HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting

September 19, 2023

4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

TIME AND ORDER OF ITEMS ARE APPROXIMATE AND MAY BE CHANGED AS TIME PERMITS

I. WORK MEETING - 4:00 P.M.

1. State Historic Preservation Office (SHPO) presentation on the National Main Street Program, Historic Preservation and state and national grant programs (Kohler, Smedley, Gauthier, Clarke) (Tony Kohler, Community Development Director) - *60 min*

2. Implementing the Central Heber Vision (Tony Kohler, Community Development Director) - *40 min*

3. Discussion regarding changing the name of Hidden Creek Lane between Highway 40 and Mill Road (Jamie Baron, Planning Manager) - *10 min*

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

2. Pledge of Allegiance (Scott Phillips, Council Member)

3. Prayer/Thought by Invitation (Ryan Stack, Council Member)

IV. CONFLICT OF INTEREST DISCLOSURE:

V. CONSENT AGENDA:

1. Approval of September 5, City Council Meeting Minutes (Trina Cooke, City Recorder)

2. Ordinance 2023-33 Removing Title 4 from the Heber City Municipal Code and deferring to State requirements (Jeremy Cook, City Attorney)

3. Consider Approval of Contract Award for Construction of the 1200 South 500 East Traffic Signal (Russ Funk, City Engineer) -

VI. PUBLIC COMMENTS: (3 min per person/20 min max)

VII. GENERAL BUSINESS ITEMS:

1. Discussion with High Valley Transit regarding assistance from Heber City to facilitate future HVT bus stops, bike-and-ride lots, and other issues for expanded transit in the near

future in Heber City (Mike Johnston, Council Member) - *15 min*

2. Presentation regarding Dark Skies in Heber City (Lisa Bahash) - *10 min*

3. Utah League of Cities and Towns - September 2023 Conference Report - Housing Brochure & Data Request, NIMS Training, M&I Water and 'Water Neutral Savings,' Resolution 1 & Governor's Initiative on 'Disagree Better', Resolution 2 on 'Local Authority' See also: https://www.nga.org/disagree-better/ (Heidi Franco, Mayor) - *20 min*

4. Update of Council Priorities 2023-2024 (Matt Brower, City Manager) - *10 min*

5. Central Heber Replacements Project Update (Russ Funk, City Engineer) - *5 - min*

VIII. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Public Hearing for Resolution 2023-17 to Approve the 1st Budget Amendment to the Fiscal Year 2024 Annual Budget (Sara Nagel, Finance Manager) - *15 min*

2. Parker Sever Employment Agreement and Official Appointment as Heber City's Police Chief (Matt Brower, City Manager, Jeremy Cook, City Attorney) - *10 min*

3. School House Academy Foundation Request for Funding (McKay Riddle) - *20 min*

4. Resolution 2023-16, the renaming of the Heber City Public Safety Building to the David D. Booth Public Safety Building (Heidi Franco, Mayor) - *10 min*

5. Plaque to commemorate Chief David D. Booth's retirement and contributions to Heber City including the construction of the Public Safety Building (Scott Phillips, Council Member) - *10 min*

6. Subdivision Requirements Update (Tony Kohler, Community Development Director) - *30 min*

7. Ordinance 2023-20 adopting the Affordable Housing Amendment (Tony Kohler, Community Development Director) - *20 min*

8. City Rebranding (Ryan Bunnell) - *15 min*

9. Resolution 2023-11 Updating the Personnel Policies & Procedures Handbook (Jeremy Cook, City Attorney , Cherie Ashe, Human Resources Director) - *20 min*

10. Authorization to solicit proposals for sale of City-owned Commerce Park property (Matt Brower, City Manager) - *5 min*

IX. COMMUNICATION:

X. ADJOURNMENT:

Ordinance 2006-05 allows Heber City Council Members to participate in meetings via telecommunications media.

In accordance with the Americans with Disabilities Act, those needing special accommodations during this meeting or who are non-English speaking should contact Trina Cooke at the Heber City Offices 435.657.7886 at least eight hours prior to the meeting.

Posted on 9/14/2023, in the Heber City Municipal Building located at 75 North Main, the Heber City Website at www.heberut.gov, and on the Utah Public Notice Website at http://pmn.utah.gov. Notice provided to the Wasatch Wave.

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	State Historic Preservation Office (SHPO) presentation on the National Main Street Program, Historic Preservation and state and national grant programs (Kohler, Smedley, Gauthier, Clarke)
RESPONSIBLE:	Tony Kohler
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community Development

SUMMARY

The State Historic Preservation Office (SHPO) will make a presentation on the National Main Street Program, Historic Preservation and available state and national grant programs for historic preservation.

RECOMMENDATION

N/A

BACKGROUND

N/A

DISCUSSION

N/A

FISCAL IMPACT

N/A

CONCLUSION

N/A

ALTERNATIVES

N/A

POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

None

Heber City Council Staff Report

MEETING DATE: 9/19/2023
SUBJECT: Implementing the Central Heber Vision
RESPONSIBLE: Tony Kohler
DEPARTMENT: Planning
STRATEGIC RELEVANCE: Community Development

SUMMARY

With the Vision adopted on September 5, it provides guidance for several implementation efforts. The intent of this staff report is to suggest the process forward for implementation efforts over the next several months.

RECOMMENDATION

Staff recommends the City Council review the proposed process, emphases, and provide feedback to staff and People+Place.

BACKGROUND

The Envision Heber 2050 general plan was adopted a few years ago. It covers the downtown area but not in the detail needed for developing priorities/steps for the City to consider in implementation. The process below will lead to changes in the general plan. Then, there will be a follow-up with ordinance changes to assure that future development meets the intent of the Vision. We would like to try and work on updates to the C-2 Commercial Zone, C-3 Commercial Zone and the Parking Code chapters concurrently with the General Plan updates. In addition, we are trying to wrap up the general ordinance updates by the end of the year.

DISCUSSION

Suggested Process

Envision Heber 2050 update

1. Review Vision topics and mapping and compare to the current General Plan.
2. Draft changes where conflicts are recognized and modifications are needed.
3. Update Future Land Use map and associated chart.
4. Break Vision into three district maps and place in the appendix.
5. Prepare new document and staff report.
6. Staff review and joint PC/CC workshop.
7. PC public hearing and recommendation.
8. CC work session.

9. CC adoption.

C-3 Chapter updates

1. Develop a concept to enhance the historic character for the C-3 Commercial Zone (historic inner Main).

    - Consider a cafeteria style selection of features using the historic building sketch from Lane Lythgoe. The C-3 Commercial Zone would have the most features required.
    - Consider how smaller "mom and pop" stores can be encouraged as opposed to chains.
    - Consider a subdistrict where local businesses are all that is allowed, such as from City Park to City Hall.
    - Create other design standards that are required – building façade variation, materials, first floor windows percentages, stepbacks, etc.

2. Review uses for compatibility, address hotels and affordable housing incentives.
3. Draft chapter updates.
4. Staff review.
5. Joint PC/CC workshop – likely revisions.
6. Consider an open house for the commercial districts.
7. PC Public Hearing and recommendation.
8. CC workshop.
9. CC adoption.

C-2 Chapter update

Similar and concurrent process to the C-3 except that fewer historic features would be required, and "mom and pop" incentives/requirements are not utilized. C-2 and C-3 Commercial Zone hearings at the same time.

Parking chapter and Sign Chapter updates

Revise C-3 Commercial Zone to not require parking. Consider a policy where new users participate in striping the adjacent streets. Consider a parking district. Hearing with the C-2 and C-3 Commercial Zones. Allow for projecting signs.

Future 2024 ordinance updates

To emphasize downtown and the associated capital projects, it is suggested that updates to the C-4 Commercial Zone, Midway Lane Overlay and the creation of a new overlay that could implement the Residential Transition Zone adjacent to the C-3 Commercial Zone (Inner Main) could be scheduled for 2024.

Tentative scheduling

- *General Plan and Ordinance drafts by the end of the first week of October.*
- *Open houses and hearings later in the month and likely stretching into November.*
- *Adoption during the early part of December.*

FISCAL IMPACT

Potential to incentivize growth in the Downtown. Funds are already available from the Downtown and ordinance update processes.

CONCLUSION

These basic ordinance updates would help implement the Vision.

ALTERNATIVES

In a sense there are no alternatives if the City wishes to endorse the Vision. However, there is always a “do nothing” alternative.

POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

None

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	Discussion regarding changing the name of Hidden Creek Lane between Highway 40 and Mill Road
RESPONSIBLE:	Jamie Baron
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community and Economic Development

SUMMARY

Council has asked that the portion of Hidden Creek Lane within the Sawmill Development be changed so as not to create confusion with the portion of the road that is in the unincorporated Wasatch County.

RECOMMENDATION

Staff is seeking guidance from the Council on the new name for Hidden Creek Lane.

BACKGROUND

The Sawmill Development originally proposed the road to be Tingey Lane. During the Master Plan and subsequent phasing of the development, the decision was made that the road needed to line up with Hidden Creek Lane and share the same name. Some of the residents in the County have asked that the names be different so not to increase traffic on their dead end street.

DISCUSSION

Streets are given a name or number depending on how straight they are. Given the alignment of this street, it should have a name. The County GIS department would prefer that the name remain the same or be changed to E Airport Rd, as connecting roads should carry over the same name. An additional option would be to keep the Hidden Creek portion and change the designation from Lane to Road, Way, Drive.

FISCAL IMPACT

N/A

CONCLUSION

The Council has asked Staff to change the name of Hidden Creek Lane. Staff is seeking input on the new name to prepare for a future decision by the Council.

ALTERNATIVES

Not an Action Item.

POTENTIAL MOTIONS

Not an Action Item.

ACCOUNTABILITY

Department: Planning
Staff member: Jamie Baron, Planning Manager

EXHIBITS

1. Hidden Creek Lane Email

Matt Brower

From: Kelsey Berg <kelseyberg07@gmail.com>
Sent: Tuesday, September 12, 2023 10:47 PM
To: CC Public Comments
Subject: (EXTERNAL) Fwd: 1790 South/Hidden Creek Lane name removal support

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

To: Heber City Council

We would like to express our support to the Council for removal of the name "Hidden Creek Lane" from 1790 South in Heber City.

We request and support removing the name from 1790 South for the following reasons:

1. Hidden Creek Lane on the east side of Mill Road is a private road.
2. 1790 South does not connect to Hidden Creek Lane on the east side of Mill Road. Two roads with the same name that don't connect will cause unnecessary confusion for those looking for addresses on both roads.
3. 1790 South does not align with Hidden Creek Lane. In order for them to meet, it would require a curved road through the Forest Service property and this may never be open for development. This means that it is likely the two roads will never connect.
4. The development on the west side of Mill Road (Sawmill Development) is within Heber City boundaries and the east side of Mill Road and Hidden Creek Lane is within Wasatch County jurisdiction. According to the agreement between Heber City and Wasatch County, the city boundary will not cross east of Mill Road, and therefore it could cause problems in the future to have two roads of the same name within two jurisdictions.

We ask and support the removal of the name "Hidden Creek Lane" from 1790 South.

We appreciate your efforts to rectify this situation.

Respectfully,

Tod and Lynette Berg
Kelsey Berg
Kameron and Lorrie Kohler
Jake and Natalie Lundquist
Rachel Michael
Brent and Ginger Baker
Eric and Suzy Anderson
Starla Phillips
Tanner and Shelby Phillips

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
September 5, 2023

DRAFT Minutes

4:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. WORK MEETING - 4:00 P.M.

Mayor Franco called the meeting to order at 4:01 p.m. and welcomed everyone present.

City Council Present:	Mayor Heidi Franco Council Member Yvonne Barney Council Member Mike Johnston Council Member Rachel Kahler Council Member Scott Phillips Council Member Ryan Stack
Staff Present:	City Manager Matt Brower Assistant City Manager Mark Smedley Community Development Director Tony Kohler City Engineer Russ Funk City Attorney Jeremy Cook Human Resources Manager Cherie Ashe Public Works Director Matthew Kennard City Recorder Trina Cooke

Staff Participating Remotely: Planning Manager Jamie Baron, Engineering Administrative Assistant Desiree Muheim, Public Works Foreman Rilley Fairbourn, City Engineer Russ Funk, Finance Manager Sara Nagel, Accounting Technician Wendy Anderson, and Deputy City Recorder Robin Raines-Bond.

Also Present: Paul Royall, Eric Hales, Mike Scott, Ralph Wood, Catherine Moss, Pam Patrick, Alissa Haynes, Laurie Thomson, Mark Thomson, Allison Salisbury, Michael Moulton, Renee Waas, Cynthia Swanson, Michael Kutner, Kerrie Stavic, Jean Speer, David Speer, Chris Amador, Elise Villaroman, Samantha Simpson, Joshua Doxey, Vickie and Mike Buongomo, Rick and Hillary Keel, Addison Hicken, Cliff and Susie Dvernberger, David Stoddard, Cathy Lengeling, Gala Winter, Wade Winter, Mishelle and Brad Glasman, Lauren and Bob Hammerberg, Roger and Joellen Warner, Gary and Lynn Provost, Paul Herbert, Marcie Russell, Blaine Rigby, John Kaufman,

Caradie William, Lisa Meisner, Linda Harrison, Christine Splichal, Tina Finly-Rukins, Jed Huie, Lisa Huie, Scott Huie, Di Ann Duke Turner, Gail LeVee, Keith Simmons, Diane and Dave Citek, Mary Ellen Azer and Rob Kramer, Jamie Johnston, Allison Smoot, Sandy Hindy and Bob Hindy, Jessica Neves, Gray Lorenc, Dave Lorenc, Marny Schlopy, Alicia Stockman, Kevin Vest, Robin Vest, Harvey Horner, Danny Hill, Armando Quihones, Tori Broughton, Cuani Hall, Julie Monahan, Trulan Preece, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (names are shown as signed-in online) Brad Glasman, B Wood, Bill Ivie, Brent, Catherine, Christopher Roberts, John Janson, Luke S, Parker Sever, Susie, Anonymous, B, Bell, Bob Evens, Bryan Bowers, C, CLP, Cygrymus, Davie, Graziela Kaufman, Grace Doerfler, Guest, Ileana Anderson, J, Jake J, James Kirk, Jan, Jay, Jeff Brown, John, Kelli, Kim Jensen, Laurie Brown, Lisa Jane Dinga, Lisa Meisner, Marcus, Marilyn, Mario C., Marsha Parise, Marty Harger, Michele Thomas, Mike, Mitch Couch, NAH, NG, P Maupin, Phil Jordan, R, Reb, Renee, Richard Getz, Shorty 5, The Wave, Vest, and Walter Smith.

1. Ordinance 2023-22, adopting the vision for Envision Central Heber as part of the General Plan (Tony Kohler, Community Development Director) - *45 min*

Community Development Director Tony Kohler presented the information as included in the supporting meeting material attached to the agenda. Council discussed the distance east and west that they wished to allow commercial-retail, mixed-use, and residential transition areas downtown; what they felt the residents wanted to see; and how to preserve the historical homes downtown. The proposed ordinance would adopt the Envision Central Heber portion of the General Plan. Council discussion would continue during the Action Items agenda item five.

2. Zone Change for Property located at approximately 801 South 100 West (Tony Kohler, Community Development Director) - *10 min*

Community Development Director Tony Kohler explained that the applicant was present to garner Council feedback as to whether they would consider the requested zone-change in order for Staff and the applicants to proceed the required process. The petitioners wished to raze two existing dilapidated duplexes and build a three-story mixed-use residential-commercial building. Petitioners Ron Phillips and Ben Witt were present to answer Council questions. They noted the residential units could house employees who worked in the area. Council expressed support of the proposed project and agreed to allow the applicant to proceed with the negotiations of a development agreement with the Planning Commission and Staff.

City Engineer Russ Funk shared the location of a planned road through an adjoining parking lot located north of Lee's Marketplace and south of the Taco Bell/Kentucky Fried Chicken.

3. Revised Personnel Policies & Procedures Handbook (Jeremy Cook, City Attorney , Cherie Ashe, Human Resources Director) - *55 min*

City Attorney Jeremy Cook reviewed the proposed updates to the Personnel Policy handbook as shown in the attached redlined version of the policy. Council provided feedback and the Personnel Policy item would return to the September 19 Council Meeting Agenda for action.

City Engineer Russ Funk described his disappointment to learn of the proposed sunset of the COBRA benefit for employees who would retire before the age of 65. Council Member Barney felt the COBRA benefit was an employee retention benefit and supported keeping it in place. Council Member Stack proposed the benefit not be offered to future employees but not be taken away from current employees. Council Member Phillips felt the policy should not be changed. He felt it was a great benefit and incentivized long-term employment. Direction from Council majority was to retain the benefit for existing employees and eliminate the benefit for employees whose start date was after the updated policy was adopted.

II. BREAK - 10 MIN

III. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Franco called the meeting to order at 6:05 p.m. and welcomed everyone present.

2. Pledge of Allegiance (Rachel Kahler, Council Member)

Council Member Kahler led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Scott Phillips, Council Member)

Council Member Phillips shared a thought about overcoming obstacles. In 1894, the world's biggest problem was manure. New York City had over 150,000 horses dropping approximately 2.5 million pounds of manure a day. It was projected that New York City would be under ten feet of manure by the turn of the century. The City held an all-weekend conference whose attendees all departed before the end of the first day as they felt there could be no solution. In 1907, the Model T was invented and the manure problem was eventually eliminated. Council Member Phillips acknowledged there were great difficulties as well as great opportunities in today's world. He read the following quote by Abigail Adams: "These are the times in which a genius would wish to live. It is not in the still calm of life, or the repose of a pacific station, that great characters are formed. The habits of a vigorous mind are formed in contending with difficulties. Great necessities call out great virtues. When a mind is raised, and animated by scenes that engage the heart, then those qualities which would otherwise lay dormant, wake into

life and form the character of the hero and the statesman." He recognized how many members of the public were present that might want to speak and asked that everyone speak the truth and listen to each other's truths that may be different from one's own truth. He asked comments be given kindly, calmly, and collected, and felt they would have a great evening. He thanked everyone for attending.

IV. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts of interest disclosed.

V. CONSENT AGENDA:

1. August 15, 2023, City Council Meeting Minutes; August 15, 2023 Truth in Taxation Special City Council Meeting; and August 23 Special City Council Meeting - Closed Executive Session (Trina Cooke, City Recorder)

2. City Police Department, and City Public Works Fleet Lease-Purchase Agreement Resolution 2023-15 (Mike Scott)

Motion: Council Member Phillips moved to approve the Consent Agenda. **Second:** Council Member Stack made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed** unanimously, 5-0.

VI. PUBLIC COMMENTS: (3 min per person/20 min max)

1. Comments/handouts:

Sandy and Bob Hindy shared that they had chosen to leave southern California in 2014 and move to Heber City in order to enjoy living in a rural community with dark skies. They read a statement as included at the end of these meeting minutes.

Lisa Meisner read a statement that she and her husband lived in Heber City because they loved the rural, natural area, and the beautiful vistas, including the dark night skies in their neighborhood. They traveled Center Street and the streets servicing the temple site location. They were responsible users of water and did their best to conserve. They would be impacted day and night by the temple development and implored Council to hear their concerns and take them seriously. They asked the City to slow down on the MOU (memorandum of understanding) between the LDS (Latter Day Saints) Church and Wasatch County as they felt there were several issues that should not be rushed. Ms.Meisner stated that the traffic study was incomplete and problematic and cited examples of traffic concerns as well as concerns with projected water usage. She felt the city should not rush into a decision that night and hoped Council would consider what was best for the residents and not approve the MOU until after the necessary due diligence and environmental impact statement was completed.

Di Ann Duke Turner was a 5th generation Mormon and said there had not been dark skies in Heber in 30 years. She felt there were no dark skies anywhere and it was a global problem. She felt that one building was not going to impact the dark skies in the valley and asked about the dark-sky impact of the 40-60,000 people that were going to build homes in the foothills. She explained water rights were transferred with the property purchase and it took more water to water alfalfa fields than to flush toilets.

David Speer was an illumination engineer and acknowledged the dark-sky problem was a global problem. He felt the small community of the Heber Valley had the ability to be a dark-sky community. He had lived in Utah for three months. He was alarmed by what he felt was a large special interest group getting their way. He saw the temple project as a large commercial development that had been granted permission to not comply with the County's lighting restrictions. He felt there was a mathematical error in the lighting calculation within the County's ordinance.

John Hainey shared his story of being hit by a drunk driver 40 years prior and the lengthy recovery that followed. He shared the inability of law enforcement to determine which government entity held ownership of the road on which he had been hit and the entities trying to place blame on the contractor who had installed the road as an emergency vehicle access. He felt there had been a fraudulent traffic study performed for the temple project.

Allison Salisbury was frustrated with the part of the community accusing people of opposing the temple rather than the location of the temple. They were not anti-temple or anti-Mormon. The group protesting was against the proposed location of the temple.

Christine Splichal, resident and business owner, expressed frustration as a business owner who was expected to maintain compliance for residential and commercial buildings. She felt the temple project was given variances that were not extended to other business owners. There was a letter to the editor published in the Wasatch Wave she distributed to the Council. She felt the article captured the concerns of the residents. The article is attached to the end of these meeting minutes.

Allison Smoot, resident and 5th generation Mormon, agreed the issue at hand was the location. She felt the City Council Members did not care about the water issues with regard to the temple because the designated location was in the County. She recognized the beauty of well-maintained temple grounds but felt it did not belong in the designated location.

Mayor Franco reiterated the City's inability to decide where the temple was constructed due to the location being in the County but assured the public that the City would proceed conducting due-diligence with regard to the water concern. She described the new road and roundabout location. City Manager Matt Brower explained the City was seeking the MOU in order to ensure the Church and County paid for their portions of the road improvements.

Additional public comments received by email are included at the end of the meeting minutes and as an attachment to the meeting minutes. Also included and attached are documents presented to the Council during the public comment period of the September 5, 2023, City Council Meeting.

VII. GENERAL BUSINESS ITEMS:

1. Public Hearing to Consider Ordinance 2023-31 Adopting the Impact Fee Enactment for the Heber City North Village Area Streets and Storm Water Impact Fees (Russ Funk, City Engineer, Susie Becker (ZPF)) - 15 min

City Engineer Russ Funk explained the calculation of the proposed impact fees. Zions Public Finance Advisor Susie Becker explained impact fees were a one-time fee paid by developers for new development. She reviewed the break-down of the fee calculation.

Mayor Franco opened the Public Hearing at 6:52 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 6:53 p.m.

Mr. Funk wished to point out the impact fees proposed were the maximum the City was allowed to charge and if the Council wished to charge a lower rate, they could do so during their motion later in the meeting.

2. Mayor's Award presented to: Cherie Ashe, Anthon Beales, Sgt. Blaine Rigby, Sgt. Josh Weishar, Supervisor Justin Hatch, Detective Heath Harvey, Sgt. Brayden Powers, Detective Rogelio Carbajal, Officer Chandra Crosby, and Administrative Assistant Caradie Williams for their assistance with the new Heber City Chief of Police nomination process (Heidi Franco, Mayor) - *5 min*

Mayor Franco called the recipients of the Mayor's award forward to receive their awards. She described the exceptional effort made by the recipients during the Chief of Police recruitment process.

3. Mayoral Proclamation for Constitution Day and Week, September 17-23, 2023 (Heidi Franco, Mayor) - *5 min*

Mayor Franco said the proclamation designated the entire month of September to honor the Constitution. She expressed gratitude for the Constitution and the freedoms it guaranteed.

4. Presentation by Encircle House (Elise Villaroman) - *10 min*

Elise Villaroman and the executive staff of the local Encircle House introduced the services offered by the home. A home-like environment was provided for the LGBTQ youth in the community, giving a space of inclusion and love for the at-risk youth of the community. There was an in-house therapist available who had specialized training to help at-risk youth and their families, including LDS families. Ms. Villaroman shared the

four outcomes that Encircle House hoped to achieve for the youth. She invited everyone in the community to visit the home.

5. Legislative Report-out from Mountainlands Association of Governments (MAG) Contracted Lobbyist (Dave Stewart) - *30 min*

Dave Stewart, lobbyist contracted by Heber City through MAG (Mountainlands Association of Governments), was present to provide legislative updates for the Council. He noted the three-million-dollar grant he had helped navigate to obtain for Heber City. He reviewed the ongoing effort to win additional grants for Heber City as well as bills being proposed to the legislature. Unique to the City was the exclusionary status that Heber City and Park City were given. Mayor Franco asked whether the Olympic bid might encourage the state to proceed with the proposed bypass. He felt it could potentially assist with the installation of the bypass.

Council Member Philips asked Mr. Stewart to identify who held the ultimate power to allow development or growth. He wanted it confirmed on the record that it was the State Legislature, not Heber City.

6. Presentation by Historical Preservation Board Chairperson Michael Moulton (Michael Moulton, Historical Chair) - *10 min*

Historical Preservation Chairperson Michael Moulton provided a presentation emphasizing the importance of the preservation of history. He said the Historical Preservation Committee wished to obtain a larger presence at the City's decision-making table. Mayor Franco reminded Mr. Moulton that the City's budget cycle would begin again in January and hoped the committee would have their requests prepared.

VIII. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

1. Mayor's Nomination for New Heber City Chief of Police (Heidi Franco, Mayor) - *20 min*

Mayor Franco indicated she was nominating both of the top two candidates for the soon-to-be vacant Chief of Police position in Heber City: Heber City Police Lieutenant Branden Russell and the Chief of Police in Hanford, California, Parker Sever. She noted that Chief Sever was not POST (Police Officer Safety Training) certified in Utah and the City could only conditionally approve him in the position once the certification was obtained.

Motion: Council Member Phillips made a motion to conditionally approve the appointment of Chief Parker Sever as the new Heber City Police Chief upon obtaining Utah POST certification by November 8, 2023. The nomination and conditional approval would be withdrawn after November 8, 2023, if POST certification was not obtained. The motion included proceeding with preliminary negotiations, including a proposed start date but was not finalized until Utah POST certification was obtained.

Second: Council Member Kahler made the second.

Discussion: Council Member Stack asked for the motion to be amended to eliminate the date as it might be contingent upon POST's timeline. Mayor Franco explained there was notification of certification on the testing date. Council Member Kahler asked that Council be notified on the date certification was obtained.

Amended Motion: Council Member Phillips amended his motion that contract negotiations and proposed start date could be confirmed as soon as POST certification was received. Council Member Kahler's second stood.

Discussion: Council Member Barney stated the decision had been one of the hardest she had to make as a Council Member. She expressed her appreciation for the Police Department. Council Member Johnston explained the difficulty of the decision was for the entire Council and shared the amount of contemplation the Council had put into the decision. He felt both candidates had been excellent.

Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed** unanimously, 5-0.

Chief Parker Sever thanked the Council. He indicated the bittersweet move he would be making as he was leaving an agency he loved and cared for very much yet was excited to bring his family to Heber City and becoming a part of the Police Department. He had been very impressed with the department when he had visited and with Lieutenant Russell in particular. He looked forward to working with the City and the Police Department and getting to know the community and citizens better.

2. Resolution 2023-16, the renaming of the Heber City Public Safety Building to the David D. Booth Public Safety Building (Heidi Franco, Mayor) - *10 min*

Mayor Franco provided background regarding the outgoing Chief of Police Dave Booth leading the design and construction of the Public Safety Building. She reviewed the achievements and awards he had received during his service to Heber City including the local reduction in crime since his appointment and earning the Police Chief of the Year designation in 2019.

Gary Provost had provided the suggestion to rename the Public Safety Building in honor of Chief Booth. He shared his background with the Heber City Police Department and Chief Booth including the many make-shift locations the department had been before Chief Booth was able to get the current Public Safety Building constructed. He hoped the Council would support the renaming of the building.

Motion: Council Member Johnston made a motion to adopt Resolution 2023-16 renaming the Heber City Public Safety Building as the David D. Booth Public Safety Building. Council Member Barney made the second.

Discussion: Council Member Kahler asked the Council to take a pause before voting. She felt additional consideration was needed before a decision was made. Council Member Phillips expressed gratitude to Chief Booth but supported waiting to rename the building. Council Member Stack agreed. Council Member Barney indicated she had looked into the renaming of public safety buildings and found it was not uncommon to name the buildings for either a fallen officer or a retiring police chief. She did not feel there was a need to wait. Mayor Franco felt it was time to honor Chief Booth. Council Member Johnston stated that he did not change his support to rename the Public Safety Building, however, he respected the Council, the process, and diversity of opinions. He agreed to further discussion.

Motion Withdrawn and New Motion made: Council Member Johnston withdrew his original motion and moved to reconvene in closed session at the next City Council meeting in two weeks.

Discussion: Mayor Franco did not feel the discussion would constitute a Closed Session. She felt it was time to honor Chief Booth. Council Member Phillips felt the Council had not been given the information in enough time for proper consideration.

Second: Council Member Kahler seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Stack, and Phillips. **Voting No:** Council Member Barney. The **Motion Passed, 4-1.**

Motion: Council Member Stack moved to move ahead on the agenda to Action Item eight out of consideration for the large number of the community present.
Second: Council Member Phillips made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

3. Consider Ordinance 2023-31 Adopting the Impact Fee Enactment for the Heber City North Village Area Streets and Storm Water Impact Fees (Russ Funk, City Engineer, Susie Becker (ZPF)) - 15 min

Motion: Council Member Stack moved to approve Ordinance 2023-31 adopting the Impact Fee Enactment for the Heber City North Village area streets and stormwater impact fees. **Second:** Council Member Phillips seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed** unanimously, 5-0.

4. Public Hearing for Ordinance 2023-32 approving the College Downs Annexation and associated Master Development Agreement (MDA) (Tony Kohler, Community Development Director) - *40 min*

Community Development Director Tony Kohler explained the requirement to hold a public hearing in the annexation process. He reviewed the specifics of the annexing area. Mayor Franco asked about the lack of parks and amenities other than the two

trails. Annexation representative Logan Johnson addressed the Mayor's concerns and described the bonding process for public infrastructure and the trail installation.

Mayor Franco opened the Public Hearing at 9:35 p.m. With no one coming forward to comment, the Public Hearing was closed.

Council Member Stack was not prepared to approve. He felt the new design with stacked flats needed additional discussion. Council Member Johnston respectfully disagreed with Council Member Stack and noted the density was previously approved in the County. He felt the area should be annexed into the City.

Motion: Council Member Johnston moved to approve Ordinance 2023-32 approving the College Downs Annexation and the associated Master Development Agreement as proposed. **Second:** Council Member Phillips seconded the motion.

Discussion: Council Member Barney felt the density was not wanted in the community. She felt that the developers petitioning the City did so in an attempt to expedite their projects that would have taken longer to get through the process with the County.

Voting Yes: Council Members Johnston and Phillips. **Voting No:** Council Members Kahler, Barney, and Stack. The **Motion Failed 2-3.**

Motion: Council Member Stack moved to address agenda item five next. **Second:** Council Member Phillips made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed 5-0.**

5. Ordinance 2023-22, adopting the vision for Envision Central Heber as part of the General Plan (Tony Kohler, Community Development Director) - *15 min*

Motion: Council Member Stack made the motion to approve Ordinance 2023-22 adopting the vision for Envision Central Heber as part of the General Plan subject to the change in the map of the downtown residential transition area in the amended map, as presented by staff, be extended to 200 East and 200 West, and that the zone include restaurant, retail, and office space as permitted uses, with a maximum building height allowance of two stories, and the restaurant, retail, and office uses be conditional uses. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed** unanimously, 5-0.

6. Ordinance 2023-24, Hicken Fieldhouse MDA (Jamie Baron, Planning Manager)

Planning Manager Jamie Baron stated the request for a residential duplex. The Planning Commission had forwarded a positive recommendation with the condition to keep the parking in the rear of the property alone. Mayor Franco noticed section 8.3 should read Hicken rather than WDG. Petitioner Addison Hicken indicated his

preference to have the parking in the front but would be amenable to have the parking in the rear.

Council Member Johnston felt the parking should be in the rear due to visibility and traffic concerns but thought guests should be allowed street parking in the front. Council Member Stack asked if the intent was still to offer right of first refusal for the housing to school district employees. Mr. Hicken indicated he did not want to deed restrict the units but planned to offer the units to school district employees at a lower rate. Discussion regarding the parking and deed-restricted units continued.

Motion: Council Member Kahler moved to approve Ordinance 2023-24 with parking in the rear and leaving the front up to Addison Hicken's discretion. Council Member Barney made the second.

Discussion: Mayor Franco felt the structure could be considered an ADU as Mr. Hicken's primary residence was on the adjoining lot. Council Member Johnston asked to amend the motion to disallow parking in the front.

Amended Motion: Council Member Kahler agreed to amend the motion to disallow parking in the front. Council Member Barney's second stood.

Discussion: Mayor Franco asked to amend the motion to make the change in 8.3 to the name from "WDG" to "Hicken." Council Member Stack was not supportive of the project without the right of first refusal for school employees

Amended Motion: Council Member Kahler moved to approve Ordinance 2023-24 as presented with the parking in the back, as recommended by the Planning Commission and in the Staff Report, to make the change in section 8.3 to the name from "WDG" to "Hicken," and to disallow parking in the front. Council Member Barney's second stood.

Discussion: Council Member Stack indicated his support for the project when it held the restriction of right of first refusal for school district employees.

Vote: Voting Yes: Council Members Kahler, Johnston, Barney, and Phillips. **Voting No:** Council Member Stack. The **Motion Passed** 4-1.

Mayor Franco moved the meeting to agenda item four.

7. Authorization to solicit proposals for sale of City-owned Commerce Park property (Matt Brower, City Manager) - *10 - min*

City Manager Matt Brower reminded Council of the request for proposals (RFP) the City had issued a few years previous for the sale of a parcel of land the City owned. The Council had not accepted any of the offers submitted at that time. He informed Council that he had received a few inquiries from parties interested in purchasing the land and asked if Council supported issuing a new RFP.

Danny Monzillo informed Council that he represented a company that owned adjoining property interested in purchasing the City-owned land to expand the company.

Motion: Council Member Kahler moved to table the agenda item until the next meeting to allow Council discussion. **Second:** Council Member Stack seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed** unanimously, 5-0.

8. MOU between Wasatch County, Heber City, and the Church of Jesus Christ of Latter Day Saints regarding land use authority, required improvements, and maintenance responsibility relating to the Heber Valley Temple Project (Russ Funk, City Engineer) - *10 Min*

City Engineer Russ Funk explained the MOU (memorandum of understanding) had been drafted at his request on behalf of the City. He had asked for the MOU to clarify who would be responsible for the installation and maintenance of the street, trail, and landscaping. He recognized the new information with regard to the water use and pumping that would need to be followed up on but he felt this was a separate issue and should not delay the approval of the proposed MOU. He said the proposed MOU specified that the LDS church would pay for and construct all required roadway improvements including asphalt widening, curb and gutter, roundabout, street lighting, and storm drainage improvements per City requirements. He noted the improvements the church had agreed to pay for exceeded the amount the City would have collected in impact fees and therefore, legal counsel had advised the City not ask for the additional monetary contribution that the church was not obligated to pay due to the temple site being located outside City limits in the County.

Council Member Kahler wished to acknowledge the concerns of the community with regard to traffic, dark skies, and water due to the temple project. She wished to clarify that the City was not the land authority for the temple. She recognized the ongoing concerns regarding water. The City Council was there to discuss and vote on a roundabout installation. Mayor Franco assured the residents that the City would do their due diligence for the project and try their best to vet the concerns of the residents. Council discussion regarding the water concerns continued. Mr. Funk agreed to look into it further.

Brad Glasman, longtime resident of Heber, felt the Council was putting the cart before the horse. He did not feel a roundabout was needed yet. He thought concerns for the aquifer should be resolved first.

Colonel Kevin Vest, retired United States Marine Corps, had experience with federal, state, and local MOUs in his 30 years of service. He encouraged the Council to table the issue and agreed with Council Member Stack that an MOU should not be piecemealed together.

Brent Burnham, 28-year resident in the valley, had witnessed the growth in the valley. he felt the Council was getting ahead of itself with the MOU. He was concerned about the volume of traffic and had young children. With the drought conditions the state had been experiencing, he was concerned about draining the aquifer. He asked the Council to please do its due diligence on the aquifer. His vote as a citizen was to hold off on the MOU until further investigation was done on these critical issues.

Elisa Haines, resident of Heber City and present to represent a resident group unable to be there that night, had over 20 years of planning and land-use experience. She felt the Temple could not move forward without the approval of the MOU by the City. She asked the City to table the item until additional information was discovered. She pointed out additional problems with the potential traffic, and environmental impacts to the water and air the construction of the temple would bring.

John Hainie thought it was unlawful that the engineer who had performed work on the report was not the engineer who had stamped the report. Council Member Johnston clarified that as a civil engineer himself, he was able to stamp work done by his employees, as was permitted by law. Mr. Hainie felt the traffic study data was fabricated.

Council Member Stack supported a roundabout at the proposed location and appreciated that the LDSS church was willing to pay for it. He thought the new parkway would alleviate many traffic concerns. He wished to renew his request that the LDS church needed to abide by the Heber City dark-sky restrictions.

Motion: Council Member Kahler moved to accept the MOU between Wasatch County, Heber City, and the Church of Jesus Christ of Latter-Day Saints regarding the land use authority, required improvements, and maintenance responsibility related to the Heber Valley Temple Project as presented in the Staff Report. **Second:** Council Member Johnston made the second.

Discussion: Council Member Barney agreed with Council Member Stack. She did not oppose the temple, but she did oppose the location. She was concerned about the traffic impact and maintaining dark skies.

Council Member Phillips addressed the emails received from residents. He felt people could hold different truths. He noted the changes to the community within the 20 years since he had moved in. The temple lighting would be downward facing in order to maintain the dark skies. He wished to raise the awareness of the many residents in support of the temple as well. He noted the hard decisions the Council was expected to make and reiterated that the City was not the land-use authority. He invited anyone from the community to go to lunch with him who wished to further discuss.

Vote: Voting Yes: Council Members Kahler, Johnston, and Phillips. **Voting No:** Council Members Barney and Stack. The **Motion Passed 3-2.**

Mayor Franco moved the agenda back to item six.

9. Ordinance 2023-26, Update to the Engineering Standard Specifications and Drawings and the Storm Water Manual (Gordon Miner, Engineer) - *15 min*

City Engineer Gordon Miner reviewed the changes to the street-lighting requirement to add lighting at every intersection as per Council feedback.

Motion: Council Member Johnston moved to approve Ordinance 2023-26 updating the Engineering Standard Specifications and Drawings and the Storm Water Manual.
Second: Council Member Kahler seconded the motion.

Discussion: Council Member Kahler felt it was unfortunate the Council had to rush through the last four agenda items due to interminable discussion on preceding agenda items. She did not feel that every detail needed to be discussed by Council or explained by Staff.

Vote: Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips.
Voting No: none. The **Motion Passed** unanimously, 5-0.

IX. COMMUNICATION:

City Manager Matt Brower shared the following:
1. Environmental phase 2 project at the Airport had commenced
2. He was developing a spreadsheet for the Airport-OK3 to-do list for the lawsuit settlement
3. HVSSD (Heber Valley Special Service District) Agreement was nearly completed
4. The Central Utah Water Conservancy had approved the City's CRA and he was trying to get local business support as well. He asked the City Council Members to actively encourage support from County Council Members.

Mayor Franco reminded Council of the retirement celebration to honor Heber City Chief of Police Dave Booth on September 28, 2023.

X. ADJOURNMENT:

Motion: Council Member Kahler moved to adjourn. **Second:** Council Member Stack made the second. The meeting adjourned at 10:06 p.m.

_____
Trina Cooke, City Recorder

Dear Heber City and Wasatch County Representatives and Staff:

We chose to leave southern California in 2014 and move to Heber City so that we could enjoy living in a rural community with dark skies.

Consider the future, if you will, as we compare TODAY with would happen in 2030:

Dark Skies
TODAY We can see the planets, comets, and stars in our night skies.
2030 We will be lucky to be able to see the full moon up in the sky.
TODAY Heber City's lighting policies are more stringent than that of the County.
2030 The County's lighting policies will be the weakest in all of Utah.
TODAY Wasatch County has the opportunity to be a certified dark skies community.
2030 Sadly, there will be no hope that Wasatch County can ever achieve that.

Traffic
TODAY Fehr & Peers' traffic study was incomplete and contains many data collection errors.*
2030 It will be too late to do a full investigation on the impact the site will have on traffic.
TODAY The local residential roads are designed to handle a low volume of traffic.
2030 The number of Temple visitors daily will cause massive traffic jams.
TODAY Center Street and Mill Road is a four-way stop intersection.
2030 That same intersection will have thousands of vehicles traveling through daily.

Water
TODAY In order for the Temple to be built, "de-watering" the site is necessary.
2030 By pumping and dumping millions of gallons of water from the site, the city and its residents will lose that precious natural resource.
TODAY The annual "water rights" for the Temple's 54-acre parcel is 17.6M gallons.
2030 To keep the ground stable, the Temple will pump 118M gallons of water per year.
TODAY Based on recent Utah state laws, it is illegal to pump water except for very specific reasons; building a Temple is not one of them.
2023 There will not be enough water for the residents of Heber City to live their lives fully.

We urge you to think of the real future of 2030 and avoid the detrimental affect of the proposed MOU by voting against it UNTIL . . .
1) the County's lighting standards meet that of the City's,
2) a comprehensive traffic and impact study is correctly done, and
3) there is a solution for the consumption and conservation of water needs for all the county residents.

Please think of ALL of the residents of Heber City that you represent and vote against the MOU on tonight's agenda.

Sincerely,
Bob and Sandy Hindy

July 7, 2023

RE: Final Site - Heber Valley Utah Temple

Wasatch County,

Thank you for your review dated May 19, 2023, of the site plans and documents submitted for the Heber Valley Utah Temple project. Please see our responses to your comments below:

1. [C-PLN-App-1] Please provide data by an engineer regarding the discharge of groundwater into Lake Creek and any statements that the discharge does not affect the zone AE floodplain. WCC 16.28.08

   Response: BC&A: Data for groundwater discharge and anticipated volumes are provided in our memo dated March 10, 2023. Our hydraulics report dated March 20, 2023, makes a statement about it not impacting the AE floodplain at the end of the report. We state that it will have no significant impact. There is a spot where the water surface may increase by 0.01 ft, but that is based on 2 cfs being added. If we drop it down to 0.5 cfs it may go down or stay the same. Based on the way FEMA performs mapping and the scale of mapping, any change in the width based on a 0.01 ft increase may not be seen.

2. [C-PLN-App-2] Fence detail LS 500. The notes state solid precast concrete wall. Is there a better example of what the precast wall looks like? Color texture? WCC 16.08.14, 16.21.19, 16.21.21, 16.27.07, 16.33.12

   Response: Insite: We have added multiple images of the finished product installed at various sites to provide a better visual representation of the product specified. See the updated sheet LS504 for these images.

3. [C-PLN-App-3] How will the stub at the end of Pimlico Drive be finished? A number of code sections require a through road. If the road does not go through how will the road, curb, gutter and walk/trail be finished. The sidewalk should connect to the trail and the trail should connect to the trail on the west side of the temple. Curbing should be finished and handle any drainage directing water to an inlet box. If the temple site would have developed as residential the road, walks and parkstrip would have gone through at the expense of the developer. There should be some thought about how to make this look finished and connected for pedestrians as well as ongoing maintenance. WCC 16.08.14,16.21.10, 16.21.18, 16.28.07, 16.38, 16.40.01

   Response: Meridian: As discussed on June 12th we extended the roadway to 150 feet and placed curb and gutter across the end of the stub roadway and provided a handicap ramp to a sidewalk extension. We are leaving the dirt/gravel trail in place to the west. Refer to the Site Layout plan CS210 and CS214.

The Church is exploring different options for trail connectivity.

4. [C-PLN-App-4] The parking numbers need to comply with code. Due to the unique nature of this project, it would be helpful to have substantial evidence for determining the number of parking stalls, in addition to the 16.33.13 matrix. Under the matrix, a church (which 16.04.02 defines as the same as a temple) has a line, which may not account for the large number of temple workers, baptismal font, endowment rooms sealing rooms etc. 16.33.12(K) allows for a parking study to be done which would help ensure there is substantial evidence supporting parking numbers. It is recommended that a study include 1 stall for every 3 seats in the various gathering rooms, baptistery etc. and include parking for temple workers in accordance with WCC 16.33.13: Churches, unless better evidence is presented as part of the parking analysis. However, the applicant may also consider 16.33.12(I) allowing for shared parking if the church has strong evidence supporting a lower parking number. Center street, and adjacent properties, will not facilitate on street parking, so ensuring the parking will be adequate for the life of the structure, and considering the growth in the area, is important.

   Response: Please see the attached study and calculation showing the number of seats in the assembly areas and office square-footage versus the number of parking stalls.

   Attachment: Other G - HVUT Main Assembly Seating and Office Areas vs Parking Stall Count Analysis 2023-06-29

5. [C-PLN-App-6] 16.33.12 (E,5) requires an 8x8 landscape island for every 16 parking stalls. The plan does not show this.

   Response: Meridian: Landscape islands have been added. Refer to CS210 - CS214.

   Response: Insite: We have updated the landscape plans to show the landscaping to be installed within these landscape islands. See attached LS200 Series drawings.

6. [C-PLN-App-8] How much noise comes from the maintenance building and cooling towers? 16.21.09, 16.23.07 or 16.28.02 requires that noise should be taken into consideration adjacent to residential uses.

   Response: We have performed a study to determine the number of decibels that will be at the property line, adjacent to the residential homes, from sound that may come from the mechanical chiller located within a solid enclosure attached to the maintenance building. Attached you will find this study. In summary, the estimated number of decibels at the property line will be under 50 decibels.

   Attachment: Other H - Heber Utah Temple Chiller Noise Study

7. [C-PLN-App-9] Applicable section of 16.21.19 needs to be complied with. Section (D) requires a 10' landscape buffer between parking areas and residential uses with trees spaced no further than 25'.

field and test-pit logs do occur and topsoils are often missed as part of the borehole efforts. Please refer to Test Pit logs for accurate depths of surface topsoils.

c. Comment 3: It appears that the temple will be water proofed and designed to resist the hydrostatic uplift pressure using deep foundations. We have not been provided with the design of this system. It may be that the subsurface drain recommendations provided by Epic Engineering are not being used for the project.

   Response: CORE: The design of the waterproofing and resistance of hydrostatic uplift pressure using a deep foundation will be addressed in the building permit application and not the site plan application.

d. Comment 4: The latest report provides measurements of the shear wave velocities of the upper 100' of soil/bedrock below the site and indicate the Vs30 values are 1,348 and 1,414 feet per second from the MASW survey. This gives Seismic Site Class C and not Site Class D as given in the Epic Engineering report. See Chapter 20 of ASCE 7-16 for site classification procedures.

   Response: Epic: Seismic values in Section 5.1 (pg.8) and Appendix F have been corrected to reflect Site Class C soils.

e. Comment 5: Settlement calculations have been removed from the report. Possibly recommendations to mitigate settlement are provided in Appendix J of the latest report for what appears to address proposed raising of the grade at the site. It is not clear as to the purpose of the geogrid placed in the site grading fill since it would not have a significant effect on the settlement from the fill load. It is not clear what the settlement calculations mean, particularly since it is not clear what is being modeled.

   Response: Epic: No settlement calculations were removed from the report. Appendix J provided a settlement analysis for the import of approximately 6 to 13.5 feet of structural fill and settlement of the native near-surface clay soils. The purpose of the geogrid in the site grading fills is to strengthen the structural fill soils to provide a greater reduction of settlement probabilities of the structural fill soils for the shallow foundation structures, concrete flatwork, and pavements.

f. Comment 6: The pavement section of the report has not significantly changed from the original report. The pavement design does not use reasonable soil properties for the subgrade described on the boring and test pit logs, nor does it use traffic and design parameters commonly used in pavement design. See the 1993 AASHTO Guide for design of pavement structures for appropriate values to be used in design.

   Response: Epic: Epic has conducted a pavement design and recommendations in Section 6.0 (pg.14) and Appendix G. Reasonable soil properties have been used with traffic and design parameters commonly

used in a pavement design. WinPAS-12 (2012) is a widely accepted program for design of pavements and meets criteria for 1993 AASHTO Guide for design of pavement structures with appropriate values used in the design.

g. Comment 7: We assume from the latest report that the upper clay will be removed from below proposed footings of the maintenance building and cooling towers. We assume clay left below the temple will not be a problem if the entire structure is supported on deep foundations. We have not been provided with the foundation design of the temple.

   Response: CORE: The foundation design of the temple will be provided as part of the building permit application, not the site plan application.

h. Comment 9: The potential liquefaction hazard for the maintenance building and cooling tower has not been addressed. The latest report indicates that the potential liquefaction hazard for the temple will be mitigated using a deep foundation system designed by others.

   Response: Epic: Epic performed a liquefaction analysis and results for Section 3.3.2 (pg.3) and Appendix H. Results indicated that a 0.78 inch settlement may be anticipated and that mitigation for this settlement should be considered in design of all structures. With half of the anticipated settlement occurring below a depth of 30-feet, Epic concluded that all anticipated settlement from liquefaction will be mitigated through engineering design and use of structural fill soils for shallow foundation auxiliary buildings and mat foundation of the main structure.

   Response: BHB: The liquefaction settlement magnitude indicated by Epic does not pose a risk to life safety for the primary structures. The appropriate geotechnical recommendations from Epic will be followed for construction. It should be noted that the deep foundation system that is proposed for the temple is not for liquefaction mitigation but is for hydrostatic resistance only.

7. [DRC-ENG31] Condition of Approval: Provide verification that the dewatering system discharge quantities are at or below expected levels at 45 days after system completion and before final site approval.

   Response: CORE: The contractor for the project shall provide the required verification for the dewatering system. This verification will occur during and after construction.

8. [DRC-ENG32] Follow-up: Provide necessary details pertinent to the dead-end asphalt, curb and gutter and sidewalk construction on Pimlico Drive. (e.g. pavement/concrete and roadbase thickness, curb type, etc.) Provide a detail of the signage at the dead-end.

   Response: Added a typical APWA Standard Drawing numbers for curb and gutter, sidewalk, and pavement repair for Pimlico and 70 South street repairs. Pavement and base thickness notes were added per County Standard Roadway plans. Added

object marker number on CS214. Refer to Sheets CS213 and CS214.

9. [DRC-GIS1] This structure will need an address. I have assigned it an address. I will have this address added to the county tax system and our 911 data. Work with me if you have any questions.
    a. New Address: 1516 E CENTER ST
    b. Ivan Spencer
    c. ispencer@wasatch.utah.gov

    Response: CORE: We have taken note of the new address.

10. [DRC-MAG1] Conditional approval. Per County code the trails should connect to the adjacent properties trails, specifically on Pimlico Drive.

Response: Applicant's proposed site plans modifies the previously intended residential use of the property and Applicant proposes that the County's connectivity requirements be modified for the Project in connection with a proposed legislative development agreement which Applicant is currently negotiating with County staff. The modification of the otherwise applicable connectivity requirements (i.e. not requiring the connection of streets or trails at the termination of Pimlico Drive) is appropriate for the following reasons.

- **Because the proposed use of the Temple site is no longer residential, the previously expected street connectivity is not necessary to support safety or natural traffic flows.**
- **Specifically, Applicant's proposed project would result in the dead end of Pimlico Drive remaining in place.**
- **Maintaining the dead end of Pimlico Drive makes sense because:**
    - **Doing so preserves a safer, low-traffic environment for Triple Crown Subdivision by avoiding direct access to Center Street. This concern is particularly acute as Heber City plans to install a collector road immediately north of the Temple site, increasing traffic flows onto Center Street.**
    - **The Triple Crown subdivision was developed as large, one-acre lots; avoiding increased traffic flows from Center Street is consistent with the neighborhood's low-density development.**
    - **Applicant has worked with the Wasatch County Fire District and overall, Applicant's project will meet all the fire safety requirements without connectivity to Pimlico Drive.**
- **Applicant has worked with the owner of real property at the western edge of the terminus of Pimlico Drive to obtain an easement for permanent trail access at that location. The owner is unwilling to grant an easement. Thus, Applicant believes relief from any otherwise applicable trail connectivity requirements is also appropriate.**
    - **The Triple Crown / Beaufontaine area already has (or will have in connection with the development of the Temple site) two access points to the community wide trail system adjacent to the Temple site (at the cul-de-sacs of 1650 East and at 70 South).**
    - **Applicant will also improve the north-south portion of the trail on the site adjacent to the canal.**
    - **There are at least four (4) other nearby access points to the trail system (the two referenced above, an access point on 4th South near Mill Road,**

and multiple access points on 1850 East near 260 South). An additional access point at the terminus of Pimlico Drive would not substantially increase trail access for neighborhood residents.
  - **The property owners on the west side of Pimlico all have immediate back yard access to the trail system.**
  - **There are less than a dozen property owners in Triple Crown that may be affected by the lack of an access point at the terminus of Pimlico Drive, and they are within a block of other trail access points.**
  - **Applicant is informed that some Triple Crown residents feel safer without the trail / street connectivity at Pimlico Drive.**
- **Importantly, the development of Temple site will connect and complete a community-wide master trail system has not been connected for approximately 15 years.**
- **If the County were to require a pedestrian bridge over Lake Creek at Pimlico Drive to connect to the community trail system, the bridge would necessarily be in the flood plain and could pose a public safety concern by potentially catching flood debris thereby altering anticipated flood patterns.**

11. The County expressed concerns with any excess particle migration from the natural soil to the dewatering wells, and the effect that may have on the pumps in the wells.

    Response: BC&A: Please see the attached letter addressing this concern. See attached document Other S - Heber Temple Soil Migration Comment BCA 7.25.23

Other items:
See the attached TCSSD water shares will serve letter:
13f - TCSSD Water Shares Will Serve Letter - Heber Valley Temple Will Serve Letter 7-18-23b
13g - TCSSD Water Shares Will Serve Letter - Calc - Heber Valley Temple Calcs 5-10-23

See updated MOU between Heber City and the Owner
Other E - DRAFT - Center Street Maintenance MOU-4880-1494-3587 ver. 2

Thank you,
Jason Sandburg
CORE Architecture, LLC

To the Heber City Council Members,

As a resident of Heber City, I am writing to you about the recent article I read that was published by KPCW regarding the MOU between Wasatch County, Heber City and the LDS Church. There are three (3) topics that I believe are important to ensure the needs of Heber City residents are represented.

Topic 1 – Dark Skies. As we all know this has been a controversial topic. While Heber City has done a nice job of ensuring city regulations support Dark Skies, the Wasatch County Council is doing the exact opposite. With the current location and proposed lighting plans for the Temple, there will be a detrimental impact to all the residents of Heber City and especially those living in the general vicinity of the proposed Temple site. The residents of Heber City need your support to ensure the Temple is required to adhere to the lighting policies of Heber City.

Topic 2 – Traffic. Even though there is an additional road planned to the proposed Temple site (and the LDS Church is willing to build a round-a-bout), the number of visitors that attend a Temple Open House is staggering. The Provo City Center Temple open house drew over 800K visitors (15K-20K visitors/day, the entire population of Heber City). The Temple in Washington DC drew over 340K visitors while the open house for the Ogden temple attracted over 500K visitors. The local residential roads are not designed to handle this volume of visitors or the daily traffic the Temple will generate. Please do not allow the Temple project to move forward without a complete traffic and impact study being completed. I can only imagine what the traffic will be on Center Street with the additional thousands of cars every day.

https://www.ksl.com/article/38832046/provo-city-center-temple-open-house-drew-more-than-800k-visitors
https://latterdaysaintmag.com/visitors-impressions-of-the-washington-d-c-temple-openhouse/
https://utahstories.com/2014/07/ogden-lds-temple-open-house-starts-aug-1/

Topic 3 – Water. This last topic is one which has garnered little attention but has the most significant long-term impact on all the residents of Heber City. The proposed Temple site sits on top of a Class 1 Aquifer which creates an unstable foundation on which to build the Temple. Based on the LDS's own studies (links below), the only way the Temple can be built is to "de-water" the site by pumping millions of gallons of water from the site and dumping it down the drain.

HydraulicAnalysis:
https://drive.google.com/file/d/1XDBpalbvSRiG4FHIER2PI-Fc8_sDOQ0s/view?usp=drive_link
Dewatering Study:
https://drive.google.com/file/d/1zqq5WfY0p3PiK_fGT-DhY6-L4OHd1Nd3/view?usp=drive_link

Here are the facts I have collected to the best of my ability:

- When the land was transferred to the LDS Church, it came with annual "water rights" of 54-acre feet of water or approximately 17.6M gallons annually.
- To prepare the site to build the Temple the LDS Church is proposing the construction of 25-30 wells that will initially pump +700 gallons of water per minute, the equivalent of 368M gallons per year or 21X beyond their annual "water rights".
- To keep the ground stable, their own study states they will need to pump (in perpetuity) 50-80 gallons of water for the main temple and 75-150 gallons per minute in the baptismal area every day. That works out to roughly 118M gallons of water per year which is 6.5X beyond their annual water rights.
- To put these numbers into perspective the 368M gallons is equivalent to roughly 50% of the entire annual "culinary" water consumption by all the residents of Heber City.
- Based on recent Utah State laws, it is illegal to pump water except for the "beneficial use for irrigation, municipal and industrial, domestic or culinary, stock watering, power or mining development, or manufacturing, or will unreasonably affect public recreation or the natural stream environment or will prove detrimental to the public welfare."

The lack of adherence to Dark Skies and increased traffic presents an immediate detrimental impact to the quality of life for residents living near the Temple. *However, the pumping of untold millions of gallons of water from one of the main aquifers that supplies water to Heber City puts the long-term security and prosperity of Heber City at risk which cannot be ignored.* The wasting of this precious natural resource isn't about inconveniencing local residents or supporting the local LDS community's desire to build a Temple, it is about ensuring water is available to everyone both today and in the future.

Thank you for taking the time to read through this lengthy message. I trust you will do the right thing for all the residents of Heber City.

Laurie K. Brown
Heber City, UT

Paid Advertorial

Dear Heber City and Wasatch County Representatives and Staff:

We chose to leave southern California in 2014 and move to Heber City so that we could enjoy living in a rural community with dark skies.

Consider the future, if you will, as we compare TODAY with would happen in 2030:

Dark Skies
TODAY We can see the planets, comets, and stars in our night skies.
2030 We will be lucky to be able to see the full moon up in the sky.
TODAY Heber City's lighting policies are more stringent than that of the County.
2030 The County's lighting policies will be the weakest in all of Utah.
TODAY Wasatch County has the opportunity to be a certified dark skies community.
2030 Sadly, there will be no hope that Wasatch County can ever achieve that.

Traffic
TODAY Fehr & Peers' traffic study was incomplete and contains many data collection errors.*
2030 It will be too late to do a full investigation on the impact the site will have on traffic.
TODAY The local residential roads are designed to handle a low volume of traffic.
2030 The number of Temple visitors daily will cause massive traffic jams.
TODAY Center Street and Mill Road is a four-way stop intersection.
2030 That same intersection will have thousands of vehicles traveling through daily.

Water
TODAY In order for the Temple to be built, "de-watering" the site is necessary.
2030 By pumping and dumping millions of gallons of water from the site, the city and its residents will lose that precious natural resource.
TODAY The annual "water rights" for the Temple's 54-acre parcel is 17.6M gallons.
2030 To keep the ground stable, the Temple will pump 118M gallons of water per year.
TODAY Based on recent Utah state laws, it is illegal to pump water except for very specific reasons; building a Temple is not one of them.
2023 There will not be enough water for the residents of Heber City to live their lives fully.

We urge you to think of the real future of 2030 and avoid the detrimental affect of the proposed MOU by voting against it UNTIL . . .
1) the County's lighting standards meet that of the City's,
2) a comprehensive traffic and impact study is correctly done, and
3) there is a solution for the consumption and conservation of water needs for all the county residents.

Please think of ALL of the residents of Heber City that you represent and vote against the MOU on tonight's agenda.

Sincerely,
Bob and Sandy Hindy

From: AllisonMerrell
Sent: Tuesday, September 5, 2023 2:50 PM
To: CC Public Comments
Subject: (EXTERNAL) Against Temple

> **Caution:** This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

City Council,
Please consider the following and know that my family and I are against the proposed LDS Temple location off of Center Street.

-Building height and lighting for both structure and parking lots
-Traffic impact
-Roadway storm drainage
-Water dumping and city well proximity

There must be another location with far less identified problems than Center Street.

Thank you for your consideration.
Allison Merrell

From: Jamie Johnston

Sent: Tuesday, September 5, 2023 5:20 PM

To: CC Public Comments

Subject: (EXTERNAL) Concerns Regarding Potential LDS on Center St. In the Heber Valley

---

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Dear Heber City Council Members,

I hope this message finds you well. I am writing to express my concerns regarding the proposed construction of an LDS temple on Center St. in
Heber. While I understand the significance of such a project, I believe there
are important factors that need to be considered before proceeding.

1. **Water and the Aquifer:** Heber City's water
resources are crucial to our community's well-being. The construction

of a
temple, especially if it involves significant landscaping, may impact our local
aquifer. I request a thorough assessment of the potential water usage and its
implications on our already stressed resources.

2. **Dark Skies Ordinance:** Heber City has worked
diligently to implement a dark skies ordinance to preserve our beautiful night
sky. It's essential to ensure that any lighting associated with the temple
adheres to these guidelines to protect our unique stargazing opportunities. The
lighting on the temple and the parking area will also have an adverse effect on
the wildlife corridor in the area.

3. **Traffic Congestion:** The increased traffic
generated by a temple, particularly during events and gatherings, could
exacerbate existing traffic congestion issues. We need a comprehensive traffic

impact analysis to address this concern and explore potential solutions.

I kindly ask that the City Council carefully consider these concerns and conduct comprehensive studies to assess the impact of the proposed temple on our community and environment. Public input and transparency throughout this process are crucial to ensuring that Heber continues to thrive while preserving its unique character.

Thank you for your attention to these matters, and I look forward to hearing more about the steps being taken to address these concerns.

Sincerely,

Jamie Johnston.

From: Lynda Perry
Sent: Tuesday, September 5, 2023 1:35 PM
To: CC Public Comments
Subject: (EXTERNAL) LDS Temple proposal

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

I am so upset about this plan for the temple! I bought my home 3 yrs ago and have enjoyed being there so much. Now the environment is threatened. Our beautiful city will be forever changed…. And not for the better. The black skies ordinance has been in effect for ever. As I have read more about this, the more I have come to believe this $200 billion dollar corporation can just swoop in and do as they please and our city council is letting them do it. I'm wondering who's getting paid?? The water issue is another huge reason it should not be built on that location. What about traffic on Center? Come on people…. This makes no sense at all. Why is this location being pushed so hard. I am LDS and I disapprove of this plan for a temple. Lynda Perry, resident

Sent from my iPhone

From: Jan Raio

Sent: Tuesday, September 5, 2023 9:22 AM

To: CC Public Comments

Subject: (EXTERNAL) LDS Temple

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

We are very concerned citizens of Heber Valley about the LDS temple being built under the present application. This project should not be allowed to be built as designed and will have detrimental and significant impacts on the environment and community at large. The size, height, dark skies issues and groundwater concerns should be reason enough to deny the application.

Please listen to your concerned citizens.

Kind Regards, Jan & Sal Raio

From: Allison Smoot

Sent: Tuesday, September 5, 2023 4:43 PM

To: CC Public Comments

Subject: (EXTERNAL) Proposed Temple Site and Issues that Come with It

---

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Dear Members of the Heber City Council,

I am writing to express my deep concern about the proposed construction of the LDS Temple in our beloved community. While I understand the significance of this project to many residents, I believe it is crucial that we take a moment to consider the potential negative impacts it may have on our town.

Firstly, I am worried about the impact on our water aquifer. Our water resources are invaluable, and any development in the area should be thoroughly evaluated to ensure it does not compromise the quality and quantity of our water supply. The construction process and increased demand for water in the vicinity could put undue stress on our aquifer, potentially harming a resource essential to our community's well-being.

Secondly, traffic issues are a growing concern in Heber City, and the proposed temple may exacerbate this problem. The influx of visitors and the need for expanded infrastructure may lead to increased traffic congestion, which can negatively affect our daily lives and safety on the roads. A comprehensive traffic plan should be in place to mitigate these concerns.

Lastly, we should not overlook the impact on our natural environment. Heber City is known for its breathtaking dark skies and abundant wildlife. The construction and operation of a temple could disrupt these serene landscapes and habitats. It is essential that we find a way to strike a balance between our spiritual aspirations and the preservation of the unique natural beauty that our community offers.

I urge the Heber City Council to pause and carefully evaluate the potential consequences of this project on our water resources, traffic flow, and the environment. Community input, scientific studies, and environmental assessments should guide our decision-making process.

I appreciate your dedication to our community's well-being and trust that you will consider these concerns seriously. Let us work together to ensure that any development in Heber City aligns with our values and protects the resources and quality of life we hold dear.

There must be a more appropriate spot for the temple.

Thank you for your attention to this matter.

Sincerely,

Allison Smoot

A Concerned Citizen of Heber City

From: Richard Getz Gmail

Sent: Friday, September 8, 2023 2:10 PM

To: Rachel Kahler

Cc: CC Public Comments; Council@wasatch.utah.gov; Doug Smith; Heidi Franco; Mike Johnston; PublicComment@wasatch.utah.gov; City Council; erowland@wasatch.utah.gov; kcrittenden@wasatch.utah.gov; kmcmillan@wasatch.utah.gov; lsearle@wasatch.utah.gov; manager@wasatch.utah.gov; Matt Brower; mnelson@wasatch.utah.gov; planning@wasatch.utah.gov; Ryan Stack; sfarrell@wasatch.utah.gov; spark@wasatch.utah.gov; Scott Phillips; Yvonne Barney

Subject: (EXTERNAL) Re: Groundwater mitigation at proposed temple site

---

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Please, please, please do what is right for the residents of Wasatch County, Heber City and the Heber Valley.

The proposed site is simply NOT appropriate.

Pumping millions of gallons of water during construction and then on an ongoing basis is absurd.

I can't even imagine the NOISE pollution of industrial water pumps going 24/7/365!

https://www.kpcw.org/wasatch-county/2023-09-07/lds-temple-may-need-to-dewater-hundreds-of-thousands-of-gallons-of-groundwater-daily

Regards,

Richard Getz

From: Richard Getz Gmail

Sent: Sunday, September 3, 2023 7:06 PM

To: CC Public Comments

Subject: (EXTERNAL) STOP the MOU with the LDS church

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Heber City Council:

Listen to the people you represent and slow down.

The E. Center Street location for the proposed LDS temple is simply the wrong location for so many reasons.

I understand it's not within the city limits, but without the cooperation of Heber City the project will not succeed.

Stop the madness. Save our rural neighborhood, our dark skies, our streets and most importantly, the hundreds of millions of gallons of water that will be wasted if this project gets built as proposed.

Regards,

Richard Getz

From: Richard Getz Gmail

Sent: Monday, September 4, 2023 3:29 PM

To: Rachel Kahler

Cc: CC Public Comments; Heidi Franco; Matt Brower; Yvonne Barney; Scott Phillips; Mike Johnston; Ryan Stack; City Council; planning@wasatch.utah.gov; Doug Smith; manager@wasatch.utah.gov; Council@wasatch.utah.gov; lsearle@wasatch.utah.gov; sfarrell@wasatch.utah.gov; erowland@wasatch.utah.gov; kcrittenden@wasatch.utah.gov; mnelson@wasatch.utah.gov; kmcmillan@wasatch.utah.gov; spark@wasatch.utah.gov; PublicComment@wasatch.utah.gov; Alissa Haynes; Lisa Bahash; Shawn Savarino; JOHN HAJNY

Subject: (EXTERNAL) STOP the MOU with the LDS church

Attachments: Twin Creeks Will Serve Letter.pdf

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Rachel,

I am very surprised by your comments that the Heber Valley Temple will use the same amount of water as "ten homes in Red Ledges would use if they were built in the same area."

Attached is the water use document for the temple that was provided by the Twin Creeks Special Service District dated July 18, 2023. It clearly states 12.42 acre feet (which is **4,040,552 gallons of water**. 1 acre foot equals apx. 326,000 gallons) will be used for indoor needs annually. This is in addition to 23.22 acre feet (**7,559,743 gallons**) of water for outdoor landscaping, and even more than that if they are to choose to irrigate more.

I challenge anyone to demonstrate how ten homes in Red Ledges would each consume on average 404,055.2 gallons of water annually indoors and 752,973.3 gallons of water annually for landscaping purposes.

It's time for the elected officials in Heber City, in collaboration with your

fellow representatives of Wasatch County, to start paying REAL attention to the collateral environmental impacts that the proposed temple project will have on the Heber Valley.

This includes: Traffic, Dark Skies, Water and Quality of Life.

Thank you

Richard

On Sun, Sep 3, 2023 at 8:02 PM Rachel Kahler <rkahler@heberut.gov> wrote:

> Hello Mr. Richard Getz,
>
> I want to thank you for taking the time to email the Heber City Council your concern of the proposed temple site for the Church of Jesus Christ of Latter Day Saints.
>
> The city council has on the September 5th an agenda item for the review and approval for a proposed roundabout on Center Street in Heber City, that will be located at the entrance to the proposed temple site. This roundabout will create a calming traffic measure to allow for traffic to flow, while slowing speeds down for four entrance/exits.
>
> The memorandum of understanding on the agenda includes the following:
>
> The proposed MOU outlines the obligations and maintenance responsibilities of each party.
>
> *In summary: • Additional Right Of Way will be dedicated by the Church to Heber City. • The Church will pay for and construct all required roadway improvements including asphalt widening, curb and gutter, roundabout, street lighting and storm drainage improvements per City requirements. • All improvements behind the curb and gutter will follow County requirements • The City will be responsible to maintain the roadway improvements including the public storm drain system and the street lights. • The Church will be*

responsible for maintenance of all improvements behind the back of curb including landscaping and the trail.

I'm not sure if you are aware of the new collector road that is being built on 900 N named the Heritage Farms Road, that will connect traffic from Main Street north of the new Smith's Marketplace, around the Heber City Cemetery and reconnect east of the new park below Red Ledges, onto Center Street. This road has been planned since 2005, and will help to offset some of the additional traffic the proposed temple will bring.

Lastly, you mention a concern for wasting water resources. Do you have specific information that leads you to be concerned that the construction of the temple will impact the city's culinary water resources? A comparison that was recently illustrated to me was the use of the water in the temple will be equivalent to what ten homes in Red Ledges would use if they were built in the same area.

As you indicated, the property is not in the city, therefore we are not the land authority, and those construction requirements are all part of the county's development review process.

Again, I do appreciate your time and energy on this issue.

Regards,

Rachel Kahler

From: Richard Getz Gmail
Sent: Sunday, September 3, 2023 7:05 PM
To: CC Public Comments <ccpublic@heberut.gov>
Subject: (EXTERNAL) STOP the MOU with the LDS church

> **Caution:** This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Heber City Council:

Listen to the people you represent and slow down.

The E. Center Street location for the proposed LDS temple is simply the wrong location for so many reasons.

I understand it's not within the city limits, but without the cooperation of Heber City the project will not succeed.

Stop the madness. Save our rural neighborhood, our dark skies, our streets and most importantly, the hundreds of millions of gallons of water that will be wasted if this project gets built as proposed.

Regards,

Richard Getz

From: Tanya Elander

Sent: Saturday, September 2, 2023 1:00 PM

To: CC Public Comments

Subject: (EXTERNAL) Temple Location

Caution: This is an EXTERNAL email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Out of consideration for the people who you represent, please take the concerns of our community seriously and be on the side of preserving this valley. As a council, I have felt that you are at odds with the people trying to save the quality of life in Heber Valley when actually it would serve everyone if you were on the side of representing the best interest of the people who live here and the lands that we own. This Temple location will destroy the ease of traffic you take for granted as well as the quiet beautiful community. Not to mention that the studies of impact are staggering with regards to the numbers of people who will drive on our roads which currently are not adequate for the already increased amount of traffic, making it difficult to get our families to and from school and work. Lastly, the waste of our precious water resources which is already threatening our valley could have serious impact and consequences for all of us.

Please Slow or Stop this process till we know more!!!!!!!!!!!

Tanya Elander, 30 year resident

Heber City Council Staff Report

MEETING DATE: 9/19/2023

SUBJECT: Ordinance 2023-33 Removing Title 4 from the Heber City Municipal Code and deferring to State requirements

RESPONSIBLE: Jeremy Cook

DEPARTMENT: Legislative

STRATEGIC RELEVANCE:

SUMMARY

RECOMMENDATION

Approve Ordinance 2023-33

BACKGROUND

Title 4 of the City Code was adopted a number of years ago and has not been updated to match Utah State Code. This creates potential issues when responding to GRAMA requests. In order to resolve this issue, staff believes it is best to simply delete Title 4 in its entirety.

DISCUSSION

The current version of the Utah Government Records Access and Management Act (63G-2-101, et seq.) ("GRAMA") contains numerous provisions that potentially conflict with Title 4 of the City Code. Therefore, because GRAMA is binding on Heber City, and it is not necessary to have a separate version of GRAMA in City Code, staff recommends deleting Title 4 in its entirety. The City's fees and charges related to GRAMA are set forth in the Consolidated Fee Schedule and are not being amended or deleted as part of this Ordinance.

FISCAL IMPACT

None

CONCLUSION

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue
I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:
Alternative 4 - Denial
I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Legislative
Staff member: Jeremy Cook, City Attorney

EXHIBITS

1. Ordinance 2023-33 Deleting Title 4 (GRAMA) - 4884-7556-6207 - 1

ORDINANCE 2023-33

AN ORDINANCE deleting Title 4 (Records Access And Management Program) from the City Code.

BE IT ORDAINED by the City Council of Heber City, Utah, that Heber City Municipal Code Title 4 (Records Access And Management Program) is deleted in its entirety. Title 4 shall show as "Reserved."

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

If any provisions of the Heber City Code heretofore adopted are inconsistent herewith they are hereby repealed.

To the extent that any ordinances, resolutions, or policies of Heber City materially conflict with the provisions of this Ordinance, they are hereby amended to comply with the provisions hereof.

This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED and ORDERED TO BE PUBLISHED BY THE HEBER CITY COUNCIL this 19th day of September, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Rachel Kahler	_____	_____	_____	_____
Michael Johnston	_____	_____	_____	_____
Ryan Stack	_____	_____	_____	_____
Scott Phillips	_____	_____	_____	_____
Yvonne Barney	_____	_____	_____	_____

APPROVED:

_____
Mayor Heidi Franco

4884-7556-6207, v. 1

ATTEST:

_____ Date: _____
RECORDER

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	Consider Approval of Contract Award for Construction of the 1200 South 500 East Traffic Signal
RESPONSIBLE:	Russ Funk
DEPARTMENT:	Engineering
STRATEGIC RELEVANCE:	Necessary Administrative Action

SUMMARY

The purpose of this item is to seek Council approval to award a construction contract to Skyline Electric Company for the 1200 South 500 East Traffic Signal.

RECOMMENDATION

That the City Council authorize staff to execute a contract with the apparent low bidder Skyline Electric Company, for an amount of $144,965.

BACKGROUND

In response to concerns relating to safety at the intersection of 1200 South and 500 East, Heber City completed a traffic safety study to evaluate the intersection and make recommendations for improvement. After evaluating the options for improvements, the Council supported the recommendation from staff to install a traffic signal. The project was included in the approved FY 23/24 approved budget, and construction was anticipated in the spring of 2024. Following an accident that occurred near the intersection in August, and due to ongoing safety concerns, Council requested that this project be moved up if possible.

The project was advertised for bid on August 30th, September 6th, and September 13th with a public bid opening held on September 14th. The following bids were received:

Bidder	**Bid Amount**
Skyline Electric Company	$144,965.00
Oak Hollow Electric	$177,481.00

Attached is the bid tabulation showing the bid details.

DISCUSSION

The project is anticipated to be completed by the end of the 2023 calendar year. There is a possibility of supply chain issues for the signal components. If there are material delays, the completion of the project could be later.

FISCAL IMPACT

Total Engineering design and inspection services for the project are estimated to be $33,144. The construction cost if awarded to Skyline Electric is estimated to be $144,965.00. In addition, many of the signal components will be provided by the City with an estimated cost of $60,000. The total budget for the project, including a 10% construction contingency, is estimated to be $259,000.

The FY23/24 Budget includes $475,000 of transportation operating money for this project.

CONCLUSION

Based on the need to address the safety concerns at the intersection, Staff recommends that the Council approve the recommendation to award the contract to Skyline Electric Company.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue
I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:
Alternative 4 - Denial
I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Engineering
Staff member: Russ Funk, City Engineer

EXHIBITS

1. Bid Tabulation

Engineer's Estimate
Horrocks Engineers

Project Manager: Willa Motley, P.E.
Project Engineer: Taylor Seipel

Bid Opening: Heber City Utah
Date: September 14, 2023
Time: 3:00 PM

Construction Cost Index: NA

For: 2023 1200 S & 500 E Signal
Heber City
1200 S 500 E
Heber City, 84032

Base Bid

Contractors	**Base Bid**	**Total**
Skyline Electric Company	$144,965.00	$144,965.00
Oak Hollow Electric	$177,481.00	$177,481.00
Average	$161,223.00	$161,223.00
Engineer's Estimate	$173,130.00	$173,130.00
Percent Difference	7%	7%

Base Bid

				Engineer's Estimate		Skyline Electric Company		Oak Hollow Electric		0	
ITEM NO.	**DESCRIPTION**	**QUANTITY**	**UNITS**	**UNIT PRICE**	**TOTAL AMOUNT**	**UNIT PRICE**	**TOTAL AMOUNT**	**UNIT PRICE**	**TOTAL AMOUNT**	**UNIT PRICE**	**TOTAL AMOUNT**
1	Mobilization	1	LS	$7,900.00	$7,900.00	$12,000.00	$12,000.00	$7,200.00	$7,200.00		$0.00
2	Traffic Control and Public Relations	60	DAY	$400.00	$24,000.00	$250.00	$15,000.00	$510.00	$30,600.00		$0.00
3	Signal Assembly	1	LS	$120,000.00	$120,000.00	$103,575.00	$103,575.00	$112,885.00	$112,885.00		$0.00
4	Remove Striping (Blackout)	115	LF	$2.00	$230.00	$3.00	$345.00	$20.00	$2,300.00		$0.00
5	Pavement Marking Paint	1	LS	$3,000.00	$3,000.00	$2,300.00	$2,300.00	$15,000.00	$15,000.00		$0.00
6	Sign Removal	8	EA	$500.00	$4,000.00	$493.75	$3,950.00	$500.00	$4,000.00		$0.00
7	Removal of Street Lighting	2	EA	$2,000.00	$4,000.00	$1,542.50	$3,085.00	$1,620.00	$3,240.00		$0.00
8	Transport City Furnished Materials to Powder Coating Facility	1	LS	$10,000.00	$10,000.00	$4,710.00	$4,710.00	$2,256.00	$2,256.00		$0.00
	TOTAL BASE BID				**$173,130.00**		**$144,965.00**		**$177,481.00**		**$0.00**

*** Denotes a mathematical error**

I hereby certify that this is a true and correct Bid Tabulation for the 2023 1200 S & 500 E Signal

REGISTERED PROFESSIONAL ENGINEER
5152098
WILLA MARIA DAWN MOTLEY
STATE OF UTAH

Willa Motley, P.E.

RESOLUTION 2023-002
September 2023

(A): Resolution on the importance of preserving the local authority of municipalities

(B) We, the members of the Utah League of Cities and Towns (ULCT), find:

1. Whereas, Utah State law grants municipalities the authority to exercise municipal affairs, to provide local public services, and to adopt laws to regulate public safety and welfare within those municipalities' limits; and

2. Whereas, municipalities in Utah play a vital role in enhancing the quality of life of their residents, and in contributing to the greater success of the State of Utah; and

3. Whereas, pursuant to their legal authority, cities advance the unique needs of their residents, by adopting budgets and administering land use and zoning regulations that ensure delivery of essential services, public safety, well maintained parks and recreation facilities, thriving economic development, and reliable health and safety of residents; and

4. Whereas, local governments are essential components of independent governance, representing the diverse needs and values of their communities; and

5. Whereas, local governments possess a unique understanding of their communities' specific challenges and priorities, enabling them to craft policies that best address local needs; and

6. Whereas, federal or state preemption of local government authority refers to the practice of federal or state governments overriding or restricting the decision-making power of local governments on specific matters; and

7. Whereas, federal or state preemption undermines the principles of self-governance and local control; and

8. Whereas, federal or state preemption prevents local governments from enacting or enforcing laws that reflect the will of their constituents; and

9. Whereas, federal or state preemption can lead to the imposition of one-size-fits-all policies that ignore the unique circumstances and identity of individual communities; and

10. Whereas, federal or state preemption reduces or eliminates the ability of local governments to effectively address pressing local issues pertaining to public health, safety, and welfare of residents; and

11. Whereas, federal or state preemption hinders innovation and experimentation, impeding progress and inhibiting the development of creative solutions to complex problems; and

DRAFT

12. Whereas, the members of ULCT recognize and affirm the inherent value and importance of local governments in shaping policies that reflect both collaboration with state and federal leaders and the unique needs and aspirations of their communities; and

13. Whereas, decisions regarding local policy should rest primarily with local governments, allowing them to exercise their autonomy and respond to the concerns of their constituents.

(C) Therefore, be it resolved that:

1. The federal government and the State of Utah should respect and uphold the principles of local self-governance, refrain from unwarranted preemption actions, and engage in collaborative and constructive partnerships with local governments.

2. The ULCT encourages federal and state policymakers and community and civic leaders to recognize and advocate for the preservation and enhancement of local authority, fostering an environment where local governments can thrive and effectively serve their communities.

3. The ULCT fundamentally opposes mandates that unnecessarily create unelected boards, commissions, authorities, or any type of entity that preempts local governments by giving authority to unelected boards/commissions by removing that authority from local elected officials.

4. The ULCT fundamentally opposes mandates that remove revenue from local governments or transfer that revenue to a board, commission, or authority that is not comprised of local elected officials.

5. The ULCT fundamentally opposes mandates that eliminate land use and zoning authority from municipalities.

Adopted on this _____ day of _____, 2023.

Submitted by:

DRAFT

Policy Resolution: Dignity and Civility in Local Politics

Resolution Number: 2023-001

(A) Resolution on the Need for Dignity and Civility in Local Politics

(B) We, the members of the Utah League of Cities and Towns, find that:

1. WHEREAS, the cornerstone of a healthy democratic process is respectful and constructive discourse, even when we disagree, among elected officials, community leaders, and the public they serve; and

2. WHEREAS, the recent rise in divisive rhetoric and hostile behavior in public discourse has led to increased polarization and a decline in public trust in all levels of government; and

3. WHEREAS, the leadership and membership of the Utah League of Cities and Towns recognizes the importance of fostering an environment of dignity and civility within political discourse to encourage meaningful dialogue, collaboration, and problem-solving; and

4. WHEREAS, Governor Spencer Cox, who is the 2023-2024 chair of the National Governors Association, has initiated a bipartisan initiative called "Disagree Better" for governors to work through conflicts and seek solutions to difficult policy challenges; and

5. WHEREAS, elected officials at the local level play a crucial role in shaping policies that directly impact the lives of their constituents; and

6. WHEREAS, the Utah League of Cities and Towns acknowledges that upholding dignity and civility in local politics is essential to maintaining the credibility and effectiveness of local government and we strive to lead by example in "disagreeing better" and promoting dignified communication.

(C) Therefore, be it resolved that:

1. Disagree Better: We strive to disagree better in order to facilitate difficult conversations, resolve conflicts, and build consensus to solve our policy challenges.

2. Code of Conduct: We suggest that municipalities consider adopting a code of conduct that sets expectations for elected officials' behavior during public meetings, social media interactions, and other forums where political discussions take place. The code of conduct could also apply to how members of the public interact in public meetings.

DRAFT

3. Training and Education: We promote resources for elected officials, staff, and community members on effective communication, conflict resolution, and strategies to promote dignity in political discussions.

4. Dignified Dialogue: We encourage all elected officials and stakeholders to prioritize dignified dialogue over divisive language and to actively listen to different perspectives in order to solve policy problems.

5. Public Awareness Campaign: We support initiatives that raise public awareness about the importance of dignity and civility in local politics, emphasizing the need for collaborative problem-solving and the rejection of divisive rhetoric.

6. Recognize Positive Role Models: We acknowledge and celebrate local leaders who exemplify the values of dignity, civility, and "disagreeing better" in their political interactions.

(D) Be it further resolved, that copies of this resolution be sent to all member cities, metro townships, and towns, inviting them to endorse and implement these principles and practices within their respective communities.

Adopted on this ____ day of _____, 2023.

Proposed on August 14, 2023 by the Utah League of Cities and Towns Board of Directors.

DRAFT

Heber City Council 2023 Strategic Retreat Action Register
Established January 11, 2023

Execution Strategy				
Action Item	**Description**	**Target**	**Responsible**	**Status**
Inclusive Play Ground	Assess inclusive playground opportunities with investments in Muirfield, Coyote Springs and Main City Park.	Spring '23	TK	Planning underway
Eastern Bypass Road Name	Present Council list of names for consideration.	March '23	Council/MB/MS	Completed—Heritage Farms PKWY
Spring Flooding	Review spring flooding risks Monitor spring flooding risks Develop action plan to prevent and mitigate spring flooding risks	March/April '23	MK/RF/MB	Completed
Committee Alignment	Develop and execute strategy for City committees to remain in sync with Council priorities.	Feb. '23	MS/MB/TK	Completed
Portable Sound System	Budget and purchase portable sound system for outside events.	July '23	AB	Budgeted Completed Purchase planned
Spring Unity Event	Plan and prepare for Spring Unity event.	May or June '23	MK, DB, MB, JS	Completed
Tree Ordinance	Complete review of proposed tree ordinance and present to City Council.	QTR 1, '23.	MS	Completed
GIS	Implement GIS software City wide—GIS and City Works combined.	Dec. '23	RF	Underway
Council Meeting Comparison	Undertake comparison of similar sized cities assessing council meeting length, frequency and number of meetings per month.	QTR 1, '23	MS/TC	Underway
Council Meeting Parking Lot	Implement "Parking Lot" in future Council meetings.	Feb '23	TC/MB	Completed
Utah City Revenue Comparison	Conduct comparison of similar sized cities assessing GF revenues, specifically % of sales tax as a percentage of total general fund budget.	QTR 1, '23	MS	Completed with budget review
CAMS	Work with CAMS to implement bylaws and hiring a professional staffer.	ASAP	MB/MS	Completed
Pot Holes	Facilitate pot hole mitigation plan until pernment fix in the spring.	Spring '23	RF/MK	Completed
Water Sufficiency Ordinance	Present Water Sufficiency Ordinance to City Council for adoption.	Feb. '23	Kyle	Completed
Highway 40 Traffic Light Synchronization	Contact UDOT about possibilities for synchronizing lights along Hwy 40 through down town Heber.	QTR 1, '23	RF	Completed
Conflict of Interest Research	Research "What doing business with City" means.	Jan. '23	JC	Completed
TAP Tax Expensing	Research time-line limitations to spending TAP Tax revenues.	Feb. '23	MS	Completed
TAP Tax Strategy	Finalize strategies for allocating TAP tax revenues (i.e. infrastructure v. programming) and use of Committee	Feb. '23	MS/MB	Completed
Planning Commission Report Out	Create means for reporting to Planning Commission regularly priorities and decisions of City Council.	Feb. '23	TK	Completed
Parks Standards	Establish city-wide park standards (NVOZ as an example)	QTR 3, '23	MR/JB	Standards reviewed by PC on 9/12/23
Airport Fee Analysis	Complete airport fee analysis (will need to consult with airport attorneys on timing to commence work).	Winter '24	TB/MB	Underway
N. Village Preservation Fee	Present to City Council priorities for N. Village preservation fee.	QTR 2, '23	TK	In Planning

Heber City Strategic Annual Retreat

FY 23/24 Council Policy & Budget Priorities

Priorities Established January 11, 2023

Policy/Budget Priorities					
Priorities	**Description/Strategy**	**Operationalizing Strategy**	**Target**	**Responsible**	**Status**
Envision Heber 2050: Phase III	Envision Heber 2050 Phase III entails updating City codes and standards to reflect the principles and tenants included in Envision Heber 2050 general plan update.	Complete review and update of City zoning and subdivision ordinances.	End of '23.	TK/People + Place	Ongoing. Project has been underway since 2020.
Envision Central Heber 2050	Envision Central Heber 2050 is a stakeholder driven initiative to explore, identify and implement an executable plan for central neighborhoods, Main Street and Tourism Recreation District.	1-Finalize executable plans for each district. 2-Complete code updates. 3--Plans for Branding/Marketing/Promotion/Events/Arts (Arts in Public Places Phase 4)/History	1-Spring '23 2-End of '23 3-Ongoing	TK/People + Place	1) Completed 2) Underway 3) Underway
Community Reinvestment Agency (CRA)	Take action to generate tax increment, priorities and execution of plan.	1-Interlocal Agreements executed with CUWCD, Wasatch County and Wasatch County School District. 2-Develop strategy for developing additional parking in downtown, including a possible Parking Authority. 3. Develop strategies to assemble strategic properties in Main Street and Tourism & Recreation Districts. 4. Finalize priorities for CRA	1-QTR 2 '23 2-Ongoing 3-QTR 2, '23 4-March '23	MB/MS/TK	1)CUWCD agreement approved in Aug 2) Underway 3) Underway 4) Completed
Central Heber Water & Sewer Infrastructure Replacement	Develop and implement strategy for replacing aged and unreliable infrastructure (i.e. water and sewer) in Central Heber area of the City.	1-Adopt annual supporting rate increases. 2-Work to keep project on time, on budget and on scope.	1-August each year. 2-Ongoing	RF/MB	1)Completed 2)Ongoing
Pressurized Irrigation (PI)	Meter installation on existing system and strategic expansion	1-Project design 2-Project bid 3-Project construction	1-Spring '23 2-Spring '23 3-Multiyear project.	RF/MK	1)Completed 2)Completed 3)Supply-chain delaying construction for phase 2
Transportation Focus	Execute on key Council objectives pertaining to transportation initiatives.	1-Traffic signal 1200 S—design and install. 2-Transportation Hub-explore locations and creation of hub. 3- Traffic calming strategies, including round-a-bouts, narrower streets, etc. (four round-a-bouts planned for 2023).	1-End of year, '23 2-End of year, '23 3-Ongoing	RF/TK	1)Underway 2) Ongoing 3) Policy adopted
Eastern Bypass	Complete phases A, B and C of Eastern Bypass. Complete 2 round-a-bouts in conjunction with project.	1-Construct phase B. 2-Construct round-a-bouts on 550 E and Mill Road. 3-Hold Smiths and Red Ledges accountable to agreements. 4-Finalzie name for Eastern Bypass.	1-End of '23. 2-End of '23. 3-Ongoing 4-July 1, '23.	RF/MB	1)Underway 2)Underway 3)Ongoing 4)Completed
Affordable Housing Plan		1-Managing Affordable Housing Deed Restrictions A) Formalize arrangements with Wasatch County and/or Mountain Lands to managing deed restrictions for units coming on-line. 2-Affordability A) Negotiate greater affordability with existing affordable housing obligations (80% AMI to 60% AMI) 3-Location A) Negotiate more viable locations with existing obligations B) Explore opportunities for affordable housing projects in CRA and central neighborhoods of Heber	1-QTR 3, '23 2-QTR 3, '23 3-QTR 3, '23	JC/MB/TK	1)Completed 2)Ongoing 3)Ongoing

Policy/Budget Priorities					
Priorities	**Description/Strategy**	**Operationalizing Strategy**	**Target**	**Responsible**	**Status**
Cemetery Adm. Building	Cemetery Master Plan identifies development of new cemetery/parks office building as a key priority.	1-Program and design proposed building. 2-Develop project budget. 3-Identify funding source. 4-Construct building.	Program '23 Budget '23 Begin construction '23	MR/MB	1)Completed 2)Completed 3)Completed 4)Construction documents underway
Staffing Recruitment, Retention & Assessment	Identify strategy to recruit staff in P&Z, Engineering, and PD and to retain existing staff.	1-Recruitment A) Include Council staffing priorities in FY '23-'24 tentative budget. 2-Retention B) Include funding in '23-'24 budget to update city-wide wage study. C) Commence wage study update in July '23. 3-Conduct City-wide staffing assessment study (complete prior to assessing spacing needs for City Hall staff and planning for additional space).	1-Spring '23 2-July '23 3-Budget in FY 23/24 and execute in QTR 3, '23	MB, CA	1)Completed 2)Completed 3)Not started
Open Access Fiber Network	Complete due diligence with STRATA and present findings to CC for possible purchase of fiber network being installed as part of Central Heber Water & Sewer Placement project and N. Village development projects.	1-Complete MOU for N. Village projects. 2-Complete fiber network standards.	1-QTR. 1 '23 2-June '23	MB/JC MB/RF	1)Underway 2)Underway
Public Information Officer (PIO)	Hire PIO	During budget development process consider and propose strategy to hire PIO.	Spring '23	MB, WB	Completed
Web Site	Update City branding and develop new and more effective web site.	1-Update City branding-budget amendment if necessary 2-Update City web site-include funding in FY 23-24 budget if necessary.	1-June 30, '23 2-Oct '23	RB/City Council AB	Underway
Dark Sky	Heber City is committed to embody an exceptional dedication to the preservation of the night sky	1-Enforce adopted dark sky policies. 2-Transition all City facilities to dark sky compliant. 3-Transition street lights to dark sky compliant. A) Convert Main Street lights to dark sky compliant. 4-Work with local governments in Wasatch County to incorporate dark sky strategies and investments. 5-Develop a dark sky awareness campaign for private property owners.	1-Ongoing 2-Qtr 2, '23 3A) Qtr 3, '23 4-Ongoing 5-Ongoing	MS/MB/RF/ MK	1)Ongoing 2)Underway 3)Underway 4)Ongoing 5)Completed

City Name:	Approx Population:	# City Council Meetings per Month:	Average time of Meeting:	Staffing Capacity for Meetings:
Hideout	1150	1	2-4 hours	8 or 9
Logan	54,500	2	1+ hours	8 or 9
Garden City	635	1	4-5 hours	4+
Santaquin City	18,000	2	3 hours	5+
Monticello	2,000	2	1.5 hours	3+
Cornish	275	2	1-3 hours	1
Midvale	34,000	2	3 hours	12
Honeyville	1,650	1	1.5-2 Hours	4-6
Cedar City	37,000	4	2.5-3 hours	9+
Town of Rockville	220	1	1-2 hours	1
Saratoga Springs	55,000	2	1 hour	7+
Ogden	87,000	2	4-6 hours	17
Lehi	85,000	3	3-4 hours	8
Woods Crosss	11,800	2	2.5 hours	5+
Layton	78,000	2	3 hours	3+
Spring City	1,100	1	1.5 hours	6
Salem	10,000	2	2-3 hours	9-10
Town of Genola	1,600	1	2-3 hours	3
North Logan City	12,000	2	3 hours	7
Highland City	20,000	2	3.5-4 hours	9+
South Weber City	7,800	2	3 hours	7
Central Valley Town	650	1	1.5 hours	2
Roy City	40,000	2	1-3 hours	3+
Moroni City	1,500	1	2 hours	2
Payson City	21,101	2	2.5 HOURS	9
La Verkin	4,500	1 to 2	1.5 hours	5
Harrisville	7,000	1	1.5 hours	2-6
City of Woodland Hills	1,700	2	2.5 hours	3
Mapleton City	11,500	2	1-3 hours	5
Herriman	65,000	2	4 hours	15
Town of Dutch John	150	2	2 hours	1
West Bountiful City	5950	2	1.5-2 hours	6+
Park City	8,000	2 to 3	5-6 hours	12
Hurricane	22,700	2	5-6 hours	12-15
South Salt Lake	27,000	2	2 hours	5
Spanish Fork	44,000	2	6-7 hours	12
Town of Alta	400	1	2-3 hours	5
Huntinton City	2,000	1	1 hour	5
Scofield Town	22	1	1 - 1.5 hours	1
Eagle Mountain	55,000	2	6 hours	21
Vineyard	22,000	2	1-3 hours	7-9
Brigham City	20,000	2	3 hours	5-15
Francis	1,600	1	2-3 hours	4-5
Clinton City	23,500	2	2 hours	5
Helper	2,000	2	1-2 hours	4
Tooele	38,000	2 to 4	1.5 - 2 hours	10
Draper	50,000	2	3 hours	18
Roosevelt	7,000	1	1.5 hours	5-10
Riverdale	9,450	2	1 hour	4-6
Alpine	10,000	2	3 - 3.5 hours	5
American Fork	33,000	2 to 4	1.5-2 hours	10+
City of North Salt Lake	23,000	2	3-4 hours	11

Pleasant Grove	40,000	2	3 hours	13
Naples City	2,100	2	1.5 hours	4
Price	8,300	2	20-30 minutes	10
Kannaraville	442	1	1.5 hours	3+
West Valley	140,000	4	3 hours	14+
Bicknell	350	2	1-2 hours	3
Milford	1500	1	1-1.5 hours	5
St. George	96,000	2 to 5	1 to 4 hours	3+
Murray	50,000	2	1.5 hours	12-20
Holladay	32,000	2 to 3	1 -3 hours	3+
Brian Head Town	151	2	2-3 hours	5
Ferron	1474	1	1 - 1.5 hours	3
Millcreek	63,000	2	2-4 hours	6
Mayfield Town	564	1	2 hours	4
Ballard City	1,000	2	1-2 hours	2-3
Springville City	36,135	2 to 3	1-2 hours	8-10
Corinne City	800	2	1 hour	2-3
Fairfield	138	1	2-4 hours	2
Bountiful City	42,000	2	2-3 hours	9-10
Provo City	114,084	2	2-2.5 hours	8
Farmington	24,000	2	2-3 hours	9+
Town of Rocky Ridge	900	1	1.5 hours	6
Huntsville Town	650	2 to 3	2 hours	1-2
Tremonton City	11,500	2	3 hours	7
Midway	6,400	2	5-6 hours	5
Emery Town	300-350	1	1 hour	2-3
West Jordan	116,000	3	2-4 hours	10-20
Snyderville	15,500	1	1 hour	10
Marriott-Slaterville	2,000	1	1.5-2 hours	5-6
Myton	557	1	2 hours	3-5
Millville City	2,500	1	2 - 2.5 hours	4
Eureka	662	1 to 2	2 hours	2

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	Public Hearing for Resolution 2023-17 to Approve the 1st Budget Amendment to the Fiscal Year 2024 Annual Budget
RESPONSIBLE:	Sara Nagel
DEPARTMENT:	Finance
STRATEGIC RELEVANCE:	Necessary Administrative Action

SUMMARY

Staff requests an amendment to Fiscal Year 2024 budget to roll forward prior year unspent budgeted expenditures to current fiscal year and to address unanticipated expenditures.

RECOMMENDATION

Hold a Public Hearing on September 19, 2023, to consider an amendment to the FY 2024 annual budget and adopt Resolution 2023-17 amending the FY 2024 annual budget.

BACKGROUND

Periodically, the City needs to amend the budget to address items such as unanticipated expenditures, a change in department needs or procurement delays. This is the first amendment request in Fiscal Year 2024.

DISCUSSION

City staff determined there are unspent budgeted amounts from prior fiscal year that need to be added to current year budget, unexpected expenditures and fund reallocations that require a budget amendment.

The proposed amendment is fashioned to ensure that expenditures do not exceed budgeted resources. Provided in the Fiscal Impact section is a summary of the budget changes staff is recommending. Additionally, proposed resolution 2023-17 contains specific details of the amendment's impact on each fund.

FISCAL IMPACT

General Fund (10)
Roll forward unspent budget from FY23 to FY24

- Wasatch County Parks & Recreation Pickleball Court Donation: In March 2022, Council approved a $40,000 donation, but the payment was not made until FY24. Staff is requesting the budget be added to the year in which the payment was made.
- Administration Furniture: In FY23, Council approved $5,000 for the purchase of new furniture for administration offices. Staff was unable to purchase the furniture in FY23. Staff is requesting $5,000 to make the purchase in FY24.
- Park Standards Review Professional Services: In March 2023, Council approved $28,250 for consultation with park standards review. Staff did not spend the full amount in FY23 and is requesting $3,600 be allocated to FY24.

Requested Budget: $48,600

Cemetery Backhoe Repair
In May 2023, Staff were clearing open space on Cemetery property when fencing got caught in the backhoe, damaging the driveline. Staff is requesting funds to pay for the repairs. Additionally, the City received insurance proceeds (less the deductible) to offset the cost of the repair. This amendment will increase both Insurance Proceeds revenue and Cemetery Maintenance expense.
Insurance Proceeds: $13,552.57
Requested Budget for Cost of Repair: $14,552.57
Net Budget Increase: $1,000

Capital Improvement Fund (42)
Main Street Park Improvements Design
In March 2023, Council approved $102,060 for Main Street Park Design. Staff did not spend the full amount in FY23 and is requesting $88,500 be allocated to FY24. Additionally, staff is requesting an additional $10,000 to cover unforeseen costs related to the project.
Requested Budget: $98,500

City Hall Bell Tower Restoration
Staff is requesting funds for the reconstruction and project management costs for the City Hall bell tower restoration authorized by Council on August 15, 2023.
Requested Budget: $320,000

Cobra Head Lights on 1200 South
As part of the Night Sky Project, Staff is requesting funds to retrofit Cobra Head Lights on 1200 South.
Requested Budget: $37,500

Parks Impact Fees Fund (47)
Central Heber Trail
Council approved $750,000 in the original FY24 budget. Staff requesting additional funds for the portion of the Central Heber Trail from 600 West down 300 South to 500 East that City Council approved on May 16, 2023.
Requested Budget: $460,000

General Fund (10), Airport Fund (21), Culinary Water Fund (51) Waste Water Fund (52), Stormwater Fund (54), Pressurized Irrigation (55)
Citywide Budget Software
In an effort to modernize the City's budget process, the City is requesting proposals for government

budgeting software that will be compatible with the City's current ERP platform. Staff estimates the yearly annual cost to be $60,000.
Requested Budget: $60,000

Culinary Capital Water Fund (66)
Culinary Water Lids, Meters and Vaults
Staff is requesting funds to purchase the current year supply of lids, meters and vaults. This is a routine request in the City's CIP budget. However, during the budget process, Finance neglected to add the request to the CIP listing. This amendment to correct the omission.
Requested Budget: $450,000

Internal Service Fund (61), Culinary Water Capital Fund (66), Sewer Water Capital Fund (67)
4x4 Bobtail Plow Truck (1)
In FY23, Council approved $195,000 for the purchase of a 4x4 Bobtail Plow Truck. Staff was unable to obtain the vehicle in FY23 and is requesting the full amount be added to FY24 budget.
Requested Budget: $195,000

4x4 Bobtail Plow Truck (2)
In FY23, Council approved $143,000 for the purchase of a 4x4 Bobtail Plow Truck. Staff was unable to obtain the vehicle in FY23 and is requesting the full amount be added to FY24 budget.
Requested Budget: $143,000

Internal Service Fund (61)
Ford F-550 Boom Truck
In FY23, Council approved $149,000 for the purchase of a Ford F-550 Boom Truck. Staff was unable to obtain the vehicle in FY23 and is requesting the full amount be added to FY24 budget.
Requested Budget: $149,000

Internal Service Fund (61), Culinary Water Capital Fund (66), Sewer Water Capital Fund (67), Stormwater Capital Fund (68), Pressurized Irrigation Capital Fund (69)
Safety Equipment Ladder
As part of the FY24 original budget, Council approved $40,000 for the purchase of NOAQ Box Walls for flood mitigation. Staff were able to obtain the Box Walls using the FY23 budget. Staff is requesting Council transfer the budget for the purchase of Safety Equipment Ladder and other safety equipment deemed necessary by Management.
Total impact on budget: $0

Pressurized Irrigation Capital Fund (69)
Pressurized Irrigation Meter Replacement Project Phase 1
As part of the FY23 budget, Council approved $475,000 to finish Phase 1 of the citywide Pressurized Irrigation Meter Replacement Project. Due to supply chain shortages, only a part of the project was completed in FY23. Staff anticipates the project will be completed in FY24. Staff is requesting we add $200,000 from the original FY23 budget to FY24. The $200,000 roll forward will be in addition to the $3,268,000 budgeted for FY24 for Phase II. The total budget for FY24 will be $3,468,000.
Requested Budget: $200,000

CONCLUSION

Fiscal Impact Summary

The proposed amendment will affect the following funds:

General Fund (10)	$110,900.57
Capital Improvement Fund (42)	$456,000.00
Impact Fee Fund (47)	$460,000.00
Airport Fund (21)	$798.00
Internal Service Fund (61)	$318,000
Culinary Water Fund (51)	$5,304.00
Sewer Water Fund (52)	$3,816.00
Stormwater Fund (54)	$1,404.00
Pressurized Irrigation Fund (55)	$930.00
Culinary Water Capital Fund (66)	$534,500.00
Sewer Water Capital Fund (67)	$84,500.00
Pressurized Irrigation Capital Fund (69)	$200,000

Staff recommends Council hold the Public Hearing regarding the proposed first budget amendment to the Fiscal Year 2024 Annual Budget and adopt Resolution 2023-17.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue
I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:
Alternative 4 - Denial
I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Finance
Staff member: Sara Nagel, Finance Manager

EXHIBITS

1. EXHIBIT A Budget Amendment Resolution 2023-17

HEBER CITY, UTAH
RESOLUTION NO. 2023-17

A RESOLUTION APPROVING THE THIRD AMENDMENT TO THE HEBER CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2024 (FY 2024).

WHEREAS, the Utah Uniform Fiscal Procedures Act provides for the legislative body an opportunity, at any time during the budget period, to review the individual budgets of the funds, to determine if the total of any of them should be increased (UCA ' 10-6-127); and

WHEREAS, Heber's City's financial manager has determined that a budget amendment impacting the City's General Fund (10), Capital Improvement Fund (42), Impact Fee Fund – Parks (47), Internal Service Fund (61), Airport Fund (21), Culinary Water Fund (51), Sewer Water Fund (52), Stormwater Fund (54), Pressurized Irrigation Fund (55), Culinary Water Capital Fund (66), Sewer Water Capital (67), Pressurized Irrigation Capital Fund (69); and

WHEREAS, the City properly advertised, as prescribed by state law (UCA ' 10-6-113), and held a Public Hearing on Tuesday, September 19, 2023, to garner input from the general public on the proposed FY 2024 budget amendment; and

NOW, THEREFORE, BE IT RESOLVED by the Heber City Council, of Heber City, Utah, as follows:

The Heber City Budget for the fiscal year ending June 30, 2024, is hereby amended as set forth in the attached "Exhibit A," which is hereby incorporated into and made a part of this Resolution by reference.

ADOPTED AND PASSED by the City Council of Heber City, Utah this _____ day of _____, 2023, by the following vote:

	AYE	NAY
Council Member Mike Johnston	_____	_____
Council Member Rachel Kahler	_____	_____
Council Member Ryan Stack	_____	_____
Council Member Scott Phillips	_____	_____
Council Member Yvonne Barney	_____	_____

APPROVED:

_____
Mayor Heidi Franco

ATTEST:

_____ Date: _____

RECORDER

EXHIBIT "A"

General Fund (10)

Justification: To roll forward prior year budget for Wasatch County Parks & Rec Pickleball Court donation, Admin furniture, and park standards review professional services to current fiscal year.

Source:

Account Number	Account Name	Amount
103870	General Fund - Fund Surplus	$ 48,600.00
	Total	$ 48,600.00

Use:

Account Number	Account Name	Amount
104179	Legislative - Discretionary Funds (Pickleball Court Grant)	$ 40,000.00
104374	Admin - Equipment (Furniture)	5,000.00
105331	Planning - Professional Services (Park Standards Review)	3,600.00
	Total	$ 48,600.00

General Fund (10)

Justification: To fund the repair costs for the Cemetery backhoe.

Source:

Account Number	Account Name	Amount
103645	General Fund - Insurance Proceeds	$ 13,552.57
103870	General Fund - Fund Surplus	1,000.00
	Total	$ 14,552.57

Use:

Account Number	Account Name	Amount
106425	Parks - Equipment. Supplies and Maintenance	$ 7,276.28
106625	Cemetery - Equipment. Supplies and Maintenance	7,276.29
	Total	$ 14,552.57

Capital Improvements Fund (42)

Justification: To roll forward prior year budget for Main Street Park Improvements design work.

Source:

Account Number	Account Name	Amount
423870	Capital Improvements Fund - Fund Surplus	$ 98,500.00
	Total	$ 98,500.00

Use:

Account Number	Account Name	Amount
424072	Capital Improvements Fund - Buildings & Land	$ 98,500.00
	Total	$ 98,500.00

Capital Improvements Fund (42)

Justification: To fund City Hall Bell Tower restoration.

Source:

Account Number	Account Name	Amount
423870	Capital Improvements Fund - Fund Surplus	$ 320,000.00
	Total	$ 320,000.00

Use:

Account Number	Account Name	Amount
424072	Capital Improvements Fund - Buildings & Land	$ 320,000.00
	Total	$ 320,000.00

Capital Improvements Fund (42)

Justification: To fund Cobra Head Lights on 1200 South as part of the Night Sky Project.

Source:

Account Number	Account Name	Amount
423870	Capital Improvements Fund - Fund Surplus	$ 37,500.00
	Total	$ 37,500.00

Use:

Account Number	Account Name	Amount
424073	Capital Improvements Fund - Improvements Other than Bldg.	$ 37,500.00
	Total	$ 37,500.00

Impact Fee Fund - Parks (47)

Justification: To fund expenditures for the Central Heber Trail: 600 West down 300 South to 500 East.

Source:

Account Number	Account Name	Amount
473870	Impact Fee Fund - Fund Surplus	$ 460,000.00
	Total	$ 460,000.00

Use:

Account Number	Account Name	Amount
474073	Impact Fee Fund - Improvement Other than Bldgs	$ 460,000.00
	Total	$ 460,000.00

General Fund (10) Airport Fund (21) Culinary Water (51), Waste Water (52), Stormwater (54), Pressurized Irrigation (55)

Justification: to fund Citywide Budget Software.

Source:

Account Number	Account Name	Amount
103870	General Fund - Fund Surplus	$ 47,748.00
213870	Airport Special Revenue Fund - Fund Surplus	798.00
513870	Culinary Water Fund - Fund Surplus	5,304.00
523870	Sewer Water Fund - Fund Surplus	3,816.00
543870	Stormwater Fund - Fund Surplus	1,404.00
553870	Pressurized Irrigation Fund - Fund Surplus	930.00
	Total	$ 60,000.00

Use:

Account Number	Account Name	Amount
104331	Admin - Professional Services	$ 47,748.00
214078	Airport - Internal Service Charge	798.00
514078	Culinary Water Fund - Internal Service Charge	5,304.00
524078	Sewer Water Fund - Internal Service Charge	3,816.00
544078	Stormwater Fund - Internal Service Charge	1,404.00
554078	Pressurized Irrigation Fund- Internal Service Charge	930.00
	Total	$ 60,000.00

Culinary Water Capital Fund (66)

Justification: To fund Culinary Water lids, meters and vaults not included in original budget.

Source:

Account Number	Account Name	Amount
663870	Culinary Water Capital Fund - Fund Surplus	$ 450,000.00
	Total	$ 450,000.00

Use:

Account Number	Account Name	Amount
664073	Culinary Water Capital Fund - Improvements Other than Bldgs	$ 450,000.00
	Total	$ 450,000.00

Internal Service Fund (61), Culinary Water Capital Fund (66), Sewer Water Capital Fund (67)

Justification: To roll forward prior year budget for 4x4 Bobtail Plow Truck to current fiscal year.

Source:

Account Number	Account Name	Amount
613850	Internal Service Fund - Fund Surplus	$ 97,500.00
663870	Culinary Water Capital Fund - Fund Surplus	48,750.00
673870	Sewer Water Capital Fund - Fund Surplus	48,750.00
	Total	$ 195,000.00

Use:

Account Number	Account Name	Amount
614075	Internal Service Fund - Capital Equipment	$ 97,500.00
664075	Culinary Water Capital Fund - Capital Equipment	48,750.00
674075	Sewer Water Capital Fund - Capital Equipment	48,750.00
	Total	$ 195,000.00

Internal Service Fund (61), Culinary Water Capital Fund (66), Sewer Water Capital Fund (67)

Justification: To roll forward prior year budget for 4x4 Bobtail Plow Truck to current fiscal year.

Source:

Account Number	Account Name	Amount
613850	Internal Service Fund - Fund Surplus	$ 71,500.00
663870	Culinary Water Capital Fund - Fund Surplus	35,750.00
673870	Sewer Water Capital Fund - Fund Surplus	35,750.00
	Total	$ 143,000.00

Use:

Account Number	Account Name	Amount
614075	Internal Service Fund - Capital Equipment	$ 71,500.00
664075	Culinary Water Capital Fund - Capital Equipment	35,750.00
674075	Sewer Water Capital Fund - Capital Equipment	35,750.00
	Total	$ 143,000.00

Internal Service Fund (61)

Justification: To roll forward prior year budget for Ford F-550 Boom Truck to current fiscal year.

Source:

Account Number	Account Name	Amount
613850	Internal Service Fund - Fund Surplus	$ 149,000.00
	Total	$ 149,000.00

Use:

Account Number	Account Name	Amount
614075	Internal Service Fund - Capital Equipment	$ 149,000.00
	Total	$ 149,000.00

Internal Service Fund (61), Culinary Water Capital Fund (66), Sewer Water Capital Fund (67), Stormwater Capital Fund (68), Pressurized Irrigation Capital Fund (69)

Justification: To reclassify CIP funds from from NOAQ Box Wall to Safety Protection Ladder.

Source:

Account Number	Account Name	Amount
614075	Internal Service Fund - Capital Equipment - Box Wall	$ (12,000.00)
664075	Culinary Water Capital Fund - Capital Equipment - Box Wall	(9,600.00)
674075	Sewer Water Capital Fund- Capital Equipment - Box Wall	(12,000.00)
684075	Stormwater Capital Fund - Capital Equipment - Box Wall	(4,000.00)
694075	Pressurized Irrigation Fund - Capital Equipment - Box Wall	(2,400.00)
	Total	$ (40,000.00)

Use:

Account Number	Account Name	Amount
614075	Internal Service Fund - Capital Equipment - Ladder	$ 12,000.00
664075	Culinary Water Capital Fund - Capital Equipment - Ladder	9,600.00
674075	Sewer Water Capital Fund- Capital Equipment - Ladder	12,000.00
684075	Stormwater Capital Fund - Capital Equipment - Ladder	4,000.00
694075	Pressurized Irrigation Fund - Capital Equipment - Ladder	2,400.00
	Total	$ 40,000.00

Pressurized Irrigation Capital Fund (69)

Justification: To roll forward prior year budget for Pressurized Irrigation Meter Replacements Project.

Source:

Account Number	Account Name	Amount
693870	Pressurized Irrigation - Contributions from Surplus	$ 200,000.00
	Total	$ 200,000.00

Use:

Account Number	Account Name	Amount
694073	Pressurized Irrigation - Improvements Other than Buildings	$ 200,000.00
	Total	$ 200,000.00

EMPLOYMENT AGREEMENT

This Employment Agreement ("**Agreement**") is made and entered into this 19th day of September, 2023 by and between the Heber City (the "**City**"), a Utah municipality and Parker Sever, an individual ("**Employee**").

1. Appointment of Chief of Police:

The Heber City Mayor, with the advice and consent of the City Council, hereby appoints Employee to the position of Chief of Police for Heber City.

2. Term of Agreement:

Subject to the terms and conditions of this Agreement, the term of this Agreement shall be from October 16, 2023 (the "**Effective Date**") and shall continue in full force and effect for an ongoing and indefinite term until such time as either party terminates this Agreement.

3. At-Will Employment:

In accordance with Utah Code § 10-3-1105(2)(c) and (e), Employee is not entitled to or hereby waives any protections under Utah Code § 10-3-1106, and Employee is classified as an "at will" employee. Employee understands that he has no constitutionally protected property or other interest in his employment as Chief of Police. This provision may not be altered except by a written instrument executed by Employee, and formally approved by the City Council, which specifically references this Agreement and section.

4. Duties and Responsibilities:

a. Employee shall serve as the Chief of Police of Heber City and he shall be vested with the powers, duties and responsibilities set forth in the Heber Municipal Code and Utah law. Employee shall perform the functions and duties specified under the Heber City job description, and the applicable Heber Municipal Code; the Ordinances and Resolutions of the City, and such other duties and functions as the City Council may from time-to-time assign. In accordance with Heber City Code 2.36.035, Employee shall serve at the pleasure of the governing body, including the Mayor. Employee acknowledges and agrees that the City may amend Heber City Code 2.36.035 at the discretion of the City, which amendments shall be binding on Employee.

b. Employee agrees to devote his productive time, ability and attention to the City's business. For the duration of this Agreement, Employee shall not hold secondary employment, and shall be employed exclusively by the City, subject to any exceptions approved in writing by the City Council. As an exempt employee, Employee shall not

receive overtime or extra compensation for work performed outside normal business hours.

5. Termination of Employment:

a. Employee may terminate this Agreement with or without cause, by giving the City ten (10) business days written notice in advance of termination. During the notice period, all the rights and obligations of the parties under this Agreement shall remain in full force and effect.

b. The City Council may place Employee on paid administrative leave for extraordinary personal or professional circumstances brought upon the Employee by the direct or indirect actions of the Employee or the City.

c. The City Council may terminate this Agreement at any time with or without cause. If the City terminates this Agreement without cause employee shall be entitled to receive a one-time lump sum severance payment in the amount equivalent to four months of salary, subject to all state and federal tax withholdings. If employee is terminated for cause, Employee shall not receive any severance. Employee may be terminated for cause for any of the following: (1) conduct which, if criminally convicted, would be a Class B misdemeanor or higher; (2) conduct which is a violation of the Utah Municipal Officers and Employees Ethics Act; (3) failure to perform the primary functions and duties of the chief of police; (4) conduct of gross mismanagement (as defined in Utah Code Ann. § 67-21-2 (2023)); or (5) acts of moral turpitude. For purposes of this Agreement, acts of moral turpitude means:

(a) theft;
(b) tax evasion;
(c) issuing bad checks;
(d) deceptive business practices;
(e) perjury;
(f) extortion;
(g) falsifying government records;
(h) receiving stolen property;
(i) sex offenses;
(j) driving under the influence and alcohol related reckless driving;
(k) assault; and
(l) domestic violence offenses.

6. Compensation and Benefits:

a. Employee's base salary on the Effective Date shall be One Hundred and Sixty Eight Thousand Dollars ($168,000.00) and shall be payable in installments at the same time as other employees of City are paid.

b. Employee shall have an annual performance review. Based on the annual performance review, consideration shall be given for a merit-based compensation increase up to the merit-based increase available to all other City employees.

c. City shall provide to Employee and any dependents health, hospitalization, surgical, vision, dental, and medical insurance upon the same terms provided to all other employees of Heber City.

d. City shall provide term life insurance upon the same terms provided to all other employees of Heber City. The Employee shall name the beneficiary of the life insurance policies.

e. City shall provide Employee with a vehicle to be used by Employee during the performance of Employee's duties and in accordance with the policies of the Heber City Police Department and Heber City.

7. Vacation, Sick Leave and other Leave Benefits:

a. The City agrees to provide Employee with the same sick leave, holidays, long-term disability, and other leave benefits, upon the same terms provided to all other employees of the City of Heber. Notwithstanding City policy, Employee shall be able to utilize up to two weeks of sick leave and two weeks of vacation immediately upon employment, which shall be deducted from future sick leave and vacation leave accumulated by Employee.

b. City agrees to pay Employee any accrued vacation and sick leave in accordance with the Heber City Personnel Policy and subject to federal and state withholding requirements.

8. Retirement:

a. The City agrees to make all appropriate contributions into the Utah State Retirement system on the Employee's behalf, for both the City and Employee share up to the amount required by the Utah State Retirement System.

b. If the Employee elects to opt out of the Utah State Retirement System, the City will provide direct payment into a retirement account (i.e. 401 or 457) in the amount equal to the contribution described in Section 4(A).

9. Moving Expense Reimbursement:

City shall reimburse Employee for up to Eight Thousand Dollars ($8,000.00) of expenses incurred by employee to move to Heber City.

10. General Business Expenses:

a. City agrees to budget for and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the City.

b. City agrees to budget for and to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for City, including but not limited to the Utah Police Chief's Association, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member.

c. City also agrees to budget for and to pay for travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for the Employee's professional development and for the good of the City.

d. City recognizes that certain expenses of a non-personal but job related nature are incurred by Employee, and agrees to reimburse or to pay said general expenses. Such expenses may include meals where City business is being discussed or conducted and participation in social events of various organizations when representing the City. Such expenditures are subject to annual budget constraints as well as state and City ethics and purchasing policies.

e. City acknowledges the value of having Employee participate and be directly involved in local civic clubs or organizations. Accordingly, City shall pay for the reasonable membership fees and/or dues to enable the Employee to become an active member in local civic clubs or organizations.

f. City shall provide Employee with a cellular telephone or, if the Employee desires, the City will provide Employee a cellular telephone allowance at the rate and upon the terms provided to other employees.

11. Residency:

Employee is encouraged to live in Heber City or within a reasonable distance that affords a reasonable response time to emergencies and unforeseen circumstances.

12. Indemnification:

The City shall defend, hold harmless and indemnify Employee against any non-intentional tort, civil rights, personnel, discrimination, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act of omission occurring in the performance of Employee's duties in accordance with the provisions of applicable provisions of Utah Code Annotated and provide a defense in

accordance with such Utah requirements. The City may decline to defend and/or indemnify only as permitted by the Utah Code. The City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment there from. This provision shall survive any termination or resignation of the Employee or expiration of this Agreement. This paragraph is not intended to provide any rights in excess of those rights provided by state law.

13. Notices:

Any notices to the City pursuant to this Agreement shall be made to the Heber City Mayor and City Manager. Any notices to either party shall be in writing and may be made by personal service or by both email and U.S. Mail to the last known address of the parties. Any notice shall be deemed effective upon actual receipt of the notice by the party.

14. Bonding:

The City shall bear the full cost of any fidelity or other bond required under any law or ordinance.

15. Training:

Employee is encouraged to maintain memberships in and to attend conferences of appropriate professional organizations including but not limited to International Association of Chief of Police (IACP). Employee's annual budget for such memberships and conferences, including travel and related expenses shall be as included in Heber City's adopted annual budget. All expense reimbursements are subject to City policies and limited by annual budget line items specifically approved for such purpose.

16. Miscellaneous:

a. This Agreement may not be modified, except by written agreement executed by both parties.

b. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

c. This Agreement shall be governed by the laws of the State of Utah.

d. The parties agree that any ambiguity in this Agreement shall not be construed or interpreted against, or in favor of, either party.

e. If any legal action or proceeding is brought to enforce or interpret this Agreement, the prevailing party, as determined by the court, shall be entitled to recover

from the other party all reasonable costs and attorney fees, including such fees and costs as may be incurred in enforcing any judgment or order entered in any such action.

f. This Agreement may be executed in counterparts containing original signatures.

DATED this _____ day of September, 2023.

_____
Parker Sever

DATED this _____ day of September, 2023.

HEBER CITY

_____
Heidi Franco, Mayor

ATTEST:

_____
Trina Cooke, City Recorder

APPROVED AS TO FORM:

_____
Jeremy Cook, City Attorney

From: McKay Riddle
Sent: Monday, June 26, 2023 8:58 AM
To: City Council <citycouncil@heberut.gov>
Subject: (EXTERNAL) Request for time - School House Academy (Child Development Center)

Hello Heber City Council,

My name is McKay Riddle and I am working with an incredible group of local people to start a Child Development Center in Heber City. Our group is the School House Academy Foundation, a nonprofit. We would love to present our plans to the city council. A child development center in the valley will allow families to have access to quality childcare, health programs, academic supports, and a safe place to develop and grow with evidence-based support.

We have a site secured at 700 School House Way, across from RMMS and HVE. We are working with a grant through the Children's Service Society of Utah, but we are seeking additional funds for the center's construction.

We would like to be added to the agenda of a future city council meeting.

Thank you for your time and consideration.

Best,

McKay Riddle Johnson
School House Academy Foundation

SCHOOL HOUSE ACADEMY

A SAFE PLACE FOR CHILDREN
TO LEARN & GROW

Our Why

Mission Statement:

To support all learners and promote physical, social/emotional, language, literacy, and academic/pre-academic skills for all children through evidence-based, developmentally appropriate practices while also providing a safe environment that families can rely on.

Who we are

School House Academy Foundation a 501(c)(3) non-profit

A team of certified, licensed, and passionate professionals

- Executive Director - Piper Riddle
- Director of Programs - McKay Riddle Johnson
- Development Specialist - Russ Watts
- Financial Advisor - Aaron Johnson
- Facilities Manager - Rod Riddle
- Real Estate Advisor - Dave Johnson

What we do

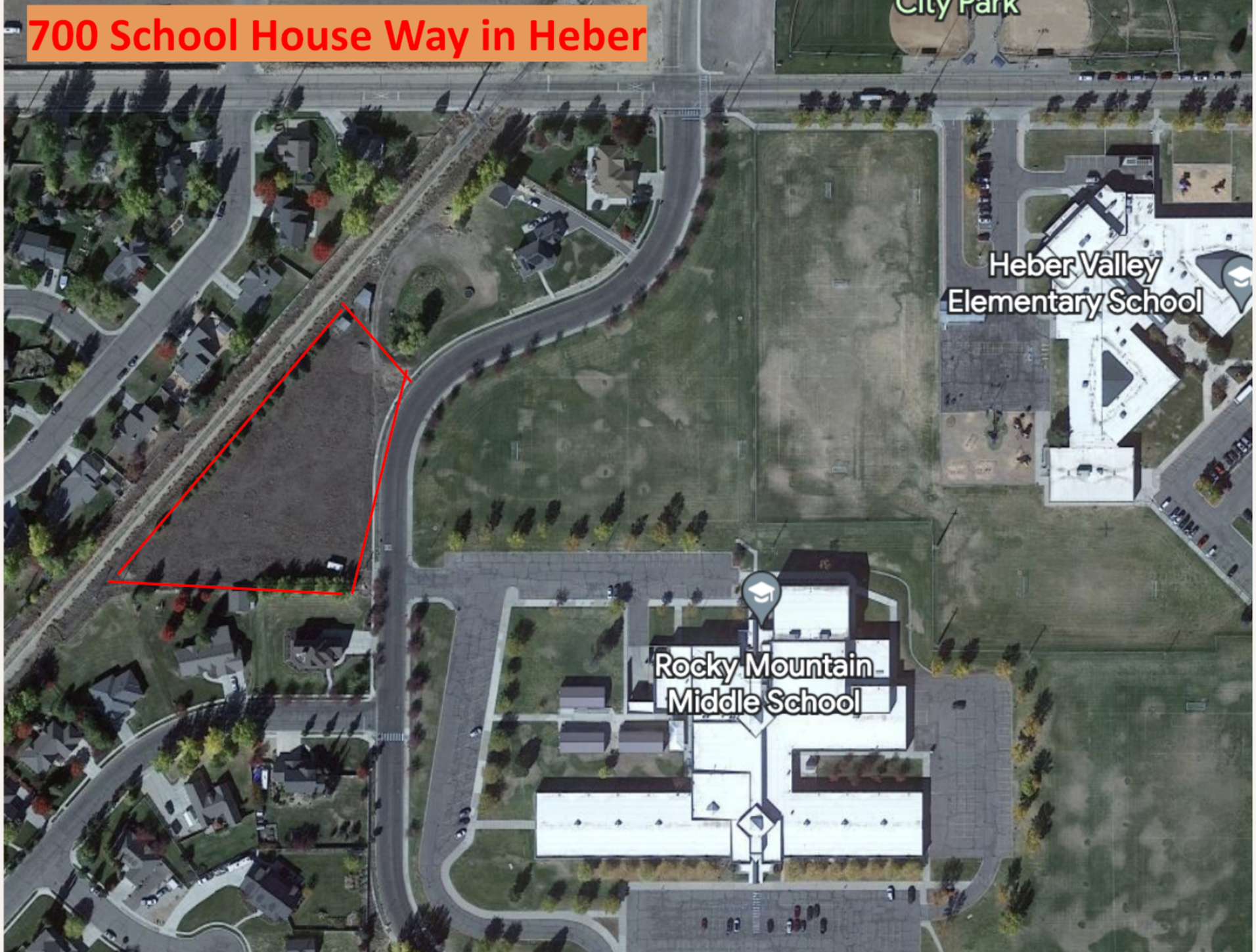
- childcare
- preschool
- social & emotional development
- speech & language development
- academic support
- wrap around services
    - mental health services
    - community food pantry
    - health services
    - vision & dental services

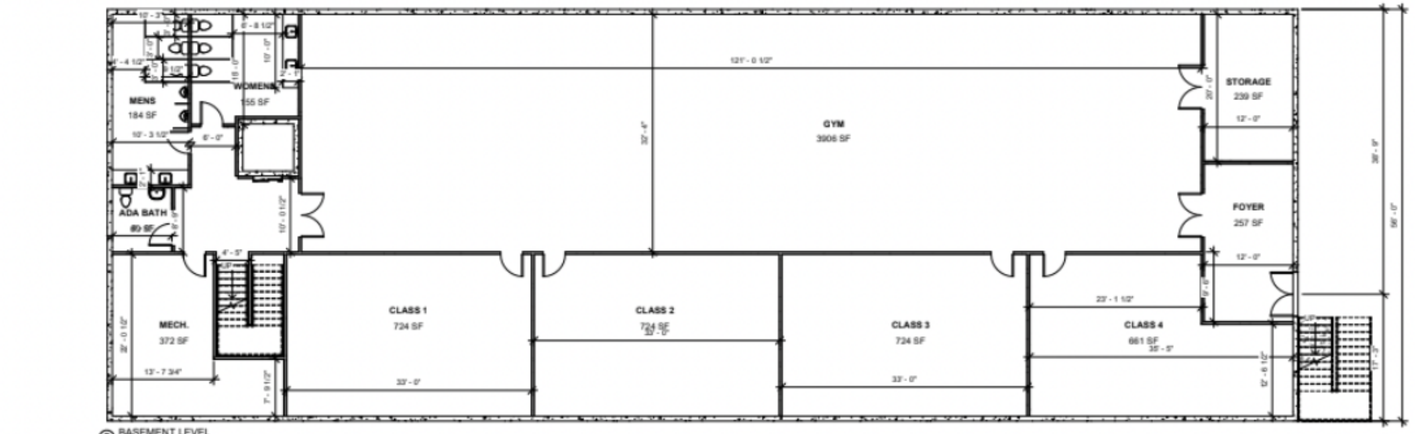
700 School House Way

Heber City, Utah 84032

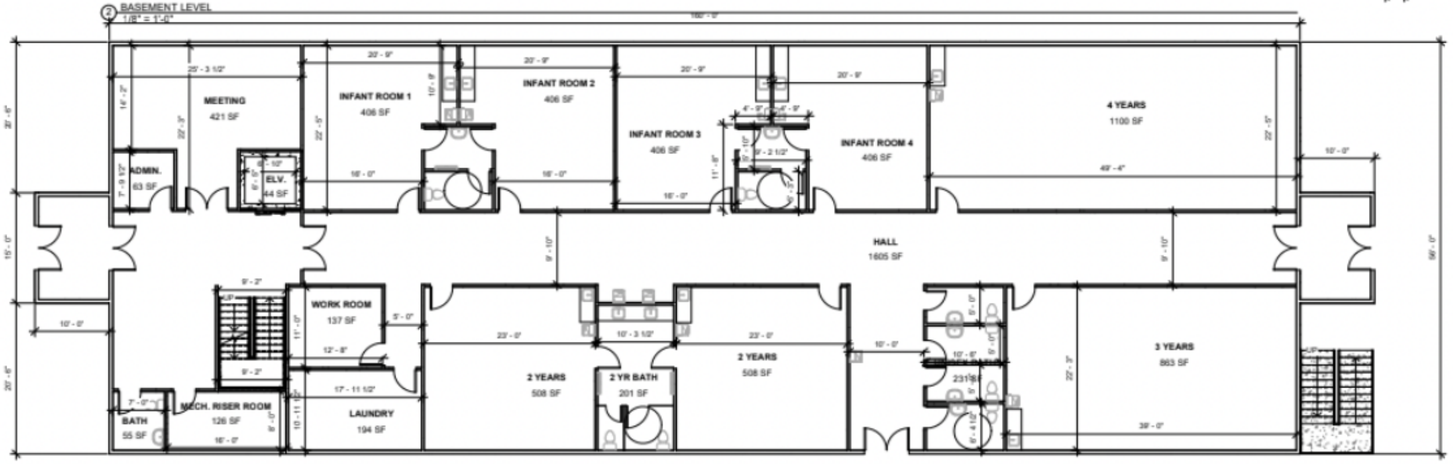
- 1.75 aces

700 School House Way in Heber

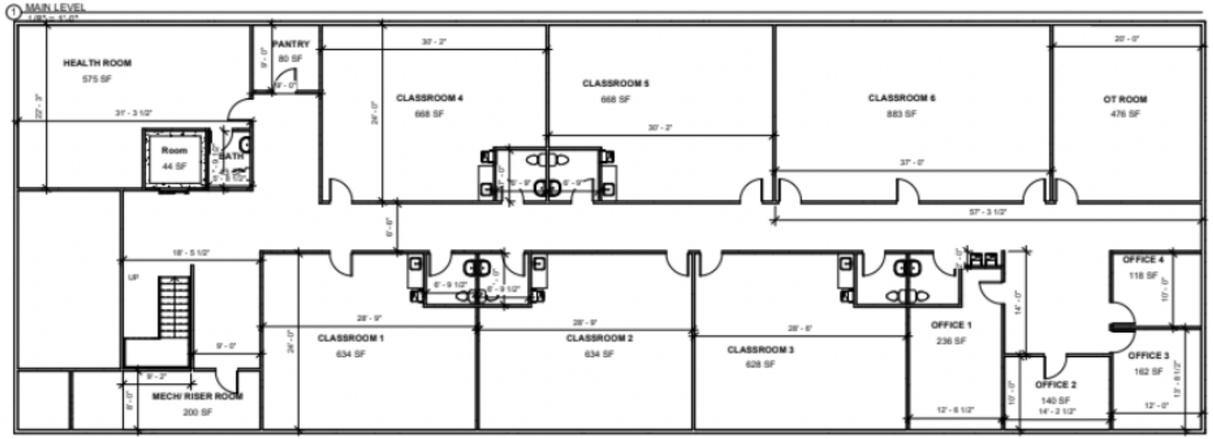




2 BASEMENT LEVEL
1/8" = 1'-0"



1 MAIN LEVEL
1/8" = 1'-0"



3 UPPER LEVEL
1/8" = 1'-0"

COLLECTIVE HOME
design

PROJECT STATUS:
PERMIT

ISSUE DATE:
Issue Date

CLIENT NAME:
SCHOOL HOUSE ACADEMY

PROPERTY ADDRESS

PROJECT NUMBER: 22-08-12
DRAWN BY: BDP
APPROVED BY: CLIENT

SCALE
1/8" = 1'-0"

SCHOOL

A1.0

Target populations

Who we serve.

- Wasatch County area
- Working families
- Educators and other essential workers
- Highly impacted families
- Families with flexible and/or unusual schedule needs for childcare (drop-in services)

Why childcare?

There is an increasing need for reliable, structured child care in the Wasatch County area.

- 7.4%* of Wasatch County's population includes children under the age of five years old.
- This means approximately 2500 children are not quite old enough to attend public school but may need a place to go while their parents work.
- Wasatch County currently only has two licensed child care centers for ages 6 weeks to 6 years. When last contacted, their waitlists were more than a year out.
- Approximately 30.7%* of the Wasatch County population is under the age of 18. Currently, the Boys and Girls Club of Heber Valley is the only after-school care for school-aged children.

*according to U.S. census data accessed June 2022.

Youth Populations Served

Infant Care

For children ages 6 weeks up to 2 years

Toddler Care

For children ages 2 years up to 4 years

Preschool Care

For children ages 4 years up to 6 years

Elementary Care

For children ages 5 years up to 12 years

Adolescent Activities

For youth ages 12 up to 18 years

Childcare Programming

Flexible to fit each family's unique needs

Partial-Day program

Childcare provided for 4 hours or less per day on a consistent schedule

Full-Day Program

Childcare provided for 4.5 hours or more per day on a consistent schedule

Before- and After-School Program

Childcare provided for school-aged children

Drop-In Program

Childcare provided on an as-needed basis with an hourly rate per child, per age of child

Rates

Rates will be competitive and scholarships are available.

- Tuition will be at a fixed rate.
- Scholarships available
- Biannual fundraising event

Adolescent Activities

- There is a lack of safe, fun spaces for middle school students and high school students, including those with special needs.
  - Wasatch County Rec. Center requires youth under 16 to be accompanied by an adult
- Adolescent activities will include physical activities, STEM, gaming, arts, homework help, skill-learning, mentors, snacks, mental health supports, etc.
  - The goal is to provide a space specific to teens, with supervision, purpose, and FUN.

Other uses and partnerships for our facility

Our goal is to house services that will benefit all aspects of a child's life

- Preschool & Child Development resources
- Mommy & Me Classes, Community Ed Classes, Wasatch Wellness Events
- Speech & Language Therapy
- Occupational & Physical Therapy
- Academic Supports & Tutoring Services
- Mental Health Resources & Services
- Community Food Pantry, Health Services (vision, dental, etc.)

School House Academy

in Proposed Partnership with:

Wasatch County School District
Intermountain Healthcare
Boys & Girls Club of Wasatch/Utah County
Heber City
Wasatch County
Midway City
Utah Workforce Services
Wasatch Housing Authority
Park City Christian Center
People's Health Clinic
Wasatch Behavioral Health
Karl Malone Group
People's Health Clinic
Wasatch Community Foundation
Private Donors & Investors

Project Parameters

Total Project Costs:	$5,800,000
Initial Capital Required:	$2,100,000
Private Investor for Land:	$530,000
SHA Funds Raised:	goal of $500,000
SHA Employer Child Care Startup Grant	approx. $550,000

Project Timing

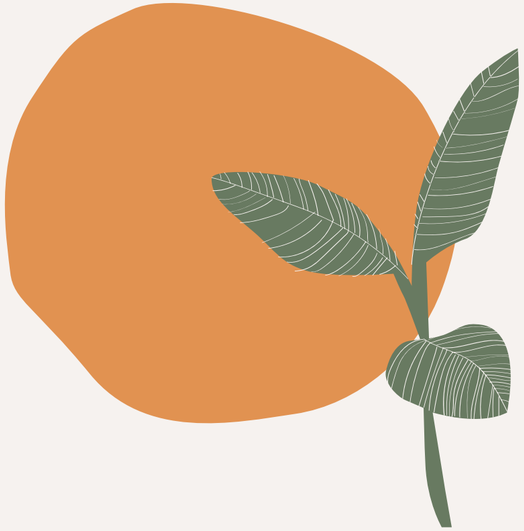
- City Approvals: 5-6 months
- Funding/Municipal Approvals: 3-4 months
- Design & Engineering: 2-3 months
- Modular buildings in place for childcare startup: January 2024
- Start construction of full facility: Summer 2025
- Full facility open for operation by: Fall 2026

What we need

Startup funds through partnerships, grants, and donations

- Block grants
- Cover/Waive Impact Fees and Permit Fees
- Employer Partnership Opportunity
- Cover utilities

QUESTIONS?



"Help one child, help generations to come."

- Lila Bjorklund

CITY COUNCIL STAFF REPORT

Meeting Date: September 5, 2023

Subject: **Renaming of Heber City Public Safety Building to the David D. Booth Public Safety Building, Resolution 2023 -16**

Responsible: Mayor Heidi Franco

Department: Mayor's Office

Strategic Relevance: Community Development

SUMMARY

Chief Dave Booth is retiring from the Heber City Police Department on September 30, 2023. One of our citizens, Gary Provost, asked me to consider renaming the Heber City Public Safety Building to honor Chief Booth. I wholeheartedly agree. I am proposing to rename the Public Safety Building as the 'David D. Booth Public Safety Building' in Resolution 2023 -16.

BACKGROUND & DISCUSSION

Here are some of the many reasons why this honor should be given:

-Chief Dave Booth has served our City for the last 11 years; as well as serving in law enforcement for the past 32 years. For almost one-third of his career he's served as Heber City's Chief of Police. He also spent ten years as the Summit County Chief Deputy before becoming our Chief.

-He advocated for, designed, and oversaw the construction of the Public Safety Building per Council approval.

-He specifically designed this building to ensure the safety of officers and staff, victims of crime, those accused, the safety of the public, the gathering, testing, and protection of evidence as well as up-to-date emergency operations center. This was literally another full-time job on top of his Chief work. This building was completed in 2015.

-Chief Booth was Utah's Police Chief of the Year in 2019, awarded by UCOPA (the Utah Chiefs of Police Association).

-He directed HCPD to receive the UCOPA accreditation award in 2022. This is uncommon within most Utah Police Departments.

-During his tenure, Chief Booth oversaw reductions in the total number of violent crimes and property crimes in the City.

-In the last 11 years, Heber City has seen an astounding 58% growth in its population but still has experienced an overall reduction in violent & property crimes. Heber City has seen significant crime reductions in the following categories:

- 55 % decrease in burglaries
- 48% decrease in child abuse
- 42% decrease in thefts
- 9% decrease in assaults (Statistics from the HCPD Spillman Database, 2012-2022.)

-Chief Booth has taken on many other challenges in his time leading the police department, including innovative programs such as:

- Police reform, openness & transparency through community policing initiatives
- In 2014, prioritizing technology by implementing one of the first body camera programs in the state and nation.
- Partnering with the Utah Attorney General Office on numerous special enforcement programs.
- Managing a dynamic and flexible response to the COVID-19 pandemic.
- Implementing internal reorganization to enhance efficiency and align operational components, including achieving statewide accreditation.
- Youth programs such as Peer Court, autism awareness, & "Brag Tag" programs
- Local business training in crime prevention & emergency management.
- Latino Safety and collaboration with the Latino Coalition.

-I've personally seen him work for years far above a 'regular' work week to ensure the safety of all of us as well as the HCPD officers and staff. Over the years I've attended several Stars and Bars banquets where I've heard so many, many examples of the Chief's and our Officers bravery and exemplary service. Our Chief and HCPD do not show off their bravery and compassion, but I've seen that it is real and amazing.

-Chief's example and dedication to the public, the rule of law, and protecting all of us can never be repaid. For the last nine years that we've served together I've never doubted his commitment and the determined focus he's shown.

-Those who know Chief Booth will witness his personal sacrifice and dedication to Heber City; as well as his professional collaboration with the Wasatch County Sheriff's office, and other Police Departments & Associations within Utah.

-Chief Booth has said, "I love America. I have dedicated my entire adult life to the protection and preservation of the United States Constitution. And, like so many of my fellow peace officers, I would willingly trade my life for peace and justice for all." This is the complete commitment of Chief Booth that this Resolution honors.

-All citizens owe Chief Booth incredible thanks for the safety and peace within Heber City.

RECOMMENDATION

For this and many other reasons I propose renaming the City Public Safety Building the David D. Booth Public Safety Building to honor Chief Booth retirement on September 30, 2023.

FISCAL IMPACT

Projected costs for a small new plaque posted inside the entry way/front door; as well as adding the lettering of 'David D. Booth' above the 'Heber City Public Safety Building' letters at the front door are up to $1000, which can come out of the existing HCPD FY 2023-2024 building maintenance budget.

CONCLUSION

It is fitting and proper to honor Chief Booth of his years of public service and his personal commitment to Heber City at retirement in renaming this building.

POTENTIAL MOTIONS

1. I make a motion to approve Resolution 2023 -16 renaming the Heber City Public Safety Building as the David D. Booth Public Safety Building in honor of Chief Dave Booth's upcoming retirement.

ACCOUNTABILITY

Department: Mayor Heidi Franco

EXHIBITS

Exhibit A is Resolution 2023 -16 Renaming the Heber City Public Safety Building as the David D. Booth Public Safety Building in honor of Chief Dave Booth's upcoming retirement.

HEBER CITY, UTAH

RESOLUTION NO. 2023 -16

A RESOLUTION RENAMING THE HEBER CITY PUBLIC SAFETY BUILDING TO THE DAVID D. BOOTH PUBLIC SAFETY BUILDING IN HONOR OF CHIEF BOOTH'S UPCOMING RETIREMENT.

WHEREAS, Chief David D. Booth has served honorably as Heber City's Police Chief for 11 years and in law enforcement for 32 years; and

WHEREAS Chief Booth is retiring on September 30, 2023; and

WHEREAS Chief Booth advocated for, designed, and oversaw the construction of the Public Safety Building; and

WHEREAS The Public Safety Building was specifically designed to protect HCPD officers, staff, crime victims, the accused, provide specific evidence gathering & testing facilities, greater officer and staff training, etc., and safety for the City's Justice Court, staff, and trial participants; and

WHEREAS Chief Booth set the highest standards for HCPD integrity and public service; and

WHEREAS Chief Booth established many community policing programs to support groups within our City and provide service opportunities for HCPD Officers and staff; and

WHEREAS Crime rates have decreased under Chief Booth's leadership within Heber City; and

WHEREAS Heber City owes Chief Booth a debt of sincere gratitude for his years of public service, courage and compassion;

NOW, THEREFORE, BE IT RESOLVED by the Heber City Council, of Heber City, Utah, as follows:

The Heber City Public Safety Building is renamed to the 'David D. Booth Public Safety Building' in honor of Chief Booth's upcoming retirement with this "Exhibit A," which is hereby incorporated into and made a part of this Resolution by reference.

ADOPTED AND PASSED by the City Council of Heber City, Utah this _____ day of _____, 2023, by the following vote:

	AYE	**NAY**
Council Member Mike Johnston	_____	_____
Council Member Rachel Kahler	_____	_____
Council Member Ryan Stack	_____	_____
Council Member Scott Phillips	_____	_____
Council Member Yvonne Barney	_____	_____

APPROVED:

_____

Mayor Heidi Franco

ATTEST:

_____ Date: _____

"Protect with courage, serve with passion."

In recognition of
Police Chief David D. Booth
Heber City Police Department
2012-2023

This plaque is to commemorate Chief Booth's retirement after a distinguished career leading the Heber City Police Department for more than a decade. This remarkable public safety building stands as a testament to his unwavering dedication and remarkable vision, and it will undoubtedly ensure our community's safety and security for years to come.

Chief Booth's tireless efforts, commitment to excellence, and progressive initiatives have markedly elevated the standard of the Heber City Police Department. Thanks to his visionary leadership, our officers are equipped with cutting-edge resources and training, which gives them the necessary skills to serve and protect our community at the highest level.

We, the Heber City Council and Mayor Heidi Franco, express our deepest gratitude to Chief David D. Booth for his valuable contributions, which have left an indelible mark on the Heber City Police Department and our community as a whole.

Trina Cooke

From: Trina Cooke
Sent: Thursday, September 14, 2023 5:02 PM
To: Trina Cooke

Sent from my iPhone

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	Subdivision Requirements Update
RESPONSIBLE:	Tony Kohler
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community Development

SUMMARY

As part of the Phase 3 Envision Heber Code Update, the Planning Commission is reviewing the entire Code and Subdivision Ordinance. As part of that process the Subdivision Ordinance, Title 17 is being updated, simplified, brought under Title 18, creating a unified development code, and coordinated with the goals of the Envision Heber 2050 General Plan. This is one of the last major ordinances to update.

RECOMMENDATION

Staff recommends Council review and provide feedback on the proposed amendment, in anticipation of returning to Council for adoption at a future meeting.

BACKGROUND

This second work session staff report addresses many changes to the subdivision ordinance including the removal of the Trail Design Guidelines, section 17.30, removal of engineering design standards, removal of the Large Scale Development sections which are not subdivisions generally, removal of the Sensitive Lands section which becomes its' own chapter, and recent State Law updates. The revised subdivision ordinance becomes more of a chapter that addresses processing and approval standards. Subdivisions are an administrative decision, not a discretionary decision-making process. If the development meets the ordinance standards, it gets approved. If it doesn't meet the ordinance standards, then processing stops until it does or it simply is denied (staff would inform the applicant about the standards that the application does not meet). The legislature this year also removed the City Council from any standard residential subdivision approval process, set review timelines for those, and removes a City mandated concept plan meeting for residential subdivisions (1 and 2 family dwellings), except if a Sensitive Land is involved. The draft reflects these new State Law changes.

The Planning Commission held a public hearing on January 10, 2023 and forwarded a positive recommendation to the City Council. The City Council held a work session meeting on this on February 21, 2023 as an introduction. Final adoption will need to be coordinated with Public Works that is in the process of updating the Standards and Specifications manual.

DISCUSSION

Although a very long chapter, a lot is being removed. Trail Design moves to its' own chapter and engineering plans on creating three diagrams to reflect the three trail types. Engineering standards are almost all already in the Heber City Standard and Specifications and those that are not (and located in the subdivision ordinance), are being moved there. Engineering held a public hearing with the Planning Commission on July 13th to update their Standard Specifications, and Council adopted those changes on September 5, 2023. Large Scale developments are removed as they are now covered by the conditional use process and may occur in rezoning requests via the MURCZ chapter, which has considerable requirements and a Development Agreement requirement.

Coordination and collaboration with the Engineering staff has been ongoing.

Summary of proposed changes:

1. Concept plans cannot be required for "regular" residential subdivisions (new State Law). They can be strongly encouraged but have to be non-binding, and just reviewed by staff at the option of the developer. Then an application for a preliminary plat is reviewed by staff for compliance with the City ordinances (a complete application becomes more important due to review deadlines), before coming before the Planning Commission. Planning Commission reviews the preliminary plat for larger subdivisions as part of a public meeting (not a public hearing) and staff manages the final plat through to recording, including all the required engineering plans. City Councils are not allowed to be part of that two step process for regular subdivisions.
2. Although the State intended to simplify the subdivision process, they have instead added a second process by trying to simplify and make uniform across the State, the process for so called "easier" subdivisions. In our case, we are calling them "regular" subdivisions.
3. An exception to the concept plan elimination has been provided for in State Law when a Sensitive Land is identified within the subdivision. Engineering and Planning are creating a map to help define when the Sensitive Lands chapter becomes a part of the development process. Statewide Sensitive Lands maps are in the process of being created but are not expected till next year. In addition, subdivisions of a different nature, such as commercial subdivisions, manufacturing subdivisions, mixed use subdivisions can continue to have concept plans as a requirement.
4. Definitions will move to the Definitions Chapter, but two new ones have been added – complete applications, regular residential subdivisions.
5. Subdivisions with 10 lots or less are proposed to be processed administratively by staff.
6. Defines who the "Land Use Authority" (decision maker) is when previously left unclear.
7. Condominium applications are suggested to follow the same subdivision process except for submittal of minor additional paperwork required by State Law (includes HOA rules and requirements).
8. Additional State Law updates and clarifications have been made including review timelines – 15 working days for a regular residential preliminary plat and up to 4 revisions for a final plat (it can be denied if the applicant does not provide an approvable final plat meeting the written City code and standards).
9. Trail Design section removed and has become its' own chapter.
10. Sensitive Lands section is removed and has become its' own chapter
11. Landscape requirements are provided in the Landscape chapter and in the zoning district in which the subdivision is proposed. Bonding for residential home landscaping is not allowed, only public improvements can be bonded for.
12. Large Scale development/commercial site planning is removed as these are now reviewed as conditional uses.

13. Engineering standards are removed and replaced with references to the Standards and Specifications. Engineering coordination has been accomplished in the current draft which provided important updates and changes.
14. Fees section is removed and now is proposed as a reference to the annual fee schedule adopted by the Council.

FISCAL IMPACT

No fiscal impact is anticipated.

CONCLUSION

Updates move the subdivision chapter into Title 18 and reflect new State Laws. The update also removes certain sections to other parts of Title 18 and to the Standards and Specifications in Public Works.

ALTERNATIVES

N/A

POTENTIAL MOTIONS

N/A

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. Subs Clean
2. Subs Redline

Subdivisions 18.117

18.04 General Provisions
18.12 Recording
18.14 Requirement Of Adequate Public Facilities
18.16 General Subdivision Procedures
18.18 Property Line Adjustments
18.19 Condominiums
18.20 Required Plans
18.24 Street Design Standards
18.28 Block Design Standards
18.32 Lot Design Standards
~~17.~~18.40 Improvements
~~17.~~18.44 Platting Requirements
~~17.~~18.48 General Subdivision Requirements
~~17.~~18.52 Guarantee Of Performance
~~17.~~18.56 Costs And Charges
~~17.~~18.64 Amendments
~~17.~~18.68 Substantial Completion Of Subdivisions

18.04 General Provisions

18.04.010 Title Of Provisions
18.04.020 Purpose And Intent

18.04.010 Title Of Provisions

This title shall be entitled the "The Heber City Subdivision Ordinance" and may be so cited and pleaded.

18 04.020 Purpose And Intent

1. The purposes of this title shall be to:
    1. Promote the health, safety, convenience, and general welfare of the present and future inhabitants of the City;
    2. Facilitate the transfer of land having accurate legal descriptions;
    3. Bring about the development of a more attractive ~~and wholesome~~ environment within and about the City;
    4. Establish the rights, duties, and responsibilities of subdividers with respect to land subdivision;
    5. Facilitate the implementation of the general plan.
2. It is declared to be the public policy that these subdivision regulations shall be promulgated for the purpose of facilitating the platting of land and the construction and sale of buildings.

18.12 Recording

18. 12.010 Procedures - Required Signatures

1. From the effective date of the ordinance codified in this Title, no person shall subdivide any tract of land which is located wholly or in part within the City, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the above described territory, nor shall any person offer for recording any deed conveying a parcel of land or any interest therein, unless ~~he~~ the subdivider has first produced and submitted an executed plat thereof, which plat must be approved by the Land Use Authority, specified as the Planning Director and City Engineer, and recorded in the office of the County Recorder before such sale or exchange or purchase is affected. Approval of the final plat shall be obtained by complying with all of the requirements of this Chapter and the Standards and Specifications;
2. All small lot subdivisions and lot splits shall require the formal consent of Planning Director or designee.

18. 14 Requirement Of Adequate Public Facilities

18.14.010 Adequate Public Facilities Required
18. 14.020 Essential Public Facilities
18.14.030 Procedures
18.14.040 Level Of Service Standards
18.14.050 Adequate Public Facilities Not Available

18.14.010 Adequate Public Facilities Required

Adequate public facilities required to be available concurrent with subdivision approval. From and after the effective date of this Amendment to the Heber City Subdivision Ordinance, no application for subdivision approval shall be granted, approved or issued unless the applicant has provided sufficient information to establish that adequate public facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development.

18.14.020 Essential Public Facilities

Essential public facilities to which this requirement will apply include the following:

1. Drinking water system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
2. Sanitary sewer and wastewater system, including outfall lines, laterals and collector lines;
3. Storm water drainage, including flood control facilities;
4. Street system, including streets, roads, highways, intersections and related transportation facilities;
5. Recreational facilities, including parks and trails.
6. Secondary pressurized irrigation system, including quantity, quality, storage capacity, and transmission/distribution system capacity.
7. Broadband access

18.14.030 Procedures

As part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein and in the adopted Heber City Standards and Specifications as they may, from time to time, be amended. The City Engineer, the Planning Commission and City Council may request additional information from the applicant to address the adequacy and availability of the public facilities referenced above as part of the subdivision approval process. Processing of applications shall follow the requirements of Section 18.16.010.

18.14.040 Level Of Service Standards

The level of service standards shall be as established in the Heber City Standards and Specifications as they may, from time to time, be amended.

18.14.050 Adequate Public Facilities Not Available

If it is determined that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the Planning Commission under advisement by the City Engineer as part of the preliminary plat review, shall review, evaluate and discuss with the applicant, the following alternatives and conditions in the order presented:

Commented [MR1]: They want pc here?

1. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which may include, ~~as deemed appropriate,~~ provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.
2. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities;
3. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or,
4. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards.

18.16 General Subdivision Procedures

18.16.010 Required Procedures For Approval

The following steps or procedure must be followed in order to obtain approval of a subdivision:

1. Application Submittal Deadline. All complete applications for a preliminary plat shall be made at least 16 (sixteen) calendar days before the next regular Development Review (DRM) meeting. All applications shall follow the engineering and planning checklists for the required content for submittal. Applications shall not be forwarded for review as a preliminary plat until such applications are deemed complete by the Planning Director or designee and the City Engineer. Once deemed complete, the City shall provide corrective comments within 15 working days for regular residential subdivisions.

2. Preliminary Plat Submission. Applicant prepares preliminary plat documents and submits electronic copies in PDF format, makes application, and pays fees prior to application submittal deadline. Planning Staff shall deliver the copies to each Planning Commission member, engineering, public works, applicable utility agencies, school district, City Fire Official, postal service, Police Chief, City Manager, Building Official, UDOT (if applicable), and affected entities as required by Utah State Code.

3. Staff Review. Staff will review the application and provide a written review to the applicant following the DRM meeting. Staff shall consider the following items in their review:

1. Relationship of the proposal to the General Plan;
2. Zoning of the proposed development and general requirements of the zone;
3. Third-party utility considerations;
4. Roads, blocks, and general transportation;
5. Flood zones, sensitive lands, and potential flood hazards;
6. Drinking water requirements;
7. Pressurized irrigation requirements;
8. Sanitary sewer requirements;
9. Storm water system requirements;
10. Park and Trail requirements;
11. Capital improvement plans;
12. Other items as required in the subdivision application, available online and at the City offices.

Commented [MR2]: As found in xxxx?

4. Outsourcing of Plan Reviews. The City may outsource the review of any application to contracted consultants. Unless consultants are the primary reviewer for all applications, the City will notify the applicant that their application review will be outsourced. Outsourced reviews will follow the provisions of the Staff Review above.

5. Development Review Meeting (DRM). The Development Review (DRM) is an administrative committee and part of the preliminary plat review process, consisting of staff from the City, local utilities, and other organizations as applicable. The role of the DRM is to review development applications for compliance with development standards, coordination between jurisdictions, utilities, and organizations as applicable, and meet with applicants to provide guidance and understanding of the requirements of their application. The DRM is not a Land Use Authority and provides initial guidance on issues and processing concerns for the preliminary plat application. In addition, the DRM shall review concept plans (see Engineering checklist and 18.20.010 Concept Plans) for any subdivision that identifies sensitive lands as part of the Geotech report or as found on the Sensitive Lands Map, as adopted and amended from time to time. Concept plans are also required for commercial, manufacturing, multi-family and mixed use developments. The concept

plan review, when required, may include detailing the additional reports needed to address the sensitive lands issues, as part of the preliminary plat review.

6. Concept Plan Submission. Concept plans are optional for regular residential subdivisions and required for all other types of subdivisions. Applicant prepares Concept Plan, makes application, pays fees, and submits concept plans prior to application submittal deadline. This applies to concept plans for commercial, industrial, multiple-unit residential, and residential subdivisions located on a sensitive land. Applicant shall provide electronic copies of the proposed concept plans in PDF format. Planning Staff shall deliver the copies to engineering, public works, applicable utility agencies, school district, City fire official, postal service, police chief, City Manager, building official, UDOT (if applicable), and affected entities as required by Utah State Code;
7. Preliminary Plat Approval. The Planning Commission reviews the preliminary plat as per items discussed in the review process and for compliance with the ordinances. The Planning Commission is the Land Use Authority for approving the Preliminary Plat. If approval is given at this time, the applicant shall be given a list which has been revised from the one given at the concept stage, if applicable. This list shall pertain to items the City expects on the final plans as per the final plat application checklist. Preliminary approval does not guarantee final subdivision approval. Up to 4 resubmissions of the preliminary plat plans to comply with the City requirements for the final plat are allowed for regular residential subdivisions. If such revised plans are not provided in compliance with City Standards, the plan shall be denied.
8. Final Plat Submission. Applicant prepares and submits final plat, makes application, and pays fees prior to application submittal deadline. Final plat shall consist of items required at preliminary stage, the adopted Heber City Standards and Specifications, and by this ordinance in electronic PDF format.
9. Final Plat Approval. The Planning Director along with the City Engineer, or designee, are the Land Use Authorities responsible for approving the Final Plat. The Land Use Authority reviews the final plat and approves the final plat if it is complete and if all requirements from preliminary plat approval are met or disapproves it. The final plat shall be in substantial compliance with the plans approved at preliminary stage. Planning Commission approval does not guarantee final subdivision approval; For regular residential subdivisions up to 4 revisions of the approved preliminary plat shall be allowed in between preliminary and final plat approval. The City shall complete its' reviews within 20 working days. Any material departures regarding the rights and obligations of the parties shall require a modified Preliminary approval by the Planning Commission.

10. Appeals of engineering/planning decisions.

In the case of regular subdivisions, the 2023 new State Law creates two distinct appeal processes after four review cycles for final plats corrections have been exhausted and 20 days have passed.

a. For disputes relating to public improvement or engineering standards, the City shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant. The panel of experts includes:

One licensed engineer designated by the municipality.

One licensed engineer designated by the land use applicant.

One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal

fee. The City pays the other 50%. The panel's decision is final, unless the City or applicant petition for district court review within 30 days after the final written decision is issued.

b. For all other disputes, the City shall refer the question to the appeal authority at the applicant's request.

11. Recordation of Final Plat. Applicant records plat in office of County Recorder within one (1) year from the date receiving final approval and before selling or conveying any lots within the subdivision. Final plats not recorded within one (1) year from the date receiving Final approval shall be null and void unless physical construction has started or an extension has been requested and granted prior to the original plat expiration date. In cases where construction has started, plat approval shall automatically be extended for a second year from the date of the final approval. If physical construction has not started, applicants may request and be granted a one (1) year extension. Such extensions shall be given if the applicant can show financial delays, and/or material, or labor shortages. Plat extensions are granted by the Planning Director for Final Plats.

18.18 Property Line Adjustments and Plat Amendments

1. Lot Line Adjustments. The Planning Director, or its designee, shall serve as the Land Use Authority for approving Lot Line Adjustments, as defined-by Utah Code Title 10-9a et seq. with appeals going to the Appeal Authority.
2. Approval criteria for a Lot Line Adjustment

A. The following approval criteria must be complied with in order to approve a boundary line adjustment.

1. The change in boundary lines does not result in the creation of a new lot or parcel;

2. The proposed change to a lot or parcel does not result in the creation of a parcel of size or shape that does not conform to all City zoning regulations and site development standards. If the proposed change is to a legally existing nonconforming parcel, the change may not increase the nonconformity;

3. The proposed change to a lot or parcel does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site development requirement;

4. The petition to change the boundaries must include signatures from representatives of each parcel affected by the boundary line adjustment; and

5. In the case of an adjustment of a boundary line adjusting property lines that affect more than 2 lots in a subdivision previously approved by the City, the applicant shall submit a plat, and in the case of an adjustment of a property line between two parcels, the applicant shall submit a record of survey.

6. The boundary line adjustment may not adjust the boundary line between a parcel and an existing public street or right-of-way, or propose a new public street or right-of-way.

3. Plat Amendments. The Planning Director, or its designee, shall serve as the Land Use Authority for approving Plat Amendments.

   a. If all adjacent owners provide a written notarized statement that they agree with the lot line adjustment, the plat may be recorded after receiving the Planning Director's signature.

18.19 Condominiums

18.19.010 Purpose
18.19.020 Definitions
18.19.030 Approval Required
18.19.040 Submission Of Application
18.19.050 Review By The Planning Commission
18.19.060 Preliminary And Final Plat Final Approval

18.19.070 Unlawful To Sell Or Lease

18.19.010 Purpose

Utah State Code establishes condominiums as a form of subdivision. Commercial and industrial condominiums are permitted in any zone that permits commercial and industrial uses. Residential condominiums are permitted only in zones that specifically permit residential condominium dwelling unit. Conversions of legal and legally non-conforming multi-family dwellings may also be approved as per this ordinance.

18.19.030 Approval Required

Prior to the construction or conversion of any building or use as determined as a condominium, a subdivision plat and site plan shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards contained within the Heber City Code and the requirements of the Utah Condominium Ownership Act.

18.19.040 Submission Of Application

The owner or developer of a proposed condominium project or conversion project shall file an application with the City. Such application shall be accompanied by and be in accordance with the following:

1. The surveyed subdivision plat shall be drawn to scale in accordance with the Heber City subdivision process and current Standards and Specifications as adopted by the City. Such subdivision plat shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.

2. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, it shall display proposed street right of ways, utilities, irrigation ditches, common areas including the location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.
3. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or home owners organization (HOA).
4. Where conversions of existing buildings are proposed as part of the project, a site and building condition report containing information that compares the existing construction to the International Building Code requirements shall be submitted as part of the application together with a plan of all proposed improvements and repairs.

18.19.050 Review By The Planning Commission

After DRM/staff review and application revisions, if needed, the Planning Commission shall review the proposed application, processed as a preliminary plat, and related documents to determine whether the project conforms with all appropriate requirements, Standards and Specifications of the City and is in conformance with the Utah Condominium Ownership Act.

1. For conversions of existing buildings to condominiums, if the Building Official finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all life/safety violations have been corrected.
2. The proposed project shall be consistent with the International Fire Code and Adopted Building Codes, verified by inspections through the Building Department
3. Depending on the current use parking demand, additional parking needs shall be based on occupancy levels and proposed customer demand, but in no way shall it be less than what is required under the zoning district in which the project is proposed.
4. Site access shall be evaluated and modified to meet the needs of the new proposed use, considering traffic patterns, traffic generations, and the anticipated population of the development.
5. A minimum of 20% of the gross area of the site shall be open space.
6. If not already in compliance with the Zoning Ordinance, additional landscaping to assure appropriate buffering and compatibility with adjacent uses, is required.
7. Utility meters shall be installed to the development and/or each condominium unit as specified by the applicable utility.
8. Water meters shall be installed according to City Standards and Specifications at street rights-of-way.
9. All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the City Engineer deems them essential for the feasibility of the project.
10. Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas, and electrical services.
11. Prior to recording the final plat, building deficiencies shall be corrected or bonded for.

18.19.060 Preliminary And Final Plat Final Approval

Condominium Plats are required by Utah State Code to follow a Preliminary and Final Plat Process. The Planning Commission shall be the Land Use Authority for the Preliminary Plat of a condominium plat. The Planning Director, or designee, shall be the Land Use Authority for Final Plat Approval of a condominium plat. Approval of a condominium project shall remain in effect and expire pursuant to Section 18.16.010(I).

18.20 Required Plans

18.20.010 Concept Plans
18.20.020 Preliminary Plat
18.20.030 Final Construction - Plans And Final Plat

18.20.010 Concept Plans required for commercial, manufacturing, Sensitive Lands areas, and mixed use subdivision projects only. Optional at the developer's discretion for regular subdivisions.

The Concept Plan shall be drawn to a scale no smaller than one-inch equals one hundred (100) feet and shall include:

1. Conceptual layout drawn to a scale no smaller than one-inch equals one hundred (100) feet with the following:
    1. Proposed streets, in relation to the existing and planned streets within one-fourth mile of the subdivision
    2. Lots, including lot sizes
    3. Building pads for residential projects
    4. Buildings for multi-family or nonresidential projects, including building area
    5. Parking for nonresidential and multi-family residential projects
    6. Open space, as required by the zone
    7. Landscaping, as required by the zone
2. Data Table containing the following:
    1. Uses
    2. Density
    3. Open space calculations, as required by the zone
    4. Landscaping calculations, as required by the zone
    5. Parking analysis

18.20.020 Preliminary Plat

The preliminary plat is required to be submitted according to the applications and checklists from Planning and Engineering available online and at the City offices, generally including:

1. The proposed name of the subdivision;

2. Vicinity map-the location of the subdivision. Where the plan submitted covers only a part of the subdivider's tract, the Land Use Authority may require the subdivider to prepare a preliminary plan covering all of the subdivider's tract before even considering a preliminary plan covering only part of the tract;

3. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the owner(s) of the land immediately adjoining the land to be subdivided;
4. Information sufficient to locate accurately the property shown on the plan with reference to survey markers or monuments;
5. Contour map at intervals required by the Land Use Authority at concept approval;
6. The boundary lines of the tract to be subdivided;
7. The location, width, and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred feet of the tract to be subdivided;
8. Existing sanitary sewers, storm drains, drinking and ~~secondary~~ pressurized irrigation, water supply mains, and bridges within the tract or within two hundred feet thereof;
9. The location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to the occupants or owners of lots within the subdivision;
10. Northpoint, scale and date;
11. Statements regarding the anticipated density and number of dwelling units to be constructed on each lot.
12. All easements of record shall be shown on the preliminary map; Statements regarding the anticipated density and number of dwelling units to be constructed on each lot.
13. All lot numbers and bearings, distances, and curve data of all lot lines, street center lines, right-of-way lines, etc.
14. A subdivision application may be processed concurrently with a rezone application but no subdivision preliminary plat shall be approved as final until such rezone process is complete. In addition, if a rezone is part of this application, the following shall be included with the preliminary plans:
    a. A development agreement that addresses, as a minimum:

       1. The dedication and maintenance of public and private open space, natural features, trails, amenities, streets and other common areas;

       2. Implementation of the development's affordable housing plan;

       3. Measures necessary to mitigate land hazards and sensitive lands as required by this Title.

       4. Other measures as recommended by the Planning Commission and decided upon by the City Council as part of the rezone process.

    b. A title report for all lands proposed to be subdivided;
    c. If sensitive lands are identified on the site, a mitigation design and request for density transfers within the site, as per Chapter 18.15. A Geotechnical Report, as required by the adopted Heber City Standards and Specifications and generally including the following information:

       1. Summary of Proposed Construction

       2. Evaluation of Geologic Hazards

3. Subsurface Soil Profiles for the Site

4. Groundwater

5. Soil Classifications

6. Soil Properties with an identification of those prone to movement

7. Design Recommendations, including road pavement designs

8. Construction Recommendations

9. Property slope with 2' contours

16. A Storm Water Drainage Report meeting the requirements of the Storm Water Design Manual.

17. Traffic Trip Generation Letter from a Utah-Licensed professional engineer to determine whether a Traffic Impact Study is required. For developments with over 100 average daily trips, a Traffic Impact Study is required

18. Water Action Report as required by Section 15.16.090

Commented [JJ3]: P - what is this? Water Impact fee?

19. "Will Serve" letters from all serving utilities.

18.20.030 Final Construction - Plans And Final Plat

A. An application online and at the City offices details the list of all application requirements. In general, the Final plat shall be drawn to a scale no smaller than one inch equals one hundred (100) feet and shall show:

1. The name of the subdivision;
2. Blocks for the names and stamps of the engineer and/or surveyor of the subdivision. An Owner's dedication block.
3. Signature lines for the City Engineer, Land Use Authority and Water and Sewer Service Providers.
4. A boundary description. Also, all existing survey monuments and survey monuments to be installed with the construction of the subdivision shall be shown and properly labelled and referenced;
5. Northpoint, scale and date;
6. All easements of record shall be shown on the final plat;
7. Street numbers and names;
8. All lot numbers and situs addresses. Also, all bearings, distances, and curve data for all lot lines street center lines, right-of-way lines, etc.
9. All public utility easements as required by the City Engineer;
10. A vicinity map showing the location of the subdivision in relationship to the City;

11. Any notices to purchasers, if required during the review process
12. Any notes required by the City Engineer.

B. The Final Plans shall be drawn to a scale no smaller than one inch equals one hundred (100) feet for overall sheets and one inch equals forty (40) feet for plan and profile sheets. In addition to all of the requirements of the preliminary plans, the following shall also be included with the final plans:

1. An updated title report for all lands proposed to be subdivided;

2. Tax clearance from county assessor;

3. Hard copy and electronic sets of Engineered construction drawings as required by the City Engineer. In addition to all requirements of the preliminary plans, the final plans shall include typical street cross-sections, road, sewer, and other underground utility profiles and plans. Details showing the width and type of pavement. Location, size, and type of off-site and on-site water and sewer facilities and other improvements, such as sidewalks, curbs and gutters, parks, street lighting, and fire hydrants, etc;

4. Checklist of all items discussed at preliminary approval.

18.24 Street Design Standards

18.24.010 Widths
18.24.020 Cul-De-Sacs
18.24.030 Easements
18.24.050 Intersections
18.24.080 Names
18.24.090 Dedications
18.24.100 Bridges And Culverts
18.24.110 Relations To Adjoining Street System
18.24.120 Cuts In Pavement
18.24.140 Street Plan Approval

18.24.010 Widths

Arterial and collector streets shall conform to the widths as described in the Master Transportation Plan and the Heber City Standards and Specifications. Residential roads with maximum speed limits of 25 mph shall generally not be required to have pavement widths greater than 32' exclusive of curb and gutter. Shorter widths are allowed and streets designated as bike lanes, can be wider (see State Law for exceptions).

18.24.020 Cul-De-Sacs

A publicly dedicated Cul-de-sac shall follow the diagrams in the Standards and Specifications. Private cul-de-sacs are subject to approval of the Fire Marshall. Cul-de-sacs will only be approved as permitted by Section 18.24.130.

18. 24.030 Easements

For residential subdivisions, public utility easements, of not less than ten feet in width, are required on front lot lines. Public utility and/or drainage easements, of not less than ten feet, are required on side lot lines and on rear lot lines where needed, when requested by public utility companies, or as otherwise required or approved by the City Engineer. City utilities shall normally be placed in City rights-of-way. When approved by the City Engineer, City utilities may be placed beneath private streets, private parking areas or in other common open space in an exclusive City utility easement of not less than 20 feet in width. Easements shall be provided to the City using the City's standard utility easement language in use at the time such easements are provided. Easements for commercial or industrial development shall generally follow the same requirements.

18.24.050 Intersections

Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty degrees for a distance of at least one hundred feet. Offsets across streets in street alignment between ten feet and one hundred fifty feet shall be prohibited.

18.24.080 Names

New street names shall not duplicate those names already existing. A street obviously a continuation of another already in existence shall bear the same name. All streets shall be designated by number if straight and running North and South or East and West. Such streets may also be designated by name. All other streets shall be named. All street designations shall be reviewed by the City Engineer and submitted to Wasatch County for final review. Number and name (if named) shall be signed and said signing shall conform to the adopted Heber City Standards and Specifications.

18.24.090 Dedications

All streets, except private streets, shall be dedicated for public use. The dedication of half streets in any subdivision is prohibited except park strip and sidewalk may be omitted on the opposite sides of the streets on the borders of the subdivision.

18.24.100 Bridges And Culverts

All bridges and culverts shall be constructed as per the adopted Heber City Standards and Specifications.

18.24.110 Relations To Adjoining Street System

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets to connect with adjoining areas for their proper protection (where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) unless street cross sections have changed as per the Heber City Standards and Specifications, proposed street connections shall be extended by dedication to the boundary of such property.

18.24.120 Cuts In Pavement

No cuts shall be made in street pavement for at least five years after hard surfacing without City approval by the City Engineer or designee. Curbs and gutters, sidewalks, and the treatment of drainage courses shall comply with the Heber City Standards and Specifications as adopted by the City.

18. 24.140 Street Plan Approval

A subdivision will not be approved if it conflicts with the Master Transportation Plan. A subdivision shall not be platted over any strip of land which is shown as a future street on the Master Transportation Plan as an existing or potential collector or arterial street.

18.28 Block Design Standards

18.28.010 Length
18.28.020 Width

18.28.010 Length

The maximum length of blocks shall be eight hundred feet and the minimum length of blocks shall be four hundred feet. The Planning Commission on recommendation of the City Engineer, may approve a modification to this requirement if deemed reasonable when the natural contour of the land makes this requirement unsafe or not practical.

18.28.020 Width

The width of blocks shall be sufficient to allow two tiers of lots. The Planning Commission on recommendation of the City Engineer may approve a modification to this requirement if deemed necessary when the natural contour of the land makes this requirement unsafe or not practical or when a subdivision backs onto an arterial or major collector road.

18.32 Lot Design Standards

18.32.010 Building Sites
18.32.020 Lot Sizes
18.32.030 Lots Must Abut On Public Streets
18.32.040 Corner Lots
18.32.050 Parts Of Lots
18.32.060 Divided Lots

18.32.010 Building Sites

The lot arrangement, design and shape shall be such that lots will provide a suitable area of land for buildings and be properly related to topography and conform to requirements set forth in this title. Lots shall not contain peculiarly shaped elongations, solely to provide necessary square footage, which would be unusable for normal purposes.

18.32.020 Lot Sizes

All lots shown on the subdivision plat must conform to the minimum requirements of Title 18 of this code for the zone in which the subdivision is located.

18.32.030 Lots Must Abut On Public Streets

Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street~~,~~ except when private streets are approved by the Planning Commission. Flag lots are exempt from this requirement.

18.32.040 Corner Lots

Corner lots in single family zones shall be 10% larger than the minimum lot size required by the zone.

18.32.050 Parts Of Lots

All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, rather than be allowed to remain as parcels that may be non-conforming or inherently unusable.

18.32.060 Divided Lots

Where the land contained within one lot is divided into two or more parcels in separate ownership, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the Planning Department by the subdivider.

18.40 Improvements

18.40.010 Requirements

The following improvements, designed according to the adopted Heber City Standards and Specifications, shall be installed in all subdivisions. A subdivider may post a bond or other assurance satisfactory to the City Engineer. The purpose of the bond or other assurance is to ensure installation of the required improvements within two years from the date of approval without cost to the City. The improvements shall include:

1. Water, Sewer, Storm Drain, Solid Waste:
    1. A potable water supply in amounts and manner as required under Section 18.28.030 of this chapter in accordance with the State Board of Health Standards;
    2. The installation of water mains and water laterals to each lot property line;
    3. Sewer mains, and sewer laterals to each lot property line;
    4. Fire hydrants and locations as directed by the ~~F~~ire Marshal;
    5. Solid waste disposal facilities;
    6. Storm drain system;

7. Secondary pressurized irrigation system.

2. Streets:
    1. The grading and graveling of all streets and the installation of all required culverts.
    2. The hard-surfacing of all streets.
    3. Curbs and gutters and sidewalks.
3. Public Utilities. Electric, cable/internet, natural gas, and telephone lines shall be installed. These utilities shall be located underground
4. Survey Monuments.
5. Sensitive lands and environmental hazards shall be addressed as per Chapter 18.67.
6. Street lighting

18.44 Platting Requirements

18.40.010 Preparation
18.40.020 Material
18.40.030 Content
18.40.010 Preparation

18.40.010 Preparation

A final plat shall be prepared for all subdivisions.

18.40.020 Material

The plat shall be drawn on mylar material and shall conform to City standards. In addition, an electronic GIS submittal is required. Details and workmanship shall be neat, clean and legible.

18.40.030 Content

Final plat shall be as required in the adopted Heber City Standards and Specifications.

18.48 General Subdivision Requirements

18.48.010 School Sites -- Public Spaces
18.48.020 Private Roads And Driveways -- Construction And Maintenance
18.48.030 Water Supply And Storage
18.48.040 Small Subdivisions
18.48.050 Work To Be Done By Engineer Or Surveyor

18.48.010 School Sites -- Public Spaces

In subdividing property, consideration should be given to sites for schools, parks, playgrounds, and other areas for public use, as shown on the General Plan and the Parks and Trails Master Plan. Any provision for such open spaces shall be indicated on the preliminary plat in order that it may be determined in what manner such areas will be dedicated to or acquired by the appropriate agency.

18.48.020 Private Roads And Driveways -- Construction And Maintenance

1. The City shall not open, grade, pave, or perform any maintenance work on any private or undedicated street or alley, and the City shall refrain from laying utility lines in any street which has not:
    1. Been accepted by the City as a public street or alley; or
    2. Which has not received the approval of a subdivision, unless an easement is granted therefor.
2. The City shall not accept nor maintain a street or other public way unless said street has been accepted by the City as a public street and the street has been constructed in accordance with City standards.

18.48.030 Water Supply And Storage

All lots within the subdivision shall be served by an approved central water system consisting of both a drinking water system and a secondary pressurized irrigation system, that meets the adopted Heber City Standard and Specifications. The subdivider shall submit proof that the proposed drinking water source and distribution system are capable of providing at least four hundred gallons per dwelling unit per day for indoor uses plus the amount of water required to provide fire protection as per City standards. Where water is to be used for lawn sprinkling and other outside uses, the subdivider shall submit proof the proposed secondary water source and distribution are capable of providing irrigation water according to State Standards from the Division of Drinking Water.

18.48.040 Small Subdivisions

1. Whenever a small subdivision with ten or less lots, meeting the conditions as set forth in Section 18.12.010 of this chapter is proposed, a preliminary plat conforming to the requirements for preliminary plats as set forth in Section 18.20.020 shall be prepared and submitted for approval. Before preparing and submitting the plans, the applicant shall meet with the Planning and Engineering departments to determine if any of the requirements set forth in 18.20.020 are not necessary. Staff will base its determination on the site conditions as well as surrounding conditions.
2. Before the Planning Director shall approve any such small subdivision, all improvements required under Section 18.40.010 shall have been installed or assurances given to the City that the improvements will be installed without cost to the City as set forth in Chapter 18.52. The applicant may petition ~~for and the Planning Commission may, upon recommendation from~~ the Planning and Engineering Departments to delay the installation of curb, gutter, and sidewalk in areas where such improvements are lacking and distant. If approved, the eventual installation shall be assured by a formal delay agreement, recorded at the County or a recorded deed restriction.
3. The Planning Director, or its designee, serves as the Land Use Authority approving Small Subdivisions with appeals going to the Appeal Authority.

18.48.050 Work To Be Done By Engineer Or Surveyor

All engineering work or surveying of property must be done by or under direction of a Utah licensed professional engineer or professional land surveyor registered in the state.

18.52 Guarantee Of Performance

18. 52.010 Type And Amount
18.52.020 Duration
18.52.030 Default
18.52.040 Final Inspection And Release
18.52.010 Type And Amount

The type of guarantee shall be in the form of an escrow account, cash bond, performance bond, or other assurance equal to the cost of the required improvements, as determined by the City Engineer and as defined in the adopted Heber City Standard and Specifications plus the estimated cost of inspection services. The subdivider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the State. The subdivider shall enter into a bond agreement with the City for public infrastructure. All development projects are subject to the guarantees of performance requirements.

~~17.~~18.52.020 Duration

1. The duration of the assurance required in 18.52.010 shall be for two years or as defined in the adopted Heber City Standard and Specifications from the date of approval of the final plat of the subdivision.
2. An extension of time may be granted by the City Engineer or Public Works Director upon application by the subdivider, provided such application is submitted at least sixty days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.

18.52.030 Default

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In the event the subdivider becomes in default or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the final plat by the City or to pay all liens in connection therewith the City Council shall declare the bond or other assurance forfeited and the City may install or cause the required improvements to be installed, using the proceeds from the sale of the bonds or other assurance to defray the expense thereof. The subdivider will remain financially responsible for any deficiency.

18.52.040 Final Inspection And Release

The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work or not less than ten days prior to the release date of the bond, City Engineer or designee shall make a preliminary inspection of the improvements. If all liens are paid, and other conditions thereof are found to be satisfactory, the City Engineer shall release the bond upon the subdivider providing a separate maintenance bond; otherwise, the performance bond will be released one year thereafter if no quality defects exist, as per the conditions set in the bond agreement. If the condition of materials or workmanship show unusual depreciation or do not comply with the standards of the City, or if any outstanding liens are not paid, the City Council will declare the subdivider in default.

18.56 Costs And Charges

18.56.010 Required improvements and processing costs and charges

18.56.010 Required improvements and processing costs and charges

See the Adopted Heber City Fee schedule for costs. **C**harges in connection with the planning and development of subdivisions in the City shall be shared between the subdivider and the City according to the following schedule:

Plan or Facility	Subdivider	City
Concept Plan for Sensitive Lands and non-regular residential projects	100%	0%
Geotech studies	100%	0%
Preliminary Plan	100%	0%
Final Plat Plans	100%	0%
Easements and rights-of-way, on-site and off-site	100%	0%
Grading and draining streets on-site	100%	0%
Grading and draining streets off-site	Special negotiations with City Council	
Bridges and culverts	100%	0%
Street paving on-site	100%	0%
Street paving off-site	Special negotiations with City Council	
Curb and gutter and curb cuts	100%	0%
Sidewalks	100%	0%
Street signs	100%	0%
Water Storage	0% if existing tanks can serve development; Special negotiations with the City Council if not	
Water Supply	100%	0%
Water shared to supply the amount of water required in Section 17.48.030	100%	0%

Water mains and laterals up to and including 10" diameter	100%	0%
Sewer mains and laterals up to and including 10" diameter	100%	0%
Oversize Water and sewer mains	Special negotiation with the City Council	
Street lighting maintenance and electricity expenses	0%	100%
Electric utilities	100%	0%
Parks	100%	0%
Monuments	100%	0%
Canal and flood channel protection	Special negotiations with the City Council	
Elimination of environmental hazards	100%	0%

18.64 Amendments

1864.010 Criteria For Approval

18.64.010 Criteria For Approval

Before approving a preliminary plat for development greater than 10 lots of a subdivision, the Planning Commission may require amendments or modification of the plan if it finds that:

1. The layout of the subdivision does not conform to the required standards of design as set forth in this title and in the adopted Heber City Standards and Specifications.
2. The subdivision is not provided with adequate ingress or egress;
3. The subdivision design contains sensitive lands such as geologic, soil, water, or other hazards which could be detrimental to the subdivision, surrounding area, or to the City, and which are not adequately addressed in the application;
4. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this chapter and in the adopted Heber City Standards and Specifications. Such amendments or modifications shall be sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this chapter and the adopted Heber City Standards and Specifications.

18.68 Substantial Completion Of Subdivisions

18.68.010 Substantial Completion Of Subdivisions Required Before The Issuance Of Building Permits And Approvals For Occupancy

18.68.010 Substantial Completion Of Subdivisions Required Before The Issuance Of Building Permits And Approvals For Occupancy

Building permits and approvals for occupancy will only be issued pursuant to the provisions of Sections 15.04.040 and 15.04.050 and as required by the adopted Heber City Standards and Specifications.

Subdivisions ~~17~~ 18.117

~~17~~18.04 General Provisions
~~17.06 Supplemental Subdivision Requirements~~
~~17.08 Definitions~~
~~17~~18 .12 Recording
~~17~~ 18 .14 Requirement Of Adequate Public Facilities
~~17~~.18.16 General Subdivision Procedures
~~17~~.18.18 Property Line Adjustments
~~17~~.18.19 Condominiums
~~17~~. 18.20 Required Plans
~~17~~.18.24 Street Design Standards
~~17~~.18. 28 Block Design Standards
~~17.30 Trail Design Guidelines~~
~~17~~.18.32 Lot Design Standards
~~17.34 Sensitive Lands Regulations~~
~~17.36 Large-Scale Development~~
~~17.38 Commercial Developments~~
~~17~~.18.40 Improvements
~~17~~.18.44 Platting Requirements
~~17~~.18.48 General Subdivision Requirements
~~17~~.18.52 Guarantee Of Performance
~~17~~.18.56 Costs And Charges
~~17.60 Variances~~
~~17~~.18.64 Amendments
~~17~~.18.68 Substantial Completion Of Subdivisions

~~17~~.18.04 General Provisions

~~17~~18.04.010 Title Of Provisions
~~17~~18.04.020 Purpose And Intent
~~17.04.030 Amendments To Subdivision Ordinance~~

~~17~~ 18.04.010 Title Of Provisions

This title shall be entitled the "The Heber City Subdivision Ordinance" and may be so cited and pleaded.

~~17~~.18 04.020 Purpose And Intent

1. The purposes of this title shall be to:
    1. Promote the health, safety, convenience, and general welfare of the present and future inhabitants of the City;
    2. Facilitate the transfer of land having accurate legal descriptions;
    3. Bring about the development of a more attractive ~~and wholesome~~ environment within and about the City;
    4. Establish the rights, duties, and responsibilities of subdividers with respect to land subdivision;
    5. Facilitate the implementation of the general plan.

2. It is declared to be the public policy that these subdivision regulations shall be promulgated for the purpose of facilitating the platting of land and the construction and sale of ~~dwellings~~ buildings ~~rather than for the purpose of facilitating the sale of building lots only.~~

~~17.04.030 Amendments To Subdivision Ordinance~~

1. ~~Amendments to this Subdivision Ordinance shall occur in accordance with §10-9a-602 of the Utah Code, as amended. Under these provisions, the Planning Commission shall prepare and recommend amendments to the Subdivision Ordinance following a public hearing reasonably noticed for at least ten (10) calendar days. In addition, a copy of said notice should also be specifically submitted to the City Manager, City Attorney, Chief of Police, Building Official, City Engineer, City Fire Official, and City Recorder, and must include notice to affected entities as required by the Utah State Code, at least ten (10) calendar days prior to the hearing for review and comments. No material change in or departure from the recommendation of the Planning Commission can be made after such public hearing unless the change or departure be submitted to the Planning Commission for its consideration and recommendations.~~
2. ~~The Planning Commission recommendation will be forwarded to the City Council who will hold a public meeting reasonably noticed for at least 24 hours. Following the public meeting, the City Council may approve, amend and approve, or deny the recommendation of the Planning Commission.~~

~~17.06 Supplemental Subdivision Requirements~~

~~17.06.010 Supplemental Subdivision Requirements For Subdivision Approval~~

~~Any proposed subdivision developments applied for after June 2, 1994, shall be subject to such amendments as are adopted within the next six months by the Heber City Council. Once adopted, said amendments shall be retroactive to the effective date of this ordinance. Application to develop shall constitute an agreement to abide by all reasonable ordinances and regulations so imposed.~~

~~17.08 Definitions~~

~~17.08 Definitions~~
~~17.08.010 Generally~~
~~17.08.020 Arterial Street~~
~~17.08.030 Collector Street~~
~~17.08.035 Subdivision, Twin Home~~
~~17.08.040 Easement~~
~~17.08.050 Final Plat~~
~~17.08.060 Large-Scale Development~~
~~17.08.070 Metes And Bounds~~
~~17.08.080 Minor Street~~
~~17.08.090 Off-Site Facilities~~
~~17.08.100 On-Site Facilities~~
~~17.08.110 Over-Size Facilities~~
~~17.08.120 Preliminary Plan~~
~~17.08.130 Subdivider~~
~~17.08.140 Subdivision~~
~~17.08.150 Master Development Agreement~~
~~17.08.010 Generally~~

~~For the purpose of this title, the definitions set out in this chapter shall apply.~~

~~17.08.020 Arterial Street~~

~~"Arterial street" means a street, existing or proposed, which serves, or is intended to serve, as a major traffic way and which is designated as an arterial street on the City major street plan.~~

~~17.08.030 Collector Street~~

~~"Collector street" means a street, existing or proposed, which is supplementary to an arterial street or which connects minor streets with significant traffic generators and which is shown as a collector street on the City's major street plan.~~

~~17.08.32 Complete Application~~

~~"Complete applications are those properly filled out applications and checklists, where all required information has been provided by the applicant and staff has reviewed the submitted information and deemed it complete."~~

~~17.08.035 Subdivision, Twin Home~~

~~"Twin Home Subdivision" means a proposed subdivision of a two-unit building built upon one lot zoned as a twin home lot, creating two lots, each lot containing one unit of the two-unit building. Both lots on the proposed subdivision must correspond with the common wall, must abut a City street or road which has been accepted for maintenance, and must be physically accessible, or capable of being physically accessible, from the public street by conventional vehicles.~~

~~17.08.040 Easement~~

~~"Easement" means the quantity of land set aside or over which a liberty, privilege or advantage, separate from the ownership of the land, is granted to the public or some particular person or part of the public.~~

~~17.08.050 Final Plat~~

~~"Final plat" means a map or chart of the land division which has been accurately surveyed, and such survey marked on the ground, so that streets, alleys, blocks, lots and other divisions thereof can be identified.~~

~~17.08.060 Large-Scale Development~~

~~"Large-scale development" means a tract of land which is planned, developed, and maintained as a single entity wherein the requirement applying to all buildings and improvements within the development are modified to conform to the approved plan.~~

~~17.08.070 Metes And Bounds~~

~~"Metes and bounds" means the description of a lot or parcel of land by courses and distances.~~

~~17.08.080 Minor Street~~

~~"Minor street" means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves, or is intended to serve, the local needs of a neighborhood.~~

~~17.08.090 Off-Site Facilities~~

~~"Off-site facilities" means facilities designed or located so as to also serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities.~~

~~17.08.100 On-Site Facilities~~

~~"On-site facilities" means facilities installed within or on the perimeter of the subdivision or development site.~~

~~17.08.110 Over-Size Facilities~~

~~"Over-site facilities" means facilities with added capaCity designed to serve other's property, in addition to the land within the boundaries of the subdivision or development site.~~

~~17.08.120 Preliminary Plan~~

~~"Preliminary plan " means a map or chart of a proposed land division.~~

~~17.08.115 Regular Residential subdivisions~~

~~"A residential subdivision including single family, duplex, and/or twinhome units that is located in a non-sensitive land area.~~

~~17.08.130 Subdivider~~

~~"Subdivider" is any person or legal entity layout or making a land division for the purpose of sale, offering for sale, a gift, or selling for himself/herself or others a subdivision or any part thereof.~~

~~17.08.140 Subdivision~~

1. ~~"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.~~
2. ~~"Small subdivision" means a subdivision containing less than ten lots and conforming to all of the other conditions set forth in Section 17.12.010 of this title.~~

~~17~~.18.12 Recording

~~17~~.18. 12.010 Procedures ~~- Exemptions~~ - Required Signatures

~~17~~.18. 12.010 Procedures - ~~Exemptions -~~ Required Signatures

1. From the effective date of the ordinance codified in this Title, no person shall subdivide any tract of land which is located wholly or in part within the City, nor shall any person sell,

exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land within the above described territory, nor shall any person offer for recording any deed conveying a parcel of land or any interest therein, unless ~~he~~ the subdivider has first produced and submitted an executed plat thereof, which plat must be approved by the Land Use Authority, specified as the Planning Director and City Engineer, and recorded in the office of the County Recorder before such sale or exchange or purchase is affected. Approval of the final plat shall be obtained by complying with all of the requirements of this Chapter and the Standards and Specifications; ~~provided, however, that land may be subdivided and land may be sold without the necessity of recording a plat if all of the following conditions are met:~~

~~1. The subdivision contains less than ten lots;~~
~~2. A plan has been submitted to and approved in writing by the Land Use Authority;~~
~~3. The subdivision is not traversed by the lines of a proposed street shown on a comprehensive plan of the City, and does not require the dedication of any land for street or other public purposes;~~
~~4. Each lot in the subdivision meets the frontage, width, and area requirements of Title 18 of this Code;~~
~~5. Requirements under Section 17.48.040 of this Title are complied with. These exceptions are intended to apply to the divisions of land into a small number of lots (up to nine inclusive), where all necessary streets have already been improved and deeded to the City, and where the frontage, width, and area of the lots meet the requirements of the zone in which the subdivision is located.~~

~~2. All large-scale subdivision plats and all lots or parcels created by small lot subdivision plats or by lot splits reflected in a certified survey, shall, before taking effect and being placed of record in the Wasatch County Recorder's Office, contain the following signatures:~~

~~1. Certified licensed land surveyor~~
~~2. All parties owning any rights, title or interest in the property contained within the survey~~
~~3. Wasatch County Surveyor~~
~~4. Land Use Authority~~
~~5. City Engineer~~
~~6. City Recorder~~
~~7. Applicable Special Service Districts Mylar plats shall be submitted to the Wasatch County Surveyor to initiate the recordation process. All non-City signatures shall be obtained prior to submitting the plat to the County Surveyor.~~

~~3.~~ All small lot subdivisions and lot splits shall require the formal consent of the ~~Land Use Authority as shown by the signature of the Land Use Authority.~~ Planning Director or designee.

~~17.~~18. 14 Requirement Of Adequate Public Facilities

~~17.~~ 18.14.010 Adequate Public Facilities Required
~~17.~~18. 14.020 Essential Public Facilities
~~17.~~18.14.030 Procedures
~~17.~~18.14.040 Level Of Service Standards
~~17.~~18.14.050 Adequate Public Facilities Not Available

~~17.~~18.14.010 Adequate Public Facilities Required

Adequate public facilities required to be available concurrent with subdivision approval. From and after the effective date of this Amendment to the Heber City Subdivision Ordinance, no application for subdivision approval shall be granted, approved or issued unless the applicant has provided sufficient information to establish that adequate public facilities in the area affected by the proposed development will have sufficient capacity available at the adopted level of service standards

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to accommodate the proposed development within a reasonable period of time following the issuance of final subdivision plat approval for the proposed development.

~~17.~~18.14.020 Essential Public Facilities

Essential public facilities to which this requirement will apply include the following:

1. ~~Culinary waterworks~~ Drinking water system, including quantity, quality, treatment, storage capacity, and transmission/distribution system capacity;
2. Sanitary sewer and wastewater system, including outfall lines, laterals and collector lines;
3. Storm water drainage, including flood control facilities;
4. Street system, including streets, roads, highways, intersections and related transportation facilities;
5. Recreational facilities, including parks and trails.
6. Secondary pressurized irrigation system, including quantity, quality, storage capacity, and transmission/distribution system capacity.
7. Broadband access

~~17.~~18.14.030 Procedures

As part of the material submitted in support of an application for subdivision approval, the applicant shall submit sufficient information in order to demonstrate that adequate public facilities will be available at specified levels of service within a reasonable period of time following the issuance of subdivision plat approval for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards as set forth herein and in the adopted Heber City Standards and Specifications as they may, from time to time, be amended. The City Engineer, the Planning Commission and City Council may request additional information from the applicant to address the adequacy and availability of the public facilities referenced above as part of the subdivision approval process. Processing of applications shall follow the requirements of Section 18.16.010.

~~17.~~18.14.040 Level Of Service Standards

The level of service standards ~~by which the adequate public facilities requirement referenced herein shall be measured for each of the essential public facilities to which this requirement applies~~ shall be as established in the Heber City Standards and Specifications as they may, from time to time, be amended.

~~17.~~18.14.050 Adequate Public Facilities Not Available

If it is determined that adequate public facilities will not be available at specified levels of service within a reasonable period of time following the issuance of final subdivision plat approval, so as to assure that such services will be available at the time of occupancy of new development being proposed, the Planning Commission under advisement by the City Engineer ~~the City Council, in the exercise of its discretion,~~ as part of the preliminary plat review, shall review, evaluate and discuss with the applicant, the following alternatives and conditions in the order presented:

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1. Allow the developer to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and meet the applicable level of service standards by entering into an appropriate form of development agreement, which

may include, ~~as deemed appropriate,~~ provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

2. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities;
3. Defer final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or,
4. Deny subdivision plat approval at the present time and require the applicant to reapply when adequate public facilities are available at adopted level of service standards.

~~17~~.18.16 General Subdivision Procedures

~~17~~.18.16.010 Required Procedures For Approval

The following steps or procedure must be followed in order to obtain approval of a subdivision:

1. Application Submittal Deadline. All complete applications for a preliminary plat shall be made at least 16 (sixteen) calendar days before the next regular Development Review ~~Committee~~ (DRM) meeting. ~~Applications must be complete in order to be considered to have met the submittal deadline. Only when an application is deemed complete by the Planning Director or a designee, shall the application be considered for processing.~~ All applications shall follow the engineering and planning checklists for the required content for submittal. Applications shall not be forwarded for review as a preliminary plat until such applications are deemed complete by the Planning Director or designee and the City Engineer. Once deemed complete, the City shall provide corrective comments within 15 working days for regular residential subdivisions.

2. Preliminary ~~Plan~~ Plat Submission. Applicant prepares preliminary plat documents ~~and Preliminary Environmental Impact Assessment (see Section 17.20.020)~~ and submits electronic copies in PDF format, makes application, and pays fees prior to application submittal deadline. Planning Staff shall deliver the copies to each Planning Commission member, engineering, public works, applicable utility agencies, school district, City fire official, postal service, police chief, City Manager, building official, UDOT (if applicable), and affected entities as required by Utah State Code~~.~~

3. Staff Review. Staff will review the application and provide a written review to the applicant following the DRM meeting. Staff shall consider the following items in their review:

1. Relationship of the proposal to the General Plan;
2. Zoning of the proposed development and general requirements of the zone;
3. Third-party utility considerations;
4. Roads, blocks, and general transportation;
5. Flood zones, sensitive lands, and potential flood hazards;
6. Drinking water requirements;
7. Pressurized irrigation requirements;
8. Sanitary sewer requirements;
9. Storm water system requirements;
10. Park and Trail requirements;
11. Capital improvement plans;
12. Other items as required in the subdivision application, available online and at the City offices. ~~deemed necessary by the planning or engineering staff.~~

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4. Outsourcing of Plan Reviews. The City may outsource the review of any application to contracted consultants. Unless consultants are the primary reviewer for all applications, the City will notify the

applicant that their application review will be outsourced. Outsourced reviews will follow the provisions of the Staff Review above.

5. Development Review Meeting (DRM) ~~Committee.~~ The Development Review ~~Committee~~ (DRM) is an administrative committee and part of the preliminary plat review process, consisting of staff from the City, local utilities, and other organizations as applicable. The role of the DRM is to review development applications for compliance with development standards, coordination between jurisdictions, utilities, and organizations as applicable, and meet with applicants to provide guidance and understanding of the requirements of their application. The DRM is not a Land Use Authority and provides initial guidance on issues and processing concerns for the preliminary plat application. In addition, the DRM shall review concept plans (see Engineering checklist and 18.20.010 Concept Plans) for any subdivision that identifies sensitive lands as part of the Geotech report or as found on the Sensitive Lands Map, as adopted and amended from time to time. The concept plan review, when required, may include detailing the additional reports needed to address the sensitive lands issues, as part of the preliminary plat review.

6. Concept Plan Submission. Concept plans are optional for regular residential subdivisions and required for all other types of subdivisions. Applicant prepares Concept Plan, makes application, pays fees, and submits concept plans prior to application submittal deadline. This applies to concept plans for commercial, industrial, ~~and~~ multiple-unit residential, and those regular residential subdivisions located on a sensitive land. Applicant shall provide electronic copies of the proposed concept plans in PDF format. Planning Staff shall deliver the copies to each Planning Commission member, engineering, public works, applicable utility agencies, school district, City fire official, postal service, police chief, City Manager, building official, UDOT (if applicable), and affected entities as required by Utah State Code;
7. ~~Concept Plan Approval. For Single Use Zones as defined by Section 18.16.010, the Planning Director, or its designee, is the Land Use Authority approving the Concept Plan. with appeals going to the Planning Commission. For Mixed Use Zones and Overlay Zones as defined by Section 18.16.010, the Planning Commission is the Land Use Authority, with appeals going to the City Council. Approval, disapproval or modification of The Concept Plan shall occur before the Preliminary Plan is allowed to be submitted. Prior to preliminary approval, the applicant shall be given an a informal list of what the Land Use Authority expects on the preliminary plans including contour intervals and any special concerns. Concept approval does not guarantee final project approval;~~
8. ~~Commercial projects are not required to submit Preliminary Plans;~~
9. Preliminary Plat Approval. The Planning Commission reviews the preliminary plat as per items discussed ~~at concept~~ in the review process ~~approval~~ and for compliance with the ordinances. The Planning Commission is the Land Use Authority for approving the Preliminary Plat. ~~Plan~~, ~~with appeals going to the City Council~~. If approval is given at this time, the applicant shall be given a list which has been revised from the one given at the concept stage. This list shall pertain to items the ~~Planning Commission~~ the City expects on the final plans as per the final plat application checklist. Preliminary approval does not guarantee final subdivision approval. Up to 4 resubmissions of the preliminary plat plans to comply with the City requirements for the final plat are allowed for regular residential subdivisions. If such revised plans are not provided in compliance with City Standards, the plan shall be denied;
10. Final Plat Submission. Applicant prepares and submits final plat, makes application, and pays fees prior to application submittal deadline. Final plat shall consist of items required at preliminary stage, the adopted Heber City Standards and Specifications, and by this ordinance in electronic PDF format. ~~All commercial developments that don't involve a subdivision require the submission of a Final Plan for review and approval by the Planning Commission. Exception: On a single commercial building, built in an approved development or on a lot of record, the Zoning~~

~~Administrator and City Engineer may give final approval based on direction from the Planning Commission given at the time of concept approval.~~

11. Final Plat Approval. ~~For Single Use Zones,~~ the Planning Director along with the City Engineer, or ~~its~~ designee, are the Land Use Authority responsible for approving the final Plat, ~~with appeals going to the City Council. For Mixed Use and Overlay Zones as defined by Section 18.16.010, the City Council is the Land Use Authority responsible for approving the final Plat as recommended by the Planning Commission, with appeals going to the Board of Adjustment. For subdivisions which require variances as per Chapter 17.60, the City Council shall be the Land Use Authority, with administrative appeals going to the Board of Adjustment and policy making appeals going to the District Court.~~ The Land Use Authority reviews the final plat ~~plan~~ and approves the final plat if it is complete and if all requirements from preliminary plat approval are met or disapproves it. The final plat shall be in substantial compliance with the plans approved at preliminary stage. Planning Commission approval does not guarantee final subdivision approval; ~~Final Plans shall not have a material departure from Preliminary approval~~. For regular residential subdivisions up to 4 revisions of the approved preliminary plat shall be allowed in between preliminary and final plat approval. The City shall complete its' reviews within 20 working days. Any material departures regarding the rights and obligations of the parties shall require a modified Preliminary approval by the ~~Land Use Authority~~. Planning Commission.

12. Appeals of engineering/planning decisions.

The 2023 new State Law creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed.

a. For disputes relating to public improvement or engineering standards, the City shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant. The panel of experts includes:

One licensed engineer designated by the municipality.

One licensed engineer designated by the land use applicant.

One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The City pays the other 50%. The panel's decision is final, unless the City or applicant petition for district court review within 30 days after the final written decision is issued.

b. For all other disputes, the City shall refer the question to the appeal authority at the applicant's request.

13. Recordation of Final Plat. Applicant records plat in office of County Recorder within one (1) year from the date receiving final approval and before selling or conveying any lots within the subdivision. Final plats not recorded within one (1) year from the date receiving Final approval shall be null and void unless physical construction has started or an extension has been requested and granted prior to the original plat expiration date. In cases where construction has started, plat approval shall automatically be extended for a second year from the date of the final approval. If physical construction has not started, applicants may request and be granted a one (1) year extension. Such extensions shall be given if the applicant can show financial delays, and/or material, or labor shortages. ~~However, if an extension is granted, the requirement to incorporate updated City standards, or reevaluate bonds or other assurances may be enforced as a condition of approval for the extension~~. Plat extensions are granted by the Planning Director ~~applicable Land Use Authority~~ for Final Plats.

~~17~~.18.16 Property Line Adjustments and Plat Amendments

1. Lot Line Adjustments. The Planning Director, or its designee, shall serve as the Land Use Authority for approving Lot Line Adjustments, as defined ~~LUDMA~~ by Utah Code Title 10-9a et seq.with appeals going to the Appeal Authority.
2. Approval criteria for a Lot Line Adjustment

   A. The following approval criteria must be complied with in order to approve a boundary line adjustment.

   1. The change in boundary lines does not result in the creation of a new lot or parcel;

   2. The proposed change to a lot or parcel does not result in the creation of a parcel of size or shape that does not conform to all City zoning regulations and site development standards. If the proposed change is to a legally existing nonconforming parcel, the change may not increase the nonconformity;

   3. The proposed change to a lot or parcel does not result in changing a conforming structure into a nonconforming structure as a result of setbacks, proximity to other structures, use, landscaping, or any other site development requirement;

   4. The petition to change the boundaries must include signatures from representatives of each parcel affected by the boundary line adjustment; and

   5. In the case of an adjustment of a boundary line adjusting property lines that affect more than 2 lots in a subdivision previously approved by the City, the applicant shall submit a plat, and in the case of an adjustment of a property line between two parcels, the applicant shall submit a record of survey.

   6. The boundary line adjustment may not adjust the boundary line between a parcel and an existing public street or right-of-way, or propose a new public street or right-of-way.

3. Plat Amendments. The Planning Director, or its designee, shall serve as the Land Use Authority for approving Plat Amendments.~~, as described in Section 608 and 609 of LUDMA, with appeals going to the Board of Adjustment.~~
   ~~1. If a Public Hearing is required by LUDMA for approval of a Plat Amendment, then the City Council shall serve as the Land Use Authority, upon recommendation by the Planning Director or its designee, with administrative appeals going to the Board of Adjustment and policy making appeals going to the District Court.~~ If all adjacent owners provide a written notarized statement that they agree with the lot line adjustment, the plat may be recorded after receiving the Planning Director's signature.

~~17~~.18.19 Condominiums

~~17~~.18.19.010 Purpose
17.18.19.020 Definitions
~~17~~.18.19.030 Approval Required
~~17~~.18.19.040 Submission Of Application
~~17~~.18.19.050 Review By The Planning Commission
17.18.19.060 Preliminary And Final Plat Final Approval

~~17~~.18.19.070 Unlawful To Sell Or Lease

~~17.~~18.19.010 Purpose

Utah State Code establishes condominiums as a form of subdivision ~~and requires that all condominium projects be reviewed by the Planning Commission and the City Council.~~ Commercial and industrial condominiums are permitted in any zone that permits commercial and industrial uses. Residential condominiums are permitted only in zones that specifically permit residential condominium dwelling unit ~~of for legal non-conforming multi-family dwellings~~. Conversions of legal and legally non-conforming multi-family dwellings may also be approved as per this ordinance.

~~17.19.020 Definitions~~

~~For the purposes of this ordinance, the following definitions shall apply:~~

1. ~~"Condominium" means the ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.~~
2. ~~"Condominium or Condominium Projects" shall mean a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed buildings or structures, or otherwise are separately offered or proposed to be offered for sale. Condominium Project shall also mean the property when the context so requires.~~
3. ~~"Condominium Unit" shall mean a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference to a condominium unit includes both physical unit together with its appurtenant individual interest.~~
4. ~~"Conversion" shall mean a proposed change in the type of ownership of a parcel or parcels of land and/or existing structures from single ownership into a "condominium project" as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.~~
5. ~~"Declaration" shall mean a recorded declaration containing covenants, conditions, and restrictions relating to the condominium project, which shall be prepared in conformance with provisions of Section 57-8-10, Utah Code, as amended.~~

~~17.~~18.19.030 Approval Required

Prior to the construction or conversion of any building or use as determined as a condominium, ~~a survey map or project plan~~ a subdivision plat and site plan shall be submitted to and be approved by Heber City in conformance with the procedures, requirements, and standards contained within the Heber City Code and the requirements of the Utah Condominium Ownership Act.

~~17.~~18.19.040 Submission Of Application

The owner or developer of a proposed condominium project or conversion project shall file an application with the City ~~Planning Commission~~. Such application shall be accompanied by and be in accordance with the following:

1. The ~~application or~~ surveyed ~~map~~ subdivision plat shall be drawn to scale in accordance with the Heber City subdivision ~~plan~~ process and current Standards and Specifications as adopted by the City. Such ~~survey map or application~~ subdivision plat shall be prepared by a licensed engineer or architect and shall certify the final condominium plat.
2. The proposed project shall be at a scale no less than 1 inch equals 40 feet and shall designate the location of all buildings present, needed or proposed. Further, it shall ~~present and~~ display proposed street right of ways, utilities, irrigation ditches, common areas including the

location of utility lines and easements, location of storage, parking, driveways, pedestrian ways, curb, gutters, walls, fences and landscaping.

3. The petitioner shall prepare and provide copies of the condominium declaration and bylaws or ~~property~~ home owners organization (HOA).
4. Where conversions of existing buildings are proposed as part of the project, a ~~property~~ site and building condition report containing information that compares the existing construction to the International Building Code requirements shall be submitted as part of the application together with a plan of all proposed improvements and repairs.
5. ~~To assist the City in defraying the cost involved in the publication and review of a condominium project, a fee shall be submitted with the application in accordance with Heber City's fee schedule as adopted by the Heber City Council.~~

~~17~~.18.19.050 Review By The Planning Commission

After DRM/staff review and application revisions, if needed, the Planning Commission shall review the proposed application, processed as a preliminary plat, and related documents to determine whether the project conforms with all appropriate requirements, Standards and Specifications of the City and is in conformance with the Utah Condominium Ownership Act.

1. For conversions of existing buildings to condominiums, if the ~~Planning Commission~~ Building Official finds that there are any violations to any of the applicable ordinances, building codes, or similar requirements, the Planning Commission may hold the application for the condominium project until such time that all life/safety violations have been corrected.
2. The proposed project shall be consistent with the International Fire Code and Adopted Building Codes,verified by inspections through the Building Department
3. ~~The Planning Commission may require~~ Depending on the current use parking demand, additional parking needs ~~that~~ shall be based on occupancy levels and proposed customer demand, but in no way shall it be less than what is required under the zoning district in which the project is proposed.
4. ~~The Planning Commission~~ Site access shall be evaluated and modified to meet the needs of the new proposed use, considering traffic patterns, traffic generations, and the anticipated population of the development.. ~~may also require additional exits or driveways including the approval of shared driveways.~~
5. ~~The Planning Commission may require additional~~ A minimum of 20% of the gross area of the site shall be open space ~~open space and~~
6. If not already in compliance with the Zoning Ordinance, additional landscaping to assure appropriate buffering and compatibility with adjacent uses, is required.
7. Utility meters shall be installed to the development and/or each condominium unit as specified by the applicable utility.
8. Water meters shall be installed according to City Standards and Specifications at street right-of-ways.
9. All utilities and utility lines shall be placed within the public right-of-way. However, approved public easements may be permitted if the City Engineer ~~Planning Commission~~ deems them essential for the feasibility of the project, ~~and the City Council approves said easement.~~
10. Each unit shall be provided with readily accessible individual shutoff valves, safety devices, or switches for water, gas and electrical services.
11. ~~The Planning Commission may recommend to the City Council any condition which they deem appropriate. Such conditions may include corrections of violation of building, zoning, health, fire, or similar codes, appropriate amendments to declaration, bylaws or amendments to the record of survey map and project plan which may enhance or protest the environment of the project and the neighborhood in which it is located.~~ Prior to recording the final plat, building deficiencies shall be corrected or bonded for.

~~17~~.18.19.060 Preliminary And Final Plat Final Approval

Condominium Plats are required by Utah State Code to follow a Preliminary and Final Plat Process. The Planning Commission shall be the Land Use Authority for the Preliminary Plat of a condominium plat. The Planning Director, or designee, shall be the Land Use Authority for Final Plat Approval of a condominium plat. Approval of a condominium project shall remain in effect and expire pursuant to Section 1~~7~~8.16.010(I).

~~17.19.070 Unlawful To Sell Or Lease~~

~~It is unlawful for any person, firm, corporation, partnership, or association to sell, contract to sell, or to lease any unit of any condominium or any other portion thereof until final record of survey plats, in full compliance with the provisions of this Ordinance, have been certified and signed by the Mayor, the Planning Commission Chair, City Engineer and City Attorney, attested by the City Recorder and duly recorded in the Office of the County Recorder.~~

~~17~~.18.20 Required Plans

~~17.18.20.010 Master Plans~~
~~17~~ 18.20.010 Concept Plans
~~17~~.18.20.020 Preliminary ~~Plans~~ Plat
~~17~~.18.20.030 Final Construction - Plans And Final Plat

~~17.18.20.010 Master Plans~~

~~The Master Plan shall include all items in the Concept Plan and the following: A. Phasing Plan, including open space, trails, and amenities~~

~~B. Conceptual building elevations and proposed materials~~

~~C. Sensitive lands analysis~~

~~D. Conceptual Affordable Housing Plan, including the following:~~

~~1. Number of Affordable Housing Units~~

~~2. Unit Types~~

18.20.010 Concept Plans required for commercial, manufacturing, Sensitive Lands, and mixed use subdivision projects only.

The Concept Plan shall be drawn to a scale no smaller than one-inch equals one hundred (100) feet and shall include:

1. Conceptual layout drawn to a scale no smaller than one-inch equals one hundred (100) feet with the following:
    1. Proposed streets, in relation to the existing and planned streets within one-fourth mile of the subdivision
    2. Lots, including lot sizes
    3. Building pads for residential projects
    4. Buildings for multi-family or nonresidential projects, including building area
    5. Parking for nonresidential and multi-family residential projects
    6. Open space, as required by the zone
    7. Landscaping, as required by the zone

2. Data Table containing the following:
    1. Uses
    2. Density
    3. Open space calculations, as required by the zone
    4. Landscaping calculations, as required by the zone
    5. Parking analysis

~~17.~~18.20.020 Preliminary ~~Plans~~ Plat

The preliminary plat is required to be submitted according to the applications and checklists from Planning and Engineering available online and at the City offices, generally including: ~~shall be drawn to a scale no smaller than one inch equals one hundred (100) feet for overall sheets and one inch equals forty (40) feet for plan and profile sheets and shall show:~~

1. The proposed name of the subdivision;
2. Vicinity map-the location of the subdivision. Where the plan submitted covers only a part of the subdivider's tract, the Land Use Authority may require the subdivider to prepare a preliminary plan covering all of the subdivider's tract before even considering a preliminary plan covering only part of the tract;
3. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the owner(s) of the land immediately adjoining the land to be subdivided;
4. Information sufficient to locate accurately the property shown on the plan with reference to survey markers or monuments;
5. Contour map at intervals required by the Land Use Authority at concept approval;
6. The boundary lines of the tract to be subdivided;
7. The location, width, and other dimensions of all existing or platted streets and other important features such as watercourses, exceptional topography and buildings within the tract and within two hundred feet of the tract to be subdivided;
8. Existing sanitary sewers, storm drains, drinking and ~~secondary~~ pressurized irrigation, water supply mains, and bridges within the tract or within two hundred feet thereof;
9. The location, width, and other dimensions of proposed streets, alleys, easements, parks and other open spaces with proper labeling of spaces to be dedicated to the public or to the occupants or owners of lots within the subdivision;
10. Northpoint, scale and date;
11. Statements regarding the anticipated density and number of dwelling units to be constructed on each lot.
12. All easements of record shall be shown on the preliminary map; Statements regarding the anticipated density and number of dwelling units to be constructed on each lot.
13. All lot numbers and bearings, distances, and curve data of all lot lines, street center lines, right-of-way lines, etc.
14. ~~Unless waived by the City Engineer,~~ A subdivision application may be processed concurrently with a rezone application but no subdivision preliminary plat shall be approved as final until such rezone process is complete. In addition, if a rezone is part of this application, the following shall be included with the preliminary plans:
    1. A development agreement that addresses, as a minimum:
        ~~1.~~ a. The dedication and maintenance of public and private open space, natural features, trails, amenities, streets and other common areas;
        ~~2.~~ b. Implementation of the development's affordable housing plan;
        ~~3. Conditions of approval necessary to implement the intent and requirements of the Utah State Code, Subdivision Ordinance, Zoning Ordinance, General Plan or Capital Facilities Plan; and~~

4. c. Measures necessary to mitigate land hazards and sensitive lands as required by the Subdivision Ordinance, Zoning Ordinance or General Plan. this Title.
5. d. Other measures as recommended by the Planning Commission and decided upon by the City Council as part of the rezone process.

2. A title report for all lands proposed to be subdivided;
3. If sensitive lands are identified on the site, a mitigation design and request for density transfers within the site, as per Chapter 18.67. A Preliminary Environmental Impact Assessment evaluating potential/anticipated environmental impacts of the project, including planned measures to limit or mitigate such impacts, addressing each of the following areas:
    1. Wetlands
    2. Flood Plains
    3. Vegetation and Natural Features
    4. Rivers & Streams
    5. Slopes and Erosion Control
    6. Endangered and Threatened Species
    7. Historic Properties
    8. Cultural Resources
    9. Water Quality
    10. Air Quality
    11. Hazardous Materials and Operations
    12. View shed analysis where applicable per Section 18.106 Ridgeline Protection

Following review of the Preliminary Environmental Impact Assessment, the City Engineer will determine the need for a full Environmental Impact Statement (EIS) or other potentially necessary environmental work.

15. A Geotechnical Report, as required by the adopted Heber City Standards and Specifications and generally including the following information:

a. Summary of Proposed Construction

b. Evaluation of Geologic Hazards

c. Subsurface Soil Profiles for the Site

d. Groundwater

e. Soil Classifications

f. Soil Properties with an identification of those prone to movement

g. Design Recommendations, including road pavement designs

h. Construction Recommendations

i. Property slope with 2' contours

5. 16 A Storm Water Drainage Report meeting the requirements of the Storm Water Design Manual of the City Engineer.

~~6.~~ 17. ~~A Traffic Impact Study for developments with over 50 lots. meeting the requirements of the City Engineer.~~ Traffic Trip Generation Letter from a Utah-Licensed professional engineer to determine whether a Traffic Impact Study is required. For developments with over ~~50 lots~~ 100 average daily trips, a Traffic Impact Study is required

~~7.~~18 Water Action Report as required by Section 15.16.090

Commented [JJ5]: P - what is this? Water Impact fee?

~~8.~~ 19 "Will Serve" letters from all serving utilities.

~~9. Affordable Housing Plan as required by Section 18.102.030.~~

~~17~~18.30.030 Final Construction - Plans And Final Plat

A. An application online and at the City offices details the list of all application requirements. In general, ~~T~~ the ~~F~~final plat shall be drawn to a scale no smaller than one inch equals one hundred (100) feet and shall show:

1. The name of the subdivision;
2. Blocks for the names and stamps of the engineer and/or surveyor of the subdivision. An Owner's dedication block.
3. Signature lines for the City Engineer, Land Use Authority and Water and Sewer Service Providers.
4. A boundary description. Also, all existing survey monuments and survey monuments to be installed with the construction of the subdivision shall be shown and properly labelled and referenced;
5. Northpoint, scale and date;
6. All easements of record shall be shown on the final plat;
7. Street numbers and names;
8. All lot numbers and situs addresses. Also, all bearings, distances, and curve data for all lot lines street center lines, right-of-way lines, etc.
9. All public utility easements as required by the City Engineer ~~Planning Commission~~;
10. A vicinity map showing the location of the subdivision in relationship to the City;
11. Any notices to purchasers, if required during the review process ~~required by the Planning Commission~~;
12. Any notes required by the City Engineer.

B. The Final Plans shall be drawn to a scale no smaller than one inch equals one hundred (100) feet for overall sheets and one inch equals forty (40) feet for plan and profile sheets. In addition to all of the requirements of the preliminary plans, the following shall also be included with the final plans:

1. An updated title report for all lands proposed to be subdivided;

~~2.A revised Environmental Impact Assessment or EIS if required by the City Engineer at preliminary approval. Additional environmental work will be necessary if:~~

~~1. The proposed development did not adequately mitigate hazards identified in the Preliminary Environmental Impact Assessment.~~
~~2. Other sensitive land issues as identified by Chapter 17.34, impact the proposed development and were not identified in the Preliminary Environmental Impact Assessment or were not adequately mitigated by the proposed development.~~

~~3.~~ 2. Tax clearance from county assessor;

~~4~~. 3. Hard copy and electronic sets of Engineered construction drawings as required by the City Engineer. In addition to all requirements of the preliminary plans, the final plans shall include typical street cross-sections, road, sewer, and other underground utility profiles and plans. Details showing the width and type of pavement. Location, size, and type of off-site and on-site water and sewer facilities and other improvements, such as sidewalks, curbs and gutters, parks, street lighting, and fire hydrants, etc;

~~5. Data Table containing the following:~~

~~3. Uses~~
~~4. Density~~
~~5. Open space calculations, as required by the zone~~
~~6. Parking analysis, as applicable~~

~~6. Landscaping plan, including a data table relating to the applicable landscaping requirements of Chapter 18.76.~~

~~7.Lighting plan as outlined in Section 18.78.050, including a data table relating to the applicable lighting requirements of Chapter 18.78.~~

~~8.Exterior materials Board for all non-residential and multi-family buildings.~~

~~9. Scaled color elevations of all non-residential and multi-family buildings, including a data table relating to the applicable design standards.~~

~~10. Record of survey map;~~

~~11~~ 4. Checklist of all items discussed at preliminary approval.

~~17~~ 18.24 Street Design Standards

~~17~~.18.24.010 Widths
~~17~~.18.24.020 Cul-De-Sacs
~~17~~.18.24.030 Easements
~~17.24.040 Curves~~
~~17~~.18.24.050 Intersections
~~17.24.060 Grades~~
~~17.24.070 Curbs~~
~~17~~.18.24.080 Names
~~17~~.18.24.090 Dedications
~~17~~.18.24.100 Bridges And Culverts
~~17~~.18.24.110 Relations To Adjoining Street System
~~17~~.18.24.120 Cuts In Pavement
~~17.24.130 Subdivision -- Single Cul-De-Sac -- Ingress/Egress Requirements~~
~~17~~.18.24.140 Street Plan Approval

~~17~~.18.24.010 Widths

Arterial and collector streets shall conform to the widths as described in the Master Transportation Plan and the Heber City Standards and Specifications. Residential roads with maximum speed limits of 25 mph shall generally not be required to have pavement widths greater than 32' exclusive of curb and gutter. Shorter widths are allowed and streets designated as bike lanes, can be wider (see State Law for exceptions). ~~assigned on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For territory where such street plans have not been completed at the time the preliminary plan of the subdivision is submitted to the Planning Commission, street dedications shall be provided as follows:~~

~~1. Minor street dedications shall be a minimum width of sixty feet;~~
~~2. Collector street dedications shall have a minimum width of seventy-two feet;~~
~~3. Arterial street dedications shall have a minimum width of eighty-six feet or as shown on the major street plan, whichever is greater;~~
~~4. Minimum width of roadway wherever curb and gutters are installed (edge of pavement to edge of pavement) shall be as follows:~~
   ~~1. For minor or local streets, forty feet;~~
   ~~2. For collector streets, forty-four feet or conform to major street plan, whichever is greater;~~
   ~~3. For arterial streets, sixty feet or conform to arterial street plan, whichever is greater.~~

~~17~~.18.24.020 Cul-De-Sacs

A publicly dedicated Cul-de-sac shall follow the diagrams in the Standards and Specifications. Private cul-de-sacs are subject to approval of the Fire Marshall ~~have a right-of way width of at least 60 feet; shall have a length of not in excess of 800 feet; shall be terminated by a right-of-way turnaround of not less than 80 feet in diameter; and shall be identified as such by appropriate signage within 20 feet of the entrance thereof, measured from the frontage street property line. Surface water must drain away from the turnaround - exception: where surface water cannot be drained along a street away from the turnaround due to the grade, a necessary catch basin and drainage easement shall be provided.~~ Cul-de-sacs will only be approved as permitted by Section 18.24.130.

~~Because of the need for snow and solid waste removal cul-de-sacs will not be permitted within a subdivision unless approved by the Planning Commission The opening of a cul-de-sac must face on a street which provides at least two separate ingress-egress roadways to and from the subdivision.~~

~~17~~.18. 24.030 Easements

~~Easements of not less than ten feet on rear lot lines, side lines, and front lines will be required where deemed necessary by to serve ing utility companies for poles, wire, conduits, storm or sanitary sewers, gas and water mains, and other public utilities. Easements of greater width may be required along property lines where necessary for surface overflow or for the extension of sewer mains or similar utilities.~~ For residential subdivisions, public utility easements, of not less than ten feet in width, are required on front lot lines. Public utility and/or drainage easements, of not less than ten feet, are required on side lot lines and on rear lot lines where needed, when requested by public utility companies, or as otherwise required or approved by the City Engineer. City utilities shall normally be placed in City rights-of-way. When approved by the City Engineer, City utilities may be placed beneath private streets, private parking areas or in other common open space in an exclusive City utility easement of not less than 20 feet in width. Easements shall be provided to the City using the City's

standard utility easement language in use at the time such easements are provided. Easements for commercial or industrial development shall generally follow the same requirements.

~~17.24.040 Curves~~

1. ~~Reverse curves shall have a tangent of at least one hundred feet unless, in the opinion of the Planning Commission, such is not necessary.~~
2. ~~Two curves in the same direction shall be separated by a tangent of at best two hundred feet except that the Planning Commission may authorize a tangent of less than two hundred feet where it can be shown that no appreciable traffic hazard will result therefrom.~~
3. ~~Where the street lines within a block deflect from each other at any one point more than ten degrees, there should be a connecting curve. The radius of the curve for the inner street line shall be not less than three hundred fifty feet for arterial streets, two hundred fifty feet for collector streets, and one hundred feet for minor streets.~~

~~17.~~18.24.050 Intersections

Streets shall intersect each other as near as possible at right angles. Minor streets shall approach the arterial or collector streets at an angle of not less than eighty degrees for a distance of at least one hundred feet. Offsets across streets in street alignment between ten feet and one hundred fifty feet shall be prohibited.

~~17.24.060 Grades~~

~~Minimum street grades of 0.3 percent will be required and a maximum grade of ten percent will be allowed, except that the Planning Commission shall have the power to allow a steeper or lesser grade when, in the opinion of the Planning Commission, the best development of the land is thereby secured.~~

~~17.24.070 Curbs~~

~~Curbs at all intersections shall be rounded with curves having a minimum radius of twenty feet. Property lines at street intersections shall be rounded with a curve where necessary.~~

~~17.~~18.24.080 Names

New street names shall not duplicate those names already existing. A street obviously a continuation of another already in existence shall bear the same name. All streets shall be designated by number if straight and running North and South or East and West. Such streets may also be designated by name. All other streets shall be named. All street designations shall be ~~approved~~ reviewed by the City Engineer and submitted to Wasatch County for final review ~~Planning Commission~~. Number and name (if named) shall be signed and said signing shall conform ~~be discernable from the street.~~ to the adopted Heber City Standards and Specifications.

~~17.~~18.24.090 Dedications

All streets, except private streets, shall be dedicated for public use~~, except in large-scale developments.~~ The dedication of half streets in any subdivision is prohibited except park strip and sidewalk may be omitted on the opposite sides of the streets on the borders of the subdivision.

~~17.~~18.24.100 Bridges And Culverts

All bridges and culverts shall be constructed ~~to support gross vehicle weight of twenty-six thousand pounds.~~ as per the adopted Heber City Standards and Specifications.

~~17.~~18.24.110 Relations To Adjoining Street System

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets ~~in~~ to connect with adjoining areas for their proper protection (where adjoining land is not subdivided) at the same or greater width (but in no case less than the required minimum width) ~~variations are deemed necessary by the Planning Commission~~. ~~Where the Planning Commission determines that it is desirable to provide for street access to adjoining property in order to provide an orderly development of a street system,~~ unless street cross sections have changed as per the Heber City Standards and Specifications, proposed street connections shall be extended by dedication to the boundary of such property.

~~17.~~18.24.120 Cuts In Pavement

No cuts shall be made in street pavement for at least five years after hard surfacing without City ~~Planning Commission~~ approval by the City Engineer or designee, ~~except in cases when public safety is at risk~~. Curbs and gutters, sidewalks, and the treatment of drainage courses shall comply with the Heber City Standards and Specifications as adopted by the City. ~~and administrated by the Planning Commission.~~

~~17.24.130 Subdivision -- Single Cul-De-Sac -- Ingress/Egress Requirements~~

~~Because of the need for snow and solid waste removal cul-de-sacs will not be permitted within a subdivision unless approved by the Planning Commission The opening of a cul-de-sac must face on a street which provides at least two separate ingress-egress roadways to and from the subdivision. In order for a cul-de-sac to be approved it must be shown and the Planning Commission must find the following:~~

1. ~~that the use of the cul-de-sac is necessary to effectively utilize the parcel of land, and~~
2. ~~that there exists topographical, hydrological or unique configurations that justify the use of a cul-de-sac.~~

~~See Section 17.24.020 for signage, dimensions, and drainage requirements.~~

~~17~~18..24.140 Street Plan Approval

A subdivision will not be approved if it conflicts with the ~~General Street Plan~~ Master Transportation Plan. A subdivision shall not be platted over any strip of land which is shown as a future street on the ~~General street Plan~~ Master Transportation Plan as an existing or potential collector or arterial street.

~~17.~~18.28 Block Design Standards

~~17.~~18.28.010 Length
~~17.~~18.28.020 Width

~~17.~~18.28.010 Length

The maximum length of blocks shall be eight hundred feet and the minimum length of blocks shall be four hundred feet. The Planning Commission on recommendation of the City Engineer, may approve a ~~a variance~~ modification to this requirement if deemed ~~necessary~~ reasonable when the natural contour of the land makes this requirement unsafe or not practical.

~~17.~~18.28.020 Width

The width of blocks shall be sufficient to allow two tiers of lots. The Planning Commission on recommendation of the City Engineer may approve a modification ~~variance~~ to this requirement if deemed necessary when the natural contour of the land makes this requirement unsafe or not practical or when a subdivision backs onto an arterial or major collector road.

~~17.30 Trail Design Guidelines~~

Commented [JJ6]: Becomes its' own chapter

~~17.30.010 Purpose~~
~~17.30.015 Standards~~
~~17.30.020 Trail Design~~
~~17.30.030 Construction Standards~~

~~17.30.010 Purpose~~

~~As noted in the Heber City general plan, our goal is to develop and incorporate a public non-motorized trail system into the future and existing infrastructure of Heber City to provide safe transportation and recreation facilities, compatible with the rural and mountainous environments of Heber City.~~

~~These trail standards have been implemented to accomplish the following:~~

1. ~~Create a seamless and consistent trail network.~~
2. ~~Improve the opportunity for alternative transportation.~~
3. ~~Provide safe facilities for all users.~~
4. ~~Enhance recreation opportunities for both residents and visitors.~~
5. ~~Create design and construction standards for trails in Heber City.~~
6. ~~Enhance recreation opportunities for both residents and visitors.~~
7. ~~Create design and construction standards for trails in Heber City.~~
8. ~~Provide enough trail options to keep traffic on trails at acceptable levels.~~

~~17.30.015 Standards~~

1. ~~In the event of a conflict between this Chapter and other adopted trails standards, the most restrictive shall apply.~~
2. ~~The standards of this Chapter may be modified by the City Engineer when trails are proposed to pass through developed subdivisions, established neighborhoods or lots containing existing buildings. In such instances, when it is legal to establish such trails in developed subdivisions, established neighborhoods or lots containing existing buildings, all reasonable efforts shall be made to establish trails, walkways, paths connecting trail systems, or trail connections, with existing sidewalks as connectors between standard trail sections, and, to locate or orient such trails, or connectors to trails on and along the outside property boundaries, at the farthest distance from homes and yards of private property, and to minimize infringement and encroachment upon existing homes, property lines and private property.~~

~~17.30.020 Trail Design~~

1. ~~**Trail Function**. Anticipated trail use will essentially determine what type of trail to construct and where it will be built. There are two (2) general categories of trails: transportation and recreation, yet it is perfectly acceptable and common for the uses to be concurrent.~~
    1. ~~Transportation trails are generally built as destination trails and primarily connect neighborhoods with one another or with public facilities, which may include schools, recreation centers, parks, town or resort centers, shopping areas, libraries, etc. The purpose is to allow a non-motorized user a corridor that limits interference with motor vehicle traffic and promotes non-motorized alternatives for short local trips. User types may include cyclists, disabled users, walkers and a variety of other youth type activities.~~
    2. ~~Trails for recreation typically provide a connection to natural spaces and provide a range of challenges and features for the trail user. Loop trails are the preferred design that will allow users to begin and end at the same trailhead location. These trails typically connect to open spaces, national forests, state parks and neighborhood parks. User groups may include mountain and road cyclists, trail runners, equestrians, joggers, hikers and walkers. Trail surfaces are generally soft surface or natural surfaces.~~
2. ~~**Trail Users**. These standards are set for non-motorized use and focused on all age groups, all levels of ability and generally include the following activity types: walkers, runners, joggers, hikers, cyclists (both mountain and road), skateboarders, disabled users, wheelchairs, equestrians, skiers, in-line skaters and baby movers (carriages, strollers, joggers, etc.). While it is clearly not practical for all types of trails in a mountainous environment to be fully accessible to the disabled, where reasonably appropriate, trails should comply with the requirements of the Americans with disabilities act of 1990 (ADA).~~
3. ~~**Americans With Disabilities Act**. A trail is considered ADA accessible if it meets the following criteria:~~
    1. ~~Five foot (5') minimum width.~~
    2. ~~Hard surfaces. Asphalt and concrete are the most accessible. Compacted crushed stone with a diameter less than three-eighths inch (3/s") is also acceptable.~~
    3. ~~Trail grade less than five percent (5%).~~
    4. ~~Ramps, not stairs, should be provided for grades exceeding the five percent (5%) maximum.~~
    5. ~~Ramp grades should not exceed eight percent (8%) and have a level landing for every thirty inches (30") of vertical rise and have a slip resistant surface.~~
    6. ~~Thirty two inch (32") high handrails should be installed on all ramps and bridges.~~
    7. ~~Trails should have a rest area every three hundred feet (300'), preferably cleared with a bench.~~
    8. ~~One or more accessible parking spaces should be provided at trail parking lots.~~
    9. ~~If gate or bollards are used to prevent motorized vehicle access to the trail, thirty two inch (32") clearance is necessary for wheelchair access.~~
4. ~~**Trail Location**. The following are guidelines for how trails should be routed to reduce maintenance needs and environmental impacts while maximizing the trail experience:~~
    1. ~~General Guidelines:~~
        1. ~~Trails should be located and constructed in such a manner as to minimize maintenance and maximize access. Alignment should utilize the natural topography of the land and should follow natural contours where possible with respect to surrounding landforms.~~
        2. ~~Design features should preserve and promote natural elements, including geologic, scenic, wildlife and historic.~~
        3. ~~Construction must factor in erosion related to use and weather.~~
        4. ~~Trail design should consider the trail users experience. Alignments should avoid excessive switchbacks or lengthy steep grades. When creating alignments, consider intended volume, ability and type of user.~~

5. ~~Locate trails for both summer and winter activities giving consideration to terrain and climate. Identify snow retention areas for possible cross country ski trails. In open areas, use trail alignments that take advantage of wind protection and shaded canyon areas.~~
6. ~~Because each trail site is unique, specific trail proposals through sensitive areas need to be considered on a case by case basis.~~
7. ~~Trails should be clearly separated from vehicle traffic. Users are generally safer and travel experiences are enhanced on separated trails. Snow removal and general maintenance are less costly when trails are separated from roads and parking lots. At-grade crossings at roads should be limited.~~
8. ~~The trail grade should not exceed half the grade of the hillside the trail is traversing. This is primarily to limit erosion and is a general guideline. For example, if you build across a hillside with a side slope of twenty percent (20%), the trail grade should not exceed ten percent (10%).~~

2. ~~Standards For Grades, Vertical Clearance And Curve Radii:~~
   1. ~~Grades. Grades of five percent (5%) and below are acceptable for standard trail sections. Grades above five percent (5%) cannot be considered wheelchair accessible. Intersections should not exceed three percent (3%). Avoid sharp curves on grades exceeding five percent (5%) to avoid confrontations between different levels of users. The following table identifies lengths of trail for grades above five percent (5%) (backcountry or natural surface trails may exceed these grades for short distances, but must factor in appropriate erosion control measures):~~

~~Grade (Percent)~~	~~Limit On Length At That Grade~~
~~<5~~	~~None~~
~~5-6~~	~~800 feet~~
~~6-7~~	~~400 feet~~
~~7-8~~	~~200 feet~~
~~8-9~~	~~100 feet~~
~~9-10~~	~~50 feet~~
~~>10~~	~~0 feet~~

   2. ~~Line of Sight. Trail users need adequate sight line distances to anticipate changes in the trail and trail users coming from the opposite direction. An optimal clear view distance for bicyclists (the trail user traveling at the highest speed) is one hundred fifty feet (1501). If this distance cannot be met, appropriate signing must be placed to warn the user of curve ahead.~~
   3. ~~Vertical Clearance. Vertical clearance (or ceiling) is a ten foot (101) minimum. This allows for all types of non-motorized users. If pathways will be prepared for use during winter months, clearances should anticipate snow loading and be increased to sixteen feet (161).~~
   4. ~~Curve Radii. Curve radii will vary between allowed uses on multiple user trails. Bicycle standards should be followed, as this is the fastest moving user group requiring longer sight distances. Refer to the "AASHTO Guide for Development~~

~~of Bicycle Facilities" for stopping distances, curve radii and intersection coordination.~~

~~3. Trail Types:~~

~~1. Improved Multi-Use Trail. Multi-use trails are major community arterial routes that are non-motorized, independent of vehicular routes and provide adequate separation from vehicles. They may bisect parks and open space, as well as parallel natural features, such as rivers and streams. These trails are both transportation and recreation oriented and should provide connections to cities, towns, back county trails and trailheads, parks, points of interest, and other transportation nodes. Where possible these trails should comply with AASHTO standards.~~

~~2. Improved Pedestrian Trail. Improved pedestrian trails are collector trails (including sidewalks) that are non-motorized and connect users to community trails. They may bisect neighborhoods, open space, commercial developments, parks, schools, etc., and parallel rivers and streams. Many existing pedestrian trails were designed and constructed prior to the regional trails master plan. Where possible, trials less than 8 feet wide should be widened and brought into current standards to improve access to more users.~~

~~Future construction of major sidewalks that connect to the core trail network should be adapted to meet the standards of improved pedestrian trails, which will include an 8 foot wide tread surface. Efforts should be made to maintain a consistent width and for residential sidewalks to remain between 4 to 8 feet.~~

~~3. Backcountry Trail. Backcountry trails (single-track type) are defined as trails that provide access for users to explore areas outside of the urban trial network. These non-motorized trails are typically designed and constructed for a variety of recreational users, such as hikers, trail runners, mountain bikers, and equestrians.~~

~~Because they are located outside of the urban network, the surface typically consists of natural dirt, creating an undeveloped feel for users. In some rare cases, other materials, such as gravel, may be implemented to aid in erosion control or stabilization. Backcountry trails are to be cut at a width of 4 feet.~~

~~In some cases, bridges, and boardwalks may be necessary to traverse though or over natural features in the backcountry. These structures should be designed and constructed to be compatible with all backcountry uses.~~

~~17.30.030 Construction Standards~~

1. ~~**Trail Surfacing**. Heber City surfacing guidelines are provided for Improved Multi-Use Trails, Improved Pedestrian Trails and Back-country Trails.~~

~~Table 1: Trail Construction Standards Summary~~

~~Trail Type~~	~~Sizing~~	~~Materials~~
~~Improved Multi-Use~~	~~10 ft. trail within a 20 ft. easement (can be up to 14 ft. for regional connections as determined by staff and trails map)~~	~~Asphalt - weed barrier, 3" of asphalt on top of 6" road base~~ ~~Concrete and pavers can be used in appropriate areas such as intersections or plazas~~

~~Improved Pedestrian~~	~~8 ft. trail within a 20 ft. easement~~	~~Concrete - weed barrier, 4" thick concrete pavement on top of a 6" depth of 3/4" gravel~~ ~~Or Asphalt with weed barrier, 3" of asphalt on top of 6" of road base~~
~~Back-country~~	~~4 ft. trail within a 10 ft. easement~~	~~Natural Surface~~

2. ~~**Improved Multi-use Trails**. Improved multi-use trails are major community arterial routes within the urban network. Because improved multi-use trails are designed for large volumes of users with varying uses, the surface materials should be a durable pavement. Asphalt is the preferred pavement type due to cost, ease of maintenance, and surface smoothness.~~

   ~~Typical pavement cross sections for an asphalt multi-use trail should consist of the following:~~
   1. ~~a properly graded and compacted sub-grade that has been stripped of all organics and,~~
   2. ~~lined with a structural weed barrier fabric;~~
   3. ~~a 6" depth of compacted road base material; and~~
   4. ~~a 3" depth of hot mix asphalt (HMA) pavement.~~

   ~~In some circumstances, concrete or concrete masonry unit (CMU) pavers may be used to create a unique look or feel. These surfaces should be avoided in most areas due to the uneven joints and score lines that cause undesirable riding experiences for cyclists. For improved multi-use trails in Heber City, a tread width between 10 and 13 is recommended. Trails with a 10 foot width should be actively pursued where cost and space permit. A lesser width may be required by the planning department where appropriate. 14 foot wide trails shall be used on trails identified on the trails plan as being a collector trail or a regional connection. By constructing wider trails initially, the county, cities, and other agencies will have made preparations for a growing population in the area. Wider trails will also accommodate larger trail specific competitions and events (see Figure 32). Maximum slope shall not exceed 5% except for short distances. All improved multi use trails should be constructed within a 20 foot easement.~~
3. ~~**Improved Pedestrian Trail**. Improved pedestrian trails are more commonly referred to as sidewalks. The objective of the master plan is that future construction of major sidewalks will be adapted to meet the standards of improved pedestrian trials. The typical cross section of an improved pedestrian trail in Heber City should include an 8 foot wide tread surface. Trail construction should consist of a properly graded and compacted subgrade that has been stripped of all organics and lined with a structural weed barrier fabric followed by a 4" thick concrete pavement on top of a 6" depth of 3/4 " gravel or can be constructed with asphalt with a weed barrier, and a 3" layer of hot mix asphalt over 611 compacted road base.~~
   ~~Efforts should be made to update all existing improved pedestrian routes in the urban system to meet these standards. Residential and collector sidewalks can remain at 4 to 6 foot widths, but primary sidewalks should be constructed at 8 feet wide. All improved pedestrian trails should be constructed within a 20 foot easement.~~
4. ~~**Backcountry Trails**. Backcountry trails, as classified in this document, are recreational trails outside of the urban network. Because they are located outside the urban network, tread material is often created from the natural sub-grade. In some cases other materials such as gravel may be implemented to aid in erosion control and/or stabilization. In all cases, these materials should be derived from adjacent areas to maintain a natural look and feel. Tread width~~

~~of back country trails will vary based on vegetation, obstacles, and use. In most cases, backcountry trails should not exceed 48 inches wide within a 10 foot easement. Most backcountry trails will have a tread width of 12 to 24 inches, depending on use. The slope of backcountry trails is ideally less than 8%, with a maximum of 10% for runs of less than 100 ft. Back country trails should only exceed 10% in rare circumstances as approved by the county. All backcountry trails should be designated with a rating to allow potential riders to make safe and informed decisions. The IMBA has developed a standard trail difficulty rating system applicable to mountain bike trails. By providing ratings on trial signs in accordance with IMBA's standards and by providing general trail characteristics such as total length, elevation change, and projected trip times at trailheads, all potential users can make educated decisions about the trails they use.~~

5. ~~**Backcountry trail construction standards**~~
    1. ~~Backcountry trails should be built to IMBA standards. Surface treatment shall be a natural surface constructed with a bench width of 2 to 4 feet, which ensures environmental stewardship and allows for long-term sustainability by:~~
        1. ~~Incorporating bench-cut construction with a tread surface that has an outward slope to the outer edge from a grade of 2 to 8% in the downhill direction; and~~
        2. ~~Incorporating grade reversals and dips to reduce water erosion; these grades should average between 5 and 8%, with a maximum grade of no more than 10%, into the trail design and construction specifications.~~

        ~~Adding these features will help minimize tread erosion by allowing water to drain in a gentle, non-erosive manner and ensuring the soil stays on the trail where it belongs.~~

        ~~Figure 1: Trails constructed without proper cross slope.~~
        ~~Figure 2: Proper grade reversal and bench cut construction.~~

    2. ~~Surface And Width: The original trail cut should be four feet (4") wide. The tread surface will compact and revegetate leaving a two foot (2') wide usable tread surface. Terrain and levels of expected use should determine width. The trail surface (tread) must be free of all organic material. All vegetation debris should be dispersed downhill of the tread and be noticeable to users. Corridor should be clear of all branches and tree stumps within two feet (2') of the tread surface. Full bench construction is required (Figure 3).~~

    ~~Figure 3: Trail Cross Section~~

    3. ~~Grade: Grades should not exceed ten percent (10%). Optimal grades are between five (5) and eight percent (8%). If grades exceed ten percent (10%), which is only permitted on a limited basis, consideration must be given to the maintenance issues that may arise and the sustainability of the trail over time.~~
    4. ~~Drainage:~~
        1. ~~Outslope is two percent (2%) to five percent (5%).~~
        2. ~~Rolling grade dips are the preferred water diversion feature (diagram 3).~~
        3. ~~Knicks can also be used. These are sis (6) to ten (10) feet long and have a fifteen percent (15%) outslope (diagram 4).~~
        4. ~~Swells can be used where drainage is possible.~~
        5. ~~Drain dips cannot be constructed on grades exceeding ten percent (10%).~~
        6. ~~Water bars can be used in rare circumstances where terrain is prohibitive to above.~~

7. ~~All topsoil removed to create the tread must be sidecast and dispersed.~~

~~Figure 4: Rolling Grade Dip~~
~~Rolling grade dips are a sustainable alternative to water bars. Dips are large enough to be self-cleaning and subtle enough that cyclist will not steer around them. A dip is longer than a bike and shaped like a knick. Use bondable soil from a dip to make a long, gentle ramp just past it. The ramp should be nearly twice as long as the dip.~~

~~Figure 5: Knick~~
~~Kincks are used on gentle terrain to direct sheet flow off the trail. In contrast to rolling grade dips, soil from the knick is spread downslope off trail. The goal is sheet flow, not concentrated runoff.~~

~~Knicks can be used on contour trails, to accentuate natural grade breaks and direct water off trails. Knicks should be long and subtle to be self-cleaning, yet unobtrusive to trail users.~~

5. ~~Switchbacks and Climbing Turns~~

~~Figure 6: Rolling Crown Switchback~~
~~This shows the most sustainable type of turn of steep sideslopes. Inslope the trail bed only on the upper leg as it transitions to the crowned landing. The landing should have a 12 to 18 foot diameter, depending on trail width. The landing is outsloped in all directions. Build a grade reversal just before the upper leg to move water off the trail before it reaches the landing.~~

~~Figure 7: Climbing Turn~~
~~Maintain constant grade and radius through the tum section. Climbing turns may not be sustainable on sideslopes exceeding 7 percent grade.~~

~~Figure 8: Grade Reversal~~
~~A climbing turn is any turn that ascends (or descends) on the fall line of a sideslope. Improve sustainability by placing climbing turns on gentle slopes and using grade reversals to drain water above them. Climbing turns should have a large turning radius and barriers between legs to prevent shortcutting.~~

6. ~~**Trail Construction**~~
   1. ~~Guarantee for Trail Construction. Trail construction that is required as part of a development project will be subject to a security or bond that covers one hundred ten percent (110%) of the trail construction cost. This will be required at the same time the bonding is done for the other infrastructure requirements. All requirements and bonding will be completed with the Heber City Engineering Department.~~
   2. ~~Trail Easements. All public trails will require a recorded easement. All trail easements shall be noted and defined on a plat map or by recorded easement. Backcountry trails and some soft surface trails will be recorded as built, and will be included as an exhibit in the development agreement when receiving plat approvals from Heber City. Before bonds for the trails will be release the as-built trail easements must be recorded.~~
   3. ~~Phasing. When trails are part of a phased project, the phasing of various trail segments will follow a logical sequence for trail users. This phasing and expected dates of completion for trails shall be noted in the development agreement with Heber City.~~
   4. ~~Measures to Reduce Trail Construction Impacts. As stated previously, a good site selection for your trail will prevent most construction impacts. Water drainage and erosion must first be addressed during the trail location phase, allowing for the use of~~

natural features to be incorporated into the trail design. The following may or may not be required for trail construction.

1. In ecologically sensitive areas, temporary fencing may be used to protect these features.
2. Trails located near wetlands, may require boardwalk style construction.
3. If using machinery to cut the trail, the right size equipment must be used. Different products are available specific to trail construction needs.
4. If building near waterways or critical runoff points, trail layout will need to be reviewed on a case by case basis. Erosion matting or other device may be required for construction.
5. In visually sensitive areas, work with hand tools may be necessary to reduce visual impacts.
6. Indigenous materials should be used to the greatest extent possible for construction and revegetation practices. Seed mixes should be native; and care should be taken to not introduce nonnative materials into construction areas.
7. Revegetation should occur quickly after construction dependent on the location, season and availability of water. Use of a native seed mix will be necessary. Trees and shrubs will need to be replaced if removed for construction purposes. For recommended seed mix and native vegetation please contact: Utah State University Extension Service, Heber City Branch, 55 South 500 East, Heber City, UT 84032.

7. **Trailheads**. Trailheads generally provide four essential purposes: signing, off street parking, restroom facilities and trail access. Any access into the trail system is considered a trailhead. New development that includes public trails, must consider how the public will get to these facilities and how it will coordinate with other plans in the development. Trailheads should be visible, easily accessible and designed to accommodate the type of trail uses allowed. Equestrian trails will require more space than hiking or biking only trails for trailer parking and maneuvering.
    1. Trailhead Classification. Access to a trail system is one of the primary elements for a successful trail network. Trailheads serve the local and regional population who access the trail network by car, transit, bicycle, foot, and/or other modes of travel. These access points provide essential connections to the system and serve as an information hub to educate and provide users with directions, maps, rules and regulations of the trails and area, closures, events, etc. Where appropriate, support facilities, such as resting areas, interpretive signs specific to the area, public art, restrooms, fountains, and bike racks, may be provided. To plan proposed trailheads and improve existing ones, the following classification standard was created. Three different classes are proposed based on capaCity, location, trail access, and amenities.
        1. Class 1 Trailheads. Class 1 trailheads are classified as major developed parking hubs for both community and regional trails where heavy use is anticipated. Class 1 trailheads should include, but are not limited to, a minimum of 25 paved parking stalls, direct and safe trail access, restrooms, information kiosks, with maps and educational information, drinking fountains, bike racks, security lighting, public art, and monument signs, as determined at the time of approval, evaluation, and development. Class 1 trailheads should address good circulation patterns, site distances, proper drainage and storm water runoff, and landscaping, as required.

        2. Class 2 Trailheads. Class 2 trailheads are classified as trail parking areas that include less than 25 parking stalls but more than six. Parking surfaces may be improved with road base, gravel, or pavement. Amenities may include, but are not limited to, restrooms, map kiosks, signs, safe and direct trail access, and

~~other items, as determined at the time of approval, evaluation, and development. These trailheads should address good circulation patterns, site distances, and proper drainage and storm water runoff, if necessary.~~

~~3. Class 3 Trailheads. Class 3 trailheads are classified as small, undeveloped, legal trail parking areas that provide six or less parking stalls and accommodates off-street parking. There are typically no trailhead amenities, such as restrooms, bike racks, etc. They do provide direct access to trails and often provide a map kiosk with trail information.~~

~~8. **Bridges**. Bridges can be a great attraction for trail users and most likely highlight a scenic vantage point. In Heber City, bridges may be used to span rivers, streams, canals, roadways, and steep topographic features.~~

~~Two (2) design types can be used: custom made or a factory built steel truss. Both styles have advantages and disadvantages and some general recommendations have been made here.~~

~~A custom bridge will use treated lumber that is resistant to decay for long-term durability. A typical custom bridge span is less than twenty (20) to twenty five feet (25). Longer spans for low bridges can be formed using piers, creating the aesthetically desirable possibility of aligning the bridge on a curve.~~

~~Factory built bridges should be used for clear spans over twenty (20) to twenty five feet (25). These bridges can be ordered in any length and width, with several competing manufacturers. Decks can be wooden or concrete and all engineering is done by the manufacturer.~~

~~1. General Design Features.~~

~~1. Width of bridge should be the equivalent of the trail. This refers to the usable width of the bridge and does not consider construction requirements.~~
~~2. Bridge alignments should allow for adequate sight distances and where possible be constructed to avoid the need for users to make sharp turns at either end of the bridge.~~
~~3. Railings are required if the decking is farther than thirty inches (30) above the feature being spanned. Railings should be fifty four inches (54) high, with railings spaced not greater than fifteen inches (15) (if drop-offs are hazardous, this is limited to 4 inch spacing).~~
~~4. All exposed bolt and screw heads should be countersunk to be flush with the wood surface.~~
~~5. Breakaway design features must be used if the bridge is constructed in an area prone to flooding.~~
~~6. The design must be structurally sound and approved by a licensed engineer. Design must factor in both live and dead load.~~
~~7. Design and materials should fit in with surrounding development.~~
~~8. Contact with state of Utah Division of Water Rights, Army Corp of Engineers and Heber City Engineer may be necessary, depending on location.~~

~~9. **Fencing**. Fencing should be installed only where physical separation is necessary for safety and/or to preserve adjacent landowner privacy. Fences should not create a narrow corridor effect for long stretches along the trail. Where possible, fencing should be located only on one side of the trail at a time.~~

~~Fences should be no closer than five feet (5') from the trail edge and must also be located within the trail easement. Where fences are necessary along both sides of a trail, the minimum width should be twenty feet (20') as is consistent with the required trail easement.~~

~~Gates are required for trails that cross stock grazing areas. Said gates will be a self-closing lever latch type.~~

10. ~~**Signing**. The signing standards include three (3) types: informational, regulatory and interpretive. All types should be straightforward and simple to read and understand.~~
    1. ~~Informational Signs at Trailheads. These signs are primarily located at trailheads or areas where the user may experience a change in the trail experience. These signs should be located in such a way as to not interfere with the trail surface but be accessible to the users.~~
    2. ~~Interpretive Signs. These signs benefit the users by explaining some feature available on the trail route. The features may include historical, biological, natural resources, or cultural facts about an area. Often these signs are educational and will serve to relay management goals of an area. These must be located in appropriate areas.~~
    3. ~~Regulatory Signs. The following are some of the signs likely to be needed, along with their identification number and size. Some unusual signs may have to be custom made. These examples are taken from the "Manual on Uniform Traffic Control Devices", December 2000 edition (MUTCD). The MUTCD should be referenced for complete signing standards.~~
    4. ~~Stop and Yield Warnings.~~
        1. ~~"Stop" signs are intended for use where bicyclists are required to stop.~~
        2. ~~"Yield" signs shall be installed on shared use paths at points where bicyclists have an adequate view of conflicting traffic as they approach the sign and where bicyclists are required to yield to the right of way. The visibility of approaching traffic must be adequate to permit the bicyclist to stop or take other measures to avoid that traffic.~~
        3. ~~"Stop Ahead" and "Yield Ahead" signs should be used where an intersection cannot be seen on approach. They may also be used to emphasize the right of way at busy or dangerous intersections.~~
        4. ~~"Driveway Crossing" should be used where a driveway crossing cannot be seen on approach. This sign can also emphasize busy or potentially dangerous driveway crossings.~~
    5. ~~Unexpected or Hazardous Conditions Warnings. These should be used only when necessary to warn of unexpected or potentially hazardous conditions. The signs should be placed to least fifty feet (50') before the hazard.~~

    6. ~~Turn and Curve Warnings. If the trail changes direction unexpectedly and the change is not readily apparent on approach, use appropriate tum or curve signs to warn bicyclists. They should normally be installed no less than fifty feet (50') in advance of the beginning of change of alignment.~~

    ~~Figure 2: Sign Sizes for Shared Use Paths~~

~~Sign~~	~~MUTCD Code~~	~~Minimum Sign Size~~	
~~Millimeters~~	~~Inches~~		
~~Stop~~	~~R1-1~~	~~450 x 450~~	~~18 x 18~~
~~Yield~~	~~R1-2~~	~~600 x 600 x 600~~	~~24 x 24 x 24~~
~~Bicycle lane~~	~~R3-16, 16a, 17, 17a~~	~~600 x 750~~	~~24 x 30~~
~~Movement restriction~~	~~R4-1, 2, 3, 7~~	~~300 x 450~~	~~12 x 18~~

~~Begin right turn lane yield to bikes~~	~~R4-4~~	~~900 x 750~~	~~36 x 30~~
~~No motor vehicles~~	~~R5-3~~	~~600 x 600~~	~~24 x 24~~
~~Bicycle prohibition~~	~~R5-6~~	~~600 x 600~~	~~24 x 24~~
~~No parking bike lane~~	~~R7-9 9a~~	~~300 x 450~~	~~12 x 18~~
~~Pedestrians prohibited~~	~~R9-3a~~	~~450 x 450~~	~~18 x 18~~
~~Bicycle regulatory~~	~~R9-5, 6~~	~~300 x 450~~	~~12 x 18~~
~~Shared use path restriction~~	~~R9-7~~	~~300 x 450~~	~~12 x 18~~
~~Railroad crossbuck~~	~~R15-1~~	~~600 x 112~~	~~24 x 4.5~~
~~Turn and curve warning~~	~~W1-1, 2, 3, 4, 6~~	~~450 x 450~~	~~18 x 18~~
~~Arrow warning~~	~~W1-6, 7~~	~~600 x 300~~	~~24 x 12~~
~~Intersection warning~~	~~W2-1, 2, 3, 4, 5~~	~~450 x 450~~	~~18 x 18~~
~~Stop, yield, signal ahead~~	~~W3-1a, 2a, 3~~	~~450 x 450~~	~~18 x 18~~
~~Road narrows~~	~~W5-2a~~	~~450 x 450~~	~~18 x 18~~
~~Bikeway narrows~~	~~W5-4~~	~~450 x 450~~	~~18 x 18~~
~~Hill sign~~	~~W7-5~~	~~450 x 450~~	~~18 x 18~~
~~Bump or dip~~	~~W8-1, 2~~	~~450 x 450~~	~~18 x 18~~
~~Bicycle surface condition~~	~~W8-10~~	~~450 x 450~~	~~18 x 18~~
~~Advance grade crossing~~	~~W10-1~~	~~450 diameter~~	~~18 diameter~~
~~Bicycle crossing~~	~~W11-1~~	~~450 x 450~~	~~18 x 18~~
~~Low clearance~~	~~W12-2~~	~~450 x 450~~	~~18 x 18~~
~~Shared the road plaque~~	~~W16-1~~	~~600 x 750~~	~~24 x 30~~
~~Supplemental bike route plaque~~	~~D1-1~~	~~600 x 150~~	~~24 x 6~~
~~Bicycle parking~~	~~D4-3~~	~~300 x 450~~	~~12 x 18~~

~~Bike route~~	~~D11-1~~	~~600 x 450~~	~~24 x 18~~
~~Bicycle route marker~~	~~M1-8~~	~~300 x 450~~	~~12 x 18~~
~~Bicycle route marker~~	~~M1-9~~	~~450 x 600~~	~~18 x 24~~
~~Supplemental bicycle route guide~~	~~M4-11, 12, 13~~	~~300 x 100~~	~~14 x 4~~
~~Route marker supplemental plaques~~	~~M7-1, 2, 3, 4, 5, 6, 7~~	~~300 x 225~~	~~12 x 9~~

7. ~~Sign Construction Features (Sample Bollards and Mile Markers).~~
    1. ~~Sign Posts: There are many design solutions to signage along a trail; below is one commonly used design. Post location will conform to the standards set forth in the MUTCD section on "Traffic Control Devices for Bicycle Facilities". Signposts will be four by four (4 x 4) pressure treated Douglas fir, embedded into the ground a minimum of twenty four inches (24") unless other materials are specifically approved. Attachment Systems: Signs should be attached to wood posts with three-eighths inch (3/8") diameter galvanized carriage bolts in a minimum of two (2) locations per post.~~
    2. ~~Sign Bollards: These should be located at all trail access points. Posts should be constructed of Redwood or pressure treated Douglas fir. The individual symbols are three inches (3") square reflective decals that can be ordered from Carsonite International. They should be mounted on heavy gauge aluminum plate routed into the post a minimum of two inches (2") and epoxied into place.~~

11. ~~**Crossings and Roadway Interface**. Heber City and the Heber Valley are dissected by US-189 and US-40, regional highways which connect the County to the Wasatch Front and the Uintah Basin. These highways carry a significant volume of semi-trucks, which makes crossing these roads a challenge. To improve trail connectivity between communities within the valley, three types of crossings, at-grade, elevated, or underpass, will need to be considered for each location (see Figure 3). Construction type will be based on the average daily trips (ADT) projected at build out.~~
    1. ~~At-Grade Crossings. Of the three crossing options, building an at-grade crossing may be the least expensive. Several multi-use trails in the urban area of the Wasatch Front cross major collectors that carry high volumes of traffic. These crossings may be a cost effective solution since they can be used at signalized intersections within downtown Heber City where speeds are lower.~~

    2. ~~Trail Overpasses. When trails need to cross higher speed roadways, grade separation is required for safety. A trail bride over US-189 or on US-40 north or south of the Heber City limits would be recommended as it will allow for trail users to cross safely. Trail bridges can be expensive (typically exceeding $1 million) as additional property is needed to build the ramps and meet height requirements.~~

    3. ~~Trail Underpasses. Building a tunnel or underpass is another solution to safely separate trails from high volume/high speed roadways. Depending on the number of underground utilities, the level of groundwater in the area, and soil types, an underpass can be a cost effective solution for the proposed trail crossing on US-40 and US-189. These underpasses will require lighting for safety.~~
    ~~Figure 3: Pros and cons table for trail crossings~~

~~Crossing Type~~	~~Pros~~	~~Cons~~
	~~Low Cost~~	~~Traffic Disruption~~
~~At-Grade Crossing~~	~~Low Visual Impact~~	~~Pedestrian Safety~~
	~~No Grade Change~~	
	~~Pedestrian Safety~~	~~Cost~~
~~Pedestrian Overpass~~	~~Potential Land Mark~~	~~Large Footprint~~
	~~Unique Feature~~	~~High Visual Impact~~
	~~Small Footprint~~	~~Cost~~
~~Pedestrian Underpass~~	~~Low Visual Impact~~	~~Potential for Flooding~~
	~~Safety~~	-

~~17.~~18.32 Lot Design Standards

~~17.~~18.32.010 Building Sites
~~17.~~18.32.020 Lot Sizes
~~17.~~18.32.030 Lots Must Abut On Public Streets
~~17.~~18.32.040 Corner Lots
~~17.~~18.32.050 Parts Of Lots
~~17.~~18.32.060 Divided Lots

~~17.~~18.32.010 Building Sites

The lot arrangement, design and shape shall be such that lots will provide a ~~compact body~~ suitable area of land for buildings and be properly related to topography and conform to requirements set forth in this title. Lots shall not contain peculiarly shaped elongations, solely to provide necessary square footage, which would be unusable for normal purposes.

~~17.~~18.32.020 Lot Sizes

All lots shown on the subdivision plat must conform to the minimum requirements of Title 18 of this code for the zone in which the subdivision is located.~~, except when approved by the Planning Commission and City Council as a large-scale development.~~

~~17.~~18.32.030 Lots Must Abut On Public Streets

Each lot shall abut on a street dedicated by the subdivision plat or an existing publicly dedicated street ~~which if sixty feet wide, or more,~~ except when private streets are approved by the Planning Commission ~~and City Council as a large scale development. Interior lots having frontage on two streets shall be prohibited, except where topographic conditions make such design desirable.~~ Flag lots are exempt from this requirement.

~~17.~~18.32.040 Corner Lots

Corner lots in single family zones shall be 10% larger than the minimum lot size required by the zone.

~~17.~~18.32.050 Parts Of Lots

All remnants of lots below minimum size, left over after subdividing a larger tract, must be attached to adjacent lots, rather than be allowed to remain as ~~usable~~ parcels that may be non-conforming or inherently unusable.

~~17.~~18.32.060 Divided Lots

Where the land contained within one lot is divided into two or more parcels in separate ownership, the land in each lot so divided shall be transferred by deed to single ownership before approval of the final plat, and such transfer recorded in the county recorder's office before being certified to the Planning Department ~~Commission~~ by the subdivider. ~~Thereafter, no lot in the subdivision shall be partitioned.~~

~~**17.34 Sensitive Lands Regulations**~~

~~17.34.010 Sensitive Lands~~

~~17.34.010 Sensitive Lands~~

Commented [MR7]: Moved to separate chapter

1. ~~**Development Prohibited**. New subdivisions and new development shall avoid the following areas:~~
    1. ~~Natural slopes over thirty percent (30%) grade; each lot must have a contiguous building area that is a minimum of five thousand (5,000) square feet at or below thirty percent (30%) natural grade;~~
    2. ~~Avalanche tracks;~~
    3. ~~Fault lines, scarps, landslides, rock-fall and mudflow areas; and~~
    4. ~~Stream beds, canals, ditches, flood channels, areas of springs, seeps and surface water.~~
2. ~~**Development Discouraged**. The following hazard areas should be avoided by new subdivisions and new development and developer shall provide mitigation for such hazards when they apply. The City may require a notice of such hazard and required mitigation to future property owners in a development agreement, subdivision plat or other device.~~
    1. ~~Alluvial-fan-flood debris flow, collapsible soils, and shrink-swell soils. Mitigation techniques shall follow the advisement of a qualified Geotechnical Engineer.~~
    2. ~~Shallow ground-water. Mitigation techniques should include the installation of a foundation drain and sump pump, prohibition of basements, or the advisement of a qualified Geotechnical Engineer.~~
    3. ~~100 year flood zones. Mitigation techniques shall follow the procedures of Chapter 18.109 Flood Damage Prevention Ordinance.~~
    4. ~~Culinary Water Source Protection. Mitigation techniques shall follow the advisement of the source delineation report, current engineering practice, and/or applicable state statutes.~~

~~17.36 Large-Scale Development~~

Commented [MR8]: Covered under CUP chapter

~~17.36.010 Compliance With Zoning Provisions~~
~~17.36.020 Costs And Charges~~

~~17.36.010 Compliance With Zoning Provisions~~

~~Where a subdivision is in the form of a large-scale development, all plans and development in connection therewith shall be made to comply with the requirements for large-scale developments as set forth in Title 18 of this code. Wherever conflict occurs between the regulations contained in this title and the regulations contained in Title 18 of this code the most restrictive regulation shall govern.~~

~~17.36.020 Costs And Charges~~

~~When a subdivision is in the form of a large-scale development all costs and charges in connection therewith shall be the responsibility of the subdivider and shall be made to comply with the requirements for large-scale developments as set forth in Title 18 of this code.~~

~~17.38 Commercial Developments~~

~~17.38.010 Submission And Approval Process~~
~~17.38.020 Compliance With Zoning Provisions~~
~~17.38.030 Improvements~~
~~17.38.040 Landscape Requirements~~
~~17.38.050 Design Requirements~~
~~17.38.060 Additional And Special Requirements And Incentives~~
~~17.38.070 Platting Requirements~~
~~17.38.080 Supplementary Requirements~~
~~17.38.090 Guarantees Of Performance~~
~~17.38.100 Costs And Charges~~

~~17.38.010 Submission And Approval Process~~

~~All applications for commercial development approval are required to follow the submission, review, and approval process found in Chapter 17.16 and Chapter 17.20 herein, even in the circumstance where no subdivision is created by the development proposal, except that commercial projects are not required to submit a Preliminary Plan. Commercial Development shall mean any nonresidential development building greater than 1,000 total square feet, including but not limited to public, commercial, industrial and non-profit organization buildings or facilities. Exception: public buildings under 1,000 square feet are exempt. Each commercial project will be required to submit a Concept Plan and a Final Plat. This requirement is intended to provide adequate project review in a manner consistent with other Heber City review processes.~~

~~The Concept Plan for a commercial development should include sufficient information about the project to allow the Planning Commission to complete a thorough review of the proposed project. Because the nature of each commercial project is different, consultation with planning staff will help each applicant to prepare the Concept Plan. If properly completed, the Concept Plan may be used as the Final Plat for a commercial project.~~

~~Exception to this Subdivision Ordinance for commercial development are limited to the following:~~

1. ~~More than one structure may be placed on a commercial parcel if the setback and all other requirements are satisfied.~~
2. ~~The owner of commercial property does not need to provide a name for the commercial development.~~
3. ~~Other requirements, which can be clearly demonstrated by the applicant, which are not applicable to commercial development.~~

~~In addition to the requirements listed above, all commercial developments within Heber City are subject to Chapter 17.14 Adequate Public Facilities, herein.~~

~~Each commercial development shall satisfy all applicable requirements of this Subdivision Ordinance, also known as Title 17 of the Heber City Code, and the Heber City Zoning Ordinance, also known as Title 18 of the Heber City Code.~~

~~As with all Ordinances of Heber City, if this Chapter is found to be in conflict with any other Heber City Ordinance or Resolution, the stricter of the two shall apply. Likewise, if any portion of this Chapter is found to be unlawful or invalid by a court of law, that section alone shall be removed and the remaining sections of this Chapter shall remain in effect.~~

4. ~~Commercial Concept Approval becomes null and void if not acted upon within six (6) months of its approval, and Commercial Final Approval becomes null and void if not acted upon within one year of its approval. Either Concept or Final Approvals may receive one extension upon written permission by the Planning Commission. The duration of the extension for Concept Approval shall not exceed six (6) months. The duration of the extension for Final Approval shall not exceed twelve (12) months.~~

~~17.38.020 Compliance With Zoning Provisions~~

~~All applications for commercial development are required to satisfy the applicable requirements found in the Heber City Zoning Ordinance, also known as Title 18 of the Heber City Code. Of particular note for commercial developments are Chapter 18.72, Off-Street Parking, Chapter 18.76, Landscaping, and Chapter 18.104, Signs.~~

~~17.38.030 Improvements~~

~~Improvements required for commercial developments shall be consistent with Chapter 17.40 herein. In addition to these requirements, all applications for commercial development will be required to submit all necessary information to determine the effect that approval of the project will have upon the transportation system of Heber City and what actions the City will need to impose, if any, in order to create, or maintain, a safe and efficient transportation system.~~

~~17.38.040 Landscape Requirements~~

~~Each application for commercial development approval shall satisfy the requirements found in Chapter 18.76 of the Zoning Ordinance, also known as Title 18 of the Heber City Code, and the following requirements.~~

~~All setback areas adjacent to a public street shall be fully landscaped and properly maintained. Trees shall be planted at no less than twenty (20) feet on center, on average, and shall have no less than a two (2) inch caliper, except that no trees shall be planted within forty-five (45) feet of an intersection clear view area. Trees may be planted in clusters to create a more natural and/or screening effect, if appropriate.~~

~~All ground areas shall contain grass, or another ground cover acceptable to the Planning Commission, and shall be irrigated sufficiently. Shrubs, flower beds, decorative rocks, and other appropriate landscaping is highly encouraged.~~

~~All landscaped areas shall be maintained using a sprinkling and/or irrigation system which is capable of being engaged automatically on a regular basis. Each applicant for commercial development shall~~

~~submit a complete and detailed landscaping plan for review by the Planning Commission concurrently with submission of other documents for review by the Planning Commission.~~

~~All landscaped areas shall be maintained on a regular basis and be kept neat and clean. If the Zoning Administrator determines the maintenance requirement has not been satisfied, the Zoning Administrator shall notify the property owner. The Zoning Administrator will detail the lack of maintenance and inform the owner that a continued lack of maintenance will warrant issuance of a Class C misdemeanor charge against the property owner under the authority of the Utah Code §10-9-1003 and Chapter 17.68 herein.~~

~~17.38.050 Design Requirements~~

~~In addition to the requirements of the Heber City Subdivision and Zoning Ordinances, the following design requirements shall apply to each commercial development approved under this Chapter.~~

1. ~~TRASH STORAGE. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.~~
2. ~~TRASH COLLECTION AREAS. All trash collection areas shall be designed to be compatible with the proposed project.~~
3. ~~LIMITED ACCESS. Generally speaking, commercial zones in Heber City are located in areas with a higher potential for traffic congestion. Therefore, access to commercial developments shall be limited to the extent possible in order to maintain traffic flow. Access should be addressed in an appropriate manner in accordance with section 17.38.030 herein.~~
4. ~~COMPATIBILITY. The Planning Commission may make recommendations to the applicant in order to improve compatibility with surrounding development. This requirement is intended to ensure future compatibility with the subject proposal as well, and should be viewed in that manner by each applicant. If changes to the anticipated structure are made, these changes should be submitted to the Zoning Administrator at the earliest possible date. The Zoning Administrator will determine whether the changes need to be reviewed by the Planning Commission.~~
5. ~~ADOPTION OF DESIGN CRITERIA. The March 2006 Heber City Design Compatibility Criteria for Commercial Development in the "Historic" Commercial C-3 Zone, attached as Exhibit A, is adopted herein by reference. Copies of the Heber City Design Criteria shall be on file in the City Recorder's Office for the use and examination of the public.~~
    1. ~~APPLICABILITY. General. Where, in any specific case, differences between the Heber City Design Compatibility Criteria for the C-3 Zone and the adopted Building Codes specify different materials, methods of construction or other requirements, the specific requirements of the Building Code shall be applicable.~~
6. ~~ADOPTION OF DESIGN CRITERIA. The November, 2006, Heber City Commercial Districts: C-2 and C-4 Zones Design Standards and Guidelines, attached as Exhibit A, is adopted herein by reference. Copies of the Heber City C-2 and C-4 Design Standards and Guidelines shall be on file in the City Recorder's Office for the use and examination of the public.~~
    1. ~~APPLICABILITY. Where, in any specific case, differences between the Heber City C-2 and C-4 Zone Design Standards and Guidelines and the adopted Building Codes specify different materials, methods of construction or other requirements, the specific requirements of the Building Code shall be applicable.~~

~~17.38.060 Additional And Special Requirements And Incentives~~

~~The following requirements are supplemental to the other requirements of this Chapter and are intended to address more specific commercial development concerns.~~

1. ~~INGRESS and EGRESS. Each commercial development is required to incorporate two points of ingress and egress to the proposed development. The ingress and egress shall be consistent to Chapter 17.24.130 herein. In addition to Chapter 17.24.130, no point of ingress and/or egress shall be located closer than one hundred (100) feet from another point of ingress and/or egress along the same public street. This requirement may be waived by the Planning Commission if necessary and appropriate.~~
2. ~~STORAGE and WAREHOUSE DEVELOPMENTS. All storage doors, entrances into storage and warehousing areas, and parking in storage and warehouse developments shall be internally located and not located on a public street. Internal streets should be constructed at a width sufficient to allow movement of all anticipated vehicles, including fire and other emergency vehicles. Each development of this type shall be reviewed by the Heber City Fire Marshall and must meet this requirement, as evidenced by a letter from the Fire Marshall. It is the responsibility of the applicant to demonstrate that adequate traffic flow can be accomplished.~~

   ~~Heber City acknowledges the need for adequate security in these types of developments. However, provisions should be made which allow authorized access for public safety employees into these developments for public and personal safety. This includes access to entrance codes, electronic opening devices, lock combinations, and the like.~~

   ~~All storage and warehouse developments shall be fenced in a manner which will provide adequate security and a deterrent from public access. These fences should be kept in good repair. Fencing other than chain link which is similar in design to other structures within the development is highly desirable. The rear sides of buildings which provide adequate security may satisfy this requirement.~~
3. ~~DENSITY INCENTIVES. Storage and warehouse developments which provide design features that enhance the aesthetic appearance of the project are entitled to consideration of an increase in the density of the project. Density incentives shall be as follows:~~
   1. ~~Developments which provide fencing that is not chain link and use materials compatible with the materials and colors used in the construction of the structures within the development, or are constructed from wood or other attractive material, as determined by the Planning Commission, are entitled to a ten (10) percent increase in total project density. The rear sides of buildings which provide adequate security may be used for this purpose.~~
   2. ~~Developments which provide multi-pitched roof lines through the use of dormers and gables, or the like, whether real or false facade shall be entitled to a ten (10) percent increase in total project density. In order to qualify for a density bonus under this paragraph, the structure must contain a break in pitch, which is roughly perpendicular to the roof line, at intervals of not more than forty (40) lineal feet of vertical roof line.~~
   3. ~~Developments which use natural materials and colors such as brick (not intended to be defined as cinder block), wood siding, stucco, or other attractive materials as found acceptable to the Planning Commission in the construction of all structure(s) in the commercial development which face onto public streets shall be entitled to a ten (10) percent increase in total project density. These incentives are provided in order to encourage a higher standard of development. If the Planning Commission determines that a project is not enhanced positively through the efforts of a developer to obtain a density incentive, the Planning Commission may reduce the percentage, or deny the increase in total project density.~~

   ~~Each of the incentives are exclusive of the other. Therefore, an applicant my receive a total of thirty (30) percent increased project density.~~

~~17.38.070 Platting Requirements~~

~~All commercial developments must prepare a final plat in accordance with Chapter 17.44 herein. In addition to the requirements of Chapter 17.44, commercial developments shall include with the plat the approved landscaping plan, and traffic information in accordance with Chapter 17.38.030 herein shall be submitted in a form capable of being recorded in the office of the Wasatch County Recorder.~~

~~In the case of storage and warehouse developments, if a density incentive was approved, information pertaining to the incentive and all conditions relating thereto shall also be submitted in a form capable of being recorded in the office of the Wasatch County Recorder.~~

~~17.38.080 Supplementary Requirements~~

~~Each of the following requirements are supplementary to this part. They constitute requirements for Chapter 17.38 only and are adopted under Chapter 17.06 of this Title. Each of these supplementary requirements must be satisfied prior to approval of an application for commercial development.~~

1. ~~LAYOUT OF BUILDINGS. Unlike other developments approved under this Title, commercial developments may have more than one main structure per parcel. In such cases the applicant shall provide a project master plan to the Planning Commission indicating the location and size of each proposed structure. Additionally, the project master plan shall indicate accessory buildings, if any. Each structure in the commercial development is required to satisfy the building permit requirements of Title 18.12.~~
2. ~~SETBACKS. Setback requirements in commercial zones may be flexible, but must be approved by the Planning Commission. The Planning Commission shall consider impacts on adjacent parcels, traffic, pedestrian access, landscaping and other relevant issues when recommending setback requirements.~~
3. ~~SURFACE WATER DRAINAGE. Surface water from roof tops, parking lots or irrigation ditches shall not be allowed to drain onto adjacent lots or streets except after written agreement between the parties involved.~~
4. ~~FUTURE DEVELOPMENT. Whenever a front or side yard is required for a building which abuts on a proposed street which has not been constructed but which has been designated by the Planning Commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.~~
5. ~~CONCESSIONS. Concessions, including but not limited to amusement devices, recreational buildings or refreshment stands, shall be required to obtain approval from the Planning Commission and purchase a business license prior to operating such a business on any commercial site. Such operations may be denied by the Planning Commission if deemed inappropriate due to location, hazard, appearance, etc.~~
6. ~~SOLID WASTE AND SEWAGE. Each commercial development shall be reviewed by the Solid Waste Department for recommenced solid waste disposal. Where domestic sewage disposal facilities are used which are not connected to a public sewer, approval of such facilities shall be obtained from the Health Department before a building permit is issued.~~
7. ~~GASOLINE PUMP ISLAND LOCATION. Gasoline pump islands shall be set back not less than fifteen (15) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set in an angle to the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps set closer than twelve (12) feet from any street lines, not closer than ten (10) feet from any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than seventy-five (75) by one hundred (100) feet in size. Canopies over pump islands may extend to within five (5) feet of the property lines.~~

8. ~~MOTOR VEHICLE ACCESS. Access to all buildings in a commercial project shall be controlled as follows:~~
    1. ~~Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angles to centerline of the driveway. On corner lots, no driveway shall be closer than fifty (50) feet to the point of intersection of the front property line which abuts upon a street.~~
    2. ~~Each commercial development shall install curb and gutter to facilitate surface drainage.~~
9. ~~POLLUTION PREVENTION. Any use which emits or discharges gases, fumes, dust, glare, noise, or other pollutants into the atmosphere in amounts which exceed the standards as prescribed by the Utah State Air Conservation Board or the Board of Health and any use which emits or discharges liquids or solid material onto the soil or water in amounts which results in pollutants entering ground water in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the Board of Health, shall be prohibited.~~
10. ~~Each commercial development shall present a plan for public utilities and services. These plans may be reviewed by utility providers for recommendations.~~
11. ~~Each commercial development shall satisfy the parking requirements found in Title 18.72 for the appropriate zone.~~
12. ~~Each commercial development shall satisfy all applicable requirements of both the Subdivision (Title 17) and Zoning (Title 18) Ordinance of Heber City.~~

~~17.38.090 Guarantees Of Performance~~

~~All commercial projects are subject to the guarantees of performance requirements listed in Chapter 17.52 herein.~~

~~17.38.100 Costs And Charges~~

~~All commercial projects are subject to the fee schedule listed in Chapter 17.56 herein. However, review fees under section 17.56.015 for commercial projects shall be as follows: Concept Plat $75; Final Plat $75 + $25 per acre. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the Standard performance bond to insure the payment of the cost of inspection.~~

~~All other costs, fees, and charges shall be consistent with Chapter 17.52 herein.~~

~~17~~.18.40 Improvements

~~17~~.18.40.010 Requirements

~~17.18.~~40.010 Requirements

The following improvements, designed according to the adopted Heber City Standards and Specifications, shall be installed in all subdivisions. A subdivider may post a bond or other assurance satisfactory to the ~~City Council.~~ City Engineer. The purpose of the bond or other assurance is to ensure installation of the required improvements within two years from the date of approval without cost to the City. The improvements shall include:

1. Water, Sewer, Storm Drain, Solid Waste:
    1. A potable water supply in amounts and manner as required under Section 17.28.030 of this chapter in accordance with the State Board of Health Standards;

~~2.~~ The installation of water ~~and sewer~~ mains and water ~~and sewer~~ laterals to each lot property line~~;~~ ~~shall be required in accordance with City standards as directed by the Planning Commission;~~
3. Sewer mains, and sewer laterals to each lot property line;
4. ~~The installation of~~ Fire hydrants ~~in accordance with City standards~~ and locations as directed by the ~~City F~~ire Marshal ~~and Planning Commission~~;
~~5.~~ Solid waste disposal facilities ~~shall be provided in accordance with City standards.~~
6. Storm drain system
7. Secondary pressurized irrigation system. ~~in accordance with City standards as directed by the Planning Commission.~~

2. Streets:
    1. The grading and graveling of all streets and the installation of all required culverts. ~~in accordance with City standards as directed by the Planning Commission~~;
    ~~2.~~ The hard-surfacing of all streets. ~~in accordance with City standards as directed by the Planning Commission;~~
    3. Curbs and gutters and sidewalks. ~~in accordance with City standards.~~

~~3.~~ Public Utilities. Electric, cable/internet ~~television~~, natural gas, and telephone lines shall be installed. ~~as directed by the Planning Commission.~~ These utilities shall be located underground ~~except when the subdivider can show the Planning Commission that underground lines are not feasible.~~

4. Survey Monuments. ~~The installation of survey monuments in accordance with City standards as directed by the Planning Commission.~~

~~5.~~ Sensitive lands and environmental hazards shall be addressed as per Chapter 18.67. ~~Environmental hazards must be eliminated as required by the Planning Commission as follows:~~
    ~~1. Cut and fill slopes must be covered with topsoil and reseeded;~~
    ~~2. Location of streets and buildings on unstable soil shall be prohibited;~~
    ~~3. Surface water shall be confined to the subdivision or shall be drained into natural channels in a manner that will prevent the soil within and outside of the subdivision from eroding;~~
    ~~4. Natural drainage channels shall be adequately taken into account in laying out the subdivision;~~
    5. ~~Other environmental hazards must also be eliminated or adequately handled as directed by the Planning Commission.~~

~~6.~~ Street lighting. ~~shall be installed as per City standards as directed by the Planning Commission.~~

~~17.~~18.44 Platting Requirements

~~17.~~18.40.010 Preparation
~~17.~~18.40.020 Material
~~17.~~18.40.030 Content
~~17.~~18.40.010 Preparation

~~17.~~18.40.010 Preparation

A final plat shall be prepared for all subdivisions ~~except as noted in Section 17.12.010 of this chapter.~~

~~17.~~18.40.020 Material

The plat shall be drawn ~~shown~~ on mylar ~~or linen~~ material and shall conform to City standards. ~~as directed by the Planning Commission.~~ In addition, an electronic GIS submittal is required. Details and workmanship shall be neat, clean ~~cut~~ and legible. ~~readable~~.

~~17.~~18.40.030 Content

Final plat shall be as required in the adopted Heber City Standards and Specifications. ~~Section 17.20.030 of this title.~~

~~17.~~18.48 General Subdivision Requirements

~~17~~18.48.010 School Sites -- Public Spaces
~~17.~~18.48.020 Private Roads And Driveways -- Construction And Maintenance
~~17.~~18.48.030 Water Supply And Storage
~~17.~~18.48.040 Small Subdivisions
~~17.~~18.48.050 Work To Be Done By Engineer Or Surveyor
~~17.48.060 Continuity Of Dead-End Streets~~
~~17.48.070 Protection Of Scenic Features~~
~~17.48.080 Repealed~~

~~17.~~18.48.010 School Sites -- Public Spaces

In subdividing property, consideration should be given to sites for schools, parks, playgrounds, and other areas for public use, as shown ~~comprehensive plan.~~ on the General Plan and the Parks and Trails Master Plan. Any provision for such open spaces shall be indicated on the preliminary ~~plan~~ plat in order that it may be determined in what manner such areas will be dedicated to or acquired by the appropriate agency.

~~17.~~18.48.020 Private Roads And Driveways -- Construction And Maintenance

1. The City shall not open, grade, pave, or perform any maintenance work on any private or undedicated street or alley, and the City shall refrain from laying utility lines in any street which has not:
    1. Been accepted by the City as a public street or alley; or
    2. Which has not received the approval of the City ~~Council as part of a final plat~~ of a subdivision, unless an easement is granted therefor.
2. The City shall not accept nor maintain a street or other public way unless said street has been accepted by the City ~~Council~~ as a public street and the street has been constructed in accordance with City standards.

~~17.~~18.48.030 Water Supply And Storage

All lots within the subdivision shall be served by an approved central water system consisting of both a drinking water system and a secondary pressurized irrigation system, that meets the adopted Heber City Standard and Specifications. The subdivider shall submit proof that the proposed ~~culinary~~ drinking water source and distribution system are capable of providing at least four hundred gallons per dwelling unit per day for indoor uses plus the amount of water required to provide fire protection as per City standards. Where water is to be used for lawn sprinkling and other outside uses, the subdivider shall submit proof the proposed secondary water source and distribution system ~~at least four hundred gallons per dwelling unit per day, but not less the amount required to adequately irrigate all lands to be landscaped within the development, as determined by the City engineer.~~ are capable of providing irrigation water according to State Standards from the Division of Drinking Water.

~~17.~~18.48.040 Small Subdivisions

1. Whenever a small subdivision with ten or less lots, meeting the conditions as set forth in Section ~~17~~.18.12.010 of this chapter is proposed, a preliminary ~~plan~~ plat conforming to the requirements for preliminary ~~plans~~ plats as set forth in Section ~~17~~18.20.020 shall be prepared and submitted ~~to the Planning Commission~~ for approval. ~~at least 28 (twenty-eight)~~ days ~~prior to the Planning Commission meeting.~~ Before preparing and submitting the plans, the applicant shall meet with the Planning and Engineering departments to determine if any of the requirements set forth in ~~17~~.18.20.020 are not necessary ~~to be submitted to the Planning Commission in order for it to make an educated decision~~. Staff will base its determination on the site conditions as well as surrounding conditions.
2. Before ~~the Planning Commission~~ the Planning Director shall approve any such small subdivision ~~plan,~~ all improvements required under Section ~~17~~.18.40.010 shall have been installed or assurances given to the City that the improvements will be installed without cost to the City as set forth in Chapter ~~17~~.18.52.
   Exception: The applicant may petition ~~for and the Planning Commission may, upon recommendation from~~ the Planning and Engineering Departments to delay the installation of curb, gutter, and sidewalk in areas where such improvements are lacking and distant. If approved, the eventual installation shall be assured by a formal delay agreement, recorded at the County or a recorded deed restriction. ~~waive any of the required improvements in 17.40.010 excluding 17.40.010 A1 (Potable Water), A2 (water and sewer mains and laterals), A3 (fire hydrants), B2 (hard-surfacing of streets) and C (utilities--except the Cable Television requirement may be waived). In determining whether or not to waive said requirements, consideration shall be given to conditions on site, conditions surrounding the site, the availability of improvements in the area, the practicality of constructing said improvements, the respective capital improvements plans for each improvement, and whether or not the waiver(s) substantially affect the General Plan of the City. A financial hardship shall not be considered by the Planning Commission as reason to grant a waiver.~~
3. The Planning Director, or its designee, serves as the Land Use Authority approving Small Subdivisions ~~(aka Lot Splits)~~, with appeals going to the Appeal Authority. ~~Board of Adjustment. In the case of Small Subdivisions where a request is made for the waiver of improvements as per Subsection B above, the City Engineer shall serve as the Land Use Authority, with administrative appeals going to the Board of Adjustment and policy making appeals going to the District Court.~~

~~17.~~18.48.050 Work To Be Done By Engineer Or Surveyor

All engineering work or surveying of property must be done by or under direction of a ~~registered~~ Utah licensed professional engineer or professional land surveyor registered in the state.

~~17.48.060 Continuity Of Dead-End Streets~~

~~Whenever a proposed subdivision has a street which terminates against private property of an individual, other than the subdivider, a strip of land at least one foot wide across the entire end of the subdivider's proposed street and on the subdivider's property, must be platted as a lot, and said lot shall be deeded to the City as a lot in the proposed subdivision for future street purposes.~~

~~17.48.070 Protection Of Scenic Features~~

~~Where natural or scenic features and/or historic community assets exist, such features or community assets shall be safeguarded by dedication to a public or private agency.~~

~~17.48.080 Repealed~~

~~17~~.18.52 Guarantee Of Performance

~~17~~.18. 52.010 Type And Amount
~~17~~.18.52.020 Duration
~~17~~.18.52.030 Default
~~17~~.18.52.040 Final Inspection And Release

~~17~~.18.52.010 Type And Amount

The type of guarantee shall be in the form of an escrow account, cash bond, performance bond, or other assurance equal to the cost of the required improvements, ~~plus ten percent~~ as determined by the City Engineer and as defined in the adopted Heber City Standard and Specifications ~~by the Planning Commission~~ plus the estimated cost of inspection services. The subdivider shall furnish an estimate of the cost of constructing the required improvements. Said estimate shall be prepared by an engineer registered to practice in the state ~~and approved by the Planning Commission~~. See Section 17.56.015 for the manner in which estimated inspection fees will be set. The subdivider shall enter into a bond agreement with the City for public infrastructure. All development projects are subject to the guarantees of performance requirements.

~~17~~.18.52.020 Duration

1. The duration of the assurance required in ~~17~~18.52.010 shall be for two years or as defined in the adopted Heber City Standard and Specifications from the date of approval of the final plat of the subdivision ~~by the City Council.~~
2. An extension of time may be granted by the City Engineer or Public Works Director ~~City Council~~ upon application by the subdivider, provided such application is submitted at least sixty days prior to the expiration of the bond, and provided the issuer of the bond is willing to extend the time of the assurance.

~~17~~.18.52.030 Default

Commented [MR9]: Jeremy check

In the event the subdivider becomes in default or fails or neglects to satisfactorily install the required improvements within two years from the date of approval of the final plat by the City ~~Council~~ or to pay all liens in connection therewith the City Council shall declare the bond or other assurance forfeited and the City may install or cause the required improvements to be installed, using the proceeds from the sale of the bonds or other assurance to defray the expense thereof. The subdivider will remain financially responsible for any deficiency.

~~17~~.18.52.040 Final Inspection And Release

The subdivider shall be responsible for the quality of all materials and workmanship. At the completion of the work or not less than ten days prior to the release date of the bond, the ~~Planning Commission or authorized representative~~ City Engineer or designee shall make a preliminary inspection of the improvements ~~and shall submit a report to the City Council setting forth the conditions of such facilities~~. If all liens are paid, and other conditions thereof are found to be satisfactory, the City Engineer ~~City Council~~ shall release the bond upon the subdivider providing a separate maintenance bond; otherwise, the performance bond will be released one year thereafter if no quality defects exist, as per the conditions set in the bond agreement. If the condition of materials or workmanship show

unusual depreciation or do not comply with the standards of the City, or if any outstanding liens are not paid, the City Council will declare the subdivider in default.

~~17.~~18.56 Costs And Charges

~~17.~~18.56.010 ~~Schedule~~ Required improvements and processing costs and charges
~~17.56.015 Fee Schedule For Proposed Developments~~

~~17.~~18.56.010 ~~Schedule~~ Required improvements and processing costs and charges

See the Adopted Heber City Fee schedule for costs. ~~Costs and c~~Charges in connection with the planning and development of subdivisions in the City shall be shared between the subdivider and the City according to the following schedule:

Plan or Facility	Subdivider	City
Concept Plan for Sensitive Lands and non-residential projects	100%	0%
Preliminary Plan	100%	0%
Final Plat Plans	100%	0%
Easements and rights-of-way, on-site and off-site	100%	0%
Grading and draining streets on-site	100%	0%
Grading and draining streets off-site	Special negotiations with City Council	
Bridges and culverts	100%	0%
Street paving on-site	100%	0%
Street paving off-site	Special negotiations with City Council	
Curb and gutter and curb cuts	100%	0%
Sidewalks	100%	0%
Street signs	100%	0%
Water Storage	0% if existing tanks can serve development; Special negotiations with the City Council if not	
Water Supply	100%	0%
Water shared to supply the amount of water required in Section 17.48.030	100%	0%
Water mains and laterals up to and including 10" diameter	100%	0%

Sewer mains and laterals up to and including 10" diameter	100%	0%
Oversize Water and sewer mains	Special negotiation with the City Council	
Street lighting maintenance and electricity expenses	0%	100%
Electric utilities	100%	0%
Parks	100%	0%
Monuments	100%	0%
Canal and flood channel protection	Special negotiations with the City Council	
Elimination of environmental hazards	100%	0%

~~17.56.015 Fee Schedule For Proposed Developments~~

~~The Planning Commission shall charge a fee to cover the costs of platting proposed annexations, subdivisions, planned unit developments, manufactured home parks, and recreational vehicle parks in Heber City.~~

1. ~~The fees charged shall be as follows:~~
    1. ~~Subdivisions: Concept plat $250; Preliminary plat $200 + $25 per lot; Final plat $200 + $25 per lot. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the standard performance bond to insure the payment of the cost of inspection. The preliminary inspection fee or fund shall be set at the rate of 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).~~
    2. ~~Manufactured Home Parks: Preliminary plat $200 + $10 per lot; Final plat - $200 + $10 per lot. In addition, the developer shall pay for all engineering review fees and upon final plat approval the estimated inspection fee shall be escrowed with the City or added to the performance bond. The deposit or bond to cover the cost of inspection services shall be calculated as follows: 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).~~
    3. ~~Recreational Vehicle Parks: Preliminary plat $100 + $5 per pad; Final plat $100 + $5 per pad. In addition, the developer shall pay for all engineering review fees and upon final plat approval an inspection fee shall be escrowed with the City or added to the standard performance bond to insure the payment of the cost of the engineering inspection services. The preliminary inspection fund or fee shall be: 5.0% for the first two hundred thousand dollars, plus 2.0% for additional cost up to one million dollars, and 1% thereafter, of the engineers estimate of the construction costs (this fee is in addition to any required building permit fees).~~
2. ~~In addition to the above fees, the developer shall pay for all engineering review fees, on-site inspection fees, and all costs related to preparation and filing of mylar.~~

~~3. The above fees are estimates of the average costs involved in preparing, reviewing and inspecting a proposed development. If costs for plan review, studies, inspection, or other costs exceed the above fee, the developer is responsible for the additional costs. Thus, any surplus shall be refunded to developer and the developer shall be responsible for any deficiency. The filing of an application shall constitute consent to pay said inspection fees.~~

~~4. Fees paid pursuant to this section are non-refundable except for any unused portion of deposited inspection fee.~~

~~17.60 Variances~~

~~17.60.010 Criteria For Approval~~

~~17.60.010 Criteria For Approval~~

~~Where, because of topographical or other extreme physical conditions peculiar to the site, the strict adherence to the requirements contained in this title or adopted pursuant to this title would cause unnecessary hardship, the Planning Commission may recommend and the City Council may grant a variance from said requirements. Any variance shall be authorized by the City Council only after receiving the recommendation of the Planning Commission and upon the finding that such variance is justified and can be made without destroying the intent of these provisions. Variances granted under this section shall be limited to issues of design and layout only. No variance shall be authorized which would constitute a waiver of the improvement requirements for streets, water supply and facilities, sewage disposal, and solid wastes disposal.~~

~~17.~~18.64 Amendments

~~17.~~1864.010 Criteria For Approval

~~17.~~18.64.010 Criteria For Approval

Before approving a preliminary plat for development greater than 10 lots ~~for a final plat~~ of a subdivision, the Planning Commission may require amendments or modification of the plan if it finds that:

1. The layout of the subdivision does not conform to ~~acceptable~~ the required standards of design as set forth in this title and in the adopted Heber City Standards and Specifications;
2. The subdivision is not provided with adequate ingress or egress;
3. The subdivision design contains sensitive lands such as geologic, soil, water, or other hazards which could be detrimental to the subdivision, surrounding area, or to the City, and which are not adequately addressed in the application;
4. The subdivision does not provide the required improvements or quality of improvements or does not comply with other requirements as set forth in this chapter and in the adopted Heber City Standards and Specifications. Such amendments or modifications shall be sufficient in all cases to correct the inadequacies so that the subdivision will conform to the requirements of this chapter and the adopted Heber City Standards and Specifications.

~~17.~~18.68 Substantial Completion Of Subdivisions

~~17.~~18.68.010 Substantial Completion Of Subdivisions Required Before The Issuance Of Building Permits And Approvals For Occupancy

~~17~~.18.68.010 Substantial Completion Of Subdivisions Required Before The Issuance Of Building Permits And Approvals For Occupancy

Building permits and approvals for occupancy will only be issued pursuant to the provisions of Sections 15.04.040 and 15.04.050 and as required by the adopted Heber City Standards and Specifications.

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	Ordinance 2023-20 adopting the Affordable Housing Amendment
RESPONSIBLE:	Tony Kohler
DEPARTMENT:	Planning
STRATEGIC RELEVANCE:	Community Development

SUMMARY

The proposed text makes minimal changes to the current ordinance to comply with recent changes in State law regarding moderate income housing regulations for municipalities. Three policy items are marked for consideration and discussion.

RECOMMENDATION

Staff recommends the Council discuss the draft and subsequent policy choices and either approve or provide direction to staff on the item for the next meeting.

BACKGROUND

As part of the Phase 3 Envision Heber Code Update, the Planning Commission is reviewing the entire Code and Subdivision Ordinance. As part of that process the Affordable Housing, 18.102 chapter is being updated and coordinated with goals of the Envision Heber 2050 General Plan.

The Planning Commission discussed this item at the October 11, 2022 work session. It was discussed that the policy piece regarding adding a commercial development workforce housing component was premature until alternatives could be studied and the Council provide direction to address workforce housing. At the October 25, 2022, meeting the Commission held a public hearing on the item and forwarded a positive recommendation to the City Council. The Commission asked that the Council consider updating the fee in lieu provisions of the current ordinance and discuss the option of including a workforce housing component in the affordable housing regulations.

At the January 17, 2023, City Council work session the council discussed the three major policy issues around the proposed update. The three issues centered on the concept of workforce housing, additional incentives to developers in order to undertake the policy and the issue of updating the in lieu fees.

At the March 21st meeting the Council revisited the topic and directed staff to make revisions to the draft as reflected in the proposed draft below.

18.102 Affordable Housing
In 2021, the Utah State legislature passed HB 462, requiring cities to update the Moderate Income Housing Plan (MIHP) with implementation measures. In 2021 the Legislature also

passed HB 303 which revised the inclusionary zoning provisions for municipalities. Ordinance No. 2022-21 was passed by Heber City earlier this year that satisfied the requirements of HB 462. To comply with HB303 the current requirement in this title, 18.102, that requires 10% of units in new residential development to be affordable must be changed. This provision is referred to as inclusionary zoning.

The State Law now only allows inclusionary zoning if the municipality and the applicant enter into a written agreement regarding the number of moderate-income housing units or the municipality provides incentives for an applicant who agrees to include moderate income housing units in a development. Written agreements, usually called “development agreements”, generally happen when a zoning proposal is being processed or an annexation.

USC 10-9a-535. Moderate income housing.

A municipality may only require the development of a certain number of moderateincome housing uni ts as a condition of approval of a land use application if: (a) the municipality and the applicant enter into a written agreement regarding the
number of moderate income housing units; or
(b) the municipality provides incentives for an applicant who agrees to include moderate income housing units in a development.

If an applicant does not agree to participate in the development of moderate income
housing units under Subsection (1)(a) or (b), a municipality may not take into consideration the applicant's decision in the municipality's determination of whether to approve or deny a land use application.
Notwithstanding Subsections (1) and (2), a municipality that imposes a resort community sales and use tax as described in Section 59-12-401, may require the development of a certain number of moderate-income housing units as a condition of approval of a land use application if the requirement is in accordance with an ordinance enacted by the municipality before January 1, 2022.

DISCUSSION

Affordable Housing Summary:

- Changes to Section 18.102.030 Applicability have been made to reflect the new State Law under HB 303 2022.

A. This ordinance applies to all residential development that contains 10 units or more residential units and that require a rezone or the use of an overlay, or any residential or mixed-use development where an existing zone allows higher densities by flexible criteria or incentives, or on a voluntary basis in the case of an existing single family detached housing or multi-family housing zone.

- Minor changes denoted in red text have also been made to clarify the ordinance with the City’s current practices.

The following items were discussed at the March 21, 2023 Council work session.

Fee in Lieu Policy Questions:

1. Should item B. Fee in Lieu be still accepted?

2. Should the fee in lieu be only accepted under certain conditions.
3. Should the City be emphasizing actual construction and not a fee-in-lieu?
4. Should the in lieu fee be updated?

At the January 17, 2023 meeting the Council indicated that the in lieu fee provision should be included and updated. Staff recommends that the City look for assistance from professional housing organizations such as Mountainlands AOG or Mountainlands Housing for their expertise in updating the in lieu fee amount to reflect more current market conditions.

At the March 21st meeting the Council opted to keep the language that has been in place and to seek specific help in updating this section of the code to reflect current market practices. No changes have been made in the proposed draft.

18.102.050 and 18.102.050 Incentives

Policy Question: Should additional incentives be considered in this section? Such as parking waiver, fee waiver, expedited process, etc.…

At the January 17, 2023 meeting the Council indicated that the on item #1 they wanted to add the North Village overlay standards to that section. That has been done in the proposed ordinance below.

For item #2 the Council was in favor of height incentive in in the commercial zones and perhaps the R2-R3 zones as the areas redevelops. Parking reductions should be considered only near transit hubs. Staff recommends that this section include additional incentives and that as the Council undergoes the downtown study that the make decision on this matter and update this code when that process concludes. No changes have been made a this time to the proposed update.

At the March 21st meeting the Council directed staff to reword the current specific incentive language that existed in the code prior to State law changes and make the list read as a broad list to be used as guidelines in each specific unique negotiation on affordable housing applications.
A few changes were made to the proposed ordinance this month shown in the redlined attachment to address definitions and clarify some provisions.

FISCAL IMPACT

No impact to City budget.

CONCLUSION

The proposed amendment updates the ordinance to meet state code.

ALTERNATIVES

1. Staff Recommended Option – Approve
2. Approve as Amended
3. Continue

4. Deny

POTENTIAL MOTIONS

Staff Recommended Option – Approve

I move to approve Ordinance 2023-20 with the findings and conditions as presented in the conclusion above.

Alternative 2 – Approve as Amended

I move to approve Ordinance 2023-20, with the findings and conditions as presented in the conclusion above, with the following changes:
_____
_____

Alternative 3 – Continue

I move to continue Ordinance 2023-20 to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:
_____
_____

Alternative 4 – Deny

I move to deny Ordinance 2023-20.

ACCOUNTABILITY

Department: Planning
Staff member: Tony Kohler, Community Development Director

EXHIBITS

1. Ord 2023-20 Affordable Housing
2. Redline AH Changes

ORDINANCE NO. 2023-20

AN ORDINANCE AMENDING AND UPDATING CHAPTER 18.102 AFFORDABLE HOUSING OF THE HEBER CITY CODE

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, that Chapter 18.102 Affordable Housing is hereby Amended and Adopted to read as follows:

18.102 Affordable Housing

18.102.010 Findings
18.102.020 Purpose
18.102.030 Applicability
18.102.040 Incentives For Construction of Affordable Units
18.102.050 Affordable Housing Development Agreement
18.102.060 Fee-In-Lieu
18.102.070 Severability
18.102.080 Enforcement
18.102.090 Definitions
18.102.100S Related Provisions

18.102.010 Findings

A. Heber City has adopted a Moderate Income Housing Element of the General Plan as required by Utah State Code, which looks at the estimated existing supply, the estimated five year need for moderate income housing, a survey and evaluation of zoning's effect on affordable housing, and a description of Heber's programs to encourage an adequate supply of affordable housing;
B. The Moderate Income Housing Element of the General Plan shows that there is a continuing shortage of affordable housing in the City, which is detrimental to the public health, safety and welfare, as it contributes to overcrowded and substandard conditions for lower-income families, and the inability of businesses to find and retain a quality labor supply;
C. A Nexus Study performed for the valley, an exhibit to the Moderate Income Housing Element of the General Plan, shows that new development which does not include or provide for affordable housing serves to aggravate the current affordable housing shortage, by reducing the supply of residential land available for affordable housing development, and creating larger numbers of service oriented, low-paying jobs, creating a greater demand for affordable housing by increasing the numbers of lower wage earners;
D. A requirement for at least ten percent (10%) of all new residential units being created as affordable housing units is strongly recommended to implement the Goals and Policies of the Moderate Income Housing Element of the General Plan;
E. A Needs Assessment performed for the valley, an exhibit to the Moderate Income Housing Element of the General Plan, shows that a Fee-in-Lieu may be assessed as an alternative to providing onsite affordable housing; and
F. Costs for implementing the requirement to contribute to affordable housing can be offset by allowing reasonable development incentives.

18.102.020 Purpose

The purposes of this Chapter 18.102 is to:

A. Ensure that all new residential development provides a range of housing opportunities for all identifiable economic segments of the population, including households of low and moderate income;
B. Focus affordable housing efforts on monitoring the need and providing opportunity for low to moderate income families to obtain housing that meets their needs and not focus merely on building low income units;
C. Provide a variety of housing types for our elderly or senior citizens including assisted care, independent care, and targeted senior retirement communities;
D. Recognize the need for special target groups for affordable housing, namely: families in crisis; handicapped and other special need groups;
E. Allow alternatives to onsite construction in order to provide a special use deemed necessary and appropriate to accomplish the purposes of affordable housing.

18.102.030 Applicability

A. This Chapter applies to any residential development that contains 10 or more residential units and requires a rezone or the use of an overlay zone; any residential or mixed use development where an existing zone allows higher densities by flexible criteria or incentives; or on a voluntary basis in the case of an existing single family detached housing or multi-family zone.
B. This chapter does not apply to:
    1. Any development that, after having performed an impact study which has been reviewed and approved by the City Council, at the expense of the development, can show there is no rational nexus or rough proportionality between the requirements of this chapter and the impacts of the development. If such impact study is to be performed, it must be completed and approved prior to receipt of preliminary approval of such development; and
    2. Federal, State, or Local Governmental Agencies and Non-Profit Housing agencies constructing price restricted affordable housing.

18.102.040 Incentives for Construction of Affordable Units

At the request of an applicant, the City Council may permit one or more of the following incentives for a development which is required to provide affordable housing, a Fee-in-Lieu, or other acceptable alternatives as negotiated.

Affordable housing units should be located within the development project site to allow for a blending of such units with market rate units as a first preference.
The size, appearance, materials and finished quality of affordable units shall be reasonably consistent with the design of other residential units in the development.

18.102.050 Affordable Housing Development Agreement

A. An Affordable Housing Plan shall be required for all residential developments that are subject to this Chapter. This plan shall be incorporated into a Development Agreement as directed by the Heber City Attorney.
B. The Affordable Housing Development Plan shall contain, at a minimum, the following information concerning the development, and shall be submitted no later than preliminary approval.
C. Additional incentives for onsite construction include the following:
    1. Affordable units within a single-family detached dwelling subdivision may be built as attached units, provided the developer demonstrates the proposed buildings are compatible in height, size and yard requirements as surrounding lots, and the negative impacts for substantial differences in those features are mitigated with fence and landscape screening, architectural treatments, and site planning as demonstrated by submitted site plan, landscaping plan and building elevations. Attached housing within a single family detached dwelling subdivision shall be designed for owner

occupancy with long term deed restrictions to preserve affordability as a first preference. If rental units are proposed they shall also be restricted to 80% of AMI or below.

2. Front Setbacks may be reduced to 20 feet from the front property line and reduced to 10 feet for alley loaded units.
   a. Side setbacks may be reduced by 30 percent, rounded up to the nearest foot.
   b. Rear setbacks may be reduced by 30 percent, rounded up to the nearest foot.
3. The building permit fee (not including connection fees or impact fees), to the extent permitted by law, may be waived for the affordable units.
4. The minimum lot width, lot area, height and open space required within a development may be reduced and/or increased by a proportionate amount to accommodate bonus density units.
5. Reduction in parking standards for project in a half mile proximity to public transportation facilities.
6. Expedited permit review of affordable housing unit projects.

D. The affordable housing units shall be built concurrently with market-rate units.

E. Affordable housing units should provide a mix of number of bedrooms in the affordable dwelling units in response to affordable housing demands.

F. Affordable rental units and affordable owner occupied units shall be deed restricted and affordable to the designated income group in perpetuity. Actual rents and prices to be charged and later increases shall be determined in an Affordable Housing Agreement as approved by the City Council and to be entered into prior to receiving final approval on any project.

G. If on site construction is not feasible as determined by the City and the applicant then acceptable alternatives shall be of equal or greater value to the required Fee-in- Lieu for the development and may include the following:
   1. Acquisition and rehabilitation of affordable housing units;
   2. Construction of affordable housing units off-site;
   3. Conversion of existing market-rate units to affordable units with deed restrictions;
   4. Construction of special needs projects or shelters in partnership with Wasatch County;
   5. Dedication of land for future development of Affordable Units;

H. The following information concerning the development shall be submitted no later than preliminary approval:
   1. A calculation of the number of units permitted by the underlying zone.
   2. The need and request for specific incentives offered by this Chapter.
   3. If a fee in lieu is approved a written appraisal by an Master Appraisal Institute (MAI) Certified Appraiser, who is either 1) mutually agreed upon between the petitioner for development and Heber City, or 2) hired by the city and paid for by the petitioner for development, estimating the retail value of the developed residential component of the project. The city may require, in lieu of the appraisal, a submittal of a copy of the development appraisal used for financing approval of the development.
   4. For construction of affordable housing units, include the following:
      a. The total number of units proposed in the project;
      b. The average selling price of a unit for each of the phases of the development;
      c. The number of affordable units proposed;
      d. The square footage, calculated ERU's and numbers of bedrooms,
      e. The proposed location of the units;
      f. The schedule for production of dwelling units, both affordable and market rate;
      g. The method of deed restriction for preservation of the units and monitoring agency;
      h. Production cost associated with dwelling construction;
      i. Appraisals for units;
      j. Providing copies of plans for such units;
      k. Security posted or to be posted prior to recording of final plat, for building of units, if construction of such units will not take place at the same time as the market rate units in a proportionate manner.
   5. Letter of Recommendation from the City's Community Development staff.
   6. If a Fee-in-Lieu will be used, a calculation of the amount of the Fee-in-Lieu and the proposed

payment method and timing of the Fee-in-Lieu. The fee shall normally be paid in cash prior to recording of the subdivision plat, or prior to issuance of a building permit for multifamily residential developments or if a plat is not required. All lot contributions shall occur simultaneously with the recording of the subdivision plat. A multi-phased development may pay the Fee-in-Lieu as each phase is developed. The city may consider accepting the Fee-in-Lieu in payments provided:

a. At least 50% of the Fee-in-Lieu is paid as cash prior to recording of the subdivision plat or prior to issuance of a building permit for multifamily residential developments or if a plat is not required; and
b. Any remaining amount of the Fee-in-Lieu shall be paid upon completion or issuance of a Certificate of Occupancy (for multifamily, apartments, PUDS, etc.), or upon subdivision acceptance by Heber City.

7. Prior to the recording of a subdivision plat, or prior to the issuance of a building permit for multifamily residential developments or if a plat is not required, the applicant shall have entered into a Development Agreement with Heber City. The Development Agreement shall set forth the commitments and obligations of Heber City and the applicant, including, as necessary, Fee-in-Lieu payment plan, construction details, lot dedications if applicable, etc., and approved bonus density units and incentives.
8. If a developer intends to build his required amount of affordable housing units at a time which is not concurrent with the building of the market rate units, and a later construction schedule is agreed upon as part of the development approval process (not to exceed one year), a bond or other financial assurance equal to 100% of the current Fee-in-Lieu, shall be placed with Heber City to ensure the building of the affordable housing units within the time agreed upon or one year from final approval, whichever is sooner.
9. Details how qualified applicants will be selected with first preference given to public service employees employed within Wasatch County, including municipal, county, school district, state and federal employees. Second preference shall be given to applicants who have been residents of Wasatch County for at least one year prior to application. Third preference shall be given to applicants who reside elsewhere but are employed full-time in Wasatch County. Fourth preference shall be given to applicants who neither work nor live in Wasatch County.

18.102.080 Fee-In-Lieu

The Fee-in-Lieu amount is determined by the subsidy needed to make a market rate unit affordable to a low-income household. This subsidy shall be based upon a determination of the average subsidy that would be required to make a typical new starter home consisting of three Bedrooms/two baths affordable to a family earning 80% of the median gross income of the metropolitan statistical area for households of the same size. To ensure proportionality to each development, the Fee-in-Lieu is determined as follows:

A. For developments with detached single-family lots, the Fee-in-Lieu shall be calculated as 6% (six percent) of the value of the subdivision lots as determined by a written appraisal by an MAI Certified Appraiser.
B. For all other residential developments, the Fee-in-Lieu shall be calculated as 3% (three percent) of the value of the development as determined by a written appraisal by an MAI Certified Appraiser.
C. The Fee-in-Lieu shall be adjusted to current market conditions for developments that have not recorded or have not been constructed within 2 years of approval. It is the responsibility of the developer to submit an updated appraisal of the development value to determine the updated Fee-in-Lieu.
D. Heber City and/or the Wasatch County Housing Authority reserves the right to obtain and utilize a second opinion from an Appraiser or Qualified Real Estate Professional to determine the development value used to calculate the Fee-in-Lieu.
E. All Fees-in-Lieu shall be deposited in a Housing Trust Fund. Said fund shall be administered by the Wasatch County Housing Authority and shall be used for the purpose of providing funding assistance for the provision of affordable housing of both for rent and for sale units, the alternatives approved under Section 18.102.040 C. of this ordinance, and reasonable costs of administration consistent with the policies and programs of the Wasatch County Housing Authority.

F. Affordable Housing Alternatives shall be of a value not less the amount that would have been paid as the Fee-in-Lieu. Title to all dedicated lots shall be unencumbered, including being clear of all taxes and liens, all such being paid and cleared. All dedicated lots shall be buildable, being of sufficient size and shape to accommodate at least the minimum sized home permitted by the zoning ordinance, plus accommodate required parking spaces and setbacks.

18.102.090 Severability

If any of the provisions of this Chapter or the application thereof to any person or circumstances is held invalid, the remainder of this Chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

18.102.100 Enforcement

A. The provisions of this Chapter shall apply to all developers for which are required to provide affordable housing, and their agents, successors and assigns, unless an impact study performed has been performed and approved.
B. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including but not limited to actions to revoke, deny or suspend a permit or development approval.
C. It shall be a class "B" misdemeanor for any individual or entity to sell or rent a restricted affordable housing unit for a sum in excess of the affordable housing rate set forth in the affordable housing agreement governing that unit. Excess proceeds of an unlawful sale or unlawful rental shall be forfeited shall be paid to the Wasatch County Housing Authority Trust Fund.
D. The City may withhold the issuance of permits or other permissible regulatory authority in the enforcement of this Chapter.

18.102.110 Definitions

The following words shall have the described meaning when used in this Chapter. If any words are used in this Chapter are not defined herein, the definitions contained in Chapter 18.08 shall control. In the event of a conflict between Chapter 18.08 and this section, this section shall control. If there is no definition contained in either this section or Chapter 18.08 the ordinary meaning contained in the dictionary shall be the meaning intended unless a contrary meaning is apparent from the context of the word.

A. "Affordable" means housing that costs no more than thirty percent (30%) of a household's income.
B. "Affordable Housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the metropolitan statistical area for households of the same size. Such housing cannot cost more than 30% of a household's income.
C. "Affordable Housing Agreement" means a legally binding agreement between a Developer and Heber City and the Wasatch County Housing Authority which ensures that the requirements of this Chapter are satisfied.
D. "Allowable Housing Expense" means the total monthly or annual recurring expenses required of a household to obtain shelter. These expenses include loan principal and interest, property and mortgage insurance, property taxes, homeowner's association dues, etc. unit only, this amount would include the cost of obtaining basic public utility services.
E. "Affordable Housing Unit" means a dwelling unit that will be offered for rent or sale exclusively to, and which shall be affordable to, lower-income households as required by this Chapter.
F. "Base Residential Units" means the number of lots or equivalent residential units associated with each development from which are calculated the number of affordable units to be provided or the amount of the fee-in-lieu to be paid.
G. "Conversion" means the change of status of a dwelling unit from a purchased unit to a rental unit or vice

versa.

H. "Equivalent Residential Unit (aka ERU)" means one residential ERU is equivalent to one dwelling unit.
I. "Financial Assistance" means assistance to include, but not be limited to, the subsidization of fees, infrastructure, land costs, or construction costs, the use of Community Development Block Grant (CDBG) Funds, down payment assistance, interest buy-downs, or the provision of other direct financial aid or other monetary compensation, by Heber City or the Wasatch County Housing Authority.
J. "Low Income" means fifty percent (50%) or less of median family income for Wasatch County.
K. "Market Rate Unit" means a dwelling unit where the rental rate or sales price is not restricted by requirements imposed by local, state or federal affordable housing programs.
L. "Moderate Income" means eighty percent (80%) or less of median family income for Wasatch County.
M. "Qualified Applicants" means applicants for Low-Income units must make 50% or less than median family income for Wasatch County. Applicants for Moderate- Income units must make between 51% and 80% of median family income for Wasatch County. If all other requirements are equal.

18.102.120 Related Provisions

- Chapter 18.12 Administration

ORDINANCE NO. 2023-20

AN ORDINANCE AMENDING AND UPDATING CHAPTER 18.102 AFFORDABLE HOUSING OF THE HEBER CITY CODE

BE IT ORDAINED by the City Council of Heber City, Utah, Heber City Municipal Code, that Chapter 18.102 Affordable Housing is hereby Amended and Adopted to read as follows:

18.102 Affordable Housing

18.102.010 Findings
18.102.020 Purpose
18.102.030 Applicability
18.102.040 Incentives For Construction of Affordable Units
18.102.050 Affordable Housing Development Agreement
18.102.060 Fee-In-Lieu
18.102.070 Severability
18.102.080 Enforcement
18.102.090 Definitions
18.102.100S Related Provisions

18.102.010 Findings

A. Heber City has adopted a Moderate Income Housing Element of the General Plan as required by Utah State Code, which looks at the estimated existing supply, the estimated five year need for moderate income housing, a survey and evaluation of zoning's effect on affordable housing, and a description of Heber's programs to encourage an adequate supply of affordable housing;
B. The Moderate Income Housing Element of the General Plan shows that there is a continuing shortage of affordable housing in the City, which is detrimental to the public health, safety and welfare, as it contributes to overcrowded and substandard conditions for lower-income families, and the inability of businesses to find and retain a quality labor supply;
C. A Nexus Study performed for the valley, an exhibit to the Moderate Income Housing Element of the General Plan, shows that new development which does not include or provide for affordable housing serves to aggravate the current affordable housing shortage, by reducing the supply of residential land available for affordable housing development, and creating larger numbers of service oriented, low-paying jobs, creating a greater demand for affordable housing by increasing the numbers of lower wage earners;
D. A requirement for at least ten percent (10%) of all new residential units being created as affordable housing units is strongly recommended to implement the Goals and Policies of the Moderate Income Housing Element of the General Plan;
E. A Needs Assessment performed for the valley, an exhibit to the Moderate Income Housing Element of the General Plan, shows that a Fee-in-Lieu may be assessed as an alternative to providing onsite affordable housing; and
F. Costs for implementing the requirement to contribute to affordable housing can be offset by allowing reasonable development incentives.

18.102.020 Purpose

The purposes of this Chapter 18.102 is to:

A. Ensure that all new residential development provides a range of housing opportunities for all identifiable economic segments of the population, including households of low and moderate income;
B. Focus affordable housing efforts on monitoring the need and providing opportunity for low to moderate income families to obtain housing that meets their needs and not focus merely on building low income units;
C. Provide a variety of housing types for our elderly or senior citizens including assisted care, independent care, and targeted senior retirement communities;
D. Recognize the need for special target groups for affordable housing, namely: families in crisis; handicapped and other special need groups;
E. Allow alternatives to onsite construction in order to provide a special use deemed necessary and appropriate to accomplish the purposes of affordable housing.

18.102.030 Applicability

A. This Chapter applies to any residential development that contains 10 or more residential units and requires a rezone or the use of an overlay zone; any residential or mixed use development where an existing zone allows higher densities by flexible criteria or incentives; or on a voluntary basis in the case of an existing single family detached housing or multi-family zone.
B. This chapter does not apply to:
    1. Any development that, after having performed an impact study which has been reviewed and approved by the City Council, at the expense of the development, can show there is no rational nexus or rough proportionality between the requirements of this chapter and the impacts of the development. If such impact study is to be performed, it must be completed and approved prior to receipt of preliminary approval of such development; and
    2. Federal, State, or Local Governmental Agencies and Non-Profit Housing agencies constructing price restricted affordable housing.

18.102.040 Incentives for Construction of Affordable Units

At the request of an applicant, the City Council may permit one or more of the following incentives for a development which is required to provide affordable housing, a Fee-in-Lieu, or other acceptable alternatives as negotiated.

Affordable housing units should be located within the development project site to allow for a blending of such units with market rate units as a first preference.
The size, appearance, materials and finished quality of affordable units shall be reasonably consistent with the design of other residential units in the development.

18.102.050 Affordable Housing Development Agreement

A. An Affordable Housing Plan shall be required for all residential developments that are subject to this Chapter. This plan shall be incorporated into a Development Agreement as directed by the Heber City Attorney.
B. The Affordable Housing Development Plan shall contain, at a minimum, the following information concerning the development, and shall be submitted no later than preliminary approval.
C. Additional incentives for onsite construction include the following:
    1. Affordable units within a single-family detached dwelling subdivision may be built as attached units, provided the developer demonstrates the proposed buildings are compatible in height, size and yard requirements as surrounding lots, and the negative impacts for substantial differences in those features are mitigated with fence and landscape screening, architectural treatments, and site planning as demonstrated by submitted site plan, landscaping plan and building elevations. Attached housing within a single family detached dwelling subdivision shall be designed for owner

occupancy with long term deed restrictions to preserve affordability as a first preference. If rental units are proposed they shall also be restricted to 80% of AMI or below.

2. Front Setbacks may be reduced to 20 feet from the front property line and reduced to 10 feet for alley loaded units.
   a. Side setbacks may be reduced by 30 percent, rounded up to the nearest foot.~~.~~
   b. Rear setbacks may be reduced by 30 percent, rounded up to the nearest foot.~~.~~
3. The building permit fee (not including connection fees or impact fees), to the extent permitted by law, may be waived for the affordable units.
4. The minimum lot width, lot area, height and open space required within a development may be reduced and/or ~~orn~~ increased by a proportionate amount to accommodate bonus density units.
5. Reduction in parking standards for project in a half mile proximity to public transportation facilities.
6. Expedited permit review of affordable housing unit projects.

D. The affordable housing units ~~should~~ shall be built concurrently with market-rate units.

E. Affordable housing units should provide a mix of number of bedrooms in the affordable dwelling units in response to affordable housing demands.

F. Affordable rental units and affordable owner occupied units shall be deed restricted and affordable to the designated income group in perpetuity. Actual rents and prices to be charged and later increases shall be determined in an Affordable Housing Agreement as approved by the City Council and to be entered into prior to receiving final approval on any project.

G. If on site construction is not feasible as determined by the City and the applicant then acceptable alternatives shall be of equal or greater value to the required Fee-in- Lieu for the development and may include the following:
   1. Acquisition and rehabilitation of affordable housing units;
   2. Construction of affordable housing units off-site;
   3. Conversion of existing market-rate units to affordable units with deed restrictions;
   4. Construction of special needs projects or shelters in partnership with Wasatch County;
   5. Dedication of land for future development of Affordable Units;

H. The following information concerning the development shall be submitted no later than preliminary approval:
   1. A calculation of the number of units permitted by the underlying zone.
   2. The need and request for specific incentives offered by this Chapter.
   3. If a fee in lieu is approved a written appraisal by an Master Appraisal Institute (MAI) Certified Appraiser, who is either 1) mutually agreed upon between the petitioner for development and Heber City, or 2) hired by the city and paid for by the petitioner for development, estimating the retail value of the developed residential component of the project. The city may require, in lieu of the appraisal, a submittal of a copy of the development appraisal used for financing approval of the development.
   4. For construction of affordable housing units, include the following:
      a. The total number of units proposed in the project;
      b. The average selling price of a unit for each of the phases of the development;
      c. The number of affordable units proposed;
      d. The square footage, calculated ERU's and numbers of bedrooms,
      e. The proposed location of the units;
      f. The schedule for production of dwelling units, both affordable and market rate;
      g. The method of deed restriction for preservation of the units and monitoring agency;
      h. Production cost associated with dwelling construction;
      i. Appraisals for units;
      j. Providing copies of plans for such units;
      k. Security posted or to be posted prior to recording of final plat, for building of units, if construction of such units will not take place at the same time as the market rate units in a proportionate manner.
   5. Letter of Recommendation from the City's Community Development staff.
   6. If a Fee-in-Lieu will be used, a calculation of the amount of the Fee-in-Lieu and the proposed

payment method and timing of the Fee-in-Lieu. The fee shall normally be paid in cash prior to recording of the subdivision plat, or prior to issuance of a building permit for multifamily residential developments or if a plat is not required. All lot contributions shall occur simultaneously with the recording of the subdivision plat. A multi-phased development may pay the Fee-in-Lieu as each phase is developed. The city may consider accepting the Fee-in-Lieu in payments provided:

a. At least 50% of the Fee-in-Lieu is paid as cash prior to recording of the subdivision plat or prior to issuance of a building permit for multifamily residential developments or if a plat is not required; and
b. Any remaining amount of the Fee-in-Lieu shall be paid upon completion or issuance of a Certificate of Occupancy (for multifamily, apartments, PUDS, etc.), or upon subdivision acceptance by Heber City.

7. Prior to the recording of a subdivision plat, or prior to the issuance of a building permit for multifamily residential developments or if a plat is not required, the applicant shall have entered into a Development Agreement with Heber City. The Development Agreement shall set forth the commitments and obligations of Heber City and the applicant, including, as necessary, Fee-in-Lieu payment plan, construction details, lot dedications if applicable, etc., and approved bonus density units and incentives.
8. If a developer intends to build his required amount of affordable housing units at a time which is not concurrent with the building of the market rate units, and a later construction schedule is agreed upon as part of the development approval process (not to exceed one year), a bond or other financial assurance equal to 100% of the current Fee-in-Lieu, shall be placed with Heber City to ensure the building of the affordable housing units within the time agreed upon or one year from final approval, whichever is sooner.
9. Details how qualified applicants will be selected with first preference given to public service employees employed within Wasatch County, including municipal, county, school district, state and federal employees. Second preference shall be given to applicants who have been residents of Wasatch County for at least one year prior to application. Third preference shall be given to applicants who reside elsewhere but are employed full-time in Wasatch County. Fourth preference shall be given to applicants who neither work nor live in Wasatch County.

18.102.080 Fee-In-Lieu

The Fee-in-Lieu amount is determined by the subsidy needed to make a market rate unit affordable to a low-income household. This subsidy shall be based upon a determination of the average subsidy that would be required to make a typical new starter home consisting of three Bedrooms/two baths affordable to a family earning 80% of the median gross income of the metropolitan statistical area for households of the same size. To ensure proportionality to each development, the Fee-in-Lieu is determined as follows:

A. For developments with detached single-family lots, the Fee-in-Lieu shall be calculated as 6% (six percent) of the value of the subdivision lots as determined by a written appraisal by an MAI Certified Appraiser.
B. For all other residential developments, the Fee-in-Lieu shall be calculated as 3% (three percent) of the value of the development as determined by a written appraisal by an MAI Certified Appraiser.
C. The Fee-in-Lieu shall be adjusted to current market conditions for developments that have not recorded or have not been constructed within 2 years of approval. It is the responsibility of the developer to submit an updated appraisal of the development value to determine the updated Fee-in-Lieu.
D. Heber City and/or the Wasatch County Housing Authority reserves the right to obtain and utilize a second opinion from an Appraiser or Qualified Real Estate Professional to determine the development value used to calculate the Fee-in-Lieu.
E. All Fees-in-Lieu shall be deposited in a Housing Trust Fund. Said fund shall be administered by the Wasatch County Housing Authority and shall be used for the purpose of providing funding assistance for the provision of affordable housing of both for rent and for sale units, the alternatives approved under Section 18.102.040 C. of this ordinance, and reasonable costs of administration consistent with the policies and programs of the Wasatch County Housing Authority.

F. Affordable Housing Alternatives shall be of a value not less the amount that would have been paid as the Fee-in-Lieu. Title to all dedicated lots shall be unencumbered, including being clear of all taxes and liens, all such being paid and cleared. All dedicated lots shall be buildable, being of sufficient size and shape to accommodate at least the minimum sized home permitted by the zoning ordinance, plus accommodate required parking spaces and setbacks.

18.102.090 Severability

If any of the provisions of this Chapter or the application thereof to any person or circumstances is held invalid, the remainder of this Chapter and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

18.102.100 Enforcement

A. The provisions of this Chapter shall apply to all developers for which are required to provide affordable housing, and their agents, successors and assigns, unless an impact study performed has been performed and approved.
B. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including but not limited to actions to revoke, deny or suspend a permit or development approval.
C. It shall be a class "B" misdemeanor for any individual or entity to sell or rent a restricted affordable housing unit for a sum in excess of the affordable housing rate set forth in the affordable housing agreement governing that unit. Excess proceeds of an unlawful sale or unlawful rental shall be forfeited shall be paid to the Wasatch County Housing Authority Trust Fund.
D. The City may withhold the issuance of permits or other permissible regulatory authority in the enforcement of this Chapter.

18.102.110 Definitions

The following words shall have the described meaning when used in this Chapter. If any words are used in this Chapter are not defined herein, the definitions contained in Chapter 18.08 shall control. In the event of a conflict between Chapter 18.08 and this section, this section shall control. If there is no definition contained in either this section or Chapter 18.08 the ordinary meaning contained in the dictionary shall be the meaning intended unless a contrary meaning is apparent from the context of the word.

A. "Affordable" means housing that costs no more than thirty percent (30%) of a household's income.
B. "Affordable Housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income of the metropolitan statistical area for households of the same size. Such housing cannot cost more than 30% of a household's income.
C. "Affordable Housing Agreement" means a legally binding agreement between a Developer and Heber City and the Wasatch County Housing Authority which ensures that the requirements of this Chapter are satisfied.
D. "Allowable Housing Expense" means the total monthly or annual recurring expenses required of a household to obtain shelter. These expenses include loan principal and interest, property and mortgage insurance, property taxes, homeowner's association dues, etc. unit only, this amount would include the cost of obtaining basic public utility services.
E. "Affordable Housing Unit" means a dwelling unit that will be offered for rent or sale exclusively to, and which shall be affordable to, lower-income households as required by this Chapter.
F. "Base Residential Units" means the number of lots or equivalent residential units associated with each development from which are calculated the number of affordable units to be provided or the amount of the fee-in-lieu to be paid.
G. "Conversion" means the change of status of a dwelling unit from a purchased unit to a rental unit or vice

versa.

H. "Equivalent Residential Unit (aka ERU)" means one residential ERU is equivalent to one dwelling unit.

I. "Financial Assistance" means assistance to include, but not be limited to, the subsidization of fees, infrastructure, land costs, or construction costs, the use of Community Development Block Grant (CDBG) Funds, down payment assistance, interest buy-downs, or the provision of other direct financial aid or other monetary compensation, by Heber City or the Wasatch County Housing Authority.

J. "Low Income" means ~~eighty~~ fifty percent (~~85~~50%) or less of median family income for Wasatch County.

K. "Market Rate Unit" means a dwelling unit where the rental rate or sales price is not restricted by requirements imposed by local, state or federal affordable housing programs.

L. "Moderate Income" means eighty percent (80%) or less of median family income for Wasatch County.~~means 81 % to 120% of median family income for Wasatch County.~~

M. "Qualified Applicants" means applicants for Low-Income units must make ~~80~~50% or less than median family income for Wasatch County. Applicants for Moderate- Income units must make between ~~81~~51% and ~~120~~80% of median family income for Wasatch County. If all other requirements are equal.

18.102.120 Related Provisions

- Chapter 18.12 Administration

HEART OF THE WASATCH BACK

HEBER CITY

EST 1889

Brand Guidelines

September 2023

BRAND STRATEGY

Slogan

External Facing

Our existence and what we represent to the community and beyond.

The **heart** is associated with emotions and feelings like love, kindness, and compassion. It can also represent hope and joy—the feeling that comes when we remember our history and celebrate our future. The excitement that comes when we share our true authentic culture with others.

The **Wasatch Back** defines our immediate sphere of influence, our proximity to our neighbors on the west-side or back of the Wasatch Mountains, and what sets us apart.

Heart of the
Wasatch Back

Vision Statement

Internal Facing

What we do. Heber City is responsible for building and maintaining our community. We guide future progress and protect the past.

How we do it. Every interaction is the opportunity to make a positive impression. We strive to make each day remarkable.

Whom we serve. Our sole purpose is to serve our community. Heber City is our focus. The residents are our passion.

Build a Remarkable Community.

IDENTITY

Mission Statement

Internal Facing

Our guiding principals govern each and every decision that we make as a municipality. Our dedication to keeping these fundamentals at the forefront of our efforts will ensure that we are providing the best possible leadership and services as we continue to build and maintain our exceptiona community.

As stewards of Heber City, we are dedicated to being fiscally responsible and providing exceptional services that protects the quality of life for our community while honoring the past and planning for the future.

VISUAL IDENTITY

Logo

Overview

The logo is made up of three pieces: the slogan, the icon, and the logotype.

The Slogan is a declaration. Heber City is uniquely located at the center of the Wasatch Back. It is the economic hub of Wasatch County and the county seat. Heber City is the largest population of year-round residents and provides the social, political and economic pulse of the Wasatch Back.

The Icon is made of our two most iconic symbols of Heber City; The historic tabernacle and the towering Mount Timpanogos.

The logotype is a serif font with small embellishments that communicate warmth, welcome, and personality.

VISUAL IDENTITY

Logo

Variations

The full-color logo is the preferred version of the logo. It should be used whenever possible to convey brand consistency.

The greyscale logo is used for black and white communications.

The one-color logo is used for applications that require minimal color variation and for instances when the logo is applied to merch or one-color printing.

The mark with the slogan and incorporate date should be used primarily. For instances when the logo is reduced to a size where the text would be illegible, use the simplified mark.

FULL COLOR

GREYSCALE

ONE COLOR

VISUAL IDENTITY

Logo

Variations

Icons and badges are symbols to represent the Heber City brand but do not replace the full logo mark.

The icon can be used as a secondary representation when the full mark has been presented. For example: social media icon, website avatar, or button.

The badge can be utilized for promotion or merchandising placement such as: patches, stickers, buttons, or screen printing. It should never replace the full color mark for formal applications.

FULL COLOR

GREYSCALE

ONE COLOR

VISUAL IDENTITY

Logo

Department

To differentiate departments within the Heber City organization, these marks will be utilized both internally and externally as needed to highlight communications from respective departments.

The Gibson Medium font will be utilized instead of the Slogan in the primary logo. And located directly below the logotype with a centered justification. Font kearning will be set at 150pts.

HEBER CITY EST 1889 PARKS & CEMETERY

HEBER CITY PARKS & CEMETERY

HEBER CITY EST 1889 PARKS & CEMETERY

HEBER CITY PARKS & CEMETERY

HEBER CITY EST 1889 PUBLIC WORKS

HEBER CITY PUBLIC WORKS

HEBER CITY EST 1889 PUBLIC WORKS

HEBER CITY PUBLIC WORKS

HEBER CITY EST 1889 PLANNING

HEBER CITY PLANNING

HEBER CITY EST 1889 PLANNING

HEBER CITY PLANNING

HEBER CITY EST 1889 ENGINEERING

HEBER CITY ENGINEERING

HEBER CITY EST 1889 ENGINEERING

HEBER CITY ENGINEERING

VISUAL IDENTITY

Logo

Clear Space

Area clear of all text, logos, or marks must be maintained around the logo to protect legibility.

The clear space is determined by an equal space determined by the height of the square box. Calculated from the height of the font letter “Y.”

VISUAL IDENTITY

Logo

The Do Nots

When representing the Heber City logo do not use treatments or alterations to the core mark or any other variations. These are some visual examples of what NOT to do.

Do not alter the color

Do not alter the orientation of the logo

Do not distort or skew the logo

Do not apply after effects to the logo

HEART OF THE WASATCH BACK
HEBER CITY
EST 18

VISUAL IDENTITY

Color

PANTONE 111-16
CMYK 100/35/0/60
RGB 0/65/107
HEX 00416b

PANTONE 112-6
CMYK 77/14/0/0
RGB 0/167/226
HEX 00a7e2

PANTONE 112-6
CMYK 77/14/0/0
RGB 0/167/226
HEX 00a7e2

PANTONE 30-6
CMYK 0/52/75/0
RGB 247/145/81
HEX f79151

PANTONE 133-6
CMYK 75/0/51/0
RGB 11/184/155
HEX 0bb89b

PANTONE 20-1
CMYK 0/17/34/0
RGB 254/215/171
HEX fed7ab

VISUAL IDENTITY

Typography

Aa Aa

Hierarchy

Heber City's brand fonts are Quincy CF Medium and Gibson regular.

Quincy DF font is a warm letterform with medium contrast. Small variations and natural touches add charm and personality.

Gibson font is a study contemporary humanist sans serif family that fits any application. It is one of the 21st century's most widely used fonts for UX and corporate design.

Headlines

Use Quincy CF for headlines. Do not set in all caps or all lowercase.

H1	**Welcome to Heber City, Utah**	**-Quincy CF Bold**
H2	The Heart of the Wasatch Back	-Quincy CF Regular
H3	Historic Small Town Charm Meets Cutting Edge	-Quincy CF Light

Content

Use Gibson for most other text, including paragraphs. Use sentence case. Reserve all-caps treatment for eyebrows and buttons.

Body copy	Heber City is one of America's fastest growing small towns.	-Gibson Regular

HEART OF THE WASATCH BACK

HEBER CITY

EST 1889

Brand Guidelines | September 2023

PREPARED BY

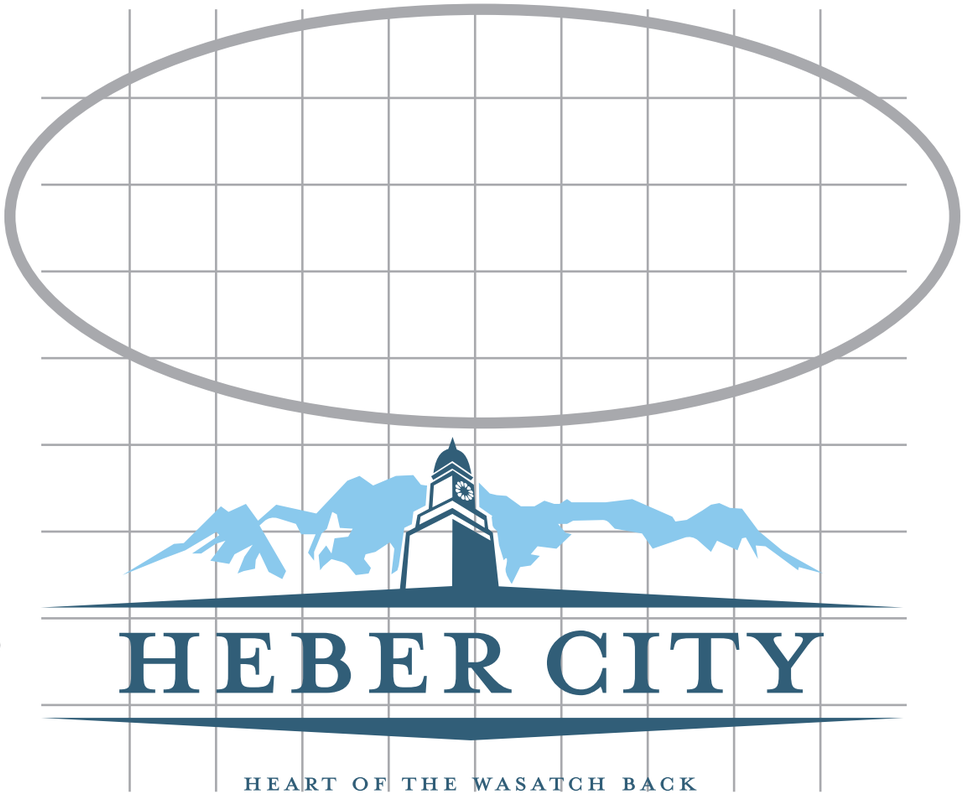
IGNITION

IGNITION
creative group

Heber City

REBRAND 3.0

CURRENT VIBE



USABILITY

Horizontal orientation doesn't translate well into modern marketing principles.

REPRESENTATION

Corporate undertones.
Tabernacle ground/up view, strength, might, majesty.
Grounded with horizontal hard-edged lines representing level, and uncompromising.
Greek pediment style structure.

LEGIBILITY

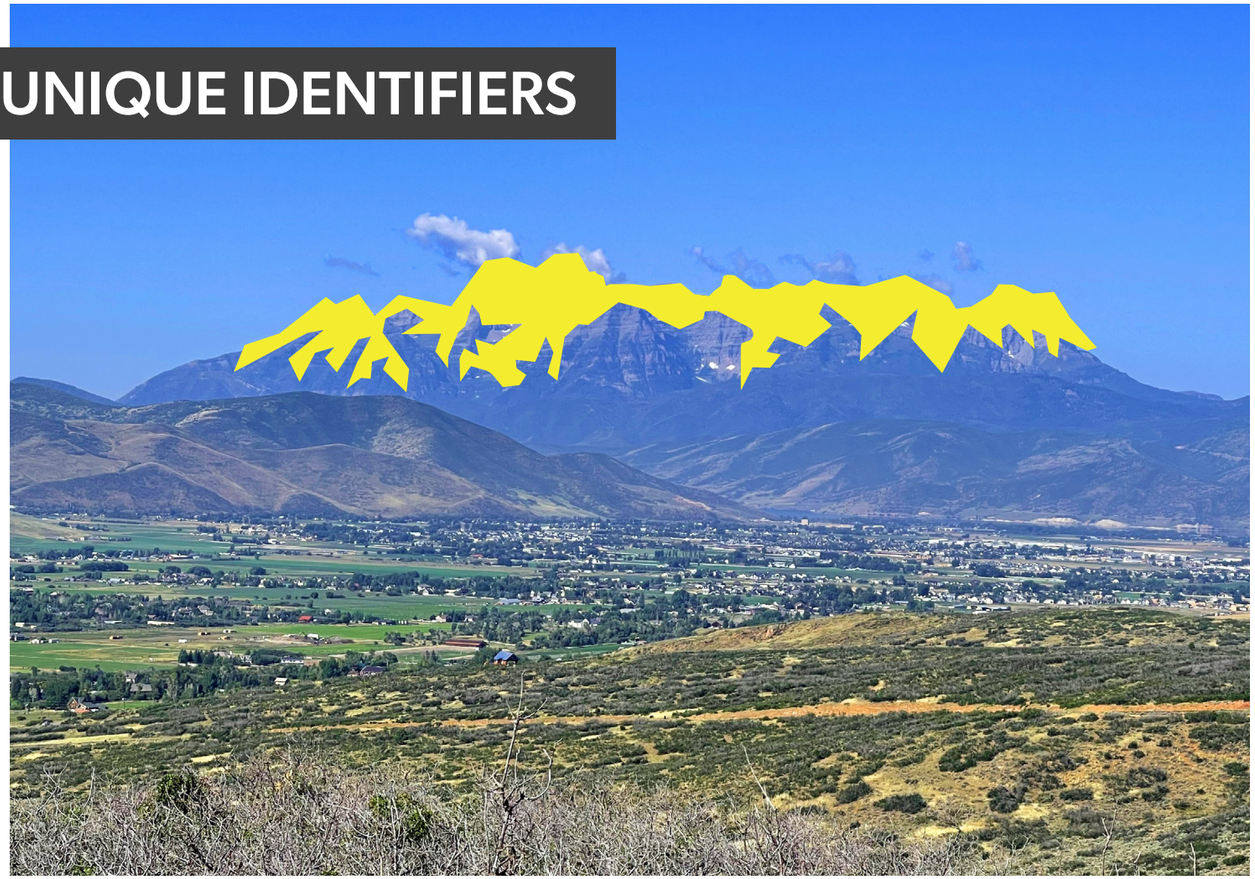
Traditional serif font.
Roman-style establishment.
Hard edges communicate rigidity and structure.

THE INITIAL ASK

WHAT IS HEBER CITY'S IDENTITY

1950s Golden Era - Norman Rockwell vibe.
A hometown feel that is friendly and welcoming to all.
A destination for visitors.
Outdoor recreational opportunities.
A vibrant and popular growing community.

UNIQUE IDENTIFIERS



Mount Timpanogos

Towering over Heber City, Mount Timpanogos is one of the most majestic mountain peaks in the Wasatch Mountain range.

Heber City Tabernacle

Erected in 1889, as the Wasatch Stake Tabernacle, has served the community in different capacities for 134 years.
It stands today as the administrative offices of Heber City.

THE SOLUTION

HEART OF THE WASATCH BACK

TIMPANOGOS

Artistic style to amplify mountain peaks and show Timpanogos' majesty.

FONT

Serif font with softer curves and natural touches to show charm and personality in the community.

HEBER CITY

EST 1889

SLOGAN

As the economic and tourism center of the Wasatch Back, Heber City is at the center of everything.

TABERNACLE

Established date of incorporation to celebrate our 135 year heritage, along with the tabernacle which remains the iconic structure of government. Angle has been changed to bring towering angle, to an equal perspective.

A SIDE-BY-SIDE COMPARISON

HEBER CITY

HEART OF THE WASATCH BACK

BEFORE

HEART OF THE WASATCH BACK

HEBER CITY

EST 1889

AFTER

VARIATIONS

FULL MARK	SIMPLIFIED MARK	WORDMARK	ICON
HEART OF THE WASATCH BACK HEBER CITY EST 1889	HEBER CITY	HEBER CITY	
HEART OF THE WASATCH BACK HEBER CITY EST 1889	HEBER CITY	HEBER CITY	
HEART OF THE WASATCH BACK HEBER CITY EST 1889	HEBER CITY	HEBER CITY	

DEPARTMENTAL

HEBER CITY EST 1889
PARKS & CEMETERY

HEBER CITY
PARKS & CEMETERY

HEBER CITY EST 1889
PARKS & CEMETERY

HEBER CITY
PARKS & CEMETERY

HEBER CITY EST 1889
PUBLIC WORKS

HEBER CITY
PUBLIC WORKS

HEBER CITY EST 1889
PUBLIC WORKS

HEBER CITY
PUBLIC WORKS

HEBER CITY EST 1889
PLANNING

HEBER CITY
PLANNING

HEBER CITY EST 1889
PLANNING

HEBER CITY
PLANNING

HEBER CITY EST 1889
ENGINEERING

HEBER CITY
ENGINEERING

HEBER CITY EST 1889
ENGINEERING

HEBER CITY
ENGINEERING

VARIATIONS

HEART OF THE WASATCH BACK
HEBER CITY
EST 1889

HEART OF THE WASATCH BACK
HEBER CITY
EST 1889

COLOR PALETTE

IGNITION

UNIFORMS & WORK VEHICLES

HEBER
CITY

HEBER
CITY

HEBER
CITY

PROMO BRAND GEAR

PROMO BRAND GEAR

Thank you.

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	Resolution 2023-11 Updating the Personnel Policies & Procedures Handbook
RESPONSIBLE:	Jeremy Cook, Cherie Ashe
DEPARTMENT:	Human Resources
STRATEGIC RELEVANCE:	Necessary Administrative Action

SUMMARY

A recent Heber City Personnel Policy audit found that a thorough review and update were warranted. The policy has been reviewed by the City's HR consultant, HR Manager, Personnel Committee, and, City Attorney. The review provided clarification of policies and procedures for all staff members, including definitions, applicability, operations, and matters concerning personnel issues. Consistency in applying policies and procedures is essential for maintaining a professional work environment with clearly stated expectations.

RECOMMENDATION

Conduct review of recommended changes and consider approval at regular meeting.

BACKGROUND

In March 2022, Heber City contracted with Facile HR for an internal HR audit. The primary objective was to assess the design and effectiveness of the internal controls in place and to assess Heber City's compliance with state and federal laws, rules, and other policies and procedures. The audit results indicated many outdated items, such as adding Juneteenth as a recognized holiday and lacking current legislation like protections for lactating mothers and the addition of a Human Resources Manager rather than the City Recorder functioning as such.

DISCUSSION

Below are some highlighted changes for amending current policies.

- Section 1.6 added Employee Code of Ethics
- Section 2.4 Sexual or Gender-Based Harassment
- Section 8.2 Safety Officer and Safety Committee
- Section 8.3 Records and Reports added Worker's Compensation reporting procedures
- Section 8.8 Reporting Accidents and Near-Misses added
- Section 8.9 added Fit for Duty
- Article 9 Termination of Employment added At Will Employment status
- Section 9.6 Reduction in Workforce added
- Article 10 Disciplinary Procedures updated

- Section 10.2 Types of Disciplinary Action defined
- Section 10 changed from Pre-Termination Hearing to 10.3 Disciplinary Due Process
- Article 11 Grievance Procedure multiple changes
- 13.7 Merit Salary Adjustment A. changed from July to January
- 13.8 added 'COLA for all employees effective on the first full pay period of the fiscal year'
- 13.14 deleted 'self-inflicted injuries do not qualify for sick leave pay'
- 13.17 updated FMLA to delete 'if both spouses are employed by the City, the FMLA is limited to 12 weeks total for new child'
- 13.21 deleted B. requiring employees to use leave without pay prior to using paid Vacation or Comp Time.
- 'Classified' is now 'Hourly' employee
- Section 13.24 Leave Without Pay added 'the employee's supervisor must approve the leave as well as the City Manager'
- Section 13.25 added 'Lactation/Breast Feeding'
- Section 14.17 added 'Social Media'
- Section 14.18 added 'Telecommuting' (Remote work)
- Section 14.19 added 'Outside Employment Disclosure'
- Section 13.27 deletes lump sum cash payment equal to 90 calendar days aggregate salary if the Mayor or City Manager terminates an employee.

Key changes include:
Section 8.2 The renewed Safety Committee members and Safety Officer now meet consistently to discuss all reportable Worker's Compensation accidents, near-misses, and potential hazards in the workplace. The Committee members also promote rewarding safe behavior and emphasize staff training. This will increase awareness and the use of on-the-job Personal Protection Equipment to decrease injuries.
Article 10 simplifies the Grievance Procedure process with the elimination of the Pre-Termination Hearing. Disciplinary Due Process is more modernized than a Pre-Termination Hearing with a title indicating a foregone conclusion. The introduction of a third-party Administrative Law Judge to adjudicate the fairness of termination provides Heber City and the employee an opportunity for an outside, unbiased opinion.

FISCAL IMPACT

Some of the key changes with fiscal impacts include:
Heber City currently has three beneficiaries of the paid insurance premiums for Section 13.27 C. Insurance Coverage for Early Retirement policy. The cost per employee per month is $637.50. This would be a savings of $22,950 per year. Employees seeking to retire before January 2027 could still utilize the benefit.
Section 13.8 addresses the City Council's ability to implement a Cost of Living (COLA) amount to employees on the first full pay period of the fiscal year.

CONCLUSION

Requesting approval to update the Personnel Policies & Procedures Handbook to reflect current 2023 best practices.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Discussion item only at this time.

ACCOUNTABILITY

Department: Human Resources
Staff member: Cherie Ashe, Human Resources Director

EXHIBITS

1. Policies and Procedures Final Redline - 4874-7856-6015 - 1
2. Policies and Procedures Final for 9.19 (clean) - 4853-8790-1823 - 1
3. Resolution 2023-11 Personnel Policy - 4890-0661-9007 - 1

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Article 1

ESTABLISHMENT OF PERSONNEL SYSTEM

Sections:

1.1 Provisions Established
1.2 Administration
1.3 Personnel Committee
1.4 Records
1.5 Definition of Terms

Section 1.1 Provisions Established

A personnel system for the City of Heber has been established in Title 2 of the City Municipal Code. This Ordinance established the following basic provisions in the personnel system:

1. A system free from political and personal considerations;
2. Equitable employment without illegal discrimination;
3. Incentives and conditions of employment;
4. Positions classified and compensated on justifiable and uniform basis;
5. Establishment of merit principle;
6. Equal administration of policies and procedures; and
7. A formal plan of adopted policies and procedures.

Section 1.2 Administration

The City Manager shall administer the personnel system as provided by Title 2 of the Municipal Code and as provided by these policies and procedures.

Section 1.3 Personnel Committee

The Personnel Committee, consisting of two members of the legislative body appointed by the Mayor (one being a non-voting member), the City Manager (as a non-voting member), Human Resources Manager, City Attorney, Chief of Police and Public Works Director the year even/odd year nonvoting, and four (4) merit employees shall serve as a review committee of the provisions of the Personnel Ordinance and the policies and procedures promulgated thereunder. The four classified employees shall consist of one representative from the Police and Animal Control Departments, one representative from the Public Works Department, one representative from the Parks/Cemetery Departments, and one representative from the Administrative, Justice Court, Planning, Airport, Building and Engineering Departments. The department representatives shall be elected by the full-time and part-time employees from the departments they represent. Terms for committee members will commence on July 1 and end June 30. The Committee shall make recommendations to the governing body concerning most policies and benefits of all City employees. Provisions that are governed by State and Federal law, pay range, wage compensation policies and working hours are not within the scope of authority of the Personnel Committee. Amendments to these personnel policies may be adopted by the City Council upon recommendation from the Personnel Committee. Any employee can propose an agenda item and related information to the Personnel Committee.

Section 1.4 Records

A. The official personnel record, which may be electronic of each employee shall be kept in the office of the Human Resource Manager and shall contain, as appropriate:

1. Record of application for employment;
2. Reference to transcripts of academic preparation;
3. Personnel Policy Acknowledgment Form;
4. Performance evaluations;
5. References to any disciplinary action or commendation filed in the individual's personnel record;
6. Records of actions affecting employee pay rate, status or standing; and
7. Other applicable items.

B. If a disciplinary action is rescinded or disapproved upon appeal, forms, documents and records pertaining to the case shall be removed from the personnel record within thirty days by or under the direction of the City Manager.

C. Personnel records shall be private data and available for review only to the employee and users authorized by law, or as determined by the City Manager, to have a legitimate "need to know." A record of those reviewing personnel records and information shall be maintained, together with the reasons for access to the records. This record shall be maintained and appropriately indexed by the Human Resource Manager in a separate file titled Authorized Reviews of Personnel Records.

D. Human Resource Manager, upon request, will supply the employee with a copy of any document placed in the employee's file.

E. An employee has the right to review the contents of his/her personnel record in the Office of the Human Resource Manager or the department as governed by law.

F. An individual personnel record may be kept in the department to contain copies of items recorded in the official record and other materials as required by department management. Any such individual record shall be considered a supplement to the official record and shall be subject to the rules governing personnel records.

G. Requests for confirmation of employment, dates of employment, job descriptions, and salaries (other than withholding information) will be treated as public information.

Section 1.5 Definition of Terms

All terms, phrases and words used in these policies and procedures shall have the meanings as defined in this section or as defined by common usage.

Appeals Hearing Officer. The Appeals Hearing Officer shall be a member of the Utah State Bar who is appointed by the Mayor. The Mayor may appoint one or more alternate Appeals Hearing Officers to handle appeals in the event the primary Appeals Hearing Officer has a conflict of interest or is unable to timely hear the appeal. *See* Utah Code § 10-3-1106.

Applicant. One who appears in person at the City Office Building or place designated and is received by a representative of the City. This individual must have completed an employment application form that designates preference for a particular position and may attach a resume that contains pertinent required data. The person must meet minimum legal requirements for the position being sought.

Appointing Authority. An official or group of officials having the authority legally to make appointment to positions in the City.

Class. A group of positions sufficiently similar with respect to their duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that substantially the same minimum qualifications may be required, and that the same schedule of compensation may be made to apply with equity.

Merit Employee. All full-time and part-time employees which have successfully completed their Trial Service Period. Merit employees, unlike non-merit employees, have the right to appeal adverse employment decisions.

Demotion. Any action taken by a supervisor, City Manager, Mayor, and City Council governing body which results in a reduction in pay or position.

Disabled. One who (1) has a physical or mental disability that, for such individual, constitutes or results in a substantial disability to employment and (2) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. Also, one who is disabled means one who (1) has a physical or mental impairment that substantially limits one or more of one's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A disabled individual is substantially limited if he is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability. Utah Code § 34A-5-102. and 42 USC 12102

Employee. A person legally holding a position, under any appointment or contract to hire, in the public service of the City.

Exempt Employee. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes, shall be exempt from mandatory overtime payment regulations.

Full-time Employee. An employee who works at least 30 hours per week and has been lawfully retained in his/her position after successful completion of the trial service period, providing such position shall have been approved by the City Council.

Governing Body. The Mayor and the City Council of Heber City.

Grievance. A grievance is a dispute regarding the interpretation or application of any rule, regulation, policy, or procedure which exists under the personnel system of the Heber City Corporation, filed by any employee, alleging a violation of the terms, provisions, and/or conditions of his/her employment, except for issues dealing with wages, salaries, benefits, or other financially remunerative matters.

Human Resources Manager. The person who is appointed by the City Manager to be primarily

responsible for handling human resources related issues.

Intermittent Employee. A person who works unscheduled periods, on a non-classified service status, but accrues fringe benefits on a pro-rate basis.

Management. Management includes all supervisory personnel of Heber City.

Non-Grievance. A non-grievance is any matter or action taken by the City or any of its representatives for which relief is provided under the statutes of the State of Utah, or any matter specifically excluded from this set of procedures by provisions included herein, such as wages and salaries, or any policy decisions made by the City Council.

Part-Time "As Needed" Employee. A part-time "as needed" employee is hired on an "as needed" basis and is not eligible for any benefits regardless of the number of hours worked. This designation is an at-will position.

Performance Evaluation. Performance evaluations will be conducted annually, or more often as requested by the City Manager. The evaluation will be given by the supervisor of the individual, or by a designate named by the supervisor. Each employee will be evaluated in an objective and equitable manner.

Personnel Committee. An eight (9) member committee, composed of the City Manager (as a non-voting member) and two elected officials appointed by the Mayor and confirmed by the city council (one as a non-voting member), 1 member as either the Police Chief or Public Works Director, the HR Manager, and four (4) employees elected at large by the employees.

Part-Time Employee. A part-time employee is hired without a pre-determined terminal point of employment and is scheduled to work less than full time.

Position Description. A written description of a position, consisting of a title, a description of duties, the essential functions of the job, and minimum qualifications as approved by the City Council.

Promotion. Movement of an employee from one class or position to another class or position having a higher salary range, and a greater degree of responsibility and difficulty.

Temporary Full-Time Employee. A temporary full-time employee is hired with a pre-determined terminal point of employment usually for a period of less than six months.

Temporary Part-Time/Seasonal Employee. A temporary part-time/seasonal employee is hired for a specific period of time usually for a period of less than six months.

Transfer. Movement of an employee from a related class or a related position with the same salary range, or the movement of an employee with his/her current position to another location within the City.

Section 1.6 Employee Code Of Ethics

A. Employees will respect the civil and legal rights of all who are served by the city.
B. Employees, while on duty, shall be respectful, courteous and civil with the public, and each other,

and shall not use course, indecent, profane or unnecessarily harsh language in any public space.

C. All employees shall perform their duties as required or directed by law, city rule, policy, or supervisor. All lawful duties required or directed by competent authority shall be performed promptly as directed.
D. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
E. Employees shall meet standards established in their individual performance plans and report conditions or circumstances that would prevent them from performing their job effectively or completing their assigned tasks. Employees should bring to their supervisor's attention unclear instructions or procedures.
F. Employees are expected to make prudent and frugal use of city funds, equipment, buildings and supplies.
G. Employees shall observe workplace rules.
H. Employees shall not, while on duty, engage in religious discussions or debates to the extent it impacts the good working environment, nor speak disparagingly of the nationality, race or beliefs of any person.
I. No employee shall engage in any act or conduct which violates federal, state, or local laws or ordinances.
J. No employee shall ridicule, mock, deride, taunt, or belittle any person or group of persons, nor willfully embarrass, humiliate, or shame any person.

Article 2

EQUAL OPPORTUNITY AND NON-DISCRIMINATION

Sections:

2.1 General Policy Statement
2.2 Disabled Persons
2.3 Sexual or Gender Based Harassment or Discrimination

Section 2.1 General Policy Statement

A. Heber City does not discriminate in hiring and promotion of employees based upon any protected class as defined by federal or state law.

B. Evaluation of full-time employment candidates will be made on the basis of education, skills, experience, and potential for job performance learning, and ability to be successful.

Section 2.2 Disabled Persons

No qualified disabled person shall, based on a disability as defined in Utah Code § 34A-5-102 be subjected to illegal discrimination in employment under any program or activity sponsored by Heber City covered by the Vocational Rehabilitation Act of 1973 as amended. Heber City's employment decisions will be made to ensure that discrimination based on disability or perceived disability does not occur.

Section 2.3 Sexual or Gender Based Harassment or Discrimination

A. GENERAL POLICY. It is the policy of Heber City that:

1. Heber City does not tolerate sexual harassment in any form.
2. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
3. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
4. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action against the accuser.
5. Records and proceedings of sexual harassment claim, investigations, or resolutions are confidential.
6. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy, respect in the workplace training, and grievances procedures.

B. PROHIBITED CONDUCT. The following conduct is prohibited:

1. Any unwelcome or inappropriate sexual behavior, sexual or gender-based remarks or jokes, physical touching, physical advances, or use of implicit or explicit sexual overtones.

2. The implicit or explicit granting, withholding or conditioning of job benefits based on or in exchange for sexual favors or sexual conduct.

3. Repeatedly or inappropriately asking or requesting that a person go on a date or interact outside of work unless the person has clearly indicated a willingness to do so.

4. Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

i. Sex role stereotyping.

(A) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.

(B) Comments or written material reinforcing traditional historic perceptions regarding gender.

ii. Gender harassment/discrimination.

(A) Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.

(B) Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender or nonbinary individual.

iii. Targeted or individual harassment.

(A) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.

(B) Offensive conduct may be verbal, visual, or physical; including unwanted physical touching of a non-criminal nature.

iv. Touching.

(A) The intentional unwanted touching of the breasts, buttocks, or genitals of another.

(B) Forcible sexual abuse.

C. TYPES OF CORRECTIVE ACTION: Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

1. Informal Action.

a. Employees may choose to address unwelcome behavior/conduct informally by notifying the Human Resources Manager of the behavior or conduct. The victim may:

(A) Ask the Human Resources Manager for assistance in determining what to say and how to approach the offending employee.

(B) Request the Human Resources Manager accompany the victim when the victims give the offending employee notice.

(C) Ask the Human Resources Manager to give notice to the offending employee, either accompanied by the victim or alone.

2. Formal Action.

a. Formal complains should be in writing to the Human Resources Manager and specify:

i. The identity of the victim.

ii. The identity of the offending employee.

iii. The offensive behavior that the employee engaged in.

iv. The frequency of the offensive behavior.

v. Damage the victim suffered as a result of the offensive behavior.

vi. How the victim would like the matter settled, or what the victim would like to see happen.

b. The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.

c. The victim should submit formal written complaints to the Human Resources Manager. If the Human Resources Manager is the employee engaging in the offensive behavior, the formal complaint should be submitted to the City Manager.

3. Disciplinary Action. Employees found guilty of sexual harassment may face disciplinary action up to and including termination.

D. MAINTAINING COMPLAINT FILES.

1. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in separate and confidential sexual harassment investigative files. This information shall not be placed or maintained in any employee's personnel file.

2. Information contained in the sexual harassment investigative files shall be released only with the written authorization of the victim and the City Manager, or designee.

3. Participants in any sexual-gender or nonbinary harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

E. VICTIM PROTECTION.

1. Individual complaints, either verbal or written, are confidential.

2. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.

3. The accused shall not contact the victim regarding the alleged harassment.

4. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.

a. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.

b. Retaliation is an additional and separate disciplinary offense.

c. Retaliation may consist of, but is not limited to, any of the following:

i. Open hostility.

ii. Exclusion or ostracism.

iii. Special or more closely monitored attention to work performance.

iv. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

Article 3

HEBER CITY DRUG-FREE WORKPLACE POLICY

Sections:

3.1 Policy Statement
3.2 Definitions
3.3 Prohibited or Required Conduct
3.4 Drug Testing
3.5 Drug Testing-Sample Collection
3.6 Discipline
3.7 Self-referral

Section 3.1 Policy Statement

A. The Governing Body of Heber City finds that a healthy and productive workforce within the city, safe working conditions free from the effects of alcohol and drugs, and high-quality services rendered to the public are important. These circumstances are vital to the functioning of Heber City, the safety of its government employees, and the well-being of the general public.

B. The Governing Body of the City finds that the abuse of drugs creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, decreased employee morale, and a decline in the quality of services rendered to the public.

C. In balancing the interests of the city and its employees and volunteers with the interest and welfare of the general public, the Governing Body of the City finds that implementation of drug free workplace policies, in accordance with state statute, is in the best interest of all parties.

D. In adopting this policy, it is the intent and object of the City Council to be as

comprehensive as possible in addressing the issues of safety, confidentiality, privacy, drug use education, treatment, and the appropriate use of drug testing as described in this policy.

Section 3.2 Definitions

The following definitions shall apply to this Article 3:

A. "Act" means the Local Government Entity Drug-Free Workplace Enabling Act (Section 34-41-101, et seq., U.C.A. 1994, as amended).

B. "Drug" means any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or a supplement to any of those compendia. (See appendix)

C. "Drug testing" or "drug test" means the scientific analysis for the presence of drugs or their metabolites in the human body in accordance with the definitions and terms of this chapter.

D. "Employee" means any person or officer in the service of Heber City for compensation.

E. "Periodic testing" means pre-selected and pre-announced drug testing of employees or volunteers conducted on a regular schedule by Heber City' s designated Medical Review Officer (MRO).

F. "Prospective employees" means any person who has made a written or oral application to become an employee of Heber City.

G. "Random testing" means the unannounced drug testing of an employee or volunteer who was selected for testing by using a method uninfluenced by any personal characteristic other than job category.

H. "Reasonable suspicion for drug testing" means an articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this policy.

I. "Rehabilitation testing" means unannounced but pre-selected drug testing done as part of a program of counseling, education, and treatment of an employee or volunteer in conjunction with this policy.

J. "Safety sensitive activity" means any employment position involving duties which directly affect the safety of government employees or the general public, or positions where there is access to controlled substances, as defined by state law, during the course of performing job duties.

K. "Sample" means any sample of urine, blood, breath, saliva, or hair, to be used for drug testing.

L. "Volunteer" means any person who donates services as authorized by Heber City without pay or other compensation except expenses actually and reasonably incurred.

Section 3.3 Prohibited or Required Conduct

A. Employees and volunteers shall not use, possess, distribute, sell, or purchase any illegal drugs or controlled substances.

B. Employees and volunteers shall not use or possess prescription drugs unless such drugs are properly prescribed by a licensed physician and are being properly used for the treatment of an illness or injury. As to any such prescription drugs, the employees or volunteers shall inform the department head or designee and/or City Manager of such medication if it impairs in any manner the employee's or volunteer's performance.

C. No employee or volunteer shall report for a regularly scheduled shift or be on a shift of duty while under the influence of any drug which renders the person incapable of safely and adequately performing job duties or while under the influence of any illegal drug or controlled substance.

D. No employee or volunteer, while on duty, shall operate any vehicle under the influence of any drugs which renders the person incapable of safely and adequately operating the vehicle.

E. Employees and volunteers shall not refuse to submit a sample for drug testing purposes when that sample is requested pursuant to the provisions of this policy.

F. Employees and volunteers shall not engage in off-duty drug use which violates the laws of the United States or the State of Utah or engage in any off-duty drug use which could compromise the employee's or volunteer's ability to safely and adequately perform job duties.

Section 3.4 Drug Testing

A. Pre-hire Testing: All prospective employees shall be given a drug test as part of the pre-employment medical examination. Any prospective employee who is found to be a user of an illegal drug or controlled substance, uses a prescription drug without an authorized prescription, or refuses to take the drug screening test shall be disqualified.

B. Post-accident Investigation: In any circumstances in which an employee or volunteer causes or contributes to the cause of an accident in which damage appears to exceed one thousand dollars ($1,000) or in the case of a motor vehicle accident, a reportable amount, and/or in which a third party is involved or in which personal injury results, he/she shall be given a drug screening test as part of the accident investigation. Notwithstanding the above criteria, an employee may volunteer to take a drug screening test, at the City's expense, for his/her own or for the City's legal protection no matter the results of the accident. The presence of drugs or other metabolites discovered in the drug screening test, or the employee or volunteer’s refusal to submit to the drug screening test, shall result in appropriate disciplinary action.

C. Reasonable Suspicion Testing:

1. The department head, after discussion with the City Manager and Human Resources Manager, may direct that an employee or volunteer submit to a drug screening test under circumstances in which the supervisor has a reasonable suspicion that the employee or volunteer is under the influence of drugs or otherwise in violation of this policy.

2. Circumstances which may constitute a basis for determining a reasonable

suspicion include but are not limited to: a pattern of abnormal or erratic behavior (i.e. a significant change in absenteeism); the direct observation of the employee or volunteer using drugs, possession of drugs at the work site, or the noticeable presence of physical symptoms of drug use (i.e. dilated or pinpoint pupils, unusual changes in speech pattern, restlessness, rapid mood swings, bloodshot eyes, odor of alcohol, unusual euphoria, "nodding off", needle marks, unusual aggressive or bizarre acts, or hallucinations).

D. Rehabilitation Testing: Employees who agree to enter a drug rehabilitation program, either in addition to or in lieu of disciplinary action, shall agree, as a condition of rehabilitation, to submit to such periodic or random drug testing as may appear appropriate. Such drug testing shall be conducted upon the advice of the rehabilitation treatment provider and shall be used to determine if the employee is making adequate progress towards successful rehabilitation.

E. Random Testing of Safety Sensitive Personnel: Employees who work in the following safety sensitive positions shall be subject to random drug tests as a condition of employment: police officers, public works employees, building inspection employees, parks and cemetery employees, and animal control officers. The directors of each department which employs safety sensitive personnel shall follow the random drug testing policies of this policy which specifies testing of a reasonable number of employees each year, including all supervisory and management personnel in those particular job positions.

F. Miscellaneous Testing: Employees and volunteers shall be subject to such other drug testing as may be required by appropriate state or federal laws or regulations, including driver's license examinations and other license or certification requirements. All such drug testing shall be considered a condition of employment.

Section 3.5 Drug Testing-Sample Collection

A. All drug test sample collection and drug testing under the provisions of this policy shall be conducted in accordance with the requirements of the Act and other applicable provisions of state or federal statute or regulation. Sample collection, handling, and transportation procedures shall all be conducted in accordance with the requirements of the law.

B. Any person required to submit to a drug test under the provisions of this policy may, at his option and expense, submit a second drug test sample for further testing in accordance with the provisions of the Act and within two (2) hours of the first test.

C. All drug testing and sample collection procedures under this policy shall be performed under reasonable and sanitary conditions and in such a manner as to ensure the privacy of the individual being tested.

D. In all drug testing and sample collection procedures, any transmittal or reporting of test results shall be conducted with due respect for confidentiality. Drug test activities and result reports may be made available only to supervisors and management personnel with an immediate need to know about those procedures and results. Testing procedures and results may be made available and communicated as needed for the purposes of any disciplinary action or criminal investigation or prosecution. Records regarding test results are generally considered protected documents under the provisions of the Government Records Access and Management Act – Utah Code § 63-2-304.

E. Excess Fluid, Temperature Out-of-Range and Adulterated Samples (Negative Dilute Test

Results): To obtain accurate and reliable test results, the employee or prospective employee must not dilute the urine sample by the ingestion of excess fluids (hereinafter referred to as "Excess Fluids Sample") before providing the sample. A urine sample shall be considered an excess fluids sample if (1) the test results indicated that the urine sample contains creatinine levels less than .2g/L and a specific gravity of less than 1.003 and (2) there is no medically sufficient explanation for such excess fluids, which explanation must be judged as satisfactory to the MRO in his/her sole but reasonable discretion. If a urine sample provided by a prospective employee or an employee is determined after appropriate testing to be an excess fluids sample, the prospective employee or employee shall, at the City's discretion, be required to provide another urine sample at a time and under conditions and requirements that are within the sole discretion of the City. In the event the second sample is determined after appropriate testing to be an excess fluids diluted sample, the prospective employee shall not be offered employment with the City and the employee shall be subject to disciplinary action.

Section 3.6 Discipline

A. If a confirmed positive drug test result indicates a violation of this policy or if an individual refuses to provide a sample in accordance with the provisions of this policy, or otherwise violates this policy, that test result, refusal, or violation may be used as a basis for imposing disciplinary action. Any disciplinary action shall be conducted in accordance with the provisions of the Heber City Personnel Policies and Procedures Manual.

B. Whenever appropriate, rehabilitation of employees who violate this policy should be pursued. The determination whether to proceed with discipline, rehabilitation in addition to discipline, or rehabilitation in lieu of discipline for violations of this policy shall be within the discretion of the department head and/or the City Manager.

C. Any rehabilitation in lieu of or in addition to disciplinary action should be undertaken in accordance with the terms of a written memorandum of understanding or agreement between the City Manager, department head and the employee. The memorandum should set out the expectations which the employee must satisfy, including successful completion of a rehabilitation program; appropriate waiver of confidentiality to permit communication between supervisors and rehabilitation service providers, as needed; periodic rehabilitation drug testing as determined appropriate; an acknowledgment that failure to successfully complete rehabilitation will lead to appropriate disciplinary action; and such further conditions as may be necessary and appropriate.

Section 3.7 Self-referral

Employees are encouraged to refer themselves for drug rehabilitation services to be provided by a certified rehabilitation service provider. Employees who enter drug rehabilitation as a self-referral are encouraged to communicate this fact to their supervisor to determine whether drug use or rehabilitation activities will adversely affect the employee's job performance. Supervisors are encouraged to cooperate and work with employees who are undergoing a self-referral rehabilitation to assist in a successful completion of that rehabilitation. The status of employees in safety sensitive positions must be carefully screened to determine that their rehabilitation activity shall have no potential adverse effect on job duties.

Article 4

HIRING FOR NEW AND VACANT POSITIONS

Sections:

4.1 Procedures
4.2 Veterans Preference
4.3 Nepotism (Hiring of Relatives)

Section 4.1 Procedures

A. When a position opens in a department or a need arises to create a new position, the department head shall submit notification of the position vacancy to the Human Resource Manager, who will then notify the City Recorder and City Manager to determine if the position is to be filled.

B. Job openings shall first be posted and opened to all employees within the City for five (5) working days. Openings within Heber City Police Department may be open to any part-time or reserve officers before being open to other departments within the City or to the public. (Part-time and reserve officers of the department have already been tested, been through field training, and required to meet the standards of a full-time officer.)

C. If it is determined that there is a need to consider outside applicants, then the Human Resource Manager shall post the opening with Work Force Service and other job boards, and where all City employees will be made aware of the opening. The appointing authority shall provide, in all cases where practicable, that vacancies shall be filled based on ascertained merit and qualification, thus enhancing the City Classified Service by providing upward mobility.

D. The department head/supervisor will review all applications to see who does or does not meet the qualifications. The department head/supervisor will determine which, if any, of the applicants they want to interview by an interviewing board which is set up by the department head. Upon choosing a finalist, the name and recommended salary will be sent to the City Manager for final approval.

E. The City Manager may provide a bonus or other benefit for the referral of City employees.

F. Offices whose appointment is governed by State law or existing City ordinances are the City Manager, City Recorder, City Treasurer, Chief of Police, City Attorney, Airport Manager and the Justice Court Judge; the appointment, removal and demotion of these officials shall be guided by City Code Section 2 "Administrative and Personnel." Retention of the Justice Court Judge is subject to Utah State Code 78A-7-203.

G. Upon hiring, an employee shall complete necessary forms including, but not limited to, authorization to work in the U.S, Form I-9, URS certification either ineligible or eligible, W-4 tax forms, and insurance if applicable. These items will be kept in a personnel file in the Human Resource Manager's office. After an offer is made and before commencing employment with the city, new employees must submit a pre-employment drug screening, and may be subject to background checks which may include, at the discretion of the city manager and/or HR manager, criminal activity, and credit information.

Section 4.2 Veterans Preference

Honorably discharged veterans who have served in the armed forces of the United States during a period of conflict, war, or other national emergencies as defined by congress, and any un-remarried surviving spouse of such honorably discharged veterans shall be preferred for employment, either directly or by contract, if they possess equal qualifications to other applicants for that employment and if they are residence of the State of Utah as recorded in Utah Code § 71-10-2, and § 71-10-3.

Section 4.3 Nepotism (Hiring of Relatives)

A. It is the policy of Heber City to comply with the Anti-Nepotism Clause as stated in the Utah Code § 52-3-1, *et seq*.

B. No appointing authority may employ, appoint, vote for, or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as indicated in Utah Code § 52-3-1, *et seq.*

C. No public officer (a person who holds a position that is compensated by public funds) may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except as indicated in Utah Code § 52-3-1, *et seq.*

D. Heber City will consider employment applications from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit and relatives will not receive preferential treatment. Applicants with relatives will not be hired in the same division if the applicant is to be supervised by one of the relatives listed in 4.3 B. An exception may be offered if the department is a conglomerate, such as Public Works with Water, Sewer, Roads, and Fleet.

Article 5

PROBATIONARY TRIAL SERVICE PERIOD

Sections:

5.1 Trial Services Period
5.2 Time Period and Appointment
5.3 Release of Trial Service Employee

Section 5.1 Trial Services Period

The trial service period or working test period shall be regarded as an integral part of the employment process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for rejecting any employee whose performance does not meet the required performance level.

Section 5.2 Time Period and Appointment

All original and promotional appointments of employees shall be tentative and subject to a trial service period of at least six (6) months but may be extended with City Manager approval. All sworn law enforcement officers are subject to a one (1) year trial service period but may be extended with City Manager approval.

Section 5.3 Release of Trial Service Employee

During the trial service period an employee may be released at any time by the department head and/or City Manager without cause and without the right to appeal except where discrimination is alleged. The department head should consult with the City Manager, Human Resource Manager, and the supervisor (if applicable) before terminating the employment of a trial service employee.

Article 6

TRAINING AND DEVELOPMENT

Sections:

6.1 Educational Assistance
6.2 Conferences, Seminars and Conventions
6.3 Certification Training
6.4 Travel Time

Section 6.1 Educational Assistance

A. Heber City recognizes the importance of educational growth of employees for advancing technical and managerial skills. Through the Educational Assistance Program, the City may provide assistance to a post- trial service employee, subject to manager discretion, who undertakes an undergraduate or graduate course of study which is mutually advantageous to the City and to the employee. Employees desiring to participate in this program must submit an Educational Assistance Application to their supervisor by February 1st each year for it to be considered in the upcoming fiscal year budget. If approved for funding by the supervisor, the City Manager, and the City Council, then the employee will submit each semester's grade with a certified transcript and tuition receipt to his/her supervisor within one month of the semester ending for reimbursement. If an employee is not pursuing an approved graduate or undergraduate course of study, any courses taken must be pertinent to the employee's job in order to qualify for reimbursement. The City will follow FERPA standards in the Educational Assistance Program.

B. For successfully completed courses with a "B" grade average or higher, of courses which have been approved by the department head and the City Manager, and successfully completed with a minimum grade of "C" and an overall "B" grade average or higher, the City will reimburse the employee an amount equal to 100% of the tuition, fees and books. Application for education assistance shall not normally be approved for reimbursement of courses taken in excess of six (6) hours per semester or quarter. Courses must be pertinent to the employee's job or serve Heber City as relevant. If the employee is entitled to Veteran's educational benefits, and/or Pell grants or scholarship funds he/she must first use such benefits in lieu of City reimbursement. The City reimbursement will be reduced by the amount of reimbursement the employee is eligible for from the any grant including a Pell Grant, scholarship, and, Veterans Administration as applicable.

C. All approved participants in the Education Assistance Program must be working at least an average of thirty (30) hours per week. In some cases, irregular work schedules may be considered as a means of accommodating class schedules. In most cases, study time will be done on the employee's personal time. At the discretion of the department head an employee may study on the job if classes are required for certification or to maintain certifications required by the City.

D. Employees participating in the Education Assistance Program will be expected to continue their employment with the City for three years following the first tuition reimbursement or they will be required to reimburse the City for any assistance they received.

Section 6.2 Conferences, Seminars and Conventions

A. Employees desiring to participate in a conference, seminar or convention must complete a Training and Administrative Leave form and submit it for approval to the department head. For out-of-state travel, this form must then be submitted to the City Manager for final approval. The City will pay the cost of registration fees, motel, travel, and per diem on approved leave. The City will follow federal statutes regarding non-discrimination practices in access to training and career development.

B. Employees will be compensated for time spent attending training sessions at conferences, seminars, and conventions. Time allotted for meals during these conferences, etc., will not be counted as time worked.

Section 6.3 Certification Testing

A. On the job study time is allowed for job related or required certifications with the approval of the department head.

B. Heber City will pay the cost of certification test fees a maximum of two (2) times per test per employee. Employees unable to pass a certification test after taking it twice will be required to pay the fee for any subsequent attempts. Upon passing the test, the City will reimburse the cost of the test with proof of passing and receipt for payment.

Section 6.4 Travel Time

A. Commuting Time: Commuting time is not paid work time, even when the employee is using an organization vehicle. Travel time from home to a site in response to an emergency call after the regular workday is work time.

B Single-Day Travel: An employee who travels during a workday, such as from one work location to another, is entitled to compensation for his/her travel time. When an employee who normally works at one location is sent out-of-town on a single-day trip, the time spent traveling is work time. Travel to work-related meetings is compensable.

C. Over Night and Weekend Travel: An employee who travels away from home overnight or on weekends is working when he/she is a passenger on an airplane, train, boat, bus, or automobile if the travel is work related.

Article 7

PERFORMANCE EVALUATION

Sections:

7.1 Performance Evaluations
7.2 Inspection of Performance Evaluations
7.3 Appeal from Performance Evaluation

Section 7.1 Performance Evaluations

A. The City Manager and department heads shall provide a system of standards of performance in positions, and a method of reporting on the performance of individual employees based on such factors as, for example, ability, quality and quantity of work, reliability, discipline and attendance. The system shall provide:

1. For maintenance of reasonable standards of physical fitness for performance of the duties of the position. Periodic or occasional physical examinations may be required and the results included in the report.

2. For the use of performance reports as a factor in promotions and position evaluation.

B. Performance evaluations shall be obtained for each employee at least once each year at an annual review. Additional evaluations will be completed as requested by the City Manager or Governing Body. Performance evaluations will be conducted in a non-discriminatory manner.

Section 7.2 Inspection of Performance Evaluations

Each employee shall receive a complete copy of each evaluation which is completed on their personal performance. At the time received, the employee shall acknowledge receipt by signing and dating an acknowledgment form or the file copy. The performance evaluation may be inspected by the Mayor, the City Council, or the employee's representative as duly authorized in writing by the City Manager. Evaluations shall not be open for inspection by any other person except for the employee's supervisor or for purposes of inquiry or review as ordered by the City Council.

Section 7.3 Appeal from Performance Evaluation

An employee shall have the right to appeal any unsatisfactory performance evaluation assigned to him/her to the City Manager. The appeal procedure shall follow that prescribed in Section 10.4.C.

Article 8

SAFETY AND HEALTH

Sections:

8.1 Occupation Safety and Health Act Safety Committee
8.2 Inspections
8.3 Records and Reports
8.4 Work Areas and Equipment

8.5 General Safety Rules
8.6 Proper Use of Heber City Equipment & Tools
8.7 Environment free from Recognizable Hazard
8.8 Accidents and Near Misses to be Reported
8.9 Fit for Duty
8.10 Miscellaneous

Section 8.1 Occupation Safety and Empowerment

A. Safety and health of employees at work is of utmost importance to Heber City. Heber City shall comply with all applicable rules, regulations and standards pertaining to the Federal and State Occupational Safety and Health Act. Heber City shall furnish each of its employees an employment environment free from recognized hazards that are causing or are likely to cause death or physical harm and does hereby require that each employee comply with the occupational safety and health standards, order, rules, and regulations promulgated under the Occupational Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupation safety and health program as outlined herein.

Heber City has established a Safety Committee that shall convene at least once monthly to discuss preventative measures, incidents, and near misses in the workplace. All employees are required to report unsafe conditions and encouraged to report potentially dangerous practices. In addition to the Utah Occupational Safety & Hazard requirements, Heber City requires employees to report 'Near Miss' incidents. A Near Miss is defined as, 'No property or internal damage, but with a slight shift in time or position would have resulted in significant injury or damage. The situation could have a correction factor if the employee ignored the obvious signals and signs or was negligent in actions or omissions. For example, a damaged hose was replaced without notification of the damage, 'tag out'. Consequently, the next employee to use the damaged hose experienced chaotic water spraying under high pressure that resulted in a laceration under his eye.

B. The Human Resource Manager shall provide employees with OSHA rules and regulations. The Human Resource Manager and department heads are responsible for alerting employees about safety and health rules, procedures, and guidelines. The Human Resource Manager and department heads must see that requirements are posted in the workplace, understood, enforced, and revamped to comply with governmental regulations, and to meet employee needs. Worker's Compensation insurance provides medical benefits, as well as payment for lost hours from work, for individuals injured while on the job. *See* Utah Code § 34A-6.

Section 8.2 Inspections

The City Manager shall designate a Safety Officer who, in working with the safety committee, will frequently inspect and document for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. Accidents in the workplace will be discussed and reviewed during the Safety Committee meetings. All employees are required to immediately report an unsafe condition. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. Signage of 'Do Not Use' shall be placed on any equipment to prevent accident or injury

until the equipment can be repaired or replaced. All employees are expected to warn all other employees of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.

Section 8.3 Records and Reports

A. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether time is lost. These records shall, at all reasonable times, be available to the Utah Occupational Safety and Health (UOSH) or to its representatives upon request. Other records shall be kept as requested by UOSH.

B. The Employee's First Report of Injury or Illness MUST be submitted to Heber City's insurance carrier, per Sections 34A-2-407 and 34A-3-10B, R612-200-1 Utah Code Annotated (U.C.A.) 1997. Each employee or immediate supervisor shall file the report no later than the end of the shift or workday. If the injury or illness results in medical treatment by a physician and first aid R612-100-2, loss of consciousness, loss of work, restriction of work, or transfer to another job. Heber City requires the injured employee or the immediate supervisor to report immediately or within eight hours of occurrence. Heber City shall file a subsequent report with the UOSH commission of any previously reported injury; or occupational disease that later resulted in death. Section 34A-6-301 (3)(b)(ii) states that each employer shall, within eight hours of occurrence, notify the Division of Occupational Safety and Health, at (801) 530-6901 or (800) 530-5090, of any; work-related fatality; disabling, serious, or significant injury; or occupational disease incident. A serious injury includes: amputation, fractures of major bones (both simple and compound), and hospitalization for medical treatment. All information requested on the First Report of Injury form is of vital importance. Please answer ALL items in detail to avoid delay and additional correspondence or the return of this report for completion. A report of any on-the-job injury resulting in disability or compensable lost time shall be submitted by the department head, or designee, to the Human Resource Manager who will send copies to the Industrial Commission of (UOSH) and to the affected employee within seven (7) calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of City employees or tend to increase the hazards thereof, the department head or Human Resource Manager shall notify the Industrial Commission of Utah UOSH of Utah immediately. A report to Utah Occupational Safety and Health (OSHA) should be made as well. Such notification must be made whether any actual injuries result from the above occurrences or changes of conditions.

C. The Human Resource Manager shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. Such list shall include:

1. Responsible supervision (supervisor or equivalent)
2. Hospital
3. Poison Control
4. Ambulance
5. Fire Department
6. Police Department

D. All fatal, potentially fatal, and serious accidents shall be reported immediately to the Utah Occupational Safety and Health (UOSH) within 8 hours.

Section 8.4 Work Areas and Equipment

A. All supervisors and workers shall be required to ensure safe work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied as soon as possible after the discovery is made. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics or any hazard of a similar nature, the City shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision shall also be made to keep all such equipment in good sanitary working condition at all times.

B. Employees will receive thorough information on the possible hazardous materials they handle. Each employee will receive training on correct handling and disposal of such materials.

C. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of City employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse to follow and obey reasonable orders that are issued by a supervisor, for the protection of health, life, safety, or welfare of employees.

D. Should an employee refuse or neglect to follow and obey reasonable safety orders issued by a supervisor, the employee will be subject to dismissal.

Section 8.5 General Safety Rules

The following general safety rules will apply in all City workplaces. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.

B. Employees will be provided and required to use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, safety vests, and hard hats, if required or appropriate to the work performed.

C. Employees will avoid wearing loose clothing or accessories that could cause become caught, creating a hazard while working on or near equipment and machines. Long hair will be properly secured.

D. All accidents and near misses, regardless of severity, personal or vehicular, shall be reported as soon as possible, but no more than by the end of the shift to the supervisor/manager and the designated safety officer.

E. Defective equipment will be reported immediately in writing to the supervisor or City Manager. Signage indicating damage such as ‘do not use’ will be posted immediately to prevent operation of the equipment by anyone else until the equipment is repaired or replaced.

F. Employees will not operate equipment or use tools for which licensing and training has not been received.

G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.

Section 8.6 Proper use of Heber City Equipment & Tools

The use of Heber City equipment, tools, or facilities for private purposes is strictly prohibited. However, reasonable use of Heber City tools and equipment to protect property and preserve life is authorized.

A. Employees must receive the proper training including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.

B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. Employees must renew their commercial driver's license at four-year intervals.

C. Operators and passengers in a business use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

D. Employees shall keep the city owned vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

Section 8.7 Environment free from Recognizable Hazard

For the safety and welfare of employees, it is the policy of Heber City to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communication with all employees.

Heber City will post all required UOSH notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the Safety Officer when they have questions about any of the standards which are provided under UOSH.

All employees should follow the procedures listed below in the event an inspector from UOSH presents themselves on the job site.

A. If an UOSH inspector arrives on the job site, an employee should understand that he/she is not authorized to offer any information requested by the inspector.

B. The employee will inform the UOSH inspector that the employee will contact the City Manager, Supervisor, or designee, who will accompany the inspector during any inspection.

C. The City Manager or designee should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSH inspector shows up on the job site.

D. If the UOSH inspector does not reveal the appropriate credentials at the onset of the inspection, the City Manager, or designee, should ask the inspector to reveal his credentials and should then examine them before allowing an inspection of the job site.

E. The City Manager, or designee, will not refuse an UOSH inspection of the job site.

F. If the credentials are appropriate, and before beginning the inspection, the City Manager, or designee, should ask the UOSH inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the UOSH inspection was due to an employee complaint, the City Manager, or designee, should request a copy of the complaint. This will help Heber City correct any safety problems, (Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law).

G. The City Manager, or designee, should accompany the UOSH inspector during the entire inspection of the job site.

H. The City Manager, or designee, should take notes throughout the entire inspection. The City Manager, or designee, should note every comment and observation made by those participating in the inspection. The City Manager, or designee, accompanying the UOSH inspector should not volunteer any unsolicited information.

Section 8.8 Reporting Accidents and Near-Misses

Accidents should be reported in the following manner:

- All employees are required to report any injuries or accidents to their manager or supervisor and Human Resources.
- With input from the employee, managers will complete an Employee Accident Investigation Form.
- The completed form must be submitted to Human Resources within 24 hours of the incident to ensure a claim is submitted to our provider within their guidelines.
- If an employee is in need of medical treatment, they should be referred to 5 Minute Clinic 1200 South Heber City, UT or Urgent Care facility (*See* Section 13.9).
- If there is an emergency situation involving serious injury, profuse bleeding, head injury, inability to breathe, etc. immediately call 9-1-1 and/or have the employee visit the nearest Emergency Room located at the Heber Hospital.
- All paperwork regarding treatment received by the employee for a worker's compensation injury/incident must be submitted to Human Resources within 8 hours or by the end of shift/work day of treatment.
- Under no circumstances should a team member suffer from any form of retaliation due to a work-related injury.

In some cases, an employee will be placed on restricted duty due to their injury. This will be revealed in the paperwork received from the care provider. As the employer, we are required to follow all restrictions to assist in the team member's recuperation and avoid any additional injuries. If we are unable to meet the parameters, the employee will be released from work until all restrictions can be accommodated or the

individual is released, by a medical provider, to full duty. Employees who are injured in connection with employment, regardless of the severity of the injury, must immediately notify their supervisor, Safety Committee Chair, Human Resources or the City Manager, who will ensure prompt and qualified medical attention is provided and all required UOSH reports are completed.

B. The Safety Committee Chair, or designee, will investigate the job-related injury to determine the cause of the injury. The injured employee and anyone directly involved in the incident will report to the Safety Committee courses of action that could have been avoided or safety failures.

C. Heber City shall contact UOSH within eight (8 hours) of any job related death, disabling, serious, or significant injury, and/or any occupational disease.

D. Heber City shall file the required report with UOSH within seven (7) days after first knowledge or notification of any injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSH if they require only minor first-aid treatment.

E. Heber City shall keep a copy of the UOSH report in the UOSH File.

F. Heber City shall give the employee a copy of the UOSH report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.

G. If an employee later dies from a work-related injury, Heber City shall file a report with UOSH within seven (7) days of first knowledge or notification of the death.

Section 8.9 Fit For Duty

The city recognizes that physical or mental ability issues may impact an employee's ability to perform his or her job duties. It is in the best interest of the city and the employee to identify factors impacting the workplace.

1. Procedures:

A. A supervisor may refer an employee for a fitness-for-duty evaluation. The supervisor will make a written request to the City Manager or Human Resource Manager when referring an employee for an evaluation. The request will include a brief description of the employee's work history and any work-related problems.

B. The evaluation will be conducted by a private contracted provider.

C. The city will notify the employee in writing of the required evaluation date, time and location.

D. The city will place the employee on paid administrative leave during the evaluation period.

E. Evaluation costs are paid by the city.

2. Fitness for Duty Evaluation:

A. The provider's written evaluation will include:

a. reasons for the referral;

b. a diagnosis including expected duration and required medical or psychological plan;

c. a statement indicating whether the employee can perform the job;

d. identification of any tasks the employee cannot perform; and

e. a statement indicating whether the employee needs a reasonable accommodation to perform the essential job duties and the recommended accommodation.

B. Upon completion of the fitness for duty evaluation, the city will notify the employee of the results.

C. The department head, in consultation with the city manager and HR manager, will determine whether the employee may return to work, be placed on qualifying leave, or be separated from employment.

D. An employee who refuses to submit to a fitness for duty evaluation or fails to make progress towards completing the evaluation plan may be disciplined in accordance with the city's disciplinary policies.

3. Confidentiality and Records

A. Records obtained under this policy that contain medical, psychiatric or psychological data about an employee will be classified as protected in accordance with the Government Records Access and Management Act (GRAMA).

B. Evaluation information may only be released for employment-related purposes and will be limited to persons with a work-related concern.

C. Fitness-for-duty evaluation records will be kept in a locked file by the HR manager and will be made available only to qualified medical personnel upon written release from the employee and in accordance with applicable state or federal laws relating to medical records.

D. Any employee involved (including as a witness) in a serious accident resulting in hospitalization will be required to undergo a mental health counseling session provided by a certified mental health professional. The City will pay for the cost of the services as well as regular wages of the employee if scheduled during a regular shift.

Section 8.10 Miscellaneous

In addition to the rules and regulations specified above, the following shall apply:

A. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of English might adversely affect the safety of themselves, or of other employees.

B. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

C. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled

in moving machinery shall not be worn where an entanglement hazard exists.

D. Wrist watches, rings, accessories or other jewelry shall not be worn on the job where they constitute a safety hazard.

E. No employee shall carry, consume, or possess liquor in a place of employment unless required to do so by the employee's normal job duties.

F. No intoxicated person shall be allowed to go into or loiter around any operation where workers are employed, or operate any vehicle or equipment owned by the city or used for city purposes.

Article 9

TERMINATION OF EMPLOYMENT

Sections:

9.1 ~~At-Will Employment Status~~Protections and Procedures
9.2 Appointed Employees
9.3 Classified Merit Employees
9.4 Elimination of Position
9.5 Transfer from Classified to Exempt Status
9.6 Reduction in Workforce

Section 9.1 ~~At-will Employment Status~~Protections and Procedure.

~~Except for~~Employees shall only be vested with the specific protections set forth in this Personnel Policy, protections provided by federal or state law, or provisions in a written contract between the City and the employee~~, all employees of the City are at-will employees.~~. Due to the unique circumstances that may be involved in different types of disciplinary actions, variations from the procedures in this Personnel Policy or the City's failure to strictly comply with the procedures in the Personnel Policy shall not be grounds for overturning a disciplinary action if the employee was provided an adequate opportunity to respond to the disciplinary action.

Section 9.2. Appointed Employees

Except as otherwise provided by law, ordinance or a written employment agreement, positions established in Title 2 of City Code such as City Manager, Chief of Police, City Recorder, City Treasurer, Airport Manager and City Attorney can be terminated at any time by the Mayor with the advice and consent of the City Council. Retention of the Justice Court Judge is subject to Utah Code § 78A-7-203.

Section 9.3 Classified Merit Employees

No merit employee employed by the City may be terminated from service as a result of a change in the elected administration of the City or for the political expediency of elected officials.

Section 9.4 Elimination of Position

If a circumstance should arise requiring the abolition of a certain position(s), job security shall be maintained by:

A. The employee shall be returned to a previous position if such position is open, but may receive a reduction in pay as determined by the department head and the City Manager;

B. The employee may be promoted based on merit and qualifications;

C. The employee may be transferred to another division or department to fill an open position of equal pay for which he/she is qualified; or

D. If none of the above alternatives are available, the employee will be separated.

Section 9.5 Transfer from Hourly to Exempt Status

A. If a circumstance should arise where an hourly employee is promoted to a position and it is the desire of either the employee or the City for the employee to resign from that position within six months of the promotion date, the employee shall have the following options:

1. The employee shall be returned to his/her previous position but shall receive a reduction in pay to his/her rate of pay before the promotion; or

2. The employee may be transferred to another division or department to fill an open position for which he/she is qualified with the pay rate of the new position.

B. Any employee hired to replace an employee promoted in this situation shall be notified of this policy and that his/her position may not be available should the incumbent return within the six-month period.

Section 9.6 Reduction in Workforce

Should it become necessary to undergo a reduction of the workforce, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of Heber City, the city will utilize the following sequence as far as practicable to achieve the required reduction-in-force:

A. Temporary employees (may be separated or reduced in work hours).
B. Part-time employees (may be separated or reduced in work hours).
C. Full-time employees (may be separated or reduced in work hours).

In determining which employee(s) shall be separated or reduced, administration will determine which positions are affected based on such factors as, but not limited to, longevity, performance, and city needs.

An employee laid-off as a result of business conditions (mentioned above) will have the right to be recalled to their former position, seniority and pay for up to a period of 6 months following the date of their lay-off. After that point/date, the former employee has no recall rights.

Article 10

DISCIPLINARY PROCEDURES

Sections:

10.1 General Policy and Causes for Disciplinary Action
10.2 Types of Disciplinary Action
10.3 Disciplinary Due Process

Section 10.1 General Policy & Causes for Disciplinary Action

A. General Policy.

1. It is the policy of Heber City that employees shall be informed about what is expected at work, what constitutes employee misconduct, and the employee's rights.

2. It is the responsibility of all employees to observe rules of conduct for the necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of changes to the employee.

3. Disciplinary action, up to and including termination of employment, may be imposed for any of the causes set forth in Section 10.1.B.

4. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

5. The Human Resource Manager is to be consulted during the disciplinary process, and if necessary, be present at disciplinary hearings.

B. Causes for Disciplinary Action.

1. It is the responsibility of all employees to observe policies and appropriate regulations necessary for the proper operation of City government functions. Administrative procedures have been established for the handling of disciplinary measures including, but not limited to, reprimand, suspension, demotion, and termination. Disciplinary action, up to and including termination of employment, may be imposed for any of the following reasons:

a. Violation of the laws of the state of Utah, the law of the United States, or any City regulations, official policy, or departmental orders, other than minor traffic offenses;

b. Refusal to comply with a lawful instruction unless such instruction is injurious to the general public health or safety;

c. Insubordination;

d. Conviction of a felony while an employee of the City;

e. Indulging in offensive conduct or using offensive language towards the public or in public toward City officers or employees;

f. Deliberate or careless conduct endangering the safety of the employee, other employees, or the general public;

g. Inducing or attempting to induce any employee in the service of the City, to commit an unlawful act, violation of City regulations, official policy, or departmental orders;

h. Using, threatening or attempting to use personal or political influence in an effort to secure special consideration as a City employee;

i. Incompetency and inefficiency in the performance of job duties;

j. Carelessness or negligence with City monies, equipment, or property;

k. Theft or intentional destruction of City property beyond regular duties;

l. Intentional falsification of personnel records, pay and time reports, inaccurate receipts or reimbursements or other City records;

m. Being under the influence of alcohol or illegal drugs while on duty;

n. Sleeping while being compensated or clocked in;

o. Unjustified interference with work of other City employees;

p. Misconduct, malfeasance, misfeasance, nonfeasance;

q. Unauthorized or excessive absences or tardiness;

r. Violation of or failure to comply with any section or provision in this Personnel Policies;

s. Falsifying City records;

t. Fighting or arguing (verbal or physical), threatening physical conduct, or physically intimidating another on City premises, or while on City business or in a City uniform;

u. Conduct that creates a hostile work environment, including, but not limited to:
   i. Derogatory remarks about another employee.
   ii. Visual messages (e.g., posting of cartoons) that are demeaning to an employee.
   iii. Jokes that stereotype or make fun of an employee.
   iv. Unwelcome or inappropriate nicknames for an employee.
   v. Verbal or nonverbal (e.g., mimicking or imitating) innuendoes that have a negative connotation for an employee.
   vi. Excessive gossip about other employees or spreading rumors about other employees.

Section 10.2 Types of Disciplinary Action

A. Verbal Warning

Whenever grounds for disciplinary action exist, the supervisor may immediately verbally communicate to the employee the supervisor's observation of the issue at the time of the action and documentation made of the reprimand. Documentation of the verbal warning shall include date, time, unacceptable action, and a commitment from the employee to correct the behavior as soon as possible. Whenever possible, sufficient time for improvement should precede additional disciplinary action. However, the level of severity may require more serious action.

B. Written Reprimand

The City Manager, a department head, or designated supervisor may issue a written reprimand to an employee. Such reprimand shall be in writing, shall be addressed to the employee, and shall detail the specific causes for the written reprimand. A copy signed by the supervisor shall be delivered to the Human Resource Manager for inclusion in the employee's personnel file. Failure to sign the written reprimand may be grounds for additional disciplinary action, including termination of employment.

C. Suspension

A department head or supervisor, with the written approval of the City Manager, may suspend, with or without pay, a merit employee for up to, but not exceeding, thirty (30) calendar days as discipline for cause. On or before the effective date of any suspension without pay, the employee shall be furnished with a written copy of the statement setting forth reasons for suspension.

D. Demotions

A department head or supervisor, with the approval of the City Manager, may demote any merit employee in his/her department for a disciplinary measure for cause.

E. Termination

A department head or supervisor may, with the approval of the City Manager, may terminate the employment of an employee of any merit employee in his/her department for cause by delivering a written statement of reasons for termination to the employee concerned, with a copy to be placed in the employee's personnel file.

Section 10.3 Disciplinary Due Process

A. <u>Conducting an Investigation</u>

1. The City Manager, or designee, may conduct an investigation into the allegations which form the grounds for disciplinary action.

2. During an investigation to determine the facts upon which disciplinary action may be imposed, the City Manager, or designee, may place an employee on administrative leave.

3. An independent third party may be used to conduct an employee investigation.

B. **Imposing Disciplinary Action**

1. The City Manager, or designee, shall conduct disciplinary action in a consistent manner. The procedure need not be elaborate but only fair and reasonable.

2. Each employee shall be afforded access to Heber City rules, policies and procedures.

3. In determining the type of severity of the disciplinary action, the City Manager, or designee, 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 City operations; and/or the potential of the misconduct to harm person(s) or property.

4. For disciplinary action, other than a verbal reprimand or suspension with pay, the City shall, within five (5) business days of the disciplinary action, provide a written notice of disciplinary action. The written notice may be delivered by mail, email or hand-delivery. If the City is unaware of the current location of the employee, delivery by the means that the City decides is most likely to reach the employee shall be adequate. The written notice of disciplinary action shall generally include:

a. The grounds for disciplinary action, including a description of the misconduct for which the disciplinary action is being imposed;

b. Any prior disciplinary action imposed;

c. The effective date and duration of the disciplinary action; and

d. The corrective action necessary, if any, for the employee to avoid further disciplinary action.

5. The City Manager, or designee, may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee's performance evaluation form.

6. Any documentation made of disciplinary actions should be signed by both the employee and the supervisor. A copy of this documentation will be kept with the employee's file. Refusal to sign the form may be the basis for further disciplinary action, including termination of employment.

7. The U.S. Supreme Court has ruled that in an internal investigation conducted solely for administrative purposes, the employee being questioned will be required to answer all questions. The Garrity warning must be read to all suspects prior to questioning in an administrative investigation when the suspect is required to answer under threat of disciplinary action. This warning will only be used by an assigned internal affairs investigator.

8. Garrity Warning: I advise you that you are required to testify or provide evidence as part of an official investigation of Heber City. This inquiry involves the _____ (incident involved) and is in accordance with City policies and procedures. This is not a criminal investigation. You must answer questions related to your knowledge of the facts surrounding this incident. The information or evidence you provide for this administrative investigation cannot be used against you in any criminal proceeding. However, your statements may be used against you in a subsequent administrative action. Refusal to answer questions or to testify to matters related to this incident implies that you have violated City policies and such refusal is cause for disciplinary action, including termination.

Section 10.4 Appeals

A. Trial period employees have no appeal rights.

B. Employees have no "verbal warning" appeal rights.

C. Any merit employee who receives a disciplinary action in excess of a verbal warning (i.e. written reprimand, suspension with or without pay, involuntary transfer, or discharge) may request an informal meeting with the City Manager to discuss the disciplinary action within five (5) business days of the written notice of the disciplinary action. The meeting request shall be made in writing to the Human Resource Manager. The City Manager may request that the City Human Resources Manager, City Attorney or any other person be present at the meeting. The employee may have an attorney or other individuals invited by the employee present at the meeting. The City Manager shall provide written notice to the employee that the City Manager has either upheld the disciplinary action or has amended the disciplinary action. The City Manager's written notice does not require any justification for the City Manager's decision or any other findings of fact or conclusion of law.

D. In accordance with Utah Code § 10-3-1106, ~~any~~an employee~~ (except trial employees)~~, other than an employee described in Utah Code § 10-3-1105(2), who is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason shall have the right to appeal the disciplinary action imposed to the Appeals Hearing Officer.

1. An employee must submit their written notice of appeal to the Human Resources Director within ten (10) calendar days of the original disciplinary action or the City Manager's written notice (if the employee timely requests an informal meeting with the City Manager) or an employee will be deemed to have waived all appeal rights.

2. The Appeals Hearing Officer shall conduct a hearing in which both the City and the employee shall be entitled to present evidence and arguments. The Appeals Hearing Officer may allow or require briefing by the parties.

~~3.~~3. The City shall have the initial burden to establish by a preponderance of the evidence that the disciplinary action was reasonable and justified in accordance with Section 10.1. Whether the disciplinary action was reasonable and justified shall be reviewed under an abuse of discretion standard. *See State v. Larsen*, 865 P.2d 1355, 1361 (Utah 1993) ("Under [the abuse of discretion] standard, we will not reverse unless the decision exceeds the limits of reasonability.").

4. If the appeal board or hearing officer finds in favor of the employee, the appeal board or hearing officer shall provide that the employee shall receive:

(i) the employee's salary for the period of time during which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or

(ii) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration

Article 11

GRIEVANCE PROCEDURE

Sections:

11.1 Policy Statement
11.2 Purpose & Objective

11.3 Procedures
11.4 Immunity

Section 11.1 Policy Statement

A. It shall be the policy of Heber City to respond to grievances of employees in a prompt, forthright, and professional manner. Within the framework of existing laws and regulations, every effort shall be made to respond to grievances in a manner mutually satisfactory to employees and management. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment over which he/she has no control but desires remedial action and is desirous of filing an appeal for relief of that condition. Employees who have grievances created by work situations shall have the right to submit such grievances for orderly disposition according to the procedures as outlined in this Article. The grievance process shall not include an appeal from a disciplinary action.

B. Grievances shall include, but are not limited to, such matters as employee-supervision relationships, duty assignments not affecting job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and similar matters. Grievances shall not include issues dealing with wages, salaries, benefits, budget items or other financial matters. Only the grievance presented originally shall be considered on appeal as the process progresses.

C. Similar grievances may be consolidated and processed together as a single issue. Every effort shall be made by the involved parties to resolve grievances at the lowest possible level.

Section 11.2 Purpose & Objective

The purpose of this Article is to establish a grievance procedure which will provide all merit employees with a clearly defined and organized communications system through which employees may present complaints or grievances to their supervisor(s). The objective of these procedures is to provide employees and management with a system of grievance resolution which is free from discrimination, coercion, intimidation, restraint, or reprisal, and which will also enable employees to receive fair and equitable treatment and adjustments to those grievances which they may have.

Section 11.3 Procedures

A. All grievances shall be handled in the following manner:

Step 1. The employee with a complaint or grievance shall either report in writing or discuss the issue with his/her immediate supervisor. If the grievance is with the individual's immediate supervisor, he/she may skip this step and move to the next step.

Step 2. If no mutually agreeable settlement is reached under Step 1, the grievance shall be filed in writing with the Human Resource Manager, specifying which term(s) or condition(s) of employment he/she feels has been violated or might require relief.

Step 3. If no mutually agreeable settlement is reached under Step 2, the parties involved may petition in writing to the City Manager for his/her review.

Step 4. If no mutually agreeable settlement is reached under Step 3, then those involved

may petition in writing to the City Council for a closed session by filing the petition in writing to the Human Resource Manager. The decision of the City Council shall be made within 60 days and shall be final.

Section 11.4 Immunity

If any employee is denied the opportunity to present a grievance as prescribed by this Article, or if the employee is threatened or subjected to duress when presenting the grievance, the employee may notify the City Council in writing. The City Council shall authorize an investigation of such complaint and, based upon findings, act in accordance with disciplinary procedures as outlined herein.

Article 12 - DELETED

Article 13

COMPENSATION AND BENEFIT PLAN

Sections:

13.1 Eligible Employee
13.2 Compensation
13.3 Establishing Salary Grade
13.4 Total Compensation
13.5 Classification and Allocation
13.6 Appointments, Reinstatements, Promotions and Transfers
13.7 Merit Salary Adjustment
13.8 Salary Range Adjustment
13.9 Overtime and Compensatory Time
13.10 Special Assignment Pay
13.11 Supervisory Compensation for Emergencies
13.12 Holidays
13.13 Vacation
13.14 Sick Leave
13.15 Sick Leave Incentive Policy
13.16 Long Term Disability Insurance
13.17 Family and Medical Leave Policy
13.18 On-Call Policy-Public Works/Animal Control
13.19 Worker's Compensation
13.20 Bereavement Leave
13.21 Military Leave
13.22 Court Leave
13.23 Administrative Leave
13.24 Leave Without Pay

13.25 Lactation/Breastfeeding
13.26 Retirement
13.27 Insurance
13.28 Payment of Wages
13.29 Instant Award Policy
13.30 Time Off for Election (Voting)
13.31 Call-out Pay
13.32 Wage Advancement

Section 13.1 Eligible Employee

A. Only the full-time employees of Heber City, as defined by ordinance, shall be eligible for and subject to compensation and benefits described in this Article.

B. Elected Officials and members of boards and commissions shall be subject to applicable sections of state law and local statute. Unless otherwise specifically stated, elected officials and members of boards and commissions shall not be covered by the provisions of this Article.

C. Volunteer personnel and personnel appointed to serve without pay, contract employees, consultants and council rendering temporary professional service, and temporary, seasonal, part-time "as needed", or emergency employees, unless otherwise specifically stated, shall not be covered by the provisions of this Article.

Section 13.2 Compensation

A. The Compensation Plan of the City of Heber shall consist of a schedule of salary ranges for all positions as prepared by the City Manager and approved by the City Council.

B. Each grade shall be assigned to the appropriate salary range in the Compensation Plan. The rules for interpreting and administering the Compensation Plan are outlined herein.

Section 13.3 Establishing Salary Grade

In recommending which salary grade each position shall be assigned to, the City Manager shall give appropriate consideration to the following factors:

A. Maintenance of equitable relationships between grades based on the relative duties and responsibilities;

B. The level of prevailing rates for comparable work in private and public employment;

C. Available cost of living information.

Section 13.4 Total Compensation

A. The pay rates set forth are to be considered gross compensation for full-time service in the different grades. Full-time service means the number of hours which regularly constitutes the scheduled work period of service which shall be defined hereafter to be thirty (30) hours per week.

B. Pay rates shall be calculated from the salary ranges as set forth in the salary schedule.

Section 13.5 Classification and Allocation

A. The total number of employees of a department and the total number of employees of each grade within any department shall be determined by the City Manager with the advice and consent of the City Council. Such determination shall be consistent with the funds appropriated in any current fiscal year budget and the factors for determining initial classification of positions.

B. The classification of a position may hereafter be altered by the addition, division, consolidation, or abolishment of the grade on request of the department head and approval of the City Manager; whereupon the copy of the salary schedule/pay grade maintained in the Human Resources Manager office shall be corrected accordingly without amendment to this section. However, no such change in grade can be made until the request is documented by a job inventory and a position audit that will be completed and filed in the Human Resources Manager office. Failure to adequately document or substantiate the requested change according to accepted grade standards shall result in disapproval of the request.

C. The assignment of grades may hereafter be changed on the recommendation of the department heads with approval of the City Manager, provided the proposed change conforms with the approved budget.

Section 13.6 Appointments, Reinstatements, Promotions and Transfers

A. Initial appointment to positions shall be made at the entrance rate for the grade. Any exceptions must be approved by the City Manager upon written justification by the department head and/or supervisor.

B. For purposes of definition, a promotion shall take place whenever an employee moves from one position to another position with a higher salary range. When an employee is promoted, he/she shall be entitled to the appropriate salary range for that position with a minimum increase of 5%. A promotion to a supervisory position can merit above a 5% wage increase at the department head's request, and subject to the approval of the City Manager. When the employee is promoted, he or she will be on trial service status for a period of six (6) months since he/she will be performing a new job function. When an employee's pay grade is changed from one pay grade to a higher pay grade as a result of certifications, training, experience, etc., a trial service period will not be required if his/her job duties have not changed significantly.

C. An employee who is demoted or voluntarily transfers to a job in a lower salary range than the class to which he/she was previously assigned, shall have his/her salary reduced according to the decision of the City Manager after discussion with the department head.

D. If an employee transfers to a position in another department to which the same salary range is applicable, he/she shall be entitled to the corresponding step that will provide the same rate of

pay.

E. An employee whose position is reclassified from one salary range to another shall be paid at the same rate for which he/she was paid in the previous salary range or the lowest step in the new salary range, whichever is greater.

Section 13.7 Merit Salary Adjustment

A. All employees shall be eligible for consideration of a salary adjustment on January 1 of each year and at any other period deemed appropriate by the City Manager or by the City Council.

B. For the purpose of determining eligibility for advancement, the supervisor of the employee shall indicate on the employee evaluation of the preceding year. An employee who has been demoted or suspended during the preceding year shall not be eligible for a salary adjustment until the following year unless an interim written appraisal has been performed by the supervisor more than 90 days after the demotion or suspension which shows a significant improvement in performance.

C. The following shall not be considered as breaks in qualifying service for salary adjustments:

1. Authorized military leave provided the person is reinstated within ninety (90) days following honorable discharge from the military service;
2. Authorized educational leave;
3. Time during which an employee is receiving compensation for injury, or disease arising out of and in the course of his/her employment;
4. Authorized leave of absences without pay of fifteen (15) calendar days or less within any calendar year;
5. Authorized leave of absence with pay.

D. When a salary adjustment is delayed solely through administrative or clerical error, the adjusting shall be made effective as of the date it was properly due.

Section 13.8 Salary Range Adjustment

In order for employees in hourly or exempt service to maintain constant buying power in the face of either economic inflationary or recessionary periods, the hourly and exempt salary ranges within the Compensation Plan shall be reviewed annually and adjusted if deemed appropriate. The City Council may implement a Cost of Living Adjustment for all employees effective on the first full pay period of the fiscal year.

Section 13.9 Overtime and Compensatory Time

A. Overtime compensation is set by application of guidelines derived from the Fair Labor Standards Act, as amended, and the Utah Code where applicable. Overtime is defined as work in excess of forty (40) hours during any one work week. A work week is a regularly recurring period of 168 hours, or seven consecutive 24-hour periods. A work week begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday. Overtime for POST Certified Public Safety Employees is defined as hours worked in excess of 84 hours during the bi-weekly pay period. Public Safety employees must work a minimum of 20 hours per week to qualify for retirement benefits.

B. If an employee needs to make up hours, the missed hours must be made up during the work week in which the hours were missed. An employee will not be compensated for hours not made up during that work week; i.e., an employee cannot work thirty (30) hours one week and fifty (50) the next and average the two weeks together. The number of hours worked over two or more work weeks cannot be averaged to avoid payment of overtime.

C. In emergency situations only, supervisors may request an employee to accept extra work on an overtime basis. Department determination of overtime needs is subject to review and approval by the City Manager. An emergency situation will be defined by the supervisor.

D. Overtime is intended to be used in emergency situations or under very unusual circumstances and shall be kept conservative commensurate with the best interests of the City.

E. An employee's claim on overtime exists only when management imposes requests or demands which cannot reasonably and customarily be satisfied within a normal work week. If an employee cannot accomplish necessary work in a given work week, the employee should inform the supervisor for a decision of whether overtime should be permitted.

F. An employee may not voluntarily work overtime; i.e., remain at the job and do work, take work home, or do any other type of work that the employee would be compensated for if their supervisor had requested such work to be done. In essence, wage and hour employees are not to work before, beyond, or outside their normal hours or are not to work overtime unless authorized. Supervisors shall prevent employees from engaging in such activities.

G. The amount of time given an employee for paid vacation or sick leave will not be included in calculating hours for overtime payment. Employees may choose to accept compensation for scheduled vacation in situations where vacation hours and hours worked exceed 40 hours at a straight time rate (when called out).

H. Overtime shall be paid at the rate of 1.5 times the hourly rate of pay for the employee. Employees may not sign agreements to work at straight time.

I. The following positions are exempt from overtime compensation: City Manager, Chief of Police, Police Lieutenant, City Attorney, Justice Court Judge, City Engineer, Senior Accountant, Assistant City Engineer, Airport Manager, Network Administrator, Public Works Director, and Planning Director.

J. Employees have the option of either receiving pay or compensatory time for any overtime worked. An employee must indicate which choice they prefer when time sheets are turned in for each pay period applicable. Employees may not change the option once the time sheet has been submitted.

K. Employees may accrue compensatory time not to exceed 80 hours. If compensatory time is not taken within 60 days of being earned, the employee is to be paid at the current rate received by such employee.

L. Upon termination of employment, unused compensatory time shall be paid at the current rate received by such employee.

M. Employees shall be permitted to use compensatory time within a reasonable period after making a request if the department head or City Manager determines that the use of the compensatory time will not unduly disrupt department operations.

N. In situations where the Mayor and City Council have declared a "Disaster Emergency", employees who are called in to assist during the designated disaster period, regardless of the number of actual hours worked prior to the designated disaster period, will be paid at time and one-half for any emergency hours worked outside of, or in addition to, their normal schedule. Hours worked under those conditions must be paid hours and cannot be accrued as comp time.

M. In rare cases, under conditions designated by the Mayor and City Council as a declared "Disaster Emergency", exempt employees may be eligible for overtime pay as approved by the City Manager.

Section 13.10 Special Assignment Pay

A. An employee may be paid additional salary, upon the approval of the City Manager and with the consent of the City Council for performing duties not specified in the job description.

B. An employee required to assume his/her supervisor's duties for any period in excess of ten (10) working days shall be paid an additional rate of 5% or the lowest step of the supervisor's scale, whichever is greater, for the entire period he/she performs such duties.

C. Employees who are fluent in Spanish and regularly communicate with Spanish speaking customers are eligible to receive a pay differential of $50.00 per month. This differential must be requested by the department head and approved by the City Manager on a case-by-case basis.

Section 13.11 Supervisory Compensation for Emergencies

The City Manager and the City Council shall have the right to authorize compensation for salaried supervisors for any and/or all time worked during an emergency. Said compensation shall be a straight time rate, or upon approval, time off with pay, and shall be strictly at the discretion of the City Manager and City Council.

Section 13.12 Holidays

A. Employees of Heber City shall receive 110 hours of holiday pay per year with pay. Because employees work various work schedules, the City Council will adopt a holiday schedule on an annual basis that takes into consideration the varying schedules. Below is a list of holidays that will typically be observed by the City:

New Year's	January 1st
Civil Rights Day	3rd Monday in January
Lincoln-Washington Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th

Pioneer Day	July 24th
Labor Day	1st Monday in September
Columbus Day/Veteran's Day	2nd Monday in October/November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24th
Christmas	December 25th

B. When an employee works a holiday prescribed in this section, the City shall provide compensation based on one and one-half times the number of hours worked that day times the employee's regular hourly rate of pay plus their allowed holiday pay. Police Officers will be paid one and one-half times their regular hourly rate for hours worked on the actual day of the holiday which may be a different day than is observed by other employees, plus their allowed holiday pay.

C. If an employee (with the exception of public safety) works an alternate work schedule and a holiday falls on an unscheduled work day, the employee can either:

1. Take another day off during the same week
2. Adjust the number of hours they work, not to exceed 40 hours, during the same work week

D. To adjust to varying schedules and provide all team members 120 hours of holiday time, float holiday hours will be awarded based on the annually approved holiday schedule. Float holiday hours must be used by December 31 of the same year or be forfeited.

Section 13.13 Vacation

A. The purpose of vacation benefits is to allow each employee time away from the job for rest, recreation and pursuit of non-employment objectives. The time when vacations shall be taken will be determined by the department head after considering the needs of the service and the seniority and wishes of the employees.

B. Vacation credits for hourly and full-time exempt service employees shall accrue as follows:

YEARS OF SERVICE	ACCRUAL RATE
Hire date - 5 years	.83 days per month (10 days) - 3.08 hrs./pay period
5 - 10 years	1.25 days per month (15 days) - 4.62 hrs./pay period
10 years and over	1.67 days per month (20 days) - 6.16 hrs./pay period

C. On the employee's anniversary date, a maximum of thirty (30) days, (240 hours), vacation may be accrued by a full-time hourly or full-time exempt service employee. If work demands do not allow for time off, an exception may be made to allow the employee additional time to utilize at a maximum of 90 days. The department head must approve this Vacation. A maximum of one-half of the employee's yearly vacation may be accrued in any anniversary year.

D. Full-time hourly employees will use accrued vacation hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued vacation hours in increments of one-half of a workday. A workday would be considered eight or ten hours, depending on the department.

E. Vacation leave in each department may be scheduled annually by the department head and shall be granted when it shall be convenient to the conducting of City and departmental operations. In the scheduling of such vacation leaves, department heads shall give due regard to seniority and the wishes and desires of employees. In no event shall vacation leave be denied any employee for longer than twelve (12) months from the date of his/her last vacation leave or the completion of his/her trial service period.

F. Upon termination of employment, the employee shall be entitled to any accrued vacation leave.

G. Upon death of an employee of the City, a lump sum payment for vacation time accrued to his/her credit will be made to the employee's beneficiaries or estate.

H. Vacation benefits shall be considered only to be time off with pay. Payment for time accrued in lieu of vacation time will not be allowed (only as mentioned upon the death or termination of an employee).

I. Employees may donate up to 40 vacation hours to be used as sick leave to other employees in any given year if the other employee has exhausted his/her sick leave. Donations of vacation time will not be counted as hours used in determining the maximum accrual that can be carried forward in any anniversary year.

J. In order to attract new employees during the hiring process, additional vacation credits can be given to hourly and full-time exempt service positions when the selected candidate has prior years of experience in the related job field being filled by the employee. The credits may only be granted if the new team member provides proof of past employment in the form of a W-2, or official verification from past employer of accrued vacation. The credits may be given year for year, in accordance with the current vacation accrual policy, subject to review by the Department Head and approval of the City Manager. This policy may also be extended to employees who are employed by the City as of July 1, 2017.

Section 13.14 Sick Leave

A. Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall only be allowed upon approval of the supervisor in the case of necessity and actual sickness, to meet medical appointments, or sickness prevention. Sick leave with pay can only be granted (upon approval of the supervisor) in the case of a bona fide illness of an employee or a member of the employee's immediate family as defined in Section 13.20.B.

B. A full-time employee shall be entitled to 3.7 hours of six leave for each two weeks of full-time employment. There shall be a 240-hour maximum limit on the amount of sick leave accrual.

C. Full-time hourly employees will use accrued sick leave hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued sick leave hours in increments of one-half of a workday. A workday would be considered hours typically worked, depending on the department.

D. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated on the same terms and conditions as are applied to other temporary disabilities.

E. Evidence in the form of a physician's certificate or certificate of illness, executed by the

employee and his/her supervisor, may be furnished as proof of adequacy of the reason of the employee's absence during the time which sick leave was requested. Certificates may be requested by the department head, supervisor, or City Manager when there is an absence in excess of three (3) days or more or whenever there is a reason to believe sick leave privileges are being abused.

F. Employees may donate up to 40 sick hours in any given year to a citywide pool for use by other employees who have exhausted their sick leave. Donations of sick leave will not be counted against hours used for sick leave incentive. Employees may designate the person who the sick leave is given to provided they have exhausted their sick leave, or the City Manager will determine how available sick leave is allocated based on need and circumstance. Donations of sick leave cannot be made within 60 days of the voluntary termination of employment.

G. Hourly or exempt service employee may, upon approval of the City Manager, be granted leave with pay when extraordinary personal circumstances arise. This policy may be granted on a case-by-case basis depending on individual circumstances and duration of time employed with the City. It is anticipated that the City would use this policy on an infrequent basis considering the extraordinary nature of the events required to initiate this policy. Any leave granted in excess of 40 hours requires approval from the City Council.

H. Upon retirement or termination, accumulated sick leave will be paid at the current pay rate, for one quarter of the accumulated hours if the employee has been employed by Heber City for at least five (5) years. If the employee has been employed by Heber City for at least ten (10) years or more, 50% of the accumulated sick leave hours will be paid at the employee's current pay rate.

Section 13.15 Sick Leave Incentive Policy

A. There is a direct benefit to Heber City when employees minimize the use of sick leave. It is the desire of the City to encourage the appropriate use of sick leave benefits and reward employees who minimize the use of this benefit. Accordingly, all employees who have accrued 240 hours of sick leave shall be paid (upon the employees written consent) annually on the first payroll of December, twenty-five percent (25%) of unused sick leave for the previous twelve-month period ending November 30 or nearest pay period following November 30. Additionally, Sick Leave accrued beyond 240 hours (6 weeks) may be converted at a rate of two to one (2:1) for Vacation hours. This conversion may be done once per calendar year, by employees who have a minimum of ten (10) years with Heber City and must be requested in writing to the Human Resources Manager with final approval from the City Manager.

B. Sick leave benefits are intended solely to provide income protection in the event of illness or injury. This benefit may be used in addition to vacation and funeral leave in the event of the death of an immediate family member up to the maximum of three days or for extended family and friends up to a maximum of one day. No other use is permitted in addition to illness or injury.

Section 13.16 Long Term Disability Insurance

A. Subject to terms and conditions established and controlled by the disability plan provider, the City sponsors Long Term Disability Insurance coverage for eligible employees for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time exceeding 90 days.

B. Only full-time employees are eligible for coverage.

C. The City pays the premium costs associated with the Long-Term Disability Plan and policy provisions for covered employees. More information about the respective coverage or plan participation may be obtained through the Human Resource Manager.

D. Eligible employees may use any available sick or vacation leave after becoming eligible for Long Term Disability to make up any shortage of wages paid, not to exceed 100% of their regular monthly salary.

Section 13.17 Family and Medical Leave Policy

As a supplement to its other leave policies, the City offers family and medical leaves of absence as provided by the federal Family and Medical Leave Act of 1993 ("FMLA"). In the event of any conflict between the FMLA and this Section, the FMLA shall control.

A. General Leave Provisions. Under the FMLA, an eligible employee may take up to 12 weeks of unpaid leave during any 12-month period for (1) the employee's own serious health condition, (2) the birth or placement for adoption or foster care of a child or (3) care of a child, spouse, or parent who has a serious health condition.

1. A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.

2. An employee must have been employed by the City for at least one year and have worked at least 1,250 hours within the previous 12-month period to be eligible for the FMLA leave.

3. Leave to care for a new child must be taken within one year of the birth or placement for adoption or foster care.

4. If leave is taken for care of a new child or for care of a spouse, child, or parent with a serious health condition, an employee may elect, or the City may require the employee, to substitute any accrued paid vacation leave and/or sick leave as part of the 12-week leave as provided for in the FMLA.

5. Intermittent leave or a reduced leave schedule for medical reasons can be taken under this policy "when medically necessary." Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and the City mutually agree on that arrangement.

6. If an employee requests intermittent leave or a reduced leave schedule because of a serious health condition that is foreseeable based on planned medical treatment, the City may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring period of leave.

7. "Intermittent leave" is leave that is not taken consecutively. A "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek or hours per

workday.

B. Notice. If the need for leave is foreseeable based on an expected birth or placement of a child, the employee should give at least 30 days notice, before the leave is to begin, that the employee intends to take leave. If the situation requires leave to care for a child to begin in less than 30 days, the employee should provide such notice as is practicable.

1. If the need for leave is foreseeable based on planned medical treatment, the employee should (1) make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the City, and (2) give at least 30 days notice, before the leave is to begin, that the employee intends to take leave. If the situation requires that leave begin in less than 30 days, the employee should provide such notice as is practicable.

C. Benefits and Employment Status. At the end of an FMLA leave under this policy, an employee is entitled to return to his or her previous position or to an equivalent position with no loss of benefits.

1. FMLA leave taken under this policy will not result in loss of any seniority or employment benefits accrued prior to the leave. No seniority or benefits will accrue during the leave, however.

2. An employee on FMLA leave under this policy will receive health benefits while on leave under the same terms and conditions as when he or she was on the job.

Section 13.18 On-Call Policy-Public Works/Animal Control

A. In order to properly handle emergencies and other non-scheduled workloads, the Public Works Department and the Animal Control Department will be required to designate an on-call person who can be contacted during non-working hours to provide the necessary assistance.

B. The Public Works director and the Chief of Police will be responsible to schedule this position on a weekly rotating basis for their individual departments. The person selected will be on-call starting Tuesday at the beginning of the work-day and will remain on duty until the beginning of the work day on the following Tuesday. This person will be required to carry a telephone.

C. Compensation for this position will be the average hourly wage of a maintenance worker for the Public Works Department and the average hourly wage of an animal control officer for an 8 hour period. The on-call person shall be compensated for a minimum of 2 hours overtime for each time he/she is called out. Compensation for the monitoring of the City culinary water system on weekends and holidays is included in the weekly on-call compensation amount.

D. If called out and the situation requires more than one person to be present for health and safety purposes, it is the responsibility of the on-call person to contact those individuals necessary to assist in correcting the situation.

Section 13.19 Workers' Compensation

An employee injured during the performance of duty at work is covered by Workers' Compensation as provided by State law. An employee is eligible to receive Workers' Compensation

payments and to supplement those payments with accrued sick leave, and/or vacation time to bring total compensation equal to the employee's present salary.

A. If An Injury Occurs

An employee who is injured on the job, no matter how slightly, must report the incident to their supervisor immediately. Employees may lose their right to worker's compensation benefits if they fail to report injuries promptly. Supervisors must contact the Human Resource Manager immediately if the injury is serious or if time off work is prescribed by the doctor. An "accident/incident" report must be filled out online by the employee and the Human Resource Manager on all reported injuries by the next business day. Any time spent obtaining medical care on the day of the accident will be counted as "hours worked" on the employee's timecard.

B. Medical Treatment.

Employees requiring medical attention for an on-the-job injury that occurs during regular business hours must report, when practical, to:

Heber Valley After Hours Clinic
(inside Heber Valley Medical Center)
1473 S. Hwy 40, Suite F
Heber City, UT 84032
435-657-4400
Hours: Weekdays 6:00 p.m. - 9:00 p.m.
Weekends 10:00 a.m. – 2:00 p.m.

5 Minute Clinic
150 N. Main St., Suite 105
Heber City, UT 84032
435-654-1377
Hours: M, T, TH, F, Sa, Su, 10:00 a.m.-10:00 p.m.
Wed. 5:00 p.m. – 10:00 p.m.

For injuries occurring after these hours, the employee should go to:

Heber Valley Medical Center Emergency Room
1485 S. Hwy 40
Heber City, UT 84032
435-654-2500

Employees exposed to blood or having sustained a serious (life or limb) threatening injury should go to the emergency room at Heber Valley Medical Center. Serious injuries include compound fractures, pelvis and femur fractures, unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Call 911 in these instances and the paramedics will direct the care of the employee.

Urgent situations are those requiring immediate care but are not life threatening. Examples include bone fractures other than those listed above, or injuries requiring stitches. These types of injuries can be treated at the above-listed clinics. Follow-up visits can be scheduled with the employee's primary care physician.

C. Special Medical Procedures

Procedures such as surgery, MRIs, CT scans, physical therapy, and chiropractic sessions require prior approval from the City's Workers' Compensation Third Party Administrator. If an employee fails to obtain prior approval, the employee may be required to pay the entire bill for the unauthorized services.

D. Restricted/Light/Transitional Duty

Whenever possible, Heber City will accommodate restricted duty jobs for workers injured on the job. The Workers Compensation Coordinator (WCC) will work with the supervisor to design a work strategy that meets the injured employee's restrictions and accomplishes the City's goals. The injured employee's supervisor and the WCC will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending his/her medical appointments, complying with the restrictions and that any restricted duty assignments are helping the employee move closer to his/her regular job duties.

E. Failure to Follow

Failure to follow the City's Workers' Compensation policies may result in disciplinary action.

Section 13.20 Bereavement Leave

A. It is the policy of Heber City to grant bereavement leave to employees who suffer the loss of a member of the immediate family.

B. The immediate family shall include any of the following persons:

Husband	Mother	Step-Mother	Son-in-law
Wife	Father	Step-Father	Father-in-law
Son	Step-Son	Sister-in-law	Mother-in-law
Daughter	Step-Daughter	Brother-in-law	Grandparents
Brother	Step-Brother	Daughter-in-law	Grandchildren
Sister	Step-Sister		

C. In the event of death in any of these instances, the employee will be paid the regular base pay for scheduled work time not to exceed five days or 40 hours. If additional time off beyond this allowance is required regular vacation or sick leave must be used.

D. Time off under this policy will not count as time worked in computation of overtime for that week.

Section 13.21 Military Leave

A. Employees are entitled to one hundred and twenty (120) hours of military leave per year without loss of regular pay or other fringe benefits. Any employee requesting such leave must provide the department head with a copy of the military orders or a copy of the military paycheck prior to the leave being approved as soon as practical at the conclusion of the leave.

B. Except in an emergency, employees who are members of reserve units of the military shall notify their department head within one week of receipt of an activation notice, and shall indicate in writing their intention and anticipation with regard to participation periods of active duty. Such written notification shall be made part of the individual employee's personnel file.

Section 13.22 Court Leave

Any employee requested to appear in court or before a grand jury as a juror, as a witness in a criminal case, or as a witness in a civil case with the purpose of giving testimony, shall receive full compensation as though he/she were actually on the job during such time. The employee shall claim any jury, witness, or other fee to which he/she may be entitled by reason of such appearance and pay the same over to the City Treasurer to be deposited in the General Fund. An employee appearing in court for the above stated reason on scheduled days off shall retain such use of compensation as may be authorized for such appearance. Notation will be made on the time and attendance report for the days of court leave granted to the employee while serving. This court leave does not apply when appearing in court as a defendant when charged with a crime.

Section 13.23 Administrative Leave

A. An hourly or exempt service employee may, upon approval of the City Manager, be granted leave with pay to perform legitimate duties in connection with City business, to attend trade or professional meetings which relate to official duties, or to participate in recognized and authorized training programs.

B. Expenses relating to administrative leave must be within the budget and authorized by the City Manager.

C. Employees who wish to be considered for such leave must complete a Training and Education Leave form. Costs must be within the budget and must be approved by the City Manager.

D. All higher educational training courses must be pre-approved by the office of the City Manager. A Training and Education leave form must be completed for each class attended.

Section 13.24 Leave Without Pay

Upon recommendation of the department head and approval of the City Manager, an employee of the City may be granted leave-without-pay for a specified period of time. Leave without pay is granted under extenuating services and must have the initial approval from the manager and/or department head as well as the City Manager. The request must be made in writing signed and dated indicating the approval. Leave without pay should No leave-without-pay shall, however, be more than ninety (90) calendar days. A leave of absence without pay, as granted herein, may be terminated prior to the expiration date thereof with the consent of the City Manager. Failure of an employee to report for duty promptly at the expiration of the leave, or a violation of any agreement of understanding entered into by the same employee thereto, shall be just cause for discharge. Such leaves shall not be regarded as an acquired right by employees and shall be granted only when the service to the City will not be adversely affected. Request for such leaves shall be made in writing to the City Manager and, if approved, shall be filed with the same. No seniority, vacation or benefits will accrue during the leave.

Section 13.25 Lactation/Breast Feeding

This policy outlines the reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk.

For up to one year after a child's birth, any employee who is breastfeeding her child will be

provided reasonable break times as needed to express breast milk for her baby. The city has designated a room at each location for this purpose. Refrigeration units are available in all work locations. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to express milk must coordinate a schedule for breaks, the location and use of the room, and the need for alternative refrigeration equipment with their program manager. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

Section 13.26 Retirement

A. The City will pay 100% of the Public Employees Non-Contributing Retirement and 100% of the Public Safety Retirement contributions to the State Retirement System. In addition, the City may contribute additional monies to the Public Employees Non-Contributory 401(K).

B. There is no age requirement for retirement from the City. Employees can continue to work until such time as they are physically and/or mentally unable to perform their duties.

C. Full-time students are exempt from the City's retirement system.

D. Tier I and Tier II Public Employee Retirement Systems Retirement Eligibility Requirements

Employees qualify for retirement and must be certified eligible if they meet **one** of the following:

1. Their employment, contemplated to continue during a fiscal or calendar year, normally requires an average of 20 hours or more per week and they receive at least one of the benefits approved by the Utah Retirement Board.

2. They are Tier 2 elected or appointed officials whose positions have been declared full time by their employers.

3. They are in a trial service status and meet eligibility requirements.

E. <u>Exceptions to Immediate Coverage</u>

When the job is scheduled to be completed in six months or less, these temporary and seasonal employees (not trial service) are ineligible. If they are still employed by the beginning of the seventh month, and if they meet eligibility for retirement coverage, their status must be changed and contributions reported beginning the first period end date in the seventh month.

F. <u>Eligibility Requirements for Appointed Officials</u>

Tier 1 appointed officials who meet the minimum earnings requirement for retirement, and are not entitled to merit protection, may be certified as either eligible for, or exempt from, retirement coverage.

Appointed officials whose position is full time, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. All Tier 2 participants must make an election to participate in either the Tier 2 Hybrid Retirement System or the Tier 2 Defined Contribution (DC) Plan within the first 12 months of employment. For the first 12 months of employment, regardless of the employees' election, Heber City must report contributions into the Tier 2 Hybrid System. At the end of 12 months, URS will transfer funds for all employees who have chosen to participate in the Tier 2 DC Plan.

G. Eligibility Requirements for Elected Officials

Elected officials whose position is full time, as certified by the participating employer, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. (Elected officials are only eligible to participate in the Tier 2 Defined Contribution (DC) Plan.) Part-time elected officials may participate in the DC Plan only, as they are not eligible for other coverage.

H. Tier I and Tier II Public Safety Retirement Systems Retirement Eligibility Requirements

Employees qualify for retirement in a public safety retirement system if their life or personal safety is at risk and their employment normally requires an average of 2,080 hours of regularly scheduled employment per year as a law enforcement officer according to Utah Code Ann. § 53-13-103.

Employees must have completed Peace Officer Standards and Training (POST). A POST certificate must be filed with the URS office for anyone certified eligible since January 1, 1984. An employee has one year from the date of hire to a public safety covered position to complete POST. If POST is not completed within one year, the employee's retirement account is transferred to either the Tier 1 or Tier 2 Public Employees Retirement System effective retroactive to the date of hire to the public safety position. Employees who separate from employment prior to obtaining a POST certificate may not be eligible to retain their service credit in a public safety system.

Section 13.27 Insurance

A. Group Health/Dental/Vision and Accident Insurance: All full-time hourly and exempt employees are eligible for participation in the City's Group Health/Dental/Vision and Accident Insurance plan. Annually Heber City will determine the premium percentage that will be paid by the City and the employee for health, dental and vision insurance.

B. COBRA Continuation of Group Health Plan: Employees of Heber City covered by the city group health plan have a right to choose COBRA continuation coverage if he/she loses group health coverage because of a reduction in hours of employment, retirement, or the voluntary or involuntary termination of employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee covered by Heber City's group health plan, has the right to choose COBRA continuation coverage for said spouse if he/she loses group health coverage under the group health plan for any of the following reasons:

1. The death of the spouse;
2. A voluntary or involuntary termination of spouse's employment (for reasons other than gross misconduct);
3. Reduction in spouse's hours of employment;
4. Divorce or legal separation from spouse; or
5. Spouse becomes entitled to Medicare or Medicaid.

In the case of a dependent child of an employee covered by the group health plan, he or she has the right to COBRA continuation coverage if group health coverage under the group health plan is lost for any of the following reasons:

1. The death of a parent;
2. The voluntary or involuntary termination of a parent's employment (for reasons other than gross misconduct);
3. Reduction in a parent's hours of employment with Heber City;
4. Parental divorce or legal separation;
5. A parent becomes entitled to Medicare or Medicaid; or
6. The dependent ceases to be a "dependent child" under the group health plan.

The employee or family member has the responsibility to inform the personnel department of a divorce, legal separation, or a child losing dependent status under the group health plan. Heber City has the responsibility to notify the plan administrator of the employee's death, termination of employment or reduction in hours, or Medicare entitlement.

When the personnel department is notified that one of these events has happened, the same will in turn notify the employee that he/she has the right to choose COBRA continuation coverage. He/she has at least sixty (60) days from the date he/she would lose coverage because of one of the events described above to inform the personnel department that he/she wants COBRA continuation coverage.

If the employee does not choose COBRA continuation coverage, the group health insurance coverage will end.

If the employee chooses COBRA continuation coverage, the City will offer coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. Employees may be afforded the opportunity to maintain COBRA continuation coverage for 18 (eighteen) to 36 (thirty-six) months depending on the loss of coverage event. However, COBRA continuation coverage may be cut short for any of the following reasons:

1. Heber City no longer provides group health coverage to any of its employees;
2. The premium for COBRA continuation coverage is not paid;
3. The employee becomes covered under another group health plan;
4. The employee becomes entitled for Medicare or Medicaid;
5. The employee was divorced from a covered employee and subsequently remarries and is covered under the new spouse's group health plan.

The employee does not have to show that he/she is insurable to choose COBRA continuation coverage. However, For qualified COBRA participants receiving the 11-month disability extension, the COBRA premium for those additional months will increase to 150% of the plan's total cost of coverage. No dental or life insurance coverage is included. Upon exhaustion of the COBRA continuation coverage

period, the employee will be allowed to enroll in an individual conversion health plan provided by the carrier of the group health plan.

C. Continuation of Group Health Plan through COBRA Continuation Coverage—Retired Employees - Insurance Coverage for Early Retirement. ~~**THIS POLICY WILL SUNSET ON JANUARY 1, 2027. EMPLOYEES INTENDING TO USE THIS POLICY MUST BE ELIGIBLE AND RETIRE BEFORE JANUARY 1, 2027.**~~ **This section 13.27.C. shall only apply to employees that were hired on or before September 19, 2023.**

1. Any City employee who has 25 years of service with Heber City, and is eligible for retirement, or is 60-61 years of age with 20 years of service with Heber City, or is 62-64 years of age with 10 years of service with Heber City, and retires before reaching age 65 shall, upon request, receive health insurance coverage as follows:

a. Remain on the group insurance plan as a COBRA participant with regular group health benefits until exhausting COBRA continuation coverage at which point the retiree may enroll in an individual conversion health plan as provided by the carrier of the group health plan. Similarly, if the employee retires prior to age 60, group benefits will be available for a maximum of 18 months with the option to enroll in an individual conversion policy upon exhaustion of COBRA continuation coverage or until the employee becomes eligible for insurance benefits through a new employer. After the COBRA period, the City will provide premium assistance up to an additional 42 months provided the retired employee does not become eligible for insurance benefits through a new employer or turn age 65. The premium assistance will be paid directly to the retired employee and will be taxed as wages.

b. The premium paid on behalf of the retired employee by the City is the amount equal to the contribution made for a single actively employed individual.

c. The retiree would then be responsible to pay any additional amount required for spouse, or for dependent coverage if applicable.

2. The premium of this coverage shall be paid by the employee except as described in Section 1-13-26(A).

D. Life Insurance.

All full-time hourly and exempt employees shall be eligible for participation in the City's Group Life Insurance Policy. Life insurance coverage in the amount of $50,000 is provided by the City, and additional coverage is available for employees to purchase if they so desire and meet the requirements set forth by the life insurance company.

E. Payment in Lieu of Medical, Dental and Vision Insurance.

Full-time employees who are covered under an immediate family member's insurance policy will receive a payment equal to half of the premium cost had they been covered by the City's insurance.

Section 13.28 Payment of Wages

Payment of wage shall be by direct deposit. The direct deposit shall be made so that the funds are

available no later than 8:00 a.m. on the morning of the Friday following the end of the pay period.

Section 13.29 Instant Award Policy

A. The Mayor shall be granted the authority to award $100 bonuses to employees who have represented the City well through the performance of their duties. The bonuses can be granted based on written or verbal feedback/compliments from the public, elected officials, supervisors or other City employees. The Mayor shall have sole discretion in the granting of the bonuses, but it is anticipated that recognized employees will have exhibited superior customer service skills, exemplary performance of duties and/or going the extra mile to make sure a job is completed properly. This award is to be presented in City Council meeting if the employee agrees to allow for formal recognition of the employee. Notice of the award will also be published in the City Newsletter if desired by the employee.

B. The elected body, the City Manager, or department heads may recommend that an employee receive one day off with pay for exemplary service in the performance of their job duties. Department heads must receive approval from the City Manager.

Section 13.30 Time Off for Election (Voting)

In accordance with Utah State Code, any voter is allowed to be absent from service or employment for up to two (2) hours to vote on election day between the time the polls open and close. The City reserves the right to specify the hours during which employees may be absent and may not deduct from an employee's usual salary or wages because of the absence.

Time off to vote does not apply to an employee who has three (3) or more hours between the time polls open and close during which the employee is not employed on the job. Employees are encouraged to take advantage of early voting when and where possible to avoid conflicts with work schedules.

Section 13.31 Call-out Pay

When an employee is called out to work, outside their normal work hours, that employee shall be compensated a minimum of two (2) hours, regardless of how much time the employee works, and the hours worked shall be compensated at time and a half. Employee shall have the option of crediting back these hours to any compensated time off previously requested for the same pay period.

Section 13.32 Wage Advancement

A. Wage Advancement

Employee would be eligible to advance to ~~mid pay grade scale at or~~any point within ~~six (6) years, and eligible for~~ the ~~maximum pay~~pay scale range with the approval of the ~~pay grade at or within twelve (12) years.~~ City Manager. To be eligible, employee must:

Be a full time or part time employee;
Be in good standing with his or her department head;
Have three (3) consecutive years of average or above average evaluations, and
Have not had a letter of reprimand or higher discipline within the last three (3) years.

~~If promoted after twelve (12) years, employee will be eligible to move to the maximum of the pay grade within three (3) consecutive years before the date of eligibility, if above listed standards are met. The three (3) years must be consecutive.~~

B. Career Ladder Wage Advancement

For employees who have the ability to control their advancement from pay grade to pay grade (e.g. Police Officer I to Police Officer III, Utility Maintenance Worker I to Utility Maintenance Worker III, etc.) it is the goal of Heber City, based on employees obtaining certain required skills and certifications, exhibiting acceptable performance and years of service/experience that employees be at midpoint of the pay grade within two (2) years of their last advancement. ~~Once the employee is at midpoint of the final step of their career ladder, it is anticipated that it will take an additional six (6) years to reach the maximum of the pay grade. To advance through the pay scale in this matter, an employee would have three (3) years of acceptable performance evaluations and not have been subject to any major disciplinary action, which would include the following: probation, suspension without pay, or demotion.~~

C. New Certification Wage Advancement

Employees are encouraged to increase their knowledge and abilities by taking additional training. Certifications must be approved before the training and the wage increase is approved at the time of the approval for the certification course.

Section 13.33 Employee Assistance Plan (EAP)

The city offers an Employee Assistance Plan to all employees and their families. The purpose of an EAP is to help employees and their families balance personal lives with work and to provide support to during tough times. The details of this program are outlined in the city's annual benefit guide.

Article 14

MISCELLANEOUS POLICIES

Sections:

14.1 Residency Requirement
14.2 Travel Reimbursement
14.3 Working Hours
14.4 Breaks and Rest Periods
14.5 Use of City Vehicles
14.6 Vehicle Identification Policy
14.7 No Smoking Policy
14.8 E-mail and Internet Usage Policy
14.9 Employees' Conflicts of Interest and Ethics
14.10 Political Activity
14.11 Indemnification
14.12 Driver's Licenses
14.13 Benefits for Part Time Employees
14.14 Violation of Personnel Rules and Regulations
14.15 Legal Counsel Benefit

14.16 Funeral Benefit
14.17 Social Media
14.18 Telecommuting
14.19 Outside Employment Disclosure

Section 14.1 Residency Requirement

Heber City does not maintain a residency requirement for employment other than for police officers, which is identified in the Heber City Police Department Policy and Procedure Manual. All employees, regardless of residential location, have the responsibility of being to work on time. Department heads, supervisors, and those employees on standby, must live within a reasonable distance in order to respond to emergencies.

Section 14.2 Travel Reimbursement

A. Travel expenses must be included in the annual budget for each department anticipating travel, as part of the budget process. Any trip which is not anticipated and reported in the budget must have the approval of the City Manager, regardless of the amount of travel account in the department's budget.

B. After an employee completes a Travel Reimbursement Form for authorized travel by private vehicle, he/she will be reimbursed at rates not to exceed those approved by the IRS. If the employee is not provided with a per diem for the trip, the employee will be reimbursed for all other travel expenses (i.e., room and board) after presenting proof of such expenses to the accounting clerk. Proof should be in the form of expense receipts.

C. All travel expenditures should be recorded and receipts collected. These receipts must be submitted to the accounting clerk at the end of each trip along with the employees' record of expenditures. Claim for travel pay not supported by an approved travel request and corresponding expense receipts will not be paid.

D. Mileage allowance shall be paid per the IRS approved reimbursement rate when using a privately owned vehicle (POV) when a City vehicle in not available. If using a POV and a City vehicle is available, the rate for mileage will be half of the IRS approved reimbursement rate.

Per diem will be paid for travel at the following rates unless meals are provided through the training, convention or conference registration. If an employee's special (medical or religious related) dietary needs cannot be accommodated buy the training, convention or conference, per diem will be paid to the employee for those meals that are provided in the registration. Per Diem rate will not be withheld for registrations that offer a continental breakfast.

E. Per Diem will be paid at the U.S. General Service Administration (G.S.A.) rate. The rates can be found at GSA.gov – Per Diem Rates and Meals & Incidental Expenses Breakdown (M&IE). For training that does not require overnight travel, only per diem for lunch will be provided.

F. Partners may accompany elected and appointed officials and other regular full-time and

part-time employees on City-assigned trips requiring overnight lodging and the City will not pay the costs for the partner.

Section 14.3 Working Hours

The work shifts for each department are as determined by the department head with the approval of the City Manager. All employees are to be working on City matters during their work shift. Employees are expected to be ready to work and punctual with their shifts. If an employee in unable to report to work on time they are expected to notify their direct supervisor as soon as possible.

Because the nature of city employment necessitates the ability to provide emergency services to the City and its citizens, employees may be scheduled to work any shift deemed necessary by the City and may be subject to emergency and/or unexpected call-outs related to health and safety issues; i.e. snow removal, water/sewer main problems, police enforcement, declared disasters, etc. Non-exempt employees shall be compensated for all hours worked as provided under the Federal Fair Labor Standards Act. The failure of an employee to work assigned shifts or respond to emergency and/or unexpected call-outs, as set forth in this and other pertinent policies, may be grounds for disciplinary action, up to and including termination, unless prior arrangements have been made with their supervisor.

City Office Hours are from 7:30 a.m. to 6:00 p.m. with a half hour lunch period Monday through Thursdays. The City Office building will be closed on Fridays.

The Public Works Department will have one member of their department on call at all times to respond to emergency situations.

The Police Department will provide continuous patrol coverage.

Section 14.4 Breaks and Rest Periods

All employees of the City will be allowed 2 (two) 15 (fifteen) minute breaks during a 10 (ten) hour work period. Breaks may not be moved to the beginning or the end of the day to allow the employee to arrive or leave later.

Section 14.5 Use of City Vehicles

A. When traveling on City business, employees shall use City vehicles whenever practical and available.

B. Employees assigned City vehicles shall use the vehicles for City business. Employees working “on-call” shifts are required to take City vehicles home at the department head’s discretion.

C. Public Safety employees assigned vehicles may use the vehicles within the policies and guidelines established by the Chief of Police.

D. Other employees with assigned vehicles and employees who use City vehicles during the course of their employment shall generally use the vehicles for business travel and work activities; however, employees may use the vehicle for incidental personal business. Such incidental use shall be limited to lunch near the employees' current work area or stops incidental to the employees travel.

Employees must use good judgment when using the vehicle for such incidental trips. Questions regarding the appropriate limitations of this policy should be directed to the employees' department head.

E. When using a City vehicle to attend training that requires overnight travel, employees may have family members accompany them with supervisor approval. Employees may also use City vehicles for personal travel not to exceed 10 miles per day per 100 miles traveled during the period they are away from home (Example: An employee traveling approximately 600 roundtrip miles to St. George would be allowed 60 personal miles for the trip). Personal travel in excess of the allowed personal mileage will be charged to the employee at the current IRS mileage reimbursement rate.

Section 14.6 Vehicle Identification Policy

It is the policy of Heber City that all vehicles and heavy equipment, except public safety vehicles which are unmarked by policy, shall display an approved City logo and shall be assigned an identification number.

Section 14.7 No Smoking or Vaping Policy

By virtue of State law, it has been determined that tobacco smoke, or smoke from any other plant, in enclosed places is harmful to the health of non-smokers, and therefore, the regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort and environment of nonsmokers and non-vapers. It has likewise been determined that smoking and vaping in Heber City buildings and facilities will have an adverse effect on the health and productivity of City employees.

Pursuant to this, Heber City hereby declares all City buildings and facilities as no smoking or vaping areas. City employees and non-employees shall not smoke or vape inside any of the City's buildings or facilities.

The Utah Clean Air Act of 1995 further prohibits smoking within 25 feet of an entrance, exit, air intake or window which can be opened.

Smoking and vaping are not permitted in City vehicles.

Section 14.8 E-mail, Internet and Cellular Phone Usage Policy

1. <u>E-Mail and Internet Usage</u>

A. The City encourages employees to only use e-mail and Internet systems for City-related business (in accordance with the guidelines in paragraphs B-D). The employee should understand that the City reserves the right to inspect the contents of any equipment, e-mail file, or calendar that it provides to the employee. Internet use must comply with applicable laws and City policies including but not limited to all federal and state laws, and City policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of City resources, information and data security.

Reasons for a data inspection include, but or not limited to:

1. System, hardware or software problems

2. General system failure

3. A lawsuit against the City

4. Suspicion of a crime or violation of policy

5. The need to perform work or provide a service when the employee is unavailable.

B. Encouraged City business uses for e-mail and Internet systems within the City of Heber include the following:

1. To facilitate performance of job functions

2. To facilitate the communication of information, both internally and externally, in a timely manner.

3. To coordinate meetings of individuals, locations, and City resources.

4. To share work-related ideas and information.

5. To recruit for open City positions such as employment or committee membership

6. To encourage employee innovation.

C. The following is a non-exclusive list of **prohibited uses** of the Internet and email:

1. The use of the Internet to send messages or other content that is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers;

2. The use of the Internet for political purposes, except as authorized by law;

3. The use of aliases or transmission of anonymous messages;

4. The release of untrue, distorted, or confidential information regarding City business;

5. Accessing, viewing, distribution, downloading any pornographic sites or sexually explicit material;

6. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;

7. Excessive use of, posting, or viewing of social media, news sites, entertainment sites or other internet sites to the extent that such use interferes with or limits the employees job duties;

8. Use of the internet or email for other regular commercial purposes of the employee (i.e. the employee responds to emails or uses the internet related to outside employment).

D. Computer System Use Policies.

1. The City's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of City business. Employees are prohibited from gaining unauthorized access to another employee's email messages or sending messages using another employee's password.

2. To prevent potential City liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the City.

3. The City has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The City may disclose all such information to any party (inside or outside the City) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system–with the expectation that files sent, received or stored anywhere in the system will be available for review by any authorized representative of the City for any purpose, as well as the public if a proper request is made for public records.

4. Good judgment should always be employed in using the City's email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Emails inconsistent with the City's policies are to be avoided. Accordingly, employees should create and send only courteous, professional, and businesslike messages that do not contain objectionable offensive or potentially discriminatory material.

5. Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the City. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read.

6. The safety and security of the City's network and resources must always be considered when using the Internet.

7. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from an employee's direct supervisor and without being properly scanned for viruses. Employees are not to share or reveal individual passwords to anyone or change their computer's password without permission from a direct supervisor.

8. Nothing in this chapter prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes. The City Council has the right to restrict or prohibit any employee from Internet access or computer use for violation of these policies. Any employee who fails to comply with these rules is subject to disciplinary action, up to and including termination. In addition, violation of this Manual may subject employees to civil or criminal liability.

D. Employees using the e-mail, Internet, and other related systems within the City will be responsible for reimbursing the City for any expenses incurred from that use, such as the costs of printing or long-distance calls.

2. Cellular Phone Usage

A. City owned cellular phones are provided for the convenience of the City and employees in the performance of their official duties.

B. Employee Eligibility. A cell phone will be issued to an eligible employee or the City will provide reimbursement for use of a personal cell phone for City business when his/her job description requires the employee to:

1. Be reachable immediately
2. Be on call outside of normal business hours, or
3. Be away from a fixed workstation for a substantial portion of his/her work day.

C. Determination. Determination of cell phone issuance or reimbursement is up to the department director and City Manager. Employees that are issued a City –owned cell phone, or paid a monthly reimbursement, must be reachable on their cell phone both during and after regular business hours.

D. Tracking. An employee receiving phone reimbursement must provide the City with their cell phone number.

E. Personal Use. Personal use of City-owned cell phones is permitted for incidental calls during the time when the City is assessed minutes for usage. Personal usage on weekends and evenings will be unlimited as long as the City plan allows unlimited minutes on nights and weekends. Employees that have opted to use their personal cell phone and receive reimbursement from the City for business use should equally limit the amount of time they use their phone for personal use while on City time.

F. Cell Phone Care. Employees issued a City owned cell phone are responsible for its use and treatment. If a City-owned phone is damaged, lost or stolen, the employee is required to notify his/her supervisor immediately. The City will not be responsible for personal cell phone that get damaged, lost or stolen even if the event occurs whole on City time.

Section 14.9 Employees' Conflicts of Interest and Ethics

A. All employees and elected officials shall review and comply with the Utah Municipal Officers' and Employees' Ethics Act – Utah Code §§ 10-3-1301 – 10-3-1312 (the "Ethics Act"). If employees have any questions or concerns regarding the Ethics Act, it is the responsibility of the employee to discuss their questions or concerns with their department head or the city manager. The department head or city manager may seek guidance from the City's human resource department or the city attorney with respect to any questions or concerns.

B. Nothing in this Section 14.9 shall be construed to limit or reduce any requirements of the Ethics Act.

C. Supervisors may not engage in romantic relationships with subordinates within their department.

D. Employees must disclose any outside employment relationship with any organization that conducts business with Heber City Corporation in accordance with Utah Code § 10-3-1307.

E. Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed

immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity. Utah Code § 10-3-1307.

1. The disclosure statement shall be entered in the minutes of the meeting.

2. Disclosure by municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Utah Code §§ 10-3-1305 and 10-3-1306.

F. City employees and officers shall not accept compensation or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, except as defined in the State's Gift and Gratuities Policy, gratuities or favors of any kind which be perceived or interpreted as an attempt to influence their actions with respect to City business.

G. Use of office for personal benefit prohibited. Utah Code § 10-3-1304.

1. As used in this section, "economic benefit tantamount to a gift" includes:

a. a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

b. compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

2. It is an offense for an elected or appointed officer or municipal employee, under circumstances not amounting to a violation of Utah Code § 63G-6-1001 or § 76-8-105, to:

a. disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or employee's official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for the officer or employee or for others:

b. use or attempt to use the officer's or employee's official position to:

i. further special privileges for the officer's or employee's personal economic interest;

ii. secure special privileges for the officer or employee, or for others; or

c. knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:

i. would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

ii. the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official

action taken.

3. Subsection 2C does not apply to:

a. an occasional non-pecuniary gift having a value of less than $50;

b. an award publicly presented in recognition of public services;

c. any bona fide loan made in the ordinary course of business; or

d. a political campaign contribution.

H. Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, or a potential customer, or of a financial institution in connection with any transaction or business that Heber City Corporation may have with that the customer, potential customer, or financial institution.

I. No employee shall represent either the City or any outside public interest before any other agency, public or private, except with the express authorization or at the direction of the Heber City Mayor, City Council and/or City Manager.

J. Employees may not disclose inside information, confidential or personnel information to anyone, either inside or outside the organization, who does not have a legitimate business need to know it. No employee shall disclose to others, or use to further his/her own personal interests; confidential information acquired by said employees in the course of performing his/her official duties. City Employees and officers shall not use confidential information acquired by or available to them in the course of their employment with the City for personal gain or for personal, non-City business related reasons.

K. Employees who are designated in the City's Conflict of Interest Policy shall file the appropriate disclosure statement form required by the City each year as indicated in Section D above.

L. Compliance and Enforcement:

In the event a complaint is initiated against an employee for a conflict either disclosed or not disclosed, the process of adjudication shall be pursuant and consistent with Utah Code § 10-3-1311.

Section 14.10 Political Activity

A. No person shall be denied the opportunity to complete an application for a position with Heber City by virtue of political opinion or affiliation.

B. No person employed by the City may be involuntary terminated from service as a result of political opinion or affiliation. Any City employee may voluntarily contribute funds to political groups.

C. Any City employee may become a candidate for any public office.

D. Such employees who run for public office should be aware that, if the City Council determines a potential conflict of interest exists, the City Council may ask the employee to terminate their position as a City employee if the employee wins the election to hold a public office seat. The employee's

position will not be held for the employee after his/her stay in office is ended.

E. No City officer or employee, whether elected or appointed, may directly or indirectly coerce, command, advise or solicit any officer or employee to pay, lend or contribute part of his/her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No City officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency or person engaged in a political activity.

F. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from city employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contributions by a City employee to the party or candidate of the employee's choice.

G. Nothing contained in this section shall be construed to permit partisan political activity of any city employee who is prevented or restricted from engaging in such political

Section 14.11 Indemnification

A. Except as set forth herein and in Paragraph B, in the event of any personal liability suit filed against employee, elected official, member of a city board, commission, council or committee, the City shall save, hold harmless and indemnify such individuals so long as that employee's or person's activities were in conformance to the work assigned as stipulated in the employee's job description, applicable statute, Council, or management directive or other municipal document setting forth the functions of the individual's performance on behalf of the City. The City further agrees to pay any and all damages, settlements, and/or legal fees which may result from such actions filed against such an individual or individuals duly authorized to represent the City. This does not inure to the benefit of an independent contractor or one perceived by the City to be an independent contractor.

B. An officer or employee of the City, whether elected, appointed, or employed, shall be personally liable and the City shall have no liability if it is determined:

1. That the act or omission in question did not occur;
   a. during the performance of the employee's duties; or
   b. within the scope of his employment; or
   c. under color of authority; or

2. That the injury or damage resulted from the fraud or malice of the employee; or

3. That the injury or damage on which the claim was based resulted from:

   a. the employee driving a vehicle, or being in actual physical control of a vehicle:
      i. with a blood alcohol content equal to or greater than the established legal limit; or
      ii. while under the influence of alcohol or any drug to a degree that rendered the person incapable of safely driving the vehicle; or

   b. the employee being physically or mentally impaired so as to be unable to

reasonably perform his job function because of the non-prescribed use of a controlled substance as defined in Utah Code § 58-37-4, or because of the combined influence of alcohol and a non-prescribed controlled substance as defined by Utah Code § 58-37-4.

C. The provisions of this section shall not apply to those persons named as defendants in actions brought against them by the City.

Section 14.12 Driver's Licenses

A. Employees involved in the performance of their duties, operating a City owned vehicle or a private vehicle, must possess a valid driver's license with the appropriate class specification, if applicable. Employees must comply with the Commercial Driver's License Standards as established by state law.

B. Any employee performing duties in operation of a City or private vehicle with a suspended, revoked, or lapsed license shall be subject to disciplinary action which may include possible termination.

C. An employee must notify their supervisor immediately upon suspension or revocation of their driver's license.

Section 14.13 Benefits for Part-Time Employees

Schedule of Benefits:

A. A part-time employee is eligible for pro-rated vacation, sick and holiday pay in proportion to time worked (1/2 time – 3/4 time). Health Insurance coverage is available if the individual works over 30 hours per week. The City will pro-rate its contribution towards health insurance based on hours worked. Persons who work under 20 hours per week on a regular basis with no pre-determined separation date are not entitled to any fringe benefits such as paid time off. He/she is paid for the actual hours of work he/she completes. Part-time "as needed" employees are not eligible to receive any benefits regardless of the number of hours worked.

B. A temporary full-time employee is eligible for all holidays during his/her time of employment. He/she is not eligible for annual leave or sick leave, retirement or health insurance.

C. A part-time employee is not eligible for any fringe benefits. He/she is paid for the actual hours of work he/she completes.

Section 14.14 Violation of Personnel Rules and Regulations

Violations of the provisions of these policies and regulations shall be grounds for disciplinary action up to and including termination. Any person terminated for violation of the provisions herein shall, for a period of three (3) years, be ineligible for employment with Heber City.

Section 14.15 Legal Counsel Benefit

If an employee is involved in an on-duty fatality or a life-threatening incident, the City agrees to provide legal counsel of the City's choosing to represent the employee with legal advice and preliminary proceedings limited to the initial criminal and internal investigations. Said representation shall terminate and not extend beyond the termination or completion of the initial investigations, without written approval of the City. This representation shall not be made available for civil litigation defending the employee, or suit against the City. Once the investigations (criminal or internal) are completed, representation ends. Nothing in this policy is intended to compromise, alter or effect independent indemnification or coverage by our insurance carrier. If any provision is found to do so, said provision or policy is null and void.

Section 14.16 Funeral Benefit

If an employee is killed while in the performance of his or her duties, the City agrees to provide the deceased a grave plot in the Heber City Cemetery, and will pay for a reasonable funeral plan approved by the City Manager. For the purposes of this provision, the death of an employee by natural causes does not trigger this policy.

Section 14.17 Social Media Policy

Each employee is responsible for whether they participate in social media and what they post online, even while not at work if they identify themselves as a city employee, either explicitly or implied. No employee posting shall imply that they are speaking on behalf of Heber City or that their opinions are those of Heber City unless they have express authority from the City Manager to speak on behalf of the City.

Section 14.18 Telecommuting Policy

This policy outlines the telecommuting program and the rules and guidelines under which it operates. This policy further establishes the criteria by which qualified employees, in authorized positions, may perform their assigned responsibilities at a remote location. Heber City recognizes that a carefully planned telecommuting program is a viable work option and expects to benefit from a telecommuting program in the following ways:

- Improve employee effectiveness, productivity, and morale;
- Reduce absenteeism;
- Enhance employee recruitment and retention;
- Improve energy efficiency and air quality; and
- Effectively resume business as part of a disaster recovery or emergency plan.

A. General Policy

1. Telecommuting is not an employee right nor is it a universal employee benefit. Participation in the telecommuting program is at the discretion of, and subject to, the prior written approval of a department director. Heber City may modify or terminate the *Telecommute Agreement* at any time.

2. Employee participation in the telecommuting program is voluntary.

3. An employee may initiate a request to participate in the telecommuting program at any time.

4. An employee's participation in the telecommuting program should be transparent to any other entity interfacing with the telecommuter and may not adversely affect the performance of other employees. The decision to allow an employee to telecommute may not put a burden on staff remaining in the office. An equitable distribution of work must be maintained and methods implemented to ensure that employees working in the office do not have to handle the telecommuter's work.

5. A telecommuting agreement shall identify the number of days required in the office. For weeks with a holiday, the telecommute day(s) may need to be eliminated in that week.

6. Telecommuting employees shall comply with all applicable Heber City policies and the Government Records Access and Management Act (GRAMA), Utah Code §63G-2-101, *et seq*.

7. An employee authorized to telecommute shall maintain proper security of the telecommuting environment to protect City information in accordance with GRAMA and authorized city record retention schedules. Unauthorized disclosure of City information subjects the employee to disciplinary action, criminal prosecution as provided by law, or both.

8. An employee authorized to telecommute shall perform official duties during their department's regular business hours at the alternate worksite.

9. An employee authorized to telecommute shall not provide care for children, elders, or others who would otherwise require a provider's care.

10. To telecommute, the employee shall, upon 24 hours' notice, allow Heber City to make inspections of the telecommuting worksite for document and information security, equipment security, safe working conditions, program compliance, and management reviews.

11. No clause in this policy precludes Heber City from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this policy.

12. The employee and supervisor shall determine as part of the telecommute agreement how job performance shall be measured. A copy of the agreement shall be submitted to Human Resources.

13. The participating employee is solely responsible for investigating any individual tax implications resulting from using a part of the home as a telecommuting workspace. Participating employees should consult their tax advisor.

14. No additional expense to the City may be incurred due to a voluntary telecommuting arrangement. If an employee is required to work from home an appropriate agreement will be created to address any expenses that may be incurred.

15. A telecommuting employee shall be available by phone and by online messaging during agreed upon work hours. The employee understands that regular checks of computer/network activity are part of the *Telecommute Agreement*.

16. The number of days worked from home in any week will be determined on a case by case

basis and stated in the telecommute agreement. All agreements must be approved by the City Manager or designee.

B. Types of Telecommuting

1. Heber City permits two types of telecommuting arrangements, "regular and recurring" and "ad hoc." Some telecommuting situations require occasional or infrequent arrangements while others are more conducive to longer periods of scheduled arrangements. The intent in offering two types of telecommuting is to provide supervisors and managers with the maximum flexibility to establish a telecommuting arrangement that is conducive to a particular situation.

2. "Regular and recurring" telecommuting means a continuing arrangement under which an employee works at an alternate worksite for some portion of the work week or pay period.

3. "Ad hoc" telecommuting means an arrangement under which an employee may periodically work at an alternate worksite to complete one-time or unique assignments that can be performed away from the traditional office. This does not include an employee whose work regularly requires off-site work.

C. Requests to Participate in the Telecommuting Program

1. An employee may initiate a request to participate in the telecommuting program.

2. Each request for permission to participate in the telecommuting program shall be evaluated on its individual merit. Before entering into any *Telecommute Agreement*, the employee and manager, with the assistance of the Human Resources department and IT department, will evaluate the suitability of such an arrangement.

3. A copy of the *Telecommute Agreement*, with all necessary signatures, shall be submitted to Human Resources for review and then forwarded to the City Manager's office.

D. Approval Criteria

1. Position Criteria**:** The determination of whether a position is suitable for telecommuting should be based on job content rather than title. Tasks and functions that are generally suited for telecommuting include, but are not limited to: (a) writing (editing, drafting reports or decisions); (b) analysis (data, program, policy and financial); (c) call center functions; and (d) computer-oriented tasks (programming, data entry, and word processing).

2. Given that the operational needs of the department remain paramount, the department retains sole discretion to deny an employee's application to telecommute or to rescind a previously granted authorization to telecommute. Due consideration, on a case by case basis, should be given to the following:

a. **Public/City/Agency Contacts:** A position may not be suitable for telecommuting if a substantial portion of the job is devoted to face-to-face contact with the public, city departments, vendors or other agencies, or a combination of these.

b. **Information Security:** A position may not be suitable for telecommuting if the integrity

or security of information cannot be maintained in accordance with information security policies, or the level of security cannot be duplicated at the alternate worksite in a cost-effective manner. Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

c. **Reference Material:** A position may not be suitable for telecommuting if the employee requires access to material that cannot, or should not, be removed from the office.

d. **Resources:** A position may not be suitable for telecommuting if the department does not have sufficient staff causing the employee's absence from the office to adversely affect others left in the office or cause problems for the manager in managing office workload or coverage. Furthermore, a position may not be suitable for telecommuting if appropriate equipment is unavailable.

e. **Task Scheduling:** A position may not be suitable for telecommuting if tasks that can be completed outside the office cannot be grouped and scheduled for telecommuting days, or the employee has insufficient duties or work activities that can be performed in an alternate worksite.

3. Basic Employee Criteria: The determination of whether an employee is suited for telecommuting should be based on documented, objective criteria. A Heber City employee is eligible to participate in the Telecommuting Program if:

a. The employee's current performance evaluation rating is "acceptable," or higher;
b. The employee is currently not on a performance improvement plan; and
c. The employee is not being disciplined, or currently subject to a corrective plan, to address violation of employee conduct rules and policies.

E. Working Conditions

1. An employee participating in Telecommuting Program shall receive the same benefits and protections that are provided to other Heber City employees. This includes worker's compensation benefits, as well as defense and indemnification for claims against an employee arising out of the employee's employment, as provided by the Governmental Immunity Act of Utah, Title 63G, Chapter 7.

2. Fair Labor Standards Act (FLSA) rules apply to telecommuters. The amount of time that an employee is required or allowed to work will not change due to participation in the Telecommuting Program.

3. The telecommuter's performance should be monitored in the same manner as the employees working at the traditional office.

F. Job Performance and Work Scheduling

1. A telecommuter and the supervisor should maintain a balance between the telecommuter's scheduling needs and preferences and the department's business needs. A normal telecommuting schedule shall be agreed to at the beginning of the telecommuting arrangement. The schedule shall be documented in the *Telecommute Agreement*. The supervisor and department director must be informed of, and agree to any changes to the agreed upon work schedule in writing.

2. Policies and procedures currently in place for requesting the use of leave or compensatory remain unchanged. The participating employee is responsible for requesting leave in advance from his/her supervisor and informing timekeepers of leave usage.

3. The employee shall be available for contact during the duty hours agreed upon by the employee and the employee's supervisor. There should be no perceived difference in responsiveness or services provided attributable to work location.

4. The employee shall complete all assigned work according to procedures mutually agreed upon by the employee and supervisor.

5. Documented declines in performance or violations of employee conduct rules and policies are grounds for termination of the *Telecommute Agreement*, initiating corrective or disciplinary action, or both.

G. Worksite Requirement

1. The telecommuter's workspace is considered an extension of Heber City workspace. The City's liability for job-related accidents continues during the understood and approved work hours, but is limited to that approved workspace rather than applying to all areas of the home. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace, shall complete any required forms, and be evaluated by Risk Management. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace, shall complete any required forms, and be evaluated by the Safety Committee. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

2. The telecommuting program does not include personal customer contact or interaction with people on official business at the workspace. The City does not cover injuries to third parties at the workspace.

3. An employee may not telecommute if the presence of any third parties in the workspace would limit the employees' ability to protect the confidentiality of any records, physical or electronic, to which the employee has access.

4. The City is not liable for damages to the employee's personal or real property while the employee is working at the telecommuting worksite unless damages are caused as a direct result of malfunctioning City-owned equipment.

5. The City is not responsible for any costs associated with using an employee's home as the telecommuting worksite such as, maintenance, insurance, and utilities.

6. If the telecommuting arrangement involves activities that must be cleared through local zoning ordinances or home association regulations, the employee is responsible for initiating the approval process, complying with the applicable terms and conditions, and paying for all required costs.

7. The workspace must provide an environment similar to the office environment that is conducive to work, and free from distractions or unrelated activities.

H. Expenses

1. Reimbursement to the employee for the use of a personal cell phone for work-related purposes will be based on the City's policy outlined in the *Personnel Policy*, Section 14.8, D-2.

2. Generally, home internet service will not be provided or reimbursed unless the City requires the employee to work from home.

3. With the Director's prior permission, an employee shall obtain supplies for business use at the alternate worksite from the employee's primary worksite. Generally, out-of-pocket expenses will not be reimbursed. Any exception must be approved by the employee's supervisor in advance of purchase.

4. A telecommuter may not be reimbursed for travel miles or receive compensation for time spent on the commute to the employee's primary worksite on any given day.

5. A supervisor may consider any expense not specifically covered in this policy on a case-by-case basis, considering the appropriateness of the expense reimbursed for similar non-telecommuting positions, and overall budget.

I. City-owned Hardware, Software, and Other Equipment Expenses

1. The provision of computer hardware, software, communications equipment, and other ancillary equipment needed to perform job functions in a telecommuting work environment is left solely to the discretion of the participating employee's director. An employee may not use employee-owned computer hardware, software, or other equipment under the terms of a telecommute agreement without the express permission of the IT Director.

2. The Information Technology department will establish internal policies pertaining to, but not limited to, ownership, inventory, proper use, modification, control, and maintenance of City-provided equipment. Failure to abide by internal policies governing City-provided computer hardware, software, and other equipment may lead to the termination of the telecommute contract, disciplinary action, corrective action, or a combination of these.

J. Employee-owned Hardware, Software, and Other Equipment

1. An employee may not use employee-owned computer hardware, software, or other equipment under the terms of a telecommute contract without the express permission of the Information Technology Director.

2. If the Information Technology director grants authorization to use employee-owned computer hardware, software, and/or other equipment, the supervisor shall confirm that the configuration thereof is compatible with the City's information technology infrastructure. The employee must certify that:

a. Up-to-date IT-approved anti-virus software is installed and maintained on employee-owned equipment prior to telecommuting. The IT Department must have full access to employee-owned

computer hardware at all times, for inspection and ensure security on hardware is enabled and not compromised.

3. A request to telecommute may be denied based on the failure to certify that IT-recommended safeguards have been installed.

4. Heber City data, especially data categorized as sensitive, private, protected, controlled, or proprietary, may not be downloaded on employee-owned hardware.

5. The employee is responsible for the installation, maintenance, repair or replacement of employee-owned hardware, software, and other equipment. The City may provide technical support for employee-owned equipment on an as needed basis.

6. The participating employee must notify his or her supervisor immediately if the employee-owned equipment malfunctions. In the event of equipment failure, the employee is expected to return to their primary worksite until adequate repairs can be made.

Section 14.18 Secondary Employment - Disclosure

It is the expectation of the City that employment with the City is the primary employment for all full-time City employees, and the City employees not engage in secondary or outside employment that conflicts with their City employment or the negatively impacts their ability to perform job duties or functions with the City. Accordingly, full-time employees are permitted to engage in secondary or outside employment only under the following guidelines:

A. Types of Employment and Notice.

(1) Outside employment must not be of a type that would reasonably give rise to criticism or create the appearance or suspicion of conflicting interests or duties.

(2) Employees are required to provide written notification to the department manager using the Employee's Notice of Secondary Employment within ninety days of adoption of this Section 14.18, or before starting any secondary or outside employment after adoption of this Section 14.18. This notification should include the following information:

(a) The employer's name, business name, and business address.

(b) A general overview of the type of business engaged in by the secondary employer.

(c) The specific duties engaged in by the employee at their secondary employment.

B. Approval Process.

(1) The department manager shall review the information contained in the Employee's Notice of Secondary Employment and determine whether the

secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:

(a) Whether the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with the City. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.

(b) Whether the secondary employment could create a conflict of interest with employment with the City.

(c) Whether the secondary employment involves behavior or conduct that would reflect negatively on the City.

(2) This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:

(a) Shall abide by that decision.

(b) May appeal the decision to the City Manager, whose decision shall be final.

(c) May voluntarily resign their position and employment with the City.

Heber City

Personnel Policy

Updated September 19, 2023

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Article 1

ESTABLISHMENT OF PERSONNEL SYSTEM

Sections:

1.1 Provisions Established
1.2 Administration
1.3 Personnel Committee
1.4 Records
1.5 Definition of Terms

Section 1.1 Provisions Established

A personnel system for the City of Heber has been established in Title 2 of the City Municipal Code. This Ordinance established the following basic provisions in the personnel system:

1. A system free from political and personal considerations;
2. Equitable employment without illegal discrimination;
3. Incentives and conditions of employment;
4. Positions classified and compensated on justifiable and uniform basis;
5. Establishment of merit principle;
6. Equal administration of policies and procedures; and
7. A formal plan of adopted policies and procedures.

Section 1.2 Administration

The City Manager shall administer the personnel system as provided by Title 2 of the Municipal Code and as provided by these policies and procedures.

Section 1.3 Personnel Committee

The Personnel Committee, consisting of two members of the legislative body appointed by the Mayor (one being a non-voting member), the City Manager (as a non-voting member), Human Resources Manager, City Attorney, Chief of Police and Public Works Director the year even/odd year nonvoting, and four (4) merit employees shall serve as a review committee of the provisions of the Personnel Ordinance and the policies and procedures promulgated thereunder. The four classified employees shall consist of one representative from the Police and Animal Control Departments, one representative from the Public Works Department, one representative from the Parks/Cemetery Departments, and one representative from the Administrative, Justice Court, Planning, Airport, Building and Engineering Departments. The department representatives shall be elected by the full-time and part-time employees from the departments they represent. Terms for committee members will commence on July 1 and end June 30. The Committee shall make recommendations to the governing body concerning most policies and benefits of all City employees. Provisions that are governed by State and Federal law, pay range, wage compensation policies and working hours are not within the scope of authority of the Personnel Committee. Amendments to these personnel policies may be adopted by the City Council upon recommendation from the Personnel Committee. Any employee can propose an agenda item and related information to the Personnel Committee.

Section 1.4 Records

A. The official personnel record, which may be electronic of each employee shall be kept in the office of the Human Resource Manager and shall contain, as appropriate:

1. Record of application for employment;
2. Reference to transcripts of academic preparation;
3. Personnel Policy Acknowledgment Form;
4. Performance evaluations;
5. References to any disciplinary action or commendation filed in the individual's personnel record;
6. Records of actions affecting employee pay rate, status or standing; and
7. Other applicable items.

B. If a disciplinary action is rescinded or disapproved upon appeal, forms, documents and records pertaining to the case shall be removed from the personnel record within thirty days by or under the direction of the City Manager.

C. Personnel records shall be private data and available for review only to the employee and users authorized by law, or as determined by the City Manager, to have a legitimate "need to know." A record of those reviewing personnel records and information shall be maintained, together with the reasons for access to the records. This record shall be maintained and appropriately indexed by the Human Resource Manager in a separate file titled Authorized Reviews of Personnel Records.

D. Human Resource Manager, upon request, will supply the employee with a copy of any document placed in the employee's file.

E. An employee has the right to review the contents of his/her personnel record in the Office of the Human Resource Manager or the department as governed by law.

F. An individual personnel record may be kept in the department to contain copies of items recorded in the official record and other materials as required by department management. Any such individual record shall be considered a supplement to the official record and shall be subject to the rules governing personnel records.

G. Requests for confirmation of employment, dates of employment, job descriptions, and salaries (other than withholding information) will be treated as public information.

Section 1.5 Definition of Terms

All terms, phrases and words used in these policies and procedures shall have the meanings as defined in this section or as defined by common usage.

Appeals Hearing Officer. The Appeals Hearing Officer shall be a member of the Utah State Bar who is appointed by the Mayor. The Mayor may appoint one or more alternate Appeals Hearing Officers to handle appeals in the event the primary Appeals Hearing Officer has a conflict of interest or is unable to timely hear the appeal. *See* Utah Code § 10-3-1106.

Applicant. One who appears in person at the City Office Building or place designated and is received by a representative of the City. This individual must have completed an employment application form that designates preference for a particular position and may attach a resume that contains pertinent required data. The person must meet minimum legal requirements for the position being sought.

Appointing Authority. An official or group of officials having the authority legally to make appointment to positions in the City.

Class. A group of positions sufficiently similar with respect to their duties and responsibilities that the same title may reasonably and fairly be used to designate each position allocated to the class, that substantially the same minimum qualifications may be required, and that the same schedule of compensation may be made to apply with equity.

Merit Employee. All full-time and part-time employees which have successfully completed their Trial Service Period. Merit employees, unlike non-merit employees, have the right to appeal adverse employment decisions.

Demotion. Any action taken by a supervisor, City Manager, Mayor, and City Council governing body which results in a reduction in pay or position.

Disabled. One who (1) has a physical or mental disability that, for such individual, constitutes or results in a substantial disability to employment and (2) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. Also, one who is disabled means one who (1) has a physical or mental impairment that substantially limits one or more of one's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A disabled individual is substantially limited if he is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability. Utah Code § 34A-5-102. and 42 USC 12102

Employee. A person legally holding a position, under any appointment or contract to hire, in the public service of the City.

Exempt Employee. Positions of a managerial, administrative, or professional nature, as prescribed by Federal and State Labor Statutes, shall be exempt from mandatory overtime payment regulations.

Full-time Employee. An employee who works at least 30 hours per week and has been lawfully retained in his/her position after successful completion of the trial service period, providing such position shall have been approved by the City Council.

Governing Body. The Mayor and the City Council of Heber City.

Grievance. A grievance is a dispute regarding the interpretation or application of any rule, regulation, policy, or procedure which exists under the personnel system of the Heber City Corporation, filed by any employee, alleging a violation of the terms, provisions, and/or conditions of his/her employment, except for issues dealing with wages, salaries, benefits, or other financially remunerative matters.

Human Resources Manager. The person who is appointed by the City Manager to be primarily

responsible for handling human resources related issues.

Intermittent Employee. A person who works unscheduled periods, on a non-classified service status, but accrues fringe benefits on a pro-rate basis.

Management. Management includes all supervisory personnel of Heber City.

Non-Grievance. A non-grievance is any matter or action taken by the City or any of its representatives for which relief is provided under the statutes of the State of Utah, or any matter specifically excluded from this set of procedures by provisions included herein, such as wages and salaries, or any policy decisions made by the City Council.

Part-Time "As Needed" Employee. A part-time "as needed" employee is hired on an "as needed" basis and is not eligible for any benefits regardless of the number of hours worked. This designation is an at-will position.

Performance Evaluation. Performance evaluations will be conducted annually, or more often as requested by the City Manager. The evaluation will be given by the supervisor of the individual, or by a designate named by the supervisor. Each employee will be evaluated in an objective and equitable manner.

Personnel Committee. An eight (9) member committee, composed of the City Manager (as a non-voting member) and two elected officials appointed by the Mayor and confirmed by the city council (one as a non-voting member), 1 member as either the Police Chief or Public Works Director, the HR Manager, and four (4) employees elected at large by the employees.

Part-Time Employee. A part-time employee is hired without a pre-determined terminal point of employment and is scheduled to work less than full time.

Position Description. A written description of a position, consisting of a title, a description of duties, the essential functions of the job, and minimum qualifications as approved by the City Council.

Promotion. Movement of an employee from one class or position to another class or position having a higher salary range, and a greater degree of responsibility and difficulty.

Temporary Full-Time Employee. A temporary full-time employee is hired with a pre-determined terminal point of employment usually for a period of less than six months.

Temporary Part-Time/Seasonal Employee. A temporary part-time/seasonal employee is hired for a specific period of time usually for a period of less than six months.

Transfer. Movement of an employee from a related class or a related position with the same salary range, or the movement of an employee with his/her current position to another location within the City.

Section 1.6 Employee Code Of Ethics

A. Employees will respect the civil and legal rights of all who are served by the city.
B. Employees, while on duty, shall be respectful, courteous and civil with the public, and each other,

and shall not use course, indecent, profane or unnecessarily harsh language in any public space.

C. All employees shall perform their duties as required or directed by law, city rule, policy, or supervisor. All lawful duties required or directed by competent authority shall be performed promptly as directed.
D. Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.
E. Employees shall meet standards established in their individual performance plans and report conditions or circumstances that would prevent them from performing their job effectively or completing their assigned tasks. Employees should bring to their supervisor's attention unclear instructions or procedures.
F. Employees are expected to make prudent and frugal use of city funds, equipment, buildings and supplies.
G. Employees shall observe workplace rules.
H. Employees shall not, while on duty, engage in religious discussions or debates to the extent it impacts the good working environment, nor speak disparagingly of the nationality, race or beliefs of any person.
I. No employee shall engage in any act or conduct which violates federal, state, or local laws or ordinances.
J. No employee shall ridicule, mock, deride, taunt, or belittle any person or group of persons, nor willfully embarrass, humiliate, or shame any person.

Article 2

EQUAL OPPORTUNITY AND NON-DISCRIMINATION

Sections:

2.1 General Policy Statement
2.2 Disabled Persons
2.3 Sexual or Gender Based Harassment or Discrimination

Section 2.1 General Policy Statement

A. Heber City does not discriminate in hiring and promotion of employees based upon any protected class as defined by federal or state law.

Commented [CA1]: Confirm w/Jeremy federal law protection

Commented [CA2]: Jeremy Cooke - legality of protected classes

B. Evaluation of full-time employment candidates will be made on the basis of education, skills, experience, and potential for job performance learning, and ability to be successful.

Section 2.2 Disabled Persons

No qualified disabled person shall, based on a disability as defined in Utah Code § 34A-5-102 be subjected to illegal discrimination in employment under any program or activity sponsored by Heber City covered by the Vocational Rehabilitation Act of 1973 as amended. Heber City's employment decisions will be made to ensure that discrimination based on disability or perceived disability does not occur.

Section 2.3 Sexual or Gender Based Harassment or Discrimination

A. GENERAL POLICY. It is the policy of Heber City that:

1. Heber City does not tolerate sexual harassment in any form.
2. Unlawful discrimination/harassment of employees of any type, on or off duty, based on sex/gender, subtle or otherwise, shall not be tolerated and violators will be subject to disciplinary action up to and including termination.
3. Retaliation or reprisals are prohibited against any employee who opposes a forbidden practice, has filed a charge, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy.
4. False or bad faith claims regarding sexual or gender harassment shall result in disciplinary action against the accuser.
5. Records and proceedings of sexual harassment claim, investigations, or resolutions are confidential.
6. All employees, supervisors and management personnel shall receive training on the sexual/gender harassment policy, respect in the workplace training, and grievances procedures.

B. PROHIBITED CONDUCT. The following conduct is prohibited:

1. Any unwelcome or inappropriate sexual behavior, sexual or gender-based remarks or jokes, physical touching, physical advances, or use of implicit or explicit sexual overtones.

2. The implicit or explicit granting, withholding or conditioning of job benefits based on or in exchange for sexual favors or sexual conduct.

3. Repeatedly or inappropriately asking or requesting that a person go on a date or interact outside of work unless the person has clearly indicated a willingness to do so.

4. Creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

i. Sex role stereotyping.

(A) Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.

(B) Comments or written material reinforcing traditional historic perceptions regarding gender.

ii. Gender harassment/discrimination.

(A) Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender which is demeaning, ridiculing, or derisive.

(B) Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender or nonbinary individual.

iii. Targeted or individual harassment.

(A) Intentional behavior predicated on gender or expressing sexuality which is directed at a specific group or individual.

(B) Offensive conduct may be verbal, visual, or physical; including unwanted physical touching of a non-criminal nature.

iv. Touching.

(A) The intentional unwanted touching of the breasts, buttocks, or genitals of another.

(B) Forcible sexual abuse.

C. TYPES OF CORRECTIVE ACTION: Any employee who is being sexually harassed or who has personal knowledge of clearly offensive conduct may address the issue either through the formal or informal processes described below:

1. Informal Action.

a. Employees may choose to address unwelcome behavior/conduct informally by notifying the Human Resources Manager of the behavior or conduct. The victim may:

(A) Ask the Human Resources Manager for assistance in determining what to say and how to approach the offending employee.

(B) Request the Human Resources Manager accompany the victim when the victims give the offending employee notice.

(C) Ask the Human Resources Manager to give notice to the offending employee, either accompanied by the victim or alone.

2. Formal Action.

a. Formal complains should be in writing to the Human Resources Manager and specify:

i. The identity of the victim.

ii. The identity of the offending employee.

iii. The offensive behavior that the employee engaged in.

iv. The frequency of the offensive behavior.

v. Damage the victim suffered as a result of the offensive behavior.

vi. How the victim would like the matter settled, or what the victim would like to see happen.

b. The victim will be allowed a reasonable amount of time during work to prepare a formal complaint.

c. The victim should submit formal written complaints to the Human Resources Manager. If the Human Resources Manager is the employee engaging in the offensive behavior, the formal complaint should be submitted to the City Manager.

3. Disciplinary Action. Employees found guilty of sexual harassment may face disciplinary action up to and including termination.

D. MAINTAINING COMPLAINT FILES.

1. Information related to any sexual harassment complaint, proceeding, or resolution shall be maintained in separate and confidential sexual harassment investigative files. This information shall not be placed or maintained in any employee's personnel file.

2. Information contained in the sexual harassment investigative files shall be released only with the written authorization of the victim and the City Manager, or designee.

3. Participants in any sexual-gender or nonbinary harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

E. VICTIM PROTECTION.

1. Individual complaints, either verbal or written, are confidential.
2. Victims of alleged sexual harassment shall not be required to confront the accused outside of a formal proceeding.
3. The accused shall not contact the victim regarding the alleged harassment.
4. Retaliation or reprisals are prohibited against any employee who opposed a practice forbidden under this policy, or who has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing.
   a. Any employee engaging in prohibited retaliatory activities shall be subject to disciplinary action up to, and including, termination.
   b. Retaliation is an additional and separate disciplinary offense.
   c. Retaliation may consist of, but is not limited to, any of the following:
      i. Open hostility.
      ii. Exclusion or ostracism.
      iii. Special or more closely monitored attention to work performance.
      iv. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

Article 3

HEBER CITY DRUG-FREE WORKPLACE POLICY

Sections:

3.1 Policy Statement
3.2 Definitions
3.3 Prohibited or Required Conduct
3.4 Drug Testing
3.5 Drug Testing-Sample Collection
3.6 Discipline
3.7 Self-referral

Section 3.1 Policy Statement

A. The Governing Body of Heber City finds that a healthy and productive workforce within the city, safe working conditions free from the effects of alcohol and drugs, and high-quality services rendered to the public are important. These circumstances are vital to the functioning of Heber City, the safety of its government employees, and the well-being of the general public.

B. The Governing Body of the City finds that the abuse of drugs creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, decreased employee morale, and a decline in the quality of services rendered to the public.

C. In balancing the interests of the city and its employees and volunteers with the interest and welfare of the general public, the Governing Body of the City finds that implementation of drug free workplace policies, in accordance with state statute, is in the best interest of all parties.

D. In adopting this policy, it is the intent and object of the City Council to be as

comprehensive as possible in addressing the issues of safety, confidentiality, privacy, drug use education, treatment, and the appropriate use of drug testing as described in this policy.

Section 3.2 Definitions

The following definitions shall apply to this Article 3:

A. "Act" means the Local Government Entity Drug-Free Workplace Enabling Act (Section 34-41-101, et seq., U.C.A. 1994, as amended).

B. "Drug" means any substance recognized as a drug in the United States Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or a supplement to any of those compendia. (See appendix)

C. "Drug testing" or "drug test" means the scientific analysis for the presence of drugs or their metabolites in the human body in accordance with the definitions and terms of this chapter.

D. "Employee" means any person or officer in the service of Heber City for compensation.

E. "Periodic testing" means pre-selected and pre-announced drug testing of employees or volunteers conducted on a regular schedule by Heber City' s designated Medical Review Officer (MRO).

F. "Prospective employees" means any person who has made a written or oral application to become an employee of Heber City.

G. "Random testing" means the unannounced drug testing of an employee or volunteer who was selected for testing by using a method uninfluenced by any personal characteristic other than job category.

H. "Reasonable suspicion for drug testing" means an articulated belief based on recorded specific facts and reasonable inferences drawn from those facts that an employee or volunteer is in violation of this policy.

I. "Rehabilitation testing" means unannounced but pre-selected drug testing done as part of a program of counseling, education, and treatment of an employee or volunteer in conjunction with this policy.

J. "Safety sensitive activity" means any employment position involving duties which directly affect the safety of government employees or the general public, or positions where there is access to controlled substances, as defined by state law, during the course of performing job duties.

K. "Sample" means any sample of urine, blood, breath, saliva, or hair, to be used for drug testing.

L. "Volunteer" means any person who donates services as authorized by Heber City without pay or other compensation except expenses actually and reasonably incurred.

Section 3.3 Prohibited or Required Conduct

A. Employees and volunteers shall not use, possess, distribute, sell, or purchase any illegal drugs or controlled substances.

B. Employees and volunteers shall not use or possess prescription drugs unless such drugs are properly prescribed by a licensed physician and are being properly used for the treatment of an illness or injury. As to any such prescription drugs, the employees or volunteers shall inform the department head or designee and/or City Manager of such medication if it impairs in any manner the employee's or volunteer's performance.

C. No employee or volunteer shall report for a regularly scheduled shift or be on a shift of duty while under the influence of any drug which renders the person incapable of safely and adequately performing job duties or while under the influence of any illegal drug or controlled substance.

D. No employee or volunteer, while on duty, shall operate any vehicle under the influence of any drugs which renders the person incapable of safely and adequately operating the vehicle.

E. Employees and volunteers shall not refuse to submit a sample for drug testing purposes when that sample is requested pursuant to the provisions of this policy.

F. Employees and volunteers shall not engage in off-duty drug use which violates the laws of the United States or the State of Utah or engage in any off-duty drug use which could compromise the employee's or volunteer's ability to safely and adequately perform job duties.

Section 3.4 Drug Testing

A. Pre-hire Testing: All prospective employees shall be given a drug test as part of the pre-employment medical examination. Any prospective employee who is found to be a user of an illegal drug or controlled substance, uses a prescription drug without an authorized prescription, or refuses to take the drug screening test shall be disqualified.

B. Post-accident Investigation: In any circumstances in which an employee or volunteer causes or contributes to the cause of an accident in which damage appears to exceed one thousand dollars ($1,000) or in the case of a motor vehicle accident, a reportable amount, and/or in which a third party is involved or in which personal injury results, he/she shall be given a drug screening test as part of the accident investigation. Notwithstanding the above criteria, an employee may volunteer to take a drug screening test, at the City's expense, for his/her own or for the City's legal protection no matter the results of the accident. The presence of drugs or other metabolites discovered in the drug screening test, or the employee or volunteer’s refusal to submit to the drug screening test, shall result in appropriate disciplinary action.

C. Reasonable Suspicion Testing:

1. The department head, after discussion with the City Manager and Human Resources Manager, may direct that an employee or volunteer submit to a drug screening test under circumstances in which the supervisor has a reasonable suspicion that the employee or volunteer is under the influence of drugs or otherwise in violation of this policy.

2. Circumstances which may constitute a basis for determining a reasonable

suspicion include but are not limited to: a pattern of abnormal or erratic behavior (i.e. a significant change in absenteeism); the direct observation of the employee or volunteer using drugs, possession of drugs at the work site, or the noticeable presence of physical symptoms of drug use (i.e. dilated or pinpoint pupils, unusual changes in speech pattern, restlessness, rapid mood swings, bloodshot eyes, odor of alcohol, unusual euphoria, "nodding off", needle marks, unusual aggressive or bizarre acts, or hallucinations).

D. Rehabilitation Testing: Employees who agree to enter a drug rehabilitation program, either in addition to or in lieu of disciplinary action, shall agree, as a condition of rehabilitation, to submit to such periodic or random drug testing as may appear appropriate. Such drug testing shall be conducted upon the advice of the rehabilitation treatment provider and shall be used to determine if the employee is making adequate progress towards successful rehabilitation.

E. Random Testing of Safety Sensitive Personnel: Employees who work in the following safety sensitive positions shall be subject to random drug tests as a condition of employment: police officers, public works employees, building inspection employees, parks and cemetery employees, and animal control officers. The directors of each department which employs safety sensitive personnel shall follow the random drug testing policies of this policy which specifies testing of a reasonable number of employees each year, including all supervisory and management personnel in those particular job positions.

F. Miscellaneous Testing: Employees and volunteers shall be subject to such other drug testing as may be required by appropriate state or federal laws or regulations, including driver's license examinations and other license or certification requirements. All such drug testing shall be considered a condition of employment.

Section 3.5 Drug Testing-Sample Collection

A. All drug test sample collection and drug testing under the provisions of this policy shall be conducted in accordance with the requirements of the Act and other applicable provisions of state or federal statute or regulation. Sample collection, handling, and transportation procedures shall all be conducted in accordance with the requirements of the law.

B. Any person required to submit to a drug test under the provisions of this policy may, at his option and expense, submit a second drug test sample for further testing in accordance with the provisions of the Act and within two (2) hours of the first test.

C. All drug testing and sample collection procedures under this policy shall be performed under reasonable and sanitary conditions and in such a manner as to ensure the privacy of the individual being tested.

D. In all drug testing and sample collection procedures, any transmittal or reporting of test results shall be conducted with due respect for confidentiality. Drug test activities and result reports may be made available only to supervisors and management personnel with an immediate need to know about those procedures and results. Testing procedures and results may be made available and communicated as needed for the purposes of any disciplinary action or criminal investigation or prosecution. Records regarding test results are generally considered protected documents under the provisions of the Government Records Access and Management Act – Utah Code § 63-2-304.

E. Excess Fluid, Temperature Out-of-Range and Adulterated Samples (Negative Dilute Test

Results): To obtain accurate and reliable test results, the employee or prospective employee must not dilute the urine sample by the ingestion of excess fluids (hereinafter referred to as "Excess Fluids Sample") before providing the sample. A urine sample shall be considered an excess fluids sample if (1) the test results indicated that the urine sample contains creatinine levels less than .2g/L and a specific gravity of less than 1.003 and (2) there is no medically sufficient explanation for such excess fluids, which explanation must be judged as satisfactory to the MRO in his/her sole but reasonable discretion. If a urine sample provided by a prospective employee or an employee is determined after appropriate testing to be an excess fluids sample, the prospective employee or employee shall, at the City's discretion, be required to provide another urine sample at a time and under conditions and requirements that are within the sole discretion of the City. In the event the second sample is determined after appropriate testing to be an excess fluids diluted sample, the prospective employee shall not be offered employment with the City and the employee shall be subject to disciplinary action.

Section 3.6 Discipline

A. If a confirmed positive drug test result indicates a violation of this policy or if an individual refuses to provide a sample in accordance with the provisions of this policy, or otherwise violates this policy, that test result, refusal, or violation may be used as a basis for imposing disciplinary action. Any disciplinary action shall be conducted in accordance with the provisions of the Heber City Personnel Policies and Procedures Manual.

B. Whenever appropriate, rehabilitation of employees who violate this policy should be pursued. The determination whether to proceed with discipline, rehabilitation in addition to discipline, or rehabilitation in lieu of discipline for violations of this policy shall be within the discretion of the department head and/or the City Manager.

C. Any rehabilitation in lieu of or in addition to disciplinary action should be undertaken in accordance with the terms of a written memorandum of understanding or agreement between the City Manager, department head and the employee. The memorandum should set out the expectations which the employee must satisfy, including successful completion of a rehabilitation program; appropriate waiver of confidentiality to permit communication between supervisors and rehabilitation service providers, as needed; periodic rehabilitation drug testing as determined appropriate; an acknowledgment that failure to successfully complete rehabilitation will lead to appropriate disciplinary action; and such further conditions as may be necessary and appropriate.

Section 3.7 Self-referral

Employees are encouraged to refer themselves for drug rehabilitation services to be provided by a certified rehabilitation service provider. Employees who enter drug rehabilitation as a self-referral are encouraged to communicate this fact to their supervisor to determine whether drug use or rehabilitation activities will adversely affect the employee's job performance. Supervisors are encouraged to cooperate and work with employees who are undergoing a self-referral rehabilitation to assist in a successful completion of that rehabilitation. The status of employees in safety sensitive positions must be carefully screened to determine that their rehabilitation activity shall have no potential adverse effect on job duties.

Article 4

HIRING FOR NEW AND VACANT POSITIONS

Sections:

4.1 Procedures
4.2 Veterans Preference
4.3 Nepotism (Hiring of Relatives)

Section 4.1 Procedures

A. When a position opens in a department or a need arises to create a new position, the department head shall submit notification of the position vacancy to the Human Resource Manager, who will then notify the City Recorder and City Manager to determine if the position is to be filled.

B. Job openings shall first be posted and opened to all employees within the City for five (5) working days. Openings within Heber City Police Department may be open to any part-time or reserve officers before being open to other departments within the City or to the public. (Part-time and reserve officers of the department have already been tested, been through field training, and required to meet the standards of a full-time officer.)

C. If it is determined that there is a need to consider outside applicants, then the Human Resource Manager shall post the opening with Work Force Service and other job boards, and where all City employees will be made aware of the opening. The appointing authority shall provide, in all cases where practicable, that vacancies shall be filled based on ascertained merit and qualification, thus enhancing the City Classified Service by providing upward mobility.

D. The department head/supervisor will review all applications to see who does or does not meet the qualifications. The department head/supervisor will determine which, if any, of the applicants they want to interview by an interviewing board which is set up by the department head. Upon choosing a finalist, the name and recommended salary will be sent to the City Manager for final approval.

E. The City Manager may provide a bonus or other benefit for the referral of City employees.

F. Offices whose appointment is governed by State law or existing City ordinances are the City Manager, City Recorder, City Treasurer, Chief of Police, City Attorney, Airport Manager and the Justice Court Judge; the appointment, removal and demotion of these officials shall be guided by City Code Section 2 "Administrative and Personnel." Retention of the Justice Court Judge is subject to Utah State Code 78A-7-203.

G. Upon hiring, an employee shall complete necessary forms including, but not limited to, authorization to work in the U.S, Form I-9, URS certification either ineligible or eligible, W-4 tax forms, and insurance if applicable. These items will be kept in a personnel file in the Human Resource Manager's office. After an offer is made and before commencing employment with the city, new employees must submit a pre-employment drug screening, and may be subject to background checks which may include, at the discretion of the city manager and/or HR manager, criminal activity, and credit information.

Section 4.2 Veterans Preference

Honorably discharged veterans who have served in the armed forces of the United States during a period of conflict, war, or other national emergencies as defined by congress, and any un-remarried surviving spouse of such honorably discharged veterans shall be preferred for employment, either directly or by contract, if they possess equal qualifications to other applicants for that employment and if they are residence of the State of Utah as recorded in Utah Code § 71-10-2, and § 71-10-3.

Section 4.3 Nepotism (Hiring of Relatives)

A. It is the policy of Heber City to comply with the Anti-Nepotism Clause as stated in the Utah Code § 52-3-1, *et seq*.

B. No appointing authority may employ, appoint, vote for, or recommend the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law, when the salary, wages, pay, or compensation of the appointee will be paid from public funds and the appointee will be directly supervised by a relative, except as indicated in Utah Code § 52-3-1, *et seq.*

C. No public officer (a person who holds a position that is compensated by public funds) may directly supervise an appointee who is a relative when the salary, wages, pay, or compensation of the relative will be paid from public funds, except as indicated in Utah Code § 52-3-1, *et seq.*

D. Heber City will consider employment applications from relatives of current employees whenever openings exist for which they are qualified. Hiring decisions, however, will be made solely on the basis of merit and relatives will not receive preferential treatment. Applicants with relatives will not be hired in the same division if the applicant is to be supervised by one of the relatives listed in 4.3 B. An exception may be offered if the department is a conglomerate, such as Public Works with Water, Sewer, Roads, and Fleet.

Article 5

PROBATIONARY TRIAL SERVICE PERIOD

Sections:

5.1 Trial Services Period
5.2 Time Period and Appointment
5.3 Release of Trial Service Employee

Section 5.1 Trial Services Period

The trial service period or working test period shall be regarded as an integral part of the employment process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to the position, and for rejecting any employee whose performance does not meet the required performance level.

Section 5.2 Time Period and Appointment

All original and promotional appointments of employees shall be tentative and subject to a trial service period of at least six (6) months but may be extended with City Manager approval. All sworn law enforcement officers are subject to a one (1) year trial service period but may be extended with City Manager approval.

Section 5.3 Release of Trial Service Employee

During the trial service period an employee may be released at any time by the department head and/or City Manager without cause and without the right to appeal except where discrimination is alleged. The department head should consult with the City Manager, Human Resource Manager, and the supervisor (if applicable) before terminating the employment of a trial service employee.

Article 6

TRAINING AND DEVELOPMENT

Sections:

6.1 Educational Assistance
6.2 Conferences, Seminars and Conventions
6.3 Certification Training
6.4 Travel Time

Section 6.1 Educational Assistance

A. Heber City recognizes the importance of educational growth of employees for advancing technical and managerial skills. Through the Educational Assistance Program, the City may provide assistance to a post- trial service employee, subject to manager discretion, who undertakes an undergraduate or graduate course of study which is mutually advantageous to the City and to the employee. Employees desiring to participate in this program must submit an Educational Assistance Application to their supervisor by February 1st each year for it to be considered in the upcoming fiscal year budget. If approved for funding by the supervisor, the City Manager, and the City Council, then the employee will submit each semester's grade with a certified transcript and tuition receipt to his/her supervisor within one month of the semester ending for reimbursement. If an employee is not pursuing an approved graduate or undergraduate course of study, any courses taken must be pertinent to the employee's job in order to qualify for reimbursement. The City will follow FERPA standards in the Educational Assistance Program.

B. For successfully completed courses with a "B" grade average or higher, of courses which have been approved by the department head and the City Manager, and successfully completed with a minimum grade of "C" and an overall "B" grade average or higher, the City will reimburse the employee an amount equal to 100% of the tuition, fees and books. Application for education assistance shall not normally be approved for reimbursement of courses taken in excess of six (6) hours per semester or quarter. Courses must be pertinent to the employee's job or serve Heber City as relevant. If the employee is entitled to Veteran's educational benefits, and/or Pell grants or scholarship funds he/she must first use such benefits in lieu of City reimbursement. The City reimbursement will be reduced by the amount of reimbursement the employee is eligible for from the any grant including a Pell Grant, scholarship, and, Veterans Administration as applicable.

C. All approved participants in the Education Assistance Program must be working at least an average of thirty (30) hours per week. In some cases, irregular work schedules may be considered as a means of accommodating class schedules. In most cases, study time will be done on the employee's personal time. At the discretion of the department head an employee may study on the job if classes are required for certification or to maintain certifications required by the City.

D. Employees participating in the Education Assistance Program will be expected to continue their employment with the City for three years following the first tuition reimbursement or they will be required to reimburse the City for any assistance they received.

Section 6.2 Conferences, Seminars and Conventions

A. Employees desiring to participate in a conference, seminar or convention must complete a Training and Administrative Leave form and submit it for approval to the department head. For out-of-state travel, this form must then be submitted to the City Manager for final approval. The City will pay the cost of registration fees, motel, travel, and per diem on approved leave. The City will follow federal statutes regarding non-discrimination practices in access to training and career development.

B. Employees will be compensated for time spent attending training sessions at conferences, seminars, and conventions. Time allotted for meals during these conferences, etc., will not be counted as time worked.

Section 6.3 Certification Testing

A. On the job study time is allowed for job related or required certifications with the approval of the department head.

B. Heber City will pay the cost of certification test fees a maximum of two (2) times per test per employee. Employees unable to pass a certification test after taking it twice will be required to pay the fee for any subsequent attempts. Upon passing the test, the City will reimburse the cost of the test with proof of passing and receipt for payment.

Section 6.4 Travel Time

A. Commuting Time: Commuting time is not paid work time, even when the employee is using an organization vehicle. Travel time from home to a site in response to an emergency call after the regular workday is work time.

B Single-Day Travel: An employee who travels during a workday, such as from one work location to another, is entitled to compensation for his/her travel time. When an employee who normally works at one location is sent out-of-town on a single-day trip, the time spent traveling is work time. Travel to work-related meetings is compensable.

C. Over Night and Weekend Travel: An employee who travels away from home overnight or on weekends is working when he/she is a passenger on an airplane, train, boat, bus, or automobile if the travel is work related.

Article 7

PERFORMANCE EVALUATION

Sections:

7.1 Performance Evaluations
7.2 Inspection of Performance Evaluations
7.3 Appeal from Performance Evaluation

Section 7.1 Performance Evaluations

A. The City Manager and department heads shall provide a system of standards of performance in positions, and a method of reporting on the performance of individual employees based on such factors as, for example, ability, quality and quantity of work, reliability, discipline and attendance. The system shall provide:

1. For maintenance of reasonable standards of physical fitness for performance of the duties of the position. Periodic or occasional physical examinations may be required and the results included in the report.

2. For the use of performance reports as a factor in promotions and position evaluation.

B. Performance evaluations shall be obtained for each employee at least once each year at an annual review. Additional evaluations will be completed as requested by the City Manager or Governing Body. Performance evaluations will be conducted in a non-discriminatory manner.

Section 7.2 Inspection of Performance Evaluations

Each employee shall receive a complete copy of each evaluation which is completed on their personal performance. At the time received, the employee shall acknowledge receipt by signing and dating an acknowledgment form or the file copy. The performance evaluation may be inspected by the Mayor, the City Council, or the employee's representative as duly authorized in writing by the City Manager. Evaluations shall not be open for inspection by any other person except for the employee's supervisor or for purposes of inquiry or review as ordered by the City Council.

Section 7.3 Appeal from Performance Evaluation

An employee shall have the right to appeal any unsatisfactory performance evaluation assigned to him/her to the City Manager. The appeal procedure shall follow that prescribed in Section 10.4.C.

Article 8

SAFETY AND HEALTH

Sections:

8.1 Occupation Safety and Health Act Safety Committee
8.2 Inspections
8.3 Records and Reports
8.4 Work Areas and Equipment

8.5 General Safety Rules
8.6 Proper Use of Heber City Equipment & Tools
8.7 Environment free from Recognizable Hazard
8.8 Accidents and Near Misses to be Reported
8.9 Fit for Duty
8.10 Miscellaneous

Section 8.1 Occupation Safety and Empowerment

A. Safety and health of employees at work is of utmost importance to Heber City. Heber City shall comply with all applicable rules, regulations and standards pertaining to the Federal and State Occupational Safety and Health Act. Heber City shall furnish each of its employees an employment environment free from recognized hazards that are causing or are likely to cause death or physical harm and does hereby require that each employee comply with the occupational safety and health standards, order, rules, and regulations promulgated under the Occupational Safety and Health Act. Compliance with this Act shall be accomplished through the establishment of an occupation safety and health program as outlined herein.

Heber City has established a Safety Committee that shall convene at least once monthly to discuss preventative measures, incidents, and near misses in the workplace. All employees are required to report unsafe conditions and encouraged to report potentially dangerous practices. In addition to the Utah Occupational Safety & Hazard requirements, Heber City requires employees to report 'Near Miss' incidents. A Near Miss is defined as, 'No property or internal damage, but with a slight shift in time or position would have resulted in significant injury or damage. The situation could have a correction factor if the employee ignored the obvious signals and signs or was negligent in actions or omissions. For example, a damaged hose was replaced without notification of the damage, 'tag out'. Consequently, the next employee to use the damaged hose experienced chaotic water spraying under high pressure that resulted in a laceration under his eye.

Commented [CA3]: Add qualifiers

Commented [CA4R3]: A near miss is defined as any situation with a modification in behavior whose outcome would otherwise result in significant harm.

B. The Human Resource Manager shall provide employees with OSHA rules and regulations. The Human Resource Manager and department heads are responsible for alerting employees about safety and health rules, procedures, and guidelines. The Human Resource Manager and department heads must see that requirements are posted in the workplace, understood, enforced, and revamped to comply with governmental regulations, and to meet employee needs. Worker's Compensation insurance provides medical benefits, as well as payment for lost hours from work, for individuals injured while on the job. *See* Utah Code § 34A-6.

Section 8.2 Inspections

The City Manager shall designate a Safety Officer who, in working with the safety committee, will frequently inspect and document for unsafe conditions and practices, defective equipment and materials, and where such conditions are found, to take appropriate action to correct such conditions immediately. Accidents in the workplace will be discussed and reviewed during the Safety Committee meetings. All employees are required to immediately report an unsafe condition. Supervisory personnel shall enforce safety regulations and issue such rules as may be necessary to safeguard the health and lives of employees. Signage of 'Do Not Use' shall be placed on any equipment to prevent accident or injury until the equipment can be repaired or replaced. All employees are expected to warn all other employees

of any dangerous conditions and permit no one to work in an unsafe place, except for the purpose of making it safe.

Section 8.3 Records and Reports

A. An accurate record shall be kept of all accidents involving an injury to an employee while on duty, whether time is lost. These records shall, at all reasonable times, be available to the Utah Occupational Safety and Health (UOSH) or to its representatives upon request. Other records shall be kept as requested by UOSH.

B. The Employee's First Report of Injury or Illness MUST be submitted to Heber City's insurance carrier, per Sections 34A-2-407 and 34A-3-10B, R612-200-1 Utah Code Annotated (U.C.A.) 1997. Each employee or immediate supervisor shall file the report no later than the end of the shift or workday. If the injury or illness results in medical treatment by a physician and first aid R612-100-2, loss of consciousness, loss of work, restriction of work, or transfer to another job. Heber City requires the injured employee or the immediate supervisor to report immediately or within eight hours of occurrence. Heber City shall file a subsequent report with the UOSH commission of any previously reported injury; or occupational disease that later resulted in death. Section 34A-6-301 (3)(b)(ii) states that each employer shall, within eight hours of occurrence, notify the Division of Occupational Safety and Health, at (801) 530-6901 or (800) 530-5090, of any; work-related fatality; disabling, serious, or significant injury; or occupational disease incident. A serious injury includes: amputation, fractures of major bones (both simple and compound), and hospitalization for medical treatment. All information requested on the First Report of Injury form is of vital importance. Please answer ALL items in detail to avoid delay and additional correspondence or the return of this report for completion. A report of any on-the-job injury resulting in disability or compensable lost time shall be submitted by the department head, or designee, to the Human Resource Manager who will send copies to the Industrial Commission of (UOSH) and to the affected employee within seven (7) calendar days on a "First Report of Injury" form. Should any sudden or unusual occurrence or change of conditions occur (such as the appearance of toxic or unusual fumes or gases, major equipment failure, explosions, fires, etc.) that might affect the safety or health of City employees or tend to increase the hazards thereof, the department head or Human Resource Manager shall notify the Industrial Commission of Utah UOSH of Utah immediately. A report to Utah Occupational Safety and Health (OSHA) should be made as well. Such notification must be made whether any actual injuries result from the above occurrences or changes of conditions.

C. The Human Resource Manager shall post, in a conspicuous place, a list of telephone numbers or addresses as may be applicable so that necessary help can be obtained in case of emergency. Such list shall include:

1. Responsible supervision (supervisor or equivalent)
2. Hospital
3. Poison Control
4. Ambulance
5. Fire Department
6. Police Department

D. All fatal, potentially fatal, and serious accidents shall be reported immediately to the Utah Occupational Safety and Health (UOSH) within 8 hours.

Section 8.4 Work Areas and Equipment

A. All supervisors and workers shall be required to ensure safe work areas. An excessively littered or dirty work area constitutes an unsafe, hazardous condition of employment and should be remedied as soon as possible after the discovery is made. When no other method or combination of methods can be provided to prevent employees from becoming exposed to toxic dusts, fumes, gases, flying objects, dangerous rays, or burns from heat, acid, caustics or any hazard of a similar nature, the City shall provide each worker with the necessary personal protection equipment, such as respirators, goggles, gas masks, certain types of protective clothing, etc. Provision shall also be made to keep all such equipment in good sanitary working condition at all times.

B. Employees will receive thorough information on the possible hazardous materials they handle. Each employee will receive training on correct handling and disposal of such materials.

C. No person shall remove, displace, destroy, or carry away any safety device or safeguard provided for use in any place of City employment or interfere with the use of any method or process adopted for the protection of employees. No employee shall refuse to follow and obey reasonable orders that are issued by a supervisor, for the protection of health, life, safety, or welfare of employees.

D. Should an employee refuse or neglect to follow and obey reasonable safety orders issued by a supervisor, the employee will be subject to dismissal.

Section 8.5 General Safety Rules

The following general safety rules will apply in all City workplaces. Each work unit may prepare separate safety rules applicable to the specific nature of work in their area but not in conflict with these rules.

A. Proper licensing and extreme caution are required by all employees operating any type of power equipment.

B. Employees will be provided and required to use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, back supports, safety vests, and hard hats, if required or appropriate to the work performed.

C. Employees will avoid wearing loose clothing or accessories that could cause become caught, creating a hazard while working on or near equipment and machines. Long hair will be properly secured.

D. All accidents and near misses, regardless of severity, personal or vehicular, shall be reported as soon as possible, but no more than by the end of the shift to the supervisor/manager and the designated safety officer.

E. Defective equipment will be reported immediately in writing to the supervisor or City Manager. Signage indicating damage such as ‘do not use’ will be posted immediately to prevent operation of the equipment by anyone else until the equipment is repaired or replaced.

F. Employees will not operate equipment or use tools for which licensing and training has not been received.

G. In all work situations, safeguards required by State and Federal Safety Orders will be provided.

Section 8.6 Proper use of Heber City Equipment & Tools

The use of Heber City equipment, tools, or facilities for private purposes is strictly prohibited. However, reasonable use of Heber City tools and equipment to protect property and preserve life is authorized.

A. Employees must receive the proper training including an explanation of job hazards, safety procedures and training on all equipment, tools, etc., necessary for the accomplishment of the employee's job description.

B. A commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current commercial driver's license in their possession. Employees must renew their commercial driver's license at four-year intervals.

C. Operators and passengers in a business use vehicle equipped with seat belts must wear them when the vehicle is in operation, and all employees operating vehicles shall observe all local traffic laws.

D. Employees shall keep the city owned vehicles which are used by them clean, presentable, and serviceable. Employees receiving car allowances shall also keep their vehicles clean, presentable, and serviceable.

Section 8.7 Environment free from Recognizable Hazard

For the safety and welfare of employees, it is the policy of Heber City to maintain an environment which is free from any recognizable hazard which is likely to cause death or serious injury to any employee through open communication with all employees.

Heber City will post all required UOSH notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted). Employees may obtain additional information from the Safety Officer when they have questions about any of the standards which are provided under UOSH.

All employees should follow the procedures listed below in the event an inspector from UOSH presents themselves on the job site.

A. If an UOSH inspector arrives on the job site, an employee should understand that he/she is not authorized to offer any information requested by the inspector.

B. The employee will inform the UOSH inspector that the employee will contact the City Manager, Supervisor, or designee, who will accompany the inspector during any inspection.

C. The City Manager or designee should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSH inspector shows up on the job site.

D. If the UOSH inspector does not reveal the appropriate credentials at the onset of the inspection, the City Manager, or designee, should ask the inspector to reveal his credentials and should then examine them before allowing an inspection of the job site.

E. The City Manager, or designee, will not refuse an UOSH inspection of the job site.

F. If the credentials are appropriate, and before beginning the inspection, the City Manager, or designee, should ask the UOSH inspector the reason the inspection is being conducted. If it is routine, no further requests are required. If the UOSH inspection was due to an employee complaint, the City Manager, or designee, should request a copy of the complaint. This will help Heber City correct any safety problems, (Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law).

G. The City Manager, or designee, should accompany the UOSH inspector during the entire inspection of the job site.

H. The City Manager, or designee, should take notes throughout the entire inspection. The City Manager, or designee, should note every comment and observation made by those participating in the inspection. The City Manager, or designee, accompanying the UOSH inspector should not volunteer any unsolicited information.

Section 8.8 Reporting Accidents and Near-Misses

Accidents should be reported in the following manner:

- All employees are required to report any injuries or accidents to their manager or supervisor and Human Resources.
- With input from the employee, managers will complete an Employee Accident Investigation Form.
- The completed form must be submitted to Human Resources within 24 hours of the incident to ensure a claim is submitted to our provider within their guidelines.
- If an employee is in need of medical treatment, they should be referred to 5 Minute Clinic 1200 South Heber City, UT or Urgent Care facility (*See* Section 13.9).
- If there is an emergency situation involving serious injury, profuse bleeding, head injury, inability to breathe, etc. immediately call 9-1-1 and/or have the employee visit the nearest Emergency Room located at the Heber Hospital.
- All paperwork regarding treatment received by the employee for a worker's compensation injury/incident must be submitted to Human Resources within 8 hours or by the end of shift/work day of treatment.
- Under no circumstances should a team member suffer from any form of retaliation due to a work-related injury.

In some cases, an employee will be placed on restricted duty due to their injury. This will be revealed in the paperwork received from the care provider. As the employer, we are required to follow all restrictions to assist in the team member's recuperation and avoid any additional injuries. If we are unable to meet the parameters, the employee will be released from work until all restrictions can be accommodated or the individual is released, by a medical provider, to full duty. Employees who are injured in connection with

employment, regardless of the severity of the injury, must immediately notify their supervisor, Safety Committee Chair, Human Resources or the City Manager, who will ensure prompt and qualified medical attention is provided and all required UOSH reports are completed.

B. The Safety Committee Chair, or designee, will investigate the job-related injury to determine the cause of the injury. The injured employee and anyone directly involved in the incident will report to the Safety Committee courses of action that could have been avoided or safety failures.

C. Heber City shall contact UOSH within eight (8 hours) of any job related death, disabling, serious, or significant injury, and/or any occupational disease.

D. Heber City shall file the required report with UOSH within seven (7) days after first knowledge or notification of any injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job. Minor injuries such as scratches and cuts do not need to be reported to UOSH if they require only minor first-aid treatment.

E. Heber City shall keep a copy of the UOSH report in the UOSH File.

F. Heber City shall give the employee a copy of the UOSH report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.

Commented [CA5]: Change industrial commission to UOSH 8.3A

G. If an employee later dies from a work-related injury, Heber City shall file a report with UOSH within seven (7) days of first knowledge or notification of the death.

Section 8.9 Fit For Duty

The city recognizes that physical or mental ability issues may impact an employee's ability to perform his or her job duties. It is in the best interest of the city and the employee to identify factors impacting the workplace.

1. Procedures:

A. A supervisor may refer an employee for a fitness-for-duty evaluation. The supervisor will make a written request to the City Manager or Human Resource Manager when referring an employee for an evaluation. The request will include a brief description of the employee's work history and any work-related problems.

B. The evaluation will be conducted by a private contracted provider.

C. The city will notify the employee in writing of the required evaluation date, time and location.

D. The city will place the employee on paid administrative leave during the evaluation period.

E. Evaluation costs are paid by the city.

2. Fitness for Duty Evaluation:

A. The provider's written evaluation will include:

a. reasons for the referral;
b. a diagnosis including expected duration and required medical or psychological plan;
c. a statement indicating whether the employee can perform the job;
d. identification of any tasks the employee cannot perform; and
e. a statement indicating whether the employee needs a reasonable accommodation to perform the essential job duties and the recommended accommodation.

B. Upon completion of the fitness for duty evaluation, the city will notify the employee of the results.

C. The department head, in consultation with the city manager and HR manager, will determine whether the employee may return to work, be placed on qualifying leave, or be separated from employment.

D. An employee who refuses to submit to a fitness for duty evaluation or fails to make progress towards completing the evaluation plan may be disciplined in accordance with the city's disciplinary policies.

3. Confidentiality and Records

A. Records obtained under this policy that contain medical, psychiatric or psychological data about an employee will be classified as protected in accordance with the Government Records Access and Management Act (GRAMA).

B. Evaluation information may only be released for employment-related purposes and will be limited to persons with a work-related concern.

C. Fitness-for-duty evaluation records will be kept in a locked file by the HR manager and will be made available only to qualified medical personnel upon written release from the employee and in accordance with applicable state or federal laws relating to medical records.

D. Any employee involved (including as a witness) in a serious accident resulting in hospitalization will be required to undergo a mental health counseling session provided by a certified mental health professional. The City will pay for the cost of the services as well as regular wages of the employee if scheduled during a regular shift.

Section 8.10 Miscellaneous

In addition to the rules and regulations specified above, the following shall apply:

A. Employees who do not understand or speak the English language shall not be assigned to any duty or place where the lack or partial lack of understanding or speaking of English might adversely affect the safety of themselves, or of other employees.

B. Where there is a risk of injury from hair entanglement in moving parts of machinery, employees shall confine their hair to eliminate the hazard.

C. Loose sleeves, tails, ties, lapels, cuffs, or similar garments which can become entangled in moving machinery shall not be worn where an entanglement hazard exists.

D. Wrist watches, rings, accessories or other jewelry shall not be worn on the job where they constitute a safety hazard.

E. No employee shall carry, consume, or possess liquor in a place of employment unless required to do so by the employee's normal job duties.

F. No intoxicated person shall be allowed to go into or loiter around any operation where workers are employed, or operate any vehicle or equipment owned by the city or used for city purposes.

Article 9

TERMINATION OF EMPLOYMENT

Sections:

9.1 Protections and Procedures
9.2 Appointed Employees
9.3 Classified Merit Employees
9.4 Elimination of Position
9.5 Transfer from Classified to Exempt Status
9.6 Reduction in Workforce

Section 9.1 Protections and Procedure.

Employees shall only be vested with the specific protections set forth in this Personnel Policy, protections provided by federal or state law, or provisions in a written contract between the City and the employee. Due to the unique circumstances that may be involved in different types of disciplinary actions, variations from the procedures in this Personnel Policy or the City's failure to strictly comply with the procedures in the Personnel Policy shall not be grounds for overturning a disciplinary action if the employee was provided an adequate opportunity to respond to the disciplinary action.

Section 9.2. Appointed Employees

Except as otherwise provided by law, ordinance or a written employment agreement, positions established in Title 2 of City Code such as City Manager, Chief of Police, City Recorder, City Treasurer, Airport Manager and City Attorney can be terminated at any time by the Mayor with the advice and consent of the City Council. Retention of the Justice Court Judge is subject to Utah Code § 78A-7-203.

Section 9.3 Classified Merit Employees

No merit employee employed by the City may be terminated from service as a result of a change in the elected administration of the City or for the political expediency of elected officials.

Section 9.4 Elimination of Position

If a circumstance should arise requiring the abolition of a certain position(s), job security shall be

maintained by:

A. The employee shall be returned to a previous position if such position is open, but may receive a reduction in pay as determined by the department head and the City Manager;

B. The employee may be promoted based on merit and qualifications;

C. The employee may be transferred to another division or department to fill an open position of equal pay for which he/she is qualified; or

D. If none of the above alternatives are available, the employee will be separated.

Section 9.5 Transfer from Hourly to Exempt Status

A. If a circumstance should arise where an hourly employee is promoted to a position and it is the desire of either the employee or the City for the employee to resign from that position within six months of the promotion date, the employee shall have the following options:

1. The employee shall be returned to his/her previous position but shall receive a reduction in pay to his/her rate of pay before the promotion; or

2. The employee may be transferred to another division or department to fill an open position for which he/she is qualified with the pay rate of the new position.

B. Any employee hired to replace an employee promoted in this situation shall be notified of this policy and that his/her position may not be available should the incumbent return within the six-month period.

Section 9.6 Reduction in Workforce

Should it become necessary to undergo a reduction of the workforce, brought about by a curtailment of operating revenues, technological innovation, the discontinuance or reduction of services, or other grounds consistent with economic and efficient administration of Heber City, the city will utilize the following sequence as far as practicable to achieve the required reduction-in-force:

A. Temporary employees (may be separated or reduced in work hours).
B. Part-time employees (may be separated or reduced in work hours).
C. Full-time employees (may be separated or reduced in work hours).

In determining which employee(s) shall be separated or reduced, administration will determine which positions are affected based on such factors as, but not limited to, longevity, performance, and city needs.

An employee laid-off as a result of business conditions (mentioned above) will have the right to be recalled to their former position, seniority and pay for up to a period of 6 months following the date of their lay-off. After that point/date, the former employee has no recall rights.

Article 10

DISCIPLINARY PROCEDURES

Sections:

10.1 General Policy and Causes for Disciplinary Action
10.2 Types of Disciplinary Action
10.3 Disciplinary Due Process

Section 10.1 General Policy & Causes for Disciplinary Action

A. General Policy.

1. It is the policy of Heber City that employees shall be informed about what is expected at work, what constitutes employee misconduct, and the employee's rights.

2. It is the responsibility of all employees to observe rules of conduct for the necessary for the proper operation of City government. Administrative procedures have been established for the handling of disciplinary measures when required. All such measures shall follow the presentation of changes to the employee.

3. Disciplinary action, up to and including termination of employment, may be imposed for any of the causes set forth in Section 10.1.B.

4. Written documentation concerning employee disciplinary action imposed will become a permanent part of an employee's Personnel Record.

5. The Human Resource Manager is to be consulted during the disciplinary process, and if necessary, be present at disciplinary hearings.

B. Causes for Disciplinary Action.

1. It is the responsibility of all employees to observe policies and appropriate regulations necessary for the proper operation of City government functions. Administrative procedures have been established for the handling of disciplinary measures including, but not limited to, reprimand, suspension, demotion, and termination. Disciplinary action, up to and including termination of employment, may be imposed for any of the following reasons:

a. Violation of the laws of the state of Utah, the law of the United States, or any City regulations, official policy, or departmental orders, other than minor traffic offenses;

b. Refusal to comply with a lawful instruction unless such instruction is injurious to the general public health or safety;

c. Insubordination;

d. Conviction of a felony while an employee of the City;

e. Indulging in offensive conduct or using offensive language towards the public or

in public toward City officers or employees;

f. Deliberate or careless conduct endangering the safety of the employee, other employees, or the general public;

g. Inducing or attempting to induce any employee in the service of the City, to commit an unlawful act, violation of City regulations, official policy, or departmental orders;

h. Using, threatening or attempting to use personal or political influence in an effort to secure special consideration as a City employee;

i. Incompetency and inefficiency in the performance of job duties;

j. Carelessness or negligence with City monies, equipment, or property;

k. Theft or intentional destruction of City property beyond regular duties;

l. Intentional falsification of personnel records, pay and time reports, inaccurate receipts or reimbursements or other City records;

m. Being under the influence of alcohol or illegal drugs while on duty;

n. Sleeping while being compensated or clocked in;

o. Unjustified interference with work of other City employees;

p. Misconduct, malfeasance, misfeasance, nonfeasance;

q. Unauthorized or excessive absences or tardiness;

r. Violation of or failure to comply with any section or provision in this Personnel Policies;

s. Falsifying City records;

t. Fighting or arguing (verbal or physical), threatening physical conduct, or physically intimidating another on City premises, or while on City business or in a City uniform;

u. Conduct that creates a hostile work environment, including, but not limited to:
   i. Derogatory remarks about another employee.
   ii. Visual messages (e.g., posting of cartoons) that are demeaning to an employee.
   iii. Jokes that stereotype or make fun of an employee.
   iv. Unwelcome or inappropriate nicknames for an employee.
   v. Verbal or nonverbal (e.g., mimicking or imitating) innuendoes that have a negative connotation for an employee.
   vi. Excessive gossip about other employees or spreading rumors about other employees.

Section 10.2 Types of Disciplinary Action

A. Verbal Warning

Whenever grounds for disciplinary action exist, the supervisor may immediately verbally communicate to the employee the supervisor's observation of the issue at the time of the action and documentation made of the reprimand. Documentation of the verbal warning shall include date, time, unacceptable action, and a commitment from the employee to correct the behavior as soon as possible. Whenever possible, sufficient time for improvement should precede additional disciplinary action. However, the level of severity may require more serious action.

B. Written Reprimand

The City Manager, a department head, or designated supervisor may issue a written reprimand to an employee. Such reprimand shall be in writing, shall be addressed to the employee, and shall detail the specific causes for the written reprimand. A copy signed by the supervisor shall be delivered to the Human Resource Manager for inclusion in the employee's personnel file. Failure to sign the written reprimand may be grounds for additional disciplinary action, including termination of employment.

C. Suspension

A department head or supervisor, with the written approval of the City Manager, may suspend, with or without pay, a merit employee for up to, but not exceeding, thirty (30) calendar days as discipline for cause. On or before the effective date of any suspension without pay, the employee shall be furnished with a written copy of the statement setting forth reasons for suspension.

D. Demotions

A department head or supervisor, with the approval of the City Manager, may demote any merit employee in his/her department for a disciplinary measure for cause.

E. Termination

A department head or supervisor may, with the approval of the City Manager, may terminate the employment of an employee of any merit employee in his/her department for cause by delivering a written statement of reasons for termination to the employee concerned, with a copy to be placed in the employee's personnel file.

Section 10.3 Disciplinary Due Process

A. **Conducting an Investigation**

1. The City Manager, or designee, may conduct an investigation into the allegations which form the grounds for disciplinary action.

2. During an investigation to determine the facts upon which disciplinary action may be imposed, the City Manager, or designee, may place an employee on administrative leave.

3. An independent third party may be used to conduct an employee investigation.

B. **Imposing Disciplinary Action**

1. The City Manager, or designee, shall conduct disciplinary action in a consistent manner. The procedure need not be elaborate but only fair and reasonable.

2. Each employee shall be afforded access to Heber City rules, policies and procedures.

3. In determining the type of severity of the disciplinary action, the City Manager, or designee, 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 City operations; and/or the potential of the misconduct to harm person(s) or property.

4. For disciplinary action, other than a verbal reprimand or suspension with pay, the City shall, within five (5) business days of the disciplinary action, provide a written notice of disciplinary action. The written notice may be delivered by mail, email or hand-delivery. If the City is unaware of the current location of the employee, delivery by the means that the City decides is most likely to reach the employee shall be adequate. The written notice of disciplinary action shall generally include:

a. The grounds for disciplinary action, including a description of the misconduct for which the disciplinary action is being imposed;

b. Any prior disciplinary action imposed;

c. The effective date and duration of the disciplinary action; and

d. The corrective action necessary, if any, for the employee to avoid further disciplinary action.

5. The City Manager, or designee, may note the disciplinary action on their personal notes at the time the disciplinary action is imposed and/or on the employee's performance evaluation form.

6. Any documentation made of disciplinary actions should be signed by both the employee and the supervisor. A copy of this documentation will be kept with the employee's file. Refusal to sign the form may be the basis for further disciplinary action, including termination of employment.

7. The U.S. Supreme Court has ruled that in an internal investigation conducted solely for administrative purposes, the employee being questioned will be required to answer all questions. The Garrity warning must be read to all suspects prior to questioning in an administrative investigation when the suspect is required to answer under threat of disciplinary action. This warning will only be used by an assigned internal affairs investigator.

8. Garrity Warning: I advise you that you are required to testify or provide evidence as part of an official investigation of Heber City. This inquiry involves the _____ (incident involved) and is in accordance with City policies and procedures. This is not a criminal investigation. You must answer questions related to your knowledge of the facts surrounding this incident. The information or evidence you provide for this administrative investigation cannot be used against you in any criminal proceeding. However, your statements may be used against you in a subsequent administrative action. Refusal to answer questions or to testify to matters related to this incident implies that you have violated City policies and such refusal is cause for disciplinary action, including termination.

Section 10.4 Appeals

A. Trial period employees have no appeal rights.

B. Employees have no “verbal warning” appeal rights.

C. Any merit employee who receives a disciplinary action in excess of a verbal warning (i.e. written reprimand, suspension with or without pay, involuntary transfer, or discharge) may request an informal meeting with the City Manager to discuss the disciplinary action within five (5) business days of the written notice of the disciplinary action. The meeting request shall be made in writing to the Human Resource Manager. The City Manager may request that the City Human Resources Manager, City Attorney or any other person be present at the meeting. The employee may have an attorney or other individuals invited by the employee present at the meeting. The City Manager shall provide written notice to the employee that the City Manager has either upheld the disciplinary action or has amended the disciplinary action. The City Manager’s written notice does not require any justification for the City Manager’s decision or any other findings of fact or conclusion of law.

D. In accordance with Utah Code § 10-3-1106, an employee, other than an employee described in Utah Code § 10-3-1105(2), who is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason shall have the right to appeal the disciplinary action imposed to the Appeals Hearing Officer.

1. An employee must submit their written notice of appeal to the Human Resources Director within ten (10) calendar days of the original disciplinary action or the City Manager’s written notice (if the employee timely requests an informal meeting with the City Manager) or an employee will be deemed to have waived all appeal rights.

2. The Appeals Hearing Officer shall conduct a hearing in which both the City and the employee shall be entitled to present evidence and arguments. The Appeals Hearing Officer may allow or require briefing by the parties.

3. The City shall have the initial burden to establish by a preponderance of the evidence that the disciplinary action was reasonable and justified in accordance with Section 10.1. Whether the disciplinary action was reasonable and justified shall be reviewed under an abuse of discretion standard. *See State v. Larsen*, 865 P.2d 1355, 1361 (Utah 1993) ("Under [the abuse of discretion] standard, we will not reverse unless the decision exceeds the limits of reasonability.").

4. If the appeal board or hearing officer finds in favor of the employee, the appeal board or hearing officer shall provide that the employee shall receive:

(i) the employee's salary for the period of time during which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or

(ii) any deficiency in salary for the period during which the employee was transferred to a position of less remuneration

Article 11

GRIEVANCE PROCEDURE

Sections:

11.1 Policy Statement
11.2 Purpose & Objective
11.3 Procedures

11.4 Immunity

Section 11.1 Policy Statement

A. It shall be the policy of Heber City to respond to grievances of employees in a prompt, forthright, and professional manner. Within the framework of existing laws and regulations, every effort shall be made to respond to grievances in a manner mutually satisfactory to employees and management. A grievance may exist when an employee is dissatisfied with some condition or aspect of employment over which he/she has no control but desires remedial action and is desirous of filing an appeal for relief of that condition. Employees who have grievances created by work situations shall have the right to submit such grievances for orderly disposition according to the procedures as outlined in this Article. The grievance process shall not include an appeal from a disciplinary action.

B. Grievances shall include, but are not limited to, such matters as employee-supervision relationships, duty assignments not affecting job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and similar matters. Grievances shall not include issues dealing with wages, salaries, benefits, budget items or other financial matters. Only the grievance presented originally shall be considered on appeal as the process progresses.

C. Similar grievances may be consolidated and processed together as a single issue. Every effort shall be made by the involved parties to resolve grievances at the lowest possible level.

Section 11.2 Purpose & Objective

The purpose of this Article is to establish a grievance procedure which will provide all merit employees with a clearly defined and organized communications system through which employees may present complaints or grievances to their supervisor(s). The objective of these procedures is to provide employees and management with a system of grievance resolution which is free from discrimination, coercion, intimidation, restraint, or reprisal, and which will also enable employees to receive fair and equitable treatment and adjustments to those grievances which they may have.

Section 11.3 Procedures

A. All grievances shall be handled in the following manner:

Step 1. The employee with a complaint or grievance shall either report in writing or discuss the issue with his/her immediate supervisor. If the grievance is with the individual's immediate supervisor, he/she may skip this step and move to the next step.

Step 2. If no mutually agreeable settlement is reached under Step 1, the grievance shall be filed in writing with the Human Resource Manager, specifying which term(s) or condition(s) of employment he/she feels has been violated or might require relief.

Step 3. If no mutually agreeable settlement is reached under Step 2, the parties involved may petition in writing to the City Manager for his/her review.

Step 4. If no mutually agreeable settlement is reached under Step 3, then those involved may petition in writing to the City Council for a closed session by filing the petition in writing to the

Human Resource Manager. The decision of the City Council shall be made within 60 days and shall be final.

Section 11.4 Immunity

If any employee is denied the opportunity to present a grievance as prescribed by this Article, or if the employee is threatened or subjected to duress when presenting the grievance, the employee may notify the City Council in writing. The City Council shall authorize an investigation of such complaint and, based upon findings, act in accordance with disciplinary procedures as outlined herein.

Article 12 - DELETED

Article 13

COMPENSATION AND BENEFIT PLAN

Sections:

13.1 Eligible Employee
13.2 Compensation
13.3 Establishing Salary Grade
13.4 Total Compensation
13.5 Classification and Allocation
13.6 Appointments, Reinstatements, Promotions and Transfers
13.7 Merit Salary Adjustment
13.8 Salary Range Adjustment
13.9 Overtime and Compensatory Time
13.10 Special Assignment Pay
13.11 Supervisory Compensation for Emergencies
13.12 Holidays
13.13 Vacation
13.14 Sick Leave
13.15 Sick Leave Incentive Policy
13.16 Long Term Disability Insurance
13.17 Family and Medical Leave Policy
13.18 On-Call Policy-Public Works/Animal Control
13.19 Worker's Compensation
13.20 Bereavement Leave
13.21 Military Leave
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Section 13.1 Eligible Employee

A. Only the full-time employees of Heber City, as defined by ordinance, shall be eligible for and subject to compensation and benefits described in this Article.

B. Elected Officials and members of boards and commissions shall be subject to applicable sections of state law and local statute. Unless otherwise specifically stated, elected officials and members of boards and commissions shall not be covered by the provisions of this Article.

C. Volunteer personnel and personnel appointed to serve without pay, contract employees, consultants and council rendering temporary professional service, and temporary, seasonal, part-time "as needed", or emergency employees, unless otherwise specifically stated, shall not be covered by the provisions of this Article.

Section 13.2 Compensation

A. The Compensation Plan of the City of Heber shall consist of a schedule of salary ranges for all positions as prepared by the City Manager and approved by the City Council.

B. Each grade shall be assigned to the appropriate salary range in the Compensation Plan. The rules for interpreting and administering the Compensation Plan are outlined herein.

Section 13.3 Establishing Salary Grade

In recommending which salary grade each position shall be assigned to, the City Manager shall give appropriate consideration to the following factors:

A. Maintenance of equitable relationships between grades based on the relative duties and responsibilities;

B. The level of prevailing rates for comparable work in private and public employment;

C. Available cost of living information.

Section 13.4 Total Compensation

A. The pay rates set forth are to be considered gross compensation for full-time service in

the different grades. Full-time service means the number of hours which regularly constitutes the scheduled work period of service which shall be defined hereafter to be thirty (30) hours per week.

B. Pay rates shall be calculated from the salary ranges as set forth in the salary schedule.

Section 13.5 Classification and Allocation

A. The total number of employees of a department and the total number of employees of each grade within any department shall be determined by the City Manager with the advice and consent of the City Council. Such determination shall be consistent with the funds appropriated in any current fiscal year budget and the factors for determining initial classification of positions.

B. The classification of a position may hereafter be altered by the addition, division, consolidation, or abolishment of the grade on request of the department head and approval of the City Manager; whereupon the copy of the salary schedule/pay grade maintained in the Human Resources Manager office shall be corrected accordingly without amendment to this section. However, no such change in grade can be made until the request is documented by a job inventory and a position audit that will be completed and filed in the Human Resources Manager office. Failure to adequately document or substantiate the requested change according to accepted grade standards shall result in disapproval of the request.

C. The assignment of grades may hereafter be changed on the recommendation of the department heads with approval of the City Manager, provided the proposed change conforms with the approved budget.

Section 13.6 Appointments, Reinstatements, Promotions and Transfers

A. Initial appointment to positions shall be made at the entrance rate for the grade. Any exceptions must be approved by the City Manager upon written justification by the department head and/or supervisor.

B. For purposes of definition, a promotion shall take place whenever an employee moves from one position to another position with a higher salary range. When an employee is promoted, he/she shall be entitled to the appropriate salary range for that position with a minimum increase of 5%. A promotion to a supervisory position can merit above a 5% wage increase at the department head's request, and subject to the approval of the City Manager. When the employee is promoted, he or she will be on trial service status for a period of six (6) months since he/she will be performing a new job function. When an employee's pay grade is changed from one pay grade to a higher pay grade as a result of certifications, training, experience, etc., a trial service period will not be required if his/her job duties have not changed significantly.

C. An employee who is demoted or voluntarily transfers to a job in a lower salary range than the class to which he/she was previously assigned, shall have his/her salary reduced according to the decision of the City Manager after discussion with the department head.

D. If an employee transfers to a position in another department to which the same salary range is applicable, he/she shall be entitled to the corresponding step that will provide the same rate of pay.

E. An employee whose position is reclassified from one salary range to another shall be paid at the same rate for which he/she was paid in the previous salary range or the lowest step in the new salary range, whichever is greater.

Section 13.7 Merit Salary Adjustment

A. All employees shall be eligible for consideration of a salary adjustment on January 1 of each year and at any other period deemed appropriate by the City Manager or by the City Council.

B. For the purpose of determining eligibility for advancement, the supervisor of the employee shall indicate on the employee evaluation of the preceding year. An employee who has been demoted or suspended during the preceding year shall not be eligible for a salary adjustment until the following year unless an interim written appraisal has been performed by the supervisor more than 90 days after the demotion or suspension which shows a significant improvement in performance.

C. The following shall not be considered as breaks in qualifying service for salary adjustments:

1. Authorized military leave provided the person is reinstated within ninety (90) days following honorable discharge from the military service;
2. Authorized educational leave;
3. Time during which an employee is receiving compensation for injury, or disease arising out of and in the course of his/her employment;
4. Authorized leave of absences without pay of fifteen (15) calendar days or less within any calendar year;
5. Authorized leave of absence with pay.

D. When a salary adjustment is delayed solely through administrative or clerical error, the adjusting shall be made effective as of the date it was properly due.

Section 13.8 Salary Range Adjustment

In order for employees in hourly or exempt service to maintain constant buying power in the face of either economic inflationary or recessionary periods, the hourly and exempt salary ranges within the Compensation Plan shall be reviewed annually and adjusted if deemed appropriate. The City Council may implement a Cost of Living Adjustment for all employees effective on the first full pay period of the fiscal year.

Section 13.9 Overtime and Compensatory Time

A. Overtime compensation is set by application of guidelines derived from the Fair Labor Standards Act, as amended, and the Utah Code where applicable. Overtime is defined as work in excess of forty (40) hours during any one work week. A work week is a regularly recurring period of 168 hours, or seven consecutive 24-hour periods. A work week begins at 12:01 a.m. on Monday and ends at 12:00 midnight on Sunday. Overtime for POST Certified Public Safety Employees is defined as hours worked in excess of 84 hours during the bi-weekly pay period. Public Safety employees must work a minimum of 20 hours per week to qualify for retirement benefits.

B. If an employee needs to make up hours, the missed hours must be made up during the work week in which the hours were missed. An employee will not be compensated for hours not made up during that work week; i.e., an employee cannot work thirty (30) hours one week and fifty (50) the next and average the two weeks together. The number of hours worked over two or more work weeks cannot be averaged to avoid payment of overtime.

C. In emergency situations only, supervisors may request an employee to accept extra work on an overtime basis. Department determination of overtime needs is subject to review and approval by the City Manager. An emergency situation will be defined by the supervisor.

D. Overtime is intended to be used in emergency situations or under very unusual circumstances and shall be kept conservative commensurate with the best interests of the City.

E. An employee's claim on overtime exists only when management imposes requests or demands which cannot reasonably and customarily be satisfied within a normal work week. If an employee cannot accomplish necessary work in a given work week, the employee should inform the supervisor for a decision of whether overtime should be permitted.

F. An employee may not voluntarily work overtime; i.e., remain at the job and do work, take work home, or do any other type of work that the employee would be compensated for if their supervisor had requested such work to be done. In essence, wage and hour employees are not to work before, beyond, or outside their normal hours or are not to work overtime unless authorized. Supervisors shall prevent employees from engaging in such activities.

G. The amount of time given an employee for paid vacation or sick leave will not be included in calculating hours for overtime payment. Employees may choose to accept compensation for scheduled vacation in situations where vacation hours and hours worked exceed 40 hours at a straight time rate (when called out).

H. Overtime shall be paid at the rate of 1.5 times the hourly rate of pay for the employee. Employees may not sign agreements to work at straight time.

I. The following positions are exempt from overtime compensation: City Manager, Chief of Police, Police Lieutenant, City Attorney, Justice Court Judge, City Engineer, Senior Accountant, Assistant City Engineer, Airport Manager, Network Administrator, Public Works Director, and Planning Director.

J. Employees have the option of either receiving pay or compensatory time for any overtime worked. An employee must indicate which choice they prefer when time sheets are turned in for each pay period applicable. Employees may not change the option once the time sheet has been submitted.

K. Employees may accrue compensatory time not to exceed 80 hours. If compensatory time is not taken within 60 days of being earned, the employee is to be paid at the current rate received by such employee.

L. Upon termination of employment, unused compensatory time shall be paid at the current rate received by such employee.

M. Employees shall be permitted to use compensatory time within a reasonable period after making a request if the department head or City Manager determines that the use of the compensatory time will not unduly disrupt department operations.

N. In situations where the Mayor and City Council have declared a "Disaster Emergency", employees who are called in to assist during the designated disaster period, regardless of the number of actual hours worked prior to the designated disaster period, will be paid at time and one-half for any emergency hours worked outside of, or in addition to, their normal schedule. Hours worked under those conditions must be paid hours and cannot be accrued as comp time.

M. In rare cases, under conditions designated by the Mayor and City Council as a declared "Disaster Emergency", exempt employees may be eligible for overtime pay as approved by the City Manager.

Section 13.10 Special Assignment Pay

A. An employee may be paid additional salary, upon the approval of the City Manager and with the consent of the City Council for performing duties not specified in the job description.

B. An employee required to assume his/her supervisor's duties for any period in excess of ten (10) working days shall be paid an additional rate of 5% or the lowest step of the supervisor's scale, whichever is greater, for the entire period he/she performs such duties.

C. Employees who are fluent in Spanish and regularly communicate with Spanish speaking customers are eligible to receive a pay differential of $50.00 per month. This differential must be requested by the department head and approved by the City Manager on a case-by-case basis.

Section 13.11 Supervisory Compensation for Emergencies

The City Manager and the City Council shall have the right to authorize compensation for salaried supervisors for any and/or all time worked during an emergency. Said compensation shall be a straight time rate, or upon approval, time off with pay, and shall be strictly at the discretion of the City Manager and City Council.

Section 13.12 Holidays

A. Employees of Heber City shall receive 110 hours of holiday pay per year with pay. Because employees work various work schedules, the City Council will adopt a holiday schedule on an annual basis that takes into consideration the varying schedules. Below is a list of holidays that will typically be observed by the City:

New Year's	January 1st
Civil Rights Day	3rd Monday in January
Lincoln-Washington Birthday	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Pioneer Day	July 24th

Labor Day	1st Monday in September
Columbus Day/Veteran's Day	2nd Monday in October/November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24th
Christmas	December 25th

B. When an employee works a holiday prescribed in this section, the City shall provide compensation based on one and one-half times the number of hours worked that day times the employee's regular hourly rate of pay plus their allowed holiday pay. Police Officers will be paid one and one-half times their regular hourly rate for hours worked on the actual day of the holiday which may be a different day than is observed by other employees, plus their allowed holiday pay.

C. If an employee (with the exception of public safety) works an alternate work schedule and a holiday falls on an unscheduled work day, the employee can either:

1. Take another day off during the same week
2. Adjust the number of hours they work, not to exceed 40 hours, during the same work week

D. To adjust to varying schedules and provide all team members 120 hours of holiday time, float holiday hours will be awarded based on the annually approved holiday schedule. Float holiday hours must be used by December 31 of the same year or be forfeited.

Section 13.13 Vacation

A. The purpose of vacation benefits is to allow each employee time away from the job for rest, recreation and pursuit of non-employment objectives. The time when vacations shall be taken will be determined by the department head after considering the needs of the service and the seniority and wishes of the employees.

B. Vacation credits for hourly and full-time exempt service employees shall accrue as follows:

YEARS OF SERVICE	ACCRUAL RATE
Hire date - 5 years	.83 days per month (10 days) - 3.08 hrs./pay period
5 - 10 years	1.25 days per month (15 days) - 4.62 hrs./pay period
10 years and over	1.67 days per month (20 days) - 6.16 hrs./pay period

C. On the employee's anniversary date, a maximum of thirty (30) days, (240 hours), vacation may be accrued by a full-time hourly or full-time exempt service employee. If work demands do not allow for time off, an exception may be made to allow the employee additional time to utilize at a maximum of 90 days. The department head must approve this Vacation. A maximum of one-half of the employee's yearly vacation may be accrued in any anniversary year.

D. Full-time hourly employees will use accrued vacation hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued vacation hours in increments of one-half of a workday. A workday would be considered eight or ten hours, depending on the department.

E. Vacation leave in each department may be scheduled annually by the department head

and shall be granted when it shall be convenient to the conducting of City and departmental operations. In the scheduling of such vacation leaves, department heads shall give due regard to seniority and the wishes and desires of employees. In no event shall vacation leave be denied any employee for longer than twelve (12) months from the date of his/her last vacation leave or the completion of his/her trial service period.

F. Upon termination of employment, the employee shall be entitled to any accrued vacation leave.

G. Upon death of an employee of the City, a lump sum payment for vacation time accrued to his/her credit will be made to the employee's beneficiaries or estate.

H. Vacation benefits shall be considered only to be time off with pay. Payment for time accrued in lieu of vacation time will not be allowed (only as mentioned upon the death or termination of an employee).

I. Employees may donate up to 40 vacation hours to be used as sick leave to other employees in any given year if the other employee has exhausted his/her sick leave. Donations of vacation time will not be counted as hours used in determining the maximum accrual that can be carried forward in any anniversary year.

J. In order to attract new employees during the hiring process, additional vacation credits can be given to hourly and full-time exempt service positions when the selected candidate has prior years of experience in the related job field being filled by the employee. The credits may only be granted if the new team member provides proof of past employment in the form of a W-2, or official verification from past employer of accrued vacation. The credits may be given year for year, in accordance with the current vacation accrual policy, subject to review by the Department Head and approval of the City Manager. This policy may also be extended to employees who are employed by the City as of July 1, 2017.

Section 13.14 Sick Leave

A. Sick leave shall not be considered as a privilege which an employee may use at his/her discretion, but shall only be allowed upon approval of the supervisor in the case of necessity and actual sickness, to meet medical appointments, or sickness prevention. Sick leave with pay can only be granted (upon approval of the supervisor) in the case of a bona fide illness of an employee or a member of the employee's immediate family as defined in Section 13.20.B.

B. A full-time employee shall be entitled to 3.7 hours of six leave for each two weeks of full-time employment. There shall be a 240-hour maximum limit on the amount of sick leave accrual.

C. Full-time hourly employees will use accrued sick leave hours in increments of a quarter of an hour. Full-time exempt service employees will use accrued sick leave hours in increments of one-half of a workday. A workday would be considered hours typically worked, depending on the department.

D. Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery therefrom are, for all job-related purposes, temporary disabilities and shall be treated on the same terms and conditions as are applied to other temporary disabilities.

E. Evidence in the form of a physician's certificate or certificate of illness, executed by the employee and his/her supervisor, may be furnished as proof of adequacy of the reason of the employee's

absence during the time which sick leave was requested. Certificates may be requested by the department head, supervisor, or City Manager when there is an absence in excess of three (3) days or more or whenever there is a reason to believe sick leave privileges are being abused.

F. Employees may donate up to 40 sick hours in any given year to a citywide pool for use by other employees who have exhausted their sick leave. Donations of sick leave will not be counted against hours used for sick leave incentive. Employees may designate the person who the sick leave is given to provided they have exhausted their sick leave, or the City Manager will determine how available sick leave is allocated based on need and circumstance. Donations of sick leave cannot be made within 60 days of the voluntary termination of employment.

G. Hourly or exempt service employee may, upon approval of the City Manager, be granted leave with pay when extraordinary personal circumstances arise. This policy may be granted on a case-by-case basis depending on individual circumstances and duration of time employed with the City. It is anticipated that the City would use this policy on an infrequent basis considering the extraordinary nature of the events required to initiate this policy. Any leave granted in excess of 40 hours requires approval from the City Council.

H. Upon retirement or termination, accumulated sick leave will be paid at the current pay rate, for one quarter of the accumulated hours if the employee has been employed by Heber City for at least five (5) years. If the employee has been employed by Heber City for at least ten (10) years or more, 50% of the accumulated sick leave hours will be paid at the employee's current pay rate.

Section 13.15 Sick Leave Incentive Policy

A. There is a direct benefit to Heber City when employees minimize the use of sick leave. It is the desire of the City to encourage the appropriate use of sick leave benefits and reward employees who minimize the use of this benefit. Accordingly, all employees who have accrued 240 hours of sick leave shall be paid (upon the employees written consent) annually on the first payroll of December, twenty-five percent (25%) of unused sick leave for the previous twelve-month period ending November 30 or nearest pay period following November 30. Additionally, Sick Leave accrued beyond 240 hours (6 weeks) may be converted at a rate of two to one (2:1) for Vacation hours. This conversion may be done once per calendar year, by employees who have a minimum of ten (10) years with Heber City and must be requested in writing to the Human Resources Manager with final approval from the City Manager.

B. Sick leave benefits are intended solely to provide income protection in the event of illness or injury. This benefit may be used in addition to vacation and funeral leave in the event of the death of an immediate family member up to the maximum of three days or for extended family and friends up to a maximum of one day. No other use is permitted in addition to illness or injury.

Section 13.16 Long Term Disability Insurance

A. Subject to terms and conditions established and controlled by the disability plan provider, the City sponsors Long Term Disability Insurance coverage for eligible employees for the purpose of providing income protection against the loss of an employee's ability to work and earn income for periods of time exceeding 90 days.

B. Only full-time employees are eligible for coverage.

C. The City pays the premium costs associated with the Long-Term Disability Plan and policy provisions for covered employees. More information about the respective coverage or plan participation may be obtained through the Human Resource Manager.

D. Eligible employees may use any available sick or vacation leave after becoming eligible for Long Term Disability to make up any shortage of wages paid, not to exceed 100% of their regular monthly salary.

Section 13.17 Family and Medical Leave Policy

As a supplement to its other leave policies, the City offers family and medical leaves of absence as provided by the federal Family and Medical Leave Act of 1993 ("FMLA"). In the event of any conflict between the FMLA and this Section, the FMLA shall control.

A. General Leave Provisions. Under the FMLA, an eligible employee may take up to 12 weeks of unpaid leave during any 12-month period for (1) the employee's own serious health condition, (2) the birth or placement for adoption or foster care of a child or (3) care of a child, spouse, or parent who has a serious health condition.

1. A "serious health condition" is an illness, injury, impairment or physical or mental condition that involves inpatient care in a medical facility or continuing treatment by a health care provider.

2. An employee must have been employed by the City for at least one year and have worked at least 1,250 hours within the previous 12-month period to be eligible for the FMLA leave.

3. Leave to care for a new child must be taken within one year of the birth or placement for adoption or foster care.

4. If leave is taken for care of a new child or for care of a spouse, child, or parent with a serious health condition, an employee may elect, or the City may require the employee, to substitute any accrued paid vacation leave and/or sick leave as part of the 12-week leave as provided for in the FMLA.

5. Intermittent leave or a reduced leave schedule for medical reasons can be taken under this policy "when medically necessary." Intermittent leave or a reduced leave schedule to care for a new child can be taken only if the employee and the City mutually agree on that arrangement.

6. If an employee requests intermittent leave or a reduced leave schedule because of a serious health condition that is foreseeable based on planned medical treatment, the City may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring period of leave.

7. "Intermittent leave" is leave that is not taken consecutively. A "reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek or hours per workday.

B. Notice. If the need for leave is foreseeable based on an expected birth or placement of a child, the employee should give at least 30 days notice, before the leave is to begin, that the employee intends to take leave. If the situation requires leave to care for a child to begin in less than 30 days, the employee should provide such notice as is practicable.

1. If the need for leave is foreseeable based on planned medical treatment, the employee should (1) make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the City, and (2) give at least 30 days notice, before the leave is to begin, that the employee intends to take leave. If the situation requires that leave begin in less than 30 days, the employee should provide such notice as is practicable.

C. Benefits and Employment Status. At the end of an FMLA leave under this policy, an employee is entitled to return to his or her previous position or to an equivalent position with no loss of benefits.

1. FMLA leave taken under this policy will not result in loss of any seniority or employment benefits accrued prior to the leave. No seniority or benefits will accrue during the leave, however.

2. An employee on FMLA leave under this policy will receive health benefits while on leave under the same terms and conditions as when he or she was on the job.

Section 13.18 On-Call Policy-Public Works/Animal Control

A. In order to properly handle emergencies and other non-scheduled workloads, the Public Works Department and the Animal Control Department will be required to designate an on-call person who can be contacted during non-working hours to provide the necessary assistance.

B. The Public Works director and the Chief of Police will be responsible to schedule this position on a weekly rotating basis for their individual departments. The person selected will be on-call starting Tuesday at the beginning of the work-day and will remain on duty until the beginning of the work day on the following Tuesday. This person will be required to carry a telephone.

C. Compensation for this position will be the average hourly wage of a maintenance worker for the Public Works Department and the average hourly wage of an animal control officer for an 8 hour period. The on-call person shall be compensated for a minimum of 2 hours overtime for each time he/she is called out. Compensation for the monitoring of the City culinary water system on weekends and holidays is included in the weekly on-call compensation amount.

D. If called out and the situation requires more than one person to be present for health and safety purposes, it is the responsibility of the on-call person to contact those individuals necessary to assist in correcting the situation.

Section 13.19 Workers' Compensation

An employee injured during the performance of duty at work is covered by Workers' Compensation as provided by State law. An employee is eligible to receive Workers' Compensation payments and to supplement those payments with accrued sick leave, and/or vacation time to bring total

compensation equal to the employee's present salary.

A. If An Injury Occurs

An employee who is injured on the job, no matter how slightly, must report the incident to their supervisor immediately. Employees may lose their right to worker's compensation benefits if they fail to report injuries promptly. Supervisors must contact the Human Resource Manager immediately if the injury is serious or if time off work is prescribed by the doctor. An "accident/incident" report must be filled out online by the employee and the Human Resource Manager on all reported injuries by the next business day. Any time spent obtaining medical care on the day of the accident will be counted as "hours worked" on the employee's timecard.

B. Medical Treatment.

Employees requiring medical attention for an on-the-job injury that occurs during regular business hours must report, when practical, to:

Heber Valley After Hours Clinic
(inside Heber Valley Medical Center)
1473 S. Hwy 40, Suite F
Heber City, UT 84032
435-657-4400
Hours: Weekdays 6:00 p.m. - 9:00 p.m.
Weekends 10:00 a.m. – 2:00 p.m.

5 Minute Clinic
150 N. Main St., Suite 105
Heber City, UT 84032
435-654-1377
Hours: M, T, TH, F, Sa, Su, 10:00 a.m.-10:00 p.m.
Wed. 5:00 p.m. – 10:00 p.m.

For injuries occurring after these hours, the employee should go to:

Heber Valley Medical Center Emergency Room
1485 S. Hwy 40
Heber City, UT 84032
435-654-2500

Employees exposed to blood or having sustained a serious (life or limb) threatening injury should go to the emergency room at Heber Valley Medical Center. Serious injuries include compound fractures, pelvis and femur fractures, unconsciousness, uncontrolled bleeding, severe respiratory distress, major burns, spinal cord injury, shock, or poisoning. Call 911 in these instances and the paramedics will direct the care of the employee.

Urgent situations are those requiring immediate care but are not life threatening. Examples include bone fractures other than those listed above, or injuries requiring stitches. These types of injuries can be treated at the above-listed clinics. Follow-up visits can be scheduled with the employee's primary care physician.

C. Special Medical Procedures

Procedures such as surgery, MRIs, CT scans, physical therapy, and chiropractic sessions require prior approval from the City's Workers' Compensation Third Party Administrator. If an employee fails to obtain prior approval, the employee may be required to pay the entire bill for the unauthorized services.

D. Restricted/Light/Transitional Duty

Whenever possible, Heber City will accommodate restricted duty jobs for workers injured on the job. The Workers Compensation Coordinator (WCC) will work with the supervisor to design a work strategy that meets the injured employee's restrictions and accomplishes the City's goals. The injured employee's supervisor and the WCC will regularly follow up with the employee and medical providers to make sure the employee is getting the care required, attending his/her medical appointments, complying with the restrictions and that any restricted duty assignments are helping the employee move closer to his/her regular job duties.

E. Failure to Follow

Failure to follow the City's Workers' Compensation policies may result in disciplinary action.

Section 13.20 Bereavement Leave

A. It is the policy of Heber City to grant bereavement leave to employees who suffer the loss of a member of the immediate family.

B. The immediate family shall include any of the following persons:

Husband	Mother	Step-Mother	Son-in-law
Wife	Father	Step-Father	Father-in-law
Son	Step-Son	Sister-in-law	Mother-in-law
Daughter	Step-Daughter	Brother-in-law	Grandparents
Brother	Step-Brother	Daughter-in-law	Grandchildren
Sister	Step-Sister		

C. In the event of death in any of these instances, the employee will be paid the regular base pay for scheduled work time not to exceed five days or 40 hours. If additional time off beyond this allowance is required regular vacation or sick leave must be used.

D. Time off under this policy will not count as time worked in computation of overtime for that week.

Section 13.21 Military Leave

A. Employees are entitled to one hundred and twenty (120) hours of military leave per year without loss of regular pay or other fringe benefits. Any employee requesting such leave must provide the department head with a copy of the military orders or a copy of the military paycheck prior to the leave being approved as soon as practical at the conclusion of the leave.

B. Except in an emergency, employees who are members of reserve units of the military shall notify their department head within one week of receipt of an activation notice, and shall indicate in writing their intention and anticipation with regard to participation periods of active duty. Such written notification shall be made part of the individual employee's personnel file.

Section 13.22 Court Leave

Any employee requested to appear in court or before a grand jury as a juror, as a witness in a criminal case, or as a witness in a civil case with the purpose of giving testimony, shall receive full compensation as though he/she were actually on the job during such time. The employee shall claim any jury, witness, or other fee to which he/she may be entitled by reason of such appearance and pay the same over to the City Treasurer to be deposited in the General Fund. An employee appearing in court for the above stated reason on scheduled days off shall retain such use of compensation as may be authorized for such appearance. Notation will be made on the time and attendance report for the days of court leave granted to the employee while serving. This court leave does not apply when appearing in court as a defendant when charged with a crime.

Section 13.23 Administrative Leave

A. An hourly or exempt service employee may, upon approval of the City Manager, be granted leave with pay to perform legitimate duties in connection with City business, to attend trade or professional meetings which relate to official duties, or to participate in recognized and authorized training programs.

B. Expenses relating to administrative leave must be within the budget and authorized by the City Manager.

C. Employees who wish to be considered for such leave must complete a Training and Education Leave form. Costs must be within the budget and must be approved by the City Manager.

D. All higher educational training courses must be pre-approved by the office of the City Manager. A Training and Education leave form must be completed for each class attended.

Section 13.24 Leave Without Pay

Upon recommendation of the department head and approval of the City Manager, an employee of the City may be granted leave-without-pay for a specified period of time. Leave without pay is granted under extenuating services and must have the initial approval from the manager and/or department head as well as the City Manager. The request must be made in writing signed and dated indicating the approval. Leave without pay should No leave-without-pay shall, however, be more than ninety (90) calendar days. A leave of absence without pay, as granted herein, may be terminated prior to the expiration date thereof with the consent of the City Manager. Failure of an employee to report for duty promptly at the expiration of the leave, or a violation of any agreement of understanding entered into by the same employee thereto, shall be just cause for discharge. Such leaves shall not be regarded as an acquired right by employees and shall be granted only when the service to the City will not be adversely affected. Request for such leaves shall be made in writing to the City Manager and, if approved, shall be filed with the same. No seniority, vacation or benefits will accrue during the leave.

Section 13.25 Lactation/Breast Feeding

This policy outlines the reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk.

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. The city has designated a

room at each location for this purpose. Refrigeration units are available in all work locations. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to express milk must coordinate a schedule for breaks, the location and use of the room, and the need for alternative refrigeration equipment with their program manager. Employees who work off-site or in other locations will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

Section 13.26 Retirement

A. The City will pay 100% of the Public Employees Non-Contributing Retirement and 100% of the Public Safety Retirement contributions to the State Retirement System. In addition, the City may contribute additional monies to the Public Employees Non-Contributory 401(K).

B. There is no age requirement for retirement from the City. Employees can continue to work until such time as they are physically and/or mentally unable to perform their duties.

C. Full-time students are exempt from the City's retirement system.

D. Tier I and Tier II Public Employee Retirement Systems Retirement Eligibility Requirements

Employees qualify for retirement and must be certified eligible if they meet **one** of the following:

1. Their employment, contemplated to continue during a fiscal or calendar year, normally requires an average of 20 hours or more per week and they receive at least one of the benefits approved by the Utah Retirement Board.

2. They are Tier 2 elected or appointed officials whose positions have been declared full time by their employers.

3. They are in a trial service status and meet eligibility requirements.

E. <u>Exceptions to Immediate Coverage</u>

When the job is scheduled to be completed in six months or less, these temporary and seasonal employees (not trial service) are ineligible. If they are still employed by the beginning of the seventh month, and if they meet eligibility for retirement coverage, their status must be changed and contributions reported beginning the first period end date in the seventh month.

F. <u>Eligibility Requirements for Appointed Officials</u>

Tier 1 appointed officials who meet the minimum earnings requirement for retirement, and are

not entitled to merit protection, may be certified as either eligible for, or exempt from, retirement coverage.

Appointed officials whose position is full time, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. All Tier 2 participants must make an election to participate in either the Tier 2 Hybrid Retirement System or the Tier 2 Defined Contribution (DC) Plan within the first 12 months of employment. For the first 12 months of employment, regardless of the employees' election, Heber City must report contributions into the Tier 2 Hybrid System. At the end of 12 months, URS will transfer funds for all employees who have chosen to participate in the Tier 2 DC Plan.

G. Eligibility Requirements for Elected Officials

Elected officials whose position is full time, as certified by the participating employer, and initially begin employment on or after July 1, 2011, participate in the Tier 2 Retirement System. (Elected officials are only eligible to participate in the Tier 2 Defined Contribution (DC) Plan.) Part-time elected officials may participate in the DC Plan only, as they are not eligible for other coverage.

H. Tier I and Tier II Public Safety Retirement Systems Retirement Eligibility Requirements

Employees qualify for retirement in a public safety retirement system if their life or personal safety is at risk and their employment normally requires an average of 2,080 hours of regularly scheduled employment per year as a law enforcement officer according to Utah Code Ann. § 53-13-103.

Employees must have completed Peace Officer Standards and Training (POST). A POST certificate must be filed with the URS office for anyone certified eligible since January 1, 1984. An employee has one year from the date of hire to a public safety covered position to complete POST. If POST is not completed within one year, the employee's retirement account is transferred to either the Tier 1 or Tier 2 Public Employees Retirement System effective retroactive to the date of hire to the public safety position. Employees who separate from employment prior to obtaining a POST certificate may not be eligible to retain their service credit in a public safety system.

Section 13.27 Insurance

A. Group Health/Dental/Vision and Accident Insurance: All full-time hourly and exempt employees are eligible for participation in the City's Group Health/Dental/Vision and Accident Insurance plan. Annually Heber City will determine the premium percentage that will be paid by the City and the employee for health, dental and vision insurance.

B. COBRA Continuation of Group Health Plan: Employees of Heber City covered by the city group health plan have a right to choose COBRA continuation coverage if he/she loses group health coverage because of a reduction in hours of employment, retirement, or the voluntary or involuntary termination of employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee covered by Heber City's group health plan, has the right to choose COBRA continuation coverage for said spouse if he/she loses group health coverage under the group health plan for any of the following reasons:

1. The death of the spouse;

2. A voluntary or involuntary termination of spouse's employment (for reasons other than gross misconduct);
3. Reduction in spouse's hours of employment;
4. Divorce or legal separation from spouse; or
5. Spouse becomes entitled to Medicare or Medicaid.

In the case of a dependent child of an employee covered by the group health plan, he or she has the right to COBRA continuation coverage if group health coverage under the group health plan is lost for any of the following reasons:

1. The death of a parent;
2. The voluntary or involuntary termination of a parent's employment (for reasons other than gross misconduct);
3. Reduction in a parent's hours of employment with Heber City;
4. Parental divorce or legal separation;
5. A parent becomes entitled to Medicare or Medicaid; or
6. The dependent ceases to be a "dependent child" under the group health plan.

The employee or family member has the responsibility to inform the personnel department of a divorce, legal separation, or a child losing dependent status under the group health plan. Heber City has the responsibility to notify the plan administrator of the employee's death, termination of employment or reduction in hours, or Medicare entitlement.

When the personnel department is notified that one of these events has happened, the same will in turn notify the employee that he/she has the right to choose COBRA continuation coverage. He/she has at least sixty (60) days from the date he/she would lose coverage because of one of the events described above to inform the personnel department that he/she wants COBRA continuation coverage.

If the employee does not choose COBRA continuation coverage, the group health insurance coverage will end.

If the employee chooses COBRA continuation coverage, the City will offer coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. Employees may be afforded the opportunity to maintain COBRA continuation coverage for 18 (eighteen) to 36 (thirty-six) months depending on the loss of coverage event. However, COBRA continuation coverage may be cut short for any of the following reasons:

1. Heber City no longer provides group health coverage to any of its employees;
2. The premium for COBRA continuation coverage is not paid;
3. The employee becomes covered under another group health plan;
4. The employee becomes entitled for Medicare or Medicaid;
5. The employee was divorced from a covered employee and subsequently remarries and is covered under the new spouse's group health plan.

The employee does not have to show that he/she is insurable to choose COBRA continuation coverage. However, the COBRA participant is obligated to pay the health plan premium. For qualified COBRA participants receiving the 11-month disability extension, the COBRA premium for those additional months will increase to 150% of the plan's total cost of coverage. No dental or life insurance coverage is included. Upon exhaustion of the COBRA continuation coverage period, the employee will be

allowed to enroll in an individual conversion health plan provided by the carrier of the group health plan.

C. Continuation of Group Health Plan through COBRA Continuation Coverage—Retired Employees - Insurance Coverage for Early Retirement. **This section 13.27.C. shall only apply to employees that were hired on or before September 19, 2023.**

1. Any City employee who has 25 years of service with Heber City, and is eligible for retirement, or is 60-61 years of age with 20 years of service with Heber City, or is 62-64 years of age with 10 years of service with Heber City, and retires before reaching age 65 shall, upon request, receive health insurance coverage as follows:

a. Remain on the group insurance plan as a COBRA participant with regular group health benefits until exhausting COBRA continuation coverage at which point the retiree may enroll in an individual conversion health plan as provided by the carrier of the group health plan. Similarly, if the employee retires prior to age 60, group benefits will be available for a maximum of 18 months with the option to enroll in an individual conversion policy upon exhaustion of COBRA continuation coverage or until the employee becomes eligible for insurance benefits through a new employer. After the COBRA period, the City will provide premium assistance up to an additional 42 months provided the retired employee does not become eligible for insurance benefits through a new employer or turn age 65. The premium assistance will be paid directly to the retired employee and will be taxed as wages.

b. The premium paid on behalf of the retired employee by the City is the amount equal to the contribution made for a single actively employed individual.

c. The retiree would then be responsible to pay any additional amount required for spouse, or for dependent coverage if applicable.

2. The premium of this coverage shall be paid by the employee except as described in Section 1-13-26(A).

D. Life Insurance.

All full-time hourly and exempt employees shall be eligible for participation in the City's Group Life Insurance Policy. Life insurance coverage in the amount of $50,000 is provided by the City, and additional coverage is available for employees to purchase if they so desire and meet the requirements set forth by the life insurance company.

E. Payment in Lieu of Medical, Dental and Vision Insurance.

Full-time employees who are covered under an immediate family member's insurance policy will receive a payment equal to half of the premium cost had they been covered by the City's insurance.

Section 13.28 Payment of Wages

Payment of wage shall be by direct deposit. The direct deposit shall be made so that the funds are available no later than 8:00 a.m. on the morning of the Friday following the end of the pay period.

Section 13.29 Instant Award Policy

A. The Mayor shall be granted the authority to award $100 bonuses to employees who have represented the City well through the performance of their duties. The bonuses can be granted based on written or verbal feedback/compliments from the public, elected officials, supervisors or other City employees. The Mayor shall have sole discretion in the granting of the bonuses, but it is anticipated that recognized employees will have exhibited superior customer service skills, exemplary performance of duties and/or going the extra mile to make sure a job is completed properly. This award is to be presented in City Council meeting if the employee agrees to allow for formal recognition of the employee. Notice of the award will also be published in the City Newsletter if desired by the employee.

B. The elected body, the City Manager, or department heads may recommend that an employee receive one day off with pay for exemplary service in the performance of their job duties. Department heads must receive approval from the City Manager.

Section 13.30 Time Off for Election (Voting)

In accordance with Utah State Code, any voter is allowed to be absent from service or employment for up to two (2) hours to vote on election day between the time the polls open and close. The City reserves the right to specify the hours during which employees may be absent and may not deduct from an employee's usual salary or wages because of the absence.

Time off to vote does not apply to an employee who has three (3) or more hours between the time polls open and close during which the employee is not employed on the job. Employees are encouraged to take advantage of early voting when and where possible to avoid conflicts with work schedules.

Section 13.31 Call-out Pay

When an employee is called out to work, outside their normal work hours, that employee shall be compensated a minimum of two (2) hours, regardless of how much time the employee works, and the hours worked shall be compensated at time and a half. Employee shall have the option of crediting back these hours to any compensated time off previously requested for the same pay period.

Section 13.32 Wage Advancement

A. Wage Advancement

Employee would be eligible to advance to any point within the pay scale range with the approval of the City Manager. To be eligible, employee must:

Be a full time or part time employee;
Be in good standing with his or her department head;
Have three (3) consecutive years of average or above average evaluations, and
Have not had a letter of reprimand or higher discipline within the last three (3) years.

B. Career Ladder Wage Advancement

For employees who have the ability to control their advancement from pay grade to pay grade

(e.g. Police Officer I to Police Officer III, Utility Maintenance Worker I to Utility Maintenance Worker III, etc.) it is the goal of Heber City, based on employees obtaining certain required skills and certifications, exhibiting acceptable performance and years of service/experience that employees be at midpoint of the pay grade within two (2) years of their last advancement.

C. New Certification Wage Advancement

Employees are encouraged to increase their knowledge and abilities by taking additional training. Certifications must be approved before the training and the wage increase is approved at the time of the approval for the certification course.

Section 13.33 Employee Assistance Plan (EAP)

The city offers an Employee Assistance Plan to all employees and their families. The purpose of an EAP is to help employees and their families balance personal lives with work and to provide support to during tough times. The details of this program are outlined in the city's annual benefit guide.

Article 14

MISCELLANEOUS POLICIES

Sections:

14.1 Residency Requirement
14.2 Travel Reimbursement
14.3 Working Hours
14.4 Breaks and Rest Periods
14.5 Use of City Vehicles
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14.7 No Smoking Policy
14.8 E-mail and Internet Usage Policy
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14.15 Legal Counsel Benefit
14.16 Funeral Benefit
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14.18 Telecommuting
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Section 14.1 Residency Requirement

Heber City does not maintain a residency requirement for employment other than for police officers, which is identified in the Heber City Police Department Policy and Procedure Manual. All employees, regardless of residential location, have the responsibility of being to work on time. Department heads, supervisors, and those employees on standby, must live within a reasonable distance in order to respond to emergencies.

Section 14.2 Travel Reimbursement

A. Travel expenses must be included in the annual budget for each department anticipating travel, as part of the budget process. Any trip which is not anticipated and reported in the budget must have the approval of the City Manager, regardless of the amount of travel account in the department's budget.

B. After an employee completes a Travel Reimbursement Form for authorized travel by private vehicle, he/she will be reimbursed at rates not to exceed those approved by the IRS. If the employee is not provided with a per diem for the trip, the employee will be reimbursed for all other travel expenses (i.e., room and board) after presenting proof of such expenses to the accounting clerk. Proof should be in the form of expense receipts.

C. All travel expenditures should be recorded and receipts collected. These receipts must be submitted to the accounting clerk at the end of each trip along with the employees' record of expenditures. Claim for travel pay not supported by an approved travel request and corresponding expense receipts will not be paid.

D. Mileage allowance shall be paid per the IRS approved reimbursement rate when using a privately owned vehicle (POV) when a City vehicle in not available. If using a POV and a City vehicle is available, the rate for mileage will be half of the IRS approved reimbursement rate.

Per diem will be paid for travel at the following rates unless meals are provided through the training, convention or conference registration. If an employee's special (medical or religious related) dietary needs cannot be accommodated buy the training, convention or conference, per diem will be paid to the employee for those meals that are provided in the registration. Per Diem rate will not be withheld for registrations that offer a continental breakfast.

E. Per Diem will be paid at the U.S. General Service Administration (G.S.A.) rate. The rates can be found at GSA.gov – Per Diem Rates and Meals & Incidental Expenses Breakdown (M&IE). For training that does not require overnight travel, only per diem for lunch will be provided.

F. Partners may accompany elected and appointed officials and other regular full-time and part-time employees on City-assigned trips requiring overnight lodging and the City will not pay the costs for the partner.

Section 14.3 Working Hours

The work shifts for each department are as determined by the department head with the approval of the City Manager. All employees are to be working on City matters during their work shift. Employees are expected to be ready to work and punctual with their shifts. If an employee in unable to report to work on time they are expected to notify their direct supervisor as soon as possible.

Because the nature of city employment necessitates the ability to provide emergency services to the City and its citizens, employees may be scheduled to work any shift deemed necessary by the City and may be subject to emergency and/or unexpected call-outs related to health and safety issues; i.e. snow

removal, water/sewer main problems, police enforcement, declared disasters, etc. Non-exempt employees shall be compensated for all hours worked as provided under the Federal Fair Labor Standards Act. The failure of an employee to work assigned shifts or respond to emergency and/or unexpected call-outs, as set forth in this and other pertinent policies, may be grounds for disciplinary action, up to and including termination, unless prior arrangements have been made with their supervisor.

City Office Hours are from 7:30 a.m. to 6:00 p.m. with a half hour lunch period Monday through Thursdays. The City Office building will be closed on Fridays.

The Public Works Department will have one member of their department on call at all times to respond to emergency situations.

The Police Department will provide continuous patrol coverage.

Section 14.4 Breaks and Rest Periods

All employees of the City will be allowed 2 (two) 15 (fifteen) minute breaks during a 10 (ten) hour work period. Breaks may not be moved to the beginning or the end of the day to allow the employee to arrive or leave later.

Section 14.5 Use of City Vehicles

A. When traveling on City business, employees shall use City vehicles whenever practical and available.

B. Employees assigned City vehicles shall use the vehicles for City business. Employees working "on-call" shifts are required to take City vehicles home at the department head's discretion.

C. Public Safety employees assigned vehicles may use the vehicles within the policies and guidelines established by the Chief of Police.

D. Other employees with assigned vehicles and employees who use City vehicles during the course of their employment shall generally use the vehicles for business travel and work activities; however, employees may use the vehicle for incidental personal business. Such incidental use shall be limited to lunch near the employees' current work area or stops incidental to the employees travel. Employees must use good judgment when using the vehicle for such incidental trips. Questions regarding the appropriate limitations of this policy should be directed to the employees' department head.

E. When using a City vehicle to attend training that requires overnight travel, employees may have family members accompany them with supervisor approval. Employees may also use City vehicles for personal travel not to exceed 10 miles per day per 100 miles traveled during the period they are away from home (Example: An employee traveling approximately 600 roundtrip miles to St. George would be allowed 60 personal miles for the trip). Personal travel in excess of the allowed personal mileage will be charged to the employee at the current IRS mileage reimbursement rate.

Section 14.6 Vehicle Identification Policy

It is the policy of Heber City that all vehicles and heavy equipment, except public safety vehicles

which are unmarked by policy, shall display an approved City logo and shall be assigned an identification number.

Section 14.7 No Smoking or Vaping Policy

By virtue of State law, it has been determined that tobacco smoke, or smoke from any other plant, in enclosed places is harmful to the health of non-smokers, and therefore, the regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort and environment of nonsmokers and non-vapers. It has likewise been determined that smoking and vaping in Heber City buildings and facilities will have an adverse effect on the health and productivity of City employees.

Pursuant to this, Heber City hereby declares all City buildings and facilities as no smoking or vaping areas. City employees and non-employees shall not smoke or vape inside any of the City's buildings or facilities.

The Utah Clean Air Act of 1995 further prohibits smoking within 25 feet of an entrance, exit, air intake or window which can be opened.

Smoking and vaping are not permitted in City vehicles.

Section 14.8 E-mail, Internet and Cellular Phone Usage Policy

1. E-Mail and Internet Usage

A. The City encourages employees to only use e-mail and Internet systems for City-related business (in accordance with the guidelines in paragraphs B-D). The employee should understand that the City reserves the right to inspect the contents of any equipment, e-mail file, or calendar that it provides to the employee. Internet use must comply with applicable laws and City policies including but not limited to all federal and state laws, and City policies governing sexual harassment, discrimination, intellectual property protection, privacy, public disclosure, confidentiality, misuse of City resources, information and data security.

Reasons for a data inspection include, but or not limited to:

1. System, hardware or software problems
2. General system failure
3. A lawsuit against the City
4. Suspicion of a crime or violation of policy
5. The need to perform work or provide a service when the employee is unavailable.

B. Encouraged City business uses for e-mail and Internet systems within the City of Heber include the following:

1. To facilitate performance of job functions
2. To facilitate the communication of information, both internally and externally, in a timely manner.

3. To coordinate meetings of individuals, locations, and City resources.

4. To share work-related ideas and information.

5. To recruit for open City positions such as employment or committee membership

6. To encourage employee innovation.

C. The following is a non-exclusive list of **prohibited uses** of the Internet and email:

1. The use of the Internet to send messages or other content that is harassing, derogatory or unlawfully discriminatory to employees, citizens, vendors or customers;

2. The use of the Internet for political purposes, except as authorized by law;

3. The use of aliases or transmission of anonymous messages;

4. The release of untrue, distorted, or confidential information regarding City business;

5. Accessing, viewing, distribution, downloading any pornographic sites or sexually explicit material;

6. Display or transmission of sensitive or proprietary information to unauthorized persons or organizations;

7. Excessive use of, posting, or viewing of social media, news sites, entertainment sites or other internet sites to the extent that such use interferes with or limits the employees job duties;

8. Use of the internet or email for other regular commercial purposes of the employee (i.e. the employee responds to emails or uses the internet related to outside employment).

D. Computer System Use Policies.

1. The City's computer system permits employees to perform jobs, share files, and communicate internally and with selected outside individuals and entities in the performance and conduct of City business. Employees are prohibited from gaining unauthorized access to another employee's email messages or sending messages using another employee's password.

2. To prevent potential City liability, it is the responsibility of all Internet users to clearly communicate to the recipient when the opinions expressed do not represent those of the City.

3. The City has the capability and reserves the right to access, review, copy, modify and delete any information transmitted through or stored in its computer system. The City may disclose all such information to any party (inside or outside the City) it deems appropriate and in accordance with applicable law. Accordingly, employees should not use the computer system to send, receive or store any information they wish to keep private. Employees should treat the computer system like a shared file system–with the expectation that files sent, received or stored anywhere in the system will be available for review by any authorized representative of the City for any purpose, as well as the public if a proper request is made for public records.

4. Good judgment should always be employed in using the City's email and Internet systems. Employee email messages may be read by someone other than the person(s) to whom they were sent. Emails inconsistent with the City's policies are to be avoided. Accordingly, employees should create and send only courteous, professional, and businesslike messages that do not contain objectionable offensive or potentially discriminatory material.

5. Caution should be taken in transmitting confidential information on the computer system. Employees should use due care in addressing email messages to assure messages are not inadvertently sent to the wrong person inside or outside the City. Email creates a written record subject to court rules of discovery and may be used as evidence in claims or legal proceedings. Once sent, email cannot be retracted. Even after deletion at a workstation, email can be retrieved and read.

6. The safety and security of the City's network and resources must always be considered when using the Internet.

7. Any programs from a non-current source (i.e., software that is not purchased in original diskette or CD ROM format) or which involve executable or binary files must not be downloaded or installed without prior permission from an employee's direct supervisor and without being properly scanned for viruses. Employees are not to share or reveal individual passwords to anyone or change their computer's password without permission from a direct supervisor.

8. Nothing in this chapter prohibits the use and access of the described systems for bona fide law enforcement and investigation purposes. The City Council has the right to restrict or prohibit any employee from Internet access or computer use for violation of these policies. Any employee who fails to comply with these rules is subject to disciplinary action, up to and including termination. In addition, violation of this Manual may subject employees to civil or criminal liability.

D. Employees using the e-mail, Internet, and other related systems within the City will be responsible for reimbursing the City for any expenses incurred from that use, such as the costs of printing or long-distance calls.

2. Cellular Phone Usage

A. City owned cellular phones are provided for the convenience of the City and employees in the performance of their official duties.

B. Employee Eligibility. A cell phone will be issued to an eligible employee or the City will provide reimbursement for use of a personal cell phone for City business when his/her job description requires the employee to:

1. Be reachable immediately
2. Be on call outside of normal business hours, or
3. Be away from a fixed workstation for a substantial portion of his/her work day.

C. Determination. Determination of cell phone issuance or reimbursement is up to the department director and City Manager. Employees that are issued a City –owned cell phone, or paid a monthly reimbursement, must be reachable on their cell phone both during and after regular business hours.

D. Tracking. An employee receiving phone reimbursement must provide the City with their cell phone number.

E. Personal Use. Personal use of City-owned cell phones is permitted for incidental calls during the time when the City is assessed minutes for usage. Personal usage on weekends and evenings will be unlimited as long as the City plan allows unlimited minutes on nights and weekends. Employees that have opted to use their personal cell phone and receive reimbursement from the City for business use should equally limit the amount of time they use their phone for personal use while on City time.

F. Cell Phone Care. Employees issued a City owned cell phone are responsible for its use and treatment. If a City-owned phone is damaged, lost or stolen, the employee is required to notify his/her supervisor immediately. The City will not be responsible for personal cell phone that get damaged, lost or stolen even if the event occurs whole on City time.

Section 14.9 Employees' Conflicts of Interest and Ethics

A. All employees and elected officials shall review and comply with the Utah Municipal Officers' and Employees' Ethics Act – Utah Code §§ 10-3-1301 – 10-3-1312 (the "Ethics Act"). If employees have any questions or concerns regarding the Ethics Act, it is the responsibility of the employee to discuss their questions or concerns with their department head or the city manager. The department head or city manager may seek guidance from the City's human resource department or the city attorney with respect to any questions or concerns.

B. Nothing in this Section 14.9 shall be construed to limit or reduce any requirements of the Ethics Act.

C. Supervisors may not engage in romantic relationships with subordinates within their department.

D. Employees must disclose any outside employment relationship with any organization that conducts business with Heber City Corporation in accordance with Utah Code § 10-3-1307.

E. Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity. Utah Code § 10-3-1307.

1. The disclosure statement shall be entered in the minutes of the meeting.

2. Disclosure by municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Utah Code §§ 10-3-1305 and 10-3-1306.

F. City employees and officers shall not accept compensation or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, except as defined in the State's Gift and Gratuities Policy, gratuities or favors of any kind which be perceived or interpreted as an attempt to influence their actions with respect to City business.

G. Use of office for personal benefit prohibited. Utah Code § 10-3-1304.

1. As used in this section, "economic benefit tantamount to a gift" includes:

a. a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and

b. compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

2. It is an offense for an elected or appointed officer or municipal employee, under circumstances not amounting to a violation of Utah Code § 63G-6-1001 or § 76-8-105, to:

a. disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or employee's official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for the officer or employee or for others:

b. use or attempt to use the officer's or employee's official position to:

i. further special privileges for the officer's or employee's personal economic interest;

ii. secure special privileges for the officer or employee, or for others; or

c. knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:

i. would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

ii. the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

3. Subsection 2C does not apply to:

a. an occasional non-pecuniary gift having a value of less than $50;

b. an award publicly presented in recognition of public services;

c. any bona fide loan made in the ordinary course of business; or

d. a political campaign contribution.

H. Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, or a potential customer, or of a financial institution in connection with

any transaction or business that Heber City Corporation may have with that the customer, potential customer, or financial institution.

I. No employee shall represent either the City or any outside public interest before any other agency, public or private, except with the express authorization or at the direction of the Heber City Mayor, City Council and/or City Manager.

J. Employees may not disclose inside information, confidential or personnel information to anyone, either inside or outside the organization, who does not have a legitimate business need to know it. No employee shall disclose to others, or use to further his/her own personal interests; confidential information acquired by said employees in the course of performing his/her official duties. City Employees and officers shall not use confidential information acquired by or available to them in the course of their employment with the City for personal gain or for personal, non-City business related reasons.

K. Employees who are designated in the City's Conflict of Interest Policy shall file the appropriate disclosure statement form required by the City each year as indicated in Section D above.

L. Compliance and Enforcement:

In the event a complaint is initiated against an employee for a conflict either disclosed or not disclosed, the process of adjudication shall be pursuant and consistent with Utah Code § 10-3-1311.

Section 14.10 Political Activity

A. No person shall be denied the opportunity to complete an application for a position with Heber City by virtue of political opinion or affiliation.

B. No person employed by the City may be involuntary terminated from service as a result of political opinion or affiliation. Any City employee may voluntarily contribute funds to political groups.

C. Any City employee may become a candidate for any public office.

D. Such employees who run for public office should be aware that, if the City Council determines a potential conflict of interest exists, the City Council may ask the employee to terminate their position as a City employee if the employee wins the election to hold a public office seat. The employee's position will not be held for the employee after his/her stay in office is ended.

E. No City officer or employee, whether elected or appointed, may directly or indirectly coerce, command, advise or solicit any officer or employee to pay, lend or contribute part of his/her salary or compensation or anything else of value to any party, committee, organization, agency or person for political purposes. No City officer or employee, whether elected or appointed, may attempt to make any officer's or employee's personnel status dependent upon the employee's support or lack of support for any political party, committee, organization, agency or person engaged in a political activity.

F. No officer or employee may engage in any political activity during the hours of employment nor shall any person solicit political contributions from city employees during hours of employment for political purposes, but nothing in this section shall preclude voluntary contributions by a City employee to the party or candidate of the employee's choice.

G. Nothing contained in this section shall be construed to permit partisan political activity of any city employee who is prevented or restricted from engaging in such political

Section 14.11 Indemnification

A. Except as set forth herein and in Paragraph B, in the event of any personal liability suit filed against employee, elected official, member of a city board, commission, council or committee, the City shall save, hold harmless and indemnify such individuals so long as that employee's or person's activities were in conformance to the work assigned as stipulated in the employee's job description, applicable statute, Council, or management directive or other municipal document setting forth the functions of the individual's performance on behalf of the City. The City further agrees to pay any and all damages, settlements, and/or legal fees which may result from such actions filed against such an individual or individuals duly authorized to represent the City. This does not inure to the benefit of an independent contractor or one perceived by the City to be an independent contractor.

B. An officer or employee of the City, whether elected, appointed, or employed, shall be personally liable and the City shall have no liability if it is determined:

1. That the act or omission in question did not occur;
   a. during the performance of the employee's duties; or
   b. within the scope of his employment; or
   c. under color of authority; or

2. That the injury or damage resulted from the fraud or malice of the employee; or

3. That the injury or damage on which the claim was based resulted from:

   a. the employee driving a vehicle, or being in actual physical control of a vehicle:
      i. with a blood alcohol content equal to or greater than the established legal limit; or
      ii. while under the influence of alcohol or any drug to a degree that rendered the person incapable of safely driving the vehicle; or

   b. the employee being physically or mentally impaired so as to be unable to reasonably perform his job function because of the non-prescribed use of a controlled substance as defined in Utah Code § 58-37-4, or because of the combined influence of alcohol and a non-prescribed controlled substance as defined by Utah Code § 58-37-4.

C. The provisions of this section shall not apply to those persons named as defendants in actions brought against them by the City.

Section 14.12 Driver's Licenses

A. Employees involved in the performance of their duties, operating a City owned vehicle or a private vehicle, must possess a valid driver's license with the appropriate class specification, if applicable. Employees must comply with the Commercial Driver's License Standards as established by

state law.

B. Any employee performing duties in operation of a City or private vehicle with a suspended, revoked, or lapsed license shall be subject to disciplinary action which may include possible termination.

C. An employee must notify their supervisor immediately upon suspension or revocation of their driver's license.

Section 14.13 Benefits for Part-Time Employees

Schedule of Benefits:

A. A part-time employee is eligible for pro-rated vacation, sick and holiday pay in proportion to time worked (1/2 time – 3/4 time). Health Insurance coverage is available if the individual works over 30 hours per week. The City will pro-rate its contribution towards health insurance based on hours worked. Persons who work under 20 hours per week on a regular basis with no pre-determined separation date are not entitled to any fringe benefits such as paid time off. He/she is paid for the actual hours of work he/she completes. Part-time "as needed" employees are not eligible to receive any benefits regardless of the number of hours worked.

B. A temporary full-time employee is eligible for all holidays during his/her time of employment. He/she is not eligible for annual leave or sick leave, retirement or health insurance.

C. A part-time employee is not eligible for any fringe benefits. He/she is paid for the actual hours of work he/she completes.

Section 14.14 Violation of Personnel Rules and Regulations

Violations of the provisions of these policies and regulations shall be grounds for disciplinary action up to and including termination. Any person terminated for violation of the provisions herein shall, for a period of three (3) years, be ineligible for employment with Heber City.

Section 14.15 Legal Counsel Benefit

If an employee is involved in an on-duty fatality or a life-threatening incident, the City agrees to provide legal counsel of the City's choosing to represent the employee with legal advice and preliminary proceedings limited to the initial criminal and internal investigations. Said representation shall terminate and not extend beyond the termination or completion of the initial investigations, without written approval of the City. This representation shall not be made available for civil litigation defending the employee, or suit against the City. Once the investigations (criminal or internal) are completed, representation ends. Nothing in this policy is intended to compromise, alter or effect independent indemnification or coverage by our insurance carrier. If any provision is found to do so, said provision or policy is null and void.

Section 14.16 Funeral Benefit

If an employee is killed while in the performance of his or her duties, the City agrees to provide the deceased a grave plot in the Heber City Cemetery, and will pay for a reasonable funeral plan approved by the City Manager. For the purposes of this provision, the death of an employee by natural causes does not trigger this policy.

Section 14.17 Social Media Policy

Each employee is responsible for whether they participate in social media and what they post online, even while not at work if they identify themselves as a city employee, either explicitly or implied. No employee posting shall imply that they are speaking on behalf of Heber City or that their opinions are those of Heber City unless they have express authority from the City Manager to speak on behalf of the City.

Section 14.18 Telecommuting Policy

This policy outlines the telecommuting program and the rules and guidelines under which it operates. This policy further establishes the criteria by which qualified employees, in authorized positions, may perform their assigned responsibilities at a remote location. Heber City recognizes that a carefully planned telecommuting program is a viable work option and expects to benefit from a telecommuting program in the following ways:

- Improve employee effectiveness, productivity, and morale;
- Reduce absenteeism;
- Enhance employee recruitment and retention;
- Improve energy efficiency and air quality; and
- Effectively resume business as part of a disaster recovery or emergency plan.

A. General Policy

1. Telecommuting is not an employee right nor is it a universal employee benefit. Participation in the telecommuting program is at the discretion of, and subject to, the prior written approval of a department director. Heber City may modify or terminate the *Telecommute Agreement* at any time.

2. Employee participation in the telecommuting program is voluntary.

3. An employee may initiate a request to participate in the telecommuting program at any time.

4. An employee's participation in the telecommuting program should be transparent to any other entity interfacing with the telecommuter and may not adversely affect the performance of other employees. The decision to allow an employee to telecommute may not put a burden on staff remaining in the office. An equitable distribution of work must be maintained and methods implemented to ensure that employees working in the office do not have to handle the telecommuter's work.

5. A telecommuting agreement shall identify the number of days required in the office. For weeks with a holiday, the telecommute day(s) may need to be eliminated in that week.

6. Telecommuting employees shall comply with all applicable Heber City policies and the

Government Records Access and Management Act (GRAMA), Utah Code §63G-2-101, *et seq*.

7. An employee authorized to telecommute shall maintain proper security of the telecommuting environment to protect City information in accordance with GRAMA and authorized city record retention schedules. Unauthorized disclosure of City information subjects the employee to disciplinary action, criminal prosecution as provided by law, or both.

8. An employee authorized to telecommute shall perform official duties during their department's regular business hours at the alternate worksite.

9. An employee authorized to telecommute shall not provide care for children, elders, or others who would otherwise require a provider's care.

10. To telecommute, the employee shall, upon 24 hours' notice, allow Heber City to make inspections of the telecommuting worksite for document and information security, equipment security, safe working conditions, program compliance, and management reviews.

11. No clause in this policy precludes Heber City from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this policy.

12. The employee and supervisor shall determine as part of the telecommute agreement how job performance shall be measured. A copy of the agreement shall be submitted to Human Resources.

13. The participating employee is solely responsible for investigating any individual tax implications resulting from using a part of the home as a telecommuting workspace. Participating employees should consult their tax advisor.

14. No additional expense to the City may be incurred due to a voluntary telecommuting arrangement. If an employee is required to work from home an appropriate agreement will be created to address any expenses that may be incurred.

15. A telecommuting employee shall be available by phone and by online messaging during agreed upon work hours. The employee understands that regular checks of computer/network activity are part of the *Telecommute Agreement*.

16. The number of days worked from home in any week will be determined on a case by case basis and stated in the telecommute agreement. All agreements must be approved by the City Manager or designee.

B. Types of Telecommuting

1. Heber City permits two types of telecommuting arrangements, "regular and recurring" and "ad hoc." Some telecommuting situations require occasional or infrequent arrangements while others are more conducive to longer periods of scheduled arrangements. The intent in offering two types of telecommuting is to provide supervisors and managers with the maximum flexibility to establish a telecommuting arrangement that is conducive to a particular situation.

2. "Regular and recurring" telecommuting means a continuing arrangement under which an employee works at an alternate worksite for some portion of the work week or pay period.

3. "Ad hoc" telecommuting means an arrangement under which an employee may periodically work at an alternate worksite to complete one-time or unique assignments that can be performed away from the traditional office. This does not include an employee whose work regularly requires off-site work.

C. Requests to Participate in the Telecommuting Program

1. An employee may initiate a request to participate in the telecommuting program.

2. Each request for permission to participate in the telecommuting program shall be evaluated on its individual merit. Before entering into any *Telecommute Agreement*, the employee and manager, with the assistance of the Human Resources department and IT department, will evaluate the suitability of such an arrangement.

3. A copy of the *Telecommute Agreement*, with all necessary signatures, shall be submitted to Human Resources for review and then forwarded to the City Manager's office.

D. Approval Criteria

1. Position Criteria**:** The determination of whether a position is suitable for telecommuting should be based on job content rather than title. Tasks and functions that are generally suited for telecommuting include, but are not limited to: (a) writing (editing, drafting reports or decisions); (b) analysis (data, program, policy and financial); (c) call center functions; and (d) computer-oriented tasks (programming, data entry, and word processing).

2. Given that the operational needs of the department remain paramount, the department retains sole discretion to deny an employee's application to telecommute or to rescind a previously granted authorization to telecommute. Due consideration, on a case by case basis, should be given to the following:

a. **Public/City/Agency Contacts:** A position may not be suitable for telecommuting if a substantial portion of the job is devoted to face-to-face contact with the public, city departments, vendors or other agencies, or a combination of these.

b. **Information Security:** A position may not be suitable for telecommuting if the integrity or security of information cannot be maintained in accordance with information security policies, or the level of security cannot be duplicated at the alternate worksite in a cost-effective manner. Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

c. **Reference Material:** A position may not be suitable for telecommuting if the employee requires access to material that cannot, or should not, be removed from the office.

d. **Resources:** A position may not be suitable for telecommuting if the department does not have sufficient staff causing the employee's absence from the office to adversely affect others left in the office or cause problems for the manager in managing office workload or coverage. Furthermore, a

position may not be suitable for telecommuting if appropriate equipment is unavailable.

e. **Task Scheduling:** A position may not be suitable for telecommuting if tasks that can be completed outside the office cannot be grouped and scheduled for telecommuting days, or the employee has insufficient duties or work activities that can be performed in an alternate worksite.

3. Basic Employee Criteria: The determination of whether an employee is suited for telecommuting should be based on documented, objective criteria. A Heber City employee is eligible to participate in the Telecommuting Program if:

a. The employee's current performance evaluation rating is "acceptable," or higher;
b. The employee is currently not on a performance improvement plan; and
c. The employee is not being disciplined, or currently subject to a corrective plan, to address violation of employee conduct rules and policies.

E. Working Conditions

1. An employee participating in Telecommuting Program shall receive the same benefits and protections that are provided to other Heber City employees. This includes worker's compensation benefits, as well as defense and indemnification for claims against an employee arising out of the employee's employment, as provided by the Governmental Immunity Act of Utah, Title 63G, Chapter 7.

2. Fair Labor Standards Act (FLSA) rules apply to telecommuters. The amount of time that an employee is required or allowed to work will not change due to participation in the Telecommuting Program.

3. The telecommuter's performance should be monitored in the same manner as the employees working at the traditional office.

F. Job Performance and Work Scheduling

1. A telecommuter and the supervisor should maintain a balance between the telecommuter's scheduling needs and preferences and the department's business needs. A normal telecommuting schedule shall be agreed to at the beginning of the telecommuting arrangement. The schedule shall be documented in the *Telecommute Agreement*. The supervisor and department director must be informed of, and agree to any changes to the agreed upon work schedule in writing.

2. Policies and procedures currently in place for requesting the use of leave or compensatory remain unchanged. The participating employee is responsible for requesting leave in advance from his/her supervisor and informing timekeepers of leave usage.

3. The employee shall be available for contact during the duty hours agreed upon by the employee and the employee's supervisor. There should be no perceived difference in responsiveness or services provided attributable to work location.

4. The employee shall complete all assigned work according to procedures mutually agreed upon by the employee and supervisor.

5. Documented declines in performance or violations of employee conduct rules and policies are grounds for termination of the *Telecommute Agreement*, initiating corrective or disciplinary

action, or both.

G. Worksite Requirement

1. The telecommuter's workspace is considered an extension of Heber City workspace. The City's liability for job-related accidents continues during the understood and approved work hours, but is limited to that approved workspace rather than applying to all areas of the home. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace, shall complete any required forms, and be evaluated by Risk Management. The employee shall notify the supervisor immediately of any accident or injury that occurs at the workspace, shall complete any required forms, and be evaluated by the Safety Committee. Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

2. The telecommuting program does not include personal customer contact or interaction with people on official business at the workspace. The City does not cover injuries to third parties at the workspace.

3. An employee may not telecommute if the presence of any third parties in the workspace would limit the employees' ability to protect the confidentiality of any records, physical or electronic, to which the employee has access.

4. The City is not liable for damages to the employee's personal or real property while the employee is working at the telecommuting worksite unless damages are caused as a direct result of malfunctioning City-owned equipment.

5. The City is not responsible for any costs associated with using an employee's home as the telecommuting worksite such as, maintenance, insurance, and utilities.

6. If the telecommuting arrangement involves activities that must be cleared through local zoning ordinances or home association regulations, the employee is responsible for initiating the approval process, complying with the applicable terms and conditions, and paying for all required costs.

7. The workspace must provide an environment similar to the office environment that is conducive to work, and free from distractions or unrelated activities.

H. Expenses

1. Reimbursement to the employee for the use of a personal cell phone for work-related purposes will be based on the City's policy outlined in the *Personnel Policy*, Section 14.8, D-2.

2. Generally, home internet service will not be provided or reimbursed unless the City requires the employee to work from home.

3. With the Director's prior permission, an employee shall obtain supplies for business use at the alternate worksite from the employee's primary worksite. Generally, out-of-pocket expenses will

not be reimbursed. Any exception must be approved by the employee's supervisor in advance of purchase.

4. A telecommuter may not be reimbursed for travel miles or receive compensation for time spent on the commute to the employee's primary worksite on any given day.

5. A supervisor may consider any expense not specifically covered in this policy on a case-by-case basis, considering the appropriateness of the expense reimbursed for similar non-telecommuting positions, and overall budget.

I. City-owned Hardware, Software, and Other Equipment Expenses

1. The provision of computer hardware, software, communications equipment, and other ancillary equipment needed to perform job functions in a telecommuting work environment is left solely to the discretion of the participating employee's director. An employee may not use employee-owned computer hardware, software, or other equipment under the terms of a telecommute agreement without the express permission of the IT Director.

2. The Information Technology department will establish internal policies pertaining to, but not limited to, ownership, inventory, proper use, modification, control, and maintenance of City-provided equipment. Failure to abide by internal policies governing City-provided computer hardware, software, and other equipment may lead to the termination of the telecommute contract, disciplinary action, corrective action, or a combination of these.

J. Employee-owned Hardware, Software, and Other Equipment

1. An employee may not use employee-owned computer hardware, software, or other equipment under the terms of a telecommute contract without the express permission of the Information Technology Director.

2. If the Information Technology director grants authorization to use employee-owned computer hardware, software, and/or other equipment, the supervisor shall confirm that the configuration thereof is compatible with the City's information technology infrastructure. The employee must certify that:

a. Up-to-date IT-approved anti-virus software is installed and maintained on employee-owned equipment prior to telecommuting. The IT Department must have full access to employee-owned computer hardware at all times, for inspection and ensure security on hardware is enabled and not compromised.

3. A request to telecommute may be denied based on the failure to certify that IT-recommended safeguards have been installed.

4. Heber City data, especially data categorized as sensitive, private, protected, controlled, or proprietary, may not be downloaded on employee-owned hardware.

5. The employee is responsible for the installation, maintenance, repair or replacement of employee-owned hardware, software, and other equipment. The City may provide technical support for employee-owned equipment on an as needed basis.

6. The participating employee must notify his or her supervisor immediately if the employee-owned equipment malfunctions. In the event of equipment failure, the employee is expected to return to their primary worksite until adequate repairs can be made.

Section 14.18 Secondary Employment - Disclosure

It is the expectation of the City that employment with the City is the primary employment for all full-time City employees, and the City employees not engage in secondary or outside employment that conflicts with their City employment or the negatively impacts their ability to perform job duties or functions with the City. Accordingly, full-time employees are permitted to engage in secondary or outside employment only under the following guidelines:

A. Types of Employment and Notice.

(1) Outside employment must not be of a type that would reasonably give rise to criticism or create the appearance or suspicion of conflicting interests or duties.

(2) Employees are required to provide written notification to the department manager using the Employee's Notice of Secondary Employment within ninety days of adoption of this Section 14.18, or before starting any secondary or outside employment after adoption of this Section 14.18. This notification should include the following information:

(a) The employer's name, business name, and business address.

(b) A general overview of the type of business engaged in by the secondary employer.

(c) The specific duties engaged in by the employee at their secondary employment.

B. Approval Process.

(1) The department manager shall review the information contained in the Employee's Notice of Secondary Employment and determine whether the secondary employment is approved or denied. Factors to consider include, but are not limited to, the following:

(a) Whether the secondary employment reasonably articulates some factor or factors which could negatively impact their employment with the City. For example, that the secondary employment could reasonably be expected to be too physically or mentally draining on the employee.

(b) Whether the secondary employment could create a conflict of interest with employment with the City.

(c) Whether the secondary employment involves behavior or conduct that would reflect negatively on the City.

(2) This decision shall be communicated in writing to the employee, using the same Employee's Notice of Secondary Employment. The employee:

(a) Shall abide by that decision.

(b) May appeal the decision to the City Manager, whose decision shall be final.

(c) May voluntarily resign their position and employment with the City.

RESOLUTION NO. 2023-11

A RESOLUTION ADOPTING UPDATES TO THE HEBER CITY PERSONNEL POLICY

WHEREAS, the Heber City Personnel Policy establishes policies and procedures for City employees;

WHEREAS, the City's personnel committee has reviewed the Personnel Policy and suggested a number of proposed changes to the Personnel Policy;

WHEREAS, the proposed changes to the Personnel Policy update a number of sections of the Personnel Policy;

WHEREAS, the City Council finds that the proposed changes to the Personnel Policy are beneficial to the employees and City and update, clarify and streamline a number of policies and procedures; and

NOW THEREFORE, BE IT RESOLVED by the City Council of Heber City, Utah, that the Heber City Council adopts the updated Personnel Policy attached hereto as Exhibit A.

This Resolution shall take effect and be in force from and after its adoption and publication.

ADOPTED AND PASSED by the City Council of Heber City, Utah, this _____ day of _____, 2023. This Resolution shall become effective upon adoption and passage by the City Council.

HEBER CITY
A Utah Municipal Corporation

_____
Heidi Franco, Mayor

ATTEST:

_____
Trina Cooke, City Recorder

(city seal)

4890-0661-9007, v. 1

EXHIBIT "A"

Heber City Council Staff Report

MEETING DATE:	9/19/2023
SUBJECT:	Authorization to solicit proposals for sale of City-owned Commerce Park property
RESPONSIBLE:	Matt Brower
DEPARTMENT:	Administrative
STRATEGIC RELEVANCE:	Necessary Administrative Item

SUMMARY

Interest in purchasing the City-owned property in the Industrial Park has been renewed. This item seeks to determine the Council's level of interest in these solicitations.

RECOMMENDATION

The Council reviews requests and offers to buy the industrial parcel. If the Council agrees, staff can negotiate a sale that meets the City's criteria for promoting responsible business and industry, that creates jobs and employees. The City would require proposals to demonstrate that businesses or operations will provide a significant number of employees, low impact, clean manufacturing, and industry. This will stimulate enterprise and business activity in the area.

BACKGROUND

The Heber City Industrial Park has only one remaining parcel, identified as Parcel I.D. 00-0021-1743, which is owned by the City. In the past 12-18 months, the City has received various requests from potential buyers to purchase this parcel, both formally and informally. Initially, the City provided specific criteria to interested parties regarding the type and expectations of potential businesses. The most recent proposal for purchase, titled "Proposal for Development Consideration by Michael Pavicic & Utah Peaks, LLC," is included as Exhibit A.

The city staff has created a draft of terms for potential buyers of the former lots in the Industrial Park. The proposed terms include:

1. The need for an appraiser and specific details within the purchase agreement such as the purchase price and a timeline. The agreement should also indicate triggers for property development.

2. Developers must construct a building suitable for commercial or industrial use and ensure that the business occupying the building provides a minimum number of employees, as specified.

DISCUSSION

Should the City consider selling the aforementioned parcel, and, entertain and or seek other offers? Should the City seek a specific type of business, or require a certain set of criteria of desired

elements for the anticipated industry, enterprise, or business?

If there is a desire to further investigate or encourage a sale of the property, City staff proposes that sale proceeds from such a sale be used to purchase other real property sites within the City for a variety of needs and uses. For example, the expansion of the City offices, with associated open space and improved park areas, investment property, or additional land for other government buildings. These areas could include, but not be limited to, the existing Wasatch County building and associated areas consisting of Tabernacle Square, and commercial areas along Main Street.

FISCAL IMPACT

There would be routine appraisals, title review work, and associated closing costs for the sale. The proceeds from the sale would later be reinvested in purchases.

CONCLUSION

The ultimate goal is for the City to close a secure and profitable land deal that utilizes existing property while attracting new industries, creating jobs, and boosting the local economy.

ALTERNATIVES

1. Approve as proposed
2. Approve as amended
3. Continue
4. Deny

POTENTIAL MOTIONS

Alternative 1 - Approval - Staff Recommended Option

I move to **approve** the item as presented, with the findings and conditions as presented in the conclusion above.

Alternative 2 - Approve as Amended

I move to **approve** the item as amended, as follows.

Alternative 3 - Continue
I move to **continue** the item to another meeting on , with direction to the applicant and/or Staff on information and / or changes needed to render a decision, as follows:
Alternative 4 - Denial
I move to **deny** the item with the following findings.

ACCOUNTABILITY

Department: Administrative
Staff member: Matt Brower, City Manager
J. Mark Smedley, Asst. City Manager

EXHIBITS

1. 2200_001
2. ITN Parcel for Sale

HEBER CITY

HEART OF THE WASATCH BACK

Proposal for Development Consideration: 2295 South 390 West, Heber City, UT 84032

Prepared by:
Michael Pavicic
&
Utah Peaks, LLC
2237 S 390 W
Heber, UT 84032
Phone (Michael): 435-671-9683
Phone (Daniel): 435-565-1255
Email: MPavicic@avirockymountain.com
Email: daniel@nelsongroup13.com

Purchase Price:
Michael Pavicic and Utah Peaks, LLC are proposing the purchase of Parcel I.D. 00-0021-1743 in Power Industrial Park for the purchase price of $450,000.00. The site will be purchased in all cash.

The site plan calls to construct a 20,000 square foot flex space warehouse facility. Overall, this development would aim to align itself with Heber Cities multifaceted goals by working to create a high-quality long-lasting project through large capital investments into the site.

Purchaser Background & Experience:
With over 25 years of construction experience since his first project in 1996, Michael Pavicic has ample experience in both the real estate development industry as well as extensive knowledge of the Heber City market as a resident for the last fourteen years. Michael Pavicic owns and operates AVI Rocky Mountain LLC, a company he founded that currently operates out of their site in Power Industrial Park. AVI Rocky Mountain works to sell and help install a multitude of different products and solutions for different industries including oil and gas, water, and wastewater, municipal and much more.

Utah Peaks has a proven local track record of getting done what they say they will and maintain premier properties after completion. Utah Peaks is committed to building out this project at the already established highest level of construction.

HEBER CITY

HEART OF THE WASATCH BACK

Development Proposal:
The Development of the 1.5-acre parcel located at 2295 S. 390 W. Heber City, Utah 84032 will consist of a 20,000 square foot industrial flex space warehouse comprised of 4 separate units of 5,000 square feet each. The project will consist of newer construction to be held up to and above industry standards to ensure the project has high capital investment on the part of the investor and in order to create a high-quality long-lasting product that will service Heber City business tenants for the long term.

Some of the property's features will include 24-foot clear height ceilings, 14'x16' ground level overhead doors and a large per area size that allows a tenant a mix of both warehouse space and office space depending upon tenants needs. Because of the building's innovative and flexible design, the space will be able to attract a wide array of business types in Heber City that could utilize the space for their contrasting and unique needs.

Below are initial site plans as well as 3D renderings of the proposed development inspired by and designed from the current warehouse building located at 2237 S 390 W in Power Industrial Park leased by Michael Pavicic himself. 2237 S 390 W has had much success and has proven to be both a financially feasible project as well as an attractive building for Heber City businesses. By implementing an already well received design and product, this site aims to minimize risk by creating a project with a tract record at Power Industrial Park of proven success that is familiar, understood and less likely to cause problems for the developers, investors, city, or businesses of Heber City.

Thank you for your time and consideration in this offer. Should you have any questions Please email or alternately advise a time you would like to meet to further discuss.

Sincerely, Utah peaks and Michael Pavicic.

HEBER CITY

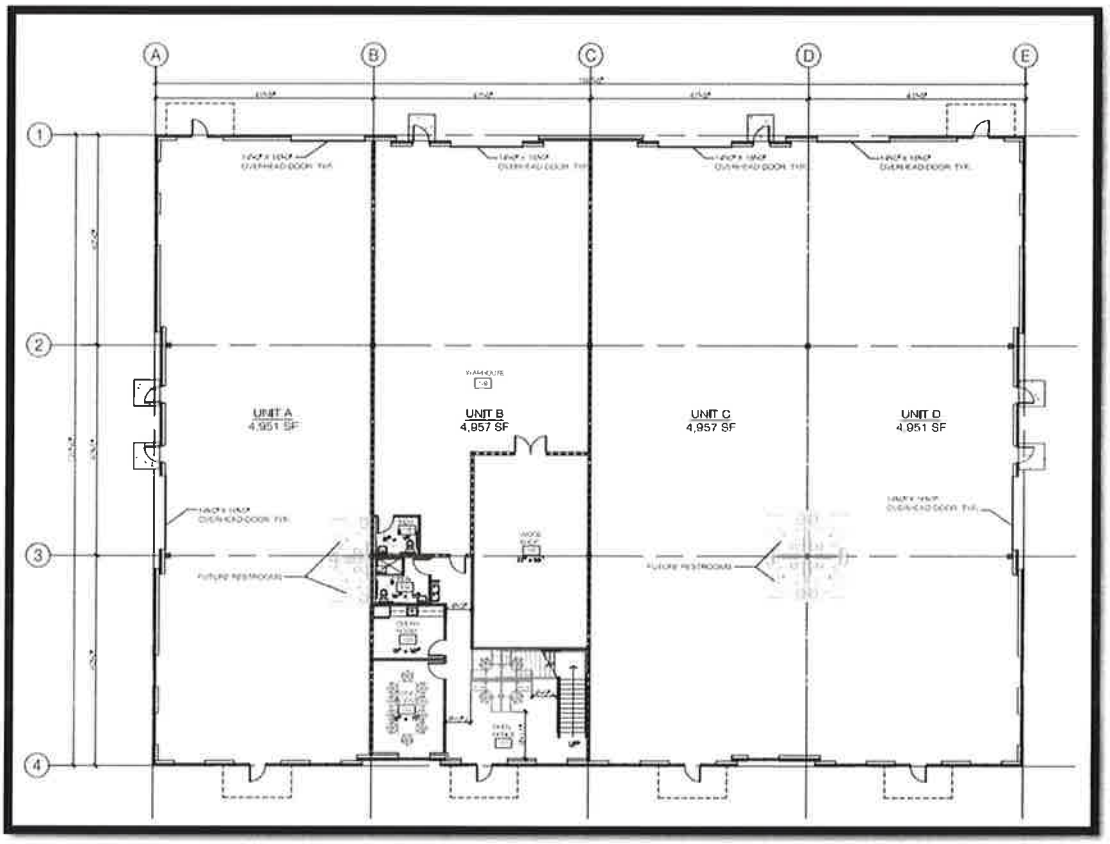
HEART OF THE WASATCH BACK

3D Rendering:

HEBER CITY

HEART OF THE WASATCH BACK

Site Plan:



Invitation to Negotiate (ITN)
Purchase Bids for City Owned Property in the Industrial Park, Heber City, Utah

Release Date: 9/1/2021

Sealed proposals will be accepted from interested parties until 5:00 p.m. Monday, October 4, 2021 and will be reviewed and evaluated as received.

I. Preface: Heber City Municipal Corporation, ("The City", "Heber", or "Heber City") a political subdivision of the State of Utah, desires to solicit potential purchasers for a 1.5 acre City owned property, located in the industrial zone, at 2295 S. 390 W, more particularly described in ***Exhibit A.***

II. Purpose of ITN: This ITN establishes the parameters for interested parties to submit proposals for consideration to purchase 1.5 acres described in the Preface. After solicitation and review of proposals from purchasers, the City may award the purchase contract to that individual or entity whose proposal best meets the City's goals for the property. The City will not consider proposals that are deemed non-responsive or un-reasonable.

III. City Goals: The City will consider all proposals. The City will give more attention, however, to those proposals that best support the City's goals. The City's goals are multifaceted and include maximizing, to the greatest extent possible, each of the following criteria:

1) Sale/purchase price – City seeks proposals that are equal to or greater than current market values.
2) Capital investment – City prefers potential purchasers who intend to make sizeable capital investments into the parcel, as a condition of purchasing the property. City's goal is to maximize capital investment dollars that are invested into the property. Products of the capital investment might include, new building, warehouse facility, etc.
3) Creation of sustainable, livable wage jobs—City prefers a potential purchaser who is likely to generate new, livable wage jobs, by virtue of the capital investment into the parcel.
4) Future property and sales taxes to City – City is seeking a potential purchaser whose proposed use of the property, in conjunction with the capital investment, would yield the greatest return of property taxes, real and personal, and/or sales taxes to the City.

IV. Content of Submittals. Proposals must include those information items, both written and graphic, in so far as to accurately convey the intent of the project, and the following:

1) **Purchaser Details:** Provide contact info for purchaser and any proposing developing entity or individual and identify the project manager/owner. Proposals shall be signed by an authorized representative(s) with authority to submit such proposal and execute a legally

binding purchase/sales agreement. Experience section shall be a maximum of 1 page.

2) **Proposal Details:** Experience section shall be a maximum of 3 pages.
    a. **Purchase Price**: Submit purchase price for purchase of 1.5 acre parcel. Include details pertaining to how purchase will be transacted, e.g. cash, loan, etc., and date of expected closing. Include any proposed contingencies.
    b. **Capital Investment**: Provide summary of capital investment that would be made as a condition of purchase. Details shall include amount of capital dollars, type of investment, and physical asset that would be generate/created. Timeline for completing capital investment should be included.
    c. **Sustainable and Livable Wage Jobs**: Detail number of new jobs that would be created after completion of capital investment. Information regarding the types of jobs, purpose of jobs, sustainability of jobs, and wages for new jobs, is required. Additional information should be included that details how the jobs could benefit Heber residents.
    d. **Taxes**: Provide information on the type of taxes that would be generated from the proposed capital investment and anticipated uses that would benefit Heber City.
3) **Project Funding and Financial Stability:** The City wants to ensure that the successful Purchaser has the necessary financial resources to purchase the property and invest additional capital dollars into the property in a timely manner. Please furnish a statement of financial resources demonstrating that the potential purchaser has the ability to purchase the property and make the proposed capital investment. Additionally, list and explain any pending bankruptcies, liens, stop notices, judgments, lawsuits and foreclosures, or any such actions filed or resolved in the past seven (7) years. Financial Stability section shall be a maximum of two (2) pages.
4) **Experience:** Itemize experience in similar projects (show examples, provide references). Experience section shall be a maximum of 1 page.
5) **Innovation:** Identify ideas, new concepts, and arrangements other than those listed in this ITN. City will favor innovative proposals. Innovation shall be a maximum of 1 page.

V. Evaluation Process.

Step 1: City reviews proposals submitted in response to ITN and eliminates unresponsive proposals.

Step 2: City ranks responsive proposals on an overall scale of 1 to 100, awarding 25% of the scale to each of the four criteria found in section IV (2).

Step 3: City invites top proposers that are deemed to be most responsive and responsible (based on ranking) to negotiate terms of a possible agreement. Negotiations will focus and develop details of the project.

Step 4: Term sheets are presented to Heber City Council for consideration. City Council selects top proposal to negotiate a possible agreement.

Step 5: Agreement negotiated with staff and approved by City Council. Should successful negotiation result, a binding legal purchase/sales agreement and possible development agreement will be required. This invitation to negotiate does not provide a complete understanding of the project, nor does it contain all matters upon which an agreement must be reached. The City reserves the right to negotiate necessary and reasonable legal terms and conditions. Should negotiations prove unsuccessful with top purchaser, firm, entity or individual, City will commence negotiations with runner-up proposal.

VI. Development Agreement. When one purchaser is chosen, prior to the closing date, purchaser and City shall agree upon the form of a Development Agreement relating to purchaser's development of the property, including but not limited to, and subject to the criteria, contained in this Invitation to Negotiate. Said Development Agreement shall be executed on or before the closing date. If the form of the Development Agreement is not agreed upon prior to the closing date, the purchase shall not consummate, and any initially accepted proposal shall automatically be vacated and any further relationship between the City and a potential purchaser shall terminate. The Development Agreement will contain such terms as are necessary for the orderly development of the property in accordance with this ITN proposal and, in any event, shall address the matters described herein.

VII. Proposal Deadline. Proposals must be received in the Heber City Recorder's Office no later than Monday, October 4, 2021, by 5:00 p.m. Requested information shall be delivered electronically by email to Heber City Recorder at tcooke@heberut.gov. Please include in subject line of email the following: **Purchase Bids for City Owned Property in the Industrial Park,** and proposing Purchaser's name. Proposals may also be delivered via other electronic means, such as thumb drive, etc. The package containing the other electronic means must clearly note the name of this ITN and name of proposer on the front of the package and be addressed to Heber City Recorder at 75 N. Main, Heber City, Utah 84032.

VIII. Proprietary Information. If any proposers believe that any portion of its proposal is subject to a legal exception to public disclosure, that individual or entity shall: (1) clearly mark the relevant portions of its proposal as "Confidential" and (2) upon request from the City, identify the legal basis for exception from disclosure under the Public Records Act. The City Attorney's Office will determine if the information is confidential, based on state and federal law. Note that under Utah law, a price proposal to a public agency is not a trade secret. Any proposers shall defend, indemnify, and hold harmless, the City regarding any claim by any third party for the public disclosure of the "confidential" portion of the proposal.

City shall consider each proposal subject to the public disclosure requirements of the Utah Records Act, unless there is a legal exception to public disclosure.

IX. Administrative Guidance. The information provided herein is intended and designed to provide those interested in responding sufficient basic information regarding minimum requirements. It is not intended to limit a proposal's content or exclude any relevant or essential data therefrom. Proposers are at liberty and are encouraged to conduct their own due diligence on the property. The City will not be liable for any costs proposers may incur in conducting due diligence or in the preparation or presentation of this proposal. The City reserves the right to reject any and all proposals or to waive any irregularities or informalities in any proposal or in the ITN procedures. Upon City Council approval, a contract may be awarded.

Questions: Questions may be forwarded to Heber City Manager Matt Brower: mbrower@Heberut.gov through Monday, September 27.

EXHIBIT A

Parcel Address: 2295 S. 390 W. Heber City, Utah 84032

Serial: OPU-0004-0-007-045

Parcel I.D.: 00-0021-1743

Acreage: 1.5 ac