



## WEST HAVEN CITY COUNCIL AGENDA

August 20, 2025 6:00 P.M.

City Council Chambers  
4150 South 3900 West, West Haven, UT  
84401

NOTICE IS HEREBY GIVEN THAT ON **August 20, 2025** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:00 PM**: COUNCIL WORK SESSION AND **6:00 PM**: REGULAR WEDNESDAY CITY COUNCIL MEETING. JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT [HTTPS://US06WEB.ZOOM.US/J/81581435918](https://us06web.zoom.us/j/81581435918). WATCH LIVE AT [HTTP://WWW.YOUTUBE.COM/@CITYOFWESTHAVENUTAH4030](http://www.youtube.com/@cityofwesthavenutah4030).

### **5:00 Work Session – In City Council Chambers**

NO ACTION CAN OR WILL BE TAKEN ON ANY AGENDA ITEMS DISCUSSED DURING WORKSESSION - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION.

**MEETING TO ORDER:** **MAYOR VANDERWOOD**

**REPORTS AND DISCUSSION AS FOLLOWS:**

1. Discussion-Elected Officials and City Manager Updates
2. Discussion-RAMP Grant Project List-Sheri Bingham, Special Events Coordinator
3. Presentation-West Haven Days Report-Sheri Bingham, Special Events Coordinator
4. Discussion-Possible Betterments for UDOT SR 108 (Midland Drive) Clinton to West Haven Road Widening Project-Shawn Warnke, City Manager

### **6:00 Regular City Council Meeting**

1. **MEETING CALLED TO ORDER:** **Mayor Vanderwood**
2. **OPENING CEREMONIES**  
A. PLEDGE OF ALLEGIANCE **Councilmember Swapp**  
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**

Music Circle	August 25, 2025	7:00 PM
Senior Lunch Bunch	August 27, 2025	11:30 AM
Arts Festival	September 20, 2025	5:00 PM-8:00 PM
Utah League of Cities and Towns Annual Convention	October 1-2, 2025	
Utah League of Cities and Towns and Wasatch		
Front Regional Council Administrative Advisor Event	September 3, 2025	5:30-8:00 PM
5. **COUNCIL UPDATES**

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

6. **ACTION ON CONSENT AGENDA**  
A. CITY COUNCIL MINUTES **MEETING HELD** **August 6, 2025**

B. PLAY & PARK STRUCTUES	\$57,123.62	Inv.# PJI-0082349
C. PLAY & PARK STRUCTUES	\$145,980.92	Inv.# PJI-0082243

7. **PUBLIC HEARING-FOR THE PURPOSE OF SOLICITING PUBLIC INPUT ON AMENDING THE CITY CODE CHAPTER 155: STORMWATER QUALITY MANAGEMENT**
8. **ACTION ON ORDINANCE 07-2025-AMENDING THE CITY CODE CHAPTER 155: STORMWATER QUALITY MANAGEMENT-EDWARD MIGNONE, CITY ENGINEER**
9. **PUBLIC HEARING-FOR THE PURPOSE OF SOLICITING PUBLIC INPUT ON AMENDING THE WEST HAVEN CITY CONSOLIDATED FEES AND FINES SCHEDULE RELATING TO STORM WATER**
10. **ACTION ON RESOLUTION 41-2025-AMENDING THE WEST HAVEN CITY CONSOLIDATED FEES AND FINES SCHEDULE RELATING TO STORM WATER-EDWARD MIGNONE, CITY ENGINEER**
11. **ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)**  
A. APPROVAL OF ALTERNATIVE BUILDING MATERIALS-APPROX. 2301 S 1900 (PARCEL #15-72-005)-GARDIN INVESTMENTS, LLC
12. **ACTION ON RESOLUTION 42-2025-WEBER COUNTY UTAH PRE-DISASTER MITIGATION PLAN 2024-DANIEL TANNER, EMERGENCY MANAGER**
13. **ACTION ON RESOLUTION 43-2025-AMENDING THE WEST HAVEN CITY PERSONNEL POLICY HANDBOOK-SHAWN WARNE, CITY MANAGER**
14. **ACTION ON RESOLUTION 44-2025-APPROVING TERMS ASSOCIATED WITH THE EXTENSION OF THE UTOPIA FIBER NETWORK TO CITY PARKS, WITH UTOPIA BEING AN INTERNET SERVICE PROVIDER FOR THESE INTERNET CONNECTIONS-SHAWN WARNE, CITY MANAGER**
15. **ACTION ON RESOLUTION 45-2025-SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND AVENUE CONSULTANT FOR ADDITIONAL PROPERTY ACQUISITION SERVICES-EDWARD MIGNONE, CITY ENGINEER**
16. **PRESNTATION AND DISCUSSION-AT THE MAYOR AND CITY COUNCIL'S ELECTION CONTINUATION OF ANY AGENDA ITEM FROM THE 5:00 WORK SESSION**
17. **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

## STAFF REPORT

TO: Mayor and City Council  
FROM: Sheri Bingham, Special Events Coordinator  
DATE: August 12, 2025  
SUBJECT: Ramp Grants 2026

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The following staff report discusses ideas for Ramp Grants selection 2026

### 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 16th, EZ are due March 20th.

### 2025 Awarded Grant Summary

The 2025 RAMP grant awards

- 6 major grants awarded - \$530 - highest award given
- 63 Arts and Museums grants awarded

West Haven grants awarded

West Haven Arts Program - \$18,846  
West Haven City Concert Celebration - \$18,500  
West Haven City Days Rodeos and Queen Contest - \$14,750

- 18 Parks and Recreation grants awarded

West Haven grants awarded

Rodeo Arena Bleacher Expansion Project - \$68,507  
Windsor Park Playground – \$110,878  
Prevedel Park Pavilion - \$64,342

West Haven was awarded full funding for all six grants applied for - \$295,823

West Haven did not apply for any EZ grants.

### Analysis

Suggested grants -

Major Grant - Windsor Park Phase 2 - Earthwork, Irrigation, Planting, Trail, and Disc Golf

**Arts and Museums**

Art Murals - Underpass on 4000 South and/or the back of the salt sheds at the Public Works Complex (approximately 125' in length)

West Haven Days Concert

West Haven Days Adult and Youth Rodeo

**Parks and Recreations**

Poulter Pond Park - 30' x 30' pavilion, playground, grass area, and other landscaping improvements

Green Farm's Community Center - Park Restroom and Constructing New Storage Shed.

Prevedel Park Amenities (Possible Utah Outdoor Recreation Grant)

Picnic Pods

## STAFF REPORT

TO: Mayor and City Council  
FROM: Sheri Bingham, Special Events Coordinator  
DATE: August 11, 2025  
SUBJECT: West Haven Days Summary 2025

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The following staff report analyzes expenditures and revenue for West Haven Days 2025

### Background

West Haven Days was held June 25 - 28, 2025. This annual event is a huge success and brings thousands of residents from West Haven City and surrounding areas together for family events and activities. This event encourages unity along with lifelong memories of country life and a feeling of community.

### Analysis

West Haven Days relies heavily upon community volunteers as well as community sponsors. The Community Events Committee spends countless hours in preparation for the events. City Staff support the committee and volunteers in ensuring all events are coordinated and executed. Community Sponsors provide necessary funding, and Community Volunteers work tirelessly with the events committee and staff.

This year's events were held Wednesday through Saturday. It is estimated that 6,000 people attended during the celebration. With the support of Community Sponsors and RAMP grants, West Haven Days revenue was \$104,865. The total expenditures was \$110,423.19.

(See West Haven Days Finance 2025 table. A comparison for 2023, 2025, 2025 is included on the table.)

### City Council Discussion Items

1. Review events to analyze if they should be included in future West Haven Days.
2. Additional sponsor or revenue opportunities.
3. Suggest ways to improve West Haven Days.

WEST HAVEN DAYS FINANCIAL SUMMARY 2025  
Updated 8/11/2025

Category	2023 Expenses	2024 Expenses	2025 Expenses	2023 Income	2024 Income	2025 Income
Aquatic Center	Didn't have	\$2000.00	<b>\$2000.00</b>	0	0	Entertainment
Baby Show	\$232.52	(Expenses not submitted)	\$66.42, \$122.47, \$55.00, \$9.64 <b>\$365.81</b>	\$188.36	\$149.79	<b>\$550.00</b>
Banners	\$2206.99	\$62.50	Big Foot - \$50.00 \$816.68, \$66.84 <b>\$933.52</b>			Marketing
Barricades		<i>Interstate Barricades - \$1,090.00</i>	Interstate Barricades <b>\$1,190.00</b>			Safety
Bike Ride			Didn't have this year			Didn't Have
Breakfast	\$557.69	\$19.08	Papergoods, receipted with Dinner	\$557.69		West Field Cross Country Team
Bus	\$5480.00	Didn't have	Didn't have			Didn't Have
Car Show	\$4786.48	\$4859.81	<b>\$6007.96</b>	\$6720.46	\$6450.00	\$6500 - sponsors

						825.00 - T-shirts <b>\$7325.00</b>
Concert	\$1250.00	\$9,350.00 - stage \$1500.00 - band	\$9,350 - City Center \$183.20 - Bdeaux \$2,000 - Performers Sound Equip. \$124.95 <b>\$11,658.15</b>			<b>\$18,500 - RAMP Grant</b>
Cowboy Mounted Shoot			Utah's Mounted Thunder <b>\$5,000.00</b>			Rodeo
Dinner	\$ 3290.58	Kents - pulled pork, baked beans - \$3,202.24 Sam's Club - Paper goods, chips, buns - \$913.44 Permit - \$65.00	Kents - pork, beans, buns - \$2501.70 Paper Goods and Chips -\$794.54 (includes paper goods for Breakfast) Permit - \$130.00 <b>\$3,425.54</b>	\$ 1,120.00- tickets \$ 2,469.00- CTC <b>\$3,589.00</b>	Tickets - \$657.00 CTC- \$1000	Tickets -\$1,440.00 CTC - \$1000 <b>\$2,440.00</b>
Equipment		HERC \$2178.08 - equipment	HERC Rentals - <b>\$4,625.63</b>			Safety
Fireworks	\$30,000.0 0	\$30,555.09	<b>\$30,555,09</b>			Fireworks
General		<i>Diamond events</i> \$2,703.80, tables, chairs,	Haven't received invoice yet for table and chair rental			Tables, chairs

		tents, Historical Society \$646.84				
Jr. Rodeo			<b>Buckles - \$578.30</b>			Rodeo
Line Dancing		\$300.00 (paid from Art Council fund)	Didn't do this year			Didn't have
Misc.		\$15.00 (Arts Council) \$212.00 - Ace Printing \$61.99 - Steve Taylor	<b>\$326.18</b>			Misc.
Movie	\$ 685.00	Not this year	<b>\$650.00</b>			Entertainment
Parade		0				Entertainment
Parking			Safety Vests - \$486.09 Wands -\$36.90 <b>\$522.99</b>			Safety
Permits	\$480.00	<i>Mass gathering</i> \$450.00	Mass gathering - <b>\$425.00</b>			Permits
Pickleball	\$69.10	\$329.86	Crown Trophy - \$579.15 T-shirts - \$679.00 \$9.96 - Misc. <b>\$1,268.11</b>	\$576.20	\$694.80	<b>\$1,075</b>

Programs	\$2778.15	Didn't do	Didn't do			
Queen	\$5243.70	\$4051.21	Belt Buckles - \$255.00 Saddle, 3 breast collars, hat can - Smith & Edwards - \$1452.71 Minky, picture frames, Twisted Sugar, Greek - \$868.58 Saddle emboss - \$325.00 <b>\$2,901.29</b> <b>\$2,000 - scholarships</b> <b>\$4,901.29</b>	\$4665.00	\$6,448.67	\$5,000 - sponsors \$570 - Dinner/ contestants (In-Kind - \$4,500)  <b>\$5,570</b>
RAMP				\$36,000.00	\$14,000.00	<b>\$33,250.00</b>
Rodeo	\$18571.55	\$19,234.54 (Livestock charge still needed)	\$18,600 - Broken Heart \$650.00 - Stock \$2107 - Payout <b>\$21,357</b>	\$3305.52-Entry fees & Concessions	\$3152.94 Entry fees	\$2105.00 \$3650.00 \$14,750 - grant  <b>\$20,505</b>
Sponsor T-Shirts	\$4501.79	\$4517.80	\$5426.23			Advertising
Sponsors				\$43,869.00	\$32,200.00	<b>\$35,400</b>

Cash						
Sponsors In-kind				\$13,300.00 (125 cans)	\$10,500.00 (125 cans)	\$7,500 125 cans (\$1,500 value) <b>\$9,000</b>
Staff T-shirts	\$1234.00	\$1752.01	\$1804.45			Staff
5K Race	\$1265.97	\$1052.21	\$1001.51 - T-shirts Misc. - \$40.91 <b>\$1042.42</b>		\$902.36	<b>\$770.00</b>
Swag Bags	\$910.00	\$471.90 - Glow sticks	Didn't do this year			Didn't Do
Toilets		<i>Canyon Toilets - \$1600.00</i>	<b>\$1600 - Canyon View</b>			Sanitation
Youth Games	\$551.42	\$631.50 - Youth Council \$120.48	Youth Council account			Children
Vendors				\$ 5095.00	\$5770.00	<b>\$3730.00</b>
Website		<i>Website, \$257.40</i>	<b>\$74.80</b>			Advertising
Total	\$110,817.81	\$92,178.80	\$110,423.19	\$118,951.07	\$73,925.56	\$104,865

## STAFF REPORT

TO: Mayor and City Council  
FROM: Shawn Warnke, City Manager  
DATE: August 20, 2025  
SUBJECT: Discussion of possible betterments for UDOT SR 108 (Midland) Clinton to West Haven City Road Widening Project



In the future, UDOT will complete the improvements to SR 108 between Antelope Drive in Davis County and Hinckley Drive in Weber County. SR-108 will be reconstructed and widened to accommodate future travel demand and to improve safety conditions. The design will include five lanes, widened shoulders, improved sidewalks, and a multi-use path.



PROPOSED SR-108

A portion of UDOT's budget for widening SR 108 (Midland Drive in West Haven) includes discretionary funds for West Haven City to program to improve the project above UDOT's baseline improvements or aesthetics (see Landscape & Aesthetics Design Guide). This betterment budget is divided proportionally to the length of the road project in each city (Clinton, Roy, and West Haven). As you know, West Haven City's portion of the SR 108 Project is relatively small, and as such, West Haven City's betterment budget is only \$55,000.

Since Midland is a dividing line between Roy and West Haven, both cities have had discussions regarding how to spend these funds in a coordinated way to ensure uniformity and continuity in the streetscape. To this end, City staff between Roy and West Haven are recommending that

their respective betterment budget be spent on powder coating the streetlights black (otherwise the streetlights will have a galvanized metal finish), which is estimated to be \$7,400.

One issue to be aware of regarding the powder coating of streetlights is that, currently, Walmart's traffic light is in the process of being approved. UDOT is coordinating with Walmart regarding the powder coating of this traffic light black. If UDOT and Walmart cannot come to an agreement on powder coating this new traffic light, which will be installed before the SR 108 road widening project, the City may want to consider funding the powder coating of Walmart's traffic light so that there is uniformity associated with streetlights and traffic lights on this corridor.

With the powder coating of the traffic light, there would be approximately \$47,000 remaining in West Haven's betterment budget. City staff is working with Dave Adamson, the UDOT Project Manager assigned to the project, to explore the following possible betterments, which ultimately require UDOT's approval:

- Banner & Flag Mounting Hardware. To have hardware mounted on the streetlights by which West Haven City could hang community banners and flags. City staff would also like to coordinate this improvement with Roy City.
- Planting Street Trees. Planting street trees within the existing landscaped park strip, approximately 2,100 linear feet (which currently is comprised of grass only), on the west side of SR 108 (from Taco Time to the powerline corridor).

This proposed betterment is also based on the premise that the existing curb, park strip, and sidewalk on the west side will not be impacted by the road widening, which is anticipated to be mainly on the east side. An additional premise is that there are no significant utilities within this existing park strip that would preclude the planting of trees. Some of the items to coordinate with UDOT are the types of trees, if any, that could be planted in the clear zone (park strip). Additionally, the City may want to coordinate with the adjoining property owners who would ultimately take care of these trees.

In an email exchange between City staff and Ryan Halverson, UDOT Planning Manager and Landscape Architect, Ryan provided the following insights on how best to use the betterment funds. Below is Ryan Halverson's response.

*Regarding the SR-108 aesthetics, in my experience, betterment funds are best utilized for treatments that are difficult to implement later. This includes things like powder coating for light and signal poles, as well as architectural lighting, as these are typically not revisited once installed. The same applies to concrete work, such as stamped concrete, which is much more costly to change out later.*

*Investments in landscape elements like plants, rock mulch, and irrigation generally require a substantial amount to make a noticeable visual impact along a roadway.*

*Unfortunately, \$50,000 does not go very far with current costs.*

City staff believes that, all things considered, the aforementioned betterments will provide a be

## West Haven City

SR-108

Betterment Items	Qty	Unit	Cost	Total
<b>Lighting &amp; Signal</b>				
Lighting (Cobra Head 40' pole w/15' arm, powder coated)	13	EA	\$ 471.00	\$ 6,123.00
Decorative Lighting (West Haven - Install Price Only)	0	EA	\$ 2,900.00	\$ -
Traffic Signal (powder coated)	0	LS	\$ 6,930.00	\$ -
<b>Total</b>				\$ 6,123.00
<b>Park Strip Planter</b>				
Curb Wall (4'x20'x6" tall)	0	LF	\$ 55.00	\$ -
Contractor Furnished Topsoil (18" thick)	0	SQ YD	\$ 87.00	\$ -
Plants (5 Gal)	0	EA	\$ 63.00	\$ -
<b>Total</b>				\$ -
<b>Irrigation Components</b>				
Water Meter 1"	0	EA	\$ 6,000.00	\$ -
Battery Operated Controller	0	EA	\$ 500.00	\$ -
Zurn 375 1" Backflow & Enclosure	0	EA	\$ 6,100.00	\$ -
Manual Drain Valve Assembly	0	EA	\$ 442.00	\$ -
Isolation Gate Valve Assembly	0	EA	\$ 1,160.00	\$ -
Quick Coupling Valve Assembly	0	EA	\$ 590.00	\$ -
Shrub Drip Watering System	0	EA	\$ 150.00	\$ -
Drip Control Zone Kit	0	EA	\$ 500.00	\$ -
Schedule 40 PVC 1.5"	0	LF	\$ 5.00	\$ -
Schedule 40 PVC 1"	0	LF	\$ 4.50	\$ -
<b>Total</b>				\$ -
Landscape Betterment Total				\$ 6,123.00
PE				\$ 612.30
CE				\$ 612.30
<b>Grand Total</b>				\$ 7,347.60
L&A Allowance				\$ 55,000.00
<b>TOTAL ESTIMATED L&amp;A BETTERMENT COSTS REQUIRED BY WEST HAVEN CITY</b>				\$ (47,652.40)

# SR-108

## Improvement and Widening

Clinton to West Haven, Utah

### LANDSCAPE & AESTHETICS DESIGN GUIDE

PIN: 11479  
Project No. S-0108(408)

May 14, 2025



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Preface and Context

Design Intent

Approved Project Colors

Design Features

    Lighting and Traffic Signal Poles

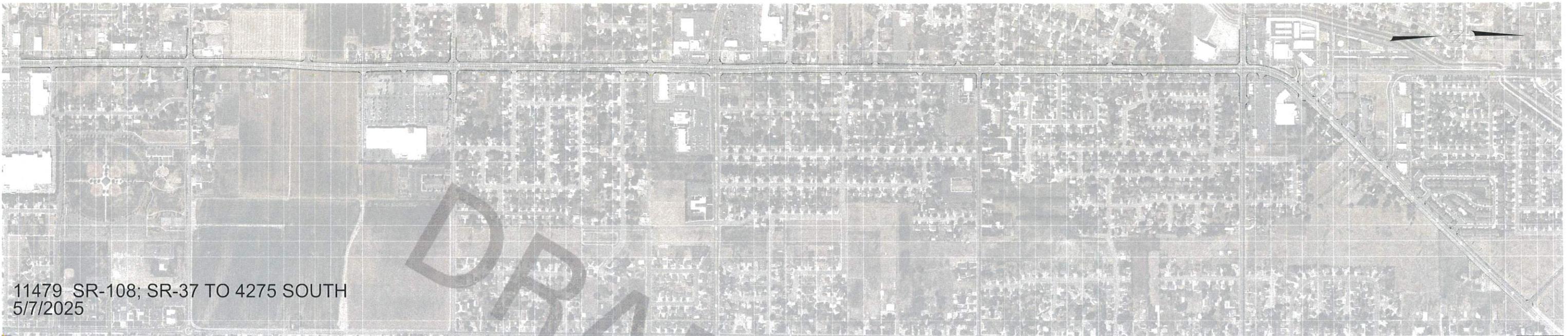
Landscape Design Features

    Parkstrips, Medians, and Islands

    Landscape Treatments

    Large Landscape Area Treatments





11479 SR-108; SR-37 TO 4275 SOUTH  
5/7/2025

## PREFACE AND CONTEXT

**PREFACE** - The purpose of this document is to provide the aesthetic direction for the SR-108 improvement and widening project. This document acts as a common basis for integrating aesthetics into project designs and estimates. Primarily the guidance applies to the park strips, signals, and lighting. The aesthetic options found within this document are a result of close coordination with UDOT as well as local cities and stakeholders. These guidelines serve merely as a basis for incorporating aesthetic considerations into the design of the SR-108 rebuilding and widening project.

**CONTEXT**- SR-108 currently struggles to accommodate the current traffic demands and lacks many of the now common/expected safety conditions and landscape aesthetics typical of modern roadways. In order to address the user's needs the stretch of SR-108 between Antelope Drive in Davis County and Hinckley Drive in Weber County will be widened from three to five lanes, with widened shoulders, improved sidewalks and the continuation of a multi-use path connecting trails from West Haven, Roy, and Clinton. The current development includes pockets of commercial development interspersed with single family and multi-family residential, all of which require special consideration in the development of the aesthetic guide. The key stakeholders for developing and approving this aesthetic design guide consist of the cities of West Haven, Roy, and Clinton with input from the Utah Department of Transportation (UDOT.)

This aesthetic guide supports the project objectives of the SR-108 Improvement and Widening project:

- » Meet the current and future traffic demands
- » Accommodate and support all modes of transportation.
- » Provide a safe and efficient traveling experience for commuters of every kind.
- » Make improvements to local infrastructure in partnership with Clinton, Roy, and West Haven.

Major decisions and milestones that have affected the final design aesthetics for this project include:

- » Design Speed: 45 MPH
- » Multi-Use Path: to span the entire length of the project
- » Future Medians: space to be provided for future growth at major intersections

This aesthetics design package reflects many of the design decisions from the 1800 N. Interchange and Widening project as well as Phase 1 of the SR-108 Widening Project. The design team worked closely with UDOT to develop multiple options for the aesthetics of these two projects currently under construction. These were further developed in coordination with the UDOT Aesthetic Committee. The current SR-108 project aims to tie the theme from these past projects together in this new phase of the project and act as a cohesive design to help identify and unify the area.

## DESIGN INTENT

SR-108 will follow the design precedent of the 1800 N. Interchange and Widening and Phase One of the SR-108 project, in order to maintain consistency across adjacent roadways. Much of the aesthetic approach for this project follows UDOT standard baseline treatments, including the landscape and much of the hardscape (park strips, medians, etc.). In collaboration with various stakeholders (Clinton, Roy, and West Haven) several betterment treatments are proposed.

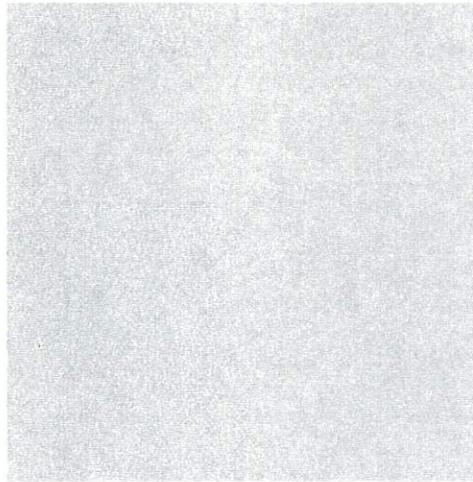
Project betterments include the powder coating of traffic signals and lights, enhanced pedestrian scale lights (in select municipalities), and some landscape improvements also in select municipalities. The design intent is meant to provide a clean and timeless look. The following table, followed by subsequent graphics, summarizes the aesthetic design decisions and theme for the project.

FENCING:	UDOT Standard Chain Link (Black Vinyl Coated and Black Powder Coated Post and Hardware) - AMS-STD 37038 Fencing over UPRR and UTA to meet UPRR requirements.	BETTERMENT
LIGHTING AND TRAFFIC SIGNAL POLES:	Traffic Signals and Cobra Lighting - UDOT Standard; Cobra type (lighting), powder coated finish AMS-STD 37038 Decorative Lighting - Clinton City standard decorative light poles in specified locations, powder coated finish	BETTERMENT BETTERMENT
SIDEWALKS AND BARRIERS:	UDOT Standard, natural concrete - AMS-STD 26493	BASELINE
LANDSCAPING:	UDOT Standard; Topsoil, seeding, and mulch (applies to all areas not described as "parkstrips" or "large landscape areas" below).	BASELINE
PARKSTRIPS	Option 1 - Colored concrete integral color AMS-STD 26134, form liner Ashlar Slate. Option 2 - 6" raised planter beds 4' wide by 20' long with 6 shrubs. Spacing between planters per plans, with colored stamped concrete treatment.	BASELINE BETTERMENT
PROPERTY OWNER LANDSCAPE REPAIRS	Cost to cure	BASELINE

## APPROVED PROJECT COLORS

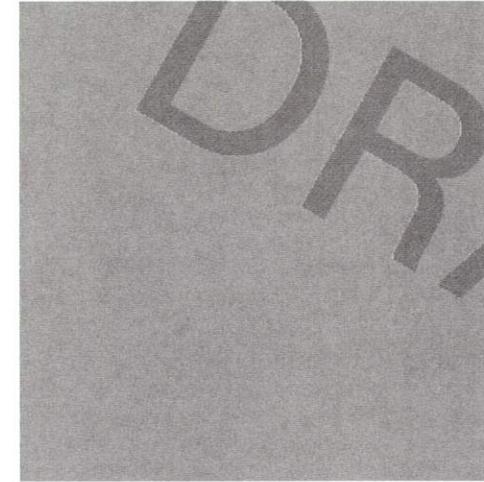
Colors were selected for their timeless qualities, and connection to the surrounding landscape and context. A test of paint color must be performed on the intended surface and approved of by UDOT and/or Landscape Architect before painting begins. All samples to be provided on like materials.

CONCRETE COLOR:  
STANDARD



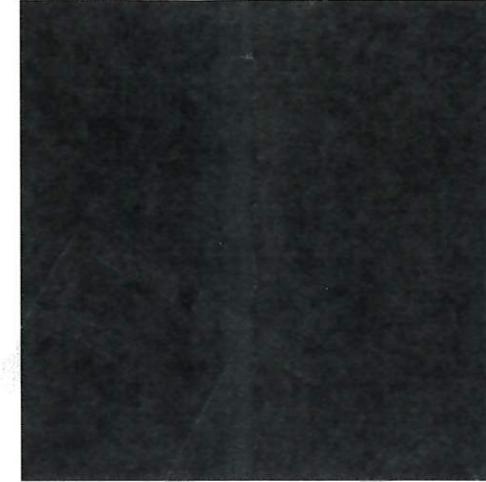
Pearl Gray  
(AMS-STD 26493)

CONCRETE COLOR:  
STAMPED



Cobblestone  
(AMS-STD 26134)

VINYL & POWDER COATING  
COLOR



Black  
(AMS-STD 37038)

## LIGHTING AND TRAFFIC SIGNAL POSTS

Signals shall be standard UDOT equipment with a black powder coating. Lighting will be standard cobra style with black powder coating. In certain areas shown on the plans, Clinton city's standard lighting will be used instead of UDOT standard cobra lighting.

TRAFFIC SIGNAL



UDOT Standard  
Black powder coated  
BETTERMENT

COBRA LIGHT



UDOT Standard  
Black powder coated  
BETTERMENT

CLINTON CITY LIGHT

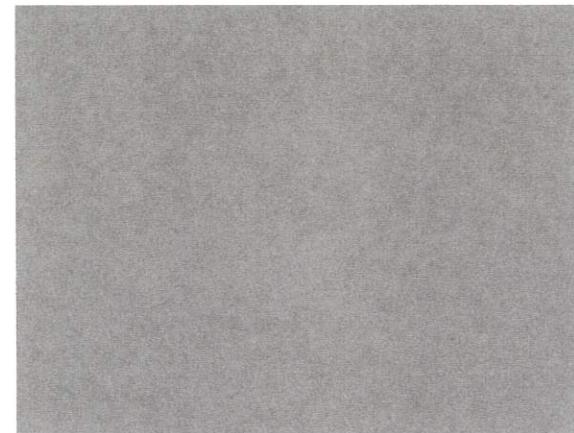


Clinton City Standard  
Black powder coated  
BETTERMENT

## PARK STRIPS, MEDIANS, AND ISLANDS

Medians, islands, and parkstrips less than 12' shall be stamped concrete unless otherwise stated by the plans. As a betterment, cities may choose to add planters placed at regular intervals in locations shown on plans. Stamped concrete will be used in the area between the planters. The planters will be maintained by the city.

### BASELINE TREATMENT

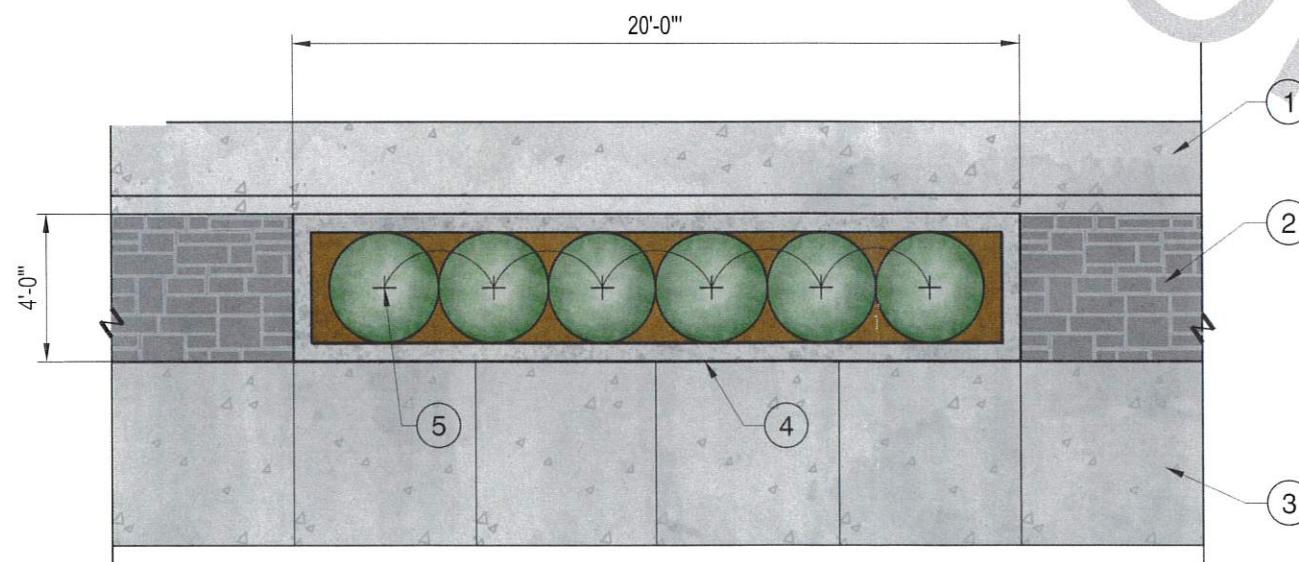


Cobblestone  
(AMS-STD 26134)  
Integral Color for Stamped Concrete  
Stamp Pattern: Ashlar Slate



### BETTERMENT TREATMENT (Clinton City Only)

- ① CURB AND GUTTER - SEE ROADWAY DESIGN PLANS
- ② PARK STRIP - STAMPED AND COLORED CONCRETE (SEE SPECIFICATIONS FOR STAMP MODEL NUMBER AND EXACT COLOR)
- ③ SIDEWALK - SEE ROADWAY DESIGN PLANS
- ④ 6" TALL x 6" WIDE CONCRETE CURB/WALL
- ⑤ SIX (6) TOTAL SHRUBS - SEE PLANTING SCHEDULE FOR SPECIES, SIZE, AND TOTAL QUANTITIES





## WEST HAVEN CITY COUNCIL MEETING MINUTES

August 6, 2025 6:00 P.M.

City Council Chambers  
4150 South 3900 West, West Haven, UT 84401

<b>Present:</b>	
Rob Vanderwood	Mayor
Ryan Swapp	Councilmember
Carrie Call	Councilmember
Ryan Saunders	Councilmember
Kim Dixon	Councilmember
Shawn Warnke	City Manager
Emily Green	City Recorder
Amy Hugie	City Attorney
Stephen Nelson	Community Development Director
Daniel Tanner	Code Enforcement Officer
John Wallace	Public Works Director
<b>Excused:</b>	
Nina Morse	Councilmember

### 5:30 Work Session – 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 and City Manager Updates**

Councilmember Saunders asked how the general plan was going.

Stephen Nelson said their timeline plans on a rough draft in April 2026.

Shawn Warnke said that he sent out an email regarding UTOPIA and if the council has any questions to please contact him. He said the City is currently working on striping around schools before they start for safety purposes and that he has a draft for the personnel policy that he will be sending out shortly. He said he is working on a strategic plan and hoping to get an extension and have the deliverables due by the first of the year to align with the budget.

City Council did not object to the extension.

Mayor Vanderwood said that the population is being assessed differently this year and as a result ours shows a lower population. He said staff is working to rectify the issue.

#### **2. Discussion-Emergency Operations Plan Summary and Overview-Dan Tanner**

Daniel Tanner gave an emergency operations plan presentation.

### 6:00 Regular City Council Meeting

#### **1. MEETING BROUGHT TO ORDER:**

*The Council met at their regularly scheduled meeting held in the Council Chambers.*

*Mayor Vanderwood brought the meeting to order at 6:05 PM and welcomed those in attendance.*

#### **2. OPENING CEREMONIES**

**A. PLEDGE OF ALLEGIANCE**

**B. PRAYER/MOMENT OF SILENCE**

**Councilmember Saunders**

**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**

Music Circle	August 25, 2025	7:00 PM
Senior Lunch Bunch	August 27, 2025	11:30 AM
Arts Festival	September 20, 2025	5:00 PM-8:00 PM
Utah League of Cities and Towns Annual Convention	October 1-2, 2025	
Utah League of Cities and Towns and Wasatch Front Regional Council Administrative Advisor Event	September 3, 2025	5:30-8:00 PM

*Councilmember Saunders said September 6, 2025 is the National Day of Service and the beautification committee plans on clearing out weeds in the Poulter Pond area.*

*City Council agreed to cancel the Sept. 3, 2025, meeting for training.*

5. **COUNCIL UPDATES**

*Councilmember Dixon said the Youth Council is looking for new members and will be holding their first meeting on August 21, 2025.*

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

6. **ACTION ON CONSENT AGENDA**

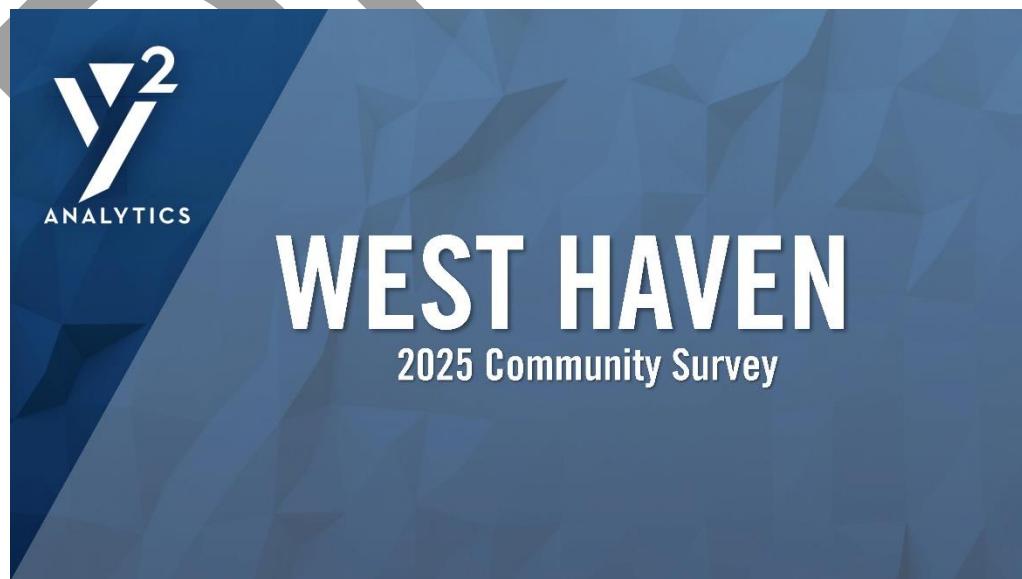
A. CITY COUNCIL MINUTES	MEETING HELD	June 16, 2025
B. STAKER PARSON COMPANIES	\$397,605.29	Inv.#214021-2
C. STAKER PARSON COMPANIES	\$647,817.93	Inv.#214021-3
D. STAKER PARSON COMPANIES	\$71,415.28	Inv.#214021-R
E. STAKER PARSON COMPANIES	\$551,932.99	Inv.#214031-2
F. CENTURY EQUIPMENT COMPANY	\$91,944.50	Inv.#LO11263-1
G. STOTZ EQUIPMENT	\$50,395.34	Inv.#32130270

*Councilmember Call made a motion to approve the consent agenda. Councilmember Saunders seconded the motion.*

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

7. **PRESENTATION-2025 WEST HAVEN CITY RESIDENT SURVEY RESULTS-KYRENE GIBB**

*Kyrene Gibb gave a presentation on the results of the resident survey and compared them against results of the survey completed on 2021.*



# KEY FINDINGS & TAKEAWAYS

- Residents are more positive about West Haven generally than they were in 2021. Perceptions of West Haven are improving, with 68% saying the city is headed in the right direction—up from 54% in 2021—and 80% likely to recommend it as a place to live. However, concerns remain, as many are unsure if the city has improved over the past five years, and 61% feel it is growing too fast.
- Transportation and infrastructure are among the top concerns for residents. Many feel more investment is needed in infrastructure, planning, and zoning—especially as new apartment construction raises concerns about overcrowding and strained city services. While most residents feel safe walking in the city, many say sidewalks are lacking, and road quality, though generally rated positively, remains an area of focus.
- Economic development is a top priority for West Haven Residents, especially when it comes to grocery stores and local businesses. Over half of respondents feel the city lacks the types of businesses they want, with strong demand for more locally owned grocery stores, restaurants, and retail shops. Key expectations for future development include adequate parking and attractive landscaping. Gas stations are seen as overbuilt and largely unwanted.
- Crime and safety remain key priorities for residents, with police services receiving the highest funding allocation in the survey. Satisfaction with the Weber County Sheriff's Office is good, and residents overwhelmingly prefer to continue the current contract with the County rather than form a local department when faced with rising taxes and costs. Still, concerns persist about understaffing and whether current services can keep up with West Haven's rapid growth.

## How West Haven Compares to Utah City Benchmarks

West Haven exceeds the average scores across ten Utah cities along the Wasatch Front in perceptions of family-friendliness and safety. It falls slightly below average in overall direction, quality-of-life ratings, and residents' likelihood to recommend the city to others, but remains within the realm of meeting expectations for the latter two metrics.



Question	West Haven	Avg of Other Cities	Difference	Grade
Average Quality of Life (0-100)	74.7	77.4	-2.7	Meets expectations
City Headed in Right Direction (%)	68%	76%	-8%	Room for improvement
Likelihood to Recommend (%)	80%	84%	-4%	Meets expectations
Good Place to Raise a Family (%)	83%	78%	5%	Exceeds expectations
Perceived Safety (%)	86%	82%	4%	Meets expectations

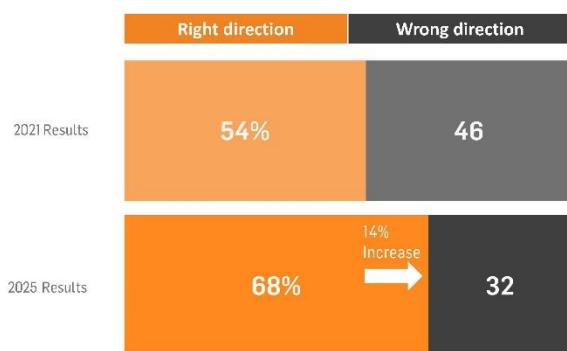
## METHODOLOGY

- 424 West Haven residents were sampled via address-based sampling.
- Survey invitations were sent via postcard and email, and reminders were sent via email and text message. All surveys were completed online.
- The data were weighted to reflect the demographics of registered voters in West Haven, specifically in regard to age, gender, home ownership, and race.
- Online interviews fielded May 22<sup>nd</sup> – June 12<sup>th</sup>, 2025
- Margin of error +- 4.7

# Public Perception

## Rising Confidence in West Haven's Direction

Today, 68% of residents say West Haven is headed in the right direction- a significant increase from 54% four years ago in 2021. This signals growing optimism and satisfaction with local progress, particularly among residents who have moved to West Haven in the past decade.



### Newer Residents More Optimistic About West Haven's Future

Perspectives on West Haven's direction appear tied to how long residents have lived in the city. A strong majority (71%) of those who believe the city is headed in the right direction have lived there less than 10 years. In contrast, 57% of those who feel the city is on the wrong track have been in West Haven for over a decade. This divide points to a potential disconnect between long-term residents and recent arrivals, highlighting the need for city leaders to bridge generational expectations and ensure that growth aligns with the values of both groups.

Q: Overall, would you say the City of West Haven is headed in the right direction or the wrong direction? (n = 413)

## Residents Report High Quality of Life

The average self-reported quality of life score is 74.7 out of 100. Most respondents rated their lives positively with the majority of scores falling between 60 to 90. A small but notable portion experienced lower satisfaction, which had a negative influence on the overall average. The overall average increased by 0.5 points from 2021.



### Quality of Life Linked to Outlook and Time in West Haven

Quality of life ratings are closely tied to both residents' outlook on the city's direction and how long they've lived there. Those who believe the city is headed in the right direction report a significantly higher average quality of life score (81.3) compared to those who feel it's on the wrong track (64.4). Additionally, newer residents tend to report higher satisfaction: those living in West Haven for less than 10 years average 76.7, compared to 73.3 for those here 10-20 years, and 70.1 for those who have lived in the city for over 20 years.

Q: All things considered, on a scale from 0 to 100, with 0 being very low and 100 being very high, how would you rate your overall quality of life in West Haven? (n = 419)

## Most Residents Would Recommend Living in West Haven

80% of respondents say they are either very likely (35%) or somewhat likely (45%) to recommend West Haven as a place to live. Only a small portion of residents are unlikely to recommend West Haven as a place to live. When asked what they like about the city, residents consistently point to West Haven's small-town feel, safe communities, and engaging events as key strengths driving their satisfaction.



"The city events (West Haven Days, touch a truck, Halloween trick or treat, etc...)"

**What Residents Like about West Haven**



"Country feel with close city access."

"The people in my neighborhood and its close to everything but further away from the heavy crime."

"The open spaces and small-town vibe."

Q: How likely are you to recommend West Haven to friends and family as a good place to live? (n = 529)

Q: What do you like most about living in West Haven? (n = 370)

## How Perceptions of West Haven Differ by Length of Residency

Resident perceptions of West Haven shift noticeably based on how long they've lived in the city. Those who've lived in West Haven for less than 5 years are the most optimistic, with strong belief in the city's direction and the highest likelihood to recommend it as a place to live. Residents of 5–10 years still hold generally positive views, though they're more aware of recent changes—both good and bad. Mid-term residents (10–15 years) show growing skepticism about the city's trajectory and are less likely to recommend it. Long-term residents (16+ years) are the most critical, reporting declining satisfaction, the lowest quality of life ratings, and more negative views about the city's direction and change over time.

House icon	<5 years	House icon	5-10 years	House icon	10-15 years	House icon	16 years +
Newer Residents: Optimistic and Positive	Key Findings: <ul style="list-style-type: none"><li>84% say the city is headed in the right direction (highest of all groups)</li><li>Quality of life score: 74.8/100</li><li>54% didn't rate change due to short time living in the city</li><li>52% are very likely to recommend living in West Haven</li><li>Only 14% are unlikely to recommend West Haven to others</li></ul>	Settled Residents: Still Positive but More Cautious	Key Findings: <ul style="list-style-type: none"><li>70% say the city is headed in the right direction</li><li>Quality of life score: 76.8/100 (highest)</li><li>35% say things have gotten somewhat or much worse, though 35% also say better</li><li>82% are likely to recommend West Haven</li><li>Only 18% unlikely to recommend West Haven to others</li></ul>	Mid-Term Residents: Increasing Doubts and Mixed Satisfaction	Key Findings: <ul style="list-style-type: none"><li>58% say the city is headed in the right direction</li><li>Quality of life score: 74.0/100</li><li>48% say things have gotten somewhat or much worse</li><li>Only 23% are very likely to recommend West Haven</li><li>30% are unlikely to recommend West Haven, over double the newer residents</li></ul>	Long-Term Residents: Deepening Concerns and Declining Satisfaction	Key Findings: <ul style="list-style-type: none"><li>Only 48% say the city is headed in the right direction</li><li>Quality of life score: 70.9/100</li><li>61% say things have gotten worse in the last 5 years</li><li>Only 31% are very likely to recommend West Haven to others</li><li>27% are unlikely to recommend West Haven</li></ul>

## Top Issues for West Haven

## Majority Believe West Haven Is Growing Too Quickly

A majority of residents (61%) believe West Haven is growing too quickly, down 19 percentage points from 2021. Most of that shift went to those who now feel the pace is appropriate (31%), indicating more residents view the growth as reasonable compared to four years ago, though overall concerns remain.

Pace of West Haven's Growth



## Top Issues For Residents: Economic Development and Infrastructure

Residents ranked economic development and infrastructure as the top concerns, followed by city character and open space. Those who selected "other" often expressed a desire for fewer apartments, more affordable housing, additional grocery stores, and community centers.

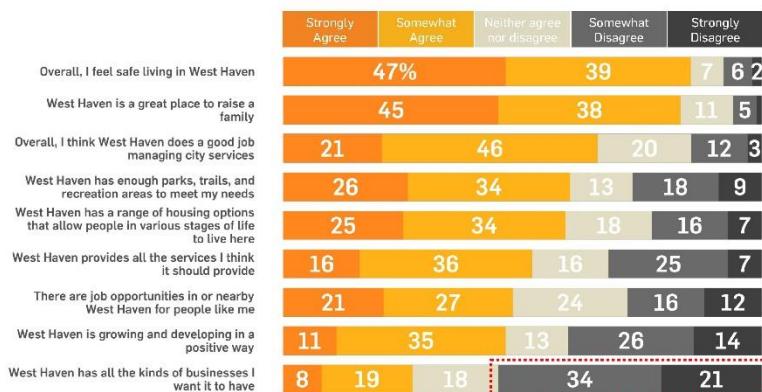


Common Issues From Those Who Selected "Other"

- Traffic congestion and road infrastructure
- Overdevelopment of multifamily housing
- Insufficient maintenance of existing infrastructure
- Need for affordable housing options
- Insufficient grocery stores
- Lack of community centers

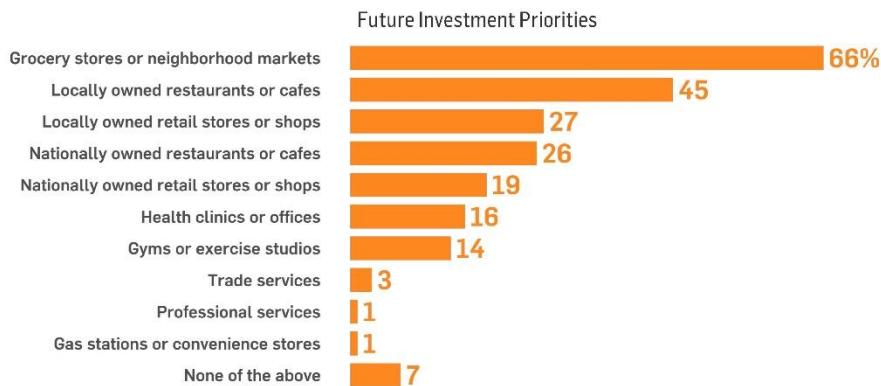
## Residents Feel Safe Yet Want More Businesses

Residents overwhelmingly feel West Haven is safe and family-friendly, but confidence fades when it comes to growth and business development- with over half expressing dissatisfaction with the lack of desired businesses, which is the only option that experienced a decline from 2021.



## Top Investment Priorities: Grocery Stores and Local Businesses

When asked about future commercial developments, 66% of residents said they would like to see more grocery stores, 45% more locally owned restaurants, and 27% more local stores and shops- in keeping with residents' general desire for more locally owned businesses.

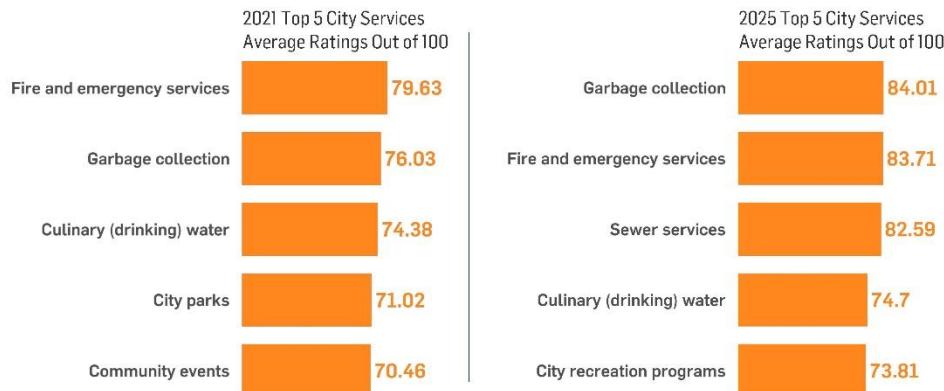


Q: Thinking about future stores, restaurants, and other commercial developments in West Haven, which of the following are most needed in the City? Please select your top three. (n = 807)

## City Services

### Core Utilities and Emergency Services Rated Highest by Residents

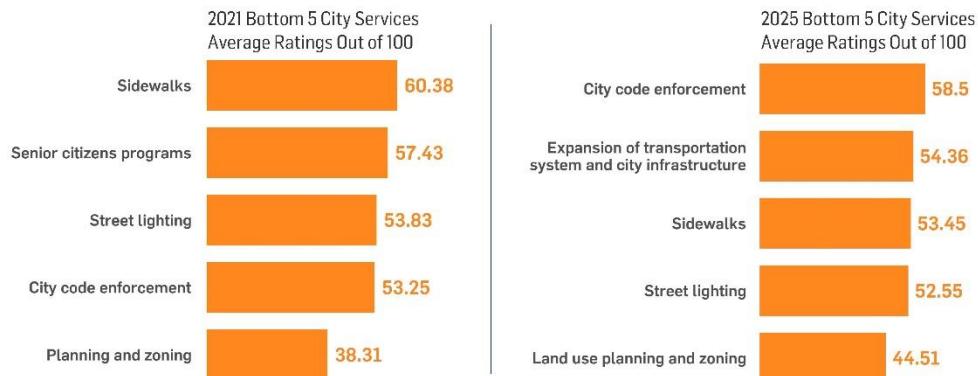
Garbage, fire/EMS, sewer, water, and recreation programs received the highest ratings in 2025, reflecting strong public confidence in both core services and quality-of-life offerings. Notably, garbage and recreation saw significant gains since 2021, signaling perceived improvements to those services.



Q: West Haven provides several services to its residents. Some are provided directly by the city, and some are provided by districts or agencies that the city works with. Please rate each of the following services using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied. If you are unfamiliar with a service, select Not applicable. (n=370)

## Lower Ratings for Planning, Infrastructure, and Code Enforcement

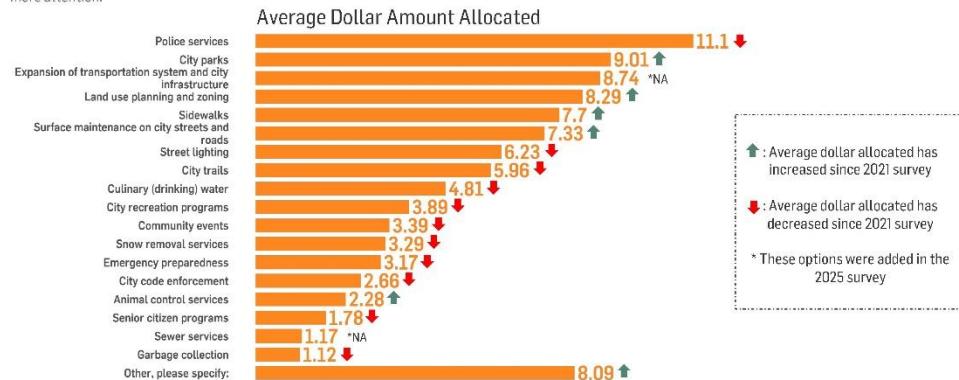
City code enforcement, sidewalks, street lighting, and land use and planning continue to receive some of the lowest ratings, highlighting areas where residents see room for improvement. While city code enforcement saw a slight gain in the overall ranking since 2021, ratings for sidewalks and street lighting have declined slightly.



Q: West Haven provides several services to its residents. Some are provided directly by the city, and some are provided by districts or agencies that the city works with. Please rate each of the following services using a 0 to 100 scale with 0 meaning you are completely dissatisfied and 100 meaning you are completely satisfied. If you are unfamiliar with a service, select Not applicable. (n=378)

## Budget Priorities: Police, Parks, and Infrastructure

When asked to distribute \$100 across city services, residents gave the most to police, parks, and transportation/infrastructure. Residents allocated the least amount of money to garbage and sewer services, suggesting those services are doing well enough as is. Compared to 2021, average allocations decreased for police, street lighting, trails, drinking water, and code enforcement, suggesting perceived improvements. Increases for parks, sidewalks, and streets indicate areas needing more attention.



Q: Suppose you had \$100 of the West Haven City budget to spend to improve city services. How would you divide your \$100 among the various city services to fund improvements? (You may spend the \$100 all in one category or divide it up as you please, but the total must be \$100.) (n=386)

## Support Mixed for Tax Increases Tied to Community Services

Sales tax for recreation and a property tax for infrastructure draw the strongest backing; property tax for public safety shows more divided opinion, with about as many people opposing as supporting.



Q: As the City of West Haven continues to evolve, additional revenue may be needed to fund city services such as utilities, recreation programs, public safety, etc. Thinking about the different revenue sources available for local governments to fund these core operations, please indicate whether you would support or oppose the City implementing each of the following. (n=364)

## 1-in-3 Residents Calls for More Local Services

Top unmet needs include more grocery stores, improved police presence, recycling options, and community recreation centers.

### Services that Residents would like West Haven to Provide



"Stores and shopping, namely grocery and other goods and services that are not gas stations."

"Recycling and maybe its own police force for the growing population. Seems our city is mentioned for crime weekly if not more on the news."

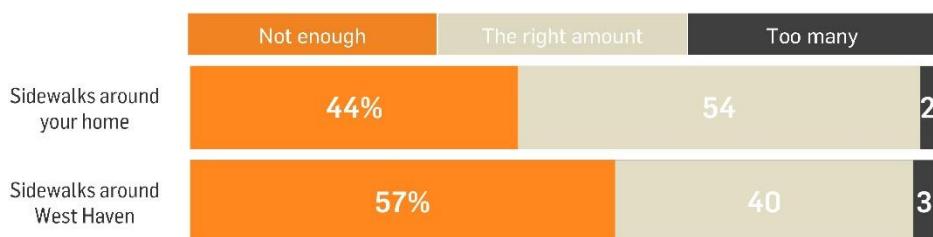
"Community pool, large city park with walking trails, trees, water feature, spray pad, better sports for youth."

Q: What services not currently provided by West Haven do you think the City should provide? (n = 113)

## Residents Want More Sidewalks

Sidewalk access is a clear concern among West Haven residents, with 44% saying there aren't enough sidewalks near their homes and 57% saying the city overall lacks adequate sidewalks. While over half feel their immediate area is sufficiently served, the broader view suggests West Haven needs more sidewalks as it continues to grow.

## Sidewalks in West Haven

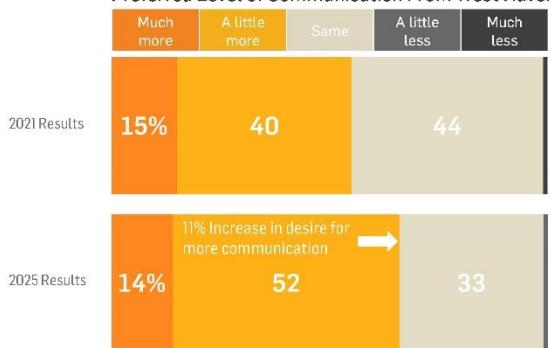


Q: Do you feel like there are too few, too many, or the right number of sidewalks in the area around your home? (n = 383)  
Q: Do you feel like there are too few, too many, or the right number of sidewalks in West Haven generally? (n = 377)

## Residents Want More Communication from the City

Two-thirds of residents say they'd like to receive more communication from West Haven, reflecting an 11% increase since 2021. Only 1% prefer less, highlighting strong support for more frequent and proactive city updates.

#### Preferred Level of Communication From West Haven



## Newsletter Valued, But More Communication Channels Wanted

Among those who want more communication from West Haven, the most common current source of information is the newsletter included with the municipal/sewer bill (28%), followed by word of mouth from neighbors or friends (19%) and social media accounts (17%). According to the responses, most people appreciate the newsletter currently received in the mail, yet their may be an opportunity to expand and diversify communication efforts.

Q: Would you prefer to receive more communication from West Haven, less communication, or are you happy with the level of communication you currently receive from the City? (n = 378)

# Weber County Sheriff's Office

## Strong Trust in Weber County Sheriff's Office

Most residents express confidence in the Weber County Sheriff's Office- 71% trust it to handle crime, 66% believe it's doing what's needed to keep roads and citizens safe, and 63% say it is professional and responsive. However, these numbers reflect slight declines from 2021, with a 9% drop in those who view the office as professional and responsive. Opinions are most divided on whether West Haven should have its own police department.



Q: To what extent do you agree or disagree with the following statements about public safety and law enforcement in West Haven? (n = 375)

## High Satisfaction with Weber County Sheriff's Office Response

Among residents who contacted the police, 75% of residents reported being satisfied, often citing quick response times and professionalism. Just 7% reported strong dissatisfaction, citing concerns that suspicious activity calls were not taken seriously and that the police force is undermanned.



"They showed up so quickly to a car accident and were very helpful."

"They arrived in a timely manner and handled the situation in an efficient manner."

"Very professional, but undermanned and underpaid for what they have to deal with."

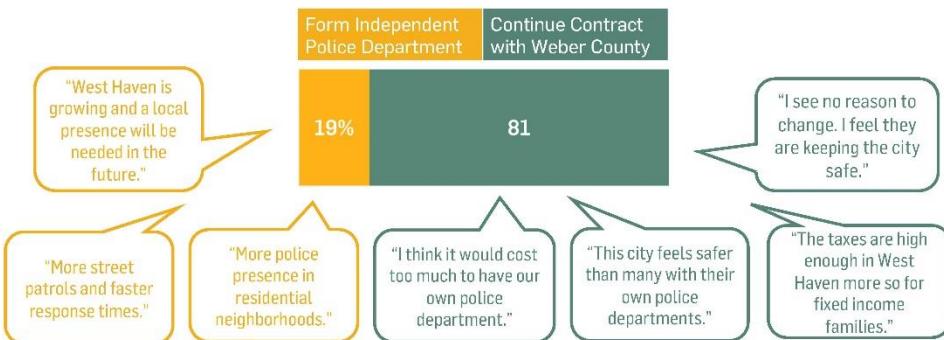
"The impression is calls concerning suspicious activity are not taken seriously. Sheriff is afraid to deal with some situations."

Q: Were you generally satisfied or dissatisfied with the response you received from the Weber County Sheriff's Office? (n = 80)

Q: If you have any comments you would like to briefly share about your experience with the Weber County Sheriff's Office in the past year, please enter them here.

## Residents Favor Continuing Weber County Police Services

81% of residents said they prefer to continue contracting with Weber County Sheriff's Department, citing satisfaction with the current level of service and a desire to avoid higher taxes. The remaining 19% support creating a local police department, expressing concerns about West Haven's rapid growth and the need for increased patrols in residential neighborhoods and on local roads.



Q: If West Haven City were to form its own police department, the costs would be significantly higher than continuing the City's law enforcement service contract with the Weber County Sheriff's Office. Those costs would be passed along to West Haven residents in the form of taxes or fees. An anticipated result of the City having its own local police department would be an increase in law enforcement presence in the community. Knowing this, which of the following options would you prefer? (n=375)

Q: Please briefly explain why you would prefer to see West Haven form its own local police department.

Q: Please briefly explain why you would prefer to see West Haven continue its law enforcement service contract with the Weber County Sheriff's Office.



8.

### ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)

**A. ACTION ON ORDINANCE 08-2025-REZONE FROM A-2 AND A-1 TO R-2-APPROX. 2700 W 2800 S (PARCELS 15-096-0020 AND 15-096-0021)-PAUL D. DONALDSON, AGENT JARED PAYNE**

*Councilmember Call asked about the wetlands on the property.*

*Randy Smith said they can build around what is delineated.*

*Councilmember Saunders asked if they have determined what the buildable areas are yet.*

*Mr. Smith said they had not yet.*

*Councilmember Call expressed reservations about rezoning to R-2 with the number of wetlands on the property.*

*Councilmember Saunders said he felt uncomfortable not knowing where the wetlands are on the property because of potential flooding in the future.*

*Mr. Smith said that you can see from the aerial views that about 40% is wetlands but there is a bench that would be buildable.*

*Mayor Vanderwood said this is a hard parcel to work with and it seems that mitigating first before developing may be better.*

**Councilmember Swapp made a motion** to deny ordinance 08-2025: the Donaldson Rezone Application, parcels 150960020 and 150960021, located at approximately 2700 W 2800 S, West Haven, finding the application's request to rezone from A-1 and A-2 to R-2 that the request does not fill the purpose of the zone to create a quiet, moderate density residential neighborhood and that the natural features and possible wetlands on the property does not meet the purpose of the rezone. **Councilmember Call** seconded the motion.

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

**B. APPROVAL OF ALTERNATIVE BUILDING MATERIALS-COMMERCIAL SUPPLY WAREHOUSE-APPROX. 2160 W 2100 S (PARCEL 15-779-0001)-BEN PROBST, AGENT FERNANDO PEREZ**

*Ben Probst said they are only a couple percentages short for the required secondary materials.*

**Councilmember Saunders made a motion** to approve the proposed alternate building materials and features, finding that the addition of the rock and decorative windows are comparable to those upgraded features, and that the applicant exceeded the minimum amount of primary materials by an additional 10% for the front façade of the building, in addition that these alternate materials and features are supported by listed features and materials. **Councilmember Swapp** seconded the motion.

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

**9. ACTION ON RESOLUTION 38-2025-AWARDING A BID TO ANDERSEN ASPHALT FOR AP4 SURFACE TREATMENT FOR ASPHALT FOR CERTAIN STREETS-JOHN WALLACE**

**Councilmember Call** made a motion to adopt resolution 38-2025 to award the bid to Andersen Asphalt for AP4 Surface Treatment for asphalt in the amount of \$154,908.00. **Councilmember Saunders** seconded the motion.

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

**10. ACTION ON RESOLUTION 39-2025-DECLARING A CERTAIN 2014 CASE BACKHOE AND A 2005 CASE DX55 TURF TRACTOR AS SURPLUS TO THE CITY'S NEEDS; AUTHORIZING THE DISPOSAL OF SUCH AS SURPLUS PROPERTY-SHAWN WARNE**

**Councilmember Saunders** made a motion to adopt resolution 39-2025. **Councilmember Call** seconded the motion.

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

**11. ACTION ON RESOLUTION 40-2024-EASEMENT ENCROACHMENT AGREEMENT BETWEEN WILSON IRRIGATION COMPANY AND WEST HAVEN CITY-SHAWN WARNE**

*Shawn Warnke said this is to enter into an agreement with Wilson Irrigation for a pedestrian crossing for the Wilson Canal.*

*Mayor Vanderwood said this is a safety feature for kids walking to school on 2700 W.*

**Councilmember Dixon** made a motion to adopt resolution 40-2025. **Councilmember Call** seconded the motion.

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

**12. ADJOURNMENT**

**Councilmember Swapp** made a motion to adjourn at 7:16 PM. **Councilmember Saunders** seconded the motion.

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

*Emily Green*

City Recorder

Date Approved:

**STAFF REPORT**

TO: Shawn Wanke  
City Manager  
FROM: Ed Mignone, City Engineer  
Dan Tanner, Registered Stormwater Inspector  
John Wallace, Public Works Director  
DATE: August 14, 2025  
SUBJECT: Update and Revisions to City Code  
Update to the City Consolidated Fee Schedule  
Chapter 155: Stormwater Quality Management

**Background**

In February 2024, the City Council adopted updated and revised City Code Chapter 155: Stormwater Quality Management. The intent was to update the City's code to be consistent with language changes promulgated by the USEPA in the federal Construction General Permit (CGP).

The updated codification also created a framework for the City to regulate stormwater from most construction activities that may not have been subject to state stormwater regulations, but which had the potential to have impacts to the City's stormwater infrastructure.

Earlier this year, the Utah State Legislature adopted changes that changed the method in which cities can inspect regulated projects; requires a specifically defined progressive notification of violation system and limits what specific actions can be identified as potential violations and the amount of fines that can be imposed. It also requires that any fines collected must be "deposit ... into a restricted account for education and outreach under a program."

It also includes a provision that a City cannot impose any regulation stricter than the State/USEPA.

The revisions to the State Code went into effect May 7, 2025. A copy of the recently adopted changes to the State Code is attached.

**Discussion:**

The proposed revised ordinance does provide additional clarity, explanation, and detail mostly by the direct incorporation of definitions. Provisions for conducting inspections, providing notices of violations and imposing stop works orders is taken from State Statute.

- Previously, State Statute required that the City undertake on-site inspections for regulated projects on a specified schedule. The State has now changed the rules giving the Developers the right of refusal to conduct self "electronic inspection" reporting. The report relies on the Developer providing the City with photographic evidence that the best management practices (BMPs) are installed and in conformance with the approved stormwater pollution prevention plan (SWPPP).
- Developers have an option of "opt-out" of self-electronic reporting and allow the City to conduct on-site inspections on the permit prescribed schedule.
- Most common conditions of non-conformance cannot be cited as violations unless the City follows the state prescribed notification procedure. This could ultimately result in the imposition of fines and penalties, however, only for specific actions and dollar amounts specified in the State statute.

MEMO

Shawn Warnke

August 14, 2025

Re: Update and Revisions to City Code

Chapter 155: Stormwater Quality Management

Page 2 of 2

- The City does retain stop work authority in the event of an immediate or imminent threat that contaminated stormwater could enter the City's storm sewer system or construction related debris or materials can enter the system.
- The changes to the Ordinance require changes to the City's consolidated fee schedule with regard to identify code-enforceable actions and the dollar amount that can be imposed for non-compliance.
- The requirements in the current ordinance for long-term maintenance agreements remain without changes.
- The current ordinance recognized that the import or export of large amounts of soil into/from the City is an activity that has great potential impacts, such as noise, dust, traffic, high frequency of construction vehicles on local roads, debris or other materials entering the storm sewer system or onto public streets. Unpermitted filling or cutting of a site can have drainage impacts as well. The language of the State Statute appears that the City cannot regulate these activities under the Construction Stormwater Permitting statute.

Staff intends on incorporating similar requirement for these activities to be regulated under the City's excavation ordinance, Chapter 152 under a soil moving/grading permit framework structure.

This will better allow the City to monitor such activity and respond to any issues as quickly as possible.

#### **Recommended Action**

Staff recommends that City Code Chapter 155: Stormwater Quality Management be fully repealed and replaced with the proposed revised version. The revised ordinance will implement the same definitions, guidance, inspection, and compliance requirements limited to the language of the recently enacted changes in State Statute. Staff further recommends that the City's consolidated fee schedule be modified to be in conformance with the language in the revised ordinance and consistent with State statute.

EJM/CP/DT/JW:ejm

**ORDINANCE NO. 09-2025**

**AN ORDINANCE OF WEST HAVEN CITY, UTAH, AMENDING THE CITY CODE CHAPTER 155: STORMWATER QUALITY MANAGEMENT; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT 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 has adopted and promulgated city ordinances and rules regarding stormwater quality management; and,

**WHEREAS**, the City Council finds that certain changes to the City Code regarding stormwater quality management should be made; and,

**WHEREAS**, the City Council held a public hearing regarding the proposed changes; 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. The **West Haven Code Chapter 155** titled “**STORMWATER QUALITY MANAGEMENT**”, and all of its subsections, shall be repealed and replaced with **Chapter 155: STORMWATER QUALITY MANAGEMENT**, which new language is attached as “**Attachment A**” to this Ordinance.
2. 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 August 2025 and after publication or posting as required by law.

DATED this 20th day of August 2025.

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**

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. 09-2025**, entitled "**AN ORDINANCE OF WEST HAVEN CITY AMENDING THE CITY CODE CHAPTER 155: STORMWATER QUALITY MANAGEMENT; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND PROVIDING AN EFFECTIVE DATE FOR THESE CHANGES.**" adopted and passed by the City Council of West Haven, Utah, at a regular meeting thereof on August 20, 2025 which appears of record in my office, with the date of posting or publication being August 20, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this 20<sup>th</sup> day of August 2025.

## Emily Green City Recorder

## ATTACHMENT A

**ATTACHED TO ORDINANCE 09-2025  
AMENDED CHAPTER 155: STORMWATER QUALITY MANAGEMENT**

**DRAFT**

# **CHAPTER 155: STORMWATER QUALITY MANAGEMENT**

- 155.001 General
- 155.002 Definitions
- 155.010 Compliance with Federal and State Law
- 155.011 Drinking Water Protection
- 155.015 Prohibited Obstructions
- 155.016 Prohibited Discharges
- 155.017 Damage to Storm Sewer System or Irrigation Lines
- 155.020 Construction Stormwater Permits; Permit Required
- 155.030 Oversight Inspections and Entry
- 155.031 Corrective Actions
- 155.040 Stormwater Facilities Ownership, Operation, and Maintenance
- 155.041 Long-Term Maintenance Agreement
- 155.070 Stormwater Impact Fee Service Area Established; Utility and Impact Fees
- 155.080 Fee Schedule
- 155.090 Authority to Inspect
- 155.091 Enforcement; Stop Work Orders; Notice of Violation
- 155.093 Appeal
- 155.999 Penalty

## **§ 155.001 GENERAL.**

(A) Purpose. The purpose of this Chapter is to:

- (1) Protect, maintain, and enhance the environment of West Haven City;
- (2) Establish responsibilities for controlling and managing storm water runoff;
- (3) Protect the public health, safety, and the general welfare of the citizens of the CITY by controlling discharges of pollutants to the City's storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the CITY and State of Utah;
- (4) Enable the CITY to comply with the National and Utah Pollution Discharge Elimination System permits (NPDES/UPDES) and applicable regulations in 40 CFR §122 for storm water discharges;
- (5) Allow the CITY to exercise the powers granted by the Utah State Code, which provides that, among other powers municipalities have with respect to storm water facilities, the CITY may:
  - (a) Regulate construction projects disturbing one (1) acre or more and construction projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre in accordance with the City's MS4 permit and state regulations and requirements;
  - (b) Exercise general regulation over the planning, location, construction, operation, and maintenance of storm water facilities in the municipality, whether or not owned and operated by the municipality;
  - (c) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;

- (d) Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
- (e) Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments, and other projects whether public or private;
- (f) Authorize *STOP WORK ORDERS* when it is determined that the permittee has violated any applicable Section of this Chapter, or condition of the permit; and
- (g) Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated.

(B) The *CITY ENGINEER* and the *PUBLIC WORKS DIRECTOR*, or his/her designee, are authorized to administer, implement, interpret, and enforce the provisions of this Chapter.

## **§ 155.002 DEFINITIONS.**

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates, or requires, a different meaning.

**APPLICANT.** A person that applies for authorization to discharge under a construction stormwater water permit to conduct or propose to conduct a use of land for a construction site. *APPLICANT* includes a person granted an authorization to discharge under a construction stormwater permit once the authorization has been granted.

**AUTHORITY.** The Water Quality Division of the Utah Department of Environmental Quality (DEQ) Water Quality or a *MUNICIPAL SYSTEM AUTHORITY*.

**BEST MANAGEMENT PRACTICES (BMPs).** A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff, and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage, leaks, sludge, water disposal, or drainage from raw material storage.

**BUSINESS DAYS.** A day other than Friday, Saturday, Sunday, or a legal holiday as based on the current designated hours of operation for West Haven City as determined by the City Council.

**CATCH BASIN.** A drain inlet intended to direct *STORMWATER RUNOFF* into the *MUNICIPAL SYSTEM* and designed to keep out large or obstructive matter.

**CITY.** West Haven City or any employee, designee, duly appointed deputy, agent, or representative. Shown in this Chapter as "CITY" or "City".

97      **CITY ENGINEER.** Designated City Engineer or his/her duly appointed deputy, agent,  
98      or representative.  
99

100     **COMMON PLAN OF DEVELOPMENT OR SALE.** A plan to subdivide a parcel of land  
101    into separate parts for separate sale. This can be for residential, commercial, or  
102    industrial development. The plan originates as a single parcel that is separated into  
103    parts. This usually goes through an approval process by a local governmental unit, but  
104    in some cases, it may not require that process. The original plan is considered the  
105    **COMMON PLAN OF DEVELOPMENT OR SALE**, whether phased or completed in  
106    steps. Additional information related to **COMMON PLAN OF DEVELOPMENT** for  
107    permit purposes: For UPDES stormwater permit purposes, a common plan must have  
108    been initiated after October 1992. A **COMMON PLAN OF DEVELOPMENT OR SALE**  
109    remains so until each lot or section of the development has fulfilled its planned  
110    purpose (for example, in a residential development as homes are completed,  
111    stabilized, and sold or occupied). As lots or separated sections of the development  
112    are completed, the lot or section is stabilized, and as the plan purposes are fulfilled for  
113    that area, lot, or section, it is no longer part of the **COMMON PLAN OF**  
114    **DEVELOPMENT OR SALE** (for example, if a home is sold in a development and the  
115    owner decides to add a garage somewhere on the lot, that garage project is not part  
116    of the common plan of development or sale). In this process, a **COMMON PLAN OF**  
117    **DEVELOPMENT OF SALE** may become reduced in size and/or separated by  
118    completed areas which are no longer part of the common plan of development or sale,  
119    but all unfinished lots remain part of the same common plan of development or sale  
120    until they are completed, stabilized, and fulfilled according to the purpose of the plan.  
121

122     **CONSTRUCTION ACTIVITY.** Any human-made change to improved or unimproved  
123    real estate, including, but not limited to, site preparation, excavation, grubbing,  
124    clearing, filling, grading, paving, excavation, and construction of buildings or other  
125    structures that will disrupt or cause a change in the natural landscape on a public or  
126    private property within the City.  
127

128     **CONSTRUCTION STORMWATER PERMIT.** A *PERMIT* by an *APPLICANT* required  
129    where **CONSTRUCTION ACTIVITY** may cause a **SOIL DISTURBANCE** of:  
130

- 130       (a) One (1) acre or more; or
- 131       (b) Less than one (1) acre if part of a **COMMON PLAN OF DEVELOPMENT OF**  
132       **SALE**.

133     **CONTAMINANT.** See **POLLUTANT**.

136     **CORRECTIVE ACTION.** Directive from the *MUNICIPAL AUTHORITY* to a  
137    *PERMITTEE* that a *BEST MANAGEMENT PRACTICE* or other control needs  
138    significant repair or a new or replacement control is needed; **CORRECTIVE ACTION**  
139    is not *ROUTINE MAINTENANCE*.

140     **DEBRIS.** Any dirt, rock, sand, vegetation, rubbish, or litter.  
141

143     **DETENTION BASIN.** A depression designed to detain stormwater runoff until  
144    downstream storm sewer resources are less heavily taxed. A **DETENTION**  
145    **BASIN** contains an inlet and an outlet, allows debris to settle out, and regulates water

146 flow. A *DETENTION BASIN* may be either publicly or privately owned, operated, and  
147 maintained.

148  
149 **DISCHARGE.** Dispose, deposit, spill, pour, inject, seep, dump, leak, or place by any  
150 means, or that which is disposed, deposited, spilled, poured, injected, seeped,  
151 dumped, leaked, or placed by any means, including any direct or indirect entry of any  
152 solid or liquid matter into the municipal separate stormwater system. A *DISCHARGE*  
153 can occur with or without precipitation.

154  
155 **DRAIN INLET.** A point of entry into a sump, detention basin, or storm drain system  
156 that is not a *CATCH BASIN*.

157  
158 **EARTH-DISTURBING ACTIVITIES/LAND-DISTURBING ACTIVITIES.** Actions taken  
159 to alter the exiting vegetation and/or underlying soil of a site, such as clearing,  
160 grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and  
161 movement and stockpiling of topsoil.

162  
163 **ELECTRONIC INSPECTION/ELECTRONIC INSPECTION REPORT.** Geo-located  
164 and time-stamped photographs that the *APPLICANT* takes, evaluates, and submits  
165 electronically to the *MUNICIPAL AUTHORITY* to demonstrate compliance with the  
166 terms, conditions, and responsibilities under an approved *CONSTRUCTION*  
167 *STORMWATER PERMIT*.

168  
169 **EXCEPTIONAL CIRCUMSTANCES.** Circumstances that include, but are not limited  
170 to, situations which involve a risk of injury to persons, damage to storm drain facilities,  
171 or damage to other property or the environment.

172  
173 **GENERAL STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY  
174 CONNECTED WITH SINGLE LOT HOUSING PROJECTS (Common Plan Permit)  
175 (CPP).** Permit issued by the Utah State Department of Environmental Quality, Division  
176 of Water Quality, under the *Utah Pollutant Discharge Elimination System*, Permit No.  
177 UTRH00000 regulating *CONSTRUCTION ACTIVITIES* for certain projects for a single  
178 lot disturbing a total of one (1) acre or less and for construction activities related to  
179 residential dwellings. A single lot covered by this permit is part of a *COMMON PLAN  
180 OF DEVELOPMENT OR SALE*. The permit is incorporated into this Chapter by  
181 reference.

182  
183 **GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION  
184 ACTIVITIES (Construction General Permit) (CGP).** Permit issued by the Utah State  
185 Department of Environmental Quality, Division of Water Quality, under the *Utah  
186 Pollutant Discharge Elimination System*, Permit No. UTRC00000 regulating  
187 *CONSTRUCTION ACTIVITIES* for certain projects from commencement of earth-  
188 disturbing activities through final stabilization. The permit is incorporated into this  
189 Chapter by reference.

190  
191 **HAZARDOUS MATERIAL.** Any material, including any substance, waste, or  
192 combination thereof, which, because of its quantity, concentration, or physical,  
193 chemical, or infectious characteristics, may cause, or significantly contribute to, a  
194 substantial presence or potential hazard to human health, safety, property, or the

195 environment when improperly treated, stored, transported, disposed of, or otherwise  
196 managed. **HAZARDOUS MATERIAL** includes, but is not limited to, any hazardous  
197 substance designated under 40 C.F.R. part 116 pursuant to § 311 of the Clean Water  
198 Act, being 33 U.S.C. § 1321.

199  
200 **ILLICIT CONNECTIONS.** Illegal and/or unauthorized connections to the municipal  
201 separate stormwater system, whether or not such connections result in discharges  
202 into that system. These also include any drain or conveyance connected to or  
203 discharging to the storm drain system, which has not been:

204 (1) Documented in plans, maps, or equivalent records submitted to the **CITY**; and  
205 (2) Permitted or otherwise authorized by the **CITY**.

206  
207 **ILLICIT DISCHARGE.**

208 (A) Any **NON-STORMWATER RUNOFF** or **DISCHARGE** to the **MUNICIPAL SYSTEM**  
209 or **WATERS OF THE STATE**. **ILLICIT DISCHARGE** includes both direct  
210 discharges and indirect discharges that occur due to deliberate or inadvertent  
211 actions, but not limited to:  
212 (1) Any **POLLUTANT**, sewage, process wastewater, or wash water that enter the  
213 storm drain system;  
214 (2) **DISCHARGE** to the **MUNICIPAL SYSTEM** from indoor drains or sinks,  
215 regardless of whether said drain or discharge had been previously allowed,  
216 permitted, or approved by a government agency; or discharge directly to any  
217 collection or conveyance structures or appurtenances;  
218 (3) Unmanaged wastewater from washout of concrete;  
219 (4) Wastewater from washout and cleanout of stucco, paint, form release oils,  
220 curing compounds and other construction materials;  
221 (5) Fuels, oils, and/or other pollutants used in vehicle and equipment operation and  
222 maintenance; or  
223 (6) Soaps or solvents are used in vehicle and equipment washing.

224  
225 **IMMEDIATE THREAT.** **CONTAMINANTS** actively entering a river, stream, or lake.

226  
227 **IMMINENT THREAT.** **CONTAMINANTS** anticipated to be discharged into a river,  
228 stream, or lake within forty-eight (48) hours.

229  
230 **LONG-TERM MAINTENANCE AGREEMENT.** A document recorded with the Weber  
231 County Recorder that acts as a property deed restriction, and which provides for long-  
232 term, post-construction maintenance of privately owned, maintained, and/or operated  
233 permanent structural and/or non-structural **BMPs** for stormwater management.

234  
235 **LONG-TERM STORMWATER MANAGEMENT/POST-CONSTRUCTION**  
236 **STORMWATER MANAGEMENT MEASURES.** The use of structural or non-  
237 structural measures at developed sites after construction that are designed to reduce  
238 long-term impacts of storm water runoff to the **MUNICIPAL SYSTEM** and **WATERS**  
239 **OF THE STATE**.

240  
241 **LOW IMPACT DEVELOPMENT (LID).** An approach to land development (or re-  
242 development) that works with nature to more closely mimic pre-development  
hydrologic functions. LID employs principles, such as preserving and recreating

243 natural landscape features, and minimizing effective imperviousness to create  
244 functional and appealing site drainage, which treats stormwater as a resource rather  
245 than a waste product. There are many practices that have been used to adhere to  
246 these principles, such as bio retention facilities, rain gardens, vegetated rooftops, rain  
247 barrels, and permeable pavements. LID must comply with the requirements in the  
248 City's most recently adopted Stormwater Management Plan which is incorporated  
249 herein by reference and published on the City website.

250

**251 *MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)/MUNICIPAL SYSTEM.***

252 The system of stormwater collection and conveyance structures and appurtenances  
253 (such as catch basins, detention/retention basins, curbs, gutters, ditches, human-  
254 made channels, sumps, storm drains, and groundwater) owned and operated by the  
255 *MUNICIPAL SYSTEM AUTHORITY*. The *MUNICIPAL SYSTEM* is regulated under the  
256 State of Utah General Permit for Discharges from Small Municipal Separate Storm  
257 Sewer Systems (MS4s) UPDES PERMIT NUMBER UTR090000.

258

**259 *MUNICIPAL SYSTEM AUTHORITY.*** The entity that is responsible for the oversight of  
260 the municipal system, i.e., West Haven City.

261

**262 *NON-STORMWATER RUNOFF.*** Any overland flow generated from any water source  
263 other than stormwater.

264

**265 *NOTICE OF INTENT.*** The form, electronic or paper, required to be submitted to the  
266 State of Utah for authorization of coverage under the *GENERAL PERMIT FOR*  
267 *STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES* or *GENERAL*  
268 *STORMWATER PERMIT FOR CONSTRUCTION ACTIVITY CONNECTED WITH*  
269 *SINGLE LOT HOUSING PROJECTS.*

270

**271 *OCCURRENCE.*** Specific conditions under which the *AUTHORITY* or designated  
272 *CITY* officials may impose an administrative fine on a *PERMITTEE* in accordance with  
273 this Chapter. Each business day the specific violation continues beginning on the day  
274 after the date on which an administrative fine is first issued; or a violation that has  
275 occurred within thirty (30) days after the date on which the *PERMITTEE* corrects the  
276 violation.

277

**278 *OVERSIGHT INSPECTION.*** An inspection performed by the *MUNICIPAL AUTHORITY*  
279 to impose compliance with the *PERMIT*. Oversight inspection shall generally be  
280 conducted through a review of an *APPLICANT ELECTRONIC INSPECTION REPORT*  
281 or as otherwise allowed under this Chapter.

282

**283 *PERMIT.*** A *CONSTRUCTION STORMWATER PERMIT* issued in accordance with  
284 this Chapter.

285

**286 *PERMITTEE.*** An *APPLICANT* granted an authorization to discharge under a  
287 *CONSTRUCTION STORMWATER PERMIT* once the authorization has been granted.

288

**289 *PERSON.*** Any individual, corporation, partnership, association, company, private or  
290 public utility or infrastructure provider or body politic, including any agency of the

291 State, County, and the United States government. A *PERSON* may or may not be an  
292 *APPLICANT* or *PERMITTEE*.

293  
294 **POLLUTANT.** Dredged spoil, solid wastes, sewage, garbage, munitions, chemical  
295 wastes, biological materials, radioactive materials, pesticides, herbicides, fertilizers,  
296 sewage, dissolved and particulate metals, animal wastes, wastes and residue that  
297 results from construction, rocks, sand, cellar dirt, industrial, municipal and agricultural  
298 wastes, paints, varnishes, and solvents, oil and other automotive fluids, nonhazardous  
299 liquid, and refuse, garbage, litter, floatables, lawn clippings, leaves, branches, plant  
300 material, or other discarded or abandoned objects, articles, and accumulations that  
301 may contaminate otherwise clean water, cause or contribute to pollution.

302  
303 **PREFERRED BEST MANAGEMENT PRACTICES (BMPs).** BMPs identified by the  
304 City and published on the City website for priority consideration by an *APPLICANT* in  
305 preparation of a *PREVENTION PLAN*.

306  
307 **PREVENTION PLAN.** A site-specific, written document that:

- 308 (1) Identifies potential sources of stormwater pollution at the construction site;
- 309 (2) Describes practices to reduce pollutants in stormwater discharges from the  
310 construction site and to maintain pre-development runoff quantity;
- 311 (3) Identifies procedures the operator will implement to comply with the terms  
312 and conditions of a construction general permit; and
- 313 (4) Prepared in accordance with the requirements of 40 C.F.R., Sec. 122.26

314  
315 **PUBLIC WAY.** All public rights-of-way and easements, public footpaths, walkways  
316 and sidewalks, public streets, public roads, public highways, public alleys, and public  
317 drainage ways.

318  
319 **PUBLIC WORKS DIRECTOR.** Designated Public Works Director or his/her duly  
320 appointed deputy, agent, or representative.

321  
322 **REGISTERED STORMWATER INSPECTOR (RSI).** A professional who has met  
323 criteria required by the State of Utah and authorized to conduct stormwater  
324 inspections on behalf of the *MUNICIPAL AUTHORITY*.

325  
326 **RETENTION BASIN.** A depression designed to hold stormwater runoff that will drain  
327 to the underlying soil and does not have any outlet. A *RETENTION BASIN* may be  
328 either publicly or privately owned, operated, and maintained.

329  
330 **ROUTINE MAINTENANCE.** Minor repairs or other upkeep performed to ensure the  
331 site's stormwater controls remain in effective operating condition, not including  
332 significant repairs or the need to install a new or replacement control.

333  
334 **SITE:** Lands or areas indicated in an approved *PREVENTION PLAN*, submitted by or  
335 being furnished by Owner upon which the work is to be performed, including rights-of-  
336 way and easements, and such other lands furnished by Owner which are designated  
337 for the use of Contractor. *SITE* includes the entire area for which a *PERMITTEE* has  
338 been approved to perform *CONSTRUCTION ACTIVITY* under a single permit.

340        **SOIL DISTURBANCE.** To alter the physical condition, natural terrain, or vegetation of  
341        land by clearing, grubbing, grading, excavating, filling, building, or other construction  
342        activity.

343  
344        **STOP WORK ORDER(S).** (SWO) A written notification given to the *PERMITTEE* or  
345        *OPERATOR* to cease all on-site *CONSTRUCTION ACTIVITY*, and all violation(s)  
346        shall be remediated before *CONSTRUCTION ACTIVITY* can resume.

347  
348        **STORM SEWER SYSTEM (PRIVATE).** The system of stormwater collection and  
349        conveyance structures and appurtenances (such as catch basins, detention/retention  
350        basins, curbs, gutters, ditches, human-made channels, sumps, storm drains, and  
351        groundwater) owned, operated, and maintained by non-municipal entities, including  
352        HOAs. Aspects of a private storm sewer system may be operated and maintained by  
353        the City.

354  
355        **STORM SEWER SYSTEM (PUBLIC).** The system of stormwater collection and  
356        conveyance structures and appurtenances (such as catch basins, detention/retention  
357        basins, curbs, gutters, ditches, human-made channels, sumps, storm drains, and  
358        groundwater) owned and operated by the City. Aspects of a public storm sewer  
359        system may be operated and maintained by a non-municipal entity. See also  
360        *MUNICIPAL SEPARATE STORMWATER SYSTEM (MS4)*.

361  
362        **STORMWATER.** Any flow that occurs during or following any form of natural  
363        precipitation. **STORMWATER** includes only the portion of such flow that is composed  
364        of precipitation.

365  
366        **STORMWATER MANAGEMENT PLAN.** A plan developed by the *MUNICIPAL*  
367        *AUTHORITY* that implements requirements for City compliance with its obligations  
368        and responsibilities under the MS4 permit; provide guidance and standards for the  
369        design, operation, and maintenance of structural and non-structural stormwater  
370        facilities for proposed subdivisions and site plans. The SWMP is adopted by the City  
371        Council by reference and may be updated from time to time. The most recent version  
372        of the SWMP adopted by the City Council shall control.

373  
374        **STORMWATER MANAGER.** An individual designated under the *PUBLIC WORKS*  
375        *DIRECTOR* that may be assigned day-to-day responsibility for managing, operating,  
376        and maintaining the *MUNICIPAL SYSTEM* and the administration of this Chapter.

377  
378        **STORMWATER POLLUTION PREVENTION PLAN/SWPPP.** See *PREVENTION*  
379        *PLAN*.

380  
381        **STORMWATER RUNOFF.** Any overland flow that occurs by or from natural  
382        precipitation, including snow melt.

383  
384        **SUMP.** An underground structure, surrounded by drain rock, that is designed to retain  
385        water to allow the slow release into the surrounding subsoil.

386  
387        **SURFACE WATER.** All open water bodies, streams, lakes, ponds, marshes,  
388        wetlands, watercourses, waterways, springs, drainage systems, and all other bodies

389 or accumulations of water on the surface only and can be designated as **WATERS OF**  
390 **THE STATE.**

391  
392 **UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES).** The state's  
393 program for issuing, modifying, revoking and reissuing, terminating, monitoring, and  
394 enforcing permits, and for imposing and enforcing pretreatment requirements, under  
395 §§ 307, 102, 318, and 405 of the Clean Water Act (CWA), being 33 U.S.C. §§ 1317,  
396 1252, 1328, and 1345, respectively, for the discharge of pollutants to waters of the  
397 state. This program is specifically designed to be compatible with the federal National  
398 Pollutant Discharge Elimination System (NPDES) program established and  
399 administered by the EPA.

400  
401 **WATERS OF THE STATE (Utah State Code Title 19, Chapter 5, Section 102).** All  
402 streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation  
403 systems, drainage systems, and all other bodies or accumulations of water, surface  
404 and underground, natural or artificial, public or private, which are contained within,  
405 flow through, or border upon this state or any portion thereof. Bodies of water confined  
406 to and retained within the limits of private property, and which do not develop into or  
407 constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall  
408 not be considered to be "Waters of the State" under this definition.

#### 410 411 **§ 155.010 COMPLIANCE WITH FEDERAL AND STATE LAW.**

412 (A) Nothing in this Chapter should be interpreted to relieve any person from an  
413 obligation to comply with an applicable federal, state, or local law relating to  
414 stormwater discharges or drinking water protection.

415 (B) The City may not make or enforce a rule, an ordinance, or a policy regarding the  
416 **MUNICIPAL SYSTEM** more stringent than the corresponding federal regulations  
417 under the federal Clean Water Act unless expressly permitted by state statute.

#### 419 420 **§ 155.011 DRINKING WATER PROTECTION.**

421 All stormwater and non-stormwater discharges shall comply with the Weber-Morgan  
422 Health Department's drinking water source protection ordinance.

#### 424 425 **§ 155.015 PROHIBITED OBSTRUCTIONS.**

426 (A) It is unlawful for any **PERSON** or **PERMITTEE** to:

- 427 (1) Obstruct the flow of **STORMWATER RUNOFF** in the **MUNICIPAL SYSTEM**;
- 428 (2) Contribute to the obstruction of the flow of **STORMWATER RUNOFF** in the  
**MUNICIPAL SYSTEM**;
- 429 (3) Cover or obstruct any **DRAIN INLET**; or
- 430 (4) **DISCHARGE** or cause to discharge any **STORMWATER RUNOFF** or  
**POLLUTANT** onto adjacent private and/or public properties.

431 (B) The City may direct any **PERSON** or **PERMITTEE** who installs, owns, or  
432 maintains facilities or structures or obstruction within the **PUBLIC WAY** or any  
433 public drainage or public utility easement that impede the free flow of  
434 **STORMWATER**; and/or creates flooding or impoundment within the right of way  
435 or other public or private property; and/or creates a nuisance to remove such  
436  
437

438           obstructions and be subject to other enforcement actions in accordance with  
439           state statute or the West Haven City Code.

440           (C) The following obstructions are exempt from the prohibitions of this Section:  
441            (1) Street and/or storm sewer improvement projects authorized by the City;  
442            (2) Flood control and prevention activities performed by the City;  
443            (3) Obstructions approved by the City as part of a site's *PREVENTION PLAN*;  
444            and  
445            (4) Obstructions occurring during cleanup periods established by the City;  
446            provided that the materials are placed in accordance with City requirements  
447            and do not obstruct *DRAIN INLETS*.

#### **§ 155.016 PROHIBITED DISCHARGES.**

450           (A) It is unlawful for any *PERSON* or *PERMITTEE* to cause or allow an *ILLICIT  
451           DISCHARGE*, as defined in §155.002, to the *MUNICIPAL SYSTEM* or *WATERS  
452           OF THE STATE*.

453           (B) It is unlawful for any person to maintain, store, keep, deposit, or leave any  
454           pollutant or hazardous material, or any item containing a pollutant or hazardous  
455           material, in a manner that is likely to result in the discharge of the pollutant or  
456           hazardous material to the storm sewer system as a result of a precipitation event,  
457           including snowmelt or non-stormwater runoff.

458           (C) The following discharges to the *MUNICIPAL SYSTEM* are exempt from the  
459           prohibitions of this Section:  
460            (1) Discharges regulated under a valid UPDES storm discharge permit, provided  
461            that the discharge complies with the terms of the permit;  
462            (2) Water line flushing;  
463            (3) Landscape irrigation;  
464            (4) Diverted stream flows;  
465            (5) Rising groundwaters;  
466            (6) Uncontaminated groundwater infiltration;  
467            (7) Uncontaminated pumped groundwater;  
468            (8) Discharges from potable water sources;  
469            (9) Uncontaminated water from foundation/footing, land, and yard drains;  
470            (10) Air conditioning condensate;  
471            (11) Uncontaminated irrigation water, including uncontaminated lawn-watering  
472            runoff;  
473            (12) Springs;  
474            (13) Individual residential car washing, provided there is no discharge of soaps,  
475            solvents, or other substances used for such purposes;  
476            (14) Flows from riparian habitats and wetlands;  
477            (15) Dechlorinated swimming pool discharges;  
478            (16) Residual sidewalk, driveway, or street wash water;  
479            (17) Dechlorinated water reservoir discharges; and  
480            (18) Discharges from emergency firefighting activities.

487 **§ 155.017 DAMAGE TO THE MUNICIPAL SYSTEM OR IRRIGATION LINES.**

488 (A) Any person who damages any portion of the *MUNICIPAL SYSTEM*, a City-  
489 owned irrigation line, or a City-maintained irrigation line shall be responsible for  
490 repairing the damages.

491 (B) Any damages shall be repaired by a licensed contractor bonded to do work in the  
492 City and shall be repaired in accordance with the City's most recently adopted  
493 engineering standards, specifications, and practices.

494 (C) It is unlawful to remove or alter any portion of the *MUNICIPAL SYSTEM* without  
495 authorization from the *CITY ENGINEER*.

496 (D) It shall be unlawful to open any storm sewer manhole or other storm sewer  
497 fixture such as grates, lids, or inlets) without permission from the *CITY*  
498 *ENGINEER*.

499 **§ 155.020 CONSTRUCTION STORMWATER PERMIT; PERMIT REQUIRED.**

500 (A) A Construction Stormwater Permit is required for:  
501 (1) Any residential development project that has received all requisite land use  
502 review and approvals in accordance with City land usage ordinances; and  
503 (2) May cause a *SOIL DISTURBANCE* of:  
504 (a) One (1) acre or more; or  
505 (b) Less than one (1) acre if the application is part of a *COMMON PLAN OF*  
506 *DEVELOPMENT OF SALE*;

507 (3) The City has received notice that the *APPLICANT* has submitted a *NOTICE*  
508 *OF INTENT* with the State.

509 (B) A *CONSTRUCTION STORMWATER PERMIT* application shall consist of an  
510 application form as prescribed by the *CITY ENGINEER* or *PUBLIC WORKS*  
511 *DIRECTOR*, a *PREVENTION PLAN*, and associated and supportive  
512 documentation that will be in accordance with a checklist published on the City's  
513 website.

514 (C) The City's checklist shall be consistent with:  
515 (1) The current EPA Construction General Permit.  
516 (2) The requirements listed may not exceed the application requirements  
517 of 40 C.F.R. Part 122, Subpart B.

518 (D) An application that is submitted with all required checklist items will be accepted  
519 as "complete."

520 (E) The City shall provide for review of a complete application and the *APPLICANT*  
521 shall not be permitted to start any *CONSTRUCTION ACTIVITIES* until the City  
522 authorizes such discharge of stormwater in conformance with the following  
523 schedule:  
524 (1) The City has fourteen (14) *BUSINESS DAYS* after the day on which the  
525 *APPLICANT* submits a complete application to review the application for  
526 compliance with local ordinances, state law, and federal law.  
527 (2) Within those fourteen (14) *BUSINESS DAYS*, the City may request that the  
528 *APPLICANT* provide more information or modification to the *PREVENTION*  
529 *PLAN*, if:  
530 (a) The City lists specifically why the *PREVENTION PLAN* or other submittal  
531 is non-compliant and the additional information is required; and/or;  
532 (b) The City includes citations to the permit requirements, local ordinances,  
533 state law, or federal law that require the requested modification(s) to

536 the *PREVENTION PLAN*; and logged in an index of  
537 requested modifications.

(3) The City has five (5) *BUSINESS DAYS* after the day on which the *APPLICANT* submits the additional information or modification to complete the review of the application and shall notify the *APPLICANT*, in writing, whether the authorization to discharge is granted.

(F) The City may conduct a pre-construction site inspection in person or use an electronic site inspection tool to ensure that the *SITE* is in compliance with the approved *PREVENTION PLAN* prior to the start of *CONSTRUCTION ACTIVITIES*.

(1) The applicant or applicant's designee shall participate in pre-construction site inspections;

(2) No **CONSTRUCTION ACTIVITIES** shall be allowed if the site is not in conformance with the approved **PREVENTION PLAN**.

## § 155.030 OVERSIGHT INSPECTIONS AND ENTRY.

#### (A) Frequency of Inspections for CGP PERMITTEES

(1) In accordance with the State of Utah CGP, the *PERMITTEE* must complete and submit to the City an *ELECTRONIC SITE INSPECTION REPORT*:

- (a) At least once every seven (7) calendar days; or
- (b) Once every fourteen (14) calendar days and within twenty-four (24) hours of the occurrence of:
  - (i) A storm event that produces 0.5 inches or more of rain within a twenty-four (24) hour period.
  - (ii) If a storm event produces 0.5 inches or more of rain within a twenty-four (24) period (including when there are multiple, smaller storms that alone produce less than 0.5 inches but together produced 0.5 inches or more in twenty-four (24) hours), must conduct one (1) *ELECTRONIC SITE INSPECTION REPORT* within twenty-four hours of when 0.5 inches of rain or more has fallen.
  - (iii) If a storm event produces 0.5 inches or more of rain within a twenty-four (24) period on the first day of a storm and continues to produce 0.5 inches or more of rain on subsequent days, conduct an *ELECTRONIC SITE INSPECTION REPORT* within twenty-four (24) hours of the first day of the storm and within twenty-four (24) hours after the last day of the storm that produces 0.5 inches or more of rain (i.e. only two (2) inspections would be required for such a storm event).
- (c) Runoff from snowmelt sufficient to cause a *DISCHARGE*.

(2) The City shall conduct oversight inspections by reviewing the submitted *ELECTRONIC SITE INSPECTION REPORTS* in accordance with standard operating procedures, forms, or similar types of documents for construction site inspections published on the City's website and only through an electronic site inspection tool/platform. The City shall only accept an *ELECTRONIC SITE INSPECTION REPORT* for review if all submitted photographs:

- (a) Include meta data verifying the date, time, and GPS location corresponding to the construction site; and
- (b) Be of sufficient resolution and clarity to assess compliance with general

## **BEST MANAGEMENT PRACTICES.**

(3) The City may conduct an on-site inspection if the City has documentation of:

- (a) Alterations of electronic photographs; or
- (b) Failure to submit an *ELECTRONIC SITE INSPECTION REPORT* in accordance with the prescribed schedule.

(4) The City may conduct an on-site compliance inspection anytime if the *SITE* is within one-half (0.5) mile of a river, a stream, or a lake.

(5) A *PERMITTEE* may opt out of self-submittal of *ELECTRONIC SITE INSPECTION REPORTS* and allow the City to conduct regular on-site inspections in accordance with the schedule provided under this Chapter or state statute.

- (a) The *PERMITTEE* must submit an opt-out notification in a form/format provided by the *CITY ENGINEER* or *PUBLIC WORKS DIRECTOR* and published on the City's website.
- (b) The opt-out notification must be submitted and accepted by the City at the time of authorization to discharge is granted.
- (c) The *PERMITTEE* may request a change of status from opt-out to opt-in or vice versa within seven (7) business days from the end of each calendar month.
- (d) The *PERMITTEE* must allow designated City inspectors unfettered access to the site to conduct on-site inspections based on the schedule provided under this Chapter for the duration of the opt-out period.

### (B) Frequency of Inspections for *CPP PERMITTEES*

- (1) In accordance with the State of Utah CPP, the *PERMITTEE* must complete and submit to the City an *ELECTRONIC SITE INSPECTION REPORT* at least once every seven (7) calendar days.
- (2) The City shall only accept an *ELECTRONIC SITE INSPECTION REPORT* for review only if all submitted photographs:
  - (a) Include meta data verifying the date, time, and GPS location corresponding to the construction site; and
  - (b) Be of sufficient resolution and clarity to assess compliance with general *BEST MANAGEMENT PRACTICES*.
- (3) The City may conduct an on-site inspection if the City has a documented reason to justify an on-site oversight inspection that may show:
  - (a) Alterations of electronic photographs; or
  - (b) Failure to submit an *ELECTRONIC SITE INSPECTION REPORT* in accordance with the prescribed schedule.
- (4) The City may conduct an on-site compliance inspection if the *SITE* is within one-half (0.5) mile of a river, a stream, or a lake.
- (5) A *PERMITTEE* may opt out of self-submittal of *ELECTRONIC SITE INSPECTION REPORTS* and allow the City to conduct regular on-site inspections in accordance with the schedule provided under this Chapter.
  - (a) The *PERMITTEE* must submit an opt-out notification in a form/format provided by the *CITY ENGINEER* or *PUBLIC WORKS DIRECTOR* and published on the City's website.
  - (b) The opt-out notification must be submitted and accepted by the City at the time of authorization to discharge is granted.
  - (c) The *PERMITTEE* may request a change of status from opt-out to opt-in or vice versa within seven (7) business days from the end of each calendar

634 month.

(d) The *PERMITTEE* must allow designated City inspectors unfettered access to the site to conduct on-site inspections based on the schedule provided in this Chapter for the duration of the opt-out period.

(C) The City may inspect any state transportation project or a military project in accordance with Utah State Statute.

## § 155.031 CORRECTIVE ACTIONS

- (A) If upon review of an *ELECTRONIC SITE INSPECTION REPORT* or during an on-site inspection by an authorized official, *CORRECTIVE ACTION(S)* may be ordered for failure to comply with any provision of this Chapter or any other applicable law, ordinance, or regulation related to stormwater.
- (B) A *CORRECTIVE ACTION* may be ordered if installed measures in an approved *PREVENTION PLAN* are inadequate or failing due to lack of maintenance or infective operation to prevent or minimize, to the maximum extent practicable, to prevent a *DISCHARGE*.
- (C) The *PERMITTEE* shall be notified in writing of the need to undertake *CORRECTIVE ACTION(S)* and shall immediately take all reasonable steps to address the underlying issues and/or concerns.
  - (1) If the *CORRECTIVE ACTION* is in response to an *IMMEDIATE THREAT*, action shall be immediately taken upon notice to prevent or mitigate the *DISCHARGE*.
  - (2) If the *CORRECTIVE ACTION* is in response to an *IMMINENT THREAT*, action shall be taken immediately no later than twenty-four (24) hours after the time the notification was sent to the *PERMITTEE* if there is no precipitation occurring or no more than 0.5 inches of precipitation forecast within the twenty-four (24) hour period.
  - (3) When the *CORRECTIVE ACTION* does not require a new or replacement control or significant repair, the *CORRECTIVE ACTION* must be completed by the close of the next *BUSINESS DAY*.
  - (4) When the *CORRECTIVE ACTION* requires a new or replacement control or significant repair, the *PERMITTEE* shall:
    - (a) Install the new or modified control and make it operational; or complete the repair, by no later than seven (7) calendar days from the time notification is sent to the *PERMITTEE*.
    - (b) If it is infeasible to complete the installation or repair within seven (7) calendar days, the *PERMITTEE* shall document in their records why it is infeasible to complete the installation or repair within the seven (7) day timeframe and document a schedule for installing the stormwater control(s) and making it operational as soon as feasible after the seven (7) day timeframe.
    - (c) Where these actions result in changes to any of the stormwater controls or procedures documented in the approved *PREVENTION PLAN*, a revised *PREVENTION PLAN* must be submitted to the City within five (5) *BUSINESS DAYS* of completing this work.
  - (5) If the *PERMITTEE* has not provided an *ELECTRONIC INSPECTION REPORT* to demonstrate compliance not later than forty-eight (48) hours after the prescribed timelines, the City may perform an on-site inspection to verify

683 that the *PERMITTEE* has corrected the specific violation(s).  
684 (6) If a *PERMITTEE* does not undertake *CORRECTIVE ACTION(S)* within the  
685 timelines set, the City shall issue a written warning indicating that the  
686 *PERMITTEE* has not corrected the deficient conditions and apprise the  
687 *PERMITTEE* that the City may impose an administrative fine in accordance  
688 with this Chapter.  
689 (7) If a *PERMITTEE* is cited with a notice of violation and directed to undertake a  
690 *CORRECTIVE ACTION*, the City shall conduct an on-site inspection after the  
691 period to cure has expired. If the City finds that the *PERMITTEE* has not  
692 corrected the specific violation(s), the City shall notify the *PERMITTEE* in writing  
693 that the City may now impose an administrative fine(s) in accordance with the  
694 West Haven Consolidated Fees and Fines Schedule.  
695  
696

## 697 **§ 155.040 STORMWATER FACILITIES OWNERSHIP, OPERATION, AND 698 MAINTENANCE**

699 (A) Applicability.  
700 (1) Any project subject to the CGP CPP or commercial, mixed use, and/or  
701 industrial projects subject to site plan approval, shall provide for structural  
702 and/or non-structural *BMPs* designed so that the rate of runoff discharged is  
703 not in excess of pre-development conditions.  
704 (2) Design and performance requirements for rate of runoff control shall be in  
705 conformance with the City's *STORMWATER MANAGEMENT PLAN* and  
706 applicable MS4 permit requirements. This includes, but is not limited to:  
707 (a) Post-construction release rate no greater than 0.2 cfs/acre.  
708 (b) *LOW IMPACT DEVELOPMENT* requirements, as applicable.  
709 (c) Eightieth percentile storm event.  
710 (d) Submission of as-built construction drawings.  
711 (e) Retention facilities must drain within seventy-two (72) hours after  
712 cessation of *STORMWATER RUNOFF* into the facility.  
713 (3) Minimum control measures for meeting water quality/LID requirements do not  
714 replace or substitute for runoff volume control. The water quality controls may  
715 be incorporated into the design of structures intended for flow control; or  
716 water quality control may be achieved with separate control measures.  
717 (B) Stormwater Facilities Dedicated to the City:  
718 (1) Dedication. The City shall have the discretion to require the dedication of any  
719 existing or future storm water management facility provided:  
720 (a) Such facility(ies) meets the requirements of this Chapter;  
721 (b) Includes adequate and perpetual access and sufficient areas, by  
722 easement or otherwise, for inspection and regular maintenance;  
723 (c) Shall meet the City's engineering standards and any other as applicable;  
724 (d) Operation and maintenance of storm water facilities within the City shall  
725 be in conformance with the requirements of the MS4 Permit;  
726 (e) The stormwater facility, easement, and/or land on which the facility is  
727 constructed shall be dedicated by recorded plat, easement, and/or deed;  
728 and  
729 (C) Stormwater Facilities/Infrastructure under private ownership and/or operation:  
730 (1) All storm water infrastructure located on private land or that is to be  
731 accessed through private land, must have easements for the purpose of

732 access, inspection, maintenance, and repair. These easements must be  
733 binding on the current property owner and all subsequent owners, heirs, and  
734 successors of the property and must be properly recorded in the land record.

735 (2) The City may enter all private properties through which the City holds an  
736 easement for the purposes of inspecting, observing, measuring, sampling,  
737 repairing, or maintaining any portion of the storm sewer facilities installed  
738 within the easement, or the performance of any other duties pertinent to the  
739 operation of the storm sewer system. All entry and subsequent work, if any,  
740 on an easement shall be completed according to any specific terms of the  
741 easement.

742 (3) The responsibility for the maintenance and repair of storm water facilities  
743 shall be assigned to the owner of the property upon which the facility is  
744 located and be recorded against the property by appropriate notation.

745 (4) Where storm water infrastructure is not maintained or repaired within the  
746 prescribed schedule, the City may perform the maintenance and repair at its  
747 expense and bill the same to the property owner. If payment is not made  
748 within forty-five (45) days, the City's cost of performing the maintenance shall  
749 be a lien against the property.

#### 752 **§ 155.041 LONG-TERM MAINTENANCE AGREEMENT.**

753 (A) The City shall require a *PERMITTEE* to enter into a *LONG-TERM*  
754 *MAINTENANCE AGREEMENT* with the City if permanent private infrastructure  
755 or stormwater management facilities are installed and to be operated and  
756 maintained after the conclusion of *CONSTRUCTION ACTIVITY*.

757 (B) The *LONG-TERM MAINTENANCE AGREEMENT* shall be recorded by the  
758 *PERMITTEE* with the County Land Records Recorder as a deed restriction and  
759 is binding on all subsequent owners of land served by private stormwater  
760 management facilities. A copy of the executed, recorded agreement shall be  
761 provided to the City Recorder.

762 (C) The *LONG-TERM MAINTENANCE AGREEMENT* shall be in a form approved by  
763 the City Attorney that will include, but not necessarily be limited to the following:

764 (1) Details of the post-construction operation, maintenance, and inspection  
765 requirements for any permanently installed privately owned infrastructure  
766 related to stormwater management of the site.

767 (2) Assignment of responsibility for the maintenance and repair of the storm  
768 water facility to the owner of the property upon which the facility is located  
769 and recorded as such on the plat for the property by appropriate notation.

770 (3) Require annual inspections by the property owner for the purpose of  
771 documenting maintenance and repair needs and ensure compliance with the  
772 purpose and requirements of this Chapter. The property owner shall arrange  
773 for this inspection to be conducted by a Registered Storm Water Inspector  
774 (RSI) or a registered professional engineer licensed to practice in the State of  
775 Utah who will submit a sealed report of the inspection to the City.

776 (4) Provide for a schedule to ensure maintenance needs shall be addressed in a  
777 timely manner.

778 (5) Require that after written notice by the City to correct a violation requiring  
779 maintenance work or repairs that such violations shall be satisfactorily  
780 addressed within the time frames outlined in this Chapter. If the required

781 work is not completed within the required time, the City shall perform or cause  
782 to have performed the required maintenance or repairs. The City's direct or  
783 indirect cost of performing the maintenance/repairs shall be a lien against the  
784 property if the property owner does not submit reimbursement to the City  
785 within forty-five (45) days.

786 (6) Require that if *EXCEPTIONAL CIRCUMSTANCES* are cited by the *CITY*  
787 *ENGINEER* or *PUBLIC WORKS DIRECTOR*, the owner shall take immediate  
788 action to address the situation and/or the City will direct and cause to have  
789 required actions taken. The City's direct or indirect cost of performing the  
790 maintenance/repairs shall be a lien against the property if the property owner  
791 does not submit reimbursement to the City within forty-five (45) days.

792 (7) Require that self-inspection reports shall be conducted monthly or more often  
793 if necessary and maintained on site by the owner and available to the City for  
794 all stormwater management systems. Inspection reports for stormwater  
795 management systems shall include the following:  
796 (a) The date, time, and conditions at the time of inspection.  
797 (b) Name of the inspector.  
798 (c) The condition of (as applicable):  
799 (i) Vegetation or filter media;  
800 (ii) Fences or other safety devices;  
801 (iii) Spillways, valves, or other control structures;  
802 (iv) Embankments, slopes, and safety benches;  
803 (v) Reservoir or treatment areas;  
804 (vi) Inlet and outlet channels or structures;  
805 (vii) Underground drainage;  
806 (viii) Sediment and debris accumulation in storage and forebay areas;  
807 (ix) Any nonstructural practices to the extent practicable;  
808 (x) Any other item that could affect the proper function of the stormwater  
809 management system; and  
810 (xi) Detailed description of needed maintenance and schedules.

## 813 **§ 155.070 STORMWATER SERVICE AREA ESTABLISHED; UTILITY AND IMPACT 814 FEES**

815 (A) The Stormwater Service Area has been established that coincides with the  
816 current and future boundaries of the City.  
817 (B) The City shall determine, assess, impose, and collect a stormwater utility fee in  
818 accordance with state statute and in accordance with West Haven City Code.  
819 (C) The City shall determine, assess, impose, and collect a stormwater impact fee in  
820 accordance with state statute and in accordance with West Haven City Code.

## 823 **§ 155.080 FEE SCHEDULE.**

824 Any fees, fines, and penalties, except for the impact fee which is controlled by the  
825 most recently adopted impact fee ordinance, that are imposed or collected under this  
826 Chapter shall be in accordance with the most recently adopted West Haven  
827 Consolidated Fees and Fines Schedule.

830    **§ 155.090 AUTHORITY TO INSPECT.**

831    (A) If the City has cause to believe that there exists, or potentially exists, a condition  
832       which constitutes a violation of this Chapter or whenever necessary to make an  
833       inspection to enforce any provision of this Chapter, authorized City personnel may  
834       enter the permitted site(s) at all reasonable times to inspect the same and to  
835       inspect and copy records related to stormwater compliance.  
836    (B) In the event that any person refuses entry after a request to enter and inspect has  
837       been made, the City is hereby empowered to seek assistance from any court of  
838       competent jurisdiction in obtaining such entry.

839    **§ 155.091 ENFORCEMENT; STOP WORK ORDERS; NOTICE OF VIOLATION.**

840    (A) The *CITY ENGINEER, PUBLIC WORKS DIRECTOR, STORMWATER*  
841       *MANAGER, and/or REGISTERED STORMWATER INSPECTOR* shall have the  
842       authority to enforce compliance under this Chapter.  
843    (B) Any authorized City official may issue an immediate *STOP WORK ORDER* if the  
844       official determines that there is evidence of an *IMMEDIATE THREAT*.  
845       (1) A *STOP WORK ORDER* may be imposed without previous notice if there is:  
846           (a) Evidence that contaminated stormwater is or has the potential to be  
847               discharged to any waters of the state, onto a public street, into the City  
848               storm sewer system or onto an adjacent property;  
849           (b) That the erosion and sediment control measures implemented by a  
850               permittee pursuant to the permit are inadequate to prevent or minimize, to  
851               the maximum extent practicable, the discharge of sediment, debris, or  
852               other pollutants from the construction site by stormwater; or  
853           (c) Appropriate erosion control measures are not installed or have not been  
854               operated or maintained in such a manner that they are not effective.  
855       (2) If *EXCEPTIONAL CIRCUMSTANCES* are cited by an authorized City official  
856       which may include, but are not limited to, situations which involve a risk of injury  
857       to persons, damage to storm drain facilities, or damage to other property or the  
858       environment, the City may take any steps deemed necessary to immediately  
859       alleviate any such *EXCEPTIONAL CIRCUMSTANCES* and may bill the owner,  
860       developer, or contractor responsible for all direct and indirect costs incurred by  
861       the City.  
862       (3) If a *STOP WORK ORDER* is issued by a *REGISTERED STORMWATER*  
863       *INSPECTOR*, then the *STORMWATER MANAGER, PUBLIC WORKS*  
864       *DIRECTOR*, or *CITY ENGINEER* shall be notified and approve the order prior  
865       to the issuance of the order or prior to releasing the order.  
866       (4) The *STOP WORK ORDER* shall remain in effect until the *PERMITTEE* has  
867       satisfactorily addressed all *CORRECTIVE ACTION* and brings the site back  
868       into compliance.  
869       (5) A *STOP WORK ORDER* mandates cessation of all *CONSTRUCTION*  
870       *ACTIVITIES* pertaining to installation of public and private site improvements  
871       and may extend to building construction activities that may have the potential to  
872       cause a *DISCHARGE*, including, but not limited to, storage of building or  
873       construction materials; concrete delivery or pouring; and local *SOIL*  
874       *DISTURBANCE*.  
875       (6) A *STOP WORK ORDER* may be lifted conditionally if restarting work will not  
876       result in a new or continued violation.

879 (7) Being placed under a *STOP WORK ORDER* does not remove the responsibility  
880 or obligations of the *PERMITTEE* or *PERSON* to continually operate and  
881 maintain compliance during the *STOP WORK ORDER* duration.

882 (8) Notice of violation(s) may be issued because of or due to a *STOP WORK*  
883 *ORDER* and impose penalties and fines, in accordance with the nature of the  
884 violation. Fines imposed shall be in accordance with the most recently adopted  
885 West Haven Consolidated Fees and Fines Schedule.

886 (9) The *PERMITTEE* may appeal a *STOP WORK ORDER* pursuant to the appeal  
887 procedure set forth in in this Chapter.

888 (C) Any authorized City official may issue a notice of violation to a *PERMITTEE* and  
889 impose an administrative fine based on a violation provided that:

890 (1) The *PERMITTEE* will be notified, in writing, of a specific violation(s) subject to  
891 administrative fines for the following:

892 (a) Working without an approved *PERMIT*.

893 (b) For tracking mud on road.

894 (c) Failure to clean up or report spills.

895 (d) Failure to conduct required storm water inspections.

896 (e) Failure to maintain storm water records.

897 (f) Failure to use general *BEST MANAGEMENT PRACTICES* as  
898 determined by the City.

899 (2) Notice of Violation.

900 (a) A first written notice of violation shall be issued to the *APPLICANT*  
901 outlining: the specific violation, that the *APPLICANT* has the reasonable  
902 time of at least one (1) *BUSINESS DAY* to correct the violation, and that  
903 a fine may be imposed if the violation is not corrected.

904 (b) If an *APPLICANT* does not correct the specific violation within the  
905 timeline outlined in the first notice of violation, a second written notice of  
906 violation shall be issued to the *APPLICANT* outlining: that the specific  
907 violation has not been corrected, that the violation shall be corrected  
908 within no less than an additional one (1) *BUSINESS DAY*, and that a fine  
909 shall be imposed if the violation is not corrected.

910 (c) If an *APPLICANT* does not correct the specific violation after receiving  
911 the two notices of violation and within the timeframes outlined in those  
912 notices, a third written notice shall be issued to the *APPLICANT* that an  
913 administrative fine shall be imposed per *OCCURRENCE*, in accordance  
914 with the West Haven Consolidated Fees and Fines Schedule, starting  
915 the date of the letter and continuing until the violation has been  
916 corrected.

917 (3) Violations for failure to use general *BEST MANAGEMENT PRACTICES* as  
918 determined by the *CITY* may also be assessed per *SITE* in addition to each  
919 occurrence.

920 (4) The *CITY* shall clearly document the specific violation and impose each fine in  
921 writing.

922 (5) All collected fines shall be deposited into a restricted account for education and  
923 outreach programs.

924 (6) If the violation continues after notice from the *CITY* and the *CITY* provides  
925 documentation regarding past and/or continuing impact to *WATERS OF THE*  
926 *STATE*, the *CITY* may require any person engaged in *ILICIT DISCHARGE*,  
927 and/or the owner/operator of the site, to provide at his or her own expense

928                   additional/continual monitoring and analyses required by the *CITY* to ensure  
929                   compliance with this Chapter.

930 (D) Any *PERSON* found to be in violation of this Chapter shall be responsible for  
931                   payment to cover administrative, clean-up, remediation, monitoring, analysis,  
932                   reporting costs, and related expenses as well as for any costs incurred by the  
933                   *CITY*.

934 (E) The *CITY* may defer the notice requirements set forth in this Section and  
935                   immediately proceed with criminal and/or civil action against the violator if:  
936                   (1) The violation, in the opinion of the *CITY*, creates a serious risk to persons, the  
937                   environment, or property;  
938                   (2) The *CITY* deems the violation to constitute an emergency; or  
939                   (3) The violator was previously cited for the same violation.

940

941

**§ 155.093 APPEAL.**

942 (A) Any *PERSON* or *PERMITTEE* may appeal any decision or directive made by the  
943                   *CITY* under this Chapter to the City Manager or his/her designee. The party  
944                   desiring to appeal shall file a notice of appeal at the *CITY* office within three (3)  
945                   business days of the decision or directive being appealed.

946 (B) The notice of appeal shall contain the following information:  
947                   (1) The appellant's name, address, and daytime telephone number;  
948                   (2) A short statement describing the basis for the appeal;  
949                   (3) Copies of any executed stormwater construction activity permit and  
950                   supporting documents; and  
951                   (4) The relief sought by the appellant.

952 (C) Upon receipt of the notice of appeal, the City Manager shall set a date for an  
953                   informal hearing to consider the appeal.

954 (D) At the informal hearing, the appellant shall present all evidence and/or witnesses  
955                   that they have regarding the issue that they are appealing. The City Manager  
956                   shall examine the evidence presented and/or be allowed to question any witness  
957                   presented.

958 (E) The City Manager shall render a decision on the appeal within five (5) business  
959                   days of the informal hearing with the appellant. The City Manager shall uphold the  
960                   decision or directive being appealed, unless the City Manager finds that there has  
961                   been an error in the interpretation or implementation of this Chapter.

962 (F) The appellant shall still be required to implement required corrective actions  
963                   during the duration of the appeal process and maintain overall compliance with  
964                   this Chapter.

965 (G) The appellant may elect not to implement corrective actions; however, no site  
966                   work shall be conducted by appellant during the duration of the appeal period. In  
967                   addition, the *CITY* may undertake actions to stop any *IMMEDIATE THREAT*  
968                   and/or remove or provide for the removal of *POLLUTANTS* from the *MUNICIPAL*  
969                   *SYSTEM* and/or *PUBLIC WAY*.

970 (H) A finding in favor of an appellant does not hold the *CITY* responsible for direct or  
971                   indirect costs incurred by the *PERMITTEE* during the time the *STOP WORK*  
972                   *ORDER* was imposed or responsible for reasonable reimbursements undertaken  
973                   by the City to respond to any documented *IMMEDIATE THREAT*.

977   **§ 155.999 PENALTY.**

978   (A) The violation of any provision of §155.001 or any of the provisions of this Chapter  
979       is a Class C misdemeanor. Each day that a violation occurs shall constitute a  
980       separate offense.

981   (B) If, as the result of the violation of any provision of §155.001 or any provisions of  
982       this Chapter, the *CITY* or any other party suffers damages and is required to  
983       make repairs and/or replace any materials, the cost of repair and/or replacement  
984       shall be borne by the violating party and shall be in addition to any criminal or civil  
985       fines and/or penalties.

986   (C) Violators of §155.001 or any of the provisions of this Chapter may also be subject  
987       to prosecution, fines, and penalties from the State of Utah and the United States  
988       EPA.

989   (D) Violators of this Chapter are also subject to any penalties that may be imposed by  
990       the state, under the authority of the State of Utah's Water Quality Act, Title 19,  
991       Chapter 5 of the Utah State Code.

992   (E) In addition to any criminal fines and/or penalties which may be assessed for a  
993       violation of any of the provisions this Chapter, the *CITY* shall have the right to  
994       issue a *STOP WORK ORDER* or to install and/or maintain appropriate erosion  
995       and sediment control measures on any site which is required to have such  
996       measures in the event that construction activity is commenced or continued  
997       without such measures having been installed as required by this Chapter. The  
998       *CITY* shall have the right to have such measures installed or maintained by *CITY*  
999       personnel or to hire a private contractor to perform such work, and the contractor  
1000      and/or the property owner shall be liable for any and all expenses related to  
1001      performing such work plus a 25% penalty charge. The *CITY* may assess said  
1002      charges against the financial guarantee posted by the contractor and/or property  
1003      owner.

1004   (F) Any person owning or maintaining facilities or structures in the public way who  
1005       fails to alter, modify, or relocate such facilities or structure upon notice by the  
1006       *CITY* shall be guilty of a class B misdemeanor. All costs of alteration, modification,  
1007       or relocation shall be borne by the *PERSON* or *PERMITTEE* owning or  
1008       maintaining the facilities or structures involved.

**Resolution No. 41-2025**

**RESOLUTION OF WEST HAVEN CITY AMENDING THE WEST HAVEN CITY  
CONSOLIDATED FEES AND FINES SCHEDULE; AUTHORIZING THE MAYOR TO  
SIGN THE 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; and,

WHEREAS, the City Council has previously adopted, by Ordinance No. 26-2023, a consolidated fees and fines schedule; and

WHEREAS, the City Council further provided in that ordinance that amendments to said consolidated fees and fines schedule may be accomplished by resolution of the City Council; and

WHEREAS, it is necessary, from time to time, to update said consolidated fees and fines schedule in order to meet cost increases to the City or to better serve the community; and

WHEREAS, at this time, the City needs to amend the consolidated fees and fines schedule regarding the storm water fees and fines because of changes to the Utah State Code and the West Haven City Code; and

WHEREAS, to do so will promote the health, welfare, safety and general well-being of the citizens of West Haven City and is in the best interest of the City;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF WEST HAVEN AS FOLLOWS:**

**SECTION II. AMEND CERTAIN SECTIONS OF THE CONSOLIDATED FEE  
SCHEDULE:**

1. That West Haven City Consolidated Fees and Fines Schedule shall be amended in numerous places as outlined in Attachment "A", attached hereto and incorporated herein.
2. All other provisions of the West Haven City Consolidated Fees and Fines Schedule shall remain in full force and effect unless specifically amended hereby.
3. That the Mayor is authorized to sign this Resolution.

4. This resolution shall be effective immediately as allowed by law.
5. The foregoing Recitals are fully incorporated herein.

### **SECTION III. PRIOR 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 20th day of August 2025.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20th day of August 2025.

WEST HAVEN CITY

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Mayor Rob Vanderwood

ATTEST:

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Emily Green, City Recorder

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

DRAFT

## **ATTACHMENT “A”**

Attached to **Resolution No. 41-2025**  
Amended West Haven City Consolidated Fees and Fines Schedule

DRAFT

<b>STORM WATER</b>	
Flood Plain Development Permit	\$150
<b>Stormwater Construction Activity Permit – MINOR</b>	<b>\$150</b>
<b>Stormwater Construction Activity Permit – MAJOR</b> Includes permit review, approval, initial inspection and 6 months of city inspections	\$500
Stormwater Construction Permit Application - General Stormwater Permit for Construction Activity Connected with Single Lot Housing Projects (Common Plan Permit) (CPP).	\$400 + \$50/lot (Same as for prelim subdivisions)
Stormwater Construction Permit Application – General Permit Single Family, not CPP or CGP	\$400
Stormwater Construction Permit Application – General Permit For Stormwater Discharges from Construction Activities (Construction General Permit) (CGP).	\$400
Storm Water permit renewal	\$300
Outsourced Clean-up fee – West Haven City Code Section 155.999	Reimburse contractor costs + 25% of contractor costs as a penalty + Administrative cost of \$75
<b>Control Measure Violation</b>	
<b>“Occurrence” is defined in West Haven Code Section 155.002.</b>	
Failure to develop any or adequate SWPPP/SWMP (BOC17) Working without an approved storm water permit.	\$500 per occurrence
Failure to apply/ working without NOI Tracking mud on road.	\$250-\$300 per occurrence
Failure to gain a SW construction activity permit Failure to clean up or report spills.	\$250-\$250 per occurrence
Failure to maintain records (BOR41) Failure to conduct storm water inspections.	\$150-\$100 per occurrence
Failure to conduct inspections (BOR12) Failure to maintain storm water records.	\$150-\$100 per occurrence
Failure to implement SWPPP/SWMP (BOC18) Failure to use general best management practices, as determined by the authority.	\$150-\$500 per occurrence
Failure to properly operate and maintain BMP's (BR19B)	\$150
Failure to properly install/ implement BMP's (BR19A)	\$150
Failure to monitor (COR11)	\$150
Failure to apply for Notice of Termination (DOR18)	\$250
Re-inspection Fee	\$75
Administrative Fee	\$75
Illicit Discharge to City Storm Water	\$500 maximum
Violation of City MS4 permit	\$500 maximum

**City Council  
Staff Review Memo**

**August 20, 2025**

Damian Rodriguez, Planner



**ALTERNATE MATERIALS EXCEPTION**

**Request:** Exception request for alternate exterior materials in lieu of upgraded architectural features on a commercial development

**Property Address:** Approximately 2301 S 1900 W

**Property Zone:** C-2, Community Commercial

**Property Size:** 6.8 acres

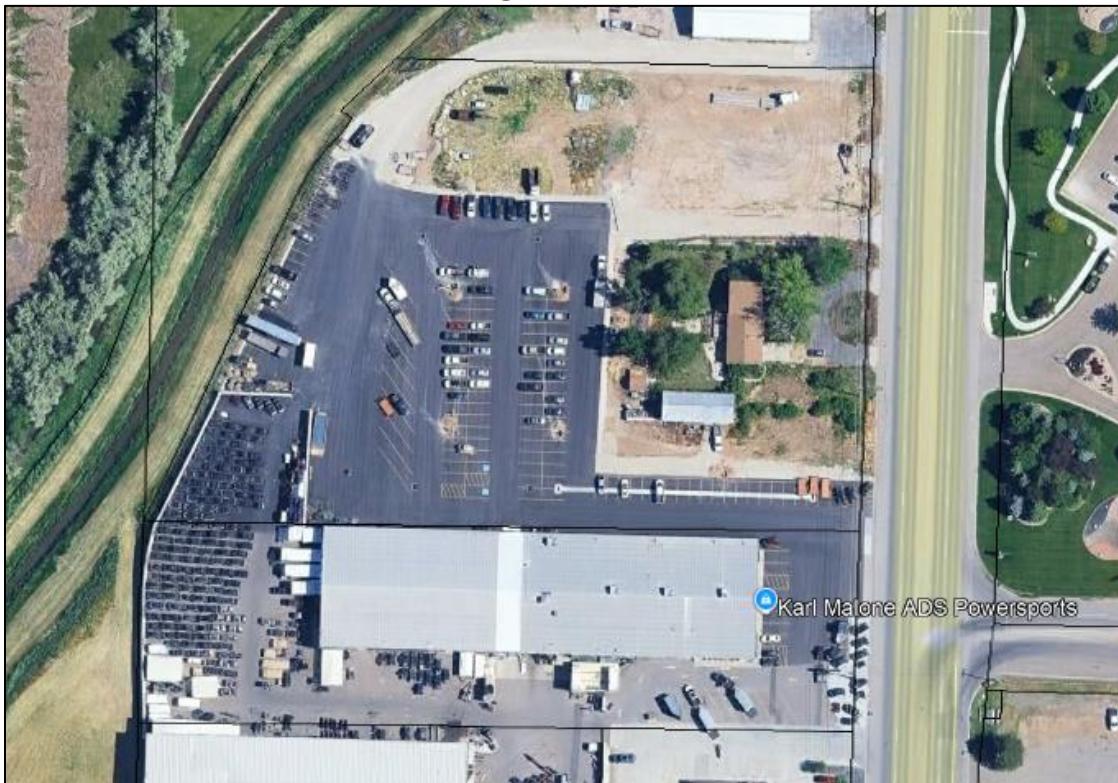
**Applicant:** Adam Gardner

**Governing Document(s):** WHZC §157.731

**Decision Type:** Administrative

**Staff Recommendation:** Approval

Image 1: Site Aerial

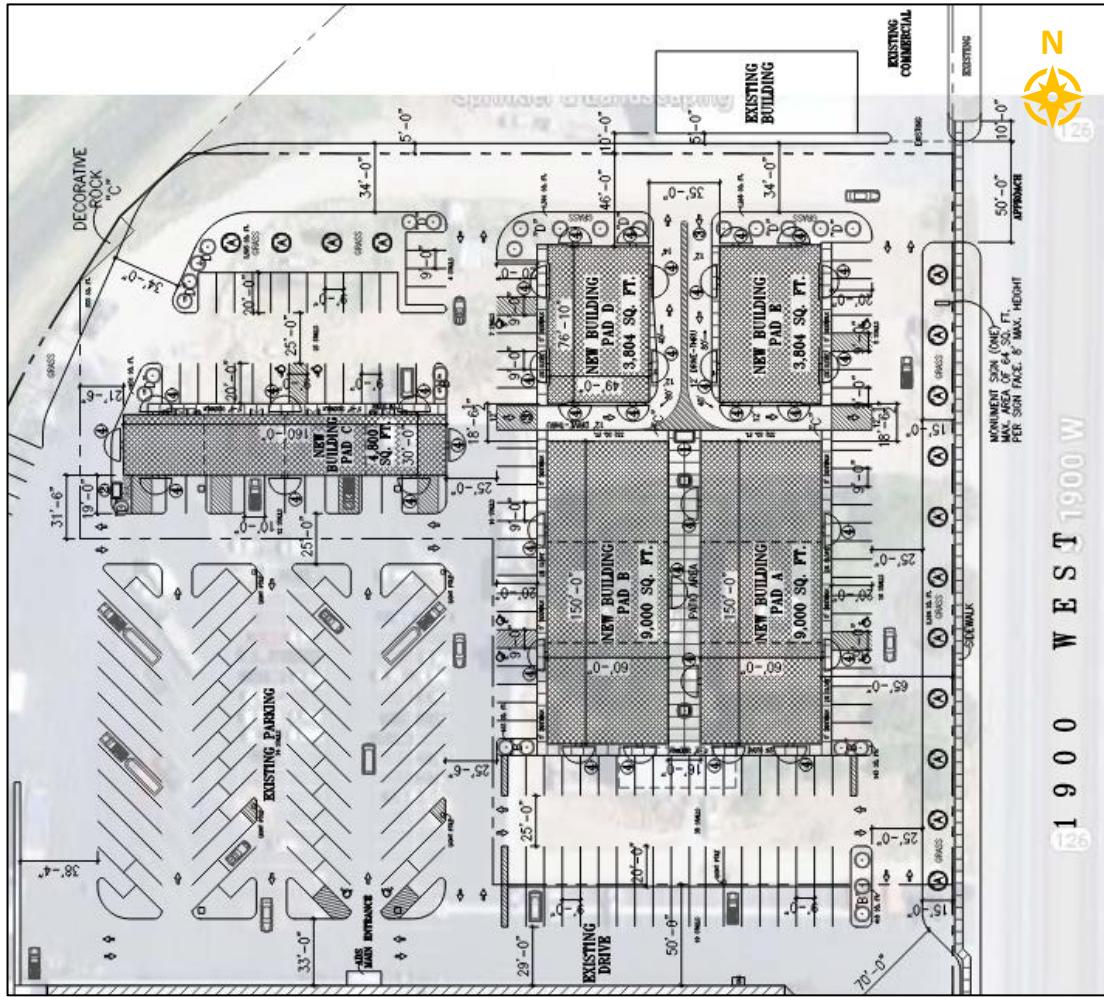


## I. BACKGROUND

The City has received an application for the development of a five-building commercial center for the property at 2301 South 1900 West. The proposed development has received preliminary site plan approval with conditions by the Planning Commission at their meeting on August 13, 2024.

Alternate exterior finish materials are proposed for the buildings of the development in lieu of the minimum upgraded architectural features required by code. Per §157.734(C)(5), the City Council may approve the requested materials exception upon recommendation of the Planning Commission, and if the Council finds that the proposed materials are comparable to or superior to the replaced architectural features. The Planning Commission did recommend the approval of the requested materials exception at their meeting on 8/13.

Image 2: Proposed Site Plan



## II. **STAFF REVIEW**

Staff's review of the proposed site plan as it pertains to the requirements of the West Haven Zoning Code is as follows:

### **§ 157.734 Design Requirements**

(A) *Building materials. New buildings shall be designed and constructed to meet the following criteria.*

- (1) *Building exteriors shall be designed and constructed with primary and secondary building materials from the list of building materials in division (C) below.*
- (2) *The front elevation, as well as any other elevation which faces the street shall be constructed of a minimum of 60% primary materials, with a maximum of 40% secondary materials.*
- (3) *Windows and doors shall be excluded from the calculation of exterior building material requirements. Non-functioning, decorative only windows may be included in the calculation of building materials.*
- (4) *A maximum of six colors for the primary materials may be permitted.*
- (5) *Secondary materials shall be of a complementary hue and shade to primary building materials. A maximum of four accent colors may be allowed for secondary materials.*
- (6) *A minimum of 15% of the front elevation, as well as any side or rear elevation which faces the street or major corridor, shall consist of upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors.*
- (7) *Non-primary elevations which do not face the street or major corridor shall consist of at least 5% upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors.*

(C) *Materials list and architectural features.*

- (1) *Primary materials. Shall include, but are not limited to:*
  - (a) *Architectural insulated metal panels;*
  - (b) *Brick;*
  - (c) *Concrete masonry unit (CMU), if it is textured to have the appearance of a different material;*
  - (d) *Glass;*
  - (e) *Rock;*
  - (f) *Stone (may be natural or manufactured);*
  - (g) *Fiber cement siding, if used in a craftsman style of architecture; and*
  - (h) *Engineered wood siding, if used in a craftsman style of architecture.*

...

- (3) *Upgraded architectural features. May include, but shall not be limited to:*
  - (a) *Alternating brick patterns;*
  - (b) *Archways;*
  - (c) *Awnings;*
  - (d) *Bays;*
  - (e) *Canopies;*

- (f) *Corbels;*
- (g) *Cornices;*
- (h) *Decorative art (must be permanent);*
- (i) *Donners;*
- (j) *Pillars;*
- (k) *Porte Cochères;*
- (l) *Porches;*
- (m) *Porticos;*
- (n) *Shutters; and*
- (o) *Timbers.*

**Staff's findings:** The proposed building elevations do comply with code standards in terms of exterior finish materials selected, as well as the proportions of primary and secondary materials used. The applicant has exceeded the minimum primary material coverage requirements, with some building facades being clad with 100% primary materials.

However, the required minimum area coverage for Upgraded Architectural Features is not met on every building façade. In lieu of the Upgraded Architectural Features listed in §157.734(C)(3), the applicant has requested that glass contribute as an Upgraded Architectural Feature for the purposes of façade area calculations. Per §157.734(C)(5), the City Council may approve such a request.

The percentage of glass and other primary materials proposed for the buildings does exceed minimum standards by no small margin. Additionally, staff find that the percentage of glass proposed for the buildings is a design choice that is beneficial to commercial retail and services businesses and their operations. Transparency in architecture has the benefit of enhancing the shopping experience as well as providing additional safety and security through increased visibility.

Staff finds that the proposed oversized glass storefronts are comparable to the replaced Upgraded Architectural Features in this case, and that not granting the requested exception would not render a product that is more aesthetic or functionally superior to what is proposed.

### **III. PLANNING COMMISSION RECOMMENDATION**

The Planning Commission recommends approval of the proposed alternate materials, finding that the addition of the glass storefronts is comparable to those upgraded architectural features and provides comparable aesthetic and functional value.

### **IV. POSSIBLE MOTION**

Two possible motions for action regarding the requested alternate materials exception are as follows:

**Approve:** Motion to approve the proposed alternate materials, finding that the addition of the glass storefronts is comparable to the replaced architectural features, and provides comparable aesthetic and functional value.

**Deny:** Motion to deny the proposed alternate materials, finding that the proposed glass storefronts are not comparable to or superior to the listed Upgraded Architectural Features that would be replaced, since these upgrades are listed within the primary materials sections.

**SITE PLAN  
AND DESIGN REVIEW**



Address of Site 2301 S 1900 W West Haven, Utah 84440      Parcel # 150720055

Applicant Name Adam Gardner

Agent Name Brad Barto

Application is hereby made to West Haven City requesting the following permitted use(s),

Commercial New Building and

Site plan design for 35,617 (Square Feet) building be approved on 4.76 (acreage) of

Property in the C2 zone in accordance with the attached site plan. (see attached form for site plan requirements.)

Signed:  Date: 7/16/2024  
(Owner/Petitioner)

I authorize Brad Barto to act as my representative in all matters relating to this application.

Adam Gardner  
(Owner)

Brad Barto  
(Agent as Authorized by Owner)

State of Utah )

§

County of Weber)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2024, before me, \_\_\_\_\_

a notary public, personally appeared \_\_\_\_\_, proved on the basis of satisfactory  
name of document signer

evidence to be the person(s) whose name(s) (is/are) subscribed to this instrument, and  
acknowledged (he/she/they) executed the same.

Witness my hand and official seal.

N/A	Received		N/A	Received	Letters of acknowledgment/approval/conditions from
		<u>PRELIMINARY</u>			<u>FINAL</u>
		Affidavit of Understanding and Acceptance of Fees			Culinary Water provider (Will Serve)
					Weber Fire District
					Weber-Morgan Health Department (If applicable)
					UDOT Application Letter (If applicable)

**ALL APPLICABLE ITEMS MUST BE RECEIVED BEFORE BEING ADDED TO THE AGENDA**

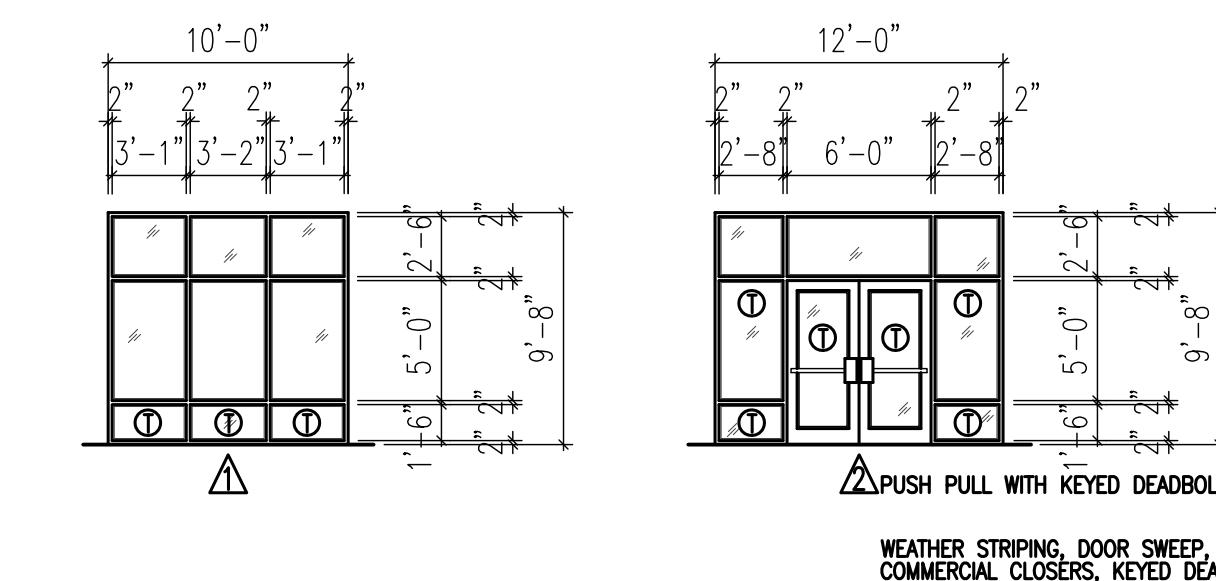
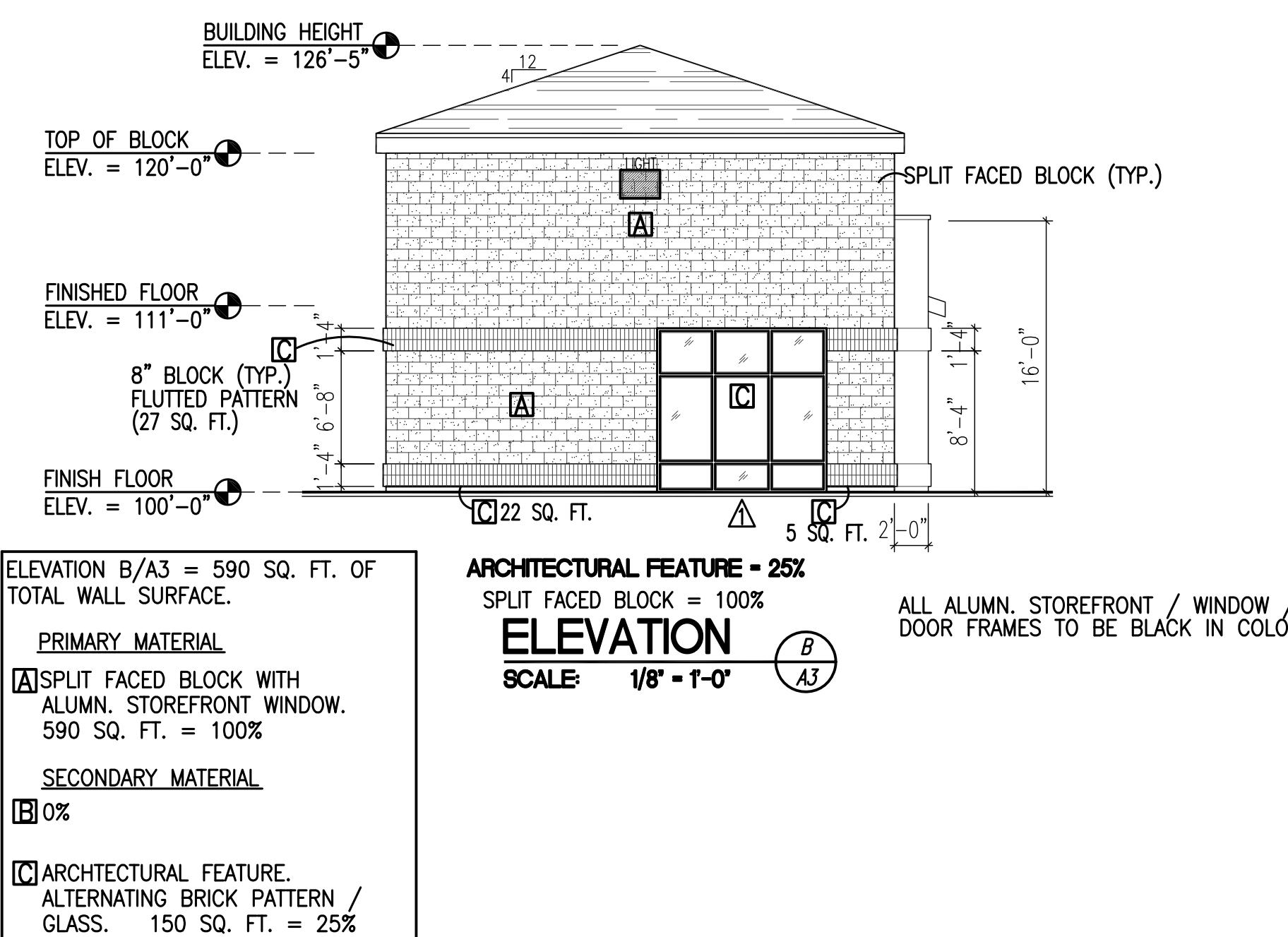
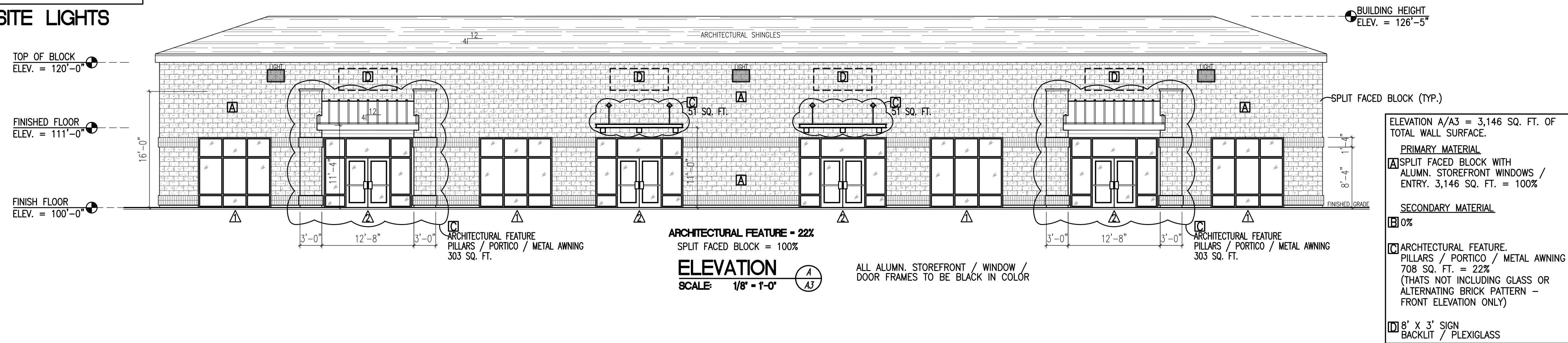




# GARDIN INVESTMENTS

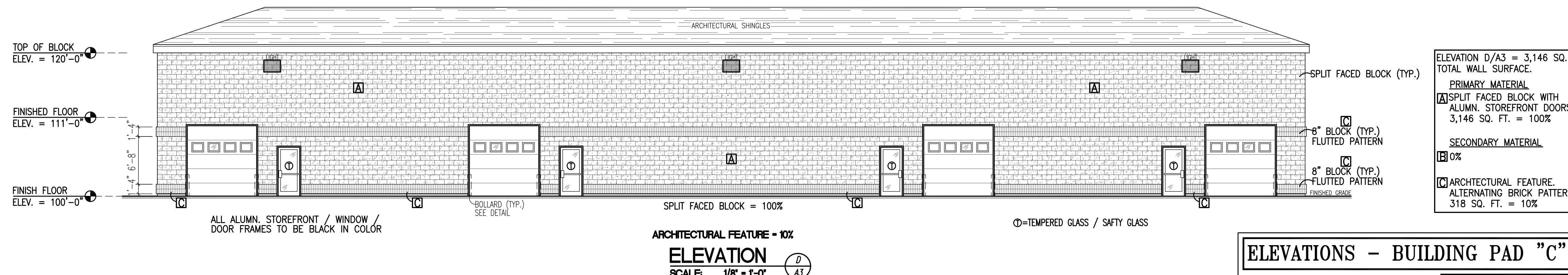
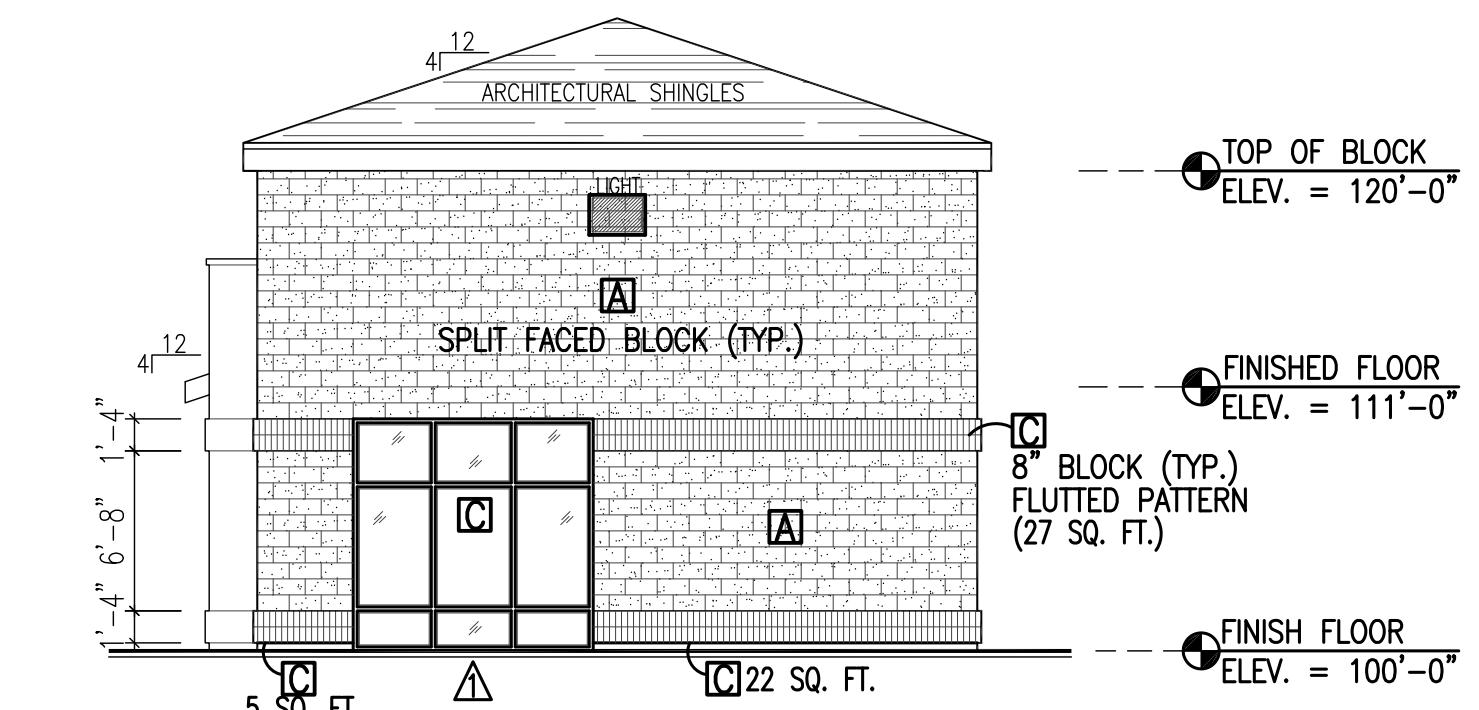
WEST HAVEN, UTAH

## EXTERIOR WALL / SITE LIGHTS



## ALUMINUM STOREFRONT DETAILS

SCALE: 1/8" - 1'-0"



## ELEVATIONS - BUILDING PAD "C"

RIDGELINE DESIGN  
architects

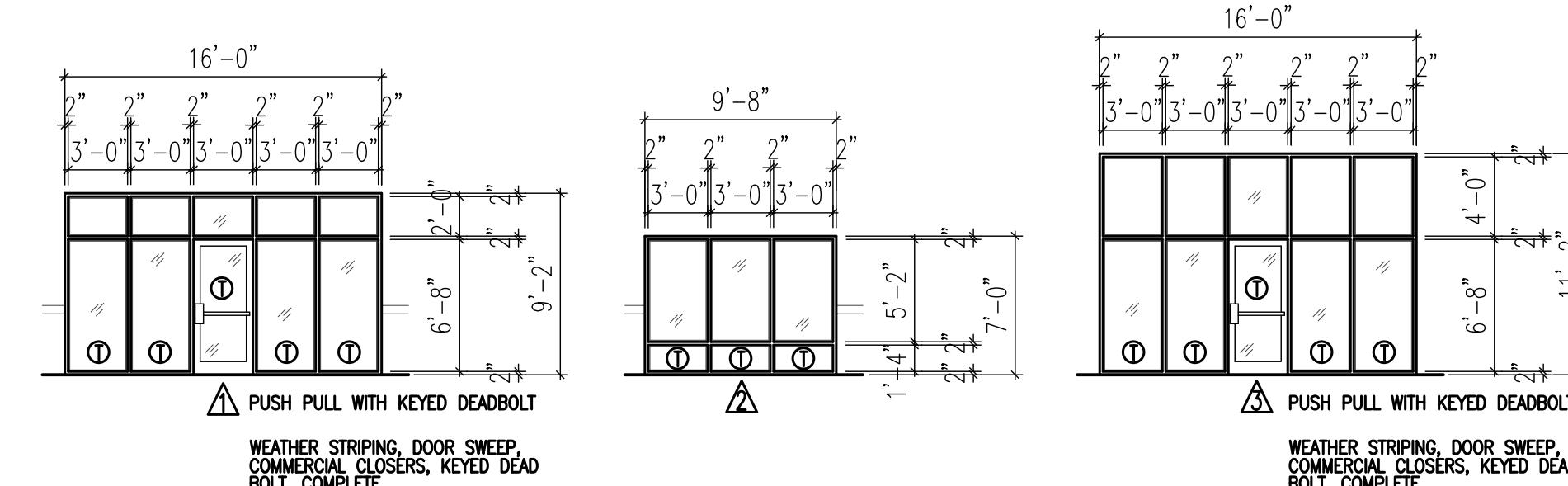
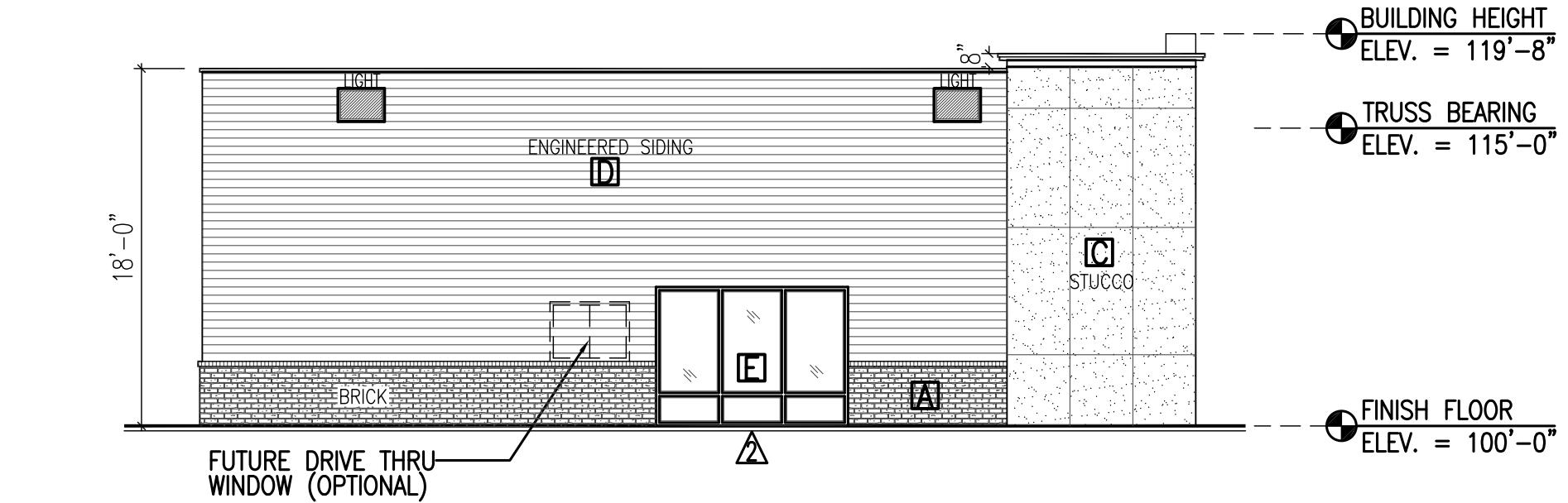
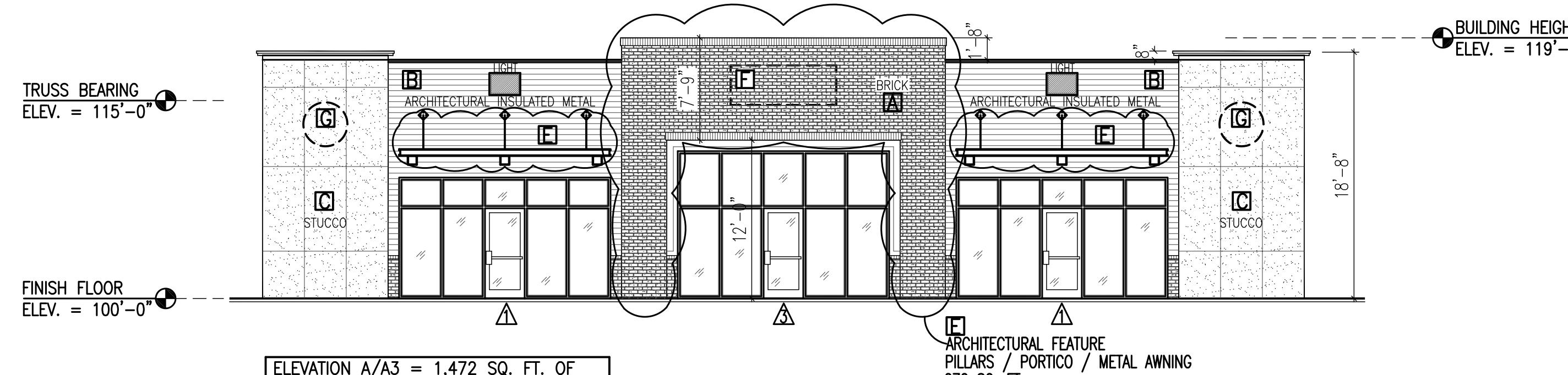
1708 E. 5550 S. #20 South Ogden, Ut. 84403  
Phone 801-392-6882 Fax 801-621-1494  
ALL DRAWINGS ARE PROPERTY OF RIDGELINE DESIGN

date 6-6-2025 job no: GARDIN revisions  
project GARDIN INVESTMENTS  
West Haven, UT

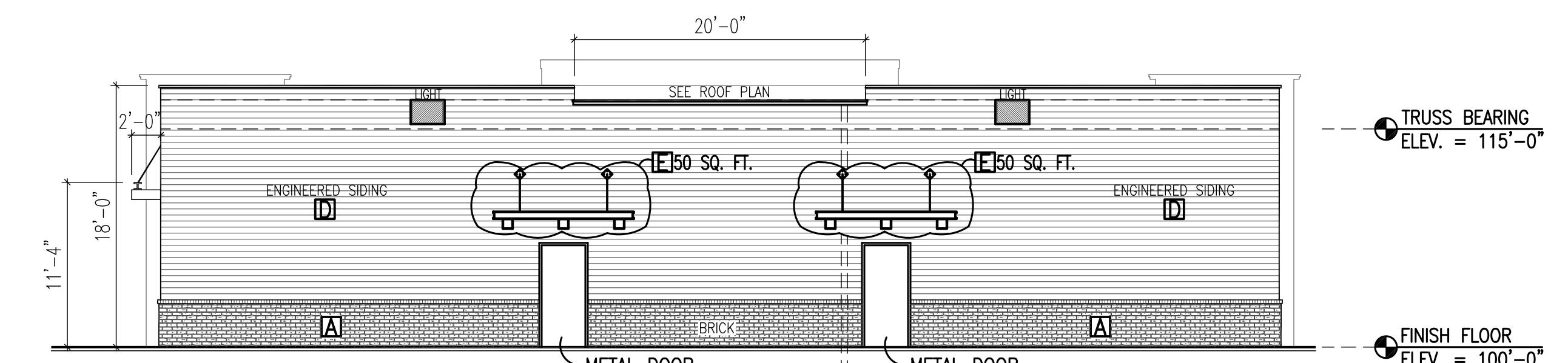
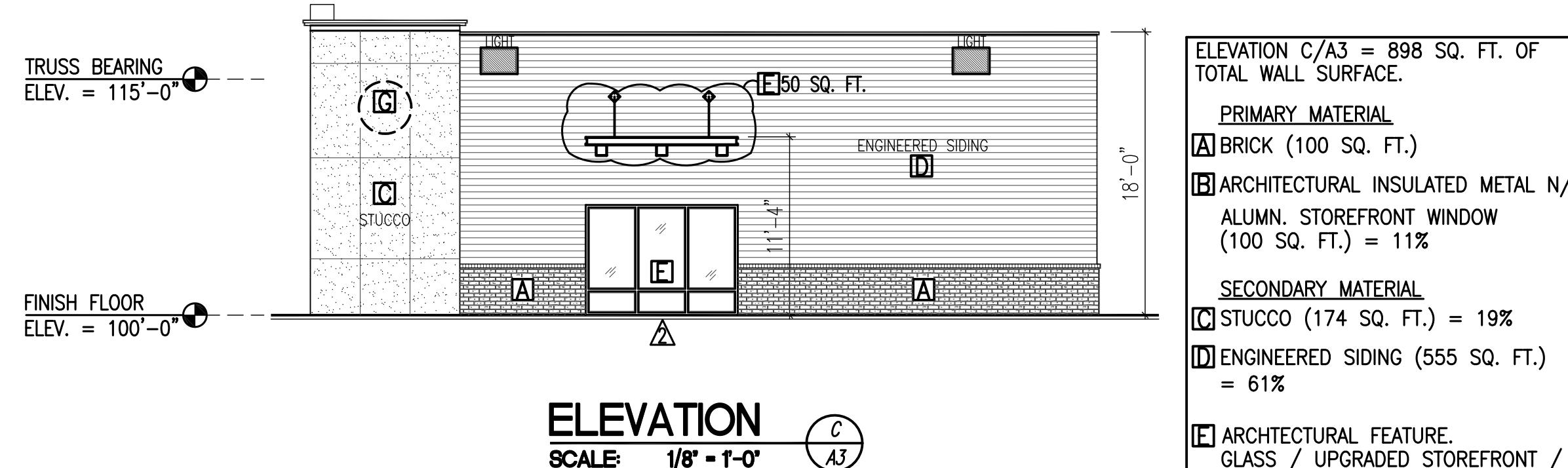
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## EXTERIOR WALL / SITE LIGHTS



**ALUMINUM STOREFRONT DETAILS**  
SCALE: 1/8" - 1'-0"



# City Council

## Staff Report

August 20, 2025



### Weber County, Utah Pre-Disaster Mitigation Plan 2024

**Requested by:** Dan Tanner – West Haven City Emergency Manager

**Governing Document(s):** Resolution

**Decision Type:** Administrative

**Staff Recommendation:** Adopt Resolution

#### Plan History and Summary

In 2009, the Wasatch Front Regional Council (WFRC) developed a Pre-Disaster Mitigation (PDM) Plan, which was approved by various cities, counties, the State of Utah, and the Federal Emergency Management Agency (FEMA). In 2016, Weber County, in partnership with jurisdictions in the County, used the WFRC PDM Plan to create its own specific PDM Plan to reduce the County's vulnerability to natural hazards. The 2016 PDM Plan was developed to enhance public policy, minimize vulnerability, and promote a sustainable community by increasing public awareness, documenting resources for risk reduction, and guiding community development activities. Its goal was to protect citizens, critical facilities, infrastructure, private property, and the natural environment. By doing so, the Plan aimed to create a less vulnerable and more sustainable community. Hazard mitigation involves any sustained action to reduce or eliminate the long-term risk to human life and property from hazards. Hazard mitigation planning is the process by which states, territories, local governments, tribes, and special districts develop a strategic vision for reducing disaster risk. This Pre-Disaster Mitigation (PDM) Plan was collaboratively developed by a wide range of communities, special districts, stakeholders, and public partners. It reflects the goals, values, and intentions of the Plan participants to help reduce risk and ultimately save lives.

#### Plan Update

Since the adoption of the 2016 PDM Plan, Weber County has experienced steady and significant population growth of almost 10%. Property values in the area have also dramatically increased over that time. This growth has increased the potential impact from future hazard events, and therefore increased the priority to update the hazard mitigation plan.

Meanwhile, FEMA's approval of a PDM Plan is valid for only 5 years. **To maintain its grant eligibility** and based on the new needs of the county, Weber County began the process of updating its 2016 PDM Plan, using the County's staff in 2020. After receiving the state's initial

feedback on the County's proposed updates to the 2016 PDM Plan in late 2021, the County put the project out to bid in July 2022 and selected a consulting company to support the planning initiative. The update process started again in the fall of 2022.

The proposed Plan represents an update of the 2016 PDM Plan. Since the fall of 2022, the Plan participants have completed extensive work to build on the 2021 draft, including incorporating the most current demographic data, maps, vulnerability assessments, loss estimates, and mitigation projects. The 2024 version of this Plan continues to build upon the draft update submitted to the state in 2023. It includes additional analysis of each hazard and a revised description of the planning process, including public outreach, and more clearly defined mitigation goals.

### **West Haven Participants in the planning process – The City Manager, Emergency Manager, City Engineer, Public Works Director, City Planner, and Social Media Specialist**

#### **Hazard Identification**

The 2024 PDM Plan addresses the 14 hazards most applicable to Weber County:

- Avalanche
- Dam Failure
- Drought
- Earthquake
- Extreme Cold
- Extreme Heat
- Flood
- Invasive Species
- Landslide
- Problem Soils
- Thunderstorm
- Tornadoes
- Wildfire
- Winter Storms

These hazards were identified on the basis of a hazard identification study that recognized them as being the most prevalent and posing the most risk to Weber County. This analysis was further refined upon consulting with DEM regarding current FEMA planning guidelines. While it is recognized that dam failure itself is not a natural hazard, the potential impact on Weber County from a catastrophic dam failure is likely to be so severe that it warranted inclusion in the Plan. Not all hazards pertained to West Haven City.

#### **Public Input -Digital Survey**

The Incident and Emergency Management (IEM) planning team drafted and shared a public survey in English and Spanish. Each Plan participant reviewed and shared the survey on multiple occasions in different venues. The public survey asked the public about their hazards of concern, assessed their understanding of the assets at risk, solicited information on what areas or community assets are more vulnerable, what they are doing in terms of mitigation, what mitigation actions they would support the community undertaking, and any specific suggestions for mitigation actions. One important component of the public survey process was engaging

socially vulnerable populations and disadvantaged communities. This outreach and citizen feedback have been incorporated into the plan.

**City of West Haven**

Posted a flyer and QR codes on its website and social media pages to ask for public comments. Emails with the flyer were sent to high-density developments—apartments and assisted living centers—for property managers to share with the tenants. The City inserted the public survey into customers' monthly utility bill to reach 7000 households in June (see Figure 23).

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**West Haven's Role**

The planning process is not complete until the plan has been formally adopted **by each plan participant**. This vital step is essential to ensure grant eligibility. Adoption resolution letters must be submitted to the County, State, and FEMA. Once FEMA receives your adoption resolution letter, they will send out an official notice confirming the adoption.

**The entire 1207-page Weber County Pre-disaster Mitigation Plan can be viewed at:**  
[https://www.westhavenut.gov/departments/community\\_development/emergency\\_management.php#outer-431](https://www.westhavenut.gov/departments/community_development/emergency_management.php#outer-431)

**Staff Recommendation**

Staff recommends the adoption of Resolution 42-2025, 1) authorizing the city manager to sign any and all documents necessary to effect this Pre-Disaster Mitigation Plan, and 2) authorizing the Mayor to sign this Resolution adopting the Weber County Pre-Disaster Mitigation Plan.

**Recommended Motion**

I motion that the City Council adopt Resolution 42-2025 ADOPTION OF WEBER COUNTY, UTAH PRE-DISASTER MITIGATION PLAN 2024, finding that it identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in West Haven City from the impacts of future hazards and disasters; and demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Pre-Disaster Mitigation Plan.

## **RESOLUTION NO. 42-2025**

### **RESOLUTION OF WEST HAVEN CITY AUTHORIZING ADOPTION OF THE WEBER COUNTY, UTAH PRE-DISASTER MITIGATION PLAN 2024; AUTHORIZING THE CITY 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 including, but not limited to entering into agreements regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, West Haven City recognizes the threat that natural hazards pose to people and property within the City; and

WHEREAS, West Haven City has prepared a multi-hazard mitigation plan, hereby known as the Weber County, Utah Pre-Disaster Mitigation Plan 2024 ("Pre-Disaster Mitigation Plan") in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

WHEREAS, the Pre-Disaster Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in West Haven City from the impacts of future hazards and disasters; and

WHEREAS, adoption of the Pre-Disaster Mitigation Plan by the City demonstrates its commitment to hazard mitigation and achieving the goals outlined in the Pre-Disaster Mitigation Plan;

WHEREAS the City Council now wishes to adopt this Pre-Disaster Mitigation Plan by accepting the terms thereof; and,

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

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

#### **SECTION II. :**

1. That in accordance with the Utah State Code for cities to be able to adopt resolutions, the West Haven City Council adopts the Weber County, Utah Pre-

Disaster Mitigation Plan 2024. While content related to West Haven City may require revisions to meet the plan approval requirements, changes occurring after adoption will not require West Haven City to re-adopt any further iterations of the plan. Subsequent plan updates following the approval period for this plan will require separate adoption resolutions. A copy of the Weber County, Utah Pre-Disaster Mitigation Plan 2024 can be found at the following link on the West Haven City website under the Community Development Department, Emergency Management page:

[https://www.westhavenut.gov/departments/community\\_development/emergency\\_management.php](https://www.westhavenut.gov/departments/community_development/emergency_management.php) .

2. That the City Manager is authorized to sign any and all documents necessary to affect this Pre-Disaster Mitigation Plan.
3. That the Mayor is authorized to sign this Resolution adopting the Pre-Disaster Mitigation Plan.
4. 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 20th day of August 2025.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20th day of August 2025.

ATTEST:

Emily Green, City Recorder

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

Yes \_\_\_\_\_ No \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

WEST HAVEN CITY

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

## STAFF REPORT

TO: Mayor and City Council  
FROM: Shawn Warnke, City Manager  
DATE: August 20, 2025  
SUBJECT: Resolution authorizing the amendment of the Personnel Policy Handbook

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### **Narrative of the Proposed Amendments.**

**2.3 Hiring.** This amendment proposes deleting a section that allows anyone to file a written inquiry or protest via letter or email regarding a hiring decision. It is not in the City's best interest to create an internal process for job applicants to inquire or protest a City's hiring decision. Such a process could undermine and delay the City's hiring decision.

West Haven City already has a policy that affirms that it is an Equal Employment Opportunity (EEO) provider. This EEO policy follows the laws ensuring that all individuals have an equal chance at employment and career advancement, regardless of their race, color, religion, sex, national origin, age, disability, or genetic information. An aggrieved applicant may already file a complaint with the Utah Labor Commission, which will investigate and resolve employment discrimination complaints by enforcing the Utah Antidiscrimination Act and the Utah Employment Selection Procedures Act.

For the reasons described above, it is recommended that the City delete this appeal process from the City's personnel policy.

**2.11 Introductory Period.** This proposed amendment lengthens the introductory (probationary period) from 6 months to 12 months. For certain job positions within local government (merit service employees), there is a property right associated with their employment. As such, there is due process (notices, hearings, and appeals) associated with when the City terminates their employment. However, during the Introductory (probationary) period, there are no property rights assigned to an employee, and the City can more easily terminate employment if it is in the best interest of the City. The longer introductory (probationary) period allows the City more time to determine whether the ongoing employment with an individual will be in the best interest of the City.

**2.15. Employment Classifications.** The most significant proposed amendment in this section is eliminating the employment classification of a "Qualified, Part-time Employee." The purpose of this job position classification was to provide paid leave benefits to certain employees. However, the City's provision of paid leave benefits conflicted with requirements within the Utah State Retirement System. For this reason, it is

recommended that the City eliminate the “Qualified, Part-time Employee” as an employment classification.

**Please note that eliminating the “Qualified, Part-time Employee” classification requires the deletion of all references and statements relating to “Qualified, Part-time Employees” to this employee classification in other sections of the personnel handbook.**

**3.4 Overtime and Hours of Work.** This proposed amendment clarifies that lunches are unpaid. It also provides administrative flexibility to the Department Heads and City Managers to set the work hours according to the operational needs of their respective departments in serving the public and to adjust these hours seasonally to benefit from seasonal changes to daylight hours and temperatures.

**3.5 Compensatory Time.** This proposed amendment grants administrative flexibility to extend the compensatory time cap, which is otherwise limited to 40 hours, if the City Manager determines it is in the City's best interest.

**3.10 Breaks and Lunch Periods.** Federal law requires that when employers offer short breaks (usually lasting about 5 to 20 minutes), these breaks are compensable work hours and included in the sum of hours worked during the workweek. (see [Breaks and Meal Periods | U.S. Department of Labor](#)). For this reason, language has been added to the policy to clarify that these breaks are paid time.

Additionally, the proposed amendments require all non-exempt employees to observe a 30-minute unpaid lunch by clocking out of the City's time tracking system. The City uses a time tracking app (ADP Payroll System) that uses a geo-fence that allows employees to clock in and out of the City's time tracking system if they are within a certain proximity to the Public Works Facility or City Hall. It is impractical for employees (public works, recreation, parks, building) who perform work away from these two facilities to have them drive back to these City facilities to clock out to record their unpaid lunch within the time tracking system.

One possible solution to this issue is that the City could increase the geo fence to be anywhere in the City; however, that would allow an employee to check in to the City's time tracking system before arriving at City Hall or Public Works Building at the start of their day. Rather than extending the geo fence, the policy requires employees and supervisors to limit their unpaid lunch to 30 minutes. In these cases where an employee is not clocking out of the time tracking system, the employee's time record will show 10.5 hours worked. At the end of the pay period, the employee will attest to taking only a 30-minute unpaid lunch, and the supervisor will adjust the time card to deduct the 30-minute unpaid lunch break as compensable time.

Since exempt employees are not eligible for overtime, they do not clock in and out of the City's time tracking system. Exempt employees' work demands and work schedules are

inherently different from those of non-exempt employees. Exempt employees are required to work the hours necessary to complete projects and meet other job demands. This policy of tracking a 30-minute unpaid lunch does not apply to exempt employees.

**4.13 Use of City Facilities.** It is common for cities to allow employees limited use of City facilities as an in-kind benefit. As you may recall, on or around May 7, 2025, the City Council approved within the Consolidated Fee Schedule that Elected Officials and certain employees are allowed a one-time use of The Barn Community Center during a calendar year, free of charge. This proposed amendment expands the in-kind benefit to enable the usage of the Community Room and reserved pavilions once a year, free of charge. It is recommended that this benefit be formalized in the City's personnel policy manual and removed from the Consolidated Fee Schedule in subsequent revisions.

**4.14 Resident Rates within Fee Schedule.** As you may recall, on or around May 7, 2025, the City Council approved within the Consolidated Fee Schedule that full-time and permanent part-time employees, regardless of an employee's actual place of residency, are classified as Residents for purposes of the Consolidated Fee Schedule and are eligible for any fee with a Resident Rate classification within the City's consolidated fee schedule. It is recommended that this benefit be formalized in the City's personnel policy manual and removed from the Consolidated Fee Schedule in subsequent revisions.

**11.3 Vacation Leave Benefits.** **It is common for the accrual rate of vacation time to coincide with the years of service.** This amendment changes the accrual rate of vacation from being based solely on years of service with West Haven City to being based on years of service within the Utah Retirement System or equivalent. The objective of this amendment is to be more competitive in recruiting experienced employees from other cities.

Additionally, there is a phrase within this section that appears to allow "...converting certain accrued sick leave to vacation leave." I believe that this phrase was a holdover from the template policy handbook (I think it was South Ogden's policy manual) that West Haven City used in creating its personnel policy handbook. West Haven City does not pay out sick leave or allow for the conversion of sick leave into vacation leave, which can be paid out when an employee terminates employment with the City. This seemingly errant phrase is being proposed for deletion.

**11.7 Holiday.** It has been the longstanding tradition that the City closes early on Christmas Eve. More specifically, the tradition has been that the Mayor or City Manager would inform employees on Christmas Eve that they could go home early. This practice makes it difficult for the City to give advance notice to the public of the closure. Likewise, it makes it difficult for the employee to plan a family activity, as they are unsure if the tradition of closing down City operations early will be observed in any given year.

Following the tradition, last year City operations did close early on Christmas Eve; however, I stayed at the office up until 4:30, and there were essentially no members of the public visiting City Hall and few phone calls during the afternoon hours. On a practical level, the early closure of City operations is not diminishing public services. For all these reasons, it is recommended that the City Council formalize the closing of City operations early on Christmas Eve, as noted in this amendment.

**11.8 Leave Without Pay.** The amendment clarifies which employee classifications are to be considered for Leave Without Pay. Leave without pay is a necessary provision for part-time employees who would otherwise have no paid leave to request time away from work to attend funerals, family vacations, etc. In some cases, it may be appropriate to grant leave without pay to full-time employees who may have just started employment with the City and have not accrued sufficient vacation or sick time. Additionally, there may be life circumstances that an employee encounters where granting leave without pay may be in the best interest of the City and the employee.

**11.11 Witness & Jury Leave.** Currently, there is a separate policy for Witness Leave and Jury Leave. I have found it helpful for the ease of understanding and administering policies for policies to be formatted and worded similarly. As such, I combined the witness and jury leave into one policy and worded and formatted the policy to be similar to all the other leave policies.

**11.13 Bereavement Leave.** This proposed amendment clarifies the eligible employee classification for this type of leave.

**11.14 Time Off to Vote.** This proposed amendment clarifies the eligible employee classification for this type of leave.

**11.15 Time Off for Blood Donation.** This proposed amendment clarifies the eligible employee classification for this type of leave.

**Resolution No. 43-2025**

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING AMENDING THE WEST HAVEN CITY PERSONNEL POLICY HANDBOOK; 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 including, but not limited to the adoption of policies and procedures for employees of the City; and,

WHEREAS, the City Council has adopted a West Haven City Personnel Policy Handbook ("Handbook") for the employees; and

WHEREAS, since the original adoption of the Handbook, the staff has found certain sections of the Handbook that need to be amended and updated;

WHEREAS, the City Council wishes to have an updated Handbook to best help ensure compliance with the outlined rules and procedures by management and help meet the needs of the employees; and

WHEREAS, after reviewing the proposed amendments by staff, the City Council believes that in order to be able to work towards the goal of having an updated Handbook that the Council needs to adopt the proposed new language for the Handbook; and

WHEREAS, the City Council finds that adopting these amendments to the Handbook will help ensure compliance with these rules and procedures through a process consistent with the best interests of the City and its employees; and

WHEREAS, at this time, the City Council wishes to adopt the proposed amendments to the City of West Haven Personnel Policy Handbook, which is attached as Attachment "A" and Attachment "B" to achieve this goal; 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:**

1. The West Haven City Personnel Policy Handbook language shall be amended as shown in red and attached as Attachment "A"; is fully incorporated by this reference; and is approved and adopted by the City Council.

2. The West Haven City Personnel Policy Handbook shall be amended as shown on the attached Attachment "B" regarding repealing and replacing language; is fully incorporated by this reference; and is approved and adopted by City Council.
3. The City Council expressly authorizes the City Manager to delete all references to the "Qualified, Part-time Employee" or statements related to "Qualified, Part-time Employee" in all other sections of the West Haven City Personnel Policy Handbook.
4. The Mayor is authorized to sign this Resolution.
5. The foregoing recitals are fully incorporated herein.

### **SECTION III. PRIOR 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 August 2025.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20<sup>th</sup> day of August 2025.

WEST HAVEN CITY

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

ATTEST:

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

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

Yes \_\_\_\_\_ No \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

DRAY

## **ATTACHMENT “A”**

### **Attached to Resolution 43-2025**

#### **Amendments as Shown in Red to the West Haven Personnel Policy Handbook**

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##### **2.3 Hiring**

The City will use the following when taking action to fill a job vacancy in a merit or classified position:

- A. Former employees with reinstatement rights will be considered pursuant to the Reinstatement Rights policy, Section 2.16.
- B. Vacant positions will be posted for five (5) days internally. Then the vacant position will be posted for a minimum of five (5) calendar days in appropriate newspapers, professional journals and publications, state authorized websites, or other appropriate media simultaneously. Applications will be accepted until the closing date in the vacancy announcement.
- C. Testing procedures applicable to job position qualifications, which assess a candidate's knowledge, skill, and ability to successfully complete an essential job function, may be conducted by the City or under the City's direction and guidance.
- D. Supervisors of the City may make recommendations to a Department Head concerning the hiring or transfer of a job candidate. Subject to the terms and conditions of this hiring procedure and guideline, the Department Head will have final authority in the hiring process, subject to approval by the City Manager or designee.
- E. ~~Anyone who believes these procedures were not followed, or who wishes to make an inquiry or raise a concern or issue about the proper and appropriate application of these procedures, may contact the Office of the City Manager and file a written inquiry or protest via letter or email. Any inquiry or protest by an applicant shall be filed within five (5) working days from the date a hiring decision has been made, or it will not be considered.~~
- F. ~~After a period of not more than fourteen (14) calendar days from receipt of a written inquiry or protest, the City Manager shall make a written reply via email or certified letter to the petitioner, and a copy of that reply will be filed with the City Recorder.~~

- E. The City Manager reserves the right to investigate any hiring procedure or process, evaluate and analyze data and information received, and otherwise modify, amend, or set aside any hiring decision which violates any policy or the best interests of the City. ~~Such investigations shall be performed as directed by the City Manager.~~
- F. Prior to placement in any position and commencement of work activity for any newly hired employee, a drug and alcohol test shall be performed and completed to determine and verify fitness for duty.
- G. Post offer for adult employees will include conducting a background check and driver's license check.

## **2.11 Introductory Period**

- A. **Introductory Employees.** Introductory employees are those whose performance is being evaluated to determine whether further employment in a specific position with the City is appropriate. Employees who satisfactorily complete the introductory period will enter another applicable employment classification.
- B. **Introductory Period Requirement.** All new employees, except "non-merit" employees, shall be subject to a twelve (12) ~~six (6)~~ month introductory period. During this period, introductory employees may be terminated with or without notice for any or no reason without any right to due process, notice, explanation, or appeal with said termination.
- C. **Introductory Period Duration.** Introductory periods begin on the first day of employment and continue for twelve (12) ~~six (6)~~ months. Management ~~will~~ shall provide guidance to introductory employees, so they understand work requirements. Any continuous absence over ten (10) working days will automatically extend the introductory period by the length of the absence. The introductory period for an employee may be extended based on the Department Head's recommendation and the City Manager's approval.
- D. **Performance Evaluation.** An employee shall have a performance evaluation prior to the end of the introductory period. This performance evaluation may provide information to both the employee and management regarding the employee's performance. A performance evaluation and the results of such evaluation shall not obligate management to a course of action relative to the introductory employee nor shall it create any property/due process rights for the introductory employee relative to their job/position. ~~The introductory period for an employee may be extended or shortened based on Department Head recommendation and City Manager approval.~~
- E. **Second Introductory Period.** Employees promoted or transferred within the City must complete a secondary introductory period of the same length with each reassignment to a new position. ~~Any continuous absence over ten (10) working days will automatically extend an introductory period by the length of the absence.~~

~~E. In the case of promotions or transfers within the City, an employee who, in the sole judgment of the Department Head, is unsuccessful in the new position can be removed from that position during the secondary introductory period. If this occurs, the employee may return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs. If a similar position is not immediately available, the employee will be placed on a reinstatement list.~~

~~F. Upon the employee's satisfactory completion of the initial introductory period, employees enter the designated merit service position if the job position the employee fills qualifies for this classification employment category.~~

~~G. Benefits Not Affected. Benefits eligibility and employment status are not affected during the secondary introductory period that results from a promotion or a transfer within the City.~~

### **3.4 Overtime and Hours of Work**

H. The normal work schedule for most non-exempt employees is ten (10) hours a day, with a half-hour unpaid lunch, four (4) days a week, Monday through Thursday. Department Heads, in coordination with the City Manager, shall set the hours of work according to the operational needs of their respective departments in providing service to the public. For the Public Works Department, Parks & Recreation Department, and Building Division of the Community Development Department, the hours of work may be adjusted seasonally to maximize daylight hours and favorable temperatures to benefit operations.

~~(1) However, these hours or days may vary, depending on work requirements and departmental functions. Work schedules, which vary from the above general rule, may be established by the Department Head or Supervisor. Examples of differing work schedules would commonly involve shift work, such as in public works, or could involve Flexible Scheduling/Time Off Plans policies.~~

### **3.5 Compensatory Time**

D. Compensatory Time Defined.

~~(1) Compensatory time is defined as the accrued time credits after having worked forty (40) hours in any week to an employee which the employee may take off work (excluding vacation leave, sick leave, and holiday leave), subject to department and City policy, at the employee's normal, regular base pay rate.~~

~~(2) Eligible Employees. Compensatory time off is only allowed for full-time City employees.~~

~~(3) Eligible employees will have a forty (40) hour cap on compensatory time. Time in excess of this cap will be paid out at overtime rates. The City Manager has the discretion to extend the cap if the City Manager determines such an extension is in the City's best interest.~~

### **3.10 Breaks and Lunch Periods**

- A. Each workday, ~~most~~ full-time nonexempt employees are provided with up to two ~~paid fifteen (15) minute break periods. Sometimes, workload or emergencies may preclude two rest periods. In such cases, employees may be allowed to have beverages and snacks at their desk(s) or place of work throughout the work period.~~ The two paid fifteen (15) minute break periods cannot be combined to create one 30-minute unpaid lunch break, which is required to be observed as detailed in Section B below.
- B. Supervisors will advise employees of the regular break period length and schedule. To the extent possible, break periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted break period time.
- C. All full-time ~~regular non-exempt~~ employees are ~~provided~~ required to observe ~~with~~ one unpaid ~~meal~~ lunch period of thirty (30) minutes in length each workday, in which they clock out of the time tracking system.
- D. For non-exempt employees who perform work away from City Hall or the Public Works Facility, where it is not practical to clock out of the time tracking system, employees and their supervisors will monitor the length of the 30-minute unpaid lunch period. In these cases where an employee is not clocking out of the time tracking system, the employee's time record will show 10.5 hours worked. At the end of the pay period, the employee will attest to taking only a 30-minute unpaid lunch, and the employee and supervisor will adjust the timecard to deduct the 30-minute unpaid lunch break from each workday as compensable time. Supervisors will schedule unpaid ~~meal~~ lunch periods to accommodate operating requirements.
- E. Exempt employees are not required to observe a 30-minute unpaid lunch.

### **4.7 Retirement Plans & Social Security Coverage**

- B. The City offers two types of retirement programs to employees in eligible employment classifications funded in part by the City and in part by those eligible employees. Eligible employment classifications are specific to each type of program, subject to the terms and conditions as described in this policy. The programs are as follows:
  - (1) Social Security.
    - (a) All employees are covered under the federal Social Security program. Social Security is designed to provide supplemental income to workers who retire. Social Security was not designated to provide retirement income, which will maintain a recipient at a lifestyle attained during working years.
  - (2) Utah State Retirement.
    - (a) Subject to the terms, conditions and limitations as defined and regulated by the Utah State Retirement Board and the Utah State Code, the City provides coverage for employees in eligible employment classifications in the Utah State Retirement System. Eligible employment classifications are:
      1. Full-time employees.

~~2. Qualified, Part-time employees.~~

2. Introductory employees in the above classifications.

#### **4.13 Use of City Facilities (new section)**

- A. Officials, full-time employees, and permanent part-time employees (as determined by the City Manager) shall be allowed use of each of the following City facilities free of charge once during a calendar year: The Barn Community Center, the Community Room, and a reserved pavilion.
- B. Employees shall still be required to pay a deposit as outlined in the policies for rental of any of these facilities.

#### **4.14 Resident Rates Within the Fee Schedule (new section)**

Regardless of the following employees' actual residency, full-time and permanent part-time employees (as determined by the City Manager) are classified as Residents for purposes of the West Haven City Consolidated Fees and Fines Schedule and are eligible for any fee with a Resident Rate classification.

#### **11.3 Vacation Leave Benefits**

- B. Employees in the following employment classification (s) are eligible to earn and use vacation time as described in the Vacation Leave Policy:
  - (1) Full-time employees.
  - ~~(2) Employees.~~
  - (2) Introductory employees in ~~the above classifications~~ full-time positions.
- C. The paid vacation time employees receive each year increases with the length of their employment ~~within the Utah Retirement System or an equivalent public retirement system~~ as shown in the following schedule:

##### **Vacation Accrual – Full-Time Employees**

<b>Years of Eligible Service</b>	<b>Vacation Hours Earned Biweekly</b>	<b>Annual Vacation Hours</b>
Upon hire	3.08	80
After 5 years	3.84	100
After 10 years	4.62	120
After 15 years	5.38	140
After 20 years	6.15	160

- D. Once employees enter an eligible employment classification, they earn paid vacation time according to the schedule.
- E. Besides the vacation accrual rates described above, employees may also accrue additional vacation pay in lieu of regular holiday time off (see Holiday Pay Policy, ~~Section 4.13~~), or because of converting certain accrued sick leave to vacation leave.
- F. Employees who would otherwise qualify for holiday pay also accrue one day of vacation

time off annually as a preference day.

- (1) Employees may schedule using this time under normal vacation procedures once accrual of the additional time/day has occurred.
- (2) Employees designated as working shift work for the Holiday Pay Policy receive this time as described in the Holiday Pay Policy.

G. Full-time Department Heads are credited **one hundred twenty** (120) hours of vacation pay annually **on January 1 of each year**. These hours are credited bi-weekly through the course of the year starting January 1 of each year. If the eligible employee is hired after January 1, the number of hours of vacation pay credited on the date of hire will be prorated based on the months remaining in the year. Full-time Department Heads will be credited with **one hundred sixty** (160) hours of vacation annually upon completion of **five** (5) years of full-time employment **within the Utah Retirement System or an equivalent public retirement system** and will be credited with **two hundred** (200) hours of vacation time annually upon completion of **ten** (10) years of full-time employment **within the Utah Retirement System or an equivalent public retirement system**.

## **11.5 Sick Leave Benefits**

- A. The City provides sick leave to eligible employees.
- B. Sick leave is accrued by pay period at a rate of 3.46 hours per period, for nine (9) days annually. Eligible employees include:
  - (1) Full-time employees.
  - ~~(2) Qualified part-time employees.~~
  - (2) Introductory employees in full-time positions **in the above classifications**.
- ~~C. Qualified part-time employees accrue sick leave on a prorated basis.~~
- C. When an employee retires or leaves the employ of the City for whatever reason, the City will not pay any accrued and unused sick leave benefits.

## **11.7 Holiday**

- A. The City provides paid time off or additional compensation, as provided in the Holiday Pay Policy, **Section 4.13**, to all eligible employees for holidays designated by the City.
- B. Employees in the following employment classification(s) are eligible for this benefit:
  - (1) Full-time employees.
  - ~~(2) Qualified, part-time employees.~~
  - ~~(3) Non-merit, special employees.~~
  - (2) Introductory employees in **the above classifications** full-time positions.
- C. The holidays designated by the City for this benefit are:

<b>Holiday</b>	<b>Date of Leave</b>
New Year's Day	January 1

Martin Luther King Jr., Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	The Monday before the 19 <sup>th</sup> if it falls on Tuesday through Friday. The Monday following the 19 <sup>th</sup> if it falls on Saturday or Sunday.
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving	Fourth Thursday in November
Christmas	Half-day off on December 24 and full day off on December 25

- D. For paid time off, a holiday that falls on a Sunday is observed on the following Monday. For holidays that fall on a Friday or Saturday, a floating holiday will be given to each employee and will be scheduled with the Department Head for use during the same calendar year.
- E. Paid time off or additional compensation for holidays is provided to all eligible employees immediately upon assignment to an eligible employment classification.
- F. For all eligible employees, ~~except qualified part time employees~~, a holiday is equivalent to ten (10) hours of regularly scheduled work.
  - (1) ~~Holidays for qualified, part-time employees are prorated based on their regular work schedule.~~
- G. Paid time off is calculated based on the employee's base pay rate at the time of the holiday and includes no special forms of compensation, such as incentives, commissions, or bonuses.
- H. If a designated holiday falls during an eligible employee's paid absence (i.e., vacation or sick leave), holiday paid time off will still be granted for the holiday, rather than vacation or sick leave.
- I. See Holiday Pay Policy, ~~Section 4.13~~, for employees working shift work and other employees required to work on a holiday.

### 11.8 Leave Without Pay

- C. Employees in the following employment classification(s) are eligible to request leave without pay as described in this policy:
  - (1) Full-time employees.
  - (2) ~~Qualified, part-time employees.~~

- (3) Special, non-merit employees.
- (2) Part-time employees.
- (3) Introductory employees in full-time positions.

## **11.10 Military Leave**

- A. A military leave of absence will be granted to ~~all~~ only full-time employees, except those occupying temporary positions, to attend scheduled military training assignments, or if called to active duty with the U.S. Armed Services.

## **11.12 Repealed and Replaced by Section 11.11 (new heading)**

## **11.13 Bereavement Leave**

- A. ~~Full-time Employees and Introductory Employees in full-time positions~~ Employees who experience a death in their immediate family may, at the discretion of the Department Head request up to four (4) days of bereavement leave.

## **11.14 Time Off to Vote**

- A. The City encourages employees to fulfill their civic responsibilities by participating in elections.
- B. Employees ~~are encouraged to~~ ~~can~~ find time to vote either before or after their regular work schedule.
- C. If employees cannot vote in an election during their non-working hours, their Department Head may grant ~~employees in the following job classifications~~ a reasonable paid time off, up to two (2) hours, for employees to vote:
  - (1) Full-time employees.
  - (2) Introductory employees in full-time positions.
- D. Employees should request time off to vote from their supervisor at least two (2) working days ~~prior to~~ before the Election Day.
  - (1) Advance notice and prior approval ~~is~~ ~~are~~ required so the necessary time off can be scheduled to minimize disruption of work schedules and operations.

## **11.15 Time Off for Blood Donation**

- A. The City encourages employees to fulfill their civic responsibilities by participating in blood donation drives and by donating blood.
- B. Employees ~~can~~ ~~are encouraged to~~ find time to donate blood either before or after their regular work schedule.

- C. If employees cannot donate blood during their non-working hours, their Department Head may grant **employees in the following job classifications** a reasonable paid time off, up to two (2) hours, for employees to donate blood:
  - (1) Full-time employees.
  - (2) Introductory employees in full-time positions.
- D. Employees should request time off to vote from their supervisor at least two (2) working days **prior to before** the day that they wish to donate blood.
  - (1) Advance notice and prior approval **is are** required so the necessary time off can be scheduled to minimize disruption of work schedules and operations.

DRAFT

# ATTACHMENT “B”

## Attached to Resolution 43-2025 Repeal and Replace the Following Sections of the West Haven Personnel Policy Handbook:

**\*\*Repeal Section 2.15 and its heading and replace with the following heading and language:**

### **2.15 Employment Categories and Classifications**

- A. Classification of Employment. The employees of the City are classified into various employee categories that relate to employment status, hiring procedures, due process procedures, compensation, benefit eligibility, and applicability of certain federal and state laws.
- B. Employment classifications do not guarantee employment for any specified period of time to the employees who function in these positions. Subject to current City personnel policies, the right to terminate the employment relationship at will is retained by both the employee and the City. Such employment classifications are subject to change depending upon the requirements of federal or state law or the requirements of City ordinances.
- C. Employment Classification. West Haven City has the following employment classifications associated with job positions:
  - (1) Elected Officials. The Mayor and members of the City Council are elected officials. Elected officials are considered employees and are paid a stipend. Elected officials are eligible for retirement benefits, unless otherwise required by the Utah Retirement System.
  - (2) Appointed Officials. Planning Commission members and City committee members are appointed officials. Appointed officials are not considered employees and are not paid unless otherwise directed by City ordinance. Appointed officials are not eligible for retirement benefits, unless otherwise required by the Utah Retirement System.
  - (3) Full-time Employees. Full-time employees are those regularly scheduled to work the City’s full-time schedule of more than thirty-one (31) hours per week over a twelve (12) month period and are not categorized as part-time, seasonal, or temporary employees.
  - (4) Part-time Employees. Part-time employees are regularly scheduled to work less than an average of thirty (30) hours per week.

- (5) Seasonal Employees. Seasonal employees are those who have established an employment relationship with the City but are assigned to work on an intermittent and/or unpredictable basis. Employees in this category may work for indefinite periods of time; however, such employment will not exceed six (6) months in any calendar year.
- (6) Introductory Employees. Introductory employees are those whose performance is being evaluated for a minimum of twelve (12) months to determine whether further employment in a specific position with the City is appropriate. An introductory employee may also have another job position classification such as full-time or part-time employee.
- (7) Temporary Employees.
  - (a) Temporary employees are those hired temporarily to supplement the workforce or assist in completing a specific project and whose employment is of limited duration.
  - (b) Temporary employment assignments will not exceed six (6) months. An additional six (6) month extension may be granted with the specific approval of the City Manager. Any decision to approve such an extension will consider the requirement for overtime pay and state retirement benefits, which may accrue by such an extension. Unless an extension is granted, no person may be appointed as a temporary employee if it would cause over six (6) months of service in that position within any calendar year.
  - (c) Employment as a temporary employee beyond the above periods, or beyond any initially stated period, does not imply a change in employment status. Temporary employees retain that temporary status unless notified in writing of a change.
  - (d) Temporary employees may be scheduled to work differing hours each week. Schedules for temporary employees may vary and can be up to forty (40) hours or more each week.

D. FLSA Exempt or Non-Exempt Classification. To facilitate provisions of the Fair Labor Standards Act (FLSA), job positions shall also be classified as exempt or nonexempt from federal and state wage and hour laws and regarding eligibility for overtime payment. These classifications are generally described below; for a full description of these classifications, refer to the FLSA:

- (1) Exempt. As defined by Federal and State Labor Statutes, managerial, administrative, or professional positions shall be exempt from minimum wage and mandatory overtime payment regulations.
- (2) Nonexempt. As defined by Federal and State Labor Statutes, positions of a clerical, technical, or service nature are covered by provisions for minimum wage and mandatory overtime payment regulations.
- (3) An employee's exempt or nonexempt classification may be changed only upon written notification by the City Manager.

E. Non-Merit Service or Merit Service Categories. The City also places job positions in one of two (2) other job categories, which reflect certain job conditions and/or protections the employee has or does not have. These two categories are:

- (1) Non-merit Service. Members of the non-merit service comprise:

- (a) The Mayor, members of the City Council, and members of the Planning Commission.
- (b) The City Manager and City Recorder.
- (c) Temporary or seasonal employees.
- (d) Part-time employees.
- (e) Introductory employees.
- (f) Appointed positions.

(2) Merit Service. The merit service includes the employees of the City who are not members of the non-merit service. The merit service comprises of Full-time Employees who are also classified as Introductory Employees.

**\*\*Repeal all references and statements related to “Qualified, Part-time Employee”.**

**\*\*Repeal Sections 11.11 and 11.12 and the headings for both sections and replace with the following language and heading:**

**11.11 Witness and Jury Duty Leave**

- A. General Policy. The City supports employees in fulfilling their civic responsibilities by providing witness and jury duty pay when employees are required to serve as a witness or on jury duty.
- B. Witness and Jury Duty Pay Procedure. Witness and jury duty pay ensures that employees receive the same paycheck from the City while serving as a witness or on jury duty.
  - (1) Witness or Jury Duty Pay Calculation. Witness or duty pay shall be calculated based on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.
  - (2) Fees Paid by Court Remitted to City. Except for exempt employees, any fees paid by the court or other jurisdictional authority to an employee on paid witness or jury duty leave shall be returned to the City Manager or designee within one (1) week of their receipt.
    - (a) Exempt Employees. Under the provisions and guidelines of the Fair Labor Standards Act (FLSA), exempt employees shall not be required to return any such fees if the length of the paid witness or jury duty leave was less than one full workday in any single event.
  - (3) Continuation of Benefits. The City will continue to pay its portion of the premium costs for health insurance benefits during witness or jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue.
- C. Eligibility. Employees in the following employment classifications are eligible to request paid witness or jury duty leave:
  - (1) Full-time employees.
  - (2) Introductory employees in full-time positions.

- D. Witness or Jury Duty Leave Approval. A Supervisor, Department Head, or City Manager may approve witness or jury duty leave for an employee when the employee provides the witness subpoena or jury duty summons to their supervisor. A copy of the witness subpoena or jury duty summons shall be submitted to the City Manager or designee.
- E. Court Schedule & Reporting to Work. Employees shall communicate their court schedule to their supervisor so the supervisor may accommodate their absence. Employees shall report for work whenever the court schedule permits.
- F. City's Request for Employees Being Excused. The City or the employee may request that the employee be excused from jury duty if, in the City's judgment, the employee's absence creates severe operational difficulties. However, the City and the employee both understand that the decision to excuse the employee from jury duty is totally within the Court's discretion and that the Court may not honor that request.

DRAFT

## STAFF REPORT

TO: Mayor and City Council  
FROM: Shawn Warnke, City Manager  
DATE: August 20, 2025  
SUBJECT: Resolution approving terms associated with the extension of the UTOPIA fiber network to City Parks, with UTOPIA being the Internet Service Provider for these internet connections, Authorizing the Mayor to sign the Resolution and City Manager to sign related documents

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With the adoption of the FY 2026 Budget, the City Council appropriated funds to expand the security camera system to more City parks, including Prevedel Park, Poulter Pond, Tuscan Park, Cemetery, Sports Park, County Park Baseball Building, Country Park Arena Building, and Staker Park. Adopting the attached resolution will authorize the Mayor to sign the Resolution and the City Manager to sign the Business Installation Forms. Thereafter, UTOPIA will start the process of extending its fiber into City parks. The UTOPIA build time is expected to take approximately 30 to 120 days; however, UTOPIA believes that it can be accomplished closer to the 30 to 60 day horizon.

UTOPIA will act as the City's internet service provider, and all of the aforementioned parks will share a 1/1 Gbps connection. Pro-edge, which is providing the hardware for the security cameras in the park, believes that this connection will provide sufficient bandwidth.

Below is an updated excerpt from the FY 2026 Budget Memo, to provide some additional background information.

*Internet Connection at City Parks & Expansion of Security Cameras in the City Park System.* Several City parks have security cameras that provide real-time video footage that can be viewed online. This video footage is archived for City staff to view as needed. Security cameras at City parks enhance the City's park system in the following ways:

- Crime Deterrent & Evidence Gathering. The presence of security cameras serves as a deterrent to vandalism, theft, violence, and other illegal behavior in the park. If illegal activities occur in the park, video footage assists law enforcement in investigations.
- Perception of Safety. People's perceived safety increases when they know that security cameras monitor the park system.

It is worth noting that recently, a resident contacted the Mayor and the Parks & Recreation Director regarding the acquisition of video footage and suggested installing a camera near the 4000 South tunnel. She expressed concerns regarding her son and their friends having a conflict with an individual in the vicinity when trying to use the Stonefield Park and the tunnel. The resident hoped that the video footage would resolve the conflict.

An internet connection is required at the park to implement the security camera system, which allows for viewing and recording over the web. Not all parks recommended to receive an internet connection are proposed they be outfitted with a security system immediately. The internet

connection in these locations will provide other benefits, such as a recreation connection for management software, timecard capabilities for seasonal employees, and sprinkler system management.

For this project, a UTOPIA will provide the internet and be the internet service provider. On the next page is an itemized cost estimate from April 2025 to connect a specific City park to the UTOPIA fiber network. The total cost to connect all the City parks with internet is \$101,311.72. UTOPIA will finance the fiber costs to make an internet connection available to a City park, which will be paid over the 84-month term (seven years). For the City's financial reporting requirement, the City will need to report these costs as a debt service obligation.

As such, in FY 2026, the Budget will show revenue of \$105,000 in 13-3625 Other Financing Sources (which in a debt service context represents "bond proceeds"). The FY 2026 Budget will also show an annual expense of \$15,000 for the debt service obligation. The connection cost for this project will be repaid monthly for seven years, and this expense will terminate at the end of the seven-year period.

UTOPIA will also act as the internet service provider for these internet connections at the Parks. For a five-year term, the City will pay a monthly fee of \$455 for the first circuit for a 1 Gbps connection, which will be assigned to the Sports Park. For each additional park location (additional circuit), the City will pay \$50 monthly to share the bandwidth of this 1 Gbps connection. Pro-Edge Technology, which will be providing the hardware associated with the security camera system, believes that the 1 Gbps shared connection will provide sufficient bandwidth for the camera system. The City can work with UTOPIA to increase or decrease the bandwidth of the connection assigned to the Sports Park at any time.

On the next page is an itemized list of the costs associated with Pro-Edge Technology, the City's audiovisual specialist, to purchase and install the hardware associated with the security cameras, which costs \$28,211. The City will periodically incur expenses associated with maintaining or upgrading the hardware.

## UTOPIA Costs

Park	Address	GPS Coordinate	Costs	NOTES
Prevedel Parking Lot East	1300 S 2100 W	41*14'31.02" N 112*01'54.27" W	\$45,171.09	Surveyed with Brock, and he wants Utopia to place a pole (possibly has sleeve under canal)
Prevedel Parking Lot West	1300 S 2300 W	41*14'29.32" N 112*02'06.27" W	\$	Connection will be handled with a point-to-point system from the east parking lot
Bowery at Prevedel	1300 S 2300 W	41*14'27.28" N 112*02'07.09" W	\$	Connection will be handled with a point-to-point system from the east parking lot
Prevedel Park Amphitheater	1300 S 2300 W	41*14'28.79" N 112*02'09.96" W	\$	Connection will be handled with a point-to-point system from the east parking lot
Poulter Pond	4100 W 3750 S	41*11'52.43" N 112*04'46.61" W	\$7,893.00	Utopia has placed an open trench conduit, but still needs a road crossing
Tuscan Park	3150 S 2125 W	41*12'31.31" N 112*01'52.14" W	\$4,372.30	
Cemetery	1550 S 2350 W	41*14'19.10" N 112*02'10.64" W	\$3,583.48	place on unistrut next to pole- feed from the neighborhood to the south
Stonefield Park	4500 S 4700 W	Not needed at this time		
Sports Park	4225 S 3900 W	41*11'10.38" N 112*04'33.88" W	\$8,809.15	
Country Park Baseball Building	3300 S 2825 W	41*12'12.94" N 112*02'57.27" W	\$11,436.85	Requested price, but will most likely use P2P system from Recreation Bldg. (900' of conduit)
Country Park Arena Building	3300 S 2825 W	41*12'09.40" N 112*03'04.01" W	\$10,189.61	Requested price, but will most likely use P2P system from Recreation Bldg. (875' of conduit)
Staker Park	3500 W 2875 S	41*12'49.26" N 112*03'54.98" W	\$9,856.24	
		<b>Total Costs</b>	<b>\$101,311.72</b>	

## Pro-Edge Technology

Park	Address	GPS Coordinate	Costs	NOTES
Prevedel Parking Lot East	1300 S 2100 W	41°14'31.02" N 112°01'54.27" W	\$2,448	
Prevedel Parking Lot West	1300 S 2300 W	41°14'29.32" N 112°02'06.27" W	\$2,448	
Bowery at Prevedel	1300 S 2300 W	41°14'27.28" N 112°02'07.09" W	\$9,092	
Prevedel Park Amphitheater	1300 S 2300 W	41°14'28.79" N 112°02'09.96" W	\$1,920	
Poulter Pond	4100 W 3750 S	41°11'52.43" N 112°04'46.61" W	\$2,779	
Tuscan Park	3150 S 2125 W	41°12'31.31" N 112°01'52.14" W	\$4,644	
Cemetery	1550 S 2350 W	41°14'19.10" N 112°02'10.64" W	\$4,880	
Stonefield Park	4500 S 4700 W	Not needed at this time		The park already has cameras, and the internet connection provides other web-based solutions to managing parks and recreation
Sports Park	4225 S 3900 W	41°11'10.38" N 112°04'33.88" W	\$	The park already has cameras, and an internet connection provides other web-based solutions to managing parks and recreation
Country Park Baseball Building	3300 S 2825 W	41°12'12.94" N 112°02'57.27" W	\$	
Country Park Arena Building	3300 S 2825 W	41°12'09.40" N 112°03'04.01" W	\$	
Staker Park	3500 W 2875 S	41°12'49.26" N 112°03'54.98" W	\$	
		<b>Total Costs</b>	<b>\$28,211</b>	

**Resolution No. 44-2025**

**RESOLUTION OF WEST HAVEN CITY APPROVING TERMS ASSOCIATED WITH  
THE EXTENSION OF THE UTOPIA FIBER NETWORK TO CITY PARKS, WITH  
UTOPIA BEING AN INTERNET SERVICE PROVIDER FOR THESE INTERNET  
CONNECTIONS; AUTHORIZING THE MAYOR TO SIGN THIS RESOLUTION; AND  
AUTHORIZING THE CITY MANAGER TO SIGN RELATED DOCUMENTS.**

**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 for the City; and,

WHEREAS, several City parks have security cameras that provide real-time video footage that can be viewed online by City staff as needed; and

WHEREAS, the presence of security cameras serves as a deterrent to vandalism, theft, violence, and other illegal behavior in the park; and

WHEREAS, the video footage assists law enforcement with their investigations, if illegal activities occur in the park; and

WHEREAS, the FY 2026 Budget appropriated funds to expand the security camera system to more City parks, including Prevedel Park, Poulter Pond, Tuscan Park, Cemetery, Sports Park, County Park Baseball Building, Country Park Arena Building, and Staker Park; and

WHEREAS, an internet connection is required at the park to implement the security camera system; and

WHEREAS, UTOPIA Fiber has a fiber optic network within West Haven City, and the City has contacted UTOPIA regarding extending its fiber network into City parks, with UTOPIA being the internet service provider for these connections; and

WHEREAS, the total cost to extend UTOPIA fiber network into the City parks is approximately \$101,311.72, and UTOPIA has agreed to finance these fiber costs to make an internet connection available to these City parks, which the City will repay monthly over a seven-year (the 84-month term) term without interest; and

WHEREAS, UTOPIA will also be the internet service provider for these internet connections for which there will be a monthly charge; and

WHEREAS, Generally Accepted Accounting Principles require that the City report UTOPIA's financing of these internet connections in the City's accounting and reporting system as a debt service obligation; and

WHEREAS, UTOPIA has provided West Haven City with Business Installation Order Forms for City parks (Attachments "A" through "H"), which formalize the terms and monthly fees paid by the City for UTOPIA's financing of these internet connections and being an internet service provider for these connections; and

WHEREAS, after the 84-month term, the construction cost (financing charges) associated with extending the internet into the City parks will be repaid, and the monthly expense paid to UTOPIA will be limited to UTOPIA providing internet services for these connections; and

WHEREAS, the Business Installation Order Forms (Attachments "A" through "H") require a signature by a City official; and

WHEREAS, the City Council finds that the public safety and necessity require the actions herein contemplated,

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

1. The City Council consents and adopts the terms contained in Attachments "A" through "H" associated with UTOPIA financing the construction costs to extend the fiber network into the City parks outlined in this Resolution.
2. The City Manager is authorized to sign the Business Installation Order Form contained in Attachments "A" through "H" and any and all other documents necessary to affect this agreement and proceed forward; and then he is authorized to return all necessary documents to UTOPIA for processing and the construction of these internet connections in the City's parks.
3. The Mayor is authorized to sign this Resolution.
4. The foregoing recitals are fully incorporated herein.

**SECTION III. PRIOR 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 20th day of August 2025.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20th day of August 2025.

WEST HAVEN CITY

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

ATTEST:

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

\_\_\_\_\_  
Mayor Rob Vanderwood  
\_\_\_\_\_  
Councilmember Carrie Call  
\_\_\_\_\_  
Councilmember Kim Dixon  
\_\_\_\_\_  
Councilmember Nina Morse  
\_\_\_\_\_  
Councilmember Ryan Saunders  
\_\_\_\_\_  
Councilmember Ryan Swapp

Yes \_\_\_\_\_ No \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_

# ATTACHMENT "A"

## PREVEDEL PARK



Date: 8/13/2025

BUSINESS INSTALLATION ORDER FORM			
Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
Company Name:	West Haven City (Prevedel Parking Lot)	ISP Name:	UTOPIA
Main Contact Name	Shawn Warnke/Brock Randall	Representative:	Brad Houtz
Property Address	1300 S 2100 W	Address:	5959 S 900 E
	West Haven, UT 84401		Murray, UT 84121
Telephone	801-920-3293	Telephone	801-613-3831
Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>	Email Address:	<a href="mailto:bhoutz@utopiafiber.com">bhoutz@utopiafiber.com</a>
Address ID:			
Name:	Shawn Warnke/Brock Randall	Title:	
Telephone:	801-920-3293	Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
Services:		Quantity:	Monthly Charges:
1/1Gbps TLS			\$ 588.00
VLAN		Total MRC:	\$ 588.00
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 45,171.00 paid over the 84-month term. BH TLS Ties back to (Sports Park) 4225 S 3900 W, West Haven, UT 84401			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
Printed Name:	Signature:	Date:	
UTOPIA Fiber Contact:	Signature:		

\* This sales agreement must be signed within 90 days of date at top.

# ATTACHMENT "B"

## POULTER POND



Date: 8/13/2025

BUSINESS INSTALLATION ORDER FORM			
Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
Company Name:	West Haven City (Poulter Pond)	ISP Name:	UTOPIA
Main Contact Name	Shawn Warnke/Brock Randall	Representative:	Brad Houtz
Property Address	4100 W 3750 S	Address:	5959 S 900 E
	West Haven, UT 84401		Murray, UT 84121
Telephone	801-920-3293	Telephone	801-613-3831
Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>	Email Address:	<a href="mailto:bhoutz@utopiafiber.com">bhoutz@utopiafiber.com</a>
Address ID:			
Name:	Shawn Warnke/Brock Randall	Title:	
Telephone:	801-920-3293	Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
Services:		Quantity:	Monthly Charges:
1/1Gbps TLS			\$ 144.00
VLAN		Total MRC:	\$ 144.00
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 7,893.00 paid over the 84-month term. BH TLS Ties back to (Sports Park) 4225 S 3900 W, West Haven, UT 84401			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
Printed Name:	Signature:	Date:	
UTOPIA Fiber Contact:	Signature:		

\* This sales agreement must be signed within 90 days of date at top.

# ATTACHMENT "C"

## TUSCAN PARK



Date: 8/13/2025

### BUSINESS INSTALLATION ORDER FORM

Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
<b>Company Name:</b> West Haven City (Tuscan Park) <b>ISP Name:</b> UTOPIA			
<b>Main Contact Name</b>		Shawn Warnke/Brock Randall <b>Representative:</b> Brad Houtz	
<b>Property Address</b>		3150 S 2125 W <b>Address:</b> 5959 S 900 E	
		West Haven, UT 84401 <b>Address:</b> Murray, UT 84121	
<b>Telephone</b>		801-920-3293 <b>Telephone</b> 801-613-3831	
<b>Email Address:</b>		<u>shawnw@westhavenut.gov</u> <b>Email Address:</b> <u>bhoutz@utopiafiber.com</u>	
<b>Address ID:</b>			
<b>Name:</b>	Shawn Warnke/Brock Randall	<b>Title:</b>	
<b>Telephone:</b>	801-920-3293	<b>Email Address:</b>	<u>shawnw@westhavenut.gov</u>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
<b>Services:</b>		<b>Quantity:</b>	<b>Monthly Charges:</b>
1/1Gbps TLS			\$ 103.00
<b>VLAN</b>		<b>Total MRC:</b>	\$ 103.00
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 4,372.00 paid over the 84-month term. BH TLS Ties back to (Sports Park) 4225 S 3900 W, West Haven, UT 84401			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
<b>Printed Name:</b>	<b>Signature:</b>	<b>Date:</b>	
<b>UTOPIA Fiber Contact:</b>	<b>Signature:</b>		

\* This sales agreement must be signed within 90 days of date at top.

# ATTACHMENT "D"

## CEMETERY



Date: 8/13/2025

BUSINESS INSTALLATION ORDER FORM			
Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
Company Name:	West Haven City (Cemetery)	ISP Name:	UTOPIA
Main Contact Name	Shawn Warnke/Brock Randall	Representative:	Brad Houtz
Property Address	1550 S 2350 W	Address:	5959 S 900 E
	West Haven, UT 84401		Murray, UT 84121
Telephone	801-920-3293	Telephone	801-613-3831
Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>	Email Address:	<a href="mailto:bhoutz@utopiafiber.com">bhoutz@utopiafiber.com</a>
Address ID:			
Name:	Shawn Warnke/Brock Randall	Title:	
Telephone:	801-920-3293	Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
Services:		Quantity:	Monthly Charges:
1/1Gbps TLS			\$ 93.00
VLAN		Total MRC:	\$ 93.00
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 3,583.00 paid over the 84-month term. BH TLS Ties back to (Sports Park) 4225 S 3900 W, West Haven, UT 84401			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
Printed Name:	Signature:	Date:	
UTOPIA Fiber Contact:	Signature:		

\* This sales agreement must be signed within 90 days of date at top.

# ATTACHMENT "E"

## SPORTS PARK



Date: 8/13/2025

BUSINESS INSTALLATION ORDER FORM			
Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
Company Name:	West Haven City (Sports Park)	ISP Name:	UTOPIA
Main Contact Name	Shawn Warnke/Brock Randall	Representative:	Brad Houtz
Property Address	4225 S 3900 W	Address:	5959 S 900 E
	West Haven, UT 84401		Murray, UT 84121
Telephone	801-920-3293	Telephone	801-613-3831
Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>	Email Address:	<a href="mailto:bhoutz@utopiafiber.com">bhoutz@utopiafiber.com</a>
Address ID:			
Name:	Shawn Warnke/Brock Randall	Title:	
Telephone:	801-920-3293	Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
Services:		Quantity:	Monthly Charges:
1/1Gbps enterprise unlimited business transfer			\$ 405.00
1/1Gbps DIA UTOPIA Bandwidth			\$ 155.00
iP's		8	\$ 60.00
VLAN		Total MRC:	\$ 620.00
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 8,809.00 paid over the 84-month term. BH			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
Printed Name:	Signature:	Date:	
UTOPIA Fiber Contact:	Signature:		

\* This sales agreement must be signed within 90 days of date at top.

# ATTACHMENT "F"

## COUNTRY PARK BASEBALL BUILDING



Date: 8/13/2025

### BUSINESS INSTALLATION ORDER FORM

Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
Company Name:	West Haven City (Country Park Baseball Bldg)	ISP Name:	UTOPIA
Main Contact Name	Shawn Warnke/Brock Randall	Representative:	Brad Houtz
Property Address	3300 S 2825 W	Address:	5959 S 900 E
	West Haven, UT 84401		Murray, UT 84121
Telephone	801-920-3293	Telephone	801-613-3831
Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>	Email Address:	<a href="mailto:bhoutz@utopiafiber.com">bhoutz@utopiafiber.com</a>
Address ID:			
Name:	Shawn Warnke/Brock Randall	Title:	
Telephone:	801-920-3293	Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
Services:		Quantity:	Monthly Charges:
1/1Gbps TLS			\$ 183.00
VLAN		Total MRC:	\$ 183.00
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 11,436.00 paid over the 84-month term. BH TLS Ties back to (Sports Park) 4225 S 3900 W, West Haven, UT 84401			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
Printed Name:	Signature:	Date:	
UTOPIA Fiber Contact:	Signature:		

\* This sales agreement must be signed within 90 days of date at top.

# ATTACHMENT "G"

## COUNTRY PARK ARENA BUILDING



Date: 8/13/2025

### BUSINESS INSTALLATION ORDER FORM

Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
Company Name:	West Haven City (Country Park Arena Bldg)	ISP Name:	UTOPIA
Main Contact Name:	Shawn Warnke/Brock Randall	Representative:	Brad Houtz
Property Address:	3300 S 2825 W	Address:	5959 S 900 E
	West Haven, UT 84401		Murray, UT 84121
Telephone:	801-920-3293	Telephone	801-613-3831
Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>	Email Address:	<a href="mailto:bhoutz@utopiafiber.com">bhoutz@utopiafiber.com</a>
Address ID:			
Name:	Shawn Warnke/Brock Randall	Title:	
Telephone:	801-920-3293	Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
Services:		Quantity:	Monthly Charges:
1/1Gbps TLS			\$ 172.00
VLAN		Total MRC:	\$ 172.00
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 10,189.00 paid over the 84-month term. BH TLS Ties back to (Sports Park) 4225 S 3900 W, West Haven, UT 84401			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
Printed Name:	Signature:	Date:	
UTOPIA Fiber Contact:	Signature:		

\* This sales agreement must be signed within 90 days of date at top.

# ATTACHMENT "H"

## STAKER PARK



Date: 8/13/2025

BUSINESS INSTALLATION ORDER FORM			
Order Form, MAC-D or Revenue Replacement?	Order Form		
If MAC-D: Move, Add, Remove, or Change?			
Company Name:	West Haven City (Staker Park)	ISP Name:	UTOPIA
Main Contact Name	Shawn Warnke/Brock Randall	Representative:	Brad Houtz
Property Address	3500 W 2875 S	Address:	5959 S 900 E
	West Haven, UT 84401		Murray, UT 84121
Telephone	801-920-3293	Telephone	801-613-3831
Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>	Email Address:	<a href="mailto:bhoutz@utopiafiber.com">bhoutz@utopiafiber.com</a>
Address ID:			
Name:	Shawn Warnke/Brock Randall	Title:	
Telephone:	801-920-3293	Email Address:	<a href="mailto:shawnw@westhavenut.gov">shawnw@westhavenut.gov</a>
<b>CONTRACT LENGTH</b>			
84 Month			
<b>ONE-TIME CHARGE:</b>		<b>COST:</b>	
INSTALL			
<b>SERVICE CHARGES:</b>			
Services:		Quantity:	Monthly Charges:
1/1Gbps TLS			\$ <b>168.00</b>
VLAN		Total MRC:	\$ <b>168.00</b>
<b>SPECIAL INSTRUCTIONS:</b>			
Install cost 9,856.00 paid over the 84-month term. BH TLS Ties back to (Sports Park) 4225 S 3900 W, West Haven, UT 84401			
<b>SIGNATURES &amp; ACKNOWLEDGEMENTS:</b>			
By signing, I agree to the Terms & Conditions located here: <a href="http://www.utopiafiber.com/termsandconditions">www.utopiafiber.com/termsandconditions</a>			
Printed Name:	Signature:	Date:	
UTOPIA Fiber Contact:	Signature:		

\* This sales agreement must be signed within 90 days of date at top.

**Resolution No. 45-2025**

**RESOLUTION OF WEST HAVEN CITY AUTHORIZING THE CITY MANAGER TO  
ENTER INTO A SECOND AMENDMENT TO THE PROFESSIONAL SERVICES  
AGREEMENT BETWEEN THE CITY AND AVENUE CONSULTANTS FOR  
ADDITIONAL PROPERTY ACQUISITION SERVICES; AUTHORIZING THE CITY  
MAYOR TO SIGN THIS RESOLUTION AND THE CITY MANAGER TO SIGN THE  
AMENDMENT 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 agreements regarding protecting the health, safety, and welfare of the public; and,

WHEREAS, the City has a desire to engage in property acquisitions involving certain City street expansions; and

WHEREAS, the City already has a Contract with Avenue Consultants for property acquisition services for the City's road widening projects involving 5100 West and 3300 South; and

WHEREAS, the City has a need for additional property acquisition services regarding the road widening projects involving 1800 South – 2100 South connector road, the 3300 South - 3600 South connector road, and the possible realignment of 1800 South in the vicinity of 1900 West; and

WHEREAS, the City entered into a first amendment regarding acquisition services for these projects; and

WHEREAS, the City has found a need to expand the property acquisition services for these projects and also the 4000 South and 4300 South intersections; and

WHEREAS, the City Council finds that it is in the City's best interests to enter into a Second Amendment which amends the original Contract and First Amendment with Avenue Consultants in order to expand the property acquisition services for those listed projects; and

WHEREAS the City Council desires to now enter into the Second Amendment to Agreement with Avenue Consultants according to the amendment attached as Attachment "A" to this Resolution; 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 adopts the Second Amendment to Agreement between West Haven City and Avenue Consultants, Inc., attached as Attachment "A" to this Resolution.
2. That the City Manager is authorized to enter into and sign the Second Amendment to Agreement between Avenue Consultants, Inc. and West Haven City, and any and all documents necessary to affect this Second Amendment.
3. That the Mayor is authorized to sign this Resolution.
4. 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 20th day of August 2025.

PASSED AND ADOPTED BY THE CITY COUNCIL OF WEST HAVEN CITY, STATE OF UTAH, on this 20th day of August 2025.

WEST HAVEN CITY

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

ATTEST:

\_\_\_\_\_  
City Recorder

**VOTING:**

\_\_\_\_\_  
YES      \_\_\_\_  
NO      \_\_\_\_  
NO      \_\_\_\_  
NO      \_\_\_\_  
NO      \_\_\_\_  
NO      \_\_\_\_  
NO      \_\_\_\_

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

**ATTACHMENT "A"**

**ATTACHMENT TO RESOLUTION NO. 45-2025**

**SECOND AMENDMENT TO AGREEMENT BETWEEN WEST HAVEN CITY AND  
AVENUE CONSULTANTS, INC.**

**REGARDING ROAD WIDENING PROJECTS INVOLVING 1800 SOUTH – 2100  
SOUTH CONNECTOR ROAD, THE 3300 SOUTH – 3600 SOUTH CONNECTOR  
ROAD, THE POSSIBLE REALIGNMENT OF 1800 SOUTH IN THE VICINITY OF 1900  
WEST, AND 4000 SOUTH AND 4300 SOUTH INTERSECTIONS**

**DRAFT**



## SECOND AMENDMENT TO AGREEMENT

**To:** West Haven City, Edward Mignone

**From:** Avenue Consultants

**Project Name:** **1800 S – 2100 S, 3300 S – 3600 S, 1800 S & 1900 West, 4000 S & 4300 S intersections**

**Avenue Project No.:** **24-294**

||||| This Second Amendment to the original Agreement for services for the above referenced projects (hereinafter the "Amendment") is entered into between **Avenue Consultants, Inc.** hereinafter referred to as "Consultant" and West Haven City hereinafter referred to as "City," both of which are parties to the Agreement entered into as of July 10, 2024 (hereinafter the "Contract").

The provisions of this Second Amendment shall supersede and control over any conflicting provision contained in the original Contract and the first Amendment executed in February 2025. Additionally, except as set forth in this Second Amendment, the Contract is unaffected and shall continue in full force and effect in accordance with its terms.

Consultant and City expressly agree that the Contract shall be amended as follows:

- **SCOPE OF SERVICES AND BUDGET:** See Exhibit A
- **SCHEDULE:** This Second Amendment is effective beginning 8/20/2025 and will expire 12/31/2026.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**AVENUE**

Avenue Consultants, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**CITY**

West Haven City

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



**EXHIBIT A –****SCOPE OF SERVICES & FEES**

This Second Amendment outlines a modification to our original scope of work for Right of Way (ROW) acquisition support. Avenue Consultants has been providing ROW acquisition services for the 3300 S and 5100 W road widening projects.

The parties entered into a first Amendment to the Contract in February 2025 regarding Right of Way (ROW) Ongoing Support for 1800 S-2100 S connector road, 3300 S-3600 S connector road, and possibly realignment involving 1800 S & 1900 W. As discussed with the City, there is interest in increasing the scope of services and fees pursuing property acquisitions for these projects:

- 1800 S – 2100 S connector road
- 3300 S – 3600 S connector road
- 1800 S & 1900 W
- 4000 S and 4300 S intersections

**1 SCOPE OF SERVICES****Right of Way (ROW) Acquisitions**

Avenue will negotiate with property owners to acquire the necessary conveyance documents and real estate contracts. Avenue will make recommendations and perform necessary services to acquire needed parcels.

- Acquisitions will be conducted in accordance with all applicable Federal and State regulations, including the Uniform Relocation Act, Code of Federal Regulations 49 CFR Part 24 and 23 CFR Part 710, Utah State Code Title 57-12, and Utah State Code Title 78B-6-522.
- A live acquisition and appraisal tracking spreadsheet will be created and shared with the City, and Avenue will provide bi-weekly updates via email.
- Avenue will prepare an offer package that complies with state and federal regulations, which will include the following materials: Offer letter, Offer to Purchase, Statement of Just Compensation, Contract, Deed(s)/Easement(s), Maps, Ownership Record (if provided), Appraisal/ACE, and the Ombudsman's Brochure. This may include a Permit to Enter & Construct as well.
- Negotiations will commence upon the City's approval of Just Compensation. Avenue will negotiate in good faith to acquire each parcel, striving to build a strong rapport with property owners and achieve satisfactory outcomes.
- Avenue is authorized to negotiate based on the approved compensation value. Any modifications to contract language, administrative settlement approvals, and other necessary approvals will be submitted to the City for approval.
- Avenue will collaborate with property owners and the City to ensure the maintenance of residential and commercial access. Throughout the acquisition process, Avenue will maintain an Agent's log to document communications, offer milestones, contract language modifications, and administrative settlement approvals, in compliance with federal and state regulations.

- Acquisitions over \$15,000 will be closed at a title company, while those under \$15,000 will be closed in-house by the City. When closing at a title company, Avenue will forward all applicable documents and original deed(s)/easement(s) for closing.
- Upon successful negotiations, a final acquisition file will be compiled and submitted to the City for final execution which includes a signed contract, deeds, a settlement invoice, and additional closing documents.
- Avenue's services for a parcel will conclude either when an acquisition file is submitted or when negotiations fail, and the City instructs Avenue to cease efforts.

### Failed Negotiations

If negotiations are unsuccessful and the City elects to proceed with eminent domain, the following steps will be taken:

- A 4-Options Letter will be sent to the property owner, advising them that while eminent domain proceedings may be initiated, efforts to reach a settlement through negotiation, mediation, or arbitration will continue.
- Avenue will compile a summary of the property owner's concerns along with any proposed practical solutions and provide this to the City for review.
- Avenue will collaborate with the City to address unresolved cases by developing actionable plans aimed at resolving outstanding issues.
- If directed by the City, Avenue will prepare and submit a complete condemnation file in accordance with City requirements.

## 2 SERVICE FEES PER PARCEL

1.0	Acquisitions	\$2,700
2.0	Administrative Compensation Estimate (ACE)	\$800
3.0	Document Preparation	\$200
4.0	City/Project Team Meetings	\$175 p/hour
5.0	Appraisals	\$3,000
	Appraisals with severance damages	\$4,000
6.0	Review Appraisals	\$1,000

The estimated meeting hours for ongoing Right of Way (ROW) support shall not exceed 75 hours. Avenue Consultants will notify the City once 50 hours have been expended and, if necessary, will request an increase to the 75-hour cap, including justification for the additional time.

The City will select the Title Company, which will then provide the City with the closing costs, lender costs, and escrow fees for each parcel. These costs will be based on the purchase price and whether a partial release is required. The City will pay the title fees directly to the Title Company.

