



3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
July 6th, 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 July 6, 2021 at 6:00 PM with Mayor Erik Craythorne presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #848 6778 5947 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 Kent Henderson, Council Member Andy Dawson 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: Brian Vincent, Mike Hatch, Bruce Jeppson, Russ Mayor, Chance Luke, Peter Matson, and Craig Jacobsen.
No sign-in required for online attendees.

1. Discussion Regarding Harvest Fields Subdivision Phases 7 and 8 – Mrs. Bryn MacDonald

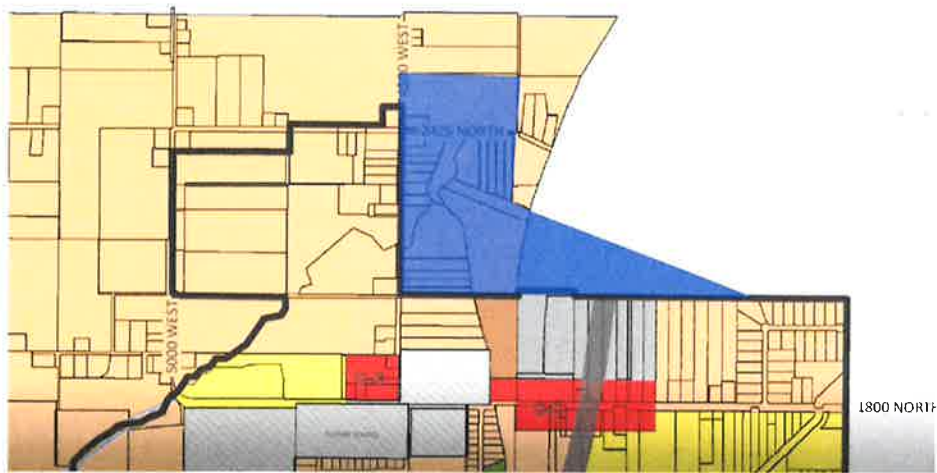
Mrs. MacDonald stated that Phases 7 and 8 of the Harvest Fields Subdivision were designed in conjunction with one another, however, only Phase 7 will be developed at this time; construction of Phase 8 will begin at some point in the future, but is being presented to the Council with Phase 7 because they were engineered together. The Council has previously approved the request for an exception to start Phases 2 & 7 at the same time as Phases 3-6. The Council has also approved the Final Plat of Phase 2, but construction of Phase 1 was put on hold while the developer focused on other phases. The applicant has now submitted the final plats for Phases 7 and 8 and is requesting they both be approved at this time. If approved, Phases 1 through 8 of the subdivision will all have been given final plat approval, however, due to the City's Code restricting simultaneous develop of phases, they only have approval to build Phases 2 through 7.

The Council had no further discussion on Phases 7 and 8 and will consider final plat approval at the next City Council meeting.

2. Discussion Regarding Annexation of Property Located at Approximately 4200 W 1800 N (Hatch/Compton Property) – Mrs. Bryn MacDonald

Mrs. MacDonald stated that the developer has had the opportunity to meet with several City Council Members individually to discuss their proposed development and the annexation of this property into West Point. Staff would now like to discuss the next steps in the process and receive direction on how the Council would like to proceed.

The development property includes a portion that is in already in West Point, a portion that is in unincorporated Davis County, and a portion that is inside the Clinton City limits. The portion that is within the unincorporated Davis County area (approximately 87 acres) is within West Point City's future annexation area. The developers originally submitted a plan to annex the whole property into West Point, however, they have since decided to annex only the portion within unincorporated Davis County and pursue a boundary line adjustment with Clinton City. The amended annexation area is below (shaded in blue):



Once the amended annexation plat and petition is received, Mrs. MacDonald stated that there are deadlines for noticing and public hearings that must be followed and the process takes a few months complete. If approved, the annexation becomes effective on the date the Lieutenant Governor accepts and certifies the annexation. A boundary line adjustment is a simpler process, wherein both cities adopt a resolution of a notice of intent to adjust the boundary line and hold public hearings. If approved, each city adopts an ordinance approving the boundary line adjustment and a new plat is filed with the Lieutenant Governor. She stated that the boundary line adjustment can happen concurrently with the annexation.

In regards to the City's General Plan, if the boundary line adjustment and annexation were approved, the General Plan would need to be amended to add the property. The property that is within the City's future annexation area is shown on the General Plan as a potential R-1 zone and the portion that is Clinton City has not been considered as it was already incorporated into Clinton. Mr. Laws noted that part of the development property that is already within the City has been designated as the R-4 zone in the General Plan.

Council Member Dawson inquired as to whether the different property owners that will be included with this annexation/boundary line adjustment have been contacted and how many were in favor or not in favor. Mrs. MacDonald stated that the developers have obtained signatures from a majority of the property owners, however there are a few different factors to consider when calculating a "majority" according to State Code, including acreage and property values of each parcel. The signatures that have been obtained so far from property owners create a majority in favor based on acreage. Mr. Laws noted that there are some property owners that are not in favor, and others who would like more information before deciding whether or not to sign in favor of the petition.

Mr. Laws confirmed for Council Member Dawson that annexation of the proposed area will leave a peninsula to the east of unincorporated property, however that area is actually larger than shown on the map above because on the east side of the current curved boundary line is also unincorporated area that is in Clinton's future annexation area. He explained that the curved line marking the current boundary was based upon the future location of the West Davis Corridor, but that has since been re-routed (the new route is shown in dark gray). The area east of the current boundary line up to the future Corridor will likely be part of West Point, but is not part of the City's current Annexation Area. Mr. Laws added that Staff has been talking with Clinton City about who can best serve these properties, especially in regards to sewer services, but these have only been preliminary discussions and do not affect this particular development.

In regards to zoning, according to both City and State Code, the property has to be given a zoning designation with approval of the annexation process. She stated that the Council could designate the property as a "holding zone" (i.e. an A-5 agricultural zone that does not allow the property to be developed) when the annexation is approved and then have the developers go through the rezoning process. Another option is for the developers to go through the rezoning process concurrently with the annexation process. Mr. Laws added that although the General Plan is not required to be amended with the annexation, it would still be a factor in determining the zoning; as such, two possible options moving forward would be to either complete the annexation and boundary line process first to bring all property within the City limits and then have a general plan and zoning discussion, or have the general plan and zoning discussion upfront and assign the zoning based on that discussion at the time of annexation and boundary line finalization.

Council Member Petersen expressed his preference that the annexed property be designated as a holding zone so that there is enough time for the Council to give careful consideration and have in-depth discussions on how this area should be zoned and how the zoning of surrounding properties may need to be amended from how they are currently designated in the General Plan. In order to create the best development possible and do what is good for the City, he feels that it is important that the proper planning process of determining the right zoning and General Plan not be interfered with by the complicated annexation and boundary line

adjustment processes. Council Member Dawson agreed, stating that they need to be considered as two separate issues. Mike Hatch, representing the developers of the project, stated that they have been working on this project for some time now and are ready to present the “complete package” to the City in order to get started as soon as possible. Council Member Petersen clarified that he did not mean that the amendments to the General Plan, which would include designating how the Council would like for this property to be rezoned, be put on hold and considered at some undetermined date in the future, but that it be considered separately from the actual annexation and boundary line adjustment processes so that a deadline doesn’t force a quick zoning decision. He reiterated that it is important for the Council to have the opportunity to be very methodical about the zoning and development of the property. Mrs. MacDonald stated that while the annexation and boundary adjustment are lengthy processes, neither the Planning Commission nor City Council will have much involvement until all the noticing and deadline requirements have been met and it is ready for approval. With that, the Planning Commission can begin discussing its recommendation for the zoning designation and amendments to the General Plan now before those separate processes even begin.

The Council will continue to consider this item and options for moving forward in future discussions.

3. Discussion Regarding the Revised Land Use and Development Code – Mrs. Bryn MacDonald

Mrs. MacDonald stated that the Planning Commission has had several discussions on the proposed revisions of the City’s land use and development codes and having now gone through the final draft twice, scheduled a public hearing on the entire revised code. She explained that Staff anticipates that the Council will also want to have multiple discussions before scheduling a public hearing and considering final approval. The revision removes all sections of the current City Code regarding land use and development and replaces them with a new “Land Use and Development” Code. She explained that it will be much easier for both Staff and developers to have all of the provisions combined into one central section. She noted that many of the changes were made to bring the City into compliance with State Code.

Mrs. MacDonald recognized Troy Moyes, the City Planner, who has done extensive work on preparing the 160-page final draft, which was included in its entirety with the Staff Report for this item. Mr. Moyes provided the Council with a chart summarizing the changes and where the revision is located in the new code for easier reference. The draft is also color-coded, with blue representing State Code changes, red representing policy changes, and green representing text/technical changes.

Many of the changes are minor, technical text changes in order to be consistent throughout the code or to clarify the text. For example, adding “as adopted by the City” to the end of a sentence or adding “Community Development Director or designee” instead of “Zoning Administrator”, which position does not exist. The Council has already been presented with some of the proposed changes in regards to processes and policies, which Mrs. MacDonald noted that some of are already current practices that will now be consistent with City Code.

A summary of the revisions is as follows:

- a. Process for amendments to the Land Use code and/or General Plan (17.00.090)
- b. Addition of “Zoning Conditions” (17.00.090(J))
 - i. Mrs. MacDonald explained that this provides the ability to place a condition on a property when it is rezoned. For example, if a property is rezoned to R-4, which allows up to 8 units per acre, the condition can be placed that density cannot exceed 6.2 units per acre even though it is in the R-4 zone. A condition can also be placed on the use of a property, such as placing a condition on a commercially zoned property that it can only be developed as a retail use and not as storage units or some other use allowed in commercial zones. Mrs. MacDonald confirmed for Mayor Craythorne that conditions cannot be placed that are in regards to building standards, design, etc. These can be placed in a developer’s agreement, and the rezone can be denied if the developer is unwilling to enter into the agreement. Mrs. MacDonald also noted that with the new process, much more information will be given with a zoning application so that the intended development of the property can be taken into consideration when considering the rezone.
- c. Clarifying standards and approval procedures for Conditional Uses (17.20.030)
- d. Adding “administrative review/approval” for certain uses in the Table of Land Use Regulations (17.60.050)
- e. Addition of “Zoning Chapters” (17.60.060) Each zone will be represented by each chapter with individual standards and references to applicable regulations
- f. Deck and patio encroachment standards (17.70.020 (D))
- g. New setback standards for Accessory Buildings (17.70.030)
 - i. The Planning Commission has come up with a sliding scale in determining setbacks for accessory buildings, based upon the wall heights of the structure.
- h. Subdivision approving bodies (17.130.040)(17.130.050) Planning Commission will see all preliminary plats and will not see final plat. City Council will only see final plats and will discuss and take action in the same meeting, rather than discussing in one and taking action at the following meeting.
 - i. Mrs. MacDonald stated that because more engineering specs and information will be required on the preliminary plat and then go through a technical review before coming to the Planning Commission, the

theory is that any tweaks the Planning Commission may ask for are minor; the final plat really just contains more of the detailed engineering aspects, which is already the City Engineer's responsibility to review and approve before sending it to either body for final approval. She noted that should something major change from the preliminary to the final, like the location of a road or the number of lots, then the Planning Commission would have to review and approve the modified plan.

The Council and Staff discussed the fact the City's Code should be considered a "living document" and can be modified and amended as issues arise; even though many revisions have been made, Mrs. MacDonald stated that the proposed code is not perfect and there will likely be things that need to be fixed. She also noted that some land use codes were not included in this revision, such as the City's sign and parking ordinances, but are planned to be revised in the near future.

The Council will review the final draft in preparation for more discussion at the next meeting.

4. Other Items

The Administrative Session adjourned.



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West Point City Hall

July 6th, 2021

Mayor

Erik Craythorne

City Council

Gary Petersen, Mayor Pro Tem

Jerry Chatterton

Andy Dawson

R. Kent Henderson

Annette Judd

City Manager

Kyle Laws

General Session

7:00 PM

Minutes for the West Point City Council General Session held at West Point City Hall on July 6, 2021 at 7:00 PM with Mayor Erik Craythorne presiding. This meeting was also available via electronic Zoom Meeting and was accessible to attendees by entering Meeting ID #848 6778 5947 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 Kent Henderson, Council Member Andy Dawson 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: Brian Vincent, Mike Hatch, Bruce Jeppson, Russ Mayor, Chance Luke, Peter Matson, Craig Jacobsen, and Michele Swenson. No sign-in required for online attendees.

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

Council Member Judd – This was the first year she had the opportunity to be a part of West Point's Party at The Point Independence Day Celebration as a City Official and have a perspective different from that of just a participant. She stated that it is "mind-blowing" how much work and how many people it takes to make the event a success; she was very impressed with City Staff and expressed her appreciation for the work that they do.

Council Member Henderson – Also commended Staff for another great Party at The Point Celebration, adding that everyone he has spoken with during or after the event had a great time and had only positive comments on the whole day – particularly on the great fireworks show. He especially thanked Paul Rochell and the Public Works Department for how hard they worked to make it a wonderful day for residents.

Council Member Petersen – Echoed the praise that has been expressed for this year's Party at The Point Celebration, stating that he too has only received positive comments and congratulated Staff for a job well done.

In regards to the North Davis Fire District, of which he is the Board Chair, he would like to compliment all those that are a part of the fire-fighting process on the amazing job that they do; this includes from the top command to each individual fire fighter to those driving the brush trucks. He also noted that even with the extremely dry summer, there were less fireworks-related incidents this year and he would like to compliment our residents for following the guidance they had been given by either not lighting their own fireworks or being extremely cautious if they did.

Council Member Dawson – Agreed that it was another fun Party at The Point Celebration. He expressed that he also really enjoyed *not* having the City-provided resident dinner this year, even though he thought it would be something he and others would miss. He suggested that the dinner be permanently discontinued and replaced with something smaller-scale, like ice cream sandwiches or similar, to ease the burden on City Staff.

Council Member Chatterton – It seemed that people were anticipating this year’s Party at The Point Celebration more than in past years and he can’t recall ever seeing as many people along the parade route or watching fireworks from the park. He added that he had multiple comments from residents that had also been to other cities’ events and that West Point’s firework show “beat them all, hands down.” He thanked Public Works for the great job they did in keeping up on garbage and bathrooms and everything else necessary as the day moved on. He felt that this may have been the best celebration that he has been a part of so far and gave kudos to all of City Staff and the volunteers that helped make the event what it was.

Later in the meeting, Council Member Chatterton wanted to include with his comments a special thanks to Council Member Dawson for putting together the Flag Raising Ceremony that kicked off the Celebration. A presentation was given regarding about the five different flags that have been used, starting with the original 13 colonies, and detailed when stripes and stars were added. The presentation also described the process of folding the flag, explaining the meaning behind what each fold represents. He stated that there was so much that he learned from that presentation and thought it was excellent.

Council Member Dawson thanked him for his comments, adding that Shelby Sargent and Matt Drake worked with a few veterans to put the event together. As the Mayor was unable to attend, he was able to be there in his place and was grateful for that opportunity because it was a very moving and awesome ceremony.

Mayor Craythorne – At June’s Council of Governments meeting, the Utah Defense Alliance gave an update on Hill Air Force Base and some of the programs and projects that are currently in process or will begin soon. There is expected to be about 6,700 new jobs created in the next few years, with the average pay of \$100,000. This will have a big impact on growth in this area as more people move in to take these jobs. With such high-paying positions, affordable housing is becoming a bigger struggle for those regular employees, airmen, etc., that are not working for some of these new programs and don’t have such high salaries. The plea to cities is that they try to look at their zoning and other options to help provide quality homes and neighborhoods for these service men/women and government employees. Council Member Dawson added that IRS is closing many of its locations and consolidating into its locations in Utah and Kansas City, which will also bring more jobs and people here; although these can be well paying jobs, the City still needs to have a good plan and the infrastructure in place to handle all of the new growth. The Mayor added that Amazon is building a new location in west Ogden that will also contribute to the influx of people coming to the area to take the new jobs that it will create.

5. Communications from Staff

Mr. Laws stated that he agreed with Council’s comments that this year’s Party at The Point Celebration was a great event. Staff is still gathering comments and feedback but he has yet to hear anything negative about the event. Shelby Sargent, the City’s Community Relations Specialist whose responsibilities include being the main coordinator of the event, will give a full wrap-up presentation to the Council in a meeting in the near future and the Council will have the opportunity for more discussion and to provide feedback on the event.

Mr. Davis stated that in regards to 3000 W, the chip seal portion has been completed and the HA-5 will be laid starting this weekend. That process takes about three days, after which the road will be re-stripped. There is also some equipment on 3000 W that some of the Council Members have asked about; Mr. Davis stated that the North Davis Sewer District is doing some work on a sewer line further to the south, but this location on 3000 W is where they have to bypass the sewer in order to work on that line. Their equipment and crews will be at this location for a few months, with the goal to have it done before school starts in the fall.

Mr. Laws stated that with the drought this year, Staff would like to propose that in those developments wherein the developer is required to install the landscaping of new homes (either in just the front yard or in the backyard as well), that they not be required to do so at this time but instead can bond in escrow to ensure that the funding is available for it to be done as soon as the drought situation is over. Similarly, for those new homes where the landscaping is the owner’s responsibility, that they also not be required to install the landscaping within the one-year deadline, but as soon as they are able to based upon the water supply. Council Member Petersen expressed his concern about the burden that is placed on City Staff if a bond has to be recalled and the City has to have the landscaping installed. Mr. Davis clarified that there is already a similar process for those homes that are finished in the winter months when landscaping cannot be installed due to weather; rather than doing a bond with the City, developers have been asked to provide evidence that the money has been set aside in an escrow account for the homeowner to use to have the landscaping installed. This process requires minimum administration from Staff. The Council agreed with Staff’s proposal to delay the deadlines for installation of landscaping in new homes in order to help conserve water.

6. Citizen Comment

No comments

7. Consideration of Approval of the Minutes from the May 18th, 2021 West Point City Council Meeting

Council Member Dawson motioned to approve the May 18th, 2021 Meeting Minutes

Council Member Chatterton seconded the motion

The Council unanimously agreed

8. Consideration of Approval of the Minutes from the June 1st, 2021 West Point City Council Meeting

Council Member Petersen motioned to approve the June 1st, 2021 Meeting Minutes

Council Member Henderson seconded the motion

The Council unanimously agreed

9. Consideration of Approval of Resolution No. 07-06-2021A, Approving the Real Estate Purchase Contract for Property Located at Approximately 547 N 4550 W – Mr. Kyle Laws

Mr. Laws stated that he is excited to be presenting this item to the Council for consideration of final approval. The purchase of this property has been discussed by Council and Staff in closed meetings in order to negotiate the final contract, and it is now ready to be executed by all parties. To provide a quick background, Mr. Laws explained that Gary and Penny Kapp's property is just to the south of Bingham Park and they had approached the City about selling their property to the City. A few months ago, the property was split into two parcels due to the Kapps not being quite ready to move out of their home and relocate. The Real Estate Purchase Contract states that the City will purchase Parcel B, consisting of 4.48 acres for \$500,000. The Contract also gives the City the Right of First Refusal on Parcel A, the front portion of the property their home is on, for a ten-year period to give the City the opportunity to purchase it as well when that time comes. The City has also agreed to pay half of the title insurance and also the Kapps' legal fees, which have a combined total of about \$1,000; Mr. Laws explained that while this is not typical for a buyer to do, it was important to the Kapps and was a negotiation he and Mayor Craythorne felt was an amount insignificant enough to agree to. The closing date is set for July 31, and Resolution No. 07-06-2021A will allow the Mayor to sign the closing documents on behalf of the City.

There is also a separate Purchase Contract as part of this transaction in the amount of \$50,000 for the purchase of four water shares. Resolution No. 07-06-2021B (the following item on the agenda) will give approval to the Mayor to also sign this contract on behalf of the City. Council Member Chatterton inquired as to whether these four water shares are for both parcels or just for Parcel B. Mayor Craythorne stated that these water shares are for Parcel B, which is the pasture portion of the property that the shares are used to water. Parcel A does have a small pasture in front that is also watered, but he believes it is done so through a sprinkler system that uses secondary water.

Mr. Laws stated that, as the Council has also expressed in its discussions for negotiating the contract, this is a great opportunity for the City to be able to expand Bingham Park. Mayor Craythorne wanted to express that Gary and Penny Kapp have been "unbelievable" and an "absolute pleasure" to work with through this process; it is obvious that they "have a soft spot" for the park that they have lived by for many years and had a real desire for the City to purchase their property so that it can be a part of it. Council Member Petersen stated that through the 30+ years he has also lived adjacent to Bingham Park, knows that Gary Kapp was instrumental in developing the property into what it is now, donating a lot of time and effort using his own equipment to do so. He stated he is very appreciative of the Kapps' intentions of wanting the City to own the property.

The Council had no further discussion.

Council Member Petersen motioned to approve Resolution No. 07-06-2021A

Council Member ** seconded the motion

The Council unanimously agreed

10. Consideration of Approval of Resolution No. 07-06-2021B, Approving a Purchase Contract for Water Shares – Mr. Kyle Laws

This item was discussed in conjunction with the previous item and the Council had no further comments.

Council Member Dawson motioned to approve Resolution No. 07-06-2021B

Council Member Judd seconded the motion

The Council unanimously agreed.

11. Motion to Adjourn the General Session

Council Member Chatterton motioned to adjourn the General Session

Council Member Petersen seconded the motion

The Council unanimously agreed



ERIK R. CRAYTHORNE, MAYOR

July 20th, 2021



CASEY ARNOLD, CITY RECORDER

July 20th, 2021

