



West Point City Council Notice and Agenda

West Point City Municipal Center
3200 West 300 North
West Point City, UT 84015

February 18, 2014

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeff Turner
City Manager
Kyle Laws

ADMINISTRATIVE SESSION

6:00 pm – Council Room

1. Discussion of Personnel Policies & Procedures – Mr. Kyle Laws [Page 5](#)
2. Syracuse High Graduation Grant – Mr. Kyle Laws

GENERAL SESSION

7:00 pm – Main Council Chamber

1. Call to Order
2. Pledge of Allegiance
3. Prayer. (Please contact the City Recorder to request meeting participation by offering a prayer or inspirational thought.)
4. Communications and Disclosures from City Council and Mayor
5. Communications from Staff
6. Adoption of Minutes from the January 21, 2014 Council Meeting – Mrs. Misty Rogers [page 27](#)
7. Citizen Comment. (If you wish to make comment to the Council, please use the podium and clearly state your name and address, keeping your comments to a maximum of 2 ½ minutes. Please do not repeat positions already stated. Public comment is a time for the Council to receive new information and perspectives).
8. Resolution No 02-18-2014A, Consideration of Adoption of City Council Rules of Procedure – Mr. Kyle Laws [page 35](#)
9. Motion to Adjourn

Posted and dated this February 13, 2014

MISTY ROGERS, CITY RECORDER

If you plan to attend this meeting and, due to disability, will need assistance in understanding or participating therein, please notify the City at least eight hours prior to the meeting and we will seek to provide assistance.

TENTATIVE UPCOMING ITEMS

Date: 3/4/2014

Administrative Session

1. Discussion of Municipal Wastewater Planning Program – Mr. Paul Rochell

General Session

1. Youth Council Update
2. Presentation by Gary Hatch, General Manager of the Mosquito Abatement District Davis (MADD)
3. Resolution No. 03-04-2014A, Consideration of Adoption of Personnel Policies & Procedures – Mr. Kyle Laws
4. Resolution No 03-04-2014B, Consideration of Adoption of Municipal Wastewater Planning Program – Mr. Paul Rochell

Date: 3/18/2014

Administrative Session

General Session

1. Announcement of Essay Contest Winners – Mrs. Jolene Kap

Date: 4/1/2014

Administrative Session

General Session

1. Youth Council Update

Future Items

Administrative Session

1. Debris Management – Mr. Paul Rochell
2. Street Light Replacement Discussion – Mr. Kyle Laws
3. Discussion of the West Point City General Plan – Mr. Boyd Davis
4. Cemetery Expansion

General Session

1. Public Hearing to Consider Modifications to the West Point City General Plan – Mr. Boyd Davis
 - a. Public Hearing
 - b. Action
2. Youth Council Charter – Mrs. Jolene Kap

West Point City 2014 Calendar

January		5	City Council-7pm
February		7	Summer Party-5pm
	17		Presidents Day-Office Closed
	18		City Council-7pm
	27		Planning Commission-7pm
March		14	Planning Commission-7pm
	4		City Council-7pm
	13		Planning Commission-7pm
	17		Senior Lunch-11:30am
	18		City Council-7pm
	27		Planning Commission-7pm
April		15	Senior Dinner-5:30pm
	1		City Council-7pm
	10		Planning Commission-7pm
	15		City Council-7pm
	19		Easter Egg Hunt-10am
	21		Senior Lunch-11:30am
	24		Planning Commission-7pm
May		19	City Council-7pm
	1		Cemetery Cleaning
	3		Take Pride Day
	6		City Council-7pm
	14		Council/Staff Lunch-11:30am
	15		Planning Commission-7pm
	19		Senior Lunch-11:30am
	20		City Council-7pm
	26		Memorial Day-Office Closed
	29		Planning Commission-7pm
June		28	Planning Commission-7pm
	3		City Council-7pm
	12		Planning Commission-7pm
	16		Senior Lunch-11:30am
	17		City Council-7pm
	26		Planning Commission-7pm
	28		Miss West Point Pageant SHS-7pm
July		5	City Council-7pm
	1		City Council-7pm
	4		Independence Day-Office Closed
			4th of July activities
	10		Planning Commission-7pm
	15		City Council-7pm
	21		Senior Lunch 11:30am
	24		Pioneer Day Observed-Office Closed
August		15	City Council-7pm
		18	City Council-7pm
		28	Planning Commission-7pm
		5	City Council-7pm
		7	Summer Party-5pm
		14	Planning Commission-7pm
		15	Senior Dinner-5:30pm
		19	City Council-7pm
		28	Planning Commission-7pm
		1	Labor Day-Office Closed
		2	City Council-7pm
		11	Planning Commission-7pm
		15	Senior Lunch-11:30am
		16	City Council-7pm
		25	Planning Commission-7pm
		2	Cemetery Cleaning
		7	City Council-7pm
		8	Council/Staff Lunch-11:30am
		16	Planning Commission-7pm
		17	Halloween Carnival-7pm
		20	Senior Lunch-11:30am
		21	City Council-7pm
		30	Planning Commission-7pm
		4	Election Day
		8	Flags on Veteran's Graves YC
		11	Veteran's Day-Office Closed
		13	Planning Commission-7pm
		17	Senior Lunch-11:30am
		18	City Council-7pm
		27-28	Thanksgiving -Office Closed
		1	City Hall Lighting Ceremony-6:00 pm
		2	City Council-7pm
		5	Christmas Party-7pm
		11	Planning Commission-7pm
		15	Senior Lunch-11:30am
		16	City Council-7pm
		19	Cemetery Luminary-4pm
		25-26	Christmas -Office Closed
		9-10	Council Retreat

City Council Staff Report

Subject: Personnel Policies & Procedures
Author: Kyle Laws
Department: Executive
Date: February 18, 2014



Background

The Personnel Policies & Procedures (PP&P) Manual has been in need of updating for several years. There are several statements or policies that are out of date, possibly illegal, and in many cases not clearly stated. In some cases the practice for many years has differed from the written policy. The question has arisen on whether it is good to follow bad policy or better to simply ignore bad policy. The answer is that neither option is good and the best solution is to update and revise the policy.

Analysis

Each section of the PP&P manual needs to be revised and updated. An entire revision may be too much of an overload for us to review at once so I have decided to revise it in sections. For this meeting I have chosen the section that I think needs the most urgent attention, “Employment Classifications” and “Compensation, Leaves, & Benefits.” Although, having said that, you will notice that the Benefits section is not included. This will be brought back separately at a later date.

There is no easy way to explain the changes in writing so I will leave that discussion primarily to our meeting. However, it will be important for you to understand a few things about the document. I have used different colors to help guide you through the changes and revisions:

- All old language that will be deleted is shown with ~~striketrough~~ formatting.
- Language in **black** is old/previous language that will not be changed.
- Language in **red** is written in a new way but the content is consistent with old/previous language.
- Language in **blue** is new language, either to clarify how the policy was previously stated or new policies that were important to include.

The Council’s primary focus will likely be on the blue language, but it is strongly encouraged and recommended that the entire document be reviewed and any questions, comments, or suggestions regarding these revisions be brought into the discussion.

I have reviewed these changes with the Management Team as a group and have met several times individually with members of the Management Team. These discussions have been very productive and insightful to all. I have also reviewed this at length with our HR Manager, Laura Gamon.

The attached document will be sent to our City Attorney, Felshaw King, for his review prior to the Council taking any formal action to approve it.

Recommendation

No formal action is required at this time. This is for discussion purposes only, but Staff would like any feedback or direction the Council may have.

Significant Impacts

There are no significant impacts at this time.

Attachments

Personnel Policies & Procedures – Employment Classifications, Compensation, Leaves & Benefits

EMPLOYMENT CLASSIFICATIONS

1) Employment Status - All employees shall be classified as one of the following: **Regular employees.** ~~These are Council approved positions as follows:~~

~~(a) Full-time Employee - An employee in a Council authorized position who works 40 hours per week on a continual basis, and who has successfully completed his/her probationary period.~~

(a) Full-time/Regular: An employee hired to work a minimum of 40 hours per week or applicable full-time work schedule, and eligible for City benefits.

~~(b) Part-time Employee - Same as full-time employee, but works less than 40 hours per week and usually more than 15 hours a week.~~

(b) Part-time/Regular:

1) Benefited - An employee hired to work a minimum of 30 hours per week on a regular, year-round basis, and eligible for City benefits.

2) Partial Benefited - An employee hired to work less than 30 hours per week (1,560 hours per year) on a regular, year-round basis, are at-will, and eligible for some reduced City benefits, as explained in the Compensation, Leaves, & Benefits section of this manual.

3) Non-Benefited - An employee hired to work less than 30 hours per week (1,560 hours per year) on a regular, year-round basis, are at-will, and not eligible for City benefits.

(c) Seasonal/Intern: An employee hired to work up to 40 hours per week to a maximum of 1560 hours during a rolling year (from hire date), are at-will, and not eligible for City benefits. Seasonal employees are normally employed for up to six (6) months but may be employed for up to twelve (12) months provided they do not exceed 1560 hours during the rolling year.

(d) Volunteer: Any person who donates service without pay or other compensation.

1) Department Directors shall provide required volunteer information to the human resources division, prior to the rendering of any volunteer services, to ensure worker's compensation and liability coverage.

~~(c) Probationary Employee - A full or part-time employee hired to fill a Council authorized position on a probationary basis. Probationary employees receive benefits for which they are eligible. Probationary employees are at-will and may be terminated at any time with or without notice or cause.~~

~~2)3) Appointed Employees - The City Manager shall appoint with the advice and consent of the City Council the Police Chief, Fire Chief, Recorder, Treasurer, City Attorney, and City Engineer, whose employment or appointment may be terminated only by the City Council. The City Manager shall have~~

authority to appoint and remove all other department heads with the advice and consent of the City Council.

~~Contract employees are not subject to these procedures. Termination will be determined by terms of contract.~~

~~3)4) — **City Manager** — These policies and procedures shall not apply to the City Manager. The City Manager's status, compensation and benefits shall be determined as provided in State law and as negotiated between the City Manager and the City Council.~~

~~4)5) — **Elected and Appointed Officials** — Commissioners, Board Members and Committee Members — Members of the City Council, Planning Commission Members, and Board of Adjustment Members, and all other appointed Commission, Board or Committee Members. These policies and procedures shall not apply to these officials. Their status, compensation, if any, etc., shall be governed by the statutes, ordinances, resolutions or executive orders which create and govern the position.~~

~~5) — **Temporary Employees.** These positions shall be approved administratively:~~

~~(a) — **Seasonal Employee** — All employees hired on a temporary, seasonal, provisional or emergency basis. Seasonal employees are not eligible for benefits unless required by law. Seasonal employees are at will employees and may be terminated at any time with or without notice or cause. Seasonal employees are normally employed for six (6) months or less, but may be employed up to 40 hours per week for up to but not including nine months (such that the annual average of hours worked is less than 30 hours per week). A seasonal employee may be re-hired as a seasonal employee after at least a three month break.~~

PROBATION

Policy

The probationary or working test period shall be regarded as an integral part of the hiring, promotion and transfer process and shall be utilized for training and for closely observing the employee's work, securing the most effective adjustment of a new, promoted or transferred employee.

The probationary period is a working test period during which an employee is required to demonstrate their fitness for the position to which they have been appointed by actual performance of the duties of the position.

Duration

All employees filling a full-time position shall serve a probationary period of at least six months starting at the time of hire and again following any change in position, i.e., promotion, transfer, etc. The Department Director, with approval of the City Manager, may extend the probationary period for a period not to exceed three (3) months. The City Manager may extend the probationary period beyond the three months if deemed necessary.

All employees filling a part-time position shall serve a probationary period for the length of their employment up to twelve months and again following any change in position, i.e., promotion, transfer, etc. If the length of employment exceeds twelve months, the employee is subject to the same rules regarding probation as full-time employees.

Benefits for Probationary Employees

Probationary employees are eligible for the same benefits as they will receive when they become regular employees.

Probationary Evaluations

Full-time probationary employees shall meet at least quarterly with their supervisor or Department Director to discuss their performance and work expectations. A record of these meetings, signed by the employee, shall be kept in the employee's personnel file.

Dismissal

A probationary employee may be terminated at any time with or without notice or cause by the appropriate supervisor after consultation with the City Attorney and City Manager. (See Termination of Employment.)

Unpaid Leave During Probationary Period

Time spent on any unpaid leave of absence shall not be considered as part of any probationary period.

Probationary Period Report

At least 10 days prior to the expiration of any employee's probationary period, the Department Director should notify the City Manager, in writing, whether the services of the employee have been satisfactory and if the Department Director is willing to continue the employee in the position. No employee should be paid for work performed after the expiration of the probationary period unless the Department Director has notified the City Manager that he/she recommends the employee for regular appointment to the position. If the employee is paid due to an oversight, he/she is deemed to continue in probationary status until the appropriate paperwork is submitted, but such delay should not exceed three months. Until such notification is given, the employee will not be given Regular status. The City Manager may waive irregularities in the report process.

Regular Appointment

Upon recommendation of the Department Director and approval by the City Manager, a probationer shall become a Regular employee in the position for which the employee is certified.

Employee Placed on Probation

Regular employees may be placed on probation as a disciplinary measure for periods of time to be determined by the Department Director in consultation with the Legal Department and the City

~~Manager. Employees who are placed on probation remain eligible for the same benefits as they were receiving before being placed on probation. (See Disciplinary Action Policy.)~~

Probation

- a) Probationary Period – Unless specified otherwise by this policy, all new hires shall fulfill a probationary period. During probation, such employees may be terminated at any time, with or without cause or prior notice, for any reason or no reason at all.
- b) Evaluations - Probationary employees shall meet regularly with their supervisor or Department Director to discuss their performance and work expectations. Prior to the expiration of any employee’s probationary period, the Department Director shall notify the City Manager, in writing, indicating whether the services of the employee have been satisfactory and whether the Department Director is willing to continue the employee in the position and remove them from probationary status.
- c) Extensions – In unusual circumstances, probationary periods may be extended beyond the initial probationary period as authorized by the City Manager. Probation extensions shall be documented and notice given to the employee prior to the conclusion of the original probationary period.

COMPENSATION, LEAVES, & BENEFITS AND OVERTIME

~~This policy sets forth the general provisions and guidelines for receiving paychecks, recording work time, work periods, overtime, premium holiday pay, call back pay, and comp time available to West Point City employees.~~

COMPENSATION

Work Hours – Work hours for employees are determined by the City Manager. The City Manager may change employee work hours on a permanent basis as determined to be in the best interest of the City. Temporary changes to employee work hours shall be at the Department Director’s discretion.

Classification – The City assigns each position a pay range as established by the City’s pay plan. The pay plan reflects internal and external equities, based upon assigned duties and responsibilities, and market comparisons.

Market research is conducted bi-annually by the Human Resources Manager.

PAY PERIODS, PAYCHECKS, WORK TIME SHEET

~~Pay Periods: All employees shall be paid on the 15th and last day of every month. Should the pay period fall on Saturday, Sunday, or a Holiday, checks will be issued on the work day prior to the week-end or the holiday.~~

~~Paychecks: Paychecks will only be issued to the employee to which the check is assigned. No other individual or employee may pick up or receive another employee's check without employee authorization.~~

~~Work Time Sheet: All employees will fill out a work sheet outlining the hours worked. Signatures from the employee, employee's immediate supervisor, and the City Manager will be required.~~

Payroll – All employees are paid bi-weekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period or applicable work period.

- a. The work week begins at 12:01am on Monday and ends on Sunday night at 12:00 midnight for all employees, except as otherwise authorized in writing by the City Manager.
 - i) The Public Works Department works a 9/80 work schedule. Their work week begins at 11:31am on Friday and ends at 11:30am Friday. Timecards shall be adjusted to accommodate the same pay periods and pay dates as all other employees.
- b. Employees and supervisors are responsible for accurately recording and reporting time worked and leave used on their timecards.
- c. Employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in City approved programs. Employees should review any discrepancies in payroll deductions with the City Treasurer, Finance Director, or Human Resources Manager.
- d. Upon receipt of a valid garnishment, the City shall withhold wages from an employee's paycheck. The City shall continue to withhold the garnishment wages until a court order is received indicating satisfaction of the indebtedness.
- e. An employee may not receive an unearned pay advance, except as authorized by the City Manager.

Merit Increases – Employees may receive merit increases based on performance evaluations and according to availability of funds as allocated by the City Council through the budget process.

Market Adjustments/COLA – Employees may receive a market adjustment as determined appropriate and according to availability of funds as allocated by the City Council through the budget process.

Overtime Provisions – It is the general policy of West Point City to not have employees work overtime. However, employees may be required to work overtime as deemed necessary and pre-authorized by the City Manager or Department Director.

- a. Overtime is paid at the rate of one and one-half times the regular rate of pay.
- b. Overtime is calculated based on actual time worked.
 - 1) Time worked includes those hours an employee is working, as well as jury duty, or witness duty.

- 2) Time worked does not include vacation leave, sick leave, holiday leave, paid military leave, or compensatory time.
- c. Overtime is payment received for time worked:
 - 1) In excess of 40 hours per work week for non-exempt employees.
 - 2) On the day of the City Celebration (Independence Day) for authorized employees.
- d. In situations where the mayor has declared a "Local State of Emergency," FLSA non-exempt employees whose work assists the response during the designated emergency will be paid time and a half for any emergency hours worked in addition to their normal work schedule. Compensatory time will not be accrued.

~~Compensation for Overtime Worked~~

~~All non-exempt employees (as determined by FLSA) must be paid time and a half or given compensatory time at the rate of time and a half for all hours worked in excess of 40 hours in a work what is normally scheduled during the week.~~

~~General Policy to Pay Comp Time Instead of Cash~~

~~It shall be left to the discretion of the relevant Department Director as to whether overtime hours worked will be compensated by compensatory time off or cash payment. When funds budgeted for over time pay are exhausted, eligible employees shall be compensated with compensatory time off, unless otherwise stipulated by the City Manager.~~

~~Agreement and Understanding of Comp Time Policy~~

~~All present employees as of the effective date of this policy, and all new employees at the time they accept employment with the City and as a condition of employment shall sign an Agreement and Understanding of West Point City's Comp Time Policy. This agreement shall be kept on file in the relevant department.~~

~~Use of Accrued Comp Time~~

~~Use of Comp time will be coordinated by and approved only by the employee's immediate supervisor. Comp time will not be sold back in the form of a cash payment. Employees must use comp time within the same three (3) month period in which they earn it.~~

~~Payment for Unused Comp Time at Termination of Employment~~

~~When a non-exempt employee terminates employment with the City, the employee must be fully compensated for all unused comp time. The rate of compensation for the accrued comp time will be the regular rate earned at the time of termination. This does not apply to unused holiday comp, which will be forfeited at the time of termination.~~

Comp Time Record Keeping Requirements

~~The time sheet records shall indicate actual hours worked. When comp time is given for overtime work, time sheet records shall show the number of comp time hours accrued by each non exempt employee. The payroll system shall calculate the overtime or comp time hours worked at the appropriate rate. Records shall be maintained indicating when accrued comp time is used by nonexempt employees. These records shall be signed by the Department Director or supervisor.~~

Compensatory Time Provisions – When it is in the best interest of West Point City, the City reserves the right to grant compensatory time in lieu of overtime wages to FLSA non-exempt employees. Compensatory time must be pre-authorized by the City Manager or Department Director.

- a. **Compensatory time accrual and time worked calculations are the same as overtime provisions.**
- b. An employee with accrued compensatory time leave that requests use of the time will be permitted to use it within a reasonable period after making the request if it does not unduly disrupt the operations of the Department.
- c. The City may require an employee to use accrued compensatory time.
- d. **The maximum hours of compensatory time which may be accrued is 80 hours.**
- e. Compensatory time accrued will be deducted prior to any use of requested vacation leave.
- f. The accrued compensatory time of an employee transferred between divisions or moving to FLSA exempt status shall be compensated prior to such action.
- g. **All accrued compensatory time shall be compensated and paid to zero during the last pay period of the calendar year for any employee with a compensatory time balance.**
- h. The City Manager may authorize compensatory time for part-time employees as deemed appropriate.

Call Back Compensation – Any FLSA non-exempt employee called back to work shall be entitled to call back compensation for actual time worked. The minimum call back compensation shall be two (2) hours. Call back time outside of regular work hours will be compensated at the overtime rate.

On Call Compensation – As required, a schedule of on call FLSA non-exempt employees may be prepared in advance and maintained by the Department Director

- a. Any position requiring an on-call status shall be on a one week rotation basis.
- b. On-call employees must be able to respond to work site within a thirty (30) minute time frame and in compliance with the City's Drug/Alcohol Policy.
- c. On call employees shall be paid \$20 per day.

IRS Requirements for City Vehicle Use for Commuting

- a. Personal use of City take-home or on-call vehicles is restricted to commuting to and from work and de minimis use.
- b. Consistent with IRS regulations, use of a City vehicle for commuting is considered taxable compensation. This includes commuting use as a passenger. The City has adopted the IRS commuting rule as the method of reporting as outlined in IRS Publication 15-B.
- c. To ensure proper reporting on W-2s and liability coverage, Department Directors shall ensure that both Payroll and Risk Management are promptly notified of changes in which employees are authorized to use take-home vehicles, including vehicles allowed to be taken home to facilitate on-call responsibilities.

LEAVE

Contents

- _____ Annual Leave
- _____ Sick Leave
- _____ Family and Medical Leave
- _____ Leave Without Pay
- _____ Use of Annual Leave, Sick Leave, and Leave Without Pay
- _____ Funeral Leave
- _____ Military Leave
- _____ Maternity Leave
- _____ Jury Duty/Court Leave
- _____ Department Director Notification of Leave

Annual Leave

West Point City believes that it is important that employees take planned time away from the work environment each year. This time provides both an opportunity to rejuvenate and an important balance to the individual's personal and professional life. This policy defines the method by which regular full-time employees can earn annual leave and the process to be followed in requesting and receiving approval for paid annual leave.

Annual Leave Accrual (Employees working 40 hours per week)

Full-time employees working 40-hour weeks, who have been in the City service for a continuous period of one month, accrue annual leave with pay—on the basis of an eight-hour day, five-day week or 173-hour month—at the following rates, depending upon years of service:

ANNUAL LEAVE ACCRUAL SCHEDULE FOR 40 HR/WEEK EMPLOYEES

Years

In Service _____

Days Earned
Per Year

~~1 – 5~~
~~10 days~~
~~6 – 10~~ 12 days
~~11 – 14~~ 14 days
~~15 or more~~ 16 days

All leave in excess of 320 hours as of December 31st of each year will be forfeited.

Part-time Employees

Regular part-time employees do not accrue annual leave or sick leave. They are not entitled to any leave with pay, such as emergency leave. Any leave or time off taken by regular part-time employees is leave without pay. (See Leave Without Pay.)

LEAVES

Vacation Leave – Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Vacation accrual is based on bi-weekly pay periods. Vacation leave may not be used until the pay period following its accrual.

a. **Vacation Accrual Rates:**

1) **Full-time/Regular employee:**

<u>Years of Consecutive City Service</u>	<u>Hours of Vacation Accrued per Bi-weekly Pay Period</u>
Less than 5	3.08 (80 hours annually)
5 – 9	3.69 (96 hours annually)
10 – 14	4.31 (112 hours annually)
15 or more	4.92 (128 hours annually)

2) **Part-time/Regular - Benefited/Partial Benefited employee:**

Part-time employees authorized to accrue vacation leave shall accrue at a rate equal to the percentage of full-time hours (40) the employee is hired to work per week. For example, an employee hired to work 32 hours per week would accrue vacation leave at a rate of 80% of the full-time accrual rate.

b. **Maximum Vacation Accrual Allowed:**

Vacation time accrued cannot be carried forward from one calendar year to the next in excess of 320 hours.

c. **Vacation leave shall be requested and pre-approved by the employee's supervisor.**

- d. ~~Accrued vacation leave will be paid out upon termination of employment up to a maximum of 320 hours.~~
- e. ~~Employees who wish to exhaust accrued vacation during the period of time immediately preceding their last day worked before retirement, resignation, or termination may be allowed to do so, if approved by the City Manager, but shall not be eligible for accrual of leave-on-leave.~~
- f. ~~Employees do not accrue vacation leave while on a leave without pay status.~~

Sick Leave

Purpose

~~As insurance against loss of income when employees are unable to perform their work because of illness or injury, sick leave with pay is provided each probationary or regular full-time employee.~~

Accrual

~~A forty (40) hour per week employee shall accumulate sick leave at the rate of eight (8) hours for each full calendar month of service. The policy shall apply to exempt employees as well.~~

Use of Sick Leave

~~Eligible employees may begin to utilize their accrued sick leave any time after having completed one (1) month of satisfactory employment. Employees absent due to sickness must arrange for a telephone report to their supervisor, no later than one hour after the beginning of the work day of the first day of absence.~~

Sick Leave Records

~~Official sick leave records are maintained by the Personnel Officer and the Finance Department. Use of sick leave credit must be promptly and accurately reported for all employees on the time card.~~

Abuse of Sick Leave

~~Evidence of bona fide illness or other reason for taking sick leave in the form of a certificate of illness or reason for sick leave may be required by the City whenever there is reasonable grounds to believe the employee is malingering or abusing sick leave privileges. No employee shall be entitled to sick leave while absent from duty because of disability arising from a sickness or injury purposely self-inflicted or caused by willful misconduct. An employee will not be required to furnish a doctor's certificate to substantiate a request for three days or less sick leave, unless there are reasonable grounds to believe the employee is abusing sick leave. The supervisor may require the employee to use leave without pay for unauthorized or unsubstantiated use of sick leave. Abuse of sick leave privileges may be considered as grounds for suspension or dismissal.~~

Unused Sick Leave Incentive

As an incentive to increase productivity of employees and extend longevity within the City and at the employee's option, one third (1/3) of all sick leave accrued between December 1st and November 30th of the preceding year, may be converted to annual leave, provided that any sick leave used during the year will be deducted from that one third (1/3). Annual leave may be converted to sick leave to offset any sick leave used during the year.

Sick Leave Pay-out at Resignation, Termination or Retirement

Employees who resign their employment, terminate or retire under favorable circumstances shall be paid for any unused sick leave as follows:

- a. — less than five (5) years of full-time service — no compensation;
- b. — five (5) or more years full-time service — one third (1/3) of accrued leave balance at employee's last pay rate.

Employees terminated for cause shall not receive a sick leave pay out.

Part-time Employees

Part-time employees do not accrue sick leave. They are not entitled to any leave with pay, such as emergency leave. Any leave or time off taken by regular part-time employees is leave without pay.

Sick Leave – Sick time off with pay is available to eligible employees for periods of temporary absence due to illness, injury, or to obtain necessary medical care for themselves, their spouse, their children, and their parents, except as otherwise authorized by the City Manager. Sick leave may also be used for any City approved FMLA leave use. Sick leave hours are intended to provide income protection in the event of illness, injury, medical care, or approved FMLA use. An employee is prohibited from working secondary employment during the actual hours of sick leave. Sick leave may not be used until the pay period following its accrual.

- a. Full-time/Regular employees shall accrue 3.69 hours of sick leave per pay period (96 hours annually).
- b. Part-time employees authorized to accrue sick leave shall accrue at a rate equal to the percentage of full-time hours (40) the employee is hired to work per week. For example, an employee hired to work 32 hours per week would accrue vacation leave at a rate of 80% of the full-time accrual rate.
- c. Maximum Sick Leave Accrual Allowed:

Sick leave accrued will be capped at 750 hours.
- d. Employees do not accrue sick leave while on a leave without pay status.

- e. Employees who are unable to report to work due to illness or injury shall notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence.
- f. Employees may convert one-third of all sick leave accrued between December 1st and November 30th of the preceding year to vacation leave. All sick leave used during that 12 month period shall be deducted from that one-third. For example, if an employee accrued 96 hours of sick leave between December 1st and November 30th and they used 16 hours of sick leave during that same period, they would be eligible to convert 16 hours to vacation leave (one-third of 96 hours (32 hours) less the 16 hours used (32-16=16)).
- g. Employees who resign their employment, terminate or retire under favorable circumstances shall be paid for any unused sick leave at a rate of one-third of their sick leave balance at their last rate of pay, provided they have at least five (5) years of full-time service with West Point City. Employees terminated for cause shall not receive a sick leave pay out.
- h. Employees may be required to demonstrate the ability to perform essential job duties and/or provide a medical release before returning to work.
- i. Transitional Duty:
 - 1) Worker's compensation related transitional duty is covered in Section ??.
 - 2) For any non-worker's compensation related injury or illness where an employee is unable to perform essential job duties, the employee's Department Director may assign transitional duty, rather than the employee having to use paid leave or leave without pay. Such transitional duty is normally limited to employees with prognosis for return to full duty, and for no more than six weeks. Such transitional duty will be coordinated through the Human Resources Division if productive work is not available in the employee's Department.
- j. Donated Leave:
 - 1) An employee may donate leave to another employee so long as the following conditions are met:
 - i) Only vacation leave or compensatory leave can be donated to another employee and shall become sick leave for the receiving employee.
 - ii) A receiving employee must request in writing to the City Manager the need to receive donated leave and shall have exhausted all available accrued leave (i.e., vacation, sick, comp, etc.)
 - iii) A donating employee shall not be reimbursed for the donated leave, either by the receiving employee or the City.

- iv) Donated leave will be used on a first in first out method. Any leave not used by the receiving employee shall be given back to the employee(s) who donated and shall begin with those who donated last.
- v) All donated leave shall be kept confidential.

HOLIDAYS

Holiday Schedule

The following is a list of current holidays and days on which the City offices will be closed:

New Years Day	January 1
Martin Luther King Day	3rd Monday of January
Presidents Day	3rd Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	1st Monday of September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday of November
Day after Thanksgiving	4th Friday of November
Christmas Day	December 25
Day after Christmas	December 26

If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on Saturday, the preceding Friday will be observed as a holiday. Any day designated by the Governor will be a holiday.

Regular full-time employees are paid for these holidays. If required to work on a holiday, they will be compensated at the rate of two and a half times the employee's regular hourly wage, or at a rate of time and half if the employee elects to use a floating holiday to replace the holiday worked.

Employees, whose days off are other than Saturday and Sunday, are allowed time off for holidays in a way equitable to conditions affecting employees who are working Monday through Friday.

Holiday Leave – Holiday time off with pay is available to eligible employees (any employee who receives other leave benefits as part of their employment). West Point City recognizes the following holidays for purposes of paid holiday leave:

New Year's Day	January 1st
Dr. Martin Luther King, Jr. Day	3rd Monday in January
Presidents Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Pioneer Day	July 24th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Thanksgiving Holiday	4th Friday in November
Christmas Day	December 25th
Christmas Holiday	Determined by City Manager

- a. If a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday shall be observed on the following Monday or as designated by the City Manager.
- b. Employees are eligible for holiday pay based on the number of hours they are scheduled to work that day of the week.
- c. If a holiday falls on an employee's regular day off, as per their regular work schedule, and that employee's regular day off is Monday through Thursday, then the employee shall be allowed a floating holiday to be used on another day during the same calendar year for the number of hours most commonly worked per day of the week, and shall request and have the time off pre-approved by the employee's supervisor.
 - 1) Employees working the 9/80 schedule and having a holiday fall on their regular Friday off, will be given an 8-hour floating holiday to be used during the same calendar year.
 - 2) Employees working a regular schedule and having a holiday fall on their regular Friday off will be given a floating holiday up to 4 hours (based on City Hall hours of operation) to be used during the same calendar year.
- d. Employees required to work on a holiday shall be paid at the rate of time and a half. Employees shall be allowed to use accrued holiday hours on a floating basis or shall be paid the holiday pay in addition to hours worked. Holiday leave used on a floating basis shall be requested and pre-approved by the employee's supervisor.
- e. Unused holiday hours, including floating holidays, may not be carried from one calendar year to the next, unless pre-approved by the City Manager.
- f. The City Manager may also provide reasonable paid time off to employees for office parties or other special events. Such accommodations shall be posted at City Hall notifying residents of regular office hour changes at least 24 hours in advance.

Funeral Leave

~~Leave with pay may be granted to employees at the discretion of the Department Director to attend the funeral of a family member. Family member in this instance shall mean spouse, children, parents, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparents, brothers, sisters, half-brothers, half-sisters, step-fathers, step-mothers, or step-children of the employee. Such leave shall not be charged against accrued sick or annual leave. The amount of time granted will be governed by the individual circumstances and will normally be one (1) day, but shall in no case exceed three (3) working days.~~

Bereavement/Funeral Leave – Bereavement/Funeral leave is available to eligible employees (any employee who receives other leave benefits as part of their employment). An employee may receive up to three (3) days bereavement leave per occurrence with pay, at the Department Director's discretion, following the death of a member of the employee's immediate family.

- a. Immediate family for purposes of bereavement/funeral leave means the following relatives of the employee or spouse (including in-laws or step-relatives):
 - 1) spouse,
 - 2) parents,
 - 3) siblings,
 - 4) children,
 - 5) all levels of grandparents, or
 - 6) all levels of grandchildren.
- b. An employee may receive funeral leave with pay to attend non-immediate family funerals at the City Manager's discretion.
- c. Bereavement/Funeral leave shall be pre-approved by an employee's Department Director.

Military Leave

~~Any regular employee who is a member of the national guard or military reserve unit and has official orders, without loss of pay or loss of annual or sick leave accrual, is entitled to military leave not to exceed 11 regularly scheduled working days per year. Leave in excess of this amount must be taken as annual leave, or leave without pay.~~

Military Leave – Military leave is time off granted to eligible employees who are members of the National Guard or any reserve branch of the United States Armed Forces.

- a. An employee on official military orders is entitled to paid military leave which shall not exceed 100 hours per calendar year to attend annual training.
 - 1) Unused paid military leave may not be carried over from one year to the next.
 - 2) An employee ordered to active duty shall be eligible to use the paid military leave upon commencement of the active duty only if such leave has not been previously used during the calendar year.
 - 3) No additional paid military leave will be granted while the employee is activated.

- b. Employees on qualifying active military leave will be reinstated in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- c. Additional unpaid military leave shall be granted consistent with Uniformed Services Employment and Reemployment Rights Act (USERRA).
- d. An employee must notify their supervisor and the Human Resources Division of their military orders as soon as possible.

Jury Duty and Court Leave

~~Full-time employees who are summoned to serve on a jury, or required by subpoena to appear as a witness, shall be entitled to their regular compensation if their appearance is during regular duty hours, provided they give any reimbursement received from the court to the City. If they elect to keep the reimbursement given to them by the court or the party for whom they are testifying, they must take the time spent in court as annual leave.~~

Jury or Witness Duty – The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness in court on behalf of another party.

- a. The City pays an employee's regular salary when the employee is absent during a scheduled shift, except for court appearances on their own behalf as a defendant or plaintiff. The employee is required to remit any such jury or witness fee(s) received to the City. If the employee elects to keep those fee(s) rather than remit them to the City, they must take the time spent in court as annual leave.
- b. Any mileage expenses paid by the court to reimburse the employee for travel to and from the courtroom may be retained by the employee.
- c. An employee must show the Jury or Witness Duty Summons to their supervisor as soon after receipt as possible so the supervisor may make arrangements to accommodate their absence.

Administrative Leave

- a. Administrative leave with pay may be assigned by the City Manager under the following circumstances:
 - 1) Pending the outcome of an investigation to determine possible disciplinary action against the employee.
 - 2) With regard to incidents resulting in extreme stress.
 - 3) To protect City interests during an end of employment process.
 - 4) Other circumstances determined to be in the best interest of the City and employee.

- b. An employee shall not engage in secondary employment during the actual hours designated as administrative leave. The City may, at its discretion, additionally restrict the activities of an employee on administrative leave with pay. Examples include being required to remain at the employee's residence during designated working hours (except to obtain medical care, to fulfill religious obligations, or as specifically authorized), remain readily available and immediately respond to phone contact or return to work, modification of working hours, or restrictions on secondary employment outside of administrative leave hours.
- c. After review by the City Attorney and with the authorization of the City Manager, an employee charged with a job related felony, after judicial review, may be placed on administrative leave without pay.

Leave Without Pay

A leave of absence without pay is an approved temporary absence from work in which the employee does not lose status as a regular employee. An employee must first use all accrued annual leave before leave without pay will be granted (Exception: see Military Service). If the leave is for health-related reasons, all accrued sick leave must also be used before leave without pay will be granted.

Requests for Leave Without Pay

In order to be considered for leave without pay, an employee must present a written request to his or her department director. Leave without pay may be considered for reasons of disability, personal reasons or military service. To be eligible for consideration, employees must state in writing the reason for the requested leave, the date the leave is to commence and the date on which the employee expects to return to work. Department directors should consider individual requests in view of urgency, the individual's length of service, and the over all effect the absence will have on the operation of the department. Leave without pay may then be granted for up to 12 months (including unpaid FMLA leave) upon approval by the City Manager. Such leave, beyond that provided by the FMLA, shall not be regarded as an acquired right by employees and may be granted only when it is determined that City services will not be adversely affected.

Penalty for Failure to Report at End of LWOP

Leave without pay shall not be granted unless there is a positive expectancy that the employee will return to work at the expiration of such leave. Failure of an employee to report to work promptly at expiration of the approved leave period shall be considered a resignation, unless there are extenuating circumstances and approval of the City Manager.

Employee Benefits During LWOP

Except as provided under the FMLA, all employee benefits shall cease to accrue or be in effect immediately upon commencement of the leave without pay period. Health insurance benefits may be continued during the leave period if the employee pays the premiums for the days the employee is on leave without pay. A check covering the amount of the health insurance premiums due for the time the employee is on leave must be given to the Personnel Department prior to commencement of the leave period. If an employee does not elect to continue health insurance coverage during leave of absence

~~without pay, it will be necessary to reapply for health insurance upon return from leave. The preexisting condition clause in the health insurance coverage will apply.~~

~~If an employee returns to work on a less than full-time basis following a leave without pay, the employee may become eligible for full benefits, including health insurance, if the employee's Department Director and the City Manager determine it is reasonable to return the employee to full benefits status based upon the amount of time being worked by the employee and the duration of the less than full-time status.~~

Leave Without Pay – A leave of absence without pay is an approved temporary absence from work in which the employee does not lose status as a regular employee. Unauthorized absence after an employee has exhausted all accrued leave or FMLA leave may be subject to disciplinary action and may be considered a voluntary resignation.

- a. Full-time/Regular and all Part-time employees working at least 20 hours per week on a year round basis are eligible to request a leave without pay (unrelated to FMLA leave) for up to 12 months as described in this policy.
- b. Eligible employees interested in leave without pay must submit a written request to their Department Director, to be approved by the City Manager, detailing the nature of the leave.
 - 1) Requests for leave without pay will be considered based on criteria such as the nature of the request, the impact to the organization, and the benefit to the employee and/or the City. The City does not grant leave without pay, unless it is believed the employee will remain employed by the City at the end of the leave. The City may end an approved leave without pay at its discretion, upon reasonable notice to the employee.
 - 2) Prior written approval must be obtained from the City Manager
 - 3) Vacation leave, sick leave, holiday leave, and other City benefits will not continue to accrue during the approved leave of absence period.
 - 4) Employees that are granted leave without pay are required to pay for employee benefits costs that are normally taken through payroll deduction.

Breaks and Meal Periods – The City offers breaks and meal periods as work allows.

- a. The City may provide two paid breaks of up to 15 minutes each during a standard workday for full-time employees, as determined and approved by the Department Director. Breaks shall not be used:
 - i) together for a 30 minute break;
 - ii) at the end of the day to leave early;
 - iii) at the beginning of the day to arrive late; or
 - iv) during lunch to extend the lunch break.
- b. The City normally provides a one hour unpaid meal period for full-time employees during a standard workday.

- c. Employees under the age of 18 are entitled to a meal period of at least 30 minutes no later than 5 hours from the beginning of their shift. A rest break of at least 10 minutes is required for employees under the age of 18 for every three-hour period or part thereof that is worked.

Use of Sick Leave, Annual Leave and Leave Without Pay

1. — Employees must notify their supervisor at start of business the day they will be using a sick day. In case of surgery or a scheduled health related absence, the employee will notify the supervisor in advance.
2. — If an employee has an extended illness which exceeds the number of hours the employee has accrued as sick leave, the employee may use annual leave during that illness.
3. — An employee may not use accrued sick leave hours for anything other than a health-related absence.
4. — If an employee or an immediate family member has an illness which requires absence from work for a period extending beyond the number of annual and sick leave hours accrued by that employee, the employee must request leave without pay.
5. — If an employee is absent from work for a non-health related reason and has used all accrued annual leave, that employee may not use sick leave, the employee must request leave without pay.
6. — No employee will be allowed to use more annual leave or sick leave than has been accrued unless determined otherwise by the City Manager. Once an employee uses all accrued annual or sick leave, that employee must then request leave without pay.
7. — Any employee not following this procedure and failing to request leave without pay when necessary, will be subject to disciplinary action including, but not limited to, suspension without pay or termination.

Maternity Leave

See Sick Leave and Family and Medical Leave

Department Director Notification of Leave

All Department Directors must notify the City Manager as soon as possible before the applicable dates, of the times and reasons they will be away from the office for annual leave or compensatory time involving more than four hours away from the office.

If a Department Director is sick and will not be at work, the Department Director should notify the City Manager's office as soon as possible.



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
January 21, 2014**

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner
City Manager
Kyle Laws

Administrative Session
6:30 PM

Minutes for the West Point City Council Administrative Session held January 21, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Pro-Tem Petersen presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Pro-Tem Petersen, Council Member Jeffrey Turner, Council Member Kent Henderson, and Council Member Andy Dawson

EXCUSED – Mayor Erik Craythorne and Council Member Jerry Chatterton

CITY EMPLOYEES PRESENT – City Manager Kyle Laws, Assistant City Manager Boyd Davis, Administrative Services Director Evan Nelson, and City Recorder Misty Rogers

Mayor Pro-Tem Petersen excused Mayor Craythorne and Council Member Chatterton he then turned the time over to Mr. Davis.

1. Discussion of Memorandum of Understanding with Davis County Health Department – Mr. Boyd Davis

Mr. Davis stated Federal Law requires each City to have a storm drain program. Approximately two years ago, the state of Utah performed an audit of West Point City's storm water program. At the conclusion of the audit, it was found that an enforcement agreement between West Point City and the Davis County Health Department didn't exist. Mr. Davis informed the State of Utah that West Point City had an enforcement strategy in place, and that West Point had always relied on the Davis County Health Department for their services as well as their enforcement. The State of Utah then informed the City that a verbal agreement was not acceptable and requested that West Point City and the Davis County Health Department enter into a formal agreement.

Mr. Davis stated because the Davis County Health Department currently has the authority for enforcement, West Point City must use a document called a Memorandum of Understanding(MOU). This memorandum cites State Code, clarifies the plan which had been in place, and allows for additional language with regards to enforcement.

Mr. Davis informed the Council that Salt Lake County had already used the MOU to satisfy the requirement with the State of Utah. Mr. Davis stated that West Point City Staff had met with Davis County and together they had drafted the proposed memorandum and both City Staff and Health Department are comfortable with the proposed memorandum. Once the West Point City Council approves the MOU, it will be presented to the County Commission for their approval.

Mr. Davis informed the Council that the MOU drafted by West Point City and Davis County would be used as a template throughout Davis County, as every City within the County will be required to enter into the same agreement with the Davis County Health Department.

The MOU states that the Davis County Health Department has the authority to enforce both state and local laws with regards to public health, sanitation, safety, and environmental quality. The County has the authority to issue citations and take legal action if necessary. It also states that Davis County has jurisdiction in both the unincorporated and incorporated areas of Davis County.

The MOU states that Davis County has the responsibility to investigate incidents, report to West Point City, determine appropriate enforcement action, initiate action, and recoup costs. It also states that West Point City has the responsibility to report incidents to Davis County Health Department, cooperate with investigations, and have a representative of the City on site during investigations.

Council Member Dawson asked if the Davis County Health Department tests any area of the City on a regular basis. Mr. Davis stated no testing occurs on a regular basis. The Health Department patrols and receives tips via hotline reporting. He then stated regular testing typically occurs in areas of the County where natural streams exist.

Staff recommended the Council approve the proposed MOU and authorize the Mayor to sign the document.

Council Member Henderson asked if the proposed memorandum would be acceptable by the State of Utah and allow for West Point City to remain in compliance with federal law. Mr. Davis stated yes, Staff believes the memorandum would satisfy the requirements of the State of Utah.

Council Member Petersen asked if the Davis County had always had the responsibility for enforcement with the storm water program. Mr. Davis stated yes, the proposed MOU only formalized what was already in place.

The Council expressed no concerns with the proposed memorandum.

Mr. Laws informed the Council of the following items which had be scheduled for the General Session:

- Item #7, the presentation from the Mosquito Abatement District of Davis would be rescheduled for a future meeting.
- Utah State Code requires that on or before the first Monday in February following a Municipal Election the Mayor, with the advice and consent of the Council is required to appoint qualified persons to the office of City Recorder and Treasurer. Therefore, during the General Session the Council would be asked to reappoint Julie Gentry as the West Point City Treasurer and Misty Rogers as the West Point City Recorder. Mr. Laws then stated the West Point City Ordinance may need to be amended in the future as it currently states the City Manager has the authority to appoint the City Recorder and Treasurer Position, however state code specifies otherwise.

Council Member Dawson expressed his appreciation to Misty Rogers, the West Point City Recorder with regards to the way in which the election process was conducted. He stated the information and notices received from the City Recorder were much appreciated.

Mayor Pro-Tem Petersen stated the election process seems to get better each year. He then stated the 2013 election process for the surrounding areas made him realize how grateful he was to those who assisted with the West Point City Election process. Mrs. Rogers thanked the Council for their comments.

- Item #12, Staff would recommend two subdivisions be released from Warranty.
- Item #11, Wise Country Meadows Ph. 2.

Mr. Davis stated Castle Creek Homes had approximately seven lots to sale to comply with the 80% rule within Wise Country Meadows Ph. 1. He then stated a few of the lots may have been transferred to another entity to satisfy the 80% rule. Mr. Davis stated he had spoken with Mayor Craythorne with regards to the 80% rule and it was the impression of the Mayor that this was a rule for larger subdivisions.

Council Member Henderson stated the 80% rule is a rule and must be followed. Mr. Davis stated other developers have satisfied the 80% requirement by transferring ownership to another entity. Council Member Henderson then

asked if transferring ownership to another entity could be considered the same as a sale of a property, thus reaching the 80% lots sold requirement.

The Council expressed concern if developers are transferring lots to other entities only to satisfy West Point City's 80% lot sold requirement. The Council requested that the Planning Commission and City Staff review the current ordinance and consider amending the rule to differentiate between a sale and a transfer.

Council Member Turner stated if the 80% rule had been intended for larger subdivisions, he recommended language be added to the code stating any subdivision over a specified number of lots must meet the 80% rule.

Mayor Pro-Tem Petersen asked why the developer was asking for approval for Ph. 2 if the 80% requirement hadn't been met. Mr. Davis stated that he believed that Castle Creek Homes, the developer would like to begin the improvements of Ph. 2. He then stated that would be a question for Mr. Kyle Hamblin, an associate of Castle Creek Homes.

Mr. Davis reminded the Council that the developer's agreement from Ph. 1 covers the other 3 Phases of the subdivision. He then stated the Council could table the item if they were uncomfortable with approving Wise Country Meadows Ph. 2

Mayor Pro-Tem Petersen expressed concern with approving Wise Country Meadows, Ph. 2 as the 80% rule had not been satisfied. He stated the Council may wish to table the items to future meeting if they chose.

Mr. Laws informed the Council that because of the January 31, 2014 Council Visioning Meeting, the February 4, 2014 Council meeting had been cancelled. He stated the next Council Meeting wouldn't be held until February 18, 2014.

Council Member Turner stated the developer may be trying to get ready for spring construction. He stated if the Council tabled the item the development could be pushed behind schedule as the Council wouldn't be meeting again until February 18th.

The Council recommended that Staff and the Planning Commission review the current ordinance and consider amendments for clarification.

The Council then adjourned into the General Session.



**West Point City Council Meeting
3200 West 300 North
West Point City, UT 84015
January 21, 2014**

Mayor
Erik Craythorne
Council
Gary Petersen, Mayor Pro Tem
Jerry Chatterton
Andy Dawson
R. Kent Henderson
Jeffrey Turner

City Manager
Kyle Laws

General Session
7:00 pm – Council Room

Minutes for the West Point City Council General Session held January 21, 2014 at the West Point City offices, 3200 West 300 North, West Point City, Utah 84015 with Mayor Pro-Tem Petersen presiding.

MAYOR AND COUNCIL MEMBERS PRESENT – Mayor Pro-Tem Petersen, Council Member Kent Henderson, Council Member Jeff Turner, and Council Member Dawson

EXCUSED – Mayor Erik Craythorne and Council Member Jerry Chatterton

CITY EMPLOYEES PRESENT – City Manager Kyle Laws, Assistant City Manager Boyd Davis, Administrative Services Director Evan Nelson, and City Recorder Misty Rogers

VISITORS PRESENT – Kyle Hamblin and Three Members of a Boy Scout Troop

1. **Call to Order** – Mayor Pro-Tem Petersen welcomed all in attendance.
2. **Pledge of Allegiance** – Repeated by all
3. **Prayer** – Council Member Turner

Mayor Pro-Tem Petersen excused Mayor Craythorne from the January 21st Council Meeting.

4. Communications and Disclosures from City Council and Mayor

Council Member Dawson stated the North Davis Sewer District had recently met with West Point City Staff to discuss the North Davis Sewer District Fee Schedule which would take effect in July 2014. Council Member Dawson informed the Council that the upcoming fee schedule included the following:

- Sewer Impact Fee - an increase of approximately \$200.
- Sewer Fees (collected monthly by West Point City) - an increase of \$3.00 per month. A total increase to the sewer fee of \$12.00 over the next four years.

Because of needed upgrades to the North Davis Sewer District facility, it was imperative to increase the fees charged by the Sewer District. The fees collected by the Sewer District will be used for upgrades and expansion to the facility, which will allow the Sewer District to remain in compliance with state and federal laws.

Council Member Dawson stated that he had been vocal and argumentative with regards to the fee increases by North Davis Sewer District. He expressed concern with the need to increase fees; however he worked hard to keep the rate increases as low as possible for the residents of West Point City.

Residents should expect to see information in the mail from the North Davis Sewer District with regards to fee increases and upcoming Open Houses. Council Member Dawson stated the fee increases to the North Davis Sewer District are an initiative of the Sewer District and not West Point City.

Council Member Dawson stated the North Davis Sewer District had been in the process of lining sewer pipes in Layton City. The lining of sewer pipes is a cost savings compared to that of actually replacing pipes; however numerous sewer pipes throughout the County are in need of lining.

Council Member Turner – No Comment

Council Member Henderson – No Comment

Mayor Pro-Tem Petersen requested that Staff bring forth information from the North Davis Sewer District during an upcoming Administrative Session.

5. Communications from Staff

Mr. Laws reminded the Council that the West Point City Council Visioning Retreat would be held on Friday, January 31, 2014 and the Council would meet socially at 6:30 pm following the meeting. Mr. Laws then stated because of the January 31st meeting, the February 4, 2014 Council Meeting would be cancelled.

6. Citizen Comment – No comment

7. Presentation by Mr. Gary Hatch, General Manager of the Mosquito Abatement District Davis (MADD)

The presentation by the Mosquito Abatement District of Davis was cancelled and will be rescheduled for a future meeting.

8. Consideration of Reappointment of Planning Commissioners – Mayor Craythorne

Council Member Henderson motioned to appoint John Detamore, Curtis Seeds, and Brian Vincent as West Point City Planning Commissioners.

Council Member Dawson seconded the motion.

The Council unanimously agreed.

9. Resolution No 01-21-2014, Consideration of Reappointing City Treasurer and City Recorder – Mayor Craythorne

Mayor Pro-Tem Petersen informed those in attendance that Utah State Code requires that following a Municipal Election the Mayor, with the advice and consent of the Council, is required to appoint qualified persons to the office of City Recorder and Treasurer. Therefore, it was recommended the Council reappoint Julie Gentry as the West Point City Treasurer and Misty Rogers as the West Point City Recorder.

Council Member Dawson motioned to reappoint the current West Point City Treasurer, Julie Gentry and the current West Point City Recorder, Misty Rogers by approving Resolution 01-21-2014.

Council Member Henderson seconded the motion

The Council unanimously agreed.

10. Consideration of Memorandum of Understanding with Davis County Health Department – Mr. Boyd Davis

Mr. Davis informed those in attendance that this item had been discussed during the Administrative Session. He stated that Federal requirements mandate that West Point City have a Storm Drain Program and an Enforcement Program for

hazardous waste spills or dumping into a storm drain or stream. Mr. Davis stated that the Davis County Health Department has always and will continue to enforce the program. The proposed Memorandum of Understanding clarifies the agreement and states the Davis County Health Department will continue to enforce the storm drain program for West Point City and that the City will cooperate with the Health Department.

Staff recommended the Council approve of the Memorandum of Understanding with the Davis County Health Department and authorize the Mayor to execute the document.

Council Member Henderson motioned to approve the Memorandum of Understanding with the Davis County Health Department and to authorize the Mayor to execute the document.

Council Member Turner seconded the motion.

The Council unanimously agreed

11. Consideration of Approval of Wise Country Meadows Ph. 2 – Mr. Boyd Davis

Mr. Davis informed those in attendance that this item had been discussed during the Administrative Session. He then stated the Wise Country Meadows Subdivision was located at 550 N. 3000 W. and Ph. 1 of the subdivision consists of approximately 21 lots and was currently under construction.

The developer requested the Council's approval of Ph. 2 which consists of approximately 20 lots. Mr. Davis stated the subdivision had met all review requirements and had submitted all requested items, however the 80% lots sold requirement had yet to be met. He then asked Mr. Kyle Hamblin if any of the unsold lots had been transferred to another entity in order to meet the 80% requirement. He then turned the time over to Mr. Hamblin, an associate of Castle Creek Homes to address the Council.

Mr. Hamblin stated no lot transfers to another entity had occurred. He stated Wise Country Meadows Ph. 1 consists of 21 lots, ten of those lots had sold, five homes within Ph. 1 were under construction, three homes were occupied, and approximately six additional lots have sold or were under contract. He stated if the Council considered the six lots under contract as sold, Wise Country Meadows Ph. 1 would meet the 80% lots sold requirement.

Mayor Pro-Tem Petersen asked if Castle Creek Homes would be comfortable with the approval of Wise Country Meadows Ph. 2, subject to City Staff verifying 80% of the lots actually being sold. Mr. Hamblin stated Castle Creek Homes would be comfortable with the approval subject to Wise Country Meadows meeting the 80% lots sold requirement. The Council requested that Mr. Davis verify 80% lots sold within Wise Country Meadows Ph. 1 before any work began on Ph. 2.

Mr. Hamlin asked if the fence line issue between Wise Country Meadows and Mr. Glen Wade had been resolved. Mr. Davis stated yes, it had been discussed during a previous meeting and all issues had been resolved.

Council Member Dawson motioned to approve Wise Country Meadows Ph. 2, subject to the sale of homes within Ph. 1 equaling 80% and verification with Mr. Davis, the West Point City Assistant City Manager.

Council Member Turner seconded the motion.

The Council unanimously agreed.

12. Consideration of Removal of 800 North Street Church Subdivision From Warranty – Mr. Boyd Davis

Mr. Davis stated the 800 North Street Church Subdivision was the LDS Church located at 3290 West 800 North. It has been under Warranty since August 2012, and it has exceeded the one year warranty period. Mr. Davis stated the only Warranty items for the 800 North Street Church Subdivision were the curb, gutter, and sidewalk in front of the Church.

Mr. Davis then stated Lindon Estates Ph. 3 Subdivision consisted of approximately seven lots and has been on Warranty since February 2011, and the remaining sidewalk has been installed.

Staff recommended both the 800 North Street Church Subdivision and the Lindon Estates Ph. 3 Subdivision be removed from Warranty.

Council Member Henderson motioned to remove the 800 North Street Church Subdivision and the Lindon Estates Ph. 3 Subdivision from Warranty.

Council Member Dawson seconded the motion.

The Council unanimously agreed.

13. Consideration of Removal of Lindon Estates Ph. 3 from Warranty – Mr. Boyd Davis

The removal of the Lindon Estates Ph. 3 from Warranty took place at the same time as item 12, removing the 800 North Church Street Subdivision from Warranty. *(See item 12)*

14. Adoption of Minutes from the December 17, 2013 Council Meeting – Mrs. Misty Rogers

Council Member Henderson motioned to approve the December 17, 2013 City Council Minutes.
Council Member Turner seconded the motion.

The Council unanimously agreed.

15. Motion to Adjourn

Mayor Pro-Tem Petersen thanked the Boy Scouts for their attendance.

Council Member Dawson motioned to adjourn.
Council Member Henderson seconded the motion.

The Council unanimously agreed.

ERIK CRAYTHORNE, MAYOR DATE

MISTY ROGERS, CITY RECORDER DATE

City Council Staff Report

Subject: Council Rules of Procedure
Author: Kyle Laws
Department: Executive
Date: February 18, 2014



Background

As discussed at the City Council Visioning Retreat on January 31, 2014, according to Utah Code Ann. 10-3-606, “a municipal legislative body shall adopt rules of order and procedure to govern a public meeting of the legislative body.” While the City Council has been following rules of order and procedure in their meetings a formal written procedure has not been adopted.

Analysis

The attached document outlines the rules of procedure and conduct for the City Council to follow. Most of the information is not new, but formalizes the process and gives a point of reference to clarify certain situations. The document also outlines Council Relations with residents, City staff and others; as well as Staff relations with Council. Much of this section of the document is outlined in the West Point City Code and is well known to Councilmembers and Staff.

Recommendation

Staff recommends Council pass Resolution 02-18-2014A adopting Rules of Order and Procedure for the City Council.

Significant Impacts

There are no significant impacts at this time.

Attachments

Resolution 02-18-2014A West Point City Council Rules of Order and Procedure

West Point City Council

Rules of Order and Procedure

City Council Meetings

1. Regular City Council Meetings

- a. **Time:** Regular meetings are held on the first and third Tuesdays of each month with a Work Session that typically begins at 6:00p.m. and the General Session beginning at 7:00 p.m. Regularly scheduled meetings are posted on the Utah Public Notice Website.
- b. **Place:** All Regular meetings of the Council are held in the Council Chambers of the West Point City Municipal Building or such other place as the Council may designate or adjourn to from time to time.
- c. **Agenda Listing Required:** Only matters listed on the agenda may be considered for formal action. There is time during each meeting for brief citizen comments.
- d. **Continued Meetings:** To carry on business at a subsequent meeting, matters tabled or continued may be heard. Announcement of the date, time and place of the tabled or continued meeting is to be made at the original meeting. Matters tabled indefinitely should also be voiced at the original meeting.
- e. **Cancellation:** In the event of an absence of a full quorum or if the Council does not need to meet, the Mayor may cancel a regular meeting. The latter is commonly done around holidays or when there are other conflicts. Notice is usually given at the prior council meeting. A meeting may also be canceled in the event of bad weather, natural disaster, or other situation where meeting is impractical or not possible. In all cases, notice of cancellation will be posted as soon as reasonably possible.

2. Adjourned Meeting

- a. A majority of the Council shall constitute a quorum to do business, including consideration of a motion to adjourn.
- b. A recess may be declared by the Mayor or by motion of the Council, with recess to begin immediately or at a future time; following the recess; business shall be resumed at exactly the point where it was interrupted.

3. Special/Emergency Meeting

- a. A special meeting may be called at any time to discuss issues of importance that cannot wait until the next regularly scheduled meeting. Special meetings will follow legal public noticing requirements.
- b. Emergency meeting means any meeting called for the purpose of dealing with an emergency when the time requirements for public notice of a special meeting would make such procedure

impractical. The authorized person calling the emergency meeting shall give as much notice as is reasonable or possible.

4. **Work Meetings (Study Sessions)**

Work Meetings are called to discuss items or issues that need to be discussed at some length. Usually these are held before regular Council Meetings at 6:00 p.m. Although formal action can be taken at these meetings, it is preferable to wait until the formal Council Meeting, which follows, to make a motion or formal vote.

5. **Agendas**

A set agenda is prepared by the City Manager for the regular Council Meetings by the Thursday before the meeting. The agenda can be changed up to 24 hours prior to the meeting. To avoid confusion, only the City Manager and the Mayor are authorized to put items on the agenda. Council Packets are placed in Councilmembers mailboxes by noon on the Friday prior to Council Meeting unless the Council Member requests other arrangements. Agendas are also e-mailed by the City Recorder's office and are posted at the West Point City Municipal Building, posted on the City website, and posted on the Public Notice Website. A typical agenda may include:

1. Call to Order, Pledge, Opening Ceremony
2. Communications and Disclosures from City Council and Mayor
3. Communications and Disclosures from Staff
4. Approval of Minutes
5. Municipal Event Announcements
6. Citizen Comments
7. Public Hearings
8. Consent Items
9. New Business
10. Adjournment

6. **Council Decorum**

The Mayor, as the Governing Body Chairman, conducts City Council meetings. He/she is responsible for preserving order and decorum of the meetings and seeing that the meeting proceeds in a business-like and expeditious manner.

7. **Call to Order**

The Mayor shall take the chair at the hour appointed and call the meeting to order.

8. **Roll Call**

The City Recorder or designee shall enter the name of those present and absent in the minutes.

9. **Quorum**

A majority of the Governing Body shall constitute a quorum at any official Council meeting.

10. **Open Meetings**

All meetings of the City Council shall be open to the public except those, which, by law, may be conducted in executive or closed sessions.

11. Approval of the Minutes

The Mayor calls for a motion adopting the minutes of previous meetings.

12. Rules of Discussion

Robert's Rules of Order, Revised, although not officially adopted, has informally been followed in the conduct of City Council meetings. Some common practices are listed as follows:

- a. Wanting to Speak: The Council Member should raise their hand and wait until the Mayor calls on them.
- b. Interruptions: A member, once recognized, shall not be interrupted while speaking unless to be called to order by the presiding officer or as hereinafter provided. If a member, while speaking, is called to order, the member shall cease speaking until the questions of order are determined and if in order, shall be allowed to proceed.
- c. Motion to Reconsider: A motion to reconsider any action taken by the Council may be made on the same day or on the day of the next regular or special meeting. Such motions must be made by one of the prevailing side, but may be seconded by any member. Such motions shall have precedence over all other motions and shall be debatable.

13. Public Discussion

Persons may address the Council on any item of community business when the Mayor calls for public discussion on that item. Not every item is a public discussion item.

14. Ordinances, Resolutions and Motions

- a. Resolutions and ordinances are to be reduced to writing before the vote is taken thereon; and the vote of each member of the Council shall be recorded.
- b. All proposed ordinances shall be in writing and shall be prepared by the City Attorney, or other person designated by the City Manager and may be submitted to the City Attorney for approval as to the form and content, as determined by the City Manager.
 - (1) After discussion, a motion and a second are required before a vote can be taken.
 - (2) The Mayor may repeat the motion so the Council, City Recorder and others present clearly understand the motion.
 - (3) Vote Taken: The Mayor calls for the vote on the motion, first calling for the affirmative and then for the negative vote. An affirmative vote of three members of the Council shall be required for the adoption of any action, or in case of a tie, the Mayor's vote may be included in the required three-vote affirmations. The Mayor does not have a veto vote.
 - (4) The effective date of the ordinance can be accomplished as follows: Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the Governing Body, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.

- (5) The Mayor or person exercising the duties of the Mayor's office shall sign all passed ordinances and resolutions.

15. **Voting**

- a. The Mayor shall not vote except in case of a tie vote of the Council.
- b. The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the Council shall be three.
- c. Any ordinance, resolution or motion of the Governing Body having less than three favorable votes shall be deemed defeated.

16. **Citizen Petition to be filed with the City Recorder**

All citizen petitions shall be filed with the City Recorder and receipt thereof noted in the minutes. The full copy of the petition shall be retained by the City Recorder as a public record.

City Council Relations

The following are some suggested guidelines or rules of conduct for Council Members to use in relations and contact with each other, City Staff and members of the public. The points contained herein are intended to assist in maintaining the important distinction between the policy and legislative role of Council versus the administrative/management role of the City Manager/Staff. Although written to Council Members, these guidelines are also applicable to the Mayor, except as noted.

1. **Council Relations**

- a. **Representing the Council:** Council Members should be careful not to commit the City to positions without a vote or consent of the entire Council. This may include individually initiating contact with developers, involvement in negotiations, etc., unless specifically assigned or authorized. Members should refer potential developers to Staff for information on development. Staff receives direction from the Council through the City Manager.
- b. **Complaints from Citizens:** Citizen complaints received by individual Council Members should be referred to Staff for investigation and resolution. A vast majority of complaints concern enforcement issues handled by a City department. Personal Council involvement in enforcement (which requires the interpretation of ordinances and laws) could cause legal problems or embarrassment. Citizen complaints should be handled quickly and routinely by referral to the appropriate department as soon as possible.

Complaints to Staff should be made objectively so that all sides of the matter can be reviewed. Having a Council Member personally accompany a complainant to a staff member (especially by way of *surprise* visits) could place an undue demand on Staff, as well as an undue expectation by complainant. The Council Member should give Staff the background on the problem before Staff contacts the citizen so Staff can be better prepared to respond to the citizen's concerns.

- c. **Approval of Minutes:** Council minutes convey a brief summary of discussion and action taken on items of business. They do not contain lengthy discourse from testimony given or all individual comments of Council Members or participants. Generally, meetings are digitally recorded. Backup copies are made and stored according to legal retention schedules.
- d. **Ordinance / Resolution Preparation:** Staff prepares all ordinances and resolutions for Council consideration. The City Attorney may review all ordinances and resolutions to approve the form and content, as determined by the City Manager.
- e. **Role in Negotiations:** The City gets involved in negotiations on a variety of subject matters, including labor negotiations, leases, redevelopment issues, land acquisition, etc.

The Council's proper role is to provide policy direction to the negotiators, i.e., City Staff. On occasion, a Council Member may be assigned to work with Staff on a problem that will involve some negotiations. In all cases, the Mayor and Council are informed of the proceedings. The Council makes the ultimate decision.

- f. **Lobbying:** Lobbying of Council Members by fellow Council Members outside of or even during discussion on matters at a meeting sometimes occurs and may be helpful. However, attempts by Council Members to influence individual Staff members' views on issues that are under study or review for later consideration by the entire Council should be avoided. The reason for this is that Staff is trying to be as objective as possible in their work and their recommendations to the Council.
- g. **Private Disputes:** On occasion, individual residents or neighborhoods will come forth with problems of a purely private nature. These typically include overhanging trees, boundary line disputes and fence problems. The City normally has no legal jurisdiction in such matters and therefore Council should not get involved. Intercession in such matters will needlessly consume time and taxpayers' dollars and could potentially expose the City to liability. If Council is not clear whether a reported problem is properly within the City's jurisdiction, he/she should ask the City Manager for his/her input.
- h. **Use of Staff for City Business and Private Business:** Asking Staff for help on personal business or problems can present definite problems and conflicts and should be avoided.
- i. **Policing Problems:** It is the Council's responsibility to police and correct any problems among its members. Hopefully difference of opinions on issues will be handled with the attitude that individuals can *agreeably disagree*.

2. Council/Manager and Staff Relations

In addition to the items mentioned under *Council Relations*, the following may be helpful for both the Governing Body and City Staff:

- a. **City Manager:** West Point City operates under a six-member council, manager by ordinance, form of government. Any administrative power held previously by the Mayor or City Council has been delegated to the City Manager (WPCC 2.10.100 & 2.10.110). The City Manager is the chief administrative officer of the city to whom all employees of the city report. The City Manager is

responsible to the City Council for the administration of all city affairs placed in his/her charge. (WPCC 2.10.040)

- b. **Everyone is Equal:** All Council Members will receive the same information about a matter, particularly as it relates to business items for consideration as a body. No one should receive different or special information that would put one Council Member at an advantage over the others. Staff reports will be prepared for the entire Council to avoid such problems.
- c. **Favoritism:** Individual Council Members have more of an interest in some departmental functions than others do. However, that should not give cause for Staff to show special deference to certain Council Members or vice-versa.
- d. **Lobbying Council Members:** Individual Council Members are not to be lobbied by Department Directors for support of their projects. Their proposals or programs must stand on their merits; as opposed to their success in lobbying and lining up Council votes. Department Directors work through the City Manager.
- e. **Council Orders:** As the Municipal Code requires, Council Members are not to individually order the City Manager, Department Directors, or other employees to do anything. Only a majority of the Council may give direction to the City Manager.
- f. **Use of Staff Resources:** Staff resources are limited and are fully devoted to carrying out Council determined priorities and programs. There are no resources available to pursue special interest projects of individual Council Members. There will be a number of situations when a Council Member will call and request information. This is encouraged and helpful and to the extent that it is available, the information will be furnished. However, special research efforts or requests involving a lot of time could divert Staff from working on priorities and goals of the entire Council and Staff's day-to-day responsibilities.
- g. **Office Visits:** Council Members are welcome to frequent any City department or office. Usually these will be for business matters, information inquiry or observation. Social visits are also made from time to time.
- h. **Office Space:** The Mayor has an office to meet citizens in and to carry out his/her duties. If a Council Member, by assignment, needs to meet with anyone officially, conference rooms may be scheduled. Arrangements for these meetings can be made through the City Manager's office.
- i. **Council Meetings:** Council meetings have an agenda that is set in advance to assist in having the meeting and business conducted in an orderly fashion. Work meetings are held before Council meetings to discuss both set items and miscellaneous matters. A Council Member should contact the City Manager or Mayor if he/she wants to discuss a matter or has a question. Many matters can be resolved faster and better by talking to Staff rather than bringing up the matter for the first time in a Council meeting.
- j. **City Manager Contact:** The Council Members' primary contact is the City Manager. Questions, requests for information, etc. should first be made to the City Manager, if possible, then to the appropriate Department Director or employee as determined by the City Manager. There are

good reasons for this approach: the City Manager will then know what is going on, and he/she can determine which department(s) should become involved.

- k. **Department Director Contact:** If a Department Director is contacted by the Mayor or a Council Member, the Department Director is to let the City Manager know what the problem was, if any, in a reasonable time.
- l. **Personnel Complaints:** Council Members may receive complaints about City personnel. Problems do occur from time to time, and information on a possible problem is welcome from any source. These complaints should be mentioned to the City Manager to investigate or resolve. In some cases, disciplinary action may be required, and protection of both the City's rights and the employees' rights are a paramount consideration in dealing with employee complaints.

DRAFT

RESOLUTION NO. 02-18-2014A

A RESOLUTION ADOPTING THE CITY COUNCIL RULES OF ORDER AND PROCEDURE FOR WEST POINT CITY

WHEREAS, West Point City, a Municipal Cooperation, hereinafter referred to as the “City,” is a public body of the State of Utah; and,

WHEREAS, the City is governed by a Mayor and City Council duly elected according to law; and,

WHEREAS, the City desires to adopt City Council rules of order and procedure in accordance with Utah Code Ann. 10-3-606 that govern a public meeting; and

WHEREAS, the West Point City Council has reviewed the West Point City Council Rules of Order and Procedure as attached hereto;

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the West Point City Council that the Rules of Order and Procedure, attached hereto, are hereby adopted, and shall be effective immediately upon passage.

PASSED AND ADOPTED this 18th day of February, 2014.

WEST POINT CITY,
A Municipal Corporation

By: _____
Erik Craythorne, Mayor

ATTEST:

Misty Rogers, City Recorder