



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES WEST POINT CITY HALL JUNE 7, 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

5:30 PM

Minutes for the West Point City Council Administrative Session held on June 7th, 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# 886 0319 0169 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 (virtually), 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; and Casey Arnold, City Recorder

EXCUSED: Paul Rochell, Public Works Director

VISITORS PRESENT: Thomas Calton and John Linton. No sign-in required for those attending virtually.

1. Discussion Regarding the FY2023 Tentative Budget for West Point City and All Related Agencies – Mr. Ryan Harvey

Mr. Harvey stated that, in line with the budget timeline presented at the last meeting, approval of the FY2023 Tentative Budgets for both the City and the CDRA in tonight's General Session and CDRA meeting. The items that will be discussed this meeting and the next are as follows:

June 7, 2022

CDRA Fund

Property Tax Rate (a decision is not required this meeting)

Adoption of FY2023 Tentative Budget

Adoption of FY2023 CD RA Tentative Budget

June 21, 2022

Compensation Schedule

Property Tax Rate (if no decision made in previous meeting)

Adoption of FY2023 Final Budget (If no Truth in Taxation)

Adoption of FY2023 CDRA Final Budget

Adoption of Fee Schedule

The CDRA Fund has a debt obligation of \$140,000 per year. The fund was structured so that the tax increment the City is receiving would be a sufficient amount to cover the debt, and if there is money leftover at the end of the fiscal year, then it would pay for some of the infrastructure improvements. This year, the City received \$193,000 from the tax increment revenues which is \$53,000 more than the \$140,000 debt obligation, meaning that the fund is healthy and can more than meet its debt obligation. There are two accounting changes to the Tentative Budget for the CDRA that have been made, which is that the interest expense is \$4,000 less and the debt expense is \$4,000 more.

Davis County has not yet set the Certified Tax Rate, but it should be coming shortly. The Certified Rate is that property tax rate that will ensure the City collects the same amount of revenue as last year, minus new growth. If property values increase, the rate will go down and vice versa. Mr. Harvey stated that the City Council's policy has been to go through the Truth in Taxation (TNT) each year in order to

have more time to evaluate budget needs and determine an adequate property tax rate. This has been the practice even when the rate set by the County was accepted. The decision whether to do the TNT or not needs to be made at the very latest by the June 21, 2022, City Council meeting.

Mayor Vincent asked if there were any Council Members who had feelings on not going through TNT. Mayor Vincent confirmed for Council Member Petersen that, due to increased property values, the Certified Tax Rate is likely to be much lower than last year's tax rate, and so if the City were to maintain last year's rate, there would be a significant increase in taxes paid by residents. Council Member Petersen stated that because maintaining last year's rate would be such a massive tax increase, he would be in favor of advertising for TNT a lower rate as the maximum rate that the Council is considering. Mr. Laws stated they can decide that at the next meeting as Staff should know what the numbers of maintaining the rate would be. Mayor Vincent stated as a budgetary standpoint for Mr. Harvey, if he knows that TNT is happening, that would help him to have a final budget prepared. Mr. Laws stated they would wait until the next meeting to determine what not to exceed. Mr. Harvey stated that once known, he would provide for the Council what the revenue impacts would be for accepting the Certified Tax Rate, maintaining the current rate (2021's rates), or a rate in between for the Council to evaluate and discuss.

During the May 3, 2022 meeting, changes to the Tentative Budget relating to the General Fund were discussed and at the May 17, 2022, meeting, changes to the Tentative Budget relating to Capital Projects was discussed. The following is a summary of the changes proposed in the Tentative Budget:

- Create a separate line item for all of the county recording fees (\$4,000)
- Increase the Planning Commission budget from \$3,000 to \$3,500 (\$500)
- Increase to Books/Subscriptions/Memberships from \$1,000 to \$1,500 (\$500)
- Increase Travel/Education from \$4,000 to \$5,000 (\$1,000)
- Reduce Contract Planning from \$5,000 to \$4,000 (-\$1,000)
- Reduce IT Support from \$5,000 to \$3,000 (-\$2,000)
- QuickScores will cost approximately \$500 per sport (\$3,000)
- Recreation food (snacks & drinks) for our rec aides, throughout the year (\$800)
- Recreation to add Volleyball for the 4th of July Tournament (\$2,000)
- Servers (\$15,000)
- SharePoint (\$4,000)
- Back-up software for SharePoint (\$550)
- Anti-Virus (\$2,200)
- Cemetery Software web version (\$15,000)
- New Computers (\$3,500)
- HR Employee Background Checks (\$500)
- Police Contract –3% increase to the contract (\$8,500)
- iPads for Council Members (\$2,000)
- ULCT Membership Increase (\$900)
- URS Savings (-\$8,494)
- Rate Study (\$187,604)
- 6% COLA (\$107,067)
- Deputy City Recorder (\$41,524)
- Utility Billing Clerk – Full-Time (\$55,830)
- Capital Projects (\$16,289,901; \$15,000,000 from bonds)

Council Member Chatterton asked regarding QuickScores if there is possibly a program to purchase that could be updated each year to save on cost and if this item is subscription based. Mr. Laws stated there is no subscription and no additional cost per sport. In researching, a program that behaves like QuickScores has not been found and is relatively cheap compared to others. Mayor Vincent stated other cities do use QuickScores. Mr. Laws stated it is one of the best to help develop schedules for sports. The Civic Rec website has been great, but when it comes to scheduling, it does lack in that area and QuickScores has been a great compensatory program.

Council Member Judd stated she is concerned about the lowering of the IT support, specifically that she understood it to be in the Community Development Department budget. Mr. Laws stated that most of the IT support actually comes from a different department and so there really is no affect on the City's IT support.

The Council had no further discussion at this time and will consider approval of the Tentative Budgets in tonight's CDRA and General Session meetings.

2. Discussion Regarding the Holiday Oil Gas Station & Car Wash (Located at 3000 W 300 N) – Mrs. Bryn MacDonald

Mrs. MacDonald stated Staff has received multiple applications regarding a Holiday Oil gas station located at 3000 W 300 N. The applications received are:

- A Conditional Use permit which the Planning Commission approved at the May 12, 2022, meeting.
- A site plan which the City Council needs to recommend for approval.
- A subdivision which the Planning Commission approved the preliminary plat at the May 12, 2022, meeting. The City Council would need to do a final plat approval.
- A development agreement. The Planning Commission held a public hearing and recommended approval at the May 12, 2022, meeting. The City Council would need to hold a public hearing and recommend approval.

According to the site plan that was submitted, there would be access points on 300 N, 3000 W, and also through the south parking lot. Mayor Vincent asked if there were restrictions on the accesses. Mr. Davis stated that on 300 N which is a UDOT road, the access is a right-in and a right-out only. Mayor Vincent inquired as to how this affected when 300 N is no longer a UDOT road. Mr. Davis stated it can be what is needed at that time. The access on 3000 W has no restrictions, but according to the traffic study completed, it was noted that at peak hours, traffic heading north will not be able to enter the parking lot. Mr. Davis stated for that reason alone, they recommended to the developer to prioritize the south parking lot access.

Council Member Petersen asked if the property owner located to the east of this development where the sheds are located has been contacted by the developer to acquire that property. Mrs. MacDonald stated the developer, who is in attendance, has made several attempts to contact the property owner to purchase the land.

A landscaping plan was submitted and it is a zero-scape plan. A buffer is required on the west side next to the residential which will contain additional trees and landscaping.

Currently, the plat is two separate parcels. There is a subdivision plat to create one buildable lot.

According to the building elevations, the building will be mostly brick. The exterior will be very similar to the Clearfield and Clinton locations. The City asked to have a second gable on the east side of the building, facing 3000 W. Mayor Vincent asked if there will be a door facing north and a door facing east. Mrs. MacDonald stated there will only be one door and that will be facing north. The gable on the east side is to help break up the roof line. Council Member Petersen asked if the gable will be on both the east and west side and Mrs. MacDonald stated the east side only.

Council Member Chatterton asked if there is signage and if it meets the City's dark sky ordinance. Mrs. MacDonald stated the signage is a separate permit which has not been submitted, but the developer is aware of the concerns regarding those requirements. In relation to the dark sky ordinance, Mr. Davis stated they will install certain street lights which are dark sky compliant. The signs will be reviewed when the time comes. The applicant stated the Holiday Oil location in Eagle Mountain also had to be dark sky compliant and they have all the data for that.

Mrs. MacDonald stated a development agreement is being requested because the City Code states 5 feet of landscaping is needed around the perimeter of the building and they are asking for an exception to not do the landscape around the building as the applicant stated it is difficult to maintain and becomes full of garbage. They are also asking for an exception to provide secondary water. They would like to do all outdoor watering with culinary water due to the zero-scaping that would require minimal water usage. The Davis and Weber Counties Canal Company approves of this request and are actually the entity that suggested the idea. Council Member Petersen asked if this will invite other future, similar circumstances and Mr. Davis stated only with Council approval of any subsequent request; City Code requires secondary water and the only exception is with City Council approval in a development agreement. Council Member Chatterton stated it is also on a case by case basis. Mrs. MacDonald stated in exchange for those items, the developer will do a 6-foot masonry wall for the buffer located on the west property line – normally, only a vinyl or chain link fence would be required. The second gable is also part of this exchange. Part of the agreement is if the property to the east is ever purchased, the developer will place a pergola and a patio with seating on that side of the building.

Mayor Vincent had questions in regards to the elevation of the building, and Mrs. MacDonald introduced John Linton, the applicant, who would be able to answer these types of questions. Mayor Vincent stated his concern with the look of the building is the red roof and how it will not tie into the architectural theme of the surrounding area. There are some other Holiday Oil's that have different colors and looks and he would also like to have that flexibility. Mr. Linton stated he knows there has been some opposition to the red roof but as a business, it is important to have a look and standard, and for them, the red roof is one of those standards. With four other Holiday Oil's under construction in this area, it is important to have that look stay the same. When a new Holiday Oil is built, the red roof is the standard. The exception to the roof color is only when Holiday Oil has acquired a previously built building and the roof is already something different. They do have existing agreements with Chevron and Sinclair on aesthetic restrictions to brand with them. Ultimately, the look and color of the building is a set-in-stone item. There can be a few exceptions where the red roof can be a different shade of red; however, with supply issues, all the roofs have been purchased and it would be hard to change and be received on schedule. He noted that they have tried to be flexible with other items in the development agreement that normally are not asked of or required when other stations have been built.

Council Member Petersen stated he does understand that the roofs have been purchased, but he would like the developer to reach out to the supplier on the muted color regarding availability and if it would be something that could work. He does understand from a business stand point about the look and brand, but would like to know if the color can be muted. Mrs. MacDonald stated that the Planning Commission had concerns regarding the roof and the symbol for Holiday Oil, the clown. Council Member Swenson added that at the Planning Commission public hearing, there was a public comment made regarding the current drought situation and a car wash being put in. Mr. Linton stated that in regards to the logo, the red color may not be visually appealing but as a business, the color reflects a uniqueness about their business and changing that trademark is really not something allowed to be dictated by government. Council Member Lee stated his thoughts on the roof is to have West Point the same color as Clinton's to help create a uniformity between the stores. Mayor Vincent asked Mr. Linton what Clinton's thoughts were on the red roof. Mr. Linton stated in Clinton, they were a Conditional Use and the concern on the roof was brought up. There was a timing factor involved with Clinton. Holiday Oil was in the discussion phase with Clinton when Holiday Oil was in the process of purchasing roofs for the upcoming year and had the ability then to accommodate their request; however, to order roofs now, it is at the very least 18 months before they become available. Mayor Vincent reiterated Council Member Petersen's comment about reaching out to the supplier and seeing if something could be done with the color of the roof. Mr. Linton stated he would take that message back.

Mrs. MacDonald stated the Planning Commission was in agreeance on not doing the landscaping around the building and even suggested looking at the Code and if that should be a requirement anymore. The Planning Commission stated the masonry wall was a fair trade. Mr. Linton stated regarding the landscape around the building, they have a liability in the wintertime to keep the sidewalks clear and when chemicals are placed down on the sidewalks and make their way into the landscape, it kills off the vegetation and they struggle to maintain a nice appearance as people will eventually throw garbage into that area. Mayor Vincent stated he does agree on the exception for the landscape watering and not using secondary water.

Council Member Chatterton asked the other Council Members if they do like the muted roof color and the majority stated that yes, they do. Council Member Judd did not have an opinion. Council Member Judd stated the Planning Commission had asked about the water from the car wash and if it is recyclable. Mr. Linton stated they do their best to try and recycle as much as possible, but sometimes it is what it is. They do not try to waste the water, but use the appropriate amount to give a car a good wash. He knows they are not the most environmentally friendly, but they do try really hard not to waste water.

Council Member Petersen stated that when a building is built, water shares have to be brought; however, there is no secondary water with this building, only culinary and it looks like copious amounts will be used. He inquired as whether an adequate amount of water shares are being required of and brought by the developers. Mr. Davis confirmed that they are, and that he went through significant amounts of data made up of water usage from stores and car washes from multiple locations, took the average and required that amount of water shares needed to be supplied. Holiday Oil is in the works of acquiring the water shares and will not be able to record the plat until those water shares are obtained and also no building permit can be issued until the shares are transferred to the City. If they have the ability to acquire the shares, they do have the right to use them. There has been some discussion with Weber Basin regarding car washes and they have indicated that there may be potential usage regulations coming. Mr. Laws stated as a note, the water that is used is flushed and does eventually make its way out to the Great Salt Lake where there is a need for water there, so it is not all going to waste.

Council Member Chatterton asked Mr. Linton if the car wash associated with Holiday Oil is an incentive for customers, such as, for example, "buy a car wash and get 3 cents off a gallon of gas." Mr. Linton stated the car wash for them is not a loss leader. It is an essential part of the revenue they build into the performance of every site. They do like them because it helps distinguish them from a competing

station that does not offer car washes and they do use the car wash as an incentive to bring more customers to the store or to the station. Council Member Lee stated when an individual wants to wash their car, they will do it either at home or at a car wash, regardless of a drought or not.

The Council had no further discussion at this time and will continue to consider the applications and development agreement at the next meeting.

3. Discussion Regarding a Plat Amendment for Craythorn Homestead Phase 2 – Mrs. Bryn MacDonald

Mrs. MacDonald stated the applicant, Lanny Ellis, is seeking a plat amendment to combine two lots located at 549 S 4500 W. The request is to remove the lot line between two lots to create one large lot. No new lots are being created. This is a one lot plat amendment. There will be no additional homes.

There were no questions or concerns from the City Council.

4. Discussion Regarding Amendment to WPCC Section 17.70.060 Regarding Accessory Dwelling Units – Mrs. Bryn MacDonald

Mrs. MacDonald stated that last year, the State Code changed regarding internal (i.e. basement) accessory dwelling units (ADU's) making it a requirement for them to be permitted within the home. West Point City Code also allows detached ADUs (separate structure located in backyard). In the last few months, Staff has received numerous calls from residents inquiring about ADUs and the Planning Commission has approved two or three. In going through the Code, Staff has found various items that need to be updated to comply with new State Code and the Planning Commission has spent several months discussing Staff's proposed changes. While the Code may never be perfect and the language may not adequately address every situation, there are key elements that need to be set in order to avoid issues.

The first change is to the definitions. There are three types of ADUs: Internal, detached, and attached:

- Internal: (a) within a primary dwelling unit (i.e. basement); (b) within the footprint of the primary dwelling unit at the time the internal ADU is created; and (c) for the purpose of offering a long-term rental of 30 consecutive days or longer
- Detached: An ADU located in an accessory building on the property and not attached to or within the principal dwelling unit.
- Attached: A newly constructed physical expansion (addition) to the single-family dwelling unit by one or more common walls.

These definitions needed to be defined as State Code states an ADU has to be allowed within the existing footprint of the home. Council Member Judd asked if a resident made the space above the garage for an ADU but the footprint is not actually changed, whether it would fall under the definition for attached or internal. Mrs. MacDonald stated that is a great question that needs to be addressed – if it was within the existing footprint, then possibly internal.

Mrs. MacDonald stated the State would like all cities to track the number of ADUs. A free permit application can be created to help track all internal, attached, and detached units. If a resident submits a permit to finish a basement or to build an accessory building, they can ask at that time, but if the work has been previously done, it will be difficult to find out how many ADUs there are without an application. Council Member Judd stated there needs to be a way to encourage residents to submit an application so more apartments are not built. Mrs. MacDonald stated she is hopeful once it is made public that it is allowed and there is an application, people will want to do it.

Another proposed change is that the owner of an ADU must live on the property, whether in the principal dwelling unit or in the ADU. There are a few exceptions such as a bona fide, temporary absence of three years for military service, temporary job assignments, sabbaticals or voluntary service or the owner is placed in a hospital, nursing home, assisted living facility or other similar facility that provides regular medical care, excluding retirement living facilities or communities. The ADU has to be rented for 30 days or more, meaning no short-term rentals. It will also need to have the same utility connection as the primary dwelling.

With an internal ADU, the outward appearance needs to stay the same as a single-family dwelling; for example, it cannot appear to be a duplex with two front doors or two garages or carports facing the street.

With attached ADUs, it must have the same outward appearance as an internal ADU and must look like a single-family dwelling, no two front doors. It also cannot exceed 50% of the size of the house and cannot be larger than 800 sq ft.

Detached ADUs have several requirements. Size is an issue as the inquiries received have been for full houses, but Staff feels that those should go through the approval process of a flag lot, not a detached ADU. Detached ADUs should be a smaller, possibly one-bedroom, building. Detached ADUs need to be placed on a permanent foundation; have a similar appearance as the primary unit; may not be built within a recorded easement; cannot be a mobile home, recreation vehicle, or shipping container; cannot be sold separately from the home; cannot cover more than 20% of the yard; and no basements allowed.

Fire regulations were also discussed by the Planning Commission. The requirements proposed are that the structure has to be within 500 feet of a hydrant and has to be within 150 feet of the public road. If it is greater than 150 feet, there needs to be a full, paved 20-foot road with a vertical clearance of 13'6" and have an approved turnaround for fire access. At that distance, it is very similar to a flag lot. Council Member Petersen stated he does not know the flag lot code, but if the structure is more than 150 feet away, should it automatically default to becoming a flag lot and required the application for that. Bryn MacDonald stated that this is a good point and something that could be done. Council Member Lee agreed. Mr. Davis stated that with a flag lot there are additional requirements such as size, separate utilities, and separate address that needs to be considered.

Mrs. MacDonald went over the following table:

Accessory Dwelling Unit Standards Table

	<u>Detached ADU</u>			
	<u>Internal ADU</u>	<u>Attached ADU</u>	<u>Single Story</u>	<u>2-Story</u>
<u>Location</u>	<u>Part of Primary Dwelling</u>	<u>Attached to Primary Dwelling</u>	<u>Rear Yard Area</u>	<u>Rear Yard Area</u>
<u>Minimum Lot Size</u>	<u>6,000 sf</u>	<u>6,000 sf</u>	<u>10,000 sf / 12,000 sf</u>	<u>15,000 sf</u>
<u>Size Limit, Habitable</u>	<u>No Limitation</u>	<u>50% up to 800 sf</u>	<u>650 sf / 800 sf</u>	<u>800 sf</u>
<u>Maximum Height Limit</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>No taller than the primary dwelling</u>	<u>30' to Roof Peak</u>
<u>Minimum Side Setback</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>10'</u>	<u>10'</u>
<u>Minimum Rear Setback</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</u>	<u>10'</u>	<u>25'</u>
<u>Off-Street Parking</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>2</u>

Staff has received numerous calls asking about building a separate garage and placing an apartment above it. The Planning Commission has no issues with it. Their concern was if it was going to have a 2-story apartment, then it should have the same setbacks as a home which is indicated on the table. Council Member Petersen asked if the shed ordinance had the setbacks. Mrs. MacDonald stated the previous ADU Code stated it could not be 2-story where as a shed could be as long as it is within the height restrictions. Council Member Petersen stated that, in his recollection, with the building of a shed and placing an ADU inside it, the issue came with building standards because it may be pieced together and not up to Code, so there was a feeling if they are building a 2-story ADU, build just a single-level ADU and if building a shed, build a shed, but not combined both. He stated he is still in favor of that decision.

In regards to minimum lot size for, the State Code stated internal ADUs have to be allowed on lots 6,000 sq ft or larger. This number was kept the same for attached. For detached ADU, there are 2 options. If the lot size is 10,000 sq ft, then the internal size limit is 650 sq ft.

Any lot size over 12,000 sq ft, then the internal size is up 800 sq ft. Council Member Petersen asked even for a 44,000 sq ft lot if the internal size is 800 sq ft and Mrs. MacDonald stated yes and at that point, it could be done as a flag lot.

Mr. Davis stated in his opinion, the minimum lot size for a detached 2-story ADU at 15,000 sq ft is a little small especially if set-backs need to be met. He would recommend looking at that and suggesting the minimum size be half-acre or three-quarters of an acre. Mrs. MacDonald stated she would be able to look at lot sizes and examples of what a detached would look like on it.

State Code states that municipalities can only require 1 parking spot for internal ADUs but the Planning Commission would like to require 2 parking spots for 2-story ADUs.

Council Member Petersen asked on maximum height limit, what is the normal residential height. Mr. Davis stated they are typically 20 feet so for a 2-story ADU, 30 feet to roof peak would be pretty tall. Council Member Petersen stated he is concerned about that as a resident who purchases a nicer home could have a neighbor put in a 2-story ADU with the max height making it a monstrosity in the backyard and this also changes the density. He does struggle with that height. He would recommend it state no taller than the primary dwelling to help keep the rooftops uniform. Mr. Davis stated if this did become popular, there would be a utility problem and they do not foresee an issue or need. Council Member Chatterton stated he is unsure if sewer would even be able to reach back there. Mr. Davis stated the sewer lines in the street are not capable of handling that, but do not see this demand quite yet.

Council Member Chatterton asked regarding detached ADUs if tiny homes would be restricted. Mrs. MacDonald stated as long as it can follow the other requirements, be on a permanent foundation and look like the house, et cetera, then it could. Council Member Petersen asked about a manufactured home and Mrs. MacDonald stated no as it could be a mobile home.

The Table of Land Use Regulations needs to be updated to include changing the word external to state detached. Also adding to the table attached ADUs and allowing those only in the A-5, A-40, R-1, R-2, and R-3 zones with Planning Commission Conditional Use Review.

Council Member Lee stated the Planning Commission has worked hard on this item and he appreciated their efforts. Mrs. MacDonald stated Troy Moyes, City Planner, has worked effortless on this and reached out to multiple cities and read several city codes. Council Member Petersen stated he feels there will be a need for this very soon as housing and building prices increase and building an ADU will be a better financial option. Council Member Judd asked if there needs to be a limit with utility and sewer demands. Mrs. MacDonald stated with internal ADUs, the State will not allow a limit. Detached do not have to be allowed, as the State has not made that Code yet. Mr. Laws stated the only way to limit them is to only allow them in the R-1 zone, on bigger lots.

Mrs. MacDonald showed pictures of what a 650 sq ft and 800 sq ft ADU would look like on a property with 10,000 and 12,000 sq ft lots. Mayor Vincent stated there is a recommendation to go bigger lot size than 15,000 sq ft for 2-story ADU as it is not that large. Council Member Petersen stated as this has been discussed, he does not like the 2-story. A person either needs to build a shed or an ADU but should not be both as it could be offensive and detract from the neighborhood. Mayor Vincent asked how it is different from a 2-story home. Council Member Judd stated where she lives, behind her are 2-story townhomes and they are really close and she is uncomfortable with how close it is but that is someone's home. Council Member Petersen stated he goes back to the purpose of the building. If it will be an ADU and an individual living there, then it should be a single level. He feels the 650-800 sq ft is adequate for a living space. Based on State Code, they are allowing more than needed because they are not required to even to do that. Allowing it to be 2-story, feels very invasive, especially when you bought a home in a neighborhood and the intent of that neighborhood was for single-family dwellings and not multiple dwellings on one lot changing the look of the neighborhood. He feels like this is a modification after approval of a development.

Council Member Chatterton asked if an application comes to the City during this time period, what requirements need to be followed and it was stated the ones currently in place, not what is being discussed.

Mrs. MacDonald stated she will make the changes suggested and asked if the City Council would like a public hearing. Council Member Petersen stated with a public hearing, he is worried of not having a final draft ready and not being able to present definitive requirements.

Mayor Vincent stated now would be a good time to gather input and discussion before definitive requirements are set. Council Member Petersen stated he agrees and he would be fine either way. It was decided to hold a public hearing at the next meeting.

5. Discussion Regarding a Boundary Line Adjustment with Syracuse City – Mrs. Bryn MacDonald

Mrs. MacDonald stated a few months ago, a possible boundary line adjustment with Syracuse City was discussed. There is an amended proposal to be discussed. Located next to the future interchange of the West Davis Corridor and SR-193 is a small section of land, a little over an acre of land, that would be cut off from the City once the roads are constructed. This section can only be served by Syracuse City and would only have access from Syracuse. Syracuse City Council discussed it last week and would like to move forward with the boundary line adjustment and no trade as previously discussed. Mayor Vincent asked if Syracuse City Council did not want to do the trade. Mrs. MacDonald stated from what she was told there were options given with the section of the golf course, but the amount of land traded did not equal out and did not want to do the trade. Mayor Vincent stated he was under the impression they were interested in doing an exchange. He would reach out to the Syracuse Mayor and discuss this with him. Mrs. MacDonald stated there is not a hurry with this and that can be discussed.

6. Discussion Regarding a Postponement Agreement for Bennett's Legacy Subdivision (Single-Lot) – Mr. Boyd Davis

Mr. Davis stated Craythorne Development is requesting a postponement agreement for a single-lot at the Bennett Legacy Subdivision located next to Allen Bennett's home at 1100 N 4000 W. There is no curb and gutter along that road and as in most cases like this, they are recommending it be postponed. This needs to be placed in a formalized agreement and recorded on the property. For the Council's information, the Code has changed and the single-lot subdivisions are approved by Staff, but the postponement agreement still needs to be approved by City Council. Council Member Lee asked when the curb and gutter will be placed and Mr. Davis stated it will be done when the City widens 4000 W and the agreement will be brought out at that time stating the applicant will need to install the curb and gutter. Council Member Chatterton asked if it is a lien and Mr. Davis stated it is not a lien, but recorded on the deed.

The Council will consider approval of the postponement agreement in tonight's General Session.

7. Discussion Regarding UDOT Master Landscape Agreement – Mr. Boyd Davis

UDOT is requesting to enter into an agreement in relation to the upcoming 2000 W widening project, but applies to all UDOT roads in the City. Mr. Davis stated the agreement is fairly simple and falls in line with how the City is operating currently. If the City installs landscaping on UDOT road, the City is required to maintain it. The City currently is already doing that. This agreement just formally gives the City the authority to maintain the landscape and allows UDOT to ask the City to replace any dead landscaping. If the City does not sign the agreement, they are not authorized to install landscape. As previously mentioned, the City has been functioning this way and there are no issues with it, and the Council had no issue with approving the agreement.

8. Discussion Regarding Amendment to the "Season at Simpson Springs" Development Agreement – Mr. Boyd Davis

Mr. Davis stated Seasons at Simpson Springs subdivision, formally known as Sunset Vistas, has request to amend the development agreement as the original park area was to be completely sod. It was discussed at a previous meeting to change some of the area to xeriscape. The developer has gone and placed sod down and some rock landscape. The area does look good as there is a playground and two gazebos.

Thomas Calton, applicant, has submitted an amendment to the development agreement to formally accept the change in the landscaping around the park area. Staff has read the amendment and it states the City would accept the plan submitted; however, Staff has several questions and would like to bring this to the Council for guidance.

Staff has been holding permits in an effort to help achieve park progress and as it has progressed, permits have been released. There is one permit left in holding. The developer has been told the last permit would be issued once the park space is finish. Mr. Davis asked the Council if the last permit should be release.

The next point, the approved landscape plan that came with the development agreement, states, "The natural area will be left as is." This is the area north and south of the park. Mr. Davis asked if the Council has any other expectations for this natural area. Council Member Lee asked if it has been cleaned up from the construction debris. Mr. Davis stated all of the litter has been cleaned up and from what he has been told, he has not visually checked, but the concrete debris is gone as well.

Another item in the development agreement is the developer will install sod and trees on each lot, front and back. Due to the drought, sod is being discouraged.

Mr. Davis asked the developer if they are still willing to place rock in the park strips along the Payne's property. Mr. Calton stated they are still in agreeance to move forward with it and include a few other areas as well. The cost is around \$15,000. Mr. Davis stated in the original agreement, there was nothing mentioned of what would go into these park strips, but the developer has agreed to place a weed barrier and rock.

Council Member Petersen asked if in the original plan approved of the park area, if there were suppose to be trees and plants. Mr. Davis stated the trees have been planted except for one strip. Mr. Calton stated those trees and shrubs tend to blend in with the natural vegetation on pictures.

Council Member Petersen asked about the sod and trees that was agreed upon for the homeowners. He does understand the drought situation, but would like to know what will happen. Mr. Laws stated this development required the developer to put in both front and back yard landscaping. Council Member Petersen stated there will be a cost incurred by someone and he does not know who it will be. Mr. Davis reiterated Mr. Laws comment that the developer will fully landscape the yards with sods and trees. The agreement stated in case of weather or unforeseen circumstances, the developer would be allowed to place money into an escrow. Council Member Petersen stated that seems reasonable but what happens after that. Mr. Laws asked if that is per homeowner so the City is not involved and Mr. Davis stated it does not state that specifically but is how he would understand it. The landscaping was required before occupancy of each home. The money could go into escrow on the closing of each lot. Unfortunately, that has not happened and there are several occupancies without escrows. Mr. Calton stated when he first heard about the escrow, he thought that was a nice solution for future years. He mentioned that to the Director of Operations and was told the price to purchase landscape and place it in is going to be different than an individual installing landscape. It does sound simple, but the homeowners may get upset because there is not enough money placed in the account to cover the cost. Council Member Petersen asked Mr. Calton what would he recommend and he stated at a minimum get the area prepped for sod with sprinklers, place trees, and then possibly issue a sod certificate, but that would leave it on the homeowners to install the sod. Council Member Petersen stated from a City standpoint, they would like to have as much progress as possible which sounds like more than just an escrow agreement. That does not mean it is the end solution. He wondered if that means to place in all the front yards which he understands that is going to take water that should not be used this year, but something needs to be done. Mr. Davis stated they have already placed in a large amount of sod and they would not like them to lose it.

Council Member Chatterton stated he does like Council Member Petersen's idea of having something in the front done, whatever that may be. The sod certificate is difficult because prices will change and what the amount was for this year will not cover next year's cost. Mr. Calton stated one thing to help alleviate that is to include the labor cost that would have been occurred in that sod certificate.

Mayor Vincent sought clarification if the sprinkling system and trees would all be installed this year and it was stated yes, and the front only would receive sod, not the back. Mr. Davis stated that is not a bad idea and Mrs. MacDonald stated the front yards are smaller. Council Member Petersen stated if the City came out stating this needed to happen to help the look and feel of the City, he would be in favor of it. He asked where the occupancy level is at and Mr. Calton stated out of 62 lots, they only have around six lots left under construction. Council Member Petersen stated if the time is needed to be taken this summer to prep the lots and then in the fall place the sod, he would be okay with that. Mr. Calton stated they had planned that last year for the park, but the water was shut off early and they were unable to complete it.

Mr. Davis stated this discussion can continue in the General Session as the Council considers approval of the resolution.



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES WEST POINT CITY HALL JUNE 7, 2022

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

General Session

7:00 PM

Minutes for the West Point City Council Administrative Session held on June 7th, 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# 886 0319 0169 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 (virtually), 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(virtually); and Casey Arnold, City Recorder

EXCUSED: Paul Rochell, Public Works Director

VISITORS PRESENT: Emily Barillas, Mike Flood, Logan Payne, Laura Curtis, Lanny Ellis. No sign-in required for those attending virtually.

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

Council Member Judd - Thanked the West Point Pageant Committee and the leadership there and all the lovely young ladies that participated. She was not able to be in attendance but saw the results and was impressed with the fine caliber of young women in the community.

Council Member Petersen – None

Council Member Chatterton – The Pageant and luncheon was really nice and the Committee did a great job. The Mayor did a nice job representing the City. He also wanted to thank the Recreation Department, specifically Kelly Ross and Kelly Norwood, and Emily Miller and all the volunteers who are helping with the senior lunches. They are doing an excellent job getting more attendance and the meals are outstanding. He would like to let them know it is really appreciated, evidenced by individuals that make it a point to let him know how amazing they think it is.

Council Member Lee – Considering a few months ago the West Point Pageant almost was cancelled, the ladies involved did a fantastic job. This was his first time attending and he was really impressed with each and every one of the participants – the service projects especially he felt were “mind-blowing.” The Pageant Committee and City Staff that helped did a phenomenal job in putting on the Pageant. He also reiterated Council Member Chatterton’s comments regarding the senior lunches and the fantastic job they are doing. He is excited for the upcoming 4th of July and encourages everyone to come and have fun.

Ms. Arnold stated that the winners of the Miss West Point Pageant are: 2nd attendant Aubrey Matkin, 1st attendant Ellie Wolford, and Miss West Point is Aislinn Wilson. For the Junior Miss West Point, 2nd attendant is Chalese Matkin, 1st attendant is Kenley Kap, and Miss Junior West Point is Ryan Maxfield.

Mayor Vincent – Agreed that it was a great Pageant and expressed his appreciation to Shawna Brown for stepping in to volunteer as the Pageant Director, as well as to the Committee and City Staff for their work in putting on this year’s pageant.

The Mayor stated that an interesting fact he recently learned was that there are fires almost daily at the landfill, usually caused by lithium batteries that catch fire. This last week, however, was the largest fire that they have had in the last 25 years. He would like to encourage residents to dispose of their batteries at the household hazardous waste center, because when they end up in the landfill and hit by a compactor, they can explode and catch fire. Usually they are small fires that the compactor operators are able to quickly locate and put out quickly. Before closing, a plastic cover is put over the trash to act as a barrier to keep it from blowing away, spreading, etc., and with this large fire, they believe that a small fire had started that was not seen before the plastic cover was put on and the landfill closed for the day. The plastic barrier caught fire, which caused it to spread quickly. The fire did not last more than an hour, but was large enough that extra fire crews were called in to help put out the flames. The Waste Management District is asking officials to remind their residents to not throw batteries away with their regular trash, but to properly dispose of them as hazardous waste to help avoid this problem.

5. Communications from Staff

Mr. Laws stated that this upcoming Friday is this year's first Summer Movie in the Park at Loy Blake Park. There will be food truck vendors and will feature the movie Encanto. There will be games and other activities that will start around 7 PM and the movie will begin at dusk. This is always a fun event and he encouraged all to attend.

6. Citizen Comment

Laura Curtis – 1982 W 100 N: Ms. Curtis attended the last City Council meeting and had questions as to why the City was not participating in the Flip Your Strip program. She would like more information and what the process would look like in order for her to do that. Mayor Vincent stated that is a great question and noted that he tried to meet with her after the last meeting to discuss it, but was unable to catch her. He informed her that Mr. Kyle Laws is the City Manager and would be happy to speak with her. Ms. Curtis asked if the City has changed waste providers. Mayor Vincent stated they moved from Econo Waste to Ace Recycling & Disposal. She does not know when the change took place, but she called the City the first day it happened. Where she lives, garbage day was every Tuesday and they had to put the garbage out the night before due to Econo Waste coming early. She states that is no longer the case. They do still put it out the night before but it seems the trash will be dumped at various times each Tuesday. They did miss several of her cans and had to call and eventually flagged down the driver. She wants to know why the change took place as it does not seem to be working out with the new company and having a consistent time for pickup. She would also like to know if the garbage needs to be placed out the night before if it just going to sit out there all day.

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated in regards to the Holiday Oil site plan, the garbage cans are directly next to the adjoining home, not next to the convenience store, and this was done so room can be made for the car wash. She feels that is a poor plan to place it next to the residents that are next door to the facility as they are already inconvenienced. In regards to the comments from the gentleman with Holiday Oil who spoke about their branding and the locations in Clearfield and Clinton, those locations are in high traffic areas where as the West Point location is in a small rural, country road with houses nearby and businesses in the area resemble houses. She understands branding but it does not seem to fit with the neighborhood, especially the bright yellow. In comparison, she knows 7-11 has subdued colors when placed in smaller neighborhoods and this is definitely a smaller neighborhood. She does not understand how with a new development, they are not able to place sod or landscape in because of water restrictions, but the City will let a company come in and place a car wash. She understands the townhomes that just went in are having to meter the secondary water throughout the State. Also, she would like to know how the City is allowing a business to use culinary water for indoor and outdoors, but yet in several meetings, people have been complaining about neighbors using culinary water to water their yards. She is confused and concerned about what is allowed to happen. There are several car washes in the area and some gas stations that have car washes but those have sat non-operational for years and become an eye sore. She would like to see stricter restrictions on what is allowed to be placed in neighborhoods and have it fit with the neighborhood.

Logan Payne – 1200 S 4500 W: Mr. Payne stated he agreed with Ms. Caruso regarding her comment about the Holiday Oil car wash and it being the last thing needed right now in West Point. He does not mind the colors as much though. He does appreciate the Council's thoughts regarding the park strip in front of his house and he is still surprised there was no plan for it. He is getting tired of the weeds in the area invading his property and becomes a hassle and an eye sore. He feels people do judge him as they drive past seeing the property like that. He stated this was an item that was suppose to be taken care of a few years ago but it has been dragged out and he feels if he had not said anything, the developer would not have done anything. He does appreciate something happening with it and hopes it is sooner than later and they are not the last piece to get taken care of. The natural area in the west section of the development is looking

nicer but he questions who will take care of it because the weeds will grow back up in the gravel. His mother would like him to send her best to Council Member Lee and stated he has heard great things about Mayor Vincent and appreciates the job he is doing.

Jen Vargason – 4682 W 1100 S: Ms. Vargason stated she was curious about the yard situation as several residents in the Simpson Springs development have wondered what the plan will be. She stated they choose to go with Richmond Homes because they offered to put in the front and backyard sprinkling system, landscaping, and sod. That was a main buying point for them. She does understand the drought was something that was not anticipated entirely, but it is fair to say that the drought will not be gone in the coming years. The idea of putting the money for the yards into escrow hoping the weather improves is unrealistic. The majority of the residents in the development have younger kids and have great backyards full of dirt. She would like to find a resolution that is considerate of the drought and understanding what the City needs for landscaping to make it look good. She does feel having the yards leveled and bringing top soil and starting the sprinkling system is a good start. The sod in the front yard is a good idea. Several residents have had the thought of xeriscaping and being able to put some of the money in escrow towards that as they do not see the drought getting better. That would help them be responsible with the water and help the neighborhood look nice. They would like to see different options to enjoy their yards, but still be responsible with the drought.

Ryan Smith – 1158 S 4700 W: Mr. Smith stated he also lives in the Simpson Springs development and echoes some of the same concerns Mrs. Vargason stated. He listened to the previous meeting and liked the fact that there was a permit being held in efforts to ensure that Richmond American Homes finished the park area. He asked if there is anything that can be done as a City to hold the developer responsible to complete the landscaping both front and back in a manner that is reasonable and fair and does not leave residents in cases where 98% of the lot is in the backyard and is unusable until something is done, either by xeriscaping or a combination of some sod and xeriscaping. His hope is the developer will be held responsible for what was agreed upon.

Amanda Arnesen – 1158 S 4700 W: Ms. Arnesen stated she would like to echo the previous comments already made. They live in the white stucco house in the cul-de-sac with the natural area of the park behind them. The natural part is starting to encroach into their dirt patch and they have purchased weed control to take care of that and it will keep happening the longer there is not any landscaping, which is irritating. It is also gross because they are not able to walk in the yard without tracking the dirt back into the house and during the wintertime, it was a giant mud pit. She has grown extremely unhappy with all of it. They have put several thousands of dollars to get their yard to a level where they do not feel like there is a giant hill in the backyard to the park area. She would like to find a quick solution for the landscape.

7. Consideration of Approval of the Minutes from the January 18, 2022, West Point City Council Meeting

Council Member Chatterton motioned to approve minutes.

Council Member Lee stated there was a word left out he would like to have corrected. In his comments made during the communication and disclosures, he stated he wanted to express, "...His sincere condolences to [the] family of Jake Shepherd. Jake was a dear friend to him and he [was] honored to have had..." The word "was" needs to be placed.

Council Member Chatterton changed his vote to amend the approved minutes as stated

Council Member Lee seconded the motion

The Council unanimously agreed.

8. Consideration of Approval of Resolution No. 06-07-2022A, Approving the FY2023 Tentative Budget for West Point City and All Related Agencies – Ryan Harvey

Mr. Harvey stated that the Tentative Budget is essentially a "working budget" that the City will operate under until the Final Budget is approved, which will be at the next meeting or at the second meeting in August if the Council decides to go through the Truth in Taxation process. The Tentative Budget has been discussed in previous meetings and Staff recommends approval.

Mayor Vincent opened the item for public hearing.

a. Public Hearing

No comments.

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

b. Action

Council Member Chatterton reiterated his comment made in the Administrative Session regarding the Youth Court. Mr. Laws stated that he would ask for a report of West Point's usage of the Youth Court and provide that information to the Council. The Council thanked Mr. Harvey for his work on the Tentative Budget and had no further discussion at this point.

Council Member Petersen motioned for approval of Resolution No. 06-07-2022A, Approving the FY2023 Tentative Budget for West Point City and All Related Agencies
Council Member Chatterton seconded the motion
The Council unanimously agreed.

9. Consideration of Approval of Resolution No. 06-07-2022B, Approving a Postponement Agreement for the Bennett's Legacy Single-Lot Subdivision (Locate at 984 N 4000 W) – Mr. Boyd Davis

Mr. Davis stated that the Bennett Legacy Subdivision is a single-lot subdivision located north of Allen Bennett's existing home. He believes a family member is building a home there. There is no curb and gutter along that side of the road and in most cases, a postponement agreement has been done stating they will pay for their portion of the curb and gutter and sidewalk whenever the road is completed. Staff recommends approval of the resolution. The agreement will be recorded on the property so that it is clear to any future owners that they are required to install their portion when that time comes.

The Council had no further discussion.

Council Member Judd motioned for approval of Resolution No. 06-07-2022B, Approving a Postponement Agreement for the Bennett's Legacy Single-Lot Subdivision
Council Member Petersen seconded the motion
The Council unanimously agreed.

10. Consideration of Approval of Resolution No. 06-07-2022 C, Approving the UDOT Master Landscape Agreement – Mr. Boyd Davis

Mr. Davis stated that this agreement is a fairly simple agreement, and the terms therein are what the City is already practicing. In summary, the agreement states that if the City pays for and installs any landscaping along a State highway, the City is required to maintain it. It also states that if the City does not maintain the landscaping, UDOT will prohibit the City from doing any landscaping on UDOT property in the future. Staff recommends approval of the agreement.

Council Member Chatterton asked if 2000 W and SR-193 is considered a State road in this situation, which Mr. Davis confirmed that it is and the City is maintaining it, and that the proposed agreement includes all State highways. Mr. Davis confirmed for Mayor Vincent that this is UDOT's standard agreement throughout the State.

Council Member Lee motioned for approval of Resolution No. 06-07-2022C, Approving the UDOT Master Landscape Agreement
Council Member Chatterton seconded the motion
The Council unanimously agreed.

11. Consideration of Approval of Resolution No. 06-07-2022D, Amending Section 3-02(3) of West Point City's Personnel Policies & Procedures to Recognize "Juneteenth" as a Holiday for Purposes of Employee Holiday Leave – Ms. Casey Arnold

Ms. Arnold stated this was discussed at the last Council meeting. Juneteenth is a holiday and a celebration of black cultural and freedom. It has carried a lot of significance since 1865 and considered the last day of slavery in the United States. With the atmosphere and environment over the past few years of the United States history, the holiday is gaining more traction and meaning. On June 17, 2022,

President Joe Biden signed into law "Juneteenth National Independence Day Act" thereby officially recognizing June 19th as a national holiday. On March 24, 2022, Governor Cox signed a similar bill declaring June 19th as Juneteenth National Freedom Day in Utah. In response, more government agencies and businesses have made an effort to recognize the holiday and Staff proposes that West Point City also recognize Juneteenth as a holiday for the purpose of paid employee leave. Currently, there are 12 holidays of paid leave for employees, and if approved, Juneteenth would be added and bring that total to 13. The proposed resolution states that it would be recognized on June 19th, unless otherwise designated by the City Manager. Staff proposes including this language as the 19th will usually fall on the third week in June, which is a City Council meeting week, and can be a busy time for Staff as the budget is being compiled and discussed with the Council. Staff recommends approval of the resolution and have it become effective immediately.

The Council had no further discussion.

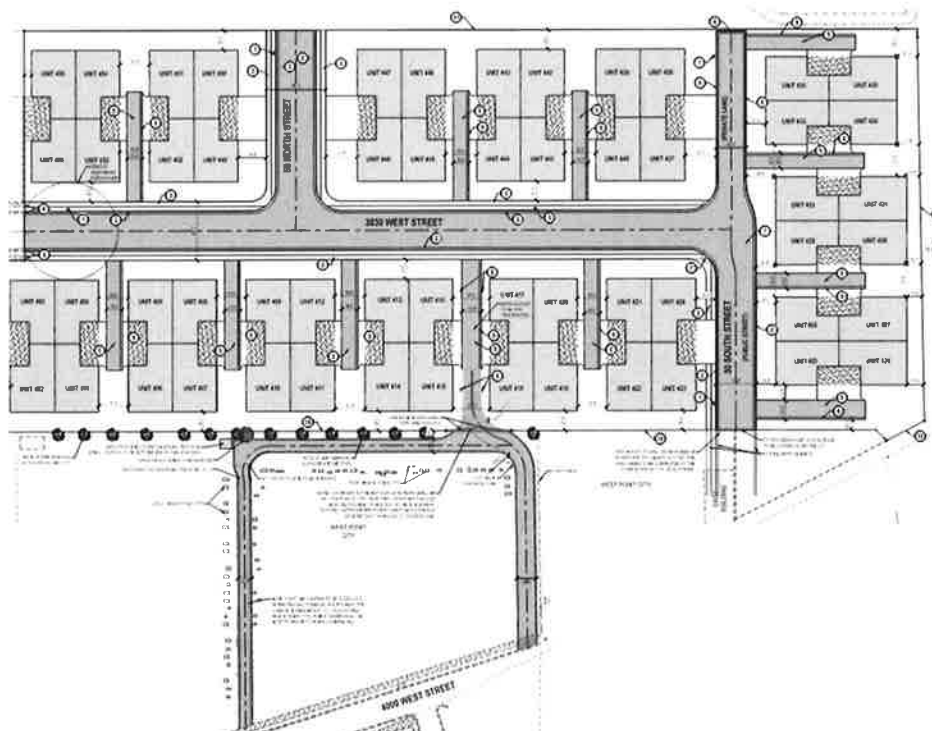
Council Member Judd motioned for approval of Resolution No. 06-07-2022D, Amending Section 3-02(3) of West Point City's Personnel Policies & Procedures to Recognize "Juneteenth" as a holiday

Council Member Swenson seconded the motion

The Council unanimously agreed.

12. Consideration of Approval of Resolution No. 06-07-2022E, Approving a Development Agreement Regarding Phase 4 of the Bluff View Estates Subdivision -Mrs. Bryn MacDonald

Mayor Vincent gave a brief summary for those not in attendance at the last meeting. It was discovered that the location of the road that was presented and discussed at the last meeting would actually go over the top of existing cemetery plots. This obviously is a big issue as the road cannot interfere with any burial plots, and Staff has communicated to Mike Flood with Nilson Homes that the issue needs to be resolved. Mr. Flood stated he would work with his engineers and submit an updated proposal for the location of the road. Mrs. MacDonald stated this item is on the agenda as it needed to be continued from the last meeting, but will need to be tabled again until this issue is resolved. As a recap, Mrs. MacDonald stated that Bluff View Estates is required to have a second access in order to continue with the next phase of the project, and the development agreement addresses the second access. In the previously proposed agreement, there was a turnaround and then the road down the middle of the cemetery. The current proposal is to have the second access be a 20 ft. wide road on the south side of the cemetery, and they would also install a 14 ft. wide paved road through the center of the cemetery where the dirt road currently exists. As in the previous proposal, trees will be planted along the east side, a sprinkling system installed, and all of the other items in that previous agreement. The development agreement also states that 50 South will eventually connect to the west and a permanent access will be created. At that time, 50 South would become a public road when it is connected.



Council Member Petersen inquired as to the difference between the middle portion and the eastern portion. Mrs. MacDonald stated originally the middle portion was going to be 20 ft. wide up the middle and along the east side with a turnaround at the end. The new proposal is it will be 14 ft. wide down the center of the cemetery and along the east side and the south side is where the 20-foot second access will be located. Mr. Davis stated now when heading east on the road in the middle of the cemetery and turning right, that turn radius will be much tighter making it unable for a fire truck to go through there; however, it does not cross any plots. Council Member Petersen asked if that turn radius is met on the south side without covering any plots and Mr. Davis stated yes. Council Member Petersen stated the east side road was first listed as being a wider road to allow parking and would like to know why that has changed. Mr. Davis stated after much discussion with everyone and visiting the area, it was too large of a scale for the size of the cemetery. Council Member Petersen stated he understood. Mayor Vincent stated they also wanted to ensure the trees along the east side were there. If the asphalt was placed in that area, the trees most likely would not have fit.

Council Member Chatterton asked if there was any change on the size of the shed. Mrs. MacDonald stated the shed is still part of the agreement and will stay the same size. Mayor Vincent stated the developer will also remove the tree stumps along the south side as well.

Mrs. MacDonald stated the 20-foot road would be 18 feet of asphalt with 1-foot shoulder of concrete on each side and the 14-foot road would be 12 feet of asphalt and 1-foot shoulder of concrete on each side. Mr. Davis stated that is a much more appropriate width. Mayor Vincent agreed and stated when visiting the area and visualizing what a 20-foot road would have looked like, it becomes clear that is was a little excessive. This proposal feels much more appropriate. Council Member Chatterton stated more like a cemetery road.

Mayor Vincent asked if fire has approved the turn. Mike Flood who was in attendance for Nilson Homes stated they have submitted the plans to fire and expected a response and have not received one yet. He stated it is a more convenient and quicker way for them. Mayor Vincent asked if fire was okay with the curvature. Mr. Flood stated it is better.

Council Member Petersen stated with this paved road in the cemetery and at that width, no cars could be passed. Mr. Davis stated it would be one-way traffic and there should be signs placed to help direct flow of traffic. Council Member Petersen stated he agreed with that and on certain holidays, possibly close the road to avoid creating the problem of an individual driving over headstones in an effort to get around vehicles. Mr. Davis stated it could be closed for occasions, but currently it is open now and people drive through it one-way and does not see too much of an issue. He would expect drivers to enter in the center and loop around to the south road and exit. Council Member Petersen stated he is worried about encouraging more traffic and a possible headstone being run over.

Mrs. MacDonald stated this item is for the development agreement and then there will be the final plat. The development agreement has not been amended to meet this plan at this point. It specifically calls out the width of the road and all the trees. This would need to have modifications made if the Council is okay with this new proposal. It can be approved subject to all the changes made or it can be brought back and approved then. Mayor Vincent stated fire approval is still needed. Mrs. MacDonald stated it would be best to table without a date just in case.

Council Member Judd stated she is still not a fan of accommodating the second access but asked when the 50 S road is open to the public, will the crash gate at the cemetery be removed and what will go in its place. Mr. Laws stated it has been discussed that a fence will be placed there and Mayor Vincent stated the fence will be continuous with no access. Council Member Judd stated she did like that.

Council Member Petersen made a motion to table approval of the Development Agreement at this time
Council Member Chatterton seconded the motion
The Council unanimously agreed.

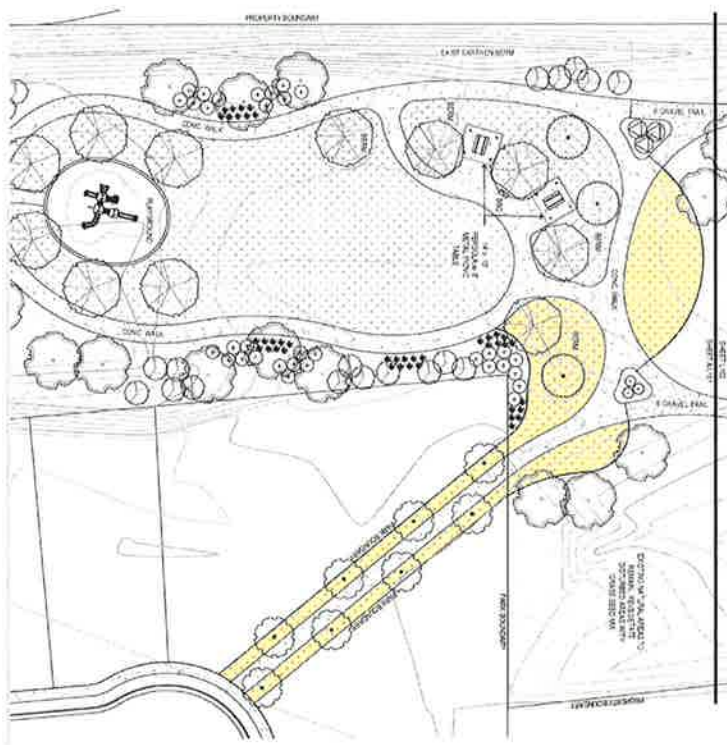
13. Consideration of Approval of the Final Plat of Phase 4 of the Bluff View Estates Subdivision – Mrs. Bryn MacDonald

This item was discussed in conjunction with the previous item and approval was tabled at this time.

Council Member Petersen made a motion to table approval of the final plat
Council Member Chatterton seconded the motion
The Council unanimously agreed.

14. Consideration of Approval of Resolution No. 06-07-2022 F, Approving an Amendment to the Development Agreement for the Sunset Vistas Subdivision (AKA "Seasons at the Simpson Springs") – Mr. Boyd Davis

Mr. Davis stated this project was approved through a settlement agreement and had a development agreement that stated a park and trail on the area west of the homes would be built. The developers are requesting to amend some of the original proposal to place in rock landscaping with trees and shrubs where there was to be sod. The area requested is in yellow on the left picture below. The developer was very ambitious, as stated in the administrative session, and has completed this already hoping the Council would agree (picture on right shows it completed).



The development agreement has been updated and states simply that the Council agrees to the amended landscape agreement as installed. Mr. Davis stated he has seen the area and it does look nice. Staff would recommend to accept the change.

There are other issues with this development, as it has been made aware during the public comment portion, that the Council need to discuss. They are as follows:

- As stated in the administrative session, the developer was informed that the last building permit would only be issued once the park space was completed. The Council needs to discuss if this permit should be released.
- Another item the Council needs to discuss is if the approved landscape plan showing the natural area outside of that park space can be left essentially as is, predevelopment condition, other than the gravel trail going through or if there are other expectations. It was noted that this is how it was approved in the development agreement.
- The development agreement required sod and trees on each lot and the Council needs to discuss if this should be amended due to the drought situation.
- The final item for the Council to discuss is for the rock to be installed in the park strip of the Payne's property. This was discussed in the administrative session and he believes the developer has answered that rock will be installed along the park strip.

Council Member Lee stated he cannot vote on this in good conscience sight unseen. He has seen the area before and he was not impressed.

Council Member Petersen stated he feels the developer has fulfilled the intent of the agreement, given there was always going to be some natural areas. At that point, it is intended for the HOA to take over. It is difficult when a natural area is placed next to a nice landscaped area and the contrast between the two becomes frustrating, but that is what was agreed upon.

Mr. Laws asked if the Council has any questions regarding the walking path. Mayor Vincent stated until you see the path and have walked on it, it is hard to describe. The path contains about 5-6 inches of river rock making it a difficult walking path. He is unsure what the original intent of the path was, if it was to be used for bikes and strollers, but those will not be able to go on that path. Council Member Petersen asked if somewhere it stated what was to be placed down for the path. Mayor Vincent stated he did not know. Mr. Laws stated it should have been fractured rock instead of a cobble rock. Council Member Petersen stated engineers know what rock settles and they should have known cobble rock does not settle and would like to know why the engineer placed that rock down. Mr. Calton stated he does not think it is a river rock, more of a three-quarter minus gravel. He thinks the landscape plan stated for a gravel trail and the excavator made the call on what rock to bring in. Council Member Petersen stated three-quarter minus will eventually settle if it is not rounded rock. He feels like he needs to go view it in person. Mr. Laws stated if it does not settle, one option would be to move the pathway rock to the area under the trees that was just requested and install a better walking path rock, but there is always cost associated.

Council Member Petersen stated he feels like there are several things to discuss and feels this is turning into a brain storming session. He feels uncomfortable trying to resolve this when there needs to be more thought and study. He would like Staff to look a little more into this area and what can be done. In the administrative session, he made the recommendation to landscape the front yards to keep the neighborhood looking nice, but after hearing residents' comments about using the rear yards that changes. He stated this development is different than every other development in the city. Normally, it is the residents' responsibility to do the landscaping, but with this development, it was contracted with the developer to do it. He would like to give it some thought as if the City should modify that contract or stick to it and what are the ramifications due to the drought. He does not know the answer and is a little conflicted about it.

Council Member Chatterton asked if the rock park strip for the Payne property will have an effect on this development agreement. Mayor Vincent stated it is part of the landscaping agreement. Council Member Chatterton stated he would be okay to postpone this and get some answers.

Mayor Vincent stated the developer has improved the area with placing rock down and placing benches along the walking path. It does look nice, it is just a difficult walk.

Council Member Chatterton stated they are getting close and feels like they are almost there but some questions were raised and he feels like he needs to do some research on his part before he can decide.

Council Member Petersen asked about the road that goes by the Payne property and if it has a sidewalk and if that was the intention. Mr. Davis stated it was not included on this subdivision plan and is not part of the developer's responsibility. Council Member Petersen stated he asked because when they ask a developer to put in a road and it is 60 feet wide, that includes sidewalk too. Mayor Vincent noted when the road connects at that point into Syracuse, it bottlenecks, and if the intent on that was to match with Syracuse's road and Mr. Davis stated it was as Syracuse's side is narrower.

Mr. Laws asked if the City Council is asking the developer to come back with more options or Staff to come back with more options. Council Member Chatterton stated he feels the developer has a good idea of what they are looking for and where their feelings are at. It is the development's agreement with the homeowner, so they should bring something back to City Council as what they propose as their future agreement with the homeowner. Council Member Petersen stated the problem he sees with putting it on the developer is it should be worked out together with the City due to the drought. If it wasn't for the drought, they would not be discussing the landscaping in the front and back yards. The City should be able to say what we need. Council Member Chatterton recommended to bring ideas back to Staff and work with them to reach a solution and then it can be brought to City Council. Mr. Calton stated in the agreement, it states they will provide the homeowner with sod, trees, and shrubs. This puts the developer in a tricky situation when they are told to suggest a different idea versus it being mandated. Council Member Chatterton stated he would like to see some ideas of what the developer is able to do monetary wise and the City will mandate something at that point. Mayor Vincent stated it will be a team effort to come up with something.

Council Member Petersen made a motion to table the resolution for an indefinite time period.
Council Member Chatterton seconded the motion.

The Council unanimously agreed.

15. Motion to Adjourn into a Closed Session

Council Member Lee made a motion to adjourn into a closed session

Council Member Judd seconded the motion

The Council unanimously agreed.

Closed Session

1. Motion to Open Closed Session

Council Member Judd motioned to open the Closed Session

Council Member Petersen seconded the motion

The Council unanimously agreed

2. Call to Order and Roll Call

Mayor Brian Vincent called the June 7, 2022 Closed Session to order

Roll Call -

Mayor Brian Vincent

Council Member Gary Petersen

Council Member Annette Judd

Council Member Jerry Chatterton

Council Member Michele Swenson

Council Member Brad Lee

Kyle Laws, City Manager

Boyd Davis, Assistant City Manager

Bryn MacDonald, Community Development Director

Casey Arnold, City Recorder

3. Closed Discussion Regarding the Sale and/or Purchase of Real Property, Pursuant to UCA §52-4-205(1)(d)

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

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

Council Member Lee seconded the motion

The Council unanimously agreed

16. Motion to Adjourn the General Session

Council Member Petersen motioned to adjourn

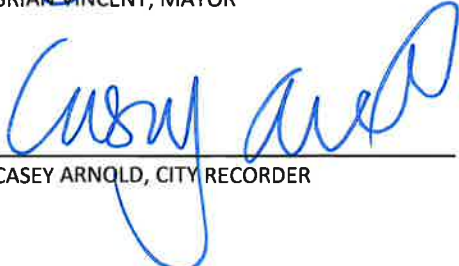
Council Member Chatterton seconded the motion

The Council unanimously agreed




BRIAN VINCENT, MAYOR

January 17th, 2023


CASEY ARNOLD, CITY RECORDER

January 17th, 2023