

WEST HAVEN CITY COUNCIL AGENDA

AMENDED

WEDNESDAY, OCTOBER 02, 2024 6:00 PM
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **October 02, 2024** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **6:00 PM**: REGULAR WEDNESDAY CITY COUNCIL MEETING. JOIN US DIGITALLY FOR THE COUNCIL MEETING AT [HTTPS://US06WEB.ZOOM.US/J/81581435918](https://us06web.zoom.us/j/81581435918). WATCH LIVE AT [HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCEEQNQBTFZJWGTGPHMCNCBA](https://www.youtube.com/channel/UCEEQNQBTFZJWGTGPHMCNCBA).

6:00 PM REGULAR CITY COUNCIL MEETING

1. MEETING CALLED TO ORDER-MAYOR VANDERWOOD
2. OPENING CEREMONIES
 - A. PLEDGE OF ALLEGIANCE-COUNCILMEMBER CALL
 - B. PRAYER/MOMENT OF SILENCE-COUNCILMEMBER DIXON
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
Senior Lunch Bunch-October 23, 2024-11:30 AM
Dumpster Days-October 24-26, 2024
Pumpkin Walk-October 28, 2024-6:30 PM
Wasatch Choice Fall Workshop-October 30, 2024-4:00 PM-Roy Municipal Center (5051 S 1900 W)-wasatchchoice.org

5. COUNCIL UPDATES

AGENDA ACTION ITEMS

6. ACTION ON CONSENT AGENDA
 - A. CITY COUNCIL MINUTES-MEETING HELD-SEPTEMBER 18, 2024
 - B. WEBER COUNTY SHERIFF-\$495,949.00-INV.#56395
 - C. CASTLE CREEK HOMES-\$267,968.80-INV.#2024.0912
 - D. ADVANCED PAVING AND CONSTRUCTION-\$284,232.97-INV.#5012
 - E. NILSON HOMES-\$53,948.80-INV.#POULTER POND RELEASE #1
 - F. NILSON HOMES-\$29,530.18-INV.#POULTER POND RELEASE #2
7. PUBLIC HEARING-FOR THE PURPOSE OF SOLICITING PUBLIC INPUT ON OPENING THE CURRENT 2024-2025 BUDGET TO MAKE CERTAIN ADJUSTMENTS
8. ACTION ON PUBLIC HEARING-ACTION ON ORDINANCE 32-2024-AMENDING THE CURRENT 2024-2025 CITY BUDGET
9. ACTION ON LETTER OF SUPPORT-WAGE INCREASE FOR WEBER COUNTY SHERIFF EMPLOYEES
10. ACTION ON RESOLUTION 40-2024-REIMBURSEMENT AGREEMENT BETWEEN IVORY HOMES DEVELOPMENT, LLC AND WEST HAVEN CITY FOR STORM DRAIN SYSTEM IMPROVEMENT

11. ACTION ON RESOLUTION 41-2024-TO SUBMIT GRANT APPLICATIONS FOR RAMP FUNDING
12. DISCUSSION-SIDEWALK INVENTORY AND POSSIBLE FUNDING SOURCES TO CONSTRUCT ROAD AND SIDEWALK IMPROVEMENTS
13. 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

September 18, 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 Dixon said that the Youth Council has been working on the Pumpkin Walk.

Mayor Vanderwood suggested doing a ribbon cutting ceremony for Staker Park.

Councilmember Dixon suggested donating funds to the Ibarra family and asked if it was a possibility.

2. DISCUSSION-WESTERN WEBER TRAILS PLAN

Edward Mignone said that there has been some open houses for the Western Weber trails plan. He said staff has met with them on a few occasions. He said right now the plan is more of a concept.

3. DISCUSSION-TEXT MY GOV CONTRACT

Shawn Warnke went over the current users for this contract and what steps the city has taken to advertise it better.

City Council agreed that it was best not to renew this contract.

4. DISCUSSION-REVIEW POSSIBLE GRANT PROJECTS

Sheri Bingham went over the options for grant projects and suggested implementing a 5 year plan for grants. She suggested not applying for a major grant this year.

Councilmember Morse asked why it was recommended not to apply for the major grants.

Sheri Bingham said that sometimes if you receive money from a major grant they don't grant the minor grants.

Councilmember Call asked where the matching funds are being pulled from.

Sheri Bingham said the match can be what we pay to the rodeo contractor, stock contractor, employee wages, or advertising.

Councilmember Saunders said that staff recommendations seemed great.

Councilmember Morse suggested playground equipment at Windsor Park.

Mayor Vanderwood suggested more bleachers.

Councilmember Call suggested a veteran's memorial and bathrooms before the playground.

6:00 PM REGULAR CITY COUNCIL MEETING

1. MEETING CALLED TO ORDER-MAYOR VANDERWOOD

The council met for 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 SWAPP

B. PRAYER/MOMENT OF SILENCE-COUNCILMEMBER MORSE

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.**

Nate Davis asked if the work was completed on 5100 W and if he could return his horses to the property he leases. He expressed concern about safety for kids walking to school because there was already a death in front of his house. He expressed concern about the cross walks not having accessible ADA ramps. He also suggested that the city implement a city tax and get their own police department instead of giving more to the Sheriff's Department.

4. UPCOMING EVENTS

Arts Festival-September 21, 2024-5:00 PM

Senior Lunch Bunch-September 25, 2024-11:30 AM

Mayor Vanderwood said that we will have the Pumpkin Walk October 24, 2024-6:30 PM

5. COUNCIL UPDATES

Councilmember Saunders thanked everyone involved with the day of service.

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

6. ACTION ON RESOLUTION 39-2024-PROCLAMATION RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS AND PREVENTION MONTH

Kim Dixon made a motion to adopt resolution 39-2024. Nina Morse seconded the motion.

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

NAYS:

RECUSED:

7. **ACTION ON CONSENT AGENDA**

- A. CITY COUNCIL MINUTES-MEETING HELD-AUGUST 21, 2024
- B. ANDERSEN ASPHALT-\$217,077.27-INV.#2212-828
- C. READING TRUCK-\$59,996.53-INV.#157896

Carrie Call made a motion to approve. **Ryan Swapp** seconded the motion.

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

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

- A. ACTION ON ORDINANCE 30-2024-2ND AMENDMENT TO THE RIVERWALK MASTER DEVELOPMENT AGREEMENT

Councilmember Call asked that sidewalks be added as part of possible improvement the funds can be used for.

Ryan Saunders made a motion to adopt ordinance 30-2024 and add the language to include the option for sidewalk. **Kim Dixon** seconded the motion.

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

- B. ACTION ON ORDINANCE 27-2024-AMENDMENT TO THE P.R.U.D. ORDINANCE

Councilmember Call asked for an example of a non-residential accessory building from section 157.433 subsection A.

Amy Hugie said a community center.

Councilmember Call asked why it is tied to 100 units then.

Mayor Vanderwood said he thinks that is for storage.

Councilmember Call said that 155.440 needs to be 157.440

Amy Hugie noted that section 157.435 subsection J needs to say surety bond.

Councilmember Saunders expressed concern about property under the power line easement.

Kim Dixon made a motion Table. **Carrie Call** seconded the motion.

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

- C. ACTION ON ORDINANCE 26-2024-AMENDMENT TO THE CLUSTER SUBDIVISION ORDINANCE

Councilmember Call suggested reducing the percentage in section 157.573.

Councilmember Swapp suggested 25%.

Mayor Vanderwood suggested 30%.

Councilmember Morse agreed.

Councilmember Dixon agreed.

Nina Morse made a motion Table. Ryan Saunders seconded the motion.

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

D. ACTION ON RESOLUTION 35-2024-AMENDMENT TO THE MODERATE INCOME HOUSING ELEMENT OF THE WEST HAVEN CITY GENERAL PLAN

Carrie Call made a motion to adopt resolution 35-2024. **Nina Morse** seconded the motion.

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

E. ACTION ON ORDINANCE 27-2024-AMENDMENT TO THE P.R.U.D. ORDINANCE

Amy Hugie noted the following changes: The numbering needs to be fixed in section 155.440 and Section 157.435 subsection J needs to say surety bond.

Kim Dixon made a motion to adopt ordinance 27-2024 with the changes noted. **Nina Morse** seconded the motion.

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

F. ACTION ON ORDINANCE 26-2024-AMENDMENT TO THE CLUSTER SUBDIVISION ORDINANCE

Amy Hugie noted to following changes: the percentage in section 157.573 changed from 40% to 30%.

Nina Morse made a motion to adopt ordinance 26-2024. **Kim Dixon** seconded the motion.

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

G. ACTION ON ORDINANCE 31-2024-AMENDMENT TO THE PARKING REGULATIONS ORDINANCE (CHAPTER 71)

Daniel Tanner went over the changes made in the ordinance.

Ryan Swapp made a motion to adopt ordinance 31-2024. **Nina Morse** seconded the motion.

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

9. **ACTION ON RESOLUTION 36-2024-DECLARING CERTAIN CITY PROPERTY AS SURPLUS TO ALLOW AUCTION OR SELL-PROPERTY AS FOLLOWS: ROPING CHUTE AND 2023 SILVERADO TRUCK**

Ryan Saunders made a motion to adopt resolution 36-2024. **Carrie Call** seconded the motion.

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

10. **DISCUSSION-REVIEW AND PRIORITIZE SIDEWALK INVENTORY**

Councilmember Dixon said that 1800 S needed to go to 2700 W.

Councilmember Morse suggested extending it to 1900 W.

Councilmember Dixon said the children walking could cut down 2525 W but they would just need to work with the school for that.

Councilmember Morse suggested that 2175 S should be a lower priority because it is in the middle of subdivision.

Councilmember Swapp suggested reaching out to school for more bus drivers to solve some of the safety issues.

Shawn Warnke said he could discuss that with the school district. He said when he initially discussed it with the school they discussed possibly changing the radius for children who ride the bus, but some of the issue was the availability of buses.

Councilmember Swapp suggested hiring a consultant to prioritize these for safety purposes.

11. **ACTION ON RESOLUTION 37-2024-EASEMENT AGREEMENT BETWEEN WEST HAVEN CITY AND JORDAN VALLEY WATER CONSERVANCY DISTRICT**

Carrie Call made a motion to adopt resolution 37-2024. **Ryan Saunders** seconded the motion.

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

12. **ACTION ON RESOLUTION 38-2024-AMENDING THE CONSOLIDATED FEE SCHEDULE**

Kim Dixon made a motion to adopt resolution 38-2024 changing the key fob replacement to \$50, changing the title to The Barn Community Center, and removing department heads from section 1.2. **Ryan Saunders** seconded the motion.

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

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

14. **ADJOURNMENT**

Carrie Call made a motion to adjourn at 8:15 PM. **Nina Morse** 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: Shawn Warnke, City Manager
Emily Green, City Recorder

FROM: Ed Mignone, City Engineer

DATE: September 18, 2024

SUBJECT: WHC Reimbursement to Nilson Land Development
Green Farm Open Space – Area 6
Poulter Pond Release #1



Nilson Land Development (NLD) submitted their first request for a Letter of Credit (LOC) reduction. The initial amount of the LOC was \$742,900.43. The first request indicates total costs expended of \$136,246.37. Based on the MDA, the City is responsible for reimbursing NLD 40% of the expended amount or \$53,948.80. The balance of \$82,297.57 is the LOC reduction amount authorized by the City.

Staff has reviewed the request and the provided backup documentation which supports the aforementioned total and division of costs.

Staff has issued an LOC reduction authorization letter (attached) and concurs that WHC is responsible for reimbursing NLD in the amount of \$53,948.80.

EJM/ejm

Attachment. Green Farm – Open Space – Area 6, Poulter Pond, Release #1 dated September 18, 2024



4150 SOUTH 3900 WEST
WEST HAVEN, UT 84401
PHONE: 801-731-4519
FAX: 801-731-1002
<http://www.westhavencity.com>

WEST HAVEN CITY

MAYOR
Rob Vanderwood

COUNCIL MEMBERS
Ryan Swapp
Kim Dixon
Ryan Saunders
Carrie Call
Nina Morse

September 18, 2024

Cache Valley Bank:
Attention: Kaitlyn Walton
1333 N Hill Field Rd, Layton, UT 84041.

**RE: Green Farm – Open Space – Area 6, Poulter Pond Farm Phase 1— Release #1
Nilson Land Development (Nilson Homes)**

Dear Ms. Walton:

Nilson Land Development (Nilson Homes) has requested a partial escrow release/reduction for the above referenced project. The City authorizes release of \$ **82,297.57** based on work satisfactorily completed to date (See attached).

Amount of Original Letter of Credit:	\$ 742,900.43
Release Request #1:	<u>\$ 82,297.57</u>
Remaining Escrow Amount:	\$ 660,083.62

Sincerely,
WEST HAVEN CITY


Edward J. Mignone, P.E.
City Engineer

EJM/ejm
Attachment

cc: Kaitlyn Walton via email: kwatson@cachevalleybank.com
Robyn Van Campen/File Poulter Pond
Lacy Richards via email: lacy.richards@nilsonld.com

Green Farm Pond Area 6
Draw Request - #1
5/15/2024

CONTRACTOR: Nilson Homes
PROPERTY: Green Farm Pond Area 6

DRAW REQUEST 1 **Contractor/Owner**

We certify that with respect to the construction at the referenced site, we have incurred the following charges. Please make payment to the parties indicated.

Shared Costs - Unpaid Invoices Pending

Budget Line Item	Vendor	Invoice #	AMOUNT	Nilson Homes	West Haven
96	Utah Division of Water Rights	GF Pond Ap 4.24	\$ 2,000.00	\$ 1,200.00	\$ 800.00
96	Frontier Corporation	GRO6 Deposit	\$ 6,000.00	\$ 3,600.00	\$ 2,400.00
96	Frontier Corporation	911-01	\$ 1,235.50	\$ 741.30	\$ 494.20
96	Frontier Corporation	911-02	\$ 853.00	\$ 511.80	\$ 341.20
96	Frontier Corporation	911-03	\$ 952.00	\$ 571.20	\$ 380.80
96	Frontier Corporation	911-04	\$ 3,894.00	\$ 2,336.40	\$ 1,557.60
96	Frontier Corporation	911-05	\$ 1,073.00	\$ 643.80	\$ 429.20
96	Frontier Corporation	911-06	\$ 1,768.00	\$ 1,060.80	\$ 707.20
97	Think Architecture	22-1286	\$ 175.00	\$ 105.00	\$ 70.00
97	Think Architecture	22-1327	\$ 1,925.00	\$ 1,155.00	\$ 770.00
97	Think Architecture	23-0174	\$ 3,807.50	\$ 2,284.50	\$ 1,523.00
97	Think Architecture	24-0112	\$ 352.54	\$ 211.52	\$ 141.02
97	Ensign Engineering	98930	\$ 3,800.00	\$ 2,280.00	\$ 1,520.00
97	Ensign Engineering	99711	\$ 4,400.00	\$ 2,640.00	\$ 1,760.00
97	Ensign Engineering	100296	\$ 9,750.00	\$ 5,850.00	\$ 3,900.00
97	Ensign Engineering	100774	\$ 4,200.00	\$ 2,520.00	\$ 1,680.00
97	Ensign Engineering	101570	\$ 12,700.00	\$ 7,620.00	\$ 5,080.00
97	Ensign Engineering	102086	\$ 900.00	\$ 540.00	\$ 360.00
97	Ensign Engineering	102724	\$ 3,250.00	\$ 1,950.00	\$ 1,300.00
97	Ensign Engineering	103974	\$ 1,800.00	\$ 1,080.00	\$ 720.00
97	Ensign Engineering	104574	\$ 4,100.00	\$ 2,460.00	\$ 1,640.00
97	Ensign Engineering	105542	\$ 2,100.00	\$ 1,260.00	\$ 840.00
97	Ensign Engineering	106279	\$ 900.00	\$ 540.00	\$ 360.00
97	Ensign Engineering	106950	\$ 2,200.00	\$ 1,320.00	\$ 880.00
97	Ensign Engineering	107568	\$ 4,500.00	\$ 2,700.00	\$ 1,800.00
97	Ensign Engineering	108177	\$ 600.00	\$ 360.00	\$ 240.00
97	Ensign Engineering	108860	\$ 9,800.00	\$ 5,880.00	\$ 3,920.00
97	Ensign Engineering	109469	\$ 2,100.00	\$ 1,260.00	\$ 840.00
97	Ensign Engineering	110111	\$ 600.00	\$ 360.00	\$ 240.00
79	Kastle Rock Excavating	11383	\$ 2,345.00	\$ 2,345.00	
80	Kastle Rock Excavating	11383	\$ 24,911.25	\$ 24,911.25	
63	Kastle Rock Excavating	11383	\$ 17,254.58		\$ 17,254.58
Total Amount:			\$ 136,246.37		

Nilson Responsibility - To be Paid	\$ 82,297.57
West Haven Responsibility - To be Paid	\$ 53,948.80

LOC RELEASE LETTER: Total Nilson Homes Obligation for Draw \$ 82,297.57
CITY PAYMENT TO NILSON HOMES: Total WHC Obligation for Draw \$ 53,948.80

Total: Draw Request 1	\$ 136,246.37
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[illegible]

STAFF REPORT

TO: Shawn Warnke, City Manager
Emily Green, City Recorder

FROM: Ed Mignone, City Engineer

DATE: September 18, 2024

SUBJECT: WHC Reimbursement to Nilson Land Development
Green Farm Open Space – Area 6
Poulter Pond Release #2



Nilson Land Development (NLD) submitted their second request for a Letter of Credit (LOC) reduction.

<u>Total associated expended construction cost for Release #2</u>	<u>\$265,833.26</u>
Release #2 Reduction (60% shared expended construction costs + NLD direct costs)	\$236,303.08
Reimbursement (40% shared expended construction cost + direct WHC only costs)	\$ 29,530.18

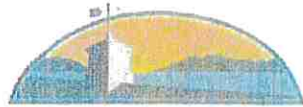
Initial amount LOC:	\$742,900.43
Release #1 Reduction:	\$ 82,297.57
<u>Release #2 Reduction:</u>	<u>\$236,303.08</u>
LOC Balance:	\$429,299.78

Staff has reviewed the request and the provided backup documentation which supports the aforementioned total and division of costs.

Staff has issued an LOC reduction authorization letter (attached) and concurs that WHC is responsible for reimbursing NLD in the amount of \$29,530.18

EJM/ejm

Attachment. Green Farm – Open Space – Area 6, Poulter Pond, Release #1 dated September 18, 2024



WEST HAVEN

4150 SOUTH 3900 WEST
WEST HAVEN, UT 84401
PHONE: 801-731-4519
FAX: 801-731-1002
<http://www.westhavencity.com>

WEST HAVEN CITY

MAYOR
Rob Vanderwood

COUNCIL MEMBERS
Ryan Swapp
Kim Dixon
Ryan Saunders
Carrie Call
Nina Morse

September 18, 2024

Cache Valley Bank:
Attention: Kaitlyn Walton
1333 N Hill Field Rd, Layton, UT 84041.

**RE: Green Farm – Open Space – Area 6, Poulter Pond Farm Phase 1— Release #2
Nilson Land Development (Nilson Homes)**

Dear Ms. Walton:

Nilson Land Development (Nilson Homes) has requested a partial escrow release/reduction for the above referenced project. The City authorizes release of \$ **236,303.08** based on work satisfactorily completed to date (See attached).

Amount of Original Letter of Credit:	\$ 742,900.43
Release Request #1:	\$ 82,297.57
Release Request #2:	\$236,303.08
LOC Balance:	\$429,299.78

Sincerely,
WEST HAVEN CITY


Edward J. Mignone, P.E.
City Engineer

EJM/ejm
Attachment

cc: Kaitlyn Walton via email: kwatson@cachevalleybank.com
Robyn Van Campen/File Poulter Pond
Lacy Richards via email: lacy.richards@nilsonld.com

CONTRACTOR: Nilson Homes

PROPERTY: Green Farm Pond Area 6

We certify that with respect to the construction at the referenced site, we have incurred the following charges. Please make payment to the parties indicated.

Budget Line Item	Vendor	Invoice #	AMOUNT	Nilson Homes	West Haven
96	Frontier Corporation	911-07	\$ 9,764.00	\$ 5,858.40	\$ 3,905.60
96	Frontier Corporation	911-08	\$ 7,121.25	\$ 4,272.75	\$ 2,848.50
96	Frontier Corporation	911-09	\$ 2,147.50	\$ 1,288.50	\$ 859.00
96	Frontier Corporation	911-10	\$ 1,283.00	\$ 769.80	\$ 513.20
67	Kastle Rock Excavating	11493	\$ 17,575.00	\$ 17,575.00	
69	Kastle Rock Excavating	11493	\$ 19,800.00	\$ 19,800.00	
79	Kastle Rock Excavating	11493	\$ 4,355.00	\$ 4,355.00	
80	Kastle Rock Excavating	11493	\$ 34,697.81	\$ 34,697.81	
47	Kastle Rock Excavating	11621	\$ 51,820.00	\$ 51,820.00	
49	Kastle Rock Excavating	11650	\$ 40,225.00	\$ 40,225.00	
47	Kastle Rock Excavating	11650	\$ 1,035.00	\$ 1,035.00	
90	Kastle Rock Excavating	9564	\$ 18,750.00	\$ 11,250.00	\$ 7,500.00
88	Wright Landscaping	3036	\$ 12,500.00	\$ 12,500.00	
89	Wright Landscaping	3036	\$ 10,000.00	\$ 10,000.00	
95	Weber Basin	Sec Water Fee	\$ 34,759.70	\$ 20,855.82	\$ 13,903.88
				\$ -	
				\$ -	
					\$ -
		Total Amount:	\$ 265,833.26		

LOC RELEASE LETTER: Total Nilson Homes Obligation for Draw	\$	236,303.08	
CITY PAYMENT TO NILSON HOMES: Total WHC Obligation for Draw			\$ 29,530.18

Total: Draw Request 2	\$ 265,833.26
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	B	C	D	E	F	G	H	I	J	K	L	O	Y	AF	AG	AH	AI	AJ	AK	AL	
58	A1	24" HDPE			W	417.00	LF		\$	69.00	\$	28,773.00								\$	28,773.00
59	A1	18" Flared Ends			W	2.00	EA		\$	760.00	\$	1,520.00								\$	1,520.00
60	A1	5x5x5 Inlet/Outlet structure w/Trash Rack & Step Drain			W	1.00	EA		\$	7,900.00	\$	7,900.00								\$	7,900.00
61	A1	Trash rack on flared end outlet			W	1.00	EA		\$	910.00	\$	910.00								\$	910.00
62	A1	Storm Drain Cleanout			W	1.00	EA		\$	3,150.00	\$	3,150.00								\$	3,150.00
63	A1	Aeration System per Plan			W	1.00	EA		\$	17,254.58	\$	17,254.58								\$	17,254.58
64																					
65																					
66																					
67	A1	Concrete Ribbon Curb			N	950.00	LF		\$	18.50	\$	17,575.00								\$	17,575.00
68	A1	Wheel Stops			N	10.00	EA		\$	265.09	\$	2,650.90								\$	2,650.90
69	A1	10" Roadbase			N	11,000.00	SF		\$	1.80	\$	19,800.00								\$	19,800.00
70	A1	3" Asphalt			N	11,000.00	SF		\$	2.10	\$	23,100.00								\$	23,100.00
71	A1	Fine grade			N	11,000.00	SF		\$	0.38	\$	4,180.00								\$	4,180.00
72	A1	Striping			N	1.00	LS		\$	650.00	\$	650.00								\$	650.00
73	A1	ADA Signs			N	1.00	EA		\$	450.00	\$	450.00								\$	450.00
74	A1	Concrete Ramp w/rebar & cut-off wall (Fish Stocking)			C	1.00	LS		\$	7,900.00	\$	7,900.00								\$	7,900.00
75	A1	Tire Stops on Ramp w/Rebar Pins			C	2.00	EA		\$	285.00	\$	570.00								\$	570.00
76	(A)	Lighting - 2-Head LED Light w/base**			C	1.00	EA		\$	10,000.00	\$	10,000.00								\$	10,000.00
77																					
78																					
79	A1	Rough Cut Trails & Walkways			N	1.00	LS		\$	6,700.00	\$	6,700.00								\$	6,700.00
80	A1	6" Roadbase - Incl base, fine grade, comp			N	21,900.00	SF		\$	3.25	\$	71,175.00								\$	71,175.00
81	A1	6" Roadbase - Incl base, fine grade, comp (Asph Trail 56")			N	1,536.00	SF		\$	2.85	\$	4,377.60								\$	4,377.60
82	A1	3" x 8'-6" Asphalt Trail along slough			N	13,100.00	SF		\$	3.85	\$	50,435.00								\$	50,435.00
83	A1	5" Conc Sidwalk - East trail to dirt on west; Based already placed			C	1,160.00	LF		\$	25.00	\$	29,000.00								\$	29,000.00
84	A1	6' Conc sidewalk adjacent to Parking Lot; Base already placed			C	240.00	LF		\$	30.00	\$	7,200.00								\$	7,200.00
85																					
86																					
87																					
88	(E)	Trees (Modified: 25 - 2-1/2" caliper, not 50 1" cal)			N	25.00	EA		\$	500.00	\$	12,500.00								\$	12,500.00
89	(B,A)	Drip Line Valves & Lines to Trees**			N	1.00	LS		\$	10,000.00	\$	10,000.00								\$	10,000.00
90	(A)	Landscape Boulders			C	15.00	Loads		\$	1,200.00	\$	18,000.00								\$	18,000.00
91																					
92																					
93	(B)	RMP Power Extension from Fields 4 or Parcel F**			N	1.00	LS		\$	45,000.00	\$	45,000.00								\$	45,000.00
94	A2	Road crossings, conduit & elbows for power extension (del to site)			N	1.00	LS		\$	19,960.00	\$	19,960.00								\$	19,960.00
95	(B)	Sec Water Fee/Water Shares - Weber Basin**			C	1.00	LS		\$	60,000.00	\$	60,000.00								\$	60,000.00
96	(B)	Stream Alteration Permitting (Inlet/Outlet, Road)*			C	1.00	LS		\$	45,000.00	\$	45,000.00								\$	45,000.00
97	(B)	Project Engineering**			C	1.00	LS		\$	50,000.00	\$	50,000.00								\$	50,000.00
98		Docks - City obtaining grants			W	2.00	LS		\$	-	\$	-								\$	-
99	(B)	Docks Addtl Expense - Design, misc const costs, unknown***			C	1.00	LS		\$	30,000.00	\$	30,000.00								\$	30,000.00
100		Project Construction Management - Nilson Land			C	0.05	% Total Cost		\$	89,660.82	\$	89,660.82								\$	89,660.82
101																					
102																					
103																					
104																					
105																					
106																					
107																					
108																					
109																					
110																					
111																					
112																					
113																					
114																					

Contingency	\$	750.00	\$	300.00	\$	450.00	\$	118,747.28	
Sub-Total	\$	265,833.26	\$	29,530.18	\$	236,303.08	\$	507,503.08	
TOTAL COST REMAINING (incl Contingency)								\$	626,250.36

Contingency	\$	750.00	\$	300.00	\$	450.00	\$	118,747.28	
Sub-Total	\$	265,833.26	\$	29,530.18	\$	236,303.08	\$	507,503.08	
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Sub-Total	\$	265,833.26	\$	29,530.18	\$	236,303.08	\$	507,503.08	
TOTAL COST REMAINING (incl Contingency)								\$	626,250.36

Contingency	\$	750.00	\$	300.00	\$	450.00	\$
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TOTAL CONSTRUCTION COST ESTIMATE (incl Contingency)		Sub-Totals		Allocated per MDA-Annex		Totals	
Total Construction Cost Estimate:		\$ 1,793,216.45					
TOTAL CONSTRUCTION COST ESTIMATE (incl Contingency)		\$ 1,936,673.77					

LOC Release Letter Total
Nilson Land Paid To date
\$ 236,303.08

WHC Reimbursement Total \$ 29,530.18

CITY ARRANGES FOR REDUCTION
\$236,303.08
CITY ADVANCED TO REIMBURSE MD
\$ 29,530.18

ORDINANCE NO. 32-2024

AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY'S 2024-2025 BUDGET BY MAKING CERTAIN CHANGES TO VARIOUS OF THE CITY'S FUNDS; ACCOUNTING FOR REVENUE AND EXPENDITURE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I. RECITALS

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

WHEREAS, in conformance with Utah Code ("UC") §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, in conformance with UC §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City finds that certain exigencies of city governmental operations require that amendments be made to the current city budget and related documents including but not limited to accommodating an increase in various revenues and expenditures of the City; and,

WHEREAS, UC §10-6-119 provides authority for amending the City's budget as necessary; now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN THAT THE WEST HAVEN CITY BUDGET AND STAFFING DOCUMENT FOR FISCAL YEAR 2024-2025 BE, AND THE SAME HEREBY IS, AMENDED AS FOLLOWS:

SECTION II. CHANGES TO BUDGET

Those changes set out in Attachment "A" of the 2nd day of October, 2024, attached hereto, and incorporated as if fully set out, as those changes affect and adjust the previously authorized budgets and staffing provisions, including compensation schedules of various city departments and funds represented, ought to be, and the same are, amended, re-adopted, and enacted as amendments to the fiscal year 2024-2025 Budget for West Haven City.

The foregoing recitals are fully incorporated herein.

SECTION III. PRIOR ORDINANCES AND RESOLUTIONS

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

SECTION IV. REPEALER OF CONFLICTING ENACTMENTS

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

SECTION V. SAVINGS CLAUSE

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 have the effect of rendering 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 VI. DATE OF EFFECT

BE IT FURTHER ORDAINED this Ordinance shall become effective on the 2nd day of October 2024, and after publication or posting as required by law.

DATED this 2nd day of October 2024.

WEST HAVEN, 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 _____

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, EMILY GREEN, the City Recorder of West Haven, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 do hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. 32-2024**, entitled **“AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY’S 2024-2025 BUDGET BY MAKING CERTAIN CHANGES TO VARIOUS OF THE CITY’S FUNDS; ACCOUNTING FOR REVENUE AND EXPENDITURE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE”** adopted and passed by the City Council of West Haven, Utah, at a City Council meeting thereof on October 2, 2024 which appears of record in my office, with the date of posting or publication being October 2, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 2nd day of October 2024.

Emily Green
City Recorder

(city seal)

ATTACHMENT “A”

ORDINANCE NO. 32-2024

An Ordinance of the City Council of West Haven City, Utah, Amending the City’s 2024-2025 Budget by Making Certain Changes to Various of the City’s Funds; Accounting for Revenue and Expenditure Changes; and Establishing an Effective Date

DRAFT

STAFF REPORT

TO: Mayor and City Council
FROM: Shawn Warnke, City Manager
DATE: October 2, 2024
SUBJECT: Budget Amendments October 2, 2024



As you know, budgeting is the best estimate of revenues and expenses. The adopted FY 2025 Budget represented what was reasonably anticipated for revenues and expenses; however, many variables and unforeseen conditions can affect the Budget during the upcoming fiscal year. The budget amendment addresses some of these unknown conditions and issues when the budget was originally adopted.

10- GENERAL FUND

Revenues Accounts.

10-3640 Sale of Fixed Assets (Sale of Parks Director's Truck). On September 18, 2024, the City Council adopted Resolution 36-2024, conditionally declaring the Parks and Recreation Director's Truck as surplus if the proceeds from the selling of the existing truck meet or exceed the cost of purchasing a new truck on the State of Utah's purchasing contract.

During the various iterations of the preparing drafts of the FY 2025 budget, the expense associated with purchasing a new truck for the Parks and Recreation Director was moved from the General Fund to the Capital Fund. However, the revenue associated with the proceeds from the sale of the existing vehicle was not moved to the Capital Project Fund, and the Final FY 2025 Budget had the expense and revenue associated with the transaction in separate funds. The budget amendments propose to move the proceeds to 13-3640 Sale of Fixed Asset (in Capital Project Fund). Decrease line item by \$46,000.

10-3699 Use (Contribution) of Fund Balance. To balance the increased expenses proposed in the budget amendment, it is proposed that the City use fund balance. Increase this line item by \$83,200.

Expense Accounts.

10-4335 Treasurer (Child Richards CPAs & Advisors). The City has a flat fee arrangement with Child Richards CPAs & Advisors of \$5,000 per month, which has been this amount since July 2021. Several weeks ago, Ryan Childs requested that the City Council consider modifying the fee arrangement. More specifically, Childs Richards CPAs & Advisors stated that the flat fee arrangement has the firm in a situation where they are doing work for free, as described in more detail below.

Childs Richards CPAs & Advisors' time in West Haven City and the District varies monthly, with heavy months at year-end accounting and audit preparation. The highest months are July, August, September, December, and January. Childs Richards CPAs & Advisor's time input has increased for a few reasons: 1) growing City and more to cover, 2) capital project accounting, and

3) accounting standard changes such as lease standards and subscription-based information technology arrangements, implemented one year ago.

Over the past twelve months, Childs Richards CPAs & Advisors stated that their billing came up to \$85,692, but the firm billed the fee of \$60,000 to the City. With a fixed fee arrangement, Childs Richards CPAs & Advisors proposes a flat of \$6,250 per month, totaling \$75,000 per year between the City and District. Increase line item by \$15,000.

10-5161 Non-Departmental Other (Credit Cards). Recently, the City processed a transaction that had \$4,000 in credit card fees. In the future, the City Council may want to discuss policies associated with credit card fees (gateway fees and merchant fees). To this end, City staff is preparing information to have this discussion along with possible policy approaches to pay for these expenses, such as:

- Designating which services the City will accept credit cards for (perhaps not allowing credit cards to be accepted for building permits as credit card fees are a percentage of the transaction amount)
- Charging a convenience fee to the card user of 4% of the transaction to cover the gateway and merchant fees. This approach would increase the cost of the service to only customers who chose to use the credit card as their payment method.
- Increase the cost of providing the city service by approximately 4% to cover the cost associated with gateway and merchant fees. This approach would increase the cost of services to all customers regardless of their payment method.

At this point, the City has limited the acceptance of credit cards for transactions less than \$10,000. The City Treasurer recommends that the City increase the estimated expenses within this account. Increase this line item by \$22,200.

13- CAPITAL PROJECTS FUND

Revenues Accounts.

13-3640 Sale of Fixed Asset (Sale of Parks Director's Truck). On September 18, 2024, the City Council adopted Resolution 36-2024, conditionally declaring the Parks and Recreation Director's Truck as surplus if the proceeds from the selling of the existing truck meet or exceed the cost of purchasing a new truck on the State of Utah's purchasing contract.

During the various iterations of the preparing drafts of the FY 2025 budget, the expense associated with purchasing a new truck for the Parks and Recreation Director was moved from the General Fund to the Capital Fund. However, the revenue associated with the proceeds from the sale of the existing vehicle was not moved to the Capital Project Fund, and the Final FY 2025 Budget had the expense and revenue associated with the transaction in separate funds. Increase line item by \$50,000.

13-3999 Use (Contribution) of Fund Balance. To balance the increased expenses proposed in the budget amendment, it is proposed that the City use fund balance. Increase this line item by \$320,000.

Expense Accounts.

13-4515 Capital Equipment (Dump/Snow Plow Truck). One of the challenges in budgeting is projecting when the City will receive goods or services at the end of a fiscal year. This is significant because the recognition of expenses is attributed to when the City receives the goods or services.

The authorized the purchase a dump/snow plow truck during or before FY 2024. The vendor of the dump/snow plow truck could not confirm the exact delivery date from the manufacturer. For this reason, the FY 2025 Budget carried over the expense for this piece of equipment. As it turned out, the City took possession of the dump truck/snow plow before June 30, 2024, and as a result, the full carried forward expense was not needed in FY 2025. There are still some costs associated with the piece of equipment that will be realized in FY 2025, such as purchasing and installing a plow, sander, etc. Decrease this line item by \$70,000.

13-4530 Park Impact Fee Expenditure (Staker Park Impact Fee Reimbursement). West Haven City had signed a Master Development Agreements (MDA) with Castle Creek Homes and several MDA amendments regarding the Staker Farms Development. In all these agreements, the City and Developer agreed that "The City shall contribute the park impact fees that it collects for 125 lots to the Developer." On or around July 7, 2020, the City entered into Staker Farm 1st Amendment, which added the clause that the contribution of impact fees would be at the "time that the City takes possession of the Park and starts maintaining it, which date is anticipated to be May 30, 2024."

When creating the FY 2025 Budget, I was unaware that the City had an obligation to reimburse impact fees to Castle Creek Homes. Unlike how the City accounted for impact fee contributions for Green Farms, there was no evidence in the chart of accounts that the City would need to contribute impact fees for Staker Farm Park.

On July 3, 2024, the City Council adopted Resolution No. 29-2024 which approved the City's acceptance of the Park and started the City's responsibility to maintain the park. By the Master Development Agreement, the City is required to contribute park impact fees for 125 lots to the Developer.

Since the signing of the original Staker Farms Development Agreement, the City has collected \$2,143.75 per single-family detached unit (see Ordinance No. 34-2019). As such, it is proposed that the budget be amended and that the City Council appropriate \$267,968.80 (125 x \$2,143.75 = \$267,968.80) so the City can meet its contractual obligations. Increase line item by \$268,000.

13-4530 Park Impact Fee Expenditures (Windsor Park Restroom). For the FY 2025 Budget, the City Council appropriated \$444,000 to undertake improvements to Windsor Park. The \$444,000 budget included a RAMP grant for \$222,000.

On August 15, 2024, the City awarded Staker Parsons a bid in the amount of \$265,000 to construct Windsor Park improvements consisting of constructing a road, parking lot, and utilities (water, power, and sewer). The difference between the budgeted amount of \$444,000 and Staker Parsons bid is \$179,000 (\$444,000-\$265,000= \$179,000).

At the City Council meeting on September 18, 2024, there was a discussion regarding using some of the remaining funds (\$179,000) to construct a restroom at Windsor Park. City staff recommends that 15% (\$27,000) of the \$179,000 be reserved to repair the existing sidewalk.

As such, the existing budget funds available to construct a restroom at Windsor Park is \$152,000 (\$179,000- \$27,000= \$152,000). City staff is estimating the following budget to construct a restroom at Windsor Park.

- \$120,000 Prefabricated Restroom
- \$35,000 Extension of power
- \$20,000 Site Work
- \$20,000 Flat work from the parking lot to the restroom facility
- \$8,000 Impact Fee Payment for water and sewer
- \$203,000

The difference of \$152,000 remaining in the existing budget and the proposed amount of \$203,00 is \$51,000. Increase this line item by \$51,000.

13-4532 Park Impact Fees- Green Farms (Fishing Piers). As budgeted in the adopted FY 2025 Budget, the City has approved the construction of fishing piers at Poulter Pond. On June 5, 2024, the City Council awarded a bid to construct the fishing piers to Jacobsen Construction in the amount of \$299,473.70. The original FY 2025 Budget appropriated \$140,000 in 13-4535 Park Capital Outlay (grant portion) and \$160,000 in 13-4532 Park Impact Fee- Green Farms (impact fee eligible portion) for a total expense of \$300,000.

Due to field conditions encountered with the construction of the piers, a change order was required associated with the helical screw pile that secured the piers to the earth having to be drilled to a greater depth than anticipated. The change order for \$25,894 was approved. Increase line item by \$26,000.

13-4532 Park Impact Fees- Green Farm (The Barn Community Center). The Barn Community Center was substantially completed in June 2024 under FY 2024, and City staff was not anticipating additional expenses in FY 2025. However, since June 2024, Nilson Homes has incurred \$142,627.24 in costs related to The Barn Community Center, either because of repair invoices, trades are slower at billing, or items that are being installed. The City's responsibility for the cost incurred to date is \$71,313.62. Nilson Homes is trying to get all of the remaining costs and invoices accounted for, and as such, the City's portion is likely to be higher.

To date, the total cost of the building is itemized below. Numbers not included in these itemized costs will be invoices that Nilson Homes has not received or paid yet, as well as the final costs the Nilson Homes project manager is currently compiling.

	Nilson Homes	West Haven City	
Draw Request #1	\$ 44,738.85	\$ 44,738.85	
Draw Request #2	\$ 115,843.81	\$ 115,843.81	
Draw Request #3	\$ 41,061.03	\$ 41,061.03	
Draw Request #4	\$ 159,575.27	\$ 159,575.27	
Estimated Draw Request # 5	\$ 71,313.00	\$ 71,313.00	
Total	\$ 432,531.96	\$ 432,531.96	\$ 865,063.92

The 3rd Amendment of the Green Farm MDA with Nilson Homes identified the overall construction cost cap agreed upon between the City and Nilson Homes, which was \$550,000 (with each entity paying \$275k). The 3rd Amendment to the MDA states that the cap shall only be modified with the mutual agreement of both parties. As noted above, the construction cap has been exceeded. The administrative process associated with the construction of the community center has been such that the City became aware of the cost when Nilson Homes submitted invoices for reimbursement. Nilson Homes has been submitting reimbursement for invoices showing the 50/50 split, even though it has been clear that the parties have exceeded the agreed-upon amount. The City has been paying those invoices. Both parties have agreed on what is owed moving forward and then the subsequent payment of those amounts. Based on the actions of both parties, I anticipate that Nilson Homes has agreed to exceed the cap through the submission of invoices and then the acceptance of the invoice payments.

It may be worth noting that the City payment for the community center is impact fee eligible and that future impact fee calculations will include the actual cost paid by the City to construct the Community Center (with new impact fees calculated to include this higher amount).

That said, the community center's finished product has been well received by the public, with 17 reservations (as of Sept. 24th) to use it since it became available to the public about a week ago. Increase this line item by \$95,000.

51- STORM DRAIN FUND

Revenues Accounts.

51-3999 Use (Contribution) of Fund Balance. To balance the increased expenses proposed in the budget amendment, it is proposed that the City use fund balance. Increase this line item by \$16,000.

Expense Accounts.

51-4455 Storm Water Impact Fee Expense (Fairhaven Reimbursement for Storm Water System Improvements). The Fairhaven Developer has submitted construction drawings showing infrastructure within the Fairhaven Subdivision, which includes System Improvements (public facilities that provide services within the City at large).

More specifically, an 18" drainpipe would have sufficient capacity to serve Fairhaven Subdivision (Project Improvements). An upsizing to a 24" drainpipe is needed to serve future development within the City to the east of Fairhaven (System Improvements). The specific System Improvements include an upsized drainpipe extending from the storm drain box or catch basin and continuing west along the Hooper Canal. The storm drainpipe will also extend west of 34 feet to the property line for future development.

The cost of upsizing the west storm drainpipe is reimbursable as System Improvements include the difference between the 18" drainpipe and the 24" drainpipe for 1,121 linear feet of reinforced concrete storm drainpipe. The current estimated cost of upsizing is \$15,673.72. System Improvements are impact fee eligible. Increase this line item by \$16,000

**WEST HAVEN CITY
BUDGET ADJUSTMENTS
October 2, 2024**

Please see the staff report entitled Budget Amendments October 2, 2024, for an explanation of the budget amendments.

GENERAL FUND

Revenues:

		Increase	Decrease	Ending Account Budget
Sale of Fixed Assets (Sale of Parks Director's Truck)	10-3640	-	46,000.00	-
Use (Contribution) of Fund Balance	10-3699	83,200		615,610
		\$ 83,200	\$ 46,000.00	

Expenses:

		Increase	Decrease	Ending Account Budget
Treasurer (Child Richards CPAs & Advisors).	10-4335	\$ 15,000		75,000
Non-Departmental Other (Credit Cards).	10-5161	22,200	-	45,000
		\$ 37,200	\$ -	

CAPITAL PROJECTS FUND

Revenues:

		Increase	Decrease	Ending Account Budget
Sale of Fixed Asset (Sale of Parks Director's Truck)	13-3640	\$ 50,000		50,000
Use (Contribution) of Fund Balance	13-3999	320,000	-	1,954,538
		\$ 370,000	\$ -	

Expenses:

		Increase	Decrease	Ending Account Budget
Capital Equipment (Dump/Snow Plow Truck).	13-4515		\$ 70,000	267,000
Park Impact Fee Expenditure (Staker Park Impact Fee Reimbursement).	13-4530	268,000		
Park Impact Fee Expenditures (Windsor Park Restroom)	13-4530	51,000		687,000
Park Impact Fees- Green Farms (Fishing Piers)	13-4532	26,000		
Park Impact Fees- Green Farm (The Barn Community Center)	13-4532	95,000		531,000
		\$ 440,000	\$ 70,000.00	

STORM DRAIN FUND

Revenues:

		Increase	Decrease	Ending Account Budget
Use (Contribution) of Fund Balance	51-3999	16,000	-	637,100
		\$ 16,000	\$ -	

Expenses:

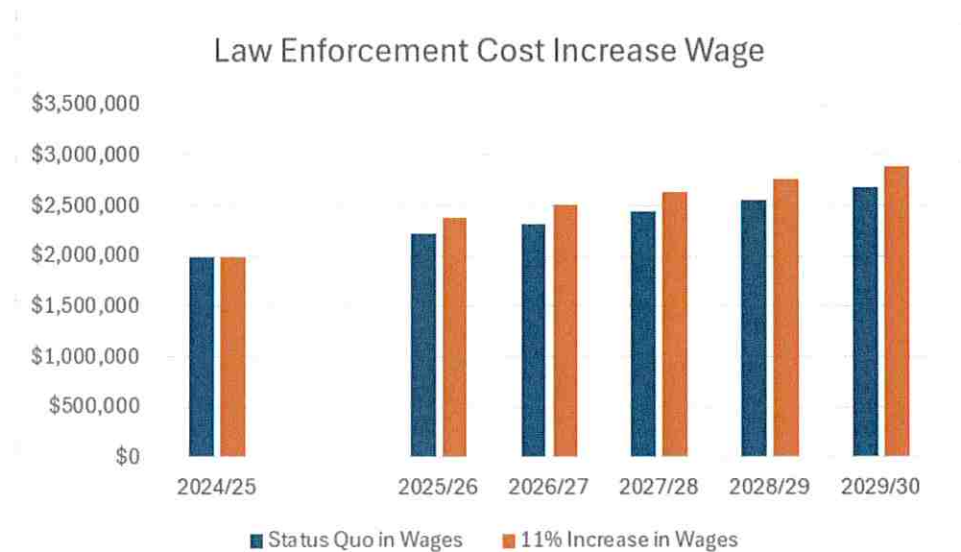
		Increase	Decrease	Ending Account Budget
Storm Water Impact Fee Expense (Fairhaven Reimbursement for Storm Water System Improvements)	51-4455	16,000	-	284,100
		\$ 16,000	\$ -	

STAFF REPORT

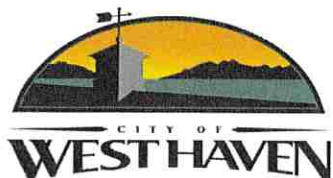
TO: Mayor and City Council
 FROM: Shawn Warnke, City Manager
 DATE: October 2, 2024
 SUBJECT: Letter of Support for WCSO Wages



As discussed at the August 21, 2024, City Council meeting, a letter of support has been drafted for the City Council's consideration regarding support for law enforcement wages. Below is a graph and table that shows the fiscal impact on West Haven City with an 11% wage increase to the Weber County Sheriff's Office.



	To be billed	5 Year Projection				
	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Status Quo in Wages	\$1,983,796	\$2,217,463	\$2,327,241	\$2,441,819	\$2,561,314	\$2,685,835
11% Increase in Wages	\$1,983,796	\$2,388,416	\$2,506,656	\$2,630,068	\$2,758,775	\$2,892,896
Difference		\$170,953	\$179,415	\$188,249	\$197,461	\$207,061



4150 SOUTH 3900 WEST
WEST HAVEN, UT 84401
PHONE: 801-731-4519
FAX: 801-731-1002
<http://www.westhavencity.com>

WEST HAVEN CITY

MAYOR
Rob Vanderwood

COUNCIL MEMBERS

Ryan Swapp
Kim Dixon
Ryan Saunders
Carrie Call
Nina Morse

October 2, 2024

RE: Weber County Sheriff's Office Wages

Dear Commissioner Bolos, Froerer, and Harvey,

On August 21, 2024, at the request of the West Haven Mayor and City Council, Lieutenant Lavelly and Chief Gard attended a West Haven City Council meeting to discuss staffing issues. Specifically, West Haven City requested insight into why the Street Crimes Unit (SCU) is no longer functioning in its original capacity.

During this conversation, West Haven City was informed that the Weber County Sheriff's (WCSO) Enforcement Division is allocated 75 Full-Time Employees (FTE) and currently has 19 vacancies (approximately 25% of its FTE allocation). This shortage has significantly impacted WCSO's ability to staff specialized units like the SCU to ensure sufficient officers for patrol.

Further, West Haven City understood that WCSO recruitment and retention challenges for Police Officers are attributed to pay inequality with other agencies. The City understands that the WCSO is 11% behind the Ogden Police Department and 31% behind the Utah Highway Patrol. WCSO deputies are regularly offered \$5 to \$10 per hour more to move to other agencies.

With some of the tragic events that have occurred recently in West Haven City, the Mayor and City Council desire to have a fully staffed WCSO to provide essential policing services such as patrol, school resource officer coverage, staffing of the jail, and other critical functions. To this end, the Mayor and City Council offer their support for increasing wages to be comparable to law enforcement agencies.

Sincerely,

Mayor Vanderwood

Councilmember Call

Councilmember Dixon

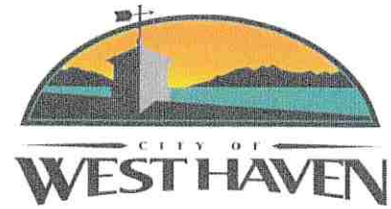
Councilmember Morse

Councilmember Saunders

Councilmember Swapp

STAFF REPORT

TO: Mayor, City Council, and Shawn Warnke, City Manager
FROM: Ed Mignone, City Engineer
DATE: September 23, 2024
SUBJECT: Recommendation to Enter into Reimbursement Agreement
Ivory Homes
Fairhaven Subdivision
Storm Sewer Improvements



Background

Fairhaven subdivision received final approval and completed Phases 1 and 2 that required the installation of stormwater retention basin. Upon completion, it became apparent that the pond was not functioning in accordance with its design. Ivory Homes undertook additional soils investigations and found that the design infiltration rate was far lower than test results indicated during the design stage. Depth to groundwater had also risen to a point that would impair the functionality of the pond.

At the time of the original approval, Ivory dedicated a drainage easement for the detention pond (i.e., ownership, maintenance, and operation) and later amended the subdivision plat to transfer that property to the City. The City indicated to Ivory Homes that the City would not accept the infrastructure until it was a permanently long-term operational facility.

When the status of the retention pond was still under review, representatives of Hooper Irrigation Company expressed concerns about the proximity of the pond to the Hooper Canal and the potential for pond overflow which they contended would detrimentally impact irrigation water quality.

Working with the City and Hooper Irrigation, Ivory Homes ultimately presented a significantly modified stormwater management design. The pond would be modified to be a detention facility, and the discharge would be conveyed by the installation of new storm sewer running southerly, parallel to the Hooper Canal, and discharge into the existing slough. The pond has been designed in compliance with State and City standards (sized for 100-year storm and a maximum discharge rate of 0.2 cfs/acre) including a level of treatment to remove solids and potential floatable to comply with Low Impact Design requirements.

The proposed project creates an opportunity for the City to provide excess capacity in the storm sewer to accommodate expected development to the north/north-west of the Fairhaven subdivision. There is a significant area of undeveloped land that fronts the slough/Hooper Canal and currently sheets run-off. The City's expectation would be that any future developer would be required to dedicate a drainage easement along the western property line and install storm sewer that would connect to what Ivory Homes would install for Fairhaven. Based on maintaining the current maximum release rates, there would be no significant changes from future development.

To accommodate the flows released from the Fairhaven detention pond would require the installation of

MEMO

Mayor, City Council, and Shawn Warnke, City Manager

Re: Recommendation to Enter into Reimbursement Agreement

Ivory Homes

Fairhaven Subdivision

Storm Sewer Improvements

Page 2 of 2

eighteen (18") inch diameter pipe which could be upsized twenty-four (24") inch diameter to increase capacity for the City flow.

Ivory Homes is amenable to providing excess future capacity for the City but asked the City consider cost-sharing for the increase in pipe size and cost increase in required fill material.

Discussion

Staff and the Developer's engineer worked to finalize the design of the proposed improvements and gave final approval to the civil/development plans for the storm sewer improvements with or without upsizing. The scope of improvements is shown on the attached plan and includes a construction cost estimate.

The proposed pipe will be contained within what is Hooper Irrigations prescribed canal easement that is part of both properties owned by Ivory Homes and the Weber County School District. Hooper Irrigation is in favor of the proposed project and has no objection to the City having separate overlapping easement rights. The Hooper Irrigation Board gave their approval/concurrence at their August 2024 meeting. Attached is a letter from Hooper Irrigation attesting to the approval.

The City has previously secured an easement from the Weber County School District for the West Haven Special Service District for the installation of sanitary sewer in the same general area. The District will modify the easement to grant the City overlapping drainage easement rights.

Although the cost share will ultimately be based on final invoiced costs, it is estimated that the City's cost share will be approximately \$16,000. City personnel will be in full coordination with the Developer's contractor and conduct requisite site visits and inspections; it is expected the Hooper Irrigation will also conduct independent construction observation.

The funding for this project is expected to be drawn from the City's stormwater impact fees.

Recommended Action

Staff recommends that the City enter into a reimbursement agreement with Ivory Homes for the upsizing and expansion of the stormwater system to be constructed for the Fairhaven subdivision. This project will result in improving the City's overall stormwater infrastructure and accommodate expected future development upstream of Fairhaven.

EJM/ejm

Attachment Correspondence from Hooper Irrigation to WHC re: Fairhaven Phase 4 plan approval

Plan showing scope and estimated cost of Improvements to be made under the reimbursement agreement



PO Box 184 5375 S 5500 W Hooper, Utah 84315	Phone: (801)985-8429 Fax: (801)985-3556 hooperirrigationco@msn.com
---	--

August 28th, 2024

West Haven City
4150 South 3900 West
West Haven, Utah 84401

RE: Fairhaven Phase 4

Hooper Irrigation approves of the final design plans for the development, Fairhaven Phase 4, to be completed by Ivory Homes. The plans have been reviewed and approved by Chris Thomsen with JUB Engineers for Hooper Irrigation. Additional approval by the Hooper Irrigation Board of Directors and possible additional requirements will be needed before construction of a trail in the Hooper Irrigation Easement.

If you have questions, please call 801-985-8429.

Sincerely,

Michelle Pinkston
Office Manager
Board Secretary

Edward Mignone

From: Chris Thomsen <cthomsen@jub.com>
Sent: Wednesday, September 11, 2024 1:42 PM
To: Edward Mignone
Subject: Fwd: Phase 4 Approval Letter
Attachments: Fairhaven Phase 4 approval letter August 2024.pdf

[External Email – Use Caution]

See email and attachment.

Get [Outlook for iOS](#)

From: Michelle Pinkston <hooperirrigationco@msn.com>
Sent: Wednesday, August 28, 2024 3:24:52 PM
To: gregt@ivorydevelopment.com <gregt@ivorydevelopment.com>
Cc: Chris Thomsen <cthomsen@jub.com>; Rex Hancock <hankfarm@yahoo.com>
Subject: [EXTERNAL] Phase 4 Approval Letter

External Email - This Message originated from outside J-U-B ENGINEERS, Inc.

Greg,

I have attached the letter for approval of Fairhaven Ph 4. If you need anything additional, please let me know.

Michelle Pinkston
Hooper Irrigation Co
(801)985-8429
hooperirrigationco@msn.com

Disclaimer

Note: This e-mail and any attachments involving J-U-B or a subsidiary business may contain information that is confidential and/or proprietary. Prior to use, you agree to the provisions found on the Electronic Documents/Data License, which can be accessed from the footer on the J-U-B home page. If you believe you received this email in error, please reply to that effect and then delete all copies.

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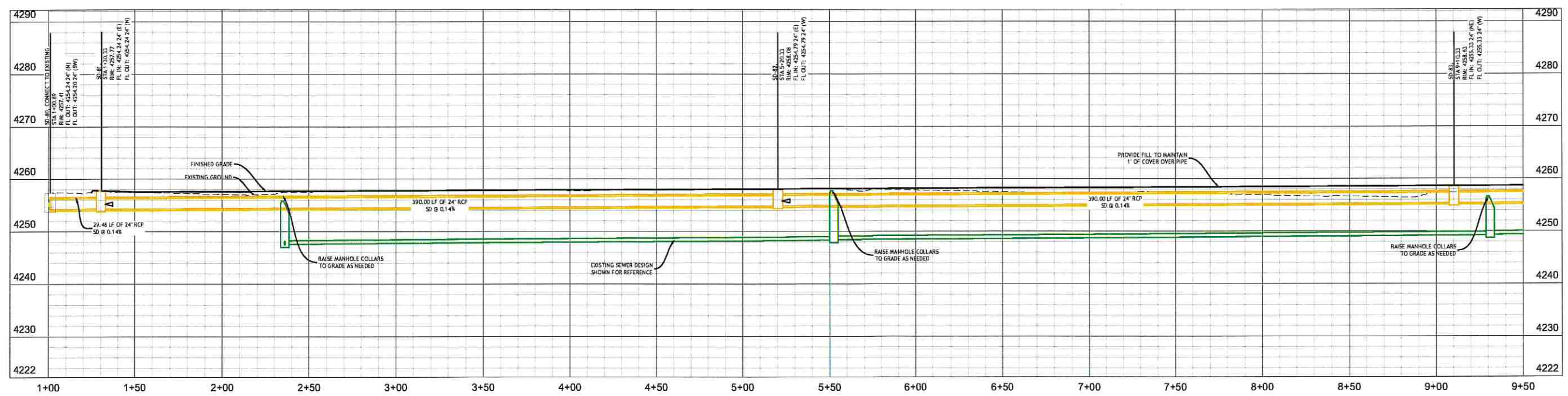
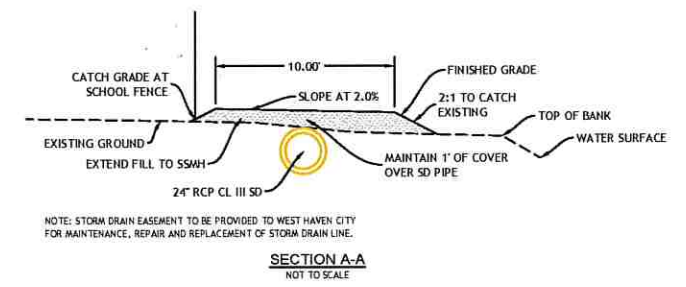
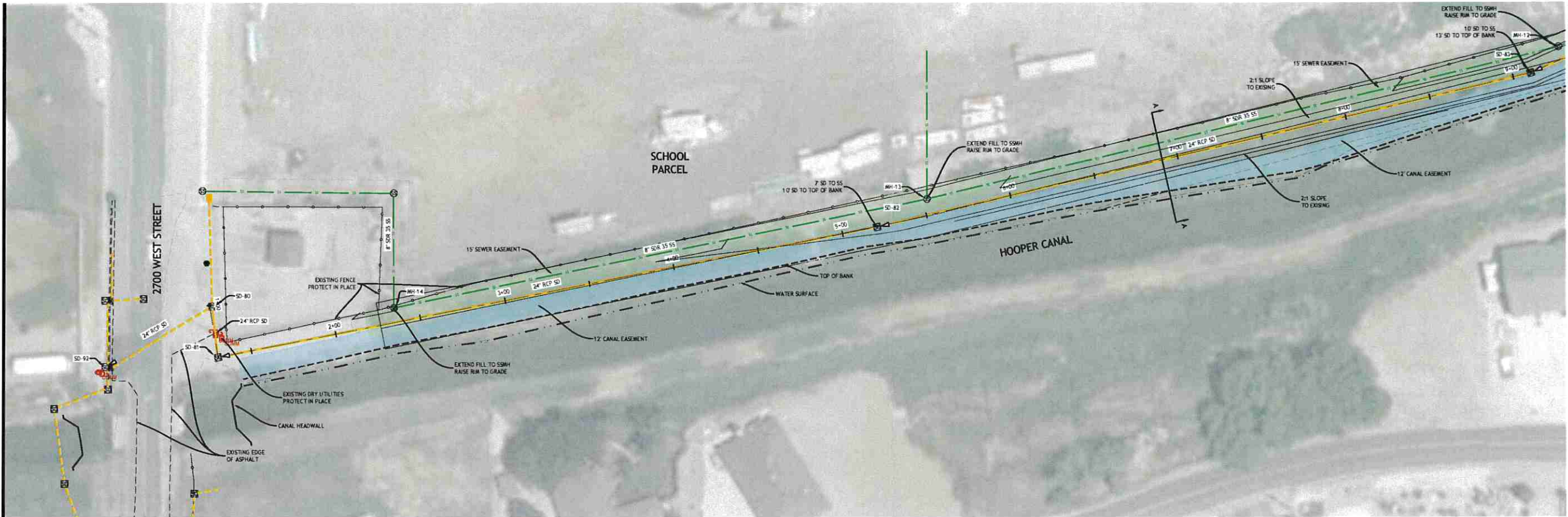
*Celebrating 70 years of
helping each other create
better communities!*

Fairhaven SD Outfall

Engineer's Opinion of Probable Cost

7/19/24

DESCRIPTION	QTY	UNIT	UNIT RATE		TOTAL COST
Option 1 - 18" Storm Drain Pipe					
Connect to Existing	1	EA	\$ 3,500.00	\$	3,500.00
15" Storm Drain	1,400	LF	\$ 53.00	\$	74,200.00
Cleanout Box	5	EA	\$ 3,850.00	\$	19,250.00
Trench Import	830	CY	\$ 14.00	\$	11,620.00
Site Fill (6 inches less x 20' x 1,300')	1,484	CY	\$ 14.00	\$	20,769.26
Option 1 - 18" Storm Drain Pipe Sub-Total:					<u>\$ 108,570.00</u>
Option 2 - 24" Storm Drain Pipe					
Connect to Existing	1	EA	\$ 3,500.00	\$	3,500.00
18" Storm Drain	40	LF	\$ 53.00	\$	2,120.00
24" Storm Drain	1,360	LF	\$ 67.00	\$	91,120.00
Cleanout Box	5	EA	\$ 3,850.00	\$	19,250.00
Trench Import	830	CY	\$ 14.00	\$	11,620.00
Site Fill (from Autocad)	1,965	CY	\$ 14.00	\$	27,510.00
Option 2 - 24" Storm Drain Pipe Sub-Total:					<u>\$ 127,610.00</u>



EDM Partners
2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com

North Arrow
SCALE: 1" = 30'
0 15 30 60 90

OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000

IVORY HOMES
Utah's Number One Homebuilder

- NOTES:**
- This drawing is considered preliminary unless affixed with a municipal approval or accompanied by a separate approval document.
 - All sanitary sewer improvements shall conform with the standards and specifications of West Haven Special Service District.
 - All culinary water improvements shall conform with the standards and specifications of Bona Vista Water Improvement District.
 - All secondary water improvements shall conform with the standards and specifications of Weber Basin Water Conservancy District.
 - All improvements in the public right of way shall conform with the standards and specifications of West Haven City.
 - All private improvements shall conform to APWA standards and specifications.
 - Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.

VERTICAL SCALE: 1" = 10'
0 5 10 20 30



Fairhaven Offsite Storm Drain

Plan and Profile

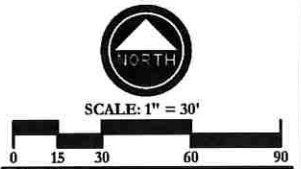
PROJECT:	
DRAWN BY:	NMM
REVIEWED BY:	PMD
REVISIONS:	
No. DATE	REMARKS

DATE: July 19, 2024
SHEET NUMBER:

PP-1



2815 East 3300 South, Salt Lake City, UT 84109
(801) 305-4670 www.edmpartners.com



OWNER:
Ivory Development
978 East Woodoak Lane
Salt Lake City, UT 84117
801-747-7000



- NOTES:
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 6. All private improvements shall conform to APWA standards and specifications.
 7. Contractor to field locate and verify the horizontal and vertical location of all utilities prior to beginning work.



Fairhaven Offsite Storm Drain

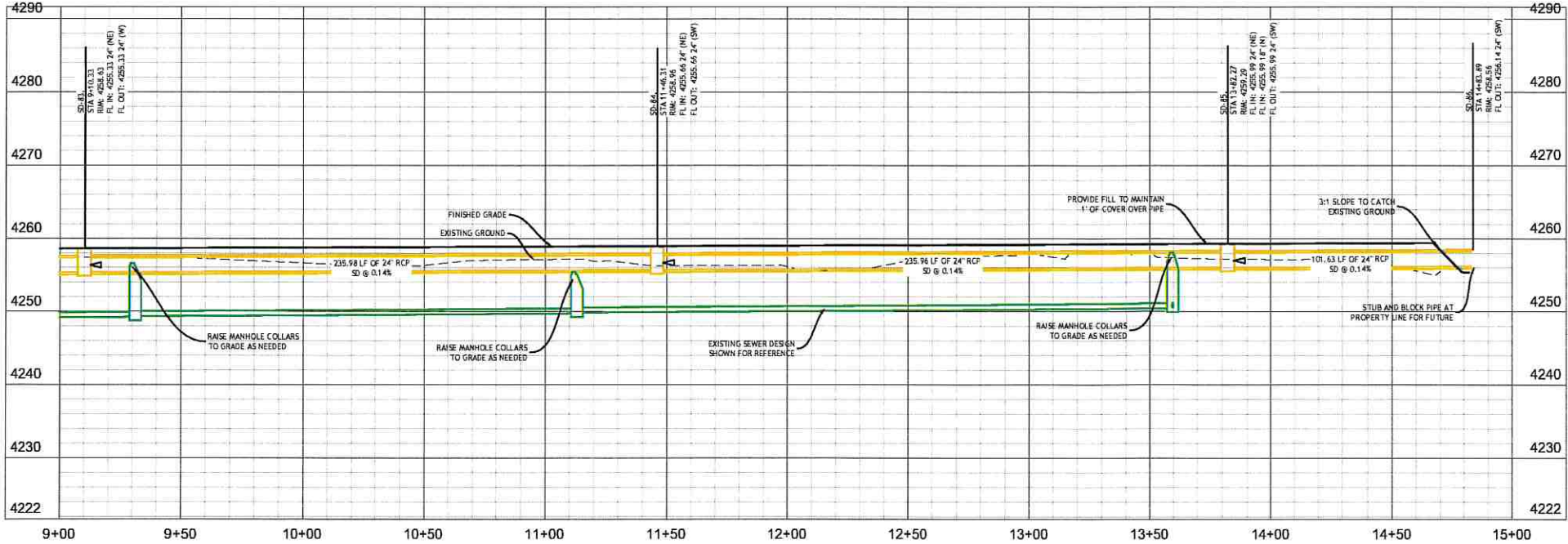
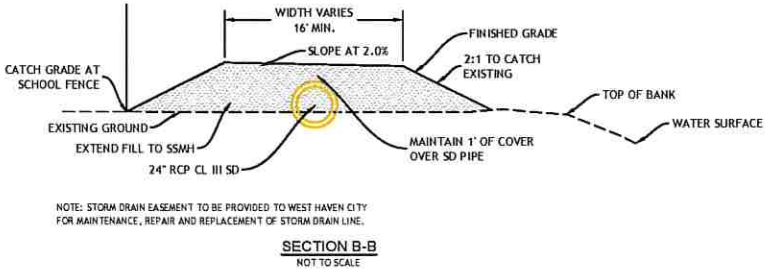
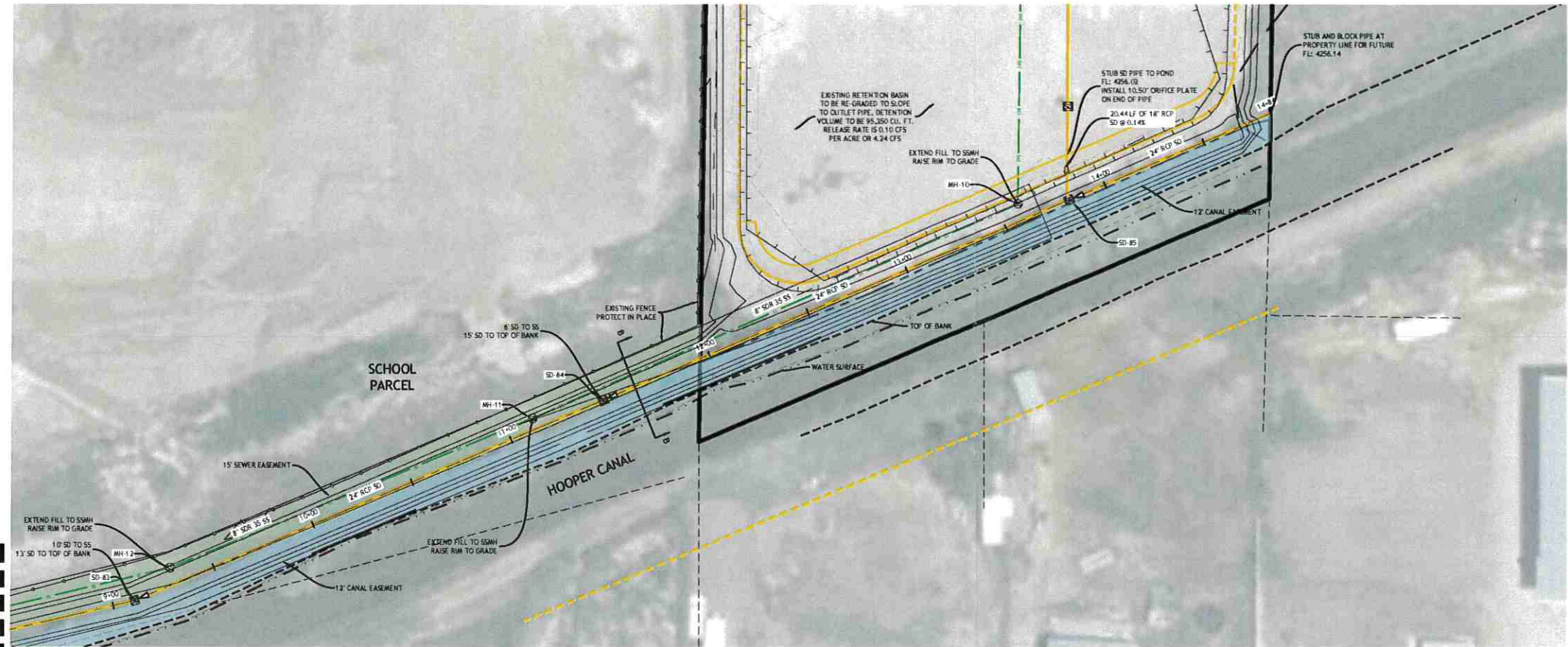
Plan and Profile

PROJECT:
DRAWN BY: NMM
REVIEWED BY: PMD
REVISIONS:
No. DATE REMARKS

DATE: July 19, 2024

SHEET NUMBER:
PP-2

MATCH LINE
SEE PP-1



Resolution No. 40-2024

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE
REIMBURSEMENT AGREEMENT WITH IVORY HOMES DEVELOPMENT, LLC;
AUTHORIZING THE CITY MAYOR TO SIGN THIS RESOLUTION; AUTHORIZING
THE CITY MANAGER TO SIGN THE REIMBURSEMENT AGREEMENT 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, the City and Ivory Homes Development, LLC, ("Developer"), have had discussions regarding upgrading some of the Fairhaven Subdivision facilities regarding the storm water system to benefit the City's facilities and future growth; and

WHEREAS, City and Developer have negotiated regarding the upgrades and what each party should pay for and have outlined those items in a Reimbursement Agreement; and

WHEREAS, the City feels that adopting this Reimbursement Agreement will best serve the citizens of the City, and now desires to adopt this agreement that is 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:

SECTION II.

1. That the Reimbursement Agreement regarding Fairhaven Subdivision between West Haven City and the Developer, 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 Reimbursement Agreement, including signing the agreement itself and any other related documents.
3. That the Mayor is authorized to sign this Resolution adopting both documents.

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 2nd day of October 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 2nd day of October 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 _____

ATTACHMENT “A”

RESOLUTION 40-2024
REIMBURSEMENT AGREEMENT BETWEEN IVORY HOME DEVELOPMENT, LLC, AND
WEST HAVEN CITY

DRAFT

REIMBURSEMENT AGREEMENT

THIS REIMBURSEMENT AGREEMENT (the "**Agreement**") is entered into and effective as of date signed by both parties and is made by and between the CITY OF WEST HAVEN, a municipal corporation and political subdivision of the State of Utah ("**City**") and IVORY DEVELOPMENT, LLC, a Utah limited liability company ("**Developer**"). The City and Developer are referred to herein individually as "party," and collectively as "parties."

RECITALS

A. Whereas, Developer is the developer of certain real property located in Weber County, within the City's municipal limits, and is more particularly described on Exhibit A attached hereto and incorporated herein by reference ("**Developer Property**"); and

B. Whereas, in connection with the development of the Developer Property as a residential subdivision ("**Project**") and as a condition of approval from the City for Developer's construction activities within the Project, Developer is willing to construct and install certain infrastructure, including public infrastructure; and

C. Whereas, the City has determined that some of the public infrastructure constitutes "system improvements" as that term is used in the Utah Impact Fees Act, Utah Code § 11-36a-101, et seq. (such infrastructure, as defined below, the "**System Improvements**"); and

D. Whereas, Developer desires reimbursement for the cost of materials, installation, and construction of the System Improvements and the City is willing to reimburse Developer for the same; and

E. Whereas, reimbursements are authorized by the West Haven Municipal Code (the "**City Code**"), for the purpose of implementing the policies stated therein; and

NOW, THEREFORE, the City and Developer, for and in consideration of the promises set forth in this Agreement and other good and valuable consideration, the receipt of which is hereby acknowledged, hereby agree as follows:

AGREEMENT

1. Incorporation of Recitals and Exhibits. The above Recitals and Exhibits attached hereto and referenced herein are hereby incorporated into this Agreement.

2. Scope of Improvements. Developer has submitted, construction drawings showing infrastructure within the Project (collectively, the "**Plans**") to the City for review. An 18" (eighteen inch) pipe would have sufficient compacity to serve Fairhaven project. An upsizing to a 24" (twenty-four inch) pipe would help serve the needs for future development within the City to the east of Fairhaven. The Developer has submitted a letter from Hooper Irrigation to work within their easement. Thus, the scope the System Improvements which are covered by this Agreement, and the cost of which is reimbursable, include only the following:

2.1. West Line. The System Improvements include an upsized storm line extending from the storm drain box or catch basin labeled "SD-85" on the Plans and continuing west along the Hooper Canal to SD-81. The storm drain will also extend west

of SD-85 approximately 34 (thirty-four) feet to the property line for future development. (such line being referred to as the "**Fairhaven Offsite Storm Drain**"). A visual reference to the "Fairhaven Offsite Storm Drain" is included within **Exhibit C**.

3. Development Obligations. Upon receipt of construction permits or approvals from the City, Developer shall promptly design, construct and install the System Improvements in accordance with the City Code and all other applicable laws, ordinances, and building or construction codes (collectively, "**Applicable Law**").

3.1. Bonding. If required under Applicable Law, Developer will post any performance and warranty assurances, or development assurances required to be delivered to the City in connection with construction of the System Improvements.

3.2. Acceptance and Ownership. Following completion of the System Improvements, the City will inspect and accept dedication of the System Improvements, if built and installed according to the approved plans, and subject to a one (1) year warranty period. The System Improvements will thereafter be owned, maintained, replaced, and repaired by the City.

3.3. Location. The System Improvements will be constructed within a municipal utility easement ("**MUE**") shown on the final plat for the Project. The City will have perpetual access to the System Improvements for purposes of maintenance, repair, and replacement.

4. Reimbursement Obligations by the City for the Improvements. The City shall reimburse Developer for the cost of the System Improvements ("**Reimbursement Amount**"). A breakdown of the current estimated Reimbursement Amount is included as **Exhibit B** attached hereto and incorporated herein by reference. Notwithstanding the foregoing, in the event of a conflict between **Exhibit B** and the actual cost of constructing the System Improvements, as demonstrated by receipts, invoices, bills, or other evidence of cost, the actual amounts will control. The Reimbursement Amount includes the cost of the following:

4.1. Fairhaven Storm Dain Improvements.

4.2. West Storm Drain Line. The cost of upsizing the West Storm Drain Line is reimbursable and included in the Reimbursement Amount. Such costs, as further detailed on **Exhibit B**, include: the difference between 18" (eighteen-inch) pipe and 24" (twenty-four-inch) pipe for 1,121 (one thousand one hundred twenty-one) linear feet of reinforced concrete storm drainpipe. The current estimated cost of upsizing is \$15,673.72 (fifteen thousand six hundred seventy-three dollars and seventy-two cents).

5. Process for Reimbursement. The following provisions will apply to the City's obligation to pay the Reimbursement Amount:

5.1. Reimbursement Request. Developer may request reimbursement for any portion of the System Improvements which are completed and accepted by the City, with such acceptance not to be unreasonably withheld, conditioned, or delayed. Prior to the City's payment of any portion of the Reimbursement Amount, Developer shall submit to

the City a written request for payment ("**Payment Request**") detailing and confirming the amounts paid by Developer for materials, construction, or installation of the Improvements, together with actual receipts, bills, lien releases, and invoices (as applicable) and canceled checks or other evidence of payment.

5.2. Time for Reimbursement. Reimbursement of the amounts identified in any Payment Request will be made within thirty (30) days after the City receives such Payment Request. Reimbursement payments shall be mailed to Developer at the following address, or delivered by such other method as the City and Developer agree:

Ivory Development, LLC
Attn: Greg Timothy
978 Woodoak Lane
Salt Lake City, Utah 84117
Email: gregt@ivorydevelopment.com

6. Default. Any party aggrieved by the other party's failure to perform hereunder will give written notice of the same to the other party. Thereafter the party failing to perform will have twenty (20) business days (i.e. days which are not Saturdays, Sundays, or legal holidays in the State of Utah) to cure the same. Notwithstanding the foregoing, if a failure to perform cannot reasonably be cured within such twenty (20) business days, and if a party commences a cure within such time and diligently pursues the same, the time for cure will be extended until such cure is completed. If any failure to perform hereunder is not timely cured, the aggrieved party will have all rights and remedies available at law.

7. General Provisions.

7.1. Notices. All notices, acceptances and communications between the parties hereunder will be in writing by certified U.S. mail, personal delivery, and email (if an email address is provided) and will be addressed to the parties at the addresses set forth below, unless a party gives written notice of an address change. All such notices shall be deemed to have been duly delivered five (5) days after mailing via certified U.S. mail. Notices delivered other than by mail shall be effective on the date of actual receipt. All such notices, acceptances and communications will be deemed properly given when received by the party to whom it is addressed at:

If to City:

West Haven City
Attn: Shawn Warnke
4150 South 3900 West
West Haven City, Utah 84401

If to Developer:

Ivory Development, LLC
Attn: Greg Timothy
978 Woodoak Lane
Salt Lake City, Utah 84117
Email: gregt@ivorydevelopment.com

7.2. City Conflict of Interest. No member, official, employee, consultant or

agent of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such person participate in any decision relating to this Agreement which affects such person's personal interests or the interests of any corporation, partnership or association in which such person is directly or indirectly interested.

7.3. No Personal Liability of Certain Persons. No member, official, employee, consultant or agent of the City shall be personally liable to Developer in the event of any default by the City under this Agreement.

7.4. Entire Agreement. This Agreement constitutes the entire Agreement and understanding of the parties with respect to the subject matter hereof, and supersedes all prior agreements, arrangements and understandings relating to the subject matter hereof. No representation, promise, inducement or statement of intention has been made by either of the parties that is not embodied in this Agreement.

7.5. Attorneys' Fees. If any party to this Agreement brings suit to enforce or interpret this Agreement, for damages on account of the breach of a covenant contained in this Agreement, or with respect to any other issue related to this Agreement, the prevailing party shall be entitled to recover from the other party the prevailing party's reasonable attorneys' fees and costs incurred in any such action or in any appeal from such action, in addition to the other relief to which the prevailing party is entitled.

7.6. Modification. A modification of, or amendment to, any provision contained in this Agreement shall be effective only if the modification or amendment is in writing and signed by each of the parties. Any oral representation or modification concerning this Agreement shall be of no force or effect.

7.7. Assignment. Developer shall have the right to assign its rights, duties and obligations under this Agreement to an affiliate or successor of Developer. This Agreement shall be binding on the parties' successors or assigns.

7.8. Authority. The individuals executing this Agreement represent and warrant that they have the power and authority to do so and to bind the entities for which they are executing this Agreement.

7.9. Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Utah. Unless otherwise provided, references in this Agreement to Sections are to Sections in this Agreement. This Agreement shall be construed according to its fair meaning and not strictly for or against the City or Developer, as if each of the parties collectively had prepared it.

7.10. Construction. The captions and headings contained herein are for convenience of reference only and shall not in any way affect the meaning or interpretation of this Agreement. Notwithstanding any rule of construction to the contrary, any ambiguity or uncertainty in this Agreement shall not be construed against any of the parties hereto based upon authorship of any of the provisions hereof.

7.11. Counterparts. This Agreement may be executed in any number of duplicate

originals or counterparts, each of which when so executed shall constitute in the aggregate but one and the same document.

7.12. No Third-Party Beneficiary. Except as expressly stated herein, nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies under or by reason of this Agreement on any person other than the parties and their respective successors or permitted assigns, nor is anything in this Agreement intended to relieve or discharge the obligations or liability of any third person to either of the parties, nor shall any provision hereof give any third person any right of subrogation or action over or against either of the parties.

7.13. Further Actions. The City and Developer shall execute such additional documents and take such further actions as may reasonably be required to carry out each of the provisions and the intent of this Agreement.

7.14. Severability. To the extent any provision of this Agreement shall be held, found, or deemed to be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining provisions, which shall remain in full force and effect. A court of competent jurisdiction may modify any provision of this agreement, or portion thereof, so that any such provision or portion thereof is enforced to the fullest extent permitted by applicable law.

[Signatures to follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first written above.

CITY:

CITY OF WEST HAVEN,
a Utah municipal corporation

Attest: _____
Emily Green, City Recorder

By: _____
Shawn Warnke, West Haven City Manager

DEVELOPER:

IVORY DEVELOPMENT, LLC, a Utah
limited liability company

By: _____
Name: _____
Its: _____

Exhibit A

The area is located between Mountain View Jr. High and the Hooper Canal. East of 2700 West. See Exhibit C for specifics of proposed pipe location.

DRAFT

Exhibit B

(Bids and Estimate of Reimbursement Amount)

Alpine Excavating LLC

1750 South 1900 West
West Haven, UT 84401
+18016487230
office@alpineexc.com



Estimate

ADDRESS

Ivory Homes
978 Woodoak Lane
SLC, UT 84117

SHIP TO

Fairhaven
18" Offsite Storm Drain System

ESTIMATE

1142

DATE

08/15/2024

QTY	DESCRIPTION	RATE	AMOUNT
1	Connect to Existing SD Manhole	2,500.00	2,500.00
1,384	LF 18" Storm Drain	52.00	71,968.00
425	Tons 1" Bedding Rock	23.00	9,775.00
5	60" Storm Drain Manhole	3,000.00	15,000.00
1,610	Tons 1" Coverage of A1A	15.00	24,150.00
22,144	SF Grade And Slope To 2:1	0.80	17,715.20
6	Raise Manhole Collars To Grade	2,000.00	12,000.00
1	Install Orifice Plate	2,800.00	2,800.00
20	LF 18" RCP Stub To Orifice Plate	51.05	1,021.00
1	Pond Grading	7,500.00	7,500.00
1	Saw Cutting And Asphalt Patch	1,500.00	1,500.00

SUBTOTAL 165,929.20

TAX 0.00

TOTAL **\$165,929.20**

Alpine Excavating LLC

1750 South 1900 West
West Haven, UT 84401
+18016487230
office@alpineexc.com



Estimate

ADDRESS

Ivory Homes
978 Woodoak Lane
SLC, UT 84117

SHIP TO

Fairhaven
24" Offsite Storm Drain System

ESTIMATE

1146

DATE

09/09/2024

QTY	DESCRIPTION	RATE	AMOUNT
1	Connect to Existing SD Manhole	2,500.00	2,500.00
1,384	LF 24" Storm Drain	63.08	87,302.72
425	Tons 1" Bedding Rock	23.00	9,775.00
5	60" Storm Drain Manhole	3,000.00	15,000.00
1,610	Tons 12" Coverage of A1A	15.00	24,150.00
22,144	SF Grade And Slope To 2:1	0.80	17,715.20
6	Raise Manhole Collars To Grade	2,000.00	12,000.00
1	Install Orifice Plate	2,800.00	2,800.00
20	LF 24" RCP Stub To Orifice Plate	68.00	1,360.00
1	Pond Grading	7,500.00	7,500.00
1	Saw Cutting And Asphalt Patch	1,500.00	1,500.00

SUBTOTAL 181,602.92

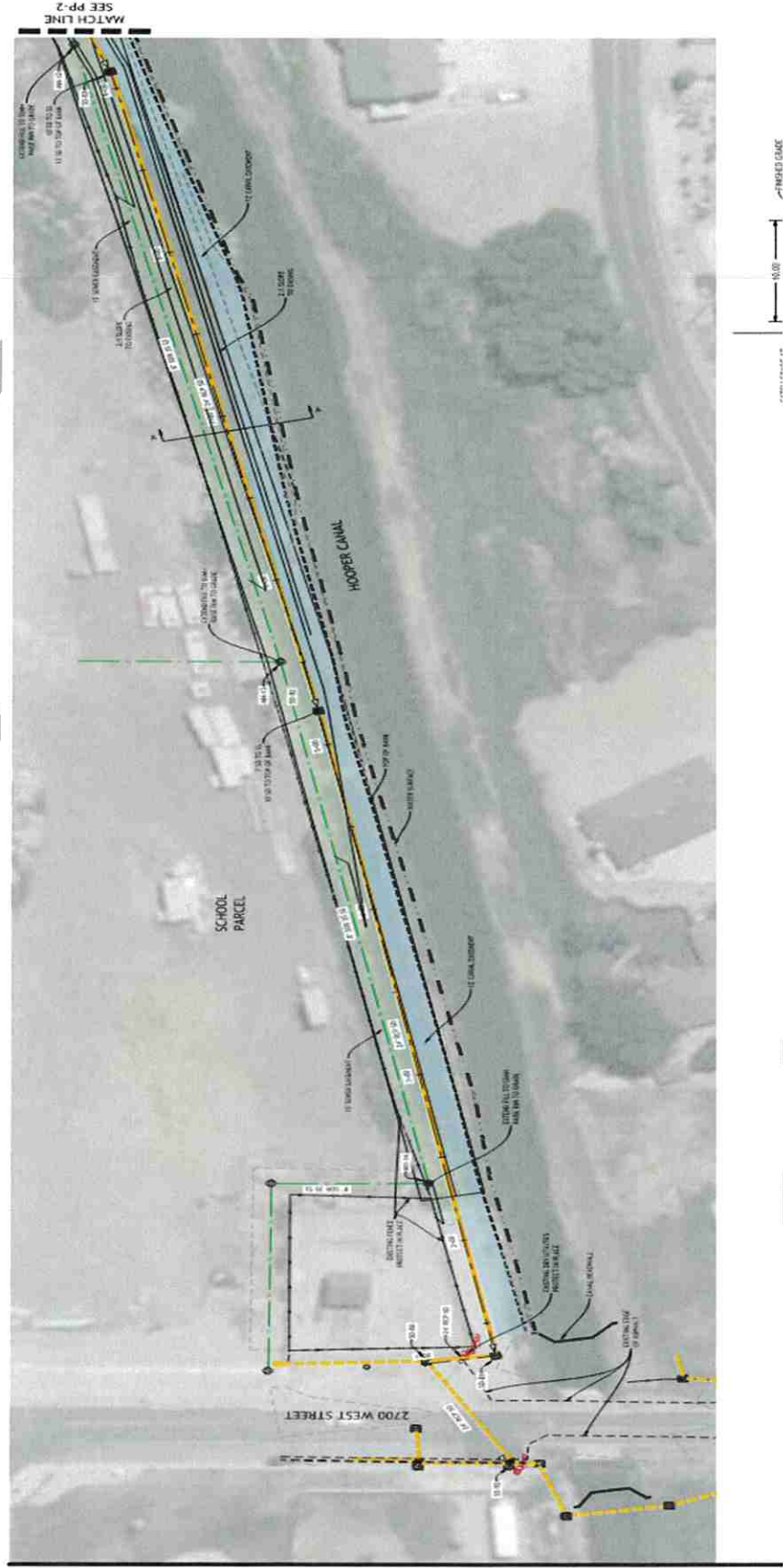
TAX 0.00

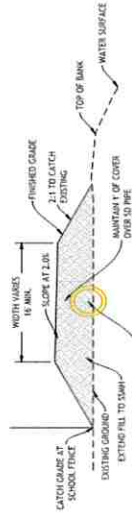
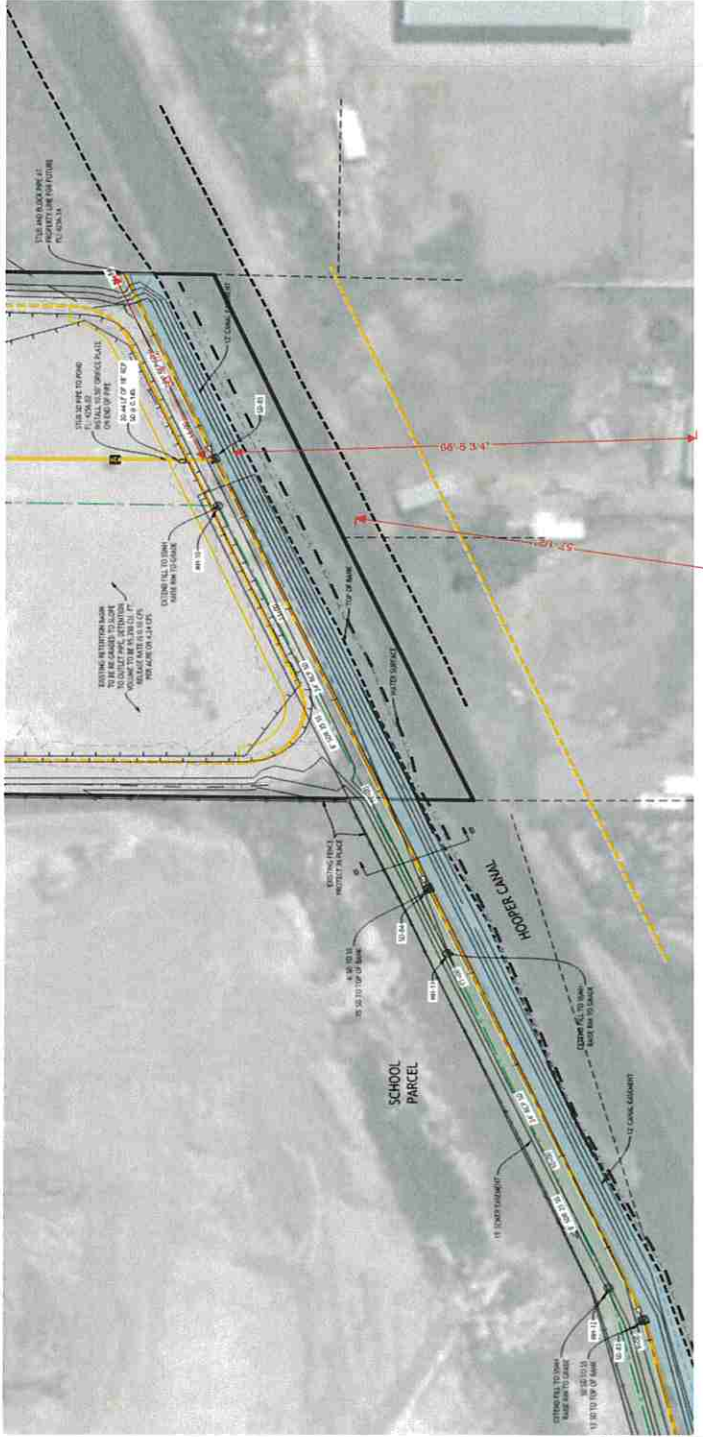
TOTAL **\$181,602.92**

<u>Cost of Upsized Storm Drain Pipe (Along Hooper Canal)</u>				
Item	Qty	Unit	Unit Price	Total
Cost of Upsize from 18" to 24"	LF	1,384	\$11.08	\$15,673.72

West Haven City would be obligated to pay the \$15,673.72 difference in the upsizing of the storm drain.

Exhibit C





NOTE: STORMWATER MANAGEMENT TO BE PROVIDED TO WEST HAVEN CITY FOR MAINTENANCE, REPAIR AND REPLACEMENT OF STORMWATER INFRASTRUCTURE.

SECTION B-B
NOT TO SCALE

STAFF REPORT

TO: Mayor and City Council
FROM: Sheri Bingham, Special Events Coordinator
DATE: September 26, 2024
SUBJECT: Ramp Grants 2025



The following staff report discusses ideas for Ramp Grants selection 2025

Background

Weber County awards grants each year in the following categories:

Major Grant - Parks and Recreation, and Arts and Museums. These grants are for \$200,000 or more.

Parks and Recreation - An entity can apply for 3 grants. These grants are for less than \$200,000.

Arts and Museums - An entity can apply for 3 grants. These grants are for less than \$200,000.

An entity can also apply for 3 EZ Grants for \$2,000.

Major, Arts and Museum Grant, Parks and Recreation Grants are all due January 10th, EZ are due March 21st.

Analysis

Suggested grants -

Major Grant - It has been suggested that we not apply for a major grant this year. This discussion is based on receiving a major grant in 2024 in the amount of \$222,000. There are always multiple entities that apply for major grants. If an entity has been awarded a major grant the year prior, that sometimes diminishes their chances of receiving a major grant the following year. This is not a rule, but usually occurs. The major grant received in 2024 is for infrastructure costs for Windsor Park. Making an emphasis on applying for and receiving grants in the Arts and Museums and Parks and Recreation would probably benefit the city more productively.

Note - These are estimated costs. Exact bids will be secured prior to submitting grant applications.

For maximum scoring, West Haven needs to provide 50% of the total cost of each project. These costs can include volunteer hours, equipment expenses, overtime labor of employees, and other expenses associated with each project.

Arts and Museums

West Haven Days Concert - \$25,000

Grant will include expenses for entertainment, stage rental, advertising and miscellaneous expenses.

West Haven Days Adult and Youth Rodeo - \$16,000

Grant will include expenses for Rodeo Contractor

Arts Festival - \$10,000

Grant will include expenses for entertainment, advertising and general supplies for the event.

Parks and Recreations

New playground Windsor Park - \$150,000

Grant will include the cost of Big T recreation (state approved contractor), playground. This will include all materials and installation of the playground.

R. Kenneth Baldwin Country Park Bleachers-\$195,000

Grant will include the cost of the bleachers and installation.

Family Pavilion Prevedel Park - \$130,000

Grant will include the cost of construction, delivery and installation of the pavilion

.

Options

City Council vote on grant options

City Council table discussion to suggest other ideas

City Council prepares grant ideas for the next meeting.

Resolution No. 41-2024

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING THE CITY MANAGER TO
SUBMIT GRANT APPLICATIONS FOR RAMP FUNDING; AUTHORIZING THE CITY
MAYOR TO SIGN THIS RESOLUTION AND FOR THE CITY MANAGER TO SIGN
THE GRANT APPLICATIONS AND ANY OTHER DOCUMENTS 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 applying for grants; and

WHEREAS, Weber County makes grant money available through RAMP for community betterment; and

WHEREAS, the City has applied for and successfully received RAMP grants in the past and has used those grant monies for the betterment of the City; and

WHEREAS the City Council now desires to authorize the City Manager to submit grant applications to apply for RAMP funding from Weber County; 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. :

1. That the City Council has reviewed proposals for grant applications for RAMP funding through Weber County; The Council approves the following projects for grant submission bleachers at R. Kenneth Baldwin Country Park, West Haven Days Concert, West Haven Days Adult and Youth Rodeo, Arts Festival, Windsor Park Playground, and Prevedel Park Family Pavilion; and hereby authorizes the City Manager to submit those grant applications.
2. That the City Manager is authorized to sign any and all documents necessary to affect these grant applications, including signing the grant applications themselves.
3. That the Mayor is authorized to sign this Resolution.

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 2nd day of October 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 2nd day of October 2024.

WEST HAVEN CITY

Mayor Rob Vanderwood

ATTEST:

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 _____

STAFF REPORT

TO: Mayor and City Council
FROM: Shawn Warnke, City Manager
DATE: October 2, 2024
SUBJECT: Sidewalk Inventory and Additional Funding Resources



Included in this memo are possible new funding sources that can be used for any general governmental service, including roads and pedestrian improvements. I have also included existing funding sources that can be used for the same purpose. Another possible source for transportation impact fees for portions of the road network is System Improvements. I anticipate that the corridor on the attached map are impact fee eligible transportation corridor.

POSSIBLE NEW FUNDING SOURCES

Municipal Energy Tax. Utah Code allows cities to enact a municipal energy tax on electric and natural gas utilities to raise revenue for general governmental purposes. The utility tax rate is 6% of the customer's monthly charges electric and natural gas bills. This tax shall be in addition to any local option sales and use tax imposed by the city, as provided in UCA Title 59, Chapter 12, Part 2, the Local Sales and Use Tax Act. The Municipal Energy Tax change is based on energy use and utility rates, and while it is a stable source of revenue, there is some variability from year to year.

As stated in UCA 10-1-302 Municipal Energy Sales and Use Tax Act, the State Legislature's purpose and intent of this tax is to allow municipalities to raise general fund revenues by collecting franchise and business license revenues from the energy industry and that a municipal energy tax provides a stable revenue source for municipalities.

On May 20, 1998, the West Haven City Council adopted Ordinance No. 14-1998, enacting a tax on every sale or use of taxable energy within the City equaling 6% of the value of the taxable energy delivered to the consumer, which is known as the municipal energy sales and use tax (See the appendix for a copy of this Ordinance 14-1998). This ordinance has been reaffirmed with the recodification of the West Haven Code and appears in § 33.072 Municipal Energy Sales and Use Tax. Though the tax was legislatively enacted, the tax has not been collected in what appears to be an administrative error. In visiting with the City Attorney, it appears that this ordinance is still valid. The remaining administrative steps to implement Ordinance No. 14-1998 will take 60-90 days to complete the administrative steps to finalize the enactment of this ordinance.

To understand the amount of Municipal Energy Tax that could be generated, City staff contacted Kirk Nigro, Rocky Mountain Power's Regional Business Manager, who informed the City that Rocky Mountain Power's billable revenue from July 1, 2022, to June 30, 2023, was approximately \$11.3 million. As such, the levied municipal energy tax of 6% is anticipated to generate approximately \$678,000 in general governmental revenue.

City staff contacted Brad Simons, Dominion Energy Gas Development Services Consultant, who informed the City that Dominion Energy's Billable Revenue in West Haven City from July 1, 2022, to June 30, 2023, was \$8,825,821. As such, the levied municipal energy tax of 6% will generate approximately \$529,549 in general governmental revenue. Dominion Energy may likely be reducing rates towards the end of 2024. That, of course, could reduce revenue.

In total, it is anticipated that the municipal energy tax will provide West Haven City with \$1,207,549 in FY

2025.

General Property Tax. As described in further detail in 10-31-100 General Property Tax, of Section 10-General Fund of this memo, the City is proposing a property tax increase. Utah Code 59-2-919 (4) allows a city to increase the County Auditor's Certified Tax Rate to increase property tax if the City follows a procedural process in Utah Code commonly called Truth in Taxation. The Truth in Taxation provides public notices and a public hearing before the City's combined Proposed Tax Rate can be enacted.

The property tax system is "revenue driven," only allowing cities to receive the same revenue as it did for the last fiscal year, plus any revenue associated with growth in a city's tax base (for which the City is required to provide services). The only opportunity for the City to keep pace with inflation is to increase the tax rate to provide more revenue than it received last year through the public hearing process called the "truth in taxation."

Out of the 255 cities and towns in Utah, only five cities did not charge property tax in 2023, which included:

- Town of Brighton (Resort City- Salt Lake County)
- Riverton City (Traditional City- Salt Lake County)
- Moab City (Resort City Grand County)
- West Haven City (Traditional City- Weber County)
- Marriott-Slaterville City (Traditional City- Weber County)

Info was provided by Jared Rezendes, Property & Misc. Tax Division- Tax Rates, Research Consultant II

Taxable Property Values for Tax Year 2023

	West Haven	Ogden	Roy	North Ogden
Real Property	\$2,542,835,804	\$8,148,770,861	\$2,952,368,856	\$2,157,331,775
Centrally Assessed	\$36,435,002	\$144,744,426	\$50,380,097	\$17,426,245
Personal Property	\$59,768,515	\$914,905,944	\$58,655,417	\$11,301,033
TOTAL	\$2,639,039,321	\$9,208,421,231	\$3,061,404,370	\$2,186,059,053

Taxrates.utah.gov (Under the "View" tab, select "Rate Detail", then select the desired taxing entity)

Tax Rate Comparison	Tax Rate	Generated Taxes
Average Tax Rate in Utah	0.001132	\$2,987,392.51
Lowest Tax Rate for a City in Weber Co.	0.000245	\$646,564.63
Avg. Tax Rate for Cities in Weber Co.	0.001146	\$3,024,339.06
Highest Tax Rate for City in Weber Co.	0.0025	\$6,597,598.30
Lowest Tax Rate that WHC could adopt	0.000001	\$2,639.04
Highest Tax Rate that WHC could adopt	0.007	\$18,473,275.25

Information was provided by Jared Rezendes, Property & Misc. Tax Division- Tax Rates, Research Consultant II

- Administrative Determination:
 - Based upon how much money you need to generate for the budget and then you set the rate accordingly
- Political Determination:
 - Truth in Taxation in Utah Code requires cities to:
 - Post a prescribed notice that states the percentage increase
 - How much taxes will be paid on the average residential assessed value
- Why property taxes are controversial:
 - Ownership- Property owners' perception of having to pay taxes on what they own
 - Valuation- Perceived inequities in the valuation and assessment of property (hard to understand, anecdotal evidence)

- Lump Sum- Property owners must pay a lump sum amount at the end of the year

Auto in Lieu. The fee-in-lieu of personal property taxes is collected for personal property such as vehicles, boats, RVs, etc. The uniform vehicle fee replaces the property tax assessed on vehicles before 1999. The fee is based on the age of the vehicle and ranges from \$10 for a vehicle 12+ years old to \$150 for a vehicle less than three years old. Cities and towns receive a proportionate share of the fee revenue based on the property tax breakdown (i.e., if a city/town receives 13.4% of the total property tax bill, then that same city/town receives 13.4% of the uniform vehicle fee revenue collected).

EXISTING FUNDING SOURCES

Class C Road Allotments. In Utah, Class C Roads consist of all public roads, which are not Federal, State, or County roads. West Haven receives Class C Road funds derived from taxes paid on gasoline. Unlike Road Impact Fees, the Class C Road funds may be spent for maintenance or construction on any of the Class C Roads.

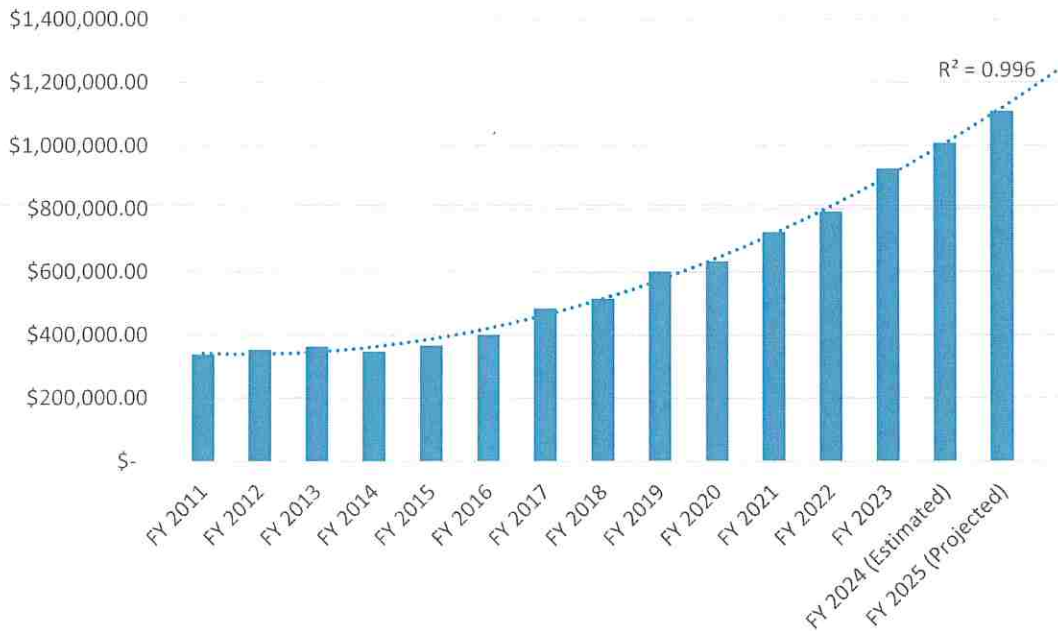
The funds in the Class C Road account are distributed to cities based on the following formula: 50 percent based on the percentage of the population of the municipality compared to the total population of the State, and 50 percent based on the Class C Road weighted mileage of the municipality compares to the total Class C Road total weighted mileage (UCA 72-2-108).

City may spend Class C road funds for the following purposes:

- to construct and maintain eligible class B or class C roads and to maintain class D roads;
- to install and maintain traffic and pedestrian safety devices, including:
 - sidewalks;
 - curb and gutter on eligible class B or class C roads and state highways;
 - traffic signals, including necessary control devices, enclosures, electrical service equipment, and support structures;
 - structures;
 - traffic signs, including associated lighting, electrical service, and mounting equipment;
 - street lighting, including necessary electrical service equipment and support structures;
 - bicycle facilities in the highway right-of-way;
- to procure, lease, or rent equipment used to construct and maintain class B or class C roads or to maintain class D roads;
- for design, engineering, or administration work directly related to road maintenance and construction of class B or C roads or to maintain class D roads;
- for future reimbursement of other funds for class B or class C road construction projects;
- to acquire highway rights of way;
- to build fencing and cattle guards associated with class B or class C roads;
- to meet match requirements for federal match funding; or
- to appropriate investment to gain value, provided net gains remain in the fund and are spent for authorized use.

In the graph below entitled "West Haven City Total Weighted Road Miles & Total Actual Road Miles." From 2011 through 2016, no change was reported in miles to UDOT; however, since 2017, the chart shows steady growth in the Total Weighted Miles, the number on which UDOT bases the distribution formula for Class C Road funds. During this same period, West Haven City experienced growth in its population, which is another component in the distribution formula of the Class C Road funds. In September of 2023, West Haven reported to the UDOT that it had a total of 79.82 miles of roads within its incorporated limits.

West Haven City Class C Road Funds



As a result of the growth in the Weighted Miles of roads reported to UDOT and the City's population growth, West Haven City has seen its revenue from Class C Road Funds grow over the recent past. The chart entitled "West Haven City Class C Road Funds" above shows the growth of the City's share of the Class C Road Funds in the recent past.

The chart also shows a dashed line, projecting the future receipt of the Class C Road Funds for FY 2025, estimated to be \$1,109,900.00. This trend line shows an R^2 value that shows how well the trend line fits the data set (regression model). More specifically, the R^2 values range from 0 to 1, with the higher number representing the better fit of the trend line to the data.

Transportation Sales Tax. In 2015, the Utah State Legislature recognized the need to provide additional funding sources to local government for transportation and enacted House Bill (HB) 262. This House Bill authorized counties to impose and voters to approve a 0.25% Transportation Infrastructure Tax funding. In 2015, Weber County imposed a 0.25% Transportation Infrastructure Tax, and the voters approved it.

HB 262 is now codified in Utah Code § 59-12-2219, which defines sales distribution and use tax revenue from the County Option Sales and Use Tax for Highways and Public Transit, including cities receiving 0.10 of the 0.25% Transportation Infrastructure Tax.

The allowed uses associated with this revenue source are enumerated in Utah Code § 59-12-2212.2. Please refer to this Code section for a comprehensive list of permitted uses. Likely allowed uses for West Haven City include the following:

- development, construction, maintenance, or operation of a class C road;
- traffic and pedestrian safety infrastructure, including: a sidewalk; curb and gutter; a safety feature; a traffic sign; a traffic signal; or street lighting; or
- an active transportation facility for non-motorized vehicles and multimodal transportation that connects an origin with a destination.

The graph below, entitled "West Haven City Transportation Sales Tax," shows steady growth in this revenue source from FY 2019 through 2023. The chart also shows a dashed line projecting the future receipt of the Sales Tax for FY 2025, which is estimated to be \$626,500.



