



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
December 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 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 #83967927732 at <https://zoom.us/join> or by telephone at (669) 900-6833, on December 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 Andy Dawson, Council Member Kent Henderson, and Council Member Jerry Chatterton

EXCUSED: None

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. Code Enforcement Update – Mr. Bruce Dopp

Mr. Dopp stated that like some other City Staff, he has been working from a home office since earlier this spring due to the COVID-19 pandemic. However, he has been able to patrol the City most every day and issue code violation notices as necessary. So far, the number of violations seems to be about the normal amount, although the weather did create more of a weed issue throughout the City, and he had to address numerous cases of RV's parked on the street in excess of the 48 hours allowed.

In regards to larger projects, Mr. Dopp stated that he did his annual canvass of the City for tree trimming violations in preparation for the snow plowing season, issuing notices to property owners whose trees were overhanging the streets and sidewalks. 19 violation notices were issued this year, compared to 36 issued last year. Of those issued, all property owners were willing and able to bring their trees into compliance. The annual Fall Clean-Up was held on October 23rd – 24th and it continues to be a popular event for residents – a total of 22 dumpsters were filled and emptied throughout the two days and many residents expressed their appreciation to the City for providing this service. Mr. Dopp wanted to thank the Public Works employees who helped cover the event, crushing the contents of dumpsters down in between loads to make more room. Lastly, from November 9th – 11th, Mr. Dopp conducted an early morning patrol of the City to issue courtesy notices on vehicles parked on the streets overnight. Mr. Dopp stated that he does this project each year in order to educate and remind residents of the City's Code that prohibits overnight on-street parking from November 1st – March 1st.

Mr. Dopp stated that he also conducts a junk car project most years, canvassing the City for inoperable or unregistered vehicles that are being stored against Code. However, because of COVID-19 issues, the Davis County Sheriff notified the City that they would not be able to prosecute the cases that did not respond to courtesy notices because of new DMV restrictions and workload. He stated that he has continued to issue the courtesy notices, especially when there is a safety hazard present, but does not proceed with citations.

The Council thanked Mr. Dopp for his update and for all that he does for the City. Mr. Dopp encouraged those who may have any issues to send him an email or use the website to submit a formal complaint.

2. Discussion Regarding the Sale of Real Property to UDOT – Mr. Kyle Laws

Mr. Laws stated that UDOT has presented to the City an offer package to purchase property along the corridor for the new West Davis Highway. This property is the existing trail from 700 S. to a point north near the golf course and totals 4.67 acres. The appraisal and offer for this section of the trail is for \$210,300. The West Davis Highway project will replace the trail in a new location as part of the project. Mr. Laws stated that this is an interesting situation because earlier this year, the City accepted the property (without having to pay for it) from Davis County, and now UDOT is offering to purchase it. Additionally, the project will pay for the relocation of the trail, and then UDOT will dedicate the trail back to the City as part of our trail system.

Mr. Laws stated that the City Attorney has reviewed and approved the contract and Staff recommends approval of the purchase contract through resolution in tonight's General Session. The Council had no additional comments at this time.

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

Mr. Davis stated that this is a continuation of a discussion from the last meeting in regards to how to best manage private utilities on private roads. The proposed Bluff View Subdivision townhouse project will be the largest in the City to consist entirely of private roads, wherein will run all of the utility lines for the project, such as the water, sewer, storm drain, and secondary water. 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's recommendation is that the private roads should be maintained by the HOA, along with the sewer and storm drain lines, but that the water line should be maintained by the City. Mr. Davis noted that the secondary water line will be maintained by Davis and Weber Counties Canal Company, per their policy. Staff's reasoning for this recommendation is that there is too much risk on the City's water system for these lines to be maintained by the HOA. However, in the case of a leak, the HOA would still be responsible for all the road repairs – the City would be responsible to repair the water line only. This arrangement, if approved, would be specified and agreed to through a Developers Agreement.

During the last discussion, several questions were raised in regards to the water line. The first question was whether or not it would be best to have an individual meter on each residence, each building, or one for the entire HOA. If there was one main meter, the entire development would be subsidizing the high-water users through the fees they would be paying the HOA. A follow-up question to that was whether or not each individual resident should be billed for the utilities, or if the HOA be billed as a whole. Staff recommends that each individual property owner be billed separately, based upon the individual water meter reading for their residence. Mr. Davis explained that doing it this way gives the City more control over some things, like identifying and addressing who high-water users are, and being able to shut water off to a home if other utility services are not being paid. Another question was whether or not the HOA could maintain ownership of the waterline, but be required to use the City for all repairs and maintenance needs. Staff is unsure of whether or not that could be required, and even less certain that it could be enforced – the HOA would be relied upon to inform the City of an issue, which they might avoid doing in order to avoid paying what the City would charge and try to have the work done cheaper. Staff also believes that the cost for the water system should be shared by all the residents in the City, since all are connected to the water line.

Council Member Petersen inquired as to whether this would be a requirement of the City that would apply to all future subdivisions as well. Mr. Davis stated that, in his opinion, the requirement that the City own and maintain the water lines in private roads could be written into City Code through a new ordinance. Mr. Laws agreed that if this Developers Agreement is approved by the Council, it should be followed up by a change in Code to clarify the requirements for all future projects.

The Council felt comfortable with Staff's recommendation and would consider approval of a Developers Agreement outlining these terms at the next City Council Meeting.

4. Other Items

Mr. Laws stated that he and the Mayor have been discussing dates and means for the City Council Visioning Session that is usually held in January of each year. They would like to propose a virtual meeting on January 29th that will be shorter than meetings in the past, and only consist of one 3-hour meeting, rather than span two days. Council Member Petersen stated that he would prefer to plan for a longer meeting, so that there is adequate time to make the meeting as beneficial as it always has been; if it only ends up taking three or so hours, that is fine, but he would rather not be rushed. The Council all agreed that they would be able to accommodate a meeting beginning in late morning/early afternoon of January 29th. Mr. Laws stated Staff would plan on that date and more information will follow.

The Administrative Session adjourned.



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General Session
6:30 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 #83967927732 at <https://zoom.us/join> or by telephone at (669) 900-6833, on December 15, 2020 at 6:30 pm with Mayor Erik Craythorne presiding.

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

EXCUSED: None

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 Craythorne welcomed those attending the electronic meeting.
2. **Prayer** – Given by Council Member Craythorne
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

Council Member Petersen – None

Mayor Craythorne – None

4. **Communications from Staff**

Mr. Laws stated that the Cemetery Luminary will be held this Friday, December 18th. It will be done a little differently this year, with not as much help asked of volunteers – Staff will prepare and place the luminary bags earlier in the day and then volunteers will be able to come and help light the luminary candles beginning closer to 4 PM. Mr. Laws stated that this will help with social distancing and invited all those in attendance to come out to the cemetery after dark to view the luminary.

5. Citizen Comment

No comments.

6. Consideration of Approval of the November 17, 2020 West Point City Council Meeting

Council Member Henderson motioned to approve the November 17, 2020 City Council Meeting Minutes
Council Member Chatterton seconded the motion
The Council unanimously agreed

7. Consideration of Approval of Resolution No. 12-15-2020A, Authorizing the Sale of Real Property to the Utah Department of Transportation – Mr. Kyle Laws

Mr. Laws stated that this item was discussed in tonight's earlier Administrative Session and is now up for consideration of approval by the Council, via resolution. UDOT has presented to the City an offer package to purchase property along the corridor for the new West Davis Highway. This property is the existing trail from 700 S. to a point north near the golf course and totals 4.67 acres. The appraisal and offer for this section of the trail is for \$210,300. The West Davis Highway project will replace the trail in a new location as part of the project. Mr. Laws stated that this an interesting situation because earlier this year, the City accepted the property (without having to pay for it) from Davis County, and now UDOT is offering to purchase it. Additionally, the project will pay for the relocation of the trail, and then UDOT will dedicate the trail back to the City as part of our trail system. Staff recommends approval of the sale, and the City Attorney has reviewed and approved the purchase contract.

Council Member Judd inquired as to whether this section of trail would be unable for use while the project is being completed. Mr. Laws stated that he has not been told the definite plans, but believes that they plan to install an alternative path around the project area so that the trail can remain in use. The trail will be permanently reconstructed as part of the project. Mr. Laws stated it is likely that UDOT will want to turn ownership of the trail back over to the City in order to avoid having to be responsible for maintenance.

The Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 12-15-2020A
Council Member Henderson seconded the motion
The Council unanimously agreed

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

Mr. Davis stated that consideration of approval to remove this subdivision from warranty was tabled at the last meeting because there was still a section of sidewalk that needed to be completed. That section has now been completed and everything else is complete and in good order. The Council had no further discussion.

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

9. Consideration of Approval of Ordinance No. 12-15-2020A, Amending WPC Section 15.20.165 Regarding Setback Requirements for Private Driveways and Alleys in the R-4 Zone – Mr. Boyd Davis

Mr. Davis stated that this item has been discussed by the Council in the past several meetings. 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, including the Council's modifications from all previous discussions, are as follows:

Alley: A private street with curb and gutter on both sides that provides access to the rear of residential or commercial buildings with a minimum width of 25 feet measured from the back of curb to the back of curb. Alleys do not provide access to more than 15 lots or units. Units or lots that have rear access from an alley also have frontage on a public road or a private road.

Private Lane: A private street with curb and gutter on both sides that provides access to the front of residential or commercial buildings with a minimum width of 25' measured from the back of curb to back of curb. Private lanes do not provide access to more than 15 units or lots.

Private Road: A private street 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. Private roads may terminate at a dead end but will be provided with a dedicated turnaround and will be no longer than 600' in length. Private Roads do not provide access to more than 30 units or lots.

Based upon these definitions the following front setbacks are proposed in the R-4 zone, with the change from 5' setbacks for alleys to 8' setbacks per the Council's discussion at the last meeting:

Road Type	Setback to Building	Setback to Garage
Alley	8'	8'
Private Lane	20'	20'
Private Road	20'	25'
Public Road	20'	25'

Since the last discussion, Mr. Davis stated that Council Member Chatterton had discussed with him the concern about whether the front of the buildings would be allowed to face an alley. Mr. Davis stated that Staff's intent is that alleys will only be allowed to access the rear of the unit, and feels that the proposed definition of an alley specifies that. Council Member Chatterton stated that he raised the concern because there has been some issue in the past with what constitutes a rear and front door of a home or unit, and suggests that a clearer definition between the two be included so that the language is very specific. Additionally, he wonders if there could be a situation where an alley that accesses the rear garage entry of a unit could also be used as a front access for homes facing the street on the other side of the road. Mr. Davis stated that any unit facing a street would have to meet the required frontages, and so an alley couldn't be used as the front access for those homes, even if it is accessing the rear of properties on the other side.

Mayor Craythorne opened the item for public hearing, after which the Council would continue to discuss the proposed definitions and setback requirements.

a. Public Hearing

Joelle Caruso – 457 N 3650 W: Ms. Caruso inquired as to what "back of the curb to back of the curb" language in the private lane definition actually means, because there could be a 6 in. variance on each side depending on where the measurement actually starts and ends, meaning that a whole foot could potentially be lost in road width. Ms. Caruso also wished to comment that in her understanding, there is no disadvantage from installing a private lane as opposed to an alley because they each require the same road width; however, she is concerned that private lanes do not provide adequate turn-around space for emergency vehicles and that will be an issue in a project with a lot of private lanes. She feels that, like is required in a private road, private lanes should have some sort of outlet. Lastly, she is concerned that if the HOA is responsible to

maintain the road, including the snow plowing, there is not a lot that the City can do if it is not being done, and it could really create a safety hazard in the case of emergency.

Council Member Petersen motioned to close the public hearing

Council Member Chatterton seconded the motion

The Council unanimously agreed

b. Action

Mr. Davis stated, in response to the comment made during the public hearing, the “back of the curb” is the common term used by surveyors and contracts to indicate the very back of the curb, not the face of it, which would be considered the front face of the curb. Second, because private roads can access up to 30 units, they are capped at length restriction of 600 ft. and have to have a dedicated turn-around. This is the same standard for cul-de-sacs on public roads. As private lanes and alleys can only access 15 units, they are going to be much shorter roads. However, Mr. Davis noted that these road types will also have to meet all fire code restrictions, meaning that if they go past a certain length, they will in fact have to install a dedicated turn-around. Mayor Craythorne also added that in regards to the comment about snowplowing on roads maintained by an HOA, in his experience serving on the North Davis Fire District Board, he is unaware of any instance in which an HOA wasn’t maintaining its roads well enough that access in an emergency situation was hindered. It is common in many cities for HOA’s to provide their own snowplowing and the Mayor believes it is a practice that works quite well.

Council Member Petersen stated that he and Council Member Chatterton had discussed the setback for alleys, and were still in favor of increasing the setback to 8 ft. from the 5 ft. proposed by the Planning Commission, however they would like to know if there was a way to require, through a developers agreement, that the HOA not allow any parking in the alley setbacks, just to make sure that residents don’t use the space for parking. Mr. Davis stated that the City could ask an HOA to prohibit parking in alley setback and enforce that restrictions, but he does not believe that the City can require them to do so because City Code does not require it. He feels that it would have to be more of a negotiation with the developer to ask them if they would be willing to include that in their HOA standards.

The Council agreed with the proposed language and the modifications that they have made in their discussions up to this point.

Council Member Petersen motioned to approve Ordinance No. 12-15-2020A

Council Member Dawson seconded the motion

Roll Call:

Council Member Judd – Aye

Council Member Chatterton – Aye

Council Member Henderson – Aye

Council Member Dawson – Aye

Council Member Petersen – Aye

The Council unanimously agreed

10. Consideration of Approval of Ordinance no. 12-15-2020B, Amending WPCC Sections 15.15.120 and 17.75.030 Regarding Maximum Height Restrictions for Accessory Buildings & Accessory Apartments– Mr. Boyd Davis

Mr. Davis stated that this item has also been discussed by the Council for the past several meetings, and provided a brief overview of the issue. The City’s current Code limits accessory buildings to one-story, which has become problematic in interpreting, as there is not a clear definition in the Code of what is or is not a “story” – the Code states that a “mezzanine” or a “loft” does not count as a second story, and also that if an area is in the truss space or attic space, it is considered a “bonus

room” and not as a second story. Another concern is that in many situations, a one-story building can actually be taller than a two-story building. There have been some recent applications submitted by residents, and also some code complaints about how neighboring accessory buildings are being used, that have raised the issue.

The Planning Commission approved the following recommendation for the Council to consider:

17.75.030(I)

An accessory building may be used as an apartment but must maintain a minimum distance of 5’ from the principal dwelling and 10’ from the rear property line. Side yard setbacks must adhere to the residential setback standards for side yards and corner lots the same setback as the principal structure. The accessory building shall be set back from the rear property line as specified in the table below:

<u>Roof Height (feet)</u>	<u>Up to 15</u>	<u>15+ to 30</u>
<u>Minimum Rear Setback (feet)</u>	<u>10</u>	<u>15</u>

In discussing the Planning Commission’s recommendation, the Council agreed that it would be appropriate to increase the minimum lot size required for a 30 ft. accessory building height from 15,000 sq. ft. to 20,000 sq. ft., which is not quite a 1/2-acre, but is more than the current 1/3-acre lot size requirement, and to remove the one-story restriction. The Council also wanted to add that accessory buildings cannot be converted into or have an accessory apartment added once built – an accessory apartment has to be included in the original building permit.

Mayor Craythorne opened the item for public hearing.

a. Public Hearing

Jake Shepherd – 522 N 3650 W: Mr. Shepherd stated that he does not understand why the City Council would be responsible to decide what is built to code and what is not built to code; buildings can be updated and brought into compliance with all current codes, and that would be verified by an engineer, building inspector, etc., not the City Council (in reference to prohibiting accessory buildings from being converted into accessory apartments at a later time).

Council Member Chatterton motioned to close the public hearing

Council Member Henderson seconded the motion

The Council unanimously agreed

b. Action

Mr. Laws, who was absent for the meeting when this was last discussed, inquired as to what the issue would be in allowing an accessory building to be converted into an accessory apartment, if it was properly built to the current Code (for accessory apartments) at the time it was constructed and then updated to meet all current Code when actually converted to be used for such. Council Member Chatterton agreed that this could be the case with many existing accessory buildings and this restriction may need to be readdressed. Council Member Dawson agreed that there would be building inspections done that would ensure that anyone wanting to convert their existing accessory building would meet the required codes and build a quality accessory apartment. Council Member Judd added her opinion that when looking at this issue from the viewpoint of a future owner, it very well could be that they would like to use the existing accessory building as an accessory apartment; she would be in favor of an ordinance that had some flexibility in allowing later conversion into accessory apartments, especially for future owners.

Council Member Petersen stated that when allowing accessory apartments, the density of a subdivision is essentially being increased. As new projects are being built in the City, they are likely already being developed to the maximum density, and so this is something that needs to be considered when accessory apartments are approved. He also wondered if it would be

possible to add a time limit on the completion of accessory buildings once they have applied for a building permit and began construction; he has noticed several buildings throughout the City that remain unfinished.

As the issue was originally focused on the maximum height restrictions and number of stories allowed, the Council felt that the issue of whether or not accessory buildings could be later converted into accessory apartments could continue to be discussed as a separate issue in future meetings, and not be a restriction included with this particular ordinance. With that, the Council had no further discussion.

Council Member Petersen motioned to approve Ordinance No. 12-15-2020B as proposed, with the exclusion of Section Three, "Adoption of New Provisions in Section 17.75.030(I)", which is to be discussed in future meetings.

Council Member Chatterton seconded the motion

Roll Call:

Council Member Judd – Aye

Council Member Chatterton – Aye

Council Member Henderson – Aye

Council Member Dawson – Aye

Council Member Petersen – Aye

The Council unanimously agreed

11. Motion to Move Into a Closed Session

Council Member Henderson motioned to move into a Closed Session

Council Member Chatterton seconded the motion

The Council unanimously agreed

Closed Session

1. Motion to Open Closed Session

Council Member Dawson motioned to open the Closed Session

Council Member Judd seconded the motion

The Council unanimously agreed

2. Call to Order and Roll Call

Mayor Erik Craythorne called the December 15, 2020 Closed Session to order

Roll Call -

Mayor Erik Craythorne

Council Member Gary Petersen

Council Member Kent Henderson

Council Member Annette Judd

Council Member Andy Dawson

Council Member Jerry Chatterton

Kyle Laws, City Manager

Boyd Davis, Assistant City Manager

Bryn MacDonald, Community Development Director

Paul Rochell, Public Works Director

Ryan Harvey, Administrative Services Director

Casey Arnold, City Recorder

The Council discussed items regarding the following:

3. Purchase of Real Property, Pursuant to UCA §52-4-205(1)(d)

4. Motion to Adjourn Closed Session and enter the General Session

Council Member Henderson motioned to close the Closed Session and enter the General Session

Council Member Dawson 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 Petersen seconded the motion

The Council unanimously agreed



ERIK R. CRAYTHORNE, MAYOR

February 2nd, 2021



CASEY ARNOLD, CITY RECORDER

February 2nd, 2021

