grinder shall be a Muffin Monster brand or an approved equivalent.
   g. An additional spare pump shall be provided to the city.
   h. A backup power generator shall be provided that is capable of running both pumps simultaneously.
   i. The generator shall operate on propane fuel.
   j. A propane tank shall be provided on site.
   k. The propane tank shall be sized to allow 72 hours of continuous operation of the generator.
   l. The pumps shall be installed on solid pump guides. No cable or chain guides will be allowed.
   m. The pumps shall be automated and level controlled using ultra-sonic level sensors. Floats shall be installed as a backup system

3. Electrical Controls & SCADA
   a. The electrical panel shall be designed by the city's electrical contractor (currently Scott Weir with Johnson Electric)
   b. The panel shall have a hand/auto/off switch for each pump.
   c. The electrical panel shall be a waterproof, lockable enclosure.
   d. The panel shall be located away from the access gate on the opposite side of the enclosure so as not to impede access for a boom truck.
   e. A radio or internet connection shall be provided for the SCADA system.
   f. The site shall be equipped with a visual and audio alarm.

g. The SCADA system shall be designed by the city's contractor (currently SKM)
h. The panel shall have readout for the current level in the wet well.
i. The panel shall have hour meters for each pump.
j. The panel shall have a pump running indicator.
k. The panel shall be equipped with a 120V outlet.
l. The panel shall be heated.
m. The electrical panel shall have an awning or roof covering to allow access during wet weather.

4. Others

a. All homes that are served by the lift station shall have backflow preventers on the sewer lateral to the home.
b. The developer shall have the lift station designed by a licensed professional engineer.
c. The city shall approve the design and have it reviewed by a third-party engineer.

Mr. Davis stated that Staff recommends approval of these standards and noted that they would not be part of actual City Code, but adopted into the Public Works Standards for the City. He also clarified for Council Member Dawson that these standards only apply to small lift stations and a wet well is appropriate; a dry well for this size of lift station is not practical, but would be for regional lift stations that serve roughly 500 or more. Further consideration will be given to standards for large lift station as a part of the sewer study process.

Council Member Petersen suggested that item 4(c) be clarified to state that the review by the third-party engineer will be paid for by the developer and approved by the City as qualified to do such a review. The Council agreed and had no further discussion.

Council Member Petersen motioned to approve Resolution No. 09-01-2020B, approving standards for sanitary lift stations, with the inclusion of a statement in Item 4(c) that says the third-party engineer review will be paid for by the developer and that the third-party engineer would be approved by City Staff and is required to have lift station experience.
Council Member Chatterton seconded the motion
The Council unanimously agreed

12. Motion to Adjourn the General Session

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

_________________________________ October 6th, 2020
ERIK R. CRAYTHORNE, MAYOR

_________________________________ October 6th, 2020
CASEY ARNOLD, CITY RECORDER

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 12st – 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 to 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 y 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.

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

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 easy 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

___________________________________ October 6th, 2020
ERIK R. CRAYTHORNE, MAYOR

__________________________________ October 6th, 2020
CASEY ARNOLD, CITY RECORDER