3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

WEST POINT CITY HALL

April 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 April 19th, 2022 at 5:30 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# 893 6774 7727 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: Rob Wilcox, Bryan Bayles, Bruce Jeppsen, Mike Hatch, Brent Stoddard, Melissa Payne, Logan Payne, and Donna Payne. No sign-in required for those attending virtually.

1. **Discussion Regarding Site Plan for Deseret First Credit Union – *Mrs. Bryn MacDonald***
   Mrs. MacDonald stated that the new Deseret First Credit Union is planned for the lot just south of Culver's Restaurant along 2000 W (considered Lot 10 in The Point Development). The Planning Commission has approved this financial institution as a conditional use, as required by City Code, and recommends approval of the final site plan; the drive-thru traffic direction was modified and access off of 2000 W was removed from the original plan submitted. The site plan sits on .69 acres of and consist of a 2,714 sq. ft. building, a drive-thru with canopies (no teller window), parking located in front and rear of the building, a small accessory building, and a dumpster enclosure. The parking lot will consist of 11 stalls (6 stalls required for the building size and one additional for five employees). The site is required to have 15% landscaping, and all landscaping requirements have been met. Staff recommends approval of the final site plan.

   The Council had no further discussion and will consider approval of the final site plan at the next City Council Meeting.

2. **Discussion Regarding the Bluff View Subdivision Phase 4 – *Mrs. Bryn MacDonald***
   Mrs. MacDonald stated that the developers of this subdivision, Nilson Land Development, are seeking final plat approval for Phase 4 of the project. This phase is located at approximately 3820 W 300 N and consists of 14 buildings of 4 attached units (56 units total). Per City Code, no more than 30 lots may be approved without the construction of a second access, and at 56 units, the developers are proposing to construct that required second access as an "emergency access" through the City Cemetery to the west. The access would replace the existing dirt/grass road that runs in the middle of the cemetery.

   Mrs. MacDonald stated that this second access has been an item of discussion for some time now, and asked Mayor Vincent to provide a brief review of why and how this emergency access will function as the second access. In summary, the Mayor stated that in the initial approval process of the project back in 2020, the second access was proposed to be on the south of the golf course and through the cemetery and public works building. The owner of the golf course was not in favor of this road, and certainly did not want the road to be public. There were differing opinions on both the Planning Commission, City Council, and developers on what constitutes as a second access and where it should be located. With the City's Code not being specific in its definition of a second access, it was eventually compromised that the City would allow an "emergency access" through the cemetery, which would only be used in the case of emergency b and not a regular access with traffic coming in and out. The access will be blocked by a gate that is locked with an emergency key box (called a Knox Box) that only the fire department will have keys to unlock in the case of an

emergency. However, the gate will also be a 'crash gate' that can be broken through in the event of an emergency situation where the fire chief is not involved or unavailable.

In return for granting this access, the developers will replace the existing dirt cemetery road that leads to the access with an improved, asphalt road with concrete borders and additional landscaping around the cemetery. They will also replace the existing cement silo that the City uses as storage. The Council was in favor of the wide concrete border being 2 ft. in width as shown. The asphalt itself will be 16 ft. wide, creating about a 2 ft. buffer on each side of the road between the road and plot line. Once the extension to 75 W is completed and the Public Works building is relocated, this emergency access will become inactive and a formal road will be installed and be a permanent, regular second access. The Council wanted to ensure that once that permanent access is installed, this 'emergency access' through the cemetery be blocked so that it cannot be accessed at all from the subdivision, and only remain for use of cemetery patrons. The Mayor and Council also requested that the proposed landscape plan be expanded to include installation of trees along the entire east side of the cemetery, to which the developers agreed.

The Council will consider approval of the plat and development agreement for Phase 4 at the next City Council meeting.

3. **Discussion Regarding a Plat Amendment for 3 Lots Located at Appx. 3910 W 1300 (Rob Wilcox, Applicant) – *Mrs. Bryn MacDonald***
Mrs. MacDonald stated that the applicant, Rob Wilcox, is seeking a plat amendment for 3 lots located at approximately 3910 W 1300 N. The request is to amend the lot lines between 3 existing lots. No new lots are being created. The plat is being amended in order to enlarge lot to the south and add the shop that is built on the lot to the north. Lot 28 will be smaller than the original lot, but will still meet the zoning code. They plan to build a new home on Lot 28.

The Council discussed the access to the lots and the placement of the new home in relation to the road. A public hearing will be held at the next meeting, after which the Council will consider approval of the plat amendment.

4. **Discussion Regarding the Landscape Betterment Agreement for the 2000 W Road Widening Project – *Mr. Boyd Davis***
Mr. Davis stated that the Council has discussed landscaping options along the portion of 2000 W in West Point in previous meetings, and instructed that stamped concrete be installed in the park strips on both the east and west sides of the road. It was also decided to have street trees on the west side of the road, which is lined with existing homes. Landscaping on the east side will be installed when the property along the road is developed. UDOT will pay for the stamped concrete and private landscaping in front of the existing homes, repair existing sprinkling systems and landscaping, install Cobra street lights, and install a dry-seed detention pond. Any additional landscaping or amenities would be installed at the City's own expense. They have presented three different options for the Council to consider:

Option 1 - $302,000

- Landscaped Park/Detention Pond with amenities
- Stamped Concrete in park strips on both sides
- Street Trees on both sides with grates
- Trail Markers
- Powder Coated Street Lights (tall cobra heads)

Option 2 - $48,000

- Landscaped Park/Detention Pond with amenities
- Stamped Concrete in park strips on both sides
- Street Trees on both sides west side only, with grates
- Trail Markers
- Powder Coated Street Lights (tall cobra heads)

Option 3 - $22,000

- Landscaped Park/Detention Pond with amenities
- Stamped Concrete in park strips on both sides
- Street Trees on both sides West Side Only planters rather than trees, west side only
- Trail Markers
- Powder Coated Street Lights (tall cobra heads)

There are a couple of items that could be removed to save additional costs. First, the metal grates around the base of the trees could be replaced with bark or rock mulch. Also, the trail markers could be removed. However, Mr. Davis recommended that regardless of what additional landscaping or amenities be installed, that the City pay for the costs to powder coat the cobra street

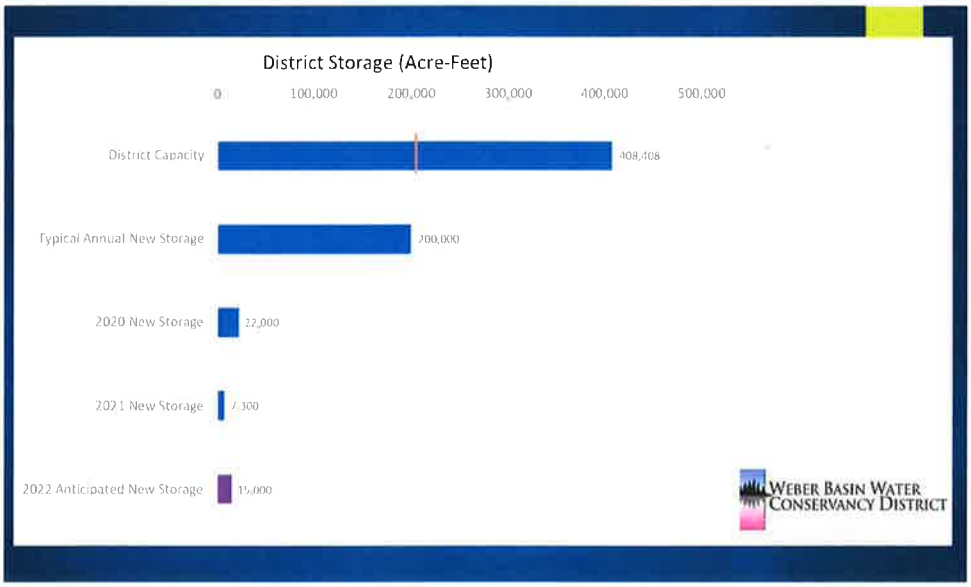
lights (to black) to match all other street lights. Mr. Davis also stated that Staff's recommendation would be Option 2, without the trail markers and tree grates and do further development of a park at a later time.

The Council and Staff discussed the different options and agreed with Staff's recommendation. Once UDOT is finished with the project and the basic landscaping of the park/detention pond, the Council will discuss further development of that space.

5. **Discussion Regarding Drought Conditions and Landscaping Requirements – *Mr. Boyd Davis***

Mr. Davis stated that as all are aware, the State is currently in an extreme drought situation and water restrictions have been put into place by several different agencies. Staff has attended many different meetings with the various agencies (i.e. Davis & Weber Counties Canal Co., Weber Basin Water District, etc.) and would like to share some of the information they have received with the Council.

The following chart represents the total amount of water available to the district if all reservoirs were filled to capacity. The red line indicates this year's expected capacity maximum, which they expect will be a little more than half full by June 1st. In a typical year, an additional 200,000-acre feet of new water storage is received that refills the reservoirs. However, in 2020, only 22,000-acre feet was received, and only 7,000-acre feet in 2021. Weber Basin is anticipating 15,000-acre feet of storage in 2022.



As can be seen, the amount of water being received over the past few years has simply not been enough to replenish the reservoirs and the water supply is depleting. Several years ago, Weber Basin created a "Drought Contingency Plan" that outlined different drought level situations and what restrictions would be put into place if a level was reached. The following charts indicate the 6 designated drought levels:

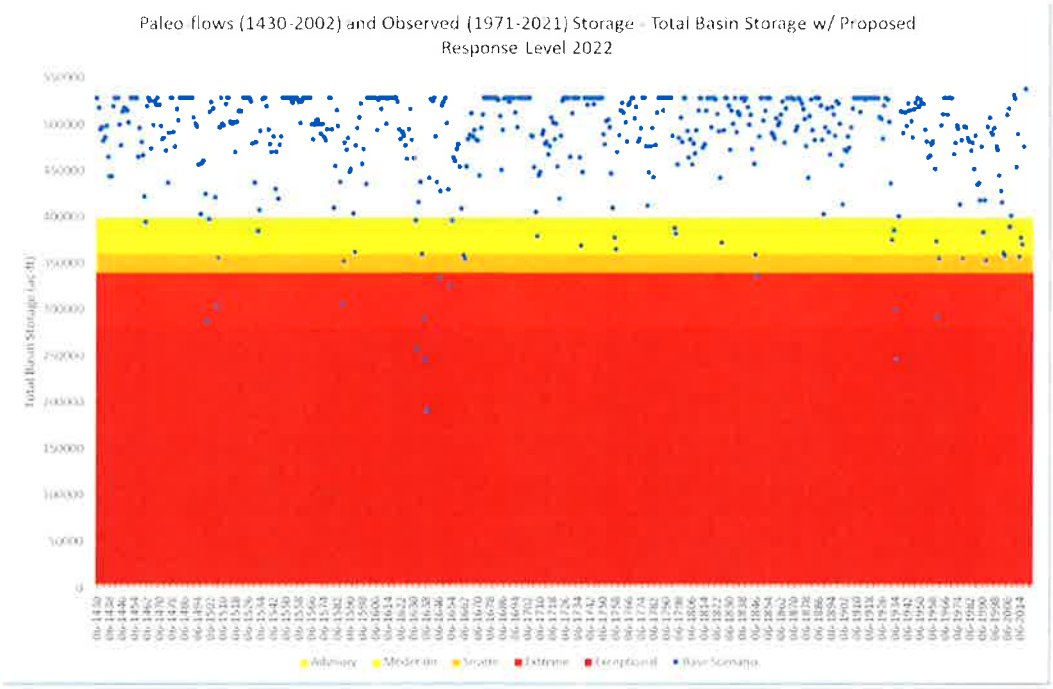
Total Storage: 308,800 AF

Upper Basin Storage: 208,800 AF

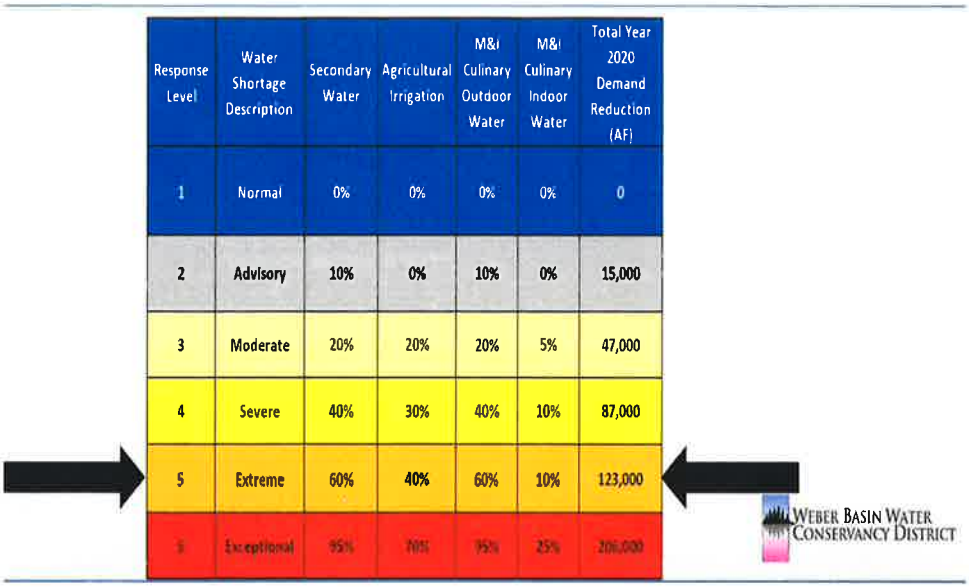
Drought Levels		Drought Level Triggers	
Response Level	Water Shortage Description	Projected June 1st Total Basin Storage (AF)	Projected June 1st Total Upstream Basin Storage (AF)
1	Normal	Greater than 380,000	Greater than 245,000
2	Advisory	Greater than 380,000	Greater than 245,000
2	Moderate	380,000 to 360,000	245,000 to 225,000
4	Severe	360,000 to 340,000	225,000 to 200,000
5	Extreme	340,000 to 280,000	200,000 to 160,000
6	Exceptional	Less than 280,000	Less than 160,000

WEBER BASIN WATER CONSERVANCY DISTRICT

Mr. Davis explained that these levels were created from a "paleo-flow study" that analyzed hundreds of years of data (from 1430 to current) using tree rings and other sources of information to determine past water supply levels and droughts that have occurred. That data is summarized in the chart below:



Weber Basin has determined that we are in a Level 5 Extreme water shortage which triggers the following restrictions:



Response Level	Water Shortage Description	Secondary Water	Agricultural Irrigation	M&I Culinary Outdoor Water	M&I Culinary Indoor Water	Total Year 2020 Demand Reduction (AF)
1	Normal	0%	0%	0%	0%	0
2	Advisory	10%	0%	10%	0%	15,000
3	Moderate	20%	20%	20%	5%	47,000
4	Severe	40%	30%	40%	10%	87,000
5	Extreme	60%	40%	60%	10%	123,000
6	Exceptional	95%	70%	95%	25%	206,000

With the supply of culinary water to West Point by Weber Basin being reduced by 10%, the current 700 AF the City has contracted will be reduced to 623 AF.

The Davis and Weber Counties Canal Company ("DWCC"), who owns and operates the secondary water system in West Point City, has also announced restrictions this year as follows:

- Delayed start to May 2nd
- Limited to one day per week until Memorial Day
- Limited to two days per week from Memorial Day to Labor Day
- Limited to one day per week after Labor Day until the end of the season
- They do not recommend new landscaping

DWCC has also asked the City to consider prohibiting landscaping, but regardless even new landscaping will be subject to the restrictions which would make it difficult to install new sod. Staff will be meeting with DWCC to discuss possible exceptions for park spaces, but would like direction from the Council on how to proceed with watering City parks and whether or not to prohibit new landscaping in the City and

The Council discussed the park situation and ultimately agreed that the City should be held to the same standard as residents in that the parks are only watered twice per week. They directed Staff to strategize and prioritize areas of the parks to be watered in order to best accommodate recreation programs and city events. Staff was also directed to make those participating in the recreation programs aware that the field spaces are likely not going to be in as good as shape as they have come to expect, and ask for their patience throughout the drought situation.

In regards to new landscaping, the Council was hesitant to completely prohibit any new landscaping, due to issues it could create with agreements developers have in place with both the City and homeowners. They concluded that landscaping ordinances should not be enforced but that zero-scaping, drip-irrigation shrubs and trees, etc., be encouraged. Should a homeowner choose to install sod or grass, they would still be under the same limited watering restrictions recommended by DWCC.

More discussion on the specific watering strategy and field rotation for parks and recreation programs will be held at the next meeting, as well as specific policy information for new landscaping.

6. **Discussion of a Text Amendment to Section 17.130.100C Regarding Sanitary Sewer Pipeline – *Mr. Boyd Davis***
Due to time restrictions, this item will be discussed following the scheduled agenda items in tonight's General Session.

7. **Discussion of a Text Amendment to Section 17.60.140C Regarding Commercial Design Standards – *Mrs. Bryn MacDonald***
Due to time restrictions, this item will be discussed following the scheduled agenda items in tonight's General Session.

8. **Discussion of a Text Amendment to Section 17.130.090E(7) Regarding Number of Lots per Subdivision Access – *Mrs. Bryn MacDonald***
   Due to time restrictions, this item will be discussed following the scheduled agenda items in tonight's General Session.

9. **Discussion Regarding the "Compton Annexation" Petition – *Mr. Kyle Laws***
   Due to time restrictions, the full discussion for this item will be done with Item 10 of tonight's General Session.

10. **Other Items**
    No other items were discussed.

    The Administrative Session adjourned.

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General Session

7:00 PM

Minutes for the West Point City Council General Session held on April 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# 893 6774 7727 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

VISITORS PRESENT: Rob Wilcox, Bryan Bayles, Bruce Jeppsen, Mike Hatch, Brent Stoddard, Melissa Payne, Logan Payne, Donna Payne, Heidi Wise, DeShaun Wise, Jen Brown and Family. No sign-in required for those attending virtually.

1. **Call to Order –** Mayor Vincent welcomed those attending the meeting.
2. **Pledge of Allegiance**
3. **Prayer or Inspirational Thought –** Given by Council Member Petersen
4. **Communications and Disclosures from City Council and Mayor**

Council Member Lee – In regards to the upcoming 4th of July celebration, Council Member Lee asked that all Council Members and the Mayor confirm whether or not they plan to ride in the parade so that vehicle accommodations can be made. He also stated that the Grand Marshal and Woman of Honor have been chosen.

Council Member Chatterton – None

Council Member Petersen – The North Davis Fire District is building a new fire station in Clearfield to replace the existing building that is very old, outdated, and impracticable to continue as a serviceable station. The building will be demolished and the new station will be built in its place on the same lot. Over the past week, the Fire District has been relocating to a building in the nearby Freeport Center that will act as their temporary station during the construction. Council Member Petersen noted that the Clearfield Station handles more calls than any other station in the entire state. There are enough firefighters and ambulances stationed there to handle the calls, and with the addition of paramedic units, it is necessary to have a building that is up-to-date and functional in order to efficiently handle such significant amounts of staff and action.

Council Member Judd – None

Council Member Swenson – None

Mayor Vincent – None

5. **Communications from Staff**

Mr. Laws stated that the annual Easter Egg Hunt was held the previous Saturday and was a huge success – it was obvious from the large crowd that residents missed the traditional in-person hunt (which had been modified into a drive-thru event the last two years due to the pandemic). He also reminded the Council and those in attendance that the Spring Clean-Up is this coming Friday –

Saturday; dumpsters will be placed at each City park for residents to use. In May, the Complete Cemetery Clean-Up will take place on Thursday the 5th and Take Pride In West Point Day will be on Saturday the 14th. This year's project will be to replenish the wood chips and replace the edging around the playground at Bingham Park. If there are enough volunteers, wood chips also need to be replenished and spread at the East Park playground.

6. **Citizen Comment**

Leon Jacobsen – 464 N 3830 W (*emailed comment*): From the minutes back in February and also overhearing from others that a plan is in place to have the field west of the splash pad renewed for Fall 2022 Soccer season. Thank you!!! Living alongside that field, I have had a front row view of its care over the past couple of years and have had to report into the city when the lawn was not getting the water it needed. While considering re-sodding the field, please take time to redesign the sprinkler system and maintenance schedule. The current design does not provide adequate coverage, especially when pressure is low. The sprinkler heads used on the other side of the park have performed better than the rotor heads currently in use. The lack of water was an issue last year, but it really started when the field was already suffering before water restrictions were put into place. I saw those contracted to fertilize the field spread the product heavier than what is recommended. I understand from talking to those who have come out to service the system that the lack of pressure had mostly to do with having to flush out the filter that was trapping more particles than what is necessary. Something not done frequently enough. Lack of pressure in the start of the season led to coverage issues. Sometimes the amount of time was increased to each zone and the frequency was changed to watering daily when, with low pressure, that only created overwatering issues in places that received the water while the areas that needed water were still dry. One morning, I took a look outside at 3:30 AM and found 1.5" of standing water over the asphalt walkway and surrounding grass that would not soak into the ground until 6 hours later. We have seen patches of grass turn to mud. The sprinkler head looked more like a garden hose shooting out a 10 foot water jet instead of the 50 foot needed. Watering too much also increases the ground water levels under the homes west of the field resulting in home sump pumps sending water down the storm drain. It would be nice to be able to recover this water and redistribute it for supplemental waterings. Thank you for your consideration.

Logan Payne – 1200 S 4500 W: A great idea for Take Pride in West Point Day is, instead of doing something at the park, is to go to Seasons (at Simpson) Springs park – the amount of garbage, weeds, and junk down there is terrible. It is pitiful for the people that live there and have to use the park. He hopes that the City will make sure the contractors take care of the park and that they do what they are supposed to be doing. He also feels that something needs to be put down under the rocks to prevent the weeds from coming up through them because it looks terrible. He stated that the weeds and junk in front of the fence continue to be a major problem. Mr. Payne stated that he is also concerned about the lack of speed limit signs and feels that there should be speed bumps along 4650 W because people use that road a thorough-fare and travel at high speeds. He also hopes that the City is concerned about the drought and the fact that more and more building seems to keep happening even with the lack of water – people seem to think we have unlimited water when we don't.

Melissa Payne – 1200 S 4500 W: Mrs. Payne stated that her addition concern regarding the Seasons at Simpson Springs has to do with garbage situation. She understands that homes are still under construction, but large amounts of construction debris and garbage is ending up in her yard and property; for example, an extremely large piece of insulation was in one of her animal pens. She is also conferenced about the parking – cars and large construction trucks and equipment are lining the street and now that children are moving into the subdivision, it is a safety issue as the walk along sidewalks that are only part finished. Further, there are large metal pieces of construction material still in the ground around the park, and rather than being removed, more dirt is piled on top to cover them. In her opinion as a parent, she would never let her children walk around the park because of these safety hazards. She also wanted the Council to be aware that there are issues with water pressure in some of the homes, and it is going to become an even bigger problem that will have to be dealt with as the project moves forward.

7. **Recognition of Jen Brown and Dashaun Wise as Recipients of "Jr. Jazz Officials of the Year" Award – *Mayor Brian Vincent***
Mayor Vincent stated that the City has been a part of the Junior Jazz Recreation Program for over 20 years and it is one of the most popular recreation programs the City offers. There are 120 Jr. Jazz programs from six states with over 65,000 teams and over 600,000 participants. For the last 16 years, the Jr. Jazz program has awarded a "Jr. Jazz Official of the Year." Five years ago, West Point official Colton Manning was the recipient of this award, and this year, the Mayor stated he is very excited to announce that two more West Point names are added to the list of recipients of this prestigious and amazing award: Jen Brown

and Dashaun Wise. Jenn has been with the City for about 24 years and the Mayor stated that she is an "absolutely amazing" and "phenomenal" employee. This is Dashaun's first year with West Point, and it is obvious that he truly enjoys what he does and what he is a part of. The Mayor stated that the City is lucky to have such great employees and have a great appreciation for them.

Jen and Dashaun were presented with a gift basket on behalf of the City and an award recognizing them for their outstanding performance and the inspiring role model they are to the youth of West Point.

8. **Consideration of Approval of the Minutes from the November 16th, 2021 West Point City Council Meeting**

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

9. **Consideration of Approval of Resolution No. 04-19-2022A, Approving a Letter of Concurrence and Match Agreement between West Point City and the Wasatch Front Regional Council for the General Plan Project – *Mrs. Bryn MacDonald***
Mrs. MacDonald stated that Staff applied for funding from the Wasatch Front Regional Council in order to update our general plan. The City was awarded $75,000 from the Transportation and Land Use Connection (TLC) grant. However, the grant does require a $25,000 match from the City.

In order to receive the grant, the City needs to sign a Letter of Concurrence and Match Agreement. This requires the City to contribute $25,000 in order to receive the $75,000 grant. This will give the city $100,000 to complete a new general plan. The funds will be available after July 1, 2022. Mrs. MacDonald confirmed that the City's match of $25, 000 will be a part of the next fiscal year (beginning July 1) and no amendment to this year's budget is necessary. The Council had no further discussion.

Council Member Swenson motioned to approve Resolution No. 04-19-2022A
Council Member Petersen seconded the motion
The Council unanimously agreed

10. **Consideration to Deny or Accept for Further Consideration the "Compton Annexation" Petition – *Mr. Kyle Laws***
Mr. Laws provided a brief background of the subject property of this petition, summarizing that the "Terraform Annexation Petition" was submitted to West Point City jointly by the Terraform entity and the Parker Family. This petition included over 400 acres, covering an area north from 1800 N to the Weber County line and east to the Clinton City boundary, and all the way west to roughly 6000 W. On March 2, 2022, the Boundary Commission of Davis County met to consider the protests submitted in response to this petition. At the conclusion of the Boundary Commission meeting, the Commission chose to disapprove the Terraform Petition, stating ambiguity in the State Statute and conflicting interpretation of "rural real property." The Commission's full written statement dated March 14, 2022 details their reasons for disapproving the annexation is attached with the Staff Report for this item. The City has received assurances from House Representative Mike Schultz (also House majority leader), the Land Use Task Force, and the Utah League of Cities and Towns that the clarifying the language in the annexation code is going to be a top priority so that the intention of the code is clear and definitive. It is important to also note that Clinton City protested the annexation and would like to continue conversations regarding our shared future boundary. While this is a topic for discussion at some point in the future, it is helpful to understand the background and denial of the Terraform Petition, as a portion of the proposed area in that petition is now the subject of a new annexation petition that has been submitted to the City.

On March 30, 2022, the "Compton Annexation Petition" was submitted to the City by the same Terraform entity. The Compton Petition is located at approximately 1800 N 4300 W and consists of only two parcels, totaling 19.66 acres. The Terraform entity owns one of the properties, and the second property to the west will provide them access to the 4500 W road. In accordance with UCA § 10-2-405, at the first city council meeting that is at least 14 days after a petition is filed, the petition must be placed on the agenda for the city council to either deny or accept for further consideration. As this is the City Council's first meeting more than 14 days after the Petition was filed, it is now on the agenda for consideration by the Council. The City has no obligation to accept the Petition for further consideration, even though the property is within the City's future annexation area, and can deny the Petition at this point. The Council can also accept the Petition for further consideration, which does not mean that the property is annexed or that it will be annexed – it only means that the Council is allowing the process to continue. However, if the Council fails to either accept or deny the Petition at this meeting, it is considered as accepted for further consideration.

Mr. Laws stated that the following sections of the City's Code and Utah State Code pertain to consideration of this Petition:

West Point City Section 18.25.020

The provision of municipal services to this area will assure the city of the ability to protect the interests of its residents in maximizing the benefits of the economies of scale in the provision of municipal services and in minimizing the harmful impacts of conflicting uses of land that may be proposed or occur within the expansion area.
The area is currently served by Davis County, which provides road maintenance and police protection. The Hooper Water District provides secondary water services. Existing residents receive culinary water from Hooper Water District. The county is not in any position to provide culinary water or site-specific storm drainage services to the area. Providing water, sewer and storm drainage services to the expansion area would present no serious difficulty for West Point City. These facilities could be constructed when development occurs within the annexed areas.
These areas would be serviced by the North Davis Sewer Improvement District as annexation occurs.
New annexations should include areas in which services can be provided efficiently. The annexation should not create topographically isolated areas, areas for which the provision of services would be costly or difficult, or an area in which ground water runoff would create multi-jurisdictional problems. New annexations should include areas in which services can be provided efficiently.

Utah Code Section 10-2-402

10-2-402. Annexation -- Limitations.
(1)
(a) A contiguous, unincorporated area that is contiguous to a municipality may be annexed to the municipality as provided in this part.
(b) Except as provided in Subsection (1)(c), an unincorporated area may not be annexed to a municipality unless:
(i) it is a contiguous area;
(ii) it is contiguous to the municipality;
(iii) annexation will not leave or create an unincorporated island or unincorporated peninsula:
(A) except as provided in Subsection 10-2-418(3) or (4); or
(B) unless the county and municipality have otherwise agreed; and
(iv) for an area located in a specified county with respect to an annexation that occurs after December 31, 2002, the area is within the proposed annexing municipality's expansion area.
(c) A municipality may annex an unincorporated area within a specified county that does not meet the requirements of Subsection (1)(b), leaving or creating an unincorporated island or unincorporated peninsula, if:
(i) the area is within the annexing municipality's expansion area;
(ii) the specified county in which the area is located and the annexing municipality agree to the annexation;
(iii) the area is not within the area of another municipality's annexation policy plan,
unless the other municipality agrees to the annexation; and
(iv) the annexation is for the purpose of providing municipal services to the area.

Mr. Laws discussed his opinion of this petition, which in summary is that approval of this annexation would not be a good decision for West Point and could negatively affect the City's ability to annex future parcels into the City. He feels that if the City allowed this isolated area to annex, and exclude the neighboring parcels, we may be eliminating any future possibility of these other parcels annexing into the City without creating unincorporated islands and peninsulas. Further, if the Compton Petition is approved, it is unlikely that any of the parcels east of 4500 W will ever annex into the City. There are too many small parcels for an annexation to happen, especially if the large parcel that is part of the Compton Petition was not available to help meet the required acreage and value thresholds required to annex a large area of small parcels because it had already been annexed. He also feels that the City Council should wait for the State Statute to be updated and fixed and then encourage the former annexation petition of 400 plus acres to be resubmitted.

The Council thanked Mr. Laws for his recommendation to deny further consideration of the Compton Petition, agreeing that it is not in the best interest of the City and that it would be beneficial to wait for the State Code to be amended before considering other annexations.

Council Member Chatterton motioned to deny the "Compton Annexation" Petition for further consideration
Council Member Petersen seconded the motion
The Council unanimously agreed

Administrative Session Items

5. **Drought Conditions and Landscaping Requirements – Mr. Boyd Davis**
In regards to culinary water, Mr. Davis explained that in a typical year we use between 550 to 600 AF of culinary water, which would be within the 623 AF reduced amount received from Weber Basin. However, with severe restrictions on the secondary water, Staff is concerned that culinary water usage will increase as residents water lawns and gardens with culinary water. If

the contracted amount of water is exceeded, every additional acre-ft will be charged at 200% of the normal rate, or roughly $600 per AF. The Council discussed whether the Splash Pad should be turned on this year, and if so, how frequently. The Council agreed that the Splash Pad should not be turned on regularly, but would like to continue the discussion on possible suggestions for running it periodically or only on holidays, etc. The Staff and Council also discussed the idea of a tiered water rate structure, in order to discourage residents from using more water because of the higher fee they would be charged. Staff will monitor the water usage over the next few weeks and report back to the Council on whether or not residents are using more culinary water than normal. Further discussion about how to move forward will be held at that point.

6. **Discussion of a Text Amendment to Section 17.130.100C Regarding Sanitary Sewer Pipeline – *Mr. Boyd Davis***
Mr. Davis stated that the Planning Commission recently approved the "Dry Sewer Line" ordinance that would require any developments in the future annexation area to install sewer lines and laterals to each home. These lines would not be used until the future sewer system is constructed and would thus be "dry" until they are connected to the future system. The ordinance recommended by the Planning Commission is as follows:

17.130.100C. Sewage Disposal. Where a public sanitary sewer is a subdivision is within 300 feet of a public sanitary sewer to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations of the city and the sewer district and shall be approved by the city. Sanitary sewer pipelines including laterals to the property line must be laid with approval of the sewer district and must be compatible with the existing system. The said sanitary sewer must be installed within the development prior to the installation of any other improvements. The city engineer must approve all plans for sanitary sewer extensions prior to issuing a building permit.
Developments within the service area created by the Sewer Impact Fee Facilities Plan and Impact Fee Analysis (adopted by ordinance 12-7-2021A), shall be required to install project sewer pipelines and laterals to each lot within the development. The sewer pipelines shall connect to the system sewer lines shown in the Impact Fee Facilities Plan. If the system sewer lines are not available at the time of development the developer shall be required to install the project sewer lines and laterals as dry lines for future connection. The depth of the dry lines shall be determined by the City Engineer.

The Council discussed the changes and will hold a public hearing at the next meeting. After the public hearing, the Council will consider approval of the proposed ordinance.

7. **Discussion of a Text Amendment to Section 17.60.140C Regarding Commercial Design Standards – Mrs. Bryn MacDonald**
Mrs. MacDonald stated that the previous West Point City Code had architectural standards for buildings in commercial zones. During the process of adopting the new code last year, these standards were inadvertently removed. The proposed text change is to add the language back to the commercial zones. The prior language of the code required a "minimum of 50 percent brick or stone" in the N-C (Neighborhood Commercial) zone to be used on all new buildings. There was also a minimum masonry calculation to be used on all new buildings within the R-C (Regional Commercial) and C-C (Community Commercial) zones.

The proposed language will read as follows:

17.60.140(C)(3)

c. All building facades that face public streets shall have windows along at least 25 percent of their horizontal length. If 25 percent actual windows is not feasible because of the nature of the use of the building facade, then the remainder of such walls shall include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly proportioned features.

d. Exterior walls of buildings in the N-C zone shall be constructed with a minimum of 50 percent brick or stone. The balance of the exterior wall area shall consist of brick, stone, glass, decorative integrally colored block, or stucco. All building materials shall be high quality, durable, and low maintenance. Roofs shall be hipped or gabled with a minimum six to 12 pitch. Any exception or changes to roof standards shall be made with a conditional use permit.

e. In the R-C and C-C zones masonry will be required on the exterior of all developments. The minimum area of masonry required will be determined by multiplying the outside perimeter of the building by four feet. The masonry used can be as a wainscot around the periphery of the building or a higher percentage at the main entrance(s). Corner lots and lots on arterial or collector streets are required to use the majority of the masonry on the front and sides of the building facing the street(s).

f. The exterior walls of all buildings shall be properly maintained (no peeling paint, loose bricks, broken stucco, etc.) by the owners.

g. Alternative materials may be approved by the community development director if it can be shown that the finished product shall result in a highly durable surface that enhances the building.

Mrs. MacDonald stated that the Council may want to modify the requirements at some point in the future, but it is important to put the standards back into the Code as soon as possible. The Council discussed the changes and will hold a public hearing at the next meeting. After the public hearing, the Council will consider approval of the proposed ordinance.

8. **Discussion of a Text Amendment to Section 17.130.090E(7) Regarding Number of Lots per Subdivision Access – *Mrs. Bryn MacDonald***

West Point City Code requires developments to be limited to a maximum number of lots on a single access. Currently the code requires no more than 50 lots per access, which is different from the required 30 lots per access standard that was in the code before the land use code revision project was completed. This seems to be a mistake when the code was codified last year and should be changed back to the original standard of 30 lots per access.

The proposed language will read as follows:

> **17.130.090(E)(7)** Developments over 30 lots shall be done in phases. A phase shall consist of no more than 30 lots unless specifically approved by the city. Each phase must be completed with both on- and off-site improvements within two years. The city shall not approve more than 50 30 lots in a development or single phase without requiring the construction of a second access road that connects to an existing public street.

Again, Mrs. MacDonald stated that the Council may want to modify the requirements at some point in the future, but it is important to put the standards back into the Code as soon as possible. The Council discussed the changes and will hold a public hearing at the next meeting. After the public hearing, the Council will consider approval of the proposed ordinance.

11. **Motion to Adjourn the General Session**

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

WEST POINT CITY CORPORATE SEAL DAVIS COUNTY, UTAH

October 4th, 2022
BRIAN VINCENT, MAYOR

October 4th, 2022
CASEY ARNOLD, CITY RECORDER