WEST HAVEN CITY COUNCIL AGENDA

November 16, 2022 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

NOTICE IS HEREBY GIVEN THAT ON **November 16, 2022** 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. JOIN US DIGITALLY FOR THE WORK SESSION AND COUNCIL MEETING AT HTTPS://US06WEB.ZOOM.US/J/81581435918. WATCH LIVE AT HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCEEQNQBTFZJWTGOPHMCNCBA .

1. MEETING CALLED TO ORDER: — Mayor Vanderwood

2. OPENING CEREMONIES
   - A. PLEDGE OF ALLEGIANCE — Councilmember Saunders
   - B. PRAYER/MOMENT OF SILENCE — Councilmember Swapp

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

4. UPCOMING EVENTS
   - Senior Lunch Bunch-November 30, 2022-11:30 AM
   - Howdy Hall with Mayor and Friends-November 30, 2022-5:30-6:30 PM
   - Heart of the Holidays-November 28, 2022-6:00 PM

5. COUNCIL UPDATES

AGENDA ACTION ITEMS

6. ACTION ON CONSENT AGENDA

A. CITY COUNCIL MINUTES	MEETING HELD	November 2, 2022
B. WASTE MANAGEMENT	$30,247.65	Inv.#2092584-2682-1
C. WEBER COUNTY TRANSFER STATION	$18,593.96	Inv.#022-01410294-022-01421064

7. ACTION ON PLANNING COMMISSION MEETING RECOMMENDATION(S)
   - A. PRELIMINARY SITE PLAN APPROVAL-LIGHT INDUSTRIAL/WAREHOUSE PROJECT-APPROX. 2000 S 1900 W (PARCEL NUMBERS 150690039, 150690040, 150690041, 150690042, 150700028, 15070029, 150700041, 150700042-PRISM REALTY CORP-BROOK MORRIS

8. BID AWARD-2700 W HOOPER CANAL SIPHON

9. BID AWARD-HAVENWOOD INTERSECTION IMPROVEMENTS

10. DISCUSSION AND POSSIBLE ACTION-PROCUREMENT POLICY

11. DISCUSSION AND POSSIBLE ACTION-STAKER FARM PARK REIMBURSEMENT

12. DISCUSSION-ENGINEERING AUDIT

13. DISCUSSION-DISCOVERY FEE SCHEDULE

14. ADJOURNMENT

Emily Green

Emily Green, City Recorder

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

CERTIFICATE OF POSTING

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

WEST HAVEN CITY
PRE-COUNCIL WORKSHOP AGENDA
HELD PRIOR TO CITY COUNCIL MEETING
WEDNESDAY NOVEMBER 16, 2022
@
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 VANDERWOOD**

REPORTS AND DISCUSSION AS FOLLOWS:

1. Discussion-RAMP Grant Application
2. Presentation-Proposed Committee Ordinance
3. Discussion-Green Farm Escrow Release-$960,941.35

DISCUSSION ITEM CITY COUNCIL WORK MEETING 11/16/2022

PROPOSED RAMP GRANTS 2023

MAJOR GRANT – DUE JANUARY 13TH

- COMMUNITY CENTER ~ $750,000

PARKS AND RECREATION – DUE JANUARY 13TH

- RESTROOMS – WEST HAVEN FISHING POND ~ $125,000
- 2ND DOCK – WEST HAVEN FISHING POND ~ $100,000
- PLAYGROUND – WEST HAVEN FISHING POND ~ $50,000
- ARENA IMPROVEMENTS – COUNTRY PARK ~ $100,000

ARTS AND MUSEUMS – DUE JANUARY 13TH

- WEST HAVEN DAYS – CONCERT IN THE PARK ~ $7,500
- WEST HAVEN DAYS RODEO ~ $7,500
- IDEAS FOR 3RD GRANT
    - WEST HAVEN DAYS – DANCE IN THE PARK
    - EVENING OF ART

EZ GRANT – DUE MARCH 24TH

- IDEA?
- IDEA?
- IDEA?

32.04 COMMITTEES

32.04.001: PURPOSE AND PROCEDURE:

A. Intent And Purpose: It is the intent and purpose of this chapter to encourage citizen involvement and obtain citizen advice and input. Citizens are encouraged to share their opinions and expertise by joining any of the committees. Any committee Chairman may invite interested individuals to share their experience and advice with the committee. Any and all committees established pursuant to this chapter have no authority to bind the City or impose any conditions on the City or its citizens and are not vested with the authority to make decisions regarding the public's business.

B. City Staff Support: The City Manager shall provide the committee with such administrative staff support and materials, as he/she deems necessary to assist in carrying out the duties and responsibilities of each committee.

C. Limit Of Membership: Membership, subject to the appointment process set forth herein, on the committee shall be limited to the City residents or qualified individuals who have demonstrated an interest in promoting the welfare of the City. An appointment to a committee shall expire if a member misses more than three (3) meetings without reason. If a member's term expires, that member may reapply at a future date; however, the opening on the committee may or may not still be available.

D. Terms: Unless otherwise noted in this ordinance, the term of committee members shall be three (3) years; with a maximum of three (3) terms.

E. Meetings: The committees shall set their own meeting schedule but shall meet at least quarterly. Committee meetings shall be open to the public.

F. Quorum: The attendance of a majority of members of each committee shall constitute a quorum. All official acts of a committee shall be by the majority vote of those then present.

G. Compensation: Members of committees shall serve without compensation.

32.04.002: FORMATION AND FUNCTION OF COMMITTEES:

A. The applicants for committee membership are required to fill out a volunteer application form. The Mayor will review the application and may interview the applicant. The Mayor selects the best applicant for the interest of the City, then recommends the applicant to the City Council for appointment to the committee. Some committees have membership capacity limits as outlined in the specific section for the committees in this Code. If an applicant's committee of choice is full, that applicant will be asked to consider appointment to a different committee and/or asked if the applicant would like to keep their application on file in the case that a spot opens on the committee of choice.

B. A Chairman and Vice Chairman shall be appointed and removed by the Mayor, with the advice and consent of the City Council. The Chairman and Vice Chairman shall serve a one-year term. If at the end of the one-year term, beginning March 1 and ending on the last day of February the following year, the committee members vote to continue with the same Chairman and Vice Chairman, those individuals may be reappointed by the Mayor, with the advice and consent of the City Council.

C. Committee members may be removed by the City Council at any time without cause. In the case of removals or vacancies for other causes, such vacancy shall be filled through appointment by the Mayor, with the advice and consent of the City Council.

D. Committees shall have a City Council member serve as an advisor/liaison that acts as a non-voting member of the committee. Assignment of such advisor/liaison shall be made by the Mayor.

32.04.003: COMMUNITY EVENTS COMMITTEE:

A. Creation: There is hereby created an ongoing committee known as the Community Events Committee.

B. Members: The Community Events Committee shall consist of at least nine (9) members but has no limit on the maximum number of members, and all members are appointed and governed consistent with section 32.04.002 of this chapter.

C. Duties And Responsibilities: The Community Events Committee shall study and provide objective, current, and relevant information about the quantity and quality of existing or potential community and cultural event opportunities to the City Manager, and as directed by the City Council:

1. The Community Events Committee shall act in an advisory role to the City Manager in any matters pertaining to the West Haven City events. It shall ultimately be the responsibility of the City Manager to manage, operate, and oversee the West Haven City Events; however, the Committee shall have any other power and/or duty as prescribed and authorized by the City Manager.

2. The Committee may solicit, on behalf of the City, gifts, revenues, bequests, or endowments of money and/or property as donations and/or grants from persons, firms, or corporations, subject to the guidance, approval, and acceptance by the City Manager.

3. The Committee shall prepare an annual budget for City events and submit such to the City Manager for review and approval by the City Council.

4. The Committee shall not have the power to obligate the City for funds and/or expenditures or incur any debt on behalf of the City. The Committee is not empowered to commit City funds for capital improvements for special events, to issue bonds of indebtedness, or to dispose of City property. Where the Committee believes that capital improvements are necessary, it will submit a report and recommendation to the City Manager for approval of such. After receiving a recommendation from the City Manager, the City Council shall make a decision regarding any capital improvements and funding thereof.

5. All powers and duties prescribed and delegated herein are delegated to the Committee as a unit and all action hereunder shall be of the Committee acting as a whole. No action of any individual Committee member is authorized, except through the approval of the Committee or the City Manager.

6. The Committee shall make an annual presentation to the City Council of its goals, budget, and activities.

32.04.004: CITY BEAUTIFICATION COMMITTEE:

A. Creation: There is hereby created an ongoing committee known as the City Beatification Committee.

B. Members: The City Beautification Committee has no limit on the number of members, and all members are appointed and governed consistent with section 32.04.002 of this chapter.

C. Duties And Responsibilities: The committee's duties shall be to advise, evaluate and recommend to the Council and the City Manager on projects designed to maintain and improve the appearance of public areas within the City. The Committee will also endeavor to recognize the efforts of residents and businesses within the City who have demonstrated exceptional efforts to improve the beauty of our City, as well as other areas of concern hereafter identified by the Mayor, the Council, or the committee:

1. Organize and promote the annual Day of Service;

2. Organize and promote the semi-annual community clean up days; and

3. Make recommendations for beautification projects to be carried out during the spring and summer months.

32.04.005: HISTORIC PRESERVATION COMMITTEE:

A. Creation: There is hereby created an ongoing committee known as the Historic Preservation Committee.

B. Members: The Historic Preservation Committee has no limit on the number of members, and all members are appointed and governed consistent with section 32.04.002 of this chapter.

C. Duties And Responsibilities: The Historic Preservation Committee shall consist of members with a demonstrated interest, competence, or knowledge in historic preservation. The Historic Preservation Committee shall perform duties as to preserve and foster an appreciation in the history of the City, and as directed by the City Council:

1. To make recommendations to the City Council concerning the designation of historic areas, districts, landmark sites, and buildings of historic significance;

2. To make recommendations to the City Council on matters pertaining to historic resources; and

3. To aid property owners in maintaining and enhancing their properties in a manner consistent with adopted or otherwise established guidelines.

32.04.006: PARKS AND TRAILS COMMITTEE:

A. Creation: There is hereby created an ongoing committee known as the Parks and Trails Committee.

B. Members: The Parks and Trails Committee has no limit on the number of members, and all members are appointed and governed consistent with section 32.04.002 of this chapter.

C. Duties And Responsibilities: The Parks and Trails Committee shall study and provide objective, current, and relevant information about the quantity and quality of existing or potential park and trail opportunities to the Council and the City Manager, and as directed shall:

1. Assist in improving the quantity and quality of the park and trail experience for residents and visitors to the City.

2. Assist in providing an optimum range, mix, and location of park and trail opportunities for all people.

3. Assist in relating park and trail plans to other types of planning and the General Plan.

4. Conduct research and evaluate the effectiveness of existing facilities.

5. Encourage public and private cooperation to provide diversified park and trail opportunities in the City.

6. Review and report the status of existing and proposed park and trail facilities encouraging innovation in planning, design, funding, and maintenance support.

7. Perform such other duties and functions as are consistent with the promotion of park and trail activities and facilities in the City as directed by the Council and the City Manager.

32.05: ARTS COUNCIL

32.05.001: CREATION:

A. The City is authorized to create an ongoing committee known as the Arts Council. The Arts Council shall have no authority to bind the City or impose any condition on the City or its citizens.

32.05.002: MEMBERS:

A. Members: The Arts Council has a limit of twelve (12) members.

B. Appointment: Members of the Arts Council shall be appointed by the Mayor with the advice and consent of the City Council.

C. Terms: The term of committee members shall be two (2) years.

D. Limit Of Membership: Membership, subject to the appointment process set forth herein, on the committee shall be limited to City residents. An appointment to a committee shall expire if a member misses more than four (4) meetings without reason. If a member's term expires, that member may reapply at a future date; however, the opening on the committee may or may not still be available.

E. Meetings: The committees shall set their own meeting schedule but shall meet at least quarterly. Arts Council meetings shall be open to the public.

F. Quorum: The attendance of a majority of members of the Arts Council shall constitute a quorum. All official acts of the Arts Council shall be by the majority vote of those then present.

G. Compensation: Members of committees shall serve without compensation.

H. Removal of Members: Members of the Arts Council may be removed by the City Council at any time without cause. In the case of removals or vacancies for other causes, such vacancy shall be filled by the appointment process previously set forth herein.

32.05.003: OFFICERS:

A. The officers of the Arts Council shall be Chair, Vice Chair, and Secretary/ Treasurer. Officers shall be elected by members of the Arts Council in the November preceding the term of office. Officers must be member of the Arts Council. Terms of office shall expire on the first Monday in January of each applicable year.

B. Duties of the Chair: The Chair's responsibility is to notify members of Arts Council meetings, report to the City Council, conduct meetings, and enforce policies.

C. Duties of Vice-Chair: The Vice Chair will supervise voting, and conduct when the Chair is not available.

D. Duties of Secretary/Treasurer: The Secretary/Treasurer will keep minutes of full council meetings, and oversee the budget and expenditures.

32.05.004: DUTIES AND RESPONSIBILITIES:

A. The Arts Council is an ongoing committee. The Arts Council shall:

1. To provide opportunities for citizen participation in artistic endeavor and performance;

2. To enhance and develop cultural identity and heritage through active involvement in the arts;

3. To seek out and arrange engagement and education with arts professionals; and,

4. To encourage collaboration and connection with any and all participants in the arts.

32.05.005: STAFF SUPPORT:

A. The City Manager may assign such personnel, as deemed necessary, to assist the Arts Council and to attend its meetings.

32.05.006: BUDGET:

A. The Arts Council may prepare and submit a budget appropriation to the City Manager who shall review, modify and recommend approval to the City Council.

DRAFT

32.06: YOUTH COUNCIL

32.06.001: CREATION AND PURPOSE:

A. There is hereby created a City Youth Council. The City Youth Council is created as an advisory body to the City with the following purposes:

1. To promote and provide an opportunity for the youth of the City to acquire a greater knowledge of, and appreciation for, the political system of local government through activities, services, and participation in local government.

2. To obtain information and assistance from City youth regarding planning and implementation of social, educational, cultural and recreational activities for youth in the City.

3. To, as an organization and body, with the consent of the City Council, plan and implement activities of service to the community of the City, as well as accept and act upon proposals to do acts of community service.

B. The City Youth Council shall report to and be responsible to the City Council. The City Youth Council shall meet twice a month in a regular Youth City Council meeting, holding additional work sessions when necessary. The City Youth Council shall not have authority to bind the City or impose any condition on the City or its citizens.

32.06.002: STRUCTURE OF OFFICERS:

A. The City Youth Council shall consist of a minimum of four (4) members to include, but not be limited to, a Youth Mayor, a Youth Assistant Mayor, a Youth City Secretary, and a Youth City Treasurer.

32.06.003: SELECTION AND APPOINTMENT:

A. The positions of Youth Council Mayor, Youth Assistant Mayor, Youth City Secretary, and Youth City Treasurer shall be determined by the election process. The general election shall occur annually during the first regular City Youth Council meeting in August. Voters may have only one ballot and may vote only one at a time. Votes will be counted immediately, and the results will be announced by the mayor or his designated representative that same meeting. The newly elected positions will take office during the first regular youth City council meeting, to be held in September of each year.

B. Members of the City Youth Council are required to be residents of the City and be in good standing academically and with regard to citizenship as determined by their school. Youth who are residents of the City who are homeschooled are also eligible for selection to the City Youth Council.

32.06.004: TERM; REMOVAL; VACANCY:

A. Subject to subsections 32.06.005 A and B of this chapter and excepting appointment by reason of vacancy due to removal or resignation, the term of appointment for a member of the City Youth Council shall be one year, beginning in September of the year he or she is elected.

B. A member of the City Youth Council may be removed with advice and consent of the City council for, among other things, excessive, unexcused absences/not maintaining an attendance record of eighty percent (80%).

C. Any vacancy occurring on the youth City council, either by removal or by resignation, shall be filled by the youth City council coordinator with advice and consent of the City council. The new member filling the vacancy shall have a term to end at the same time as the current youth City council members.

32.06.005: OFFICERS:

Officers of the City Youth Council shall consist with the consent of the City council as follows:

A. Youth Mayor: Shall be elected annually with the advice and consent of the City council. The youth mayor shall be a high school senior and will serve as the youth mayor from September to August.

B. Youth Assistant Mayor: Shall be elected annually with the advice and consent of the City council and shall serve as the secretary of the City Youth Council and record all proceedings of the City Youth Council meetings.

C. Youth City Secretary: Shall be elected annually with the advice and consent of the City council and shall serve as the secretary of the City Youth Council and record all proceedings of the City Youth Council meetings.

D. Youth City Treasurer: Shall be elected annually with the advice and consent of the City council and shall serve as the historian of the City Youth Council. The youth City historian shall track and record all expenditures and maintain the budget for the City Youth Council.

E. Other Officers: Other officers deemed necessary by the Youth Mayor, Youth Assistant Mayor, Youth City Secretary, and Youth City Treasurer shall be appointed annually by the unanimous consent of the City Youth Council and shall function as directed.

F. City Support Staff: The City Youth Council advisor shall provide the City Youth Council with such administrative staff support and advisors as he or she deems necessary to assist the City Youth Council in carrying out its duties and responsibilities.

G. City Youth Council Advisor: A City council member shall serve as an advisor to the City Youth Council and attend meetings of the City Youth Council and provide leadership and support to the program.

32.06.006: OPERATIONS:

A. As allowed by this chapter and other applicable law, and with the prior approval of the City council, the City Youth Council may:

1. Take opportunities to acquire a greater knowledge of, and appreciation for, the political system of local government, through completion of planned projects and active participation in local government.

2. Inform City government officials regarding planning and implementing of social, educational, cultural and recreational activities for youth.

STAFF REPORT

TO: City Council

FROM: Matthew Jensen

DATE: November 16, 2022

SUBJECT: Green Farm Open Space Escrow Release #1

This staff report provides information regarding the first escrow release to Nilson Homes for open space development per the Third Amendment to the MDA. Staff will process an escrow release in the amount of $960,941.35.

BACKGROUND

The Third Amendment to the MDA provided an escrow/letter of credit instrument as surety to the City that Nilson Homes would develop the project as committed. The general open space escrow was made in the amount of $2,244,392.91. Per the agreement, Nilson Homes may present receipts of work and have money released from escrow upon completion of portions of the project.

While escrow release is a regular practice between the City and developers which generally does not go before the Council, the size of this release and the public scrutiny of this project compels staff to provide notice to the Council. It is important to note that this is not a payment from the City but a release of developer's own funds from the escrow surety instrument.

ANALYSIS

The first escrow release is in the amount of $960,941.35. A breakdown of expenses is attached for Council review. Activities in Green Farm has proceeded according to plan and progress is continuing. Staff confirm that the amount is a reasonable request for release at this time.

RECOMMENDATION

Unless the Council has serious reservations, Staff plans to issue notice of release of escrow in the amount of $960,941.35.

Line #	Area	Category	Line Item	Per Unit $		Units	Unit Type	Cost	Escrow Release 1		Amount Left
1	1. Central Open Space	Hard Scapes	Excavation/Grading	$250,000.00	Per	1.00	Item(s)	$250,000.00	147,258.75		$102,741.25
2			Ashpalt Trails	$33.00	Per	2,171.00	LF	$71,643.00			$71,643.00
3			Concrete Trails	$72.00	Per	1,150.00	LF	$82,800.00	71,773.23		$11,026.77
4		Soft Scapes	Sod/Sprinklers	$1.75	Per	141,590.00	SF	$247,782.50	245,670.92		$2,111.58
			Bark Beds	$1.50	Per	-	SF	$0.00			$0.00
5			Trees	$450.00	Per	185.00	Item(s)	$83,250.00	40,048.09		$43,201.91
6			Shrubs	$36.00	Per	163.00	Item(s)	$5,868.00			$5,868.00
7			Natural	$0.53	Per	223,768.00	SF	$118,597.04	5,174.40		$113,422.64
8			Natural Sprinklers	$0.50	Per	223,768.00	SF	$111,884.00	101,435.34		$10,448.66
											$0.00
9		Miscellaneous	Cobble	$6.00	Per	7,014.00	SF	$42,084.00			$42,084.00
10			Boulders	$1,650.00	Per	45.00	Loads	$74,250.00	52,100.00		$22,150.00
		Total						$1,088,158.54			
11	2. Southernmost Detention Basin	Hard Scapes	Excavation/Grading	$94,000.00	Per	1.00	Item(s)	$94,000.00			$94,000.00
12			Asphalt trails	$33.00	Per	1,645.00	LF	$54,285.00			$54,285.00
		Soft Scapes	Sod/Sprinklers	$1.75	Per	-	SF	$0.00			$0.00
13			Bark Beds	$1.50	Per	16,000.00	SF	$24,000.00	12,197.65		$11,802.35
14			Trees	$450.00	Per	39.00	Item(s)	$17,550.00			$17,550.00
15			Shrubs	$36.00	Per	80.00	Item(s)	$2,880.00			$2,880.00
16			Natural	$0.53	Per	193,088.00	SF	$102,336.64			$102,336.64
17		Miscellaneous	Concrete Waterway	$49.50	Per	60.00	LF	$2,970.00			$2,970.00
		Total						$298,021.64			
18	3. Community Park	Hard Scapes	Excavation/Grading	$20,000.00	Per	1.00	Item(s)	$20,000.00	27,348.82		($7,348.82)
19			Concrete trails/sidewalk	$60.00	Per	1,541.00	LF	$92,460.00	68,320.00		$24,140.00
20			Parking lot	$77,093.00	Per	1.00	Item(s)	$77,093.00	36,615.00		$40,478.00
21		Soft Scapes	Sod/Sprinklers	$1.75	Per	27,000.00	SF	$47,250.00			$47,250.00
22			Trees	$450.00	Per	36.00	Item(s)	$16,200.00			$16,200.00
23			Shrubs	$36.00	Per	108.00	Item(s)	$3,888.00			$3,888.00
24			Bark Beds	$1.50	Per	6,000.00	SF	$9,000.00			$9,000.00
25			Natural	$0.53	Per	61,119.00	SF	$32,393.07			$32,393.07
26		Miscellaneous	Playgrounds	$52,500.00	Per	2.00	Item(s)	$105,000.00			$105,000.00
27			Pickleball courts	$60,000.00	Per	4.00	Item(s)	$240,000.00	152,999.15		$87,000.85
		Total						$643,284.07			
28	4. Detention Areas	Hard Scapes	Excavation/Grading	$50,000.00	Per	1.00	Item(s)	$50,000.00			$50,000.00
29			Asphalt trails	$33.00	Per	964.00	LF	$31,812.00			$31,812.00
30		Soft Scapes	Natural	$0.53	Per	91,522.00	Item(s)	$48,506.66			$48,506.66
31			Trees	$450.00	Per	38.00	Item(s)	$17,100.00			$17,100.00
32			Shrubs	$36.00	Per	30.00	Item(s)	$1,080.00			$1,080.00
33			Bark Beds	$1.50	Per	9,360.00	SF	$14,040.00			$14,040.00
34		Miscellaneous	Cobble	$6.00	Per	12,940.00	SF	$77,640.00			$77,640.00
35			Boulders	$1,650.00	Per	15.00	Loads	$24,750.00			$24,750.00
		Total						$214,928.66			
							Original Escrow with	$2,244,392.91	960,941.35		$1,333,451.56

WEST HAVEN CITY
COUNCIL MEETING MINUTES

November 2, 2022 6:00 P.M.
City Council Chambers
4150 South 3900 West, West Haven, UT 84401

Present:	Rob Vanderwood	Mayor
	Carrie Call	Councilmember
	Kim Dixon	Councilmember
	Ryan Swapp	Councilmember
Staff Present:	Emily Green	City Recorder
	Matthew Jensen	City Manager
	Alike Murphy	Planner I
	Edward Mignone	City Engineer
Excused:	Nina Morse	Councilmember
	Ryan Saunders	Councilmember
	Amy Hugie	City Attorney
	Shari Phippen	Community Development Director

5:00 Council Workshop

Mayor Vanderwood brought the meeting to order.

Matthew Jensen went over the possible procurement policy.

Matthew Jensen went over possible crossing guard posts.

1. **MEETING BROUGHT TO ORDER:**
The Council met at their regularly scheduled meeting held in the Council Chambers.
Mayor Vanderwood brought the Meeting to order at 6:01 pm. and welcomed those in attendance.

2. **OPENING CEREMONIES**
A. Lead by Councilmember Dixon
B. Lead by Councilmember Call

3. **PUBLIC PRESENTATION**
Jeff Reid said that on the October 19, 2022, meeting when Nilson Homes came in for the Village at Green Farm townhomes approval that Bryan Bayles noted that none of the residents from Green Farm were in attendance as an implied approval of the project. He said the residents have given up because they feel the original master development agreement is too vague and will not stop Nilson Homes from allowing rentals in the townhomes and that is why they are not in attendance.

4. **UPCOMING EVENTS**
Senior Lunch Bunch-November 30, 2022-11:30 AM
Howdy Hall with Mayor and Friends-November 30, 2022-5:30-6:30 PM
Heart of the Holidays-November 28, 2022-6:00 PM

5. **COUNCIL UPDATES**
Councilmember Dixon said that the Pumpkin Walk was successful and they had a great turn out, but they decided they started it a bit too early. So, they are plan on starting later next year.

Mayor Vanderwood said that Dumpster Days was a big success and a lot of people showed up.

Matthew Jensen said that they are working on reseeding and sodding Staker Farm park. He said the scoreboards are in for the playing fields.

DRAFT

6. **ACTION ON CONSENT AGENDA**

A. CITY COUNCIL MINUTES	**MEETING HELD**	**October 19, 2022**
B. GARDNER ENGINEERING	**$39,904.25**	**Inv.#0822035-0822210**

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

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

A. ACTION ON ORDINANCE 33-2022-REZONE FROM A-1 TO C-2-3613 S MIDLAND DRIVE (PARCEL NUMBER 080220004)-COLDWATER CAPITAL

Alika Murphy said the applicant asked for this to be tabled.

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

B. PRELIMINARY AND FINAL SUBDIVISION APPROVAL-SODENKAMP SUBDIVISION LOT 1-SUBDIVISION AMENDMENT04671 S MIDLAND DRIVE (PARCEL NUMBER 085500002)-BASIN DEVELOPMENT

Tiffany Opheikens said that the buyer for Roxberry did not want both properties so they needed to subdivide it.

Councilmember Call made a motion to give preliminary and final subdivision approval. **Councilmember Dixon seconded** the motion. Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Swapp, aye; **Vote was unanimous.**

8. **ACTION ON RESOLUTION 34-2022-AMEND CONTRACT BETWEEN WEST HAVEN CITY AND GARDNER ENGINEERING**

Council reviewed the new contract that showed updated rates.

Councilmember Dixon made a motion to adopt resolution 34-2022. **Councilmember Swapp seconded** the motion. **Roll Call:** Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Swapp, aye; **Vote was unanimous.**

9. **BID AWARD-PREVEDEL PARK UTILITY IMPROVEMENTS**

Councilmember Call made a motion to award the bid to Rock Hard Excavating in the amount of $58,248.00. **Councilmember Swapp seconded** the motion. **Roll Call:** Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Swapp, aye; **Vote was unanimous.**

10. **ACTION ON RESOLUTION 35-2022-INTERLOCAL AGREEMENT BY AND BETWEEN WEST HAVEN CITY AND WEBER BASIN WATER CONSERVANCY DISTRICT FOR THE 3300 SOUTH UTILITY IMPROVEMENT PROJECT**

Councilmember Dixon made a motion to adopt resolution 35-2022. **Councilmember Call seconded** the motion. **Roll Call:** Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Swapp, aye; **Vote was unanimous.**

11. **BID AWARD-3300 SOUTH UTILITY IMPROVEMENT PROJECT**

Councilmember Swapp made a motion to award the bid to Marriott Construction in the amount of $2,161,2480.33. **Councilmember Dixon seconded** the motion. **Roll Call:** Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Swapp, aye; **Vote was unanimous.**

12. **EXECUTIVE SESSION-**The Council will enter into a closed meeting for the purpose of a strategy session to discuss pending or reasonably imminent litigation; to be held in accordance with the provisions of Utah Code 52-4-205.

Councilmember Swapp made a motion to enter into an executive session. **Councilmember Call seconded** the motion. Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Swapp, aye; **Vote was unanimous.**

Councilmember Dixon made a motion to leave executive session. **Councilmember Call seconded** the motion. Councilmember Call, aye; Councilmember Dixon, aye; Councilmember Swapp, aye; **Vote was unanimous.**

Mayor Vanderwood said the executive session was used to discuss pending or reasonably imminent litigation.

DRAFT

13. **ADJOURNMENT**

Councilmember Call moved to adjourn at 7:21 PM. **Councilmember Dixon seconded** the motion. Councilmember Dixon, aye; Councilmember Call, aye; Councilmember Swapp, aye; **Vote was unanimous.**

Emily Green
City Recorder

Date Approved: _____

DRAFT

City Council
Staff Review Memo

November 14, 2002

Shari Phippen, Community Development Director

PRELIMINARY SITE PLAN APPROVAL

Request:	Grant preliminary site plan approval for a light industrial/ warehouse project.
Property Address:	Approx. 2000 South 1900 West
Parcel(s):	150690039, -40, -41, -42, 150700028, 150700029, 150700041, -42
Property Zone:	Manufacturing M-1
Property Size:	9.8 acres (approx.)
Applicant:	Prism Realty (Brook Morris)
Governing Docs:	WHZC 157.730-737
Decision Type:	Administrative Recommendation
Recommendation:	See comments under "Staff Review/Recommendation"

Background

On July 6, 2022, the City Council adopted Ordinance 12-2022, rezoning the property up for consideration from Commercial C-2 to Manufacturing M-1. While not common with rezones, recognizing the intensity of uses that can often accompany manufacturing zoning, the ordinance has the following conditions which impact the site plan design and review of this project:

1. Outdoor storage.
    a. No outdoor storage of raw materials, stockpiling, scrap, non-operational equipment.
    b. Materials actively used in the principal business may be stored only in fully contained enclosures screened away from the street or any residential use.
    c. No outdoor boat, RV, car or trailer or non-tenant storage is permitted.
2. Noise
    a. All production and logistics activities shall take place in the warehouse area except for active flatbed or truck loading or unloading.
    b. All noise ordinances shall be observed.
3. Hazardous Materials
    a. Tenants shall adhere to all Federal, State and local laws and regulations related to storage, emissions, containment, control and handling of hazardous materials.
    b. No outdoor storage of hazardous materials.

4. Construction Type
    a. No metal or corrugated metal buildings or storage sheds shall be allowed
    b. All buildings shall be tilt up concrete or similar durable material and kept in a neat, clean and painted condition.
5. Loading
    a. Loading areas shall be oriented away from the street and face internal to the property and not against adjoining neighbors or streets.
6. Landscaping
    a. All landscaping shall be appropriately maintained, and dead plant materials replaced within sixty (60) days of notification by West Haven City.

Based on the rezone, meetings with staff (engineering, planning, fire, public works) and the ordinances governing site plan and design review, the project is before the Commission for recommendation to the City Council.

While the Planning Commission is the land use authority for the vast majority of site plans in West Haven City, because of the size of the buildings in this project (103k sq ft and 50k sq ft), the Commission will make a recommendation to Council, as required by 157.731.D.1.

Below is staff review of the project as it relates to the City's Site Design ordinance (WHC 157.730-737). Only those portions which are both regulatory and applicable to this project are included with comment.

Site Design Review

§ 157.733 STANDARDS OF REVIEW.

The Planning Commission shall consider the following matters, and others when applicable, in its review of applications and where the plan is found deficient the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

(A) *Traffic safety and circulation.*

(1) Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to traffic ingress, egress and internal circulation?

- ***The site has been designed after coordination with WHC Engineering staff, as well as the Weber Fire District. While minor details will need to be worked out as part of the final site civil documents, they are substantially compliant with the ingress/egress and internal circulation requirements.***
- ***Additionally, they have coordinated ingress/egress with UDOT, as all of their access points are on UDOT controlled roads. Full UDOT approval will be required prior to the City signing the site civils.***

(2) A traffic study may be required, if in the opinion of the Planning Commission, with input from the City Engineer, such would be necessary.

- ***Because both roads servicing this project are UDOT controlled, the City has no jurisdiction to require a traffic study if not required by UDOT. Any such***

requirements on traffic study will come from UDOT, and the City will support their decisions/directions.

- ***To date, we have not received any information that would indicate UDOT will require a traffic study.***

(B) *Parking.* Does the site plan comply with city ordinances regarding design, location and number of parking stalls required?

- ***Because there is not yet an end user with this type of space, there is no known employee count, so the precise number of required parking stalls is difficult to calculate.***
- ***Staff has reviewed multiple cities across the Wasatch Front to determine comparable parking requirements for warehousing/flex space uses. Many cities leave the determination to staff, while some others dictate 1-1.5 spaces per 1,000 sq ft of warehousing.***
- ***General office space without an end user typically requires 2-3 spaces per 1,000 sq ft.***
- ***The project proposes 234 total parking spaces for 153,250 sq ft building space, broken out as shown here. I am satisfied that this meets the intent of the parking standards.***

PARKING/BUILDING DATA

BUILDING 1		103,024 SF
TOTAL PARKING		140 SPACES
RATIO		136/1,000 S.F.
MAXIMUM AREAS / PARKING		
OFFICE	20%	20,605 SF
TOTAL PARKING		62 SPACES
RATIO		3.01/1,000 S.F.
WAREHOUSE	80%	82,419 SF
TOTAL PARKING		82 SPACES
RATIO		0.99/1,000 S.F.
26 DOCK DOORS		
BUILDING 2		50,208 SF
TOTAL PARKING		90 SPACES
RATIO		1.77/1,000 S.F.
MAXIMUM AREAS / PARKING		
OFFICE	36%	18,075 SF
TOTAL PARKING		55 SPACES
RATIO		3.04/1,000 S.F.
WAREHOUSE	64%	32,133 SF
TOTAL PARKING		35 SPACES
RATIO		109/1,000 S.F.
14 DOCK DOORS		

(C) *Signage.* Does the proposed signage meet the requirements of the city sign ordinance?

- ***At this point, no building signage is proposed. As end users come into place and submit building permits for tenant improvements, they will be required to submit sign application.***
- ***There is a single monument sign which is proposed to be located along 1900 West. No specific design has been proposed, but the applicant has been provided with the City requirements for signage and will be required to comply with those requirements prior to being issued a building permit for the sign.***

(D) *Landscaping.*

(1) The following landscaping shall be provided in each project subject to the provisions of this subchapter:

(a) *Front yard.* Landscaping shall be required along the entire frontage of the lot, except for the frontage required for ingress/egress. Said landscaping shall be a minimum of 15 feet deep, calculated from the property line.

- ***UDOT requirements along 1900 West (sidewalk design) has made it so that the applicant can't have the full 15' depth of landscaping, as the sidewalk has to be built within that 15'. The site plan proposes 10' along the northwest portion of***

the site along 1900 West. I am satisfied that the applicant has met the intent of the ordinance and that their inability to meet the full 15' all along 1900 West is due to regulations outside of their or the City's control.

(b) *Side/rear yards.* There shall be a minimum of five feet of landscaping between parking areas and side or rear property lines (except between commercial uses where said landscaping is not visible from areas of public access) and a minimum of five feet of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot.

- ***The entire site is buffered from adjoining properties by a minimum 5' landscaping.***

(c) *Parking area landscaping.* Landscaping within all parking and driveway areas shall comprise a minimum 5% of the total square footage of those areas and shall be placed within those parking areas to break up the mass of asphalt.

- ***Applicant will be required to submit this as part of their final staff review. Given that the site is more than 10% landscaped, I am confident that this requirement has been substantially met, for preliminary approval.***

(4) Landscape plans shall include a minimum of three items from the following list:

(a) Trees;
(b) Decorative rock and boulders (gravel and pea gravel are not permitted);
(c) Shrubs;
(d) Groundcover; and
(e) Grass (artificial or other).

- ***Developer's landscape plans include trees, shrubs, groundcover and sod. This requirement has been met.***

(E) *Building/site layout.*

(1) All buildings shall be designed with breaks in the facade. This may be accomplished through a change in building materials, actual breaks in the facade, a mix of roofline projections.

- ***As you can see from the enclosed renderings, the buildings will be broken up by windows, changes in the patterns on the building and some breaks in the façade.***

(2) All mechanical equipment shall be screened so as to not be seen from any public right-of- way adjacent to the project.

- ***All mechanical equipment will be located either on the roof of the building or on the side of the building furthest away from 1900 West and 2100 South***

(F) *Engineering standards.* Does the site plan comply with the West Haven City Engineering Design Standards and Specifications related to utility easements, drainage and other engineering requirements?

- ***On a preliminary level, yes. As the applicant prepares the site civils, they will coordinate with engineering staff to ensure full compliance with such standards and specifications.***

§ 157.734 DESIGN REQUIREMENTS.

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

(1) Building exteriors shall be designed and constructed with primary and secondary building materials from the list of building materials in division (C) below.

(2) The front elevation, as well as any other elevation which faces the street shall be constructed of a minimum of 60% primary materials, with a maximum of 40% secondary materials.

(4) A maximum of six colors for the primary materials may be permitted.

(5) Secondary materials shall be of a complementary hue and shade to primary building materials. A maximum of four accent colors may be allowed for secondary materials.

(6) A minimum of 15% of the front elevation, as well as any side or rear elevation which faces the street or major corridor, shall consist of upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors.

(7) Non-primary elevations which do not face the street or major corridor shall consist of at least 5% upgraded architectural features as defined in division (C) below. See division (B) below for those streets which constitute major corridors

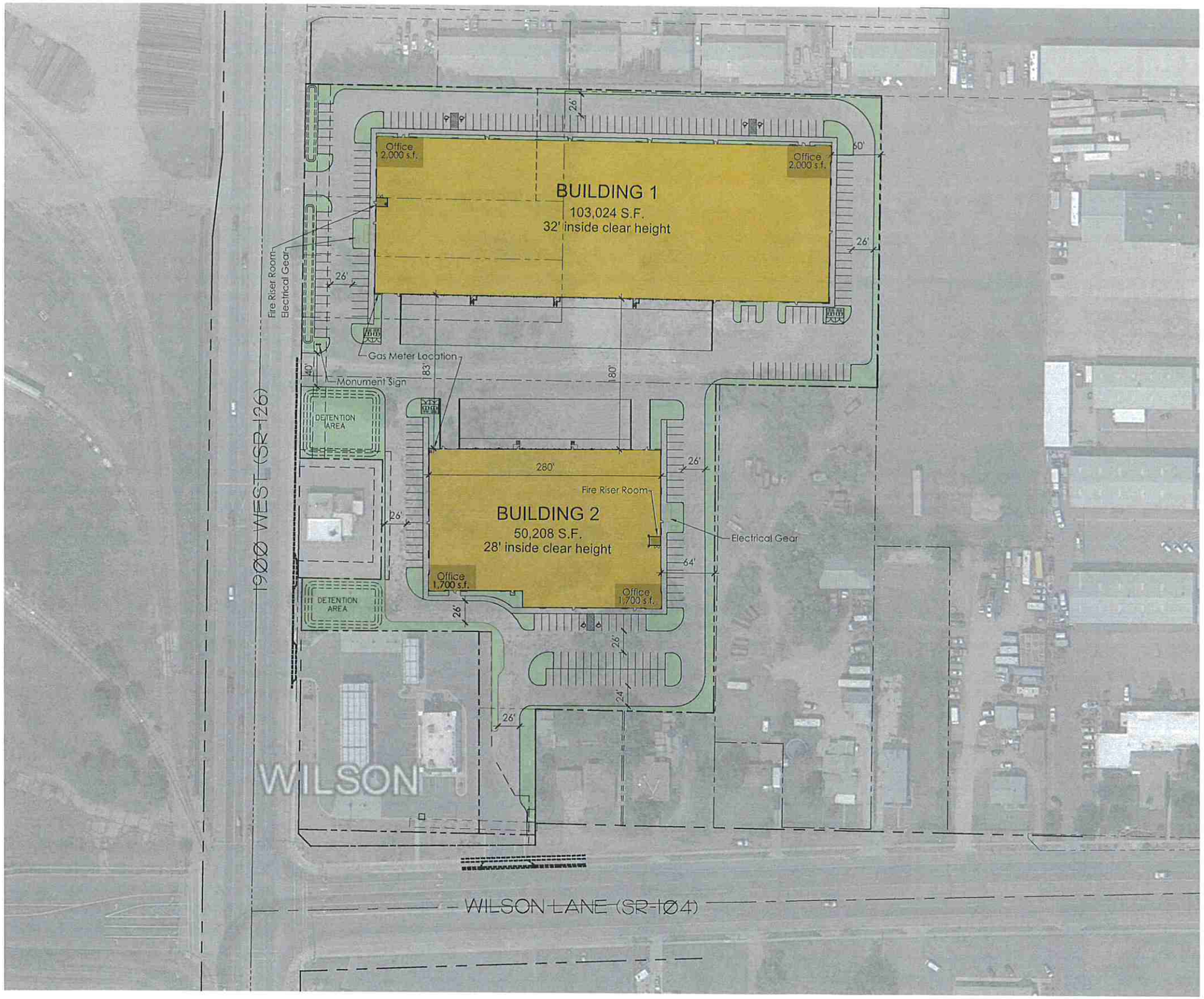
(B) *Major corridor requirements.* Projects which are adjacent to, or located within 400 feet of the centerline of 2100 South/Wilson Lane, 1800 South, 1900 West, Midland Drive, 3500 West, 4000 South, Hinckley Drive and 2550 South shall be subject to the following additional requirements. Any building face which can be seen from the above-referenced roads shall be constructed of a minimum of 60% primary materials.

- ***The issue of building materials was discussed at the time the property was rezoned. At that time, the applicant stated that the buildings would be concrete tilt-up buildings. That requirement was included in the conditions of the rezone, as indicated earlier in this staff report.***
- ***Excluding the architectural glass/non-functioning windows, the buildings will be entirely primary materials, as the other material besides concrete tilt up is insulated metal panels. (157.734.C.1.a thru d)***
- ***If you will note on the enclosed elevations, they have provided calculations for the required upgraded architectural features, as well as the distribution of materials. They are compliant with the above requirements regarding building materials percentages.***

Staff Review/Recommendation

At the October 26, 2022 meeting, the Planning Commission unanimously recommended that the Council grant preliminary site plan approval.

Based on the above review, and in support of the Planning Commission's recommendation, it is Staff's position that the applicant has met all conditions necessary to receive preliminary site plan approval.



PARKING/BUILDING DATA

BUILDING 1		103,024 SF
TOTAL PARKING		140 SPACES
RATIO		1.36/1,000 S.F.
MAXIMUM AREAS / PARKING		
OFFICE	20%	20,605 SF
TOTAL PARKING		62 SPACES
RATIO		3.01/1,000 S.F.
WAREHOUSE	80%	82,419 SF
TOTAL PARKING		82 SPACES
RATIO		0.99/1,000 S.F.
26 DOCK DOORS		
BUILDING 2		50,208 SF
TOTAL PARKING		90 SPACES
RATIO		1.77/1,000 S.F.
MAXIMUM AREAS / PARKING		
OFFICE	36%	18,075 SF
TOTAL PARKING		55 SPACES
RATIO		3.04/1,000 S.F.
WAREHOUSE	64%	32,133 SF
TOTAL PARKING		35 SPACES
RATIO		1.09/1,000 S.F.
14 DOCK DOORS		

BUILDING TOTAL	153,232 SF
BUILDING COVERAGE	36.89%
LANDSCAPING	13.39%

CITY PARKING REQUIREMENTS (C-3 or M-1)

General Office	One space per employee on highest shift
Warehouse	Two spaces per three employees

CONCEPTUAL SITE PLAN

THIS SITE PLAN IS FOR CONCEPTUAL PLANNING. THE SITE WILL NEED TO BE SURVEYED TO ACCURATELY DEFINE ALL BOUNDARIES, EASEMENTS, UTILITY EASEMENTS, RIGHT-OF-WAYS, CONFIRM ACCESS LOCATIONS, AND WETLANDS.

NORTH

0 60 120 180 240

Scale 1:60

aeurbia architects and engineers

BROOK MORRIS - 1900 W Wilson

WEST HAVEN, UTAH

AE2021.552 – SP 16

September 22, 2022

GENERAL PROJECT NOTES

PAINTED CONCRETE TILT UP PANEL SIENNA

PAINTED CONCRETE TILT UP DARK GREY

PAINTED CONCRETE TILT UP PANEL LIGHT GREY

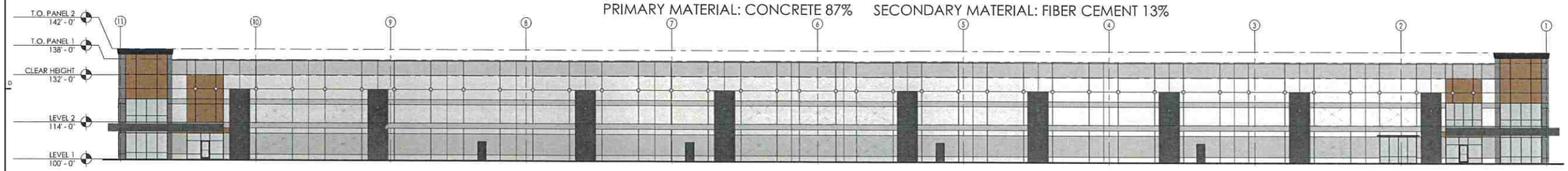
PAINTED CONCRETE TILT UP PANEL WHITE

FIBER CEMENT DARK GREY

LEGEND

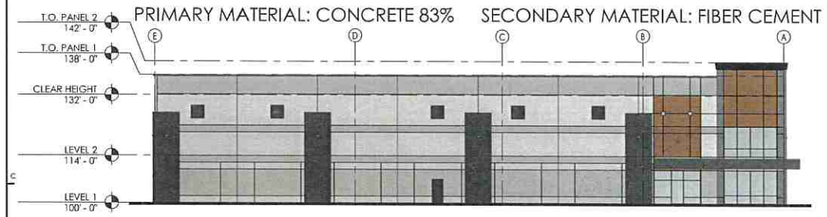
- = DOOR TAGS
- = STOREFRONT WALL TAGS
- = KEYNOTE TAGS
- = ROOM NUMBER
- = WALL TYPE TAGS; SEE WALL TYPES ON G006 ("C" = WALL TYPE, "6" = STUD SIZE)
- = DETAILS CALL-OUTS TAGS
- = SECTION CUTS TAGS

PRIMARY MATERIAL: CONCRETE 87% SECONDARY MATERIAL: FIBER CEMENT 13%



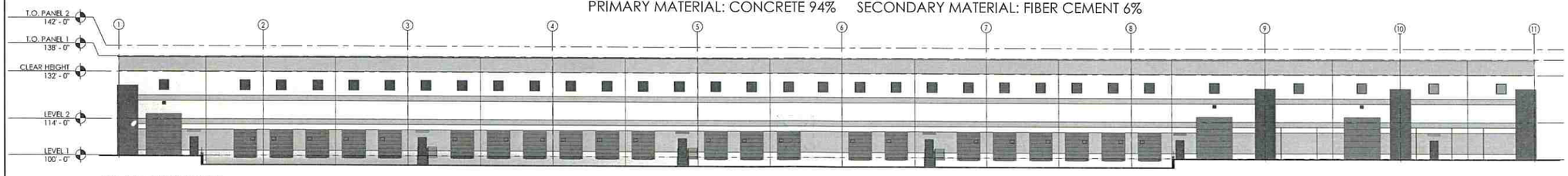
1 A201 **NORTH ELEVATION**
1/16" = 1'-0"

PRIMARY MATERIAL: CONCRETE 83% SECONDARY MATERIAL: FIBER CEMENT 17%

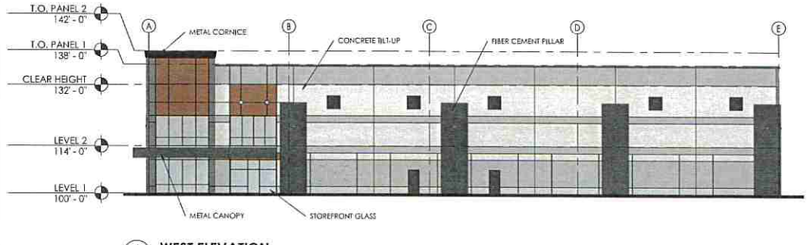


2 A201 **EAST ELEVATION**
1/16" = 1'-0"

PRIMARY MATERIAL: CONCRETE 94% SECONDARY MATERIAL: FIBER CEMENT 6%



3 A201 **SOUTH ELEVATION**
1/16" = 1'-0"



4 A201 **WEST ELEVATION**
1/16" = 1'-0"

PRIMARY MATERIAL: **84%**

CONCRETE: 5,470 SF
GLASS: 570 SF

SECONDARY MATERIAL: **16%**

FIBER CEMENT: 860 SF
METAL: 256 SF

TOTAL: 7,156 SF

UNUPGRADED ELEMENTS: **84%**

- CONCRETE TILT-UP PANELS: 5,470 SF **76%**
- GLASS STOREFRONT: 570 SF **8%**

UPGRADED ARCHITECTURAL FEATURES: **16%**

- FIBER CEMENT PILLARS: 860 SF **12%**
- METAL CORNICE: 127 SF **2%**
- METAL CANOPY: 129 SF **2%**

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PRELIMINARY NOT FOR CONSTRUCTION
10/26/2022 2:20:43 PM

WILSON BUILDING 1
BROOK MORRIS
1900 W WILSON LANE

Revision Schedule		
MARK	DESCRIPTION	Revision Date

AE2021.552
ELEVATION

PROJECT STATUS
DATE: 09/21/2022
SHEET #:
A201

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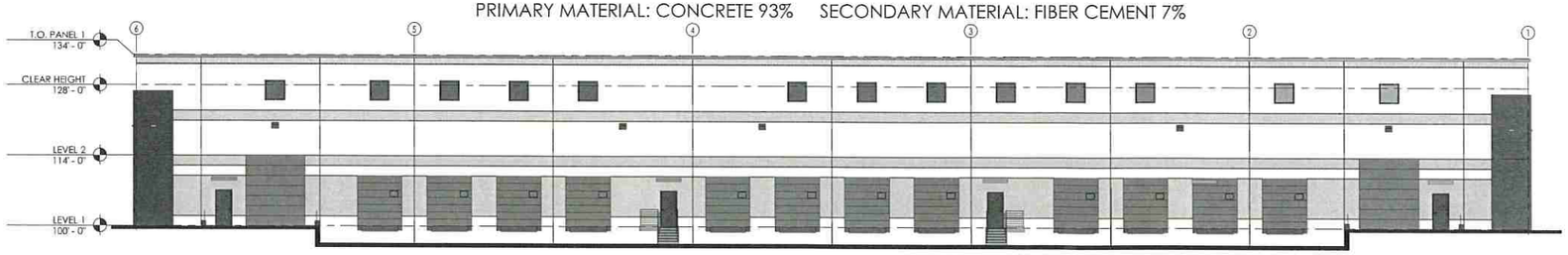
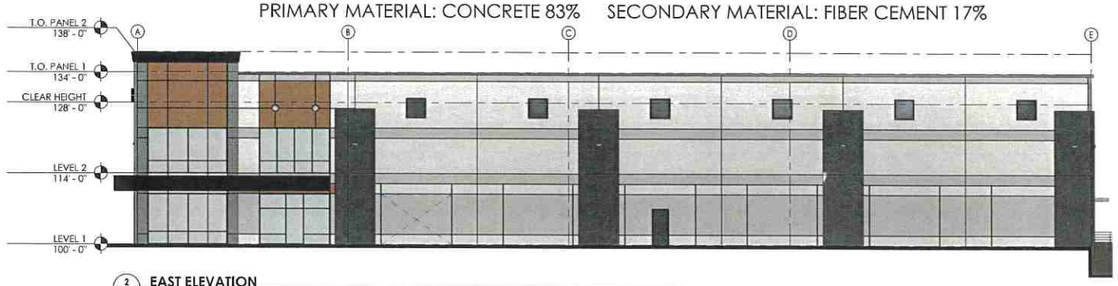
GENERAL PROJECT NOTES

PRIMARY MATERIAL: CONCRETE 93% SECONDARY MATERIAL: FIBER CEMENT 7%



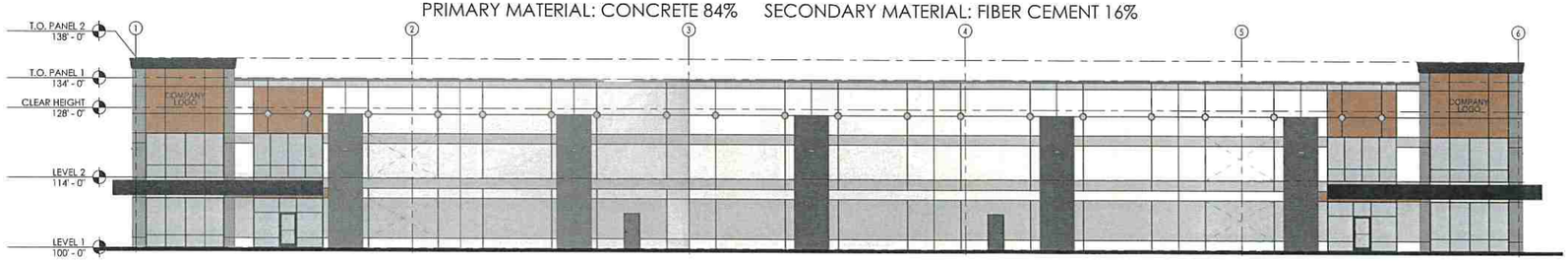
1 A201 **NORTH ELEVATION**
3/32" = 1'-0"

PRIMARY MATERIAL: CONCRETE 83% SECONDARY MATERIAL: FIBER CEMENT 17%

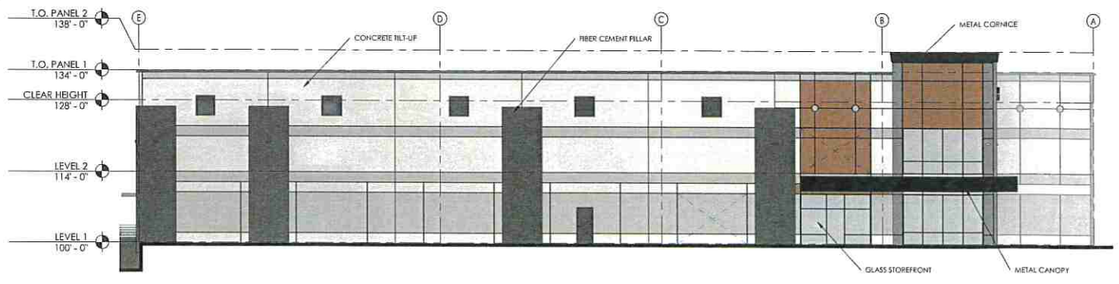


2 A201 **EAST ELEVATION**
3/32" = 1'-0"

PRIMARY MATERIAL: CONCRETE 84% SECONDARY MATERIAL: FIBER CEMENT 16%



3 A201 **SOUTH ELEVATION**
3/32" = 1'-0"



4 A201 **WEST ELEVATION**
3/32" = 1'-0"

LEGEND

- = DOOR TAGS
- = STOREFRONT WALL TAGS
- = KEYNOTE TAGS
- = ROOM NUMBER
- = WALL TYPE TAGS, SEE WALL TYPES ON G006
  "C" = WALL TYPE
  "6" = STUD SIZE
- = DETAILS CALL-OUTS TAGS
- = SECTION CUTS TAGS

- PAINTED CONCRETE TILT UP PANEL SIENNA
- PAINTED CONCRETE TILT UP DARK GREY
- PAINTED CONCRETE TILT UP PANEL LIGHT GREY
- PAINTED CONCRETE TILT UP PANEL WHITE
- FIBER CEMENT DARK GREY

PRIMARY MATERIAL: **82%**
- CONCRETE: 4,878 SF
- GLASS: 444 SF

SECONDARY MATERIAL: **18%**
- FIBER CEMENT: 878 SF
- METAL: 257 SF

TOTAL: 6,457 SF

UNUPGRADED ELEMENTS: **82%**
- CONCRETE TILT-UP PANELS: 4,878 SF **75%**
- GLASS STOREFRONT: 444 SF **7%**

UPGRADED ARCHITECTURAL FEATURES: **18%**
- FIBER CEMENT PILLARS: 878 SF **14%**
- METAL CORNICE: 128 SF **2%**
- METAL CANOPY: 129 SF **2%**

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PRELIMINARY NOT FOR CONSTRUCTION
10/26/2022 2:25:13 PM

WILSON BUILDING 2
BROOK MORRIS
1900 W WILSON LANE

MARK	DESCRIPTION	Revision Date

Revision Schedule

AE2022.335

ELEVATION

DATE: 09/21/2022

SHEET #:

A201

PROJECT STATUS

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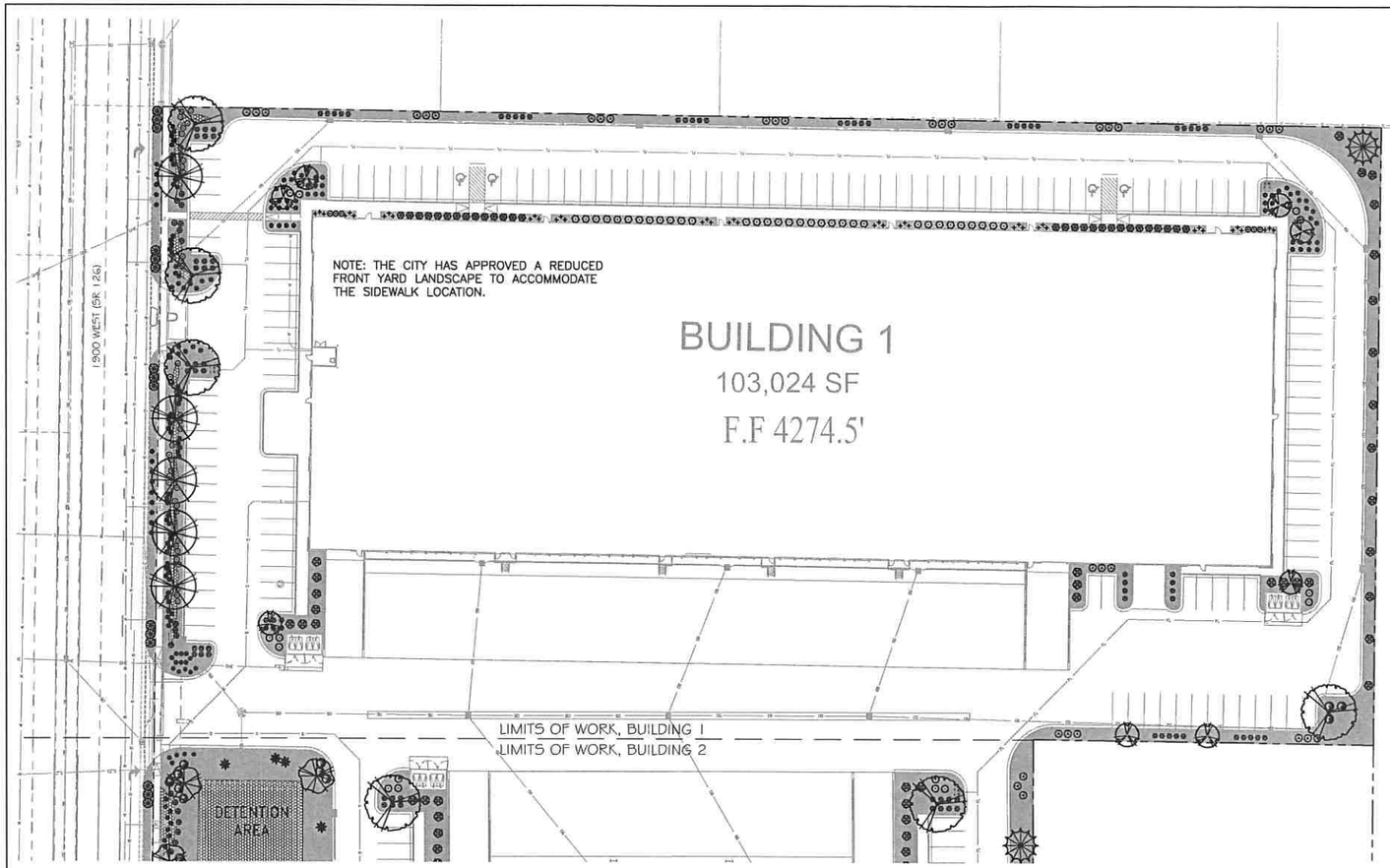

PLANT SCHEDULE BLDG 1

TREES	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	GLEDITSIA TRIACANTHOS 'SKYLINE' / 'SKYLINE' HONEY LOCUST	B & B	1.75"CAL		4
	PINUS NIGRA / AUSTRIAN BLACK PINE	B & B		6' HT.	1
	PYRUS CALLERYANA 'CHANTICLEER' / CHANTICLEER PEAR	B & B	2"CAL		8
	TILIA AMERICANA 'REDMOND' / REDMOND AMERICAN LINDEN	B & B	3"CAL		5

SHRUBS	BOTANICAL / COMMON NAME	CONT	QTY
	ARONIA MELANOCARPA 'UCONNAM01' / GROUND HUGS® BLACK CHOKEBERRY	2 GAL	39
	BERBERIS THUNBERGII 'CRIMSON PYGMY' / CRIMSON PYGMY BARBERRY	5 GAL	58
	BUDDLEJA X 'SMNBDB' / PUGSTER PINKERD BUTTERFLY BUSH	3 GAL	11
	BUXUS MICROPHYLLA 'WINTER GEM' / GLOBE WINTER GEM BOXWOOD	2 GAL	33
	EUONYMUS FORTUNEI 'EMERALD GAIETY' / EMERALD GAIETY EUONYMUS	2 GAL	29
	JUNIPERUS HORIZONTALIS 'BLUE CHIP' / BLUE CHIP JUNIPER	5 GAL	12
	POTENTILLA FRUTICOSA 'GOLDFINGER' / GOLDFINGER POTENTILLA	5 GAL	30
	PRUNUS BESSEYI / SAND CHERRY	5 GAL	28
	RHUS AROMATICA GRO-LOW / GRO-LOW FRAGRANT SUMAC	5 GAL	3
	RIBES ALPINUM 'GREEN MOUND' / GREEN MOUND ALPINE CURRANT	5 GAL	6
	SPIRAEA X BUMALDA 'ANTHONY WATERER' / ANTHONY WATERER SPIRAEA	5 GAL	11

ANNUALS/PERENNIALS	BOTANICAL / COMMON NAME	CONT	QTY
	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' / FEATHER REED GRASS	1 GAL	78
+	HAKONECHLOA MACRA 'ALL GOLD' / ALL GOLD JAPANESE FOREST GRASS	1 GAL	42
	HEMEROCALLIS X 'PARDON ME' / PARDON ME DAYLILY	1 GAL	39
	LAVANDULA ANGUSTIFOLIA 'MUNSTEAD' / MUNSTEAD ENGLISH LAVENDER	1 GAL	5
	PENNISETUM ALOPECUROIDES 'HAMELN' / HAMELN FOUNTAIN GRASS	1 GAL	48

SOD/MULCH	NAME	QTY
	4" LAYER OF 1 1/2" MDPH CRUSHED GRAVEL MULCH OVER WEED BARRIER. GRAVEL TO BE EARTH TONES OF CREAM, PURPLE, GRAY, WHITE, AND RED FROM STANZ PARSONS 801-409-2500 (OR EQUAL) ROCK TO BE WASHED OR CRUSHED CLEAN OF EXCESS DIRT AND FINES	17,692 SF
	4" LAYER OF 4" THROUGH 6" CRUSHED GRAVEL OVER DEWITT PRO5 WEED BARRIER. GRAVEL TO BE EARTH TONES OF CREAM, BROWN, RED, AND GRAY. ROCK TO BE WASHED OR CRUSHED CLEAN OF EXCESS DIRT AND FINES	601 SF

PLANTING NOTES:

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4. LANDSCAPE PLANS AND DETAIL DRAWINGS ARE SCHEMATIC ONLY. DISCREPANCIES MAY EXIST, INCLUDING BUT NOT LIMITED TO BUILDING LOCATION, PROPERTY LINES, ANY DIMENSIONS SPECIFIED OR IMPLIED. THE CONTRACTOR WILL BE REQUIRED TO ADJUST PLANS AS NECESSARY TO RETAIN CONCEPT INTEGRITY. CONTACT LANDSCAPE ARCHITECT IF DISCREPANCIES EXIST.

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6. PLANT MATERIAL BACKFILL MUST BE A WELL MIXED COMBINATION OF 1/3 NATIVE SOIL, 1/3 TOPSOIL, AND 1/3 ORGANIC COMPOSTED MATERIAL. DEEP WATER ALL PLANT MATERIAL IMMEDIATELY AFTER PLANTING. ADD BACKFILL MATERIAL TO DEPRESSIONS AS NECESSARY.

7. PREPARE SUBGRADE SOIL BY APPLYING HERBICIDE PER MANUFACTURER RECOMMENDATIONS TO WEEDS IN ALL LANDSCAPE AREAS. REPEAT HERBICIDE APPLICATION AFTER THREE DAYS TO SURVIVING WEEDS. REPEAT AS NECESSARY UNTIL WEEDS HAVE BEEN CONTROLLED. AFTER WEEDS HAVE BEEN CONTROLLED LOOSEN SUBGRADE TO A MINIMUM DEPTH OF 4". REMOVE STICKS, ROOTS, EXTRANEOUS MATTER, AND STONES LARGER THAN 3". SPREAD TOPSOIL AND AMENDMENTS AND THOROUGHLY BLEND TO A MINIMUM DEPTH OF 6". SOIL AMENDING SHALL INCLUDE COMPOSTED ORGANIC MATERIAL ADDED AT A RATE OF THREE CUBIC YARDS PER 1000 SQUARE FEET. ALL SOD AREAS AND SHRUB AND PERENNIAL PLANTER AREAS SHALL HAVE THE SOIL AMENDED. INDIVIDUAL ISOLATED SHRUBS AND PERENNIALS SHALL HAVE THE AMENDED SOIL INSTALLED A MINIMUM OF 6" AROUND THE PERIMETER OF THE ROOTBALL DURING PLANT INSTALLATION. ORGANIC AMENDMENTS SHALL MEET THE "COMPOST QUALITY GUIDELINES FOR LANDSCAPING" BY ISAMAN, KOENIG, CERNY, USU EXTENSION, 3 MARCH 2003.

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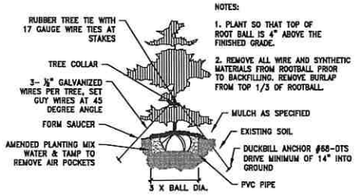
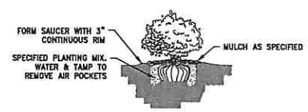
17. SPECIFICATIONS FOR LANDSCAPE AND IRRIGATION CONSTRUCTION SHALL BE THE CURRENT APWA "MANUAL OF STANDARD SPECIFICATIONS".



EVERGREEN TREE PLANTING

SCALE: NTS



SHRUB PLANTING

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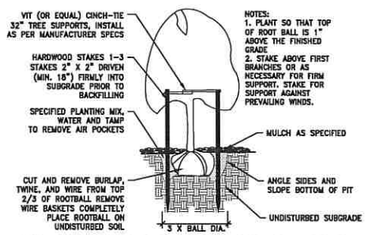
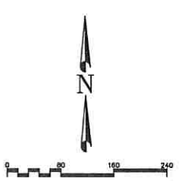


TREE PLANTING AND STAKING

SCALE: NTS

CALL BEFORE YOU DIG! BLUE STAKES 1-800-662-4111



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NO.	REVISIONS	BY	DATE

DESIGNER: R
FILE NAME: PRISM - WEST HAVEN - LS.dwg
MANAGER: JRB

SEAL

LICENSED LANDSCAPE ARCHITECT DARRIN PERKES No. 7968 APPROVED 2011 STATE OF UTAH

FOR: PRISM REALTY

LOCATION: WEST HAVEN, UTAH

DOMINION
Engineering Associates, L.C.
5664 South Green Street
Murray, Utah 84123 801-713-3000

PROJECT: PRISM - WEST HAVEN

SHEET: BUILDING 1 LANDSCAPE PLAN

PROJECT NO. 3505

ISSUE DATE: 09/27/22

SHEET NO. L1.1

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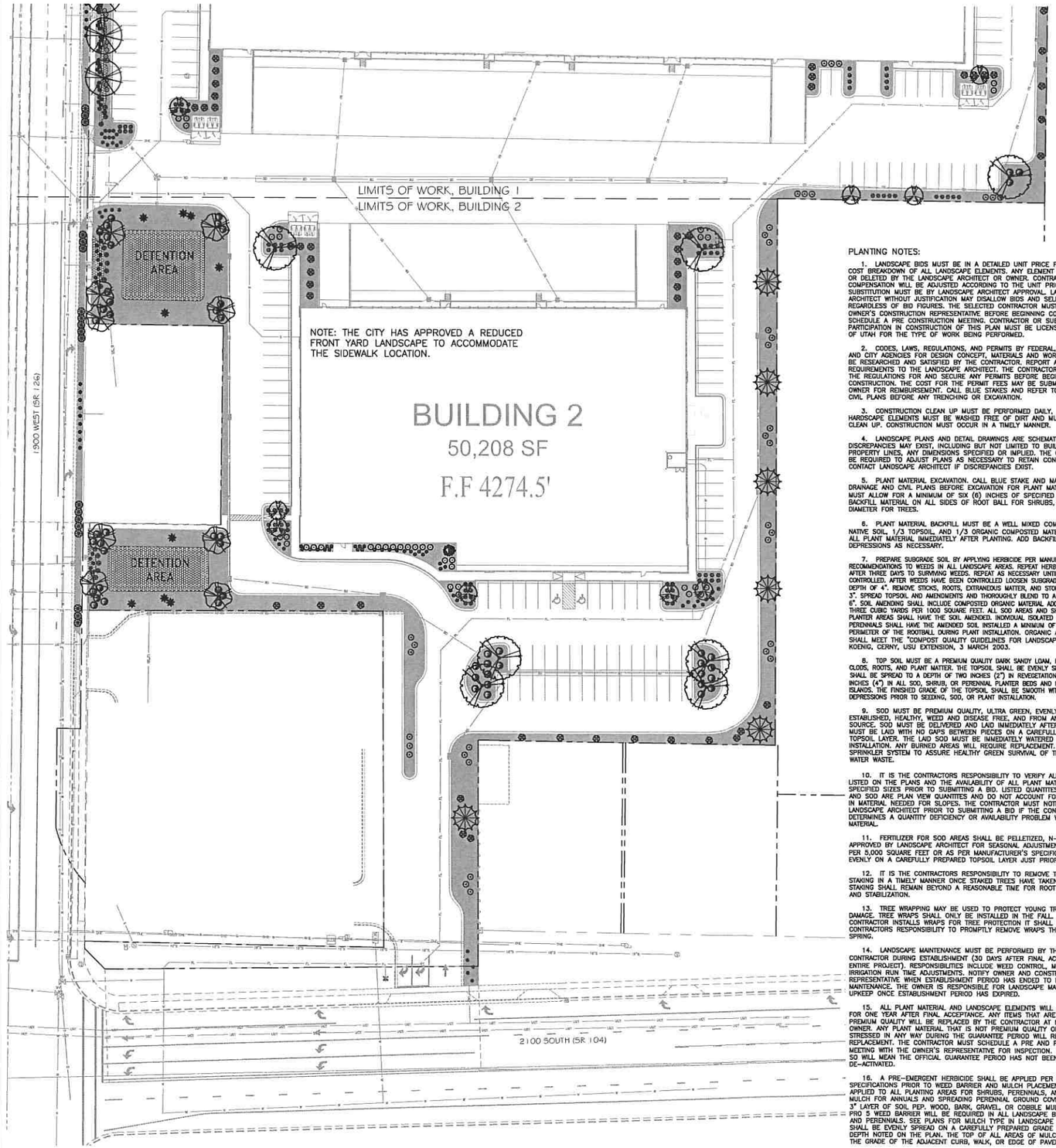

PLANT SCHEDULE BLDG 2

TREES	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	GLEDITSIA TRIACANTHOS 'SKYLINE' / 'SKYLINE' HONEY LOCUST	B & B	1.75"CAL		6
	KOELREUTERIA PANICULATA / GOLDEN RAIN TREE	B & B	2"CAL		9
	PINUS NIGRA / AUSTRIAN BLACK PINE	B & B		6' HT.	6
	PYRUS CALLERYANA 'CHANTICLEER' / CHANTICLEER PEAR	B & B	2"CAL		5

SHRUBS	BOTANICAL / COMMON NAME	CONT	QTY
•	BERBERIS THUNBERGII 'CRIMSON PYGMY' / CRIMSON PYGMY BARBERRY	5 GAL	14
•	BUDDLEJA X 'SMNBDB' / PUGSTER PINK® BUTTERFLY BUSH	3 GAL	12
•	FORSYTHIA X 'NORTHERN GOLD' / NORTHERN GOLD FORSYTHIA	5 GAL	1
•	JUNIPERUS HORIZONTALIS 'BLUE CHIP' / BLUE CHIP JUNIPER	5 GAL	16
•	POTENTILLA FRUTICOSA 'GOLDFINGER' / GOLDFINGER POTENTILLA	5 GAL	27
•	PRUNUS BESSEYI / SAND CHERRY	5 GAL	35
•	RHUS AROMATICA 'GRO-LOW' / GRO-LOW FRAGRANT SUMAC	5 GAL	51
•	SPIRAEA X BUMALDA 'ANTHONY WATERER' / ANTHONY WATERER SPIRAEA	5 GAL	32

ANNUALS/PERENNIALS	BOTANICAL / COMMON NAME	CONT	QTY
•	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' / FEATHER REED GRASS	1 GAL	50
•	HEMEROCALLIS X 'PARDON ME' / PARDON ME DAYLILY	1 GAL	28
•	LAVANDULA ANGUSTIFOLIA 'MUNSTEAD' / MUNSTEAD ENGLISH LAVENDER	1 GAL	10
•	MISCANTHUS SINENSIS 'GRACILLIMUS' / EULALIA GRASS	1 GAL	9
•	PENNISETUM ALOPECUROIDES 'HAMELN' / HAMELN FOUNTAIN GRASS	1 GAL	22

SOD/MULCH	NAME	QTY
	4" LAYER OF 1 1/2" NEPHI CRUSHED GRAVEL MULCH OVER WEED BARRIER GRAVEL TO BE EARTH TONES OF CREAM, PURPLE, GRAY, WHITE, AND RED FROM STAKE PARSONS (801-409-8500 (OR EQUAL) ROCK TO BE WASHED OR CRUSHED CLEAN OF EXCESS DIRT AND FINES	27,868 SF
	4" LAYER OF 4" THROUGH 6" CRUSHED GRAVEL OVER DEWITT PROS WEED BARRIER, GRAVEL TO BE EARTH TONES OF CREAM, BROWN, RED, AND GRAY, ROCK TO BE WASHED OR CRUSHED CLEAN OF EXCESS DIRT AND FINES	5,611 SF

PLANTING NOTES:

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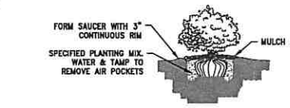
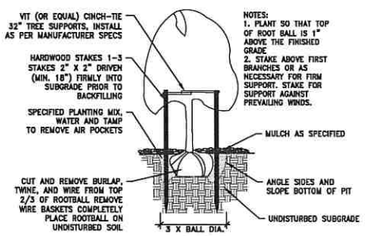
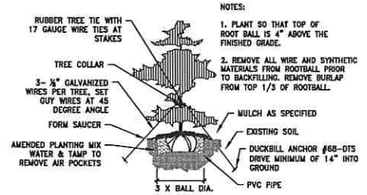


SHRUB PLANTING
SCALE: NTS



TREE PLANTING AND STAKING
SCALE: NTS



EVERGREEN TREE PLANTING
SCALE: NTS

CALL BEFORE YOU DIG BLUE STAKES 1 800 662 4111

N

0 80 160 240
Scale in Feet

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REVISIONS

NO.	DESCRIPTION	BY	DATE

DESIGNER: P. MANAGER: JRR
FILE NAME: PRISM - WEST HAVEN - LS.dwg

SEAL
UTAH LICENSED LANDSCAPE ARCHITECT
DARRIN L PERKINS
No. 13965
09/19/22
STATE OF UTAH

FOR:
PROJECT: PRISM - WEST HAVEN
LOCATION: WEST HAVEN, UTAH
SHEET: BUILDING 2 LANDSCAPE PLAN

DOMINION
Engineering Associates, L.C.
5664 South Green Street
Murray, Utah 84123 801-713-3000

PROJECT NO. 3505
ISSUE DATE 09/27/22
SHEET NO. L2.1

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file name: PRISM - WEST HAVEN - LS.dwg | plot date: September 27, 2022 | plotted by: darrinp

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architects and engineers

SITE PLAN
RESORT COMMERCIAL, COMMERCIAL
OR MANUFACTURING

Date 8/31/22

Address of Site: NEC 4000W/Wilkin Lane Property Parcel # Parcels 1-12 15-069-0039-0040-42
15-070-0028, 15-070-0042

Applicant's Name: Prism Realty Corp

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

Design Review and

Site plan design, be approved on _____ of
(acreage)

Property in the M-1 zone in accordance with the attached site plan. (see attached form for site plan requirements.)

Signed: _____ Date: 8/31/22
(Owner/Petitioner) Brook Morris

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

_____ (Owner)

_____ (Agent as Authorized by Owner)

Percentage of Landscaping _____ Anticipated Parking spaces _____

BM Please initial to indicate that you have received a copy of the site plan requirements and Chapter 28

Planning Commission preliminary action ☒ Approved ☐ Denied Date 10/26/22	**Scheduled for Planning Commission Agenda** _____
City Council preliminary action ☐ Approved ☐ Denied Date_____	**Conditions:**
Planning Commission final action ☐ Approved ☐ Denied Date_____	
City Council final action ☐ Approved ☐ Denied Date_____	

N/A	Received		N/A	Received	Letters of acknowledgment/approval/conditions from
		PRELIMINARY			FINAL
☐	☐	Affidavit of Understanding and Acceptance of Fees	☐	☐	Secondary Water Company
			☐	☐	Culinary Water Company
			☐	☐	Fire District
			☐	☐	UDOT Application Letter
			☐	☐	All other items required by City Planner

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

STAFF REPORT

TO: City Council

FROM: Matt Jensen

DATE: November 16, 2022

SUBJECT: Project Bid Award – 2700 West Hooper Canal Siphon Project

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This staff report provides a breakdown of bid results for the 2700 West Hooper Canal Siphon Project. Recommendation is to award bid to Thurgood Excavating in the amount of $59,411.00.

BACKGROUND

The purpose of this project is to extend storm drain along 2700 West from the north side of the Hooper Canal to the Hooper Slough. Currently, the storm drain connects directly to the Hooper Canal on the north side of the canal. This project was highlighted as issue by Hooper Irrigation Company and the City budgeted $60,000 to complete this project. The project consists of installation of just over 100 ft of storm drainpipe. Crossing under the Hooper Canal has been approved by Hooper Irrigation Company.

ANALYSIS

Bid opening was 11-9-22 at 10:30. This bid was separated into a base bid and a base bid with alternate. The alternate item included dredging the Hooper Slough between 2700 West and 2950 West. The dredging of the slough is considered a maintenance item that needs to be completed. It was included as an alternate with the intent that it would be awarded as budget allowed. The bid results are shown below as base bid total and base bid with alternate included.

	BID RESULTS FOR WEST HAVEN CITY 2700 West - Hooper Canal Siphon November 9, 2022 COMPANY	BASE BID AMOUNT	BASE BID WITH SLOUGH BID AMOUNT	BASE BID RANK	SIGNED
	Thurgood Excavating	$59,411.00	$84,670.00	1	y
	Leon Poulsen	$70,455.00	$81,011.00	2	y
	Rock Hard Excavating	$82,880.00	$91,928.00	3	y
	Craythorne	$133,469.77	$165,137.77	4	y

RECOMMENDATION

Staff recommends awarding the base bid to Thurgood Excavating in the amount of $59, 411. Staff feels it is more cost effective to award the base bid only with plans to complete the slough dredging as a separate maintenance project.

STAFF REPORT

TO: City Council

FROM: Matt Jensen

DATE: November 16, 2022

SUBJECT: Project Bid Award – 2300 West 2450 South (Havenwood) Intersection

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This staff report provides a breakdown of bid results for the 2300 West 2450 Intersection. Recommendation is to award bid to Craythorne in the amount of $46,191.64.

BACKGROUND

The purpose of this project is to widen the connection of 2450 South to 2300 West. The existing road tapers from 29.5 ft of asphalt to 16 ft of asphalt at 2300 West. The proposed project will widen the road to 29.5 ft of asphalt by removing and replacing sidewalk and curb on the north side within the Layton Canal Property. The property will be used under a license agreement. Existing fencing and gates will be restored as part of this project.

This project was not anticipated in this year's budget. However, approval from the US Army Corp of Engineers arrived much sooner than anticipated. As such, a budget amendment will be required to allow award of this project if the Council decides to proceed. Funds would be allocated from the Transportation Sales Tax Reserve Fund that has a balance of $1.5 million.

ANALYSIS

Bid opening was 11-9-22 at 9:30. The bid results are shown below. Low bidder was Craythorne Construction.

	BID RESULTS FOR WEST HAVEN CITY 2300 West & 2450 South - Intersection Improvements November 9, 2022 COMPANY	BID AMOUNT	RANK	SIGNED
	Craythorne	$46,191.64	1	y
	Thurgood Excavating	$67,384.00	2	y
	Post Construction	$69,481.00	3	y
	Leon Poulsen	$93,387.00	4	y

RECOMMENDATION

Staff recommends a motion to award the bid to Craythorne Construction in the amount of $46,191.64.

CHAPTER ~~16~~33.010.01
PROCUREMENT OF SUPPLIES, EQUIPMENT AND SERVICES

SECTION:

~~1-16-1~~33.010.01: Statutory Authority
~~1-16-2~~33.010.02: Purpose of Provisions
~~1-16-3~~33.010.03: Definitions
~~1-16-4~~33.010.04: Purchasing Agent
~~1-16-5~~33.010.05: Department Heads To Determine Items To Be Purchased
~~1-16-6~~33.010.06: Purchasing Categories And Authorization
~~1-16-7~~33.010.07: Invitation For Bids Procedures
~~1-16-8~~33.010.08: Construction Contracting Management
~~1-16-9~~33.010.09: Use Of Request For Proposals In Lieu Of Invitation For Bids
~~1-16-10~~33.010.10: Rules And Guidelines For Request For Proposals
~~1-16-11~~33.010.11: Exemptions
~~1-16-12~~33.010.12: Value Amounts
~~1-16-13~~33.010.13: Change Orders
~~1-16-14~~33.010.14: Emergency Purchases
~~1-16-15~~33.010.15: Subdivision Of Purchase Prohibited
~~1-16-16~~33.010.16: Interlocal Cooperation
~~1-16-17~~33.010.17: Computer Hardware And Software Purchases; Additional Requirements
~~1-16-18~~33.010.18: Prohibited Practices
~~1-16-19~~33.010.19: Documentation And Retention Of Bids
~~1-16-20~~33.010.20: Protests

~~1-16-1~~33.010.01: STATUTORY AUTHORITY:

The statutory authority for enacting this chapter is Utah Code Annotated sections 10-6-122, and 10-6-121 as amended.

~~1-16-2~~33.010.02: PURPOSE OF PROVISIONS:

The purpose of this chapter is to provide for the procuring of supplies, equipment or services by departments and agencies of West Haven City in a manner that promotes the best interests of the public; establishing the duties, obligations and operational procedures of the City purchasing agent and his/her assistants; including appointment procedures and the rules relating to procurement and other related functions as approved by City Council and included in the annual budget. Any purchase not outlined in the annual budget must be approved by direct action of the City Council.

~~1-16-3~~33.010.03: DEFINITIONS:

DEPARTMENT HEAD: The head of any City department or elected official.

INVITATION FOR BIDS: A process of soliciting sealed written bids for goods or services after ten (10) days' notice posted in the City Hall and publicly distributed through one of the following methods: use of internet purchasing websites, State procurement website, and/or the City website ~~and/or published in a newspaper of general circulation in the City~~. Invitation for bids shall be opened by the purchasing agent at the time and place stated in the public notice.

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LOCAL VENDOR:

A. A business having:
   1. A commercial office, store, distribution center, or other place of business located within the boundaries of the City, with an intent to remain on a permanent basis;
   2. A current business license in the City; and
   3. At least one employee physically present at the local business outlet having published hours of business.

B. The principal place of business of a local vendor may be elsewhere as long as a local branch meeting the above criteria is present. The domicile of one or more partners, owners, associates, directors, employees or agents shall not qualify as constituting a local vendor in the absence of a physical local business outlet within the City.

OFFICIAL: Any City department head, agency head, or elected official making purchases on behalf of City.

OPEN MARKET: Purchasing goods or services on the open market from private vendors.

PURCHASE: The acquisition, by contract or otherwise, of goods or services, by an official on behalf of City.

PURCHASE ORDER: A City generated document that authorizes a purchase transaction. A purchase order sets forth the descriptions, quantities, prices, discounts, payment terms, date of performance or shipment, other associated terms and conditions, and identifies a specific seller.

PURCHASE REQUISITION: A request by a department head (or his/her authorized agent) to the purchasing agent to purchase for the requesting department supplies, equipment or services.

PURCHASING AGENCY: Any City department, other than the purchasing office, that is authorized by this chapter or its implementing regulations, or by way of delegation from the purchasing agent, to enter into contracts.

PURCHASING AGENT: The individual duly appointed and qualified to act under the direction of the City Manager to negotiate the purchase of or contract for supplies, equipment or services required by the City.

PURCHASING CARD: A credit or debit card issued by a credit card company, bank, or other financial institution and provided by the City to City employees for the purpose of making purchases on behalf of departments of the City.

REQUESTS FOR PROPOSALS: A process of soliciting goods or services through requests for proposals delivered to known responsible suppliers and publicly posted in the City Hall.

~~1-16-4~~33.010.04: PURCHASING AGENT:

A. Appointment: The City Manager may appoint with the advice and consent of the City Council, a City purchasing agent (hereinafter "purchasing agent"). The purchasing agent shall act under the direction and supervision of the City Manager, to review, coordinate, recommend, and authorize all City purchases or encumbrances as set forth in this chapter.

B. Powers: The purchasing agent shall have the following powers:
   1. Work cooperatively with and assist City departments, offices and agencies to comply with the purchasing, and procurement regulations as may be established by the City council and City Manager.
   2. Review and approve, pursuant to the requirements outlined in section ~~1-16-6~~ 33.010.04 of this chapter, purchase requisitions and contracts for the acquisition of supplies, equipment or services for purchases in excess of five thousand dollars ($5,000.00).

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3. Assure compliance with bidding and purchasing procedures provided in this chapter.
4. Provide for the transfer of surplus or unused supplies and equipment between departments wherever it can be done effectively.
5. Maintain adequate bidders' lists, vendors' catalog files, and such other records as may be necessary for efficient purchasing activities.
6. Recommend to the City Council, under the direction of the City Manager, for adoption of such rules and regulations as may be reasonable and necessary to clarify and implement the provisions hereof, including additional procedures that may be desirable.
7. Prescribe and update from time to time such forms as may be reasonably necessary for the implementation of this chapter, including, but not limited to, requisitions, purchase orders and bid forms.
8. Revise requisitions or estimates of a department's requirements of supplies and contractual services as to quantity, quality, or estimated cost, whenever revision is approved by the department head and deemed to be in the best interests of the City.

C. Delegation Of Authority: The purchasing agent may delegate in writing such authority as deemed appropriate to any employees of the office of the purchasing agent or of a purchasing agency, respectively, upon approval of the City Manager. Such delegation shall remain in effect unless modified or until revoked in writing.

~~1-16-5~~33.010.05: DEPARTMENT HEADS TO DETERMINE ITEMS TO BE PURCHASED:

A. All department heads shall determine what items shall be purchased for their respective departments. Once a determination has been made regarding the items to be purchased, and if the items to be purchased are expected to exceed five thousand dollars ($5,000.00), the department head shall inform the purchasing agent of the items to be purchased by submitting a purchase requisition. The purchasing agent will work cooperatively with the department head to locate such items at the best available value.

~~1-16-6~~33.010.06: PURCHASING CATEGORIES AND AUTHORIZATION:

A. Purchasing Categories: The City classifies purchasing categories. These categories are based on the dollar amount and type of purchases. Each category establishes a separate purchasing limit, authorization level, and procedure.

Category	Limitation	Authorization
Small purchases	Less than $5,000.00	Department head
Intermediate purchases	$5,000.00 to $50,000	Purchasing Agent
Major purchases	$50,000.00 or more	City Council
Professional services	Less than $10,000	City Manager
	$10,000 or more	City Council
Change orders	$10,000.00 or less	City Manager
	$10,000.00 or more	City Council

B. Purchasing Authorization:

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1. Small purchases: Purchases of supplies, equipment, or services less than five thousand dollars ($5,000.00) may be made by the department head (or his/her authorized agent) on the open market. The department head (or his/her authorized agent) is responsible to check for competitive pricing for all purchases and shall retain documentation of pricing and/or proposals for each transaction for a period of thirty-six (36) months.
2. Intermediate purchases: In cooperation with the department head, the purchasing agent shall make purchases of supplies, equipment, or services between five thousand dollars ($5,000.00) and up to fifty thousand dollars ($50,000.00). At the option of the purchasing agent, purchases may be made following one of the following three (3) alternatives:
    a. Request for quote; or
    b. Invitation for bids; or
    c. Request for proposals.

    Such bids shall be obtained in writing prior to the acquisition of the requested supplies, equipment, or services. If less than three bids/proposals are received, the City Manager will consult with the City Council before proceeding with award of bids.
3. Major purchases: In cooperation with the department head, the purchasing agent shall prepare, review, and present recommendations to the City Manager for purchases of supplies, equipment, or services in ~~the amount of between~~ excess of fifty thousand dollars ($50,000.00) ~~and up to five hundred thousand dollars ($500,000.00)~~. At the option of the City Manager, purchases may be made following one of the following alternatives:
    a. Invitation for bids; or
    b. Request for proposals.
4. ~~Capital and special purchases: In cooperation with the department head, the City Manager shall prepare, review, and present recommendations to the City council for purchases exceeding the amount of five hundred thousand dollars ($500,000.00). At the option of the City Manager, with the consultation of the council, purchases may be made following one of the following alternatives:~~
    ~~a. Invitation for bids; or~~
    ~~b. Request for proposals.~~

C. Purchase Order Required: Purchase orders shall accompany all purchases with the exception of those made by use of a City-issued purchasing card.

~~1-16-7~~33.010.07: INVITATION FOR BIDS PROCEDURES:

A. Where invitation for bids is required, the lowest responsive and responsible bidder shall be determined as follows:
1. Bid Opening: Sealed bids shall be submitted as designated in the notice with the statement "Bid For (Item)" on the envelope. Bids shall be opened in public at the time and place stated in the notice. A tabulation of all bids received shall be open for public inspection during regular business hours.
2. Rejection Of Bids: The City shall have the authority to reject any or all bids, parts of all bids, or all bids for any one or more supplies or contractual services included in the proposed bid for any reason allowed by law, including, but not limited to, situations where the low responsive and responsible bid exceeds available funds as certified by the appropriate City officer, or when the public interest will be served thereby. Where a bid exceeds available funds and time or economic considerations preclude resolicitation of work or purchase of a reduced scope or

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quantity, the City may, at its sole discretion, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsible bidder, in order to bring the low bid within the amount of available funds.

3. Tie Bids: If two (2) or more bids received are for the same total amount from equally responsive and responsible bidders, the City may, at its sole discretion, negotiate with the tie bidders, award the bid by lot, or readvertise the bid.
4. Local Preference: If a low bid is submitted by a nonlocal vendor, the bid may be awarded to a responsive and responsible local vendor if the local vendor's bid is within five percent (5%) of the low nonlocal vendor's bid, and if the local vendor agrees, in writing, within seventy-two (72) hours after notification, to meet the low bid. Such notice shall contain the exact bid submitted by the nonlocal bidder, and the City shall not enter into a contract until seventy-two (72) hours have elapsed after notification to the local vendor.
5. Lowest Responsive and Responsible Bidder: In determining who is the lowest responsive and responsible bidder, in addition to price, the City may consider factors relevant to the successful operation of the City's business and the best interests of the City as a whole.

~~1-16-8~~33.010.08: CONSTRUCTION CONTRACTING MANAGEMENT:

A. Construction Manager/General Contractor Selection: Pursuant to Utah Code Annotated section 11-39-107, City may use as one method of construction contracting management a construction Manager/general contractor ("CMGC"), as defined in Utah Code Annotated section 63G-6a-103. If City elects to authorize the use of a CMGC, said CMGC may be selected through a sealed invitation for bids procedure, or sealed request for proposals in lieu of bids. If sealed proposals are used in lieu of bids, proposals shall be solicited through a request for proposals, which shall state the relative importance of price and other evaluating factors. Public notice of the request for proposals, describing the position sought and the criteria for the position, shall be given a reasonable time before the date for the opening of the bids. 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.

B. Subcontracts While Using A CMGC: When entering into any subcontract that was not specifically included in the CMGC's cost proposal, the CMGC shall procure the subcontractor by using sealed invitation for bids or sealed request for proposals.

C. Prequalification: Bidders for the position of CMGC may be required to "prequalify" by presenting their state contractor's license, performance bond and other qualifications (e.g., length of time in the business, list of jobs previously done, and written permission to contact previous employers, etc.) at the time they submit their bids.

D. Design Build Provider: A design build provider, as defined in Utah Code Annotated section 63G-6a-103, may be used as one method of construction contracting management for a City building construction project.

~~1-16-9~~33.010.09: USE OF REQUEST FOR PROPOSALS IN LIEU OF INVITATION FOR BIDS:

A. When the purchasing agent determines in writing that the use of invitation for bids is either not practicable or not advantageous to City, a contract may be entered into by use of a request for proposals. Request for proposals may be used for the procurement of services of consultants or professionals, whether or not the determination described in this section has been made.

~~1-16-10~~33.010.10: RULES AND GUIDELINES FOR REQUEST FOR PROPOSALS:

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A. Public notice of the request for proposals shall be publicly advertised through one of the following methods: use of internet purchasing websites, State procurement website, and/or the City website ~~and/or a newspaper published or of general circulation in the City~~ at least ten (10) days before opening the proposals and shall state the date that proposals shall be submitted. This notice requirement shall not apply in instances of emergency repairs.

B. Proposals shall be opened in public, but the contents of the proposals shall not be disclosed to competing offerors during the process of negotiation except in the case of a local vendor preference under subsection ~~1-16-7~~33.010.07 A4 of this chapter. The City may disclose to the public the names of those who have submitted proposals to the City.

C. A register of proposals shall be prepared and filed in the office of the City purchasing agent, which shall be open for public inspection after the contract is awarded.

D. The request for proposals shall state the relative importance of price and other evaluating factors, and shall state the period of time in which the submitted proposal must remain valid.

E. Discussions may be conducted with responsible offerors who submit proposals for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

F. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

G. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

H. Revisions may be permitted after submissions and before the contract is awarded for the purpose of clarifying the offeror's proposal, or obtaining the best and final offers.

I. The contract shall be awarded to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation.

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

~~1-16-11~~33.010.11: EXEMPTIONS:

A. To the extent set forth herein or as otherwise required by law, the following purchases are exempt from the requirements of section ~~1-16-6~~ 33.010.06 of this chapter:

1. Contracts for the repair, alteration or construction of building improvements and public works projects, which must conform to the requirements of Utah Code Annotated section 11-39-101 et seq., as amended.
2. Existing contracts for goods or services negotiated prior to enactment of this chapter.
3. Contracts which by their nature are not suited to award on a competitive basis.
4. Purchases that a City official determines can be made at below market cost at a public auction, closeout sale, bankruptcy sale or other similar sale.
5. Exchanges with other public agencies that a City official determines can be made at a savings to the taxpayer.
6. Purchases from vendors on the state of Utah purchasing office bid list or in the NAACO purchasing program.
7. Purchases of supplies, equipment or services produced by Utah correctional industries.
8. Purchases of goods or services approved by the City Manager as necessary to meet an emergency need.
9. Joint purchase agreements with other public agencies and organizations when the City Manager determines the joint purchase agreement to be in the best interest of the City.

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10. Professional service contracts for external auditor as administered through the City auditor office.

~~1-16-12~~33.010.12: VALUE AMOUNTS:

A. Value amounts used herein refer to both unit cost and combined multiple unit cost and a determination of the estimated value of supplies, equipment or services that have been requested by purchase requisition shall be made by the purchasing agent in determining the applicability of the bidding procedure after review of the pertinent purchase requisition and specifications.

~~1-16-13~~33.010.13: CHANGE ORDERS:

A. A change order form must document any change order for an approved contract. Change orders shall require the following authorizations:
   1. When a change of condition or additional work is required to continue the orderly progression of an authorized project, a change order shall be prepared by the department head directing the work to be accomplished at contract unit prices, an agreed upon lump sum price or as provided for by contract.
   2. Change orders, either singly or in aggregate, or in aggregate with adjustments in individual bid items, for less than twenty thousand dollars ($20,000.00) or up to ten percent (10%) of the contract price, whichever is greater, and within the appropriated budget, may be authorized by the department head and the purchasing agent.
   3. Change orders, either singly, or in aggregate, or in aggregate with adjustments in individual bid items, in excess of the limits placed in subsection A2 of this section, must be preauthorized by the City Manager. However, such change orders may be approved by the department head and the purchasing agent and submitted to the City Manager for ratification under the following circumstances:
      a. The failure to immediately issue a change order may result in significant project cost increases or an unacceptable project delay due to work stoppage or other inefficiencies; and
      b. Funding for the change order is currently available within the appropriated budget. Additional contract work outside the scope of work as defined in the contract or in excess of the appropriated budget requires approval by the City council and a supplemental appropriation.
   4. Notwithstanding the above change order authorizations, the department head and purchasing agent may authorize emergency changes in work outside the original scope of work or in excess of the appropriated contract. For the purpose of this subsection, an emergency condition will exist if the failure to act immediately will endanger the public health, safety or welfare or will jeopardize the fiscal position of City. Such emergency action shall be reported in full to the City Manager within seventy-two (72) hours.

~~1-16-14~~33.010.14: EMERGENCY PURCHASES:

A. In certain situations, such as, but not limited to, during the declaration of an emergency, it may be necessary to make emergency purchases, which shortcut the preapprovals required for intermediate or major purchases, as outlined in this chapter. An emergency purchase may be made when there is an immediate need to acquire a particular good or service not already available to City staff. For purposes of this section, an emergency situation is one in which there is an immediate

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threat to life or property or in which there is or would be a complete disruption of a vital public service. The emergency must be of such a nature and severity that the department head would be immediately notified, regardless of time of day.

B. An emergency purchase of up to twenty thousand dollars ($20,000.00) or less must be preapproved verbally by the appropriate department head. An emergency purchase over twenty thousand dollars ($20,000.00) must be preapproved verbally by the department head and either the City Manager or purchasing agent. After an emergency purchase has been made, a purchase order shall be requested from and prepared by the auditor's office on the next working day. Documentation signed by the department head should include a description of the emergency.

C. In all cases, the City Manager shall be notified within seventy-two (72) hours of any and all emergency purchases.

~~1-16-15~~33.010.15: SUBDIVISION OF PURCHASE PROHIBITED:

A. No contract or purchase shall be subdivided to avoid the requirements of this chapter.

~~1-16-16~~33.010.16: INTERLOCAL COOPERATION:

A. Wherever the public benefit can be maximized, and costs minimized by entering into joint agreements with other public agencies or organizations for the purchase or construction of any commodity, service or public work, the City shall have the power to so agree, upon approval and action by the City Manager.

~~1-16-17~~33.010.17: COMPUTER HARDWARE AND SOFTWARE PURCHASES; ADDITIONAL REQUIREMENTS:

A. To ensure compatibility with the City's existing computer and communication systems, all hardware and software purchases will be reviewed and preapproved by the Director of Information Technology.

~~1-16-18~~33.010.18: PROHIBITED PRACTICES:

A. It shall be unlawful for any officer, agent or employee of the City, or any outside party or entity dealing or seeking to deal with the City to engage in any of the following practices:

   a. Collusion or other agreement among bidders or prospective bidders, in restraint of freedom of competition, to fix or in any way rig prices or bids. In addition, any bid tainted with such collusion shall be voidable at the option of the City.

   b. Disclosure in advance of the opening of bids of the amount or content of one bid to another bidder or potential bidder. If the City Manager deems such disclosure sufficiently material, he shall void the bidding process and require a new advertisement or invitation for bids.

   c. Tender or acceptance of any gratuity in the form of cash, merchandise, or other thing of value by a bidder, vendor or contractor to an officer, agent or employee of the City, whether before or after a bid opening or the execution of a contract, which could reasonably be expected to influence him/her in the performance of his/her duties or was intended as a reward for any official action on his/her part.

   d. Purchase of supplies or equipment for the personal use of an officer, agent or employee of the City in the name of the City, whether part of a City purchase or contract or separate, and whether paid for with City funds or personal funds of the purchaser. Sole exception shall be where the item or items purchased are required parts of a worker's equipment or uniform

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and necessary to the successful performance of his/her duties as a City officer or employee, although personally owned by him/her.

~~1-16-19~~33.010.19: DOCUMENTATION AND RETENTION OF BIDS:

A. Whenever the City is required by this chapter to receive bids for purchases, construction, repairs, or any other purchase requiring the expenditure of funds, the City department who is in receipt of the bids shall keep all bids received, together with proof of advertisement by publication or otherwise, for at least three (3) years following the letting of any contract pursuant to those bids or three (3) years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected.

~~1-16-20~~33.010.20: PROTESTS:

A. A person who is an actual or prospective bidder, offeror, or contractor that is aggrieved in connection with a procurement or award of a contract may protest to the City Manager as follows:
   1. File a written protest with the City Manager setting forth the protestor's name, physical mailing address, e-mail address, and a concise statement of the grounds upon which the protest is made.
   2. The written protest must be received by the City Manager before the opening of bids or the closing date for proposals. However, if the person did not know and should not have known of the facts giving rise to the protest before the bid opening or the closing date for proposals, then the person must file the written protest within seven (7) calendar days after the day on which the person knows or should have known of the facts giving rise to the protest.
   3. A person who fails to timely file a written protest under this section may not bring a protest, action, or appeal challenging a solicitation or award of a contract before the City Manager, the council, a court, or any other forum.
   4. The City Manager may enter into a settlement agreement to resolve a protest.

B. After a timely written protest is filed in accordance with subsection A of this section, the City Manager shall consider the protest and may hold a hearing on the protest.
   1. The City Manager may subpoena witnesses and compel their attendance at a protest hearing.
   2. The City Manager may subpoena documents for production at a protest hearing.
   3. The rules of evidence do not apply to a protest hearing.
   4. The City Manager may allow intervention of other parties into a protest.
   5. If a hearing on a protest is held, the City Manager shall record the hearing and preserve all evidence presented at the hearing.
   6. Regardless of whether a hearing on a protest is held, the City Manager shall preserve all records and other evidence relied upon in reaching the written decision described in subsection B8 of this section.
   7. The records described in subsections B5 and B6 of this section may not be destroyed until the written decision, and any appeal of the written decision, becomes final.
   8. The City Manager shall promptly issue a written decision regarding any protest or contract controversy if it is not settled by mutual agreement. The written decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the council. The City Manager shall mail, e-mail or otherwise immediately furnish a copy of the written decision to the protestor, contractor, or prospective contractor.

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9. If the City Manager does not issue the written decision regarding a protest within thirty (30) calendar days after the day on which a written request for a final decision is filed with the City Manager by the protestor, or within a longer period as may be agreed upon by the parties, the protestor, contractor or prospective contractor may proceed as if an adverse decision had been received.
10. A decision described in subsection B8 of this section is effective until stayed or reversed on appeal.
11. The City Manager may dismiss a protest which is not filed in accordance with the requirements of this chapter.

C. A written appeal setting forth the grounds for the appeal must be filed with the City Council within ten (10) calendar days of the date of the written decision of the City Manager.
1. The City Council shall presume that the written decision of the City Manager is valid and determine only whether or not the decision is arbitrary or capricious.
2. The City Council's review is limited to the City Manager's administrative record. The council may not accept or consider any evidence outside of the City Manager's administrative record.
3. The City Council shall issue a written decision regarding any appeal.
   a. The written decision shall state the reasons for the action taken and inform the protestor, contractor or prospective contractor of the right to appeal this final decision of the City to district court within thirty (30) calendar days of the date of the written decision.
   b. The district court's review is limited to the council's appellate record in the determination of whether or not the council's written decision is arbitrary or capricious.

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STAFF REPORT

TO: City Council

FROM: Matthew Jensen

DATE: November 16, 2022

SUBJECT: Staker Farm MDA Park Reimbursement

This staff report provides a clarification for a reimbursement to Castle Creek Homes per the MDA agreement for park development. Staff requests approval to pay Castle Creek Homes

BACKGROUND

When the MDA for Staker Farm subdivision was approved on June 19, 2019, it included language to reimburse Castle Creek Homes for development of the park through park impact fees. The specific language in article 2.1.C. reads: "City to contribute parks impact fees for 125 lots at time of park **being started**." (emphasis added) This language was maintained when the first amendment was approved on August 5, 2020. This initial payment of the City's contribution has never been processed. The park is now largely completed except for the establishment of the grass which has been prolonged due to the recent drought conditions. Caste Creek Homes desires to use the City's contribution to fund finalization of the park.

ANALYSIS

The original commitment of the City was an unwise decision. That commitment inferred that the City would front $267,875 to the cost of the park with impact fees from 125 lots as soon as the park was started. As the completion of the park was a requirement before Phase 3 could be started, this further limited the amount of lots the City could collect impact fees and slow the recoupment of these monies.

To date, Staker Farms has paid impact fees for 41 total lots in phase 1 for the amount of $87,683. While phase 2 has been approved, construction has slowed a bit. Castle Creek Homes has referenced the City's commitment as they work to complete the grass areas of the park in spring of 2023.

The City has the following options:

1) Process payment of $237,875 per the MDA agreement.
2) Process payment of $87,683 for the completed 41 lots and work with Castle Creek to amend the agreement to reflect one of the following directions:
    a. Eliminate park impact fees for the next 84 lots completed
    b. Reimbursement park impact fees as phases are completed

RECOMMENDATION

Staff recommends proceeding with Option 2.a. This would fulfill the investment contribution of the City while still making it contingent upon full development of the subdivision. It also reduces the need to collect and reimburse funds. If approved, staff would proceed to complete an amendment discussion with Castle Creek and process the language through the Planning Commission as required.