



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES WEST POINT CITY HALL May 17th, 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 May 17th, 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# 850 1061 6641 at <https://zoom.us/join> or by telephone at (669) 900-6833.

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

EXCUSED: Council Member Gary Petersen and

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: Laura Curtis, Marsha Weller, Dan Weller, Rick Scadden, Lee Wells, Allen Clemons, Bryan Bayler. No sign-in required for those attending virtually.

1. Discussion Regarding FY2022 Amended Budget & FY2023 Tentative Budget for West Point City & Related Agencies – Mr. Ryan Harvey

Mr. Harvey stated that this budget discussion with the Council will focus on the Capital Project Matrix and other enterprise funds, and review the proposed items for the FY2022 Amended Budget, which the Council will consider for approval in tonight's General Session.

Mr. Harvey explained with typical fiscal budgets there is a set amount for each year and if the set amount is not spent in that year, the excess is not carried over; the new fiscal year begins with the normal set amount. With the Capital Project Matrix, however, items budgeted are able to carry over the excess amount into the next fiscal year in order to complete the project. A matrix has been developed over the years to help carry over and track the money. Contained in this matrix are specific GL Codes for each project item which correlates in the budget to a specific line. Mr. Harvey stated this is a broad overview and if any Council Members have additional questions, they are welcome to meet with him.

Mr. Harvey discussed the following projects that need funding changes in the FY2022 budget:

- Project 014 – Street Vehicle Maintenance. This project went over by \$7,569 so in the amended budget asking for that amount to get caught up and not get behind. In this project, it is budgeted \$10,000 yearly.
- Project 029 – Storm Drain Master Plan and Impact Fee Analysis. This project went over by \$1,963 so in the amended budget asking for that amount as to not get behind.

The following projects were completed and need to be zeroed out:

- Project 046 – 300 North Widening with Clearfield City (1500 W to 2000 W)
- Project 094 – 800 North Widening with Clinton City (2000 W to 4000 W)
- Project 096 – 200 South Sewer Line (3000 W to 2100 W)

Mr. Harvey discussed each project being funded in FY2023, which are listed below. He noted that the first four items are budgeted at the normal, yearly amount:

- 012 – Street Maintenance –\$250,000
- 013 – Sidewalk Maintenance –\$20,000
- 014 – Street Vehicle Maintenance - \$10,000
- 015 – Salt and Street Materials – \$20,000

The following projects are proposed to be funded in FY2023:

- 016 – Street Vehicle Equipment - \$1,856 – This is the amount needed to keep the amount funded for this project at \$10,000.
- 019 – SCADA System Upgrades - \$30,000 - This is the amount needed to keep the amount funded for this project around \$40,000.
- 021 - Sewer Master Plan/Impact Fee Analysis - \$40,000 – This study is done every 5 years and the last time it was completed was FY2018.
- 032 – 2000 West Water Line and Sewer Line (800 N to 470 N) - \$456,685 - This amount is needed to fully fund this project for FY2023.
- 033 – 2000 West Landscaping and Betterments - \$75,000 – This amount is what the City is allocating towards betterments of 2000 West.
- 059 – Vehicle Replacement – \$135,000 – This is the amount needed to replace the vehicles that are due for replacement in the Vehicle Replacement Plan. The Vehicle Replacement Plan takes the different vehicles and places them on a specific rotation to calculate when to replace them. This amount is split across different funds. The Capital Projects Matrix is color coded to match which fund the money will be pulled from.
- 068 – City Hall Maintenance and Repair - \$75,471 – This is the amount needed to keep the amount funded for this project at \$100,000.
- 073 – 5 Year CIP – \$50,000 – This is the normal, yearly amount.
- 075 – Park Improvements – \$135,000 – This is the normal, yearly amount.
- 089 – Local Option Sales Tax – \$80,000 – This is the normal, yearly amount.
- 106 – Public Works Property and Facility - \$10,000,000 – This amount will come from bonds that the City plans to issue during FY2023.
- 107 – Gym Expansion at Jr. High - \$5,000,000 – This amount will come from bonds that the City plans to issue during FY2023.
- 109 – Loy Blake Park Development Plan - \$25,000 – Staff would like to do a plan to guide development of Loy Blake Park.
- 110 – Tree Replacement Plan - \$10,000 – This is the normal, yearly amount.
- 113 – Water Rate Study - \$20,000 – Staff would like to perform a water rate study for the City to make sure rates are keeping up with City needs.
- 114 – Sewer Rate Study - \$20,000 – Staff would like to perform a sewer rate study for the City to make sure rates are keeping up with City needs.
- 122 – Cemetery Expansion Design - \$30,000 – In FY2023, the budgeted amount is for the design phase to be done to start exploring the options and costs associated with the connection to Bluff View Phase 4 at 50 South.
- 123 – General Plan Update - \$25,000 – Staff will be performing an update to the General Plan. The City received a grant and this is the City's matching portion.
- Total - \$16,289,901 (\$15,000,000 from bonds)

Council Member Lee sought clarification regarding what is included with Project 016 – Street Vehicle Equipment. Mr. Rochelle stated that it is the budget for street plows, street mowers, tractors, etc.

In regards to Project 059 – Vehicle Replacement, Mayor Vincent inquired as to whether the vehicles are either traded or sold when it is time for them to be replaced. Mr. Harvey confirmed for Mayor Vincent that the sold price is calculated into the project amount.

Mr. Harvey did note that not all projects from the Capital Project Matrix are listed here, but only the ones being added for funding in FY2023. There are some projects, especially toward the end of the matrix, that are not yet funded or are funded for future years.

There are two enterprise funds that have expenditure changes not related to capital projects. The first is in the Water Fund for the Weber Basin Water Conservancy District Water Purchase which has an increase of \$4,782 over last year. The second is in the Sewer Fund for the lift station pumps and is increasing by \$8,500. This will be on the amended budget for this year and also for next year.

Tentative budget changes were discussed during the last Council meeting, and Staff would like to discuss and propose two additional items. The first is for funds to purchase iPads for Council Members, which will cost about \$2,000. This purchase was discussed at the City Council Visioning Session and will help reduce paper costs and enable the Council to take advantage of the new agenda management software that will be implemented this year. The second is for the increase in the Utah League of Cities and Towns (ULCT) membership. The amount needed for this increase is \$900. The fee is based on population, property value, and sales tax revenue. Council Member Chatterton asked what the total fee for this is and Mr. Harvey stated it was around \$6,400.

The following are the changes being proposed to the FY2022 Amended Budget. The first is the market study discussed at the last Council meeting, and reflects the Council's decision to implement the market study increase now instead of at the start of the next fiscal year. The total increase to wages for the remaining four pay periods in FY2022 (May and June) is \$30,000. The second is for the increase in wages for the Deputy City Recorder position, which will be effective for the last 3 pay periods of this fiscal year, and total \$9,500. The last amendment is an increase for the lift station pump in the amount of \$8,400.

Mr. Harvey confirmed for the Council that only the market study increase will become effective with approval of the amended budget; the COLA increase of 6% would be approved as part of the FY2023 budget, and would be effective July 1st.

The Council thanked Mr. Harvey for his work on the budget and will consider approval of the FY2022 Amended Budget in tonight's General Session.

2. Discussion Regarding a Plat Amendment for the Porter Estates Subdivision – Mrs. Bryn MacDonald

Mrs. MacDonald stated this plat is for a two-acre lot located at 914 N 5000 W. The applicant is requesting to reduce the lot from two acres to one acre because they also own the adjoining property behind and would like to split one acre that the existing home is off and combine the second acre with that back property in order for it to obtain greenbelt status. Mrs. MacDonald confirmed for Mayor Vincent that the second acre is needed in order to have enough land to qualify for greenbelt designation.

The Council had no further discussion at this time and will consider approval of the plat amendment in tonight's General Session.

3. Discussion Regarding the Sewer Master Plan Document for the Future Annexation Area – Mr. Boyd Davis

Mr. Davis stated that in attendance is Tyler Seamons from Bowen Collins & Associates, the City's consultants on the project, and Mr. Seamons will present the Sewer Master Plan to the Council. Mr. Davis noted that Mr. Seamons and the entire firm have been great to work with.

Mr. Seamons stated this report summarizes the extensive analysis done on the study area of 2,112 acres of land in the City's future annexation area that cannot currently be adequately serviced. At the beginning of the study, several different alternatives were considered for providing sewer service, and it was narrowed down to two preferred alternatives: the traditional gravity sewer with lift stations and septic tank effluent pumping system. After looking at capital and operation cost, maintenance costs, life cycle costs, and non-cost factors, the Council on May 18, 2021, decided on the traditional sewer system as the preferred alternative. This system is the most common system used in Utah.

With the preferred system of gravity pipelines and lift stations being chosen, the design standards and conceptual drawings were developed. Mr. Seamons stated that the main key features of maintenance and longevity of the lift stations were incorporated into all standards and designs.

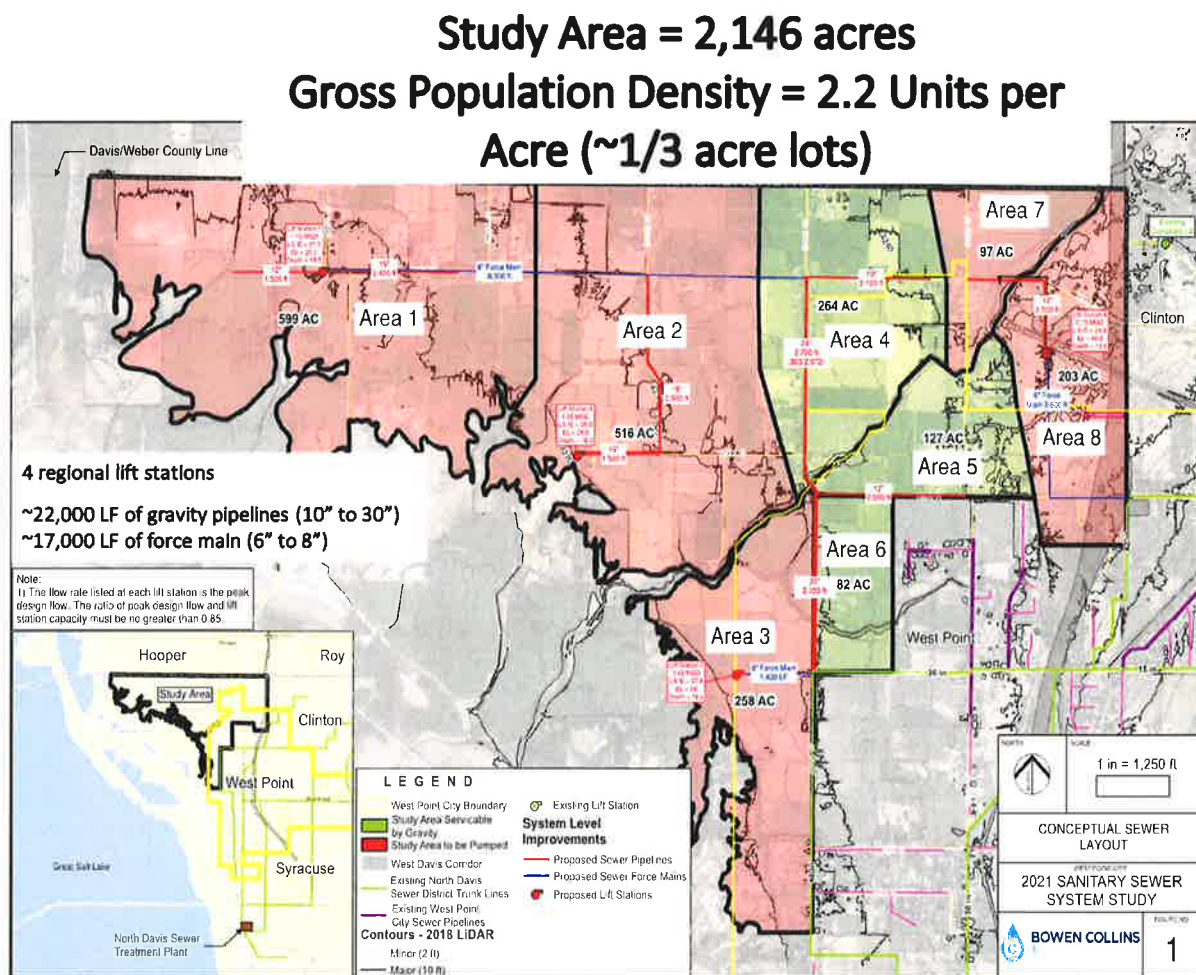
Some of the key assumptions that are important for the City Council to understand are:

1. Current zoning of most of the study area is R-1, which allows 2.2 units per acre. This equates to about 1/3-acre lots. All the lift stations and gravity trunk lines were designed to adequately service that type of density. If the density is such that it changes, the size of the lift stations may need to be adjusted to compensate. The North Davis Sewer District (NDSD) also

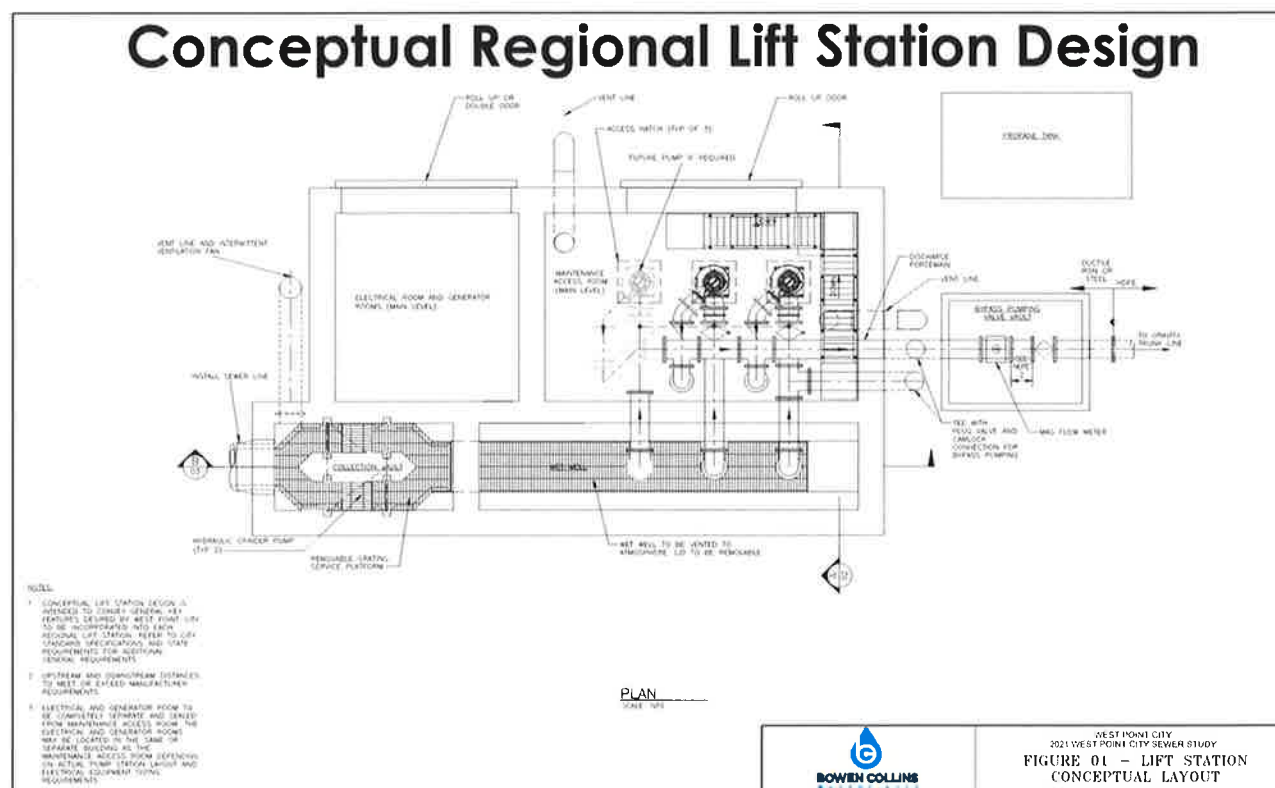
recently updated their own master plan and a key question they considered was the capacity of the existing trunk line and whether a new line would be needed for additional loading . At that point, initial discussion with them was promising but the final answer was they were not at that point so conditional coordination with the NDSD will be needed. Mr. Davis stated in adding emphasis to that, there can only be so many houses up in that area. As development starts to happen, developers ask for higher density. The higher density out in this area would have to have some extensive open space to make up for that. This sewer system has a limited number of users it can service. He feels this is an important item for everyone to understand as development considerations are made in the future.

2. Mr. Seamons stated it is important to use gravity lines to as much area as possible. The State minimum slope standards were used on most gravity pipelines.
3. Gravity area was determined based upon extending the 5000 W trunk line to the north, which would increase the area that could be serviced. However, the homes on the edge of the gravity surface and would not be able to have full basements – they would have to be slab on grade or built up with walk out basements.

The conceptual design included four regional lift stations in areas 1, 2, 3, and 7/8. Areas 4, 5, and 6 are service areas. The four regional lift stations will have 22,000 feet of gravity pipelines and 17,000 feet of force main.



The conceptual regional lift station design was shown as a snapshot. Council Member Swenson asked what the footprint of the station is, and Mr. Seamons stated he did not know those specifics, as this is a design at the conceptual level and may change from lift station to lift station as necessary. Mr. Davis stated that each lift station would be housed in an all brick building, likely 30 x 20 building. Mr. Seamons went through the City's implementation plan and policies regarding the appropriate phasing or construction sequencing. Responsibilities of both the City and residents regarding the proposed sewer system within the study area were shared with the City Council.



System vs. Project Level Improvements – The City will be responsible for acquiring funding and constructing system level improvements as identified in the Impact Fee Facility Plan (IFFP) and Impact Fee Analysis (IFA). Developers and or new homeowners will be required to fund and construct project level improvements which would include collection pipelines and service laterals to buildings.

System Maintenance – The City will implement a regular maintenance schedule for cleaning and maintaining the proposed lift stations and sewer pipelines. Due to the sewer pipeline minimum slopes, maintenance may be required more frequently than other existing gravity sewer pipelines. This gravity pipeline maintenance schedule is recommended to be more frequent initially and then adjusted in the future as needed.

Existing Residents on Septic Systems – As the new sewer infrastructure is placed into service, existing home owners within the study area that are currently on private septic sewer systems, will be required to connect to the City sewer system once it is available within 300 feet of the structure (per City Code 17.130.100(C)). Typically, the lateral connection to the house is the responsibility of the homeowner, but the City may agree to cover these costs for home owners with existing septic tank systems only. The septic tank will need to be abandoned per County Health Department requirements.

Temporary Lift Stations – Generally, the City will limit new development to areas where the system level sewer improvements have been constructed and are operational. On occasion, the City may consider exceptions to this rule on a case by case scenario. Any temporary lift station or dry sewer line proposal must be coordinated and approved by the City Engineer. Associated designs must also be reviewed and

approved by the City or its consultant at the developers cost. All associated project costs related to these exceptions that are not listed in the IFFP, shall solely be the responsibility of the developer.

Developer Funding of System Level Improvements – In the event that a developer wishes to fund the design and construction of a system level improvement prior to the City's planned schedule, a Pioneering agreement may be entered into with the City to facilitate the reimbursement of these projects. Developers will be able to finance system level improvements and be reimbursed by the City, as impact fees are collected from that specific area.

The next steps would be for the City to obtain funding for the actual design of the system, and Staff is currently working on a potential option through Davis County and ARPA funds that may be available.

Council Member Lee inquired as to whether the existing septic tanks that will eventually be abandoned will be removed or stay in the ground. Mr. Davis stated that the Davis County Health Department has informed them that if disconnected and abandoned correctly and under their standards, they can stay in place. Property owners can choose whether or not to remove them.

The Council thanked Mr. Seamons for his presentation. Approval of the Sewer Master Plan will be considered in tonight's General Session.

4. Discussion Regarding the Collection of Water Shares – Mr. Boyd Davis

Mr. Davis stated that in a recent meeting, Staff discussed with the City Council water share requirements and how the current calculations to determine the number of shares required for new developments are outdated. Currently, the secondary water requirement is set at a very simple flat rate at 2-acre feet of water per acre. Culinary is set at 1-acre foot per acre. This is a simple calculation, but with the increase in high density developments, the calculation is not as applicable or correct as it used to be. Mr. Davis stated that the result of current calculations is an over collection of secondary water and under collection of culinary water. While the total amount of the two does almost equal out, the City is not collecting the appropriate water shares in the correct category.

When comparing current City Code and Davis Weber Canal Company's calculations, the calculations are fairly similar for single-family homes, but there is an extreme difference with multi-family units (such as townhouses). Staff's recommendation is to change the method of calculating water shares for both categories of water. The recommendation for secondary water is to adopt the Davis Weber Canal Company's standard of 3-acre feet per irrigated acre. On single family lots, the irrigated area would be defined as the lot area minus 2500 sq. ft., which is the assumed amount for the driveway and rooftop. On other projects that are not standard single-family lots, it would be measured by the exact irrigated acre. For culinary water, the recommendation is that the requirement be based on the actual number of connections to the water system and that would follow State standard of .45-acre feet per connection or per equivalent residential connection. Commercial projects would be based on the amount of water that they are projected to use and the number of residential connections that usage would translate to.

The proposed ordinance language to reflect these changes to the Code are as follows (the struck-out portion is what is being recommended to remove and the underlined sentence is being recommended to include):

g. Due to the need of providing secondary and culinary water for subdivision development, the subdivider shall convey or otherwise make available to West Point City or its designee water rights that are usable by and acceptable to West Point City ~~to provide a minimum of three acre feet (a.f.) of water annually during normal water years, for each acre or part thereof within the subdivision, to be distributed for secondary and culinary water uses. One third of the water will be used for culinary purposes and the remaining two thirds will be used for secondary water.~~ In those areas, outside of the West Point City Water System water shares will only be collected for secondary water uses.

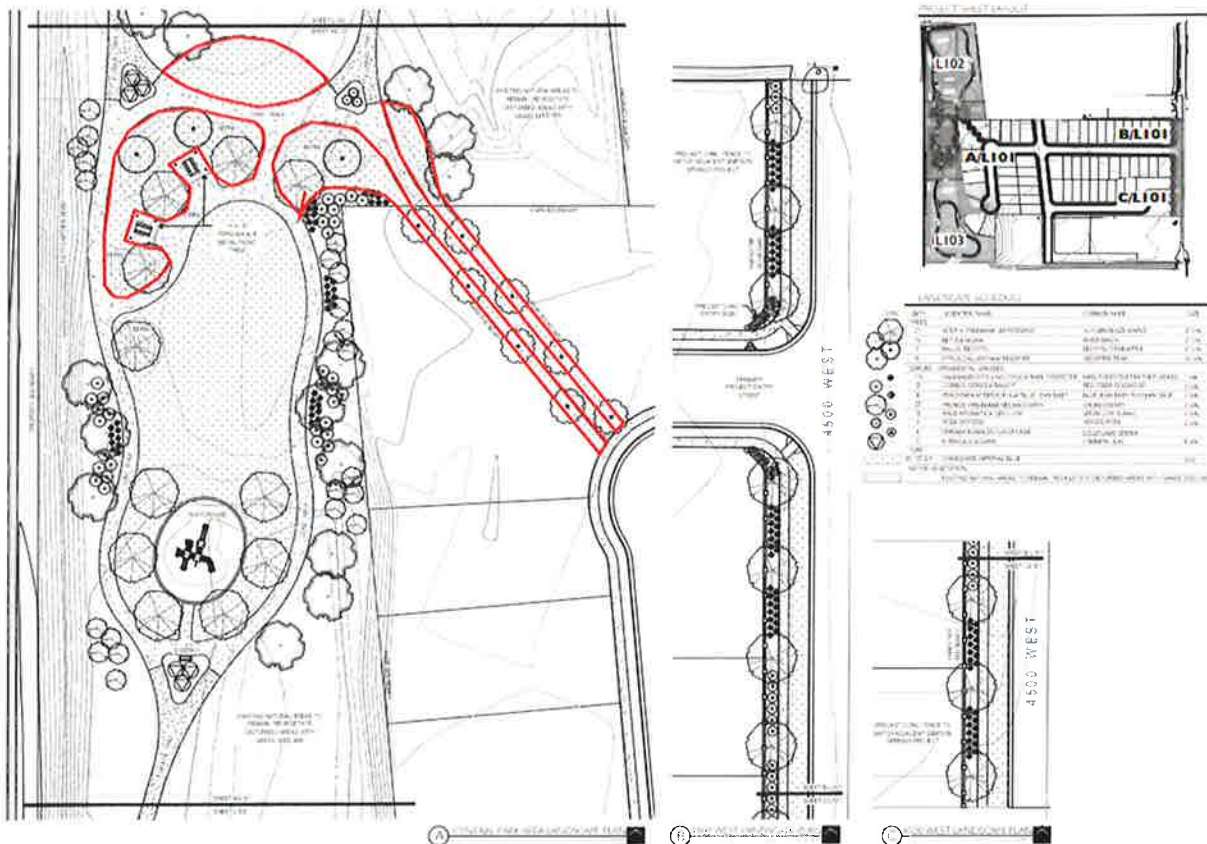
h. The amount of water required and the methodology for calculating the amount of water required may be adjusted by resolution adopted by the West Point City council from time to time.

If the City Council approves of the changes, the next step would be to adopt a resolution setting the amount of water as described earlier.

The Council discussed the recommendations and will consider approval of both the ordinance and resolution in tonight's General Session.

5. Discussion Regarding an Amendment to the "Seasons at Simpson Springs" Development Agreement – Mr. Boyd Davis

Mr. Davis stated that the "Seasons at Simpson Springs" development is located at 1200 S 4500 W. It was originally named Sunset Vistas and a development agreement was put in place with its approval in 2019. As part of that agreement, the developers were required to build a private park with a playground and grass area. The developer clustered the homes on the higher portion to the east and left the west section undeveloped as it was located near a drop-off (the second bluff) and was close to the flood plain and too low for providing sewer services. This undeveloped section became the park space and was approved to be left natural. However, the center of the park was planned to be landscaped and have playground equipment, small bowery's, park benches, sod, trees, and shrubs. Mr. Davis stated that like many builders right now, they are struggling trying to figure out what to do with landscape as sod cannot be planted in the current drought situation. At the last City Council meeting, a decision was made to allow developers to submit alternate proposals to allow the City Council to review. This developer submitted a proposal asking to have sod removed in the section below outlined in red and replaced with types of river vegetation. The original request was to use a wildflower/grass seed mix and has other ideas to present to the City Council. If the City Council is interested in allowing some kind of alternative to the sod, the developer agreement would need to be amended to reflect the change. The developer does have a landscaper ready to start as soon as he can, but the development agreement would need to be adjusted to make it official.



Mayor Vincent asked if there is a picture of what the wildflower/grass seed mixture would look like and Mr. Davis stated no.

Council Member Swenson inquired as to how long it would take for the seed mixture to reach full growth, and Mr. Davis stated that he was unsure, but the landscaper has said that it will begin to grow after only one watering. If the Council is not in favor of the seed mixture, Mr. Davis stated he knows the developer has other ideas such as cobble rock.

Council Member Lee asked what benefit does this give the residents, other than they do not get grass, and how would they enjoy that. Mayor Vincent asked if sod would still be placed in the middle portion and Mr. Davis confirmed that it would be, and will remain as-is until sod can be placed. Mayor Vincent inquired as to whether the portion in red has raised berms or elevation, and Mr. Davis stated

informed him that they would be flat and not raised. Mayor Vincent suggested that one option could be to let them place some type of ground coverage now (like the seed mixture) and have an agreement that they would place sod in afterwards when able to do so.

Council Member Lee asked if the north side of the park has been cleaned up as the area is an “eye-sore” full of trash, construction debris/concrete, and has become a mosquito swamp. He knows that residents do not want that in their neighborhood. Mr. Thomas Calton, representing the developers, stated in response to Council Member Lee’s concern, that there is still some cleanup to take place. Part of the overall development of this park area will involve a reseeding of everything that was disturbed. On the north end of the park is a detention basin carved out to serve the community and there have been tumbleweeds that have accumulated. It will be cleaned out and seeded with a native seed mix. Concerning the concrete, a good deal of it was cleaned out and there is a little left that needs to be cleaned out southwest of the detention basin. In regards to the swamp, it is designated as federal wetlands and part of a migratory bird path. This native pond still tends to have some ground water that is bubbling up through there. There is a lot in the south cul-de-sac left undeveloped due to a wetland issued raised.

Mayor Vincent asked about the other alternatives to the sod. Mr. Calton stated according to the landscaper, if they went with a seed mix, it might get overtaken by weeds and noxious grasses. He stated the better option would be to do a mid-size cobble, 3, 4, or 5 inch, in those areas with a weed barrier and to redistribute some of the plant material that was designated for other areas to line the path. Grasses and shrubs would be pulled in to dress the area up and achieve a zero-scape maintenance area, so it does not get overrun by the native weeds.

Mayor Vincent asked about the plans for the other areas of the park, specifically the playground and the open part of the park. Mr. Calton stated that as far as the enjoyment of the residents, he is under the opinion sod will always serve residents best. When speaking with the landscaper, he had suggested an artificial turf but was informed it would get hot in the summer and would need to be watered down to help keep it cool. He asked Mr. Davis if there was an option to place down a clover or something to help keep the dust to a minimum until the time has come and sod or a similar solution can be placed. They would even be happy to pay the HOA for the difference in it. He does understand they are in a situation and expressed that they are not trying to get out of meeting their obligations, but are looking at different solutions so the area can be enjoyable until the time comes when sod can be placed down. Mayor Vincent stated they will need some more time, pictures, and different options before a decision can be made.

Council Member Swenson stated they have heard from residents several times regarding maintenance and understands that while the water supply is not there, asked if they do have plans to keep it maintained more and not have the appearance of a dumping area. Mr. Calton stated they unfortunately have not had good luck with the HOA managers in Davis County; in another of their developments in Syracuse, they are facing problems with lack of maintenance in subdivisions and are currently searching for a new management company. He understands the residents’ feelings, and agreed that if he was living there, he would not want to pay the fees knowing it is not being taken care of. Mayor Vincent asked who the HOA is. The developer stated he believes it is HOA Solutions, who do a great job for them in Salt Lake and Utah County, but having a hard time with them in Davis County and would like to seek a different company so the residents who are paying an HOA fee are taken care of appropriately. Mayor Vincent agreed.

Mayor Vincent asked Mr. Calton to come back with some different ideas, pictures, and/or thought out plans and then discuss them at a later date. The developer stated he would be able to do that.

6. Discussion Regarding the “Juneteenth” Holiday – Ms. Casey Arnold

This item was discussed at the end of the general session as time ran out during the work session.

Ms. Arnold stated this item is for City Council to discuss. “Juneteenth” also known as Freedom Day, Emancipation Day or Independence Day, is a day to celebrate black cultural and freedom that has carried great significance since 1865. In 1863, President Abraham Lincoln issued the Emancipation Proclamation, but it was not until June 19, 1865, when the last of the slaves in Texas were freed. June 19 commemorates the end of slavery in the United States and the holiday is a celebration of black culture and opportunity to act to advance equality. The reason it is becoming more popular is our country has gone through some issues recently with race and the holiday is to help bring awareness and celebration. In 2021, President Joe Biden signed into law the Juneteenth National Independence Day Act officially recognizing June 19 as a holiday. Recently, on March 24, 2022, Governor Spencer Cox signed a similar bill declaring June 19 as Juneteenth National Freedom Day in Utah. Most cities were waiting for direction from the governor’s office and now that this has happened, more government agencies and businesses have made more of an effort to officially recognize the holiday. Davis County and other neighboring cities have done the same. In an effort to recognize this important event and as a sign of West Point City’s

commitment to equality and racial issues, Staff would like to propose for discussion to the City Council the addition of Juneteenth as one of the holiday's recognized by the City for proposed paid leave. Currently, there are 12 holidays and this would make it number 13.

City Council meets on the first and third Tuesday of each month. This could potentially create a conflict as June 19 could interfere with a City Council meeting and June is an important month for budget discussions. Instead of saying June 19 as the date, unless it falls on a weekend, it would be proposed it be observed on June 19 unless otherwise designated by the City Manager not to interfere with City Council meetings. If approved, the personnel policies and procedures manual would be amended to state as follows, "June 19 unless otherwise designated by the City Manager."

Staff proposes that the holiday take effect this current year; as June 19 is a Sunday, the holiday would be observed the next day, on Monday, June 20.

The Council had no further discussion at this time and will consider approval of the resolution at the next meeting.

7. Other Items

No other items were discussed.

The Administrative Session adjourned.



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General Session

7:00 PM

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EXCUSED: Council Member Gary Petersen and Council Member Jerry Chatterton

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 Rochell, Public Works Director; and Casey Arnold, City Recorder

EXCUSED: None

VISITORS PRESENT: Laura Curtis, Marsha Weller, Dan Weller, Rick Scadden, Lee Wells, Allen Clemons, Bryan Bayler. No sign-in required for those attending virtually.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Prayer or Inspirational Thought** – Mayor Brian Vincent
4. **Communications and Disclosures from City Council and Mayor**

Council Member Lee – The City's 4th of July Celebration is coming up soon and as part of the event Committee, is excited about the great activities being planned for residents. He stated he would also like to recognize the Public Works Department and citizens that joined last Saturday for the Take Pride in West Point Day of service. It was great to see both park projects completed. He stated he appreciated Emily Miller for organizing it and Paul Rochelle and his group for working so hard.

Council Member Judd – On Facebook last week, she stated that she saw a post from an individual regarding a sprinkler that was shooting water into the road. City employee Kasey Gibson, who does not live in the City, quickly responded to the post, stating he would go take care of it. She stated how great it is that these are the kind of people that we have working for the City and feels that they should be commended and applauded. She thanked Mr. Gibson and all the rest of the Staff who work diligently as she knows they are the same kind of people.

Council Member Swenson – Expressed her appreciation to Staff for putting together a nice Council/Staff luncheon the previous week. She enjoyed the opportunity to spend more time and become better acquainted with City employees and appreciated all the hard work Staff does out in the community. Council Member Swenson stated she watched the same post on Facebook as Council Member Judd and stated some people posting were critical, but Mr. Gibson kept things professional. She appreciated citizens for bringing things to Staff's attention so as to not waste precious resources.

Mayor Vincent – As a Board Member of the North Davis Sewer District, he informed the Council that the current district manager will be retiring the first of July. A new manager has been appointed, David Hatch, who is an engineer with several years of experience.

5. Communications from Staff

Kyle Laws stated June 4 is the Miss West Point pageant. Information has been put out through City website, social media, and in the City's newsletter. It will take place at Syracuse High School.

Mr. Laws stated there will be a safety event taking place on May 18 that Staff will participate in. City Hall will be closed from 2:30-5:30 pm.

Mr. Laws thanked the Council for allowing him to attend the Gettysburg Leadership Training through the National City Manager Association. He was one of 45 participants who was able have an incredible experience and learn leadership skills while being on the sacred battlefield at Gettysburg.

Mr. Laws stated Movies in the Park will start Friday, June 10. The movie Encanto will be shown. The second movie will take place Saturday, July 16. The Rookie will be shown that night. The third movie will be Tangled and it will be shown Saturday, August 13. There will be food trucks and a large screen. It has been some time the City has been able to do this due to Covid, but all are excited to bring it back.

6. Citizen Comment

Laura Curtis – 1982 W 100 N: Ms. Curtis stated in the spring she went online to UtahWaterSavers.com and applied to participate in flipping her strip due to the drought situation. After 3 weeks of not hearing anything, she went back online, viewed her application and stated she saw a banner stating West Point City was not participating in the program. She would like to know why the City is not participating and feels like we be doing what we can to help the current drought situation. She stated that homes are an investment and this is an investment in the lawn. She hopes that the Council will consider participating in the program.

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated she was listening to the Planning Commission meeting and there was some information about Holiday Oil coming into the City. One of the items that was concerning to her was that they wanted to build a car wash when in a serious drought. Holiday Oil has a new facility in Clearfield on Antelope, another location going in on 2000 W in Clinton, and another location already being built in Roy. Her concern is they want to place 6 gas pumps right next to 3000 W and 300 N where that is not the general thoroughfare for the town. They also want to place a car wash into the City when the City is talking about not turning on the splash pad or possibly not watering the fields due to the lack of water. Each location mentioned above will have a car wash. To her, it seems like this is not in the best interest to the City or the citizens. There is a car wash 5 minutes away that was just put in last year on SR-193, two or three in Clinton already established, and now a new one from Holiday Oil in Clinton. She feels the location it is at and the situation with the water, it is an awful idea. When she brought the idea up in the Planning Commission meeting, she was told Holiday Oil has water shares. She stated they all have claim to water, but they will be watering lawns once or maybe twice a week, no splash pad, and the fields will go dry. The big picture needs to be looked at and what is coming into the City. It is a horrible waste of water and is trying to bring awareness.

7. Consideration of Approval of the Minutes from the December 21st, 2021, West Point City Council Meeting

Council Member Swenson motioned to approve the minutes

Council Member Judd seconded the motion

The Council unanimously agreed.

8. Consideration of Approval of Resolution No. 05-17-2022A, Approving the FY2022 Amended Budget for West Point City and All Related Agencies – Ryan Harvey

Mr. Harvey stated there are three items on the proposed amended budget for the Council to consider. These items were discussed at the last City Council meeting as well as in tonight's earlier Administrative Session. These items are for the market study wage increase of \$30,000 for the last 4 pay periods for FY2022, to fund the new Deputy City Recorder position for the last 3 pay periods of the FY2022, and the lift station pump increase of \$8,400.

Mayor Vincent opened the item for public hearing.

a. Public Hearing

No comments.

Council Member Lee motioned to close the public hearing

Council Member Judd seconded the motion

The Council unanimously agreed.

b. Action

The Council had no further discussion.

Council Member Judd motioned to approve Resolution No. 05-17-2022A, Approving the FY2022 Amended Budget for West Point City and all related agencies.

Council Member Swenson seconded the motion.

The Council unanimously agreed.

9. Consideration of Approval of the Plat Amendment for the Porter Estates Subdivision – Mrs. Bryn MacDonald

Mrs. MacDonald stated this plat is for a two-acre lot located at 914 N 5000 W. The applicant is requesting to reduce the lot from two acres to one acre because they also own the adjoining property behind and would like to split one acre that the existing home is off and combine the second acre with that back property in order for it to obtain greenbelt status. Mrs. MacDonald confirmed for Mayor Vincent that the second acre is needed in order to have enough land to qualify for greenbelt designation.

Council Member Lee motioned to approve the plat amendment for the Porter Estates Subdivision

Council Member Judd seconded the motion

The Council unanimously agreed.

10. Consideration of Approval of an Exception to Construct Phase 8 of the Harvest Fields Subdivision Simultaneously with Other Phases – Mrs. Bryan MacDonald

Mrs. MacDonald stated City Code allows for only one phase of a development to be built at a time until at least 50% of the building permits in the previous phase have been issued. At that point, construction of the next phase can begin. However, City Code does allow for the City Council to grant an exception and allow simultaneous development of multiple phases.

The Harvest Fields project has already received exceptions for previous phases and are now asking for an exception to begin Phase 8, which consists of 16 lots. The table below shows that 105 building permits have been issued out of the 140 lots that have received final plat approval.

Phase	Number of lots	Permits issued
1	30	0
2	29	5
3	20	20
4	22	22
5	22	20
6	19	19
7	28	19
8	16	0

Several of the phases are built out. There are a few lots remaining in phase 2 and 7. Phase 1 is not yet being built.

Council Member Swenson asked exactly where Phase 8 is located in the subdivision and Mrs. MacDonald stated is it located in the northeast corner of the subdivision.

Mayor Vincent asked if Phase 2 was the only other current phase, the phase that would need to obtain 50% before moving on. Mrs. MacDonald stated Phase 2 is the most recent phase being worked on and permits are starting to be issued.

Mayor Vincent stated that the policy was in place for a couple reasons. One reason is to protect the developer so they do not get ahead of themselves and buried if the market turns. Second, it allows the developer to make sure phases are completed before moving on. He had an opportunity to drive through this development and there are lots in all these phases that are not complete. There are some lots where the final grade has not been completed. He was told the resources are not available to get out and complete it while they are starting some of the new phases. He stated his concern is if the developer is getting so far ahead while the Council keeps giving exceptions when they are not capable or have the man power to complete the previous phases.

Council Member Lee stated this was discussed in depth by the Planning Commission and there was significant concern about allowing a new phase to start, especially now where interest rates have increased and building has slowed down. He has noticed some newer builds that are going up for sale because people are not able to qualify for loans. He stated Council Member Judd probably sees this more in her profession (as a realtor). He has the same concerns as the Mayor and is curious if things are proceeding in the right direction and right order. He does try to look at it objectively and imagine if a citizen was in front of him, what would their concerns be.

Council Member Swenson asked if the park planned in Phase 3 has been completed, as her concern is if the City Council gives approval, whether other items in other phases will not be completed because resources were moved to other places. From the amount of lots and building permits issued in the other phases, she stated her preference would be to deny the request. Mr. Davis stated that the park in Phase 3 is planned to be completed this spring.

Brad Frost, developer with Ovation Homes, stated they are preparing to begin construction of the park in Phase 3. They started heavily into that phase at the end of last year, then water restrictions came into play and they could not install the grass. They were prepared to do that this spring and also have pickleball courts scheduled to go in, but they were told by City and water district they are not allowed to install new grass. They did receive information from Mr. Davis that they should propose a new solution to that which would be outside of the developer's agreement which they are in the process of doing. It is not their lack of willingness to do it, but it is just a lack of what they are able to do. Regarding the Mayor's comment on not having enough man-power, he thinks it is difficult to take subcontractors comments to the homeowner about lacking manpower as they are

building 100-120 homes a year. This is their major subdivision that they are building in and they have sufficient manpower to get things done. He knows the Mayor does get approached with specific concerns and that is not unusual when you are building large amounts of homes. With the drought, people do want to have their lawns in and when they are unable to, it does tend to make people a little more uptight than normal. He wanted to let the City Council know that Ovation is not over extending themselves, and the desire to begin Phase 8 is because they have 3 product types: active adult homes (Phases 4 and 5), higher end single-family homes w/ basements (Phase 2), and starter homes with slab-on-grade (Phases 3,6, 7, and 8). At the current selling rate of the starter home product, they will run out of inventory by the end of July, which is why they are requesting to begin another phase with that particular product. They would like to meet the current sales rate and still have inventory for people who want to move to West Point.

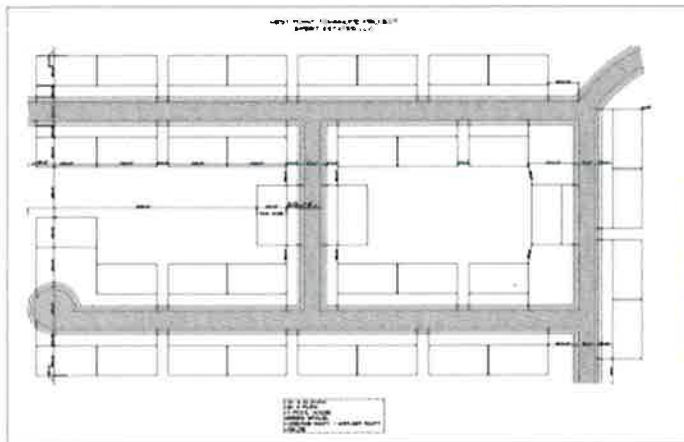
The Council had a lengthy discussion on the request, and whether more development should be allowed when obligations for previous phases have yet to be met. Council Members expressed concern for the residents still waiting for landscaping and the inability to meet the expectations of the new residents purchasing these homes. The drought is going to be a long-term problem and the Council ultimately did not feel comfortable allowing for more homes to be built in the development until more permanent solutions for landscaping and open park space can be found.

Council Member Swenson motioned to deny the exception
Council Member Lee seconded the motion
The Council unanimously agreed.

11. Consideration of Approval of Ordinance No. 05-17-2022A, Approving a General Plan Amendment for the Zoning Designation of Property Located at 1800 N 4500 W from Public to R-4 – Mrs. Bryn MacDonald

Bryn MacDonald stated this agenda item was discussed at the last City Council meeting and is on for a public hearing and consideration of approval. General Plan amendments are allowed to be submitted twice a year. This property is about 16 acres located at 1800 N and 4500 W. It is currently owned by the school district and shown on the General Plan as Public/Institutional zone. The proposed amendment is for R-5 which does allow for up to 20 units per acre. Below is a proposed concept that has been submitted showing about 10 units per acre composed of townhomes.

Proposed Site Plan and Elevations



The next designation would be R-4 which is 8 units per acre. They are asking for R-5 even though they are not doing 20 units per acre, but need to ask for it in order to get the density. Mrs. MacDonald pointed out to the City Council that a development agreement could be done designating them as R-4, but with the development agreement bump the density up to 9 or 10 units per acre. This would allow the Council not to zone as an R-5 with the higher density, but allow the development agreement to negotiate the density which is allowed under State statute. The Planning Commission did not all agree on the amendment and had concerns about the general timing of development in the area and recommended denial. However, they did note positive things about the proposed project concept.

Council Member Swenson stated she attended the Planning Commission meeting where this item was discussed. One concern that multiple members of the Planning Commission had was the amount of traffic on 4500 W, especially with the possibility for development of the adjoining property and the road curvature; the property jogs right next to 4500 W, so they were concerned on how to even this road up and about the width of 1800 N as well with the number of units going in and getting onto 4500 W. Mayor Vincent stated that it would be easier to fix the intersection on the south side of 4500 W, to which Council Member Swenson agreed.

Mayor Vincent reiterated that this amendment does not change the actual zone of the property, but only amends the current zoning designation shown on the General Plan. The owners would have to request a rezone and go through that process to have the actual zoning changed.

Council Member Lee asked Mr. Davis if this area will be impacted by the sewer study. Mr. Davis stated no as this property will connect to an existing sewer line.

Mayor Vincent opened the item for public hearing

a. Public Hearing

No comments.

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

b. Action

Council Member Swenson sought clarification from Mrs. MacDonald about the roads, if they are full sidewalks and driveways and what is the width of them and how tight are the buildings in the proposed plan. Mrs. MacDonald stated the width of the road was drawn at public width, 60 feet. This is the concept that was shown. Mayor Vincent stated some of this may shift a little bit and Mrs. MacDonald stated yes. Mr. Davis stated this will be back. Council Member Swenson stated she wanted to know the width of the sidewalks with the potential of a school going in across the street and need to think about future sidewalk safety.

Council Member Lee stated that he sees the development happening in Syracuse and in Clinton and does not want that for West Point – he is concerned that it seems everything coming into the City is townhomes or apartments. He understands it from a business point, but as a representative of the citizens, he is struggling with it.

Council Member Swenson sought clarification on making an amendment to the ordinance outlining it as an R-4 instead of an R-5 for the zoning density. Bryn MacDonald stated it is changing the General Plan now and will come back for a rezone and at that time, the Council could do a development agreement to fix the density.

Council Member Swenson motioned to approve Ordinance No. 05-17-2022A, Approving an Amendment to the General Plan for the Property Located at Approximately 1800 N 4500 W from Public/Institutional to R-4
Council Member Judd seconded the motion

Roll Call:

Council Member Lee: Nay
Council Member Judd: Aye
Council Member Swenson: Aye
Council Member Chatterton: Excused
Council Member Peterson: Excused

The motion passes.

12. Consideration of Approval of Resolution No. 05-17-2022B, Approving a Development Agreement Regarding Phase 4 of the Bluff View Estates Subdivision – Mrs. Bryn MacDonald

Bryn MacDonald stated she will discuss both item numbers 12 and 13 at the same time. Bluff View Subdivision phase 4 will need a second access as it is over 30 lots. They are proposing an access through the City Cemetery to the west. Agenda number 12 is for the approval of phase 4 which requires a second access and agenda number 13 is for a development agreement which grants access through city property. This was discussed last City Council meeting. What will happen is a 20-foot access road will be built through the cemetery with 18 feet of asphalt with a foot of concrete on each side. There is a turn around on the south end. They will plant 14 new trees and remove the old tree stumps. The sprinklers will be repaired and this all needs to be completed before occupancy in any of the buildings being built. The language in the draft also discusses the road at the far south end, 50th South, would be private but then dedicated to public when that connects to another public road.

Council Member Lee asked if 50th South will be a full width road and Mr. Davis stated it is not public road with curb, gutter, and sidewalk but the asphalt width is the same as the public width so it will match up.

Mr. Davis stated a discovery was made earlier in the day in regards to the proposed location of the road and location of cemetery plots. He measured where the road would be, and it does go over two cemetery plots, and the turn-around goes over two plots as well. Council Member Swenson asked if they are vacant and Mr. Davis stated yes, not occupied, but have been sold and the family has owned those plots for decades. He apologized for the late discovery and this will need to be resolved and verified. The Council unanimously agreed.

Mr. Davis stated that there is another concern that the area marked on the map for parking stalls is not wide enough to accommodate stalls. Mr. Davis gave measurements needed to include stalls and this would require removing the trees that are to be planted in this area.

Council Member Swenson asked if the trees planted along the back section could be planted on the Bluff View side to help provide shade to the cemetery and free up some space for the road. Mr. Davis stated that is private property and so they would not be able to do that.

Mayor Vincent stated that the power poles located in this area also need to be addressed. There are currently two poles that have lights on them and those will need to be replaced. Before an agreement is signed, he believes there are still items that need to be figured out.

Council Member Lee stated that in light of this new information, motioned to table consideration of Resolution No. 05-17-2022B Approving the Development Agreement for Phase 4 of the Bluff View Estates Subdivision until the next meeting

Council Member Swenson seconded the motion

The Council unanimously agreed.

Mr. Bayles asked for a conditional approval and Mayor Vincent stated the motion to table was unanimous and approval cannot be granted until the issues are resolved.

13. Consideration of Approval of the Final Plat of Phase 4 of the Bluff View Estates Subdivision – Mrs. Bryn MacDonald

****Discussed in conjunction with Item 12 of the General Session***

Council Member Lee made a motion to table approval of the Final Plat of Phase 4 of the Bluff View Estates Subdivision until the next meeting

Council Member Judd seconded the motion

The Council unanimously agreed.

14. Consideration of Approval of Resolution No. 05-17-2022C, Accepting the Final Sewer Masterplan Document for the Future Annexation Area – Mr. Boyd Davis

Mr. Davis stated over the past several months, the engineering consultants Bowen Collins & Associates have been working on the Sewer Master Plan. There have been several different components of this plan that have been presented to the City Council during previous meetings. There was an alternative analysis completed where the City Council selected to go with the traditional sewer system. An Impact Fee Study was completed and the City Council approved that. Standards to future lift stations are being added. This document asking to be approved is a compilation of all the different parts already completed. This is important because there will be a bid sent out in the next few weeks seeking a design engineer to start design of this all. This document is the basis of what the bidders will design. The document needs to be approved by the City Council so it can become the official document and given to each bidder. Staff recommends approval.

Council Member Lee asked if the design is for all eight areas and Mr. Davis stated yes. They will not seek construction bids for all eight areas, but receive design bids for all eight areas. Council Member Lee asked if it will be constructed before any area gets annexed and Boyd Davis stated most likely.

Kyle Laws stated according to the ARPA deadlines or the SLFRF deadline which is the State local relief funds, the money needs to be spent by 2026, but has to be committed by the end of 2024.

Council Member Judd motioned to approve Resolution No. 05-17-2022C, Accepting the Final Sewer Master Plan Document for the Future Annexation Area.

Council Member Lee seconded the motion

The Council unanimously agreed.

15. Consideration of Approval of Ordinance No. 05-17-2022B, Amending Section 17.130.100(B)(5)(g) of the West Point City Code Regarding the Requirement of Water Rights for Developments – Mr. Boyd Davis

Mr. Davis stated this item was discussed in tonight's Administrative Session and reviewed that currently, the secondary water requirement is set at a very simple flat rate at 2-acre feet of water per acre. Culinary is set at 1-acre foot per acre. This is a simple calculation, but with the increase in high density developments, the calculation is not as applicable or correct as it used to be. Mr. Davis stated that the result of current calculations is an over collection of secondary water and under collection of culinary water. While the total amount of the two does almost equal out, the City is not collecting the appropriate water shares in the correct category.

When comparing current City Code and Davis Weber Canal Company's calculations, the calculations are fairly similar for single-family homes, but there is an extreme difference with multi-family units (such as townhouses). Staff's recommendation is to change the method of calculating water shares for both categories of water. The recommendation for secondary water is to adopt the Davis Weber Canal Company's standard of 3-acre feet per irrigated acre. On single family lots, the irrigated area would be defined as the lot area minus 2500 sq. ft., which is the assumed amount for the driveway and rooftop. On other projects that are not standard single-family lots, it would be measured by the exact irrigated acre. For culinary water, the recommendation is that the requirement be based on the actual number of connections to the water system and that would follow State standard of .45-acre feet per connection or per equivalent residential connection. Commercial projects would be based on the amount of water that they are projected to use and the number of residential connections that usage would translate to.

The proposed ordinance language to reflect these changes to the Code are as follows (the struck-out portion is what is being recommended to remove and the underlined sentence is being recommended to include):

g. Due to the need of providing secondary and culinary water for subdivision development, the subdivider shall convey or otherwise make available to West Point City or its designee water rights that are usable by and acceptable to West Point City to ~~provide a minimum of three acre feet (a.f.) of water annually during normal water years, for each acre or part thereof within the subdivision,~~ to be distributed for secondary and culinary water uses. One third of the water will be used for culinary purposes and the remaining two thirds will be used for secondary water. In those areas, outside of the West Point City Water System water shares will only be collected for secondary water uses.

h. The amount of water required and the methodology for calculating the amount of water required may be adjusted by resolution adopted by the West Point City council from time to time.

The Council had no further discussion. Mayor Vincent opened the item for public hearing.

a. Public Hearing

No comments

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

b. Action

Council Member Lee motioned to approve Ordinance No. 05-17-2022B, Amending Section 17.130.100(B)(5)(g) of the West Point City Code Regarding the Requirement of Water Rights for Developments
Council Member Swenson seconded the motion

Roll Call:
Council Member Lee: Aye
Council Member Judd: Aye
Council Member Swenson: Aye
Council Member Chatterton: Excused
Council Member Peterson: Excused

The Council unanimously agreed.

16. Consideration of Approval of Resolution No. 05-17-2022D, Approving the Amount of Water Required for Developments in West Point City – Mr. Boyd Davis

Discussed in conjunction with item 15 of the General Session

Council Member Lee motioned to approve Resolution No. 05-17-2022D, Approving the Amount of Water Required for Developments in West Point City
Council Member Judd seconded the motion
The Council unanimously agreed.

17. Consideration of Approval to Remove the Zaugg Legacy Subdivision from One-Year Warranty – Mr. Boyd Davis

Mr. Davis stated the Zaugg Legacy Subdivision located at 2950 W 550 N and has been on warranty for over a year. All of the final remaining items have now been completed and inspected and Staff recommends they be removed from warranty. c

Council Member Judd motioned to approve the removal of the Zaugg Legacy Subdivision from one-year warranty
Council Member Swenson seconded the motion
The Council unanimously agreed.

18. Consideration of Approval to Remove Phase 1 of the Bennett Farms Subdivision from One-Year Warranty – Mr. Boyd Davis

Mr. Davis stated that Phase 1 of the Bennett Farms Subdivision located at 1100 N 4000 W has been on warranty for over one year and all of the remaining items have been completed and inspected. Staff recommends it be removed from warranty.

Council Member Swenson motioned to approve the removal of Phase 1 of the Bennett Farms Subdivision from one-year warranty

Council Member Lee seconded the motion
The Council unanimously agreed.

19. Motion to Adjourn the General Session

Council Member Judd made a motion to adjourn
Council Member Swenson seconded the motion
The Council unanimously agreed.

Approved:


Brian Vincent, Mayor

November 15th, 2022
Date




Casey Arnold, City Recorder

November 15th, 2022
Date