WEST HAVEN CITY COUNCIL AGENDA

AMENDED

WEDNESDAY, APRIL 03, 2024 6:00 PM
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON April 03, 2024 THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: 5:00 PM: COUNCIL WORKSHOP 6:00 PM: REGULAR WEDNESDAY CITY COUNCIL MEETING. JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT HTTPS://US06WEB.ZOOM.US/J/81581435918. WATCH LIVE AT HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCEEQNQBTFZJWTGOPHMCNCBA.

5:00 Council Workshop – In City Council Chambers
NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.

MEETING TO ORDER: **MAYOR VANDERWOOD**

REPORTS AND DISCUSSION AS FOLLOWS:

1. **INTRODUCTION-WEBER COUNTY SHERIFF-WEST HAVEN CITY'S NEW LIEUTENANT**
2. **DISCUSSION-COUNCIL UPDATES**
3. **DISCUSSION-ELIMINATION OF PUBLIC HEARINGS THAT ARE NOT REQUIRED BY STATE CODE OR CITY CODE**
4. **DISCUSSION-HEALTH INSURANCE FOR ELECTED OFFICIALS**
5. **DISCUSSION-SET BUDGET WORK SESSION DATE AND TIME**
6. **DISCUSSION-COMMITTEE ORDINANCE**

6:00 PM REGULAR CITY COUNCIL MEETING

1. **MEETING CALLED TO ORDER-MAYOR VANDERWOOD**
2. **OPENING CEREMONIES**
   - A. **PLEDGE OF ALLEGIANCE-COUNCILMEMBER SAUNDERS**
   - B. **PRAYER/MOMENT OF SILENCE-COUNCILMEMBER CALL**
3. **PUBLIC PRESENTATION:** Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.
4. **UPCOMING EVENTS**
   Dumpster Days-April 18, 2024-April 20, 2024
   City Council Meeting Cancelled-April 17, 2024
   Utah League of Cities and Towns Midyear Conference-April 17, 2024-April 19, 2024
   Arbor Day-May 4, 2024
   Touch a Truck-May 6, 2024-5:00 PM
   Arts Festival-September 21, 2024
5. **COUNCIL UPDATES**

*****AGENDA ACTION ITEMS*****

6. **ACTION ON CONSENT AGENDA**
   - A. **CITY COUNCIL MINUTES-MEETING HELD-MARCH 20, 2024**

B. WEBER COUNTY SHERIFF-$456,290.00-INV#52347

C. WEBER SCHOOL DISTRICT-$335,894.00-INV# AR240056

D. WEBER SCHOOL DISTRICT-$423,314.00-INV# AR240057

E. WEBER SCHOOL DISTRICT-$3,189,111.00-INV# AR240055

F. WEBER COUNTY-$87,813.00-INV# 48382

7. UPDATE-UTOPIA-ROGER TIMMERMAN

8. PUBLIC HEARING-FOR THE PURPOSE OF RECEIVING PUBLIC INPUT ON AN ORDINANCE REGARDING ADHERENCE TO THE GOVERNMENT RECORDS MANAGEMENT ACT AND SETTING FEES REGARDING FULFILLING REQUESTS

9. ACTION ON PUBLIC HEARING-ACTION ON ORDINANCE 09-2024-AN ORDINANCE REGARDING ADHERENCE TO THE GOVERNMENT RECORD AND ACCESS MANAGEMENT ACT AND SETTING FEES REGARDING FULFILLING REQUESTS

10. ACTION ON RESOLUTION 09-2024-LKL ROAD REIMBURSEMENT AGREEMENT

11. ACTION ON RESOLUTION 11-2024-UTAH LEAGUE OF CITIES AND TOWNS LEGISLATIVE POLICY COMMITTEE VOTING MEMBERS

12. ACTION ON RESOLUTION 12-2024-CABLE AND FACILITIES EASEMENT BETWEEN WEST HAVEN CITY AND UTAH INFRASTRUCTURE AGENCY

13. PRESENTATION-QUARTERLY CITY MANAGER AUDIT REPORT

14. DISCUSSION-CONTINUATION OF ANY AGENDA ITEMS NOT PREVIOUSLY DISCUSSED OR OTHERWISE COMPLETED ON THE 5:00 WORK SESSION

15. EXECUTIVE SESSION-THE COUNCIL WILL ENTER INTO A CLOSED MEETING FOR THE PURPOSE OF A STRATEGY SESSION TO DISCUSS THE CHARACTER AND PROFESSIONAL COMPETENCE OF AN INDIVIDUAL; TO BE HELD IN ACCORDANCE WITH THE PROVISIONS OF UTAH CODE 52-4-205

16. ADJOURNMENT

Emily Green

Emily Green, City Recorder

In compliance with the Americans with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 731-4519 or by email: emilyg@westhavencity.com at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed city recorder, does hereby certify that the above notice and agenda has been posted in the West Haven City Recorder's office; at the West Haven City Complex on the Notice Board and at westhavencity.com; emailed to the Standard-Examiner with a request that it be posted In their Wednesday night meeting section, mailed and emailed to the West Haven City Mayor and each West Haven City Council Member who has email capacity and to the city attorney

WEST HAVEN CITY
COUNCIL MEETING MINUTES

March 20, 2024 6:00 PM
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

PRESENT
Mayor - Rob Vanderwood
Councilmember - Carrie Call
Councilmember - Ryan Saunders
Councilmember - Nina Morse
Councilmember - Kim Dixon
Councilmember - Ryan Swapp

EXCUSED
None

5:00 Council Workshop – In City Council Chambers
NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.

MEETING TO ORDER: MAYOR VANDERWOOD

REPORTS AND DISCUSSION AS FOLLOWS:

1. DISCUSSION-COUNCIL UPDATES

Councilmember Saunders said the Beautification Committee will be helping out with the Arbor Day Event.

Councilmember Swapp asked if UTOPIA will be doing some social media posts as updates.

Shawn Warnke said he had reached out to UTOPIA and thinks they will be lined up for the next meeting.

2. DISCUSSION-MODERATE INCOME HOUSING PLAN

Alika Murphy gave a presentation on Moderate Income Housing.

Mayor Vanderwood asked if multi family developments that are required to have at least 25% of it be studio apartments in their projects could have a lower percentage assigned to it.

Alika Murphy said that we assigned the percentage and it could be changed.

Councilmember Swapp suggested eliminating impact fees for any accessory dwelling unit that is not internal.

City Council agreed to eliminate impact fees on unattached accessory dwelling units and on moderate income housing.

3. UPDATE-FOLLOW UP ON TAYLOR WEST WEBER PARK DISTRICT AND WEST WEBER-TAYLOR CEMETERY DISTRICT

Shawn Warnke said that he sent an email out updating the Council. He said he reached out to John Bond at Weber County and he provided the percentage that the districts would lose if they adjusted the boundaries. He plans on scheduling a meeting soon with the districts.

4. UPDATE-ARCHITECT STUDY OF FACILITIES-ESTIMATE

Shawn Warnke said he reached out to several firms and one will be visiting the facilities on Thursday for an assessment.

5. **UPDATE-BLEACHERS AT THE R. KENNETH BALDWIN COUNTRY PARK**

Ryan Christensen gave an update on the bid for the bleachers.

Emily Green said the approved plans have been signed and sent to the vendor today.

6:00 PM REGULAR CITY COUNCIL MEETING

1. **MEETING CALLED TO ORDER-MAYOR VANDERWOOD**

The council met at their regularly scheduled meeting held in the council chambers.
Mayor Vanderwood called the meeting to order at 6:01 pm. and welcomed those in attendance.

2. **OPENING CEREMONIES**

A. **PLEDGE OF ALLEGIANCE-COUNCILMEMBER MORSE**

B. **PRAYER/MOMENT OF SILENCE-COUNCILMEMBER SAUNDERS**

3. **PUBLIC PRESENTATION:** Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.

No one came up at this time.

4. **UPCOMING EVENTS**
Senior Lunch Bunch-March 27, 2024-11:30 AM
Easter Egg Hunt-March 30, 2024-9:00 AM
Dumpster Days-April 18, 2024-April 20, 2024
Arbor Day-May 4, 2024
Touch a Truck-May 6, 2024-5:00 PM
Arts Festival-September 21, 2024
Utah League of Cities and Towns Midyear Conference-April 17, 2024-April 19, 2024

5. **COUNCIL UPDATES**

Councilmember Saunders said he had received some applicants for the Beautification Committee and hopefully they will be on the next City Council meeting.

Mayor Vanderwood said that the Weber County Sheriff's street crime unit was able to take care of some activities in West Haven. He said how much they were appreciated for keeping our city safe.

*****AGENDA ACTION ITEMS*****

6. **ACTION ON CONSENT AGENDA**

A. **CITY COUNCIL MINUTES-MEETING HELD-MARCH 6, 2024**

Carrie Call made a motion to approve. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

DRAFT

7. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**

A. **FINAL SUBDIVISION APPROVAL-SALT POINT WEST SUBDIVISION-APPROX. 4000 S AND 3500 W (PARCEL #080290095)-MCKENNA CHRISTENSEN-CW LAND CO**

McKenna Christensen said this is to carve off a piece for Mountain American Credit Union.

Carrie Call made a motion to approve. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

B. **ACTION ON ORDINANCE 08-2024-2ND AMENDMENT TO THE STAKER FARM MASTER DEVELOPMENT AGREEMENT**

Amy Hugie went over the improvements in the park.

Councilmember Call asked what improvements they did with the $80,000.

Bryce Thurgood said they spent $29,000 upgrading playground equipment and $20,000 in parking lot upgrades. He said there is more with scoreboards but he needs to double check with Brock Randall to verify the pricing. He said they spent $100,000 on the drain system and consulted Weber County and Utah State to fix it.

Ryan Saunders made a motion to adopt ordinance 08-2024. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

8. **ACTION ON RESOLUTION 08-2024-EXTENDING LEASE AGREEMENT BETWEEN WEST HAVEN CITY AND JILL COOMBS FOR PROPERTY LOCATED AT 3325 W 4000 S (PARCEL #080510229)**

Nina Morse made a motion to adopt resolution 08-2024. **Ryan Swapp** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

9. **ACTION ON STORM WATER IMPACT FEE ADJUSTMENT-LAWRENCE ALLEN-2845 S 2700 W**

Lawrence Allen cited two cases, Nollan v California Coast Commission and Dolan v City of Tigard. He said that these findings together gave the basis of the Nollan Dolan test, he believes that our storm water impact fee ordinance does not pass this test. He said the firm that administered the study for the storm water impact fee said that impact fees are only assessed once, but if the lot is subdivided later we would still assess new impact fees for a new home.

Kabrina Allen said that after reviewing definitions of storm water and storm water mitigation put out by the EPA she found that their lot had significantly larger amounts of the required open space suggested and not as large of impervious surfaces. Because of this she feels that they do present an unusual circumstance for the appeal.

Councilmember Swapp suggested recording on the plat when the fee is collected.

Ryan Swapp made a motion to deny the adjustment. **Nina Morse** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

10. **BID AWARD-2024 STREET CRACK SEAL PROJECT**

Ryan Saunders made a motion to award the bid to CKC Operations LLC in the amount of $55,397.10. **Carrie Call** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

11. **ACTION ON RESOLUTION 09-2024-LKL ROAD REIMBURSEMENT AGREEMENT**

No one was present for this item.

Nina Morse made a motion Table. **Ryan Swapp** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

12. **ACTION ON RESOLUTION 10-2024-AGREEMENTS BETWEEN WEST HAVEN CITY AND WEBER COUNTY FOR TRANSPORTATION FUNDING-4300 W 4000 S AND 5100 W 4000 S**

Carrie Call made a motion to adopt. **Kim Dixon** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

13. **ADJOURNMENT**

Nina Morse made a motion to adjourn at 7:20 PM. **Carrie Call** seconded the motion.

AYES:	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
NAYS:	
RECUSED:	

Emily Green
City Recorder

Date Approve:

STAFF REPORT

TO: Mayor, City Council, and City Manager

FROM: Amy Hugie, City Attorney

DATE: March 25, 2024

SUBJECT: GRAMA fees

The following staff report discusses the need to pass an ordinance to establish fees that the City can charge to fulfill a GRAMA request:

Background

The City passed an ordinance in January 2024 establishing a Consolidated Fee Schedule. It was discovered that the City had not passed an ordinance which established fees to be charged to fulfill a GRAMA request. According to Utah Code §63G-2-203, that in order for the City to charge fees to fulfill record requests under GRAMA, then those fees have to be established by ordinance or written formal policy.

Recommendation

The recommendation by staff is that the City Council review and adopt the fees outlined in the ordinance.

ORDINANCE NO. 09-2024

AN ORDINANCE OF WEST HAVEN CITY, UTAH, REGARDING ADHERENCE TO THE GOVERNMENT RECORDS AND ACCESS MANAGEMENT ACT AND SETTING FEES REGARDING FULFILLING REQUESTS UNDER GRAMA; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1. Recitals:

WHEREAS, West Haven City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA § 10-3-717, and UCA § 10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and

WHEREAS, in UCA § 63G-2-701 specifically recognizes the right of the City to adopt ordinances consistent with the Government Records Access and Management Act (GRAMA); and

WHEREAS, the City has full intent to follow the processes and procedures outlined in GRAMA; and

WHEREAS, UCA §63G-2-203 specifically states that in order for the City to charge fees to fulfill record requests under GRAMA, then it shall establish those fees by ordinance or written formal policy; and

WHEREAS, the City Council finds that it wishes to establish fees to be charged to fulfill GRAMA requests; and

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health, and welfare is at issue in this matter and requires action by the City as noted above; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH as follows:

1. **West Haven City shall follow the processes and procedures outlined in the Government Records Access and Management Act (GRAMA), Title 63G, Chapter 2.**

2. **The fees to be charged by West Haven City for the fulfillment of GRAMA requests are as follows:**

   a. **Fee for Copies:**

DRAFT

- **$0.25 per page for standard size, non-color white copies.**
- **$0.40 per page for standard size, color copies.**
- **$3.00 per page for 11x17 copies, including maps.**
- **Actual costs for other odd sized copies.**

b. **Staff time required to search, compile, and otherwise prepare to provide a record: Actual cost, not to exceed salary (i.e. wages only) of lowest paid employee who, in the discretion of the record's custodian, has the necessary skill and training to perform the request. Staff time for photocopying, faxing, and making DVDs or jump drives is included in the fee for those items.**

c. **Mailing and Shipping Costs: $2.00 minimum cost for staff mail preparation time, plus actual mailing costs if greater than $2.00.**

d. **Other Supplies (DVDs or jump drive) and associated staff services:**
   - **$10.00 for DVD or jump drive, which includes staff time to make DVD.**
   - **Other media/supplies: actual cost**

e. **Other Services (e.g., fees for third-party services including IT services): Actual cost billed to the City by the third-party service provider.**

f. **Fee for sending electronic copy by email: No charge.**

3. **These fees shall become a part of the Consolidated Fee Schedule and be labeled as "GRAMA – Record Fulfillment Fees". The City Council shall periodically review these fees. The City Council shall, by resolution, adjust the fees as deemed necessary.**

The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances, and resolutions regarding the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with the provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

DRAFT

If any provision of this Ordinance shall be held or deemed to be or shall be invalid, inoperative, or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of West Haven City.

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 3rd day of April 2024 and after publication or posting as required by law.

DATED this 3rd day of April 2024.

WEST HAVEN CITY, a municipal corporation

by: _____
Mayor Rob Vanderwood

Attested and Recorded

_____
Emily Green, City Recorder

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

DRAFT

STAFF REPORT

TO: Mayor, City Council, and Shawn Warnke – City Manager

FROM: Amy F. Hugie, City Attorney

DATE: March 14, 2024

SUBJECT: LKL & Associates -Road Construction and Reimbursement of Road Construction Costs

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Background

On July 6, 2022, this issue was brought to the attention of City Council at work session. A staff report was presented with exhibits. I have attached that staff report as Exhibit A to this current staff report. Basically, back in 2022, LKL was approved for a commercial use subdivision to develop and build their new building. As part of that approval, they were required to build a 84' right of way in front of their building instead of the traditional 66' right of way in similar situations as this one. This was an upgrade that the City required because it would help connect Wilson Lane to 1800 South and serve as a major connector for east-west traffic. This upgrade was not required by the development. City Manager Matt Jensen proposed two different possibilities to deal with the cost of the upgrade.

In June 2022 before the presentation to the City Council, Gardner Engineering did a review of the proposed costs regarding the road and found them to be reasonable based on other projects that the City was working on.

Because the presentation on July 6, 2022, was at a work session, a decision was not made. However, the Council expressed not being opposed to looking at reimbursement regarding the increase in the costs for the widening of the road instead of the other option of a 50/50 approach.

No further negotiations were held with LKL, and City Manager Matt Jensen told LKL after the July 2022 meeting that the issue would be dealt with at the end of the project. At this point in time, the road and building are finished. They have received final inspection and a certificate of occupancy. They also paid their full road impact fees of $50,804.73 in order to get their certificate of occupancy. LKL has done everything required of them by the City. At this time, this discussion needs to be held regarding the cost of the upgrade to the road.

Analysis

City Manager Matt Jensen has provided the analysis of the issues in his staff report which are still accurate. The City has an obligation to participate in the upgrade to this road or else it would be considered a takings. The agreement of the City paying $75,653.45 that is being presented tonight represents the upgrade that the City required of LKL. LKL is also willing to agree to this amount.

Options

1. The City Council approves the Agreement and authorizes the City Manager to pay $75,653.45 to LKL.
2. The City Council denies the Agreement.
3. The City Council tables the discussion and requests additional information.

EXHIBIT A

Staff Report – Work Session - July 6, 2022
LKL & Associates Road Construction and Wilson Lane Cost Sharing

WEST HAVEN CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY JULY 6, 2022
@
5:00 PM – In City Council Chambers

NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.

MEETING TO ORDER: **MAYOR PRO TEM CALL**

REPORTS AND DISCUSSION AS FOLLOWS:

1. Discussion-Landscaping Ordinance
2. Discussion-Consideration of Modification of Road Standards-Agricultural Standard
3. Discussion-LKL Road Construction Wilson Lane Cost Sharing

CITY COUNCIL

Meeting Date:	July 6, 2022
Agenda Item:	LKL and Associates Road Construction Wilson Lane Cost Sharing
Requested by:	Matthew Jensen
Staff Review:	Matthew Jensen

CITY OF WEST HAVEN

EXECUTIVE SUMMARY

This staff report provides the Council with information on a request from LKL and Associates ("LKL") for cost sharing of extending Wilson Lane through their property under development at 2144 West Wilson Lane.

BACKGROUND

LKL has approved subdivision to develop 6.85 acres for commercial use on Wilson Lane. The subdivision is bisected by Wilson Lane and the anticipated connector route that will connect Wilson Lane to 1800 South and serve as a major connector for east-west traffic in West Haven and Weber County. As such, LKL was instructed to anticipate building an 84' wide right of way standard road through their property. Due to the increased size of the road, LKL is asking for consideration of shared cost for the road improvements.

REVIEW & ANALYSIS

LKL understands the requirement to make City infrastructure improvements as part of their subdivision development and accepts that they are responsible for the improvement costs. Their concern is that they have been asked to develop a road that is larger and longer than what is necessary to serve their property. In reviewing similar commercial usage, they believe that the Minor Collector standard with a right of way width of 66' is a more practical expectation. Additionally, they are building the road the full 354' distance across the property when they could service their development with a roundabout roughly halfway through their property. They are asking the Council to share in the increased construction costs. The estimate of the street construction is $353,077.16 with details included as Attachment A for your consideration.

As reviewed in our land use training, the City has the right to require the cost of street construction to be carried by the developer if it is reasonable to the anticipated use of the development. If it is not, it can be construed as a governmental taking and the City would be responsible for the additional costs. As the 84' right of way corridor was required as part of the anticipated Wilson Lane extension to 1800 South, a strong case can be made that the City is requiring more of LKL than what is the actual anticipated use for their property. The subdivision plat is included as Attachment B. Road construction will include the extension of water and stormwater connections from the eastern border to the western border of LKL's property for future development. Here are two options for approaching the cost of the street:

- **Proportionate Share Consideration** – The increase in size from 66' to 84' represents a 27% increase in costs for the project of $75,653.45. This approach still requires LKL to build the street across their property but would have the City cover the costs of the increased right of way.
- **Usage Share Consideration** – As LKL feels that a cul-de-sac halfway through the property would serve their uses, they propose a 50/50 split on costs with the City. This approach would have the City contribute $176,538.58 to the project. This approach is not supported by our current transportation plan which was available at the time

The City has funds available for this project that would not directly impact our operating budget. The proposed Wilson Lane/1800 South connection is eligible for use of Road Impact Fees. LKL is also slated to pay $50,804.73

in Road Impact Fees. The City can use Impact Fees and negotiate a waiver of LKL's Road Impact Fees as part of any commitment by the City to cover costs. Any cost sharing could also be considered as matching funds for the WACOG grant that is funding full development of the road in 2024.

RECOMMENDATION

Staff holds that consideration of cost sharing is warranted for the extension of Wilson Lane as part of LKL's property development. This protects the City from possible governmental takings claims and funds are available through Road Impact Fees and waiver of LKL's fees. City Manager is presenting this issue to clarify any questions that the Council may have before proceeding with negotiations.

ATTACHMENT A

To:	LKL And Associates INC	Contact:	
Address:	6341 West Wells Park Road	Phone:	
	West Jordan, UTAH	Fax:	
Project Name:	Wilson Lane 2100 S	Bid Number:	
Project Location:		Bid Date:	

Bid Proposal Estimator: Massey Dalton 801-836-1605

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Concrete					
6001	Prep And Place Curb And Gutter	735.00	LF	$25.42	$18,683.70
6002	Prep And Place Sidewalk	2,940.00	SF	$9.38	$27,577.20
		Total Price for above Concrete Items:			$46,260.90
Earthwork					
5001	Clear And Grub Right Of Way	31,300.00	SF	$0.06	$1,878.00
5005	Import / Place Structural Fill Material	6,100.00	TON	$20.33	$124,013.00
5009	8" Roadbase	21,730.00	SF	$1.39	$30,204.70
5010	3" Asphalt Paving	21,730.00	SF	$1.69	$36,723.70
		Total Price for above Earthwork Items:			$192,819.40
Press Irrigation					
3005	12" Pressurized Irrigation	380.00	LF	$68.37	$25,980.60
3018	Pressurized Irrigation Tie In	1.00	EACH	$3,245.77	$3,245.77
3021	PI Trench Backfill	200.00	TON	$17.65	$3,530.00
3022	PI Bedding Material	250.00	TON	$27.38	$6,845.00
3023	PI Line Testing	1.00	LS	$1,210.39	$1,210.39
3024	12x4 PI Drain	1.00	EACH	$3,891.32	$3,891.32
3026	PI Stub And Plug With Blow Off	1.00	EACH	$2,434.93	$2,434.93
		Total Price for above Press Irrigation Items:			$47,138.01
Water					
2005	12" Culinary Line	380.00	LF	$81.70	$31,046.00
2009	Fire Hydrant Assembly - Culinary	2.00	EACH	$8,542.60	$17,085.20
2018	Culinary Trench Backfill	250.00	TON	$17.65	$4,412.50
2019	Culinary Water Bedding	250.00	TON	$27.38	$6,845.00
2020	Culinary Tie In	1.00	EACH	$3,161.54	$3,161.54
2026	Stub And Plug With Blow Off	1.00	EACH	$2,434.93	$2,434.93
2045	Culinary Water Line Testing	1.00	LS	$1,873.68	$1,873.68
		Total Price for above Water Items:			$66,858.85
		Total Price for above Items:			$353,077.16

Total Bid Price: $353,077.16

Notes:

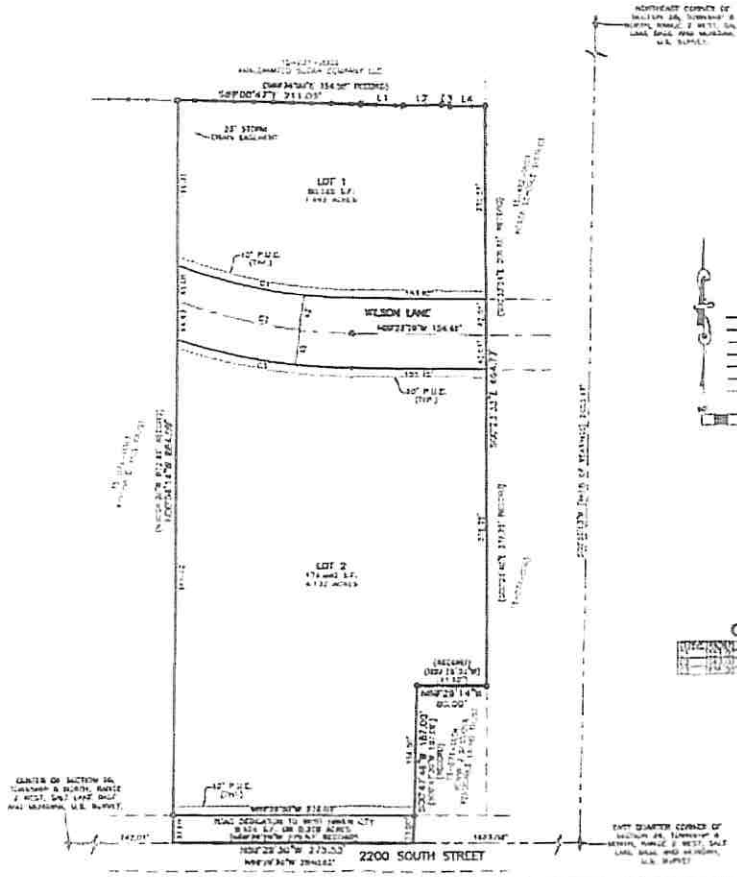
* *Dewatering to be an additional per day amount if needed.
* *Permits, Fees, Survey, Testing, Engineering or Layout is Excluded

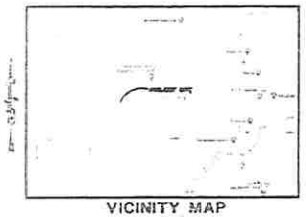
ATTACHMENT B

SHEET 1 OF 1

LKL WEST HAVEN

PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY
CITY OF WEST HAVEN, WEBER COUNTY, UTAH
SEPTEMBER, 2021





VICINITY MAP

LEGEND

LINE TABLE

CURVE TABLE

BASIS OF BEARINGS

NARRATIVE

BOUNDARY DESCRIPTION

SURVEYOR'S CERTIFICATE

OWNERS DEDICATION AND CERTIFICATION

ACKNOWLEDGMENT

OWNER

WEST HAVEN CITY ENGINEER

WEST HAVEN CITY PLANNING COMMISSION

WEST HAVEN CITY ACCEPTANCE

WEST HAVEN CITY ATTORNEY

WEBER COUNTY RECORDER

PROJECT INFO.

Reeve & Associates, Inc.

Resolution No. 09-2024

RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE REIMBURSEMENT AGREEMENT WITH LKL & ASSOCIATES; AUTHORIZING THE CITY MAYOR TO SIGN THIS RESOLUTION; AUTHORIZING THE CITY MANAGER TO SIGN THE REIMBURSEMENT AGEEMENT ON BEHALF OF THE CITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

SECTION I – RECITALS:

WHEREAS, the City Council of West Haven City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA § 10-3-717, the governing body of the City may exercise all administrative powers by resolution including, but not limited to entering into Contracts regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, LKL & Associates ("LKL") constructed a new development on 2100 West Wilson Lane ("Wilson Lane") in West Haven, Utah for its business operations; and

WHEREAS, part of the new LKL development involved construction work in and for Wilson Lane; and

WHEREAS, the LKL development approval by the City required a Wilson Lane width of 84 (eighty-four) feet rather than the City standard road width of 66 (sixty-six) feet (the "Wilson Lane upgrade"); and

WHEREAS, the reason that the City required a road width of 84 (eighty-four) feet instead of 66 (sixty-six) feet is because the City has plans that Wilson Lane will be extended to 1800 South; and

WHEREAS, LKL agreed with the City to include the additional width of Wilson Lane for its Wilson Lane property development by advancing the construction costs if the City would subsequently reimburse LKL for the cost of the additional road width; and

WHEREAS, the City agrees that this upgrade in the road width was for City purposes and LKL should be reimbursed for the additional costs; and

WHEREAS, the City feels that adopting this Agreement to reimburse LKL will best serve the citizens of the City, and now desires to adopt this Agreement attached as Attachment "A"; and,

WHEREAS, the City finds that the public convenience and necessity requires the actions herein contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City of West Haven as follows:

DRAFT

SECTION II.

1. That the Agreement regarding reimbursing the additional road construction costs to widen a section of Wilson Lane, between West Haven City and LKL, a copy of which is attached as Attachment "A" to this Resolution, is hereby adopted by the City Council.

2. That the City Manager is authorized to sign any and all documents necessary to affect the Agreement, including signing the Agreement and issuing a check for $75,653.45 to LKL.

3. That the Mayor is authorized to sign this Resolution adopting the Agreement.

The foregoing recitals are fully incorporated herein.

SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:

All orders, and Resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council of West Haven City.

SECTION VI. DATE OF EFFECT

This Resolution shall be effective immediately upon its passage on the 3rd day of April 2024.

DRAFT

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 3rd day of April 2024.

WEST HAVEN CITY

_____
Mayor Rob Vanderwood

ATTEST:

_____
Emily Green, City Recorder

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

DRAFT

ATTACHMENT "A"

AGREEMENT BETWEEN LKL & ASSOCIATES, AND WEST HAVEN CITY

DRAFT

To:	LKL And Associates INC	Contact:	
Address:	6341 West Wells Park Road West Jordan, UTAH	Phone: Fax:	
Project Name:	Wilson Lane 2100 S	Bid Number:	
Project Location:		Bid Date:	

Bid Proposal Estimator: Massey Dalton 801-836-1605

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
Concrete					
6001	Prep And Place Curb And Gutter	735.00	LF	$25.42	$18,683.70
6002	Prep And Place Sidewalk	2,940.00	SF	$9.38	$27,577.20
		Total Price for above Concrete Items:			$46,260.90
Earthwork					
5001	Clear And Grub Right Of Way	31,300.00	SF	$0.06	$1,878.00
5005	Import / Place Structural Fill Material	6,100.00	TON	$20.33	$124,013.00
5009	8" Roadbase	21,730.00	SF	$1.39	$30,204.70
5010	3" Asphalt Paving	21,730.00	SF	$1.69	$36,723.70
		Total Price for above Earthwork Items:			$192,819.40
Press Irrigation					
3005	12" Pressurized Irrigation	380.00	LF	$68.37	$25,980.60
3018	Pressurized Irrigation Tie In	1.00	EACH	$3,245.77	$3,245.77
3021	PI Trench Backfill	200.00	TON	$17.65	$3,530.00
3022	PI Bedding Material	250.00	TON	$27.38	$6,845.00
3023	PI Line Testing	1.00	LS	$1,210.39	$1,210.39
3024	12x4 PI Drain	1.00	EACH	$3,891.32	$3,891.32
3026	PI Stub And Plug With Blow Off	1.00	EACH	$2,434.93	$2,434.93
		Total Price for above Press Irrigation Items:			$47,138.01
Water					
2005	12" Culinary Line	380.00	LF	$81.70	$31,046.00
2009	Fire Hydrant Assembly - Culinary	2.00	EACH	$8,542.60	$17,085.20
2018	Culinary Trench Backfill	250.00	TON	$17.65	$4,412.50
2019	Culinary Water Bedding	250.00	TON	$27.38	$6,845.00
2020	Culinary Tie In	1.00	EACH	$3,161.54	$3,161.54
2026	Stub And Plug With Blow Off	1.00	EACH	$2,434.93	$2,434.93
2045	Culinary Water Line Testing	1.00	LS	$1,873.68	$1,873.68
		Total Price for above Water Items:			$66,858.85
		Total Price for above Items:			$353,077.16

Total Bid Price: $353,077.16

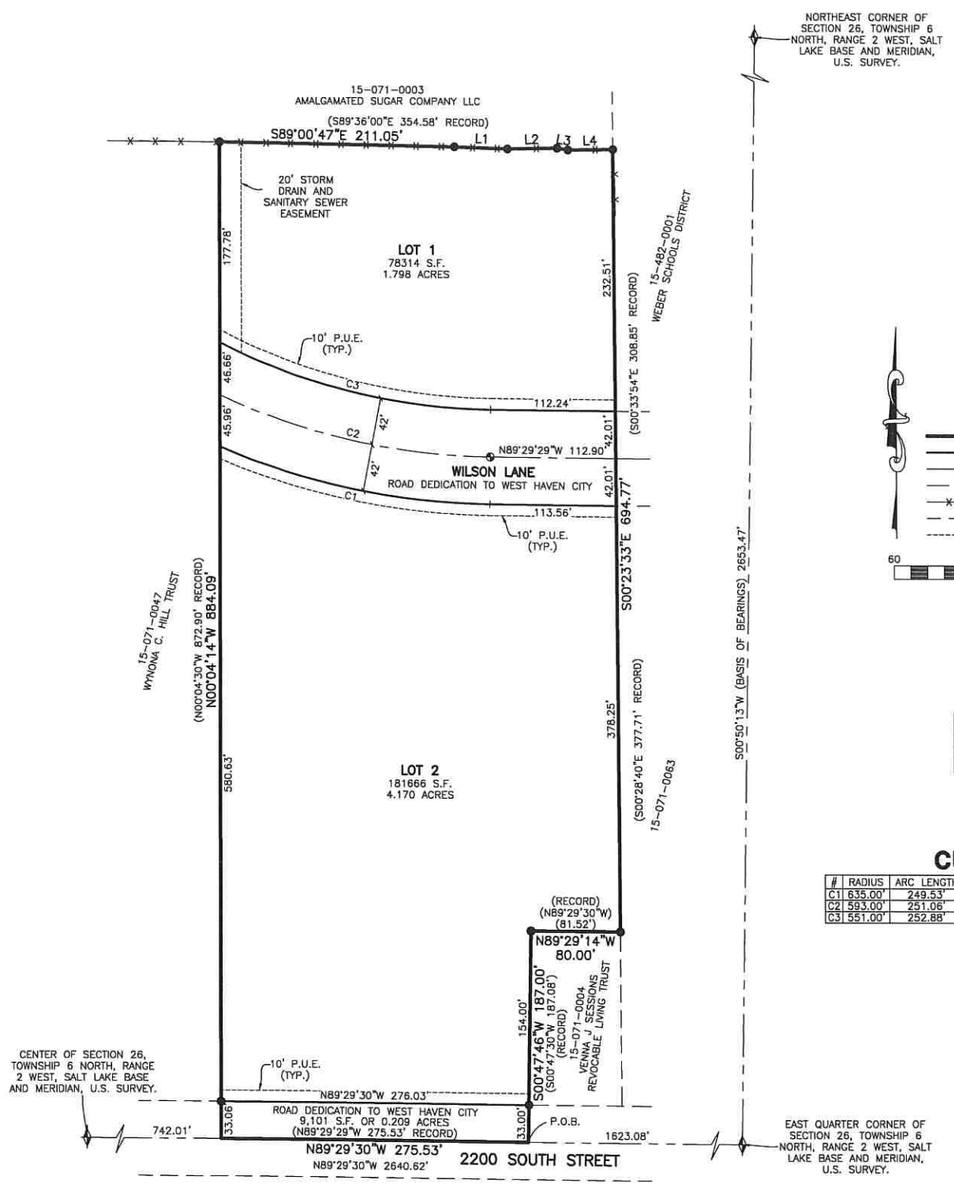
Notes:

- *Dewatering to be an additional per day amount if needed.
- *Permits, Fees, Survey, Testing, Engineering or Layout is Excluded

Reeve & Associates, Inc. - Solutions You Can Build On

NORRIS COMMERCIAL PARK

PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY
CITY OF WEST HAVEN, WEBER COUNTY, UTAH
JANUARY, 2022



LEGEND

- = SECTION CORNER
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- = SET STREET MONUMENT
- = BOUNDARY LINE
- = LOT LINE
- = ROAD CENTERLINE
- = SECTION TIE LINE
- = EXISTING FENCE
- = ADJOINING PROPERTY LINE
- = EASEMENT LINE

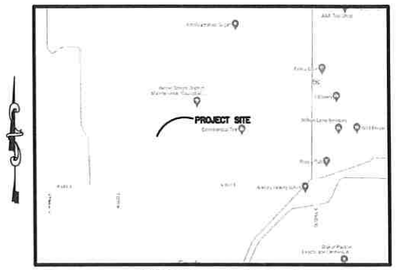
60 0 60 120 180
Scale: 1" = 60'

LINE TABLE

#	BEARING	DISTANCE
L1	S88°04'17"E	48.52'
L2	N88°53'08"E	44.73'
L3	S80°56'45"E	9.86'
L4	N89°18'28"E	40.49'

CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	635.00'	249.53'	247.93'	126.40'	N78°14'01"W	22°30'55"
C2	593.00'	251.06'	249.19'	127.44'	N77°21'46"W	24°15'26"
C3	551.00'	252.88'	250.67'	128.71'	N76°20'36"W	26°17'45"



VICINITY MAP

SCALE: NONE

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE SECTION LINE BETWEEN THE NORTHEAST CORNER AND THE EAST QUARTER CORNER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, SHOWN HEREON AS: S00°50'13"W.

NARRATIVE

THE PURPOSE OF THIS PLAT WAS TO DIVIDE THE SUBJECT PROPERTY INTO LOTS AND STREETS AS SHOWN. THE BOUNDARY WAS DETERMINED FROM DEED. BOUNDARY CORNERS AND REAR LOT CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES".

BOUNDARY DESCRIPTION

PART OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 6 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SECTION LINE, SAID POINT BEING N89°29'30"W 1623.08 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 26; THENCE N89°29'30"W ALONG THE SECTION LINE, 275.53 FEET; THENCE N00°04'14"W 884.03 FEET; THENCE S89°00'47"E 211.05 FEET; THENCE S88°04'17"E 48.52 FEET; THENCE N88°53'08"E 44.73' FEET; THENCE S80°56'45"E 9.86 FEET; THENCE N89°18'28"E 40.49 FEET; THENCE S00°23'33"E 694.77 FEET; THENCE N89°29'14"W 80.00 FEET; THENCE S00°47'46"W 187.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 299,658 SQUARE FEET OR 6.879 ACRES MORE OR LESS.

NOTE

SECONDARY WATER HAS BEEN ALLOCATED TO LOT 2 BASED ON AN ANTICIPATED LANDSCAPE AREA OF 0.42 ACRES AND 100% OF THE LANDSCAPE AREA IS PLANTED IN TURF. LARGER TOTAL LANDSCAPE AREAS, HIGHER PERCENTAGE TURF AREAS, INEFFICIENT DESIGN OF IRRIGATION SYSTEM, OR INEFFICIENT OPERATION OF IRRIGATION SYSTEM MAY RESULT IN END USER INCURRING ADDITIONAL BILLING CHARGES AND/OR SECONDARY WATER SERVICE BEING SHUT OFF. LOT 1 IS NOT APPROVED FOR SECONDARY WATER AT THIS TIME.

SURVEYOR'S CERTIFICATE

I, TREVOR J. HATCH, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD A LICENSE IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF NORRIS COMMERCIAL PARK IN WEST HAVEN, WEBER COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE WEBER COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND, I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF WEST HAVEN CITY, UTAH, CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20___.

PROFESSIONAL LAND SURVEYOR 9031945 TREVOR J. HATCH STATE OF UTAH

9031945
UTAH LICENSE NUMBER

OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND PUBLIC STREETS AS SHOWN HEREON AND NAME SAID TRACT, NORRIS COMMERCIAL PARK, AND DEDICATE TO WEST HAVEN CITY ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES AND ALSO GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, STORM WATER DETENTION PONDS DRAINAGE EASEMENTS AND CANAL MAINTENANCE EASEMENT, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, IRRIGATION CANALS OR FOR THE PERPETUAL PRESERVATION OF WATER CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERECTED WITHIN SUCH EASEMENTS AND ALSO DEDICATE THE 20 FOOT STORM DRAIN EASEMENT LOCATED ON LOTS 108 AND 109 TO WEST HAVEN CITY.

SIGNED THIS _____ DAY OF _____, 20___.

FOR: NORRIS GROUP LC

NAME/TITLE DATE

ACKNOWLEDGMENT

STATE OF UTAH)ss.
COUNTY OF _____)

ON THE _____ DAY OF _____, 20___, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES NOTARY PUBLIC

OWNER

NORRIS GROUP LC
3437 WEST NORRIS VIEW LANE
WEST JORDAN, UTAH 84088

Reeve & Associates, Inc.
5160 SOUTH 1500 WEST, RIVERDALE, UTAH 84405
TEL: (801) 621-3100 FAX: (801) 621-2666 www.reeve-assoc.com
LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

PROJECT INFO.
Surveyor: T. HATCH
Designer: N. ANDERSON
Begin Date: 9-28-2021
Name: NORRIS COM. PARK
Number: 7795-01
Revision:
Scale: 1"=60'
Checked:

WEST HAVEN CITY ENGINEER

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ENGINEER

THIS _____ DAY OF _____, 20___.

WEST HAVEN CITY ENGINEER

WEST HAVEN CITY PLANNING COMMISSION

APPROVED BY THE WEST HAVEN CITY PLANNING COMMISSION

THIS _____ DAY OF _____, 20___.

WEST HAVEN CITY CHAIRMAN

WEST HAVEN CITY ACCEPTANCE

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED AND ACCEPTED BY WEST HAVEN CITY

THIS _____ DAY OF _____, 20___.

ATTEST TITLE

WEST HAVEN CITY ATTORNEY

THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS DULY APPROVED BY THE WEST HAVEN CITY ATTORNEY

THIS _____ DAY OF _____, 20___.

WEST HAVEN CITY ATTORNEY

WEBER COUNTY RECORDER

Entry No._____ Fee Paid _____ Filed For Record And Recorded, _____ At _____ In Book _____ Of The Official Records, Page _____ Recorded For:

Weber County Recorder

_____Deputy.

Reeve & Associates, Inc. - Solutions You Can Build On

STAFF REPORT

TO: Mayor and City Council

FROM: Shawn Warnke, City Manager

DATE: April 3, 2024

SUBJECT: **PROPOSED RESOLUTION THAT WOULD APPOINT WEST HAVEN CITY REPRESENTATIVES TO PARTICIPATE AS VOTING MEMBERS ON THE UTAH LEAGUE OF CITIES AND TOWNS' LEGISLATIVE POLICY COMMITTEE**

The Utah League of Cities and Towns' Legislative Policy Committee (LPC) provides general legislative policy guidance to Utah League of Cities and Towns (ULCT) staff through a voting process. More specifically, the LPC formalizes ULCT's positions on legislation by a sixty percent consensus vote.

While all City officials are welcome to participate in the LPC meeting, every ULCT member city is entitled to have three votes on the LPC. The LPC bylaws require the majority of the Legislative Policy Committee or two out of the City's three voters to be elected officials, with the third voting member allowed to be a City staff member. Additionally, the City may designate an alternative voting member, which may be a City staff member, in case one of the voting members cannot attend a particular LPC meeting. The LPC bylaws require that LPC voting members be on the ULCT roster to count their votes. This resolution formalizes the City's three voting members and the alternate members so that the ULCT can include these voting members on the roster.

The LPC meets periodically throughout the year and weekly during the State of Utah Legislative Session to evaluate proposed legislation.

RESOLUTION NO. 09-2024

A RESOLUTION OF WEST HAVEN CITY CORPORATION APPOINTING THREE VOTING MEMBERS AND ONE ALTERNATE VOTING MEMBER TO REPRESENT WEST HAVEN CITY ON THE UTAH LEAGUE OF CITIES AND TOWNS LEGISLATIVE POLICY COMMITTEE

WHEREAS, the Utah League of Cities and Towns Legislative Policy Committee (LPC) provides the general legislative policy guidance to Utah League of Cities and Towns (ULCT) staff through a voting process; and

WHEREAS, all City officials are welcome to participate in LPC meetings; however, every ULCT member city is entitled to have three votes on the LPC; and

WHEREAS, the LPC bylaws require the majority of the Legislative Policy Committee, or two out of the City's three voters, shall be elected officials, with the third voting member allowed to be a City staff member; and

WHEREAS, the City may designate an alternative voting member, which may be a City staff member, in case one of the voting members cannot attend a particular LPC meeting; and

WHEREAS, the LPC bylaws require that LPC voting members be on the ULCT roster to count their votes; and

WHEREAS, the LPC meets periodically throughout the year and weekly during the State of Utah Legislative Session to evaluate proposed legislation and work with the ULCT's Board of Directors and staff to determine official ULCT positions on legislation; and

WHEREAS, the LPC formalizes its positions on legislation by a sixty percent consensus vote.

NOW THEREFORE BE IT RESOLVED that the West Haven City Council appoints Nina Morse, City Councilmember; Rob Vanderwood, Mayor; and Shawn Warnke, City Manager as voting members of the Legislative Policy Committee (LPC).

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20th day of March 2024.

WEST HAVEN CITY

By:_____

Mayor Rob Vanderwood

ATTEST:

_____

Emily Green, City Recorder

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

Resolution No. 12-2024

RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE CABLE AND FACILITIES EASEMENT BETWEEN WEST HAVEN CITY AND UTAH INFRASTRUCTURE AGENCY; AUTHORIZING THE CITY MAYOR TO SIGN THIS RESOLUTION; AUTHORIZING THE CITY MANAGER TO SIGN THE EASEMENT ON BEHALF OF THE CITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

SECTION I – RECITALS:

WHEREAS, the City Council of West Haven City (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with the provisions of UCA § 10-3-717, the governing body of the City may exercise all administrative powers by resolution including, but not limited to entering into contracts and agreements regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, the City entered into a Fiber Communications Service and Acquisition Contract ("Contract") in order to ensure that fiber connection services are available and offered to all citizens of the City; and,

WHEREAS, Utah Infrastructure Agency ("UIA") is a separate legal entity, body politic and corporate, and political subdivision of the State of Utah, and had the ability to offer connection services to the City; and

WHEREAS, part of the Contract is that the City and UIA will enter into Cable and Facilities Easements so that UIA can install certain infrastructure in order to fulfill the contract of ensuring fiber connection services within the City; and

WHEREAS, after review of all of the information and the Contract and the Cable and Facilities Easement, the City feels that the Cable and Facilities Easement will best serve the citizens of the City and now desires to adopt the easement that is attached as Attachment A by accepting the terms thereof; and,

WHEREAS, the City finds that the public convenience and necessity requires the actions herein contemplated,

NOW, THEREFORE, BE IT RESOLVED by the City of West Haven as follows:

SECTION II. CABLE AND FACILITIES EASEMENTS:

1. That the Cable and Facilities Easements between West Haven City and UIA, a copy of which is attached as Attachment "A" to this Resolution, is hereby adopted by the City Council.

DRAFT

2. That the City Manager is authorized to sign any and all documents necessary to affect that easement, including signing the easement itself.

3. That the Mayor is authorized to sign this Resolution.

The foregoing Recitals are fully incorporated herein.

SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any and all prior Resolutions, together with their specific provisions, where not otherwise in conflict with this Resolution, are hereby reaffirmed and readopted.

SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:

All orders, and Resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Resolution and the provisions of this Resolution being deemed to be the separate independent and severable act of the City Council of West Haven City.

SECTION VI. DATE OF EFFECT

This Resolution shall be effective immediately upon its passage on the 3rd day of April 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 3rd day of April 2024.

WEST HAVEN CITY

_____
Mayor Rob Vanderwood

ATTEST:

_____
Emily Green, City Recorder

DRAFT

Mayor Rob Vanderwood	Yes _____	No _____
Councilmember Carrie Call	Yes _____	No _____
Councilmember Kim Dixon	Yes _____	No _____
Councilmember Nina Morse	Yes _____	No _____
Councilmember Ryan Saunders	Yes _____	No _____
Councilmember Ryan Swapp	Yes _____	No _____

DRAFT

ATTACHMENT "A"

CABLE AND FACILITIES EASEMENT BETWEEN WEST HAVEN CITY AND UTAH INFRASTRUCTURE AGENCY ("UIA")

DRAFT

WHEN RECORDED MAIL TO:
Questar Gas Company
P.O. Box 45360, Right-of-way
Salt Lake City, UT 84145-0360
Caroline King

Space above for County Recorder's use
PARCEL I.D.# 08-030-0039

RIGHT-OF-WAY AND EASEMENT GRANT

WEST HAVEN CITY, a body corporate and politic of the State of Utah,("**Grantor**"), does hereby convey to QUESTAR GAS COMPANY dba Dominion Energy Utah, a corporation of the State of Utah ("**Grantee**"), its successors and assigns, for the sum of ONE DOLLAR ($1.00) in hand paid and other good and valuable consideration, receipt of which is hereby acknowledged, a non-exclusive right-of-way and easement ("**Easement**") to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) pipelines, valves, valve boxes and install cathodic monitoring and mitigation facilities and other gas transmission and distribution facilities (collectively, the "**Facilities**"), said Easement being situated in the County of Weber, State of Utah, as shown on **Exhibit "A"** attached hereto and by this reference made a part hereof and more particularly described as follows, to-wit:

BEGINNING AT A POINT WHICH LIES S89°36'29"E 856.02 FEET ALONG THE SECTION LINE AND SOUTH 165.86 FEET FROM THE NORTH 1/4 CORNER OF SECTION 3, T5N, R2W, SLB&M; AND RUNNING THENCE N04°23'44"E 54.00 FEET TO THE SOUTHWEST CORNER OF AN EXISTING EASEMENT; THENCE S85°36'16"E 16.00 FEET TO THE SOUTHEAST CORNER OF AN EXISTING EASEMENT; THENCE ALONG THE EAST LINE OF EXISTING EASEMENT N04°23'44"E 38.67 FEET; THENCE S09°21'51"E 33.63 FEET; THENCE S04°23'44"W 60.00 FEET; THENCE N85°36'16"W 24.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.03 ACRES OF LAND.

TO HAVE AND TO HOLD the same unto said Grantee, its successors and assigns, in perpetuity, with the right of ingress and egress to and from said Easement to construct, lay, maintain, operate, repair, alter, inspect, protect, make connections to, remove, replace and abandon in place (whether above or below ground) the same. This Easement shall carry with it the right to use any available access road for the purpose of conducting the foregoing activities. During temporary periods, Grantee may use such portion of the property along and adjacent to the Easement as may be reasonably necessary in connection with construction, maintenance, repair, removal or replacement of the Facilities. Grantor shall have the right to use said premises except for the purposes for which this Easement is granted to Grantee, provided such use does not interfere with the Facilities or any other rights granted to Grantee hereunder.

Without limiting the generality of the foregoing, Grantor does hereby covenant, warrant and agree as follows:

1. Grantor shall not build or construct, nor permit to be built or constructed, over or across the Easement, any building, retaining walls, rock walls, footings or improvement which impairs the maintenance or operation of the Facilities.

2. Grantor shall not change the contour within the Easement without prior written consent of Grantee.

3. Grantor shall not plant, or permit to be planted, any deep rooted trees, or any vegetation with roots that may damage the Facilities, within the Easement, without prior written consent of Grantee.

4. Grantor shall not place personal property within the Easement that impairs the maintenance or operation of the Facilities.

5. Grantee shall have the right to cut and remove timber, trees, brush, overhanging branches, landscaping and improvements or other obstructions of any kind and nature which may injure or interfere with Grantee's use, occupation or enjoyment of this Easement, without liability to Grantor, and without any obligation of restoration or compensation.

This Easement shall be binding upon and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee, and may be assigned in whole or in part by Grantee.

It is hereby understood that any parties securing this grant on behalf of Grantee are without authority to make any representations, covenants or agreements not herein expressed.

[signatures follow]

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereunto affixed this ____ day of _____, 2024.

ATTEST:

WEST HAVEN CITY

_____ By:_____

Secretary Mayor

(SEAL)

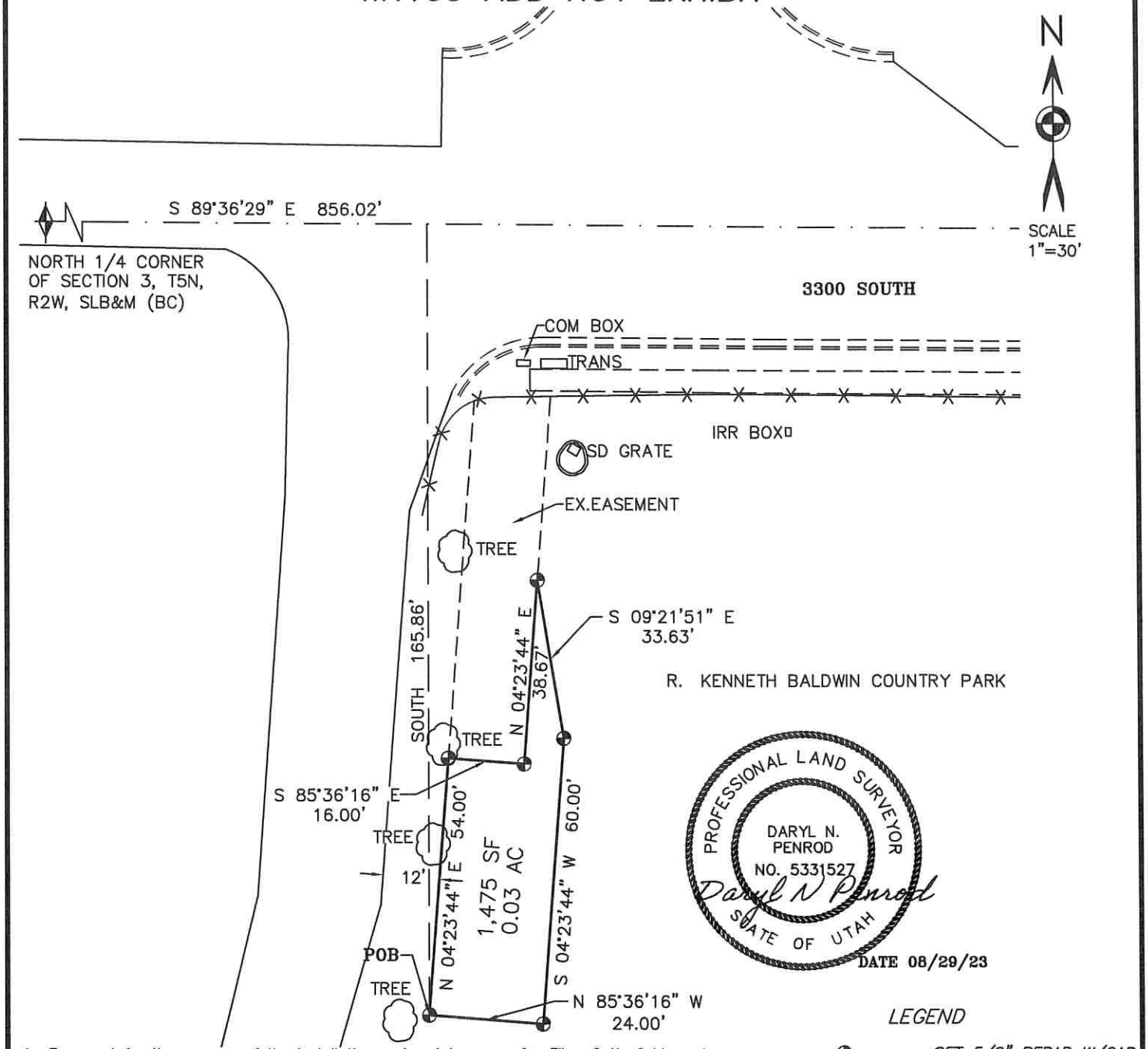
STATE OF UTAH)
) ss.
COUNTY OF WEBER)

On the _____ day of _____, 2024 personally appeared before me_____, and _____ who, being duly sworn, did say that they are the _____ and _____, respectively, of _____, and that the foregoing instrument was signed on behalf of said corporation by authority of a resolution of its Board of Directors or its Bylaws, and said _____ and _____ acknowledged to me that said corporation duly executed the same.

_____

Notary Public

WHV03 ADD HUT EXHIBIT



An Easement for the purpose of the installation and maintenance of a Fiber Optic Cable and Equipment described as follows:

BEGINNING AT A POINT WHICH LIES S89°36'29"E 856.02 FEET ALONG THE SECTION LINE AND SOUTH 165.86 FEET FROM THE NORTH 1/4 CORNER OF SECTION 3, T5N, R2W, SLB&M; AND RUNNING THENCE N04°23'44"E 54.00 FEET TO THE SOUTHWEST CORNER OF AN EXISTING EASEMENT; THENCE S85°36'16"E 16.00 FEET TO THE SOUTHEAST CORNER OF AN EXISTING EASEMENT; THENCE ALONG THE EAST LINE OF EXISTING EASEMENT N04°23'44"E 38.67 FEET; THENCE S09°21'51"E 33.63 FEET; THENCE S04°23'44"W 60.00 FEET; THENCE N85°36'16"W 24.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.03 ACRES OF LAND.

LEGEND

- = *SET 5/8" REBAR W/CAP*
- = *SECTION CORNER*
- = *SECTION LINE*
- = *EXISTING FENCE*
- = *DESCRIBED EASEMENT*

PREPARED BY:

LUDLOW ENGINEERING & LAND SURVEYING

645 NORTH MAIN STREET
NEPHI, UTAH, 84648
PHONE (435) 623-0897
FILE NUMBER LE 4195

UTOPIA FIBER HUT SITE

UTOPIA

WHV03 ADD – HUT

KENNETH BALDWIN COUNTRY PARK
WEST HAVEN, UTAH

SHEET 1 OF 1
DATE 08/02/23
JOB NO. LE4195

LOCATION

PART OF SECTION 3, T5N, R2W, SLB&M

STAFF REPORT

TO: Mayor and City Council

FROM: Shawn Warnke, City Manager

DATE: April 1, 2024

SUBJECT: City Manager Quarterly Audit Report – 3rd Quarter

Background

According to Section 36.22(B) of the West Haven City Purchasing Policy, it states,

(A) The City Manager shall be responsible for conducting an audit of all purchases made for the city for compliance with the requirements of this chapter.

(B) On the first City Council meeting following the end of each fiscal quarter, the City Manager shall provide a written report to the City Council with detailed findings regarding those purchases made in that fiscal quarter that total between $10,000.00 and $50,000.00.

Quarter Audit - 3rd Quarter

Date Paid

FLOCK SAFETY	CAMERAS	10-4210	01/29/2024	15,000.00
WEBER COUNTY	ANIMAL SERVICES	10-4253	03/01/2024	12,969.00
WEBER COUNTY	ANIMAL SERVICES	10-4253	03/01/2024	15,085.00
AMY F HUGIE	CITY MANAGER SERVICES	10-4311	01/02/2024	11,400.00
ULRICH & ASSOCIATES	AUDIT 2023	10-4330	01/31/2024	10,000.00
FIRE WORKS WEST I	2024 WEST HAVEN DAY	10-4621	01/22/2024	15,277.55
PEHP	COMMUNITY DEVELOPMENT	10-4814	01/20/2024	10,164.00
PEHP	COMMUNITY DEVELOPMENT	10-4814	02/20/2024	10,164.00
PEHP	COMMUNITY DEVELOPMENT	10-4814	01/20/2024	10,164.00
PEHP	COMMUNITY DEVELOPMENT	10-4814	02/20/2024	10,164.00
RMP	MACY LANE SUBDIVSION	10-6035	01/25/2024	16,764.60
WASTE MANAGEMENT	GARBAGE SERVICES	10-6037	01/02/2024	34,256.99
WASTE MANAGEMENT	GARBAGE SERVICES	10-6037	02/01/2024	34,399.21
WASTE MANAGEMENT	GARBAGE SERVICES	10-6037	03/01/2024	34,546.85
WEBER COUNTY TRANSFER S		10-6037	01/31/2024	24,416.50
WEBER COUNTY TRANSFER		10-6037	02/29/2024	22,315.00
WEBER COUNTY TRANSFER S		10-6037	12/30/2023	24,149.00
ROCKY MOUNTAIN FENCE, INC	PREVEDEL PARK FENCING	13-4530	11/09/2023	36,134.00
ROCKY MOUNTAIN FENCE, INC	CEMETERY, RIVER PARK	13-4530	01/18/2024	29,526.00
ROCKY MOUNTAIN FENCE, INC	2244 GREEN FARM FENCING	13-4530	01/19/2024	23,006.00
STAKER & PARSON COMPANIE	ROADWAY IMPROVEME	13-6081	12/27/2023	33,559.59
WALL CONSULTANT GROUP	2700 W	13-6083	01/31/2024	46,900.00

HALES ENGINEERING LLC	TRAFFIC STUDY	13-6310	01/31/2024	15,141.00
HALES ENGINEERING LLC	TRAFFIC STUDY	13-6310	12/27/2023	13,596.00
HALES ENGINEERING LLC	TRAFFIC STUDY	13-6310	12/27/2023	11,227.00
SWEEP N UTAH INC	STORM DRAIN MAINTENANCE	51-4450	11/20/2023	11,900.00

These are all of the purchases made in the 3rd quarter within the parameters outlined by the City Council. If the Council would like to see the full payment printout from the Treasurer, just let me know and I will forward that email to you.