

WEST POINT CITY COUNCIL MEETING
3200 West 300 North
February 15, 2011
6:00 P.M.

Minutes for the administrative session and regular West Point City Council Meeting held at the West Point City offices at 3200 West 300 North, West Point, Utah, with Mayor Erik Craythorne presiding.

MAYOR AND COUNCILMEMBERS PRESENT: Mayor Erik Craythorne, Councilman Roger Woodward, Councilman Gary Petersen, Councilman Kent Henderson, Councilman Jerry Chatterton, and Councilman Andy Dawson

CITY EMPLOYEES PRESENT: City Engineer Boyd Davis and City Recorder Amy Jensen

VISITORS PRESENT: Matt Leavitt, Glen Wade, and Detective Ken Warnshuis

ADMINISTRATIVE SESSION

1. West Davis Corridor

Mr. Boyd Davis said the Utah Department of Transportation (UDOT) started the Environmental Impact Statement (EIS) for the West Davis Corridor in January of 2010. The first step they took was called purpose and need. They had to prove there was a need for the transportation improvement. They have proven there is a need for some type of transportation. Then they reviewed all of the alternatives. There were 46 preliminary alternatives. They narrowed it down to 14 in the first level. Then the 14 were narrowed down to 3, which is where they are right now. They have removed the plan that was designed in 2001. Mr. Davis said the screening of alternatives has pretty much come to an end.

Mayor Craythorne said he thinks they plan to have a final route determined by May 2011.

Mr. Davis said UDOT will study each alternative in detail. They have asked for all public comment, especially from City officials. Mr. Davis said the Staff is preparing a Resolution to state West Point City's stand on the issue, and the Council will be able to modify it and approve it. It will then be sent to UDOT. Mr. Davis and Mr. Hill know the Council and most of the residents are not in favor of any of the alternatives UDOT has recently presented. Mr. Davis said he has starting points for the Resolution he wanted to read to the Council. Then they can add or take away what they want.

1. West Point City is in favor of a West Davis Corridor and is willing to participate in the EIS process. West Point City thanks UDOT for supply information and being open about the process.
2. West Point has made great efforts to preserve the original 2001 corridor and was greatly disappointed to see it eliminated as an alternative. The City has negotiated with several property owners in order to preserve the corridor and large amount of tax payer dollars have been spent purchasing property with the corridor.
3. West Point City understands that there are two remaining alternatives being studied as potential alternatives. Although the original corridor has been eliminated, West Point City encourages UDOT to still consider and study the environmental impacts of the original corridor as the remaining alternatives are refined.
4. Of the remaining alternatives, West Point believes alternative C is the most impactful to the City and should be eliminated or realigned into the 2001 corridor. As currently drawn, Alternative C would have more visual impact, affect many acres of productive farm ground, a golf course, elementary school, and affect more homes than the other alternative.

Councilman Dawson suggested that the staff include something with this item about the noise impact to the City.

5. West Point City believes Alternative A-option [to the west of the sewer treatment plant] is unnecessary and is too far west to provide access for commuters in that area.
6. West Point City believes the impacts to homes and farmland should be carefully weighed against the impacts to wetlands and habitat.
7. Regardless of the alternative that is selected, the City urges UDOT to work with individual landowners on the road alignment to reduce impacts as much as possible and to ensure the maximum possible benefit for the property owner.
8. West Point City believes that any new highway will disrupt pedestrian, motor vehicle, and bicycle traffic and that no effort should be spared to ensure safe and convenient travel in and around the City. Ultimately the highway should include pedestrian and biking paths, underpasses or overpasses, and frontage roads if necessary. The City requests UDOT consider the West Point City General Plan, Trails Master Plan, and Road Master Plan and work with the City to install the necessary infrastructure.
9. West Point recognizes that the West Davis Corridor will be critical for convenient commuter access for future residents and key to the economic development of the City and strongly supports interchanges located at approximately 700 South and 1800 North.

Councilman Chatterton said in number 8 he would like it to say “use existing infrastructure when possible”.

Mayor Craythorne said that regardless of how Syracuse City or other surrounding cities chose, we have a choice as well. He said the other cities have made some changes West Point has not.

Mr. Davis said the study UDOT did in 2001 was for planning. The study last year has included the environmental impact which has caused them to eliminate the original corridor.

Councilman Henderson said if West Point was told by UDOT in 2001 to preserve the area they chose then, and we have, they should still be considering it as an alternative.

Councilman Woodward agreed. And also said if UDOT knew in 2001 there might be a few alternatives they should have been upfront about it.

Councilman Henderson said the wetlands have changes drastically in the last 10 years.

Mayor Craythorne said UDOT is trying to be more than thorough in their research. It is a Federal process which states UDOT has to avoid wetlands at all costs. If that is not possible they need to affect the least amount possible.

Mr. Davis said there is a process that UDOT has to follow. It is first avoid, if not avoid minimize impact, or third mitigate.

Councilman Petersen said if UDOT has to avoid the wetlands at all costs which they have already purchased for the 2001 corridor, they will end up selling the land to developers. This will not protect the wetlands. He wants to hold UDOT to their own process by not letting them sell the property. When they consider this, they will realize the wetlands can go somewhere else.

Mayor Craythorne said he walked the entire corridor after he heard about the new alternatives, and he does not agree that they are high grade wetlands. If we ask UDOT to protect it there is a possibility it could never be developed, and then the City would lose the land for development. Mayor Craythorne gave an example of where the trail has been built the water drains a little differently and now cattails and fragmite growing.

Councilman Petersen said he would like to have a UDOT engineer come to the next City Council meeting and explain the wetland issue because he feels there is a problem with the process.

Councilman Henderson said he would even be willing to go with a UDOT employee to the wetlands and have them show the Council and Staff what they have found.

Mayor Craythorne said he met with land owners a few days ago. One of the owners said he owns two different spots of land at approximately 1800 N and 4500 W in the study area where he has cows. The east side was marked wetlands and the west side was not. The owner claims that both areas of land area exactly the same. This is confusing to the Council and residents. Mayor Craythorne said another area he feels is a high quality wetland has been labeled as a low quality wetland by UDOT.

The Council feels that some the area has become a wetland because UDOT bought it for the corridor and has not maintained it.

Councilman Petersen asked if the standing water was cleared out with a backhoe if there would still be a wetland.

Mr. Boyd Davis said there does not have to be standing water on the ground for the land to be labeled a wetland. There are 3 criteria used. 1- Vegetation, 2 – hydrology, and 3- and soil type. And then they only need two of the three criteria.

Councilman Petersen wondered then if UDOT has sent an engineer to the City to study the land and soil samples.

Mr. Davis said he met with UDOT and one of their wetland biologists. They told Mr. Davis that they had done a preliminary study. The area has not been designated by the Army Corp of Engineers.

Councilman Petersen wondered if the City can ask for a delay in their decision for more study, but at the same time keeping the 2001 corridor an option.

Mr. Hill said he and Mr. Davis asked UDOT to relook at the wetlands, and their response was that they cannot just look at West Point, they will have to look at them all if they do a review. Mr. Hill said the City will request that they look at all of the wetlands again.

Mayor Craythorne asked if the Council was comfortable with the wording so far in the Resolution to UDOT.

Councilman Petersen said he would like to see it say more about the wetlands becoming commercial if they are not used for the corridor, which will affect the City in a negative way.

Councilman Woodward said he would like it to say more about a better alternative to compensate for the old ones if they make a new one. They should consider mitigating the wetlands. He wants UDOT to look at all of the Cities again and make sure they have labeled the land correctly.

Mr. Davis agreed with UDOT needing to mitigate the wetlands to prove that is what they are.

Councilman Chatterton reminded the Council that when the area around Legacy Highway was mitigated, they came up with 22 more acres of it than they had in the first place. He also wondered if the residents that are being affected will take the issue to court and make this a very long process. He could see significant savings if they returned the plan to the original 2001 corridor.

Mr. Hill said he thinks UDOT would be willing to come to a meeting to explain their land designation process, but he is wondering about the timing. He does not think they could come before the Resolution with the City's stand would be due to them. He also does not see anything the Council would change in the Resolution if UDOT did come. He does not want to delay passing the Resolution in the case UDOT cannot come within the time they have.

Councilman Petersen said he wants the wording very specific in the Resolution to UDOT.

2. Legislative Update

Mr. Hill said the most interesting thing at the Legislature right now is the bill being discussed about immigration. The League of Cities and Towns worked with the fiscal analyst that put a fiscal note on the bill saying that the impact of the bill would be millions of dollars to local governments. Representative Sandstrom came back with an amended bill which changed many of the words from "shall" to "may" that will give a lot more discretion to local governments. The other significant change is that it changes the level of enforcement from anything to a class A misdemeanor or a felony that a policeman would check immigration status. That alone changes the fiscal status. The language about liability is the same. Anyone in the State withstanding, which means you can show personal or financial harm because of lack of enforcement, could bring action against a city they feel did not enforce it. Cities feel this could lead to frivolous lawsuits and be counterproductive. Mr. Hill said the Staff's recommendation on this bill is to be neutral on it.

Mr. Hill said there is a recognition to the impact fee law being discussed. It should make reading the code easier. He said there are some other bills regarding building code changes. One clarifies roads with public easements or not, and determines private usage.

Mayor Craythorne said he had received a letter from the Davis County School District regarding the Centennial celebration for them. They would like the City to provide a liaison to be on a committee to help plan events. The Mayor asked Councilman Chatterton if he would like to serve on that committee. Councilman Chatterton said he would. The Mayor will submit Council Chatterton's name. The Youth Council essay contest is complete, and they need a councilmember to help pick the winners.

Mr. Hill said he thought there were 35 entries.

Councilman Chatterton said he would help judge the entries.

Mr. Glen Wade was given time to talk about the West Davis Corridor. He showed on a map where 3 more parks could be planned for West Point City. He would like to offer UDOT more wetlands than they have now if they would put the corridor back where it has been planned for the last 30 years; along the Bluff Road. He and a group of land owners are presenting ideas to UDOT so they will not have a road built through their property. He has heard that the US Corp of Engineers has already gone through the land in West Point and delineated the wetlands. He has the study. He feels much of the water delivered to the Bay View Duck Club comes from irrigation water, which comes from private ditches. If the road goes where UDOT has proposed, it could dry up the Duck Club. He said there is water in West Point by the Cemetery that uses gravity flow which would create more wetlands in different areas.

Mayor Craythorne said if UDOT builds the road on one of the new alternatives, parts of the City would lose access to current water pipes.

Mr. Wade said he has asked UDOT if he can see the studies on the wetlands and they have not produced them yet.

GENERAL SESSION

Visitors: Dirk Palsgraff, Andrew Egbert, Jeremy Strong, Michael Edwards, Jack Water man, Jesse Smith, Candise Smith, Brian & Andrea King, T. Johnson, Eliza Barney, Steven Price, Jan Schmelter, Matt Leavitt, Wally & Julie Sage, Leon Bennett, Dominic Centers, Cash Ricks, Laurence Casias, Ashlee Ashby, Josie Stuart, Cherri Johns, Steven Sandoval, Carlos Perez, Hyrum Briscoe, Howard Stoddard, Consuelo & Alejandro Evaro, Eric Braegger, Robert Checketts, James & Brenda Pehrson, Randy Brown, Jacob Sobers, Jacob Rabe, Mark & KellyVee Jolley, Michelle Carstensen, Wendy Long, Mindy Provence, and Lori Everett

1. CALL TO ORDER
2. PLEDGE: Repeated by all
3. PRAYER: Councilman Kent Henderson
4. COMMUNICATIONS AND DISCLOSURES FROM CITY COUNCIL AND MAYOR

Mayor Craythorne welcomed everyone to the meeting.

Councilman Chatterton said he is on the Mosquito Abatement District Davis board, and they are in charge of eliminating mosquitoes. At their last meeting they approved a budget of \$439,000 just for chemicals. He said if a resident is planning a large gathering the District will come by the night before and spray the area. They are also available to give classes at schools.

Councilman Dawson had no comments

Councilman Woodward said he has spoken with the City's EPRT volunteer chairman, Eric Braegger, and they will be starting EPRT classes soon. More information will come.

Councilman Petersen had no comments.

Councilman Henderson had no comments.

Mayor Craythorne said he had a few meetings this week that he will report on at the next City Council meeting.

5. COMMUNICATIONS FROM STAFF

There were no comments.

6. CITIZEN COMMENT

There were no comments at this time.

7. WEST DAVIS CORRIDOR

Mr. Boyd Davis had a presentation about the process that has been going on with the West Davis Corridor. He said the West Davis Corridor has been talked about for a long time. UDOT began the Environmental Impact Statement (EIS) in January of 2010. The first step was to create a purpose in need. This is where UDOT proved there was a need for transportation in this area. They proved this based on the estimated growth in the area. Then they started screening several alternatives. They started with 46 alternatives which went through level 1 screening. This took the total down to 14. After those 14 went through another screening, they now have 3 alternatives. Only 2 of them go through West Point. The original 2001 proposed corridor which West Point has been diligently preserving for the highway was eliminated from the alternatives. This surprised the Council, Staff, and residents. Later this year UDOT will do a draft and environmental impact statement, by 2012 they will have the final statement, and by 2013 they will have the Record of Decision (ROD) which is given by the Federal Government that they agree.

Mr. Davis said UDOT is encouraging comments from the public, and official comments from Cities and Councils. These are due by March 8, 2011. West Point City Council will present a resolution March 1, 2011, to be approved and sent on the UDOT.

Mr. Davis said the City Council asked the Staff to prepare comments that could be included in this Resolution. What he has tonight are simply suggestions and starting points.

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2. West Point City has made great efforts to preserve the original 2001 corridor and was greatly disappointed to see it eliminated as an alternative. The City has negotiated with several property owners in order to preserve the corridor and a large amount of tax payer dollars have been spent purchasing property with the corridor.
3. West Point City understands that there are two remaining alternatives being studied as potential alternatives. Although the original corridor has been eliminated, West Point City encourages UDOT to still consider and study the environmental impacts of the original corridor as the remaining alternatives are refined.
4. Of the remaining alternatives, West Point believes alternative C is the most impactful to the City and should be eliminated or realigned into the 2001 corridor. As currently drawn, Alternative C would have more visual impact, affect many acres of productive farm ground, a golf course, elementary school, and affect more homes than the other alternative.
5. West Point City believes Alternative A-option (to the west of the sewer treatment plant) is unnecessary and is too far west to provide access for commuters in that area.
6. West Point City believes the impacts to homes and farmland should be carefully weighed against the impacts to wetlands and habitat.
7. Regardless of the alternative that is selected, the City urges UDOT to work with individual landowners on the road alignment to reduce impacts as much as possible and to ensure the maximum possible benefit for the property owner.
8. West Point City believes that any new highway will disrupt pedestrian, motor vehicle, and bicycle traffic and that no effort should be spared to ensure safe and convenient travel in and around the City. Ultimately the highway should include pedestrian and biking paths, underpasses or overpasses, and frontage roads if necessary. The City requests that UDOT consider the West Point City General Plan, Trails Master Plan, and Road Master Plan and work with the City to install the necessary infrastructure.
9. West Point recognizes that the West Davis Corridor will be critical for convenient commuter access for future residents and key to the economic development of the City and strongly supports interchanges located at approximately 700 South and 1800 North.

Mayor Craythorne mentioned the City has been preserving space for the corridor a long time along the Bluff Road, and how disappointed everyone here in West Point is that UDOT has changed the route. The Mayor encouraged everyone in the audience who has not voiced a comment to do so on their website.

8. CITIZEN COMMENT ON THE WEST DAVID CORRIDOR

Mr. Ryan King said he thought the City Council should get a hold of Mr. Stuart Adams of Kaysville. He works with roads and might know a way to keep the corridor on the 2001 route.

Mr. Glen Wade said in the original study done for the West Davis Corridor in 1997 the Corp of Engineers designated a lot of wetlands in West Point. He also said the Hooper Canal has a lot of ditches, and if they can keep the corridor about the Bluff Road they will not have to disturb those water sources. UDOT said they would provide irrigation ditches when Mr. Wade spoke with them of his concern last week, but he worries they will get blocked easily. His last point was having the City Engineer adding another item to the Resolution that states if they put the corridor back on the Bluff Road, West Point City will increase the amount of acres of wetlands we have. He showed a map that he has been working on to put the corridor back on the Bluff Road.

Mr. Bob Checketts said this situation reminds him of the Mountain View Corridor that is being constructed in South Salt Lake. They had 2 alternatives, one that went through wetlands and one that went through residential areas. As South Salt Lake was working with the State on the matter, the State representatives said they did not want to have to deal with the environmentalists once again because of the issues they had with the first part of the Legacy Highway. Mr. Checketts recommends someone on the Staff of West Point regularly meet with the Corp of Engineers and make our opinions known. He thinks if the highway does not go on the 2001 corridor because they have labeled them wetlands, homes or businesses will be built there and change the wetlands anyway. He does not want to see homes and farms torn down for no reason.

Mr. Matt Leavitt said at the public hearing he attended he realized that if the City provides an alternative, UDOT will have to listen. His approach to the situation is that the Agricultural Protection Act appears to be impeded. He had a copy of an agreement the City made with the LDS church in 2000 which used the Agricultural Protection Act, which he feels comes in to play in this situation as well. He asked the City Council to look at his document and see what they think.

Mr. Howard Stoddard said he appreciates the position the Council holds, and he hopes they will use their position to try to get the highway back where it has been planned for more than 30 years.

Mr. John Schneiter said he feels it will be a huge loss to the City if the highway cuts through the golf course that he owns and operates. It will take out enough of the golf course that it will only have 9 holes, and he knows it will not make enough money as a 9 hole course to stay open. He mentioned how the golf course has helped increase growth in West Point, and how they offer classes to youth during the summer. His golf course is not tax payer subsidized, which differs from a lot of other Cities have and are losing money on. He said he knew when he built the course the corridor was planned to follow the Bluff Road.

Mr. John Long said when he bought the property to build his home in West Point, he was told about the West Davis Corridor and where it was planned. At that time it would run along the edge of his property. Now it has changed and will run along his home on the west side. He commends West Point for keeping the 2001 corridor property open, and he is very disappointed in Syracuse City for letting development gone in where the road should have been built. That may have a large bearing on the changes. He is also disappointed with UDOT for not keeping the trust of the public and the Cities. He know that as recently as a month ago UDOT bought property in the 2001 corridor area. He believes there has been millions of dollars spent to purchase the land for the 2001 corridor, and yet now it is not an alternative. He believes it will not be recoupable. He said he feels the differences in numbers between the 2001 corridor and the new alternatives in wetlands and wildlife habitat is not enough to make them remove the 2001 as an option. He said that 2 different entities stood on his property and argued whether it was wetlands or not. He feels there is some political ploy involved. He received a letter saying all of his property is not wetlands, but this is not reflected on UDOT'S map.

Mr. Dirk Palsgraaf said he lives in the retirement community in West Point, and his worry is what will happen to his property values declining when the highway goes in. It will also take away his beautiful view of the west. He firmly believes that if wetlands are moved, the animals will adjust. He mentioned that Interstate 10 in Louisiana runs along a swap, and as you drive along you can see alligators, people fishing, and birds, so he believes the area will adjust to the change. He wants the Council to encourage UDOT to go back to its original plan.

Mr. Wally Sage said the road will go right by his property, and when he bought the home 5 years ago he had no idea this would happen. He was raised in a little town in Idaho, but to make a living he moved to California. He left there because of overcrowding. He knows the highway will bring businesses and population to West Point that will be good for the economy, but he worries about it being too much.

Mr. Randy Brown said he is not in favor of any of the alignments. He would like to make the point that the original corridor would be the best route, and if it is not used for the road it will be developed into something else anyway.

Mr. Steve Price said he understands that the City Council had no input on changing the corridor routes. He thinks the original route is the best thing, and if the City Council speaks up, the State will listen more than to individual citizens.

Mayor Craythorne thanked everyone for their comments. He said the Wasatch Front Regional Council that does all of the transportation planning just completed a study regarding the transportation needs through 2040. It said that from Legacy Highway to Antelope Drive in Syracuse would be the next phase of the West Davis Corridor, and they feel that will happen between 2011 and 2021. Then the next phase will be the part going through West Point City, and it is planned to be built from 2021 to 2031. He wants people to realize that the study is being done now, but the actual construction is years away. Things could change again. He will put all of his efforts into the Resolution and helping UDOT understand our view.

Councilman Chatterton said on #8 in the Resolution items he would like to see it say “use the existing infrastructure where feasible”.

Councilman Petersen said he encouraged everyone to put their comments on UDOT's website. He also appreciates the City Staff and residents who are coming up with alternatives. He said the Council is very disappointed that the area that West Point has preserved for years is not an alternative. He said he feels if UDOT does not use the 2001 corridor, the land will be developed another way and wetlands will not be preserved anyway. He said the Council will ask UDOT to look closer at the process of classifying wetlands to make sure it is correct.

Councilman Woodward said he appreciates Mr. Glen Wade putting the time and effort into finding alternatives. He has had a thought about giving UDOT more wetlands. We can give them more, and a better quality of wetland.

Mayor Craythorne said the study area is huge, from Farmington to Ogden, and from the mountains to the Great Salt Lake. He feels the public comments are important because they are bringing small details to the forefront.

Councilman Dawson said wetlands don't even have to have standing water on them. He feels the City has prided itself for setting aside the 2001 corridor. With all of the current studies, many things are conflicting and he wants efforts made to show the facts.

Councilman Henderson said he appreciates all of the comments tonight. He said the Council will incorporate all of the good ideas into the Resolution because he feels the more input the City gets, the better chance we will have of making a difference.

Councilman Chatterton said as the Council went through the process of trying to preserve the corridor in 2001 they allowed builders have a greater density in the subdivisions. This may cause ramifications if the corridor is put another area. He wonders if this process should be in the Resolution so the State can see the City's process in preserving the area.

Mayor Closed the public comment section by thanking everyone again and assuring them a Resolution will be created to tell UDOT the City's stand.

9. APPROVAL OF MINUTES FROM JANUARY 7, 2011 CITY COUNCIL MEETING

Councilman Chatterton made the motion to approve the minutes from January 7, 2011 City Council meeting.

Councilman Henderson seconded it.


All voted aye.

10. MOTION TO ADJOURN.

Councilman Dawson made the motion to adjourn at 8:00 pm.

Councilman Petersen seconded it.


ERIK CRAYTHORNE,
MAYOR


AMY JENSEN,
CITY RECORDER



