

WEST HAVEN CITY COUNCIL AGENDA

December 2, 2020 6:00 P.M.

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

NOTICE IS HEREBY GIVEN THAT ON **December 2, 2020** THE COUNCIL OF WEST HAVEN CITY WILL HOLD THE FOLLOWING PUBLIC MEETINGS: **5:00 PM:** COUNCIL WORKSHOP **6:00 PM:** REGULAR WEDNESDAY CITY COUNCIL MEETING. DUE TO EMERGENCY PROTOCOLS RECENTLY ENACTED BY MAYOR BOLOS AND EXECUTIVE ORDER 2020-75 ISSUED BY THE LT. GOVERNOR PUBLIC ATTENDANCE AND PUBLIC COMMENT WILL BE BY ELECTRONIC MEANS ONLY. JOIN US DIGITALLY FOR THE WORK SESSION [HTTPS://US02WEB.ZOOM.US/J/88578103831](https://us02web.zoom.us/j/88578103831) AND COUNCIL MEETING [HTTPS://US02WEB.ZOOM.US/J/81959225519](https://us02web.zoom.us/j/81959225519).

1. MEETING CALLED TO ORDER: Mayor Bolos
2. OPENING CEREMONIES
 - A. PLEDGE OF ALLEGIANCE Councilmember Dixon
 - B. PRAYER/MOMENT OF SILENCE Councilmember Hunter
3. PUBLIC PRESENTATION: Resident(s) attending this meeting will be allotted 2 minutes to express a concern or ask a Question about any issue that **IS NOT ON THE AGENDA** No action can or will be taken on any issue(s) presented.

*** AGENDA ACTION ITEMS ***

4. ACTION ON CONSENT AGENDA
 - A. CITY COUNCIL MINUTES MEETING HELD November 18, 2020
5. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)
 - A. ACTION ON ORDINANCE 41-2020-REZONE FROM A-1 TO R-2-2812 W 2900 S-PHIL HOLLAND
6. DISCUSSION-WEBER RIVER BANK RESTORATION PROJECT UPDATE
7. ACTION ON RESOLUTION 28-2020-SOCIAL MEDIA POLICY
8. DISCUSSION-CITY OWNED PROPERTY LEASE POLICY
9. DISCUSSION-UTOPIA
10. COUNCIL UPDATES
11. ADJOURNMENT

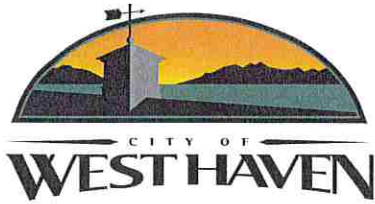
Emily Green

Emily Green, City Recorder

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

CERTIFICATE OF POSTING

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



**WEST HAVEN CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY DECEMBER 2, 2020**

@

5:00 PM – In City Council Chambers

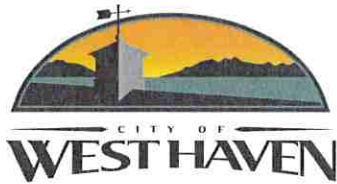
*NO ACTION CAN OR WILL BE TAKEN ON ANY CITY COUNCIL MEETING AGENDA ITEMS DISCUSSED DURING
PRE-COUNCIL WORKSHOP - DISCUSSION OF SUCH ITEMS IS FOR CLARIFICATION OF AGENDA ITEMS.*

MEETING TO ORDER:

MAYOR BOLOS

REPORTS AND DISCUSSION AS FOLLOWS:

1. Discussion-General Plan Map Specifically the Commercial Zones



WEST HAVEN CITY COUNCIL MEETING MINUTES

November 18, 2020 6:00 P.M.
Community Room
4150 South 3900 West, West Haven, UT 84401

Present: Sharon A. Bolos Mayor
Rob Vanderwood Councilmember
Randy Hunter Councilmember
Carrie Call Councilmember
Kim Dixon Councilmember
Nina Morse Councilmember

Staff Present: Emily Green City Recorder
Steve Anderson City Planner
Ken Bradshaw City Attorney
Matthew Jensen City Manager

5:00 Council Workshop

Mayor Bolos brought the meeting to order.

Council discussed the monument for the 30th anniversary.

Roger Timmerman gave a presentation on UTOPIA.

1. MEETING BROUGHT TO ORDER:

The Council met electronically at their regularly scheduled meeting held in the Community Room.

Mayor Bolos brought the Meeting to order at 6:00 pm. and welcomed those in attendance.

2. OPENING CEREMONIES

A. Lead by Councilmember Morse

B. Lead by Councilmember Dixon

3. PUBLIC PRESENTATION

David Smith expressed concern about the follow up on approval for conditional use permits, especially in regards to a recent business given conditional use in the October 28, 2020, Planning Commission Meeting.

4. DISCUSSION-CARES ACT FUNDS

Ryan Child gave a presentation on the CARES Act funding.

Councilmember Dixon asked what the county would use the CARES Act funding for this time, because last time it was for businesses.

Ryan Child explained it would be for non-profits, health and human services, and school districts.

5. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES	MEETING HELD	November 4, 2020
B. MOUNTAIN WEST TRUCK CENTER INC.	\$90,109.22	Inv. #MOUN2020000093P731
C. WEBER COUNTY ANIMAL CONTROL	\$19,973.00	Inv. #26725
D. GARDNER ENGINEERING	\$16,951.00	Inv. #1020149-1020157
E. WEBER COUNTY	\$612,651.99	CARES Act Funds

The CARES Act Funds total was changed from 612,651.99 to 610,151.99 to accommodate the price of a single audit.

Councilmember Morse made a motion to approve the consent agenda. **Councilmember Vanderwood seconded** the motion. **Roll Call:** Councilmember Vanderwood, aye; Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Hunter, aye; Councilmember Morse, aye; **Vote was unanimous.**

6. **AWARD CONTRACT-RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL**

Councilmember Dixon asked what the tipping fee is.

Matthew Jensen explained it is the fee for the transfer station.

Councilmember Hunter asked if billing will be quarterly or monthly.

Matthew Jensen said it will be monthly.

Councilmember Morse made a motion to award the contract to Waste Management. **Councilmember Hunter seconded** the motion. Councilmember Hunter, aye; Councilmember Call, nay; Councilmember Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Motion passes 4:1.**

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

A. ACTION ON ORDINANCE 41-2020-REZONE FROM A-1 TO R-2-2812 W 2900 S-PHIL HOLLAND

Councilmember Dixon asked if some of the land was considered wetlands.

Steve Anderson said that would be worked out during the subdivision process.

Councilmember Call asked what the surrounding zones are.

Steve Anderson said they are R zones in the general plan.

Councilmember Dixon made a motion to adopt ordinance 41-2020. **Motion dies for lack of a second.**

Councilmember Call made a motion to table. **Councilmember Vanderwood seconded** the motion. Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

B. ACTION ON ORDINANCE 42-2020-REZONE FROM A-2 TO A-1-3789 W 2550 S-NOLA STAUFFER

Nola Stauffer explained that she would like to rezone so that she is able to subdivide a half acre lot for her daughter.

Councilmember Hunter made a motion to adopt ordinance 42-2020. **Councilmember Morse seconded** the motion. **Roll Call:** Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

C. FINAL SITE PLAN APPROVAL-DENTAL CLINIC AND COMMERCIAL DEVELOPMENT-APPROX. 2700 W 3600 S-PASCAL MEYER

Councilmember Hunter asked if there are commercial businesses lined up for this property.

Scott Craven said he has had some conversations but nothing is set in stone.

Councilmember Hunter made a motion to give final site plan approval. **Councilmember Morse seconded** the motion. Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

D. PRELIMINARY SUBDIVISION APPROVAL-SHADY BROOK LANE TOWNHOMES-2201 SHADY BROOK LANE-BRAD BROWN

Councilmember Call asked how high the buildings are.

Jeremy Krause said they will be 18 stories which is about 30 feet.

Councilmember Dixon made a motion to give preliminary subdivision approval. **Councilmember Vanderwood seconded** the motion. Councilmember Hunter, nay; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Motion passes 4:1.**

E. ACTION ON ORDINANCE 46-2020-VACATING OPEN SPACE EASEMENT-312 W 2325 S-DOUG ANDERSON

Steve Anderson said that these properties had open space as a requirement for their zone and usually the city takes over that open space, but did not want to with this subdivision so they stayed with the properties.

Councilmember Hunter suggested vacating the open space throughout the entirety of the subdivision.

Councilmember Dixon suggested notifying the property owners that vacating is an option.

Councilmember Hunter made a motion to adopt ordinance 46-2020 by vacating 60 feet of the easement. **Councilmember Vanderwood seconded** the motion. **Roll Call:** Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

F. ACTION ON ORDINANCE 40-2020- REZONE FROM A-1 TO C-2 AND C-3-2144 W 21ST STREET-L.K.L. ASSOCIATES INC.

Councilmember Dixon asked if this business is open to the public.

Shelby Jessen confirmed it is.

Councilmember Dixon asked what the business hours are and if you could hear forklifts during the night hours.

Mr. Jessen said they will not run the forklifts at night just during the day.

Councilmember Morse asked how many trucks will be in and out of the property.

Mr. Jessen said about five.

Councilmember Hunter asked what the zone to the northwest is.

Steve Anderson said that it is M-2.

Councilmember Call asked how they would address residents' concerns.

Mr. Jessen said they will add a wall or trees in order to address those concerns.

Councilmember Dixon made a motion to adopt ordinance 40-2020 with more communication on noise and lighting. **Motion dies for lack of a second.**

Councilmember Vanderwood made a motion to adopt ordinance 40-2020 changing it to only the C-2 zone and with the conditions that noise and lighting be approved. **Councilmember Hunter seconded** the motion. **Roll Call:** Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, nay; Councilmember Vanderwood, aye; **Motion passes 4:1.**

G. ACTION ON ORDINANCE 43-2020-A-1 ZONING ORDINANCE

Councilmember Hunter asked why it was changed to 5 feet on the accessory building side setback.

Steve Anderson said that it aligns with fire code requirements.

Councilmember Call asked why school buses were moved to permitted uses.

Amy Hugie said that Planning Commission didn't see the need for it.

Councilmember Hunter expressed concern about he P.R.U.D.'s being allowed as a permitted use. He also suggested exempting farms.

Councilmember Vanderwood made a motion to table. **Councilmember Hunter seconded** the motion. Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

H. ACTION ON ORDINANCE 44-2020-A-2 ZONING ORDINANCE

Councilmember Hunter made a motion to table. **Councilmember Call seconded** the motion. Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

I. ACTION ON ORDINANCE 45-2020-HOME OCCUPATION

Councilmember Vanderwood asked the intent of section 2 3b and if there should be a time period associated with it.

Amy Hugie stated that a time frame could be added.

Councilmember Vanderwood suggested 30 days as the time period.

Councilmember Call suggested adding a reference to state code in section 2 3c to define nuisance.

Councilmember Call suggested taking out interior alteration in section 3A 2.

Mayor Bolos red the changes as follows: Section 2 3b add a time limit of 30 days, section 2 3c add a reference to the state code on the definition of nuisance, keep the line as determined by planning commission in section 2 3c, in section 3 2 remove the words interior or, page 169 section 5 fees should be the same as page 171, section 3 7 strike 1 may be, section 2 f to say garage sales of personal used items from a single dwelling held no more than one every three months, section 3 3b should say as it pertains to the specific use.

Councilmember Hunter made a motion to adopt ordinance 45-2020 with the changes as stated by Mayor Bolos. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Hunter, aye; Councilmember Call, aye; Councilmember, Dixon, aye; Councilmember Morse, aye; Councilmember Vanderwood, aye; **Vote was unanimous.**

8. DISCUSSION-CONSIDERATION TO OPEN THE GENERAL PLAN MAP SPECIFICALLY THE COMMERCIAL ZONES

Council agreed to schedule a work session to create a list for Planning Commission to review the general plan map.

9. DISCUSSION-CITY ATTORNEY'S RETIREMENT ANNOUNCEMENT AND FILING PROCESS

Ken Bradshaw announced his retirement.

Council went over the process of hiring a new City Attorney.

10. DISCUSSION-PLANNING COMMISSION ORDINANCE

Council discussed changing the Planning Commission ordinance.

11. COUNCIL UPDATES

There were no updates at this time.

12. ADJOURNMENT

Councilmember Call moved to adjourn at 10:35 P.M. **Councilmember Morse** seconded the motion. Councilmember Call, aye; Councilmember Vanderwood, aye; Councilmember Morse, aye; Councilmember Dixon, aye; Councilmember Hunter, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____

DRAFT

STAFF REPORT

TO: City Council Members
FROM: Steve Anderson, City Planner
DATE: December 2, 2020
SUBJECT: Rezone request for 2812 W 2900 South



The following staff report reviews the zoning petition by Phil Holland to change an A-2 parcel located at 2812 W 2900 S to R-2.

Background

Phil Holland is asking the City to rezone this parcel in accordance with the City's General Plan. Planning Commission recommended approval. At City Council it was tabled on the premise that Mr. Holland would bring back a concept of what he would propose for a subdivision.

Analysis

Attached is a concept of a subdivision that Mr. Holland could propose to meet the R-2 requirements. The property consists of 15 acres, which would allow for 32 lots, his concept shows 25 lots. This concept shows all lots that border adjacent properties are greater than 17,000 sq feet. In considering "the *general welfare, safety, health, convenience, and economic prosperity of the residents of the City*" the City Council can approve or disapprove this rezone.

The following points should be taken into consideration:

1. **Master Plan compatibility** – Asking for an R-2 Zone is compatible with the General Plan. The intended use of building single family homes is appropriate for the zone.
2. **Existing Easement** – There is an Easement owned by Jordan Valley Water that has to be considered in design. There are currently 6 developments in the City that have worked with this 90-foot easement. Including our City Park. He shows this easement as being on the rear of lots.
3. **Staff concerns from Public Works, Parks & Rec and the City Planner** – The Master Plan shows a trail along the Slough and access to the slough for maintenance is a concern. Staff would like the City Council to consider a development agreement or some other mechanism to provide for the trail and access to the slough.

Council Options

Based on the review of the merits of the request, the Council has several options available. These include:

- **Grant approval or deny rezoning outright in whole or in part.**
- **Grant approval and require a development agreement.** This would allow development of conditions for the property based on agreement between the City and Phil Holland. This would facilitate a trail and better slough maintenance.
- **Grant conditional zoning approval** – This provides a zoning commitment by the City based on fulfillment based on a more complete proposal for development.

(IN FEET)
1 inch = 40 ft.



DATE _____

DRAWING IS NOT TO
SCALE IF BAR DOES
NOT MEASURE 1 INCH

0 1/2 1



SCHEMATIC PLAN

WEST HAVEN SUBDIVISION

WEST HAVEN CITY, WEBER COUNTY, UTAH

Scott R. McFarland, PE
347 East 375 South
Kaysville, Utah 84037
801.725.6724 Q99



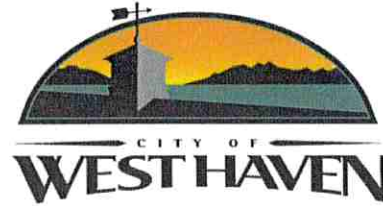
DESIGN: SPJ
DRAWN: SPJ
CHECKED: SPJ
DATE: 10-25-20

SHEET:

C1

STAFF REPORT

TO: Mayor and City Council
FROM: Matt Jensen, City Manager
DATE: November 30, 2020
SUBJECT: Update on Weber Riverbank Restoration Project



The following report provides an update on the Weber Riverbank Restoration project funded through an EWP grant. Changes in scope and costs require input and attention of the City Council.

Background

West Haven City and Ogden City received grant money through the Emergency Watershed Protection program to reinforce several bank areas along the Weber River that have suffered erosion and encroachment due to flood activities. Weber County is involved in the project as a managing partner. The original scope of the project for the City was for approximately 170 feet of restoration at an estimated cost of \$117,382. The City Council had approved a \$25,000 match for construction costs for the project.

After 30% and 60% design plans were presented, there were reservations on the scope of the project and unplanned costs. First, the relocation of the West Haven City trail was deemed necessary, but those costs (likely between \$10,000 and \$15,000) would not be eligible for coverage by the EWP grant. Second, the extent of the planned restoration was insufficient to prevent future erosion in that area. The consultant was directed to review the area further as State and County representatives reviewed additional funding options.

The 90% design plans show a repair area of almost 300 feet and a cost of \$216,690. The RFP has been written where West Haven can award contract independent from Ogden City which affords the City with control over the project and leverage on value engineering. The County desires to proceed with bidding and then seeing if more grant money can be requested from EWP to cover the increased costs. With the increase in scope and costs, this leaves the West Haven City's portion of the project at an uncertain point due to funding.

Analysis

The County's position to proceed with bid and deal with the financial situation allows the project to proceed per schedule but requires West Haven to be prepared to terminate the project or make necessary steps to secure additional funding. Here are possible options.

- **Cancel project and defer on grant money** – The City can refuse to award contract and cancel the project. The City would lose on the current EWP grant money, still need to contribute to initial engineering costs, and would still need to find a way to make repairs to the impacted area through other means. This final step is possible but would likely not be as fortified or as aesthetic as the current engineered solution.

- **Proceed and attempt to value engineer project to original expectations** – The City could revert to the original 170 feet of restoration plan. This would reinforce areas that are currently projected for a bridge with future trail expansion but would still leave other immediately adjacent areas susceptible to erosion. Some additional engineering costs could be possible.
- **Proceed with current design and fund difference** – There is an outside possibility of additional EWP funds being made available. The City could continue with the current design which would provide a long-term, engineered solution for that stretch of the river and trail.

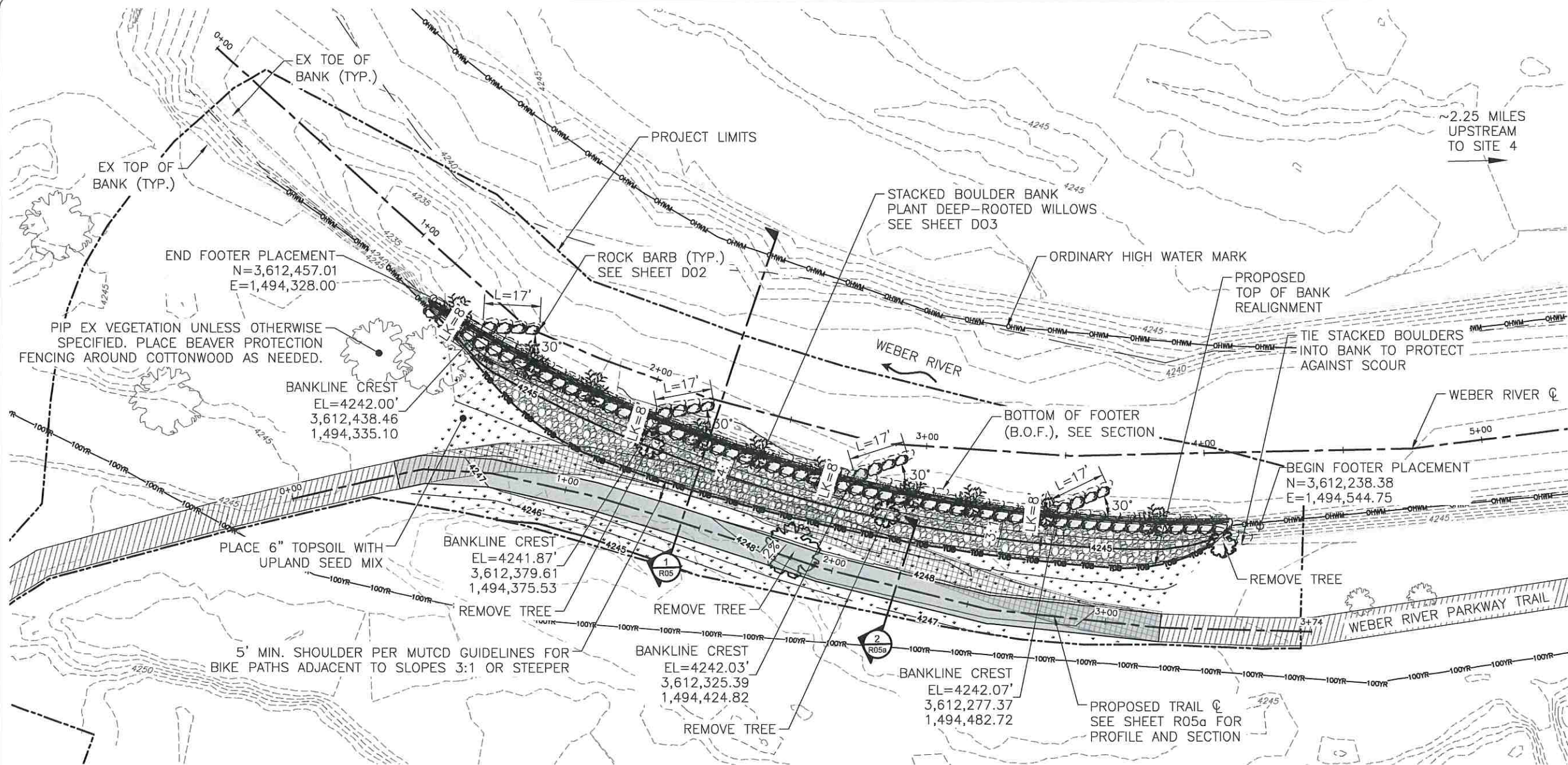
Whichever option is chosen, funds from the City's B&C Roads – Transportation Tax fund which is dedicated for building and maintaining trails could be used to help make up the difference.

Conclusion

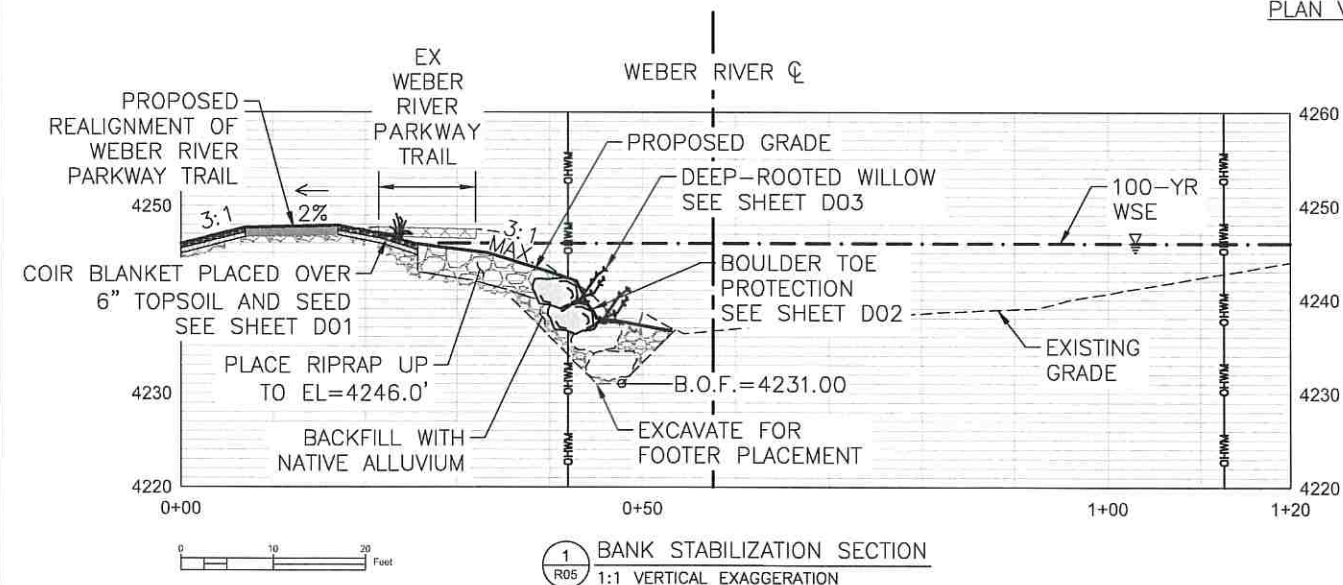
The opportunity to have a \$90,000 in repairs covered through grant money is attractive, though it does entail additional costs to handle the project that way. At this time, it is recommended to proceed with the bid and then make a full determination once costs come in. Staff will be prepared to bring the project back for Council input as the amount will likely exceed amounts currently approved in the budget.

Attachments:

- 90% Drawings – dated NOV 2020
- 30% Drawings – dated OCT 2020



PLAN VIEW - SITE 5



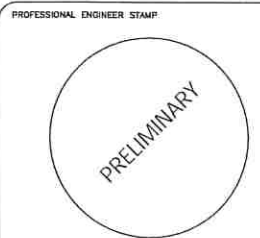
1 BANK STABILIZATION SECTION
1:1 VERTICAL EXAGGERATION

NOTES

1. THE 100-YR WSE FOR SITE 5 IS APPROXIMATELY 4246.0 FT (NAVD88), BASED ON FEMA'S NATIONAL FLOOD HAZARD LAYER (NFHL) ARCGIS VIEWER.
2. THE 1% ANNUAL CHANCE PEAK DISCHARGE FOR THIS WEBER RIVER REACH IS 6,200 CFS, OBTAINED FROM THE WEBER COUNTY FLOOD INSURANCE STUDY (FIS) PUBLISHED JUNE 2, 2015.
3. DEEP-ROOTED WILLOWS SHALL BE PLANTED 36\"/>

LEGEND

- EXISTING PEDESTRIAN TRAIL
- TRAIL REMOVAL AREA
- PROPOSED RIPRAP
- PROPOSED PEDESTRIAN TRAIL
- UPLAND SEEDING AREA
- DEEP-ROOTED WILLOW PLANTING



OGDEN RIVERBANK EROSION EWP SITE 5 - WEST HAVEN BANK STABILIZATION PLAN

No.	REVISION/UPDATE	Date

CLIENT NAME AND ADDRESS



NRCS
125 S State St Room #4010
Salt Lake City, UT 84138



Weber County
2380 Washington Blvd Suite #240
Ogden, UT 84401

DESIGN FIRM NAME AND ADDRESS



RiverRestoration
1234 S 900 E
Salt Lake City, UT 84105
www.RiverRestoration.org

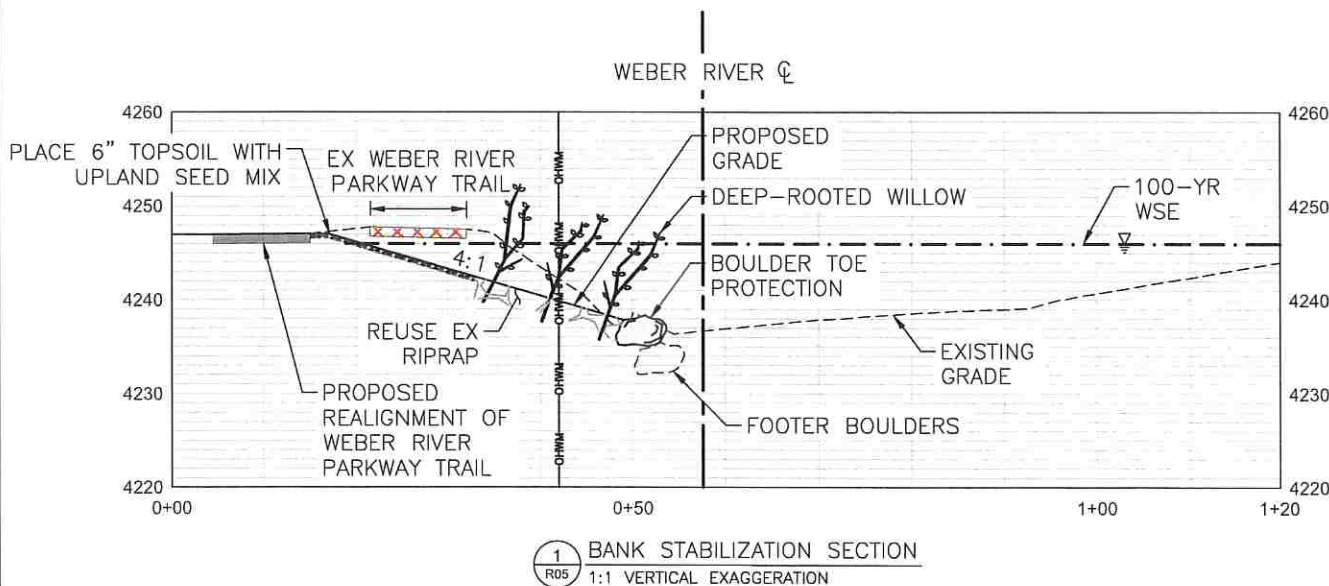
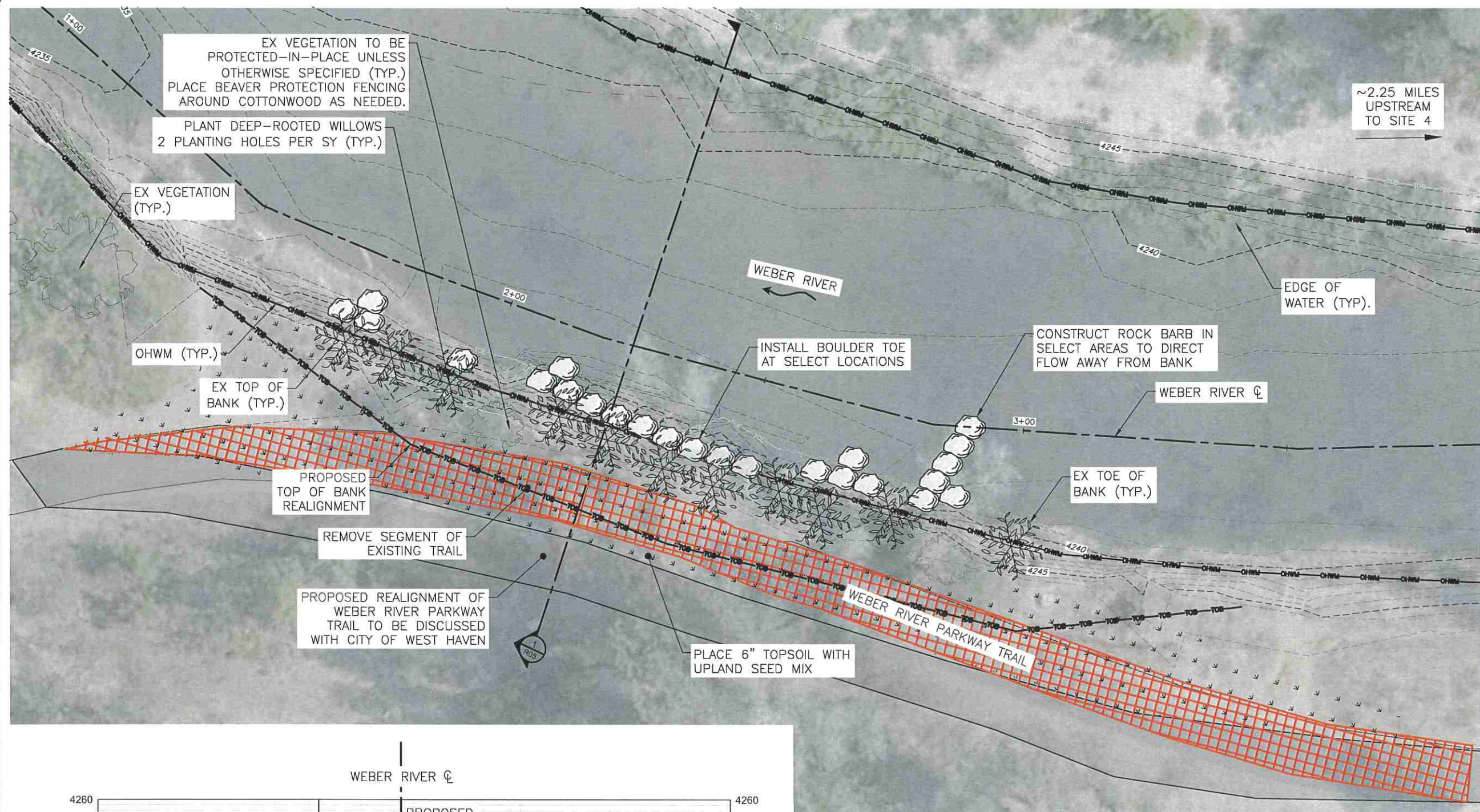
PROJECT NAME AND ADDRESS

Ogden Riverbank Erosion EWP
Site 5 - West Haven
Ogden, UT 84401

Project	Sheet
Date NOV 2020	R05
Scale 1"= 20' (FULL-SIZE)	

PRELIMINARY PLANS - NOT FOR CONSTRUCTION





NOTES

1. THE 100-YR WSE FOR SITE 4 IS APPROXIMATELY 4246.0 FT (NAVD88), BASED ON FEMA'S NATIONAL FLOOD HAZARD LAYER (NFHL) ARCGIS VIEWER.
2. THE 1% ANNUAL CHANCE PEAK DISCHARGE FOR THIS WEBER RIVER REACH IS 6,200 CFS, OBTAINED FROM THE WEBER COUNTY FLOOD INSURANCE STUDY (FIS) PUBLISHED JUNE 2, 2015.
3. DEEP-ROOTED WILLOWS SHALL BE PLANTED 36" DEEP AND DOWN TO THE DRY SEASON GROUNDWATER LEVEL. ADDITIONAL PLANTING SPECIES WILL BE SPECIFIED IN THE 60% PLANS.

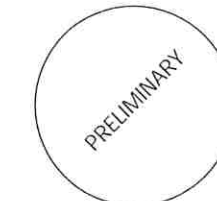
LEGEND

- EXISTING RIPRAP
- EXISTING PEDESTRIAN TRAIL
- REMOVAL AREA
- UPLAND SEEDING AREA
- DEEP-ROOTED WILLOW PLANTING

0 10 20 Feet

PRELIMINARY PLANS - NOT FOR CONSTRUCTION

PROFESSIONAL ENGINEER STAMP



OGDEN RIVERBANK EROSION EWP SITE 5 - WEST HAVEN BANK STABILIZATION PLAN

No.	REVISION/UPDATE	Date

CLIENT NAME AND ADDRESS



NRCS
125 S State St Room #4010
Salt Lake City, UT 84138



Weber County
2380 Washington Blvd Suite #240
Ogden, UT 84401

DESIGN FIRM NAME AND ADDRESS



RiverRestoration
1234 S 900 E
Salt Lake City, UT 84105
www.RiverRestoration.org

PROJECT NAME AND ADDRESS

Ogden Riverbank Erosion EWP
Site 5 - West Haven
Ogden, UT 84401

Project	Sheet
Date	R05
Scale	1"=10' (FULL-SIZE)

West Haven City Social Media Policies and Procedures

Social media encompasses a broad range of online activity on a variety of platforms, all of which is trackable and traceable. These platforms include not only blogs but social networks such as Facebook and MySpace; professional networks such as LinkedIn and Legal On Ramp; the live-blogging tool, Twitter; and social bookmarking such as Digg and Delicious. This list is not all-inclusive. Every day, it seems, new online tools and advances introduce new opportunities to build your virtual footprint.

As a City, we believe that social media can be an effective tool for communicating with our constituents. We also know social media use will not be exclusively for city business.

Keeping that in mind, this policy provides reasonable guidelines for online behavior by elected officials, officers, and employees of West Haven City when participating online. As new tools on the Web are introduced, and new challenges emerge for all of us, this policy will, of necessity, evolve. Nevertheless, we must be able to distinguish between personal and city-related use of social media.

West Haven City's policy regarding **social media and its employees and elected officials:**

Your Online Identity

- You are personally responsible for your online activity conducted with a West Haven City email address, a West Haven City social media account, and/or any account or use which can be traced back to West Haven City's domain, and/or which uses West Haven City assets. The westhavencity.com address attached to your name implies that you are acting on the City's behalf. You must ensure that you are authorized to do so. Also, when using a City email address or City assets to utilize social media, all actions are public, and representatives (employees and elected officials) will be held accountable for any such activities.
- Outside the workplace, your rights to privacy and free speech protect your online activity conducted on your personal social networks with your individual email address and where there is no city-related attribution. What you publish on such personal online sites should never be attributed to West Haven City and should not appear to be endorsed by or originated from the City. If you list your City affiliation on a social network, then you should regard all communication on that network as you would on any professional network. Online lives are ultimately linked, whether you mention the City in your personal online networking activity. Again, you must ensure as a part of your online activities that you do not leave the impression or indicate directly or indirectly that you are authorized to speak on behalf of the City unless you are expressly authorized to do so.
- Employees and elected officials who access social media via City information technologies shall have no expectation of personal privacy regarding such content. The

City expressly reserves the right to monitor employees' and elected officials' use of social media on City information technology platforms, including posted and hosted content on social media applications. Continued employment and using City information technology platforms constitutes express consent to monitoring, auditing, retrieving, and reviewing usage of these items at any time.

- Employees and elected officials who access social media via City information technology platforms, who use their City emails to do so, or otherwise to conduct City business, who use their personal emails to do so, or to conduct City business, and/or who use their personal cell phones, including text messages, emails, and phone calls to do so, or to conduct City business are subject to not only applicable sections of GRAMA (Government Records Access Management Act, Utah State Code Title 63G, Chapter 2) but also to applicable sections of the Open and Public Meetings Act (Utah State Code, Title 52, Chapter 4).
- Follow the rules in the City's Policies and Procedures Handbook. These rules also apply to employee behavior within social networking and other public online spaces.
- Follow the terms and conditions of use that have been established by the network you are using.
- Obey the law. Don't post any information or engage in any conduct or online activity that may violate local, state, or federal laws or regulations.

Posting Information on Behalf of West Haven City – only as directed

- Employees and elected officials shall not respond as “the City” or give the impression they are acting on behalf of the City unless specifically authorized to do so. Employees and elected officials shall direct questions and comments to the City's Public Information Officer or to the City's official web pages or sites for comment by the appropriate officials.
- All requests from the media shall be directed to and managed by the Public Information Officer. The Public Information Officer will then notify the Mayor regarding all such requests from the media. If the Public Information Officer is unavailable, media requests shall be directed to and managed by the City Manager.
- Be direct, informative, and brief.
- Never use a resident's or business associate's name in a post, unless you have written permission to do so.
- Fact-check your posts. Always review your contributions and comments for accuracy and truthfulness. Before posting, ensure that the material is accurate, truthful, and without factual error.

- Spell and grammar check everything. Content never disappears entirely once it has been posted.
- Correct your errors promptly. If you find that your post contains an error or mistake, correct it immediately. Since transparency is key, admit your mistake, apologize as necessary, correct it, and move on.

Online Comments

- Do not post about controversial or potentially inflammatory subjects online. When responding to or making online comments, keep the tone of your comments respectful and informative, never condescending, or “loud.” Use sentence case format, not capital letters.
- Avoid personal attacks, online fights, and hostile communications. If a social media user or any online influencer posts a statement with which you disagree, voice your opinion but do not escalate the conversation to a heated argument. Write reasonably, factually, and with good humor. Understand and credit the other person’s viewpoint and avoid any communications that could cause personal, professional, or credibility attacks.
- Never disclose proprietary or confidential information.

Confidentiality and Privacy

- Don’t disclose confidential information. Honor your contracts with the City and contracts we have with any residents or business associates. Do not disclose or use confidential or proprietary information of the City or any resident or business associate in any form of online media. Sharing this type of information, even unintentionally, can result in legal action against you and/or the City.
- Respect the privacy of your colleagues and the opinions of others. Before sharing a comment, post, picture, or video about a resident or colleague on any social media or network, his/her consent is not only a courtesy; it is a requirement.

Potential Conflicts and Red Flags

Get approval for a post when:

- Responding to a negative post. If a social media user or any other online participant posts an inaccurate, accusatory, or negative comment about West Haven City, do not engage in the conversation without prior approval of the City Manager and Public Information Officer.
- You are contacted directly by the media regarding issues of concern to the City. Refer

them to the Public Information Officer. If they are not available, refer them to the City Manager.

Building the City's Virtual Footprint

- Don't use your personal online relationships or West Haven City's network to influence polls, rankings, or web traffic.
- When using social media with your West Haven City email and professional identification, do not "follow" anyone whom you either do not actually know and/or with whom you have not previously corresponded or otherwise develop a professional city-related relationship.

Use of Media – Disciplinary Action

Employees and elected officials may be subject to disciplinary action, or in the case of an elected official public sanction, up to and including termination of employment, if an employee or elected official either directly uses any form of media (print, broadcast, digital, and online services such as Facebook, MySpace, Twitter, blogs, etc.) or provides information or content for use in any form of media that:

- creates a harassing, demeaning, or hostile work environment for any employee;
- indicates or implies that the employee or elected official has discriminated, or may in the future discriminate, against another employee in the context of their employment based on a classification protected by state or federal equal protection laws, including, but not limited to, race, sex, religion, national origin, physical disability or age;
- disrupts the smooth and orderly flow of City work;
- discloses non-public information related to the City or its operations;
- discloses non-public information about any person or entity that has contracted with or provided information to the City;
- places in doubt the honesty, reliability, trustworthiness, or sound judgment of the employee or elected official;
- attacks, demeans, or disparages another employee, or elected official related to any City issue or matter in a manner that is threatening, abusive, or unprofessional;
- establishes or suggests that the employee or elected official has violated or may violate any policy of the City, including, but not limited to, use of illegal drugs or other unlawful activity;
- uses the City's logo or other proprietary images on a personal social media account;

- establishes or suggests that the employee is not making efficient use of the employee's time while the employee is at work; or
- harms the goodwill and reputation of the City among the community at large.

If an elected official does any of these things, they may be publicly censured by the City Council.

Unless expressly authorized by the Mayor, City Manager, or Public Information Officer, employees or elected officials shall not publish or otherwise provide information for use in any form of media in a manner that suggests or implies that it is an official position or policy of the City. Employees or elected officials shall not publish information that violates this policy. Employees and elected officials may request guidance and authorization from the City Manager before publishing any information that by its nature suggests or implies that it is an official position or policy of the City. Failure to seek such guidance and authorization may be considered evidence of intent to conceal a violation of this policy and to hinder an investigation into the matter.

STAFF REPORT

TO: Mayor and City Council
FROM: Matt Jensen, City Manager
DATE: November 30, 2020
SUBJECT: City Leasing Policy and Procedure



The following report provides a Leasing Policy and Procedure for the Council's consideration and approval.

Background

Councilmember Call presented a proposed ordinance for Leasing of City Property. Several City properties were leased through informal processes that did not typically reflect how a municipality should handle City property. City staff requested an opportunity to review the language and provide possible solutions, particularly with the recent hiring of a City Manager.

Analysis

The attached draft Policy and Procedure provides a framework for the City to consistently approach leasing activities by and from the City. The process incorporates many of the aspects that were included in Councilmember Call's draft ordinance. Here are a few changes and specific points of information:

- **Change from Ordinance to Policy** – Most municipalities have land that is available to lease. Most do not incorporate leasing processes in ordinance form but opt for establishing guidelines through a policy and procedure approach. This allows the municipality some flexibility in dealing with lease negotiations which often need to be flexible to meet the municipality's interests as well as that of the lessor/lessee. It also makes lease activity more of an administrative action while providing necessary expectations from the Council.
- **City Council approval for all leasing activity** – This was in the original ordinance but is not typical for most municipal entities. Leases are generally a fully administrative action and does not include the political body. The question is on how much involvement and time the Council wants to invest in reviewing leasing activities.
- **Removal of the RFP for leasing requirement** – The unique nature and location of City-owned properties does not lend itself to an RFP approach. Generally, RFPs are best for redevelopment or large tracts of land. Incidental agricultural use is best through a case-by-case approach. Rather than having an RFP, all City properties deemed available for lease would be posted on the City's website.
- **Change from required public notice for lease activity** – The original ordinance required noticing all neighbors and holding a public hearing to ascertain impact of the lease. This is not a requirement by state law and is a significant cost for the City with legal notices for operations that are not generally a high revenue source. While wanting to acknowledge the sensitivity of

neighbors and possible public input, the draft policy presents an option to schedule a public hearing based on the Council's desire.

Recommendation

The desire to have a process for leasing of City-owned properties is well founded. While many municipalities do not have such a policy, it provides a layer of transparency and expectation that should be expected. The proposed draft captures much of the spirit of what Councilmember Call initially proposed while softening the requirements on public noticing and public hearings. Staff recommends Council review and establish that expectation in order to adopt the policy.

Attachments:

- Proposed Policy and Procedure
- Original Draft Ordinance Language

Policy: Leasing Policy and Procedure

1. Purpose

This policy outlines delegations of authority and guidelines regarding the leasing of real property by or from West Haven City ("City").

2. Policy

No lease or long-term rental of real property, including any interest in land, buildings, office space, storage space, water, natural resources or mineral rights, may be entered into or will be binding upon the City unless the provisions of this Policy and Procedure are satisfied. Any agreement which does not comply with the terms of this Policy and Procedure shall not be binding upon West Haven City unless ratified by the Mayor or the City Council, depending on the total annual rent as described in this Policy.

Any request for leasing, or for the extension or renewal of a lease, of real property for City purposes must be submitted to the City Manager. Real property leases may be entered into which support activities of the City when no land or facility owned by the City or an affiliated organization is available. Deviations from the stated lease provisions require review and approval by City Attorney as to legal form.

The City Manager is responsible for securing all leased real property for the City and City affiliated organizations. The City Manager is also responsible for the renting out and leasing of City real property. The City will follow applicable State of Utah laws, rules, and regulations in all leasing activity and the City's procedures are structured to ensure compliance with these applicable laws, rules and regulations.

3. Procedures for Real Property Lease Agreements

A. Notice on Leasable Properties

All City-owned properties available for renting and leasing will be posted on the City's website.

B. Required Approvals

All leases must be approved by the City Council.

C. Time for Approval

To ensure adequate time for all necessary reviews and approvals, lease requests should be submitted to the City Manager two months in advance of the date the property is needed. Requests submitted less than two months in advance will be processed as expeditiously as possible.

D. Lease of City Property Requirements

Unless otherwise approved by the City Council, all leases of City-owned property shall contain the following terms:

- 1) Leases will be for a one-year term with an option of up to three, one-year term extensions.

- 2) Lease rates will be based on a fair market value with consideration of improvements and maintenance performed by the lessee.
- 3) A 30-day termination clause at the City's option.

E. Lease Process

- 1) All lease requests shall be forwarded to the City Manager using the approved forms located on the Office website.
- 2) After review by the City Manager and formal approval from the City Attorney, the request will be sent to the City Council for consideration.
- 3) The City Council may schedule a public hearing to consider the merits of the lease action.
- 4) Upon the approval of the City Council, the lease request will be sent to the City Manager for processing.
- 5) The City Manager will submit the final lease to the prospective lessor or lessee for review. The City Attorney will review and approve any proposed modifications to the standard City lease.
- 6) The City Manager will then submit the lease to the Mayor for signature.

****Original Draft Ordinance Language****

Leasing of City Property

- A. If the City Council determines that a parcel of city-owned real property is at the time not needed for public use, the City Council may authorize the lease of such property under any terms and conditions considered appropriate by the Council and deemed to be in the best interest of the city as provided by Utah Code Annotated section 10-8-2.
- B. Before any lease of real property, the City shall:
 - 1. Advertise the property, stating the proposed property may be leased.
 - 2. Notify all property owners that border the proposed property, at least fourteen (14) days before the scheduled public hearing via mail, when a lease of the property has been requested.
 - 3. Provide public notice of the proposed lease at least fourteen (14) days before a scheduled meeting, at which time the city will hold a public hearing to accept public comment on the proposed lease.
 - 4. If, after public comment has been received, the City Council makes a determination to proceed with the lease, the property may be leased by any method deemed appropriate by the City Council on terms and conditions deemed desirable, fair, and appropriate considering the intended land use and the best interest of the city.
 - 5. All leases of real property of the city, shall be made under the same conditions and limitations as required by city ordinances.
 - 6. Any lease of property shall not be for less than fair market value unless specifically approved by the City Council.
 - 7. Leases of real property shall be granted up to one year, with the option to extend that lease at the end of that year.