



## WEST HAVEN CITY COUNCIL AGENDA

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

NOTICE IS HEREBY GIVEN THAT ON **November 20, 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/UCEEQNQBTFZJWGTGOPHMCNCBA](https://www.youtube.com/channel/UCEEQNQBTFZJWGTGOPHMCNCBA).

### 6:00 PM REGULAR CITY COUNCIL MEETING

1. MEETING CALLED TO ORDER-MAYOR VANDERWOOD
2. OPENING CEREMONIES
  - A. PLEDGE OF ALLEGIANCE-COUNCILMEMBER SAUNDERS
  - B. PRAYER/MOMENT OF SILENCE-COUNCILMEMBER SWAPP
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  
Weber County Housing and Infrastructure Forum-November 21, 2024-2380 Washington Boulevard-1:00-3:00 PM  
Heart of the Holidays-December 2, 2024-6:00 PM  
Senior Lunch Bunch-December 11, 2024-11:30 AM
5. COUNCIL UPDATES

\*\*\*AGENDA ACTION ITEMS\*\*\*
6. ACTION ON CONSENT AGENDA
  - A. CITY COUNCIL MINUTES-MEETING HELD-NOVEMBER 6, 2024
  - B. NEXT CONSTRUCTION-\$109,387.28-INV#10199
  - C. STAKER PARSON COMPANIES-\$67,937.10-INV#213976-1
7. PUBLIC HEARING-FOR THE PURPOSE OF SOLICITING PUBLIC INPUT ON AMENDING AN ORDINANCE REGARDING COMMUNITY COMMITTEES, A SECTION IN THE CITY CODE REGARDING THE YOUTH COUNCIL ADVISOR
8. ACTION ON ORDINANCE 37-2024-AMENDING AN ORDINANCE REGARDING COMMUNITY COMMITTEES, A SECTION IN THE CITY CODE REGARDING THE YOUTH COUNCIL ADVISOR
9. ACTION ON RESOLUTION 48-2024-ACCEPTANCE BY THE CITY OF THE COMMUNITY CENTER IN THE GREEN FARM PROJECT
10. ACTION ON RESOLUTION 49-2024-DECLARING CERTAIN CITY PROPERTY AS SURPLUS TO ALLOW TO AUCTION OR SELL-PROPERTY AS FOLLOWS: DUMPSTER, WATER DISPENSER, EMERGENCY SERVICES RADIOS, AND TV CART
11. 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](mailto: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](http://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

November 06, 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  
City Manager – Shawn Warnke  
City Attorney – Amy Hugie  
City Recorder – Emily Green

### EXCUSED

### 6:00 PM REGULAR CITY COUNCIL MEETING

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

*City Council met for their regularly scheduled meeting held in the council chambers. Mayor Vanderwood brought the meeting to order at 6:00 pm. and welcomed those in attendance.*

#### 2. OPENING CEREMONIES

- A. PLEDGE OF ALLEGIANCE-COUNCILMEMBER DIXON
- B. PRAYER/MOMENT OF SILENCE-COUNCILMEMBER CALL

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

*No one came up at this time.*

#### 4. UPCOMING EVENTS

Weber County Housing & Infrastructure Forum-November 20, 2024-9:00 AM-Commission Chambers 2380 Washington Blvd Ogden, UT. 84401  
Heart of the Holidays-December 2, 2024-6:00 PM  
Senior Lunch Bunch Cancelled-November 27, 2024  
Senior Lunch Bunch-December 11, 2024-11:30 AM

#### 5. COUNCIL UPDATES

*Councilmember Dixon said the Pumpkin Walk was a well attended event and lots of fun. She wanted to thank the volunteers, staff, and residents who came out to attend.*

*Mayor Vanderwood highlighted that we are a Healthy Utah Community at number 8 in the state. They offer free student support. He said that Cyann Hollenbaugh from West Haven won the Junior Teen Miss Utah contest this year.*

### \*\*\*AGENDA ACTION ITEMS\*\*\*

#### 6. ACTION ON CONSENT AGENDA

- A. CITY COUNCIL MINUTES-MEETING HELD-OCTOBER 16, 2024

- B. YOUNG IN MORGAN-\$63,598.00-INV#11S2521
- C. BOWEN CONSTRUCTION-\$75,000-INV#2024-30
- D. ADVANCED PAVING AND CONSTRUCTION-\$186,439.40-INV#5158
- E. ADVANCED PAVING AND CONSTRUCTION-\$218,269.62-INV#5083
- F. C & B ASPHALT-\$132,617.20-INV#2699

Kim Dixon made a motion to approve. Ryan Saunders seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

- 7. **PUBLIC HEARING-FOR THE PURPOSE OF SOLICITING PUBLIC INPUT ON AN ORDINANCE APPROVING THE APPROPRIATION OF A PUBLIC INFRASTRUCTURE REIMBURSEMENT FOR A CITY ROAD RECONSTRUCTION AT HUNTER DRIVE**

*Rob Sant gave a presentation on the payback agreement and the reason for the public hearing.*

## PUBLIC INFRASTRUCTURE REIMBURSEMENT HUNTER DRIVE

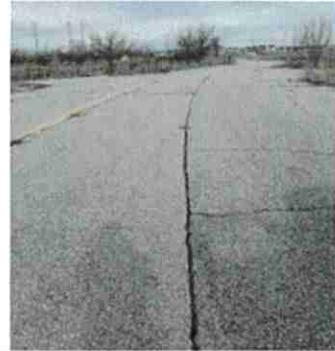
WEST HAVEN CITY, UTAH  
NOVEMBER 6, 2024



URBAN & MAIN

## HUNTER DRIVE RECONSTRUCTION

- Current Hunter Drive was constructed in 2007. Due to market constraints and other events, Hunter Drive has been unused and deteriorated to the point of failure.
- In 2023, Walmart submitted applications for site plan permit, subdivision plat amendment, and vacation of Hunter Drive to accommodate a development scenario of realigning Hunter Drive to accommodate a larger store.
- The realignment and construction of Hunter Drive has an estimated cost in excess of \$4.00M.
- Given current market conditions and the various public infrastructure costs, the development doesn't currently pencil "but-for" some sort of public assistance.
- The Developers have requested \$2.00M to help offset a portion of the Hunter Drive realignment cost.
- At build out the area will produce between \$1.00M - \$1.30M in annual City sales tax revenue.



URBAN & MAIN

## PUBLIC REIMBURSEMENT TERMS

### Walmart and Company Joint Commitments

- Construct Hunter Drive in the new alignment and submit documentation summarizing all costs and expenses

### Walmart Specific Commitments

- Walmart shall receive a Certificate of Occupancy ("CO") for a Walmart Supercenter building of at least 170,000 square feet by December 31, 2027

### Company Specific Commitments

- The Company shall construct at least 20,000 square feet of additional commercial space by December 31, 2032
- The Company shall redevelop Parcels 0805100401 and 080510163 within 10 years after Walmart receives CO.

### City Commitments

Once Walmart and Company satisfy Joint Commitment and Walmart Specific Commitment, City shall:

- Reimburse Walmart for the Hunter Drive costs, not to exceed \$2.00M. The reimbursement shall be paid by the City from 50% of the City's local option sales tax generated from the project until the \$2.00M is reached or for a period of 8 years, whichever comes first.

URBAN & MAIN

## COST/BENEFIT ANALYSIS OF PUBLIC INFRASTRUCTURE APPROPRIATION

Based on the \$2.00 Public Infrastructure Reimbursement, the Development will produce a net benefit of \$10.92M to the City over a 10-year period. This is an average annual benefit of \$1.09M. The actual economic benefit of the Development is much higher due to additional direct, indirect, and induced benefits. Positive economic impacts will be felt through business, construction, and leisure supplies purchased by the Developers, businesses, and residents. It is also likely that new demand for goods and services will be attracted to the area.

Revenue	Year 1	Year 2	Year 3	Year 4	Year 5
Sales Tax	\$900,000	\$922,500	\$945,563	\$1,104,202	\$1,131,807
Expense					
Public Infrastructure Reimbursement	(\$450,000)	(\$461,250)	(\$472,781)	(\$552,101)	(\$63,868)
Net Benefit/(Cost)	\$450,000	\$461,250	\$472,781	\$552,101	\$1,067,939

Year 6	Year 7	Year 8	Year 9	Year 10	Total
\$1,301,936	\$1,479,865	\$1,516,861	\$1,707,523	\$1,906,770	\$12,917,026
-	-	-	-	-	(\$2,000,000)
\$1,301,936	\$1,479,865	\$1,516,861	\$1,707,523	\$1,906,770	\$10,917,026

### URBAN & MAIN

Ryan Saunders made a motion Enter into Public Hearing. Nina Morse seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon
<b>NAYS:</b>	
<b>RECUSED:</b>	

Mayor Vanderwood invited the public up for comment.

No one came up at this time.

Kim Dixon made a motion Leave Public Hearing. Ryan Saunders seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

### 8. ACTION ON ORDINANCE 33-2024-AN ORDINANCE APPROVING THE APPROPRIATION OF A PUBLIC INFRASTRUCTURE REIMBURSEMENT FOR A CITY ROAD RECONSTRUCTION AT HUNTER DRIVE

Councilmember Swapp asked if the road is city owned.

Amy Hugie confirmed it is recorded on the plat as a public road.

Carrie Call made a motion to adopt ordinance 33-2024. Ryan Saunders seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	

**NAYS:**  
**RECUSED:**

9. **ACTION ON RESOLUTION 44-2024-PUBLIC INFRASTRUCTURE PARTICIPATION AGREEMENT WITH WALMART INC, AND 4100 INVESTMENTS LLC**

*Shawn Warnke said that he coordinated with the State of Utah to formalize this agreement.*

*Mayor Vanderwood noted the addition of two commas in the enacting document.*

*Councilmember Call noted a mistake on section 4 of the agreements second paragraph first line needs to say "While the Parties believe and have consulted with GOEO that this Agreement does not qualify as a "Retail Facility Incentive Payment," and thus allowed by Utah law, Walmart and the Company accept and understand that if Utah Law is amended or superseded by new law that revises the definition of a "Retail Facility Incentive Payment" which prohibits the Public Infrastructure Reimbursement Payment as contemplated herin, the City's obligation to pay the Public Infrastructure Reimbursement Payment to the Company and Walmart shall end as of such date."*

Ryan Swapp made a motion to adopt resolution 44-2024 with the changes as noted. Kim Dixon seconded the motion.

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

10. **PUBLIC HEARING-FOR THE PURPOSE OF SOLICITING PUBLIC INPUT ON AN ORDINANCE AMENDING SECTIONS IN THE CITY CODE REGARDING ADDING AN APPOINTED POSITION OF FINANCE DIRECTOR**

*Shawn Warnke went over the changes made in the ordinance draft to meet state code.*

Ryan Swapp made a motion Enter into Public Hearing. Ryan Saunders seconded the motion.

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

*Mayor Vanderwood invited the public up for comment.*

*No one came up at this time.*

Ryan Swapp made a motion Leave Public Hearing. Carrie Call seconded the motion.

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

11. **ACTION ON ORDINANCE 34-2024-AN ORDINANCE AMENDING SECTIONS IN THE CITY CODE REGARDING ADDING AN APPOINTED POSITION OF FINANCE DIRECTOR**

Ryan Swapp made a motion to adopt ordinance 34-2024. Ryan Saunders seconded the motion.

	<p><b>AYES:</b> Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp</p> <p><b>NAYS:</b></p> <p><b>RECUSED:</b></p>
<b>ACTION ON RESOLUTION 45-2024-AGREEMENT BETWEEN WEST HAVEN CITY AND CHILD RICHARDS CPAS &amp; ADVISORS AND APPOINTMENT OF FINANCE DIRECTOR SUBMITTED BY MAYOR VANDERWOOD</b>	

Kim Dixon made a motion to adopt resolution 45-2024. **Nina Morse** seconded the motion.

	<p><b>AYES:</b> Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp</p> <p><b>NAYS:</b></p> <p><b>RECUSED:</b></p>
--	--

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

A. **ACTION ON ORDINANCE 36-2024-ROAD VACATION OF HUNTER DRIVE-APPROX. 4275 S MIDLAND DRIVE (PARCEL #084750025, 084750010, AND 084750011)-WALMART INC./GALLOWAY & COMPANY**

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

	<p><b>AYES:</b> Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp</p> <p><b>NAYS:</b></p> <p><b>RECUSED:</b></p>
--	--

B. **PRELIMINARY SITE PLAN APPROVAL-4275 S MIDLAND DRIVE (PARCEL# 084750025, 084750010, AND 084750011)-RETAIL STORE AND FUEL CENTER-WALMART INC./GALLOWAY & COMPANY**

*Councilmember Swapp asked what the use is for the future 27,000 square feet.*

*Sid Biddle said it is part of a future plan to build out for online grocery pick up and delivery.*

*Brandon Alley said it will not be used for future retail space.*

Kim Dixon made a motion to approve. **Ryan Saunders** seconded the motion.

	<p><b>AYES:</b> Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp</p> <p><b>NAYS:</b></p> <p><b>RECUSED:</b></p>
--	--

14. **ACTION ON RESOLUTION 46-2024-AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOOPER AND THE CITY OF WEST HAVEN REGARDING 5100 WEST**

Shawn Warnke said the amendment will address safety enhancements.

Ryan Swapp made a motion to adopt resolution 46-2024. **Nina Morse** seconded the motion.

	<p><b>AYES:</b> Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp</p> <p><b>NAYS:</b></p> <p><b>RECUSED:</b></p>
--	--

15. **ACTION ON RESOLUTION 47-2024-AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE WEST HAVEN SPECIAL SERVICE DISTRICT AND WEST HAVEN CITY FOR REIMBURSEMENT TO THE CITY FOR CERTAIN OPERATING COSTS OF THE DISTRICT**

*Shawn Warnke went over the changes on the interlocal agreement.*

**Ryan Saunders** made a motion to adopt resolution 47-2024. **Kim Dixon** seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

15. **ADJOURNMENT**

**Carrie Call** made a motion to adjourn at 7:05 PM. **Ryan Swapp** seconded the motion.

<b>AYES:</b>	Councilmember Call, Councilmember Saunders, Councilmember Morse, Councilmember Dixon, Councilmember Swapp
<b>NAYS:</b>	
<b>RECUSED:</b>	

*Emily Green*  
City Recorder

Date Approve:

## STAFF REPORT

TO: Mayor, City Council, and City Manager  
FROM: Amy Hugie, City Attorney  
DATE: November 13, 2024  
SUBJECT: Amend Youth Council Committee Ordinance Regarding Youth Advisor Term

---



The following staff report discusses the need to amend a section of the City Code regarding establishing a term for the Youth Council Advisor:

### **Background**

Staff found an omission in Section 32.16(E)(6) regarding the Youth Council Advisor. There are no terms outlined for the Advisor. Under the overall Committee Section, Section 32.04(A)(4) states, "Terms. Unless otherwise noted in this chapter, the term of committee members shall be three years..." However, the Youth Council Advisor is not a committee member.

### **Recommendation**

The recommendation by staff is that Section 32.16(E)(6) of City Code should be amended to include a term of three years for the Advisor, and that the Advisor can be appointed by the Mayor for consecutive terms, with the advice and consent of the City Council.

**ORDINANCE NO. 37-2024**

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING A SECTION IN THE CITY CODE REGARDING THE YOUTH COUNCIL ADVISOR; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO AFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**Section 1. Recitals:**

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

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the city may revise, codify, and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, West Haven City finds that there are times where the City Council has found it useful to form committees to help run City events or provide advice regarding certain issues with the City; and,

WHEREAS, the City Council finds that a Youth Council has been created in the City Code and provides for a Youth Council Advisor to help with the Youth Council; and

WHEREAS, currently, it is unclear in the City Code regarding how long of a term that the Youth Council Advisor shall serve since they are not a committee member; and

WHEREAS, the City Council wishes to make it clear regarding the term of service for the Youth Council Advisor; and

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

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF WEST HAVEN CITY, UTAH that:**

1. **West Haven Code §32.16(E)(6)** regarding the Youth Council Advisor shall be amended. The new language is in red and attached as Attachment "A" to this Ordinance.

The foregoing Recitals are fully incorporated herein.

## **Section 2. Repealer of Conflicting Enactments:**

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

## **Section 3. Prior Ordinances and Resolutions:**

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

## **Section 4 - Savings Clause:**

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

## **Section 5 - Date of Effect:**

**BE IT FURTHER ORDAINED** this Ordinance will become effective on the 20th day of November 2024 and after publication or posting as required by law.

DATED this 20th day of November 2024.

WEST HAVEN, a municipal corporation

by: \_\_\_\_\_  
Mayor Rob Vanderwood

Attested and Recorded

Emily Green

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. 37-2024, entitled “AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING A SECTION IN THE CITY CODE REGARDING THE YOUTH COUNCIL ADVISOR; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO AFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.”** adopted and passed by the City Council of West Haven, Utah, at a City Council meeting thereof on November 20, 2024 which appears of record in my office, with the date of posting or publication being November 20<sup>th</sup>, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 20<sup>th</sup> day of November 2024.

Emily Green  
City Recorder

(city seal)

# ATTACHMENT “A”

Attached to Ordinance 37-2024  
AMENDED LANGUAGE FOR WEST HAVEN CODE §32.16 REGARDING THE  
YOUTH COUNCIL ADVISOR

DRAFT

**§ 32.16 YOUTH COUNCIL.**

**(E) Officers.**

(6) *City Youth Council Advisor.* City Youth Council Advisor shall be appointed by the Mayor, with the advice and consent of the City Council, **for a term of three years.** **The Youth Council Advisor can be appointed by the Mayor for consecutive terms, with the advice and consent of the City Council.** The City Youth Council Advisor shall provide the City Youth Council with such administrative staff support and advisors as he or she deems necessary to assist the City Youth Council in carrying out its duties and responsibilities.

DRAFT

## STAFF REPORT

TO: Mayor and City Council  
FROM: Shawn Warnke, City Manager  
DATE: November 20, 2024

SUBJECT: Authorizing acceptance by the City of the Community Center (The Barn) in the Green Farm Project

---



The City and Green Farm Community, LLC (Nilson Homes), entered into a Master Development Agreement relating to the Green Farm Project ("MDA") and several MDA Amendments. One of the Amendments outlines that a Community Center would be designed and built by Nilson Homes, with financial contributions from both Nilson Homes and the City, and then dedicated to the City. Nilson Homes designed and built The Barn Community Center, which was substantially completed in June 2024 and, around July 2024, received a certificate of occupancy.

Since that time, Nilson Homes and City staff had identified a list of minor work to complete that was non-safety related. The final list of items to be completed or corrected occurred when Nilson Home and City representatives walked through The Barn Community Center on September 17, 2024. Nilson Homes has completed this final list of items. City staff believe that Nilson Homes has completed or corrected all the items on the list and recommends that the City Council formally accept the facility as complete.

**Resolution No. 48-2024**

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING ACCEPTANCE BY THE CITY OF THE COMMUNITY CENTER IN THE GREEN FARM PROJECT; AUTHORIZING THE MAYOR TO SIGN THIS RESOLUTION; 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 regarding promoting and protecting the health, safety, and welfare of the public; and,

WHEREAS, the City and Green Farm Community, LLC, ("Developer") entered into a Master Development Agreement relating to the Green Farm Project (hereinafter the "MDA") effective as of May 2, 2017; and

WHEREAS, the parties amended the MDA in November 2018 (the "First Amendment"), in July 2019 (the "Second Amendment"), in September 2022 (the "Third Amendment"), and in November 2023 (the "Fourth Amendment"); and

WHEREAS, the MDA and the Amendments outlines that a Community Center would be designed and built by the developer, with financial contribution from the City, and then dedicated to the City; and

WHEREAS, the developer has designed and built the Community Center and it has received a certificate of occupancy; and

WHEREAS, the City's staff has reviewed the Community Center and its grounds and has found it to be acceptable; and

WHEREAS, the City Council finds that the City should now accept and maintain the Community Center; 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 Community Center located within the Green Farm Project and delineated by the Green Farm Project MDA and its accompanying amendments is hereby accepted by the City Council; and it is officially to be maintained by the City.

2. That the City Manager is authorized to sign any and all documents necessary to affect the acceptance of the Community Center in the Green Farm Project.
3. That the Mayor is authorized to sign this Resolution.

The foregoing recitals are fully incorporated herein.

**SECTION III. PRIOR ORDINANCES AND RESOLUTIONS:**

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

**SECTION IV. REPEALER OF CONFLICTING ENACTMENTS:**

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

**SECTION V - SAVINGS CLAUSE:**

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

**SECTION VI. DATE OF EFFECT**

This Resolution shall be effective immediately upon its passage on the 20<sup>th</sup> day of November 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20<sup>th</sup> day of November 2024.

WEST HAVEN CITY

\_\_\_\_\_  
Mayor Rob Vanderwood

ATTEST:

\_\_\_\_\_  
Emily Green, City Recorder

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

DRAFT

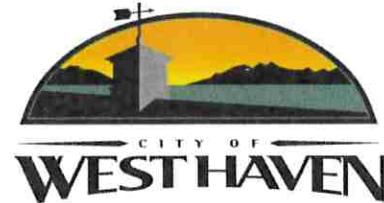
## STAFF REPORT

TO: Mayor and City Council

FROM: Shawn Warnke, City Manager

DATE: November 20, 2024

SUBJECT: Declaring a dumpster, water dispenser, TV cart, and emergency radios as surplus property



The City Council must declare City property surplus before selling or disposing it. City staff request that the Council consider declaring the following property surplus.

Water Dispenser. There is a water and ice maker dispenser within the City Hall break room. This unit no longer makes ice, and the employees do not use the water dispenser, preferring to use the drinking fountains with a dispenser to fill water bottles. It is proposed that this unit be declared surplus.



TV Cart. Within the Mount Ogden Conference Room was a TV mounted on a TV cart. Recently, City staff had the TV mounted on the wall in this conference room as the cart was damaging the sheetrock and the cart was consuming space within the conference room. The City now has no use for the cart and recommends it be declared surplus.



Dumpster. In 2021 the City impounded a dumpster that had been abandoned on a City street. The City has been storing the dumpster since then, and no one has come forward to claim the dumpster in three years, even after a diligent search and repeated attempts by the City. The City finds that it

can no longer store the dumpster, that it has been abandoned property after a significant amount of time has elapsed, and that it needs to be deemed surplus property.

Emergency Services Radio. The City owns three emergency services radios it no longer needs because they are incompatible with the Weber County Sheriff's Office's radios. It is proposed that this unit be declared surplus.

**Resolution No. 49-2024**

**RESOLUTION OF WEST HAVEN CITY DECLARING A CERTAIN DUMPSTER, WATER DISPENSER, EMERGENCY SERVICES RADIOS, AND TV CART AS SURPLUS TO THE CITY'S NEEDS; AUTHORIZING THE SELLING OF SUCH SURPLUS PROPERTY; AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO EFFECTUATE THE DISPOSAL OF THE PROPERTY: AND AUTHORIZING THE MAYOR TO SIGN THIS RESOLUTION; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1 - RECITALS:**

WHEREAS, the City Council 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"), the governing body of the City may exercise all administrative powers by resolution; and,

WHEREAS, the City finds that it owns a dumpster since it was abandoned on City streets in November 2021, the City has been storing the dumpster since that time, and no one has come forward to claim the dumpster in three years even after a diligent search and repeated attempts by the City; and

WHEREAS, the City finds that it can no longer store the dumpster, it is abandoned property after this significant amount of time, and it needs to be deemed surplus property; and

WHEREAS, the City finds that it owns a water dispenser located in the employee break room that it no longer needs; and

WHEREAS, the City finds that it owns three emergency services radios that it no longer needs because they are no longer compatible with the Weber County Sheriff's Office's radios; and

WHEREAS, the City finds that it owns a tv cart that it no longer needs; and

WHEREAS, the City finds that the dumpster, water dispenser, three emergency service radios, and tv cart specifically outlined in this Resolution are deemed to be surplus to the City's needs; and

WHEREAS, the City finds that selling this dumpster, water dispenser, three emergency service radios, and tv cart via competitive bidding or transferring them to another governmental agency, under terms favorable to the City is in the best interest of the City; and,

WHEREAS, the City finds that the public convenience and necessity, public safety, health and welfare is at issue and requires administrative action by the City as noted above.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of West Haven:

1. The City declares the City's dumpster, water dispenser, three emergency service radios, and tv cart as surplus to the City's needs.

2. The City directs that this specific dumpster, water dispenser, three emergency service radios, and tv cart be sold via competitive bidding, transferred to another governmental agency, or disposing the surplus property under terms favorable to the City.
3. The City authorizes the City Manager to sign all contracts, agreements, or other documents necessary to complete this property disposition, and authorizes the City Recorder to sign any documents as required attesting to the City Manager having been duly authorized to enter into such arrangements for the City.
4. The City authorizes the Mayor to sign this Resolution.
5. That the foregoing recitals are incorporated herein by this reference.

**BE IT FURTHER RESOLVED** the foregoing recitals are incorporated herein and this Resolution shall become effective immediately upon its passage.

### **SECTION III - PRIOR ORDINANCES AND RESOLUTIONS**

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

### **SECTION IV - REPEALER OF CONFLICTING ENACTMENTS**

All orders, 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 Resolution, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

### **SECTION V - SAVINGS CLAUSE**

If any provision of this Resolution shall be held or deemed to be or shall be invalid, inoperative, or unenforceable for any reason, such reason shall not render any other provision or provisions invalid, inoperative, or unenforceable to any extent whatever, this 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 on the 20th day of November 2024, and after publication or posting as required by law.

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

**WEST HAVEN CITY**

---

Rob Vanderwood  
Mayor

**ATTEST:**

---

Emily Green

City Recorder

Mayor Rob Vanderwood

Yes \_\_\_\_\_

No \_\_\_\_\_

Councilmember Carrie Call

Yes \_\_\_\_\_

No \_\_\_\_\_

Councilmember Kim Dixon

Yes \_\_\_\_\_

No \_\_\_\_\_

Councilmember Nina Morse

Yes \_\_\_\_\_

No \_\_\_\_\_

Councilmember Ryan Saunders

Yes \_\_\_\_\_

No \_\_\_\_\_

Councilmember Ryan Swapp

Yes \_\_\_\_\_

No \_\_\_\_\_

DRAFT