3200 WEST 300 NORTH
WEST POINT CITY, UT 84015

WEST POINT CITY COUNCIL MEETING MINUTES

WEST POINT CITY HALL

October 19th, 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 on October 19, 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# 830 0089 3973 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 Jerry Chatterton, and Council Member Henderson

EXCUSED: Council Member Andy Dawson and Council Member Gary Petersen

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, Tyler Seamans, Keith Larsen, Tim Gooch, Alan Oakey, and Lynn Bennington. No sign-in required for online attendees.

1. **Discussion Regarding Park Strips – Mr. Boyd Davis**

Mr. Davis stated that several Planning Commissioners and City Council Members visited the Weber Basin Water Conservancy District ("Weber Basin") office last week for a short tour of the Demonstration Garden and also to learn more about the "Flip Your Strip" program and innovative ways to landscape park strips and yards to reduce water use. Mr. Davis explained that water use in park strips is very inefficient, as a lot of the water ends up on the sidewalk or street. Park strips can also be hard to maintain, and many become overgrown with dead grass and weeds. Several residents have inquired about the Flip Your Strip program, which is a program offered by Weber Basin that essentially pays residents to remove the sod from the park strip in front of their property and replace it with waterwise or zero-scape landscaping. Mr. Davis shared some pictures Weber Basin uses as examples of how they would ideally like park strips to be landscaped, with either zero-scaping (decorative rock, stamped concrete, etc.) or with waterwise plants that are watered through a drip irrigation system. The program offers residents $1.25 per sq. foot of sod that is replaced, after the resident also attends a class and meets some other additional requirements. However, in order for a resident to participate, the city they reside in must have adopted an ordinance requiring waterwise landscaping for all new construction. Required items that must be part of the ordinance include the following:

- No lawn in park strips or areas that are less than 8 ft. wide for all new construction.
- No more than 35% lawn on residential properties.
- No more that 15% lawn on commercial properties.
- Drip irrigation systems required for any areas outside of lawn, i.e. planter strips, flower beds, park strips.
- A WaterSense labeled timer is required.
- WaterSense labeled plumbing fixtures on the inside of homes and commercial buildings.

Mr. Davis stated that these items would be a significant change to West Point's current requirements and recommends careful consideration by the Council in determining whether or not the City should participate in the program.

Several residents that live on 800 N attended the previous City Council Meeting and made comments to the Council regarding the landscaping requirements in the new park strips that are being installed as part of the 800 N Reconstruction Project. Mr. Davis stated that the decision was made earlier in the project by the Council that all of the park strips in the West Point section would be required to be landscaped with sod and trees (the project area spans a section of 800 N that is within both Clinton and West Point). Those residents are requesting that they have the option to install something other than sod. The landscaping is one of the last remaining items to be finished and direction from the Council is needed so that the contractor can move forward and complete the project. Mayor Craythorne stated that Clinton City allowed the residents in its portion of the project the choice between sod or rock landscaping in the park strips and he asked the Council for their opinion on allowing the same for the properties in West Point's

portion. The Council agreed to allow either rock or sod landscaping in the park strips of the homes included in the 800 N Reconstruction Project.

In regards to the ordinance requirements, Mayor Craythorne stated that while the program will help current homeowners replace their park strips, the items required to participate in the program will have a wide-spread effect. For example, the cost of a new home will increase with the additional technology, landscaping features, watering systems, etc. that would be required, all while efforts are being made to combat the current shortage in affordable housing. Further, policing the requirements is going to put additional burdens on Staff, as landscape plans will have to be submitted for each home that then must be reviewed, percentages calculated, etc. for approval, and more building inspections of each residence will have to be done. His opinion is that the requirements for new construction are too strict to be implemented and enforced by the City, and add too many costs for home buyers. While it may eventually be legislated by the State that some of these items are required, and we definitely need to encourage wise water-use, this ordinance requires "too much, too soon." Mr. Laws noted that Layton City is currently the only city served by Weber Basin Water to adopt this ordinance, but there are other cities offering other park-strip reimbursement programs at their own costs.

Mayor Craythorne stated that at this point, he feels that there are three options to consider: send the proposed requirements to the Planning Commission to discuss and make a recommendation on; wait until there is legislation from the State requiring cities to adopt this type of ordinance and in the meantime gather more information on the fiscal impacts of these requirements on new home costs; or continue forward with no changes. Council Member Chatterton stated that he would like to wait and see what restrictions and requirements the State Legislature enacts, so that there aren't additional cost burdens on new homebuyers any sooner than necessary. Council Member Henderson stated that the City should do what it can to help encourage water conservation by possibly modifying some of our current ordinances, but not necessarily to the extent that Weber Basin's ordinance is requiring in order to participate in their program. Mayor Craythorne agreed. Council Member Judd stated that she would also prefer to wait and see what the State Legislature adopts, and in the meantime, focus on educating the public and encouraging residents to update their fixtures and/or landscaping and implement other methods that will help conserve water. Mr. Laws stated that Council Member Petersen, who is absent from this meeting, asked him to pass along his preferred direction on this issue, which would be to send the ordinance to the Planning Commission to discuss and make a recommendation on. However, Mr. Laws noted that his opinion may have changed based on tonight's discussion. Council Member Chatterton added that in addition to waiting to see what legislation is passed, it will also be good to wait and see if Weber Basin makes any changes to their ordinance if many cities choose not to participate. Mr. Laws noted that Weber Basin Water's presentation explaining the program was very educational and informative on how dire the current water situation is. He felt that it might be worth hearing more from them, especially for those that were unable to attend the visit, before making a final decision. Council Member Chatterton felt that the Council Members attending tonight's meeting should make the decision as expressed and it can always be revisited in the future. Mr. Laws added that Weber Basin repeatedly stressed that even without the drought, there is not enough water available to support the growth of our area.

The Mayor again noted that other cities have enacted similar programs to "Flip Your Strip" and are funding it themselves, rather than receiving funds from Weber Basin. Whether the Council wants to go in that direction or not, methods for encouraging water conservation should certainly be considered, as it is clear that water usage throughout the State has to be reduced. Council Member Judd stated that in considering this, she would be open to having the Planning Commission review the City's current ordinances and see what areas we can potentially approve on to reduce water use or encourage better water conservation and revisit the issue after they make a recommendation to the Council. Council Members Chatterton and Henderson agreed.

2. **Discussion Regarding the Legacy Storage Subdivision Located at Approximately 4200 W 1800 N – Mrs. Bryn MacDonald**
Mrs. MacDonald stated that the developer of this subdivision, Tim Gooch, is seeking final plat approval for the Legacy Storage Subdivision, located at approximately 4300 West 1800 North. The development consists of 8 acres of land with 1 proposed lot. The development will be a mix of storage units and outdoor RV storage, however, only the final plat for the subdivision is being presented at this time; once approved, the developer will still need to submit a site plan for the actual units for review and approval from both the Planning Commission and City Council.

This project has been discussed by the Council in previous meetings and there were no further comments or questions at this time. The Council will consider approval of the final plat at the next meeting.

3. **Discussion Regarding the General Plan Amendment Application Fee – Mrs. Bryn MacDonald**
Mrs. MacDonald stated that as part of the new Land Use & Development Code adopted by the City Council in September, a new application process was implemented for those wanting to amend the City's current General Plan. Staff has created the application and now needs direction on whether the Council would like to also require an application fee, and if so, determine the amount of the fee. Mrs. MacDonald noted that applications are allowed to be submitted in April and October, and she has asked some developers that have indicated that they intend to apply to hold off submitting their application(s) until the City Council has made a determination on an application fee.

Mrs. MacDonald displayed general plan amendment application fees currently assessed by several other cities, noting that there is quite a wide range in the amounts (some as high as $2,000 and others as low as $100), but a rough average would be around $450 - $500. With that, Staff is recommending that the City's application fee be set at $500. Council Member Chatterton suggested that the fee be $500, plus an additional $100 for noticing expenses that will be incurred by the City to notify the public of hearing dates, etc. Mrs. MacDonald stated that public noticing requirements have changed substantially in the last few years, with the most notable change being that notices are no longer required to be published in the newspaper, which significantly reduces those costs. Some notices do have to be physically mailed, but the expense to do so is minimal. Considering that information, Council Member Chatterton felt that $500 is an appropriate amount. The rest of the Council agreed.

Mrs. MacDonald stated that because this is the last City Council meeting in October, adding a General Plan Amendment Application Fee to the City's Fee Schedule is on the agenda for consideration of approval in tonight's General Session. The Council had no further discussion at this time.

4. **Discussion Regarding a Cooperative Procurement Contract for ARPA Resource Consultants – Mr. Kyle Laws**

Mr. Laws stated that the City, Davis County, and the State of Utah have all received funding from the federal government through the American Rescue Plan Act ("ARPA"), that can be used for projects meeting specific criteria. As the Council is aware, a study of sewer system options for the unincorporated area of Davis County that is within the northwest part of the City's future annexation plan was recently completed. From that study, Staff has determined, together with officials from the County, that installation of the sewer infrastructure identified in the study is an appropriate use of ARPA funding. The estimated project cost is about $25 million, and the City hopes that both Davis County and the State will contribute funds for the project.

Davis County has procured, through their own internal process, a group called Resource Consultants to assist them with the accounting of their ARPA funds, as this federal money comes with especially strict tracking and reporting requirements. The County has used this group before to help track funds they have received from other federal programs, such as the Community Development Block Grant Program ("CDBG"). Mr. Laws stated that in learning more about the requirements specific to ARPA funds, Staff feels it would be in the City's best interest to hire a consultant to assist with the accounting of these funds. He stated that he contacted Resource Consultants and they agreed to honor the same pricing that they have given to the County. With many other agencies receiving ARPA funds and likely needing accounting assistance as well, a decision needs to be made soon on whether or not to contract with Resource Consultants, or someone different, while they are still able to take on clients.

Mr. Laws stated that the City's Purchasing Policy requires three quotes to be received when awarding a contract, however, there is a provision that allows for "cooperative procurement", which permits the City to "piggyback" on other state, county, or local district contracts if approved by the City Council through a resolution. A resolution to do so is on the agenda for consideration of approval in tonight's General Session, authorizing the City to piggyback on Davis County's contract pricing for our own contract with Resource Consultants. Mr. Laws noted that as significant funding for the sewer infrastructure will hopefully come from the County, it will be especially beneficial to have the same firm tracking and reporting the money as it is contributed and received by both entities.

Mayor Craythorne commented that allowing this cooperative procurement with Davis County is an efficient way to streamline the contract process and take advantage of the economy of scale with the County. The Council had no further discussion and will consider approval of the resolution in tonight's General Session.

5. **Discussion Regarding the Sewer System Master Plan and Impact Fee – Mr. Boyd Davis**

Mr. Davis introduced Tyler Seamans and Keith Larsen from the engineering firm Boeing, Collins, & Associates, who the City has contracted with to complete the sewer feasibility and impact fee study. A presentation of the impact fee analysis was given to the Council at the last meeting, and Mr. Davis encouraged the Council to raise any concerns or questions they may have. In review, this impact fee is specific to the area northwest of the City that is expected to be annexed into West Point. This area will be served by the sewer system that has been proposed in the study, and so will be considered its own system with its own impact fee. The impact fee proposed from the analysis is $5,200, which is quite high when compared to the $800 impact fee charged for homes built within the City's existing boundaries. However, no sewer system currently exists in the area and it is to be expected that the expense to have that infrastructure installed be substantial. Mr. Davis stated that Mr. Seamans and Mr. Larsen are available tonight to answer any questions the Council may have. If the Council is ready to move forward in the process following tonight's discussion, Staff recommends that a public hearing be scheduled for the next meeting, followed by consideration of approval of the proposed impact fee.

Mr. Seamans stated that it is important to understand that this impact fee was calculated as being paid for entirely by the City, with no consideration of funds being possibly received from an external source. Mr. Davis confirmed this and further explained that if

outside APRA funding or other grant money is contributed to the City for the entire project, the impact fee will be void and impact fees already paid would be reimbursed.

Council Member Chatterton stated that the analysis portion of the study states that "nearly 100% of the cost" will be borne by new growth, and questioned why the new growth wouldn't bear *all* of the costs of the system. Mr. Larson stated that there are a number of existing homes in the area that are currently on a septic tank system; by City ordinance, those homes will be required to connect once they have access to the sewer system. The decision was made not to include those connection costs when calculating the impact fee. There are approximately 120 existing homes, and Mr. Laws stated that because it is a significant cost to connect to the system, it was decided not to assess the impact fee to those residents on top of those costs. However, there is an 'equity' factor with ARPA funds, and the City has included in its request for ARPA funding to the County and the State the point that existing residents would benefit from the funds as well, as they would be used to pay the costs for connecting to the new system. Mr. Laws stated that the City submitted an application request for $15 million to the State for ARPA funding, but it is not known how much, if any, the State will approve allocating to this project. However, this project is a high priority for Davis County, and they have agreed to a minimum contribution of $10 million. Mr. Davis confirmed for the Council that the impact fee can easily be recalculated to account for any funding received. He noted that there could also be an adjustment to impact fee if the area where one of the lift stations is annexed into Clinton and not West Point.

The Council had no further discussion and set a public hearing date for the next meeting. Approval of the proposed impact will be considered after the public hearing.

6. 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 on October 19, 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 #830 0089 3973 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. and Council Member Jerry Chatterton

EXCUSED: Council Member Andy Dawson

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

VISITORS PRESENT: Brian Vincent, Alan Oakey, Landon Oakey, Tyson Oakey, Joe Robles, Craig Gray, Greg & Diane Cooper, Rick Smith, and Talia Atkinson. 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 Chatterton
4. **Communications and Disclosures from City Council and Mayor**

   Council Member Judd – In a visit she recently took to the Harvest Fields Subdivision development, she was really pleased with the high quality and design of the homes being built. While the homes are not large, they look amazing and she encourages all those who may have been skeptical or not in favor of this particular development to go check it out because they may be "pleasantly surprised" with how it is turning out. Mayor Craythorne agreed, adding that using the 1200 S entrance (which has now been paved) is the best route to take to get to the sections of the project that are more completed than the area visible from 4500 W.

   Council Member Henderson – None

   Council Member Petersen – None

   Council Member Chatterton – None

5. **Communications from Staff**

   Mr. Laws stated that the Halloween Carnival was held the previous weekend and he has heard good feedback about the event. Due to how big the event has become, it was held at West Point Jr. High this year instead of City Hall, which helped reduce overcrowding and seemed to be appreciated by attendees. The West Point Royalty organized the event and he would like to recognize them for doing a great job. The Youth Council also attended the event and helped oversee some of the booths and activities.

6. **Citizen Comment**

   Greg Cooper – 2150 W 300 N: Mr. Cooper stated that his property is directly north of the Smith's Marketplace and is set up in a "unique" way where the property runs along 300 N, but because his home is on one half of the property and faces 300 N, the other half is more of a side yard rather than being in the backyard of the home. He would like to explore the option of dividing the lot

and building a second home on that other half. He and his wife had no teenagers when they moved into home, and seven years later, now have three. Consequently, they would like a home with a little more room. If they were able to build a new home on the other half, his elderly mother, who lives alone since his father has passed, could move into the existing home. This would keep her close to the family while still allowing her to maintain her independence. Mr. Cooper shared some examples of how the new home would fit, explaining that because of the size of the property and the way it is shaped, an exemption to the frontage requirements required by the current zone would be needed. He asked that the Council consider whether this would even be possible and if so, direction on how to start the process.

Mayor Craythorne stated that his initial thought is that an amendment to the General Plan would be required to rezone the property to an R-3 (which has reduced frontage requirements), but would look into it further and follow-up with Mr. Cooper and the best way to move forward.

Landon Oakey – 587 N 2625 W: Mr. Oakey stated that he is a member of Boy Scout Troop 1896 and is currently working on earning his Eagle Scout award, and has chosen a project within the City of gathering funds to purchase trees and then plainting them at the Loy Blake Park. Because he was able to collect such a significant amount, he would like the City to consider allowing for a small plaque to be installed, recognizing the community for their donations and record the date the trees were planted. The plaque could be paid for with the money raised and be placed flush with the ground so that it can be driven over by a lawn mower. An example plaque he found cost about $590 and 10" x 20" in size. The current cost of a hybrid Sycamore tree is $280. Without buying the plaque, there are enough funds (with the City's match) to purchase 22 trees; with the plaque, 18 trees can be purchased and planted.

Mr. Laws confirmed for Mayor Craythorne that the Council historically has not allowed for any monuments to be placed in the parks or cemetery; not only do they become the City's responsibility to maintain and repair if they get damaged, but there is also the difficulty in deciding what things 'deserve' to be recognized with a memorial and what don't. The Council thanked Mr. Oakey for the effort he has put forth in raising such a large amount of money for a project that will benefit the City and its residents for many years to come, but felt that they should continue the policy of not allowing monuments or plaques and would rather have those funds used to purchase and plant more trees.

7. Presentation from Rick Smith of the Davis and Weber Counties Canal Company

Mayor Craythorne welcomed Mr. Smith and thanked him for coming to the meeting and helping the Council and residents understand the issues that currently exist with the water situation and the information that is considered when having to make difficult decisions regarding watering restrictions. Mr. Smith agreed that the past year has been one of the most difficult that he can remember, with lots of stress and sleepless nights in making those hard decisions.

Mr. Smith presented information to the Council regarding snowpack levels, reservoir amounts, watering restriction options, water conservation methods, etc. The full presentation and discussion can be found at:

https://www.utah.gov/pmn/files/775405.mp3
Minute Marker 18:20

8. Consideration of Approval of the August 3rd, 2021 West Point City Council Meeting Minutes

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

9. Consideration of Final Plat Approval of Phases 1a and 1b of the Bluff View Subdivision – Mrs. Bryn MacDonald

Mrs. MacDonald stated that the naming of these phases has changed from Bluff View Subdivision Phases 1a and 1b to Bluff View Townhomes Phases 2 and 3. These two phases will consist of all the townhomes within the development. Phase 2 consists of 30 townhome units in 6 buildings. Phase 3 consists of 7 buildings with a total of 28 units.

The Council has discussed these two phases in multiple previous meetings and had no further discussion at this time.

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

10. **Consideration of Approval to Place the Westlake Estates Subdivision Phase 1 on One-Year Warranty – Mr. Boyd Davis**
Mr. Davis stated that the Westlake Estates Subdivision Phase 1 is located at 1000 N 5000 W. The developer has completed all the required improvements and it has been inspected to ensure that they were completed and in good condition. Staff recommends placing Phase 1 on one-year warranty.

The Council had no further discussion.

Council Member Judd motioned to approve
Council Member Henderson seconded the motion

11. **Consideration of Approval of a Trail Maintenance Contract with Andersen Asphalt – Mr. Paul Rochell**
Mr. Rochell stated that the City recently received a bid for repairs to the Emigrant Trail and areas of the walking paths in the City's Parks. The bid was received from Andersen Asphalt for this project and includes reparation of all City-owned trails and walking paths using a product called "Mastic B" which s a product that allows for both expansion and contraction as the weather fluctuates between the hot and cold times of the year. There was only one bid received due to Mastic B being a sole source product of Andersen Asphalt. Mayor Craythorne commented that he has experience working with Andersen Asphalt and they do a "great job." Mr. Rochell briefly explained the application process for the Council.

The bid received from Andersen Asphalt includes the following costs:

Crack-Seal Application	$12,000
Mastic B Application	$18,000
Total Cost:	$30,000

Mr. Rochell noted that the actual costs may be different, as the City will only be charged for material actually used.

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

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

12. **Consideration of Approval of Resolution No. 10-19-2021A, Adopting a General Plan Amendment Application Fee – Mrs. Bryn MacDonald**
Mrs. MacDonald stated that this item was discussed earlier in tonight's Administrative Session and the Council discussed an application fee of $550. Staff feels that this is an appropriate amount and recommends approval.

The Council had no further discussion.

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

13. **Consideration of Approval of Resolution No. 10-19-2021B, Authorizing a Cooperative Procurement Contract with Resource Consultants – Mr. Kyle Laws**
Mr. Laws stated that this item was also discussed in tonight's Administrative Session and is a resolution that approves a cooperative procurement contract with Davis County, which essentially allows the City to "piggyback" on Davis County's contract and pricing with Resource Consultants for tracking and reporting of the federal funds received from the American Rescue Plan Act.

The Council had no further discussion.

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

14. Motion to Adjourn the General Session

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

March 15th, 2022
BRIAN VINCENT, MAYOR

March 15th, 2022
CASEY ARNOLD, CITY RECORDER

WEST POINT CITY
CORPORATE SEAL
DAVIS COUNTY - UTAH