3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
August 17th, 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 on August 17, 2021 at 6:00 PM with Mayor Erik Craythorne presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID #873 7622 0504 at https://zoom.us/join or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Annette Judd, Council Member Kent Henderson, Council Member Gary Petersen, 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; Troy Moyes, City Planner; and Casey Arnold, City Recorder

EXCUSED: None

VISITORS PRESENT: Mike Flood, Brian Vincent, Ryan Christensen, Michele Swenson, Matt Leavitt, Leon Thurgood, Reed Child, Roger Hughes, Ray Cornia, Clair Hamblin, and Michael Hatch. No sign-in required for online attendees.

1. **Discussion Regarding the FY2022 Final Budget and 2021 Property Tax Rate for West Point City – Mr. Ryan Harvey**
Mr. Harvey stated that in the time since the FY2022 Tentative Budget was approved by the Council in June, Staff is proposing additional items to be added to the Final Budget. Two of those items were discussed during the previous meeting (additional funds to replace the soccer goals and pitching machines for the Recreation Department) and the other three items are new positions that Staff proposes be added and funded in the FY2022 Budget:

   - Public Works Supervisor: (Salary/Benefits Budget Increase - $5,100) – This position would replace the current Public Works Lead Position in the Public Work Department.
   - Building Inspector (back up position): (Salary/Benefits Budget Increase $2,700) – This position/responsibility would be given to one of our current Public Works Employees. The idea is to get another employee certified as a building inspector to assist during particularly busy times or when our current inspector is off.
   - Management Analyst/Communications Specialist: (Salary/Benefits $84,020.87) – This would be a full-time position in the Executive Department, reporting directly to the City Manager, and would be available to help on various projects for the different departments. This person would also handle the communications for the City (i.e., website, social media, poly platform app, etc.). The initial hiring may be as an intern to see how well the position works and to determine the best employee "fit" for the organization, with the hope of turning it into a full-time position.

   Mr. Harvey explained that the City is a part of the Wasatch Compensation Group, which operates a database for local governments to input their salary ranges for all of their positions, and that data is then used by Staff to determine market salary ranges. The amounts proposed to fund these new positions are based upon those market ranges.

   In regards to the 2021 Property Tax Rate, Mr. Harvey reviewed the information discussed by the Council at the previous meeting, stating that Davis County has set the Certified Tax Rate for 2021 at .000792, which is lower than the 2020 rate adopted by the Council of .000910. The Council may choose to accept the certified rate, maintain the rate from 2020, or approve a rate somewhere between the two. A list of some possible rates, with corresponding revenue amounts, is shown in the table below.

Proposed Rate	Projected Revenue	Amount over Certified Rate
0.000910 – 2020 Rate	$655,347	$84,979

0.000900	$648,146	$77,778
0.000880	$633,743	$63,375
0.000860	$619,339	$48,971
0.000850	$612,138	$43,209
0.000840	$604,936	$34,568
0.000820	$590,533	$20,165
0.000800	$576,130	$5,762
0.000792 – 2021 Certified Rate	$570,368	$0

If the Council chooses to approve the certified rate, our estimated property tax revenue will be $570,368, an increase of $25,884 over 2020. The increase is a result of new growth. If the Council chooses to maintain the 2020 rate, our estimated property tax revenue will be $655,347, an increase of $110,863 over 2020. Choosing to maintain the rate would increase the property tax of a $369,000 residence by $23.94 per year, or $2.00 per month over the Certified Tax Rate.

As in most years, the biggest increase to the budget comes from employee salaries and benefits. The increase for the FY2022 budget includes $84,514 for Salaries and $76,112 for Benefits, for a total of $160,262.

Mr. Harvey displayed the following graph showing the Certified and Adopted Property Tax Rates since 2006 – the highlighted years are the years that the Council adopted a rate different than the Certified Tax Rate set by the County:

YEAR	CERTIFIED RATE	ADOPTED RATE	REVENUE
2021	0.000792	TBD	TBD
2020	0.000877	0.000910	$544,484
2019	0.000859	0.000917	$509,283
2018	0.000881	0.000917	$459,924
2017	0.000902	0.000945	$434,260
2016	0.000984	0.000984	$400,443
2015	0.001005	0.001036	$376,649
2014	0.000996	0.001036	$356,700
2013	0.001041	0.001111	$337,970
2012	0.001111	0.001111	$313,495
2011	0.001008	0.001008	$308,326
2010	0.000910	0.000936	$302,867
2009	0.000876	0.000876	$281,926
2008	0.000773	0.000895	$281,925
2007	0.000834	0.000834	$228,710
2006	0.000909	0.000909	$199,212

Council Member Petersen stated that property tax revenue is one of the core sources of revenue for operational costs in the City. While there is sales tax and other types of revenue received, those sources fluctuate based upon market conditions; as such, it is important to not rely too heavily on those other sources in order to keep a healthy ratio of revenue expectations in the budget. Council Member Chatterton, who knew he would be absent for this meeting, had asked him to relay his opinion that the tax rate be around a 5% increase. In response to Council Member Dawson, Mr. Harvey stated that the contract with the Davis County Sheriff's Office for law enforcement services is only increasing by 5% this year, however it is unknown what the contract fee will be in the future once the logistics surrounding paramedic services are worked through and a multi-year contract is negotiated.

The Council will continue the discussion regarding the 2021 Property Tax Rate and FY2022 Final Budget in tonight's Special Budget Meeting after holding public hearings for both items.

2. **Discussion Regarding Final Plat Approval of Bluff View Subdivision Phase 3 (3830 W 300 N) – Mrs. Bryn MacDonald**

Mrs. MacDonald stated that Phases 1 and 2 of this subdivision have already been approved and the developers are now requesting approval of Phase 3. The entire project consists of six phases, with a mix of patio-style homes and traditional townhomes. Phase 3 is located directly south of Phase 2 and consists of six buildings with four units each, for a total of 24 units. Mrs. MacDonald noted that Phase 3 is the last phase that can be developed until the second access for the subdivision is completed.

The plans have been reviewed and all have the required items have been received and concerns addressed. The Planning Commission granted approval at their last meeting and Staff recommends approval.

The Council had no further discussion at this time and will consider approval of the Final Plat for Phase 3 at the next meeting.

3. Discussion Regarding a Cell Tower Request – Mr. Kyle Laws

Mr. Laws stated that he is aware that many years ago, requests for cell phone towers in the City were discussed and the City Council at that time did not express much interest in having them in West Point. However, in the last month, Mr. Laws stated that he has been approached by two different cell tower companies inquiring about the possibility of constructing a cell tower on the west side of the City, preferably below the bluff; both companies suggested Bingham Park as their preferred location. They have asked that the Council revisit the possibility to see if their stance has changed in the last decade. Mr. Laws explained that both companies are pushing to install the cell tower for one carrier (AT&T), but there an option for the tower to be available for multiple carriers to utilize. The tower would have about a 50 ft. by 50 ft. footprint and both companies have said they would like for the tower to be 100 ft. tall, but are flexible on height.

Mr. Laws explained that City Code requires that any cell towers in the City must be placed on public property, which would include property owned by the City, Davis School District, etc. With that, there could be a small revenue source (anywhere from $800-$1,500 per month) from the lease agreement if the tower was on City-owned property such as Bingham Park. Mr. Laws stated that there are different options for "hiding" a tower to make it not so noticeable and unattractive and displayed a few examples of existing cell towers to provide some ideas to the Council on how they can be obscured.

Mayor Craythorne expressed his opinion that a tower that is 60 ft. – 75 ft. tall would be much less unsightly than one that is 100 ft. tall and much more preferable for the City. He also feels that a park is not the ideal place for a cell tower – if there is to be one, it should be located at the new public works facility once built or the substation. Additionally, he also would want to ensure that the tower could serve multiple carriers and not just AT&T.

Council Member Dawson stated that he agrees with Mayor Craythorne and "in no way' foresees a cell tower in any of the City's parks and that the public works facility or along the corridor in a more industrial-type area is more appropriate.

Council Member Petersen stated that the back of his home is adjacent to Bingham Park and can attest that acquiring cell service is difficult on the west side of the City; although his current carrier is T-Mobile and not AT&T, he is unable to get service unless he is actually inside of his home, and only then because he has an antennae booster. When the request was received several years ago, he was "almost immediately sorry." As such, he is in favor of a cell tower being installed on the west side of the City, with the requirement that it is permitted to be used by all carriers. Council Member Henderson agreed.

Council Member Judd stated that she would like to know if the City would bear any of the costs of installing the tower and how the functionality of a tower is affected by different stealth options.

Jason Evans withJ5 Infrastructure Partners was in attendance at the meeting and explained that a shorter tower, such as 60 ft. like the Mayor mentioned, limits the number of carriers that can be served by the tower, which would result in multiple, shorter towers rather than one tall structure. Referring to the examples provided to the Council, he stated that the more "disguised" a tower is, the more limit there is on how many carriers' equipment can be placed on it. He also explained that other carriers using the tower can happen in a few different ways – some carriers may wait and see the type of coverage a cell tower is able to provide before wanting to join on or some may want to partner from the start. Regardless of what other carriers choose to do, Mr. Evans stated that the customer feedback AT&T is receiving about how poor the coverage is in the area is "not acceptable" and being able to provide a better product for their clients is the driving force behind approaching the City with the request to install a cell tower. He added that as long as AT&T's coverage objectives are still met, they are willing to locate the tower wherever the Council feels is the best option.

The Council asked that Mr. Evans reach out to other carriers to see if they would find it enough of a benefit to utilize a cell tower in our area, as they want to avoid such a large structure being installed in the City, on public property, if it is only going to serve a small portion of residents.

4. Presentation of the 2021 Storm Drain Masterplan and Impact Fee Analysis – Mr. Boyd Davis

Mr. Davis stated that during the past several months, Staff has been working with consultants Gardner Engineering and Lewis Young Robertson & Burningham on updating the impact fee facilities plans (IFFP) for the storm drainage systems, as well as an impact fee analysis for the system. Ryan Christensen with Gardner Engineering and Fred Philpot with Lewis Young were in attendance at the meeting to present the information to the Council.

Mr. Christensen stated that the process for developing a master plan begins with working with City Staff to evaluate factors such as existing system inventory, drainage basin locations, land use standards, the General Plan and future zoning, growth projections, etc., to determine the future needs and system improvements for the next ten years. A priority project list and project map are created based upon those needs, which are then used to conduct the impact fee analysis. Mr. Christensen reviewed the Executive Summary of the Analysis with the Council as follows:

1. The service area for the storm drain impact fees includes all areas within the City.
2. The demand units utilized in this analysis are based on undeveloped residential and commercial land. As residential and commercial growth occurs within the City, additional impervious surface will generate additional run-off. The storm drain capital improvement identified in the IFFP are based on maintaining the current level of service.
3. Impact fees cannot be used to finance an increase in the level of service to current or future users of capital improvements. The IFFP identifies the future storm drain system improvements that are needed to manage the runoff caused by 10-year and 100-year events. Therefore, the City's storm drain infrastructure is sized to manage runoff safely and adequately from the storm intensities and durations indicated in the Impact Fee Facilities Plan.
4. The IFFP identifies the percentage of existing facilities that the ten-year demand will use is 17.19% with an estimated buy-in component of $272,187 based upon a total system value of $5,178,479.
5. The total estimated construction year cost for capital projects needed over the next ten years equals $4,497,641. Approximately $1,456,915 has been identified as growth-related capital improvements that are impact fee eligible.
6. This analysis assumes future growth-related will be funded on a pay-as-you-go basis when possible, utilizing impact fee and utility fee revenues to pay for capital facilities.

In response to Council Member Chatterton's inquiry regarding the future annexation area, Mr. Christensen stated that this study only analyzed areas within the City's current boundary; the future annexation area was not included. A large annexation would likely require a review of the projected needs and projects to see whether or not they are sufficient enough to serve the new area as well. He noted that it would be a much smaller review and possible modification as it would be focused on the annexed area and not the entire City.

Mr. Philpot explained that an impact fee analysis is based upon the findings of the impact fee facilities plan. The methodology used to calculate the fee is as follows:

1. The next ten years projects were taken from the Capital Facilities plan.
2. The projects were divided into impact fee eligible and non-impact fee eligible projects.
3. A value was determined for the remaining capacity in the existing system that will serve future residents. This is the buy in amount and must be the original "book value" of the improvement by state code.
4. The cost of the existing capacity was added to the cost of next ten year's impact fee projects.
5. A credit was given for anticipated interest earnings on impact fee revenues.
6. The total cost is divided by the number of expected acres to be developed that will be supported by the projects.
7. This becomes the recommended impact fee.

The recommended impact fee is as follows:

Existing Fee	Proposed Fee	Difference
$4,204/acre	**$3674/acre**	-13% (decrease)

Before enacting the impact fee ordinance, the State Code requirements must be followed as outlined below:

1. Publish a notice of a public hearing on the State Website.
2. Make a copy of the report available to the public.
3. Obtain a written certification from the consultant.
4. Make a copy of the ordinance available to the public.
5. Hold a public hearing.
6. Adopt the impact fee ordinance.

Following the public hearing, the Council will consider adopting the new fee. If adopted, the fee will go into effect immediately because it is a decrease, rather than going into effect 90 days after the date the ordinance is passed in the case of a fee increase.

The Council will continue the discussion of the study and analysis in future meetings before moving forward with enact a new impact fee.

The full presentation of the 2021 Storm Water Master Plan & Impact Fee Update as given by Mr. Christensen and Mr. Philpot can be viewed at https://youtu.be/K6zJdOtB7Z4?t=2093

5. **Other Items**

No other items were discussed.

The Administrative Session adjourned.

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WEST POINT CITY COUNCIL
MEETING MINUTES
WEST POINT CITY HALL
August 17th, 2021

Special Budget Meeting
7:00 PM

Minutes for the West Point City Council Special Budget Meeting held on August 17, 2021 at 7:00 PM with Mayor Erik Craythorne presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID #873 7622 0504 at https://zoom.us/join or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Annette Judd, Council Member Kent Henderson, Council Member Gary Petersen, 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; Troy Moyes, City Planner; and Casey Arnold, City Recorder

VISITORS PRESENT: Mike Flood, Brian Vincent, Ryan Christensen, Michele Swenson, Matt Leavitt, Leon Thurgood, Reed Child, Roger Hughes, Ray Cornia, Clair Hamblin, and Michael Hatch. 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 Mayor Craythorne
4. **Communications and Disclosures from City Council and Mayor**

   Council Member Judd – none

   Council Member Petersen – none

   Council Member Dawson – There is a Syracuse City Council Member that currently serves on the North Davis Sewer District Board who is proposing that a large 40-acre sports complex be installed on the south end of the District's property. The property was originally purchased by the District as a buffer around the treatment plant from surrounding development. He stated that he is not totally on board with the idea at this point, and the District's land use attorney is looking into whether there are any issues that it may cause. He asked the Council if they had any thoughts on the proposal, as the North Davis Sewer District is a special services district that supports and serves West Point, even though the plant is located in Syracuse. He added that the proposal does not seem to have a lot of support currently from the Board, but it is something that is being considered. Mayor Craythorne stated that he would not be in favor of a project like this, with his main concern being in regards to the reason the property was purchased in the first place. Council Member Petersen agreed, adding that it would be hard to give the property a new use if it is still needed for what it was intended for. Council Member Chatterton stated that with he knows about the proposal right now, he is also not in favor of the project, but his opinion could possibly change if there is more information that he is unaware of. Council Member Dawson stated that he would relay the Council's opinion to the Board.

   Council Member Chatterton – none

   Council Member Henderson – none

   Mayor Craythorne – none

5. **Communications from Staff**

Mr. Laws stated that the population numbers gathered by the 2020 Census were recently published and the data says that West Point City's population is just under 11,000. He noted that this data was collected in April of 2020, we have almost definitely exceeded that number with all of the new growth that has happened in the time since. He explained that it is important for the City to have the most accurate population count as possible, as it is a contributing factor to the amount of sales tax revenue received. Mrs. MacDonald is going to do some research to see if there is a way to report an updated population count.

6. **Citizen Comment**

Joelle Caruso – 457 N 3650 W: Ms. Caruso stated that in regards to the updated land use ordinance that is being considered in tonight's General Session, she still has concerns about allowing developers to request amendments to the General Plan. In her opinion, she does not feel that the General Plan should be open for amendment applications.

Reed Child – 4674 W 650 N: Mr. Child stated that he wants to address "the good, the bad, and the ugly." For the good part, he applauded the City for the installation of the flashing speed limit signs as they help make the streets much safer. The bad part is the planning and development that is going on in the City currently. He feels that following the examples of cities like West Valley and littering the community with multi-family, high density housing is only going to result in long-term problems; they may look good now, but as time goes on and the units get older the problems will start. He stated that he has been told that all of the high-density housing being approved is due to housing requirements enacted by the State Legislature, but thinks that Clinton City is a good example of this not actually being the case. Clinton City has one area, by Wells Fargo Bank, with multi-family housing and apartments "and that is where all of their police problems are." However, Clinton City learned from that and doesn't allow those types of projects anymore – the "State doesn't tell them what to do." They are developing their city with single-family homes, retirement communities, decent sized lots, etc. and West Point is heading in a direction that is going to lead to crime, graffiti, gangs, etc. in 15-20 years.

7. **Consideration of Approval of Resolution No. 08-17-2021A, Adopting the Property Tax Rate for the 2021 Taxable Year for West Point City – Mr. Ryan Harvey**

Mr. Harvey stated that the City Council chose to go through the Truth in Taxation process in June of this year and have discussed the property tax rate for 2021 several times in the meetings since. Mr. Harvey explained that the City is entitled to receive the same amount in total property tax revenue as received in the previous year, plus an additional amount from new growth. The County sets the Certified Tax Rate to ensure this. If the City wishes to collect more property tax revenue than is allowed by the certified tax rate, the Council must hold a public hearing and approve an alternative tax rate. It has been the Council's practice to go through the Truth in Taxation process each year to allow more time to evaluate budgetary needs and expected revenue from other sources before approving the property tax rate and final budget.

Mr. Harvey explained that because property values in West Point City have increased again this year, the County has set our certified rate at 0.000792, which is lower than the 2020 approved rate. The Council may choose to accept the certified rate, maintain the rate from 2020, or approve a rate somewhere between the two. If the Council chooses to approve the certified rate, our estimated property tax revenue will be $570,368, an increase of $25,884 over 2020. The increase is a result of new growth. If the Council chooses to maintain the 2020 rate, our estimated property tax revenue will be $655,347, an increase of $110,863 over 2020. Choosing to maintain the rate would increase the property tax of a $369,000 residence by $23.94 per year, or $2.00 per month over the Certified Tax Rate. A list of some possible rates, with corresponding revenue amounts, is shown in the table below:

Proposed Rate	Projected Revenue	Amount over Certified Rate
0.000910 – 2020 Rate	$655,347	$84,979
0.000900	$648,146	$77,778
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0.000820	$590,533	$20,165

0.000800	$576,130	$5,762
0.000792 – 2021 Certified Rate	$570,368	$0

Mr. Harvey also displayed the following graph showing the Certified and Adopted Property Tax Rates since 2006 – the highlighted years are the years that the Council adopted a rate different than the Certified Tax Rate set by the County:

YEAR	CERTIFIED RATE	ADOPTED RATE	REVENUE
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2008	0.000773	0.000895	$281,925
2007	0.000834	0.000834	$228,710
2006	0.000909	0.000909	$199,212

Mayor Craythorne explained that it is important to understand that the property tax rate approved by the City Council only affects West Point's portion of the tax collected – the Davis School District, North Davis Fire District, etc., will all set their own property tax rates. He then opened the public hearing.

a. Public Hearing

Roger Hughes – 677 N 5000 W: Mr. Hughes stated that the current Mayor and City Council have been consistent in several areas – the Smith's Marketplace development was a good accomplishment as well as the high-density housing project there. However, the rapid rate of growth and high-density housing in other areas is highly suspect, as is the City's repeated catering to contractors and developers. Mr. Hughes is also concerned about the yearly and consistent increase in taxes. He stated that currently, residents are facing a 14.89% City property tax increase, combined with a 46.22% increase from the North Davis Fire District, for a total increase of about 61%. This is compared to Clinton City residents who are experiencing a 36% increase and a 16.7% increase for Syracuse residents. He stated that all three cities are creating or extending their paramedic services and he understands that this is a contributing factor to tax rates, however the other two cities supplement their fire districts and city revenue with sales tax and property tax from businesses. Rather than alleviating the tax burden on residents by using sales tax revenue from businesses like Smiths, all of that revenue "goes into the City's piggy bank or capital improvement plan to be used as the Council sees fit." In addition to property tax, residents pay monthly franchise fees on electricity, natural gas, and cell phones, and also pay for secondary water all 12 months of the year even though the secondary water is only received for five months out of the year, and there is also the fact that he and his neighbors pay a monthly storm drain fee, even though they do not have a storm drain on their street. Further, West Point has the second highest property tax in Davis County. Mr. Hughes stated that as if all of this is not enough, the City is still wanting to increase the property tax rate by 14.89%. He questioned where the impact fees and additional revenue from new residents go in the City's budget. He concluded his comments by stating that residents don't want more growth, even though it is going to happen, but the City needs to plan for it rather than turning West Point into a traffic gridlock and congested area that residents can no longer enjoy in, and residents don't need another tax increase.

Reed Child - 4674 W 650 N: Mr. Child agreed with Mr. Hughes statement that West Point is the second highest-taxed city in Davis County, and is "by a long shot" and it looks like the City is "gunning for the number one spot" with a proposed almost 15% tax increase. Residents pay their property tax with their income and, as the Mayor's newsletter message a few months ago mentioned, one of the biggest employers in our city is Hill Air Force Base, and many residents that do not currently work there are either retired from there or from the IRS. These current federal employees are receiving only about a 2%-3% increase in income each year, and retired employees even less than that. This means that residents are trying to pay tax increases that are higher than the rate their income is increasing; – with the City continually increasing the property tax rate by 5%-8% each year, it is really making it difficult for residents. He stated that it is even worse this year with the North Davis Fire District going "hog wild with what they have done." He noted here that the NDFD is 400% the cost of the South Davis Fire District and there is no question that "it is being grossly mismanaged." In summary, he feels that the City needs to do a better job reeling in its expenses just like residents have to do – when residents want a splash pad or swimming pool or to remodel their house, they can't go to their employee and say that a 2% or 3% salary increase isn't going to be enough, but the City sets it's budget based upon what it wants and then increases the taxes in order to pay for those wants, rather than adjusting to a set income like residents have to do.

Michele Swenson – 890 N 4100 W: Mrs. Swenson stated that a main concern she has is in regards to the volatility of the housing market. On the tax notice that the County sends out to homeowners each year, it lists the assessed value of the home and also the market value of the home. In the 20 days since this year's notice was sent, she stated that her home has gone down $20,000 in market value. With such a change in just a short amount of time evidence of how much fluctuation there is in the housing market, she is concerned about whether the Council is taking into consideration the possibility of another market crash like was experienced in 2007-2008. She also wants to know if the commercial developments that are coming into the City are "paying their fair share." Additionally, she is concerned about whether or not the new developments, for example the three projects on 300 N across from West Point Elementary, are paying additional fees for the wear and tear they will be causing on 300 N, or if they are only paying impact fees for their one little subdivision. As a resident, she is also worried about her taxes increasing every year, and knows that many citizens in West Point are on fixed incomes, especially the senior citizens. An additional $10 a year may not seem like much to some, but the impact of that increase for those on a fixed income is likely "more than any of us in this room can really understand."

Council Member Dawson motioned to close the public hearing
Council Member Chatterton seconded the motion
The Council unanimously agreed.

Mayor Craythorne stated that there some valid concerns raised by residents during the public hearing and great questions asked. In regards to impact fees and how they are used, it is quite a complicated system and he encourages residents to meet with City Staff who can provide a detailed explanation. He thanked those who commented for sharing their concerns and opinions and for all those attending the meeting.

b. Action

Council Member Dawson stated that it has been a great economy the last few years and the sales tax revenue the City has been able to receive has allowed for more projects to be done, noting that the capital improvements fund pays for roads and other infrastructure. The Storm Drain Master Plan was recently completed, and even though the projects will be funded by impact fees received, the City still has to front the costs for some of those projects and so it is important to plan the budget for the future. He believes that it is usually easier to pay a little less with small incremental increases rather than having to adjust to a very large tax increase of 40% or more because the Council hasn't been doing their due diligence and planning ahead. He stated that the Council is not actually considering a 14% property tax rate increase, and suggested that a 5% rate increase be considered. He also noted that most everyone is on a fixed income and aren't able to get more money from their employer just because they need it, regardless of whether they work for or are retired from the federal government or dependent on social security.

Council Member Petersen stated that going through the truth in taxation process in order to consider a tax increase is not an enjoyable or fun process for anyone on the Council, but the practice of going through it each year, regardless of whether the tax rate is increased or not, has been very beneficial because it allows the Council to consider and discuss in-depth the City's needs and level of service being provided. He appreciates the comments that were made and the concerns and opinions voiced are always taken into account. The increases proposed in this year's budget are not being solely funded by property tax revenue, but are funded through impact fees, sales tax revenue, franchise tax fees, etc. He stated that he has done many calculations in his deliberations, and believes that a property tax rate increase of 5% is reasonable; he stated that it is his responsibility as a Council Member to "not do too much, but to do enough" so that the City does not end up in a situation where a drastic rate increase is needed because the Council has not kept up with inflation and rises in costs. He feels that a 5% increase is responsible and realistic.

Council Member Chatterton stated that the City tries to avoid relying too heavily on sales tax revenue to fund the budget because of how it fluctuates with market and a 5% property tax rate increase is reasonable; the maximum rate increase of 14.89% is definitely unreasonable.

Council Member Henderson agreed with Council Member Chatterton that an almost 15% rate increase is much too high and a 5% increase is much more appropriate. Council Member Judd agreed.

Council Member Chatterton motioned to approve Resolution No. 08-17-2021A, Adopting the Property Tax Rate for the 2021 Taxable Year for West Point City at the rate of .0008316 for a 5% rate increase over the 2020 rate.
Council Member Judd seconded the motion
The Council unanimously agreed

Mayor Craythorne again expressed his appreciation to those residents that attended this meeting and shared their comments. The public's input is very important, especially on issues like this and other important land use decisions, yet very, very few residents actually come to the meetings and voice their opinions.

8. Consideration of Approval of Ordinance No. 08-17-2021A, Adoption of the FY2022 Final Budget for West Point City and All Related Agencies – Mr. Ryan Harvey

Mr. Harvey reviewed some of the changes that have been proposed to and discussed by the Council in the time since the Tentative Budget was approved in June, which include the following additions:

- **Soccer Goals ($8,000) -** The two sets of soccer goals that the City uses for 3rd/4th grade need to be replaced, as the quality is not good enough to withstand the abuse they get from being in the park. We also need to replace the goals that we use for the 5th/6th grade league. They have been fixed many times but are now at a point where they can't be repaired.

- **Pitching Machines ($3,200)** – The City is in need of 2 new pitching machines, one for Baseball ($2,200), and one for Softball ($1,000). The current pitching machines are getting old and have to be repaired regularly, and if they went down it would shut down the program until it could be replaced.

- **Capital Projects –** The Budget has been updated to reflect Capital Project Expenditures that happened between the adoption of the Tentative Budget and the end of the 2021 Fiscal Year.

- **Public Works Supervisor: (Salary/Benefits Budget increase - $5,100)** – This position would replace the current Public Works Lead Position in the Public Work Department.

- **Building Inspector (back up position): (Salary/Benefits Budget Increase $2,700)** – This position/responsibility would be given to one of our current Public Works Employees. The idea is to get another employee certified as a building inspector to assist during particularly busy times or when our current inspector is off.

- **Management Analyst/Communications Specialist: (Salary/Benefits $84,020.87)** – This would be a full-time position in the Executive Department, reporting directly to the City Manager, and would be available to help on various projects for the different departments. This person would also handle the communications for the City (i.e., website, social media, poly platform app, etc.). The initial hiring may be as an intern, with the hope of turning it into a full-time position.

Mr. Harvey also stated that the Final Budget will also be adjusted to reflect the revenue from property tax at the rate the Council just approved of .0008316.

In regards to the Management Analyst/Communications Specialist, Council Member Dawson inquired as to whether it is still the plan to fill this position with an intern initially rather than as a permanent position, which would reduce the amount actually spent on salary and benefits. Mr. Laws confirmed that he would like to start with an intern in this position, feeling that it allows for the ability to determine how well the position works and to determine the best employee "fit" without having to go through the termination process that would be required with a full-time, permanent employee. He continued to state that this position, while not an uncommon one, has a fairly unique combination of duties and it would be good to see if this position actually helps fill the needs it is intended to do and if the workload justifies a full-time schedule. Although the proposed amount of $84,020.87 would fund a full-time position with benefits, an intern would be much less, especially as benefits would not be provided.

Council Member Chatterton stated that budgeting for a full-time, benefited position is "good planning" by Staff, because while an intern would cost less, if the right person came along as an intern and the position worked, the budget can support promoting that intern to full-time.

Mr. Laws also confirmed for Council Member Judd that if it is found that the workload does not seem to justify a full-time employee, making this a part-time position would also be considered.

Mayor Craythorne opened the public hearing

a. Public Hearing

Ray Cornia – 615 N 4500 W: As a professional in the field of communications and doing similar work described (for the proposed Management Analyst/Communications Specialist), he thinks that $84,000 is "ridiculous" and this position could easily be filled for $40,000 to $50,000. He agrees that this is a valuable and needed position, but a salary that high is just "excessive." It is an "excellent" idea to hire an intern and the proper way to fill this position because it allows an opportunity "to see what you have" because in his experience, a lot of people claiming to be communication experts because they have been through all the schooling have no idea what they are actually doing when it comes to putting it in practice. Again, having expertise in this field, Mr. Cornia reiterated that he would "hate to see that much money wasted."

Mayor Craythorne noted that the proposed amount of $84,000 includes the costs for benefits and is not the actual salary. Mr. Laws stated that he conducted a market study to determine the salary for this position, and the $84,000 includes a salary of up to $55,0000 (the maximum salary in the range was about $70,000). The remaining amount, as the Mayor stated, is the cost of providing benefits.

Council Member Petersen motioned to close the public hearing
Council Member Chatterton seconded the motion
The Council unanimously agreed.

b. Action

Council Member Petersen stated that he wouldn't be surprised if less than half of the $84,000 proposed for the new Management Analyst/Communications Specialist position was actually spent this fiscal year, and because the cost of providing benefits to full-time positions is so expensive, approving these positions is not something the Council takes lightly. Hiring an intern to initially fill this position is a good decision to make sure that we get the right person and doing so will not cost the full $84,000. Mr. Laws stated that if the Council feels more comfortable approving a smaller budget for this position this fiscal year and then increasing it in future budget years as needed, they definitely can choose to do so. Council Member Petersen stated that he would be in favor of decreasing the amount for this year's budget, which Council Member Dawson also agreed with and suggested lowering the amount to $40,000. Mr. Laws stated that taking out the benefits portion ($30,000) and the salary of an intern would be about half of the $55,000 that was included for a full-time employee. Based on that information, Council Member Petersen stated that $40,000 would still be more than what is needed but more appropriate for the FY2022 budget.

Council Member Petersen motioned to approve Ordinance No. 08-17-2021A with the Property Tax Rate of .0008316 and reducing the proposed budget amount for the Management Analyst/Communications Specialist position to $40,000
Council Member Dawson seconded the motion

Roll Call:

Council Member Chatterton – Aye
Council Member Dawson – Aye
Council Member Petersen – Aye
Council Member Judd – Aye
Council Member Henderson – Aye

The Council unanimously agreed

9. Motion to Adjourn the Special Budget Meeting

Council Member Dawson motioned to adjourn the Special Budget Meeting

Council Member Judd seconded the motion
The Council unanimously agreed

3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

WEST POINT CITY HALL

August 17th, 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 on August 17, 2021 beginning at approximately 8:05 PM with Mayor Erik Craythorne presiding. This meeting was held at West Point City Hall and also electronically via Zoom. Zoom meeting was accessible to attendees by entering Meeting ID #873 7622 0504 at https://zoom.us/join or by telephone at (669) 900-6833.

MAYOR AND COUNCIL MEMBERS PRESENT: Mayor Erik Craythorne, Council Member Annette Judd, Council Member Kent Henderson, Council Member Gary Petersen, 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; Troy Moyes, City Planner; and Casey Arnold, City Recorder

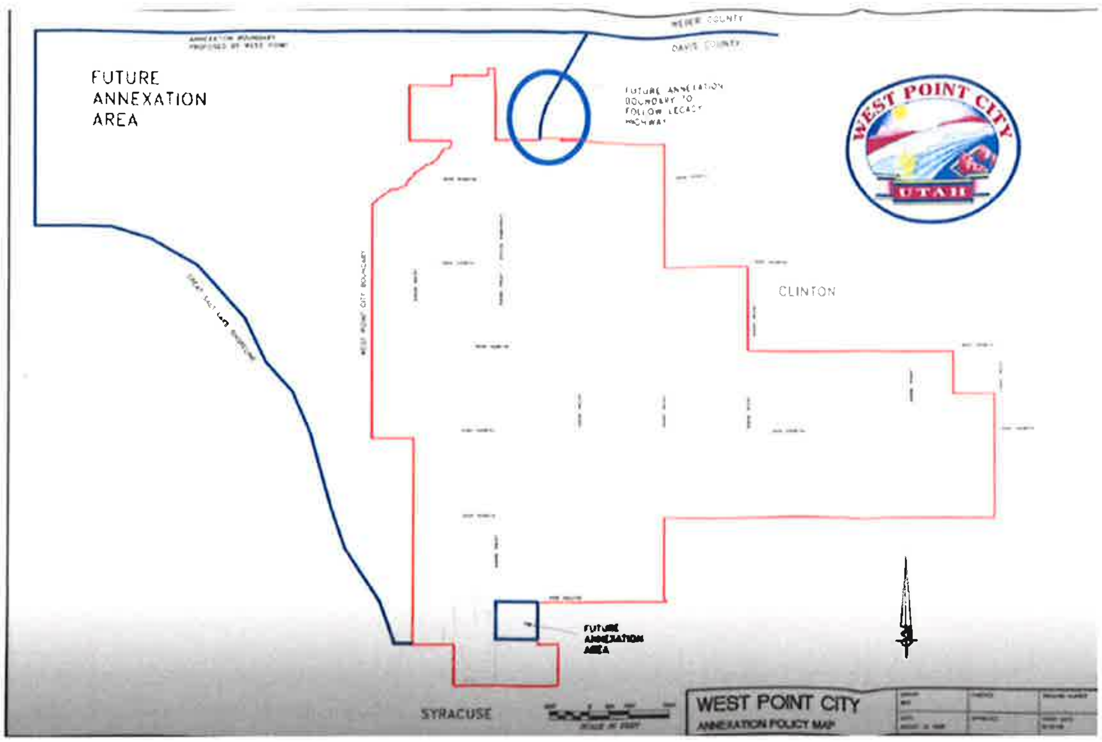
VISITORS PRESENT:
No sign-in required for online attendees.

1. **Call to Order –** Mayor Craythorne welcomed those attending the meeting and called the General Session to order.

2. **Consideration of Approval of the Minutes from the July 20th, 2021 West Point City Council Meeting**

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

3. **Consideration of Approval of Resolution No. 08-17-2021B, Expressing Intent to Adjust a Common Boundary Line with Clinton City – Mrs. Bryn MacDonald**
   Mrs. MacDonald stated that this item was discussed by the Council in their last meeting, reviewing that the City has received a request from a developer to do a boundary line adjustment with Clinton City. The adjustment would move approximately 25 acres from Clinton into West Point. The applicant originally planned to submit a petition to annex all of this property, but has withdrawn the application and is requesting a boundary line adjustment for the portion of the property that is in Clinton City. The City's General Plan shows the boundary of the future annexation area following the West Davis Corridor, which location has since shifted to the east into Clinton City from the time the future annexation area was adopted over 10 years ago, leaving about 25 acres on West Point's side of the highway. This adjustment would move that area into West Point rather than remain in Clinton City. Below is a map of the adjustment area (circled in blue):



Mrs. MacDonald stated that the boundary line adjustment process is much simpler than the annexation process, even with some of the property in this case being owned by UDOT; State Statute requires an extra time requirement to provide notice to all publicly-owned property. She outlined the process for the Council as follows:

1. Adopt a resolution indicating the intent to adjust a common boundary.
2. Hold a public hearing on the proposed adjustment NO LESS THAN 60 days after adoption of the resolution of intent.
3. Post public notice at least 3 weeks before the public hearing.
4. Provide notice at least 50 days before the public hearing to UDOT.
5. After holding a public hearing, the City Council may adopt an ordinance approving the adjustment of the common boundary, unless a protest is received at or before the hearing.

Clinton City is planning to talk about the adjustment at their meeting on August 24th and consider adoption at their next meeting in September. The two cities do not have to be on the same timeline, but Mrs. MacDonald stated it would probably be best to try to do it concurrently. She also confirmed for Council Member Chatterton that in her conversations with Clinton City officials, they are in agreeance that with the adjusted route of the West Davis Corridor, the boundary line should also be adjusted as they recognize that the highway was informally agreed upon many years ago by the Boundary Annexation Commission to be the separation between the two cities. She noted, however, that she has only had conversations with Clinton City Staff and their City Council may have a different opinion or other concerns.

The Council asked questions regarding the boundary line adjustment process, which were answered and clarified by Mrs. MacDonald. Council Member Petersen wanted to reiterate to residents that this adjustment, and the possible annexation of some of the surrounding area, were not initiated by the City. The Council had no further discussion.

Council Member Chatterton motioned to approve Resolution No. 08-17-2021B
Council Member Petersen seconded the motion
The Council unanimously agreed

4. Consideration of Approval of Ordinance No. 08-17-2021B, Amending West Point City Code to Repeal Titles 16 & 18 and Chapters 2.60, 15.15, & 15.20, and Create a New "Title 17 – *Land Use and Development*" – Mrs. Bryn MacDonald

Mrs. MacDonald explained that this project began over a year ago with the primary purpose of revising these parts of the City's code to make sure that it is in conformity with State Code and also to consolidate standards in other titles, streamline approval processes, and address and update standards on specific topics. During the process, there has also been some formatting and clarification revisions. The Planning Commission has had several discussions on the proposed revisions of the City's land use and development codes, having gone through the entire draft twice before holding a public hearing and approving a final draft for recommendation of approval to the City Council. The City Council has also had numerous discussions and made some amendments throughout its review, and also held a public hearing at the last meeting. The following is a summary of the timeline of these discussions.

March 2020	• The City hired consultants to bring the code into compliance with State Statute.
March-December	• Consultants worked for many months reviewing the entire code and making recommendations to staff.
December 2020	• Consultants presented the recommendations in a Joint City Council/ Planning Commission meeting.
February-May 2021	• Staff presented the changes to the PC and CC February-May 2021.
June 2021	• Draft presented to the Planning Commission.
July 2021	• Draft presented to the City Council.
July 2021	• Planning Commission held a public hearing and recommended approval.
August 2021	• City Council public hearing.
August 2021	• City Council decision.

Mrs. MacDonald explained that this major code revision removes all sections of the current City Code regarding land use and development and replaces them with one new "Land Use and Development" title. The proposed changes can be placed in one of four categories and are summarized as follows (*the proposed draft is included in its entirety with the Staff Report for this item and is color-coded, with blue representing State Code changes, red representing policy changes, and green representing text/technical changes*):

1. ***Compliance***: Several proposed changes/additions fall within this category. The current code does have language that is not in line with the current State Code. For example, the Conditional Use chapter allows for the City to "deny" an applicant, whereas State Code states that conditional uses are permitted and should be allowed as long as reasonable conditions are used. The following are specific areas where this category applies:
    a. Temporary regulations, exactions, and vested rights
    b. Noticing requirements for zoning amendments
    c. Appeal authority
    d. Conditional uses
    e. Cannabis production and pharmacy
    f. Manufactured homes
    g. Nonconforming use and noncomplying structures

2. ***Repeal and Replace***: In the process of consolidating standards the following titles were affected and brought into the updated Title 17 Land Use and Development Code:
    a. Title 2.60 (Planning Commission) – Moved planning commission from Title 2.60 to Title 17
    b. Title 15 (Building and Construction Standards) – Residential construction (15.15) and commercial development standards (15.20) all moved to Title 17 while the rest stays
    c. Title 16 (Subdivision) – All moved to Title 17
    d. Title 18 (Land Use) – All moved to Title 17

3. ***Minor Text Changes:*** There are over 200 "minor text" changes in the proposed document. Some of those changes include adding "as adopted by the City" to the end of a sentence or adding "Community Development Director or designee" in place of "Zoning Administrator" to be consistent throughout the code and help clarify the text.

4. ***Policy Changes:*** The changes listed above in the other categories only add clarification and are not major policy changes. There are, however, several proposed policy changes throughout the code, including the following:

    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))
    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)
    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

Below is a summary of the proposed changes and where they are located:

Type	Current	Proposed	Proposed Code Reference
Amendments to the Land Use Code and/or General Plan	Amendments to the Land Use Code or General Plan are initiated by City Council, Planning Commission, or Staff.	Changes can be initiated with an application and supporting documentation by any person seeking an amendment to the code, map, or General Plan. Changes to the General Plan and Zoning Map can be done at the same time. Amendment applications will only be accepted in the months of April of October, and a new application cannot be submitted for the same piece of property for one year after being denied.	17.00.090 (page 2)
Zoning Conditions	Not allowed or defined	This will allow the Land Use Authority at the time of rezoning to set conditions on the property. Some of those conditions could be the type of use, density, building square footage, or height of structures. The Zoning Map will have a "ZC" showing those conditions.	17.00.090(J) (page 3)
Appeal Authority	Currently, the Board of Adjustment serves fills this role.	City Council will appoint a Hearing Officer that will serve for 2 years. That person will be law trained or significate experience with land use law.	17.20.040 (page 37)
Conditional Uses	Conditional Uses have been the "catch-all" for most land use items. The current code language violates State Code (however practice has been in line with State Code) that allows the Land Use Authority the right to deny any application.	This section uses State Code language like: "The applicant shall adequately demonstrate that the reasonably anticipated detrimental effects of the proposed use can be mitigated through the imposition of reasonable conditions based on standards in this chapter."	17.40 (page 44)
Administrative Review (Staff)	Administrative review is done for items like minor home occupations, house plans, commercial licensing, fence permits, smaller accessory buildings, etc.	The proposed changes allow Administrative Review to include daycares, preschools, model homes, accessory buildings up to 1,500 square feet. The Table of Land Use Regulations was also updated to show these changes and clarify other uses.	17.60.050 (page 53-57)
Residential Encroachment Standards	Architectural features like porches, decks, and balconies are allowed to project into the rear yard. No minimum distance is defined to the rear property line.	The proposed changes allow the architectural features to project but not closer than 10' from the rear property line.	17.70.020(D) (page 100)

Accessory Building Setback Standards	Accessory buildings are allowed to a minimum distance of 1' from the property line including the drip line of the roof.	Accessory building setbacks are based on the size of the "wall height" of the structure as defined in the code. A sliding scale was created to push the structure further away based on the height of the wall adjacent to that property line.	17.70.030(A) (page 101)
Subdivision approving bodies	The Preliminary Plan is approved by Planning Commission. Final Plat is approved by Planning Commission and City Council.	Planning Commission will not see Final Plat. Only City Council will see the Final Plat for subdivisions	17.130 (page 140-142)

Mrs MacDonald noted that the Council spent a considerable amount of time discussing the process for amending the General Plan. In those discussions, the Council decided to include a restriction on when applications to amend the General Plan could be submitted to the City, and also a time limit on how soon a new application for the same property, requesting a similar zoning, could be submitted after being denied. The following language was added to reflect those decisions:

- *The City Council shall only accept applications to amend the General Plan twice a year, during the months of April and October. This section shall not limit the City Council, Planning Commission, or authorized City staff from imitating a general plan amendment at any time.*
- *Effect of Disapproval: City Council denial of an application to amend the General Plan shall preclude a person from filing another application covering substantially the same subject or property, or any portion thereof, for one-year from the date of disapproval. This section shall not limit the City Council, Planning Commission, or authorized City staff from imitating a general plan amendment at any time.*

Mrs. MacDonald also clarified for the Council that the Planning Commission does have the authority, by State Statute, to initiation an amendment to the General Plan, but that it would be rare for them to do so, and even rarer that the City Council would not know about it; it would most likely be the City Council requesting to open the General Plan.

In regards to the Hearing Officer with appeal authority, the Council directed Staff to reach out to Meg Ryan, who acts as the hearing officer for several other cities and was one of the land use consultants the City contracted with on this project, to see if she would fill this role or research others with similar experience and land use expertise to present to the Council as possible options to be appointed. Mrs. MacDonald stated that an appeal fee should be established to pay the fee charged by the Hearing Officer in the case of an appeal.

In regards to the subdivision approval process, a concept plan and attendance at a technical review meeting will first be required for all developments. The concept plan would be distributed to the relevant staff departments, such as engineering and public works, and also go to the different utility and special services districts and agencies (i.e., fire district, sewer district, etc.) for thorough review before the meeting so that all issues can be addressed with the developer and resolved before a preliminary plat is submitted to the Planning Commission for approval. This technical, in-depth review step at the beginning of the subdivision approval process will help make sure that all standards and requirements have been met and any changes requested by the Planning Commission made before the Council is presented with an extensively reviewed final plat to approve. She confirmed that this review is not intended to be done by an official committee, but just as an administrative, technical review. The Council felt that it was important to remove the proposed terminology of "committee" to make it clear that a committee is not being created.

Council Member Judd motioned to approve Ordinance No. 08-17-2021B as proposed, with the amendment to change the terminology from "Technical Committee Meeting" to "technical coordinating meeting."
Council Member Petersen seconded the motion

Roll Call:

Council Member Chatterton – Aye
Council Member Dawson – Aye
Council Member Petersen – Aye

Council Member Judd – Aye
Council Member Henderson – Aye

The Council unanimously agreed

5. 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 Petersen seconded the motion
The Council unanimously agreed

2. Call to Order and Roll Call

Mayor Erik Craythorne called the August 17th, 2021 Closed Session to order

Roll Call -
Mayor Erik Craythorne
Council Member Gary Petersen
Council Member Annette Judd
Council Member Jerry Chatterton
Council Member Andy Dawson
Council Member Kent Henderson

Kyle Laws, City Manager
Boyd Davis, Assistant City Manager
Ryan Harvey, Administrative Services Director
Bryn MacDonald, Community Development Director
Paul Rochell, Public Works Director
Casey Arnold, City Recorder

3. Closed Discussion Regarding Pending or Imminent Litigation, Pursuant to UCA §52-4-205(1)(c)

4. Motion to Adjourn Closed Session and enter the General Session

Council Member Dawson motioned to close the Closed Session and enter the General Session
Council Member Henderson seconded the motion
The Council unanimously agreed

6. 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 — November 16th, 2021

CASEY ARNOLD, CITY RECORDER — November 16th, 2021

WEST POINT CITY CORPORATE SEAL DAVIS COUNTY - UTAH