

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
November 15, 2022

3200 WEST 300 NORTH
 WEST POINT CITY, UT 84015



Administrative Session
6:00 PM

Minutes for the West Point City Council Administrative Session held on November 15, 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# 852 0692 7751 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Brian Vincent, Council Member Gary Peterson, 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; Boyd Davis, Assistant City Manager; Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochelle, Public Works Director; and Casey Arnold, City Recorder

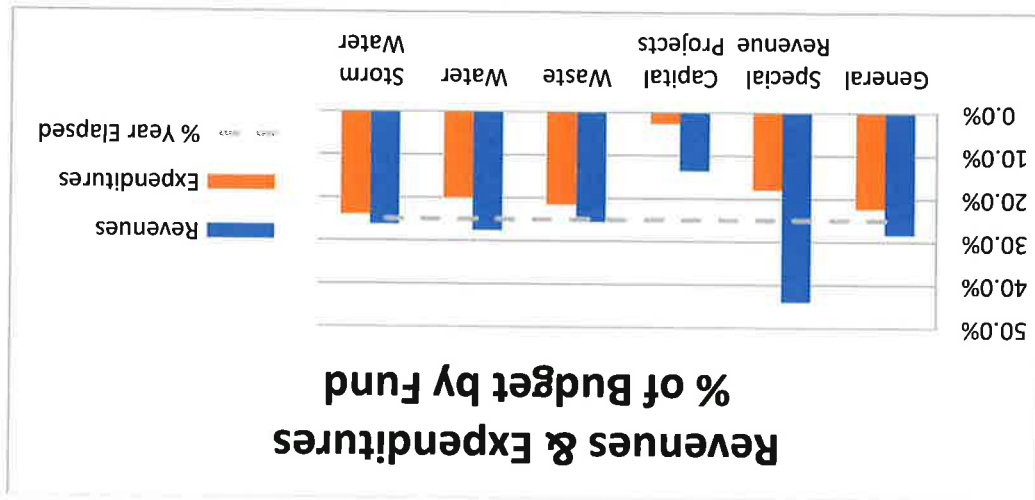
EXCUSED:

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

1. Quarterly Financial Update – Mr. Ryan Harvey

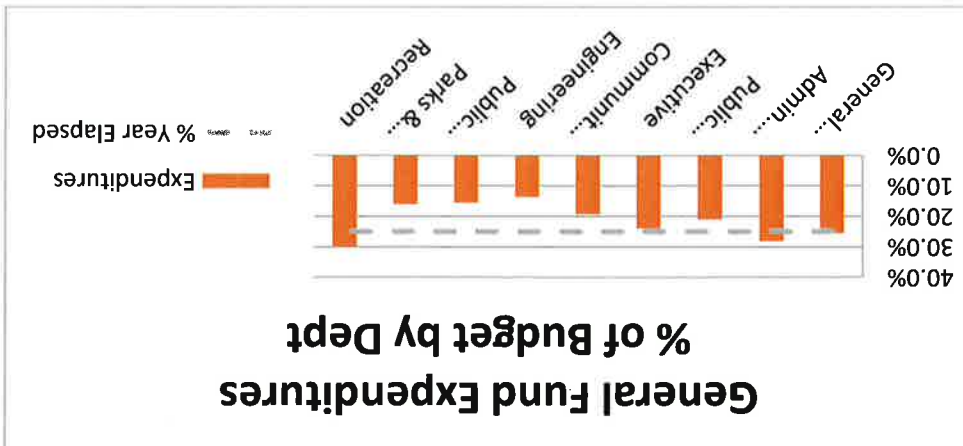
Mr. Harvey presented the financial report for the first quarter of fiscal year 2023, representing July 1 – September 30, 2022. The report details expenditure, revenue, budget and balance sheet data.

In regards to revenues and expenditures, with 25% of the year lapsed, revenues exceed expenditures by at least 25% in every fund except for the Capital Projects Fund, which received its funds through the transfer at the end of the year. The reason that the Special Revenue Fund is so high is because of the large amount of development that has happened so far this year. The City receives most of the impact fees into the Special Revenue Fund. Expenditures are below 25% in each of the funds. Below is a graph representing the revenues and expenditures in each fund:



Within the General Fund are two departments whose expenditures exceed 25%. The first is the Administrative Services Department, and this is the result of the City insurance through the Local Government Trust being due at the beginning of the

fiscal year. The second is the Recreation Department, which is over due to the football program being at the beginning of the fiscal year. All other departments are below 25% through September 30:



The Council discussed how online sales tax revenue is received and the different expenditures and revenues in each department, and had no concerns or suggestions. They thanked Mr. Harvey for his report and had no further discussion.

2. Discussion Regarding Subdivision Phases and Second Access – Mrs. Bryn Macdonald

Mrs. Macdonald stated this item has been discussed for the last several meetings and there are several proposed changes. The subdivision ordinance currently has a requirement for 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 proposed changes include a definition of second access and greater clarity on when it is required 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.

The second proposed change is to move items 7, 8, and 9 from West Point City Code (WPCC) 17.130.090(E) - Natural Drainage and Other Easements as they do not correlate to that section and move them to the appropriate section of WPCC 17.130.090(A) - Relation to Adjoining Street System:

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

plot 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 plot

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.

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.

The code also states that "in no case shall more than two phases be developed 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 proposed language reflecting these changes is as follows:

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.

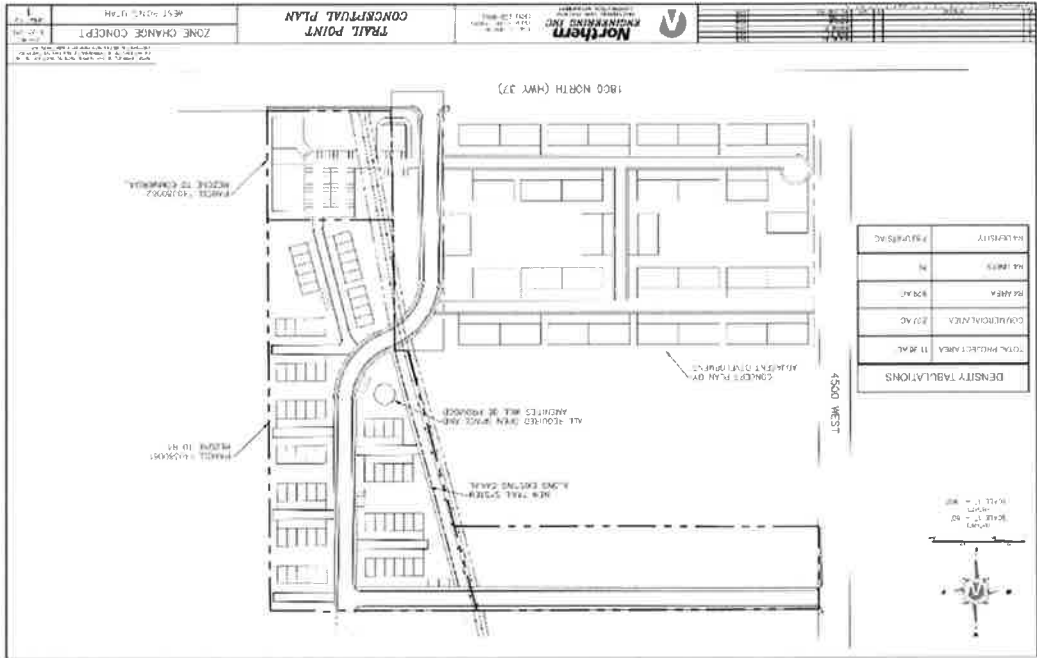
The Council discussed the proposed definition of a second access, and were concerned about how the language regarding gates on second accesses is stated, feeling that it could be interpreted to mean that it can be gated and inaccessible, as long as if not for emergency access only. It was suggested that it be changed to state that "a second access shall be accessible at all time, not just for emergency vehicles." The Council also did not want to allow for a second access to be a private lane, but that it should be required to be a public street or private road that connects to and provides access to an existing public street.

The Council also discussed the various road-type definitions, and the issues the narrow widths of private lanes and private roads create, speed limits, maintenance responsibility, etc. It was agreed that the current definition of a private road included in Section 17.10.020 be removed at this time until further discussion can be had in the future on these definitions and requirements, and if/when they will be allowed in a development.

The Council also directed that the requirement that building permits must be issued on 50% of the lots in the previous recorded phase be added back into the code, even though the Planning Commission recommended that particular requirement be removed.

Staff will incorporate the Council's changes and present an updated draft for the Council to continue to discuss at the next meeting.

3. Discussion Regarding a Proposed Rezoning of Property Located at Approximately 1800 N 4300 W – Mrs. Bryn Macdonald
 Mrs. Macdonald stated that Foothill Ditch, LLC is requesting a rezoning of 11.36 acres of property from A-40 Agricultural to the R-4 Residential and C-C Commercial zones. There are two parcels considered in the request, and they are requesting that the parcel consisting of 9.29 acres be rezoned to the R-4 zone and the other parcel rezoned to C-C. Below is a proposed conceptual plan that they have submitted with their request:



Mrs. Macdonald noted that this plan does not represent the layout of the neighboring property, but only how the accesses would connect.

The Planning Commission recommended approval of the request because it met the General Plan, although they did have some concerns. However, the Council felt that both Staff and the Planning Commission should have required more information from the applicant and a development agreement needs to be created for the Council to consider in conjunction with the rezoning request so that development of the property is in line with the standards and expectations of the Council in granting the rezoning. Staff was directed to work with the applicant to draft that agreement and the Council will continue the discussion of the rezoning request once the agreement has been provided.

4. Other Items

No other items were discussed.

The Administrative Session adjourned.

**WEST POINT CITY COUNCIL
 MEETING MINUTES
 WEST POINT CITY HALL
 November 15, 2022**



**7:00 PM
 General Session**

Minutes for the West Point City Council General Session held on November 15, 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# 852 0692 7751 at <https://zoom.us/join> or by telephone at (669) 900-6833.

MAJOR AND COUNCIL MEMBERS PRESENT: Mayor Brian Vincent, Council Member Gary Peterson, 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 (attending virtually); Boyd Davis, Assistant City Manager, Bryn MacDonald, Community Development Director; Ryan Harvey, Administrative Services Director; Paul Rochelle, Public Works Director; and Casey Arnold, City Recorder

EXCUSED:

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

1. Call to Order

2. Pledge of Allegiance

3. Prayer or Inspirational Thought – Given by Council Member Swenson

4. Communications and Disclosures from City Council and Mayor

Council Member Swenson – Thanked the Staff who helped with the Senior Lunch that was held earlier in the day. She received feedback from several residents who were appreciative of the efforts and enjoyed their time.

Council Member Judd – none

Council Member Peterson – none

Council Member Chatterton – Echoed Council Member Swenson's statement about the Senior Lunch and what a wonderful job Staff does each month. He did have a question regarding the Veteran's Day Commemoration as he was asked by a resident if it took place. Mayor Vincent stated it did, but the venue had to be moved due to the temperatures and it was held at a church building at 300 N 3500 W. Information was placed on social media as well as signs placed out, but the signs were only visible if you drove from a certain direction. Council Member Peterson stated he had two residents reach out to him asking about the location as they came from a different direction and did not see the signs and were unaware of the change. City Manager Kyle Laws stated the changed happened the day before and where it was not the City's event, it was a last-minute decision to move locations and they City tried to put the information out.

Council Member Chatterton also disclosed that he is the developer of the subject subdivision in tonight's agenda item #8, Kennevic Subdivision and stated he would recuse himself from the discussion and action.

Council Member Lee – Stated he wanted to publicly pass on his condolences to the families who were involved in the tragedies at the University of Idaho and University of Virginia. Although it seems far away, they do hit close to home and on behalf of the City and Council, he would like those involved to know they are in their thoughts and prayers.

Mayor Vincent – Announced a procedural change for the City Council meetings. Public comments will now need to be made either in person at City Hall or through sending an email to be read during the public comment time. He stated the emailed

comments need to be kept in the 2-1/2 minute time frame. This change allows the citizens to come in and interact with the Council as they voice their concerns. It also ensures that no comment is lost through electronic transmission and also helps to be able to guide the citizen to the correct party for a concern that may need to be discussed further.

5. Communications from Staff
Mr. Laws reminded the City Council of the upcoming City Hall Lighting Ceremony on November 28, 2022, at 6 pm. The City Christmas party for Staff, City Council, Planning Commission, and all spouses will be held December 2, 2022, at Rooster's in Layton. The next City Council meeting, December 6, 2022, is also the same date as the Child Remembrance Ceremony at the Cemetery. He did apologize for the current technical difficulties with the microphones and for those attending on Zoom who are not able to hear the Council. He is unsure what is causing the issue and how to fix it.

Mr. Laws stated looking ahead to the beginning of next year, they are trying to schedule dates for the Council Visioning & Planning Session. He asked for all to look at their calendars and respond back to him whether the first or second week of February would work.

6. Citizen Comment

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated she could hear Mr. Laws very well and it is difficult to hear any council members. Mr. Laws apologized for the difficulty as only his laptop microphone is working with Zoom.

7. Consideration of Approval of the Minutes from the May 17th, 2022 West Point City Council Meeting

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

8. Consideration of Approval to Remove the Kennevic Place Subdivision from One-Year Warranty 5 – Mr. Boyd Davis
Mr. Davis stated that the Kennevic Subdivision at 3500 W 550 N has been under development for a few years and the last home is now built and the area is complete. He recommends the warranty be removed.

Council Member Peterson motioned to remove the Kennevic Place Subdivision from the One-Year warranty
Council Member Judd seconded the motion
Aye: Council Member Swenson, Judd, Peterson, and Lee
Recused: Council Member Chatterton

9. Consideration of Approval of Resolution No. 11-15-2022A, Approving an Amendment to the FY2023 Budget – Mr. Ryan Harvey
Mr. Harvey stated the City has received both allocations from the Federal Government of 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. It will be received into the General Fund. From that, \$300,000 will be transferred to the Sewer Fund for the \$25 million project that the City stated it would pledge \$100,000 per phase, 3 phases total. 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. This frees up money from the Salaries and Benefits to put towards the Sewer and Water portion 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

The other amendment to the budget is the \$25 million received from Davis County for the State and Local Fiscal Recovery Funds. The money will be spent first and Davis County reimburses the City right after. There has been a line item created specifically for this project. Capital projects usually are taken straight from the Capital Projects line item, but a specific line item was created as there will be an audit and it needs to be very clear where all the money is going.

Staff recommends the creation of the following line items for these 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

The last amendment to the budget is a cleaning up item that should have taken place earlier for line item "10-49-97- COVID 19." The City has 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 Council had no further discussion.

Mayor Vincent opened the public hearing.

a. Public Hearing

No comments.

Council Member Peterson motioned to close the public hearing

Council Member Lee seconded the motion

The Council unanimously agreed.

b. Action

The Council had no further discussion.

Council Member Judd motioned to approve Resolution No. 11-15-2022A, Approving an Amendment to the FY2023 Budget

Council Member Swenson second the motion

The Council unanimously agreed.

Other Items

Mr. Davis stated on several past agendas has been the contract for the sewer expansion project, yet the contract has not been approved. The contract has finally been approved by Davis County; however, it was not placed on this agenda for City Council approval. This item is a time-sensitive item and he asked if the City Council would approve and be able to attend via Zoom a special meeting. It was decided to the time for this meeting would be Thursday, November 17, 2022, at 5:30 pm.

10. Motion to Move into a Closed Session

Council Member Swenson motioned to move into a closed session
Council Member Peterson seconded the motion
The Council unanimously agreed

Closed Session

1. Motion to Open Closed Session

Council Member Chatterton motioned to open the Closed Session
Council Member Judd seconded the motion
The Council unanimously agreed

2. Call to Order and Roll Call

Mayor Brian Vincent called the November 15th, 2022 Closed Session to order
Roll Call -

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

3. Closed Discussion Regarding Personnel, Pursuant to UCA §52-4-205(1)(a)

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

Council Member Petersen motioned to close the Closed Session and enter the General Session
Council Member Judd seconded the motion
The Council unanimously agreed

11. Motion to Adjourn the General Session

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

APPROVED:

BRIAN VINCENT, MAYOR
May 16th, 2023

CASEY ARNOLD, CITY RECORDER
May 16th, 2023

