3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

WEST POINT CITY HALL

May 4th, 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 at West Point City Hall on May 4, 2021 at 6:00 PM with Mayor Pro Tem Petersen presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #811 8789 4426 at https://zoom.us/join or by telephone at (669) 900-6833.

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

EXCUSED: Mayor Erik Craythorne

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: Brian Vincent (*in-person*). No sign-in required for online attendees.

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

Item was discussed after Item 2

Mr. Harvey stated that for the next several meetings, the Council will be discussing the City's budget for FY2022, as well as the amended budget for the current FY2021. The information presented at this meeting will focus on the following:

- FY2021 Amended Budget Changes
- General Fund Revenues
- FY2022 Personnel Changes
- FY2022 General Fund Budget Requests

FY2021 Amended Budget Changes

Dahl Water Share Purchase ($88,000) – The City purchased water shares for the Dahl property earlier this year, as approved by the City Council. The total amount of the water shares came to $88,000. The Water Budget will be amended under the Water Purchase line item.

Water Tank ($50,000) – The Public Works Department noticed leaking from the Water Tank earlier this year. A claim was submitted to the City's insurance company to see if the crack in the tank could have been from the earthquake last year. The claim was accepted, and the insurance paid for the repairs to the tank minus depreciation ($49,000) and the deductible ($1,000). The Water Budget will be amended under the Water Maintenance line item for $50,000. Council Member Dawson inquired as to the total cost of the repairs, and Mr. Harvey stated that it was close to $160,000. The original claim was for repairs to the first water tank; however, Public Works drained the second tank to make sure that it was not also damaged and found that it was cracked and needed to be repaired as well. The crack in the second tank was discovered before water started leaking through. Mr. Laws added that the total cost of repairs to the first tank was $114,000 and estimated cost of repairs to the second tank is $95,000.

General Fund Revenues

Due to COVID-19, and the uncertainty at this time last year, the City took a very conservative approach to budgeting for General Fund Revenues in the FY2021 Budget, especially when it came to Sales Tax, Class C Road Revenue, and Building Permits. However, those three revenues sources are on pace to come in *higher* than at any point in the City's history, which is great news. Due to the increased revenue, Staff is proposing amending the FY2021 Budget for Sales Tax and Building Permits as follows:

Sales Tax - $1,700,000 (increase of $400,000)
Building Permits - $400,000 (increase of $200,000)

In regards to Sales Tax and Building Permits revenues for the FY2022 budget, with all of the building currently happening, Staff feels comfortable budgeting $400,000 for the FY2022. However, due to the high volatility of Sales Tax, and the possibility that the increase may be attributed to the pandemic for FY2021, Staff proposes budgeting $1,500,000 for Sales Tax for the FY2022 Budget.

Personnel Budget Changes

There are no personnel changes included in the tentative budget for FY2022, outside of the regularly scheduled Merit and COLA increases.

Benefits Increase – The City's health insurance plan renewed January 1, 2021. The proposed budget includes a 12% increase to health premiums beginning January 1, 2022. Also, because of salaries increasing slightly, there were increases to benefits that correlate with salaries.

4% Increase (2% COLA, 2% Merit) – It has been the City's compensation philosophy to provide employees with a 2% salary increase each year based upon positive performance. An additional cost-of-living adjustment of 2% is also provided every other year. These increases are not guaranteed, but are subject to budgetary constraints, as approved by the City Council. In Fiscal Year 2022, we propose a 2% merit increase and a 2% cost-of-living adjustment be included in the budget for full-time and regular part-time employees.

General Fund Department Budget Requests

Mr. Harvey reviewed the following General Fund Department budget requests:

Engineering Split (No Budget Impact) – With the recent hire of Bryn MacDonald as the Community Development Director, staff split the budget and created the Engineering Budget. There is no budget impact for the new department, as the expenses were split up between the two departments.

Youth Court ($2,000) – Last year the City Council approved $3,000 in expenses for the Youth Court. After further discussion, the cost to provide this service will actually be $5,000. Staff has added $2,000 to this line item for next year's budget. Mr. Laws added that West Point has already began participating in this program and it has been going really well.

Arts Council ($5,000) – Council has discussed the creation of a West Point City Arts Council. Based on information gathered from surrounding arts councils, Staff proposes budgeting $5,000 for FY2022.

Gateway Signs ($10,000) – Council has expressed interest in adding gateway signs as people enter the City. Staff proposes adding $10,000 in next year's budget for the purchase and installation of these signs. Mr. Harvey clarified that the City has not received bids or actual pricing on the signs, but is basing this estimate on information received from some surrounding cities regarding the costs of their signage.

Holiday Lights ($5,000) – The Council has indicated a desire to add more lights and decorations to City Hall and the surrounding area during the Holiday Season. Staff proposes adding $5,000 in the budget to cover this expense, which is twice the amount that has been spent and budgeted for the past several years.

Recreation Referees ($5,000) – There is a need in the Recreation Department to hire more qualified referees for the older kids in the Jr. Jazz program. Based on research from the Recreation Department, this cost would be close to $5,000 and Staff proposes adding that amount to next year's budget. Mr. Laws added that this was an idea from Mayor Craythorne who had attended some Jr. Jazz games in a neighboring city wherein the referees were actual certified officials that regularly officiate high school basketball games. He felt that the games officiated by these referees had better crowd control and produced higher quality games than in West Point, which are officiated by recreation aides. These officials would not be used for all Jr. Jazz games, but for grades 7^{th} – 12^{th}, which are much more intense and competitive than in the other age groups.

Public Safety (TBD) – Staff has not been able to meet with the Sheriff's Office regarding a new contract for police services. If that meeting takes place before the budget is passed, the budget will need to be adjusted accordingly. Also, as discussed in February, there is no proposed increase to the Animal Control Budget for FY 2022. Mr. Laws stated that a meeting with the Sheriff's Office has been scheduled for two weeks from now, and so hopefully the negotiated costs will be known by the time the final budget is approved. He also added that there will likely be another renegotiation for a new contract that does not include paramedic services.

The Council thanked Mr. Harvey for the information and will continue budget discussions in upcoming meetings.

2. **Discussion Regarding a Request to Simultaneously Develop Phases 2 & 7 of the Harvest Fields Subdivision – Mrs. Bryn MacDonald**
Mrs. MacDonald stated that the City Council has already approved the concurrent development of Phases 3 through 6, and the developers are now requesting to also begin Phases 2 and 7. Phases 3 and 4 are currently under construction, and Phases 5 and 6 will begin soon.

Phase 2 is on the west side of the subdivision and when complete, will connect to 100 S. The lots in Phase 2 are a little larger than in other phases and will offer a different housing product to potential buyers. Mrs. MacDonald confirmed for the Council that approval of this request is not granting approval of the final plats for Phases 2 and 7 but is only granting an exception to the City's Code to develop multiple phases simultaneously. The final plats would still have to receive approval from the Planning Commission and City Council. However, Mrs. MacDonald stated that the final plat for Phase 2 has already been submitted and approved by the City, but the developers delayed beginning the phase. If the request is approved, development of Phase 2 could begin right away.

Mayor Pro Tem Petersen stated that the City Council has already granted approval for several phases of this subdivision to be completed simultaneously, and shared his concern that there is a risk to the City if development was suddenly halted - the housing market may take a downturn, demand for these types of houses may decrease, or be due to some other factor. Council Member Dawson agreed, and stated that this situation happened before with a development in the City back in 2008 when the market crashed and there is always a potential for it to happen again. Mrs. MacDonald explained that when the plats are recorded, the developers have to also submit a "cash bond" into an escrow account for all of the infrastructure, and the bond amount is high enough that if something were to go wrong with the development, the City can use the bond money to complete the infrastructure. Council Member Chatterton agreed that there is a risk to the City with allowing so many phases to be developed at one time, and inquired as to whether the multiple requests are due to poor planning on the developers' part. Mrs. MacDonald stated that her assumption Is that the lots are selling faster than they expected and so they have modified their development plan. Mr. Laws agreed, adding that Phases 1 and 2 are the phases with larger lots, and so they are likely wanting to be able that housing type now.

Mrs. MacDonald confirmed for Council Member Henderson that the road is included as part of Phase 2, and so the developers will have to bond for the road. This assures that the road will be completed, whether by the developer or the City if it has to recall the bond. She also confirmed for Council Member Chatterton that no building permits can be issued until the road is completed (along with the other required items).

Mayor Pro Tem Petersen stated that the Council does not seem to feel strongly either way at this point, and asked if more information or discussion was needed before coming to a decision. Council Member Dawson stated that this project is well into development, with some infrastructure in place and houses under construction, and feels that it is likely to continue developing under the current housing market. However, he would like to have an opportunity for more discussion before taking action. Council Member Judd stated that while it does seem like a lot of lots being developed at one time, as a realtor, her concern is not the demand for houses decreasing, but other factors affecting the ability to actually build the homes; many builders are being slowed down right now due to lack of availability of materials. She inquired as to what is considered "normal" in regards to how far into projects developers are before asking approval of the next phase. Mr. Laws stated that it is difficult to gauge what is "normal", but that developers usually follow the City's Code without issue. However, he does not think that the phase restriction is in many other cities' code, and what is "normal" for other cities is that a whole subdivision gets approved and is built out as the demand dictates.

The Council will continue the discussion in the administrative session of the May 18th meeting, and will consider approval that same night in the general session. Mayor Pro Tem Petersen encouraged the Council to contact Staff if they had any questions or needed more information.

3. **Discussion of Ordinance Changes Regarding Parking of Vehicles on Property Zoned as Commercial – Mr. Kyle Laws**
Mr. Laws stated that the City has recently encountered an issue with dump trucks being parked on a commercially-zoned property on 300 N. Staff believed that Section 10.05.050 of the West Point City Code regarding Unlawful Parking prohibited the parking of these types of vehicles on properties zoned commercial, and so issued a citation to the property owners. The property owners disputed the citation and the violation was dismissed by the Davis County Prosecutors Office because the language in the City's Code was not strong enough to clearly state that it was prohibited. Staff has been working with Troy Rawlings, the County Attorney, and Sheriff Sparks from the Davis County Sheriff's Office to create a resolution to the problem, and it was determined that the best way would be through an amendment to City Code.

Mrs. MacDonald has researched and drafted the proposed amendment to the City's Code, and Staff feels that it reflects what the current Code was intended to mean and is a beneficial ordinance for the entire City; although this specific situation brought the issue to light, the proposed language is not specific to one property. The first section of the proposed language would read as follows:

J. Parking of Vehicles – Commercial Zones. No vehicles, including, but not limited to motor vehicles, commercial vehicles, trucks, or construction equipment, shall be parked on any lot or parcel in any commercial zone unless it is accessory to an approved use for the property.

The West Point City Code currently defines an "accessory use" as "a use subordinate to the principal use of a building or principal use on the same lot, and serving a purpose customarily incidental to the use of the principal building or use." Mr. Laws explained that this language allows for exceptions in various situations, such as when there is an approved commercial development on the property or for residents to be able to park their cars if their home is on commercially zoned property. Staff believes this would help solve the issues that currently exist and allow for a quick remedy to problems as they arise.

In addition to the language above, Staff proposes adding some definitions to this is section of Code as follows:

10.05.005 Definitions.

A. Commercial Vehicle: as defined by Utah Code Section 41-1a-102(14)

["Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

(a) as a carrier for hire, compensation, or profit; or

(b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.]

B. Motor Vehicle: as defined by Utah Code Section 41-6a-102(40)

[(a)Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include:

(i) vehicles moved solely by human power;

(ii) motorized wheelchairs;

(iii) an electric personal assistive mobility device;

(iv) an electric assisted bicycle;

(v) a motor assisted scooter;

(vi) a personal delivery device, as defined in Section 41-6a-1119; or

(vii) a mobile carrier, as defined in Section 41-6a-1120.]

C. Vehicle: as defined by Utah Code Section 41-6a-102(78)

["Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.]

Mr. Laws stated that Mr. Rawlings has reviewed the proposed language and gave his opinion that it is a strong, clear, concise code and there should not be any issues with enforcement, should another citation be challenged.

Mr. Laws also confirmed for the Council that it is already in the City's Code that no commercial vehicles can be parked in the front yard in a residential zone (Section 10.05.050(I)); last year, the Council defined in the Code that a front yard is considered the full width of the yard, including the driveway, from the property line to the front plan of the house. As such, commercial vehicles can still be parked on residential properties as long as they are behind the front plane of the house.

The Council inquired as to whether agricultural uses are included in this Code, and whether farm operations are considered a "business". Mr. Davis stated that agricultural uses are exempt from these restrictions; although a farm may be operating as a business, the City does not issue business licenses to agricultural uses and it would not be considered a commercial use. However, if a property owner used agriculturally zoned property to do something like rent out parking spaces for RV's or boats or trailers, etc., that would not be considered an agricultural use and the parking would not be allowed.

The Council had no further discussion and will consider approval of this proposed code amendment after holding a public hearing in the May 18, 2021 City Council meeting.

4. 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 at West Point City Hall on May 4, 2021 at 7:00 PM with Mayor Pro Tem Petersen presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #811 8789 4426 at https://zoom.us/join or by telephone at (669) 900-6833.

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

EXCUSED: Mayor Erik Craythorne

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: In-Person: Brian Vincent, Roger Timmerman, Kim McKinley, and Laurie Harvey.
No Sign-In required for electronic visitors.

1. **Call to Order & Pledge of Allegiance–** Mayor Pro Tem Petersen welcomed those attending the meeting.
2. **Prayer** – Given by Council Member Henderson
3. **Communications and Disclosures from City Council and Mayor**

   Council Member Chatterton – no comment

   Council Member Dawson – no comment

   Council Member Judd – no comment

   Council Member Henderson – no comment

   Mayor Pro Tem Petersen – no comment

4. **Communications from Staff**

   Mr. Laws informed the Council that the City received preliminary approval for a grant from the Wasatch Front Regional Council to widen 300 N from 3000 W to 4000 W. A grant has already been approved for the widening of the road from 2000 W to 3000 W, and the section from 1000 W to 2000 has already been completed with Clearfield City. The grant for 2000 W to 3000 W is still in the final approval processes. Grant money received from the Wasatch Front Regional Council has allowed the City to complete many road projects, such as the widening of 3000 W and the current widening project on 800 N, and has really been the only way projects to improve the City's main arterial roads have been able to be funded. The new grant awarded is just under $3 million and, with some additional funding hopefully received from the County from the local option transportation money, there will be enough to include the installation of curb, gutter, and sidewalk as part of the project.

5. **Citizen Comment**

   No comments

6. **Recognition of Michelle Bailey, Former West Point City Employee – Mayor Pro Tem Petersen**

Mayor Pro Tem Petersen stated that Mrs. Bailey was an employee of West Point for 18 years and recently retired from her position in the Community Development Department. He stated that he thought of her as a "quiet warrior", who dutifully worked on behalf of the City, completing everything that needed to be done, and did it wonderfully. He thanked her for the work and effort she gave to the City.

Council Member Dawson stated that he served on the Planning Commission for many years and loved working with Mrs. Bailey and appreciated the work she did for the Planning Commission. He stated that she is an "amazing individual and a great person and will definitely be missed."

Council Member Henderson stated that it was a "sad day" when he got the call that Mrs. Bailey was leaving West Point; the work that she did was always "outstanding" and she was a pleasure to work with and just a pleasure to be around.

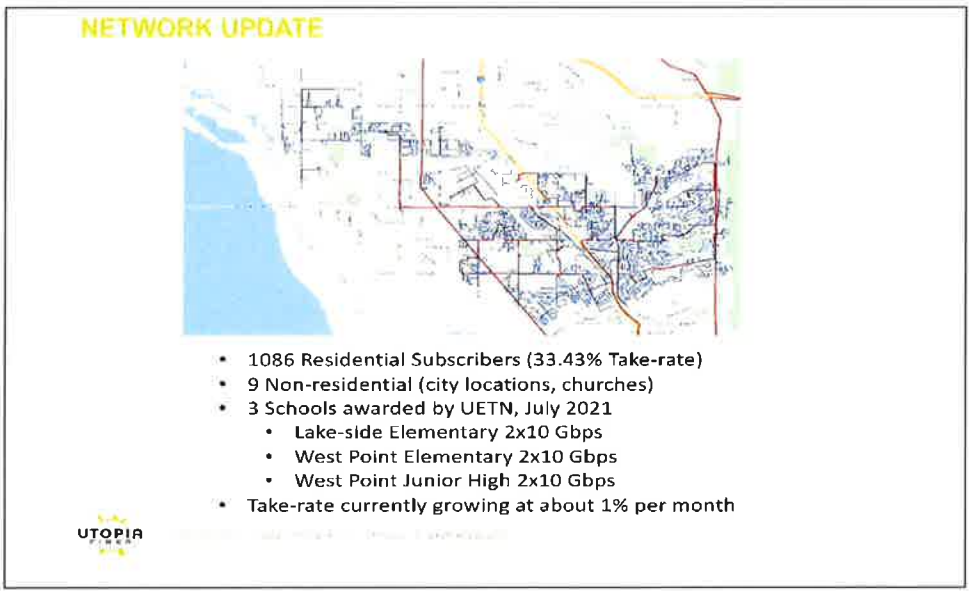
Council Member Chatterton stated that Mrs. Bailey was always the "go-to" – If you had a question, you could go to her and if she didn't know it, she would find it out and take care of whatever was needed. He thanked her and expressed that the City will miss having her here. Mayor Pro Tem Petersen added to Council Member Chatterton's comment that it wasn't just that she knew or would find the answer, but she did it with such a pleasant and willing demeanor.

Mrs. Bailey was presented with a plaque in recognition of her many years of service to West Point City and invited to comment. Mrs. Bailey stated that of the 22 years she has lived in West Point, 18 of those were spent working for the City – this job has meant the world to her and has been a major part of her and her family's life. She said that it has been a pleasure and honor to work for West Point and she is so grateful to have been able to spend that time working with such great people, all of whom have made her a better person.

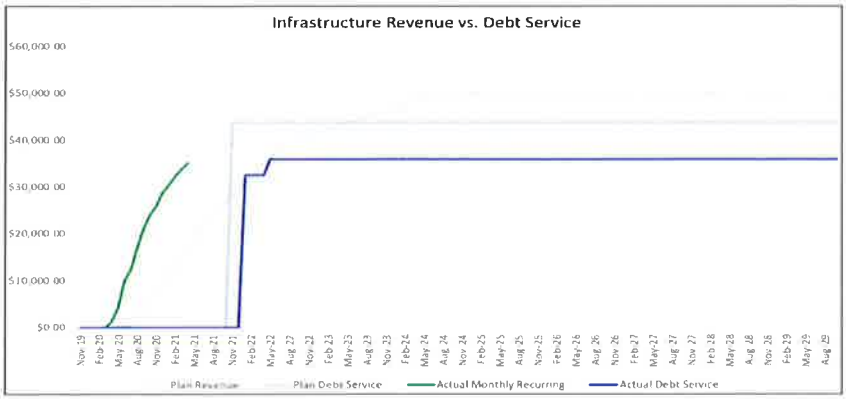
7. **Presentation and Update on UTOPIA – Roger Timmerman**

Darth Vader, aka Roger Timmerman, attending the meeting in honor of May 4th being "Star Wars Day", addressed the Council to provide a 'themed' update on the status of the UTOPIA fiber internet project in West Point (quoted in part below).

"In a galaxy not so far away, there was a civilization knows as West Point City. Just two years ago, it was under the protection of my Broadband Empire. The residents of this community rose up in rebellion and decided that the services from the Empire insufficient. A Jedi Council was formed with UTOPIA and the City. This group of troublemakers decided to build their own fiber network and invite Utah-based providers to come and compete. The Dark Side of the Empire's forces have not been able to stop this effort, and West Point has had much success:



CITY GUARANTEE STATUS



UTOPIA

REALIZED BENEFITS

- ✅ **Competitive Marketplace of Service Providers**
- ✅ **Fastest Speeds in the Country**
- ✅ **Upgraded School Connectivity and Cost Savings (in progress)**
- ✅ **Work-from-home Ready**
- ✅ **Remote Education**
- ✅ **Tele-Health Enabled City**
- ✅ **Upgraded City Facility Capabilities**

UTOPIA

PROBLEM SOLVED

UTOPIA

"...I (Darth Vadar) am here today to admit defeat of the Empire and the control over the City's broadband infrastructure. The Partnership of UTOPIA Fiber and West Point City has been victorious in this battle."

The Council discussed how well the project has been received by the residents in the City and how successful it has been. UTOPIA is a Utah Interlocal Entity and political subdivision in the State of Utah with 11 founding member cities. Mr. Timmerman stated that since that time, six new partner cities (including West Point) have either completed the infrastructure installation or are in the process, and there are about 20 more cities that are considering joining; West Point's experience has surely given them more confidence in partnering with UTOPIA to offer fiber internet. Council Member Dawson stated that there have been many comments on Facebook from people in nearby cities stating how "jealous" they are of West Point residents and how they wish they could get fiber internet in their own cities.

The Council commended UTOPIA on how smooth the process has gone, and how quick they have been to resolve issues. Darth Vader's full presentation can be found here: https://youtu.be/D4slCxw0jks?t=775

8. Consideration of Approval of the Minutes from the January 29th, 2021 West Point City Council Visioning Session

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

9. Consideration of Approval of the Minutes from the March 2nd, 2021 West Point City Council Meeting

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

10. Motion to Adjourn the General Session

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

WEST POINT CITY CORPORATE SEAL DAVIS COUNTY - UTAH

June 15th, 2021
ERIK R. CRAYTHORNE, MAYOR

June 15th, 2021
CASEY ARNOLD, CITY RECORDER