



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
November 1st, 2022

Mayor
Brian Vincent
City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Annette Judd
Michele Swenson
Brad Lee
City Manager
Kyle Laws

Administrative Session
6:00 PM

Minutes for the West Point City Council Administrative Session held on November 1st, 2022 at 6:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 893 8009 2498 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Brian Vincent, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Annette Judd, Council Member Michele Swenson, and Council Member Brad Lee

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Ryan Harvey, Administrative Services Director; Bryn MacDonald, Community Development Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

EXCUSED: Boyd Davis, Assistant City Manager

VISITORS PRESENT: Matt Leavitt. No sign-in required for those attending virtually.

1. Discussion Regarding a Resolution Stating that the City Council Supports the Terms of the Agreement for the CDRA to Purchase Property from the Davis Board of Education – Mr. Kyle Laws

Mr. Laws stated that several of the items on tonight's agenda are in regards to a 24-acre parcel of property that the City would like to purchase from the Davis School District, after the original location for the new Jr. High in West Point was moved from this property on 4000 W 700 S to the southeast corner of 4500 W 700 S. DSD no longer needs the original parcel, and have given the City the first option to purchase it, as it is in a future commercial district right off of the future interchange of the West Davis Highway and SR193. It is a great opportunity for the City to purchase this property adjacent to this major interchange, as it will allow for more control over the development of the property and it is anticipated that the property will be sold in the fairly near future for commercial development purposes. In learning more about the purchase process and through discussions with various consultants, it has been recommended that the Community Development and Renewal Agency of West Point to issue the bonds to purchase the property, allowing for more flexibility for development purposes than if the City purchased the property itself. Staff feels that this is appropriate, as the CDRA was set up to spur economic development throughout the City.

The DSD had the property appraised and that amount was used as the baseline for negotiations. The negotiated purchase price and contract is as follows:

- Purchase price is \$5.75 per square foot (\$250,470.00 per acre) for 24 acres, which totals \$6,011,280.00
- The City agrees to waive all city-related impact fees for the new Jr High as well as the new Elementary school that is currently under construction.
- The City also agrees to exclude this 24-acre parcel from any future Community Development Areas (CDAs), allowing the DSD to realize the full property tax value of this property when development occurs.

Mr. Laws stated that the last two terms allowed the City to negotiate a lower price per square foot than was originally proposed by DSD. He also noted that while the purchase contract is with the CDRA, only the City Council can authorize and approve a resolution agreeing that all city-related impact fees for the two new schools (junior high and elementary) will be waived. Mr. Laws noted that impact fees were not charged when Lakeside Elementary was built, which is the last school to have been constructed in West Point. The City Council must also indicate, through the same resolution, their support of the terms of the purchase contract.

The Council had no further discussion at this point and will consider the resolution approving the terms of the purchase contract in tonight's General Session.

2. Discussion Regarding a Super Parameters Resolution in Anticipation of Bonding to Purchase Property – Mr. Ryan Harvey

Mr. Laws introduced Laura Lewis of Lew Young Robertson & Burningham, Inc., who are the financial advisors the City has been working with through this process. Ms. Lewis elaborated on why the recommendation was made to have the CDRA issue the bonds rather than the City, as it is not restricted by State Law to regulate development in the same way that a city would be. Ms. Lewis noted that even with a short-term duration of 15 years, these particular bonds will be callable so that they can be paid off early once the property is sold. The bonds will not be issued for more than \$6.9 million.

She explained the following documents that are required, with approval from either the City Council or the CDRA Board as necessary, and summarized their relevant purpose in the process:

- Parameters Resolution RDA (super) - West Point 2022
- City Resolution Approving Interlocal Agreement - West Point 2022
- General Indenture - West Point RDA Sales Tax Bonds 2022
- Bond Purchase Agreement - West Point CDRA Sales Tax Rev Bonds 2022
- Interlocal Pledge Agreement - (Sales Tax) West Point -CDRA 2022
- First Supplemental Indenture - West Point Sales Tax Bonds 2022

The Council discussed the bonds and property purchase with Ms. Lewis and Staff, and also how the City's bonding capability for the future will be affected. Ms. Lewis explained that they have analyzed the City's needs for the next five years or so in order to make sure that there is enough headroom to complete the projects that are expected to be needed within that time window. She also stated that the bond market is very accepting of bonds for building essential purpose facilities, and they have no concerns about issuing these bonds.

The Council thanked Ms. Lewis for the work that she and her firm have done and will have more discussion as the bonding and property purchase process continues.

3. Discussion Regarding a Budget Amendment Regarding ARPA Funds – Mr. Ryan Harvey

Mr. Harvey stated that the City has received both allocations from the Federal Government of these funds, totaling \$1,296,768. Staff created a new line item in the Special Revenue Fund called ARPA West Point City Direct to receive these funds. The City will also be receiving around \$25 Million from Davis County for the State and Local Fiscal Recovery Funds (SLFRF). This money was set up to be collected in the Special Revenue Fund under ARPA NEU Davis County. This money will be going toward the Sewer Project in the Annexation Area.

In consultation with the City's ARPA funds financial advisor and auditor, the following budget amendments are recommended to account for how these funds are received and spent:

ARPA Fund Accounts

Staff recommends creation of new budget line items for the ARPA Funds:

- 10-33-71 ARPA West Point City Direct \$1,289,333
- 10-90-99 ARPA Transfer to Waste Fund \$292,565
- 51-38-65 ARPA NEU Davis County \$25,000,000
- 51-38-50 ARPA Transfer from General Fund \$292,565
- 51-84-82 ARPA Davis County Sewer Project \$25,292,565

West Point City ARPA Funds

As part of the application process for the County ARPA Funds, the City pledged \$100,000 per phase, totaling \$300,000 for the 3 phases that are planned for the Sewer Project. The reason that the amended budget is proposing only \$1,289,333, instead of the full \$1,296,768 that we have received is because the City spent \$7,435 in FY2022 on Consulting Services. The remaining balance will be used to pay for General Fund expenses for Salaries and Benefits under the following language from the Treasury Department:

Under the Final Rule, recipients can elect a one-time "standard allowance" of \$10 million (not to exceed the recipient's award amount) to spend on the "provision of government services" during the period of performance.

2000 West Project

Staff intends to use the money saved from the Salaries and Benefits for the Sewer and Water portions of the 2000 West Project. The Sewer Portion of the project that is not eligible for Impact Fees is approximately \$500,000. The entire Water portion of the project is eligible for impact fees, but the City currently does not have enough to cover the entire cost of the project. Staff proposes transferring \$500,000 to both the Waste Fund and the Water Fund to cover the costs of that project. The \$500,000 that will be transferred to the Water Fund may be eligible to be reimbursed to the General Fund from future Impact Fees. Staff Recommends the creation of the following line items for these funds:

10-90-98 Transfer to Waste Fund \$500,000
51-38-49 Transfer from General Fund \$500,000
10-90-97 Transfer to Water Fund \$500,000
55-38-49 Transfer from General Fund \$500,000

CARES Act Funds

The one other amendment to the budget is line item "10-49-97 COVID 19." The City spent all of the money received through the CARES Act last fiscal year, so this line item should have been zeroed out in the FY2023 Budget.

The City Council expressed no concerns with the recommendations and set the item for a public hearing for the next meeting. After the public hearing, the Council will consider approval of the budget amendments.

4. Discussion Regarding Proposed Changes to Business License Renewal Dates – Mrs. Bryn MacDonald

Mr. Davis explained that the City's current business license ordinance states that all licenses expire in December each year. The proposal is to have licenses renew each year in the month in which the license was originally issued.

The proposed amendment is located in Title 5 of the West Point City Code. Since it is not in the Land Use and Development Code, it does not require a review or recommendation from the Planning Commission. There is no requirement for a public hearing. The City Council has to hold a public meeting and can either approve, modify, or deny the proposed text change.

The City currently has 216 active business licenses. The majority of the businesses (184) are home occupations which do not pay a fee for their license or the renewal. Only the commercial businesses (32) pay a license and renewal fee. All of the licenses must be renewed each year in December. This requires the Business License Official to notify each of the business owners and process all of the renewals, including mailing new licenses, all in the same month.

The proposed ordinance will change the renewal date for each business to the month the license was originally issued. This will spread the renewal dates throughout the year, and allow the Business License Official to only do a few each month, instead of all of them at one time. The proposed draft language is as follows:

5.05.070 License fees.

License fees shall be established from time to time by the city council ~~by resolution~~. All annual license fees shall be due and payable ~~before the first day of January of each year~~ each year on or before the last day of the month in which the license was originally issued. License fees are ~~rebatable~~ nonrefundable.

5.05.080 Exemptions from fees.

A. No fees in this title shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or the state of Utah from payment to municipal corporations of such fees as are prescribed in this title.

B. Any person claiming exemption pursuant to this section shall file a verified statement with the license officer stating the facts upon which exemption is claimed. The license officer shall, upon a proper showing contained in the verified statement, issue a license to a person claiming exemption under the provisions of this title without payment to the city of the license fee required by this title. Every person claiming exemption from payment of any license fee provided in this title upon the grounds of an imposition of such fee casts an unlawful burden upon his right to engage in commerce with foreign nations or among the several states or conflicts with the regulation with interstate commerce by the United States shall file a verified statement with the license officer disclosing the interstate or other character of the type of business entitling such exemption. Such statement shall state the name and location of the person for which the nearest local or state manager, if any, and his address, the kind of goods, wares, merchandise, or other service to be delivered, or performed, the method of solicitation or taking orders, the place from which the same are to be shipped or forwarded or the services performed, the location of any warehouse, factory or plant within the state of Utah, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to claim exemption. A copy of the order blank contract form, or other papers used by such person shall be attached to the verified statement. The license officer, after having a reasonable period of time to verify and review the information contained in the verified statement, shall establish a reasonable license fee. If the person claiming exemption refuses to pay this fee he shall be referred to the city attorney who shall review the information contained in his verified statement by the city license officer. [Code 2000 § 16-1-8].

5.05.090 Prorating fees.

~~The license officer shall prorate, on a quarterly basis for the balance of any license year, the license fee of any business commenced after the beginning of the license year.~~

5.05.100 Delinquent fees.

Annual license fees shall become delinquent ~~on the first day of January of each year.~~ each year on the first day of the month in which the license was originally issued. A delinquent fee of ~~\$10.00~~ shall be added after the due date for each month or part thereof the fee is not paid.

5.05.110 License application.

Every person required to procure a license under the provisions of this title or any ordinance or law of the city shall submit an application for such license to the license officer.

A. The application shall be a written statement, upon forms provided by the license officer, and shall include an affidavit, to be sworn by the applicant.

B. A duplicate license or special permit shall be issued by the license officer to replace any license previously issued, which has been lost, stolen, defaced, or destroyed, without any willful conduct on the part of the licensee, ~~upon the filing by the licensee of an affidavit sworn before a notary public attesting to such fact and the paying to the license officer a fee for reissuance.~~

C. The license officer shall, upon disapproving any application submitted under the provisions of this title, refund to the applicant all fees paid in advance, provided the applicant is not otherwise indebted to the city.

5.05.115 Compliance With Building, Zoning Regulations

No license shall be issued for the conduct of any business, and no permit shall be issued if the premises and building use do not fully comply with the city building and zoning ordinances.

5.05.120 License term.

All licenses shall be issued for a term not to exceed one calendar year and shall ~~expire at midnight on the thirty first day of December in the year issued.~~ be renewed each year on or before the last day of the month in which the license was originally issued.

5.05.130 License form.

Each license issued hereunder shall state upon its face the following:

- A. The name of the licensee and any other name under which such business is to be conducted.
- B. The kind of each business so licensed.
- C. The address of each business so licensed.
- D. The amount of the license fee therefor.
- E. The dates of issuance and expiration thereof.
- F. Such information as the license officer shall determine.

5.05.140 Licensee standards.

The general standards herein set out relative to the qualifications of every applicant for a city license shall be considered and applied by the license officer. In addition, the applicant shall meet the following requirements:

- A. The applicant shall not be in default under the provisions of this chapter or indebted or obligated in any manner to the city except for current taxes and billing.
- B. Such business must not be for a proposed use of any premises which use is a violation of city zoning or other regulations or state or federal laws.

5.05.150 Licensee responsibilities.

Every licensee shall:

- A. Permit all reasonable inspections of his business premises by public authorities so authorized by law;
- B. Ascertain and at all times comply with all laws and regulations applicable to such licensed business;
- C. Avoid all forbidden, improper or unnecessary practices or conditions which do or may affect the public health, morals or welfare;
- D. Refrain from operating the licensed businesses on premises after the expiration of his license and during the period his license is revoked or suspended;
- E. Post and maintain such license upon the licensed premises in a place where it may be seen at all times;
- F. Not allow any license, special permit or insignia to remain posted, or displayed or used, after the period for which it was issued has expired, or when it has been suspended or revoked, or for any other reason become ineffective, but shall promptly return such inoperative license, special permit or insignia to the license officer;

G. Not loan, sell, give or assign, to any other person, or allow any other person to use or display, or to destroy, damage or remove, or to have in his possession, except as authorized by the license officer or by law, any license, or insignia which has been issued to said licensee.

5.05.160 Transfer of licenses.

Licenses issued under this title shall not be transferable.

5.05.170 Change of business location.

A licensee shall have the right to change the location of the licensed business upon application and issuance of a new license for the new location.

The Council discussed the proposed changes and had several questions regarding how the renewal process for current licenses would be revised. The Council wished to continue discussing the item, and Staff was directed to research how renewal of current licenses could work in the iWorQs system and prepare a recommendation on that process.

5. Discussion Regarding a Proposed Text Change for Subdivision Phasing and Second Accesses – Mrs. Bryn MacDonald

Mrs. MacDonald stated that in response to a request from City Council, the Planning Commission has worked for the past few months on revisions to the subdivision code related to second access and phasing for developments. The current subdivision ordinance requires all developments with more than 30 lots to provide a second access. However, there is no definition of a second access and it is unclear if this can be a private access, an emergency access, or it must be a public access that is always open and available for use. The Planning Commission has drafted a definition of a second access and language providing greater clarity on when it is required.

The code also states that *“in no case shall more than two phases be development consecutively.”* It appears that the intent of the code was for this phrase to read CONCURRENTLY instead of CONSECUTIVELY, and it has been applied that way for many years. The code also allows the City Council to give an exception for multiple phases to be developed at the same time. There are no standards for allowing this exception, so it has been removed.

The Planning Commission’s proposed amendments are as follows:

17.10.020 Definitions:

“Second access” means a public street or private road that connects to (and provides access) to an existing public street. A second access shall not be gated for emergency access only; but can be gated if accessible by all members living in the development.

“Private road” means a private street with a minimum of 50-foot 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 feet in length. Private roads do not provide access to more than 30 units or lots.

17.130.090 Subdivision design standards.

A. Relation to Adjoining Street System

1. The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets, curbs, gutters, and sidewalks in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the planning commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
2. Standard residential streets shall approach the arterial or collector streets at an angle of not less than 80 degrees.
3. A second access that connects to an existing public street shall be required for any development with more than:
 - a. 30 lots/units. This includes single family, two-family and townhouse developments; or
 - b. 100 multi-family units in a development. This includes developments such as apartments or condominiums.

E. *Natural Drainage and Other Easements.* The city shall require that easements for drainage through adjoining properties be provided by the developer; an easement for water, sewer, drainage, power lines, and other utilities shall be provided in the subdivision.

- ~~7. Developments over 30 lots shall be done in phases. A phase shall consist of no more than 30 lots unless specifically approved by the city. Each phase must be completed with both on- and off-site improvements within two years. The city shall not approve more than 30 lots in a development or single phase without requiring the construction of a second access road that connects to an existing public street.~~
- ~~8. When the off-site improvements have been 100 percent completed within the boundaries of the recorded plat of any phase and approved by the city, and on-site improvements have been 70 percent completed, and building permits have been issued on at least 50 percent of the lots, then the developer may record the plat for the next phase of the development.~~
- ~~9. In no case shall more than two phases be developed consecutively. The city council may grant exceptions to these rules if deemed appropriate.~~

G. Phasing

1. The division of a preliminary plat into two (2) or more phases must be approved by the Planning Commission as part of the preliminary plat approval. Single family, two-family and townhome developments over 30 lots/units shall be done in phases. The Planning Commission may impose such conditions upon the phases as it deems necessary to assure the orderly development of the preliminary plat. A phased development plan shall show:
 - a. The planned development of the entire site;
 - b. No phase shall consist of more than 30 lots;
 - c. The timing and sequencing of improvements to be completed with each phase, particularly amenities, open space, and public improvements.
2. When the off-site improvements have been 100 percent completed, inspected, and approved by the city, and on-site improvements have been 70 percent completed, inspected and approved by the City, then the developer may record the plat for the next sequential phase of the development.

The Council briefly discussed the proposed changes, however, due to time, would like to continue the discussion before setting the item for public hearing.

6. Other Items

No other items were discussed.

The Administrative Session adjourned.



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General Session

7:00 PM

Minutes for the West Point City Council General Session held on November 1st, 2022 at 7:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 893 8009 2498 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Brian Vincent, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Annette Judd, Council Member Michele Swenson (attending virtually), and Council Member Brad Lee

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; Ryan Harvey, Administrative Services Director; Bryn MacDonald, Community Development Director; Paul Rochell, Public Works Director; and Casey Arnold, City Recorder

EXCUSED: Boyd Davis, Assistant City Manager

VISITORS PRESENT: Matt Leavitt, Kathleen Hartley, Marvin Hartley, Emily McCarrey, Jacob Orton, and Angelina Orton. No sign-in required for those attending virtually.

1. **Call to Order** – Mayor Vincent welcomed those attending the meeting.
2. **Pledge of Allegiance**
3. **Prayer or Inspirational Thought** – Given by Council Member Chatterton
4. **Communications and Disclosures from City Council and Mayor**

Council Member Lee – None

Council Member Chatterton – None

Council Member Petersen – None

Council Member Judd – None

Council Member Swenson – Expressed her appreciation to Staff for the lunch held with the Council the previous week.

Mayor Vincent – The North Davis Sewer District is continuing the outflow pipe project out to the Great Salt Lake. The pipe will have to go across the causeway out to Antelope Island, and so the State is requiring that this part of the project be completed now so that it is not being done during the tourist season, as the road will have to be narrowed to one lane.

Wasatch Integrated Waste Management District is also working on what is essentially their “general plan” for the landfill and preparing for its future use. It is anticipated that the landfill will reach capacity in about 14-17 years, and will then be turned into a transfer station so that waste collected there can be transferred to a landfill further south. He noted that a unique revenue source is coming in to the District by a bitcoin mining company that has leased land and built a building that houses three generators and massive computer systems that are powered by the methane gas coming off of the landfill.

5. **Communications from Staff**

Mr. Laws stated that next Tuesday is the General Election day and City Hall will be open for voters to vote in-person, or they may also use the ballot drop box located in the north east parking lot. November 11th is Veterans Day and the Military Memorial Committee will be holding a program at the memorial at Loy Blake Park. Staff is helping them set-up for that program, but City Hall will be closed for the holiday. Mr. Laws also informed the Council that the Lakeside Stake has donated 45 American Flags to the City, which were used to line the streets to welcome home returning servicemembers. The flags already have the PVC and rebar stakes to be easily placed and Staff is working on how to use these flags, such as around City Hall on Veterans Day, Memorial Day, etc. He expressed his appreciation for the donation and thinks that they will be a neat thing for the City to have.

Mr. Laws reminded the Council of the events coming up in the next few weeks, which includes the City Hall Lighting Ceremony on the Monday after Thanksgiving at 6 PM, the Staff and City Officials annual Christmas Party on December 2nd at 7 PM, and the Child Remembrance Ceremony on December 6th at 7 PM at the Angel of Hope statue at the Cemetery.

6. Citizen Comment

No comments.

7. Youth Council Update – *Jacob Orton, City Manager*

Jacob informed the Council of the Youth Council's activities the last few weeks, which included the Walk to Remember (which was an event for families that have lost a child), the City's Halloween Carnival, and also the Davis County Sheriff's Department Halloween Carnival.

The Youth Council Officers have focused on increasing turn-out from members and creating a strong culture, and the results of their efforts are starting to pay off and they are excited for the upcoming year. The Council expressed their appreciation to the Youth Council for the work and time they put into serving our community, and the positive and important impact they have on residents.

8. Consideration of Approval of the Minutes from the May 3rd, 2022 West Point City Council Meeting

The draft minutes from this meeting are not yet finalized for approval.

Council Member Chatterton motioned to table approval of the draft minutes

Council Member Petersen seconded the motion

The Council unanimously agreed

9. Consideration of Approval of Resolution No. 11-01-2022A, Agreeing to the Terms of the Real Estate Purchase Contract between the CDRA of West Point City and the Davis Board of Education – *Mr. Kyle Laws*

Mr. Laws stated that this item was discussed in tonight's Administrative Session and also during the CDRA Meeting when the Board approved the purchase contract for the property. He summarized that for the last year, the City has been working with the Davis School District (DSD) to move the location of the newly proposed Jr High. These efforts have been successful, and the new Jr High will be located on the southeast corner of 4500 W and 700 S. The original location was on the northeast corner of Cold Springs Road (4000 W) and 700 South. The school no longer needs this 24-acre parcel of property and has expressed that it is their policy to give the City the first option to purchase. Staff has been in negotiations with DSD to determine a fair and equitable price.

The purchase contract outlines the terms of the purchase and can be summarized as follows:

- Purchase price is \$5.75 per square foot (\$250,470.00 per acre) for 24 acres, which totals \$6,011,280.00
- The City agrees to waive all city-related impact fees for the new Jr High as well as the new Elementary school that is currently under construction.
- The City also agrees to exclude this 24-acre parcel from any future Community Development Areas (CDAs), allowing the DSD to realize the full property tax value of this property when development occurs.

These last two terms allowed us to negotiate a lower price per square foot than was originally proposed by DSD.

Mr. Laws stated that while the purchase contract is with the Community Development and Renewal Agency (CDRA), the City Council must authorize and approve a resolution indicating their support of the terms of this contract, specifically, that the City agrees to waive all city-related impact fees for the two new schools being built in the City (junior high and elementary). The CDRA Board's approval of the REPC was contingent upon the City Council's approval of waiving the impact fees and the terms of the contract.

The Council had no further discussion.

Council Member Lee motioned to approve Resolution No. 11-01-2022A
Council Member Chatterton seconded the motion
The Council unanimously agreed

10. Consideration of Approval of Resolution No. 11-01-2022B, Authorizing the Execution & Delivery of a Bond Purchase Agreement and a Sales Tax Interlocal Pledge Agreement Between the City & the Community Development & Renewal Agency of West Point City, Utah (The "Agency") in Connection with the Issuance by the Agency of its Sales Tax Revenue Bonds, Series 2022, in the Aggregate Principal Amount of Not to Exceed \$6,900,000, in One or More Series, & With Such Additional or Alternate Designations as the Agency May Determine; and other Related Matters – Mr. Ryan Harvey

Mr. Laws stated that this item is also in conjunction with the DSD property purchase. If approved, the Interlocal Pledge Agreement stated that the City is agreeing to provide sales tax revenue to pay back the bonds being issued by the CDRA to purchase the property, essentially acting as the mechanism to allow money to flow between the City and the CDRA for revenue and payment. Laura Lewis, representing the financial advisors working with the City for the process, stated that it is important to note that the City has more than sufficient sales tax revenue to make this pledge, and the debt is structures so that the funds from the sale of the property can be used to either pay off or pay down the bonds. This means that it is not expected that the bond payments will not be solely from sales tax revenue throughout the life of the bonds, but pledging this revenue allowed for a lower interest rate to be secured on the bonds.

The Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 11-01-2022B
Council Member Chatterton seconded the motion
The Council unanimously agreed.

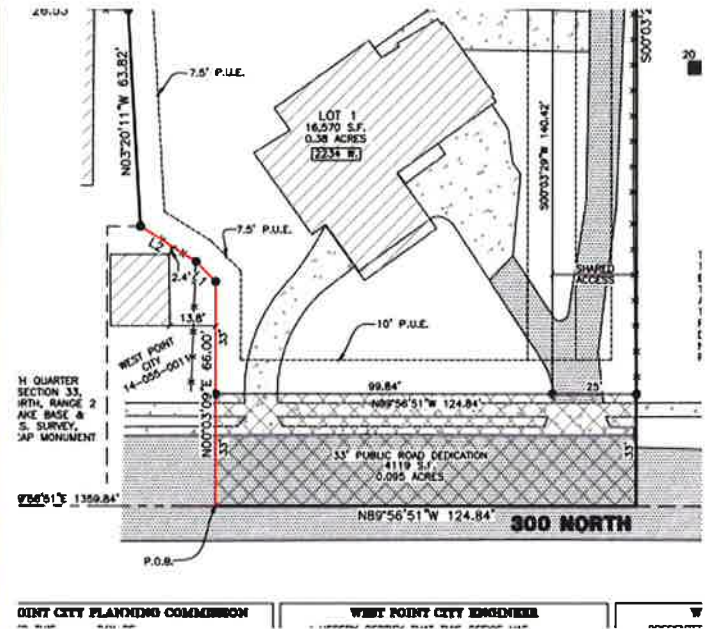
11. Consideration of Approval of Resolution No. 11-01-2022C, Approving a Boundary Line Agreement with Ross Adams – Mrs. Bryn MacDonald

Mrs. McDonald stated that Shane Turner owns the property located at 2234 W 300 N. He recently divided the property into two parcels and created a flag lot on the back of the property. As he did his survey, it was discovered that a portion of the City's wellhouse was located on his property. He deeded that property to the City; however, he ran into another problem when he tried to record his plat. The County Recorder informed him that there is a small gap of about 6" between the two properties. He must record a boundary line agreement to eliminate the gap before he can record his plat.

Mr. Turner has already prepared a boundary line agreement, but it must be accepted by the City Council and signed by the Mayor before it can be recorded.

The boundary line agreement does not add to or take away from the property owned by the City. It simply states that the two parties agree to the boundary that is already shown on the plat that has been approved by the City Council. Staff has reviewed the agreement and the surveyed description and finds it to be acceptable, and recommends approval of this resolution accepting the deed and authorizing the Mayor to sign the agreement.

Below is a description of the property and boundary adjustment:



The Council has discussed this item in a previous meeting and had no further comments.

Council Member Lee motioned to approve Resolution No. 11-01-2022C
 Council Member Judd seconded the motion
 The Council unanimously agreed

- 12. **Consideration of Approval to Place the Westlake Subdivision Phase 2 on One-Year Warranty – Mrs. Bryn MacDonald**
 Mrs. MacDonald stated that this subdivision is located at 1000 N 5000 W. The developer has completed all the required improvements, with exception of the sidewalk and slurry seal, and is now asking that the subdivision be placed on a one-year warranty. The subdivision has been inspected to ensure all the required improvements have been completed and are in good condition prior to beginning the warranty period. Staff recommends approval of the one-year warranty.

The Council had no further discussion.

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

- 13. **Consideration of Approval to Remove the Littlefield Subdivision Phase from One-Year Warranty – Mr. Boyd Davis**
This item was approved at the previous meeting and inadvertently placed on this agenda. No action needed.

- 14. **Consideration of Approval of a Contract with Andersen Asphalt for Crack-Sealing of City Streets – Mr. Kyle Laws**
 Mr. Laws stated that as part of the City's regular road maintenance plans are to crack seal several streets. The optimal time to do crack seals is in the fall when the temperatures are cool causing asphalt pavement to shrink and opening cracks to their widest state. This allows the maximum amount of crack seal material to be placed in the cracks and prevents the material from splitting.

This year Staff contacted about 10 companies and received bids from two qualified contractors. The received bids are summarized below:

Contractor Bid

Andersen Asphalt \$117,000
Precision Asphalt \$147,720

Each year the Council budgets \$250,000 for street maintenance. This bid fits within that budget and leaves funds for other maintenance work that will be done. The City has done work with Andersen Asphalt in the past and they have done excellent work – Staff was happy to see they had the lowest bid, and recommends that the Council selects them for this work.

The Council discussed the work to be done and had no concerns with the approving the bid.

Council Member Chatterton motioned to approve the contact with Andersen Asphalt in the amount of \$117,000
Council Member Lee seconded the motion
The Council unanimously agreed

15. Consideration of Approval of Ordinance No. 11-01-2022A, Amending Section 17.70.100 to Allow Chickens in the R-4 Zones – Mrs. Bryn MacDonald

Mrs. MacDonald stated that over the past several weeks, the Planning Commission has discussed changes to farm animal regulations, specifically the allowance of chickens in R-4 multi-family zones. It was discussed that chickens could be allowed based on the size of the lot. There has also been discussion of increasing the base number of chickens from four to six.

City Code currently allows residents in the R-1, R-2, and R-3 code to have chickens. Every lot can have 4 chickens, regardless of lot size. Additional chickens are allowed based on the size of the lot and the point system, as outlined in the code. Although the R-4 zone is typically a multi-family zone, there are lots in the city within the R-4 zone that are single family lots with adequate size for chickens. The proposed code allows chickens in all of the residential zones, as long as they have a minimum lot size of 5,000 square feet. The proposal also increases the base number of chickens from four to six.

The Planning Commission held a public hearing on October 13, 2022, and recommended approval of the following:

Proposed Code

(The proposed text is in red)

17.70.100 Farm Animal Regulations

- A. *Purpose and Intent.* To establish the standards and criteria by which farm animals may be kept within West Point City. The city recognizes that farm animals are inextricably associated with certain noise, sight, and smell nuisances that are generally unacceptable in urban areas. However, the city also recognizes the importance of maintaining its farming heritage and the traditional values associated with that heritage. It is with this purpose, to preserve the farming heritage of the community, that this chapter is enacted.

- B. *Animal Allowance.* Farm animals held for noncommercial purposes are permitted solely in the agricultural A-5 and A-40, R-1, and R-2 zones as a permitted use and shall be an administrative conditional use in the R-3 zone for all animals except small animals which may include chickens, ducks, geese, pigeons, and rabbits, unless restricted by private development agreements, covenants, or other legally binding contracts. Roosters shall not be kept in any residential zone. Residents in the R-1, R-2, and R-3 and R-4 zones with property not less than 5,000 square feet zones may, at any time, keep and maintain a base number of no greater than six ~~four~~ chickens, regardless of the size of their property, subject to the requirements of this section and any other applicable provisions of this code. The number of additional chickens shall be based on the same formula as other animals as follows:
 - 1. The quantity of animals permitted on a property shall be determined on the basis of 100 animal points per vacant acre (e.g., 0.50 acres x 100 = 50 animal points; 1.45 acres x 100 = 145 animal points).
 - 2. Vacant acreage on properties with nonagricultural uses is determined by the following: Residential properties shall deduct 0.20 acres (approximately 8,700 square feet) per unit from the total acreage before calculating the animal allowance (e.g., (0.50 acres – 0.20 acres) x 100 = 30 animal points; (1.45 acres – 0.20 acres) x 100 = 125 points). All other properties shall deduct the exact amount of acreage not being used for animal production before calculating the animal allowance.

Type of Animal	Number of Points per Animal
Pigs	50
Horses and cattle	25
Sheep and goats	10
Chickens, ducks, geese, pigeons, rabbits, and other small animals	5

3. Commercial agricultural operations shall only be permitted in A-40 and A-5 zones. Intensive commercial agricultural operations, such as feed lots, shall only be permitted by an administrative conditional use with a minimum lot size of five acres.

Mayor Vincent opened the item for public hearing.

a. Public Hearing

Marvin Hartley – 1943 W 300 N: Mr. Hartley stated that his property is in the R-4 Zone and the way the code is currently written, he is not allowed to have any chickens because renters, townhomes, and condos are in that zone. However, he owns his property and his backyard is completely fenced, so it is not like these properties. Egg prices have increased dramatically this past year and it has created a very, very large tax on the people in our community. He feels that it is important that people who own their properties and can subsidize their incomes by having chickens be allowed to do it. He plans on living in his home for the rest of his life – he and his wife like the area and the City. They would like to have chickens to produce eggs for not only his family, but they also feel that it is important to give back to the community and providing eggs is a way that they can do this.

Council Member Petersen motioned to close the public hearing
 Council Member Judd seconded the motion
 The Council unanimously agreed

b. Action

Council Member Petersen inquired as to whether the proposed language was acceptable to Mr. Hartley, which he affirmed that it is. There was no further discussion.

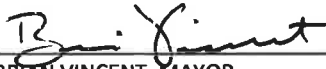
Council Member Chatterton motioned to approve Ordinance No. 11-01-2022A
 Council Member Petersen seconded the motion

Roll Call:
 Council Member Lee: Aye
 Council Member Chatterton: Aye
 Council Member Petersen: Aye
 Council Member Judd: Aye
 Council Member Swenson: Aye

The Council unanimously agreed

16. Motion to Adjourn the General Session

Council Member Chatterton motioned to adjourn
Council Member Lee seconded the motion
The Council unanimously agreed



BRIAN VINCENT, MAYOR

March 21st, 2023



CASEY ARNOLD, CITY RECORDER

March 21st, 2023

