



**December 20th, 2023**

**City Council Regular Meeting**

**Information Packet**

# **AGENDA ITEM #1**

Introduction of Victim Advocate  
Volunteers and Status Report for the  
Victim Service Program

# **AGENDA ITEM #2**

Public Comment

# AGENDA ITEM #3

## Summary Action Items

- a. Approval of Minutes from the December 6th Regular Meeting
- b. Approval of Bills

Unapproved

**MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL,  
HELD ON DECEMBER 6, 2023 AT THE GRANTSVILLE CITY HALL, 429 EAST  
MAIN STREET, GRANTSVILLE, UTAH AND ON ZOOM. THE MEETING BEGAN  
AT 7:00 P.M.**

**Mayor and Council Members Present:**

Mayor Neil Critchlow  
Jolene Jenkins  
Scott Bevan  
Jeff Hutchins (Via Zoom)  
Darrin Rowberry  
Jewel Allen

**Council Members Not Present:**

**Appointed Officers and Employees Present:**

Sherrie Broadbent, Finance Director  
Heidi Jeffries, HR/Treasurer (Via Zoom)  
Dan England, City Engineer (via Zoom)  
Robert Sager, Police Chief  
Braydee Baugh, Recorder  
Jesse Wilson, City Manager  
Brett Coombs, City Attorney

**Citizens and Guests Present:**

There were many members of the public present in person and via Zoom

Mayor Critchlow asked **Councilmember Jeff Hutchins** to lead the Pledge of Allegiance.

**AGENDA:**

- 1. Introduction of Victim Advocate Volunteers- This Item Was Pulled**
- 2. Public Hearing**
  - a. Bond for Sewer System and Related Improvements**
  - b. 2024 Fiscal Year Budget Amendment**
- 3. Public Comments:** No Comments were provided
- 4. Summary Action Items.**
  - a. Approval of minutes from the November 15<sup>th</sup>, 2023 Regular Meeting
  - b. Approval of Bills totaling \$452,417.05

**Motion:** Councilmember Allen made a motion to approve the summary action items.

**Second:** Councilmember Rowberry seconded the motion.

**Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

**5. Consideration of Resolution 2023-70 Declaring Certain Property owned by Grantsville City as surplus and authorizing its disposal**

Jesse Wilson stood for this item. Mr. Wilson explained the F-150 was previously used by the Fire Department

**Motion:** Councilmember Allen made the motion to approve Resolution 2023-70 Declaring Certain Property owned by Grantsville City as surplus and authorizing its disposal.

**Second:** Councilmember Jenkins seconded the motion.

**Vote: Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

**6. Consideration of Resolution 2023-71 approving the Third Amendment to the Development Agreement for Lakeview Business Park West**

Councilmember Jenkins advised she has confidence in the staff but does not believe the process should be shortened. Mayor Critchlow advised that if there is going to be altered infrastructure, it would need to come back to Council for approval. Councilmember Jenkins requested the approvals be escalated to Planning Commission.

**Motion:** Councilmember Allen made the motion to approve Resolution 2023-71 approving the Third Amendment to the Development Agreement for Lakeview Business Park West with the provision that at City Staff discretion it would move to Planning Commission

**Second:** Councilmember Rowberry seconded the motion.

**Vote: Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

**7. Consideration of Resolution 2023-72 Approving the Plat Amendment for Lakeview Phase 2**

**Motion:** Councilmember Allen made the motion to approve Resolution 2023-72 Approving the Plat Amendment for Lakeview Phase 2

**Second:** Councilmember Rowberry seconded the motion.

**Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

**8. Consideration of Resolution 2023-73 Approving the Master Development Agreement for Harvest Meadows Subdivision**

Barry Bunderson was present for this item. Mr. Bunderson explained the development agreement addresses the new appraisal for the open space and requested compensation for the expanded roadway. Mr. Bunderson explained there is a fee in lieu for the open space and the fee would be applied toward the compensation of the expanded roadway.

**Motion:** Councilmember Rowberry made the motion approve Resolution 2023-73 Approving the Master Development Agreement for Harvest Meadows Subdivision

**Second:** Councilmember Hutchins seconded the motion.

**Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

**9. Consideration of Resolution 2023-74 Approving the Budget Amendment for the 2024 Fiscal Year**

Sherrie Broadbent was present for this item. Ms. Broadbent advised there is another amendment coming.

**Motion:** Councilmember Allen made a motion to approve Resolution 2023-74 Approving the Budget Amendment for the 2024 Fiscal Year

**Second:** Councilmember Rowberry seconded the motion.

**Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

**10. Consideration of Ordinance 2023-14 Approving the amendment to the Grantsville Land Use Code to allow the Conditional Use of Drive Through Restaurants in the C-N Zone**

Councilmember Jenkins noted she felt this was a way to circumvent the denial of the rezone for this area. Councilmember Jenkins would like to keep the zone allowances the same. Councilmember Allen wanted to know what options would be to deny a conditional use permit if CN allows for a drive through.

**Motion:** Councilmember Hutchins made the motion to approve the Ordinance 2023-14 Approving the amendment to the Grantsville Land Use Code to allow the Conditional Use of Drive Through Restaurants in the C-N Zone

**Second:** Councilmember Rowberry seconded the motion.

**Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Nay”, and Councilmember Jenkins, “Nay”. The motion carried.

**11. Consideration to appropriate funds for the Main Street Improvement Study**

Councilmember Allen advised there has been a study being completed regarding Main Street and giving it a facelift. Councilmember Allen continued there was not enough funding to continue the study and would like to request an appropriation of match funding for the grant. Councilmember Bevan advised he supports the improvement study. Mayor Critchlow advised he would prefer to see the money used for implementation; not a study. Councilmember Jenkins asked how many times the Main Street study committee met. Councilmember Allen advised there were not many meetings regarding this study. Councilmember Allen asked City Engineer, Dan England, if the staff has capacity to continue the plan. Item was tabled.

**THIS ITEM WAS TABLED**

**12. Consideration of changing the Street in Cherry Grove Subdivision from Wild Cherry to Bing Cherry Way**

Mayor Critchlow advised there are two streets with the same name.

**Motion:** Councilmember Jenkins made the motion to approve changing the Street in Cherry Grove Subdivision from Wild Cherry to Bing Cherry Way

**Second:** Councilmember Rowberry seconded the motion.



**Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

**13. Council Reports**

**Scott Bevan: Historical Preservation will meet to discuss the upcoming grant year.**

**Jolene Jenkins: Youth Council did a tree for the Festival of Trees.**

**Mayor Critchlow: Would like to change ordinance to disallow unlicensed youth from driving OHV’s on the road. County approved the \$350,000 grant for Nygreen and sidewalk.**

**14. Closed Session (Personnel, Real Estate, Imminent Litigation).**

**Councilmember Allen made the motion to enter into a closed session**

**Closed session started at 8:22 pm**

**Closed session ended at 8:56 pm**

**15. Adjourn.**

**Motion:** Councilmember Rowberry made the motion to adjourn

**Second:** Councilmember Allen seconded the motion.

**Vote:** The vote was as follows: Councilmember Rowberry, “Aye”, Councilmember Hutchins, “Aye”, Councilmember Bevan, “Aye”, Councilmember Allen “Aye”, and Councilmember Jenkins, “Aye”. The motion carried.

# **AGENDA ITEM #4**

Consideration of Resolution 2023-75  
awarding the West Street Collector  
contract to Broken Arrow

Construction

**GRANTSVILLE CITY  
RESOLUTION NO. 2023-75**

**A RESOLUTION AWARDING BROKEN ARROW CONSTRUCTION A CONTRACT TO  
INSTALL 12-INCH DIAMETER SEWER AT WEST STREET IN GRANTSVILLE CITY,  
UTAH**

**WHEREAS**, the Grantsville City Council authorized the City, in cooperation with the City's Finance Director, to seek a qualified service provider to construct a 12-inch diameter sewer at West Street in Grantsville City, Utah; and

**WHEREAS**, the City issued and advertised via a request for proposals (RFP) and received five (5) bids from the following entities:

1. Broken Arrow
2. England Construction
3. Next Construction
4. Silver Spur Construction
5. COP Construction

**WHEREAS**, after review of the proposals and the scope of services, the City is recommending that the City Council award the contract to Broken Arrow, Inc.; and

**WHEREAS**, the total projected cost of the project is anticipated to not exceed \$2,083,349.54; and

**WHEREAS**, the Grantsville City Council hereby determines that it is in the best interest of the City to approve Broken Arrow, Inc. to construct a 12-inch diameter sewer at West Street in Grantsville City, Utah.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
GRANTSVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Contract Award.** The City of Grantsville hereby appropriates \$2,083,349.54 for Broken Arrow, Inc. to construct a 12-inch diameter sewer at West Street in Grantsville City, Utah. The City Council will amend the 2023-2024 general budget, if necessary.

**Section 2. Contract Authority.** The City Manager is hereby authorized to enter into a contract with Broken Arrow, Inc..

**Section 3. Severability Clause.** If any part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution and all provisions, clauses and words of this Resolution shall be severable.

ADOPTED AND PASSED BY THE CITY COUNCIL OF GRANTSVILLE CITY, THIS  
20<sup>th</sup> DAY OF JANUARY, 2023.

BY ORDER OF THE  
GRANTSVILLE CITY COUNCIL

\_\_\_\_\_  
By Mayor Neil Critchlow

ATTEST

\_\_\_\_\_  
Braydee Baugh, City Recorder

December 11, 2023

Grantsville City  
429 E Main Street  
Grantsville, Utah 84029

RE: Award Recommendation Letter  
West Street Collector – Project No. 12252  
Grantsville, Utah 84029


Dear Grantsville City Staff,

Ensign Engineering and Land Surveying (Ensign) has evaluated the bids opened for the referenced project at 2:00 pm Mountain Time on Thursday, December 7<sup>th</sup>, 2023. Broken Arrow Inc., 8960 Clinton Landing Road, Lake Point, UT 84074, is the apparent low bidder with a total tabulated base plus alternate 1 bid amount of \$2,083,349.54. A bid tabulation is attached for reference. Ensign called Travis Loader with Broken Arrow on December 11<sup>th</sup>, 2023 to determine if they were confident in their unit pricing and bid price. Broken Arrow was confident in their bid price and unit pricing.

Ensign contacted five of the references provided by Broken Arrow and talked to two. Paul Hansen with Tooele City stated Broken Arrow has performed many projects for Tooele City for 20+ years, is easy to work with, and has good field people. Paul said the City continues to use Broken Arrow and is happy to work with them when they do. Luke Bistline with Agnice Group Inc. stated Broken Arrow stayed on time and budget for their project, did a really good job, and handled the multiple change orders for the project very well.

Broken Arrow is prepared to meet the project schedule and is comfortable with their bid price. Based on Broken Arrow's references; their confidence to meet the project schedule; and meet the bid price, Ensign Engineering and Land Surveying recommends awarding the project to Broken Arrow for the base plus alternate 1 bid amount of \$2,083,349.54 pending approval of additional funding from Grantsville City.

Sincerely,



Robert Rousselle, P.E.  
Project Manager

# **AGENDA ITEM #5**

Consideration of Resolution 2023-76  
approving the Recertification of the  
Grantsville City Justice Court

**GRANTSVILLE CITY  
RESOLUTION NO. 2023-76**

**A RESOLUTION REQUESTING THE RECERTIFICATION OF THE GRANTSVILLE  
CITY JUSTICE COURT**

**WHEREAS**, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

**WHEREAS**, the term of the present Court shall expire on the 31<sup>st</sup> day of January 2024; and

**WHEREAS**, the members of the Grantsville City Council have received an opinion letter from Brett Coombs, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

**WHEREAS**, the members of the Grantsville City Council have determined that it is to the best interests of Grantsville City to continue to provide for a Justice Court.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF GRANTSVILLE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Recertification.** The Grantsville City Council hereby requests recertification of the Grantsville Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

**Section 2. Affirmation.** The Grantsville City Council hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Grantsville Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

**Section 3. Severability Clause.** If any part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution and all provisions, clauses and words of this Resolution shall be severable.

ADOPTED AND PASSED BY THE CITY COUNCIL OF GRANTSVILLE CITY, THIS  
20<sup>th</sup> DAY OF JANUARY, 2023.

BY ORDER OF THE  
GRANTSVILLE CITY COUNCIL

\_\_\_\_\_  
By Mayor Neil Critchlow

ATTEST

\_\_\_\_\_  
Braydee Baugh, City Recorder



CAO 2023-02

**MEMORANDUM**

TO: Mayor Neil Critchlow and Members of the Grantsville City Council

FROM: Brett M. Coombs, Grantsville City Attorney

RE: Grantsville City Justice Court Recertification

DATE: December 20, 2023

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Dear Mayor and City Council:

I have reviewed the requirements for the Grantsville City Municipal Justice Court recertification, have discussed the same with City officers and have concluded that Grantsville City continues to meet all requirements for a municipal court and that continued operation of the Court is feasible.

As you are aware, the Court must comply with all requirements imposed by the Utah State Legislature. In addition to the statutory requirements, Grantsville's Class III Justice Court must meet additional requirements imposed by the Utah Judicial Council. These requirements are attached as "Attachment A."

It is my opinion, as Grantsville City Attorney, that the Grantsville City Council should request recertification of the Grantsville Justice Court.

If you have any further questions, please contact me.

Sincerely,

/s/ Brett M. Coombs  
Grantsville City Attorney

# **AGENDA ITEM #6**

Consideration of Ordinance 2023-09  
adopting an official BFE Flood Plain  
Ordinance

**GRANTSVILLE  
ORDINANCE 2023-09**

**FLOOD PLAIN MANAGEMENT**

**AN ORDINANCE ADOPTING FLOOD PLAIN MANAGEMENT STANDARDS IN  
CONFORMANCE WITH REQUIREMENTS SET OUT BY THE FEDERAL  
EMERGENCY MANAGEMENT AGENCY**

**WHEREAS**, Utah Code Ann. 10-3-701 delegates the responsibility of local government units to adopt regulations to minimize flood losses; and

**WHEREAS**, Grantsville City has analyzed the requirements of the National Flood Insurance Program, a voluntary program administered by the Federal Emergency Management Agency, and hereby elects to comply with said requirements; and

**WHEREAS**, Grantsville City may elect to administer this ordinance over any area of the City, including areas not identified as Special Flood Hazard Areas; and

**WHEREAS**, the City Council hereby finds this action is in the best interest of the City's health and general welfare.

**NOW THEREFORE**, be it ordained by the Council of the Grantsville, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “5-3-1 Methods Of Reducing Flood Losses” of the Grantsville Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

5-3-1 Methods Of Reducing Flood Losses

In order to accomplish its purposes, these regulations are intended to use the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development, which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert

flood waters or which may increase flood hazards to other lands.

## AFTER AMENDMENT

### 5-3-1 Methods Of Reducing Flood Losses

In order to accomplish its purposes, these regulations are intended to use the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development, which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

### SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility of local government units to adopt regulations designed to minimize flood losses. Therefore, the council of Grantsville City, Utah does ordain as follows:

The City of Grantsville elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L.90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and Grantsville City's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the previously mentioned act, provides that areas of Grantsville City having special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, Grantsville City may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

### SECTION B. FINDINGS OF FACT

The flood hazard areas of Grantsville City are subject to periodic inundation by floodwaters, which results in potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief. All of which adversely affect the public health, safety, and general welfare of the inhabitants of Grantsville City.

These potential flood losses are caused by:

1. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities.
2. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
3. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

#### SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health.
2. Minimize damage to public infrastructure, including but not limited to utilities, streets, and bridges that are susceptible to flooding.
3. Minimize prolonged business interruptions caused by flooding.
4. Minimize public expenditures on flood control projects.
5. Minimize the need for rescue and relief efforts associated with flooding and are generally undertaken at the expense of the public.
6. Protect and safeguard the welfare and safety of first responders should an emergency response be needed.
7. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
8. Promote that potential buyers are notified if properties are in a flood area.

#### SECTION D. METHODS OF REDUCING FLOOD LOSSES

To accomplish the purposes outlined in ARTICLE I SECTION C. STATEMENT OF PURPOSE, this ordinance applies the following methods;

1. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities.
2. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
3. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
4. Controls filling, grading, dredging, and other developments that may increase flood damage; and
5. Prevents or regulates the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

**SECTION 2:            AMENDMENT** “5-3-2 Definitions” of the Grantsville Municipal Code is hereby *amended* as follows:

**BEFORE AMENDMENT**

5-3-2 Definitions

- A. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.
1. “Alluvial fan flooding” means flooding occurring on the surface of an alluvial fan or similar land form, which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition and unpredictable flow paths.
  2. “Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
  3. “Area of shallow flooding” means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
  4. “Area of special flooding hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
  5. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.
  6. “Basement” means any area of the building having its floor sub grade (below ground level) on all sides.
  7. “Critical Feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
  8. “Development” means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
  9. “Elevated building” means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or

V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

10. "Existing Construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
11. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
12. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).
13. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
14. "Flood hazard boundary map (FHBM)" means an official map of a community, issued by the Administrator and approved by the City Council, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.
15. "Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
16. "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway

Map.

17. "Foodplain or Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of flooding).
18. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
19. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
20. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
21. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
22. "Floodway (regulatory floodway)" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
23. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
24. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
25. "Historic structure - means any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic



- district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
26. “Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
  27. “Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
  28. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
  29. “Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
  30. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
  31. “Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
  32. “New construction” means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
  33. “New manufactured home park or subdivision” means a manufactured home

- park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
34. “Recreational vehicle” means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
  35. “Start of construction” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
  36. “Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
  37. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
  38. “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions or (2) Any alteration

of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

39. "Variance" is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)
40. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Program regulations, is presumed to be in violation until such time as that documentation is provided.
41. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### AFTER AMENDMENT

##### 5-3-2 Definitions

- A. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.
  1. 100-Year Flood: A flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent annual chance flood). The terms "100 hundred year flood" and "1 percent annual chance floor" are synonymous. The term does not imply that the flood will necessarily happen once every 100 years. Mandatory flood insurance requirements may apply.
  2. 100-Year Flood Plain: The area of land susceptible to being inundated due to the occurrence of a 1-percent annual chance flood.
  3. 500-Year Flood: A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent annual chance flood). The term does not imply that the flood will necessarily happen once every 500 years. Mandatory flood insurance requirements may apply.
  4. 500-Year Floodplain: The area of land susceptible to being inundated due to the occurrence of a 0.2 percent annual chance flood.
  5. Accessory/Appurtenant Structure: A structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure and the ownership of the accessory structure is the same owner as the

principal structure. An accessory structure is a non-residential structure of low low value that is used solely for the parking of vehicles, storage of tools, materials, and/or equipment. No human habitation is allowed within an accessory structure.

6. “Alluvial fan flooding” means flooding occurring on the surface of an alluvial fan or similar land form, which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition and unpredictable flow paths.
7. “Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
8. “Area of shallow flooding” means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
9. “Area of special flooding hazard” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.
10. Area of Special Flood-Related Erosion Hazard: The land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.
11. “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year.
12. Base Flood Elevation (BFE): The water surface elevation of the 1-percent annual chance flood event. It is the height in relation to mean sea level expected to be reached by the water of the base flood at a pertinent point the f
13. “Basement” means any area of the building having its floor sub grade (below ground level) on all sides.
14. “Critical Feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
15. “Development” means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
16. “Elevated building” means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the

top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

17. "Existing Construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
18. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
19. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).
20. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.
21. "Flood hazard boundary map (FHBM)" means an official map of a community, issued by the Administrator and approved by the City Council, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.
22. "Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
23. "Flood insurance study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water

surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

24. "Foodplain or Flood Prone Area" means any land area susceptible to being inundated by water from any source (see definition of flooding).
25. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.
26. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
27. "Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
28. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
29. "Floodway (regulatory floodway)" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
30. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
31. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
32. "Historic structure - means any structure that is:
  - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
33. “Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
34. “Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
35. “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.
36. “Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
37. “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
38. “Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
39. “New construction” means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any

- subsequent improvements to such structures.
40. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
  41. "Recreational vehicle" means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
  42. "Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
  43. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
  44. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
  45. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to



correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

- 46. "Variance" is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Chapter (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)
- 47. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Program regulations, is presumed to be in violation until such time as that documentation is provided.
- 48. "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**PASSED AND ADOPTED BY THE GRANTSVILLE COUNCIL**

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Jewel Allen	_____	_____	_____	_____
Jolene Jenkins	_____	_____	_____	_____
Darrin Rowberry	_____	_____	_____	_____
Jeff Hutchins	_____	_____	_____	_____
Scott Bevan	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Neil Critchlow, Mayor, Grantsville

\_\_\_\_\_  
Braydee Baugh, City Recorder,  
Grantsville

# **AGENDA ITEM #7**

Consideration of Resolution

2023-77 approving the amendments  
to the Employee Handbook

## HOLIDAY PAY

All eligible employees receive eight (8) hours paid leave multiplied by the employee's current hourly rate for designated holidays.

The following are City-designated holidays:

<b>Holiday</b>	<b>Day</b>
New Year's Day	January 1 <sup>st</sup>
Human Rights Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19 <sup>th</sup>
Independence Day	July 4 <sup>th</sup>
Pioneer Day	July 24 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Friday after Thanksgiving	4 <sup>th</sup> Friday in November
Christmas Day	December 25 <sup>th</sup>

When an observed holiday falls on a Saturday, the preceding Friday will normally be taken as the holiday. When the holiday falls on a Sunday, the following Monday will normally be taken as a holiday. In all circumstances, the city will designate the day to be taken as a holiday.

Those who are required to work a Holiday will observe the actual day of the holiday not the observed holiday as outlined above.

Holiday Pay always count as eight hours. To meet the required 40-hour workweek, employees may need to make up any shortage in hours with compensatory time, accrued leave time, or receive approval to work additional hours.

For exempt employees, an hourly equivalent of their salary, based upon a 40-hour workweek, will be used.

Holiday Leave is not counted as time worked for purposes of calculating overtime.

Non-exempt employees working the holiday (the actual date of the holiday not the observed date of the holiday) will be paid at time and one-half their hourly rate for the hours worked.

Holiday leave benefits will be calculated based on the employee's rate of pay at the time of the leave and will not include any special forms of compensation such as incentives, overtime, bonuses or shift differentials.

### **Holiday Worked**

1. Eligible employees who are required to work on the actual day of the holiday will receive eight (8) hour holiday pay as well as time and a half pay for all hours worked on the actual holiday.

- a. If the City requires a non-exempt employee to work on a shift that overlaps an actual holiday, the employee shall be paid at one and one-half (1 ½) times the employee's regular rate for each hour worked on the holiday.
  - b. Temporary employees who regularly working 40 hours in a work week may be compensated at one and one-half (1 ½) times their regular rate for working an actual holiday.
  - c. Hours worked on a holiday are not included in calculation of hours worked for overtime purposes because they are already paid at an over-time rate.
2. Examples –
- a. If an employee's number of hours regularly scheduled to work per day is 8 hours and the employee works 2 hours on a recognized holiday, he/she will be paid at a premium rate of 1½ times the employee's regular rate of pay for 2 hours. He/she will record eight (8) holiday hours off and 2 holiday hours worked.

Should a holiday occur while an employee is on vacation, the employee will not be charged with vacation on the day of the holiday.

# **AGENDA ITEM #8**

Council Reports

# **AGENDA ITEM #9**

Adjourn