



CITY COUNCIL AGENDA

Wednesday, October 28, 2015

NOTICE IS HEREBY GIVEN that the Herriman City Council shall assemble for a meeting in the City Council Chambers, located at 13011 South Pioneer Street (6000 West), Herriman, Utah.

5:00 PM - WORK MEETING: (Front Conference Room)

COUNCIL BUSINESS

- A. Review of this evening's agenda
- B. Administrative Reports
 1. Building Occupancy Resumption Program (BORP) – Cathryn Nelson, Building Official
 2. Water Department report – Justun Edwards, Water Director
 3. Discussion regarding trail names and state grant application – Gordon Haight, Assistant City Manager
 4. Discussion pertaining to the Jordan Valley Water Board nominations – Brett Wood, City Manager
 5. Review Retreat Agenda – Brett Wood, City Manager
 6. Legal Department update – John Brems, City Attorney
 7. Other updates
- C. Adjournment

7:00 PM - GENERAL MEETING:

1. CALL TO ORDER

- A. Invocation and Pledge
- B. Approval of Minutes
- C. Mayor's Comments
- D. Council Recognitions

October 14, 2015

2. **PUBLIC COMMENT:** *Audience members may bring any item to the Mayor and Council's attention. Comments will be limited to two or three minutes. State law prohibits the Council from acting on items that do not appear on the agenda.*

3. CONSENT AGENDA

- A. Approval of the Monthly Financial Report – Alan Rae, Finance Director

4. DISCUSSION AND ACTION ITEMS

- A. Discussion and consideration of an ordinance approving an annexation petition relating to approximately 485 acres of land pursuant to section 10-2-407(3)(b) of the Utah Code; annexing such land into the City; assigning land use zones to such land; amending the zoning map of the City accordingly; and related matters – Bryn McCarty, City Planner

B. Discussion and consideration of a resolution approving amendments to the Policy and Procedure manual – Travis Dunn, Human Resource Manager

5. MAYOR AND COUNCIL COMMENTS

6. CALENDAR

A. Meetings

- October 29 – Joint City Council/Planning Commission Meeting 6:00 p.m.
- November 5 – Planning Commission work meeting 5:30 p.m.
- November 17 – Special City Council Meeting 5:00 p.m.

B. Events

- October 31 – Halloween
- November 3 – Election Day
- November 11 – Veterans' Day
- November 20 – City Hall Ceremonial Groundbreaking

7. ADJOURNMENT

8. RECOMMENCE TO WORK MEETING (IF NEEDED)

9. CLOSED SESSION (IF NEEDED)

A. The Herriman City Council may convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205

10. SOCIAL GATHERING (No Action will be taken on any items)

A. Social gathering will be at McDonald's; 5108 West 13400 South, Herriman, UT

In accordance with the Americans with Disabilities Act, Herriman City will make reasonable accommodation for participation in the meeting. To request assistance, contact Herriman City at (801) 446-5323. Please Provide at least 48 hours advance notice of the meeting

ELECTRONIC PARTICIPATION

Members of the city council may participate electronically via telephone, Skype, or other electronic means during this meeting.

CITIZEN COMMENT POLICY AND PROCEDURE

During each regular Herriman City Council meeting there will be a citizen comment time. The purpose of this time is to allow citizen's access to the council. Citizens requesting to address the council will be asked to complete a written comment form and present it to Jackie Nostrom, City Recorder. In general, the chair will allow an individual two minutes to address the council. A spokesperson, recognized as representing a group in attendance, may be allowed up to five minutes. At the conclusion of the citizen comment time, the chair may direct staff to assist the citizen on the issue presented; direct the citizen to the proper administrative department(s); or take no action. This policy also applies to all public hearings. Citizens may also submit written requests (outlining their issue) for an item to be considered at a future council meeting. The chair may place the item on the agenda under citizen comments; direct staff to assist the citizen; direct the citizen to the proper administrative departments; or take no action.

Certificate of Posting

I, Cindy Quick, the duly appointed, qualified, and acting Deputy Recorder of Herriman City, Utah, do hereby certify that the above and foregoing is a full, true and correct copy of the agenda; it was emailed to at least one newspaper of general circulation within the geographic jurisdiction of the public body. The agenda was also posted at the principal office of the public body. Also posted on the Utah State Public Notice Website <http://www.utah.gov/pmn/index.html> and on Herriman City's website at www.herriman.org

Posted and Dated this 22nd day of October 2015

Cindy M. Quick, CMC
Deputy Recorder

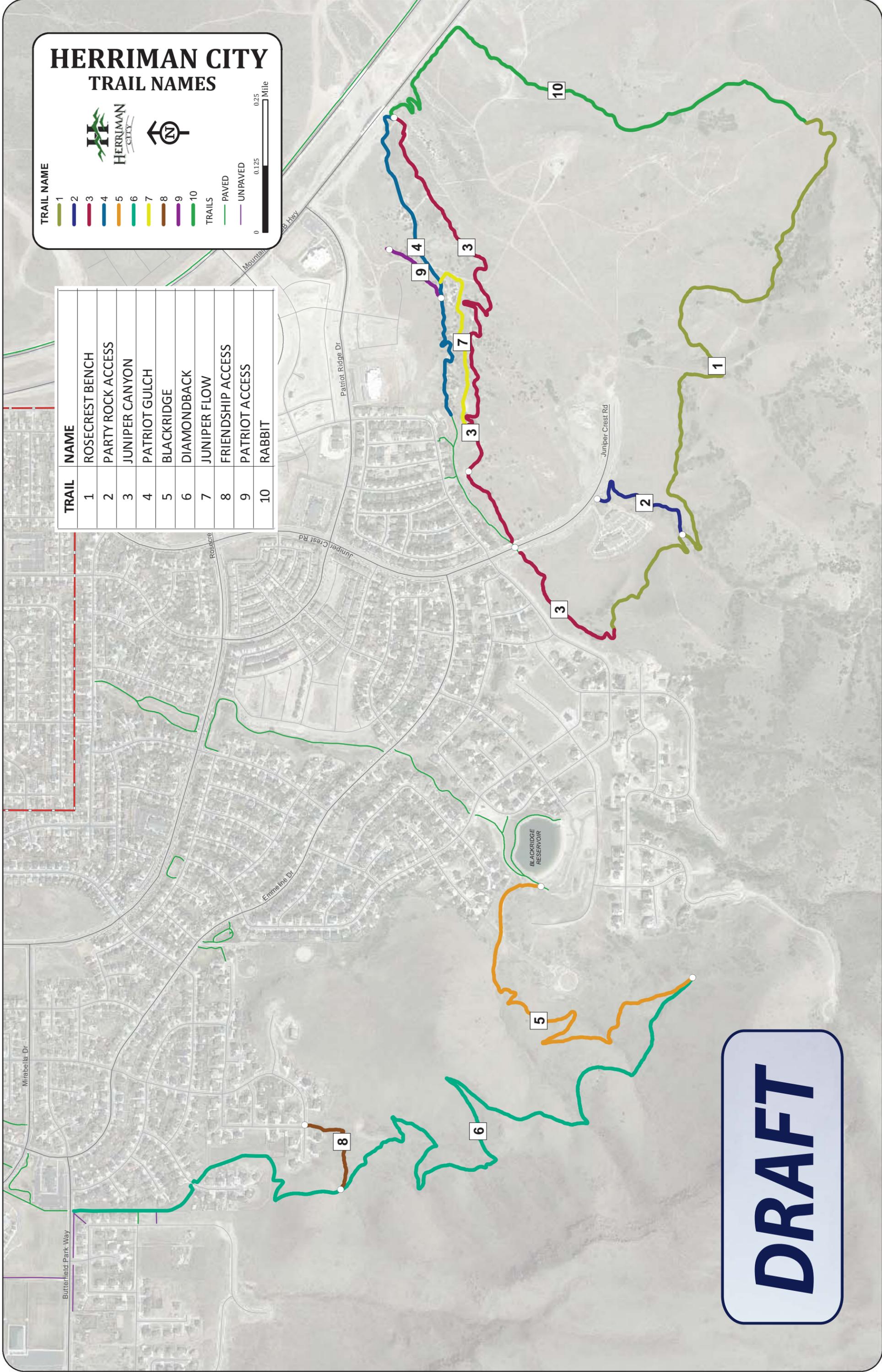
HERRIMAN CITY TRAIL NAMES



- TRAIL NAME**
- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - 10

- TRAILS**
- PAVED
 - UNPAVED

TRAIL	NAME
1	ROSECREST BENCH
2	PARTY ROCK ACCESS
3	JUNIPER CANYON
4	PATRIOT GULCH
5	BLACKRIDGE
6	DIAMONDBACK
7	JUNIPER FLOW
8	FRIENDSHIP ACCESS
9	PATRIOT ACCESS
10	RABBIT



DRAFT



CITY COUNCIL MINUTES

Wednesday, October 14, 2015

Awaiting Formal Approval

The following are the minutes of the Regular City Council Meeting of the Herriman City Council. The meeting was held on **Wednesday, October 14, 2015 at 5:00 p.m.** in the Herriman City Community Center Council Chambers, 13011 South Pioneer Street (6000 West), Herriman, Utah. Adequate notice of this meeting, as required by law, was posted in the Community Center, on the City's website, and delivered to members of the Council, media, and interested citizens.

Presiding:

Mayor Carmen Freeman

Council Members Present:

Mike Day, Matt Robinson, Craig B. Tischner and Coralee Wessman-Moser

Staff Present:

Brett geo. Wood, City Manager
Jackie Nostrom, City Recorder
Tami Moody, Director of Administration and Communications
John Brems, City Attorney
Alan Rae, Finance Director
Danie Bills, Events Manager
Blake Thomas, City Engineer
Dwayne Anjewierden, Unified Police Chief
Cathryn Nelson, Chief Building Official
Justun Edwards, Water Director
Monte Johnson, Operations Director
Travis Dunn, Human Resources Manager

Excused:

Gordon Haight II, Assistant City Manager

5:00 PM - WORK MEETING: *(Front Conference Room)*

5:06:05 PM COUNCIL BUSINESS

Mayor Carmen Freeman called the meeting to order.

B. Administrative Reports

1. **5:06:15 PM Employee Policy and Procedure Manual Updates** – Travis Dunn, Human Resources Manager

Human Resources Manager Travis Dunn thanked the Council for the opportunity to present. The first policy amendment pertained to leave of absence accrual. Employees currently accrue time off per pay period, and this change would allow the accrual to be based on hours

worked during the pay period. The second policy amendment related to disciplinary action policy to ensure discipline is equal to each situation. Manager Dunn reviewed the next amendment for performance plans outlining employee and manager expectations. The final requested amendment for salary planning to define grades and implement the wage structure recommended with the Hay Study.

Councilmember Coralee Wessman-Moser suggested that the annual performance award that could be considered under the merit increase policy have a matrix noting the potential amount of the performance award. Mayor Freeman explained that the annual or periodic reviews should be clarified and recommended using “informal periodic review” and “annual formal review” in the Performance Standards section. He also noted that there was no reference that suspension, demotion and termination documentation would be placed in an employee’s file, and recommended that language be incorporated in the policy. Mayor Freeman observed the mention of “Mayor” in the Merit Increase policy, and suggested that be changed to “City Manager”. Manager Dunn confirmed.

2. [5:20:06 PM](#) **Planning Updates** – Bryn McCarty, City Planner

City Planner Bryn McCarty informed the Council of the blind driveway concern and relayed Councilmember Moser’s recommendation to mitigate the safety issue by placing a mirror at the location to prevent an accident. Planner McCarty continued with the update regarding the Dansie Annexation Petition, and explained that the Dansie Trust has formally withdrawn their letter of intent to rescind their previous request to withdraw their annexation petition. The annexation petition would be formally presented to the City Council at the next meeting for consideration of the enactment. The zoning of the pending annexation area will remain consistent with the current county zoning, and the applicant will go through the rezone process for a proposed development. Planner McCarty reviewed the joint Planning Commission Meeting/City Council Meeting tentative agenda scheduled for October 29, 2015. Councilmember Moser requested to have information available at the joint meeting outlining how the different zoning designations would affect the annexation area. Planner McCarty responded that documentation would be prepared.

3. [5:33:43 PM](#) **Development Issues/approach** – John Brems, City Attorney

City Attorney John Brems indicated that there would be no discussion regarding this item.

4. [5:34:27 PM](#) **City Hall Briefing** – Brett Wood, City Manager

City Manager Brett Wood informed the Council of a bond rating meeting that he and Finance Director Alan Rae attended, and expressed his confidence that the City would maintain their current bond rating which is AA-. Manager Wood explained that the bond rating of Herriman City is equivalent to an 800 credit score.

Manager Wood briefed the Council of the City Hall project status and noted that the architects have been meeting with the mechanical and electrical engineers to have a very operationally efficient building. He added that the architects would attend the joint City Council/Planning Commission meeting for a schematic update. The new facility will be designed to accommodate an Incident Command location. Mayor Freeman interjected and expressed his concern of the contract that would not enable the Unified Police Department (UPD) to utilize the new building for approximately nine months after the facility has been constructed.

[5:46:34 PM](#) *Councilmember Craig B. Tischner arrived*

Unified Police Chief Dwayne Anjewierden responded that he reviewed the contract and that it is a non-issue. City Manager Wood added that a letter of intent from UPD has been submitted to the City as requested by Council.

5:50:06 PM Councilmember Matt Robinson arrived

5. Other Updates

Councilmember Robinson expressed his concern of the safety hazards due to the placement of political signs. He also relayed resident complaints of signs being placed on private property without the owner's consent, and recommended that candidates or groups be contacted and informed of the City's policy. Mayor Freeman agreed. City Recorder Jackie Nostrom responded that she would make contact with groups for education purposes, and request that signs be placed accordingly.

City Manager Wood notified the Council that the Trust had been contacted to conduct an audit after a child had been shoved of a rock wall. The Trust recommended signage to be placed to help prevent future incidents. Manager Wood indicated that temporary signage had been installed.

Councilmember Moser informed the Council that resident Erin Preston expressed her concern that the ordinance would conflict with Codes, Covenants, and Restrictions (CC&Rs) in the Rosecrest area. City Engineer Blake Thomas explained that the ordinance references City property located in the right of way and would not affect private property. Councilmember Moser expressed her concern of a potential conflict. City Manager Wood suggested that CC&Rs should be modified to align with City Ordinances, and added that existing trees in park strips would only be addressed due to a safety issue.

A. Review of this evening's agenda

Councilmember Coralee Wessman-Moser questioned the water impact fee reduction requests. Water Director Justun Edwards explained that the water impact fee enactment allows the City Council to adjust an impact fee based of unusual circumstances. He relayed each circumstance to the Council. Councilmember Moser expressed her concern about setting precedence. Director Edwards agreed. Mayor Freeman asked if there was an internal policy outlining when impact fee adjustments could be requested. Director Edwards responded that the enactment allows any request to come to the Council for consideration. Councilmember Moser suggested a tiered system based on water usage. Director Edwards indicated that could be a viable option that could be considered through the water impact fee study that is currently underway. Councilmember Day expressed his concern about the train of consequences that adjustments to the impact fees could make, and urged the City to be fair.

Councilmember Tischner referred to the Deer Mitigation Plan adoption and asked if the City would be required to go out to bid to allow a company to provide game processing services. Water Director Edwards indicated that the cost amount of the service as well as the limited amount of vendors would eliminate the bid requirement. Councilmember Tischner questioned the sunset date of the Deer Mitigation Plan. Director Edwards responded that the approval is for a three year period in which another approval process would have to be conducted, and adjusted as necessary.

C. 6:39:03 PM Adjournment

COUNCILMEMBER ROBINSON MOVED TO ADJOURN THE WORK MEETING.
COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

7:00 PM - GENERAL MEETING:

1. 7:06:05 PM CALL TO ORDER

Mayor Freeman called the meeting to order and welcomed those in attendance.

A. [7:06:27 PM](#) **Invocation and Pledge**

The Invocation was offered by Jackson Lee. The Pledge of Allegiance was led by Scout Troop #0624.

B. [7:08:01 PM](#) **Mayor's Comments**

Mayor Freeman recognized City Council candidates Bethany Zeyer (District 1) and David Watts (District 4). He expressed his appreciation to Events Manager Danie Bills and her department for coordinating the Senior Social. Mayor Freeman informed the audience that he attended the children's theatrical presentation "Hogwarts". He expressed his appreciation to the Arts Council for their efforts in having such an extraordinary production. He noted the Pumpkin Festival was held October 10, 2015 and complimented the wonderful costumes and decorations.

Mayor Freeman expressed his appreciation to Communications Director Tami Moody for her efforts in relaying the political initiative information. He noted that the Trails committee sponsored the initiative and is developing a brief master plan, should the initiative pass. Councilmember Moser added that the master plan will outline long term and short term goals for recreational purposes. More information will be presented and produced to ensure preservation of open space if the initiative passes. Mayor Freeman complimented Councilmember Moser for offering direction to the trails committee regarding the master plan. Councilmember Matt Robinson expressed his appreciation to Councilmember Moser for publically correcting misinformation that has been relayed. Councilmember Moser expressed her desire to help convey the right information and to ensure a comprehensive plan is being drafted if the initiative passes.

C. [7:13:54 PM](#) **Council Recognitions**

There was no Council Recognitions offered.

2. [7:13:56 PM](#) **PUBLIC COMMENT:**

Steve Garrett, 5443 Genoa Court, strongly encouraged the City Council to add a basement in the new City Hall to accommodate the future needs of the community for only ten-percent cost increase. He extended his gratitude to the Council for their service to the community. Mr. Garrett expressed his feelings about the public misconceptions about the Herriman Hills Initiative, and noted he was trying to inform the public about the miscommunication.

MAYOR FREEMAN MOVED TO CONTINUE THE PUBLIC COMMENT PORTION OF THE MEETING TO ALLOW ADDITIONAL COMMENTS FROM THE PUBLIC WHO HAVE NOTIFIED THE CITY OF THEIR INTENT TO PROVIDE PUBLIC COMMENT, BUT DUE TO EXTENUATING CIRCUMSTANCES WILL BE LATE. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

Public Comment reconvened at 8:25 p.m.

Erin Preston, extended her appreciation to the City Council for the incorporated changes for the Street Tree Ordinance, but expressed her concern about the inconsistency between the ordinance and the Codes, Covenants and Restrictions for the Rosecrest development. She suggested clarification notifications of what a violation would entail be sent to land owners. City Attorney John Brems recommended the ordinance be continued to address Ms. Preston's concerns.

Ryan Smith, recommended to the City Council to approve the extension of the trax line into Herriman. He expressed his appreciation for the pedestrian crossing signal that was installed.

3. [7:17:38 PM](#) CONSENT AGENDA

A. **Consideration of a resolution designating and appointing election judges to serve in the Municipal General Election** – Jackie Nostrom, City Recorder

B. **Approval of a resolution requesting the recertification of the Herriman Justice Court** – John Brems, City Attorney

COUNCILMEMBER TISCHNER MOVED TO APPROVE THE CONSENT AGENDA AS WRITTEN. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

4. REPORTS, PRESENTATIONS, AND APPOINTMENTS

A. [7:18:34 PM](#) **Proclamation declaring November 16-20 as Utah College Application Week** – Mayor Carmen Freeman

Mayor Carmen Freeman recited the Proclamation declaring November 16 – 20 as Utah College Application Week.

COUNCILMEMBER MOSER MOVED TO APPROVE THE PROCLAMATION DECLARING NOVEMBER 16-20 AS UTAH COLLEGE APPLICATION WEEK. COUNCILMEMBER TISCHNER SECONDED THE MOTION, AND ALL VOTED AYE.

B. [7:19:47 PM](#) **Presentation from Parents Empowered** - Tami Moody, Director of Administration and Communications

Director of Administration and Communications Tami Moody indicated that science has taught us that our brain continues to develop until our mid twenties. This means that the teenage years are still a vulnerable period for brain development. A teenager's brain is affected by alcohol in a very different manner than an adult which could hinder brain development. In Utah, many kids begin drinking in elementary school, but most parents are unaware. 31% of kids who say they have been drunk in the past year have parents who believe their children are non-drinkers. There is a huge importance in educating parents and children about the dangerous effects of underage drinking. Director Moody turned the time over to Parents Empowered representatives Steve Wright and Doug Murakami to provide information regarding underage drinking and the steps that can be used for prevention.

Mr. Steve Wright informed the audience that underage drinking is a serious problem, even here in Utah. Alcohol is the number one substance abused by youth. Heavy binge drinking begins as early as sixth grade, and new evidence proves underage drinking can cause permanent damage to a teen's developing brain. As a result, the need for parents to stay involved in their children's lives is enormous. The goal of Parents Empowered is to eliminate underage drinking in Utah. Studies confirm that children who have a close and loving relationship with their parents are less likely to use alcohol, drugs, or tobacco. Children who feel connected to their families value that relationship and do not want to jeopardize it.

Mr. Wright extended an initiation to Herriman City to partner with Parents Empowered to help drive down underage drinking and localize a campaign to deliver the message to the community. Mr. Doug Murakami expressed his appreciation to the Council for the opportunity to present, and noted that they were only seeking the support of the City. The localized campaign would not require funding from the City. Mayor Freeman asked where teens secure the alcohol. Mr. Murakami indicated that the study results indicated that most teens get alcohol at parties and 30% of teens get alcohol at their own home with parents' permission. Councilmember Robinson complimented Mr. Wright and Mr. Murakami on their presentation, and expressed his support to partner with Parents Empowered. Councilmember Moser agreed.

- C. [7:47:47 PM](#) **Bonding Facts Presentation** – Tami Moody, Director of Administration and Communications and Alan Rae, Finance Director
Communications Director Tami Moody informed the Council that the purpose of this discussion is to dispel any misinformation that may have been presented to the public and to explain how bonds are used. A bond is a debt, essentially like a home mortgage. The bond is a financial instrument that the City sells to raise funds for long-term projects which is called a debt security where the issuer owes the holders a debt and pays them interest. The bond establishes a schedule for repayment, sets the interest rate, and designates what the City will offer as collateral. The bond that the City is looking into is a Sales and Franchise Tax Bond. The City does not have assets that can be sold, for example, streets or water infrastructure. The bondholders use the City's sales and franchise taxes as collateral for the bond, and those taxes are the only asset of the City that bondholders have a claim.

Finance Director Alan Rae explained that the \$30 million dollar bond would be used to construct City Hall, extend Herriman Parkway, Refinance the 6400 West roadway, and expand Main Street. He explained that the bond will not raise property taxes as the repayment of the bond is strictly associated with the sales and franchise taxes. The City holds a AA- bond rating which is equivalent to an 800 credit score, and is in good financial standing able to hold 7.8 times the debt coverage and after the bond would still hold the coverage 2.2 times. Impact fees from improvement areas will be used to help pay the bond; however, they will not be used as security. The City currently has adequate tax to secure the debt payment without the anticipated new revenues.

Mayor Freeman thanked Director Moody and Director Rae for their presentation, and requested a copy of the presentation to be made available to the Council to help answer any questions that may arise.

5. DISCUSSION AND ACTION ITEMS

- A. [8:13:45 PM](#) **Discussion and consideration of an ordinance authorizing a text change amending 10-19-10 regarding lots on a Private Right of Way** – Bryn McCarty, City Planner
City Planner Bryn McCarty reviewed the amendments of the requested text change to encourage the more efficient use of flag lots and outline conditions that applicants would have to adhere to. She explained that flag lots would not allow multi-family development. A picture was displayed outlining the minimum total flag lot size of one-half acre. Councilmember Tischner questioned the most impacted area this ordinance would affect. Planner McCarty responded that the requests typically seen have been from the old town area and Rose Basin.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2015-34 AUTHORIZING A TEXT CHANGE AMENDING 10-19-10 REGARDING LOTS ON A PRIVATE RIGHT OF WAY ALSO KNOWN AS FLAG LOTS. COUNCILMEMBER TISCHNER SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

B. [8:19:13 PM](#) Discussion and consideration of a resolution approving A Deer Mitigation Program – Justun Edwards, Water Director

Water Director Justun Edwards outlined the urban Deer Mitigation Plan, and noted that the Urban Deer Non-Lethal Plan would be presented to the Council at the October 28, 2015 meeting. He asked if there were any questions.

Mayor Freeman thanked Director Edwards for his work relating to the mitigation plan. Councilmember Robinson asked if the focus would mainly be outside of residential areas. Director Edwards confirmed.

COUNCILMEMBER DAY MOVED TO APPROVE THE DEER MITIGATION PLAN. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

C. Discussion and consideration of an ordinance authorizing a text change to Title 7, Chapter 9, Section 4, Street Tree Maintenance and Care – Blake Thomas, City Engineer

City Engineer Blake Thomas recommended to continue this item based on the public comment that had been received. City Manager Brett Wood explained that the City does not enforce Codes, Covenants, and Restrictions. This ordinance would only affect street trees.

COUNCILMEMBER ROBINSON MOVED TO CONTINUE THE ORDINANCE AUTHORIZING A TEXT CHANGE TO TITLE 7, CHAPTER 9, SECTION 4, STREET TREE MAINTENANCE AND CARE. COUNCILMEMBER DAY SECONDED THE MOTION, AND ALL VOTED AYE.

D. [8:43:56 PM](#) Discussion and consideration of an ordinance approving a Water Impact Fee adjustment – Justun Edwards, Water Director

Water Director Justun Edwards informed the Council of two properties who have protested the Water Impact Fee as allowed in the water impact fee enactment for their existing home to connect to Herriman City water. The Water Impact Fee is determined by the size of the parcel. The first property is a flag lot located in High Country Estates Phase 1. The impact fee should be \$8,045 and the reduction request based on unusual circumstances would drop the impact fee to \$3,071. Councilmember Tischner asked how often unusual circumstances of this nature arise within the City. Director Edwards responded that minimal requests have been received. Councilmember Moser asked what the size of the lot would be excluding the hard surface. Director Edwards responded that the lot would be just under a half-acre.

Director Edwards oriented the Council of the second property requesting the reduction of the water impact fee. The typical fee for a similar property would be \$19,652, and based on the conducted study would reduce the water impact fee to \$3,071. Director Edwards explained that both homes are currently on wells, and are seeking to connect to City water.

Councilmember Robinson indicated that he could understand not charging for the flag lot access, and questioned the guarantee the City would have that the native acreage would be excluded on the 2.5 acre parcel. Director Edwards responded that it would be difficult to water the entire acreage based on the requested water meter size. Councilmember Day

expressed his concern of setting precedence. Councilmember Robinson asked if there could be a percentage of relief for the applicant, or any documented guideline criteria available to determine if an exception may be warranted. Director Edwards explained that the City would research the issue if a request has been submitted. Councilmember Robinson explained that there were too many open ended questions to justify granting the request.

COUNCILMEMBER DAY MOVED TO APPROVE THE ORDINANCE ADJUSTING THE WATER IMPACT FEE BASED ON UNUSUAL CIRCUMSTANCES WITH RESPECT TO PROPERTY LOCATED AT OR NEAR 13318 SOUTH 7530 WEST. COUNCILMEMBER ROBINSON SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Nay
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Nay
Mayor Carmen Freeman	Nay

The motion failed with a vote 3:2.

COUNCILMEMBER DAY MOVED TO APPROVE THE ORDINANCE ADJUSTING THE WATER IMPACT FEE BASED ON UNUSUAL CIRCUMSTANCES WITH RESPECT TO PROPERTY LOCATED AT OR NEAR 7014 WEST GINA ROAD. COUNCILMEMBER MOSER SECONDED THE MOTION.

The vote is recorded as follows:

Councilmember Mike Day	Nay
Councilmember Matt Robinson	Nay
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Nay
Mayor Carmen Freeman	Nay

The motion failed with a vote 4:1.

E. [9:04:35 PM](#) Discussion and consideration of an ordinance approving a Transportation Impact Fee reduction – Blake Thomas, City Engineer

City Engineer Blake Thomas explained that the owner of the business Knots on Main conducted a traffic study based on newer traffic standards that warrants a reduction of the transportation impact fee. Councilmember Robinson asked if any commercial entity could conduct a study to request an impact fee reduction. City Attorney Brems confirmed. Engineer Thomas explained that the new transportation study would break down commercial businesses into categories to accommodate different types of commercial businesses. Councilmember Moser expressed her support based on measurable information to substantiate the request, and their report specifically related to the type of business. Engineer Thomas indicated that the study had been conducted by a reputable company and concurred with their findings.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NUMBER 2015-36 ADJUSTING THE TRANSPORTATION IMPACT FEE BASED ON A STUDY SUBMITTED BY THE DEVELOPER WITH RESPECT TO A NEW COMMERCIAL DEVELOPMENT LOCATED AT OR NEAR 5418 WEST HERRIMAN MAIN STREET ALSO KNOWN AS KNOTS ON MAIN. COUNCILMEMBER TISCHNER SECONDED THE MOTION. (ORDINANCE RENUMBERED FROM 2015-38 TO KEEP SEQUENTIAL ORDER)

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

F. [9:12:21 PM](#) Discussion and consideration of an ordinance amending the street sign fee –

Blake Thomas, City Engineer

City Engineer Blake Thomas reviewed the current fees relating to street signage, and explained the evolution of shifting from City installed signage to the current policy of requiring the developer to install signs. He informed the Council that the proposed fee change would break the cost into four categories to cover cost, and in some cases, would reduce the cost for developers. Councilmember Moser asked if the new schedule conflicts with the Towne Center Development Agreement that outlines fixed impact fees. City Engineer Thomas responded that he would have to research the request. Councilmember Moser suggested researching the Suburban Land Reserve Development Agreement for potential conflicts as well. City Attorney John Brems confirmed.

COUNCILMEMBER TISCHNER MOVED TO CONTINUE THE ORDINANCE AMENDING THE STREET SIGN FEE. COUNCILMEMBER ROBINSON SECONDED THE MOTION, AND ALL VOTED AYE.

G. [9:19:07 PM](#) Discussion and consideration of an ordinance adding Chapter 4-5A regarding abatement of weeds, garbage and refuse, public nuisances, and illegal objects and structures – John Brems, City Attorney

City Attorney John Brems informed the Council that this ordinance would create a process to address code enforcement issues.

COUNCILMEMBER ROBINSON MOVED TO APPROVE ORDINANCE NO 2015-37 ADDING CHAPTER 4-5A REGARDING ABATEMENT OF WEEDS, GARBAGE AND REFUSE, PUBLIC NUISANCES, AND ILLEGAL OBJECTS AND STRUCTURES. COUNCILMEMBER MOSER SECONDED THE MOTION. (ORDINANCE RENUMBERED FROM 2015-40 TO KEEP SEQUENTIAL NUMBERING).

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

H. [9:23:25 PM](#) Discussion and consideration of an ordinance appointing a municipal inspector – John Brems, City Attorney

City Attorney John Brems informed the Council that this ordinance appoints a municipal inspector to carry out the abating a nuisance ordinance, and recommended adding City Manager as a backup inspector.

COUNCILMEMBER MOSER MOVED TO APPROVE ORDINANCE NO. 2015-38 APPOINTING A MUNICIPAL INSPECTOR WITH THE AMENDMENT TO ADD CITY PLANNER BRYN MCCARTY AS A BACKUP INSPECTOR. COUNCILMEMBER ROBINSON SECONDED THE MOTION. (ORDINANCE RENUMBERED FROM 2015-41 TO KEEP SEQUENTIAL NUMBERING)

The vote is recorded as follows:

Councilmember Mike Day	Aye
Councilmember Matt Robinson	Aye
Councilmember Craig B. Tischner	Aye
Councilmember Coralee Wessman-Moser	Aye
Mayor Carmen Freeman	Aye

The motion passed unanimously.

6. [9:26:06 PM](#) MAYOR AND COUNCIL COMMENTS

7. [9:27:13 PM](#) CALENDAR

A. Meetings

- October 22 – Planning Commission work meeting 5:30 p.m.
- October 28 – City Council work meeting 5:00 p.m.; City Council meeting 7:00 p.m.

B. Events

- October 22 – Meet the Candidates’ Night 6:00 p.m.; Fort Herriman Middle School
- October 31 - Halloween

8. [9:27:33 PM](#) ADJOURNMENT

COUNCILMEMBER ROBINSON MOVED TO ADJOURN THE CITY COUNCIL MEETING. COUNCILMEMBER MOSER SECONDED THE MOTION, AND ALL VOTED AYE.

9. RECOMMENCE TO WORK MEETING (IF NEEDED)

10. CLOSED SESSION (IF NEEDED)

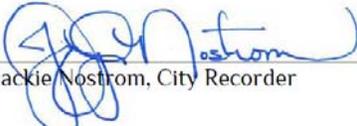
A. *The Herriman City Council may convene in a closed session to discuss the character, professional competence, or physical or mental health of an individual, pending or reasonable imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

11. SOCIAL GATHERING (No Action will be taken on any items)

A. Social gathering will be at McDonald’s; 5108 West 13400 South, Herriman, UT

This document constitutes the official minutes for the Herriman City Council Meeting held on Wednesday, October 14, 2015

I, Jackie Nostrom, do hereby certify that I am the duly appointed, qualified, and acting City Recorder for Herriman City, of Salt Lake County, State of Utah. I do hereby certify that the foregoing minutes represent a true and accurate, and complete record of this meeting held on Wednesday, October 14, 2015.



Jackie Nostrom, City Recorder



Mayor and Council

Monthly Financial Summary

Attached is the September 2015 financial report, all of the figures are through September 30, 2015. I have presented the information in summary format, please contact me with any questions or concerns.

General Fund

The general fund has revenues exceeding expenditures through September 30, 2015 in the amount of \$551,946, this represents an increase in fund balance. We are currently 25% of the year as you will see we are slightly behind of projects on revenue and well lower in expenditures resulting in fund balance growth.

Budget

The budget numbers represent the adopted budget and all budget amendments.

Alan W Rae
Director of Finance

GENERAL FUND

	9/30/2015	Budget	% of Budget
REVENUE			
TAXES			
Property Tax	19,709	567,000	3.48%
Sales & Use Tax	799,308	3,258,326	24.53%
Franchise Tax	350,298	1,758,224	19.92%
	<u>1,169,315</u>	<u>5,583,550</u>	<u>20.94%</u>
LICENSES & PERMITS			
Business Licenses and Permit	22,824	54,887	41.58%
Building & Development Revenue	1,206,931	3,980,562	30.32%
	<u>1,229,755</u>	<u>4,035,449</u>	<u>30.47%</u>
INTERGOVERNMENTAL REVENUE			
Class "C" Road Fund Allotm	156,376	830,670	18.83%
Other Intergovernmental Revenue		230,300	0.00%
	<u>156,376</u>	<u>1,060,970</u>	<u>14.74%</u>
OTHER REVENUE			
Parks/Rec Special Service District Fees	130,159	550,192	23.66%
Courts	34,160	205,450	16.63%
Sales of Fixed Assets			#DIV/0!
Miscellaneous Revenue	151,482	1,143,529	13.25%
Water Administrative Fee	166,862	444,500	37.54%
	<u>482,663</u>	<u>2,343,671</u>	<u>20.59%</u>
TOTAL GENERAL FUND REVENUE	<u><u>3,038,109</u></u>	<u><u>13,023,640</u></u>	<u><u>23.33%</u></u>

EXPENDITURES

Governmental Activities			
Legislative	22,234	119,676	18.58%
Planning Commission	3,066	25,900	11.84%
Legal	45,563	214,000	21.29%
Administration			
Administration	250,245	809,010	30.93%
Communications	28,813	202,400	14.24%
Courts	38,880	182,985	21.25%
Human Resources	57,701	296,900	19.43%
Recorder	38,128	310,710	12.27%
Finance			
Finance	101,465	418,686	24.23%
Information Technology	60,448	512,935	11.78%
Operations			
Facilities	99,738	398,653	25.02%
Enforcement/Emergency	106,477	352,110	30.24%
Fleet Management	30,109	222,890	13.51%
Streets	150,734	1,130,597	13.33%
Snow Removal	-	91,000	0.00%
Storm Drain	46,047	235,887	19.52%

	<u>9/30/2015</u>	<u>Budget</u>	<u>% of Budget</u>
Street Signs	16,417	117,624	13.96%
Street Lights	77,807	403,035	19.31%
Events	131,135	719,779	18.22%
Arts & Cultural Development	26,463	86,450	30.61%
Cemetery	29,507	43,200	68.30%
Parks	594,771	2,236,985	26.59%
Planning & Development			
Building	153,445	583,914	26.28%
Economic Development	13,070	120,620	10.84%
Engineering	206,319	787,308	26.21%
GIS	65,945	344,888	19.12%
Planning	91,638	430,347	21.29%
Transfers	-	1,395,151	0.00%
TOTAL GENERAL FUND EXPENDITURES	<u>2,486,164</u>	<u>12,434,064</u>	<u>19.99%</u>
CHANGE IN FUND BALANCE	<u>551,946</u>		

	<u>9/30/2015</u>	<u>Budget</u>	<u>% of Budget</u>
PARK IMPACT FEE FUND			
Revenue	561,342	900,200	62.36%
Expenditures	4,371	700,200	0.62%
Change in Fund Balance	556,971		

STORM DRAIN IMPACT FEE FUND			
Revenue	64,728	285,200	22.70%
Expenditures	61,507	285,200	21.57%
Change in Fund Balance	3,221		

ROAD IMPACT FEE FUND			
Revenue	393,219	1,350,800	29.11%
Expenditures	81,788	1,350,800	6.05%
Change in Fund Balance	311,431		

NEW DEVELOPMENT STREET LIGHTS			
Revenue	32,200	550,000	5.85%
Expenditures	1,434	550,000	0.26%
Change in Fund Balance	30,766		

PUBLIC SAFETY FUND			
Revenue			#DIV/0!
Expenditures		10,000	0.00%
Change in Fund Balance			

NEW DEVELOPMENT STREET SIGNS			
Revenue	3,140	66,000	4.76%
Expenditures	746	66,000	1.13%
Change in Fund Balance	2,394		

HERRIMAN PARKWAY			
Revenue	-	1,200,000	0.00%
Expenditures	-	1,200,000	0.00%
Change in Fund Balance			

HERRIMAN TOWNE CENTER CDA/SAA			
Revenue	258,817	3,404,217	7.60%
Expenditures		4,469,324	0.00%
Change in Fund Balance	258,817		

HERRIMAN TOWNE CENTER-CITY HALL			
Revenue	1	625,000	0.00%
Expenditures	144,894	625,003	23.18%
Change in Fund Balance	(144,893)		

CAPITAL PROJECTS

Revenue	36,600	6,270,000	0.58%
Expenditures	243,396	5,355,000	4.55%
Change in Fund Balance	(206,796)		

WATER FUND

	9/30/2015	Budget	% of Budget
REVENUE			
Operating Income			
Water Sales	2,853,837	6,602,783	43.22%
Secondary Water Sales	229,563	312,000	73.58%
Connection Fees	75,512	182,000	41.49%
Other Operating Income	92,667	223,450	41.47%
Total Operating Income	3,251,579	7,320,233	44.42%
Operating Expenses			
Administration	2,353,734	4,876,500	48.27%
Maintenance	1,131,418	3,677,555	30.77%
Blue Stakes	19,684	76,950	25.58%
Secondary Water	99,792	476,500	20.94%
Total Operating Expenses	3,604,628	9,107,505	39.58%
Total Income from Operations	(353,049)	(1,787,272)	19.75%
Non-Operating Revenue	4,782	4,000	119.56%
Non-Operating Expenses	327,437	1,790,625	18.29%
Total Income or (Expense)	(675,704)		

WATER RIGHTS IMPACT FEE FUND

Revenue	424,656	1,499,099	28.33%
Expenditures	31,060	2,182,960	1.42%
Change in Fund Balance	393,596		

WATER IMPACT FEE FUND

Revenue	592,118	1,141,365	51.88%
Expenditures	180,527	79,479	227.14%
Change in Fund Balance	411,591		

	9/30/2015	Budget	% of Budget
PARK IMPACT FEE FUND			
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Expenditures	1,434	550,000	0.26%
Change in Fund Balance	30,766		

PUBLIC SAFETY FUND			
Revenue	-	#DIV/0!	
Expenditures		10,000	0.00%
Change in Fund Balance	-		

NEW DEVELOPMENT STREET SIGNS			
Revenue	3,140	66,000	4.76%
Expenditures	746	66,000	1.13%
Change in Fund Balance	2,394		

HERRIMAN PARKWAY			
Revenue	-	1,200,000	0.00%
Expenditures	-	1,200,000	0.00%
Change in Fund Balance	-		

HERRIMAN TOWNE CENTER CDA/SAA			
Revenue	258,817	3,404,217	7.60%
Expenditures		4,469,324	0.00%
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Memo

To: Mayor and City Council
From: Bryn McCarty, City Planner
Date: October 22, 2015
Re: Dansie Annexation

Due to the time constraints and state requirements for this process, staff has prepared this memo in order to help clarify the annexation and development process. Tim Soffe, the planner for the Dansie family, and Richard Dansie will likely request individual meetings with the Council members in order to discuss the zoning prior to the annexation decision on **October 28th**. Their preference would be to zone the property A-.25 on October 28th as part of the annexation approval. However, they have submitted a zoning application and are ready to continue through the process if the Council chooses to zone it A-1 on that date.

State statute requires an annexation to be approved by the City prior to October 31 in order to be effective on January 1. If the City acts on the annexation after October 31, then the effective date of the annexation will be July 1, 2016.

The City Council has the annexation on their agenda for final approval on **October 28, 2015**. The state statute requires the City to assign a zoning designation at the time of annexation. This means we have to assign a zone on October 28.

The Council has several options with regards to the annexation and zoning.:

1. Zone the property A-.25 at the time of annexation approval on October 28th. The 2025 General Plan designates this property as Agricultural Residential, which is a density of 1.8 to 3 units per acre. The A-.25 zone allows a density of 1.8 units per acre, with additional density up to 3 units per acre if the bonus criteria can be met.

2. Zone the property A-1 at the time of annexation approval on October 28th. The property is currently zoned A-2 in the County, which is the equivalent of the City's A-1 zone.
3. Assign no zone until January 1, 2016. Since the zoning designation doesn't need to take place until the time of annexation, the Council could assign no zone until the effective date of January 1, 2016. The language in the annexation resolution could read "Unless zoned different prior to January 1, 2016, the property shall be zoned A-1". It would give the Planning Commission and Council time to review the proposed zoning and PUD, but give a "default" zone of A-1, if no action is taken prior to January 1.
4. Make no decision on the annexation or zoning on October 28th. The council could then take additional time to review the zoning for the property prior to approving the annexation. The annexation and zoning could then be approved at a later date. If the annexation is acted on prior to April 30, 2016, then it would be effective July 1, 2016.
5. Deny the annexation.

Tim Soffe is scheduled to give a brief presentation to the Planning Commission during their work meeting on **October 22nd**. We wanted the PC to have a chance to see the plan prior to the Council approving the annexation and potentially zoning the property on October 28th.

The Planning Commission and City Council will have a full presentation during the Joint Work Meeting on **October 29th**. The Planning Commission will then have a public hearing on the zoning and Planned Unit Development (PUD) on **November 5th**. The Planning Commission will make a recommendation on the zoning to the Council. It will then be scheduled for a Council discussion/decision at the next meeting on **November 17th**. The Planning Commission will move forward with their discussions on the PUD. The PC will not make a decision on the PUD until the Council has made a decision on the zoning, since the density of the project is based on the zoning that is approved.

ORDINANCE NO. 2014-_____

AN ORDINANCE ADOPTED PURSUANT TO SECTION 10-2-407(3)(b) OF THE UTAH CODE, APPROVING AN ANNEXATION PETITION KNOWN AS THE DANSIE ANNEXATION; ANNEXING SUCH LAND INTO THE CITY; AND RELATED MATTERS.

WHEREAS, the Jesse Dansie Trust (“Dansie”) has submitted to the City Recorder an Annexation Petition (such Annexation Petition, together with all attached and related materials, being referred to herein as the “Petition”), requesting that the City annex certain land situated outside of the current boundaries of Herriman City, Utah (the “City”) within unincorporated Salt Lake County, which property is contiguous to the boundaries of the City, and which is more particularly depicted and identified on exhibit “A” attached hereto (the “Dansie Property”); and

WHEREAS, on June 10, 2015, the City Council adopted Resolution No. R16-2015, accepting the Petition for further consideration; and

WHEREAS, on July 8, 2015, which date is less than thirty (30) days after the date of adoption of Resolution No. R16-2015 accepting the Petition for further consideration, the City Recorder (i) certified the Petition, and (ii) mailed or delivered written notification of such certification to the City Council, the Dansie contact sponsor and the Salt Lake County Commission, in satisfaction of Section 10-2-405(2)(c) of the Utah Code, copies of which certification and notification are attached hereto as exhibit “B”; and

WHEREAS, after receipt of notice of such certification from the City Recorder the City Council, as required by Section 10-2-406(1)(a) of the Utah Code, caused a notice of the proposed annexation to be published (a) on August 6, 2015 (which date is not more than 10 days after receipt of the certification), August 13, 2015 and August 20, 2015, in the Salt Lake Tribune and the Deseret News, newspapers of general circulation within (i) the area circumscribed by the Dansie Property, and (ii) the unincorporated area within ½ mile of the Dansie Property, and (b) for three weeks, beginning on August 6, 2015 (which date is not more than 10 days after receipt of the certification), on the website established pursuant to Section 45-1-101 of the Utah Code, which notices are attached hereto as exhibit “C”; and

WHEREAS, following receipt of notice of such certification from the City Recorder the City Council caused a notice thereof to be mailed on to affected

WHEREAS, the notices identified the deadline for the filing of protests under Section 10-2-407 of the Utah Code; and

WHEREAS, on September 10, 2015, there was published in The Salt Lake Tribune and the Deseret News a Notice of Public Hearing relating to the proposed annexation, in satisfaction of the requirements of Section 10-2-407(3)(b)(ii)(A) of the Utah Code, a copy of which Notice, together with an affidavit of the publication thereof, are attached as exhibit “D” hereto; and

WHEREAS, on September 23, 2015, not less than seven (7) days after publication of the notice identified in exhibit “D”, the City Council held a public hearing relating to the proposed annexation, at which public hearing all individuals desiring to express their views relating to the proposed annexation were given the opportunity to be heard on the matter; and

WHEREAS, the City Council has given careful consideration to the views expressed by the public during the public hearing; and

WHEREAS; in light of the foregoing, and after due deliberation, the City Council desires to approve the Petition and proceed with the proposed annexation and other related matters,

NOW THEREFORE, be it and it is hereby ordained by the City Council of Herriman City, Utah, as follows:

SECTION 1. Findings. The City Council does hereby find and determine that the annexation of the Dansie Property as proposed in the Petition is in the best interests of the City and its residents.

SECTION 2. Approval of Annexation; Effective Date. The City Council approves the Petition, approves the annexation of the Dansie Property as described in the Petition, and does hereby annex the Annexation Property into the City. The effective date of such annexation shall be the first to occur of either July 1 or January 1 following the date of issuance by the Utah Lieutenant Governor of the Certificate of Annexation, under Section 10-2-425 of the Utah Code.

SECTION 3. Zoning. The Dansie Property unless zoned differently prior to January 1, 2016, shall be zoned A-1.

SECTION 4. Authorized Actions. The Mayor, the City Recorder, the City Manager, and all other officers and employees of the City are hereby authorized and directed to take, in a timely manner, any and all actions required or advisable to be taken to give effect to the annexation hereby approved; including, without limitation, the giving of all notices and the filing of all items required pursuant to Section 10-2-425 of the Utah Code.

SECTION 5. Effective Date. In the interest of public welfare, and for the preservation of property values and rights, this Ordinance shall become effective upon publication or posting, whichever occurs first.

IN WITNESS WHEREOF, the Mayor and City Recorder have subscribed their respective signatures hereto this ___ day of October, 2015.

Carmen Freeman, Mayor

ATTEST:

Jackie Nostrom, City Recorder

EXHIBIT A

(to ORDINANCE NO. 2014-____)

(Legal Description of Dansie Property)

EXHIBIT B

(to ORDINANCE NO. 2014-____)

(Certification and Notice of Annexation Petition.)

EXHIBIT C

(to ORDINANCE NO. 2014-____)

(Notice of Proposed Annexation)

EXHIBIT D

(to ORDINANCE NO. 2014-____)

(Notice of Public Hearing and Affidavit of Publication)



STAFF REPORT

DATE: 10/21/2015
TO: The Honorable Mayor and City Council
FROM: Travis Dunn- Herriman City HR Manager
SUBJECT: Request approval for changes to the Herriman City Policy and Procedures Manual

RECOMMENDATION:

To approve changes discussed and made to policy manual sections:
Section XIX- Leaves of Absence
Section VIII- Discipline
Section XII- Performance Evaluations
Section XIV- Salary Planning

BACKGROUND:

On October 14 during The Work Meeting, we discussed proposed updates and changes to the policy manual section stated above. All recommended changes from the Mayor and City Council were implemented and are shown in the attached documents.

DISCUSSION:

No discussion required unless additional changes or recommendations are made.

ALTERNATIVES:

These changes are to enhance and clarify the Policy and Procedures manual. Any additional alternative wording or philosophy behind our policies can be discussed if needed.

FISCAL IMPACT:

None

HERRIMAN, UTAH
RESOLUTION NO.

**A RESOLUTION APPROVING AMENDMENTS TO THE HERRIMAN CITY
POLICY AND PROCEDURE MANUAL**

WHEREAS, the Herriman City Council ("*Council*") met in regular session on October 28, 2015, to consider, among other things, approving amendments to the Herriman City Policy and Procedure Manual; and

WHEREAS, various amendments to the Herriman City Policy and Procedures Manual have been presented to and reviewed by the Council, copies of the amendments are attached hereto; and

WHEREAS, the Council desires to adopt the attached amendments.

NOW, THEREFORE, BE IT RESOLVED that the attached amendments be approved and inserted in the appropriate places in the Herriman City Policy and procedures Manual and the same be communicated to all Herriman employees.

THIS RESOLUTION, assigned No. ____, shall take effect immediately upon passage and acceptance as provided herein.

PASSED AND APPROVED this 28th day of October 2015.

HERRIMAN

By: _____
Carmen Freeman, Mayor

ATTEST:

Jackie Nostrom, City Recorder

Section XIX: LEAVES OF ABSENCE. The City may provide paid time off to employees as a benefit. Managers have discretion to determine when time off may be approved as time off is not a right to employees unless legally protected.

1. ABSENT WITHOUT APPROVED LEAVE.

A. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action.

B. Any employee who is absent for three (3) or more consecutive work days without authorized leave or without a doctor's note shall be deemed to have voluntarily resigned their position and employment without notice. Where extenuating circumstances are found to have existed; however, such absence may be covered by the City Manager by subsequent grant of leave with or without pay as the circumstances dictate.

2. ANNUAL VACATION.

A. Except as provided by Contract, each full-time employee shall receive annual vacation leave ("vacation") at the following rate:

Tenure with the City	Accrual Per Hour Worked	Annual Accrual Amount
Up to 5 th year anniversary	0.0385	2 week
5 th year anniversary up to 10 th year anniversary	0.0577	3 weeks
10th year anniversary up to 15th year anniversary	0.0769	4 weeks
15th year anniversary and up	0.0962	5 weeks

Note: annual accrual amounts are based on an employee's average hours during a work week.

B. Managers and Directors will accrue an additional week of vacation in addition to the accruals above.

C. Part-time employees who are normally scheduled to work less than twenty (20) hours per week shall not accrue annual vacation.

D. Persons hired on an emergency, temporary, internship, or contract basis shall not accrue annual vacation.

E. It is the policy of the City that employees use or lose their annual vacation. Notwithstanding, an employee may accrue and carry forward from calendar year to calendar year a maximum of eighty (80) hours. Any accrued annual vacation in excess of eighty (80) hours shall be forfeited on December 31 at 11:59:59 of each year.

- F. An employee who is separated from employment shall be compensated for all accrued annual vacation.
- G. All annual vacation requests should be submitted a reasonable time in advance of the desired time off to the employee's supervisor. If an excessive amount of employees request annual vacation for the same time period, annual vacation shall be granted according to management discretion and usually on a first-come-first-served basis. An excessive amount is if the number of requests granted would render the department or organization ineffective.
- H. Official annual vacation records will be maintained and kept current by the payroll department.
- I. Vacation usage will be reported by the employee's supervisor's using approved forms.
- J. Exempt employees are required to account for annual vacation in full-day increments.

3. HOLIDAY LEAVE.

A. Holidays which apply to regular employees working 20 hours a week or more, provided that such day is a regular work day for the part-time employee or scheduled time to work for the part-time employee, are:

- | | |
|---|--------------------------|
| (1) New Year's Day | January 1st |
| (2) Martin Luther King, Jr. Day | 3rd Monday in January |
| (3) President's Birthday | 3rd Monday in February |
| (4) Memorial Day | Last Monday in May |
| (5) Independence Day | July 4th |
| (6) Pioneer Day | July 24th |
| (7) Labor Day | 1st Monday in September |
| (8) Thanksgiving Day | 4th Thursday in November |
| (9) Day after Thanksgiving | 4th Friday in November |
| (10) Veteran's Day | November 11 |
| (11) Christmas Day | December 25 |
| (12) Day after Christmas (depending on the day of week and upon approval of the City Manager) | |

B. If any of the above holidays fall on Saturday, then the preceding Friday shall be the holiday. If any of the above holidays fall on Sunday, then the following Monday is the holiday.

C. A holiday which falls during an employee's annual vacation shall be counted as a paid holiday and not as annual vacation.

4. PERSONAL TIME OFF

A. Personal time off (PTO) is to be used for personal leaves of absence which usually does not include vacation time. A supervisor may request a doctor's note for 3 days of consecutive absences and may additionally require a return to work release.

B. PTO shall be available to all full-time employees, part-time employees, and probationary employees.

C. PTO accruals are added at each payday and accrue based on each hour worked. Employees will not be allowed to have negative accounts.

Scheduled hours worked per week	Accrual Per Hour Worked	Annual Accrual Amount
40 hours	.0385	80 annual hours
At least 30 hours but less than 40 hours.	.0385	60 annual hours for 30 hour a week employees.
At least 20 hours but less than 30 hours.	.0385	40 annual hours for 20 hour a week employees.

D. Not more than one hundred sixty (160) hours of PTO time for full-time employees and eighty (80) hours of PTO time for part-time employees may accrue at any given time.

E. At the end of each year, the maximum carryover amount to the new year is eighty (80) hours. Any PTO time that exceeds eighty (80) hours shall be forfeited on December 31 at 11:59:59 p.m. of each year.

F. Use of PTO.

(1) PTO will not be granted to employees during their first ninety (90) calendar days of employment, except for emergency circumstances with manager approval.

(2) In order to qualify for PTO use, an employee must notify the employee's supervisor no later than one (1) hour after normal starting time on each day of absence unless the circumstances surrounding the absence make such notification impracticable. The employee's supervisor should also be kept advised of the employee's progress and expected date of return to duty.

(3) Any absence beyond accrued PTO will result in the employee being carried on vacation status until all accrued vacation has expired, then be carried in a leave-without-pay status.

(4) Exempt employees are required to account for PTO in full-day increments.

(5) Non-exempt employee should have a minimum of a 2 hours usage of PTO. Anything less than that should be taken during a lunch break.

(6) Common uses of PTO may be:

(a) Sick Time

(b) Dentist and Doctor Appointments

(c) Make up time for shortage of holiday hours

(d) FMLA time off

(e) Bereavement or Funeral leave

5. MATERNITY LEAVE.

A. An employee who becomes pregnant, or whose legal or common law spouse becomes pregnant, may continue working, prior to the birth of the child, until such time as the employee can no longer satisfactorily perform the essential functions of their duties. The employee may be granted vacation, PTO, and/or leave without pay for this period of absence. Regulations governing vacation, PTO, and leave without pay will apply.

B. During a maternity leave period in excess of thirty (30) calendar days, an employee's annual vacation, PTO, and/or time toward their performance evaluation, if applicable, shall not accrue.

C. The City may fill vacancies created by maternity leave with temporary or provisional appointments. At the expiration of the maternity leave, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of maternity leave shall be considered a voluntary resignation of their position and employment without notice.

6. MILITARY LEAVE. An employee shall be granted leave with compensation for the difference in salary for active duty, for service in the National Guard or in the Armed Forces reserves.

7. JURY LEAVE. An employee may be granted leave with full pay when performing jury duty or when required to serve as a witness in any City litigation in any municipal, county, state, or federal court, or before an administrative tribunal. Any compensation received by the employee must be turned back to the City. Paid leave

will not be granted when the employee is serving as his own witness in financial and related suits which he has initiated.

8. ADMINISTRATIVE LEAVE WITH PAY.

A. While performing authorized duties. An employee may be placed on administrative leave with pay, as determined by the City, or an employee may be granted administrative leave with pay to perform authorized duties in connection with City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of the City.

B. Pending possible disciplinary action. An employee may be granted administrative leave with pay pending the outcome of an investigation undertaken to determine if disciplinary action against the employee is warranted. While an employee is on administrative leave with pay pending possible discipline, the employee must be available for work assignments, must leave a contact telephone number, and must be in close proximity to the City.

9. LEAVE WITHOUT PAY.

A. The City Manager may grant an employee leave without pay for a specified period of time, not to exceed one (1) year. At the expiration of the leave without pay, the employee shall return to the same position, where feasible, or to a similar position. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.

B. A leave without pay shall not constitute a break in service. However, during a leave without pay period in excess of thirty (30) calendar days, an employee's time toward their performance evaluation, if applicable, shall not accrue.

C. Leave without pay may be granted or imposed:

(1) For education purposes when the employee's course of study will be of direct benefit to the City, their absence will not be a hardship for their department, and the employee agrees to return to work at the end of the leave-without-pay period, as set forth herein.

(2) To attend funerals or attend to an ill or injured member of the employee's immediate family when the absence is not covered by PTO.

(3) For pending disciplinary actions.

D. Employees are expected to apply for leave without pay in advance and in writing, providing as much detail about the absence as possible so that the City Manager may decide where the leave without pay is warranted.

10. DOCUMENTATION OF LEAVE. Some of the above absences must be supported by a copy of the official paperwork causing the absence or the employee's election to use PTO to cover some or all of the FMLA leave. Such paperwork must be submitted to the City Manager as soon as possible. In some cases where official paperwork is not available, the City Manager may request that the employee supply additional information in writing to support the absence.

SECTION VIII: DISCIPLINARY ACTION

1. GENERAL POLICY. The City may discipline employees as set forth herein.
 - A. These administrative procedures have been established for the handling of disciplinary measures when required. In general, discipline will be imposed using progressive discipline; however, the use of progressive discipline is strictly within the discretion of management. Management reserves the right to impose any level of disciplinary action, up to and including termination that is appropriate to the conduct and is consistent with previous discipline imposed by the City.
 - B. It is the responsibility of all employees to understand and observe rules of conduct necessary for the proper operation and professionalism of the City.
 - C. It is the responsibility of the manager to communicate to employees when they are not meeting expectations or when their actions or inactions may result in discipline. Managers are ultimately responsible to manage their employees and be responsible for the disciplinary process.
 - D. Generally, Human Resources will provide assistance and support to managers who have an employee involved in a disciplinary action. Human Resources will evaluate the situation and provide recommendations for the proposed level of disciplinary action to be imposed.
 - E. The City Manager has final decision making rights to determine the level of discipline imposed.

2. TYPES OF DISCIPLINARY ACTION. The City may impose any level of discipline described below, up to and including termination that is appropriate to the conduct and is consistent with previous discipline imposed by the City.

A. Verbal Coaching. Whenever grounds for disciplinary action exist, a manager may discipline an employee utilizing Verbal Coaching. Verbal Coaching is an informal level of disciplinary action and provides a manager the opportunity to verbally coach and counsel an employee regarding minor matters or violations. The manager is responsible to follow up, provide feedback, and give support to an employee subject to verbal coaching.

(1) Managers are responsible to keep personal notes of conversations where verbal coaching was utilized. If further disciplinary action is warranted these notes may be used to show expectations were communicated to the employee.

(2) The personal notes and any documentations regarding verbal coaching will usually not be put into an employee's personnel file.

B. Documented Verbal Warning. Whenever grounds for disciplinary action exist, a manager may discipline an employee utilizing a Documented Verbal Warning. The Documented Verbal Warning is an initial warning for an issue of

significance or as a component of progressive discipline of a smaller issue(s) not corrected.

- (1) Managers are responsible to provide documentation with the issues addressed using this level of discipline.
- (2) Managers will usually conduct the Documented Verbal Warning meeting and review the issue(s).
- (3) Human Resources may also attend these meetings as needed.
- (4) Employees will be provided with a copy of the Documented Verbal Warning. Employees will be asked to sign the supervisor copy of the form. If an employee refuses to sign the document, it will be noted on the supervisors copy that a copy of the warning was given to the employee and the employee refused to sign.
- (5) A copy of the Documented Verbal Warning and supporting documents, if any, will be placed in an employee's personnel file and may be used as evidence and support if further violations occur.

C. Written Warning. Whenever grounds for disciplinary action exist, a manager may discipline an employee utilizing a Written Warning. A written warning is a formal notice of disciplinary actions and provides a manager the opportunity to formally notify the employee of more serious violations and establish expectations. Written Warnings are usually used for a significant incident(s) or as a component of progressive discipline.

- (1) Managers are responsible to provide documentation with the issues addressed using this level of discipline.
- (2) Managers will usually conduct Written Warning meetings and review the issue(s).
- (3) Human Resources will usually review the disciplinary form with the manager to ensure that it accurately addresses the behavior or issue involved.
- (4) Human Resources may also attend these meeting as needed.
- (5) Employees will be provided with a copy of the Written Warning. Employees will be asked to sign the supervisor copy of the form. If an employee refuses to sign the document, it will be noted on the supervisor copy that a copy of the warning was given to the employee and the employee refused to sign.
- (6) A copy of the Written Warning and supporting documents, if any, will be placed in an employee's personnel and may be used as evidence and support if further violations occur.
- (7) This level of discipline may affect an employee's yearly evaluation rating and yearly compensation increases if one is given.

D. Suspension. Whenever grounds for disciplinary action exist, a manager may discipline an employee utilizing a Suspension. Suspension is a temporary disassociation between the employee and the work place. Suspension is usually used for a significant incident(s) or as a component of progressive discipline. The City may suspend an employee with or without pay for up to, but not exceeding, thirty (30) calendar days.

(1) When proposing to suspend an employee for more than two days without pay, the City Manager shall ensure that the City complies with the due process proceedings set forth below. .

(2)) Human Resources may investigate the behavior or issue(s) involved, or cause an investigation to be performed by a neutral party and will review the disciplinary form with the manager to ensure that it accurately addresses the behavior or issue(s) involved in the Suspension.

(3) Managers will usually conduct Suspension meetings and review the issue(s).

(4) Human Resources may also attend these meeting as needed.

(5) Employees will be provided with a copy of the Suspension disciplinary form. Employees will be asked to sign the supervisor copy of the form. If an employee refuses to sign the document, it will be noted on the supervisor copy that a copy of the suspension was given to the employee and the employee refused to sign.

(6) A copy of the suspension document and supporting documents, if any, will be placed in an employee's personnel and may be used as evidence and support if further violations occur.

(7) This level of discipline may affect an employee's yearly evaluation rating and yearly compensation increases if one is given.

(8) An employee on suspension shall be responsible for making full employee contributions to their employee insurance benefits.

D. Demotion. Whenever grounds for disciplinary action exist, a manager may discipline an employee utilizing a Demotion. Demotion is reducing an employee's remuneration and may or may not include a transfer to a different job assignment within the employee's current department or to another department within the City. Demotion is usually used for a significant incident(s) or as a component of progressive discipline. This level is usually used for an employee who is consistently not performing at the needed level for his current assignment but has shown the ability to be an effective employee with less responsibility or reduced job duties.

(1) When proposing to demote an employee the City Manager shall ensure that the City complies with the due process proceedings set forth below.

(2) Human Resources may investigate the behavior or issue(s) involved, or may cause an investigation to be performed by a neutral party. Human Resources will review the disciplinary form with the manager to ensure that it accurately reflects the behavior or issue(s) involved in the Demotion.

(3) Managers will usually conduct suspension meetings and review the issue(s).

(4) Human Resources may also attend these meeting as needed.

(5) Employees will be asked to sign the supervisor copy of the Demotion. If an employee refuses to sign the document, it will be noted on the supervisor copy that a copy of the demotion was given to the employee and the employee refused to sign.

(6) A copy of the demotion documentation and supporting documents, if any, will be placed in an employee's personnel and may be used as evidence and support if further violations occur.

(7) This level of discipline may affect an employee's yearly evaluation rating and yearly compensation increases if one is given.

E. Termination. Whenever grounds for disciplinary action exist a manager may discipline an employee utilizing a Termination. Termination is the permanent disassociation between the employee and the City. Termination is usually used for a significant incident(s) or as a component of progressive discipline.

(1) When proposing to terminate an employee the City Manager shall ensure that the City complies with the due process proceedings set forth below.

(2) Human Resources may investigate the behavior or issue(s), or cause an investigation to be performed by a neutral party, and will review the disciplinary form with the manager to ensure that it accurately reflects the behavior or issue(s) involved in the Termination.

(3) Managers will usually conduct Termination meetings and review the issue(s).

(4) Human Resources may also attend these meeting as needed.

(5) Employees will be asked to sign the supervisor copy of the Demotion. If an employee refuses to sign the document, it will be noted on the supervisor copy that a copy of the demotion was given to the employee and the employee refused to sign.

(6) A copy of the termination document and supporting documents, if any, will be placed in an employee's personnel and may be used as evidence and support if further violations occur.

(7) Employees who are terminated will not be eligible for rehire.

3. CAUSES FOR DISCIPLINARY ACTION.

A. Causes for disciplinary action may include, but are not limited to, the following:

- (1) Violation of the laws of the State of Utah or the United States, other than minor traffic offenses.
- (2) Violation of this Manual or City policy or procedures.
- (3) Conduct which endangers the peace and safety of others or poses a threat to the public interest.
- (4) Inappropriate interference with work of other City employees.
- (5) Employee misconduct which includes, but is not limited to, behavior that is not in accordance with City culture, accepted moral or professional standards.
- (6) Malfeasance or conduct that cannot be legally justified or that conflicts with the law.
- (7) Misfeasance or abuse of lawful authority in order to achieve a desired result.
- (8) Nonfeasance or the omission of a required act.
- (9) Incompetence of job performance or actions. Incompetence includes, but is not limited to, lacking the skills, qualities, or abilities to complete required duties.
- (10) Negligence of work duties, policies or safety. Negligence includes, but is not limited to, causing injury or harm to another person or property as a result of actions or failure to provide proper or reasonable care.
- (11) Insubordination of the employee to another employee usually of a higher status or reporting relationship. Insubordination includes, but is not limited to, refusing to follow reasonable orders; refusing to meet with a supervisor; yelling, using obscene, foul, or abusive language; or showing anger through physical gestures, such as slamming doors, throwing documents, supplies, or other items.
- (12) Failure to maintain skills.
- (13) Inadequate performance of duties.
- (14) Unauthorized access to or distribution of controlled, confidential, or private records.
- (15) Pattern of unauthorized absence or tardiness.
- (16) Falsification or unauthorized alteration of records.
- (17) Falsification of employment application.
- (18) Unlawful discrimination in hiring, assignment, or promotion of another employee.
- (19) Sexual harassment.
- (20) Falsifying Records.

- (21) Time sheet manipulation.
- (22) Illegal possession of firearms, weapons, or explosives on City owned property; provided, however, an employee who has been issued a permit or temporary permit by the State of Utah to carry a concealed weapon is authorized to possess a firearm on City-owned property. Except for police officers, employees are not authorized to use deadly force when acting for and in behalf of the City. If an employee that is not a police officer uses deadly force, the employee will not have immunity or be indemnified by the City.
- (23) Carelessness which affects the safety of personnel or damage to property.
- (24) Threatening, intimidating, coercing, or interfering with fellow employees on the job, or the public at large.
- (25) Theft or removal of any City property or the property of any employee from the work area premises without proper authorization.
- (26) Gambling or engaging in a lottery at any City work area.
- (27) Misusing, improper use, destroying, or damaging any City property (including, but not limited to, City-owned vehicles) or the property of any other employee.
- (28) Deliberately restricting work output of themselves or others.
- (29) Drinking any alcoholic beverage while working or while on City business, or being under the influence of illicit drugs or alcohol while working or while on City business or when on call or on first rotation. For purposes of this subparagraph, "while on City business" means during such times that the employee is representing the City in an official capacity or could reasonably be presumed to be a representative of the City.
- (30) Sleeping during working hours.
- (31) Engaging in violence or behavior that carries the potential for violence, including, but not limited to, fighting (verbal or physical) on City premises, or while on City business; using obscene, foul, abusive, or threatening language or gestures towards employees or the public.
- (32) Using work time for personal conduct.
- (33) Engaging in rude or discourteous behavior towards other employees or the public, including, but not limited to, spreading rumors or gossiping, refusing to work with certain employees, sabotage, throwing items, yelling, ignoring customers, or other behavior that is disruptive to the work environment.

(34) Making a malicious, fraudulent or frivolous complaint with intent to cause harm, harass, disrupt City services, or with reckless disregard to the truthfulness of the complaint.

(35) Refusing to respond to an official request for factual information or willfully impeding an internal investigation after receiving notification that a response is required.

(36) Failure to obtain or maintain any required documentation to be legally employed, occupational license, professional license, or certification, such as a commercial driver's license.

(37) Using e-mail, voice mail, fax, text messaging, or any other form of social media to violate any of the policies set forth herein.

4. CONDUCTING AN INVESTIGATION.

A. If the City deems it necessary, Human Resources may lead or conduct an investigation with guidance from the City Manager and the Manager of an employee. A neutral third party may conduct the investigation when it is determined by the City to be appropriate.

B. It is expected that Human Resources remain a neutral party to the situation and provide recommendations based on the results of its investigation.

C. Human Resources is responsible to reduce risk to the City without compromising the outcome of the investigation.

D. The City Manager, with counsel from Human Resources, may place an employee on administrative leave during an investigation to determine the facts upon which disciplinary action may be imposed.

E. Human Resources will investigate any City employee witnesses who may have information into the investigation. The employee under investigation may request Human Resources to investigate certain individuals that may help their case.

F. Human Resources will gather facts of the situation and case to provide a recommendation to the manager of the employee and the City Manager.

5. DUE PROCESS AND IMPOSING DISCIPLINARY ACTION.

A. Human Resources shall ensure that disciplinary action and discipline are administered in a consistent legal manner.

B. Each employee shall be afforded prior access to the City's rules, policies, and procedures.

C. In determining the type and severity of the disciplinary action, the City Manager shall consider if the disciplinary action is appropriate to the conduct and is consistent with previous discipline imposed by the City and may consider aggravating and mitigating circumstances which include, but are not

limited to, the repeated nature of misconduct; prior disciplinary action imposed; the severity of the misconduct; the employee's work record; the effect on the City's operations; and/or the potential of the misconduct to harm person(s) or property.

D. Disciplinary action that involves a termination, suspension for more than two days without pay, or transfers from one position to another with less remuneration shall not be imposed until an informal predisciplinary hearing, with appropriate written notice to the employee. The predisciplinary hearing investigation shall include a presentation of the allegations, potential disciplinary action, and an opportunity for the employee to respond to the allegations and make written responses within five (5) business days of the predisciplinary hearing. All such written responses shall be placed in the employee's personnel file.

E. With respect to discipline that imposes a termination, suspension for more than two days without pay, or involuntary transfer from one position to another with less remuneration, Human Resources shall ensure that a formal written decision/statement is given to the employee that includes findings of the investigation and response to the predisciplinary hearing. The written decision/statement shall include:

(1) The grounds for disciplinary action, including a description of the specific misconduct for which the disciplinary action is being imposed.

(2) Any prior disciplinary action imposed.

(3) The disciplinary action to be imposed.

(4) The effective date and duration of the disciplinary action.

(5) The corrective action necessary, if any, for the employee to avoid further disciplinary action.

(6) A statement that includes the following notification: Notice: Pursuant to Utah Code Ann. § 10-3-1106(3)(a)(i)(2008) (as amended from time to time), you have ten (10) calendar days in which to file a written notice of appeal with the City Recorder from the discipline referenced herein. If you fail to file the written notice of appeal required by Utah Code Ann. § 10-3-1106(3)(a)(i)(2008) (as amended from time to time) within such ten (10) day period, you will have irrevocably waived your right to appeal the foregoing discipline to the Employee Appeal Board, and discipline will be implemented.

F. Suspension, demotion, transfer, or termination of an employee shall require the approval of the City Manager. Due process notes and findings will be kept in a separate file from the employee file.

6. APPEAL PROCEDURES.

- A. "Probationary employees" and "temporary employees" have no appeal rights.
- B. "At will", "City Manager", and "Assistant City Manager" have no appeal rights.
- C. Employees have no appeal rights with respect to "verbal warnings."
- D. Employees have no appeal rights with respect to "written warnings".
- E. Employees, except those employees excluded from the right to appeal as provided above, may appeal the termination, suspension for more than two days without pay, or involuntary transfer from one position to another with less remuneration, to an Appeal Board. All such appeals shall comply with Utah Code Ann. §§ 10-3-1105 and 1106 (2008) (as amended from time to time).

SECTION XII: PERFORMANCE EVALUATIONS

1. PERFORMANCE EVALUATIONS. Performance evaluations are used to communicate with an employee their current performance level, provide expectations, and set goals and objectives for the upcoming period.

A. Performance evaluations will consist of a review between the employee's supervisor and the employee using Herriman's Performance Evaluation system and criteria.

B. Employee evaluations must be conducted in a manner which will ensure fair treatment and an objective evaluation of employee performance.

C. Direct supervisors will be responsible for their employees' evaluations. Performance information may also be gathered from other City employees under the discretion of the supervisor.

D. There are certain fundamental principles which govern employee performance evaluations. City evaluations should contain the following:

(1) A review of the employee's job description. The job description and duties shall be reviewed by the employee and their supervisor.

(2) The evaluation of an employee's performance will be based on criteria directly related to their job duties described. Each employee should receive communication as to how their work contributes to the vision of the organization.

(3) Evaluations provide supervisors and employees with an opportunity to set individual and department goals critical to the development of performance plans and standards. Employees should be heavily involved in this process including: determining how goals will be measured, creating a target completion date and determining which resources will be required.

(4) Objectives must be clearly defined and understood by both employees and their supervisors. Employees should fully understand the knowledge, skills and abilities necessary for achievement and have periodic reviews and resources made available that are critical to the success of the employee and the organization.

(5) Employees should understand that they will be supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards. The supervisor should be open and make every effort to respond in a positive and encouraging manner. Employees should be given the opportunity to record remarks and give feedback on the performance evaluation process and the assessment received. Both employees and their

supervisors shall sign the performance review. If the employee refuses to sign the appraisal document, the supervisor will indicate this on the signature line along with the date and time, indicating that the employee refused to sign.

(6) Under no circumstances should employees be allowed to prepare their own performance evaluation. It is the responsibility of the employee's supervisor to prepare performance evaluations. There may be times when the employee will be asked to rate themselves as part of the evaluation but a self-evaluation will not take the place of the supervisor's evaluation.

2. PERFORMANCE PLANS. At any time, a supervisor may provide an employee a performance plan to outline department goals and objectives and communicate the employee's role to help complete department goals. These plans must be in line with department and City goals. Performance plans may also be used as part of performance improvement and setting job expectations.

A. Supervisors should complete a written performance plan with their new employees as soon as practical when they are first hired and continue updating this plan as needed.

B. Performance planning is a continuing and collaborative process in which employees and their supervisors:

(1) Jointly identify objectives and goals.

(2) Define priorities and performance standards.

(3) Compare progress against expectations and revise the plan, when necessary.

C. The performance plan shall include prioritized goals and objectives with mutually acceptable performance standards.

3. PERFORMANCE STANDARDS.

A. Performance standards and expectations shall be established for each position and may be individualized for a specific employee. Employees shall participate in the establishment of performance standards and expectations relevant to their jobs.

B. Criteria will be based on job duties, skills and attributes required. There may also be additional criteria based on ability to meet the cultural expectations of the City. Although the standards may vary from time to time, they may include the following factors: Attitude and professionalism, Innovation, Initiative, Job knowledge, Technical skills, Decision making, Problem solving, Organization, Time management, Reliability, Communication, Teamwork, Supervision and Leadership.

C. Employees shall be advised of how they are performing in relation to established standards.

D. Informal performance evaluations are an ongoing process which requires that supervisor and subordinates to meet periodically to discuss achievements, review performance and mutually agree on strategies to eliminate performance deficiencies. This ongoing process culminates in the written evaluation at the end of the annual performance evaluation period.

E. If improvement is needed, employees shall be made aware of the time frames and actions to be taken to improve performance and to increase the value of service.

F. Employees shall know what role their supervisors shall play in providing them assistance toward improved performance.

4. PERFORMANCE RATINGS.

A. Each employee evaluation shall provide an overall performance rating which can be equated to one of the following:

- (1) Poor. Performance does not meet the minimum standards.
- (2) Needs Improvement. Performance needs improvements in several areas.
- (3) Meets Expectations. Performance meets job expectations.
- (4) Exceeds Expectations. Performance frequently exceeds job expectations.
- (5) Excellent. Performance consistently exceeds job expectations.

5. PERFORMANCE PERIODS.

A. Probationary Employees.

- (1) Employees on probation shall have performance evaluations following the end of their probationary period.
- (2) The performance evaluations may be used to provide information to both the employee and management regarding the employee's performance.
- (3) Performance evaluations and the results of such evaluations do not obligate Herriman to a particular course of action relative to probationary employees, including but not limited to, salary adjustments and do not create any property/due process rights for probationary employees relative to their jobs/positions.
- (4) Employees on probation shall not receive salary adjustments.

B. Non-probationary Employees.

- (1) Formal performance evaluations will be completed at least annually.

(2) Although a salary adjustment never automatically follows a performance evaluation, the performance evaluation may be included as a component of any future compensation increase.

(3) Performance evaluations may be used in decisions concerning advancement, future training needs, performance related salary adjustments, and contested disciplinary actions.

6. CONFIDENTIALITY.

A. Completed performance evaluations received by Human Resources shall permanently remain in the employee's personnel file and become a part of the confidential information of that file.

B. Current supervisors and employees may review past evaluations under the direction of Human Resources.

SECTION XIV: SALARY PLANNING

1. GENERAL POLICY. Subject to City Council approval of funding, through the adopted budget, the City Manager shall be responsible for the development and maintenance of a uniform and equitable pay plan for Herriman. The pay plan shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:

- A. Ranges of pay for other positions.
- B. Prevailing rates of pay for similar employment in both public and private organizations.
- C. Cost of living factors.
- D. Other benefits received by employees.
- E. The financial policy and economic conditions of Herriman.
- F. Years of service and experience of an employee.
- G. Certifications.
- H. Title change and promotion.
- I. Professional accreditation required for the job.
- J. Obtaining a higher education degree that benefits the City.
- K. Merit and/or annual review.

2. PAY STRUCTURE DEVELOPMENT AND ALLOCATION.

- A. Human Resources shall conduct studies of salary grades and ranges and will make recommendations to the City Manager regarding the salary grades. Implementation of adjustments is subject to budgeting approval and the availability of funds.
- B. The City Manager shall assign each position's grade to a pay range based upon the position's responsibilities, duties, comparable market pay, and relationship to other levels as defined in the position level plan and by market data.

3. NEW HIRES.

- A. Pay for newly hired employees will normally be set at the minimum of the salary range assigned to the position with possible additional pay based on additional work experience, specialized skills relevant to the position, and internal equity with other similarly positioned staff.
- B. City Manager approval is required to hire above the midpoint of a pay range.
- C. Upon successful completion of the probation period the new employee may be eligible for a pay increase.

4. MERIT INCREASE.

- A. The City Manager, upon approval of a budget line item for such by the City Council, shall adopt merit increase guidelines effective the first full pay period after July 1 of each fiscal year.
- B. Full-time and part-time employees are eligible to receive a merit increase.
- C. A part-time employee is eligible to receive a merit increase in the same amount of elapsed calendar time on the job as a full-time employee.
- D. A merit increase shall not exceed the maximum range assigned to a position level, unless approved by the City Manager for situations based on high performance with a significant beneficial impact on the City.

5. MIDYEAR SALARY ADJUSTMENT.

- A. The City Manager may approve a midyear salary adjustment in order to mitigate inequity, adjust to market pay, or for high level performance that goes beyond expectations.
- B. The employee's manager shall create a written rationale and submit a copy for approval to the City Manager and to Human Resources for placement in the employee's personnel file.
- C. A selective adjustment is subject to the availability of funds and guidelines that have been established.

6. COST-OF-LIVING ADJUSTMENTS. When the budget approved by the City Council grants a cost-of-living adjustment (COLA) which exceeds an across-the-board pay plan adjustment, the COLA shall not exceed the new range maximum unless approved by the City Manager.

7. PROMOTION. Upon successful completion of job performance criteria the City Manager may grant a salary increase to an employee receiving a promotion. If the new salary is below the minimum of the new range, it shall be increased to the new minimum.

8. REASSIGNMENT. Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the reassignment. If the new position is a higher level the employee may be adjusted based upon new responsibilities and will be brought up to at least the minimum of the new range upon successful completion of job performance criteria.

9. RECLASSIFICATION. The City Manager may deem it necessary to reevaluate a position's grade and salary.

- A. If the City Manager reclassifies a position to a higher level, then the incumbent's salary maybe adjusted based on increased responsibilities but will be moved to at least the minimum of the new range upon successful completion of job performance criteria.
- B. A reclassification increase is subject to the availability of funds.
- C. If the City Manager reclassifies a position to a lower level, the incumbent's salary shall remain the same. If the incumbent's salary exceeds the maximum of the new range, the incumbent is ineligible to receive a salary increase until the salary range increases to incorporate the incumbent's pay rate. An employee is ineligible to receive cost-of-living increases until the salary range increases.