



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
JUNE 21, 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 June 21st, 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# 891 2605 7625 at <https://zoom.us/join> or by telephone at (669) 900-6833.

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

EXCUSED: None

CITY EMPLOYEES PRESENT: Kyle Laws, City Manager; 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

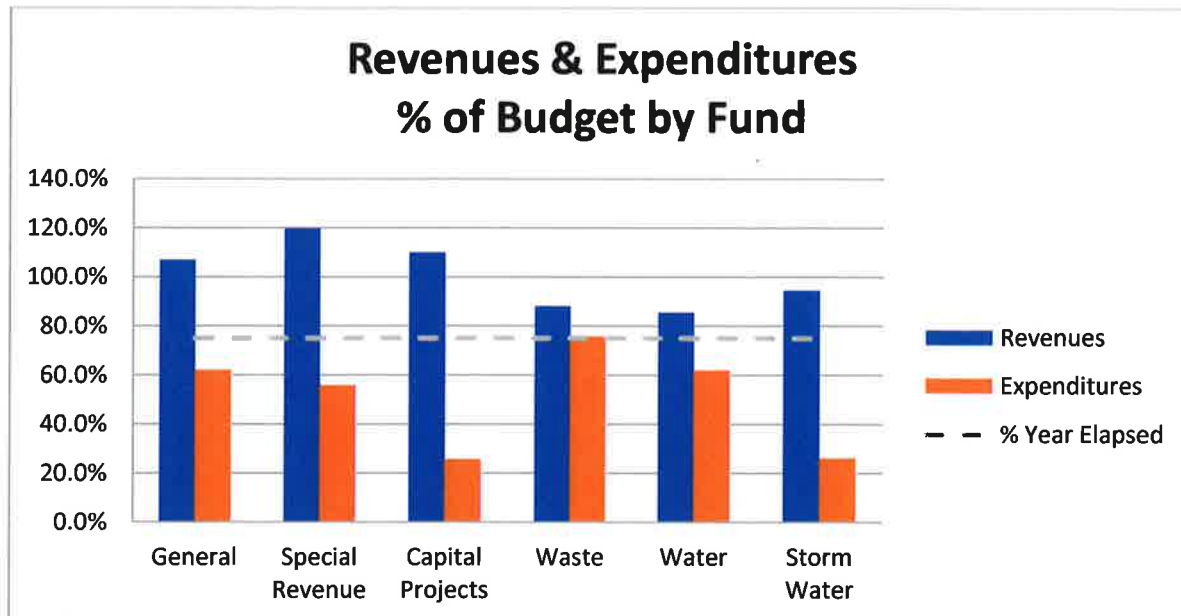
EXCUSED: None

VISITORS PRESENT: Tim Gooch, Richard Hoskins, Ruth Ann Henderson, Kent Henderson. No sign-in required for those attending virtually.

1. Quarterly Financial Update – Mr. Ryan Harvey

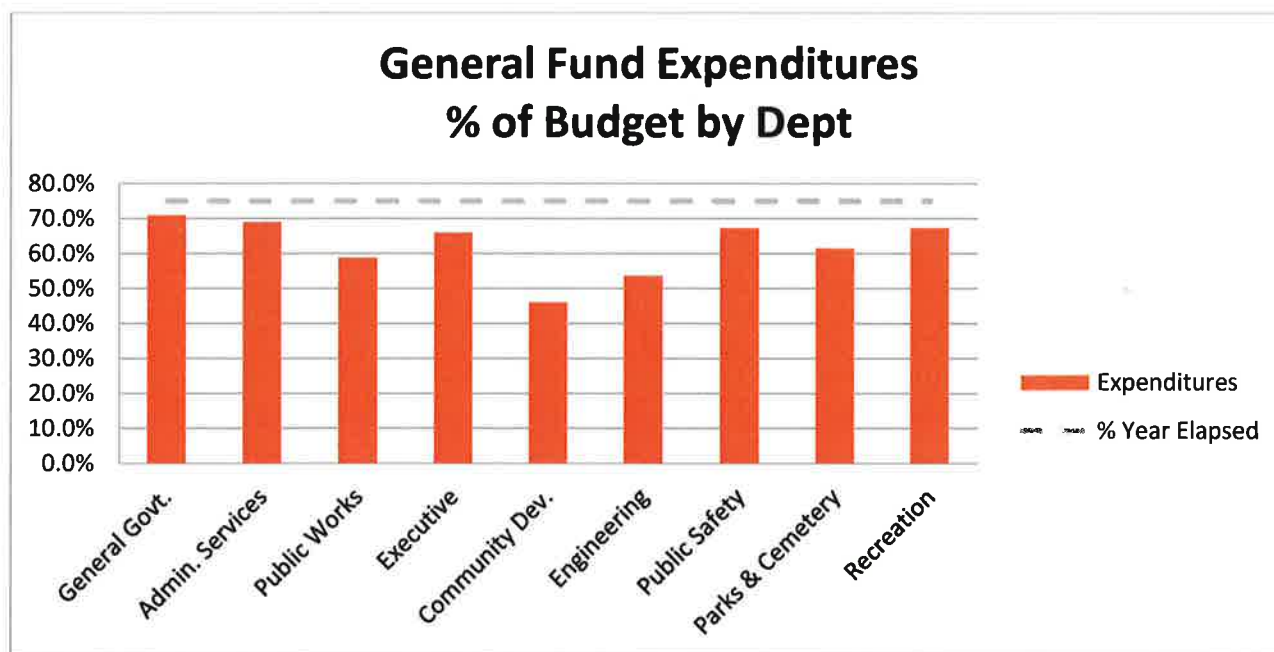
Mr. Harvey stated this 3rd Quarter report is being presented a few months later than normal, with the numbers reflecting the budget as of March 31st, 2022.

As shown in the first graph, revenues exceed expenditures in every fund within the City. With 75% of the year elapsed, revenues also exceed 75% in every fund. Expenditures are below 75% in each of the funds.



The only category of concern is the waste category. When the amended budget was completed, some capital projects required money out and that made the expenditures higher. As of May 31, 2022, the expenditures were over 100%, so there is an amendment during this meeting to correct it. In the end, revenues are ahead of expenditures, but the budget does need to be amended to not go over on expenditures.

The graph below shows how every City department is below the 75% line and no cause for concern.



2. Discussion Regarding the FY22 Amended Budget, FY23 Final Budget and 2022 Property Tax Rate – Mr. Ryan Harvey

Mr. Harvey stated due to the rapid growth in the City, both revenues and expenditures are higher for both sewer and garbage fees. In order to stay within the budget for the year, Staff is recommending the following increases:

Revenues

- Sewer Fees – From \$1,100,000 to \$1,380,000
- Garbage Collection Fees – From \$500,000 to \$565,000
- Greenwaste Collection Fees – From \$110,000 to \$120,000
- Recycle Collection Fees – From \$130,000 to \$142,000
- Can Purchase – From \$17,000 to \$40,000

Expenditures

- Garbage – From \$363,000 to \$500,000
- Greenwaste – From \$98,000 to \$100,000
- Sewer Collection and Disposal – From \$668,000 to \$868,000
- Sewer Impact Fees – From \$100,000 to \$151,000

These amendments will help to not overrun the expenditure budget.

The City Council at the last meeting on June 7, 2022, indicated they would like to continue the practice of going through the Truth in Taxation process each year. With that, the final budget will not be approved until August, and the City will operate on the Tentative Budget from July 1st until August. The final budget for the CDRA is not affected by property taxes, and so the final budget will be approved and effective at the start of the fiscal year (July 1st). There have been no changes since the Council adopted the tentative budget for the CDRA fund. The City received \$193,251 and the debt obligation is \$140,000.

In regards to the City's Fee Schedule, Staff is proposing the following changes:

- Consolidating the Commercial Business License Fee into one line instead of listing them all out separately
- Changing Home Occupation from \$50 to \$0
- Adding a fee from the Large Format Printer of \$2 per ft. for regular paper and \$3 per ft. for premium paper
- Changing "Board of Adjustment" to "Appeals Authority"

- Eliminating “\$150 if notices must be sent out” from Conditional Use Permit – Planning Commission
- Adding General Plan Amendment application for ~~\$300~~ \$550
- Adding Final Site Plan Review Fee (Commercial) for \$600/site plan
- Changing the heading SITE DEVELOPMENT REVIEW to SUBDIVISION FEES
- Adding Subdivision Plat Amendment for \$300
- Eliminating Final Site Plan Review Fee (Commercial)
- Changing Storm Drain Impact Fee to \$3,674 per acre for Residential and Commercial
- Adding Sewer Impact Fee – Proposed Annexation Area for \$5,200/ERU
- Changing North Davis Fire District Impact Fee (Single Family) to \$181.13
- Changing North Davis Fire District Impact Fee (Multi-Family) to \$181.13
- Adding Swimming Pool under safety and inspection for \$150

Mrs. MacDonald noted the General Plan Amendment application should be \$550, not \$300 as that fee was adopted a few months ago.

There are a few additional fees Staff would like to discuss with the Council in July and adopt in August. They include:

- Re-evaluating garbage fees – with the increase in the fees that the City is paying to our new hauler, Staff is conducting an analysis and will come with a few options for increasing those fees.
- Staff is looking into an increased fee to high water users due to the lower amount of water that the City has been granted this year. This is for those using culinary water to water lawns when the secondary water is shut-off.

Council Member Swenson asked if the current fee schedule has the garbage included, but will be amended due to the new contract and Mr. Harvey stated correct. Currently, the fees are included but need to increase due to the hauler increasing their fee.

Mr. Harvey stated property tax rate needs to be decided at this meeting to set the maximum allowable tax rate. Every year the Council has set that percentage at the previous years rate. Because that percentage is higher than the certified rate than in normal years due to property values increasing, Staff wanted to give Council time to discuss and decide what the rate should be. Last year, the Council did adopt the mid-point between the previous year rate and certified rate of 0.000737. Mr. Harvey also added into the chart, the CPI for our region at 8.6% or 0.000699. Staff pointed out to the average resident if Council adopted the 2021 rate, 0.000831, it would be mean about \$5 per month/\$60 per year increase over the certified rate. Council Member Chatterton asked what was the average house income and Mr. Harvey stated he did not have that number as a study was completed and it stated on that study what the average home in West Point was.

Proposed Rate	Projected Revenue	Amount over Certified Rate
0.000831 – 2021 Rate	\$824,052	\$185,437
0.000820	\$813,144	\$174,529
0.000800	\$793,311	\$154,696
0.000780	\$773,478	\$134,863
0.000760	\$753,645	\$115,030
0.000740	\$733,812	\$95,197
0.000737 – midpoint	\$730,838	\$92,223
0.000720	\$713,980	\$75,365
0.000700	\$694,147	\$55,532
0.000699 – CPI 8.6%	\$693,155	\$54,840
0.000680	\$674,314	\$35,699
0.000660	\$654,481	\$15,866
0.000644 – 2022 Certified Rate	\$638,615	\$0

Below is a chart showing the Certified and Adopted Rates since 2006, the year that North Davis Fire District was formed. The highlighted numbers are the years the Council adopted a rate above the certified rate:

Year	Certified Rate	Adopted Rate	Revenue
2022	0.000644	TBD	TBD
2021	0.000792	0.000831	598,455
2020	0.000877	0.000910	544,484
2019	0.000859	0.000917	509,283
2018	0.000881	0.000917	459,924
2017	0.000902	0.000945	434,260
2016	0.000984	0.000984	400,443
2015	0.001005	0.001036	376,649
2014	0.000996	0.001036	356,700
2013	0.001041	0.001111	337,970
2012	0.001111	0.001111	313,495
2011	0.001008	0.001008	308,326
2010	0.000910	0.000936	302,867
2009	0.000876	0.000876	281,926
2008	0.000773	0.000895	281,925
2007	0.000834	0.000834	228,710
2006	0.000909	0.000909	199,212

Mr. Harvey stated that he recently attended a finance conference it was stressed that cities should not have a high dependency on sales tax revenue. In 2021, sales tax was 52% of the revenue into the General Fund. As it has steadily been increasing, it will be a challenge to not be too reliant on sales tax revenue. Property tax revenue was 16.6% for last year's budget.

Mayor Vincent asked Mr. Harvey that from what he has learned from conferences and discussions there with his peers, what would be considered as a "healthy budget." For example, what percentage of the budget should be made up from sales tax, what percentage of property tax, what percentage of other revenue, and so. Mr. Harvey stated that there really is no standard because cities are so different and revenue sources vary so greatly. However, it is clear that cities sales tax revenue can be so volatile that it is best practice to not rely too heavily on it. Mr. Laws stated it is often referred to as a 3-legged stool for the general fund revenues: Sales tax, property tax, and fees for services. He does not know if it is accurate to make them all equal, might be ideal, but feels most cities are not close to that – West Point is a little lopsided with over 50% as sales tax.

Mr. Laws stated in previous years around this time frame, the law enforcement contract is discussed in terms of the contract increasing. He and the Mayor have had conversations with the Davis County Sheriff, the County Auditor, and the County Commissioners regarding the contract. This last week he received a spreadsheet from Curtis Koch, Davis County Clerk Auditor, who stated they are trying to get a more precise cost per deputy. The current contract ends December 31, 2022. The County paramedic program will end at that time and be taken over by the fire districts and fire departments. The City will be faced with some decisions soon on how to proceed and feels there are some good options to look at. There is not a lot of information to share right now, but looking at the numbers, the current contract is for 12 hours per day of active patrol. The Sherriff and his administrative staff recommend with the size of West Point and its current makeup two deputy's 24 hours, 7 days a week. If that happened, it would be an increase of about \$250,000 a year for the next 5 years. They are willing to stretch that out over a 5-year period. For only one deputy 24 hours a day, 7 days a week, the price would be around \$125,000 a year. When looking at maintaining the property tax rate and holding the same rate as last year, that amount is about \$185,000. He does not know where that will end up, but the best-case scenario is \$125,000 increase in the mid-year for law enforcement. The City has known this is something they would be faced with and over the last several years were able to receive through the Sherriff's office a good deal with the paramedic program and County Deputy as they needed to be in the area for quick service. There will be more to come and this will be a significant cost with the law enforcement contract.

Mayor Vincent stated with the information given by Mr. Harvey and Mr. Laws, a decision needs to be made regarding the TNT. Mr. Harvey clarified stating what is set tonight will go to the residents as the maximum allowable rate. Council Member Petersen asked if it will look to residents as they are proposing that amount as an increase even if it just a cap and Mr. Harvey stated correct.

Council Member Chatterton asked if it is communicated that this is a cap and Mr. Harvey stated it is not clear. Council Member Petersen stated it is communicated as that is the proposed rate. Mayor Vincent stated Mr. Laws has shared with him the State has very specific language used for this and it is worded as an increase. Mr. Harvey stated it is an increase and it states they are

proposing this amount, the amount the City Council sets. It does not state that the City Council can accept a lower rate. Mr. Laws stated it does not give reference of maintaining the current rate and does not give language that the is a result of inflation and increase in home value.

Council Member Swenson asked if the certified rate is lower than last year's rate and it was answered yes. She appreciated the proposed range given by Mr. Harvey to help see the amount of the projected surplus which can go to the law enforcement contract. Mr. Laws stated the 2022 certified rate of 0.000644 is probably the lowest rate ever. Mr. Harvey stated that drop from 2021 rate to the 2022 rate is a significant drop and has not seen one like that before.

Council Member Petersen stated the police contract makes him nervous to do anything definite at this moment based on what the lack of knowledge and what the future could bring. He would not like to collect too much ahead of time due to the uncertainty and would like to wait and see what comes. For the sake of the notice and with residents and inflation, he feels if they are higher than the CPI (0.000669), they need to figure out in the budget where costs can be saved as residents are having to do the same with their income. The City is experiencing inflation as well in the form of gas, materials, labor, et cetera and that is a good benchmark and reality to remember.

Council Member Chatterton stated he would have it at the 0.000831 and set it high, but then bring it down knowing it is not going to go that high. It is easier to set it high in case something does come in versus setting it lower and not being able to go up high where it needs to be. He would like to have a little room. Council Member Petersen stated it is a 29% increase.

Mr. Laws stated in regards to the other agenda items that need to be discussed, to move on and discuss this in the general session. He proposed Council Members to think about it in the meantime. Mayor Vincent agreed. Council Member Judd sought quick clarification on if taxes increasing at the 0.000644. Mr. Harvey stated the idea is it should be the same as last year. Council Member Petersen stated property tax last year was 0.000831 based on an assessment of the valuation of the City. That created an amount that need to be met. With the property values going up, the law states the amount of money this year is not allowed to be more than the previous year. Valuation prices do go up which means the rate goes down, 0.000664. It is an adjusted rate due to the valuation going up. Therefore, each home should come out the same. The City will collect the money. Some homes will go up more than others, so in reality it will not be the same due to the fluctuation and rate. The component growth is not included in the rate, but is included in the total dollars collected for new property taxes on new homes. Council Member Judd stated that does make sense. Utah has lower taxes compared to other states and is worried about the same things Council Member Petersen is. Council Member Judd stated the City incurred higher wages from employees and other expenses. Mayor Vincent stated correct and that is why it is hard to keep it at that number when all of the cost. Council Member Petersen stated State law requires if it is changed from the previous year amount, it be called an increase even if it is just an inflationary adjustment.

The Council will continue the discussion and will consider approval in tonight's General Session.

3. Discussion Regarding the West Point City Fraud Risk Assessment – Mr. Ryan Harvey

Mr. Harvey stated this is a new requirement as of two years ago and needs to be completed each year and presented to City Council before the end of the fiscal year. When the Risk Assessment first came out, there were a few items that needed to be created and corrected, but now they are in place, the City scored 395/395. There was a risk question that was scored higher and the City answered "Mitigating Control" on that question due to the small size of the City and certain positions having to overlap, but the City is currently doing all that is possible.

Council Member Petersen asked if there is an audit committee. Mr. Harvey stated yes and it involves the City Manager, Administrative Services Director, and a hired accountant. The audit is submitted to and verified by the State. Council Member Petersen recommended a Council Member (and not him) be placed on the audit committee to be in those meetings. This suggestion will be considered and discussed in future meetings.

The Council had no further discussion at this time.

4. Discussion Regarding At-Large Animals as Addressed in City Code – Mr. Kyle Laws

Mr. Laws stated eight years ago, the City Council adopted an amendment to the animal ordinance and exempted cats from the "At-Large" definition. At that time the practice of Animal Care of Davis County was to take at-large cats back to the shelter for holding until the owner claimed their pet and paid a \$40 fee. There were several residents who had issues with this practice because of

another Animal Care policy that would allow feral cats to be returned to the location of capture after being vaccinated. Some of the residents claimed their neighbors were trapping their domesticated cats and turning them in to Davis County Animal Control. Because they were considered domestic, the residents had to pay a fee to retrieve their cat from the shelter. These residents claimed they have cats for the primary purpose of catching mice and keeping them out of their homes and that they cannot do that job if they have to remain in the house all the time.

In recent months, the Animal Care officers have had many complaints about at-large cats and they feel constrained by the Code. The officers feel that there is nothing they can do to help with the issues because of the definition in our Code. After discussing the reasons behind the Code change with the officers, they explained their current practice regarding cats. They informed Staff that they do not have room for cats at the shelter and if they pick up a cat that has identification they will return it to the owner rather than taking it to the shelter. This change in practice certainly changes the need to exempt cats from the at-large definition. The officers suggested we consider a change to remove the exemption and allow them to address the at-large problems they are getting calls on. Knowing their change in practice, Staff believes a change would be appropriate and necessary. If this is protecting the residents who have cats for that purpose and they are able to get their cat back without having to pay money for it, this will allow the animal control officers to take care of "at-large" nuisance cats and have a better control over the issues they are seeing. This is for discussion only and if the Council agrees, then it will be on for resolution at the next meeting.

Council Member Judd asked if the resident has to pay a fee for the cat being a nuisance. She feels it is great animal control is willing to bring the cat back to the owner, but is curious. Mr. Laws stated it depends on the category. If it is a nuisance or problem cat, animal control will take it and the owner will have to pay to get it back. If it is just roaming and not being a nuisance and animal control picks it up or another resident picks the cat up and calls animal control, animal control will take it back to the owner. They do track how often a cat is picked up and if it has to be taken back multiple times, they will enforce more.

Mr. Laws stated animal care is becoming a full department of Davis County and when that does happen, there will not be multiple city codes to follow. The City will be asked to give up a portion of the property tax in the amount that has been paid to animal care for them to completely take over animal care and control and at that point, this Code will disappear.

The Council had no further discussion and will consider approval of the At-Large Animal Code change at the next meeting.

5. Discussion Regarding the West Fields Subdivision (Located at Appx. 814 N 4000 W) – Mrs. Bryn MacDonald

Mrs. MacDonald stated the applicant, Travis Taylor, is seeking final plat approval for a proposed subdivision called West Fields, located at approximately 814 N 4000 W. This development consists of 9.75 acres and is located in an R-2 zone with a max density of 2.7 units per acre. This development will consist of 26 lots ranging from 10,000 to 13,000 square feet. It will have public streets. There is a detention pond. The home located on the corner of 800 N and 4000 W will be removed. Staff's only concern was the access to the property north, part of Bennett Legacy. They spoke with Erik Craythorne who stated the access into the area is fine.

Council Member Petersen asked if there was adequate storm drainage onto 4000 W or where it needs to go. Mr. Davis stated yes as it will flow into the detention pond which will empty into the storm drain on 4000 W. There is a 24" or 30" pipe in that area.

Richard Hoskins, 3831 W 800 N: Mr. Hoskins stated the road on the east side of the development at the north does not line up with the future road for the Craythorne property. Also, if the City does expand Loy Blake Park and create a road at 3750 W and take it north to 800 N, it will leave an island of land, 74 feet wide, between his property and that future road. He does like the concept of the subdivision and wishes the lot sizes were a little bigger, but wanted to bring that to the Council's attention to potentially look at and correct.

Council Member Petersen thanked Mr. Hoskins for that information and stated further east on 800 N behind the Sun Meadows development, future road property is designated there for 3500 W to continue north. For this new subdivision, there is not a road designated, but appears to fit within the blocks and asked Mr. Davis if a road should go there as further north there is not property set aside for a road. Mr. Davis stated he has had similar thoughts, but has not been able to do a full review on this one yet, as this is just discussion. One thought he has had is if it should be a shared access between the properties or could it be shared. Another option would be to move the access road on this plan to the west but then it would run into Mr. Hoskins house. The only option would be to keep the access road where it is at or move the access road to the east property line. Mr. Davis stated they did have it once proposed in the center and that was probably due to this very problem. Mayor Vincent asked Mr. Davis to work with the applicant and Mr. Davis stated he would. Mayor Vincent thanked Mr. Hoskins for bringing that up.

Staff was instructed to work on a solution and the Council will continue the discussion in future meetings.

6. Discussion Regarding the Legacy Storage Subdivision at Appx. 4180 W 1800 N (Applicant Tim Gooch) – Mrs. Bryn MacDonald

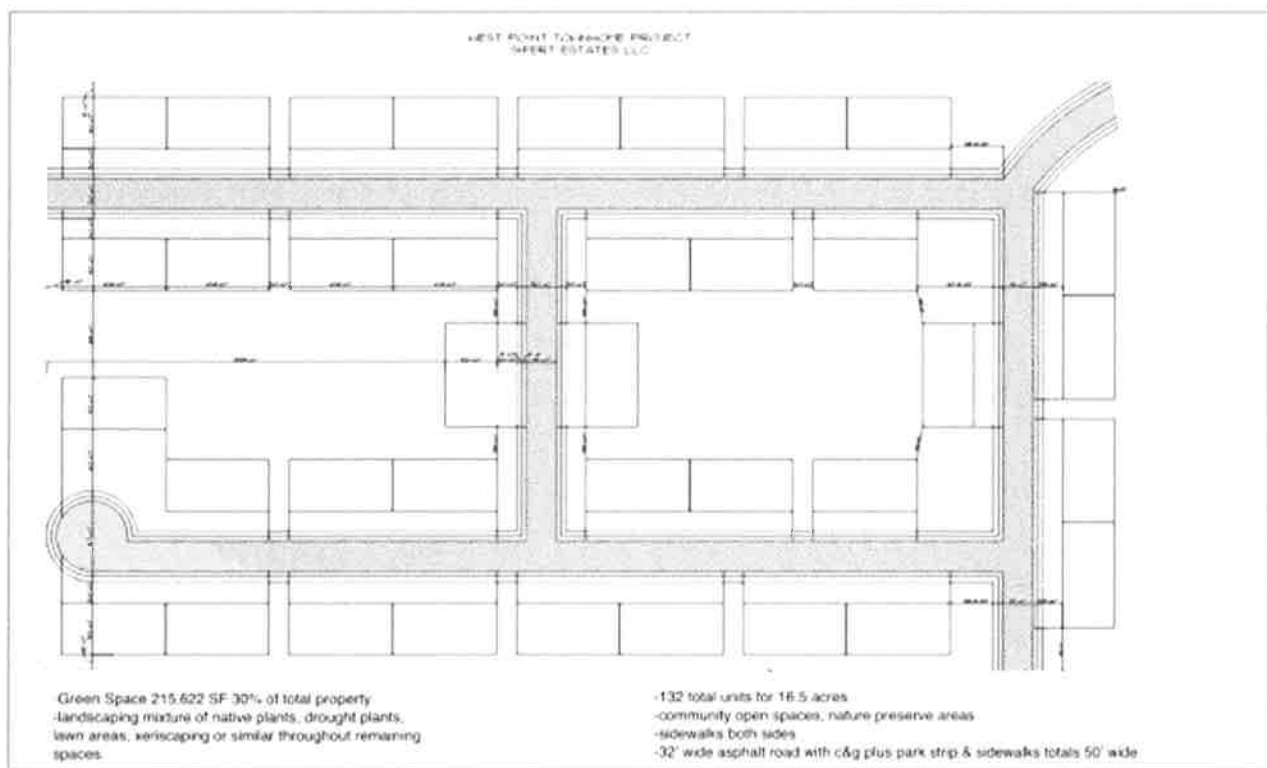
Mrs. MacDonald stated the applicant, Tim Gooch, is seeking final plat approval for the Legacy Storage Subdivision, located at approximately 4180 W 1800 N, a 2-lot commercial subdivision. A one lot subdivision was approved for this property in November 2021. The applicant has since determined that he would like to create 2 lots and is going through the subdivision process again. This is not amending anything as the first lot was never recorded. When the lot is developed, the applicant will need to come back for site plan and details.

Council Member Chatterton asked if lot 2 would be a flag lot. Mr. Davis stated on commercial is it not considered a flag lot. It does look like one, but it is not residential.

The Council had no further discussion and will consider approval of the final plat at the next meeting.

7. Discussion Regarding a Development Agreement and Rezone of Property at 1800 N 4500 W from A-40 to R-4 – Mrs. Bryn MacDonald

Mrs. MacDonald stated this property is the school district property located on 1800 N 4500 W. The application is to rezone the property from A-40 to R-4. It was recently changed on the General Plan to R-4 and the applicant is now asking to match the General Plan. There is a proposed development agreement attached. Mrs. MacDonald showed the Council a proposed site plan that has been seen in other previous meetings.



There was an original discussion where the applicant was seeking more density in an R-4, around 9-10 units per acre. The applicant has since come back stating only 8 units per acre which falls inline with R-4. The development agreement basically states up to 132 residential units as long as it falls within the guidelines of the Code. The site plan and subdivision still need to go through the process to ensure it meets the Code. If the 132 units does not fit within all the requirements, it would need to be changed. The development agreement states landscaping and amenities will be approved with the site plan as well as building elevations. Architectural requirements have been included such as brick, hardy board and no vinyl siding. Road improvements will take place on 1800 N and 4500 W including the 8-foot landscape buffer and fencing on both roads. The wetlands on the property need to be studied and engineered and if it is found to be designated as wetlands or jurisdictional wetlands, that space will not count towards the 30% open space required. The applicant can come back and seek an amendment to the agreement.

Mayor Vincent stated in regards to the number of units, 132, the wetlands will play a role if the applicant can fit that number in that parcel of ground. This will be discussed more in the general session.

8. Other Items

No other items were discussed and the Administrative Session adjourned.



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES WEST POINT CITY HALL JUNE 21, 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 General Session held on June 21st, 2022 at approximately 7:15 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# 891 2605 7625 at <https://zoom.us/join> or by telephone at (669) 900-6833.

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

EXCUSED: None

CITY EMPLOYEES PRESENT Kyle Laws, City Manager (*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: Tim Gooch, Richard Hoskins, Ruth Ann Henderson, Kent Henderson, Sid Parker, Lanny Ellis, Rick Twitchell, Rick Scadden, Brett Johnston, Bryan Bayles, Allen Clemons. No sign-in required for those attending virtually.

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

Council Member Swenson – Would like to recognize the West Point Youth City Council and the nice award ceremony they held the previous Wednesday evening. Along with Council Member Chatterton and Council Member Lee, she was able to attend the ceremony and felt that the Youth Council Members should receive more credit than they sometimes do because they do such a great job. She expressed her appreciation to all who work with the Youth Council because it is a great way for the youth to know more about city politics, and for all the effort that they put in for City events and all the service hours they are able to do.

Council Member Judd – None

Council Member Petersen – None

Council Member Chatterton – None

Council Member Lee – Reminded everyone the Party at the Point is coming up and is excited and hope everyone plans to attend. He stated there are three Council Members that are on the Fire District Board and wanted share with them about something special he witnessed. He witnessed a fire truck (not on a call) headed toward the park and came across a lemonade stand in the neighborhood. The fire truck turned around in a cul-de-sac, turned on the truck lights and siren, and pulled up in front of the stand where they all purchased lemonade. He stated it was fantastic to see the young kids so excited to see the fire truck and for them to purchase lemonade. He would like those Fire District Board Members to share that with the department as it makes this community even better to live in.

Mayor Vincent – None

5. Communications from Staff

Mr. Laws stated in regards to Council Member Lee's comment on the Party at the Point, some of the activities are split up a little different this year due to the 4th being on a Monday. The golf tournament takes place on Friday, July 1st with the 3-on-3 basketball event taking place on Saturday, July 2nd. The rest of the festivities will take place on Monday, July 4th. Usually the basketball event is held the night before, but did not want to hold it on a Sunday evening.

Mr. Laws gave a report on the movie in the park event held on June 10th. It was a wonderful event with around 400 people in attendance. Movie in the Park has not been held for a few years and when it was held, the attendance number was maybe half this amount. As this was the first one with a popular movie, he hopes the turnout will continue in the future. The food vendors did well and felt it was a great time.

6. Citizen Comment

Sid Parker – 3017 W 1050 N: Mr. Parker stated he would like to get on the agenda of the City Council to discuss some City ordinances that he feels are over reaching and over bearing. He received a citation from Bruce Dopp, Code Enforcement Officer, on items he feels are overreaching into whether his property is private property and where those boundaries are set for him to issue a citation for items on his driveway, vehicles in his driveway, and other items of that nature. He understands this is not a discussion period. He stated he could fill this room with neighbors who also feel are being mistreated by the City and the City ordinances. His desire is to be placed on a future meeting to openly discuss the matters and be productive. Mayor Vincent stated he will work with City Staff to contact Mr. Parker to get something set up. Mr. Parker stated he has been in contact with City Staff who have stated they are enforcing the ordinances set by the City Council, so he is now asking to meet with City Council to discuss these matters.

Rick Twitchell – 1885 W 75 S: He has lived in West Point since 1977 located near SR-193. He stated he hears the traffic noise and would like to propose an air-break sign in the area as everyone uses an air-break. He knows other places have them and he would like one located there to help. He realizes SR-193 is a State Road but asked if that is something the City Council can look into. Mayor Vincent stated that is something that can be looked into. Mr. Twitchell stated he recently retired as a junior Jazz coach for West Point. He started in 2003 and left in 2022. He also had something to do with the West Point City Wipeout. He is the one who originated it and designed the t-shirts. He would like to tell people the story about it because no one has ever asked. He asked for full-control of it for one reason. He was jealous because the gentleman who runs the program in Syracuse would not let his son play over there even though he himself coached for 4 years in Syracuse and his son played there for 4 years. He knew the tournament there was going to fail and the West Point tournament was going to succeed. He would have loved to see this gentleman come and ask to play in this tournament and for him to say no, but he didn't do that because he could not do that at that point in time and he wanted everyone to know this story because no one has ever asked about it. Mr. Twitchell also expressed that he would like to receive a letter of service to recognize his contributions to the tournament and recreation program.

7. Presentation of the 2022 Grand Marshal Award – Mayor Brian Vincent

Mayor Vincent stated Kent and Ruth Ann Henderson have been residents of West Point for 54 years. They have 3 children, 15 grandchildren, and 1 great-grandchild. On any given summer afternoon or evening, you would be able to find the Henderson's down at the park watching a baseball game of one of the many grandchildren or in the winter, watching them at the basketball courts. Kent served in the Army National Guard for 37 years and spent 39-1/2 years working at Hill Air Force Base as an accountant. He began his service to West Point in 2006 as a member of the Planning Commission before becoming a City Council Member in 2009. He served in that position for 13-1/2 years when his term ended in 2021. Ruth Ann was a kindergarten teacher in Davis County for 32 years. They have spent the last 20 years volunteering at the City's Party at the Point celebration on July 4th, particularly with the golf tournament and 5k events. Much of their lives have been spent serving the residents of West Point. They were presented as the Grand Marshal's for 2022 and presented with a plaque.

8. Consideration of Approval of the Minutes from the February 15, 2022, West Point City Council Meeting

Council Member Petersen motioned to table the minutes until the next meeting
Council Member Chatterton seconded the motion
The Council unanimously agreed.

9. **Consideration of Resolution of No. 06-21-2022A, Approving the FY2022 Amended Budget for West Point City – Mr. Ryan Harvey**
Mr. Harvey stated the amended to the budget is in regards to the Waste Fund, wherein expenditures for garbage, green waste, sewer collection and disposable, and sewer impact fees are higher than projected. As such, revenue funds for sewer fees, garbage collection fees, green waste collection fees, recycle collection fees, and can purchase are also proposed to be increased. The budget will still be balanced, as the increase in expenditures is off-set by the increase in revenues.

Mayor Vincent opened the 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.

The Council had no further discussion.

b. Action

Council Member Chatterton motioned to approve Resolution No. 06-21-2022A, Approving the FY2022 Amended Budget for West Point City

Council Member Swenson seconded the motion

The Council unanimously agreed.

10. **Consideration of Resolution No. 06-21-2022B, Approving the FY2023 Fee Schedule for West Point City – Mr. Ryan Harvey**
Mr. Harvey stated this was discussed in detailed during the work session. As a reminder, under section Planning and Zoning fees, the General Plan Amendment Application should read as \$550, not \$300.

The Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 06-21-2022B, Approving the FY2023 Fee Schedule with the one modification of the General Plan Amendment application to \$550 instead of \$300

Council Member Lee seconded the motion

The Council unanimously agreed.

11. **Consideration of Approval to Set the Maximum Allowable Property Tax Rate for Truth in Taxation Hearings – Mr. Ryan Harvey**
Mr. Harvey stated this was discussed in the work session. The certified tax rate has been set by the County at 0.000644. Last year, 2021, the tax rate was set at 0.000831 and the Council chose to go with a midpoint between the previous year's rate and the certified rate. He provided the Council with a table listing the rates and the different amounts between them. As discussed in the work session, if the 2021 rate was adopted it would be an average of \$5 per month/per household equaling out to \$60 per year/per household. What the Council adopts is what will be sent out to residents in the mail for tax notices and it is the maximum allowable rate. The Council may accept anything below that.

Council Member Lee reiterated Council Member Petersen's comments made in the work session stating residents are dealing with higher inflation and he feels it is their duty to help mitigate anyway possible that increase and to look at other possible solutions where revenue can come from. If feels this is being felt nationwide and any relief the Council can give, that is their due diligence.

Council Member Chatterton stated the rate that is adopted and advertise is not necessarily the final rate. The Council has been pretty consistent with going with a lower rate than advertise in years past. The reason Truth in Taxation is done is due to all the different variables and the Council does not know what will happen in 2 months and several things have the ability to change in that timeframe. He would rather set a rate a little higher knowing that rate will most likely not be the final rate, given the past history.

Council Member Judd stated she would not like to recommend anything lower than the CPI, 0.000699, and agrees with Council Member Chatterton on setting it a little higher, but is okay to accept the midpoint, 0.000737.

Council Member Swenson stated during the work session discussion, she narrowed in on the midpoint with the hopes to go lower. Everyone has seen increases in property tax year after year along with increase in home valuation causing the residents with fix incomes added stress. The most she would like to advertise is the midpoint hoping to be able to go down to the CPI rate or lower. She does understand there are still a few budgetary items unknown and a midpoint would be a good starting point with the hope to go lower.

Council Member Petersen stated he would like to stay as a maximum rate as possible as Council Member Chatterton stated these are maximum amounts that could be chosen and the Council can always go lower, never higher, once set. He would prefer it to be set no higher than the CPI rate.

Mayor Vincent asked Council Member Chatterton if he was okay with the midpoint and Council Member Chatterton stated he was good with that. Council Member Petersen stated the midpoint is a little too high. Council Member Lee stated he feels it needs to be lower to give our residents a break.

Council Member Petersen stated it would be nice to give our residents a break, but a break would be no tax increase at all and accepting the certified tax rate. He sees a lot of different situations in his occupation that show the inflation happening is significant and is sensitive to the high rate; however, the City deals with inflation as well and without the increase, the City does not have any way to pay for the additional items that are caused by inflation. There does need to be an increase to help the City function at the same level. He does not want to go above the CPI rate.

Council Member Chatterton motioned to set the allowable property tax rate for truth in taxation at 0.000737 as the advertise rate. Council Member Judd seconded the motion

Mr. Laws clarified that this would be the maximum allowable rate, not the advertise rate.

Council Member Chatterton amended his motion for 0.000737 as the maximum allowable rate
Council Member Judd seconded the motion

Roll Call:

Council Member Lee - Nay

Council Member Chatterton - Aye

Council Member Peterson - Nay

Council Member Judd - Aye

Council Member Swenson - Aye

The motion passes 3 to 2 as 0.000737 as the maximum allowable rate.

12. Consideration of Ordinance No. 06-21-2022A, Amending WPCC Section 17.70.060 – Accessory Dwelling Units – Mrs. Bryn MacDonald

Mrs. MacDonald stated at the June 7, 2022, City Council meeting, this item was discussed and it was determined to hold a public hearing this meeting. As the Council is aware, State Code has been making changes relating to Accessory Dwelling Units (ADUs). One of those changes involved in this ordinance is to permit internal ADUs (basement apartments). Other changes involved updating the requirements for ADUs as well as making text additions. Definitions have been added for internal, detached, and attached ADUs. A general standard added is to require a no-fee permit application to help track ADUs as State Code will require municipalities to track the number of ADUs and this application will help with that process. Other changes are the owner of the ADU must either occupy the ADU or the primary resident, cannot be short-term rental (less than 30 days), and the utilities must be the same as the primary dwelling. Internal ADUs cannot alter the appearance of the home to look like a duplex. Attached ADUs shall not exceed 50% of the square footage of the habitable area and in no case exceed 800 square feet. Some detached ADU standards are as follows:

- Detached ADUs shall be placed on a permanent foundation
- Detached ADUs shall have a similar appearance as the primary unit
- Detached ADUs may not be built within a recorded easement.

- For detached ADUs, the maximum size limit shall be based on the minimum lot size as specified in Table 17.70.060-1
- Mobile homes, recreational vehicles, or shipping containers shall not be considered a detached ADU
- An ADU shall not be sold separately or subdivided from the principal dwelling unit or lot unless compliant with subdivision regulations
- Detached ADUs shall follow the same regulations for lot coverage as outlined in Section 17.70.030(A)(2)
- No basements are allowed in detached ADUs

After speaking with the Fire Marshall regarding fire regulations for detached ADUs, the following wording was created:

- The maximum distance from a fire hydrant to the front entrance of the detached ADU shall not be greater than 500 feet as the "hose lies
- No portion of the detached ADU shall be further away than 150 feet from the public road.

The following tables are two options the City Council can adopt. Both tables outline requirements for all three types of ADUs. The first table outlines requirements if the City Council would like to adopt a detached ADU with a single story and a 2-story. The second table outlines requirements if the City Council would like to adopt a detached ADU with only a single story.

Table 17.70.060-1

	<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</u>	<u>15,000 sf</u>
<u>Size Limit, Habitable</u>	<u>No Limitation</u>	<u>50% up to 800 sf</u>	650 sf (on lots less than 12,000 sf) 800 sf (on lots greater than 12,000 sf)	<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>

Table 17.70.060-1

	<u>Internal ADU</u>	<u>Attached ADU</u>	<u>Detached Single Story ADU</u>
<u>Location</u>	<u>Part of Primary Dwelling</u>	<u>Attached to Primary Dwelling</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</u>
<u>Size Limit, Habitable</u>	<u>No Limitation</u>	<u>50% up to 800 sf</u>	650 sf (on lots less than 12,000 sf) 800 sf (on lots greater than 12,000 sf)
<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>Minimum Side Setback</u>	<u>Same as Primary Dwelling</u>	<u>Same as Primary Dwelling</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>Off-Street Parking</u>	<u>1</u>	<u>1</u>	<u>2</u>

The Planning Commission was comfortable adding the 2-story detached ADU, but Mrs. MacDonald stated she understands there is a concern and there is an option for only single story.

Mayor Vincent asked if an individual has a separate detached building and would like to place an ADU on the second story, would that need to follow the 2-story detached ADU requirements and Mrs. MacDonald stated yes. Mayor Vincent sought clarification that if the 2-story detached ADU is eliminated, an individual would not be allowed to do an ADU on an attached garage upstairs and Mrs. MacDonald stated correct.

Council Member Petersen asked in regards to the fire regulation, if there is already a detached structure outside of the 150-foot line, could the structure be grandfathered in. Mrs. MacDonald stated no, they could not add a unit in the detached structure. Council Member Petersen did ask Staff about 2-story ADUs and their opinions regarding them. Mr. Davis stated there has only been one proposed 2-story ADU, but the applicant changed the proposed plan. There are 2-story accessory buildings but none that are habitable. Council Member Petersen asked if the accessory building code has the same height restriction as the attached ADU (not taller than the primary dwelling) and Mrs. MacDonald stated it does not. Council Member Petersen stated he feels the accessory building code should be the same as the primary dwelling unit as currently the accessory building height is based on setbacks on the property and lot size.

Council Member Chatterton asked Mr. Davis if there are certain areas in the city where a detached ADU would not work due to inability to facilitate sewer. Mr. Davis stated it depends on the depth of the sewer at the street and depth of the sewer at the existing home, but sewer depth does make it a factor.

Mayor Vincent opened the public hearing.

a. Public Hearing

No comments

Council Member Chatterton motioned to close the public hearing

Council Member Petersen seconded the motion

The Council unanimously agreed.

b. Action

There was no further discussion.

Council Member Petersen motioned to approve Ordinance No. 06-21-2022A, Amending WPCC Section 17.70.060 – Accessory Dwelling Units and include option B that only allows detached single-story ADUs

Council Member Chatterton seconded the motion

Roll call:

Council Member Lee – Aye

Council Member Chatterton – Aye

Council Member Petersen – Aye

Council Member Judd – Aye

Council Member Swenson – Aye

The Council unanimously agreed.

Council Member Petersen commented with detached single-story ADUs, many residents purchased homes in a subdivision that has a certain feel and structure and sometimes an ADU can start to become invasive in a subdivision where the home was purchased. While State Code may start to make certain requirements, it is the City Council's responsibility to make sure property rights are not invaded upon and to help try and protect the original subdivision approved.

Council Member Chatterton added to Council Member Petersen's comment on already existing accessory buildings, they did not want the second story to become the ADU and have work performed below the ADU.

13. Consideration of Resolution No. 06-21-2022C, Approving a Development Agreement for 1800 N 4500 W – Mrs. Bryn MacDonald

Mrs. MacDonald stated agenda item 13 and 14 will be discussed together. The property at 1800 N 4500 W is 16.5 acres and currently owned by the school district. Last month, City Council changed the General Plan to R-4, allowing up to 8 units per acre.

There is now a rezone application to go from A-40 to R-4 to match the General Plan. The rezone approves the density, not any details as far as site plan or amenities. The development agreement gives both the City and developer certainty on what will be developed on the property. Some of the items in the development agreement are as follows:

- Developer must close on the sale of the property within 14 days
- Up to 132 residential units
- Site Plan and subdivision to be approved by Planning Commission and City Council
- Site Plan and building elevations to be similar to those submitted
- Landscaping and amenities to be approved with Site Plan
- Building elevations to be approved with Site Plan
- Architectural requirements, such as brick and building articulation
- Road improvements, landscaping, and fencing along 1800 N and 4500 W. The agreement also discusses timing of those improvements and drought potential issues and escrowing for those improvements.
- Wetlands must be mitigated or found to be non-jurisdictional, or they do not count as open space or towards the gross area for density calculation
- Developer can request an amendment to the agreement to allow any wetlands to count towards open space/density.

The development agreement does not need to go to Planning Commission as it does not alter anything with the zoning ordinance. The rezone at Planning Commission was a split-vote in favor of approval to R-4.

Mayor Vincent stated he is aware Staff has worked tirelessly on the development agreement, going back and forth with the developer, and feels the development agreement has gone through several iterations.

Council Member Petersen asked how extensive the plan is for the storm drain and if it considers on the west end of the property the ditch. Mr. Davis stated there is no large ditch located in the area. Council Member Petersen stated if there was one in the area, he would have recommended to do a ditch to allow the ground water to drain off and asked Mr. Davis to double check on the ditch. Mr. Davis stated that is a good point as this area has a high-water table and luckily the development does not have any basements proposed. The drainage details have not been gone through all the way, but he will make a note of it and if the underdrains are needed, they can do that. Council Member Petersen asked if in the development agreement it stated basements are not allowed. Mr. Laws stated the development agreement does state basements are not allowed.

Council Member Petersen asked how this development connects to the sewer line. Mr. Davis stated there is an existing sewer line on 4500 W 1650 N. Council Member Petersen asked about road access as 1800 N is a State road. Mrs. MacDonald stated 1800 N needs to have approval from UDOT and that is listed in the development agreement and 4500 W is a city road. Council Member Petersen asked the likelihood of approval from UDOT for 1800 N. Mr. Davis stated they have already received something of an approval from UDOT as it will line up with a road on the south side of 1800 N. Council Member Petersen asked if there are adequate access points for the subdivision with the amounts of unit. Mrs. MacDonald stated they have accesses on 1800 N and 4500 W and that is adequate amount.

Council Member Petersen asked what some of the concerns were from the Planning Commission and the reason behind a split-vote. Mrs. MacDonald stated there were some concerns regarding density and timing as the West Davis Corridor was not to this area and would not be for some time. Some commissioners felt it was going to comply with the General Plan and if the General Plan contained the density, it would be okay. Council Member Swenson stated there was also a concern regarding traffic and the impact it would have. Council Member Petersen stated there was a discussion at one point about aligning 4500 W as it approached 1800 N. He asked if there is any background or input on this. Mayor Vincent stated there was a discussion as the property owner on both sides of the road is the same owner and will be easier now to shift it over and line it up. It will be addressed on the south side of the road. Council Member Petersen asked if an action item can be done to contact the land owner and discuss and ask to get it done. Mayor Vincent agreed.

Council Member Petersen stated as an opinion, he is not fond of the development but where it meets the General Plan and is by high capacity transportation routes, it is probably as good as it will get. Mr. Laws stated 1800 N is budgeted to be expanded and have an interchange at I-15, so the road will be reworked in the coming years. Mayor Vincent stated there will also be an interchange for the West Davis Corridor on 1800 N.

Council Member Judd motioned to approve Resolution No. 06-21-2022C, Approving a Development Agreement for 1800 N 4500 W Council Member Chatterton seconded the motion
The Council unanimously agreed.

14. Consideration of Ordinance No. 06-21-2022B, Approving a Rezone of 1800 N 4500 W from A-40 to R-4 – Mrs. Bryn MacDonald

Mrs. MacDonald discussed the rezone as part of the development agreement.

Mayor Vincent opened the public hearing.

a. Public Hearing

Tim Gooch, 1176 N 4500 W: Mr. Gooch stated in the master plan, this was a school district property and asked when it changed to R-4 on the master plan and asked if there should be commercial along 1800 N. Mr. Gooch stated he does own property near the area and it has been difficult as commercial has been kept on the road and now on a corner where commercial would be beneficial, it is R-4 and commercial has gone away.

Council Member Petersen motion to close the public hearing

Council Member Lee seconded the motion

The Council unanimously agreed.

b. Action

There was no further discussion.

Council Member Judd motioned to approve Ordinance No. 06-21-2022B, approving a rezone of 1800 N 4500 W from A-40 to R-4

Council Member Chatterton seconded the motion

Roll Call:

Council Member Lee – Aye

Council Member Chatterton – Aye

Council Member Petersen – Aye

Council Member Judd – Aye

Council Member Swenson – Aye

The Council unanimously agreed.

15. Consideration of Approval of Ordinance No. 06-21-2022C, Vacating a Public Utility Easement for the Craythorne Homestead Subdivision Phase 2 Plat Amendment – Mrs. Bryn MacDonald

Mrs. MacDonald stated agenda item 15 and 16 will be discussed together. Craythorne Homestead Subdivision Phase 2 located on 549 S 4500 W is seeking a plat amendment to combine two lots; however, there is a public utility easement on the north side of the lot that needs to be removed as it would run down the middle of the lot. A public hearing needs to be held to vacate the public utility easement and there will be new easements on the newly combined lot. Mayor Vincent asked if there is anything in the easement and Mrs. MacDonald stated no.

Council Member Swenson asked if the owner of the lots is the same person and Mrs. MacDonald stated yes. Mrs. MacDonald clarified that all lots have utility easements around them whether utilities are located in them or not and 95% of the time, the easement can be vacated.

Council Member Petersen asked if the owner is intending to build a structure and it was stated only an accessory building, not a residential building. Council Member Petersen asked where the easement will be placed and Mr. Davis stated it would be placed on the north side once the lots are combined.

Mayor Vincent opened the 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 motioned to approve Ordinance No. 06-21-2022C, Vacating a Public Utility Easement for the Craythorne Homestead Subdivision Phase 2 Plat Amendment

Council Member Judd seconded the motion

Roll call:

Council Member Lee – Aye

Council Member Chatterton – Aye

Council Member Petersen – Aye

Council Member Judd – Aye

Council Member Swenson – Excused (*temporarily stepped out of the meeting*)

The Council unanimously agreed.

16. Consideration of Approval of the Amended Plat for the Craythorne Homestead Subdivision Phase 2 – Mrs. Bryn MacDonald

Mr. Davis clarified the comment made earlier regarding the new placement of the public utility easement in agenda item 15. City ordinance only requires an easement on every other property line, not every lot.

Council Member Chatterton motioned to approve the amendment plat for Craythorne Homestead Subdivision Phase 2

Council Member Lee seconded the motion

The Council unanimously agreed.

17. Discussion and Consideration of Approval of Resolution No. 06-21-2022D, Approving the SR-193 Access Agreement – Mr. Boyd Davis

Mr. Davis stated this item started last year with discussion taking place between UDOT and Kyle Laws and former Mayor Eric Craythorne. This is an agreement between UDOT, West Point City, and Syracuse City to identify all access points along SR-193. UDOT has granted additional access points; however, they are limited to right in and right out (RIRO) only which will be important for future commercial development. Some of the main points of the agreement are:

- Traffic signals will be allowed every ½ mile.
- Right-in/Right-out access will be allowed midway between each signal.
- Between 4000 W and 4500 W full movement intersections will be allowed at 4100 W, 4250 W, & 4375 W. A RIRO access will also be allowed at 4450 W. The road classification changes after the West Davis Corridor and this allows additional access points.
- All RIRO access will require a center median or barriers to prevent left turns that will be built and paid by developer or City.
- The access points may be adjusted up to 200'.
- The cities will "strictly" agree to these access points.

UDOT has allowed east of the West Davis Corridor interchange at SR-193, a RIRO access but must be a minimum of 600 feet away from the West Davis Corridor and only allowed on the north side of the road. Mayor Vincent asked the reasoning behind this and Mr. Davis stated he does not remember exactly, but it might be due to the lanes coming off the corridor.

Council Member Lee motioned to approve Resolution No. 06-21-2022D, Approving the SR-193 Access Agreement

Council Member Petersen seconded the motion

The Council unanimously agreed.

18. Consideration of Resolution No. 06-21-2022E, Approving an Amendment to the Development Agreement for the Sunset Vistas Subdivision (AKA "Seasons at Simpson Springs") – Mrs. Bryn MacDonald

Mrs. MacDonald stated in the Sunset Vistas development agreement, it listed for the developer to landscape the private park and both front and rear yards of all the homes in the subdivision. Due to drought conditions last year, the park and yard landscaping was unable to be installed. The developer was required to install the park per the approved plans attached to the development agreement. These plans show sod in the center of the park, with "natural" landscaping on the north and south. Despite the City's

request that the developer wait to install sod, the sod has now been installed in the park and some areas were changed to rock landscaping. The developer is requesting that the City approve the amended landscaping plan, just for the park, to accept the changes that have been made, rock instead of sod areas.

Council Member Swenson clarified this is only an amendment to the development agreement for the park, not for the front and rear yard landscaping. Mrs. MacDonald stated yes. The development agreement does give options if the developer is unable to landscape the front and rear lots. Mr. Laws stated that is a discussion that needs to happen as the formal approval is an amendment to the development agreement allowing them to do the rock and not the landscaping. Mr. Laws stated they believe the developer has met the intent of the settlement agreement. While they may not love it, the settlement does not go more than the "natural" areas mentioned in agreement. Staff has visited the area and feel they have met the settlement agreement and that is what the amendment is for. After the mention, a discussion needs to take place for options the developer can do for the front and rear yard landscaping.

Council Member Judd asked if there were any perimeters or specifics for the natural area. Mayor Vincent stated it read as native foliage. The pathway was included on it and it was to be a rock or gravel type path. This has been completed. At the last meeting, he made comments to the integrity of it and the difficulty to use the path with bikes or stroller; however, he walked the path again and grasses and weeds have grown around the rocks causing the path to firm up some and this might allow the path to be used for bikes and strollers. The grasses and weeds will need to be mowed down. Council Member Chatterton disagreed as he walked it last week noting the tall weeds and grasses and is worried about it not solidifying and something that cannot be mowed due to the loose rocks and flying hazard. Mr. Laws stated in the settlement agreement it was not listed more specifically that it would be a rock path and this could have possibly been caught, but this development had several issues and this part was not the highest concern focused at that time. Whether the rock path is liked or not, there is not any legal justification that can be taken as they have completed what was in the settlement agreement.

Council Member Petersen motioned to approve Resolution No. 06-21-2022E, Approving an Amendment to the development agreement for the Sunset Vistas

Council Member Chatterton seconded the motion

Aye: Council Member Lee, Council Member Petersen, Council Member Chatterton, and Council Member Judd

Nay: Council Member Swenson

The motion passes 4 votes to 1.

After the motion, the Council discussed the front and rear yard landscaping as written in the staff report. Mr. Laws reminded Council that at the last meeting, Staff was instructed to go back and come up with some options for the developer or with the developer to help solve the landscape problem.

Mrs. MacDonald stated due to the drought, the majority of the landscaping could not be installed last year. The developer has been working with the City to determine how the landscaping should be completed. Staff recommends that the developer install as much as possible considering the drought conditions. This means fully landscaping the front yards as the front yards are not very large and all landscaping in the rear yard, except sod. Staff suggests the developer approaches each homeowner with the following options for the rear yard and the homeowner can choose one:

1. Install all landscape amenities called for in the original agreement with the exception of sod and have the sod amount be placed in escrow. Or
2. Install nothing in the rear yard, with the exception of a sprinkling system, and have all other elements be calculated and placed in escrow. Or
3. Install nothing in the rear yard and have all elements be calculated and placed in escrow.

Mayor Vincent stated with the drought, it places them in a difficult position, but the residents do deserve something. It does beautify the City to have the front yards landscaped and completed. For the rear, they are recommending the developer have an escrow account for each individual homeowner which does allow them some say in what happens in the backyard. Some residents do not want sod and would prefer xeriscape which this allows them some money to go towards that.

Mr. Davis stated as a clarification on the choices listed above. The developer stated they would do vouchers, not escrows, for the future. He would like to know if the Council would like to have cash in an escrow account or if a voucher is okay. Mayor Vincent asked if the voucher was for the developers landscaping crew or what the voucher would be for. Mr. Laws stated it

would be a voucher for sod and if the resident chose not to do sod, the voucher would not be able to be used. Mr. Davis stated the development agreement does use the word escrow.

Council Member Chatterton stated the escrow gives the resident the power and right to do what they would like with the backyard versus a voucher. He read part of an email that all council members received from Emil Vargason stating, "He did like the idea of Richmond providing full landscaping now and providing us a voucher or some escrow money put into sod or some form of xeriscape. We also feel like the idea of placing rock in the park strip instead of grass, like they are doing with the Payne property, is a great solution as well." An escrow type of agreement to him still works the best allowing the resident to do what they would like and they are not tied to a landscaper or sod farm.

Council Member Lee stated whatever can happen to help hold this developer accountable to take care of the residents, he would like that option. He feels the residents in this subdivision have not been taken care of and would like the developer to be held accountable and help them out. Mayor Vincent reminded everyone in attendance, the developer did not make the deal but had bought into the deal and some residents in the subdivision were not aware of that. Council Member Lee agreed with Council Member Chatterton as he feels the escrow provides a better solution and holds them more accountable while letting the resident choose what they want.

Council Member Petersen thanked Council Member Lee's comment. He does like the front yard to be landscaped completely and is in all favor of the 3 options Staff came up with and complemented them on the work performed. He believes it should be funds in escrow allowing the resident the ability to choose what they would like to do without restrictions.

Mr. Davis stated the escrow agreement stated the money in the account has to be used for the express purpose (of landscaping). It might be more detailed, but they would have to use it for the express purpose in the agreement.

Mayor Vincent stated the developer did mention due to the economy, they are able to get landscape products cheaper than what a homeowner could, so the escrow amounts will be calculated at that cost. As a reminder, this item is not on for a vote and is only as discussion to return back to Richmond.

Mr. Laws stated he feels the escrow fits with what is in the development agreement. There is one building permit still being held that Richmond would like released and are threatening involving legal counsel. He does not know if there are other methods that could help hold them to the development agreement if that permit is released. Mayor Vincent stated he spoke with Mr. Davis about some possible ideas. One idea was to create an escrow account with the City for the front yard landscaping with an added in penalty fee and deadline date to help hold the developer accountable to complete the work and if finished in the timeframe, release the penalty fee back. Council Member Petersen stated he does like that option as it allows the permit to be released, but give the City the money in case the developer walks away and not complete the job.

Mayor Vincent stated the concern is where the development agreement states escrow, they will escrow both front and rear yards and take the building permit. Mr. Laws stated he feels like they are possibly open to landscaping the front yards. The issue is only 3-4 yards at a time can be finished. It could take all summer and into the fall to complete the subdivision. They have been trying to abide by the secondary water request to not install landscaping.

Mayor Vincent stated they will take these ideas to them and have that discussion. The Council

19. Consideration of Resolution No. 06-21-2022F, Approving a Development Agreement for Bluff View Estates Subdivision Phase 4 – Mrs. Bryn MacDonald

Mrs. MacDonald stated Bluff View Estates Subdivision Phase 4 needs to have a second access through the City Cemetery. This has been discussed at several meetings and the solution has now come back to have a road on the south side of the cemetery connecting into phase 4. The road will be a 20' emergency access road south with 18' asphalt and 1' concrete on each side. The road down the middle of the cemetery will be a 14' road. There will be 14 trees, 3" caliper placed along the east side of the cemetery. Between the cemetery and development there will be a crash gate with Knox box. This would need to be completed before any certificate of occupancy is issued.

Mr. Laws stated when he and Mr. Davis were at the cemetery walking where the road in the middle of the cemetery would be, they both felt like the road should be 12' to help make it more one-way, which would equate to 10' asphalt and 1' concrete ribbon on both sides. Mayor Vincent stated this would encourage the road to be one-way road and hopefully deters others parking in the

center road. Mr. Laws stated this will be an infrequent busy road and the busy day for traffic would be Memorial weekend and there are things the City can do to help not allow access that weekend.

Council Member Petersen stated he is okay with the road placement on the south.

Mr. Laws stated regarding the location of the shed that needs to be removed and replaced, there has been discussion about moving it to the south-east boundary side of the cemetery if the developer is okay with the location.

Council Member Lee stated it most likely has been a difficult time for the developer involved to get this road but he feels like it was the City Council's job to make sure this is done correctly and the best way for those families who already have loved ones buried and plots reserved.

Council Member Judd stated she is all for improving cemeteries, but feels the way this second access was obtained was not the best appropriate way and her vote will reflect that. She does appreciate Staff and all the hard work and echoed Council Member Lee's comments.

Council Member Lee motioned to approve Resolution No. 06-21-2022F, Approving a development agreement for Bluff View Estates Subdivision Phase 4 with the 12' road in the middle

Council Member Swenson seconded the motion

Aye: Council Member Lee, Council Member Chatterton, Council Member Petersen, and Council Member Swenson
Nay: Council Member Judd

Motion passes with 4 to 1 vote.

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

Mrs. MacDonald stated Bluff View Estates Subdivision Phase 4 now has two accesses and is seeking final plat approval. Mayor Vincent stated they have received all approval letters and the developer has agreed to widen 50th S to the property line for future permanent access to the subdivision.

Council Member Lee motioned to approve the final plat of phase 4 of the Bluff View Estates Subdivision

Council Member Judd seconded the motion

The Council unanimously agreed.

21. Motion to Adjourn the General Session

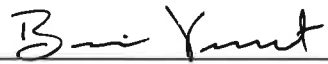
Council Member Judd motioned to adjourn the General Session

Council Member Lee seconded the motion

The Council unanimously agreed.



Minutes Approved this 7th day of March, 2023



Mayor Brian Vincent



Casey Arnold, City Recorder