



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
December 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
6:00 PM

Minutes for the West Point City Council Administrative Session held via electronic Zoom Meeting in accordance with the signed December 3rd, 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 #81625570743 at <https://zoom.us/join> or by telephone at (669) 900-6833, on December 1, 2020 at 6:00 pm with Mayor Pro Tem Petersen presiding.

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

EXCUSED: Mayor Erik Craythorne

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; 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 Report – Mr. Ryan Harvey

Mr. Harvey stated that this report covers the first quarter of FY2021, July 1st – September 30th. As has been discussed in previous meetings, there was concern that sales tax revenues may be negatively impacted by the Coronavirus pandemic, but that revenue actually continued to increase during this first quarter and are well over budget. Revenues also exceed 25% in every fund except for the Capital Projects Fund, where the majority of revenue is not recognized until the fiscal year is over, and excess revenue is transferred in from the General Fund.

In regards to the General Fund, the Administrative Services Department and the Executive Department are both over 25% of their budgeted expenditures for the year, which is due to the payment for the City's insurance through the Local Government Trust being due at the beginning of the fiscal year from the Administrative Department budget and the money that has been spent on COVID-related purchases using CARES Act Funds coming from the Executive Department budget (which must be spent by December 31, 2020). All other departments in the General Fund are under 25% of their budgeted expenditures, as are all other Funds.

Council Member Dawson inquired as to whether the City has spent all of the CARES Act Funding it has received. Mr. Harvey answered that the City did not accept the third tranche of funding and only accepted the first two disbursements that totaled just over \$600,000. The City had to declare whether it would be giving money from those tranches back or if it would be using all of the funds by November 30th, and declared that all of the roughly \$600,000 would be used. Around \$400,000 has been spent or is planned to be spent by the City, and Staff has been talking with the County and School District on how to best use the remaining \$200,000 so that the money is utilized locally. The Council discussed various ideas on how to use the funds within the City and avenues for helping businesses in the City as well.

The Council thanked Mr. Harvey for his report and keeping the Council updated on the financial health of the City.

2. Discussion Regarding a Proposed Lift Station on 1800 N – Mr. Boyd Davis

Mr. Davis stated that Mike Hatch is proposing a new project on the Compton Property located at 4300 W 1800 N. The property is just east of the Hooper Canal and consists of three main parcels. Two parcels are outside of the City boundaries, and Mr. Hatch is interested in annexing those parcels into the City. However, before pursuing that annexation, he would like to discuss with the City Council a proposal for providing sewer services to the property. As it currently is not tied into the sewer system, it is very likely that a lift station or some other method will be needed to service the property. With the City not currently having a clear policy on

where and when lift stations are allowed, Mr. Hatch would like to present his proposal for the Council to consider and provide recommendations.

Mr. Hatch stated that there is a portion of this property that is going to be particularly challenging to develop as there are two different canals on each side, and also the planned route for the future West Davis Corridor running on the east side of the property. There is an existing 42" sewer trunk line to the east of the property, but the land does not have the necessary elevation to be able to flow that way, and the property west of the Hooper Canal is envisioned to run into a 36" trunk line along 5000 W, but also lacks the elevation to flow that way because it would have to go underneath the existing canal. Significant analysis of the property has been done and various options have been considered, such as running the sewer line straight south along the canal or north into the lift station in the Crane Field Subdivision, and it appears that the only way to service this particular area is through a lift station. The proposal would be to have the lift station on the west of the property near 1800 N that would run over the canal and then tie into the existing North Davis Sewer District's trunk line that is east of the property. Ideally the trunk line would run east along 1800 N through a utility right-of-way easement or some other agreement with the City and/or UDOT.

His team has been working with City Staff on how to best develop the property and some good ideas have been suggested, such as creating a trail system through the property that could potentially connect into Clinton City's Trail System. However, without a positive recommendation from the City on a lift station to service this property, development of the property really isn't able to be further pursued. Mr. Hatch added that he has discussed with City Staff the option that the lift station could be privately maintained, with a maintenance plan that the City was in agreement with, to avoid the lift station becoming the City's responsibility.

Mayor Pro Tem Petersen inquired as to what the general concept is for the development of the property. Mr. Hatch stated that there is a parcel of property on 1800 N that is shown on the General Plan as the C-C Zone, which he understands is important to the City to have. The plan for the rest of the property is to have some higher density housing bordering the Corridor and industrial areas and working west into larger, single-family lots. This will likely be a PRUD community with various amenities and open spaces, which will work well with the neighboring trail system. Mr. Hatch acknowledged that there will be some challenges in determining the access points for the development with it being so close to the proposed interchange of the West Davis Corridor on 1800 N, but he stated that they have been working with UDOT, the Hooper Canal Company, Davis County, and also the Davis School District who owns the property on the west side of the canal, to find possible solutions. He agreed with the Council that there will need to be at least two accesses into the property, but the sewer issues need to be resolved before being able to focus on those other types of issues.

Council Member Dawson inquired as to whether the sewer impact study that is currently underway will address this area. Mr. Davis stated that this area is considered in the current Sewer Master Plan, but his recommendation is that the consultants conducting the current study also review this proposal and how it will fit into the new Master Plan. The property is already part of the study area and so reviewing this proposal would not be a big redirection for the consultants. Mr. Hatch added that in the analysis that he has had done, the current location in the Master Plan for a regional lift station is not necessarily ideal and will likely change with the new study.

The Council ultimately felt that sewer study will provide some clearer direction on how to proceed with developing the property and would have further discussion on a possible private lift station for this project once that study is complete.

3. Discussion Regarding Public and Private Utilities – Mr. Boyd Davis

Due to time concerns, this item was discussed after Item 4.

Mr. Davis stated that this issue is in regards to how to best manage private utilities on private roads. Although there are currently developments in the City with private roads, the proposed Bluff View Subdivision townhouse project will be the largest in the City to consist entirely of private roads. On previous projects, such as Yalecrest, the private utilities are very short and were not as great of a concern as the utilities in the Bluff View Project, wherein they will have waterlines, sewer lines, and storm drain lines in the roads. Staff believes that with such major utility lines, it needs to be clear whether private roads equal private utilities, or if the City should oversee these public utilities, even if they are in private roads.

Staff has researched the issue and found that policies differ from city to city and utility company to utility company. After reviewing some of these policies and talking with other agencies, Staff's recommendation is that the waterline be maintained by the City while the road and other utilities be maintained by the HOA, or in the case of secondary water lines, the Davis & Weber Counties Canal Company, whose policy is that they maintain all of their lines, even if it runs in a private road. The rationale for the City maintaining the waterline is due to the following concerns:

- There is risk that the HOA could damage or contaminate the entire system.
- The HOA is not equipped to repair leaks and would likely not have the proper oversight if a contractor did the work for them.

- Private systems will have one master meter for the entire development, but it is best to have individual meters at each townhouse to maintain accountability.
- Without individual meters we are not able to shut off the water for non-payment of other services such as garbage, sewer, storm drain, etc.

Council Member Dawson expressed his opinion that one of the benefits of living in an HOA and having these private roads is that it is a collective arrangement – it shouldn't be a concern to the City if there is higher water usage by one resident than another, because the HOA is paying the bill, not only for the water, but for the other utilities as well, and those costs are being shared by the residents. The HOA could also have collective dumpsters instead of individual garbage cans if it wanted. He also feels that contamination of the water system can happen anywhere, just like it has before when an individual homeowner does a cross-connection with the secondary water line. He believes that the project could simply be looked at as an apartment building and handled in the same way. Mr. Davis stated that he understands this point of view in regards to the billing and payment of utility services, but his main concern is about the maintenance of the waterline. If there is a water leak, the HOA is likely going to call the City anyways because they don't have the ability to repair and maintain an 8 in. waterline. He stated that this is what has happened in other cities, such as Layton, where the City ends up doing the work anyways. Mayor Pro Tem Petersen suggested that there could be an agreement with the HOA that the City is to be the sole source for repairing waterlines and will charge the HOA for any costs incurred. Council Member Chatterton had a concern that the HOA may choose not to call the City about a leak or damage in order to avoid paying those costs and have it repaired by some other means – the City would likely not even know there was an issue, much less whether the work was done correctly. Council Member Henderson inquired as to what exactly the downside would be of the City maintaining ownership of the lines. Mayor Pro Tem Petersen stated that one factor would be that any costs incurred would be shared by all the residents, even though it is in a private road that really only serves the residents in this development. Mr. Laws noted that if the City did own the line and there was a water leak, the HOA would still be responsible for the work and costs in repairing the road; the City would only be responsible for the water line itself. Mr. Davis stated that this could be specifically stated in a developer's agreement so that there is no question that even if the City owns the waterline, the HOA is still responsible for maintenance and repair of the roads.

The Council would like to continue discussing this item in a future meeting.

4. Discussion Regarding Setback Requirements in the R-4 Zone – Mr. Boyd Davis

Mr. Davis stated that the Council has discussed this item extensively in past meetings, and this is a continuation of that discussion. As a brief overview, Mr. Davis stated that the R-4 zone, which allows townhouses or patio home type projects, typically have smaller setbacks than single family homes. The Council recently approved a change to the setback requirements, allowing a 20 ft. setback to the front face of the building and a 25 ft. setback to the garage. However, the Council wanted to continue the discussion on whether the 25 ft. setback to the garage would apply to all roads, or should vary based on the type of road. Staff feels that the required setback could vary by road type, but that the Code needs to contain a clearer definition for each type of road. The proposed definitions, with some additional changes recommended by the Planning Commission, and with the addition of a 30-unit limit for private roads per the Council's last discussion, are as follows:

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. Private Roads shall not provide access to more than 30 units or lots.

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

Based upon these definitions the following front setbacks are proposed in the R-4 zone:

Road Type	Setback to Building	Setback to Garage
Alley	5'	5'

Private Lane	20'	20'
Private Road	20'	25'
Public Road	20'	25'

Mayor Pro Tem Petersen felt that the asphalt requirement width for private lanes and alleys needs to be more specific, so that there is not any misinterpretation of the requirement that there is to be no less than 20 ft. of asphalt from curb to curb. The Council agreed with that. Council Member Dawson felt that a 5 ft. setback for alleys may be too small when it comes to having a place to put garbage cans and that 8 ft. may be a more logical number. The rest of the Council shared that same concern, and wanted to discuss adding something into the Code that requires a concrete pad or something to store garbage cans at some point in the future. However, the Council felt that 5 ft. is too small of a setback to the garage/building for an alley for other reasons as well, such as safety for kids playing or riding their bikes on the space, and that the new Code should require no less than an 8 ft. setback.

The Council will continue to discuss this item in future meetings.

5. **Other Items**

No other items were discussed.

The Administrative Session adjourned.



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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 December 3, 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 #81625570743 at <https://zoom.us/join> or by telephone at (669) 900-6833, on December 1, 2020 at 7:00 pm with Mayor Pro Tem Petersen presiding.

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

EXCUSED: Mayor Erik Craythorne

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; 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 Pro Tem Petersen welcomed those attending the electronic meeting.
2. **Prayer** – Given by Council Member Chatterton
3. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – None

Council Member Dawson – None

Council Member Henderson – None

Council Member Judd – None

Mayor Pro Tem Petersen – None

4. **Communications from Staff**

Mr. Laws stated that after the City Council Meeting on December 15th, Staff would like to schedule a joint meeting with the Planning Commission for the City's Land Use Consultants, Meg Ryan and John Janson, to present their recommended Code changes and provide some training on various land use issues. All of the Council Members stated that they would be able to attend a meeting scheduled for that night after the regular Council meeting. Mr. Laws stated he would confirm that December 15th will work with the Planning Commissioners and update the Council on the exact time and means for the meeting.

Mr. Laws also welcomed Bryn MacDonald to the meeting, and stated that today marks her first official day as the City's new Community Development Director. Mr. Laws stated that all of Staff is excited to have her on board and look forward to working with her.

Mr. Laws also notified the Council that Gary Wright passed away earlier this morning. The City has worked extensively with Mr. Wright and his company, Wright Development, on projects in the City. The Council thanked him for informing them of his passing and extended their condolences.

In regards to City events, the annual Christmas Party has been canceled, and the City Hall lights are now on even though there was no City Hall Lighting Ceremony held this year. The Child Remembrance Ceremony at the Angel of Hope statue scheduled for this coming Sunday, December 6th, has also been canceled, although flowers will be provided for those who wish to honor the day and luminaries will still be placed on the resting places of the children in the cemetery. The Cemetery Luminary will still be held, although Staff will pre-place the luminaries on the headstones and allow volunteers to light them individually in order to avoid gatherings of large groups.

5. Citizen Comment

Joelle Caruso – 457 N 3650 W: In regards to the Council’s earlier discussion on setbacks in the R-4 zone, Ms. Caruso stated that she agreed that 8 ft. setbacks for alleys and private lanes would be a better length than the proposed 5 ft. She also stated that she hopes the amount of traffic that will be on these private lanes is being considered, because she feels that the City should have the right to say whether something is safe or not, and not the developers right to decide based on getting their maximum density. Ms. Caruso also thanked the Council for everything that they do.

6. Youth Council Update – Emma Hamblin, Youth Council Mayor

Ms. Hamblin stated that so far this year, the Youth Council has held a retreat and kickoff celebration wherein they were able to get to know each other better and they have also put together candy bar posters that they delivered to the firefighters at the North Davis Fire District’s West Point station. They have been careful to social distance during all meetings, and have Youth Council shirts and masks that they wear to all of their activities. The Youth Council is currently working with the organization Communities That Care to put together a book drive throughout Davis County.

The Council thanked Ms. Hamblin for her report and asked her to pass on their appreciation for the Youth Council and the service they give to the community; they are great representatives of the youth in West Point.

7. Consideration of Approval to Place the Sunview Estates Subdivision Phase I on Warranty – Mr. Boyd Davis

Mr. Davis stated that this is a small, six-lot subdivision located at approximately 1100 N 5000 W. All of the required improvements have been completed and Staff recommends that they be placed on one-year warranty.

The Council had no further discussion.

Council Member Judd motioned to approve placing the Sunview Estates Subdivision Phase I on Warranty

Council Member Henderson seconded the motion

The Council unanimously agreed

8. Consideration of Approval Remove the Sun Meadows Subdivision from Warranty – Mr. Boyd Davis

Mr. Davis stated this subdivision is located at 3600 W 800 N and although on the agenda for removal from warranty, Staff recommends that approval actually be tabled as it was discovered that there is still one item that needs to be completed, which is that the sidewalk has not yet been installed in front of a few lots that are under construction. Mr. Davis noted that the developer did ask him to “beg” the Council to release the subdivision from warranty, but Mr. Davis explained the City’s policy that all of the required items need to be completed beforehand.

The Council had no further discussion.

Council Member Dawson motioned to table indefinitely consideration of approval to remove the Sun Meadows Subdivision from warranty

Council Member Chatterton seconded the motion
The Council unanimously agreed

9. Motion to Adjourn the General Session

Mayor Pro Tem Petersen stated that in regards to the earlier discussions in tonight's Administrative Session regarding road types and private vs. public utilities, he would like to add a suggestion that in defining the different road types, it also be specified which ones can and cannot hold public utility lines. The Council will continue the discussion and exploring this possible suggestion at the next meeting.

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


ERIK R. CRAYTHORNE, MAYOR January 5th, 2021


CASEY ARNOLD, CITY RECORDER January 5th, 2021

