3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION

January 5th, 2021

Mayor
Erik Craythorne
City Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Annette Judd
City Manager
Kyle Laws

Administrative Session

6:00 PM

Minutes for the West Point City Council Administrative Session held via electronic Zoom Meeting in accordance with the signed January 4th, 2021 Written Determination of the Mayor and Planning Commission Chair of West Point City Concerning Electronic Meeting Anchor Location. Meeting was accessible to attendees by entering Meeting ID #81889658836 at https://zoom.us/join or by telephone at (669) 900-6833, on January 5, 2021 at 6:00 pm with Mayor Erik Craythorne presiding

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Andy Dawson, Council Member Kent Henderson, and Council Member Jerry Chatterton

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: Visitors able to attend electronically, no sign-in required.

1. **Discussion Regarding the FY2020 Audit Report – Mr. Ryan Harvey**
This item was discussed after Item 2
Mr. Harvey introduced Heather Christopherson from Ulrich & Associates, which is accounting firm the City contracts with to prepare and complete the audit. Auditors may issue findings and recommendations to help the City improve its financial processes, and Mr. Harvey stated that he is excited to report that the City had no findings or recommendations in FY2020. Mr. Harvey wanted to thank the City Treasurer, Megan Mills, and Marcus Arbuckle with the City's accounting firm, Keddington & Christensen, CPA'S, for all of the work that they do throughout the year and in assisting with the audit.

Mr. Harvey reviewed some of the highlights from the FY2020 Audit Report:

- The City's total net position of $49,925,764 is made up of $37,753,716 in capital assets and other net position of $12,172,048. Of this amount, $7,651,169 may be used to meet the ongoing obligations of the City, while $4,520,879 is restricted for specific purposes.
- The City's net position increased by $3,924,100, or 8.53% ($46,001,664 to $49,925,764).
- The City's governmental funds reported a combined ending fund balance of $6,739,752, an increase of $923,495 from the prior year. The increase is primarily the result of continued high sales tax revenue and low expenditures.
- In the proprietary funds, the total net position increased by $752,531 during the fiscal year.
- As of June 30, 2020, the City's general fund reported a fund balance of $937,258. This represents an increase of $22,934 from last year's ending balance.
- The transfer from the General Fund to the Capital Projects Fund was $885,500.
- Once again, the City collected more sales tax than at any other point in its history, collecting $1,626,927 in Fiscal Year 2020, a 10.9% increase from Fiscal Year 2019.
- Taxes continue to be the largest source of revenue in the general fund and represent 75% of total general fund revenues, which is consistent with prior years. The largest element of tax revenue is sales tax. Sales tax is 60%, property tax is 21.5%, and energy & franchise tax is 18% of general fund tax revenue.

Council Member Petersen, a long-time accountant himself, wanted to validate for the Council what an achievement it is to have no findings or recommendations issued in an audit. He congratulated Staff on this accomplishment.

The Council had no further discussion and will consider approval of the FY2020 Audit in tonight's General Session.

2. Discussion Regarding the Bluffview Subdivision – Mrs. Bryn MacDonald

This item was discussed before Item 1

Mrs. MacDonald stated that NHM8, LLC is the developer of this subdivision and are seeking final plat approval for Phases 1 and 2. The entire project consists of 6 phases, with a total of 116 patio homes and 86 townhomes. Phases 1 and 2 contain a mix of both home types. The developers are still waiting for approval from the Bureau of Reclamation and are tentatively on the Planning Commission's next agenda for their approval before coming back to the City Council to be considered for final approval.

Mrs. MacDonald confirmed for Council Member Dawson that there is only one access for these two phases; the second access will be constructed as part of later phases. Council Member Petersen stated that the second access is planned to connect into Phase 1 once installed, and so it should be discussed as part of the approval for Phase 1. Mr. Davis stated that the developers plan to install a 20 ft. driveway that leads into the first set of patio homes; this driveway is intended to serve as the second access and will skirt along the edge of the golf course property and connect to the last road of patio homes to the east. Council Member Petersen expressed his opinion that it should be included in the Developers Agreement for this subdivision, which is on the agenda in tonight's General Session for consideration of approval, simple language that this access road be one that is on the City's approved road-type list. Mr. Davis stated that originally, the developers planned to simply have a 20 ft., gravel access road. However, the North Davis Fire District is requiring that the access be built as a standard road that can bear the weight of a fire truck, essentially meaning that the road must be paved. Mr. Davis continued to state that City Code does not specify an actual definition for what constitutes an "access road", and so, as Council Member Petersen suggested, this may be something the Council wants to address to ensure that the access road meets their expectations. If this access does need to meet one of the City's defined road standards, the minimum road type standard is an alley, with 20 ft. of asphalt plus curb and gutter on both sides. Mayor Craythorne stated that he was under the assumption that this second access was a requirement of the NDFD, not of the City's. Mr. Davis clarified that both the NDFD's Code and the City's Code require a second access for all developments over 30 lots. The issue is that the City's Code does not define what constitutes as an access road, and the NDFD's Code requires that it be at least 20 ft. wide and be able to support the weight of a fire truck.

Council Member Petersen stated that in his entire time on the City Council, a second access was always intended to be a standard road, not a trail or temporary access or emergency-only access. He also feels that the City's Code *is* clear enough that it needs to be an access road, not a closed, emergency-only access. Mr. Laws stated that in a discussion regarding this access with the NDFD, he recalls that the NDFD was satisfied with the access being an emergency access, with a crash-gate and knox box, but are just requiring that it be paved and not gravel. Mr. Laws also stated that the City's Land Use Attorney, Rob Keller, was asked about the access issue as a side-note to another matter, and he gave his brief opinion that the City's Code was not clear enough about what constitutes as an "access" to require that it be a standard road type. However, Mr. Laws stated that Mr. Keller gave that opinion after only a brief review of this particular Code, and it may be helpful to ask him to specifically review this issue and offer more of an official legal opinion. Council Member Chatterton stated his opinion that the City's Code is clear enough that a "second access" needs to be an actual access, paved and open; legal counsel is always helpful, but he feels that it is not necessarily needed before being able to move forward.

Mr. Laws stated that the Council may want to make the clarification that this second access does not have to be a "public road", but that it can be a private alley, which is still open all the time for residents, but intended as a private access for the subdivision. Council Member Petersen stated that he agreed with allowing it to be a private alley and not require that it be an actual public road.

Although the actual access is not part of the approval for these two phases, Mrs. MacDonald stated that as the access will connect into Phase 1, if the Council is going to require a 20 ft. private alley, it does need to be considered at this point to ensure that the plat for Phase 1 shows adequate room for the road. Mr. Davis stated that the Developers Agreement on tonight's agenda for approval is in regards to the private and public utilities within the subdivision, but a second agreement or amendment to that agreement could be made when the time comes to approve second access to require that it meet the standards for a private alley. Council Member Chatterton added that although it doesn't seem necessary to require curb and gutter, it is unknown what changes could be made in future phases and the Council may end up wishing that the access did have it; it may be beneficial to get the access "right to start with" and actually require curb and gutter.

Staff was directed to reach out to the developers to share the Council's comments and desired intent for the access road, and discuss with them possible resolutions.

3. Discussion Regarding Harvest Fields Subdivision Phases 5 & 6 – Mrs. Bryn MacDonald

Mrs. MacDonald stated that the developers of this subdivision were granted an exception in March of last year to City Code Section 16.05.09, which states: "In no case shall more than two phases be developed consecutively. The City Council may grant exceptions to these rules if deemed appropriate." That exception was granted for Phases 1 through 4. The developers are now requesting another exception for Phases 5 & 6. If granted that exception by the City Council, they will submit the final plat for the two phases, which will go through the Planning Commission for approval before coming to the City Council for final approval.

Mayor Craythorne stated that in an email from the developers, he recalled that they were going to delay construction of Phases 1 and 2 in order to see how the market responds to the sale of lots in Phases 3 and 4. From there, the email indicated that they would like to move directly from Phases 3 and 4 on to Phases 5 and 6. Mr. Davis confirmed this information. Council Member Petersen inquired as to whether the Council could revoke the approval for Phases 1 and 2 and instead grant the exception for Phases 5 and 6. Mr. Laws stated that he is unsure of whether that can be done by Council action, but the developers may be willing to agree to that trade.

Mr. Davis confirmed for Council Member Petersen that a developer is not required to put up any escrow money until a plat is recorded; they can do work on the project, (utilities, roads, etc.), but cannot sell a lot or take out a building permit until a plat is recorded. He added that the developers have not yet recorded any plats for this subdivision. Council Member Petersen stated his concern about what happens if they haven't put up any escrow money, but are able to have multiple phases under construction and then find themselves overextended in funding the project and can't complete it. Mr. Davis stated that it may be a good option to come up with an agreement with the developers that approval to develop to Phases 1 and 2 is not necessarily revoked, but that they hold off on beginning those phases until Phases 5 and 6 are complete.

Council Member Dawson inquired as to whether that agreement would be transferrable if Phases 1 and 2 were sold to another developer, and essentially not allow the new owner to begin construction until the other phases meet the threshold required by Code to begin another phase. Mayor Craythorne stated his opinion that if an agreement were able to be put in place, it would be attached to the property. Council Member Chatterton expressed his concern about "playing musical phases" with all future developments if we set a precedent of allowing an exception for certain phases to be developed simultaneously and then allow that exception to be traded/exchanged for other phases.

Mr. Laws expressed his concerns regarding current discussions being had in the State Legislature about a potential bill that would allow developers to use their own, third-party inspector if cities are unable to keep up with building inspections. If the City is going to allow multiple phases to be developed simultaneously, it is highly likely that personnel will have to be increased in order to avoid having an inspector chosen by the developer completing inspections in the City. Council Member Petersen stated that he would be in favor of creating this agreement with the developers so that only four phases are allowed the exception.

Mrs. MacDonald added that it may be an option to simply amend the original exception, rather than having to create a separate agreement. Through either option (agreement or amendment) she recommends that it be stated that if Phases 1 and 2 were sold, the new owner would have to request a new exception from the City Council to develop those phases simultaneously. The Council agreed with that recommendation.

Staff will discuss the options with the developers and bring the issue back to the Council.

4. Discussion Regarding the Sunview Estates Subdivision Phase 2 – Mrs. Bryn MacDonald

Mrs. MacDonald stated that Phase 1 of this subdivision has already been approved, and the developer is now requesting approval of Phase 2. The Planning Commission approved the phase at their last meeting, subject to a letter of approval being received from the Hooper Water Improvement District. That letter has now been received, as well as all other approvals from the required agencies. The Planning Commission's approval was also subject to review and final approval of the plans for the sewer lift station. Mayor Craythorne inquired as to why the Planning Commission would pass on its recommendation to the City Council with these items still needing to be resolved. Mrs. MacDonald stated that the Planning Commission only had one meeting in December, and the Hooper Water Improvement District canceled its meeting in which it was scheduled to give its approval. The plans for the sewer lift station also requires several reviews, and Staff expected that this item would take longer to receive final approval.

The Council had no further discussion and would consider final approval of Phase 2 at a future meeting.

5. Other Items

Mr. Laws stated that he and the Mayor discussed canceling the regularly scheduled February 2nd City Council Meeting in lieu of the Visioning Session planned for January 29th, and would like to propose that idea to the Council. The Council was in favor of canceling the February 2nd meeting.

Council Member Dawson stated that there was a Facebook post in one of the community pages about the secondary water meters. Many residents are not happy about the meters being placed and their yards being torn up, but several also commented that they were not notified prior to them being installed. Council Member Judd added that she had also followed the post and confirmed that many residents were upset that they didn't receive any prior notice that the meters were going to be installed. Council Member Dawson asked if Staff knew what Davis and Weber Counties Canal's process is about notifying residents before installing the water meters. Council Member Chatterton stated that his street, 3000 W, was just completed and he did receive a note on his door that they would be in their area working for the next week. He also noted that he feels the crews did a pretty good job in trying to repair the area around where the meters were installed.

Mr. Laws stated that he would follow up with DWCC and make sure that their crews are providing proper notice to residents.

Council Member Petersen added that his area was one of the first in the City to receive a meter, and admitted that he was a bit resistant to it at first. However, the water usage reports that were sent out were actually quite helpful in recognizing how much water he was using and where he could conserve. However, he did not receive any of that communication this past summer until the last month of the secondary water being on and all the usage was combined on one report. This obviously was of no help in trying to meter and conserve his water usage, as the watering season was already over by the time it was received. He asked that Staff also discuss this with DWCC and ask if those reports can be sent out more regularly like they used to be for residents to have the information.

Council Member Dawson added that there were also lots of positive comments on the post, saying that residents appreciated the information they received about how much water they were actually using and that it helped them to try to conserve.

The Administrative Session adjourned.

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Kyle Laws

General Session
7:00 PM

Minutes for the General Session of the West Point City Council held via electronic Zoom Meeting in accordance with the signed January 4th, 2021 Written Determination of the Mayor and Planning Commission Chair of West Point City Concerning Electronic Meeting Anchor Location. Meeting was accessible to attendees by entering Meeting ID #81889658836 at https://zoom.us/join or by telephone at (669) 900-6833, on January 4, 2021 at 7:00 pm with Mayor Erik Craythorne presiding.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Annette Judd, Council Member Andy Dawson, Council Member Kent Henderson, and Council Member Jerry Chatterton

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 Workers Director; and Casey Arnold, City Recorder

EXCUSED: None

VISITORS PRESENT: Visitors able to attend electronically, no sign-in required.

1. **Call to Order** – Mayor Craythorne welcomed those attending the electronic meeting.
2. **Prayer** – Given by Council Member Chatterton
3. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – Would like to see if a change in the speed limit on 3000 W between 300 N and SR-193 be reduced from 35 MPH to 30 MPH; the speed limit north of 300 N all the way past 1800 N on 3000 W is 30 MPH. He stated that there is an issue with drivers turning on to 300 N and then speeding to get to SR-193. It is especially dangerous for pedestrians or for those crossing the street. Mayor Craythorne asked the rest of the Council for their comments on putting this issue on a future agenda for discussion. Council Member Dawson inquired as to what the status was of the discussion about the speed limit on 300 N; he recalled that they were waiting on the completion of a traffic study for more information. Mr. Laws stated that the traffic study for 300 N was completed and no change in the speed limit was recommended. At that time, the Council had decided to revisit the issue during the next Transportation Master Plan review, and possibly assign speed limits based on the category type of each road. That plan review is in the budget for this fiscal year, so will be discussed with the Council within the next few months. The Council was ok with waiting to evaluate this section of road at that time as well.

Council Member Dawson – None

Council Member Henderson – None

Council Member Judd – None

Council Member Petersen – The North Davis Fire District firefighters are beginning to receive the COVID-19 vaccine, along with other medical personnel. He commented that it is encouraging to see that the vaccine is making its way down the line to firefighters and other first responders.

Mayor Craythorne – None

4. Communications from Staff

Mr. Laws provided a quick update on the remodeling project of City Hall, informing the Council that the new City Manager's office has been completed and he moved into that office earlier in the day. That move will start the shuffling of other Staff into their new offices, and the new cubicles have also been installed. The former Planning and Zoning space at the back of the building still needs to be converted into the Recreation Department space, but things are progressing.

5. Citizen Comment

In regards to responding to residents' needs, Mr. Laws wanted to note that although City Hall is closed to regular traffic, Staff has been and will continue to be available to meet by appointment, either in-person or by phone call or virtual meeting. He encouraged residents to contact City Hall with questions or concerns and Staff is available to assist them.

6. Consideration of Approval of the November 17, 2020 West Point City Council Meeting

Council Member Dawson motioned to approve the November 17, 2020 City Council Meeting Minutes
Council Member Henderson seconded the motion
The Council unanimously agreed

7. Consideration of Approval of the December 1, 2020 West Point City Council Meeting

Council Member Dawson motioned to approve the December 1, 2020 City Council Meeting Minutes
Council Member Judd seconded the motion
The Council unanimously agreed

8. Consideration of Approval of the FY2020 Audit Report for West Point City – Mr. Ryan Harvey

Mr. Harvey stated that as discussed in tonight's earlier Administrative Session, there were no recommendations or findings issued by the auditors in their report. The highlights of the Audit Report are as follows:

- The City's total net position of $49,925,764 is made up of $37,753,716 in capital assets and other net position of $12,172,048. Of this amount, $7,651,169 may be used to meet the ongoing obligations of the City, while $4,520,879 is restricted for specific purposes.
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- The City's governmental funds reported a combined ending fund balance of $6,739,752, an increase of $923,495 from the prior year. The increase is primarily the result of continued high sales tax revenue and low expenditures.
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- As of June 30, 2020, the City's general fund reported a fund balance of $937,258. This represents an increase of $22,934 from last year's ending balance.
- The transfer from the General Fund to the Capital Projects Fund was $885,500.
- Once again, the City collected more sales tax than at any other point in its history, collecting $1,626,927 in Fiscal Year 2020, a 10.9% increase from Fiscal Year 2019.
- Taxes continue to be the largest source of revenue in the general fund and represent 75% of total general fund revenues, which is consistent with prior years. The largest element of tax revenue is sales tax. Sales tax is 60%, property tax is 21.5%, and energy & franchise tax is 18% of general fund tax revenue.

Heather Christopherson, with the auditing firm Ulrich & Associates, addressed the Council and reiterated that this year's audit was a clean opinion with no recommendations or findings. She added that even beyond that, there were no proposed journal entries that should be made. She commended Staff and the City's accountants, Keddington & Christensen, CPA's, for the great work that they have done, especially during this difficult year.

Council Member Petersen wanted to again reiterate what an accomplishment it is to have no findings and no recommendations, and to not even have any proposed journal entries is "amazing." He stated that the budget is an ongoing process that requires a lot of work and effort by Staff. He continued, stating that it takes years of prudent fiscal handling to be in such a healthy financial position and commended the Council for their conservative budgeting nature. He stated that West Point residents should be proud of what has been reported in this year's audit. The Council echoed their appreciation and had no further discussion.

Council Member Petersen motioned to approve the FY2020 Audit Report
Council Member Chatterton seconded the motion
The Council unanimously agreed

9. Consideration of Approval of Resolution No. 01-05-2021A, Approving a Developers Agreement for the Bluff View Subdivision – Mr. Boyd Davis

Mr. Davis stated that this Developers Agreement is in regards to ownership of the utilities that are in the roads of the Bluff View Subdivision, which is entirely made up of private roads, lanes, and alleys. The recommendation at the last meeting was that the City would maintain ownership of the water line, the other utility companies will follow their own policies, and all other utilities would be maintained by the HOA. Additionally, should the City have to repair a water line, the HOA would be responsible for any resulting repairs needed to the road. The Council has discussed this item extensively in past meetings, and had no further discussion regarding ownership and maintenance responsibilities of the utilities in the private roads. However, Council Member Petersen wanted to make clear that although not part of this Developers Agreement, the Council still needs to continue the discussion and came to a resolution with the developers about the access road that was discussed in tonight's Administrative Session.

The Council had no further discussion.

Council Member Dawson motioned to approve Resolution No. 01-05-2021A
Council Member Henderson seconded the motion
The Council unanimously agreed

10. Consideration of Approval of Resolution No. 01-05-2021B, Approving a Purchase Agreement for Water Shares – Mr. Boyd Davis

Mr. Davis stated that the City has been offered the opportunity to purchase four shares of Hooper Irrigation water that could be used for the development of the future Blair Dahl Park. An agreement has been drafted by the City Attorney covering the details of the purchase. The seller is offering the shares at $22,000 each, for a total of $88,000. The Council has discussed purchasing these water shares in previous and agrees that they will be a benefit to have for the future development of the Blair Dahl Park area. The Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 01-05-2021B and corresponding purchase agreement.
Council Member Chatterton seconded the motion
The Council unanimously agreed

11. Motion to Adjourn the General Session

Council Member Petersen motioned to adjourn the General Session
Council Member Henderson seconded the motion
The Council unanimously agreed

February 2nd, 2021

ERIK R. CRAYTHORNE, MAYOR

February 2nd, 2021

CASEY ARNOLD, CITY RECORDER

WEST POINT CITY
CORPORATE SEAL
DAVIS COUNTY - UTAH