



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
July 19th, 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 July 19th, 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# 835 7590 0057 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; Casey Arnold, City Recorder; and Kasey Gibson, Public Works

EXCUSED: None

VISITORS PRESENT: Kim and Dan Harris, Ron and Joan Harry, Craig Jacobsen, Lee Wells. No sign-in required for those attending virtually.

1. Discussion Regarding the 2021 Municipal Wastewater Planning Report – Mr. Kasey Gibson

Mr. Gibson stated that the purpose of the Municipal Wastewater Planning Report (MWPP) is to help owners of municipal sewerage systems in evaluating and summarizing the technical, operational, and financial conditions of their systems. These types of evaluations can help identify and resolve potential problem areas before they become serious and costly, and also understand aging infrastructure. A few highlights from this year's report are that an additional 3.7 miles of sewer pipe have been laid in the system since the last MWPP. The Sunview Lift Station has also come online and is operational, bringing a total of two operational lift stations in West Point. Staff recommends for Council to adopt this by resolution.

Mayor Vincent asked if this is a voluntary report and Mr. Gibson stated it is mandatory and completed every year. Council Member Chatterton asked where the Sunview Lift Station is located. Mr. Gibson stated approximately 5200 W 1150 N, on the west side of the project. As development is built more out west, this lift station will eventually go away and another one will be built.

The Council had no further discussion and will consider approval of the Planning Report in tonight's General Session.

2. Discussion Regarding the Postponement Agreement at 4398 W 800 N – Mr. Boyd Davis

Mr. Davis stated that Spencer King, the applicant, residing at 4403 W 800 N, owns one lot across the street that he is preparing to build a new home on, and is requesting a postponement agreement. Postponement agreements can be appropriate in situations where it is not necessarily logical to install a curb, gutter, and sidewalk at the time a property is developed, because it has not yet been installed along that section of road. In this situation, no curbs, gutters, or sidewalk exist along 800 N, and a postponement agreement would ensure that it is installed on this one property when the surrounding properties are developed. Mr. Davis reminded the City Council that one-lot subdivisions are now approved by City Staff, however, a postponement agreement must still be approved by the City Council. Staff recommends approval of a postponement agreement for this property.

Council Member Swenson inquired as to where this property is located in regards to the West Davis Corridor (WDC), which Mr. Davis stated will run to the east of this home. Mr. Davis stated as history on this particular lot, the previous owner had intentions of building a house and had turned in water shares and had the utilities installed, but did not go any farther in the process. Mr. King has now purchased the lot and is now ready to build. Council Member Swenson asked for confirmation that the postponement

agreement is stating that no curb, gutter, and sidewalk needs to be installed with development of the lot, but when 800 N is widened and those improvements do take place, Mr. King will need to have it installed at that time, and at his own expense. Mr. Davis confirmed this, adding that the agreement is recorded on the parcel so if Mr. King does sell this parcel, whoever the owner is at that time will need to do those improvements.

3. Discussion Regarding an Acceptance of Deed for Property at 2234 W 300 N – Mr. Boyd Davis

Mr. Davis stated that the applicant, Shane Turner, has requested to split the property at 2234 W 300 N into two parcels and create a flag lot out of the second parcel in the back. The flag lot has not yet been approved, but as he has been working through the process, a survey was completed and it was discovered a portion of the City's well-house building is on the southwest corner of the property. This well has not been in operation for the last 40-50 years; however, it can be functional, but is old and most likely would not be used. Mr. Turner's request is to deed the property identified in red to the City at this time, and in exchange, use the fence on the east side of the well-house as the property line in the future. The portion of the property to the fence line is nearly equal in size to the portion he would be deeding to the City. Mr. Turner will ask for that property later, and Mr. Davis stated that Staff feels the request seems reasonable. At this time however, he is simply trying to deed the well-house portion to the City. The other part of the well house sits on the neighbor to the east property and Mr. Turner has contacted them asking them to deed it to the City as well.



Council Member Chatterton asked if this will allow a flag lot to be created with the exchange. Mr. Davis stated this does not have anything in relation to the flag lot. Council Member Chatterton asked why the angle for the deed part and Mr. Davis stated he believes an existing fence does create that line. Mr. Davis stated that Mr. Turner has already recorded a deed transferring the small piece of property to the City; however, this does not become official until the City accepts it. The County Recorder contacted Mr. Davis and asked that an Acceptance of Warranty Deed Document be prepared and accepted by the City Council. Staff recommends accepting the deed via resolution. Council Member Swenson asked for confirmation that this deed is only for the red portion being deeded to the City, not also deeding the portion to the fence (in yellow) to Mr. Turner. Mr. Davis confirmed that and stated that the deed for the portion will be considered for approval at a future time.

Council Member Peterson inquired as to whether there would be enough property left after deeding that one section to Mr. Turner for the City to adequately access and operate the well, should it ever be needed. Mr. Davis stated that there is enough room, but he does not foresee this well ever being used, as a more function well exists that would be used instead. Mayor Vincent inquired as to why the City still has the well, and Mr. Davis stated that this is a good question – there has been discussion about abandoning this and transferring the rights to a different well, but it has not been done yet. There is a process to go through. He confirmed for the Mayor that if and when the well-house is abandoned, it would be deeded back to the property owners.

There was a discussion on the corner of the red triangle and why not let the future deeded portion of the yellow rectangle go back to Mr. Turner, so not to create an odd section there. Mr. Davis stated he believed he might have drawn the red triangle wrong there as the yellow rectangle does go all the way back and not create the east triangle section above the yellow rectangle. Council Member Judd asked if there is title insurance involved that has the potential to come back and create a conflict. Mr. Davis stated he does not believe so as it is only 264 square feet and there is no title insurance proposed.

The Council will consider approval of accepting the deed in tonight's General Session.

4. Discussion Regarding Garbage Rate Increase – Mr. Ryan Harvey

Mr. Harvey stated earlier this year, the contract for waste collection services with Econo Waste had expired and the City put out a Request For Proposal (RFP). Bids were received from ACE Collection and Recycling, as well as Econo Waste, and ACE was awarded the contract. Staff had indicated at that time that there would need to be new rates adopted for the FY2023 Budget, as regardless of which provider was chosen, the City's cost would be increasing. Mr. Laws noted that in looking at the numbers below, it is important to understand that the rate listed is for what the City was paying Econo Waste in accordance with the previous contract, but that

	Econo Waste		ACE	
Start Date	Rate	Price	Rate	Price
1st Black	3.50	11,746.00	5.27	17,686.12
2nd Black	1.50	1,315.50	1.50	1,315.50
Blue	3.65	8,949.80	4.29	10,519.08
Green	3.65	6,194.05	3.31	5,617.07
Fuel		839.00		
Total		29,044.35		35,137.77

they were increasing their rates for all the cans to \$5, which would have been an increase of approximately \$41,000 for a new contract. Mr. Harvey confirmed that, stating that ACE was the lowest bid received.

Wasatch Integrated Waste also increased their fee by 3.8%. At this time, City rates need to be increased to account for these increases. To determine what an appropriate increase would be, a formula was used to determine the cost and then added 15%. The 15% accounts for staff time answering phone calls from residents, coordinating service with ACE, delivering and picking up cans from residents; replacement cost of cans that have been damaged from wear and tear; the cost of the dumpsters at the parks, city hall, and public works facilities; the cost of the spring and fall clean-ups; and the cost of extra service during the 4th of July celebration. Mr. Harvey stated that total amount paid to ACE and Wasatch Integrated for the month of May was \$70,181. This was the number used when determining the cost plus 15%. He stated that it is important to know that ACE will charge a cost of living increase each year based on the U.S. Bureau of Labor Statistics, West Region; it is not a set amount for a certain number of years.

Mr. Harvey presented four proposals to the Council for discussion:

Proposal #1 – Actual Cost + 15% with 1st and 2nd Black Can Equal (Rounded)

	Current Cost		Proposal #1		
	Rate	Total	Rate	Difference	Total
1st Black	11.80	40,226.20	13.50 (13.36)	1.70	46,021.50
2nd Black	10.00	9,050.00	13.50 (13.36)	3.50	12,217.50
Blue	4.75	12,179.00	4.75 (4.93)	0.00	12,179.00
Green	6.00	10,266.00	6.00 (6.08)	0.00	10,266.00
Total		71,721.20			80,684.00

The purpose of Proposal #1 is to have the 1st and 2nd black can at the same price to discourage people from creating more waste by getting a second black can. The reason the actual cost is different is because ACE charges \$5.27 for the 1st black can but only a \$1.50 for the second can. He stated there are around 905 residents that have a second black can and 3,409 residents that have one black can. The actual rate amount it came out to be was \$13.36 and that number was rounded to \$13.50. He stated that actual numbers can be used, but Staff feels it makes a little more sense to round the numbers. Since the rate amount for the blue and green can were close, these rates remain the same in this proposal so residents did not feel like all the prices were increasing. Mayor Vincent stated for clarification the 1st black can is required and the blue can is required as well. Mr. Harvey stated yes and residents at the very beginning had the option to opt out of the blue can and some residents did. The green can is optional and is used for green waste for 7-8 months of the year and the rest of the year can be used as a black can.

Proposal #1 and Proposal #2 are very similar, the difference being Proposal #2 is the actual cost (plus the 15%) per can when including Wasatch Integrated Waste and ACE's fees.

Proposal #2 – Actual Cost + 15%

	Current Cost		Proposal #2		
	Rate	Total	Rate	Difference	Total
1st Black	11.80	40,226.20	14.27	2.47	48,651.54
2nd Black	10.00	9,050.00	9.94	-0.06	8,992.08
Blue	4.75	12,179.00	4.93	0.18	12,650.00
Green	6.00	10,266.00	6.08	0.08	10,406.35
Total		71,721.20			80,699.97

Proposals #3 and #4 were based off percentages on increases that were received. Proposal #3 was based off the percentage of increase that was experienced for the 1st black, 2nd black, blue, and green. The green can decreased due to ACE charging less than Econo Waste charged.

Proposal #3 – Based on Percentage Increase for each can

	Current Cost		Proposal #3		
	Rate	Total	Rate	Difference	Total
1st Black	11.80	40,226.20	13.71	1.91	46,723.60
2nd Black	10.00	9,050.00	11.62	1.62	10,511.77
Blue	4.75	12,179.00	5.59	0.84	14,330.25
Green	6.00	10,266.00	5.59	-0.41	9,570.56
Total		71,721.20			81,136.18

Proposal #4 was based on the overall percentage increase of 12.68%, so that amount was applied to each rate.

Proposal #4 – Based on Overall Percentage Increase of 12.68% for each can

	Current Cost		Proposal #4		
	Rate	Total	Rate	Difference	Total
1st Black	11.80	40,226.20	13.30	1.50	45,327.48
2nd Black	10.00	9,050.00	11.27	1.27	10,197.68
Blue	4.75	12,179.00	5.35	0.60	13,723.48
Green	6.00	10,266.00	6.76	0.76	11,567.88
Total		71,721.20			80,816.52

Staff feels that basing the fees off of actual costs makes the most sense, as residents would be paying the costs for what they are using. He noted that an increase is only for discussion at this time – final rates will be approved with adoption of the Final Budget in August.

Council Member Chatterton stated he liked proposal #1 as it appears the 2nd black can users are paying for a fair share versus proposal #2 seems like those with the 1st black can are subsidizing those with a 2nd black can. Mr. Harvey stated that was a discussion had and really is not the case. Proposal #2 is the actual cost and no one is being subsidized on any of the cans. The reason for the 1st and 2nd black can prices was to try to encourage residents to use more blue and green recycling and not fill up the landfill. Council Member Chatterton stated he still did like proposal #1.

Mayor Vincent stated Mr. Harvey's comment is a valid point as in the next 14-20 years the landfill will be full and the waste will be shipped south, increasing cost. Council Member Chatterton asked if some is currently being shipped and Mayor Vincent stated yes. Council Member Peterson stated the philosophy works for proposal #1 if residents switch from putting trash in the black can and start recycling it in the blue or green cans. He does not feel the amount of trash will be reduced. Instead of incentivizing people to have only 1 black can and not 2, he is worried there will be people who will eliminate the 2nd can and try to cram more waste into the 1st can creating other problems. He does like proposal #2 as it recognizes the real cost of each can and incentivizing people to be clean and get rid of their trash. He was in favor of the cost of living increase that was discussed at the first. Mr. Harvey stated when that does happen, which route would the Council like them to go with, where the 1st and 2nd black can are the same or the actual cost. Council Member Peterson stated he would recommend that the percentage be allocated across the board.

Council Member Lee stated as painful as it is, their cost goes up so the residents cost goes up. It is the world that we currently are in. He would be okay to go with proposals #1 or #2.

Council Member Chatterton asked if Staff recommended proposal #1. Mr. Harvey stated yes but it was not a hard recommendation. It was dependent on what the City Council would like to adopt as a philosophy, an actual cost or an encouragement of having the 1st and 2nd can be the same.

Council Member Swenson stated she was looking at the cost of all 4 cans and what a monthly utility cost would look like. Proposal #1 would cost \$37.75, proposal #2 is \$35.22. Mr. Laws stated that would be the case for 900 residents who have the 2nd black can and would be different if that can was removed from their use. Council Member Peterson stated the value is amazing and it is difficult to recognize that when prices are going up.

Council Member Swenson asked if proposal #1 would give a buffer to help compensate for the cost of living that will come. Mr. Harvey stated the City will receive the same amount of revenue despite what proposal is accepted. The other reason proposal #1 was better was because there are 2,500 residents that only have 1 black can and the cost of increase was \$1.70. For those 900 with a 2nd black can, that cost will be a lot more. More residents would benefit from proposal #1 than proposal #2, but proposal #2 is paying the actual cost.

Mr. Harvey stated this can be discussed at the next meeting if needed. Council Member Peterson commended Mr. Harvey's efforts and the wonderful job with the proposals as they each work and it is just deciding on which one is going to be best for residents. . He

knows he stated he liked proposal #2, but is also okay with proposal #1. Mr. Harvey stated he will bring proposal #1 and #2 back for more discussion in preparation for adoption of the final budget.

5. Discussion Regarding a Request to Develop Phase 8 of the Harvest Fields Subdivision Simultaneously with Other Phases – Mrs. Bryn MacDonald

Mrs. MacDonald stated the applicant is requesting to develop Phase 8 of the Harvest Fields Subdivision. The Code does not allow multiple phases to be developed at the same time, unless an exception is granted by the City Council. They have received exceptions for the other phases and currently are building phases 2 and 7. Phases 3, 4, 5, 6, and almost 7 have all the building permits issued. Phase 2 is a different product/house design than what will be in phase 8 and is part of the reason the applicant would like to move forward with phase 8. This is only a discussion item.

Craig Jacobsen, Ovation Homes: Mr. Jacobsen thanked the City Council for their time. He does see the purpose of the ordinance that limits the development as it ensures that a builder or developer does not overextend on a project. The building has really slowed down on phase 2 because of the high home prices in the state and high building material cost. The interest rate spike caused home buying to slow down as well and this has not impacted just them, but every builder in the state. The homes in phase 2 are homes with a basement. On the other hand, there is demand for slab on grade or patio homes and especially for active adult communities, 55+ years and older. Phase 8 would be such a community. He feels it would be in the benefit of the City and homeowners to let them move forward as phase 2 will continue to build where as phase 8 will sell quickly. This benefits the homeowners as more homes come into the area, it increases the homeowner's association fees and there will be more people to share the cost. It benefits the City as they do not want development to slow down and overextend. Mr. Jacobsen stated they are finalizing a proposal to amend the development agreement to help implement non-traditional landscaping for some homes and part of the park and help add some amenities to the park (which are not currently required by the development agreement). They would like to add a Tot Lot as some homeowners have asked about that for their children. They would like to do that but still need to keep building the homes to take on some of those extra expenses. It is not a large number of lots, only 16. He feels they will run out of product and will be sitting and waiting for phase 2 to finish up.

Mayor Vincent asked if they have the total number of permits that have been issued occupancy. Mrs. MacDonald stated she can get that number. Council Member Peterson asked what the status is on the common area that was eluded to change. Mr. Jacobsen stated there are 3 items involved in that that is required by the development agreement. One is a pavilion, another is 2 pickleball courts, and the last is grass which they obviously cannot do. They are on the schedule with the pickleball court company for the first part of August, but currently it is dirt and weeds, but they are doing what they can with the landscaping restrictions. They did put in some landscape, just trees no turf, because they do know the City would like to see progress, but Davis Weber Water informed them of their displeasure with that decision. They would like to move on it as quickly as they can once they get the approval from the City.

Council Member Judd asked if there are any reservation for phase 8 or if that is not allowed. Lee Wells stated 3 of the 16 lots are reserved already. Council Member Judd asked if it has been since June and Mr. Wells stated yes, it was only put out at the end of June.

Council Member Chatterton stated in the staff report it stated phase 1 and phase 8 have not received final plat approval. Mr. Davis stated phase 1 has not, but phase 8 has approved the construction plans and plat but they are not allowed to record unless the Council grants it. Council Member Chatterton asked what product is going in on phase 1. Mr. Wells stated it is like phase 2. When they were doing the original proposal to the City, the City requested that phase 1 and phase 2 be larger homes with basements. That was not their original proposal. Mr. Jacobsen stated the entire parcel was divided down the middle and they received R-1 for half and R-2 for the other. It will sell, just question with timing.

Council Member Peterson stated the City Council did not necessarily say homes with basements, just wanted homes on R-1. City Council specified a density and the developer chose how to get that density. Mr. Jacobsen stated that is true and at that time, if there was a bigger lot more people wanted basements.

Mr. Laws stated this is only for a discussion and not a decision to be made. Mr. Wells asked if they could receive some direction for future meetings.

Council Member Peterson stated he would like to see what is being proposed for the common area prior to approving phase 8 so that common area also has some incentives to completed, but does recognize there is some discussion under what it currently is versus what it could potentially be, maybe.

Council Member Chatterton stated there is talk of changing landscaping in the development agreement and would like to see that beforehand.

Council Member Swenson stated she did meet with one of the gentlemen and did have some proposals for landscaping, particularly the front yards, so each homeowner could have a choice and no vouchers for sod and their different plans and have multiple options for each homeowner to choose as each homeowner is in a different point of their life. She would like those options brought to all City Council members so everyone can see the plans. Council Member Peterson stated that information should come through Staff and to them.

Mayor Vincent asked if that information can be obtained by Staff so there can be a discussion next meeting. Mr. Davis stated it would be helpful if the applicant can bring a proposed amendment to the development agreement. Mr. Wells stated they were planning on doing it. They were hoping to know how many homes to keep building in order to know how much they can afford to put into the park, in addition to what is already required that they would voluntary do, but can try.

Council Member Peterson stated he does understand and agree, but with the current conditions in the market and the rise of interest rates is why this is stated in the Code, so development does not get overextended and becomes a problem. He knows they will not be in that situation, but does understand where the applicant is coming from. If they can quickly bring that back to make those modifications, it would be good.

6. Discussion of a Proposed Code Amendment Regarding Residential Landscaping Standards – Mrs. Bryn MacDonald

Mrs. MacDonald stated the biggest change to the residential landscaping standards would be no grass in the park strips. The Planning Commission held several discussions and stated it was time for this change. The Code currently states if a resident would like to do more than 30% of rock, Staff would approve the plan. There is no standard on how it would look like. There are now standards on what xeriscaping should include. The landscape buffers along the streets also have standards.

For park strips, it is being recommended to state no new turfgrass shall be planted in park strips or areas with a width of 8 feet or less. Park strips shall be landscaped with trees, shrubs, pavers, rock, mulch, or another ground cover. Concrete may be used as long as it is constructed in a way that distinguishes it from the adjacent sidewalk such as stamping with a brick, stone or finishing it with other decorative patterns. All exposed utilities (such as meter boxes and valves) located in the park strip shall have a minimum clearance of one foot from all concrete.

For xeriscaping, if more than 30 percent of "mulch" (the State has added this word to their definition) mineral ground cover is desired (excluding driveways), an application, including a professional landscape plan, must be submitted for review by the Community Developer director. The standards added are 2 different types or colors of "mulch" or rock and there needs to be live vegetation. The Planning Commission came up with the standard of 1 shrub per 100 sq ft and 1 tree per 1000 sq ft. If planting trees, there are certain sizes they should be.

Along collector and arterials streets, it is required an additional 8 feet of landscaping behind the sidewalk. The Code currently states it needs to include grass. The Planning Commission asked to change the wording. It currently states, "landscaping shall include irrigated street trees, grass, ground cover." They would like to change the "shall include" to "may include" and also add ornamental grasses.

A public hearing needs to be held for these changes. Staff was directed to place the item on the next agenda for more discussion and also schedule a public hearing for that meeting.

7. Other Items

No other items were discussed and the administrative session adjourned.



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Mayor
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Brad Lee
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Kyle Laws

General Session

7:00 PM

Minutes for the West Point City Council General Session held on July 19th, 2022 at 7:00 PM with Mayor Brian Vincent presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID# 835 7590 0057 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: Kim and Dan Harris, Ron and Joan Harry, Craig Jacobsen, Lee Wells, Debbie Keller, Denise Elbert, Jennie Taylor. No sign-in required for those attending virtually.

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

Council Member Lee – Council Member Lee expressed appreciation to the Staff for their wonderful job at the 4th of July celebration. Casey Arnold and her staff did a great job, Emily Miller for her first year and going above and beyond, Kelly Ross and his group did a phenomenal job with the volleyball tournament and the public enjoyed that, and the City Council for the support and hard work they put in as well. His heart goes out to Kaysville City and the unfortunate accident that took place during their parade. Unfortunately, here in the City there was a situation and his son was involved. He should have been killed or injured more than he was, but he wanted to thank Paul Rochell, Kasey Gibson, Kyle Laws, and Mayor Vincent for the kindness they offered during an experience that could have had a different outcome. He is honored to be associated with these good people and it makes him want to be a better person. He really appreciated the Mayor's effort to make sure his son was not more seriously injured and to the first responders who arrived on scene and made sure everything was okay. To the citizens on 2250 W who also helped and provided aid. Both him and his wife appreciated all the expressions of love, concern, and support from all. Thank you for being wonderful people representing this community.

Council Member Chatterton – Council Member Chatterton stated the Mayor was a hero twice that day. He injured his hand the night before and the next day after the parade, the Mayor took him over to the clinic and took care of his injured hand. He echoed the sentiments from Council Member Lee as this is a great community. That involves all those on Staff, in public works, and in the community, who make it happen, including the other council members and Mayor. He really enjoyed the 4th of July.

Council Member Petersen – Council Member Peterson echoed Council Member Lee's statements as he is heavily involved in the 4th of July and thanked everyone who helped out that day. He feels it was a well done 4th of July. As his assignment on the North Davis Fire District, he would like to point out if you drive up to Center Street in Clearfield you will notice the Clearfield Fire Station has been torn down in preparation to build a new one.

Council Member Judd – Council Member Judd reiterated Council Member Lee's and Council Member Peterson's comments. She was able to attend the ceremony at Station 42 and it was a beautiful ceremony sharing the fireman's way. Also, to see their response on

the 4th of July as a call would come in and they would immediately respond. She has a greater appreciation for their service in our community.

Council Member Swenson – Council Member Swenson stated this was her first 4th of July as an elected official and it was interesting to see more of the behind the scenes. She is grateful to live here in this City. She thinks about the firefighters who spent all day at the park making sure everything went okay, then at night during the fireworks, and then into the night with fires that started. She wanted to publicly thank them all for their service and what each one of them gives to this community. She experienced it first hand as her neighbor's home caught fire at 2 am and the effort and tremendous job these firefighters did. It really made it hit close to home. She expressed her thanks to the Staff for all the hard work with the 4th of July.

Mayor Vincent – Mayor Vincent stated he had the same sentiments regarding the 4th of July as many, many hours of work go into it and it is appreciated not only from the residents here in the City, but those outside the City who come and enjoy the celebration. He appreciated the kind words shared about him and he is blessed and thankful to help those in their personal time and do what he can.

5. Communications from Staff

Mr. Laws stated to the City Council that Emily Miller was involved in a car accident last week, but is doing well. She is home resting and recovering at this time. Mayor Vincent asked if she is coming back anytime soon and Mr. Laws stated she is not ready to drive yet and will have a laptop taken to her to help her keep working from home this week.

Last Saturday, July 16th, was the second Movie in the Park featuring the Disney movie The Rookie. The recreation department had some fun baseball themed games and the Sno Shack put the snow cones in baseball helmets to help add to the theme. It was not as large a turn out as the first movie, with only around 100 people, which could be due to a number of things. The next event will feature Disney's Tangled on August 13th. There there will be some fun games and prizes based around the movie as well.

The City Council/Planning Commission/City Employee Summer Social will be held August 12th at the Roy Aquatic Center. He reminded the Council to RSVP to the City Recorder and he hopes to see everyone there.

6. Citizen Comment

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated an activity she enjoys with her daughter is touring the Parade of Homes. They went last weekend and it was fun to go to all the neighborhoods and homes, but was shocked at the Nilson Homes property on 3830 W off 300 N and was informed that this was not a 55+ years old community and it was opened to all ages. She was upset and confused as it was sold to the Council and the citizens in that area that way. Townhomes and young families on one half and retired, empty-nesters, or close to retirement on the other half in the patio homes. This development borders either side of the elementary school with no other egress points. This total project was over 200 homes with 2 access points and she has heard they are still trying to get an access point through and by the cemetery and the City is actually trying to make that work. There was also a portion left out of the development for a possible rehab or medical facility that was stated at a City Council or Planning Commission meeting, but their extra density was pushed into the townhomes. When she had listened over the years about this development, it has morphed and changed in the City Council and Planning Commission meetings, and the only thing that was to be sold was patio homes for those 55 and older and townhomes for young people starting out. The traffic study was controlled by that narrative that not all these 200+ homes would be working people. She is feeling lied to and angry. She asked what is West Point Elementary suppose to do as it has added 4 new portables in the last 2 years and these homes are not finished yet. The only place for these portables to go is on the playground which means more kids and less room to play. None of the things sold to the citizens about this development has remained true and would like to know why and how it could happen.

Logan Payne – 1200 S 4500 W: Mr. Payne asked if there is an update on his park strip as it looks terrible. The weeds are overgrown and there are 7-foot-tall thistle plants growing over the top of the fence and it is turning into a fire hazard in his mind. He does not know what the status is with the development and the other people's yard and has not seen any movement or progress from Richmond America and it is getting on their nerves. He says he feels like it will not get resolved. He asked if they are not ready to install the rocks yet, to at least come cut down the weeds.

Melissa Payne – 1200 S 4500 W: Mrs. Payne wanted to commend Ms. Caruso on her comment and would like to expand on that. She noticed the final permit was released for the final building of the home in Seasons and that was with the blessing of the City as long as the yards went in. They did start on about 3 homes but then stopped. There is a home that actually had 2 pallets of sod go to waste because it was dropped of but not installed. On the Seasons Facebook page, there are several upset residents about the

progress of the yards and to reiterate what Ms. Caruso said, who in the City will hold the developers accountable for when they promise beautiful subdivisions that turn into nightmare developments. She would like someone to make sure what is promised is delivered as it is not fair to the City and definitely not fair to the new residents and especially to the generational residents.

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

Council Member Chatterton wanted to make a correction noting the minutes for the Administrative Session were dated February 15th, 2022, while the General Session minutes were dated January 15th, 2022.

Council Member Chatterton motioned to approve the minutes from the February 15th, 2022, meeting with that correction
Council Member Lee seconded the motion
The Council unanimously agreed.

8. Presentation of the 9/11 Commemoration Event – Presented by the Major Brent Taylor Foundation

Mrs. Jennie Taylor presented to the City Council “Davis Remembers The 9/11 Project” coming up this September at the Legacy Events Center in Farmington. As it gets closer to September, it is important to not commemorate the tragedy, but the action of those first responders. What is proposed is from September 7th until September 10th (September 11th is a Sunday this year), a collaborative community event commemorating the events of September 11th. There will be an immersive, multi-media 9/11 museum display, a community resource fair, and a parking lot “Touch-a-Truck” exhibit. There will be two different sections, one before 9/11 and another section after 9/11. It is to be a very emotional journey showing how America united. As part of the exhibit, there will be different boards showcasing each community and what makes each community iconic and she would like to have a board for West Point. Mrs. Taylor showed a YouTube video of the 9/11 Project that was held in Weber County in 2021. Several schools took field trips as well as over an estimated 13,000 community members came out and toured the project.

Council Member Peterson thank Mrs. Taylor for her energy and for taking this project on. As time passes, it is easy not to feel the impact and the younger generation may not understand how it felt and this is providing an educational opportunity for them.

Council Member Swenson thanked Mrs. Taylor for taking on this project and asked what she would like from West Point. Mrs. Taylor stated photos of the city showing iconic places. The city will have two big boards to do a big photo or collage style photos. If there are any additional military or first responder memorials in the city, they would like photos of those as well. They would also like help with any advertising the city can do on social media or in newsletters. If there are any resources, like the Red Cross or American Legion, in the city that provides a service or provide opportunities for service to obtain that information.

Mr. Laws asked when Mrs. Taylor would like those photos and she responded by August 1 or sooner. There will also be room on the boards for a text sentence or two.

Council Member Lee thanked Mrs. Taylor for her efforts in Weber County last year and now here in Davis County. He thanked her for her husband’s service to this nation and his sacrifice and her sacrifice and service. He knows her husband would be proud of her efforts and service.

Mayor Vincent thanked Mrs. Taylor for her efforts as this is what is needed at this time in our community.

Mr. Laws stated an idea in reference to the picture board Mrs. Taylor mentioned, he knows there are a lot of older pictures from the Party at the Point Celebration. Mr. Matt Drake’s wife takes pictures and he knows there are several years that can be gone through. He asked if there are any items or locations that are iconic to the City Council in West Point they would like to see showcased on the board. Mayor Vincent asked if this was separate from the memorial and Mr. Laws stated yes. Council Member Chatterton stated Tom Hansen did a calendar a few years ago that had some great pictures in it. Mr. Laws stated there are several photographs of barns. He is unsure of the resolution so it might be better to do a collage rather than one large picture. Council Member Chatterton stated to include a picture of the elementary school from 1923. Council Member Peterson stated he liked the idea of having something more recent and modern, but is open to a lot of different ideas. He wondered of blending older pictures into newer pictures. Council Member Chatterton suggested having the past mayors’ pictures as they helped shape West Point over the years. Council Member Swenson stated to have one board more historical and another board more modern, a then and now look.

9. Consideration of Approval of Resolution No. 07-19-2022A, Approving the 2021 Municipal Wastewater Planning Report – Mr. Kasey Gibson

Mr. Gibson stated that the purpose of the Municipal Wastewater Planning Report (MWPP) is to help owners of municipal sewerage systems in evaluating and summarizing the technical, operational, and financial conditions of their systems. These types of evaluations can help identify and resolve potential problem areas before they become serious and costly, and also understand aging infrastructure. A few highlights from this year's report are that an additional 3.7 miles of sewer pipe have been laid in the system since the last MWPP. The Sunview Lift Station has also come online and is operational, bringing a total of two operational lift stations in West Point. Staff recommends for Council to adopt this by resolution.

The Council thanked Mr. Gibson and the Public Works Department for the work they do and had no further discussion.

Council Member Peterson motioned to approve Resolution No. 07-19-2022A, Approving the 2021 Municipal Wastewater Planning Report

Council Member Chatterton seconded the motion

The Council unanimously agreed.

10. Consideration of Approval of the Final Plat of the Legacy Storage Subdivision (Located at Approximately 4181 W 800 N) – Mrs. Bryn MacDonald

Mrs. MacDonald stated this is the subdivision plat for the Legacy Storage Units, located at 4300 W 1800 N. A one lot subdivision was approved for this property in November 2021. The applicant has since determined that he would like to create two lots and is going through the subdivision process again. The second lot is located near the back and all the final site and utility stuff will be dealt with when he comes in for the actual site plan of the storage units. Building elevations and landscaping are being worked through with the application now.

Council Member Peterson asked why the property was split into two. Mr. Davis stated he believed it had to do with the storage units and the outside storage. The applicant wanted to split those up. Mayor Vincent stated that is what the applicant stated at the last meeting when this item was being discussed.

Council Member Peterson stated this is like a flag lot and Mr. Davis stated yes, like a commercial flag lot. Mayor Vincent asked if there are any concerns with it that way and Mr. Davis stated no as commercial does get split up all different ways. Council Member Peterson asked about the road that goes from lot 1 to lot 2. Mrs. MacDonald stated it is a private way, almost like a long driveway. Mr. Davis stated the road will be wide enough because he believed the front part of the road next to 1800 N might be dedicated as a public road for access to neighboring properties. Council Member Peterson stated he knew there was a proposal to access those properties and wanted to make sure the road was the proper width. Mr. Davis stated it is and the applicant is open to that if it ever becomes necessary in the future. For the time being, he is the only one developing and will develop the private road. Council Member Peterson asked if he owns the front property. Mr. Davis stated he does own the property on the front east. The front west side is owned by UDOT.

The Council had no further discussion.

Council Member Chatterton motioned to approve the final plat of the Legacy Storage Subdivision

Council Member Judd seconded the motion

The Council unanimously agreed.

11. Consideration of Approval of Resolution No. 07-19-2022B, Approving a Postponement Agreement for 4398 W 800 N – Mr. Boyd Davis

Mr. Davis stated Spencer King, located at 800 N 4403 W, owns the 1-acre parcel across the street from his existing home and would like to build a new home on this parcel. Due to no curb, gutter, or sidewalk along this long section of 800 N, Staff is recommending improvements on his new lot be postponed. A postponement agreement has been prepared and would ensure that the owner of the property install that infrastructure at the time the surrounding properties are developed.

Mr. Davis confirmed for Council Member Chatter that the proposed agreement is the standard postponement agreement used by the City for these situations.

Council Member Peterson motioned to approve Resolution No. 07-19-2022B, Approving a Postponement Agreement for 4398 W 800 N

Council Member Lee seconded the motion

The Council unanimously agreed.

12. Consideration of Approval of Resolution No. 07-19-2022C, Acceptance of Deed for Property Located at 2234 W 300 N – Mr. Boyd Davis

Mr. Davis stated that Shane Turner, applicant, owns property at 2234 W 300 N. Mr. Turner would like to deed the section in red to the City as the City's well-house sits on that property. He discovered this when a survey was done of his property. The square footage for this piece of land is 264 sq ft. He has already filed a deed to the City with the Davis County Recorder, but it will not take effect until the City Council accepts the deed. Staff recommends acceptance of that deed.

Council Member Swenson stated in the administrative session it was noted that the red triangle was not 100% accurate as the east tip of the triangle next to the yellow zone will not be there and the yellow section will go completely back creating a straight line. Mr. Davis stated that is correct. Mr. Davis stated the legal description in the deed is correct, he had just drawn it incorrectly on the picture displayed to the Council.



Council Member Chatterton motioned to approve Resolution No. 07-19-2022C, Acceptance of Deed for Property Located at 2234 W 300 N, with the exception to the drawing noted

Council Member Swenson seconded the motion

The Council unanimously agreed.

13. Consideration of Approval of Ordinance No. 07-19-2022A, Amending WPC Code Title 2, Chapter 2.65 Regarding Animals at Large- Mr. Kyle Laws

Mr. Laws stated this was discussed at the previous meeting on June 21st, 2022. This ordinance change is regarding the definitions of animals at large to the animal control code. West Point has adopted by ordinance the Davis County Animal Control Ordinance and then any exceptions to that Code was listed in the City's Code. The proposal is to strike out Code 6.04.010 and adopt the Davis County Code. As mentioned in the last meeting, there has been an issue with cats being at large and animal care officers not able to do anything about it due to the exception in our Code. It was discussed the reasoning why that was put into place at that time and

the process that animal care takes has changed and they do not want to take cats to the facility, so any opportunity to return a cat that has been picked up will be done before taking it to the shelter. Staff recommends approval of the ordinance. The only thing that would remain in Chapter 2.65.010 is a paragraph stating West Point adopts the Davis County Animal Control Ordinance.

The Council had no further discussion.

Council Member Judd motioned to approve Ordinance No. 07-19-2022A, Amending WPCC Title 2, Chapter 2.65 Regarding Animals at Large

Council Member Peterson 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.

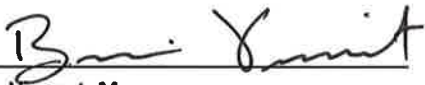
14. Motion to Adjourn the General Session

Council Member Lee motioned to adjourn the General Session

Council Member Peterson seconded the motion

The Council unanimously agreed.

Approved this 2nd day of May, 2023



Brian Vincent, Mayor



Casey Arnold, City Recorder

