



3200 W 300 N, West Point, UT 84015
801.776.0970

WEST POINT CITY COUNCIL MEETING NOTICE & AGENDA *ELECTRONIC MEETING* March 16th, 2021

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

THIS PUBLIC MEETING WILL BE HELD ELECTRONICALLY IN ACCORDANCE WITH THE MARCH 10TH, 2021 WRITTEN DETERMINATION:

PURSUANT TO UTAH CODE ANN. 52-4-207(4), We, the undersigned Mayor and Planning Commission Chair of West Point City, hereby determine that conducting City Council and Planning Commission meetings at any time during the next 30 days at an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. The World Health Organization, the President of the United States, the Governor of Utah, and the Davis County Health Department have all recognized that a global pandemic exists related to the new strain of the coronavirus, COVID-19. Further, according to information from state epidemiology experts, Utah is currently in an acceleration phase, which has the potential to overwhelm the state's healthcare system.

This written determination will expire thirty days from the date it is signed.

The original of this Written Determination is on file in the City Recorder's office. An electronic copy is also available on the City website at www.westpointcity.org.

The public may monitor or listen to the meeting electronically and provide public comment when appropriate by following the instructions below:

- Join Zoom Meeting at: <https://us02web.zoom.us/j/89712952241> or
- Connect via Telephone: Dial 1(669) 900-6833 and enter Meeting ID: 897 1295 2241

Members of the public may also participate in the Citizen Comment item via email prior to the meeting

Comments must be received prior to the 7PM City Council Meeting

- Email: carold@westpointcity.org
- Subject Line: Must be designated as "Citizen Comment – March 16, 2021 City Council Meeting"
- Email Body: Must include First & Last Name and Address and a succinct statement of your comment.

ADMINISTRATIVE SESSION

6:00 PM – OPEN TO THE PUBLIC

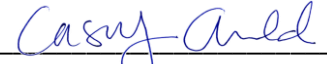
1. Presentation by Elizabeth Najim Regarding History Collaboration with the Syracuse Regional Museum
2. Discussion Regarding West Point City Land Use Code Updates – Mrs. Bryn MacDonald pg. 4
3. Other Items

GENERAL SESSION

7:00 PM – OPEN TO THE PUBLIC

1. Call to Order
2. Prayer (Please contact the City Recorder to request meeting participation by offering a prayer or inspirational thought)
3. Communications and Disclosures from City Council and Mayor
4. Communications from Staff
5. Citizen Comment (If you wish to make comment to the Council, you are encouraged to email your comments prior to the meeting using the instructions above. If you have joined the electronic meeting, use the "raise hand" icon if on a computer or dial *9 to indicate that you would like to make a comment. When it is your turn, the meeting host will unmute you. Please do not repeat positions already stated. Item Public comment is a time for the Council to receive new information and perspectives)
6. Update from the Davis County Sheriff's Office
7. Youth Council Update
8. West Point City Youth Council Essay Contest Winners – Mayor Erik Craythorne
9. Consideration of Approval of the February 16th, 2021 West Point City Council Meeting Minutes pg. 5
10. Consideration of Approval of a Request to Simultaneously Develop Phases 2 and 3 of the Wildfire Estates Subdivision – Mrs. Bryn MacDonald pg. 14
11. Motion to Adjourn the General Session

Posted this day 12th day of March, 2021


CASEY ARNOLD, CITY RECORDER

If you plan to attend this meeting and, due to disability, will need assistance in understanding or participating therein, please notify the City at least twenty-four (24) hours prior to the meeting and we will seek to provide assistance.

TENTATIVE UPCOMING ITEMS

Date: **04/06/2021**

Administrative Session – 6:00 pm

1. Discussion Regarding a Fence Line Agreement – Mr. Boyd Davis

General Session – 7:00 pm

1. Youth Council Update
2. Recognition of Michelle Bailey
3. Consideration of Approval of Resolution No. 04-06-2021A, Approving a Payback Agreement for the Sunview Estates Subdivision – Mr. Boyd Davis

Date: **04/20/2021**

Administrative Session – 6:00 pm

General Session – 7:00 pm

Date: **05/04/2021**

Administrative Session – 6:00 pm

1. Discussion Regarding the FY2021 Amended Budget and FY2022 Tentative Budget for West Point City and All Related Agencies – Mr. Ryan Harvey

General Session – 7:00 pm

1. Youth Council Update

Date: **05/18/2021**

Administrative Session – 6:00 pm

1. Discussion Regarding the FY2021 Amended Budget and FY2022 Tentative Budget for West Point City and All Related Agencies – Mr. Ryan Harvey

General Session – 7:00 pm

1. Consideration of Approval of Resolution No. 05-18-2021A, Approving the FY2021 Amended Budget – Mr. Ryan Harvey
 - a. Public Hearing
 - b. Adoption

Date: **06/01/2021**

Administrative Session – 6:00 pm

1. Discussion Regarding the FY2022 Tentative Budget for West Point City and All Related Agencies – Mr. Ryan Harvey

General Session – 7:00 pm

1. Youth Council Update
2. Consideration of Approval of Resolution No. 06-01-2021A, Approving the FY2022 Tentative Budget – Mr. Ryan Harvey
 - a. Public Hearing
 - b. Adoption

CDRA – 7:30 pm

1. Consideration of Approval of R06-01-2020A, Approving the FY2022 Tentative Budget for the CDRA of West Point City – Mr. Ryan Harvey
 - a. Public Hearing
 - b. Adoption

Date: **06/15/2021**

Administrative Session – 6:00 pm

1. Discussion Regarding the FY2022 Final Budget and 2021 Property Tax Rate for West Point City and All Related Agencies – Mr. Ryan Harvey

General Session – 7:00 pm

CDRA – 7:00 pm

2. Consideration of Approval of R06-15-2020A, Approving the FY2022 Final Budget for the CDRA of West Point City – Mr. Ryan Harvey
 - a. Public Hearing
 - b. Adoption

Date: **07/06/2021**

Administrative Session – 6:00 pm

General Session – 7:00 pm

1. Youth Council Update



WEST POINT CITY 2021 CALENDAR

2021

IMPORTANT DATES

JANUARY

SUN	MON	TUE	WED	THU	FRI	SAT
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

JULY

SUN	MON	TUE	WED	THU	FRI	SAT
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FEBRUARY

SUN	MON	TUE	WED	THU	FRI	SAT
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28						

AUGUST

SUN	MON	TUE	WED	THU	FRI	SAT
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MARCH

SUN	MON	TUE	WED	THU	FRI	SAT
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SEPTEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
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APRIL

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OCTOBER

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MAY

SUN	MON	TUE	WED	THU	FRI	SAT
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NOVEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
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28	29	30				

JUNE

SUN	MON	TUE	WED	THU	FRI	SAT
Columbus	1	2	3	4	5	
6	7	8	9	10	11	12
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27	28	29	30			

DECEMBER

SUN	MON	TUE	WED	THU	FRI	SAT
Columbus	1	2	3	4		
5	6	7	8	9	10	11
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JANUARY

1	New Year's Day - CLOSED
5	City Council - 6 PM
11	Senior Lunch - CANCELED
14	Planning Commission - 6 PM
18	MLK Jr. Day - CLOSED
19	City Council - 6 PM
28	Planning Commission - 6 PM
TBD	City Council Planning & Visioning Session

JULY

2-3	PARTY AT THE POINT EVENTS
5	Independence Holiday - CLOSED
6	City Council - 6 PM
8	Planning Commission - 6 PM
12	Senior Lunch - CANCELED
20	City Council - 6 PM
22	Planning Commission - 6 PM
23	Pioneer Day Holiday - CLOSED

FEBRUARY

2	City Council - 6 PM
8	Senior Lunch - CANCELED
11	Planning Commission - 6 PM
15	President's Day - CLOSED
16	City Council - 6 PM
25	Planning Commission - 6 PM

AUGUST

TBD	Summer Party
3	City Council - 6 PM
12	Planning Commission - 6 PM
17	City Council - 6 PM
20	MOVIE IN THE PARK - DUSK
20	Senior Dinner - 5:30 PM
26	Planning Commission - 6 PM

MARCH

2	City Council - 6 PM
11	Planning Commission - 6 PM
15	Senior Lunch - CANCELED
16	City Council - 6 PM
25	Planning Commission - 6 PM

SEPTEMBER

6	Labor Day - CLOSED
7	City Council - 6 PM
9	Planning Commission - 6 PM
13	Senior Lunch - 11:30 AM
17	MOVIE IN THE PARK - DUSK
21	City Council - 6 PM
23	Planning Commission - 6 PM

APRIL

TBD	EASTER EGG HUNT - 10 AM
6	City Council - 6 PM
8	Planning Commission - 6 PM
12	Senior Lunch - CANCELED
20	City Council - 6 PM
22	Planning Commission - 6 PM

OCTOBER

TBD	HALLOWEEN CARNIVAL - 7 PM
4	Senior Lunch - 11:30 AM
5	City Council - 6 PM
7	CEMETERY CLEANING
11	Employee Training - CLOSED
13	Council/Staff Lunch - 11:30 AM
14	Planning Commission - 6 PM
19	City Council - 6 PM
28	Planning Commission - 6 PM

MAY

TBD	TAKE PRIDE IN WEST POINT
4	City Council - 6 PM
6	CEMETERY CLEANING
13	Planning Commission - 6 PM
17	Senior Lunch - CANCELED
18	City Council - 6 PM
27	Planning Commission - 6 PM
31	Memorial Day - CLOSED

NOVEMBER

2	ELECTION DAY
6	FLAGS ON VETERANS' GRAVES
11	Veterans Day - CLOSED
15	Senior Lunch - 11:30 AM
16	City Council - 6 PM
25-26	Thanksgiving - CLOSED
29	CITY HALL LIGHTING - 6 PM

JUNE

TBD	MISS WEST POINT PAGEANT
1	City Council - 6 PM
10	Planning Commission - 6 PM
14	Senior Lunch - CANCELED
15	City Council - 6 PM
24	Planning Commission - 6 PM

DECEMBER

3	Christmas Party - 7 PM
6	CHILD REMEMBRANCE - 7 PM
7	City Council - 6 PM
9	Planning Commission - 6 PM
13	Senior Lunch - 11:30 AM
17	CEMETERY LUMINARY - 4 PM
21	City Council - 6 PM
23	Planning Commission - 6 PM
24-27	Christmas Holiday - CLOSED
31	New Year's Holiday - CLOSED

City Council Staff Report

Subject: Discussion of the new Land Use and Development Code
Author: Bryn MacDonald
Department: Community Development
Date: March 16, 2021



Background

The City has spent the last year working with a consultant to update the Zoning ordinance, and other related sections of the code. We now have a final draft that we are preparing to take through the approval process.

Analysis

Staff has identified several policy changes in the code revisions. These include changes in the following areas:

1. General Plan
2. Appeal Authority
3. Conditional Uses
4. Signs
5. Subdivisions

Staff would like to review these policies with the Council to ensure we are in agreement on the changes before we finalize the draft ordinance and bring it forward for adoption.

Recommendation

This item is on for discussion only. No action is required at this time. Staff would like feedback on the policy items in order to finalize the draft ordinance.

Attachments

None



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

**WEST POINT CITY COUNCIL
MEETING MINUTES
ELECTRONIC MEETING
NO PHYSICAL MEETING LOCATION
February 16th, 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 on February 16, 2021 at 6:00 pm with Mayor Erik Craythorne presiding. This meeting was held in accordance with the signed February 8th, 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 #88958119918 at <https://zoom.us/join> or by telephone at (669) 900-6833.

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

EXCUSED: Council Member Kent Henderson

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 a Payback Agreement for the Sunview Estates Subdivision – Mr. Boyd Davis

Mr. Davis stated that Mark Thayne is the developer of this subdivision, which is located at approximately 1100 N 5000 W (commonly known as the “Sod Farm”). Phase 1 of the project, which faces 5000 W, has already been completed and consists of six lots. Phase 2 is to the west of Phase 1 and will include the installation of a sewer lift station. The developer has requested a payback agreement for both the lift station and the sewer and pressure lines that will be installed. The pressure line will push the wastewater to the North Davis Sewer District line on 5000 W. The 10” sewer line will be a gravity line, buried 15 ft. deep, and will collect the water and flow it down to the lift station. The lines and the lift station will benefit more properties than just this subdivision, which is why a payback agreement is being requested.

Mr. Davis displayed a map of the area, explaining that the lift station will also serve all of the Sunview Subdivision and part of the West Lake Subdivision. However, the developer has agreed to put the sewer line deep enough (15 ft.) so that it can eventually serve an even larger area – once the rest of properties are developed, the line will be used to flow the water to a larger, regional lift station. At that point, this lift station will no longer be used. Staff believes that because of the benefits that will be provided to the properties surrounding his project, this would be a situation for the Council to consider approving a payback agreement.

Mr. Davis stated that no costs have been estimated yet, but Staff would like to begin the discussion of a potential payback agreement with the Council. He added that the City will review and approve all the costs associated, and also determine how to divide those costs among the area. Those details will be put into a draft agreement for the Council to approve, should they decide that a payback agreement is appropriate in this case.

Council Member Dawson inquired as to how long the payback agreement would be in place. Mr. Davis stated that the agreement would expire after 20 years. He also confirmed for Council Member Petersen that this lift station is only able to serve this subdivision and the developments mentioned above; once any of the surrounding areas begin to be developed, the best option would be for the regional lift station to be installed at that point. However, more temporary lift stations could be installed to serve the areas if not.

The Council had no further discussion at this time.

****Mayor Craythorne disclosed that he is associated with the following item and recused his role as Mayor. Mayor Pro Tem Petersen presided over the discussion.***

2. Discussion Regarding the Murray Place Subdivision – Mrs. Bryn MacDonald

This item was discussed after Item 3.

Due to weather, Mrs. MacDonald was late to the meeting and Mr. Davis began the discussion of this item, stating that Craythorne Development is seeking approval of the building elevations for Phase 2 of the Murray Place PRUD Subdivision, which is located at approximately 1880 W 75 S. Although the City's Code does contain building elevation standards that the Planning Commission ensures are met before giving their approval, in the Developers Agreement for the project, the developers willingly gave the Council the authority to review and approve the architectural drawings and provide any input or feedback they may have. He noted that the elevations do appear to meet all required standards.

Mr. Davis reviewed the elevation drawings with the Council, explaining that there will be rock on the lower portion of the buildings and hardi-board on the upper levels. There are also varying elevations of the front rooflines. In regards to the rear elevation, Mr. Craythorne stated that the version being displayed in the meeting has since been modified, but those provided to the Council with the Staff Report are the correct, current drawings. The correct drawings show one continuous patio on the rear of the properties, with a stucco exterior and brick wainscoting on both sides. Mr. Craythorne added that when discussed by the Council in previous meetings, they expressed the desire for changes in roofline of the buildings and a variation of materials on the exteriors. He stated that the elevations presented here hopefully meet those requests.

Council Member Dawson inquired as to whether there would be a separation in the back-patio areas of each unit, and Mr. Craythorne stated that they currently plan on it being one continuous patio cover along the full length of the buildings. Council Member Dawson expressed his concern that if that is the case, there could be issues with things like kids riding their skateboards and bikes back and forth all the way from one end to the other. Mr. Craythorne stated that was a good concern to consider and he would look into the possibility of adding railings or some other way of separating the areas. He reiterated that the Development Agreement states that the Council must approve the elevations before any building permits can be issued, and although the project is not yet to the point of submitting any permit applications, he wanted to receive the Council's feedback on the current draft drawings.

Council Member Chatterton stated that he likes the elevations as shown, but would like to know what the driveway lengths for the units are planned to be. Mr. Craythorne stated that they would be the standard 25 ft. as required.

The Council had no additional feedback or comments at this time. Consideration of approval of the building elevations for the subdivision will be on the agenda for the next meeting.

****Mayor Pro Tem Petersen turned the meeting back to Mayor Craythorne to preside.***

3. Discussion Regarding the 2021 Municipal Elections – Ms. Casey Arnold

This item was discussed before Item 2.

Ms. Arnold stated that there are two City Council seats and the Mayoral position up for election this year. Davis County has provided an estimate of the election costs, should the Council decide to continue contracting with the County for election services as it has for the past several elections. The total estimate is just under \$9,700, though Ms. Arnold noted that for the past few years, the final costs were not as high as the estimates provided. Although the election is a few months away, the County needs to know by the first part of March whether or not the City will be contracting with them to administer the election.

Ms. Arnold stated that there are many benefits in contracting with the County for election services, the main ones being that they are very experienced, efficient, and have a proven process in place. She noted that the whole State of Utah was recognized for running a smooth 2020 General Election, which was done via vote-by-mail throughout the nation, and Davis County was one of the first counties in the State to administer by-mail elections. Another benefit of contracting with the County is that many of the election costs can be shared with other contracting cities, decreasing West Point's own costs. Ms. Arnold stated that the City has been budgeting \$20,000 for elections each fiscal year, and so the estimated cost is well under budget. She added that if a primary election was needed, it would fall in a different fiscal year than the general election, and so there would be no added affect on the budget if both were needed this election cycle.

Ms. Arnold stated that although there is always the option of conducting the election in-house or considering some of the alternative voting methods that are available, it has been a great partnership with the County and her recommendation is that the City again contract with them to administer this election cycle.

The Council agreed with Council Member Dawson's comment that it would be difficult to bring the election back to being ran "in-house" and that it is money well spent. Approval of the contract with the County will be considered by the Council at the next meeting.

4. Other Items

Mr. Laws provided a brief update to the Council on the current Legislative Session. He explained that there are two land use bills in particular that are "hot-button" issues with cities, HB 82 and HB 98. He explained that HB 82 is in regards to internal accessory dwelling units (i.e. basement apartments). Basically, the intent of the bill is to encourage these units so be long-term rentals rather than short-term rentals, and the original bill would change State Code to mandate that all cities allow basement apartments, and limits the standards a city can put in place. For example, a city wouldn't be allowed to require more than one additional parking space for a unit to be approved, regardless of its size or occupancy capability. There has been a lot of back-and-forth discussions with lawmakers, committees, and the ULCT (Utah League of Cities and Towns) to get the language of the bill modified to a point that is agreeable to all parties. The discussions have resulted in some negotiations and substitutions that "tone back" the bill, but it is still not a great thing for the cities. HB 98 is actually sponsored by Representative Paul Ray, who represents our area. This bill aims to allow third-party building inspections and plan reviews at a developer's request, and also includes language that regulates cities' design and architectural standards they can put in place. Although through negotiations and substitutions the bill is not quite as invasive as it was when first introduced, it is still not a good bill for cities. Mr. Laws stated that the League has also been working hard on this bill to make it at least "less bad", but no one is really sure where it will end up. Mr. Laws noted that Representative Ray will actually be attending tonight's General Session and so the Council will have a chance to ask him directly about this bill he is sponsoring. The Council Members had various comments on these two bills, all agreeing that there is a trend in the State Legislature of over-reaching when it comes to local land use issues.

The Administrative Session adjourned.



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ELECTRONIC MEETING
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7:00 PM

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

EXCUSED: Council Member Kent Henderson

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 Mayor Craythorne
3. **Communications and Disclosures from City Council and Mayor**

The Mayor informed the Council and those in attendance that former City Council Member and West Point resident Farrell Cook passed away this past Saturday, and he offered his condolences to his family. The Mayor stated that Mr. Cook served on the City Council for several years and expressed his appreciation for all that he did for the City. His wife, Marilyn, passed away about six months previous and the Mayor stated Mr. Cook would not have wanted to be lonely without her for very long.

Council Member Chatterton – While also serving on the City Council, Council Member Chatterton stated that he sat next to Farrell Cook for much of the time they served together and commented on what a “gentleman [Mr. Cook] was to argue with” and how great of a relationship they had to be able to leave every discussion “respectfully and as friends.” He stated that he and Mr. Cook liked to joke that they had a “love-hate relationship”, in that they hated to argue with each other, but were able to do so as good friends.

Council Member Dawson – None

Council Member Judd – None

Council Member Petersen – None

Mayor Craythorne – No additional comments.

4. Communications from Staff

Staff had no comments or information for the Council.

5. Citizen Comment

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated that her comment is in regards to the Agreement with the Bureau of Reclamation for the Bluff View Subdivision that is on tonight's agenda. She stated that in reading through the agreement, she noticed that it says that "No Commissioner can profit from this agreement". She has severe concerns about this, but it is fact that one of the (Planning) Commissioners will actually be profiting from this agreement and she worries that this is not being adequately addressed.

Brian Bennett – 300 N 2737 W: Mr. Bennett stated that he sent an email a few months ago to each City Council Member and has yet to receive any responses back. He stated that he used an email address list given to him by Kyle Laws, and he would like to know if there was a different email list he should use or if there is a better way to get in touch with the Council Members so that he can get responses from them.

5.1 Legislative Update

Mayor Craythorne welcomed Representative Paul Ray to the meeting and expressed his sincere appreciation to him for taking the time to attend this meeting, especially during this busy time of year for the Legislature. He invited Representative Ray to share his thoughts on the current Legislative Session and if there were any bills being proposed he feels like the City should be aware of.

Representative Ray thanked the Mayor and for the opportunity to have some time during the meeting to update and talk with the Council. He stated that there are about 2 ½ weeks left in the Legislative Session, which ends on March 5th. The majority of his time at this point during the session is spent serving as House Chair of the Social Services Appropriations Subcommittee, which oversees the largest portion of the State's total budget, equaling about \$7 billion. Social Services received much of the CARES Act funding, and so this year the Committee has been busy dealing with COVID-19 issues and how to move forward.

In regards to HB 98 mentioned by Kyle Laws in the previous Administrative Session, this bill he is sponsoring is intended to target some of the few cities in the State that "have just thumbed their nose up at the State Laws" for turnaround times for building permits, inspections, etc. He stated that he has been working on the language of the bill for some time, actually going to the White House about a year ago to work with the Trump Administration's Secretary of HUD, Ben Carson. As they put the bill together, one of the key issues they wanted to address was how to make housing more affordable for our citizens. He stated that there are many factors that hurt affordability, and one of them is architectural standards that are asking for too much. He gave the example of West Valley City, which requires crown molding, granite countertops, and master bedrooms on the main level of all new homes. Representative Ray feels that there are "just some areas cities should not go into" and they "really have had no pushback from the League on that portion of the bill."

There are two parts of the HB 98 that are a source of disagreement with the League – the first regarding building permit turnaround times by cities. He stated that some cities are taking months to approve building permits and that shouldn't be happening. They have compromised with the League and the proposed bill has been amended to state that there is a 14-day turnaround requirement on cities for building permits. The other issue is in regards to home inspections. He stated that he is getting calls from builders about long delays in getting inspections. He referenced a specific example of a call he received from a builder in North Ogden, complaining that building inspections are having to be scheduled at least a week in advance. Under State Law, a city has three business days to do an inspection once ordered. If it isn't done within three days, the city is required, by existing law, to hire a third-party entity to complete the inspection. Rep. Ray said that many cities, like Draper, "flat out told us to go fly a kite – they don't care." He stated that he isn't aware of any complaints about the cities in his district, but there about 10% of the cities in Utah that "are just blatantly not following the law." He stated that the original language of this portion of the bill has also been

negotiated and a substitute bill will be introduced with language stating that when a building is ready for an inspection and the builder has requested it, if a city cannot complete the inspection within three days, the builder has the opportunity to hire a licensed third-party inspector to complete the inspection. That third-party inspector can then be used throughout construction of the building. The city loses no money, because they keep the permit application fees, but the developer can get inspections done in a timely manner. Rep. Ray stated that he personally does not like this version, and feels like builders should be able to hire their own third-party inspectors from the beginning of the process. However, he hopes that the amended language that was negotiated with the League can move HB 98 forward in order to mitigate the issues the bill is intended to address.

Mayor Craythorne referred to Rep. Ray's prior experience in local government while serving on the City Council for Clinton City and posed to him the question of whether he notices, and if it concerns him, a trend by the State Legislature to take away more and more control from cities by restricting what they can and cannot do. Rep. Ray stated that it does concern him, and he relies on his former city council experience to try and give cities as much autonomy as possible. He stated that he has fought against several bill that he feels takes away from cities' ability to govern, and didn't include language in his own bill (HB 98) coming "from a huge push of individuals" that wanted to restrict cities from having commercial building standards – he stated he fully supports a city being able to have things like design restrictions and requirements on large commercial buildings. He stated that his intention is to help address the housing shortage in Utah and make homes be more affordable. Mayor Craythorne expressed his concern that 10% of the 150+ cities in the State are driving the Legislature to create and pass bills that essentially penalize *all* cities. The discussion regarding HB 82 and HB 98 continued, with the Council asking questions and expressing their thoughts to Representative Ray.

As one of the City's Representatives in the House, Mayor Craythorne encouraged Rep. Ray to work with Rep. Mike Schultz to obtain funding, hopefully through the West Davis Corridor project, to extend SR-193 to 4500 W in West Point. Representative Ray stated that he would absolutely try to help push getting that project funded, stating that "[He] will promise that we'll get that money one way or the other; we'll get it going for you. There is always money laying around for contracts that are completed so we'll make sure this is a priority."

The full discussion with Representative Ray can be found at <https://www.utah.gov/pmn/files/690957.mp3>, beginning at minute marker 09:19.

6. Consideration of Approval of Resolution No. 02-16-2021A, Approving an Agreement with the U.S. Bureau of Reclamation – Mr. Boyd Davis

Mr. Davis stated that this item has been discussed in previous meetings and is in regards to the Bluff View Subdivision. As part of this development, the proposed routes for the storm drain and sewer lines will cross over the Layton Canal, which is owned by the US Government. The developers have been working with the Bureau of Reclamation, which is the agency that oversees this property, and have been able to draft an agreement in order to have the lines run through the property. Mr. Davis stated that the agreement will be between West Point City and the Bureau of Reclamation, and grants the City the authority to install, or to have these utilities installed, on the City's behalf and the authority to maintain the lines over the time period of the agreement, which is 25 years (at which point the agreement can be renewed). The stipulations in the agreement are that the installation of the lines must follow the approved plans and the contractor is responsible for any damages done to the property during construction. Mr. Davis noted that ensuring adherence to these requirements will be overseen by Weber Basin Water, who actually operates the canal.

In regards to the public comment made regarding the restriction that "No Commissioner can profit from this agreement," Mr. Davis stated that the section where this language is found is in Item 10 and is referring to federal government officials, such as delegates from Congress or a Commissioner of the Bureau of Reclamation; it is not in reference to the City's Planning Commission.

Staff recommends approval of the agreement and the Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 02-16-2021A

Council Member Judd seconded the motion
The Council unanimously agreed

7. Consideration of Approval of Resolution No. 02-16-2021B, Approving a Memorandum of Understanding with Syracuse City Regarding the Syracuse Youth Court – Mr. Kyle Laws

Mr. Laws stated that potential participation in the Syracuse Youth Court has been discussed by the Council in previous meetings, most recently at the last meeting on February 2nd. At that meeting, the Council had some questions about the program, which Mr. Laws presented to and discussed with Syracuse's City Manager, Brody Bovero. Those questions and corresponding answers are as follows:

- What do adult volunteers do and how are they recruited?
 - Mr. Bovero stated that much of the recruitment is by word of mouth, but also through applications or interest letters. The adult volunteers train the youth and assist with and monitor the operations. They also receive some training.
 - The current head advisor, Laurie Smith, has spent her career working in the judicial system and currently works in the Court System. Mr. Bovero stated that Ms. Smith is very knowledgeable in the judicial system and has been instrumental in making the Youth Court a successful program. As the Head Advisor, Ms. Smith organizes the caseload and case information that is to be considered by the Youth Court. When the caseload is low, a lot of time is spent training the youth participants on the justice system and appropriate sentencing.
- How successful is the Youth Court currently?
 - Mr. Bovero stated that over the last eight years, only four youth have had to come through the program twice; this equates to a recidivism rate of less than 1%, which they consider to be a great rate. Mr. Laws added that a few years ago, the State Youth Court Association analyzed recidivism rates of youth courts versus juvenile courts, and found that at that time, juvenile courts statewide had a recidivism rate of 5% and youth courts had a rate of 2.5%. He noted that the State Youth Court Association is working with the relative State Departments to get better tracking data and processes.
- After a year can we get reports that show us how much our City has been involved to determine whether to continue or not?
 - Yes, the MOU allows for the City to opt-out after one year, and those types of reports can easily be produced.

Mr. Laws also informed the Council that in his review of the draft agreement, the City Attorney recommended that the City be involved in the approval of any larger purchases that are not normal operating costs, rather than just simply getting invoiced for them. In accordance with that recommendation, Syracuse City agreed to add the following paragraph in Section 8 of the MOU:

“Prior to any significant one-time purchases, such as computer equipment, software acquisition, or other similar items that would create an unusual increase in the annual budget, Syracuse shall submit these planned purchases for West Point’s approval prior to being included in the proportionate share calculation outlined in this section.”

Mr. Laws confirmed for Council Member Chatterton that this MOU expands the Youth Court to cover any youth that attend West Point Jr. High and also any youth that commit an offense in West Point City, regardless of where he or she lives.

Mr. Laws stated that it is important to note that the Youth Court is not determining whether an offender is guilty or innocent; the program is available to those who have already pled guilty and provides an opportunity to have their sentence or remediation determined by their peers in order to keep the offense off of their criminal record. Council Member Chatterton stated that from what he has seen in the past, the Youth Court has really changed the course of some young people’s lives and thinks it is a great program.

The Council had no further discussion.

Council Member Dawson motioned to approve Resolution No. 02-16-2021B

Council Member Judd seconded the motion

The Council unanimously agreed

8. Consideration of Final Approval of the Bluff View Subdivision Phases 1 & 2 – Mrs. Bryn MacDonald

Mrs. MacDonald stated that this subdivision has been discussed several times by the Council in previous meetings, and now that the Council has approved the Agreement with the Bureau of Reclamation for the storm drain and sewer lines (Item 6 in tonight's meeting), final approval of Phases 1 & 2 can be considered by the Council.

Council Member Chatterton stated that he met earlier in the day with Mr. Davis to relay a concern that had been voiced to him about the need for an additional crosswalk at the intersection of 3650 W and 300 N. Mr. Davis stated that this issue also came up in the Planning Commission's discussion, and Commissioner PJ Roubinet, who works for UDOT, stated that it is unlikely UDOT will allow a second crosswalk so close to the one that already exists at about 3830 W. However, the developers have stated that if allowed by UDOT and the Davis School District, they are willing to put in a school zone and crosswalk. Mr. Davis stated that his recommendation would be to try and get approval of this through UDOT, noting that there has been a concern about this intersection even before this project was proposed.

Council Member Chatterton stated that he would like to propose to UDOT the possibility of also installing a hawk signal light at the intersection, because with the number of new residents that will live in this subdivision, he is greatly concerned about someone getting hit and being injured or killed. Council Member Dawson agreed, adding that kids are not going to want to walk down to 3830 W in order to cross 300 N to get to school. Mr. Laws noted that the existing homes along 300 N between 3650 W and 3830 W are not part of the project and so will not have curb, gutter, or sidewalk installed. The Council felt that this makes an even stronger case for a crosswalk at 3650 W, because otherwise, students will have to walk along this section of 300 N that won't even have a sidewalk to get to the crosswalk at 3830 W. Council Member Petersen expressed his strong opinion that the City has to do something about getting a sidewalk installed in this section – he understands that this may be difficult for the City to get done and he is surprised he didn't notice that the project didn't include this gap on 300 N. Regardless, he feels that the City has a responsibility to solve the issue. Mr. Laws stated that this would be a good issue to raise with UDOT while approaching them about the additional crosswalk. Mr. Davis noted that it would also be a great project to apply for a Safe Sidewalk Grant.

The Council had no further discussion.

Council Member Judd motioned to approve Phases 1 & 2 of the Bluff View Subdivision

Council Member Dawson seconded the motion

The Council unanimously agreed

9. Motion to Move Into a Closed Session

Council Member Chatterton motioned to move into a Closed Session

Council Member Petersen seconded the motion

The Council unanimously agreed

Closed Session

1. Motion to Open Closed Session

Council Member Chatterton motioned to open the Closed Session

Council Member Dawson seconded the motion

The Council unanimously agreed

2. Call to Order and Roll Call

Mayor Erik Craythorne called the February 16th, 2021 Closed Session to order

Roll Call -

Mayor Erik Craythorne

Council Member Gary Petersen

Council Member Annette Judd

Council Member Andy Dawson

Council Member Jerry Chatterton

Kyle Laws, City Manager

Boyd Davis, Assistant City Manager

Bryn MacDonald, Community Development Director

Paul Rochell, Public Works Director

Ryan Harvey, Administrative Services Director

Casey Arnold, City Recorder

3. **Discussion Regarding the Purchase of Real Property, Pursuant to UCA §52-4-205(1)(d)**
4. **Motion to Adjourn Closed Session and enter the General Session**

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

Council Member Petersen seconded the motion

The Council unanimously agreed

10. Motion to Adjourn the General Session

Council Member Petersen motioned to adjourn the General Session

Council Member Dawson seconded the motion

The Council unanimously agreed

ERIK R. CRAYTHORNE, MAYOR

March 16th, 2021

CASEY ARNOLD, CITY RECORDER

March 16th, 2021

City Council Staff Report

Subject: Wildfire Phases 2 and 3
Author: Bryn MacDonald
Department: Community Development
Date: March 16, 2021



Background

The applicant is seeking an exception from the City Council to receive Final Plat approval for Phase 3 of the Wildfire subdivision located at approximately 50 South 4500 West. Phase 3 is 19 lots. The code does not allow multiple phases to be developed at the same time, unless an exception is granted by the City Council.

Analysis

Preliminary approval for the entire development was granted in December, 2018. Phase 1 was granted final plat approval in March, 2019. Phase 2 was granted final plat approval in August 2020. The subdivision ordinance requires only one phase be built at a time, unless an exception is granted by the City Council.

16.05.09 Subdivision Standards

D. Lots

10. 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 30 lots in a development or single phase without requiring the construction of a second access road that connects to an existing public street...

In no case shall more than two phases be developed consecutively. The city council may grant exceptions to these rules if deemed appropriate.

The applicant is now seeking an exception to allow phase 3 be constructed at the same time as phase 2.

Recommendation

Staff recommends approving the exception to allow Wildfire to simultaneously develop phases 2 and 3.

Significant Impacts

There are no significant impacts to this project.

Attachments

- A. Request from applicant
- B. Phasing Plan

Bryn MacDonald

From: mark@msarchitecture.net
Sent: Tuesday, February 9, 2021 4:37 PM
To: Bryn MacDonald
Subject: RE: Wildfire

Bryn,
Please get us on the scheduled to request an exception allowing us to development more than one phase at a time for the remainder of our project. We are constantly being delayed in the approval process. we need the ability to overlap our phases.

Wildfire Estates is being constructed with the owners cash. There are no bank loans on the project. We are providing cash bonds for each phase.
There is no risk to the City. Your ordinance is not applicable to our project. It is only a hindrance.

In addition, I am aware of other projects in the City that have 40+ lot phases that have been approved. Why are we being punished?

Mark Sandberg, Project Manager

> The ordinance only allows one phase be developed at a time, unless an
> exception is granted. If you would like to move forward with receiving
> final approval for phase 3, you will first need to request an
> exception from the Council and receive approval. Let me know how you
> would like to proceed.

>
> Thanks!

>
> Bryn MacDonald, AICP
> Community Development Director

>
> [5B83ECA6]
> 3200 W 300 N, West Point, UT 84015
> PH 801-614-5351
> www.westpointcity.org<<http://www.westpointcity.org>>

>
> From: Bryn MacDonald
> Sent: Thursday, February 4, 2021 8:09 AM
> To: mark@msarchitecture.net
> Subject: Wildfire

>
> I spoke to Boyd and he said phase 3 is not ready for Planning
> Commission yet. We still need approval letters from D&W and North
> Davis Sewer District. As soon as we receive those letters, we can
> schedule you for Planning Commission.

>
> Thanks!
>

> Bryn MacDonald, AICP
> Community Development Director
>
> [5B83ECA6]
> 3200 W 300 N, West Point, UT 84015
> PH 801-614-5351
> www.westpointcity.org<http://www.westpointcity.org/>
>
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