



# West Point City Council Notice and Agenda

West Point City Municipal Center  
3200 West 300 North  
West Point City, UT 84015

Mayor  
Erik Craythorne  
Council  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Andy Dawson  
R. Kent Henderson  
Roger Woodward  
City Manager  
Kyle Laws

June 18, 2013

## ADMINISTRATIVE SESSION

6:30 pm – Council Room

- page 5 1. Budget Discussion – Mr. Kyle Laws
- page 7 2. Pay Plan Changes – Mr. Kyle Laws

## GENERAL SESSION

7:00 pm – Main Council Chamber

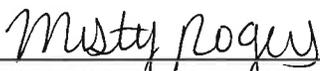
- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Prayer. (Please contact the City Recorder to request meeting participation by offering a prayer or inspirational thought.)
- 4. Communications and Disclosures from City Council and Mayor
- 5. Communications from Staff
- 6. Citizen Comment. (If you wish to make comment to the Council, please use the podium and clearly state your name and address, keeping your comments to a maximum of 2 ½ minutes. Please do not repeat positions already stated. Public comment is a time for the Council to receive new information and perspectives).
- page 137. Ordinance No 06-18-2013A, Consideration of Amending Chapter 3.25 of the West Point City Code, Relative to Purchasing Procedures – Mr. Boyd Davis
- page 37 8. Resolution No 06-18-2013A, Consideration of Adoption of the Schedule of Fees for West Point City – Mr. Kyle Laws
- page 51 9. Resolution No 06-18-2013B, Consideration of Adoption of the Revised Budget for West Point City for FY2013 – Mr. Kyle Laws
  - a. Public Hearing
  - b. Action
- page 53 10. Resolution No 06-18-2013C, Consideration of Adoption of the Inflation Fees and Policy – Mr. Kyle Laws
- page 61 11. Adoption of Minutes from the June 4, 2013 Council Meeting – Mrs. Misty Rogers
- 12. Motion to Adjourn

## Community Development and Renewal Agency Meeting

Immediately following City Council Meeting – Main Council Chambers

- 1. Call to Order
- 2. Communications from Staff
- page 69 3. Resolution No. R06-18-2013, adopting the FY2013 Amended Budget and the FY2014 Annual Budget for West Point City.
  - a. Public Hearing
  - b. Action
- 4. Motion to Adjourn

Posted and dated this June 14, 2013

  
MISTY ROGERS, CITY RECORDER

If you plan to attend this meeting and, due to disability, will need assistance in understanding or participating therein, please notify the City at least eight hours prior to the meeting and we will seek to provide assistance.



**TENTATIVE UPCOMING ITEMS**

**Date: 7/2/2013**

**Cancelled** (Preparation for the 4<sup>th</sup> of July Celebration)

**Date 7/16/2013**

**Administrative Session**

**General Session**

1. Youth Council Update
2. Award Bid for 300 North Sidewalk – Mr. Boyd Davis
3. Ordinance No. 07-16-2013A, Consideration of Amending Section 15.15.130 of the West Point City Code, Relative to Brick Requirements on New Homes – Mr. Boyd Davis
  - a. Public Hearing
  - b. Action
4. Ordinance No. 07-16-2013B, Consideration of Amending Section 17.25.070 of the West Point City Code, Relative to the Land Use Table – Mr. Boyd Davis
  - a. Public Hearing
  - b. Action

**Date: 8/6/2013**

**Administrative Session**

**General Session**

1. Youth Council Update
2. Resolution No 06-18-2013B, Consideration of Adoption of the FY2013 Property Tax Rate for West Point City – Mr. Kyle Laws
  - a. Public Hearing
  - b. Action
3. Ordinance No 06-18-2013A, Consideration of Adoption of the FY2014 Budget for West Point City and All Related Agencies, and a Compensation Schedule for Employees and Officers of the City – Mr. Kyle Laws
  - a. Public Hearing
  - b. Action
4. West Davis Corridor Update, Draft EIS Report – Randy Jefferies (end of meeting)

**Date: 8/20/2013**

**Administrative Session**

1. Fourth of July Wrap-up – Mrs. Jolene Kap

**General Session**

**Date: 9/3/2013**

**Administrative Session**

**General Session**

**Date: 9/17/2013**

**Administrative Session**

**General Session**

**Date: 10/1/2013**

**Administrative Session**

**General Session**

**Date: 10/15/2013**

**Administrative Session**

**General Session**

**DATE: 11/5/2013**

**Cancelled (Municipal Elections)**

**Future Items**

**Administrative Session**

**General Session**

- Consideration of the Removal of Yalecrest Estates Subdivision from Warranty – Mr. Boyd Davis

January  
 February  
 March  
 April  
 May  
 June

17 Senior Lunch-11:30am  
 18 City Council-7pm  
 27 Planning Commission-7pm  
 29 Miss West Point Pageant SHS-7pm

July

2 City Council- **Cancelled**  
 4 **Independence Day-Office Closed**  
 4th of July activities  
 11 Planning Commission-7pm  
 15 Senior Lunch 11:30am  
 16 City Council-7pm  
 24 **Pioneer Day Observed-Office Closed**  
 25 Planning Commission-7pm

August

1 Summer Party-5pm  
 6 City Council-7pm  
 8 Planning Commission-7pm  
 16 Senior Dinner-5:30pm  
 20 City Council-7pm  
 22 Planning Commission-7pm

September

2 **Labor Day-Office Closed**  
 3 City Council-7pm  
 4 Council/Staff Lunch-11:30am  
 11-13 ULCT Annual Convention  
 12 Planning Commission-7pm  
 16 Senior Lunch-11:30  
 17 City Council-7pm  
 26 Planning Commission-7pm

October

1 City Council-7pm  
 3 Cemetery Cleaning  
 10 Planning Commission-7pm  
 15 City Council-7pm  
 21 Senior Lunch-11:30am  
 24 Planning Commission-7pm  
 25 Halloween Carnival-7pm

November

5 Election Day  
 9 Flags on Veteran's Graves YC  
 11 **Veteran's Day-Office Closed**  
 14 Planning Commission-7pm  
 18 Senior Lunch-11:30am  
 19 City Council-7pm  
 28-29 **Thanksgiving -Office Closed**

December

6 Christmas Party-7pm  
 2 City Hall Lighting Ceremony-6:00 pm  
 3 City Council-7pm  
 12 Planning Commission-7pm  
 16 Senior Lunch-11:30am  
 17 City Council-7pm  
 20 Cemetery Luminary-4pm  
 25-26 **Christmas -Office Closed**

January 2014

10-11 Council Retreat

# City Council Staff Report

**Subject:** FY2013 Amended Budget & FY2014 Budget  
**Author:** Kyle Laws  
**Department:** Administration  
**Date:** June 18, 2013

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## **BACKGROUND**

Each year cities and towns in the State of Utah are required to adopt a balanced budget for the upcoming fiscal year (July 1- June 30) on or before the 22<sup>nd</sup> of June. The tentative budget needs to be presented to the City Council by the Budget Officer at or before the first meeting in May.

On May 7<sup>th</sup> Council and Staff discussed an overview of revenues and expenditures, changes from the 2011 Budget, the Employee Pay Plan, and other budget options.

On May 21<sup>st</sup> Council and Staff discussed proposed changes to the City's Capital Improvement Plan (CIP).

On June 4<sup>th</sup> we discussed the proposed Fee Schedule for FY 2013, and discuss a few outstanding issues.

On June 18<sup>th</sup> the Council should adopt the final amended budget for FY2013, fee resolution, , and the budget for the CDRA.

## **ANALYSIS**

### **Outstanding Issues**

*Property Tax Rate* – Each year as part of the budget approval process, the Council approves several policies relating to revenues and taxation. One of those policies states:

*West Point City should seek to maintain a stable tax rate;  
including maintaining the property tax rate when assessed values  
increase.*

The assessed property values in West Point are increasing this year by nearly 8%. As a result, the Certified Property Tax Rate, which is set by the Auditor's Office, is proposed to change from 0.001111 to 0.001041. In accordance with the above stated policy, the City should seek to maintain the current rate of 0.001111. In order to do this, the City is required by State Law to go through a process called Truth in Taxation. This process outlines specific public notices and requires a public hearing. By maintaining the rate (0.00111) and not taking the Certified Rate (0.001041), the City's property tax revenues would increase by a total of \$21,294 for the

year. The total revenue amount at those rates would change from \$316,676 at the Certified Rate to \$337,970 at the current rate. Additionally, this will delay the final approval of the FY2014 Budget. Unless otherwise directed, Staff will move forward with the Truth in Taxation process in order to maintain the current property tax rate.

#### *Fee Schedule Changes – Football*

In year's past we have collected a \$50 refundable deposit on the equipment. This year we would like to increase that fee to be \$150. However, this would not be collected as a deposit and would only be charged if the equipment is not returned. The fee would be added to the resident's utility bill and collected through those means.

#### **RECOMMENDATION**

Staff recommends that the Council provide direction on the final amended budget and do the following:

1. Adopt the City Fee Schedule by resolution
2. Hold a public hearing and adopt the FY2013 amended budget by ordinance, holding off on the FY2014 budget until August in order to go through the Truth in Taxation process to maintain the current property tax rate; and
3. Convene the West Point Community Development & Renewal Agency, hold a public hearing, and adopt the FY2012 amended budget and FY2013 final budget by resolution

#### **SIGNIFICANT IMPACTS**

There are no significant impacts at this time.

#### **ATTACHMENTS**

A – FY2014 Fee Schedule

B – Resolution 06-18-2013A adopting a schedule of fees for West Point City for FY2014

C – Ordinance 06-18-2013 adopting the FY2013 amended budget

D – Resolution R06-18-2013 adopting the FY2013 amended budget and FY2014 final budget for the Community Development and Renewal Agency (CDRA)

# City Council Staff Report

**Subject:** Pay Plan Changes  
**Author:** Kyle Laws  
**Department:** Administration  
**Date:** June 18, 2013



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## **Background**

The former City Manager implemented a pay plan and market study that the City has been following for the last 3 or 4 years. The Council had approved this process which involved a two year rotation plan. In one year, a market study was conducted to determine whether the City was paying employees in line with a defined market group. The market study involved an employee pay plan committee who reviewed job descriptions and determined appropriate benchmarks. Adjustments were made based on pre-determined steps and requirements. During this particular year only employees whose positions were adjusted received an increase to their pay. In the second year, there was a 2% COLA or Market Adjustment that was across the board to all employees.

During our April 16, 2013 City Council meeting we discussed this pay plan process and market study and I explained some of the changes I made this year to the market study. I also voiced some of my suggestions for improving it in the future. At that meeting, there seemed to be a general consensus among the Council that some changes were needed in order to improve the process and that I was on the right track with what we had discussed up to that point. The Analysis section below further explains my ideas for improving the process, building upon the discussion we had on April 16<sup>th</sup>.

## **Analysis**

Listed below are a few of the challenges I see with the current process, followed by an explanation for improving the process in those areas:

- The employee pay plan committee
- Narrow pay ranges
- Little room for pay increases and recognition
- Determining “Market Pay”

## ***Pay Plan Committee***

I would like to eliminate the pay plan committee altogether. Having worked in HR for several years I strongly believe that a market study should be an HR process. There is some value in having employees involved with these kinds of decisions; however, I think in this

instance it is causing in morale and confusion with the process. My suggestion is to have the HR Manager and the City Manager work together to conduct the market study.

### ***Narrow Pay Ranges***

As was discussed back in April, the current ranges for each position are very narrow. Having a narrow range does not give employees much room to grow in their pay and position. The previous philosophy was that an employee should be up to speed in their duties within about two years and, as a result, should be paid at the top of their range. I do not share this same philosophy and would prefer to have broad ranges to allow employees to move in the range over a longer period of time. With the market study this year, I have expanded the ranges to be more in line with what our market says the range should be for each position. Expanding the ranges will allow us to make other changes to the process as outlined below and will assist us in retaining employees.

### ***Little Room for Pay Increases and Recognition***

The current plan only allows an employee to get a pay increase every other year with the 2% COLA/Market Adjustment, unless their position is determined to be out of market on the market study year. The current plan would also cause employees to max out in their range early on leaving them with little room for growth. If employees are not receiving an increase in compensation, this can cause them to begin looking elsewhere for employment.

I would prefer to have a plan where employees have the opportunity to get an increase every year based on their performance. To this end, I would like to implement a plan where each year an employee is eligible for a maximum 2% merit increase. Additionally, in order to keep our ranges in line with the market and to account for inflation to some degree, I would like the Council to consider providing a 2% COLA every other year. Based on this philosophy, employees in one year would be eligible for up to 4% (combined merit and COLA), and the next year would be eligible for up to 2% (merit only).

The cost of the market study this year was around \$60,000. Last year, with the 2% market adjustment, the cost was around \$20,000. The changes I am recommending would carry a cost of roughly \$40,000 on the combined merit/COLA year, and roughly \$20,000 on the merit only year. From a budgeting standpoint, this approach would be easier to budget for because we can calculate the percentage increase for the given year early on in the budget process without having to wait on the market study. These percentages would be determined each year with the Council's approval.

### ***Determining "Market Pay"***

While I think the current process has its strengths, I also think it is more complex and complicated than it needs to be. I still recommend conducting a market study every other year.

In my opinion a market study shouldn't impact the budget in the way that it has in the past. This can be changed with a few minor tweaks to current process. We should be comparing our ranges with the ranges in the market not the total compensation value (TCV) of the position. The TCV takes into account actual pay and benefits. In my experience, the pay plan market study should be looking strictly at salary ranges and where we compare with our determined market. If we want benefits to be considered, this should be a separate study. Also, looking at actual pay in the market is not a good idea because there are too many unknown factors at play with why someone in another city is paid higher or lower than someone in West Point City who is doing the same job. I do not think it is good practice to look at actual pay in the market when conducting this type of study.

Now that we have expanded our ranges and know that they are in line with the market ranges, we can conduct our market study without having a budget impact. We are only determining if the range is correct. If our range is still in line with the market range for the position, then no change is necessary. As long as the employee is being paid in the range we can safely say they are within "market." If an adjustment needs to be made to the range, we can make that adjustment to the minimum or maximum. The only time this would affect the budget would be in the rare case that the range got so far out of line that the employee was no longer being paid in the range.

One final note regarding the pay plan and changes that were made this year has to do with pay grades. The previous pay plan included pay grades and those pay grades were an integral part of the market study and assisted in determining how much a position should move if it was out of market. I have eliminated the pay grades and, as you can see in the attached pay scale, each position has its own range. Based on the approach I have for conducting this process in the future (as outlined above), the pay grades are unnecessary and will only add confusion to the process.

### **Recommendation**

No Action is required at this time; however the City Manager would like direction on the proposed changes to the pay plan as outlined above.

### **Significant Impacts**

No significant impacts at this time.

### **Attachments**

- FY2014 Pay Scale



## FY2014 Pay Scale

<b>Exempt Positions</b>		<b>Range</b>		
<b>Position</b>	<b>Department</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
City Manager	Administration	\$ 86,700	\$ 94,238	\$ 101,775
Assistant City Manager	Finance	\$ 41.68	\$ 45.31	\$ 48.93
Community Development Director	Community Dev	\$ 69,360	\$ 76,526	\$ 83,691
Public Works Director	Public Works	\$ 33.35	\$ 36.90	\$ 40.45
Human Resources Manager	Administration	\$ 69,360	\$ 76,526	\$ 83,691
City Planner	Community Dev	\$ 33.35	\$ 36.79	\$ 40.24
Recreation Director	Recreation	\$ 58,650	\$ 67,270	\$ 75,889
		\$ 28.20	\$ 32.34	\$ 36.49
		\$ 46,665	\$ 54,367	\$ 62,068
		\$ 22.44	\$ 26.14	\$ 29.84
		\$ 46,665	\$ 54,367	\$ 62,068
		\$ 22.44	\$ 26.14	\$ 29.84
		\$ 42,330	\$ 49,369	\$ 56,408
		\$ 20.35	\$ 23.74	\$ 27.12

<b>Non-Exempt Positions</b>		<b>Range</b>		
<b>Position</b>	<b>Department</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
City Treasurer	Finance	\$ 20.35	\$ 23.74	\$ 27.12
City Recorder	Administration	\$ 42,328	\$ 49,379	\$ 56,410
Public Works Lead	Public Works	\$ 18.24	\$ 22.68	\$ 27.12
Building & Safety Inspector	Community Dev	\$ 37,939	\$ 47,174	\$ 56,410
Public Works III	Public Works	\$ 18.87	\$ 22.37	\$ 25.87
Public Works II	Public Works	\$ 39,250	\$ 46,530	\$ 53,810
Public Works I	Public Works	\$ 17.53	\$ 20.76	\$ 23.99
Utility Billing Clerk	Finance	\$ 36,462	\$ 43,181	\$ 49,899
		\$ 16.32	\$ 19.95	\$ 23.57
		\$ 33,946	\$ 41,496	\$ 49,026
		\$ 14.28	\$ 17.78	\$ 21.27
		\$ 29,702	\$ 36,982	\$ 44,242
		\$ 13.10	\$ 15.76	\$ 18.42
		\$ 27,248	\$ 32,781	\$ 38,314
		\$ 13.10	\$ 15.76	\$ 18.42
		\$ 27,248	\$ 26,225	\$ 38,314

<b>Part-time/Seasonal Positions</b>		<b>Range</b>		
<b>Position</b>	<b>Department</b>	<b>Minimum</b>	<b>Midpoint</b>	<b>Maximum</b>
Code Enforcement Officer	Community Dev	\$ 16.32		\$ 18.51
Community Affairs Asst.	Administration	\$ 13.26		\$ 18.41
Planning Secretary	Community Dev	\$ 13.55		\$ 16.66
Receptionist	Administration	\$ 12.92		\$ 15.15
Intern	Administration	\$ 12.50		\$ 14.45
Parks Worker III	Parks	\$ 11.22		\$ 14.14
Public Works Seasonal	Public Works	\$ 10.71		\$ 13.73
Parks Worker II	Parks	\$ 8.67		\$ 12.24
Recreation Worker II	Recreation	\$ 8.16		\$ 10.20
Parks Worker I	Public Works	\$ 8.16		\$ 10.20
Crossing Guard	Public Safety	\$ 7.40		\$ 8.16
Recreation Worker I	Recreation	\$ 7.40		\$ 8.16



# City Council Staff Report

**Subject:** Purchasing Policy  
**Author:** Boyd Davis  
**Department:** Community Development  
**Date:** June 18, 2013



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## **Background**

All purchases made by the City are governed by the purchasing procedures contained in section 3.25 of the West Point City Code. Before his departure, the previous City Manager had drafted a revision to this section of code. After reviewing the draft version and comparing it to the current code, it does appear that there are some sections of the code that should be changed.

## **Analysis**

During comparison of the draft to the existing code it was observed that the current code contains much more detail and additional sections not contained in the draft version. For example the current code contains sections about the sale of surplus equipment, issuance of City credit cards, and the sales of goods or services to the City by City officials and employees, among other sections. Staff recommends that these sections be retained. Much of the language contained in the draft version is already contained in the current City code. However, there are some important definitions and sections in the draft version that should be incorporated into the existing code.

The draft version contains a table that outlines the purchasing limits in a clear visual format that is much easier to understand than the current code. The table also contains dollar limits that are more current and are also in compliance with current state codes. Staff recommends that the table be inserted into the current code.

The draft version also contains definitions for major and minor public improvement projects which are key to determining which projects require a formal bidding process. The definitions are based on the state code and are differentiated by the cost of the improvement. The definition allows for the cost to be increased each year based upon the consumer price index (CPI). Staff recommends that these definitions be included in the code.

Staff would also like to include a section that explains who is allowed to sign certain contracts based upon the dollar amount and bidding process used. This has never been defined in our code and the question has come up several times. We often default to having the Mayor sign most contracts, but this may not be necessary in all situations.

One other minor change to the code will be a section outlining the noticing and advertising requirements for a formal bid. The code will require the invitation to bid to be advertised in either a newspaper or in an electronic form such as Bid Sync, which is a popular website used to solicit bids for public agencies.

A revised version of the current City Code is attached to this report that shows the various changes that are recommended.

**Recommendation**

Staff recommends approval Ordinance 06-18-2013 amending section 3.25 (Purchasing Procedures) of the West Point City Code.

**Significant Impacts**

None

**Attachments**

Ordinance 06-18-2013A

**ORDINANCE NO. 06-18-2013A**

**AN ORDINANCE AMENDING WEST POINT  
CITY CODE CHAPTER 3.25, AMENDING  
THE PURCHASING PROCEDURES**

**WHEREAS**, the West Point City Council for and on behalf of West Point City, State of Utah (hereinafter referred to as the “City”) has determined to amend Section 16.05.085 of the West Point City Code, and

**WHEREAS**, a public hearing was duly held and the interested parties were given an opportunity to be heard; and,

**WHEREAS**, the City Council has duly considered said amendments; and,

**WHEREAS**, the City Council, after due consideration of said amendments, has concluded that it is in the best interest of the City and the inhabitants thereof that said amendments be adopted;

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

**Section One:            Repeal of Existing Section**

The existing Chapter 3.25 of the West Point City Code is hereby repealed.

**Section Two: Adoption of New Provisions**

The following sections of the West Point City Code are adopted to read as follows:

**Chapter 3.25  
PURCHASING PROCEDURES**

Sections:

- [3.25.010](#) Purposes.
- [3.25.020](#) Definitions.
- [3.25.030](#) Purchasing agent/officer specifications.
- [3.25.040](#) Specifications.
- [3.25.050](#) Scope.
- [3.25.060](#) Formal bidding process.
- [3.25.070](#) Exceptions.
- [3.25.080](#) Splitting orders to avoid competitive bidding prohibited.
- [3.25.090](#) Relief due to computation error.

- [3.25.100](#) Notice inviting bids or proposals.
- [3.25.110](#) Construction projects.
- [3.25.120](#) Performance and payment bonds.
- [3.25.130](#) Pre-qualification of bidders, proponents, and suppliers.
- [3.25.140](#) Cancellation and rejection of bids and proposals.
- [3.25.150](#) Records.
- [3.25.160](#) Procurement protests.
- [3.25.170](#) Ineligibility.
- [3.25.180](#) Penalties.
- [3.25.190](#) Personal purchases.
- [3.25.200](#) Right to inspect place of business.
- [3.25.210](#) Allowable incurred costs.
- [3.25.220](#) Costs-plus-percentage-of-cost contract prohibited except when determined less costly.
- [3.25.230](#) Sales of goods or services to the city by officials or employees.
- [3.25.240](#) Surplus supplies and equipment.
- [3.25.250](#) Participation by bidder who supplies specifications.
- [3.25.260](#) Period of time for contract of supplies.
- [3.25.270](#) Alternative methods of construction.
- [3.25.280](#) Departmental inventories.
- [3.25.290](#) City credit cards.
- [3.25.300](#) Powers.
- [3.25.310](#) Failure to follow chapter.

**3.25.010 Purposes.**

The underlying purposes of this chapter are:

To provide for the economy, efficiency, and to encourage competition in city procurement activities.

To procure the best services, materials, and construction at the most reasonable cost to the city.

To provide fair treatment of persons who conduct business or wish to do business with the city.

Nothing in this statement of purposes shall create rights, interest, or causes of action against the city, its officers, agents, or employees. Failure to follow the procedures set out herein shall not invalidate a procurement unless otherwise provided by law. [Code 2000 § 4-1a-1].

**3.25.020 Definitions.**

As used in this chapter:

“Bid” means an estimate submitted to the city from a vendor of a good or service relative to what that vendor expects a good or service will cost the city.

“Business day” means a day when West Point City administration offices are open for public business.

“City” means West Point City Corporation.

“City purchasing agent” or “purchasing agent” means the purchasing agent or assistants whose duties include procurement of goods and services for the entire city.

“Department buyer” means the person or persons charged by a city department head to procure for that department.

“Emergency” means an imminent threat to the public health, safety, and welfare or a situation involving an imminent and substantial risk of injury or loss to property or public funds under conditions which reasonably do not permit fulfilling all of the purchasing requirements provided for in this chapter.

“Item” means goods, services, or a combination of both, of one type.

“Professional services” includes, but is not limited to, the following services: medical diagnosis or treatment; veterinary; psychological or emotional diagnosis, testing, and analysis; communications services; engineering services; urban planning; risk management; architectural services; legal services; public surveying and statistical analysis; hazardous substance consulting and disposal; geology consulting; hydrology; technical writing; seismic consulting; impresarios, producers, and performers; artistic services; and financial services, including auditing, banking, bonding, insurance, and tax consulting; and other consulting services which require a high level of training, skill, and special knowledge not common among lay people.

“Provider” means a person who offers or provides goods, services, or a combination of both to the city under contract.

“Purchase order” means official, written documentation authorizing the purchase of a good or service on behalf of the city by an employee, officer, or other authorized and recognized agent.

“Sole source provider” means any vendor of a good or service of such a unique nature as to significantly hinder the city’s ability to competitively bid a purchase or seek alternative vendors without employing unreasonable/uneconomical measures to seek out and solicit vendors of the good or service in question.

“Vendor” means an individual, organization, or corporation which provides any good or service for sale. [Code 2000 § 4-1a-2].

### **3.25.030 Purchasing agent/officer specifications.**

The city may appoint a purchasing agent/officer whose duties shall be defined by the city manager. Those duties may include: procurement, soliciting bids and proposals, negotiating, recommending and administering contracts, advising departments and employees on procurement, maintaining vendor and

bidder lists and files and other records needed for the efficient operation of his or her duties, making written determinations for the city, the development and maintenance of forms as are reasonably needed for the purposes of this chapter, and supervising the inspection of supplies and equipment. The purchasing agent may recommend rules and regulations to govern matters covered by this chapter, including, but not limited to, protests and appeals, the preparation, maintenance, and content of specifications for supplies, services, and construction required by the city. One or more assistants may be employed to assist the purchasing agent in performing his/her duties. [Code 2000 § 4-1a-3].

### **3.25.040 Specifications.**

The city may prepare specifications for the purchase of goods, services, and construction which contain information and detail which seeks to promote the purposes of this chapter. The specifications shall be maintained for the period of time required by law. The purchasing agent may, in addition, promulgate rules and regulations to govern the preparation, maintenance, and content of specifications for supplies, services, and construction required by the city for the purposes set out in this section. [Code 2000 § 4-1a-4].

### **3.25.050 Scope.**

A. Superior or More Suitable Products. Whenever the requisitioning department head or his or her designated representative finds in a signed memorandum, a copy of which shall be sent to the purchasing agent and the city manager, that a particular product significantly surpasses competing products in terms of quality, serviceability or longevity, or that such a product is better suited to the needs of the city in order to lower costs of inventory, to maintain compatibility with city equipment or currently adopted and authorized procedures, or because doing so will lower the costs of service or procurement, such a product may be purchased notwithstanding the fact that a competing product could be procured at a lower cost or rate.

B. State or Federal Purchasing Prices. The city need not solicit competitive bids or proposals when making procurement through cooperative purchasing contracts administered by the State Division of Purchasing, or an agency of the federal government, the benefits of which are also available to the city.

C. Cooperative Procurement. The city may join with other units of federal, state, or local government, or with special districts, school districts, and such other similar agencies or political subdivisions as the city council may by resolution direct, in purchasing goods and services. In such cases, the city is encouraged to follow a competitive bidding process or request for proposals in such a manner as would follow if the city were procuring the good or service in question. Notwithstanding the foregoing, purchases shall be made in accordance with state law, such as Section 10-7-20, Utah Code Annotated 1953, regarding contracts for new public improvements construction costs where the estimated cost exceeds \$25,000.

D. General Policy. The following general policies shall apply to all purchases. The chart below further describes the purchasing policy.

1. All City purchases for goods and services and contracts for goods and services shall be subject to these rules.
2. No contract or purchase shall be so arranged, fragmented, or divided with the purpose or intent to circumvent these rules.
3. City departments shall not engage in any manner of barter or trade when procuring goods and services from entities both public and private.
4. No purchase shall be contracted for, or made, unless sufficient funds have been budgeted in the year in which funds have been appropriated.
5. All purchases or orders for goods or services must be made by employees of the City.
6. All reasonable attempts shall be made to obtain at least three written quotations on all purchases of capital assets and services in excess of \$10,000.
7. When it is advantageous to the City, annual contracts for services and supplies regularly purchased should be initiated.
8. All purchases and contracts must be approved by the manager or their designee unless otherwise specified in these rules.
9. The following items require City Council approval unless otherwise exempted in these following rules:
  - a. All contracts (as defined) over \$30,000
  - b. All contracts and purchases awarded through the formal bidding process.
  - c. Any item over \$10,000 that is not anticipated in the current budget.
  - d. Accumulated "Change Orders" which would overall increase a previously approved contract by:
    - i. the lesser of 20% or \$20,000 for contracts of \$200,000 or less
    - ii. more than 10% for contracts over \$200,000.
10. Acquisition of the following items must be awarded through the formal bidding process:
  - a. All contracts for building improvements over the amount specified by state code, specifically:
    - i. for the year 2003, \$40,000
    - ii. for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.
  - b. All contracts for public works projects over the amount specified by state code, specifically:
    - i. for the year 2003, \$125,000
    - ii. for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percent change in the CPI during the previous calendar year.

<b>West Point City Purchasing Policy at a Glance</b>					
	<b>Purchase Order</b>	<b>3 Quotes Required</b>	<b>Formal Bid Process</b>	<b>Council Approval Required</b>	<b>Authorized to Sign Contracts or Purchase Orders</b>
<b>Materials, Supplies, and Services</b>	\$1,000 and up	\$10,000 and up	No	No	City Manager
<b>Capital Assets</b>	\$5,000 and up	\$10,000 and up	No	\$30,000 and up	City Manager up to \$30,000. Mayor over \$30,000
<b>Contracts for Professional Services</b>	N/A	\$10,000 and up	No	\$30,000 and up	City Manager up to \$30,000. Mayor over \$30,000
<b>Contracts for Public Improvements (Minor)</b>	N/A	Yes	No	\$30,000 and up	City Manager up to \$30,000. Mayor over \$30,000
<b>Contracts for Public Improvements (Major)</b>	N/A	No	Yes	Yes	Mayor
<b>Accumulated Change Orders (Contracts under \$200,000)</b>	N/A	N/A	N/A	Lesser of 20% of original contract amount or \$20,000	Department Head up to 20% or \$20,000. Mayor over 20% or \$20,000
<b>Accumulated Change Orders (Contracts over \$200,000)</b>	N/A	N/A	N/A	More than 10% of original contract amount	Department Head up to 10%. Mayor over 10%

E. Prudence and good judgment shall always be used when making any purchase(s). Purchase(s) that are greater than \$100.00 shall always require the approval of a supervisor prior to making such

purchase(s). [Ord. 11-20-2007A § 2. Code 2000 § 4-1a-5].

**3.25.060 Formal bidding process.**

The following procedures shall apply to those items required to follow the formal bidding process outlined in section 3.25.050(D). All bids and requests for proposals shall be made by the city purchasing agent or another designee of the city manager.

A. General. The purchasing agent or other designee shall issue invitations to bid or requests for proposals for materials, supplies, equipment, services, insurance, public contracts, and other items required for the city.

B. Invitation to Bid. An invitation to bid shall describe the material, supplies, equipment, services, and/or insurance with sufficient particularity to allow for competitive bidding and evaluation, and shall include a procurement description, and contractual terms and conditions applicable to the procurement. An advertisement for bids is to be published at least twice in a newspaper of general circulation, printed and published in the city and in as many additional issues and publications as the manager may determine, at least five days prior to the opening of bids. Alternatively, bids may be advertised on the City's website or on an electronic bid solicitation website. In such case it is not necessary to advertise in the newspaper, unless the City Manager determines it is in the best interest of the City. Advertising for bids relating to Class B and C road major improvement projects (greater than or equal to the amount specified by state code) shall be published according to the requirements of the state code.

C. Bid and Proposal Submissions. Bidders must submit responsive bids and proposals on or before the bid closing to the purchasing agent to be eligible for consideration. The city purchasing agent may in his or her discretion consider a bid or proposal which was timely submitted via a delivery medium which arrives after the bid closing, provided acceptance of the bid or proposal is reasonably determined by the purchasing agent to be in the best interest of the city and there is no evidence or likelihood of collusion or fraud upon the procurement process. Formal bids shall otherwise be opened at a public bid opening.

1. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information specified by rules and regulations, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.

2. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, except that criteria in determining responsible bidders contained in this chapter need not be set forth in the invitation for bids. The purchasing agent shall attempt to make selections based on those criteria that will affect the bid

price and be considered in evaluation for award shall be objectively measurable. The criteria may include discounts, transportation costs, and total or life cycle costs.

3. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted in the interest of the city in the reasonable discretion of the purchasing agent in consultation with the city manager or the interested city department head. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or to fair competition shall be permitted. Except as otherwise provided by this chapter, or rules and regulations, all decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes by a provider shall be supported by a written determination made by the purchasing agent.

D. Award under Invitation to Bid. Contracts for procurement under an invitation to bid shall be awarded with reasonable promptness by written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids. Determinations may be based on one or more or any combination of factors which will serve to meet city requirements at the best economic advantage to the city including, but not limited to: unit cost, life cycle cost, economic cost analysis, operating efficiency, warranty and quality, compatibility with existing equipment and systems, maintenance costs (to include consideration for the cost associated with proprietary invention), experience and responsibility of bidder. In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed such funds by more than five percent, the city manager or the purchasing agent is authorized, in situations where time or economic considerations preclude resolicitation of work or a reduced scope, to negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder, in order to bring the bid within the amount of available funds.

E. Two-Step Awards. When it is considered impractical to prepare initially a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

F. Lowest Responsible Bidder.

1. In determining lowest responsible bidder, the purchasing agent may in his/her discretion consider one or more of the following criteria, which may be included as purchase criteria in the invitation for bids:

- a. The quality of supplies offered;
- b. The ability, capacity, and skill of the bidder to perform the contract or provide the supplies or services required;

- c. Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
- d. The sufficiency of the bidder's financial resources and the effect thereof on his/her ability to perform the contract or provide the supplies or services;
- e. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
- f. The quality of bidder's performance on previous order or contract for the city or for others;
- g. Litigation or claims by the bidder without substantial basis;
- h. Any previous or existing noncompliance by the bidder with laws and ordinances relating to the subject of the contract;
- i. The ability of the bidder to provide future maintenance and service, where such maintenance and service is essential; and
- j. Price.

2. Determination of Nonresponsibility of Bidder. Written determination of nonresponsibility of a bidder or offeror shall be made in accordance with this chapter. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the department making the purchase and the purchasing agent's office without prior written consent by the bidder or offeror.

3. After reasonable notice to the person involved, the purchasing agent may debar a person for cause from consideration for award of city contracts.

G. Competitive Sealed Proposals. As an alternative to the bidding process provided for in this section, competitive proposals may be solicited in the discretion of the purchasing agent, city manager, or a department head, and a contract may be entered into by competitive sealed proposals.

1. Competitive sealed proposals may be used for the procurement of services of consultants, professionals, and providers.

2. Proposals shall be opened so as to avoid disclosure of the contents to competing offerors before a contract is signed with the offeror during the process of negotiation.

3. A register of proposals shall be prepared and shall list such information with respect to each

proposal as is important in making the decision which shall be open for public inspection after award of the contract. The register shall be open for public inspection after award of the contract.

4. The request for proposals shall state the relative importance of price and other evaluating factors.

5. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before the contract is awarded for the purpose of obtaining best and final offers. In conducting discussions, reasonable care shall be taken to avoid the disclosure of information derived from proposals submitted by competing offerors which is not known to the competitors.

6. The contract file shall contain the basis on which the award is made.

H. Waiver of Defects, Technicalities. The city purchasing agent, together with the head of the department purchasing the good or service, may waive defects and technicalities when so doing is in the best interest of the city. The city purchasing agent shall, where practicable, take responsible efforts to notify all bidders of the determination thereof.

I. Bid Bond. A bid bond may be required on items, contracts, materials, and services procured under this chapter.

J. Notices Inviting Bids and Quotations. Notices inviting bids or quotations shall be published at least five days before the date of the opening of the bids in a manner which the purchasing agent determines is in the city's best interest to meet the purposes of this chapter, including but not limited to publication on an electronic bulletin board, on the Internet, in commonly read trade publications, radio, television, cable television, or in a newspaper of general circulation in the city. Notices advertising pending procurements by bid or request for proposals under this section shall be posted on a public bulletin board at City Hall, and where practicable, shall be posted at least five days before the procurement is contracted.

K. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the purchasing agent determines that the city's interest is better served by not re-advertising for bids, the city may require the tie bidder to submit a rebid within five days. [Code 2000 § 4-1a-6].

### **3.25.070 Exceptions.**

The competitive purchasing requirements of this chapter need not be followed in the following circumstances. In such cases, written documentation should be made demonstrating that a procurement

falls within one of the following provisions of this section.

A. Grant, Gift, or Bequest. In complying with the terms and conditions of any grant, gift, or bequest to the city, or to one of the city's departments or subdivisions, committees, or a community organization which functions under city auspices, if such action is approved by the city council and is otherwise consistent with law.

B. Federal or State Assistance. When a procurement involves the expenditure of federal or state assistance funds, and to the extent that doing so requires that federal or state law be followed to the exclusion of city ordinances.

C. Emergency Procurement. Notwithstanding any other provision of this chapter, procurement may be made in emergencies by the purchasing agent, city manager, a department head, or a designee of such in instances in which the procurement could not reasonably have been made pursuant to this chapter; provided, that procurements shall be made with as much competition as practicable under the circumstances. Promptly thereafter, the procuring person shall provide a signed written statement to the city purchasing agent setting out in reasonable detail the item procured, the price, and cause and basis for the emergency and why the procedures set out in this chapter were not followed. A copy of the statement shall be included in the contract file.

D. Sole Source Provider. Procurements of products, services or construction items available only from a single provider. The city manager, department head, or purchasing agent shall find in writing that there is only one source for the item or service or shall state in writing that they have made reasonable efforts to locate other sources of a good or service and the basis for their determination that there exists no other source of a good or service who could reasonably be expected to provide such to the city.

E. Compatibility, Parts, or Training. Procurements or equipment which, by reason of the training of city personnel who service or operate such equipment, systems, or software, or which is an addition to or for the repair or maintenance of equipment owned by the city which may be more efficiently added to, repaired or maintained by a certain brand, person, or firm.

F. Additional or Replacement Parts. Equipment which, due to an inventory of replacement parts maintained by the city, is compatible only with existing equipment owned, leased or used by the city, need not, where the department head, city manager, or purchasing agent finds in a signed writing that the city's interest is better served by so purchasing a different brand of such equipment.

G. Professional Services. Contracts for professional services reasonably expected to cost more than \$2,500 for the services specifically set out in the contract shall be awarded at the discretion of the city manager, or a person designated by the city manager.

1. Criteria for Award. Contracts for professional services shall be based on the evaluation of

professional qualifications, service ability, cost of service, and other service-related criteria. Selection shall be based on the discretion of the city manager after the determination of services which best meet the needs of the city.

2. Manner of Selection. Criteria for award of professional service contracts costing more than \$2,500 may be determined through one or more of the following methods:

- a. Competitive bid;
- b. Request for proposals (RFP); or
- c. Informal survey.

3. Where criteria for award of professional service contracts costing more than \$2,500 are determined through informal survey or through some lesser review, then award of the contract or its proposed award shall be disclosed in writing to the city council by the department head or a person designated by the department head along with a reasonably detailed written summary of the findings of that survey.

H. Insufficient Bids. Where fewer than three responses are made to a bid solicitation or request for proposals after reasonable efforts to obtain three or more bids or proposals, the purchasing agent or department buyer responsible for the purchase may, after making a signed writing setting out the circumstances thereof, a copy of which shall be placed in the contract file, make a purchase which in his or her reasonable discretion meets the purposes of this chapter by purchasing in a manner which does not conform to the formal bidding or RFP process set out in this chapter.

I. City Council Determinations. The city council may authorize the procurement of supplies, equipment, and services without complying with the provisions of this chapter when it determines that compliance with the procedure is not in the best interest of the city. A memo shall be placed in the file for the purchase setting out the reasons for not following the purchasing provisions which otherwise would apply.

J. Special Opportunity Purchases. Where a substantial savings will be realized thereby in the purchase of goods or nonprofessional services costing more than \$25,000; and provided, that sufficient money has been appropriated for the purchase, a department may avoid competitive bidding or the RFP requirements set out in WPCC [3.25.060](#) by adherence to the following process, provided other applicable provisions of this chapter are met before the purchase is made:

1. It shall, in its reasonable discretion, obtain offers from competing sources in a manner most likely to meet the purposes of this chapter; and
2. The department head shall disclose the proposed purchase in a signed written memorandum to the city manager, setting out in reasonable detail the reason the purchase is recommended,

the reason normal purchasing is not recommended, and the proposed savings, and what efforts have been made to obtain competitive offers; and

3. The city manager agrees in a signed memorandum that he/she believes that the purchase is justified, and that the purposes of this chapter will be met thereby. [Code 2000 § 4-1a-7].

**3.25.080 Splitting orders to avoid competitive bidding prohibited.**

No person may split or separate into smaller orders the procurement of supplies, materials, equipment, or services for the purpose of evading the competitive bidding or request for proposal provisions of this chapter. [Code 2000 § 4-1a-8].

**3.25.090 Relief due to computation error.**

Any bidder who seeks to withdraw or modify a bid because of inadvertent computational error shall notify the purchasing agent no later than three working days following the bid closing. The bidder shall provide worksheets and such other information as may be appropriate or required by the city purchasing agent to substantiate the claim of inadvertent error. Failure to do so may bar such relief and allow recourse from the bid surety, in the discretion of the purchasing agent. The burden is upon the bidder to prove such error. [Code 2000 § 4-1a-9].

**3.25.100 Notice inviting bids or proposals.**

Notice inviting bids or proposals shall include a general description of the articles to be procured and shall state where bid blanks and specifications may be secured, and the time and place for opening bids, along with any other information which the purchasing agent deems appropriate. [Code 2000 § 4-1a-10]. An advertisement for bids is to be published at least twice in a newspaper of general circulation, printed and published in the city and in as many additional issues and publications as the manager may determine, at least five days prior to the opening of bids. Alternatively, bids may be advertised on the City's website or on an electronic bid solicitation website. In such case it is not necessary to advertise in the newspaper, unless the City Manager determines it is in the best interest of the City. Advertising for bids relating to Class B and C road major improvement projects (greater than or equal to the amount specified by state code) shall be published according to the requirements of the state code.

**3.25.110 Construction projects.**

Municipal construction projects are governed by Section 10-7-20, Utah Code Annotated 1953, as amended. The requirement for obtaining payment bonds in municipal construction contracts is covered by Chapter 14-1, Utah Code Annotated 1953.

The city manager and city department head are authorized to approve extra work or change orders on city construction projects in an amount not to exceed 20 percent of the contract in the best interest of the city in the discretion of the department head and city manager. Notice of such provision may be included in the invitation for bids. [Code 2000 § 4-1a-11].

**3.25.120 Performance and payment bonds.**

Performance and payment bonds in such amounts as the purchasing agent determines are needed to protect the best interests of the city shall be required by the purchasing agent. The nature, form, and amount of such bonds shall be described in the notice inviting bonds or in the request for competitive sealed proposals. [Code 2000 § 4-1a-12].

**3.25.130 Pre-qualification of bidders, proponents, and suppliers.**

Bidders, proponents, and/or suppliers may be pre-qualified for particular types of supplies, services, and construction. Solicitation mailing lists of potential contractors shall include, but not be limited to, pre-qualified suppliers.

A. Standard of Responsibility. Factors to be considered in determining whether the standard of responsibility has been met by a bidder, supplier or proponent include:

1. Availability of the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate the capability of the bidder, proponent, or supplier to meet all contractual requirements;
2. A satisfactory record of performance, including but not limited to the record of performance for the city or other governmental agencies, and debarment by any such agency;
3. A satisfactory record of integrity;
4. Legal qualifications to contract with the city;
5. Whether all necessary information has been supplied in connection with the inquiry concerning responsibility; and
6. Those considerations in respect to low responsible bidders.

B. Information Pertaining to Responsibility. The proponent, bidder, or supplier shall supply information requested by the city concerning the responsibility of such bidder, proponent, or supplier. If such information is not supplied, the city shall base the determination of responsibility upon any available information or may find the proponent, bidder, or supplier nonresponsible if such failure, as determined by the city, is unreasonable. [Code 2000 § 4-1a-13].

**3.25.140 Cancellation and rejection of bids and proposals.**

An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interest of the city in the reasonable discretion of the purchasing agent or department buyer responsible for the purchase. The reasons for the cancellation shall be made part of the contract file. [Code 2000 § 4-1a-14].

### **3.25.150 Records.**

Except when a longer minimum time is required by state law or city ordinance, the purchasing agent or department buyer making a procurement of more than \$1,000 shall keep records relating to the procurement for not less than one year from the time of the procurement. [Code 2000 § 4-1a-15].

### **3.25.160 Procurement protests.**

A. Any actual or prospective bidder or offeror who is aggrieved in connection with the solicitation or award of a contract for procurement may protest the procurement by filing a written protest with the purchasing agent. The protest shall contain the following information:

1. The protesting party's name, mailing address, daytime telephone number, the signature of the protesting party or the attorney for the protesting party, and the date the protest is signed; and
2. The relief sought, a statement of facts, and a recitation of the reasons and legal authority in support of the protest sufficient to permit review.

B. Protests shall be submitted prior to the closing date for receiving bids or proposals unless the protester did not know and could not have reasonably known the facts giving rise to the protest prior to such time, but in any event, all protests shall be submitted within five days after the closing date for receiving bids or proposals.

C. The city may proceed with the procurement except that the purchasing agent may suspend the procurement process for so long as he/she determines appropriate.

D. The purchasing agent may designate another individual to assist in reviewing the matter, which assistance may include finding facts, analyzing the protest, and making recommendations to the purchasing agent.

E. The purchasing agent or the purchasing agent's designated representative may request additional information from the protesting party or from other persons to make a determination. The protesting party shall provide all information requested by the purchasing agent reasonably needed to decide the protest except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair competitive injury to the protester.

F. The purchasing agent shall review and decide protests, and shall issue a written determination to the protesting party within 15 days of receipt of the protest.

G. The protesting party may appeal the written decision of the purchasing agent by filing a written appeal with the city manager. The notice of appeal shall contain the following information:

1. The petitioner's name, mailing address, daytime telephone number, the signature of the petitioner or of the attorney for the petitioner, and date; and

2. The relief sought, a statement of facts and a recitation of the reasons and legal authority in support of the protest sufficient to permit review.

H. The city manager or other person selected by the city manager shall review and hear the appeal. No later than five days after receiving a notice of appeal, the city manager shall schedule a hearing on the appeal. Unless otherwise agreed to by the city and the petitioner, the hearing shall be held no sooner than five days and not later than 30 days from the date of the filing of the appeal.

I. At the hearing before the city manager, the appellant and the city's representative shall be allowed to testify, present evidence, and comment on the issues under the direction of the committee chairman. The city manager may allow other interested persons to testify, comment, or provide evidence on the issues.

J. No later than 15 business days after the hearing, the city manager shall issue a signed order either granting the petition in whole or in part, or upholding the determination of the purchasing agent in whole or in part. The order of the city manager shall include:

1. The decision and any reasons for the decision the committee may wish to provide; and
2. A statement that any party to the appeal may appeal the decision to the state district court.

K. If the city manager fails to issue a decision within 15 business days after the hearing, said failure shall be considered the equivalent of an order denying the appeal.

L. The city manager may appoint a person other than the purchasing agent or the city manager to fulfill their respective responsibilities described in this section. [Code 2000 § 4-1a-16].

### **3.25.170 Ineligibility.**

In addition to all other remedies permitted by law, the mayor and city council may declare a bidder or contractor ineligible to bid on city procurement and public works contracts for a period not to exceed five years for any of the following grounds:

- A. Two or more claims of computational error in bid submission within a two-year period;
- B. An unreasonable refusal to provide or execute contract documents;
- C. Unsatisfactory performance of contract;
- D. Unreasonable refusal to provide or execute to perform or complete contract work or warranty performance of contract;
- E. Unjustified refusal to perform or complete contract work or warranty performance;
- F. Unjustified failure to honor or observe contractual obligations or legal requirements pertaining to the

contract; or

G. Conviction under state or federal statutes for fraud, bribery, theft, falsification or destruction of records, receiving stolen property, or of any other similar crime or offense indicating a lack of business integrity and which would directly affect the reliability and credibility of performance of such a vendor or contractor with future contracts with the city. [Code 2000 § 4-1a-17].

**3.25.180 Penalties.**

A. Collusion among Bidders. Any agreement or collusion among bidders or prospective bidders is a restraint of freedom of competition and any agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void.

B. Gratuities. The acceptance of any gift, benefit, or gratuity in the form of cash, merchandise, or any other thing of value by an official or employee of the city from a vendor or contractor, or prospective vendor or contractor, which would reasonably be expected to substantially influence the actions of the official or employee in favor of the giver in future procurements or negotiations may be deemed to be a violation of this chapter and may be cause for removal or other disciplinary action. [Code 2000 § 4-1a-18].

**3.25.190 Personal purchases.**

Personal purchases executed through the city are prohibited, unless expressly authorized by the city manager. [Code 2000 § 4-1a-19].

**3.25.200 Right to inspect place of business.**

The city may, at reasonable times, inspect the part of the plant or place of business of a contractor, or any subcontractor, which is related to the performance of any contract awarded or to be awarded by the city. [Code 2000 § 4-1a-20].

**3.25.210 Allowable incurred costs.**

The city may allow the reimbursement of costs reasonably and necessarily incurred by a contractor or according to the terms of written contract with the city. [Code 2000 § 4-1a-21].

**3.25.220 Costs-plus-percentage-of-cost contract prohibited except when determined less costly.**

Subject to the limitations of this section or other applicable law, any type of contract which will promote the best interests of the city may be used; provided, that a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing by the city manager, purchasing agent, the department buyer, or the department head, that such contract is likely to be less costly to the city than any other type, or that it is impracticable to obtain the supplies, services, or construction required except under such contract. [Code 2000 § 4-1a-22].

**3.25.230 Sales of goods or services to the city by officials or employees.**

City officials and employees may sell goods or services to the city under the following conditions:

A. An employee or the employee's spouse, parent, children, or siblings may not sell goods or services to the employee's department unless the sale is first approved in writing either by the department head or the city manager;

B. All such transactions are subject to applicable provisions regarding ethics of municipal officials and employees of the Utah Code Annotated 1953. [Code 2000 § 4-1a-23].

**3.25.240 Surplus supplies and equipment.**

A. Property Not Needed. Wherever a department head shall give notice in writing to the city purchasing agent that certain property of the city is so used, obsolete, depreciated, or surplus to current and projected needs as to be unfit or undesirable for use or retention by the city, the purchasing agent shall sell or exchange it for other property, or otherwise dispose of it to the best advantage of the city as provided in this section.

1. "Exchange," as used in this section, shall include transactions where used, obsolete, depreciated, or surplus property of the city is transferred as a partial consideration for the transfer to the city of other property, and when any such property has been disposed of, the amount received therefor, either in cash or as a credit, shall be credited to the department or office of the city which requested its disposal, only if the trade-in or sale of such trade-in article or article sold has been contemplated in the current annual budget; otherwise receipts or credits from such trade-ins or sales will be deposited into the general fund.

2. Whenever the property described in the notice referred to in subsection (A) of this section shall have an actual value of \$2,000 or more, the department head for the department controlling the property shall receive from the city manager authority to dispose of it, and the city purchasing agent shall be authorized to sell or otherwise dispose of the property, as provided in subsection (A) of this section. In addition, the department head shall disclose the terms of the transaction in reasonable detail to the city manager's cabinet before the transaction is completed.

3. The city manager shall report annually in writing to the council the result of any such sales, exchanges or other disposal of personal property pursuant to this section. The report to the city council shall describe the property disposed of and state the consideration received by the city for such property.

B. Identify Surplus. All department heads shall identify in a signed writing to the city manager and city purchasing agent surplus property within the control of or procurement of that department. The department buyer may also periodically review inventory levels of city supplies and equipment to determine whether there is excess property on hand.

C. Conveyance, Gift, or Encumbrance – City Manager Signature. In addition to compliance with the other provisions of this section, every conveyance, gift, or encumbrance of inventoried city property shall be

made by the city manager, or under the city manager's written authority specifying what items are covered thereby. All conveyances or encumbrances of inventoried city property shall be based on the highest and best economic return to the city, except that consideration may be based on other public policy factors when the property is conveyed to units of government or other charitable, public or quasi-public organizations.

D. Highest and Best Return. The highest and best economic return to the city, as referred to herein, shall be estimated by one or more of the following methods:

1. Competitive bid;
2. Evaluation by a qualified and disinterested appraiser;
3. Other professional publications and valuation services; or
4. An informal market survey conducted by the purchasing agent in the case of items of personal property possessing readily discernible market value.

E. Sales. Sales of city property shall be based, whenever practicable, on competitive bid. The city purchasing agent may, however, waive the competitive bidding requirement when the value of the property has been estimated by an alternate method specified in subsection (D) of this section, and:

1. The value of the property is considered negligible in relation to the time, labor, and expense of competitive bidding;
2. Bidding procedures are deemed unlikely to produce a competitive offer; or
3. Circumstances indicate that bidding on the property will not otherwise be in the best interest of the city.

F. Disclosure of Transfers over \$2,000. Any sale, lease, trade, gift, or encumbrance of the property of the city whose reasonable value exceeds \$2,000 shall be disclosed by the city manager or a person designated by the city manager in writing to the mayor and city council before such transaction, along with a reasonably detailed statement of the property and the terms of the transaction.

G. Intent of Section. No provisions of this section shall be construed to require or to invalidate any conveyance or encumbrance by the city nor to vest rights of action of any kind against the city, its officers, agents, or employees.

H. Deposit in General Fund. All unappropriated monies received by the city from sales of real property, less appraisal fees, commissions, and expenses of sale, shall be deposited in a revenue account in the general fund of the city. However, monies received by the city from the sale of property originally

procured by the city from an enterprise fund, or from properties attributable by the city manager to be used by an existing enterprise fund, shall be deposited in a revenue account within that fund. Monies so deposited within such accounts may not be expended without specific appropriation or approval of the city council.

I. Trade or Exchange of Personal Property. The city manager may provide in a signed writing for a trade or exchange of city personal property or for other property or for services by written agreement, or to give such property to a charitable organization, school district, or other governmental entity; provided, that such transaction is first approved by the mayor and city council.

J. No Split Sales or Transfers. No person may split or separate into smaller numbers the sale or transfer of supplies, materials, equipment, or services for the purpose of evading the provisions of this section.

K. Prior Disclosure to City Council. Before any sale, lease, trade, or other encumbrance of the real property of the city, the city manager or a person designated by him/her shall disclose such transaction in writing to the mayor and city council. [Code 2000 § 4-1a-24].

#### **3.25.250 Participation by bidder who supplies specifications.**

A person other than a city employee who has prepared specifications used substantially by the city in determining from which bidder or proponent it wishes to purchase goods or services may participate in a bid or proposal procurement in the city where the purchasing agent or city manager determines in his/her reasonable discretion that such participation will be in the best interest of the city in light of the stated purposes of this chapter contained in WPCC [3.25.010](#). A city employee who has prepared specifications used substantially by the city in determining the bidder or proponent from which it wishes to purchase goods or services may participate as a bidder or proponent in a bid or proposal procurement by the city when the purchasing agent or city manager determines in his/her reasonable discretion that doing so is fair and in the best interest of the city in light of the purposes of this chapter. [Code 2000 § 4-1a-25].

#### **3.25.260 Period of time for contract of supplies.**

A. Unless otherwise provided by law, a contract for supplies or services may be entered into for any period of time deemed to be in the best interest of the city; provided, that the term of the contract and conditions of renewal or expansion, if any, are included in the solicitation and funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds.

B. When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be canceled. The contractor may apply for reimbursement for the reasonable value of any nonrecurring costs incurred but not amortized in the price of the supplies or services delivered under the contract, which may be awarded in the reasonable discretion of the purchasing agent. The cost of the cancellation may be paid from any appropriations available for that purpose. [Code 2000 § 4-1a-26].

**3.25.270 Alternative methods of construction.**

The city may contract for any method of construction management allowed by law in the reasonable discretion of the department head responsible for the construction, or the city manager. [Code 2000 § 4-1a-27].

**3.25.280 Departmental inventories.**

Each department head shall submit to the city manager on an annual basis an inventory of all supplies, equipment, fleet, tools, furnishings, or other materials procured by the city, with associated replacement values. This section shall apply to office stationery. As this section applies to fleet, this report shall also include the age and odometer reading of each vehicle. [Code 2000 § 4-1a-28].

**3.25.290 City credit cards.**

The city manager may authorize the issuance of a city credit card to a department head and other officials of the city. Credit cards are to be used for city purposes only. Upon receipt of the monthly credit card statement, the holder of the card shall in writing apply an appropriate budget code to each line item and submit for review and payment to the city manager. In no situation shall the card be transferred to or used by any person, whether employed by the city or not, other than that person originally authorized to hold the card. The city manager may at his/her discretion remove this privilege from the holder and cancel the card. The holder shall be personally responsible for all purchases and balances associated with unauthorized or personal purchases, if such should occur. The city reserves the right to garnish the wages of card holders to pay for such purchases. [Code 2000 § 4-1a-29].

**3.25.300 Powers.**

The city manager may authorize any employee or official of the city to carry out the provisions stated in this chapter and may designate this person as the city purchasing agent. [Code 2000 § 4-1a-30].

**3.25.310 Failure to follow chapter.**

The failure to follow any provision of this chapter shall not render a procurement invalid, nor give a bidder or proponent a claim or right against the city or the employee responsible for such failure. Failure on the part of an agent, officer, or employee of the city to follow the provisions of this chapter may result in discipline or dismissal; and may expose the violator to possible prosecution in accordance with applicable state and federal laws. In the event any circumstance or scenario is not covered or addressed by the provisions of this chapter, Utah State procurement and administrative rules applicable to municipal practices shall prevail. [Code 2000 § 4-1a-31].

**Section Three:            ORDINANCES TO CONFORM WITH AMENDMENTS**

The West Point City Director of Community Development is hereby authorized and directed to make all necessary changes to the West Point City Code to bring the text into conformity with the changes adopted by this Ordinance.

**Section Four:            Severability**

In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

**Section Five:            Effective Date**

This Ordinance shall take effect immediately upon passage and adoption and publication of a summary as required by law.

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

WEST POINT CITY, a Municipal Corporation

By: \_\_\_\_\_  
Erik Craythorne  
Mayor

ATTEST:

\_\_\_\_\_  
Misty Rogers  
City Recorder

**RESOLUTION NO. 06-18-2013A**

**A RESOLUTION ADOPTING A SCHEDULE OF FEES  
FOR WEST POINT CITY FISCAL YEAR 2013-2014**

**WHEREAS**, the City provides various services to the public which benefit those consuming said services; and

**WHEREAS**, the City seeks to support the provision of these services in part or in full by levying or establishing certain fees associated with the provision of said services; and

**WHEREAS**, the City Manager has prepared a schedule of fees for Fiscal Year 2013-2014 which suggest various amendments to the current fee schedule; and

**WHEREAS**, these proposed fees are delineated and attached hereto;

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED AS FOLLOWS:**

**SECTION ONE: FEE SCHEDULE ADOPTED**

The Fee Schedule for West Point City for Fiscal Year 2014, as attached hereto and amended by the Council, stands adopted and becomes effective July 1, 2013 or as otherwise stated in the Fee Schedule.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of June, 2013.

**WEST POINT CITY,**  
A Municipal Corporation

By: \_\_\_\_\_  
Erik Craythorne, Mayor

**ATTEST:**

\_\_\_\_\_  
Misty Rogers, City Recorder



## West Point City Fee Schedule Fiscal Year 2014

**Effective July 1, 2013**

DESCRIPTION	Fiscal Year 2014
<b>ADMINISTRATIVE and BUSINESS LICENSE FEES</b>	
Election Filing Fee	\$25
<u>Inflatable Toys Rental Fee</u>	<u>\$100 Bounce House</u> <u>\$200 Obstacle Course</u>
Beer licenses (Class A)	\$250
Beer licenses (Class B)	\$300
Beer licenses (Class C)	\$350
Business Regulatory Fee	\$35
Nurseries	\$85
Agriculture Equipment and Repair	\$85
Veterinary Services	\$85
Agriculture Supplies and Support	\$85
Landscaping Services and Supplies	\$85
Sporting Equipment and Supplies	\$85
Firearms	\$85
Construction Services and Supplies	\$85
Manufacturing Equipment and Supplies	\$85
Industrial	\$85
Industrial and Manufacturing Support	\$85
Trucking	\$85
Public Transportation	\$85
Telecommunication Services	\$85
Telephone	\$85
Power/Natural Gas	\$85

Auto Wash and Detail	\$85
Towing	\$85
Electrical	\$85
Plumbing	\$85
Parking Services and Facilities	\$85
Storage/Warehouse	\$85
Wholesale Processing and Support	\$85
Shipping and Goods Transportation	\$85
Restaurant	\$85
Restaurant with Alcohol	\$85
Private Club or Bar	\$85
Fast Food or Cafe	\$85
Commercial Shopping Center/Retail Store	\$50 per 1,000 sq. ft.
Office/Institutional	\$45 per 1,000 sq. ft.
Business Park	\$35 per 1,000 sq. ft.
Light Industrial	\$35 per 1,000 sq. ft.
Manufacturing	\$35 per 1,000 sq. ft.
Grocery (Under 10,000 square feet)	\$85
Grocery (10,000 square feet and above)	\$85
Gas Station	\$85
Pawn Broker	\$85
Auto Sales	\$85
Auto Repair and Service	\$85
Subscriptions/Coupons/Tickets	\$85
Auctions	\$85
Insurance Sales	\$85
Broker	\$85
Real Estate	\$85
Financial Planning	\$85
Business Support Services	\$85

Bank/Credit Union	\$85
Salons/Barber/Beauty	\$85
Funeral	\$85
Medical/Dental/Therapy	\$85
Fitness	\$85
Entertainment and Amusement	\$85
Legal Services	\$85
Dry Cleaning and Clothing Repair	\$85
Upholstery	\$85
Copy and Supplies	\$85
Apartment/Multi-family/Trailer Park	\$85
Bed and Breakfast	\$85
Hotel	\$85
Motel	\$85
Extended Stay	\$85
Bowling	\$85
Hospital/Care Center	\$85
Daycare/Preschool	\$85
Sexually Oriented Business	\$85
Sexually Oriented Business applications and businesses - nonrefundable initial application and investigation fee (all applications)	\$100
Home Occupation - all	\$50
Contractors - General	\$50
Contractors - Sub Contractors	\$50
Duplicate License	\$15
Business License late fee	\$25
Christmas tree sales license (not prorated)	\$30 w/ \$70 deposit
Fireworks stands (not prorated)	\$350 w/ clean-up deposit of \$300
Home occupation license late fee (after February 1st)	\$25
Solicitor's License	\$50

<b>Disproportionate Fees:</b>	
Gas Station	\$250/Year
Grocery w/ Beer	\$350/Year
Bar/Private Club	\$300/year
Bowling with Alcohol	\$500/Year
Pawn Shop	\$900/Year
Arcade	\$350/Year
Entertainment/Theater	\$200/Year
Restaurant with Alcohol	\$200/Year
Hotel/Motel/Extended Stay/Inn/Bed & Breakfast	\$400/Year
Apartments	\$15/Unit/Year
Temporary Permits	\$250/Year
Sexually Oriented Business	\$250/Year
Warehouse	\$250/Year
<b>COPIES &amp; PUBLICATIONS</b>	
Photocopies	\$.10 each copy
Budget	\$20
Audit (CAFR)	\$10
Administrative Code	\$10
General Plan	\$10
Zoning or street maps (small 8 ½ x 11)	\$5 each
Special reports or compilations (GRAMA) (Produced with managerial discretion)	\$25 per hour + copy or reproduction charges
<b>BUILDING RENTAL</b>	
Council Chamber Rental	\$25/hr. (2 hour min.)
Multi-purpose Area Rental	\$25/hr. (2 hour min.)
City Hall - Security Deposit	\$100
<b>PLANNING AND ZONING FEES</b>	
Board of Adjustment Hearing	\$200
Conditional Use Permit - Staff approved	\$50

Conditional Use Permit - Planning Commission	\$75 \$150 if notices must be sent out
Permanent Sign Permit	\$75
Temporary Sign Permit	\$10/sign
Recording	\$50 to City and applicable fees to Davis County Recorder
Rezone application	\$250
Annexation application	\$300
Subdivision Plat Amendment	\$50
Agricultural Protection Zone application	\$450 (\$100 refunded if protection zone is not approved)
Telecommunications Right of Way Application	\$500
<b>SITE DEVELOPMENT REVIEW</b>	
Construction guarantee bond (commercial)	\$30 per linear ft. (curb, gutter, sidewalk)
Construction inspection fee for all utilities	\$150 per lot
Final plat fee	\$600/plat, plus \$50 per lot
Preliminary plat fee	\$300/plat, plus \$25 per lot
Single Lot Plat (preliminary & final)	\$300
Final Site Plan Review Fee (Commercial)	\$600/site plan
<b>CODE VIOLATION FEES</b>	
Code Violations	<u>See West Point City Code</u>
<b>CEMETERY</b>	
<b><u>Resident</u></b>	
Adult Burial Plot	\$450
Adult Interment Fee	\$300
Perpetual care - Adult	\$100 if lot purchased before 9/1990
Child Burial Plot (full size plot)	\$450
Child Interment Fee	\$300
Perpetual care - Child	\$100 if lot purchased before 9/1990
Infant/Urn – Burial Plot (½ plot)	\$225

Infant/Urn – Internment Fee	\$200
Perpetual care – Infant (½ plot)	\$50 if lot purchased before 9/1990
Dis-interment	\$300
Transfer lot fee	\$15
After Business Hours Fee	\$100
<b><u>Non-Resident</u></b>	
Adult Burial Plot	\$600
Adult Interment Fee	\$700
Perpetual care - Adult	\$300 if lot purchased before 9/1990
Child Burial Plot (full size plot)	\$600
Child Interment Fee	\$700
Perpetual care - Child	\$250 if lot purchased before 9/1990
Infant/Urn – Burial Plot (½ plot)	\$300
Infant/Urn – Internment Fee	\$400
Perpetual care – Infant (½ plot)	\$250 before 9/1990
Disinterment	\$400
Transfer lot fee	\$15
After Business Hours Fee	\$100
<b>PARKS</b>	
Large pavilion (4 hour period)	\$15 (residents) \$25 (non-residents)
Small pavilions (4 hour period)	\$10 (residents) \$20 (non-residents)
Volleyball rental	\$20 (\$15 refund if returned next day @ noon)
<b><u>RECREATION</u></b> <b><u>Program Registration Fees:</u></b>	
Coed T-Ball	\$35 resident \$55 non-resident
Coed Machine Pitch 1 <sup>st</sup> – 2 <sup>nd</sup> Grade	\$35 resident \$55 non-resident
Boys Baseball 3 <sup>rd</sup> – 4 <sup>th</sup> Grade	\$45 resident \$55 non-resident
Boys Baseball 5 <sup>th</sup> – 6 <sup>th</sup> Grade	\$45 resident \$55 non-resident

Boys Baseball Jr. High	\$45 resident \$50 non-resident
Girls Elementary Softball	\$45 resident \$55 non-resident
Girls Junior High Softball	\$45 resident \$55 non-resident
Basketball - 6 <sup>th</sup> Grade and younger	\$50 resident \$60 non-resident
Basketball - 7 <sup>th</sup> Grade and older	\$60 resident \$70 non-resident
Football	<del>\$105</del> \$115 <del>\$50</del> \$150 Equipment Charge for unreturned equipment. (Will be added to Utility Bill)
Soccer (Spring)	\$40 resident \$50 non-resident
Soccer (Fall)	\$40 resident \$50 non-resident
Football Camp	\$15
Basketball Camp	\$30
Recreation Late Fee	\$10
<b>DEVELOPMENT IMPACT FEES</b> (Residential)	
<b>West Point City Impact Fees:</b>	
Park, Trails, and Recreation Impact Fee (Single Family)	\$2380
Park, Trails, and Recreation Impact Fee (Multi- Family)	\$1780
Road Impact Fee (Single Family)	\$3403
Road Impact Fee (Multi-Family)	\$2382
Storm Drain Impact Fee	\$4,204 per acre
Sewer Impact Fee (Single Family)	\$241.72
Sewer Impact Fee (Multi-Family)	\$166.79
Water Impact Fee	See Schedule A
<b>Non-City Impact Fees:</b>	
North Davis Sewer Impact Fee (Residential)	\$3,000
North Davis Fire District Impact Fee (Single Family)	\$294.29
North Davis Fire District Impact Fee (Multi-Family)	\$287.80

<b>DEVELOPMENT IMPACT FEES</b> (Commercial)	
<b>West Point City Impact Fees:</b>	
Road Impact Fees	\$3,578 per 1,000 sq. ft of building space
Water Impact Fees	See Schedule A –attached
Storm Water Impact Fees	\$4,204 per acre
Sewer Impact Fees	\$241.72/ERU
<b>Non-City Impact Fees:</b>	
North Davis Fire District Impact Fee (Commercial)	Determined by North Davis Fire District
North Davis Sewer Impact Fee (Commercial)	Determined by North Davis Sewer District
<b>SAFETY / INSPECTION FEES</b>	
Building Permit Fee	Based on building valuation and square footage
Residential plan review and inspection fee	25% of permit fee
Re-inspection fee	\$47
Commercial plan review and inspection fee	60% of building permit fees
Demolition Permit	\$150
Small Asphalt Excavation Permit (less than 360 sq. ft.)	\$3 per sq. ft. excavated and \$500 bond. Bond returned after asphalt is replaced and inspected.
Large Asphalt Excavation Permit (greater than 360 sq. ft.)	\$0.55 per sq. ft. and \$4.20 per sq. ft. bond. Upon positive inspection, bond returned 1 yr. after permit holder replaces asphalt.
New Street Excavation Permit (less than 2 years since last treatment) – in addition to other fees and applies only to large excavation permits	\$0.22 per sq. ft.
Curb, Gutter, or Sidewalk Excavation Permit	\$20.00 per ft. bond. Bond returned after concrete is replaced and inspected.
<b>CONNECTION FEES</b>	

<b>Water Connection Fees:</b>	
Meter installation/water connection (residential)	\$350 - 3/4 inch \$450 - 1 inch
Meter installation/water connection (commercial)	\$450 - 1 inch \$500 - 1.5 inch \$700 - 2 inches Cost+\$100 (2+inches)
Secondary water hook-up fee (3/4 inch)	Paid to D&W Canal Company
Secondary water hook-up fee (1 inch)	Paid to D&W Canal Company
City stock of culinary water	\$3,800/acre foot.
<b>Fire Hydrant Connection Fees:</b>	
Fire Hydrant Meter Set-up Fee	\$50 + water usage fee
Short Term Meter Rental (3 days or less)	\$10 + water usage fee
Long Term Meter Rental (4 days or more)	\$40 per month + water usage fee
Water Usage Fee	\$1.60 per 1,000 gallons greater than 10,000 gal.
<b>Sewer Connection Fees:</b>	
North Davis Sewer subdivision connection review fee	\$250
North Davis Sewer subdivision construction inspection fee	\$375
North Davis Sewer service connection review fee	\$125
North Davis Sewer service connection construction inspection fee	\$240
<b>UTILITIES</b>	
Garbage Can – New & Replacement (new can fee is charged with Building Permit)	\$85
Garbage can (monthly - 1 <sup>st</sup> can)	\$11.50
Garbage (monthly – additional can)	\$9.00
Green Waste can (monthly)	\$6.00
Green Waste (monthly – additional can)	\$6.00
Green Waste Can – New & Replacement (new can fee is charged with Building Permit)	\$85
Green Waste Service Cancellation Fee	\$12.00
General Curbside Recycling Replacement can	\$85
General Curbside Recycling can (monthly)	\$4.75
General Recycling (monthly-additional can)	\$4.75

Secondary water (monthly 3/4 inch) Up to one-third acre	\$21.58
Secondary water (monthly 3/4 inch) Greater than one-third acre	\$23.58
Secondary water (monthly 1 inch) Greater than one-half acre	\$27.50
Secondary water (monthly 1 inch) Greater than three-quarters acre	\$30.05
<b>Secondary Water (monthly) Greater than one acre</b>	<b>Determined by D&amp;W Counties Canal Co.</b>
Sewer (residential monthly)	<del>\$14.70</del> \$16.20
Sewer (commercial monthly base)	<del>\$14.70</del> \$16.20
10,000 gallons +	<del>\$0.90</del> \$1.05/1,000 gallons
Sewer (multi-family)	<del>\$14.70</del> \$16.20 per unit
Water (monthly base: 6,000 gallons)	<del>\$22.50</del> \$23.75
6,001 – 10,000 gallons	<del>\$1.35</del> \$1.40/1,000 gallons
10,000 gallons +	<del>\$1.60</del> \$1.65/1,000 gallons
Storm System Maintenance and Construction Fee (Monthly Residential)	\$4.00
Storm System Maintenance and Construction Fee (Commercial)	Determined by residential equivalent (2,500 sq. ft.) of impervious area.
Utility deposit	\$60 utility deposit, refundable upon moving. (New hookups on or after July 1, 2001.)
Meter tampering penalty	\$50 first occurrence, \$100 per occurrence thereafter
Utility Billing Shut-off Fee	\$25 first occurrence, \$45 per occurrence thereafter
Utility Billing Late Fee	\$15
Returned check fee	\$20
Commercial Garbage Collection 40+ gallon can (monthly)	\$30

## Schedule A

### West Point City Commercial Impact Fees

(Other jurisdictional impact fees may be additional)

#### Storm Water Impact Fees

Basis: Per 1 Acre

Type/Size Development	Storm Water
Shopping/Retail Center 50,000 SF or less	\$7,638
Shopping/Retail Center 50,001 — 100,000 SF	\$7,430
Shopping/Retail Center Over 100,000 SF	\$6,960
Office/Inst. 25,000 SF or less	\$6,670
Office/Inst. Over 25,000 SF	\$6,380
Business Park	\$1,740
Light Industrial	\$1,508
Warehousing	\$1,392

#### Water Impact Fees

Basis: Connection Size (per connection)

Connection (inch)	Impact Fee
3/4" (13 gpm or less)	\$487
3/4" (13 to 25 gpm)	\$937
1" (40 gpm)	\$1,500
1 1/2" (50 gpm)	\$1,874
2" (100 gpm)	\$3,749
3" (350 gpm)	\$13,121



**RESOLUTION NO. 06-18-2013B**

**A RESOLUTION ADOPTING A REVISED BUDGET FOR WEST POINT CITY  
FOR FISCAL YEAR 2013**

**WHEREAS**, the City Council of West Point City, County of Davis, State of Utah (hereinafter referred to as the “City”) is required by law to adopt any amendments to the budget for the 2013 Budget Year in accordance with the provisions of the “Uniform Fiscal Procedures Act for Utah Cities,” § 10-6-101 through § 10-60-159, UCA, 1953, as amended; and,

**WHEREAS**, the West Point City Manager has heretofore caused to be prepared and submitted to the City Council amendments to the Budget for the City for the 2013 Budget Year; and,

**WHEREAS**, said Budget appears to be in proper form, subject to minor modifications, and appears correctly to set forth the anticipated disbursements and anticipated receipts of the City for the 2013 Budget Year; and,

**WHEREAS**, a Public Hearing on said Amended Budget was duly advertised and held according to law,

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED**, by the City Council of West Point City as follows:

SECTION 1 - REVISED BUDGET FOR FY 2013. The hereto attached Revised Budget for Fiscal Year 2013 is hereby amended and adopted.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of June, 2013

**WEST POINT CITY,**  
A Municipal Corporation

By: \_\_\_\_\_  
Erik Craythorne, Mayor

**ATTEST:**

\_\_\_\_\_  
Misty Rogers, City Recorder



# City Council Staff Report

**Subject:** Inflatable Toys  
**Author:** Jolene Kap  
**Department:** Administration  
**Date:** June 18, 2013



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## **Background**

The City owns two inflatable toys that are used for the 4<sup>th</sup> of July event. We have also allowed the two local elementary schools, the functional skills at the Jr. High school, the North Davis Fire Department and employees to use them. Currently we only require those who use the inflatables to pay a refundable deposit of \$100.00 per inflatable.

## **Analysis**

With the schools using the inflatables we have started to receive calls from residents to use the inflatable as well. With more individual wanting to use the toys it creates more wear and tear on them. With the cost to replace the inflatable totaling around \$7000.00, we feel there should be a fee in place to cover the cost should the inflatables need to be repaired or replaced. At this time there is also no guidelines in place as to what constitutes as an employee. And no boundaries are set to what organizations can use the inflatables. We also have problems with reservations being made and Public Works being called at the last minute to get them ready.

## **Recommendation**

At this time we would like to add an inflatable use policy and agreement. This would make clear as to what organizations and individuals would be allowed to use the inflatables. It would also make clear what the inflatables could be used for. The policy would also clarify the reservations procedure and allow Public Works more time to organized pick up and drop off. It would also list the approved uses to those who would be allowed to use them. We would also like to update the fee associated with the inflatables.

## **Significant Impacts**

The impacts at this time would be to adopt a user policy and inflatable agreement. We would also begin charging a fee for the usage of the inflatables. The fee charged would no long be a refundable deposit, the fee charged would be to cover the maintenance cost or replacement if needs be.

## **Attachments**

See attached agreement and user policy.



**RESOLUTION NO. 06-18-2013C**

**A RESOLUTION ADOPTING THE WEST POINT CITY  
INFLATABLE TOY USE POLICY**

**WHEREAS**, the City Council of West Point City, County of Davis, State of Utah (hereinafter referred to as the “City”) has determined it is in the best interest of the residents of West Point City to adopt an Inflatable Toy Use Policy and Application; and,

**WHEREAS**, West Point City has heretofore caused to be prepared said policy,

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED**, by the City Council of West Point City as follows:

The West Point City Inflatable Toy Use Policy and Application, hereto attached, is hereby adopted.

**IT IS FURTHER ORDERED**, that a copy of the adopted Inflatable Toy Use Policy and Application be made available to the public for review and inspection at West Point City Hall during regular business hours.

**PASSED AND ADOPTED** this 18<sup>th</sup> Day of June, 2013.

**WEST POINT CITY,**  
A Municipal Corporation

By: \_\_\_\_\_  
Erik Craythorne., Mayor

**ATTEST:**

\_\_\_\_\_  
Misty Rogers, City Recorder



West Point City  
3200 W 300 N  
West Point, UT 84015



[www.westpointcity.org](http://www.westpointcity.org)

Phone: 801-776-0970

Fax: 801-525-9150

## WEST POINT CITY INFLATABLE AGREEMENT

### LESSEE INFORMATION:

LESSEE NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

FULL ADDRESS: \_\_\_\_\_

TYPE OF EVENT: \_\_\_\_\_

### RESERVATION INFORMATION:

DATE OF RESERVATION: \_\_\_\_\_

PICK UP DATE: \_\_\_\_\_

PICK UP TIME: \_\_\_\_\_

RETURN DATE: \_\_\_\_\_

RETURN TIME: \_\_\_\_\_

INFLATABLE TO BE RESERVED:  OBSTACLE COURSE  BOUNCE HOUSE

### RESERVATION PRICING INFORMATION:

BOUNCE HOUSE: \$100.00

OBSTACLE COURSE: \$200.00

**FEE REQUIRED AT TIME OF RESERVATION REQUEST:** \_\_\_\_\_

### PAYMENT INFORMATION:

DATE FEES PAID: \_\_\_\_\_ TOTAL FEES PAID: \_\_\_\_\_

PAID BY:  CASH  CHECK CK # \_\_\_\_\_  CREDIT/DEBIT  OTHER \_\_\_\_\_

### AGREEMENTS OF LEASE:

By signing below, the leasing party or individual agrees to the following:

1. LEASED EQUIPMENT: Lessee has the right to use the Inflatables for the purpose described herein. "Lease" means this Agreement and any attachments or exhibits attached hereto or referenced herein as the same which may be amended, modified or supplemented from time to time and are for further definition of the terms and conditions of this Lease and are fully binding. Lessee agrees to assume liability for damage or loss to Inflatables and it's attachments while use of the Inflatables occurs during the reserved time stated in this Lease whether by Lessee, his/her guests, invitees, employees, independent contractors or other agents in the Lessee's control. In order to lease the inflatables, **LESSEE MUST BE AN APPROVED LOCAL WEST POINT ORGANIZATION. (continued)**



(Continued)

Inflatables and attachments are accepted "as is" and by execution of this Lease and taking possession of the Inflatables, Lessee shall be deemed to have accepted the Inflatables as being in acceptable order, condition and repair. Lessee should submit a list of discrepancies to City Hall staff prior to commencement of using the Inflatables.

2. **ASSIGNMENT:** Neither party shall assign any of its rights under this Lease.
3. **CANCELLATION:** Lessee understands that the reservation is for the date specified above and may not be cancelled within 24 hours of scheduled date without forfeiting lease fees.
4. **RENTAL, PAYMENT:** This Lease is made in consideration of the fees as set forth in the Lease. All fees are due and payable at time of reservation request and signature of the Lease Agreement to confirm reservation. Sums are to be paid in U.S. funds by check, money order, cashier's check, cash or debit or credit card. Fee includes use of reserved inflatable and air pump. Lessee agrees to pay a \$20 service charge for any returned check(s).
5. **CARE OF RENTAL INFLATABLES:** Lessee shall be responsible for any and all damage to any of the inflatable equipment not caused by ordinary wear and tear. "Ordinary wear and tear" shall mean only the normal deterioration of the inflatable equipment caused by ordinary, reasonable and proper use of the rental equipment. Lessee shall be liable to Lessor for any and all damage, which is not 'ordinary wear and tear' in an amount equal to the replacement value. Damage which is not "ordinary wear and tear" includes, but is not limited to, cutting or tearing of vinyl or netting, damage due to overturning, overloading, exceeding rated capacities, breakage, improper use, abuse, lack of cleaning, contamination of or dirtying of inflatables with non-approved items such as chemicals, food, paint, mud, clay or other material. No silly string is permitted to come in contact with the inside or outside of the inflatable unit, this causes irreparable damage to the inflatable.
6. **ALTERATIONS:** No alterations, banners, balloons, tape, rope or any type of attachments to the Inflatable unit are allowed.
7. **INFLATABLE USE POLICY:** The Inflatable Use Policy attached or as amended are incorporated into this Lease as Exhibit A and fully binding. Such Policy in effect at the time of the event prevails. Any breach of any Operational Policy item by the Lessee or any party operating under their control, shall be considered a breach of this Lease.
8. **UNAVAILABILITY OF INFLATABLE EQUIPMENT(FORCE MAJEURE):** In the event that the Inflatables are unavailable for use during the reserved time due to fire, flood, casualty, tornado, riot, City, County, State or National Emergency or any other Act of God or other government directive to the Inflatables, the Lease may be cancelled immediately. In such event, neither party shall have claim against the other by reason of cancellation. Lessee shall only be liable for earned rents and any incurred damages (if applicable) due under this Lease.
9. **HOLD HARMLESS:** Lessee shall indemnify, defend, and hold West Point City and its agents harmless from and against any and all damages, losses, claims, judgments, and costs (including attorney's fees), unless caused solely by gross negligence or willful misconduct by the City's officers, employees, agents or contractors arising from (a) Lessee's use of the inflatables and attachments or by (b) Lessee's activities in the inflatables or (c) from anything done, permitted or suffered by the Lessee in the inflatables or (d) from Lessee's failure to observe or perform any agreement or promise under this Lease.
10. **CITY DISCRETION:** The City or any authorized agent or officer reserves the right to terminate this agreement at any time with or without cause should such agent or officer of the City determine at his or her sole discretion that the event or activities presented for use of the inflatables represents a nuisance or threat to public health, safety and welfare. If such determination occurs, the City will determine whether a refund of fees is warranted.

**LESSEE**

**LESSOR: WEST POINT CITY**

By (Print): \_\_\_\_\_

By (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_  
West Point City Council 58

Date: \_\_\_\_\_  
June 18, 2013

## EXHIBIT A



### INFLATABLE USE POLICY

#### 1. **PURPOSE**

West Point City purchased the Inflatables with the intent to be used at supervised City sponsored events. The term "Inflatable" includes either the Obstacle Course, Bounce House, or both. In the interest of safety and responsibility, it is incumbent upon the City to set guidelines or parameters of conduct and access relative to the use of the Inflatables.

#### 2. **PROHIBITED USES**

- A. Due to the intended purpose of the Inflatables, usage of the Inflatables may therefore not be used for the following purposes:
1. Private (for profit) business promotion or operations.
  2. Non-profit defined businesses wherein funds received are profited.
  3. Non-governmental functions or those not endorsed or sponsored by the City.
  4. Political campaigning or the promotion of any partisan, controversial or political activities/endeavors.
  5. Any activity, previously authorized or not, which the City may reasonably suspect presents a potential or present disruption or threat to public health, safety and/or welfare may be subject to immediate discontinuation without notice. The City therefore reserves the right to cancel or suspend any Inflatable use at any time.

#### 3. **APPROVED USES**

- A. The following is a list of authorized uses of the Inflatables. It is not intended to be an exhaustive list. Administration may permit a use not included below:
1. City operations.
  2. City sponsored events and activities.
  3. Public education effort. Which comply with the intent of Section 2 above.
  4. Other use as authorized by City Policy.
- B. Occupancy per inflatable shall not exceed:
1. Bounce House- Children up to age 7: 10-12 / Children ages 8-12: 7-10 / Individuals over 12: 5-7
  2. Obstacle Course- Maximum 2 people of comparable weight, height, & size.

#### 4. **RESERVATIONS**

- A. Inflatables are available for use if not reserved.
- B. Fees associated with Inflatable use are set forth in the City's Fee Schedule and are based on daily use. Use is defined for the purposes of this chapter as "a 24 hour time during which Inflatables are in possession of Lessee". Therefore, those renting the Inflatables should be prepared to pay for extra time over the 24 hours.
- C. Pick up and delivery are the Lessee's responsibility. Pick up time and delivery time must be set at time of rental. All equipment must be returned in the same condition as it was rented. Reservation must be made at least 7 days prior to the event.



**ACCESS TO INFLATABLES**

- A. A City Staff member will be present to give access to the pickup and delivery of the Inflatables.
- B. Access is not to be provided to patrons unless such have received prior authorization from Administration.
- C. City Hall contact information shall be provided to every patron, 801-776-0970.

**6. DAMAGES AND RISK**

- A. Patrons are responsible for any and all damage incurred as a result of Inflatable use during their event.
- B. In such circumstances wherein damage occurs, an estimate of damages will be composed by Administration. Such estimate will serve as the basis for any charges.
- C. Patrons shall sign a Lease Agreement which stipulates that they assume all liability and risk associated with the Inflatable usage and that they indemnify and hold harmless the City, its officials, employees, contractors and agents from all damages associated with the Inflatable use.

**7. CRITERIA FOR USE**

- A. All Inflatable uses must comply with the following criteria:
  - 1. The use must be lawful.
  - 2. The use must be approved under written application.
  - 3. The use must be approved and scheduled in advance through Administration.
  - 4. The use must be paid for via debit/credit card, cash, money order or check at rates determined in the City's Fee Schedule.
  - 5. A City employee will be on site or readily available for the pickup and delivery of Inflatables.
- B. All patrons shall accept and acknowledge in writing that by reserving the use of Inflatables, they assume the risk that their event may be disrupted or canceled at any time due to a declared emergency or other essential City business.

**8. ACCEPTABLE TIMES OF USAGE**

- A. Patrons may rent the Inflatables, as delineated by this policy, during regular City operations.
- B. Pick up and delivery of inflatables must be schedule during regular business hours.

**9. REVIEW OF DECISION**

- A. Patrons claiming that the application of this policy was unlawful or otherwise arbitrary may request a review of this Policy by the City Manager or designee.

**West Point City Council Meeting**  
**3200 West 300 North**  
**West Point City, UT 84015**  
**June 4, 2013**

**Mayor**  
Erik Craythorne  
**Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Andy Dawson  
R. Kent Henderson  
Roger Woodward

**City Manager**  
Kyle Laws

**Administrative Session**  
**6:00 PM**

Minutes for the West Point City Council Administrative Session held June 4, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Erik Craythorne presiding.

**MAYOR AND COUNCIL MEMBERS PRESENT** – Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Andy Dawson, and Council Member Kent Henderson

**EXCUSED** – Council Member Roger Woodward

**CITY EMPLOYEES PRESENT** - City Manager Kyle Laws, City Engineer Boyd Davis, Public Works Director Paul Rochell, Special Events Coordinator Jolene Kap, and City Recorder Misty Rogers

Mayor Craythorne welcomed all in attendance and turned the time over to Mr. Laws

**1. Budget Discussion** – Mr. Kyle Laws

Mr. Laws stated the following fees or revisions have been incorporated into the West Point City Fee Schedule for FY2014.

- Rental Fee for the Inflatable Toys – A fee associated with the rental of the bounce house and the obstacle course.
- Football Fee – Staff recommended increasing the football fee to \$115. Mr. Laws stated any football participant that registers early will receive a t-shirt. Council Member Chatterton recommended the football fee be increased to \$110 and omit the t-shirt because West Point City currently subsidizes a portion of the football program. Mayor Craythorne expressed the need for participants to sign up for football in advance, as the uniforms must be ordered and teams must be structured. Staff believes giving a T-shirt to football participants who register early is an incentive and may help with the late registration problem. Mr. Laws requested the Council approve the recommendation given from Staff for the coming year and see how it works, the Council agreed. Council Member Dawson recommended selling West Point City football shirts and hats at city events, as this may help offset the cost of football.
- Council Member Dawson inquired as to why West Point City doesn't operate the West Point City Soccer program in the spring and fall like the A.Y.S.O. organization. Mayor Craythorne stated because soccer has lower participation in the fall, teams would likely need to be restructured if the City soccer program operated on a schedule similar to A.Y.S.O. Mayor Craythorne then stated the recreation department could review the level of participation for both spring and fall soccer and then make a determination as to the best schedule for soccer.
- Council Member Chatterton inquired as to why a new resident is required to pay a fee for new garbage cans. Mr. Rochell stated only new construction is charged for the production of new garbage cans and the fee is charged on the building permit. Mrs. Kap stated each can is inventoried and linked to an address and not a specific resident. When a resident moves out of a home, the cans are supposed to stay with the address.

- Secondary Water – In the past, West Point City has been charging \$30.05 for any lot greater than 3/4 acre. At the request of the Davis & Weber Counties Canal Company, Staff has incorporated a fee for secondary water connections on properties over one acre. The rate for properties over one acre will be calculated by Davis & Weber Counties Canal Company.
- Sewer – Several years of scheduled rate increases have been approved by the North Davis Sewer District. The proposed increase to the sewer rate for FY2014 is \$1.50.
- Water – FY2014 is the last year for the scheduled rate increases for culinary water.
- Storm Water Impact Fee – Removed and replaced by a single fee based on acreage.

The following budget issues were also discussed:

- Health Insurance – Altius Insurance, the current health care provider for West Point City has increased renewal rates approximately 12%. A street bid received from Select Health showed a possible savings of 23% for a similar health insurance plan. West Point City then requested a formal bid be submitted from Select Health. The formal bid received from Select Health showed an actual increase of 70%. Mr. Laws stated health insurance could see an increase 30% - 40% next year. He then recommended leaving the employees benefits the same for FY2014 as the budget can support a 12% increase. Mr. Laws then stated it is very likely that major changes will occur with employee's healthcare next year. Council Member Petersen recommended communicating with the employees the possibility of healthcare changes in future.
- Property Tax Rates - The Davis County Assessor is projecting a 3% increase to property values within Davis County. However in the West Point City and Hooper area, it is projected property values will increase approximately 10%. Mr. Laws stated if property values increase then the certified tax rate will decrease. Mr. Laws recommended the Council proceed with the "Truth in Taxation" process in order to maintain our current property tax rate.

Council Member Petersen stated the "Truth in Taxation" process is unpleasant; however it is a necessary process for the City; the Council Members agreed. The "Truth in Taxation" process will allow West Point City to maintain the certified tax rate and this will increase revenue. The Council agreed the additional revenue could be utilized to upgrade infrastructure and other needed items.

Mayor Craythorne stated because the Council has agreed to proceed with the Truth in Taxation" process, the adoption of the Final Budget for FY2014 will be extended. Mr. Laws stated items related to the adoption of FY2014 final budget which had previously been scheduled for the June 18, 2013 will be postponed until August 2013.

- 300 North Sidewalk Project – Mr. Davis reminded Council, that the City received a "Safe Sidewalk Grant" from UDOT for the installation of sidewalk along 300 North between 1800 West to 1900 West to eliminate a gap in sidewalk. During the design face of the project, several residents as well as the West Point City Public Works Department requested that curb and gutter be included in the project to eliminate an issue with flooding in the area. Staff then contacted UDOT regarding the issue and they agreed to allow West Point City to use funds from the "Safe Sidewalk Grant" to assist with the cost of the installation curb and gutter. UDOT also agreed to pay for and install the needed asphalt. With the needed additions to the project West Point City estimates a shortage of \$23,000. Mr. Laws stated funding is available from the 3000 West Widening Project as the funding match for that project has been determined to be impact fee eligible. The Council agreed the 300 North sidewalk project is a necessary project and funding should be used to allow for its completion.

Mr. Laws stated the Council should consider closing the public hearing for the budget as well as the approval of the Resolution 06-04-2013A, the adoption of FY2014 Tentative Budget for West Point City during the General Session.

## **2. Discussion of Inflatables Policy & Fee's – Mrs. Jolene Kap**

Mrs. Kap stated West Point City owns two inflatable toys, a bounce house and obstacle course. In the past, the City has allowed the North Davis Fire Department, West Point Elementary, Lakeside Elementary, and the West Point Junior High Functional Skills class to utilize the inflatable toys requiring only a refundable deposit. The estimated cost to replace both the bounce house and the obstacle course is \$7,000. Due to the numerous calls from residents and businesses, Staff has determined it necessary to implement a policy and a lease agreement which would give clarity as to which local organizations and City employees could rent the inflatables and how the inflatables could be used. A fee of \$100 for the use of the bounce house and a fee of \$200 for the use of the obstacle course would be required and would be non-refundable. Regular year-round West Point City employees, Planning Commission Members, and City Council Members would have the ability to utilize the inflatables at no charge.

Mayor Craythorne and Council Member Petersen asked if the schools had been notified of the possible changes to the inflatables policies. Mrs. Kap stated they are aware of possible changes to the use and availability of the inflatables. She then stated the fees being assessed for the use of the inflatables is for "man power" hours as well as for any needed repairs. Mr. Laws stated the policy is scheduled to be approved during the June 18, 2013 City Council meeting and the fees will take effect on July 1, 2013.

## **3. Discussion of the Purchasing Policy – Mr. Boyd Davis**

Mr. Davis stated all purchases made by the City are governed by the purchasing policy in section 3.25 of the West Point City Code. The purchasing policy establishes a purchasing agent (City Manager) and gives him rights and authority over the policy. The purchasing policy stipulates limits and requirements for purchases, outlines the formal bidding process, surplus property, credit cards, and clarifies who would have authority to sign a contract.

During the Council retreat held in January 2013, the previous City Manager, Mr. Gary Hill presented a replacement policy with similar items. However, as Staff compared the current purchasing policy and the proposed purchasing policy it was determined to keep the current policy and implement the following items into the purchasing policy. Mr. Davis then stated the following general policies could be found within the purchasing policy:

- All purchases must be made by an employee of West Point City
- No splitting of purchase to avoid rules
- Which items require Council approval
- Formal Bidding
  - Building improvements over \$40,000 (annually)
  - Public improvements over \$125,000 (annually)
- Advertising requirements for formal bidding
- Electronic advertising allowed (BidSync)

Council Member Chatterton asked if the West Point City Council Members are considered employees of the City. Both Mayor Craythorne and Mr. Laws stated that the City Council Members and Planning Commission Members are considered West Point City Employees.

No action required, Staff recommended maintaining the current policy with addition of new limits and definitions into the purchasing policy. Staff stated the purchasing policy will be brought before Council during the June 18, 2013 Council meeting for approval.

## **4. Discussion of Commercial Land Uses – Mr. Boyd Davis**

Mr. Davis stated there is currently a moratorium on commercial projects in West Point City. Staff has reviewed and discussed the entire land use table and regulations with the Planning Commission and the following amendments were recommended.

- Several items were removed from the allowed land use table because items were already prohibited in other zones, they were undesirable uses, or there were no definitions. Removed land uses include but are not limited to:
  - Mobile Home Park
  - Halfway House of Similar Facility
  - Wrecking of Salvage Yard
  - Tavern
  - Resource Recycling
  - Junk Yards
  - Outdoor Storage
  - Storage of Sand, Gravel, Earth, or Stone

Council Member Dawson asked if a business selling sand, gravel, or stone would be prohibited within West Point City with the proposed land use table. Mr. Davis stated a business selling a product is different than the storage of those items. Mr. Davis then stated within the next year, the entire land use list should be revised using descriptions. Council Member Petersen expressed the need for a description for land uses.

- Modified Uses (modified but found within code) include but are not limited to:
  - Gasoline, sales, Wholesales (Removed from RC, added to R/I-P)
  - Service Stations, Minor Repairs (Conditional in all C zones)
  - Animal Clinic or Pet Hospital with no outside pens
  - Building Material and Sales
  - Contractor Storage
  - Heavy Machinery Storage
  - Lumber Yard
  - Mini-Storage Units (permitted in R/I-P) – Council recommended removing the word “mini” off of Storage Units as this could cause confusion
  - Storage Warehouse (Conditional in R/I-P)
  - Manufacturing (light) (conditional in R/I-P)

Council Member Petersen recommended a provision allowing farmers to store gasoline for farm use.

No action required, Staff recommended the Council form a consensus and provide direction to allow for a date to be set for a public hearing. Mr. Davis stated the moratorium for Commercial Projects could be lifted upon the adoption of the updated land use table.

The Council directed Staff to set a date for a public hearing for consideration of the West Point City Land Use Table.

#### 5. Discussion of Brick Rule – Mr. Boyd Davis

Due to the lack of time during the Administrative Session, the Brick Rule was discussed during the General Session.

The Council dismissed into the General Session.

**West Point City Council Meeting**  
**3200 West 300 North**  
**West Point City, UT 84015**  
**June 4, 2013**

**Mayor**  
Erik Craythorne  
**Council**  
Gary Petersen, Mayor Pro Tem  
Jerry Chatterton  
Andy Dawson  
R. Kent Henderson  
Roger Woodward  
  
**City Manager**  
Kyle Laws

**General Session**  
7:00 pm – Council Room

Minutes for the West Point City Council General Session held June 4, 2013 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Erik Craythorne presiding.

**MAYOR AND COUNCIL MEMBERS PRESENT** – Mayor Erik Craythorne, Council Member Gary Petersen, Council Member Jerry Chatterton, Council Member Kent Henderson, and Council Member Andy Dawson

**EXCUSED** – Council Member Roger Woodward

**CITY EMPLOYEES PRESENT** - City Manager Kyle Laws, City Engineer Boyd Davis, and City Recorder Misty Rogers

**VISITORS PRESENT** – Patti Seffker, Scott Seffker, Austin Morris, Chenille Morris, Julianne Orton, and Courtney Starks

1. **Call to Order** – Mayor Craythorne welcomed all in attendance.

2. **Pledge of Allegiance** – Repeated by all

3. **Prayer** – Council Member Petersen

4. **Communications and Disclosures from City Council and Mayor**

Council Member Chatterton – No comment

Council Member Dawson - No comment

Council Member Petersen stated Mr. Mark Becraft had been appointed Chief of the North Davis Fire District.

Council Member Henderson – No comment

Mayor Craythorne stated several cities are incorporating curb side and green waste recycling programs. He then stated the budget process is nearing completion for FY2014 and there are no significant rate increases to report.

5. **Communications from Staff**

Mrs. Rogers reminded the Council of the filing period for the Municipal Election. Mr. Laws stated the Candidacy filing period was in progress and would continue through 5:00 p.m., on June 7, 2013.

6. **Citizen Comment** – No comment

## 7. Youth Council Update

The Youth Council Members informed the Council they had finished wooden cars for "Operation Give A Little." Military members will deliver the wooden cars to children around the world. The Youth Council Members have visited with, entertained, and planted flowers for residents at Senior Citizens home. They have also been busy planting and working in the community garden. The Youth Council recently donated picnic tables for residents and Youth Council Members to use at the Community Garden. Several Youth Council Members participated in a mock earthquake disaster with the North Davis Fire District.

Mayor Craythorne asked about the progress of the Community Garden. Mrs. Seffker stated the garden is growing and it seems to bring unity to the West Point City residents. Council Member Chatterton expressed his appreciation to the Youth Council for their interest and participation with the Community Garden. Mrs. Seffker stated the Youth Council donates the fruit and vegetables from the garden to the homeless and hungry. She then stated the Youth Council Members learn a valuable lesson by being involved with the garden. Mayor Craythorne thanked the Youth Council for their effort with the Community Garden.

Council Member Dawson asked if the Youth Council should be aware of a specific watering schedule for the Community Garden and new sod which had been laid. Mayor Craythorne stated the Davis and Weber Counties Canal can give exceptions for new sod, and the Youth Council should continue to water the garden as needed. The Youth Council then asked to be excused from General Session.

## 8. Resolution No. 06-04-2013A, Consideration of Adoption of FY2014 Tentative Budget for West Point City and All Related Agencies - Mr. Kyle Laws

Mr. Laws stated the West Point City Fee Schedule had been discussed during the Administrative Session. He then stated FY2014 is the last year of scheduled culinary water rate increases approved by the Council and the sewer fee will increase because the North Davis Sewer District has approved an increase to their fees. Mr. Laws then stated the budget discussions for the tentative budget have been completed.

- a. Public Hearing - No comment  
Council Member Dawson motioned to close the public hearing.  
Council Member Petersen seconded the motion

The Council unanimously agreed.

- b. Action  
Council Member Petersen motioned to approve Resolution No. 06-04-2013A, the Adoption of FY2014 Tentative Budget for West Point City and All Related Agencies.  
Council Member Henderson seconded the motion.

The Council unanimously agreed.

## 9. Resolution No. 06-04-2013B, Consideration of Approval of Interlocal Agreement with North Davis Sewer District – Mr. Kyle Laws

Mr. Laws stated this item had been discussed during the May 21, 2013 Administrative Session. The North Davis Sewer District had requested entities extend their Interlocal Agreement from the expiration of 2031 until 2062. The extension of the expiration of the Interlocal Agreement will assist with the Sewer District maintaining their bond rating.

Council Member Dawson motioned to approve Resolution No. 06-04-2013B, an Interlocal Agreement with North Davis Sewer District.

Council Member Henderson seconded the motion.

The Council unanimously agreed.





**RESOLUTION NO. R-06-18-2013**

**A RESOLUTION ADOPTING A  
BUDGET FOR THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY OF  
WEST POINT CITY FOR FISCAL YEAR 2014**

**WHEREAS**, the Community Development and Renewal Agency of West Point City was created to transact the business of a redevelopment agency and to exercise all of the powers provided for in the Utah Redevelopment Agencies Act, § 17B-4-101 et. seq., Utah Code Annotated (1953, as amended) and any successor law or act; and,

**WHEREAS**, Utah Code § 17B-4-1301 prescribes the form and methodology set forth by the Legislature and the State Auditor's Office relative to CDRA budgets; and,

**WHEREAS**, the Executive Director of the Agency has prepared and presented to the Board an annual budget for Fiscal Year 2014; and,

**WHEREAS**, a public hearing was held and notification served according to law pertaining to the CDRA 2014 annual budget;

**NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED**, by the CDRA Board of West Point City that the hereto attached CDRA Budget is hereby adopted for Fiscal Year 2014.

**IT IS FURTHER ORDERED**, that a copy of the Budget be made available to the public for review and inspection at West Point City Hall during regular business hours.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of June, 2013.

**WEST POINT CITY,**  
A Municipal Corporation

By: \_\_\_\_\_  
Erik Craythorne, CDRA Chair

**ATTEST:**

\_\_\_\_\_  
Kyle Laws, Executive Director

