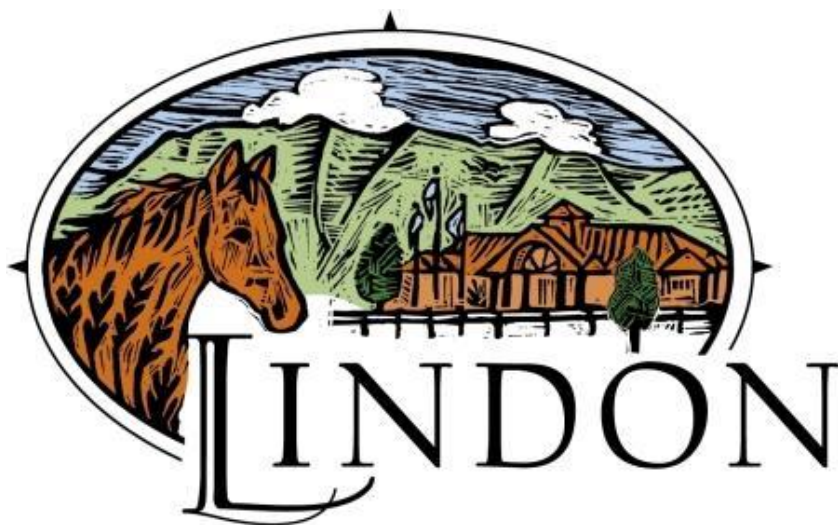


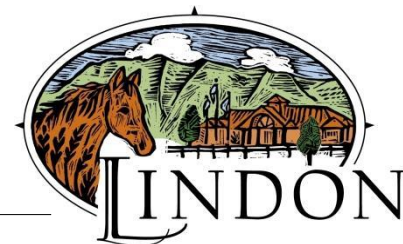
# Lindon City Council Staff Report



Prepared by Lindon City  
Administration

January 3, 2017

# Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a regularly scheduled meeting beginning at **7:00 p.m. on Tuesday, January 3, 2017** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

Scan or click here for link to  
download agenda & staff  
report materials:



(Review times are estimates only)

## **REGULAR SESSION – 7:00 P.M.** - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Van Broderick

### **1. Call to Order / Roll Call**

(2 minutes)

### **2. Presentations and Announcements**

(10 minutes)

- a) Comments / Announcements from Mayor and Council members
- b) Presentation: Lindon Character Connection – Kathy Allred will present to the Mayor and City Council the accomplishments and activities that have occurred during the 2016 Lindon Character Connection program.

### **3. Approval of minutes:** December 20, 2016

(5 minutes)

### **4. Consent Agenda** – No Items

### **5. Open Session for Public Comment** *(For items not on the agenda)*

(10 minutes)

### **6. Presentation & Discussion — Water Boil Advisory Debriefing and Discussion** (60 minutes)

Lindon City Administrator, Public Works Director, Chief of Police, and City Engineer will be available for discussion of the culinary water boil advisory that was instituted from Dec. 23<sup>rd</sup> through Dec. 26<sup>th</sup>. A timeline of events and activities associated with the boil advisory will be reviewed and assessed. An overview of current and future water utility improvement projects to help prevent future boil orders will be presented.

### **7. Review & Action — Resolution #2017-1-R; Mayor pro tem & Council Assignments** (5 minutes)

The Council will review and consider Resolution #2017-1-R authorizing Mayor pro tem assignments for the 2017 calendar year and other Councilmember assignments as directed by Mayor Acerson.

### **8. Review & Action — Resolution #2017-2-R; Employee Policies & Procedures, Sec. 5 & 6** (20 mins)

The Council will review and consider Resolution #2017-2-R amending and updating Sections 5 & 6 of the Lindon City Policies and Procedures manual for employees. Updates to other sections of the manual will continue over the next few months to bring the manual into conformance with current practices, policies, and laws. The City Attorney has reviewed the policies with Administrative Staff and recommends approval of the updates.

### **9. Review & Action — Resolution #2017-3-R; Class C Road Fund Accounting Designation** (5 mins)

The Council will review and consider Resolution #2017-3-R separating Fund 11 (Class C Road Fund) from the General Fund budget for accounting, auditing, and budgeting purposes and reassigning Fund 11 as an annually recurring Capital Improvement Projects fund for accounting, auditing, and budgeting purposes. This change will enable the Class C Road Fund balance to accumulate for needed future road projects without impacting the General Fund balance.

### **10. Council Reports:**

(20 minutes)

- |   |                    |
|---|--------------------|
| A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, IHC Outreach, Budget Committee | - Jeff Acerson     |
| B) Public Works, Irrigation/water, City Buildings                                   | - Van Broderick    |
| C) Planning, BD of Adjustments, General Plan, Budget Committee                      | - Matt Bean        |
| D) Parks & Recreation, Trails, Tree Board, Cemetery                                 | - Carolyn Lundberg |
| E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste                  | - Dustin Sweeten   |
| F) Admin., Community Center, Historic Comm., UV Chamber, Budget Committee           | - Jacob Hoyt       |

### **11. Administrator's Report**

(10 minutes)

### **Adjourn**

This meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City

Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for city-sponsored public meetings, services programs or events should call Kathy Moosman at 801-785-5043, giving at least 24 hours notice.

**CERTIFICATE OF POSTING:**

I certify that the above notice and agenda was posted in three public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City ([www.lindoncity.org](http://www.lindoncity.org)) websites.

Posted by: /s/ Kathy A. Moosman, City Recorder

Date: December 30, 2016

Time: 11:00 a.m.

Place: Lindon City Center, Lindon Police Dept., Lindon Community Center

## **REGULAR SESSION – 7:00 P.M.** - Conducting: Jeff Acerson, Mayor

Pledge of Allegiance: By Invitation

Invocation: Van Broderick

### **Item 1 – Call to Order / Roll Call**

January 3, 2017 Lindon City Council meeting.

Jeff Acerson

Matt Bean

Van Broderick

Jake Hoyt

Carolyn Lundberg

Dustin Sweeten

Staff present: \_\_\_\_\_

### **Item 2 – Presentations and Announcements**

- a) Comments / Announcements from Mayor and Council members.
- b) Presentation: Lindon Character Connection – Kathy Allred will present to the Mayor and City Council the accomplishments and activities that have occurred during the 2016 Lindon Character Connection program.

### **Item 3 – Approval of Minutes**

- Review and approval of City Council minutes: **December 20, 2016**

The Lindon City Council held a regularly scheduled meeting on **Tuesday, December 20, 2016, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

**REGULAR SESSION** – 7:00 P.M.

Conducting: Van Broderick, Mayor Pro tem  
 Pledge of Allegiance: Cody Cullimore, Chief of Police  
 Invocation: Dustin Sweeten, Councilmember

**PRESENT**

Van Broderick, Councilmember  
 Carolyn Lundberg, Councilmember  
 Jacob Hoyt, Councilmember  
 Dustin Sweeten, Councilmember  
 Adam Cowie, City Administrator  
 Cody Cullimore, Chief of Police  
 Hugh Van Wagenen, Planning Director  
 Kathryn Moosman, City Recorder

**EXCUSED**

Jeff Acerson, Mayor  
 Matt Bean, Councilmember

1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
2. **Presentations/Announcements** –
  - a) **Mayor/Council Comments** – There were no announcements at this time.
  - b) **Oath of Office** – Judge W. Brent Bullock, Lindon City Justice Court, was sworn in by City Recorder, Kathy Moosman for another four year term as the Lindon City Justice Court Judge. The Council expressed their appreciation to Judge Bullock for his many years of service and for his willingness to serve the citizens of Lindon City.
3. **Approval of Minutes** – The minutes of the regular meeting of the City Council meeting of December 6, 2016 were reviewed.

COUNCILMEMBER HOYT MOVED TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 6, 2016 AS AMENDED. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

4. **Consent Agenda** – No items.

- 2        5. **Open Session for Public Comment** – Mayor Pro Tem Broderick called for any  
 4        public comment not listed as an agenda item.

6        Candice Packer addressed the Council at this time. Ms. Packer was in attendance  
 8        representing an agency in Pleasant Grove, the Green House Center. She stated she is  
 10        visiting local communities to inform them of what they have to offer and services they  
 12        have available for people in our community. She noted the Green House Center was  
 14        founded 12 years ago and they have 22 therapists on staff that range in social workers to  
 16        mental health counselors along with marriage and family counseling as well. They  
 18        specialize in attachment and trauma and are trained for all populations and work with  
 20        kids who are in foster care or adopted and put into the state system.

22        Ms. Packer then gave some statistics noting Utah is the 8<sup>th</sup> highest for child abuse  
 24        and neglect and the fourth highest for overdose of drugs and first in suicide (ages 14 to  
 26        18). She noted they specialize in trauma and depression that can lead to suicide. It is her  
 28        hope, on behalf of the Green House, to let people know that help is available. They have  
 30        an incredible staff to help and she just wants to get the information out so that people  
 32        know there are places they can turn to for help. Chief Cullimore asked Ms. Packer to  
 34        provide him with her information as the police department works in close contact with  
 36        these types of cases and incidents. Mayor Pro Tem Broderick thanked Ms. Packer for  
 38        coming and for sharing this important information.

## 40        **CURRENT BUSINESS**

- 42        6. **Presentation & Discussion — UTOPIA Overview and Update.** UTOPIA  
 44        Executive Director, Roger Timmerman, will present a general overview and  
 46        update on the growth and progress being made by UTOPIA / UIA and delivery of  
 48        its services to customers.

50        UTOPIA Executive Director, Roger Timmerman, was in attendance to address the  
 52        Council at this time. Mr. Timmerman stated he is here tonight to give a general overview  
 54        and update on the growth and progress being made by UTOPIA/UIA and delivery of its  
 56        services to their customers. Mr. Timmerman then went through his presentation including  
 58        a brief history of UTOPIA and an overview of UTOPIA's progress over the past year. He  
 60        described that UTOPIA designs, builds and operates open-access community fiber  
 62        networks for various municipalities. He also referenced why cities desire open access  
 64        fiber as it attracts and retains businesses, improves quality of life for citizens, promotes  
 66        private service provider competitive market, decreases expenses for citizens, including  
 68        non-subscribers and reduces pot-holing, utility boxes, utility locating, boring, utility  
 70        attachments, etc. It also provides connectivity for city services and enhances connectivity  
 72        for schools, community institutions

74        Mr. Timmerman then referenced the Current UTOPIA/UIA Status noting the  
 76        following bullet points:

- 78        • Utopia is covering all operating expenses
- 80        • Utopia cities are paying for original utopia bond obligation
- 82        • UIA is covering all of its operation expenses and debt service
- 84        • UIA net revenues continue to grow

- 2                   • Rapid growth of 1000 to 2000 new homes each month.
- Mr. Timmerman also mentioned whether or not you support the concept of municipal  
 4 fiber the following points are valid:
- 6           • UTOPIA/UIA's successes and future growth are in the best interests of Utah  
Taxpayers and Utah Businesses
  - 8           • UTOPIA's current operations are not a financial burden on its member cities
  - 10          • As UTOPIA/UIA's net revenues grow, they can be used to fund additional growth  
and/or contribute to debt relief of original UTOPIA bonds
  - 12          • UTOPIA has had a significant impact on increased telecommunications  
competition in Utah, reducing costs for citizens, businesses, and government
- Mr. Timmerman also referenced Lindon's specific growth as follows:
- 14          • Expanding in areas of new home/business development
  - 16          • 158 New Residential Customers YTD 2016
  - 1242 Current Residential Customers
  - 50.16% Residential Take Rate

18           Following the presentation Mr. Timmerman answered general questions about the  
organization followed by some general discussion by the Council. Mr. Timmerman  
 20 concluded by stating he hopes he has given a good picture of where UTOPIA is at and  
that things are looking good. He added they don't anticipate asking for any money from  
 22 the cities and they will continue to be very strategic as they want support and they want  
the city to know they are listening and will continue to report on their progress. He noted  
 24 he will send this presentation to the councilmembers for reference. Mr. Timmerman also  
listed his contact information as follows and encouraged the Council to contact him with  
 26 any questions they may have:

Roger Timmerman (801)-613-3800 - [rtimmerman@utopiafiber.com](mailto:rtimmerman@utopiafiber.com)

28           Mayor Pro Tem Broderick called for any further comments or discussion from the  
 30 Council. Hearing none he moved on to the next agenda item.

- 32           **7. Review & Action — Major Subdivision; Gillman Corner Plat A.** The Council  
will review and consider a request by Deny Farnworth for preliminary plan  
 34 approval of a seven (7) lot residential major subdivision in the Single Family  
Residential (R1-20) zone at 540 W. Gillman Lane. The Planning Commission  
 36 recommends approval.

38           Hugh Van Wagenen, Planning Director, began by stating this application is a  
request to create seven (7) lots and dedicate a new public street (540 West) in the Single  
 40 Family Residential (R1-20) zone. He noted there is an irrigation/storm drain ditch on the  
east side of the project and a master planned trail identified on the south side of Gillman  
 42 Lane. He then referenced the lot requirements stating the minimum lot size is 20,000  
square feet with the minimum street frontage being 50 feet and the minimum lot width at  
 44 the front setback line being 100 feet.

Mr. Van Wagenen explained that curb and gutter will be installed along 540 West  
 46 in addition to Gillman Lane along lots 1, 2 and 7 and noted an Esplanade Street Light will  
be installed at the intersection of 540 West Gillman Lane and a Granville Street Light



will be installed at the end of the cul-de-sac. He noted there is a 6 foot asphalt trail shown on the south side of Gillman Lane on the Parks and Trails Master Plan Map with the applicable cross section. He stated the applicant is proposing to not construct the trail as shown but rather have a four foot concrete trail instead (this would match Lindon's typical cross section).

Mr. Van Wagenen further explained the City Council can make adjustments to standard cross sections after a recommendation has been made from the Planning Commission and the Development Review Committee (DRC) and the DRC takes no exception to the applicant's proposal to install a four foot concrete sidewalk rather than a six foot asphalt trail. He also pointed out that the Planning Commission recommended the 4 foot concrete trail so that two additional feet of asphalt will be available for vehicles in what is a pretty narrow roadway. Mr. Van Wagenen stated there were several neighbors who attended the Planning Commission meeting with none of them advocating to keep the six foot asphalt trail.

Mr. Van Wagenen went on to say the "main ditch" runs along the eastern portion of this property and acts as both an irrigation and storm water conveyance. He explained that the City's Storm Drain Capital Facilities Plan indicates that this section of the ditch is to be piped with a 42" pipe. He stated the applicant is proposing to install the pipe to replace the ditch if the City will purchase the pipe. He noted if the ditch were to remain open, there would be a potential maintenance access problem as lot owners would likely fence their yards. Mr. Van Wagenen pointed out that if it is piped or not, there is a 25 foot irrigation easement being provided along the ditch.

Mr. Van Wagenen commented that the Planning Commission recommended that the City participate in piping the ditch through purchasing the pipe which would be installed by the developer. He noted that an adjacent homeowner to the ditch is in favor of saving the trees along the bank of the ditch. Mr. Van Wagenen stated that staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards in city code. He added that the City Engineer is addressing the engineering standards and all engineering issues will be resolved before final approval is granted. He then turned the time over to the applicant for comment.

Mr. Farnworth stated he would just like approval to move forward on this development and noted he is willing to pipe the ditch if the material is provided even though there will be costs to him with equipment and labor. He noted they will need to add roughly 10 ft. and push it to the south to get the road width which may clean out some of the ditch (underneath) and they will try to save the trees. Mr. Farnworth stated the material costs alone will be close to \$50,000 but he will comply with any requirements from the council.

Mr. Cowie then gave a brief history of the ditch stating this is an ongoing issue with flooding issues etc. and there has been discussion of piping the ditch for many years (there are many portions of the ditch that are already piped). Mr. Van Wagenen then read the applicable section of code regarding this issue followed by some general discussion. Mr. Farnworth stated his goal is to do what is best for the city in the long term.

Mayor Pro Tem Broderick pointed out the arguments heard are valid but he observed it appears it would be in the best interest to the city for overall safety reasons to

2 put the pipe in and then see what we can do to save the trees; he is inclined to do as the Planning Commission recommended.

4 Mr. Van Wagenen pointed out if we leave the ditch open the crux is the fencing and we would have to be comfortable with the fencing going in. Mr. Van Wagenen  
6 pointed out this is just a preliminary plan and the final plat has yet to be reviewed and staff has no concerns.

8 Mayor Pro Tem Broderick called for any further comments or discussion from the Council. Hearing none he called for a motion.

10  
12 COUNCILMEMBER SWEETEN MOVED TO APPROVE THE APPLICANT'S REQUEST FOR APPROVAL OF A 7 LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS GILLMAN CORNER PLAT A WITH THE FOLLOWING  
14 CONDITIONS: 1. STREET AND TRAIL CROSS SECTION BE AMENDED FROM 6 FOOT ASPHALT TRAIL (STANDARD DETAIL 2B) TO 4 FOOT CONCRETE  
16 TRAIL (STANDARD DETAIL 2A) AND 2. THE CITY PARTICIPATE IN COST OF PIPING THE DITCH BY SUPPLYING THE PIPE WITH THE DEVELOPER BEING  
18 RESPONSIBLE FOR INSTALLATION AND 3. THE CITY MAY BE OPEN TO LOOKING AT OPTIONS IF THE DEVELOPER CAN DETERMINE WAYS TO  
20 MITIGATE THE SAFETY AND ACCESS CONCERNS IN THE FUTURE. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS  
22 RECORDED AS FOLLOWS:

24 COUNCILMEMBER LUNDBERG	AYE
24 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	ABSTAIN
26 COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSTENTION.

- 28  
30 8. **Public Hearing — Ordinance #2016-24-O; LCC 17.32.120 Streets.** The Council will review and consider Ordinance #2016-24-O amending the Lindon City Code (LCC) Section 17.32.120 titled 'Streets' allowing for discretion in  
32 street alignment standards. The Planning Commission recommends approval.

34 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL PRESENT  
36 VOTED IN FAVOR. THE MOTION CARRIED.

38 Mr. Van Wagenen began by explaining street layouts benefit from centerlines being continuous across intersections or far enough apart that conflict zones are  
40 minimized for vehicular traffic. Mr. Van Wagenen then referenced the current code that states, "*The centerline of two subordinate streets meeting a through street from opposite  
42 sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty (150) feet.*" He also mentioned an example of a continuous centerline for  
44 two subordinate streets is where Canal Drive crosses 400 North. He then showed examples of an offset centerline at 780 E/800 E as it meets 400 North. He also  
46 mentioned another example is a situation that the code is trying to avoid is when a center left turn lane is present. He noted these centerlines are about 57 feet apart.

Mr. Van Wagenen stated there are times when an offset less than 150 feet does not create this traffic problem. He then presented some examples followed by discussion. He noted the difficulty with the current code is that it does not allow for any discretion in the standards.

Mr. Van Wagenen commented that a recent subdivision application for Ray's Circle Plat A is an example of a proposed road that will have an offset less than 150 feet from a future road across a through street and is the next agenda item. The design is such that traffic safety is not a concern. Mr. Van Wagenen explained this ordinance revision will allow some discretion on the standards as applied by the City Engineer and would allow the City Engineer discretion in these matters that would save the applicant time and money by not having to apply for a variance with the Board of Adjustment for an issue that staff does not have concerns with. There was then some general discussion regarding this issue.

Mr. Van Wagenen then referenced the code revision as follows:

The centerline of two subordinate streets meeting a through street from opposite sides shall extend as a continuous line, or the centerline shall be offset at least one hundred fifty (150) feet.

- a. The City Engineer may grant a variance to the above standards upon findings that such a variance will not be contrary to the safety of vehicular or other forms of transportation. For instance, if the centerline offset is less than one hundred and fifty (150) feet and will not result in increased conflict zones for left turning vehicles from the major street onto the subordinate streets, a variance may be granted. Notwithstanding this paragraph, a continuous centerline or offset of 150 feet are the preferred standards.

Mayor Pro Tem Broderick called for any public comments. Hearing none he called for a motion to close the public hearing.

COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.  
COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

Mayor Pro Tem Broderick called for any further comments or discussion from the Council. Hearing none he called for a motion.

COUNCILMEMBER SWEETEN MOVED TO APPROVE ORDINANCE  
AMENDMENT 2016-24-O AS PRESENTED WITH THE WORDING CHANGES AS  
DISCUSSED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE  
WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BEAN	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

**9. Review & Action — Major Subdivision, Ray's Circle Subdivision, Plat A.**

The Council will review and consider a request by Steve Mitchell for preliminary plan approval of a five (5) lot residential major subdivision in the Single Family Residential (R1-20) zone at 70 North 400 East. The Planning Commission recommends approval.

Mr. Van Wagenen, explained this application is a request to create five (5) lots and dedicate a new public street (70 North) in the Single Family Residential (R1-20) zone. He noted all lots meet the minimum lot size requirements for the zone. He explained the 70 North centerline will be offset from the future 60 North centerline across 400 East less about 108 feet. Currently, Lindon City Code requires that the minimum street centerline offset be 150 feet which is a safety measure to prevent conflicts among left turning vehicles heading in opposing directions. He pointed out in this particular situation, the City Engineer is not concerned about the offset of the two streets being less than 150 feet. The proposed Ordinance 2016-24-O will allow such offsets to be less than 150 feet if there is no traffic safety concern as documented and reviewed by the City Engineer. If the ordinance is not recommended and approved by the City Council, the applicant will have to design a different subdivision layout and curb, gutter and sidewalk will be installed along 70 North in addition to 400 East along Lot 1 and Lot 5. An Esplanade Street Light will be installed at the intersection of 70 North and 400 East and a Granville Street Light will be installed at the end of the cul-de-sac.

Mr. Van Wagenen pointed out although it was not a public hearing, there were several neighbors in attendance that the Planning Commission allowed to make comment. They had questions about fencing and utilities, which were all addressed by the applicant. He noted the existing home on the site will need to be demolished to develop the subdivision. He added that staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards in city code. The City Engineer is addressing engineering standards and all engineering issues will be resolved before final approval is granted. He then turned the time over to the applicant for comment.

Mr. Mitchell mentioned the ADA ramp to the sidewalk and how it will tie in. Mr. Van Wagenen referenced the preliminary plan included in the staff report. He also referenced the existing curb and gutter on the plans. There was then some general discussion including property lines and where the improvements tie in. Mr. Van Wagenen stated that issue will be discussed further in the final improvement plans.

Mayor Pro Tem Broderick called for any further comments or discussion from the Council. Hearing none he called for a motion.

COUNCILMEMBER HOYT MOVED TO APPROVE THE APPLICANT'S REQUEST FOR APPROVAL OF A FIVE (5) LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS RAY'S CIRCLE PLAT A WITH NO CONDITIONS.

COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE

2 COUNCILMEMBER HOYT AYE  
 COUNCILMEMBER SWEETEN AYE  
 4 THE MOTION CARRIED UNANIMOUSLY.

6 **10. Discussion Item — Tiny Homes.** Per request by Councilmember Sweeten,  
 Planning Director Hugh Van Wagenen will present a general overview of Tiny  
 8 Homes and associated regulatory issues that cities are facing with Tiny Homes.

10 Mr. Van Wagenen opened the discussion by stating there have been a handful of  
 inquiries about Tiny Homes with Pleasant Grove City recently passing an ordinance  
 12 allowing Tiny Homes in their city along with other cities. He then provided information  
 on Tiny Homes noting this started with homes being built on RV frames and are typically  
 14 500 square feet or less. He stated these types of units are gaining more popularity around  
 the country because people are trying to live more simply and be able to move quickly  
 16 and to also save money. There have been several cities that have adopted Tiny Homes  
 with their own set of rules/code etc.

18 Phil Brown, Chief Building Official stated that the International Code Council  
 will be looking at a revision of the code in the next few years but the soonest it will come  
 20 down the channel may be closer to 2020. Mr. Van Wagenen stated Lindon City Code  
 currently allows for detached accessory dwellings that have to be at least 300 square ft. in  
 22 size and no more than 1,200 square ft., and must have a permanent foundation and  
 detached utilities which is very similar to what Pleasant Grove recently passed regarding  
 24 Tiny Homes. He then explained the issues with building codes as these Tiny Homes  
 don't need to adhere to international code and anything that may come through would be  
 26 treated as a mobile home (not intended for permanent housing). As he mentioned before  
 there have been a few inquiries for these types of units but the code currently does not  
 28 allow for these types of dwellings.

Mr. Van Wagenen observed this is an interesting hybrid and may work for some  
 30 and may provide for an interesting lifestyle; essentially it is a mobile home.  
 Councilmember Broderick stated this may be slow to take off for financing concerns  
 32 along with other issues, however it may adapt and grow in the future; he is in favor of our  
 detached accessory dwellings that are currently in place. Councilmember Lundberg  
 34 agreed it is a big trend and may be an issue for discussion in the future. Mr. Cowie  
 pointed out since its adoption there have not been a lot of detached accessory dwellings  
 36 located in the city.

Mayor Pro Tem Broderick called for any further comments or discussion from the  
 38 Council. Hearing none he moved on to the next agenda item.

40 **11. Review & Action — Resolution #2016-22-R; Fee Schedule Change – Aquatics**  
**Center.** The Council will review and consider Resolution #2016-22-R authorizing  
 42 updates to the 2016-17 Lindon City Fee Schedule specifically amending fees for  
 the 2017 Aquatics Center season.  
 44

Mr. Cowie stated in a previous Council meeting Parks & Recreation Director  
 46 Heath Bateman discussed and recommended approving family season passes for the 2017  
 season after having removed them as an option during the 2016 season. He noted after

feedback from several concerned residents the Council discussed allowing a season pass option for residents only and at a higher fee rate in order to ensure costs are covered while still providing for a season pass option.

Mr. Cowie stated in that discussion Mr. Bateman also mentioned the need to increase the swim team registration fees to cover costs of paying for coaching staff and expenses in order to retain and keep good coaches. Mr. Cowie noted this Resolution outlines the proposed addition for season passes (residents only) and also the increase in fees for swim team registration. Following discussion the Council agreed to the proposed fee schedule changes agreeing it is reasonable.

Mayor Pro Tem Broderick called for any further comments or discussion from the Council. Hearing none he called for a motion.

COUNCILMEMBER SWEETEN MOVED TO APPROVE RESOLUTION #2016-22-R AMENDING THE FY2017 LINDON CITY FEE SCHEDULE.

COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

THE MOTION CARRIED UNANIMOUSLY.

**12. Review & Action — Water Credit Agreement for Secondary Water.** The Council will review and consider an agreement between the LDS Church and Lindon City enabling the submittal of water shares to the City that will be credited towards future development within Lindon.

Mr. Cowie also led this agenda item by explaining the Church of Jesus Christ of Latter-day Saints (LDS Church) has met with the City and would like to submit water shares for the City to use and retain for use as credit for future developments associated with the LDS Church or its properties. He noted in the past the City has accepted 'excess' water shares by property owners and developers and has kept records to credit the shares to future developments. However, the Church asked for a formal agreement to govern the submittal of their shares and their use in the future. Mr. Cowie stated the City Attorney has reviewed the agreement and is comfortable with this approach.

Following some general discussion Mayor Pro Tem Broderick called for any further comments or discussion from the Council. Hearing none he called for a motion.

COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE WATER CREDIT AGREEMENT BETWEEN LINDON CITY AND THE LDS CHURCH AS OUTLINED. COUNCILMEMBER SWEETEN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	AYE
COUNCILMEMBER SWEETEN	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **COUNCIL REPORTS:**

6 **Chief Cullimore** – Chief Cullimore reported on the NOVA program. He explained that  
8 Orem city has discontinued their NOVA program and they have been asked to reach out  
10 to Orem schools to teach the NOVA program as a lot of the kids are Lindon students.  
12 He has looked at the costs and it will be \$1,500 to Orem City with no increase to Lindon  
14 City, just manpower hours that will be spent a little different. Chief Cullimore asked the  
Council if we should we proceed to look at this request. Following discussion the  
Council agreed to proceed as the NOVA program is a great program that ultimately helps  
the students in the community.

16 **Councilmember Hoyt** – Councilmember Hoyt had nothing to report at this time.

18 **Councilmember Broderick** – Councilmember Broderick reported he attended the  
monthly engineering meeting and they are going with JUB on the adjudication and it  
appears the state will honor the historic rights of the irrigation company and things are  
moving along well. He also reported he attended the pre-bid meeting for the lighting  
project on the Aquatics Center that will bid on January 9<sup>th</sup>. He noted there were some  
good contractors in attendance that will be bidding on the project.

24 **Councilmember Bean** – Councilmember Bean was absent from the meeting.

26 **Councilmember Lundberg** – Councilmember Lundberg reported she had the  
opportunity to speak to the students at Lindon Elementary last week about civics which  
was a good experience. She also mentioned she read through the ULCT about the  
Amazon deal that the State is looking at noting we may see a bump in sales with Amazon  
if it in fact happens; it will be interesting to see how it unfolds.

32 **Councilmember Sweeten** – Councilmember Sweeten reported he attended a board  
meeting at the North Point Solid Waste District. He noted Republic Services  
representatives were in attendance and they are planning to renew. They also approved  
the budget and it looks good and they are doing well. Councilmember Sweeten also  
mentioned an issue regarding ADA code enforcement issues and why the code is  
enforced/required on some homes and not others. He noted there is a current issue where  
the homeowner may retain an attorney because of this issue that could prove to be an  
issue for the city. There was then some discussion by the Council regarding this issue.  
Mr. Cowie commented that he is aware there was a standard in place that wasn't met. He  
added on that particular street every home (10 homes) meets or appears to be ADA  
compliant. Councilmember Sweeten stated this is the only home built on a slope with the  
others being fairly level. Mr. Cowie stated in the end it is public infrastructure that was in  
place correctly and was torn out and placed in a slope that exceeds our requirements for  
ADA standards and he does not know a way to exempt that. Councilmember Broderick  
agreed we don't have the ability to change ADA standards and have not exempted them  
before. Councilmember Broderick suggested it may be beneficial to look into this

process. Mr. Cowie also reinforced the importance of contacting staff with any issues before involving the public at large.

**Mayor Acerson** – Mayor Acerson was absent from the meeting.

**Administrator's Report:**

Mr. Cowie reported on the following items followed by discussion.

**Misc. Updates:**

- December newsletter.
- City Center Elevator remodel. The Architect is preparing plans and will be bidding by early February.
- Employment openings update:
  - PT Court Clerk opening
  - Public Works offered inspector position. Brad interviewed many applicants, but is waiting to fill the additional water division position until he sees how the two new employees function within the Department.
- Misc. Items

**Upcoming Meetings & Events:**

- December 23<sup>rd</sup> at Noon – Employee Christmas party at the Community Center. Offices close at Noon.
- December 26<sup>th</sup> and 27<sup>th</sup> – City offices closed.
- January 2<sup>nd</sup> – City offices closed.

Mayor Pro Tem Broderick called for any further comments or discussion from the Council. Hearing none he called for a motion to adjourn.

**Adjourn** –

COUNCILMEMBER LUNDBERG MOVED TO ADJOURN THE MEETING AT 9:45 PM. COUNCILMEMBER SWEETEN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – January 3, 2017

\_\_\_\_\_  
Kathryn Moosman, City Recorder

\_\_\_\_\_  
Van Broderick, Mayor Pro Tem



**Item 4 – Consent Agenda** – *(Consent agenda items are only those which have been discussed beforehand and do not require further discussion)*

- No Items.

**Item 5 – Open Session for Public Comment** *(For items not on the agenda - 10 minutes)*

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## **6. Presentation & Discussion — Water Boil Advisory Debriefing and Discussion** (60 minutes)

Lindon City Administrator, Public Works Director, Chief of Police, and City Engineer will be available for discussion of the culinary water boil advisory that was instituted from Dec. 23<sup>rd</sup> through Dec. 26<sup>th</sup>. A timeline of events and activities associated with the boil advisory will be reviewed and assessed. An overview of current and future water utility improvement projects to help prevent future boil orders will be presented.

### Culinary Water System Testing:

Lindon City water system currently submits 14 culinary water sample results per month to the State of Utah. Ten of these samples are taken at regular sample locations that are pre-determined as part of a monitoring plan on file with the State Division of Water Quality. The other four samples are taken at the wells to monitor water quality at the 'source'. The City has typically taken half of the required samples every other week so that the water system is monitored at least bi-weekly. Additional 'investigative samples' may be taken at other times to check water quality in specific areas or before certifying newly constructed water pipes are clean. These investigative samples are not submitted to the State as required 'routine samples'. Water samples are tested and recorded at State certified laboratories.

Routine samples were taken throughout Lindon on the week of Dec. 12<sup>th</sup> and found to be clean. On Tuesday, Dec. 20<sup>th</sup> five additional routine samples were taken. Water samples take 24 hours to culture and the results were received late Wednesday afternoon (Dec. 21<sup>st</sup>) showing that one sample taken from a home on the east side of town tested positive for coliform. Coliform bacteria are a commonly used indicator of sanitary quality of foods and water. Coliforms can be found in the aquatic environment, in soil and on vegetation; they are universally present in large numbers in the feces of warm-blooded animals. While coliforms themselves are not normally causes of serious illness, they are easy to culture, and their presence is used to indicate that other pathogenic organisms of fecal origin may be present.

Per State guidelines, positive testing for coliform requires the City to re-test the subject location and water services on both sides of the coliform positive water service (up-stream and down-stream). On Thursday, Dec. 22<sup>nd</sup> the City submitted repeat samples, including one sample from the water tank nearest to the coliform positive location. Lab results from the repeat samples were received at approximately 1:15pm on Friday, Dec. 23<sup>rd</sup>. Results showed coliform positive samples at the city water tank and at one additional home. Another home tested positive for E.coli in the same set of repeat samples. The presence of E. coli indicated that fecal matter had contaminated the water system.

With a positive test for E. coli, Public Works staff contacted on-call persons at the State DEQ (Water Quality Division) and the Utah County Health Department. Lab results and sampling locations were discussed in various phone calls with these two entities. Staff was also working to find a laboratory that would open for the City over the Christmas holiday weekend. At approximately 3:00pm on Dec. 23<sup>rd</sup> during a conference call with the City Administrator, Public Works Director, Water Department staff, and DEQ representative it was determined by DEQ and agreed upon by City staff, that a city-wide boil advisory was required due to the E. coli positive water sample that was discovered as part of the City's 'routine samples'.

### Public Works Actions & Sampling:

Public Works staff worked immediately to introduce chlorine into the tanks and start flushing the water system through fire hydrants. It was unknown at that time if the contamination had spread to other areas beyond what had been retested on Thursday. With coliform testing positive at the tank it was likely that the contamination could easily spread. Additional water samples were taken Friday

evening, Dec. 23<sup>rd</sup> at all prior locations and also at all the wells (source samples). Those results came back Saturday late afternoon and thankfully showed that the wells were clean, but that E. coli was present now in two addresses in the same general area and coliform was still present at the tank. There was concern that the contamination could be spreading. However, this set of samples was taken within a short time of chlorine being introduced to the system and it was believed that enough contact time may not have occurred to kill the bacteria in the system.

Thirteen city-wide samples were taken on Saturday morning and the system flushing continued through midnight on Saturday and Sunday evenings. Fourteen city-wide samples were taken Sunday morning and early afternoon. Staff called DEQ and the Health Department throughout the weekend to give them updates on sample results and flushing. On late Sunday afternoon the results from Saturday's testing were delivered and found all samples to be clean.

Staff conference called DEQ and the Health Department early Sunday evening. The State informed Staff that with the clean samples from Saturday, and the continued chlorination that was being done through Sunday, the boil advisory order could be lifted if chlorine residuals in the system were brought back to near normal operating conditions. Since Lindon's wells are not chlorinated this meant flushing nearly all chlorine residual from the water system. Flushing continued until midnight Sunday evening then started again at approximately 5:30am on Monday morning, Dec. 26<sup>th</sup>.

Chlorine residual was not dropping as fast as had been hoped. Staff contacted DEQ again on Monday morning and requested the boil order be lifted and that residents flush their systems. The water was considered safe for consumption after boiling and it was felt by Staff that boiling was no longer needed since a clean batch of samples had been received the night before and a higher than normal chlorine residual was still present in the system. DEQ agreed that it was safe to lift the boil order on Monday morning Dec. 26<sup>th</sup> at approximately 10am.

Unfortunately, no specific source of contamination was determined. Three of the addresses impacted did have discharge tubes from water softener tanks that were directly inserted into floor drain pipes (which are connected to the sewer pipes). These could be potential sources for contamination as a 'cross-connection' – but they are not confirmed to have caused this issue. The City is not currently aware of any malicious activities at wells, tanks, or pump houses, nor is the City aware of any open sources for contamination like water leaks or breaks in main lines. We are continuing to investigate any leads for possible contamination.

Without a firm source for contamination being identified the City continued to take additional daily water samples through Friday, Dec. 30<sup>th</sup>. All samples have been clean since Saturday, Dec. 24<sup>th</sup>. The City also obtained written approval from DEQ on Dec. 29<sup>th</sup> to continue adding small doses of chlorine into the culinary water tanks so that a chlorine residual would be present throughout the system until a permanent chlorination treatment system has been installed.

#### Public Notification:

Once the City had received instructions from DEQ that the boil advisory must be instituted on the afternoon of Dec. 23<sup>rd</sup> the City Administrator, Chief of Police prepared an Advisory Boil Order notice and additional press information that was released at 4:15pm on Dec. 23<sup>rd</sup>. Lindon Police requested that Orem Dispatch send an emergency notification call through the Everbridge system. The City Recorder updated the information onto the City website. The City also sent notices to all newspaper and television news outlets and posted the notice on the City's Facebook page and sent it to the newsletter email subscribers list. LDS Stake Presidents were contacted and asked to initiate their

emergency notification contacts through Ward block captains. Police Officers on duty were asked to hand-deliver notices to local businesses, restaurants, convenience stores, senior living centers, etc.

Within 20-30 minutes several news agencies had announced the boil advisory and two had called staff for additional information. Within one hour there were over 20,000 views on the city's Facebook post announcing the boil notice. Within 24 hours the original Facebook post had been viewed over by over 100,000 people.

In the overall scope of the incident we feel the notification process and methods were fast and effective. Within a few hours we feel the majority of residents and businesses had been informed of the boil advisory. There appears to have been a few glitches on the phone notification system and we are working with Orem Dispatch to find out why some who registered with Everbridge were not contacted.

A few news agencies communicated with Staff over the weekend for updates. All communication with the general public occurred through the city's Facebook (FB) page. City responses to questions was handled by the City Administrator who is assigned as the Public Information Officer for non-criminal emergencies or events. The Administrator was in regular communication with the Public Works Director through the entire event. A printed set of all FB comments and City responses from Friday, Dec. 23<sup>rd</sup> until Tuesday, Dec. 27<sup>th</sup> is 74 pages long and can be reviewed [HERE](#). Monitoring and responding to questions and comments took many hours per day. This allowed the Public Works Department to work on cleaning the water system unimpeded by the media or public questions. Approximately 60 additional phone messages and/or customers coming into city offices were handled by City staff after offices opened on Dec. 28<sup>th</sup>.

#### What's being done to prevent this in the Future?

Over the last few years the City Council and Staff have worked to increase utility fund levels to enable more proactive approaches and maintenance activities. Chlorination of the city wells has been identified as a need and over the spring/summer of 2016 the City worked with DEQ and obtained approval in September to install chlorination systems on all of our city wells. The wells are not currently chlorinated, and although our sources have never been found contaminated, Lindon has too many potential sources for contamination and feels it's prudent to chlorinate directly at the wells. Some purchase of equipment and minor construction has already begun. Staff is working to complete the chlorination upgrades by February 15<sup>th</sup> or as soon as possible thereafter.

The City has also taken steps to improve physical security of its culinary water facilities. In 2015 we fenced off one water tank area and have budgeted to fence off another tank. Both tanks are in the foothills and accessible to anyone on foot. Updated locks, doors, and other security devices at our wells, tanks, and pump houses have been installed or are in process.

Additional action or projects in the future may include:

- develop public education and outreach materials about the dangers of cross-connections between the culinary system and non-treated sources (secondary water, sewer pipes, drains, etc.);
- increase the number of water samples taken and frequency of sampling;
- hire additional worker in the water department to enable more proactive water sampling and maintenance efforts;
- consider installation of city-owned dedicated sampling locations (instead of sampling from homes & businesses)

- develop written sampling procedures for the water department to ensure adequate training and policies for future employees;
- coordinate with laboratories to determine optimum time for sampling and testing to avoid holidays, weekends, etc.;
- consider security fencing at additional tanks and pump houses;
- develop stronger policies and enforcement of unlawful fire hydrant and water use by contractors / builders;
- continue with regular waterline replacement to upgrade older water lines;
- schedule recurring tank cleaning / sediment removal by licensed contract professionals;
- reconstruct and/or expand wells to achieve redundancy in the water system.

While the recent boil advisory was certainly inconvenient, alarming, and worrisome, Staff believes the City has been and continues to be making good progress to update and improve the safety and security of our water system.

Copies of the original boil advisory notice and the 'LIFTED' boil advisory notice are attached. Additional materials will be provided at the meeting. No motions necessary.

## Notice to Customers of LINDON CITY WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

# ADVISORY BOIL ORDER

## LINDON CITY ADVISES YOU TO BOIL YOUR TAP WATER PRIOR TO CONSUMPTION

The Lindon City Water Department received lab results on the afternoon of December 23, 2016. The water sample has detected a fecal coliform (or *E.coli*) bacteria that could cause stomach or intestinal illness. The City is advising you to use boiled tap water or bottled water for drinking and cooking purposes as a safety precaution.

## DO NOT DRINK TAP WATER WITHOUT BOILING IT FIRST

### What should I do?

- **UNTIL FURTHER NOTICE - DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills bacteria and other organisms in the water.
- *Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly and people with severely compromised immune systems.*
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

- View this link for answers to frequently asked questions regarding boil orders and how to protect you and your family: <http://www.deq.utah.gov/Topics/Water/boilwater/index.htm>
- General guidelines on ways to lessen the risk of infection by microbes are available from the EPA Safe Drinking Water Hotline at 1(800) 426-4791.

### What happened? What is being done?

Bacterial contamination can occur when increased run-off enters the drinking water source (for example, following heavy rains). It can also happen due to a break in the distribution system (pipes) or a failure in the water treatment process. Lindon City is actively searching for the potential source of the problem.

To address this problem we are flushing and chlorinating the culinary water system. We are also working with the State DEQ and Utah County Health Department to resolve this matter. Additional water samples throughout the City are being taken. Lab results on water samples take 24 hours to be completed. We will inform you when you no longer need to boil your water.

Updates and information will be posted on the Lindon City Facebook page at [www.facebook.com/lindoncity](http://www.facebook.com/lindoncity).

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.*

## Notice to Customers of LINDON CITY WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

# **LINDON CITY ADVISORY BOIL ORDER HAS BEEN LIFTED.** **CULINARY WATER HAS BEEN TESTED AND IS SAFE TO DRINK\*.**

**\*Before use please follow processes below to flush the plumbing in your home or business.**

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail. Post at drinking fountains and at public restroom faucets.*

### **What Happened?**

On the afternoon of Dec. 23, 2016 the Lindon City Water Department received lab results on a follow-up routine water sample that detected a common bacteria (E.coli) that could cause stomach or intestinal illness. A city-wide Advisory Boil Order was issued at 4:15pm on Dec. 23<sup>rd</sup> and notice was distributed to all media outlets including TV and radio, through social media, email, emergency phone system, LDS block captain system, and by hand to many businesses and senior living centers. Throughout the night of the 23<sup>rd</sup>, and continuing through Dec. 25<sup>th</sup>, the City flushed and chlorinated water tanks and water mains. Additional water samples were collected and tested throughout this time period. The incubation period for lab results on water samples takes 24 hours. Results received at approx. 4:00pm on Dec. 25, 2016 showed all samples taken on the previous day (Dec. 24<sup>th</sup>) were clean with no E.coli or coliform detected. Due to high chlorine residual levels necessary to kill bacteria in the system the City continued to flush the system through the morning of Dec. 26<sup>th</sup> to reach lower residual chlorine levels. After coordinating with DEQ and the Utah County Health Dept. the Boil Advisory was officially lifted on Dec. 26, 2016 at 10:06am.

**What do YOU need to do now?** – Please take the following additional steps in your home or business to ensure your water system is safe:

#### **Flush pipes/faucets first.**

- To flush your plumbing, run all your cold water faucets on full for at least 5 minutes each.
- For a residence with multiple levels start at the top of the house.
- If your service connection is long or complex (like in an apartment building) consider flushing for a longer period. Your building superintendent or landlord should be able to advise you on longer flushing times.
- If the water is discolored continue to run it from the tap until it is clear.

#### **Ice and automatic ice makers:**

- Discard ice in trays or bins then wash and sanitize ice trays.
- For an icemaker, dump existing ice and flush the water feed lines by making and discarding three batches of ice cubes.
- Wipe down the ice bin with a disinfectant.
- If your water feed line to the machine is longer than 20 feet, discard five batches of ice cubes.

#### **Hot water heaters, water coolers, in line filters, and other appliances with a water connection or water tanks (such as kitchen appliances, humidifiers, swamp coolers):**

- Run hot water faucets until water runs cold so that the entire hot water heater has been emptied and refills with clean water.
- In other appliances and filters, run them for a full cycle or with enough water to completely replace at least one full volume of all lines and tanks.
- Follow any other instructions from the appliance manufacturer.

#### **Water softeners:**

- Run through a regeneration cycle.

- Follow any other instructions from the appliance manufacturer.

**Reverse Osmosis (RO) units:** Replace pre-filters; check owner's manual.

**Replace and/or sanitize other water filters per manufacturer recommendations.**

**Other:**

- Clean and sanitize all pet bowls.
- Replace filters in coffee machines, soda machines, or other filters in similar appliances.

### **What is Lindon City doing to prevent this from happening again?**

Lindon City is routinely testing water samples throughout the City. Regular city-wide samples are typically taken at least every other week. While Lindon City has had one other city-wide boil order in June of 2013, and has had a few isolated incidents of contamination, water samples testing positive for E. coli in our system are actually very rare. We do not know the exact cause of this recent contamination but we're working to isolate the source. Lindon is coordinating with the State DEQ and Utah County Health Department on this issue and will continue to closely monitor the water system to ensure safe drinking water.

The City is also actively working to install chlorination systems on all of its wells. Lindon gets its water from several ground water wells and springs. These sources have provided safe water to the City for many decades. However, the wells are not chlorinated water sources and any bacteria introduced into the system may potentially spread and cause the water system to become contaminated. Contamination can occur by bacteria entering the water lines in a number of ways including during water breaks, during new construction, through open water faucets or hoses, or through cross-connected pipes (water pipes connected to secondary water, sewer, etc.). In a city the size of Lindon it can be difficult to protect the water system from so many potential contamination sources.

We have recently received approval from the State DEQ to add chlorination treatment processes to all of our wells. Chlorination should kill any future bacteria that enters the system and will make our water system much safer. Construction at a couple well sites has already started and total chlorination of the system is scheduled to be finished within the next 6-8 weeks.

- Additional information and answers to frequently asked questions regarding boil orders can be viewed on-line at: <http://www.deq.utah.gov/Topics/Water/boilwater/index.htm>

For questions call: LINDON CITY PUBLIC WORKS, 801-796-7954, M-F 7:00am – 3:30pm.

Thank you for your patience during the advisory boil order. Lindon City followed all State, County, and local protocols during this boil advisory process. We appreciate the support of DEQ, Utah County Health Department, the water testing labs that opened over Christmas weekend – and most importantly thank the our citizens and businesses for your patience. As City offices are closed on Dec. 26<sup>th</sup> and 27<sup>th</sup> we will continued to answer questions and post updates on the Lindon City Facebook page at [www.facebook.com/lindoncity](http://www.facebook.com/lindoncity) .

**Please share this information with others who may not have received it through other media.**



**7. Review & Action — Resolution #2017-1-R; Mayor pro tem & Council Assignments** *(5 minutes)*

The Council will review and consider Resolution #2017-1-R authorizing Mayor pro tem assignments for the 2017 calendar year and other Councilmember assignments as directed by Mayor Acerson.

See attached Resolution and Exhibit with assignment info. There's not any significant changes in assignments from 2016, excepting the updated Mayor pro tem assignments.

**Sample Motion:** I move to (approve, deny, continue) Resolution #2017-1-R updating Mayor pro tem and Councilmember assignments for the 2017 calendar year.

**RESOLUTION NO. 2017-1-R**

**A RESOLUTION AMENDING THE 2017 LINDON CITY MAYOR PRO TEM APPOINTMENTS, COUNCILMEMBER ASSIGNMENTS AND APPOINTMENTS, AND REDEVELOPMENT AGENCY BOARD APPOINTMENTS, AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the Municipal Council of Lindon City has need of appointing a Mayor pro tem to fill in for the Mayor when the Mayor is absent or otherwise unavailable; and

WHEREAS, the City Council and Mayor find it is appropriate to rotate the appointment of Mayor pro tem on a quarterly basis and that it is prudent to appoint such positions by resolution; and

WHEREAS, Mayor Jeff Acerson recommends assignment and appointment of the Councilmembers to serve in various positions, boards, and committees, and to oversee various aspects of the City and has outlined specific Councilmember Assignments; and

WHEREAS, Secondary Councilmembers have been assigned to assist or fill in for a Councilmember who is absent or needs assistance with his or her assignments; and

WHEREAS, the City Council members shall be appointed as Lindon City Redevelopment Agency (RDA) Board members; and

WHEREAS, other Mayoral appointments and assignments to citizens at large and/or staff members are also identified on Exhibit A; and

WHEREAS, Mayor Jeff Acerson recommends appointment of the Council members and other individuals as listed in Exhibit A to serve in the positions of Mayor pro tem and other assignments and appointments as therein listed.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

1. That the identified individuals as outlined in the attached Exhibit A are appointed to fill the position of Mayor pro tem, fill various Councilmember assignments and appointments, and to be appointed as RDA Board members as detailed in the Exhibit.
2. That the appointments and assignments contained herein are effective immediately upon passage.

Adopted and approved this 3<sup>rd</sup> day of January 2017.

By \_\_\_\_\_  
Jeff Acerson, Mayor

Attest:

By \_\_\_\_\_  
Kathryn A. Moosman, City Recorder

SEAL:

**Exhibit A**  
**LINDON CITY MAYOR AND COUNCIL ASSIGNMENTS – As of January 3, 2017**  
**RESOLUTION #2017-1-R**

**MAYOR JEFF ACERSON**

1. Mountainland Association of Governments (MAG) / Metropolitan Planning Organization (MPO)
2. Utah County Council of Governments (COG)
3. Utah Lake Commission Governing Board
4. Utah Infrastructure Agency (UIA) Board Member
5. Utah League of Cities and Towns Representative
6. Utah County Board of Health
7. IHC Outreach Committee
8. Thanksgiving Dinner
9. Little Miss Lindon
10. North Utah Valley Animal Shelter Board (NUVAS)
11. Public Relations – (media contact as needed)
12. Budget/Audit Committee

**COUNCILMEMBER JAKE HOYT (Secondary – Matt Bean)**

1. Administration, Payroll, Personnel and Office Support
2. Pleasant Grove / Lindon Chamber of Commerce
3. Community Center Advisory Board
4. Healthy Lindon
5. Historic Preservation Commission / Tree Lighting Ceremony
6. Budget/Audit Committee
7. Other Duties as assigned

**COUNCILMEMBER CAROLYN LUNDBERG (Secondary – Dustin Sweeten)**

1. Parks, Trails, and Recreation
2. Aquatics Center
3. Cemetery
4. Tree Advisory Board
5. County Fair and Strawberry Days Representative
6. Easter Egg Hunt
7. Other Duties as assigned

**COUNCILMEMBER MATT BEAN (Secondary – Van Broderick)**

1. Planning Commission
2. Planning and Zoning
3. General Plan (5-yr update committee)
4. Board of Adjustment
5. Alternate UTOPIA & UIA Board member
6. Budget/Audit Committee
7. Other Duties as assigned

**COUNCILMEMBER DUSTIN SWEETEN (Secondary – Carolyn Lundberg)**

1. Police/Fire and EMS
2. Legal Counsel, Justice Court, and Youth Court
3. Emergency Management
4. Neighborhood Watch
5. Lindon Days
6. Transfer Station and Solid Waste Board
7. Other Duties as assigned

**COUNCILMEMBER VAN BRODERICK (Secondary – Jake Hoyt)**

1. Public Buildings
2. Building Construction and Inspection
3. Culinary and Secondary Water
4. Sewer and Storm Water
5. Streets and Sidewalks
6. Engineering (Bi-monthly Engineering Coordination meetings)
7. Irrigation Companies Representative / Board member
8. Other Duties as assigned

**MAYOR PRO-TEM – 2017**

Jan. – March	Dustin Sweeten
April – June	Van Broderick
July – Sept.	Jake Hoyt
Oct. – Dec.	Carolyn Lundberg

*Secondary fills in if Mayor Pro-Tem is unavailable.*

**2017 Lindon City Redevelopment Agency (RDA) Board of Directors**

**Chair:** Jeff Acerson

**Board members:** Jake Hoyt, Carolyn Lundberg, Matt Bean, Randi Powell, Van Broderick, Dustin Sweeten

**Executive Secretary:** Adam Cowie

## 8. Review & Action — Resolution #2017-2-R; Employee Policies & Procedures, Sec. 5 & 6 (20 mins)

The Council will review and consider Resolution #2017-2-R amending and updating Sections 5 & 6 of the Lindon City Policies and Procedures manual for employees. Updates to other sections of the manual will continue over the next few months to bring the manual into conformance with current practices, policies, and laws. The City Attorney has reviewed the policies with Administrative Staff and recommends approval of the updates.

The City has an existing Policy and Procedures Manual that has not been comprehensively updated since 2012. The City code allows minor changes and alterations to be made to the policies without City Council approval. Major changes and modifications require Council ratification, as is being done with these sections.

Staff has rearranged and combined a few sections and updated various sections to this current format. An attempt to show new language with underlines and old language with strike-outs proved extremely messy and hard to follow. Therefore this version does not highlight the 'old wording vs new wording'. However, most of the changes are minor in nature or simply updates to conform to previously adopted policies and laws. Therefore, a brief skim is all that is recommended except for a few issues to bring to your attention:

- With City Attorney recommendation, the Appeals Board made up of fellow employees was changed to an Appeal Authority (Section 5.25.1) which may be a single individual (most likely a licensed attorney with another city). We'll need to enter into an agreement with an Authority for that function. Brian has some recommendations for qualified individuals. We'll also need to repeal Ordinance 3-93 that established the Appeals Board.
- Information that tends to change annually in the budget (such as the pay scale, merit pay, etc.) will reference the Compensation Section of the annually adopted Budget rather than updating specific changes each year in the Policies and Procedures Manual.
- Weapons policy (firearms) in Section 5.20 and Political Activity policies in Section 5.9 have been updated to comply with state and federal regulations. *You'll want to carefully read Section 5.9 as most of it applies to elected officials as well as regular employees.*
- The Compensation section (Section 6) has been updated to comply with compensation policies and procedures previously approved by the Council and some reformatting of sections.
- State Code classifies Department Heads and other upper management employees as 'at-will' employees. The current policy manual exempted Department Heads from being 'at-will'. Department Heads hired under the current policy are allowed the same grievance and appeal processes as any other employee. After consulting with our attorney, it appears most beneficial to keep management employees as 'at-will' employees. However, we do not want to harm or be in conflict with the hiring policies that were in place when current Department Heads were hired, so the policy is only in effect on anyone hired after January 1, 2017 (see Section 5.4.2(9)).

**Sample Motion:** I move to (approve, deny, continue) Resolution #2017-2-R updating Sections 5, Section 6, and Appendix A of the employee Policies and Procedures manual.

**RESOLUTION NO. 2017-2-R**

**A RESOLUTION APPROVING AN UPDATED POLICIES AND PROCEEDURES FOR LINDON CITY EMPLOYEES, TO BE INCLUDED IN THE LINDON CITY POLICIES AND PROCEDURES MANUAL, AND SETTING AN EFFECTIVE DATE.**

WHEREAS, Lindon City desires to amend its employee Policies and Procedures to conform with current practices and laws of the State of Utah; and

WHEREAS, enactment of new and updated Policies and Procedures will ensure fair and legal practices that will govern the employee practices and job functions for the City; and

WHEREAS, the creation of the new policies will benefit the City and the public for which it serves.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

**Section 1.** The Lindon City Policies and Procedures Manual is hereby amended and approved to include updated Policies and Procedures, specifically found in Section 5, Section 6, and Appendix A, and further attached as ‘Exhibit A’.

**Section 2.** This resolution shall take effect immediately upon passage.

Adopted and approved this 3rd day of January, 2017.

By \_\_\_\_\_  
Jeff Acerson, Mayor

Attest:

By \_\_\_\_\_  
Kathryn A. Moosman, City Recorder

SEAL:

## Section 5 – Personnel Policies

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## 5.1 PURPOSE

Lindon City is committed to a working relationship with employees based on mutual trust, ethical behavior, and responsibility.

## 5.2 POLICY

It is the policy of Lindon City to establish guidelines and restrictions which allow employees to be aware of various conditions of employment related to all positions within the City. All employees will be required to act according to the following guidelines.

## 5.3 PROCEDURE

The City Administrator acts as the Personnel Director unless otherwise designated. The Personnel Director is responsible to control, supervise, and give direction to Department Heads concerning personnel issues. The Personnel Director has authority to recommend appointments, promotions, demotions, or termination of any City officers or personnel in accordance with applicable personnel policy.

## 5.4 HIRING PROCEDURES

All employee positions will typically be hired through a process which may include, but is not limited to, panels of interviewers with participants which may be made up of staff, Department Heads, Council members (one of which is assigned to the department), and/or the Mayor.

Time limited seasonal and temporary employment position can be hired without a formal interview process at the discretion of the supervisors and Department Head.

All appointments shall be based upon specific abilities relating to each position as outlined in job descriptions.

### 5.4.1 Means of Recruitment

Employees may be recruited to fill positions in the City work force. The method of recruitment shall be recommended by the Department Head and approved by the Personnel Director before any recruitment is commenced. Employees may be recruited for positions in the following ways:

1. **Announcement For Public Recruitment.** Announcement of a position shall take place with publication using any of the following: the Lindon City website, the Lindon City Facebook page, the Utah League of Cities and Towns Job Bank, Utah Department of Workforce Services, and professional publications related to specific vacancies. Announcements may specify the title of the position, the nature of the work to be performed, education and technical preparation desirable for the performance of the work, application deadline, manner of making applications and other pertinent information.
2. **Open Public Recruitment.** Open public recruitment is not required for promotions or transfers within the City. However, notice to potentially eligible employees shall be given at least seven

days prior to the closing date for applications. Notice shall be given as determined by the Personnel Director or Department Head, and shall at least include posting the available position on the City web site. The notice must state the position, application filing locations and closing date for applications. Employees interested in promotions or transfers shall fill out a new employment application.

3. **Promotion of an existing employee.** Employees may be promoted to a higher job classification upon recommendation from the Department Head and approval of the Personnel Director. Past and present job performance, especially as it relates to the following shall be considered:
  - A. Job knowledge and job skills;
  - B. Ability to perform the job (including physical fitness);
  - C. Dependability;
  - D. Judgment when faced with decisions;
  - E. Aptitude for and attitude on the job;
  - F. Ability to accept responsibilities;
  - G. Quantity and quality of work;
  - H. Initiative and resourcefulness;
  - I. Relationship with other employees and the public;
  - J. Supervisory abilities and skills (if applicable);
  - K. Promise of continued development (including relevant education);
  - L. Record of disciplinary actions; and
  - M. Record of absenteeism and tardiness.
4. **Transfer of an Existing Employee.** An employee may be transferred to another department if approved by the Personnel Director after considering the recommendations of the affected Department Heads and taking into consideration the same factors listed above. No employee shall be transferred to a position for which the person does not possess the minimum qualifications. An employee demoted to a position of less remuneration may appeal the transfer in accordance with the provisions of the Lindon City Administrative Policies and Procedures Manual.

#### 5.4.2 Selection Policies

1. **Employment Application.** All application forms must be signed by the applicant. The Personnel Director or Department Head may require proof of statements as they deem necessary. The City may reject any application which indicates that the person does not meet the minimum qualifications established for the position or where the application is defective or incomplete. Applications may also be rejected if the applicant:
  - a. Is found to have falsified his application;
  - b. After reasonable accommodation, is physically unfit to fully perform the duties of the position;
  - c. Is addicted to or uses illegal drugs;
  - d. Is not within the legal age limit prescribed by law for City employment; or
  - e. Has received a dishonorable discharge from the armed forces resulting from a general court martial.



2. **Interview.** Department Heads or designated supervisor will be responsible for interviewing prospective applicants for positions with the City. As part of the interview process Department Heads may give job-related written, verbal or practical tests. Applicants may also be given practical tests on use of equipment, physical agility exams and be involved with role-playing exercises. During the interviews Department Heads may consider these test results as well as relevant education, training and work experience, especially as it relates to the minimum qualifications, minimum requirements and physical agility standards which are required for the position. No questions may be asked relating to age, gender, sexual orientation, race, national origin, marital status, disability, political beliefs, religious affiliations, or regarding any other protected class.
3. **Background and Reference Checks.** Department Heads are encouraged to contact references listed on the employment applications. Background investigations will be conducted on all prospective employees, as well as volunteers working on an ongoing basis.
4. **Drug Test.** All prospective employees, as well as volunteers working on an ongoing basis, will be referred to a medical facility chosen by the City to conduct a pre-employment drug screen in accordance with the City's Drug-Free Workplace Policy.
5. **Selection.** The Personnel Director, or an appointed designee, will review the recruitment procedures for compliance with this section prior to final selection of the employee.
6. **Removal From Consideration.** Criminal conviction, drug test results indicating illegal drug use, or any other unsatisfactory background information may be cause to remove the applicant from consideration.
7. **Veterans Preference.** In accordance with Utah Code 71-10-2 as amended, Lindon City shall grant a veterans preference upon initial hiring to each preference eligible veteran or preference eligible spouse as specified below:
  - a. "Preference eligible" means: (a) any individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions; (b) a disabled veteran with any percentage of disability; (c) the spouse or unmarried widow or widower of a veteran; (d) a purple heart recipient; or (e) a retired member of the armed forces who retired below the rank of major or its equivalent.
  - b. "Active Duty" means active military duty and does not include active duty for training, initial active duty for training, or inactive duty for training.
  - c. "Disabled Veteran" means any individual who has: (a) been separated or retired from the armed forces under honorable conditions; and (b) established the existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the federal Department of Veterans Affairs or a military department.

- d. "Veteran" means: (a) an individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions; or (b) any individual incurring an actual service-related injury or disability in the line of duty whether or not that person completed 180 consecutive days of active duty.

When a preference eligible individual applies for any career service position with the City and meets the minimum job requirements for the position, he/she will be invited to take any examinations or other numeric rating or ranking mechanisms (including an interview) used to select an individual for the position. If the applicant receives a passing score, Lindon City shall give preference in hiring by adding to the applicants score as follows:

- a. 5% of the total possible score, if the individual is a veteran;
- b. 10% of the total possible score, if the individual is a disabled veteran or a purple heart recipient; or
- c. In the case of a preference eligible spouse, widow or widower, the same percentage the qualifying veteran is, or would have been entitled to.

When a preference eligible individual applies for any career service position with the City that does not require an examination, or where examination and/or interview results are other than a numeric score, the individual shall be given preference in interviewing and hiring for the position.

**8. Political Activity or Affiliation.** Partisan political activity, political opinion, or political affiliation of an applicant for a position with the City may not provide a basis for denying employment to the applicant.

**9. Department Head Employment Status.** All Department Head positions hired on or after January 1, 2017 will be at-will employees.

#### **5.4.3 Appointment**

After the recruitment file has been reviewed by the Personnel Director, the Department Head may be authorized to hire the selected individual. Before commencing work the new employee will complete a W-4 form, and other employment documentation as required by State or Federal law. The new employee will be provided with or given access to a digital copy of the Lindon City Policies and Procedures Manual.

1. **Orientation.** The Department Head or designated supervisor will be responsible for facilitating the adjustment of an employee to the work situation and for completing an orientation on the following items:
  - A. Provide a clear statement of the employee's duties and official relationships;
  - B. Introduce the employee properly to those with whom the employee will be working;
  - C. Instruct and guide the employee in learning to perform job functions;
  - D. Explain and issue, with a receipt, all items of equipment that must be returned upon end of employment. The property receipt must be signed by both the employee and the supervisor; and

E. Provide additional information which is job related.

2. **Probation.** All employees are subject to a twelve month probationary period during which time they may be terminated without recourse. After the probationary period, employee performance will be evaluated by the Personnel Director and/or the appropriate supervisor or Department Head. If performance is satisfactory, the employee will be taken off probationary status. If performance is unsatisfactory, the employee may be terminated, or a probationary extension may be imposed for up to an additional six months. Following any probationary extension period, a final determination will be made as to the employment status of the employee.

Under certain circumstances, the probationary period may be concluded after six months upon the recommendation of the Department Head and approval by the Personnel Director. Nothing herein shall be construed to establish the expectation that the probationary period will end at six months. New employees should typically expect a 12 month probationary period.

## 5.5 ANTI-NEPOTISM

No person shall be allowed to work in a department wherein a member of the person's immediate family is employed as the Department Head; or wherein a member of the person's immediate family would have direct or indirect supervision or control over that person. "Immediate family" as used in this section means father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, step-children, step-parents, grandchildren, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law.

Seasonal and temporary positions which are limited in time and/or scope, as well as volunteer positions, are not subject to the terms of the anti-nepotism policy.

## 5.6 EQUAL OPPORTUNITY EMPLOYMENT

It is the policy of Lindon City to comply with the guidance set forth in Title VII of the Civil Rights Act of 1964, according to Public Law 92-261, passed March 24, 1972, and subsequent amendments thereto. It is also the policy of Lindon City to comply with the Americans With Disabilities Act passed July 26, 1990, and subsequent amendments thereto.

Lindon City will hire, promote, classify, transfer, discipline, and terminate all employees without reference to race, religion, gender, age, disability, sexual orientation, political affiliation or national origin. No class of job will be closed to any individual because of the above referenced criteria. COPY FROM

"Disability" refers to a qualified individual with a disability as defined in Title 42 of the United States Code. The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, is able to perform the essential functions of a particular position. As required under the Americans With Disabilities Act, it shall be the judgment of Lindon City to determine what functions of a job are essential, and any written description of the job prepared by the City before advertising or interviewing applicants for the job shall be considered essential job functions.

Personnel will be compensated on the basis of equal pay for equal work. No individual will receive reduced compensation for equal work on the basis of age, race, gender, religion, national origin, sexual orientation, political affiliation or disability.

Lindon City does not discriminate on the basis of disability in admission, access to, or treatment in City programs.

## **5.7 EMPLOYMENT STATUS**

### **5.7.1 Exempt Employees**

The following positions have been designated as being exempt positions based on FLSA employment standards; City Administrator, Planning and Economic Development Director, Finance Director, Chief Building Official, Chief of Police, Parks & Recreation Director, Public Works Director, Justice Court Judge, and any other established Department Head positions.

Exempt employees are classified as Administrative Staff as defined in FLSA Section 54. Administrative Staff are expected to supervise their own activities, as well as the activities of those under their supervision. Administrative Staff reports to the Governing Body through the City Administrator. Administrative Staff is responsible to carry out established policies of the City and decisions of the Governing Body as handed down through the City Administrator.

Exempt positions will be reviewed periodically to determine whether or not exempt status should be withdrawn based on changes in duties and related factors.

Where services are obtained through contract or agreement with professional firms, such as attorney, engineer, accountant, etc., the terms of such contract or agreement will apply.

### **5.7.2 Regular Full-time Employees (non-exempt)**

1. Regular full-time status is achieved if an employee:
  - a. Is not hired on a temporary basis;
  - b. Has satisfactorily met the requirement for employment;
  - c. Has satisfactorily completed a probationary period of at least six months as outlined in section 5.4;
  - d. Has worked an average of 40 hours or more per week annually; and
  - e. Has a job classification that qualifies for full time status.

### **5.7.3 Regular Part-time Employees (non-exempt)**

1. The Mayor and City Council members are hereby designated as regular part-time employees. Other employees so designated must meet the following requirements:
  - a. Is not hired on a temporary basis;
  - b. Has satisfactorily met the requirements for employment;
  - c. Has satisfactorily completed a probationary period of at least six months as outlined in Section 5.4;

- d. Has worked an average of less than 30 hours per week annually. In determining the average weekly hours worked, time taken off shall be held against the employee if such time was taken using accrued personal or sick leave or for time taken under the Family Medical Leave Act; and
  - e. Has a job classification that qualifies for part-time job classification.
2. Employees with an average annual work schedule of at least 30 hours but less than 40 hours per week will receive benefits on a pro rata basis for the hours worked, except that employees eligible for health care benefits under the Affordable Health Care Act shall receive full medical coverage. Benefits will begin or be applied for on the date of hire.

#### **5.7.4 Temporary & Seasonal Employees**

Temporary and seasonal appointments, such as interns, lifeguards, or Public Works and Parks summer help, are made by Department Heads with approval of the Personnel Director to carry out seasonal or temporary work. Temporary and seasonal positions do not qualify for regular benefits and are employed as at-will positions.

#### **5.8 CHILD LABOR EMPLOYMENT**

It is the policy of Lindon City that no one under the age of sixteen (16) shall be hired for any position, with the exception of youth recreation and swimming programs during the summer—or other exceptions where 14 and 15 year-olds can be used prudently within federal and state government guidelines.

#### **5.9 PROHIBITION OF POLITICAL ACTIVITY**

- 1. No Political Activities During Employment Hours.** Except as provided by federal laws, no City employee or official shall engage in political campaigning or solicit political contributions of any kind during hour of employment. For purposes of this Section, hours of employment shall mean any time in which an official or employee is acting within the course and scope employment.
- 2. No Use of Municipal Equipment for Political Purposes.** No City employee or official shall use municipal equipment while engaged in political activity.
- 3. No Use of Influence or Position for Political Purposes.** No City employee or official shall, either directly or indirectly, use their position or employment status to coerce, command, or advise another municipal employee or official to pay, lend, or contribute anything of value to a political party, committee, organization, agency or person for political purposes.
- 4. No Political Test or Requirement.** No City employee or official shall attempt to make, or infer or insinuate as much, that another employee or official's personnel status, or salary or compensation, is dependent upon the support or lack of support for a political party, committee, organization, agency or person engaged in political activity.

5. **Prohibition on Holding Elected City Position and City Employment Simultaneously.** An elected City official or an official appointed to the City Planning Commission cannot simultaneously hold any employment (whether full or part time) with Lindon City.
6. **No Restriction of Private Political Activities.** Nothing herein shall be construed to restrict the right of employees to hold membership in, and support a political party or candidate, to maintain political neutrality, or to attend political meetings outside of working hours, express an opinion on all political subjects outside the workplace, or on personal social media outlets, enjoy freedom from interference in voting, or to contribute freely to political causes.

## **5.10 GARNISHMENTS**

The City is opposed to employees receiving garnishments. Department Heads should discuss the matter with such employees and arrange for improvement in the situation. Section 70C-7-104 of the Utah Code, states that no employee may be discharged "because earnings have been subject to garnishment in connection with any one judgment." However, garnishment on more than one indebtedness judgment may justify the City in taking disciplinary measures.

## **5.11 REDUCTION IN FORCE**

If specific circumstances, such as lack of funds or lack of work, dictate a necessary reduction in force, the Governing Body shall lay-off the necessary number of employees after conferring with the Personnel Director and Department Head(s) while considering length of service and performance.

## **5.12 SEPARATION**

No employee may be dismissed from service as a result of a change in the elected administration of the City or for the political expediency of an elected official.

## **5.13 RESIDENCY**

The City does not give preference in employment to Lindon taxpayers or their dependents, nor require establishment of residency within its corporate limits as a condition of employment for any position.

## **5.14 TRANSFER, REASSIGNMENT, RESIGNATION, PROMOTION**

### **5.14.1 Transfers**

A transfer is defined as a move from one department to another, and should not be confused with the managerial function of moving personnel from one division or office to another within the same department by promotion, demotion or reassignment.

Transfers must be approved by Department Heads. A transferring employee must qualify for the job to which he/she is transferring. A transferred employee shall retain all accumulated sick leave and annual leave.

### **5.14.2 Reassignment**

Employees who are reassigned shall be paid at the same salary that they received prior to reassignment. If such salary exceeds the maximum of the range for the position to which they are assigned, they shall receive the maximum for the pay step for the position.

#### **5.14.3 Resignation**

Excessive turnover is costly and should be avoided. Competent employees who resign voluntarily should be interviewed by the Department Head and Personnel Director. In such instance, the employee should be encouraged to reconsider. If the reason for the resignation is a misunderstanding or mistake by the City, an effort shall be made to correct the situation. Employees who resign and desire to leave the City in good standing should give at least a two week notice.

#### **5.14.4 Promotion**

Any employee receiving a promotion shall start on the first step of the salary range of the class to which he/she is promoted, and be eligible for merit increases as elsewhere provided, unless the present salary level is equal to or exceeds the probationary step of the class to which he/she is promoted. If this occurs, the promoted employee shall receive a salary increase to the next higher step.

### **5.15 WORKERS COMPENSATION**

Lindon City operates under the provisions of the State of Utah Worker's Compensation Act which provides that "any employee injured, or the dependents of any employee killed, during the course of his/her duties shall receive compensation for loss sustained on account of such injury or death, and for medical, nurse and hospital services, medicines, and funeral expenses."

Any injury occurring on the job must be reported to the supervisor immediately using forms prescribed by the State Labor Commission. Forms must be completed and submitted to the Personnel Director within seven days of the injury.

### **5.16 CAREER DEVELOPMENT**

Employees are encouraged to take advantage of education and training benefits to improve job skills and to qualify for transfers and promotions. These benefits are limited to training and education which is relevant to the employee's current position or "reasonable" transfer and promotion opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional education or training. These benefits will be available to all employees on a first-come first-serve basis, subject to the availability of budgeted funds.

Requests for education and training may be initiated by either the employee or the Department Head by completing and submitting an Employee Travel Request & Expense Disbursement Form (See Appendix A). Reference to training received should be made on the Performance Evaluation forms. Final decisions on requests for education and training will be made by the Personnel Director.

### **5.17 PAYMENT OR REIMBURSEMENT FOR TRAVEL**



In state travel for training opportunities is preferred. If specific training is available only out of state, travel and associated expenses must be approved by Personnel Director.

Reasonable travel expenses on duly authorized trips on City business to attend conventions, conferences, and meetings will be paid for or reimbursed by the City. Travel expenses must be included in an annual budget for each department anticipating travel as part of the budget process.

The following expenses will be considered for payment or reimbursement:

#### **5.17.1 Transportation Costs**

1. If a commercial airline is used, tourist or economy fare must be requested and used if available. First class will be allowed only if tourist or economy fares are not available.
2. Personal cars may be used if judged economical or advantageous to the City by the Personnel Director. Reimbursement for personal car use shall be at the rate per mile allowed by current federal reimbursement guidelines. Employees are instructed to use available City-owned vehicles and credit accounts whenever possible.

#### **5.17.2 Subsistence and Other Costs**

Subsistence, which consists of meals (excluding alcoholic beverages) and lodging will be paid or reimbursed as outlined.

1. Lodging and meal expenses will be paid or reimbursed based on the Utah State Travel Guidelines, and may be adjusted annually.
2. Other costs, such as parking fees, toll road charges and emergency repairs for City vehicles will be paid or reimbursed with receipts.
3. Reasonable local transportation charges will be paid or reimbursed with receipts.
4. Conference registration fees and extraordinary expenses, such as purchase of incidental supplies or publications will be paid by or reimbursed with receipts.
5. Money may be advanced for anticipated expenses upon request and submission of a Travel Request & Expense Disbursement Form.

### **5.18 HARASSMENT POLICY**

#### **5.18.1 Purpose**

Lindon City is committed to maintaining a work environment that encourages and fosters appropriate conduct among colleagues and respect for individuals, and each employee's values and sensibilities. Accordingly, Lindon City officers and administration are committed to enforcing its Harassment Policy at all levels within the workplace and creating an environment free from discrimination and harassment of any kind.

#### **5.18.2 Policy**

It is the policy of Lindon City to establish guidelines and restrictions to eliminate discrimination and harassment of any kind in the workplace. Employees of Lindon City will be required to act according to the following guidelines:



1. Any verbal, non-verbal or physical action may constitute harassment if it is based on a person's protected status. For the purposes of this policy, areas of protected status at Lindon City include race, color, national origin, religion, sex, sexual orientation, gender identity, disability, or age. Harassment based on protected classes may create an intimidating, hostile or offensive work environment that unreasonably interferes with work performance or negatively affects an individual's employment opportunities. Harassment based on any of these protected categories will not be tolerated. The following are examples of conduct which could be considered harassment:
  - a. Making derogatory comments, insults, suggestive remarks, or jokes regarding an individual's race, color, national origin, religion, gender, disability, age, or sexual orientation.
  - b. Conduct which has the purpose or effect of degrading, or creating an intimidating, hostile or offensive work environment related to an individual's race, color, national origin, religion, gender, disability, age, or sexual orientation.
  - c. Stating or implying that a particular employee's deficiencies in performance are attributable in whole or in part to their race, color, national origin, religion, gender, disability, age, sexual orientation.

The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

In addition, severe and/or persistent aggressive or bullying type behavior directed toward another employee which is not related to protected classes may be cause for disciplinary action. Reports of aggressive behavior will be considered on a case by case basis.

2. Included in the Harassment Policy of Lindon City is sexual harassment. Sexual harassment is defined by the federal Equal Employment Opportunity Commission as "unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature or sex-based nature where (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (2) an employment decision is based on an individual's acceptance or rejection of such conduct, or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment."
3. Prohibited acts of sexual harassment can take a variety of forms. The following are examples of conduct which could be considered sexual harassment:
  - a. Persistent or repeated unwelcome flirting, pressure for dates, sexual comments or touching.
  - b. Sexually suggestive jokes, gestures or sounds directed toward another or sexually oriented or degrading comments about another.
  - c. Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct, or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances.
  - d. The open display of sexually oriented pictures, posters, or other material which could be offensive.
  - e. The use of City computers to import or forward e-mail or other items which are objectionable or obscene in nature.

- f. Retaliation against an individual for reporting or complaining about harassing conduct. Possible acts of retaliation may include changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work-related matters, as well as intimidation or questioning of an individual.

The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

### **5.18.3 Procedures**

It is difficult to list every possible inappropriate situation. If a question arises concerning the implementation of these standards, an employee should consult with the Supervisor and/or Department Head to resolve any issues or answer any questions. Any employee who believes he/she has been subjected to harassment or hostile work environment based on any of the Protected Classes, or harassment of any kind has the right to file a complaint.

Minor violations of this policy can often be resolved through discussion with the Supervisor/Department Head. If the Supervisor/Department Head has participated in the harassment or satisfactory results are not obtained, or if the violation is serious, the following procedure is to be followed:

1. If an employee of Lindon City feels they have been harassed or discriminated against based on any Protected Class, including sexual harassment, the following procedure will be followed:
  - a. Document the harassment, including dates, times, names of individuals involved, specific setting, etc.
  - b. Complete and submit a Discrimination/Harassment complaint form available from the Personnel Director (see Appendix A).
  - c. Submit the completed form and report the incident to the Personnel Director or the Human Resource Manager.
2. Upon receiving the written complaint of harassment or discrimination, the Personnel Director will proceed as follows:
  - a. Once a complaint has been received, the Personnel Director will initiate an investigation within five working days of notification. If the Personnel Director is the subject of the investigation, it will be performed by the Human Resource Manager. The investigation will include an interview with the employee who made the initial report, the person towards whom the suspected harassment was directed if that person is someone other than the complainant, and the individual accused of the harassment. Any other person who may have information regarding the alleged harassment may also be interviewed. To the extent possible, confidentiality will be maintained, while ensuring a thorough investigation.
  - b. Upon completion of the investigation, the Personnel Director or Human Resource Manager will prepare a written report within ten working days from notification of the suspected harassment unless extenuating circumstances prevent it, in which case the report shall be prepared as promptly as possible and the complainant shall be notified as to the reason for the delay. The report will include a finding that harassment did occur, did not occur, or that there is inconclusive evidence as to whether harassment occurred. When requested, a copy of the report will be given to the employee who made the initial report, the employee to whom the harassment was directed, and the employee suspected of the harassment.

- c. Disciplinary action will be taken against any employee found to have engaged in harassment of any other employee. Lindon City has the right to apply any level of discipline, up to and including termination, depending on the nature and severity of the offense. Where a hostile work environment has been found to exist, Lindon City will take all reasonable steps to eliminate the conduct creating such an environment.
- 3. All information relating to any report of harassment which is reported to and handled by the Supervisor /Department Head will be forwarded to the Personnel Director for documentation.

#### **5.18.4 Supervisors**

Commission of an act of harassment by a supervisor with respect to any employee under the supervisor will result in a written reprimand, suspension or termination, depending upon the nature and severity of the misconduct. Supervisors are required to report any acts of harassment they become aware of. Failure to report such incidents will be cause for disciplinary action up to and including termination.

#### **5.18.5 Citizens, Contractors, and Vendors**

Any vendor, citizen or contractor deemed to be harassing a City employee will be dealt with according to the provision of State and Federal law. Those having a business association with the City may have the association terminated for acts of harassment.

#### **5.18.6 Consensual Relationships**

Consensual relationships between employees working in the same department are strongly discouraged but not prohibited. Lindon City employees are expected to be aware of their professional responsibilities and avoid apparent or actual conflict of interest, favoritism, or bias. If a supervisor and employee enter a consensual relationship, the person in authority can no longer supervise or evaluate the work of the individual with whom they are in a relationship. The person in authority is responsible to take steps to resolve the conflict by consulting with her/his supervisor to identify who can supervise and evaluate the work of the individual with whom they share a consensual relationship. Furthermore, care should be taken to ensure that the relationship does not interfere with either employee's work performance, and that the nature of the relationship does not affect either employee negatively according the sexual harassment guidelines. The Personnel Director or Department Head should be notified of consensual relationships between City employees, including a written statement signed by both parties that the relationship is consensual and welcome. The City Personnel Director or Department Head should also be notified in the event that the consensual relationship is terminated. The City reserves the right to terminate any supervisor in a consensual relationship with another City employee if it is deemed necessary to avoid potential or perceived conflicts of interest or harassment issues.

### **5.19 PERSONAL APPEARANCE POLICY**

#### **5.19.1 Purpose**

This policy has been developed to encourage the proper dress and grooming of Lindon City employees. Proper appearance contributes to the morale of all employees and can affect the business and professional image the City presents to patrons, visitors, and vendors.

### **5.19.2 Policy**

It is the policy of Lindon City to establish basic guidelines concerning the personal appearance of employees. In order to maintain a professional atmosphere, all employees are expected to maintain the following minimum standards:

1. Employees must be able to perform their job duties without interfering with the performance of other employees. Therefore, employees must maintain a high standard of personal hygiene, including no offensive odors during work hours. This includes strong perfumes or colognes which may present a health hazard to other employees or patrons.
2. Employees must wear clothing appropriate to their employment. Appropriateness may vary depending upon the nature of work performed and the degree of public contact. However, radical departures from conventional community dress and grooming standards are not permitted, regardless of the nature of the job performed.
3. Employees must wear clothing that is clean and neat. Employees are prohibited from wearing clothing styles which are disruptive or interfere with the work environment and professional appearance of City employees including but not limited to, clothing which is offensive, clothing that advertises alcohol, tobacco, drugs, sexually suggestive material, or commercial products, as well as clothing that is torn, ragged, or cut-off. Additionally, tight fitting clothing, short skirts revealing any area above mid-thigh, low-cut blouses or tops that reveal cleavage or chests, tank tops, or shirts or pants that reveal the stomach or back area during movement are not permitted.
4. Excessive ornamentation such as body piercing for the wearing of non-traditional jewelry, such as multiple earrings, studs in the nose, lips, eyebrows or tongue, is not permitted during work hours. When possible, tattoos should be covered while at work. Wearing of jewelry of any kind should be kept to a minimum for the purposes of safety.
5. Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length. Exotic hairstyles, such as Mohawks, spikes, or hair that is unnatural in color (pink, green, blue, etc.) can be disruptive and are discouraged.

### **5.19.3 Procedure**

It is difficult to list every possible inappropriate situation. If a question arises concerning the implementation of these standards, an employee should consult with the Supervisor and/or Department Head to resolve any issues. The Department Head will make the final decision regarding correction or discipline.

Employees who violate these standards will receive verbal instruction from their Supervisor or Department Head regarding appropriate appearance. If it is determined that a violation of this policy has occurred, the employee will be sent home and directed to return to work with proper appearance on the direction of the Supervisor or Department Head. Under such circumstances, employees will not be compensated for the time away from work, and shall not be eligible to use or apply other paid time off.

Subsequent violations of a similar nature are cause for further disciplinary action up to and including termination.

## 5.20 WEAPONS POLICY

### 5.20.1 Purpose

Lindon City is committed to maintaining a work place that is free of violence. This obligation includes the regulation of recognized hazards which contribute to violence or could cause serious harm. While Lindon City desires to maintain an environment free of dangerous weapons, the City recognizes that the regulation of the possession and carrying of firearms is reserved solely to the state legislature and adopts the following provisions subject to such regulations and provisions in the state code.

### 5.20.2 Policy

It is the policy of Lindon City to establish clear guidelines regarding the possession and use of weapons during hours of employment. For purposes of this Section hours of employment shall mean any time in which an official or employee is acting within the course and scope of their employment or duties. All Lindon City employees and officials will be required to adhere to the following provisions:

1. **Strict Compliance with State and Federal Law.** If an official or employee elects to carry a firearm during hours of employment, they shall strictly obey all state and federal laws and regulations pertaining to the carrying or possession of a firearm, either concealed or otherwise.
2. **Houses of Worship and Private Property.** During hours of employment, Lindon City employees are restricted from possessing or carrying any firearm into any house of worship or onto any private property where the owner, or person with apparent authority, makes it known, either through actual or constructive notice, that firearms are prohibited on such property.
3. **Unattended Weapons.** No official or employee may leave any firearm, or other dangerous weapon as defined by Section 76-1-601, unattended or unsecured on City property or within a City vehicle or equipment. A firearm or dangerous weapon will be considered to be secured only if it is securely locked in private vehicle or has a secured gun lock that prevents the firearm from being discharged.
4. **Discharge of Firearms Prohibited.** While the state legislature has reserved the right to regulate the carrying and possession of firearms, in § 10-8-47, it has delegated to municipalities the authority to regulate the use or discharge of firearms. As such, no official or employee may discharge any firearm during hours of employment.
5. **Exceptions.** The only exceptions to this policy are police officers, security guards or other persons who are required to carry a weapon in the performance of their duties.

### 5.20.3 Procedure

Any employee who becomes aware of a violation of this policy is required to immediately notify the Personnel Director.

Failure to abide by this policy may result in discipline up to and including termination. Further, carrying a weapon onto City property in violation of this policy will be considered an act of criminal trespass and will be grounds for immediate removal from city property, and may result in prosecution.

## **5.21 FMLA (FAMILY MEDICAL LEAVE ACT) POLICY**

### **5.21.1 Purpose**

Lindon City supports a work environment that offers solutions to the complex issues individuals face in balancing their work and family commitments. FMLA requires covered employers to provide up to twelve weeks of unpaid, job protected leave per year to eligible employees for certain family and medical reasons.

### **5.21.2 Policy**

It is the policy of Lindon City to outline the specific requirements for the use of the Family Medical Leave Act (FMLA) according to standards established by the United States Government. Employees are eligible if they have worked for a covered employer for at least one year, and for at least 1,250 hours over the previous twelve months, and if there is a qualifying status change. Qualifying status changes include:

- a. a serious personal health condition that prevents an employee from performing his or her job;
- b. care of a child during the first year following birth, adoption, or foster care placement;
- c. care of an immediate family member who has a serious health condition; or
- d. a chronic health condition which requires intermittent absences from work.

Leave taken for one of the reasons stated above will be designated FML. FML is not intended to cover short-term illnesses that do not meet the definition of a serious health condition, where treatment and recovery are brief.

Qualifying immediate family members include: spouse, daughter, or son, step daughter, step son, foster child, or other persons for whom the employee is legally responsible.

### **5.21.3 Procedure**

FMLA request forms are available from the Personnel Director (see Appendix A). When a qualifying status change is anticipated, verbal notice should be given as far in advance as possible, followed by a written request submitted thirty days prior to the leave. When an incident is immediate or unforeseen, notice should be given as soon as is practical, within one to two days of when the need for leave becomes known to the employee.

Appropriate documentation of the qualifying status change should accompany any request for FML. Documentation for a serious health condition requires a written statement from a medical doctor. Appropriate documentation, such as court records, must also be submitted for qualifying status changes related to adoption or foster care placement.

Following submittal of FML request forms and documentation, the Personnel Director will notify the employee if the request meets the guidelines necessary for FML eligibility using the FMLA Response Form (see Appendix A). If FML is granted, the employee will be required to furnish a report every two weeks of their status and intent to return to work. If circumstances of leave change and the employee

will be able to return to work earlier than the date indicated in the original request, two days' notice is required before returning to work. In the event that leave will extend beyond the date originally requested, additional documentation may be required at the discretion of the Personnel Director.

Paid leave, such as sick leave, vacation leave, and compensatory time will run concurrently with FML. Total leave cannot exceed twelve weeks per year beginning on the date FML begins. Eligible FML leave may be taken concurrently during a twelve week period, intermittently over the twelve month period, or on a reduced work schedule over the twelve month period. Only the amount of leave actually taken will be applied to the twelve week period of leave.

Employment benefits will be maintained during the leave period. When leave is concluded, the individual will return to the same or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Any request for FML must meet the standards established by this policy and the Family Medical Leave Act of 1993.

## **5.22 COMPUTER AND INTERNET USE**

### **5.22.1 Purpose**

This policy has been developed to encourage the proper use of computers, laptops, tablets, smart phones, or similar electronic devices, including electronic mail and internet systems, (hereafter collectively referred to as "computers") provided to employees by the City to assist in efficient performance of job functions. This policy is also intended to balance the needs of the City in creating a safe and non-offensive workplace along with a reasonable expectation of privacy by employees.

### **5.22.2 Policy**

It is the policy of Lindon City to establish basic guidelines concerning the appropriate use of computers within the City. These computers have been provided by the City to employees for the purposes of performing functions such as communication, information exchange, and research and are the property of Lindon City.

### **5.22.3 Guidelines**

An employee of the City should be aware that the City reserves the right to inspect at any time the contents of any computer, file, e-mail file, voice mail, internet usage, or other equipment provided by the City. Reasons for such inspections may include, but are not limited to:

- a. System, hardware or software problems;
- b. General system failure;
- c. A lawsuit against the City;
- d. Suspicion of a crime or violation of policy; or
- e. The need to perform work or provide a service when the employee is unavailable.

### **5.22.4 Computer Use**



As stated above, the City reserves the right to review, at any time, all files on any computer owned by the City. Upon request all passwords must be given to the City when the files are password protected.

Minimal use of City computers to send or receive personal e-mails, or brief use of the internet for personal reasons is allowable, provided that such use does not interfere with the employees work responsibilities or is completed on the employees own time or break periods. Other personal use of City computers is authorized only if approved by the appropriate Department Head or the Personnel Director.

Certain uses of city owned computers, including internet and e-mail systems, are prohibited and include, but are not limited to, the following:

- a. Political activity as outlined in Section 5.9 - Prohibition of Political Activity;
- b. Commercial or business activities not related to the City;
- c. Sending obscene or suggestive messages;
- d. Sending, viewing, or downloading offensive graphic images;
- e. Storage of large amounts of personal data such as photographs, music, or other files;
- f. Personal use of City computers for a private business;
- g. Threats or harassment;
- h. Slander or defamation; or
- i. Any illegal activities.

#### **5.22.5 Enforcement**

Violations of this policy will be reviewed on a case-by-case basis and may result in disciplinary action, up to and including termination. This policy will be enforced with restraint and in a reasonable manner, and will be used only when there is a compelling reason to do so.

Any employee who becomes aware of a violation of this policy by another employee should report the violation to the Personnel Director or Department Head.

### **5.23 CELL PHONE USE**

#### **5.23.1 Purpose**

This policy has been developed to encourage the proper use of cell phones while operating a City vehicle or private vehicle on City business, and to balance the communication needs of the city in creating a safe and open workplace.

#### **5.23.2 Policy**

It is the policy of Lindon City to establish basic guidelines concerning the use of cell phones while driving in city vehicles and operating private vehicles on city business for the safety of the driver, passengers, and other drivers on the road; and to establish a policy whereby the City and the employee share in the cost of city provided cell phones.

#### **5.23.3 Cell Phone Use**



When operating a City vehicle or driving a private vehicle on City business, employees will minimize the use of cell phones. If taking or making a call while driving, the employee will be required to act in compliance with Utah State Code 41-6a-1716; Handheld Wireless Communication Device as follows:

- Wireless communication devices are defined as a wireless telephone, text messaging device, or laptop computer
- Prohibited activities while operating a moving vehicle on the highway include; write, read or send a written message, dial a phone number, access the internet, view or record a video, or enter data into the device.
- Exceptions to the prohibited activities listed above include; using a handled device for voice communication, viewing a GPS or navigation app, during a medical emergency, reporting or requesting assistance relating a safety hazard or criminal activity, use of a hands-free or voice operated technology system integrated into the vehicle.
- Use by law enforcement or emergency service personnel within the scope of their employment also constitutes an exception to the prohibited activities.

#### **5.23.4 Cost Sharing**

In specific situations, and with Department Head approval, employees using a cell phone in the course of their duties may use their personal cell phone on a personal account for City business. In this case, the City will reimburse the employee \$10 per month to compensate for cost associated with City business.

Employees may choose to use a cell phone issued and paid for by the City. In this case, the employee will pay \$10 per month through payroll deduction to compensate for the cost of personal use of the cell phone.

#### **5.23.5 Enforcement**

Violations of the cell phone “use” portion of this policy will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination. Violation of these standards constitutes a Class C Misdemeanor or a Class B Misdemeanor if the violation causes serious bodily injury to another person. A second or subsequent conviction of the same violation within the past three years also constitutes a Class B Misdemeanor.

### **5.24 DISCIPLINARY PROCEDURES**

It is the responsibility of each employee to observe regulations necessary for the proper operation of City government functions. Administrative procedures have been established for handling disciplinary measures. As a part of any disciplinary action, employees will be counseled as to the action which precipitated the discipline, and improved job performance which will correct the unacceptable situation or behavior. Employees will also be given an opportunity to respond to the allegations and provide a written statement regarding the disciplinary action.

Employees may not be discharged, suspended without pay, or demoted because of the employee’s political or religious beliefs.

The following levels of discipline may be applied as appropriate to the situation:

#### **5.24.1 Verbal Warning**

Whenever grounds for disciplinary action exist, and the supervisor or Department Head determines that more severe action is not required, the Department Head should verbally communicate to the employee the observed deficiency. Verbal Warnings will be documented by the Department Head using a Disciplinary Action form signed by the Department Head and the Employee. The documentation will include the date and time of the conversation, and a brief description of the conversation. The Disciplinary Action form will be forwarded to the Personnel Director for documentation purposes. The documentation will be placed in the employees personnel file for a period of two years. Records of verbal warnings will be removed from an employee's personnel file after the two year period provided no additional disciplinary action has occurred. Disciplinary action consisting of a verbal warning may not be appealed.

#### **5.24.2 Written Reprimand**

A Department Head may reprimand an employee in writing. Written reprimands are to be documented on a Disciplinary Action form signed by the Department Head and the Employee. The documentation will consist of the date and time of the reprimand, a detailed description of the deficiency, and any expected corrective action on the part of the employee. The Disciplinary Action form will then be forwarded to the Personnel Director. The documentation will be retained permanently in the employees personnel file. Disciplinary action consisting of a written reprimand may not be appealed.

#### **5.24.3 Pre-Disciplinary Hearing**

Prior to imposing disciplinary actions of Probation, Suspension (without pay of more than 2 days), Demotion or Termination of an employee, a Pre-Disciplinary hearing will be held with the employee, the Department Head and the Personnel Director. The employee will be notified of the date and time of the hearing using a Notice of Pre-Disciplinary Hearing form. At the Hearing, the employee will have the opportunity to present information which may have an impact on the decision to take disciplinary action. Following the hearing, the employee will be notified of what disciplinary action, if any, will be taken using a Disciplinary Action Form, or if no disciplinary action will be taken.

#### **5.24.4 Probation**

A Department Head may, with the written approval of the Personnel Director, place an employee on probation as a disciplinary measure. On or before the effective date of the probationary period, the employee will be notified using a Disciplinary Action Form stating the reasons for the probation, the length of the probation, and the objectives that must be met during the probationary period to restore the employee to a non-probationary status, and to avoid further disciplinary action. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee. Disciplinary action consisting of imposition of a probationary period may not be appealed.

#### **5.24.5 Suspension**

A Department Head may, with the written approval of the Personnel Director, suspend an employee for up to, but not exceeding ten calendar days as a disciplinary measure. On or before the effective date of the suspension, the employee will be notified using a Disciplinary Action Form of the reasons for the suspension, the length of the suspension, and the objectives that must be met during the suspension in order for the employee to be reinstated, and to avoid further disciplinary action. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee.

#### **5.24.6 Demotion**

A Department Head may, with the written approval of the Personnel Director, demote or reduce in salary any employee for disciplinary reasons. On or before the effective date of the demotion, the employee will be notified using a Disciplinary Action Form of the reason for the demotion, and objectives which must be met to avoid further disciplinary action. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee.

#### **5.24.7 Termination**

A Department Head may, with the written approval of the Personnel Director, terminate an employee for disciplinary reasons. The City reserves the right to terminate any employee proven to be in violation of any policy set forth in this manual, depending on the nature and severity of the offense. Action taken will be documented by the Department Head using a Disciplinary Action Form signed by the Department Head and the Employee.

Following is a summary of possible actions which may be cause for termination:

- a. Insubordination;
- b. Conviction of a crime of moral turpitude or dishonesty or felony while an employee of the City;
- c. Indulging in offensive conduct or using offensive language;
- d. Deliberate or careless conduct endangering the safety of the public or other employees;
- e. Inducing or attempting to induce any City employee to commit an unlawful act, or violate City regulations, official policy, or department directives;
- f. Using, threatening, or attempting to use personal or political influence to secure special consideration as a City employee;
- g. Incompetency or inefficiency in the performance of job duties resulting in two consecutive unsatisfactory ratings on performance evaluations;
- h. Carelessness or negligence with City monies or property;
- i. Theft or intentional destruction of City property;
- j. Intentional falsification of personnel records, time reports, or other City records;
- k. Being under the influence of intoxicants or drugs while on duty;
- l. Sleeping on duty except as may be provided for in official City regulations;
- m. Change in ability to comply with the job description;
- n. Failure to notify the Department Head and Personnel Director of a change in the status of the employee's driver's license;

- o. Revocation of an employee's driver's license;
- p. Excessive absenteeism or tardiness;
- q. Excessive horseplay and related activities which create safety hazards;
- r. Violations of safety rules and practices;
- s. Smoking in posted or unauthorized areas;
- t. Failure to report to work without notifying the Supervisor or Department Head, unless it is not possible to give such notice;
- u. Inattentiveness to work, failure to start work at the designated time, quitting early, or leaving work without authorization from the Supervisor or Department Head; or
- v. Vending, soliciting, or collecting contributions on City time or premises without proper authorization.

This list should not be construed to be all-inclusive. It is difficult to list every possible situation which may be cause for termination.

## **5.25 SUSPENSION, DEMOTION OR TERMINATION APPEALS PROCEDURES**

### **5.25.1 Employee Appeals Authority**

The City shall contract with an appointed independent Employee Appeals Authority who will hear appeals of Suspension, Demotion or Termination.

### **5.25.2 Appeals of Suspension, Demotion or Termination**

It shall be the policy of Lindon City to comply with the appeal procedure outlined in Section 10-3-1106 of the Utah State Code.

In the case of suspension, demotion or termination, a full-time regular employee, who is not an appointed or probationary employee, has the right to appeal the decision to the Employee Appeals Authority. The appeal must be in writing and filed with the City Recorder within ten days of the demotion or termination. The City Recorder will then refer the matter to the Employee Appeals Authority which will receive evidence and fully hear and determine the matter. The employee shall be entitled to appear in person and to be represented by counsel (at the employee's expense), to have a public hearing, to confront any witness's whose testimony is to be considered, and to examine any evidence.

In the event that Employee Appeals Authority does not uphold the suspension, demotion or termination, the City Recorder shall certify the decision to the affected employee, and also to the Personnel Director and/or Department Head. The employee shall be paid his salary, commencing with the next working day following the certification by the City Recorder of the decision of Employee Appeals Authority, provided the employee reports for his/her assigned duties the next working day.

## **5.26 SUSPENSION PENDING INVESTIGATION AND DECISION**

At the sole discretion of the City, an employee may be suspended (with or without pay) pending an investigation. If after an investigation the employee is found guiltless, the employee shall be restored to his or her position and compensated for any lost pay.

## **5.27 GRIEVANCE PROCEDURE**

It is the policy of Lindon City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which do occur.

Whenever a grievance other than for disciplinary action arises or is directed to the attention of the Department Head, the Department Head shall discuss all relevant circumstances with the employee and address the grievance to the extent the Department Head deems advisable and possesses authority.

If the Department Head fails to settle the grievance in a satisfactory manner, the employee shall provide a written grievance with the Department Head's decision to the Personnel Director within ten days of the notice to the employee of the Department Head's decision. The Personnel Director shall promptly discuss all relevant circumstances with the employee and Department Head and address the grievance to the extent the Personnel Director deems advisable and possesses authority.

If the Personnel Director fails to settle the grievance in a satisfactory manner, the employee shall within ten days of the notice of the Personnel Director's decision file with the Personnel Director a written appeal explaining the basis for the appeal. The Personnel Director shall transmit the appeal and a brief explanation to the Governing Body.

The Governing Body shall schedule a hearing with the parties within 15 working days after receipt of the grievance. The governing body shall render a written decision to the employee within five working days after conclusion of the hearing. The governing body shall render its findings and decisions to all concerned parties, in writing, which decision shall be final and binding.

## **5.28 CONFLICTS OF INTEREST**

### **5.28.1 Disclosure Statement**

All City employees, elected officials, and appointed officials are required to submit an annual disclosure statement regarding conflicts of interest or potential conflicts of interest related to their position with the City. The disclosure form is included in Appendix A.

### **5.28.2 Referring to a Partner Agency**

In the event that a current or former City Employee or an immediate family member of a current or former City Employee, including current or former Elected or Appointed Officials, is involved in any legal action or incident involving or investigated by the Lindon City Police Department, the case shall be referred to a partner agency, such as Pleasant Grove City or Orem City, for investigation and/or prosecution. Any legal action or incident involving or investigated by the City which affects a vendor with whom the City conducts substantial business, or a contracted professional serving the City, shall also be referred to a partner agency. This policy will not apply to minor infractions, or in the event of an emergency situation. In the case of an emergency situation, the case shall be referred to a partner agency as soon as practicable for investigation and/or follow up. Immediate family member shall mean husband, wife, son, daughter, father, mother, sibling, or any equivalent step family member or in-law family member.

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## Section 6 – Employee Compensation & Benefits

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## EMPLOYEE COMPENSATION –

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### 6.1 COMPENSATION

#### 6.1.1 Cost of Living Allowance (COLA)

Cost of living allowances (COLA) may be considered each year when it is determined from an appropriate index that such an increase is warranted, and after considering the impact of such an increase on the City budget. If approved by the Governing Body as part of the annual budget, COLA increases will be effective on July 1 each year.

#### 6.1.2 Merit Increases

A regular full time or regular part time employee may qualify for a merit increase effective January 1 each year. The City Council will consider approval of Merit Pay Increases as part of annual budget adoption in June of each year, with an additional fiscal evaluation occurring in December each year prior to implementation of merit increases for payment beginning in January of each year. The six month fiscal review prior to implementation of Merit Increases is intended to protect the City from experiencing financial constraints in the event that budgeted revenue is less than anticipated. When approved by the City Council, Merit Pay Increases will be implemented using the Evaluation Score Table as follows:

**Table 6-1**

<b>Table of Evaluation Scores and Merit Percent</b>	
<b>Final Score</b>	<b>Merit Percent</b>
8 or higher	100%
7 – 7.9	90%
*6 – 6.9	80%
4 – 5.9	No Merit
1 – 3.9	Probation
*Range steps 1 – 5	6.0 or higher for full merit

1. A regular full time or regular part time employee may qualify for a merit increase effective January 1 each year, based on the following criteria:
  - a) After an annual performance evaluation employees will be eligible for a full or partial merit increase as approved by the City Council based on the following Performance Evaluation criteria:
    - Employees currently working in Step 1 through Step 5 on the pay scale will be moved to the next step on the pay scale for an evaluation score of 6.0 average or better.
    - Employees currently working between the Mid and High steps in their respective pay range will be eligible to receive the full merit increase or

a partial merit increase at the percentage approved by the City Council based on the Final Score and Merit Percent shown in Table 6.1 above.

- b) In the case of an exceptional employee, after full written justification and review, he or she may be moved to a higher step upon Department Head recommendation and Personnel Director approval; and
- c) For employees completing the probationary period, if the evaluation at the end of the probationary period shows 6.0 performance score or better, an employee may be granted a step increase.
- d) Performance Evaluation Forms are found in Appendix A.

#### **6.1.2a Merit Pay Bonus Program**

In addition to traditional performance based merit increases for employees within their pay range, a one-time merit bonus pay opportunity is provided for employees who have reached the high end of their pay scale. This one-time payment will be based upon the same performance criteria as other employees who have reached the high end of their pay range. Merit Pay Bonuses will be paid on the first payday following January 1<sup>st</sup> of each year, based on results of the Performance Evaluation.

#### **6.1.3 Work Period**

1. The City's standard work week begins Saturday at 12:00am and ends the following Friday at 11:59pm. FLSA nonexempt employees may not deviate from this 40-hour work week.
2. City offices are typically open Monday through Friday from 8 a.m. to 5 p.m. The City Council may adopt alternative business hours for Public Works, Parks & Recreation, or other facilities as deemed appropriate to best accommodate the public.
3. Department Heads may approve flexible starting and ending times for employees as long all staffing needs are met and standard public services are accommodated during regular business hours. Telecommuting, as needed, may only be approved on a limited basis by Department Heads.
4. An employee is required to be at work on time. An employee who is late, regardless of the reason, including inclement weather, shall, with Department Head approval, make up the lost time by using accrued leave, leave without pay or adjusting their work schedule to make up the time.
5. Employees shall account for all hours worked through an approved employee time card or other method authorized by the Department Head. Failure to properly document hours worked may be cause for termination.
  - a. An employee's time worked shall be calculated in increments no smaller than 5 minutes.

#### **6.1.4 Lunch and Break Periods**

1. Each full time work day shall include a minimum of 30 minutes non-compensated lunch period, unless otherwise authorized by the Department Head.
  - a. Lunch periods may be used to shorten a work day if approved as part of a flexible work schedule by the Department Head.
2. An employee may take one 15-minute compensated break period for every four hours worked.

- a. Break periods may be accumulated on the same day of work to accommodate a longer mid-day lunch period if approved by the Department Head (example: 1.5 hour lunch period as opposed to 1 hour lunch period).
- b. 15 minute break periods may not be accumulated on the same day of work to accommodate a shorter work day.
- c. Except as outlined in 2(a) of this section, unused 15 minute break periods are not accruable.

#### **6.1.5 Overtime**

From time to time Department Heads or other management may require employees to work overtime. Overtime work shall occur only in emergency situations. The practice of overtime work shall be kept to an absolute minimum. All overtime work must have prior approval of the Department Head. For classified employees (non-exempt employees as defined by Fair Labor Standards Act (FLSA) guidelines), any time worked over forty (40) hours in one work week will be considered overtime. Time worked does include holidays observed by the City, but does not include vacation, sick or compensatory time used or a Personal Holiday taken. Overtime will be paid on a time and one-half basis and may be in the form of compensatory time off (comp time) or monetary compensation as specified in this manual. The decision whether to allow compensatory time or overtime pay will be at the discretion of the Personnel Director, after consultation with the Department Head. Nothing in this or any other City policy shall be construed to give an expectation or right to continued or future overtime hours.

The maximum accumulation of comp time will be 240 hours, unless otherwise mandated by FLSA guidelines. An employee who has accrued the maximum number of compensatory hours shall be paid monetary overtime compensation for any additional overtime hours of work. The City may prohibit an employee who has accumulated the maximum amount of comp time from working additional overtime hours. The City may require an employee to use accumulated compensatory time before vacation, sick, or personal holiday can be used. Payment for unused compensatory time shall be made in the event of separation from service for any reason.

Exempt employees (as defined herein and by FLSA guidelines) required to work beyond the regular work period shall be compensated in accordance with the Administrative Leave section.

#### **6.1.6 Weekends and Holidays**

Many positions are required to work on weekends and holidays (i.e., police, life guards, parks & recreation staff, etc.). Except for employees who are 'called-out' to return to work in emergency situations, employees scheduled or required to work on weekends will not be paid overtime unless they have exceeded forty (40) hours of work during the regularly defined work week.

#### **6.1.7 On-call**

The Public Works Director, or designee, will provide 24 hour on-call coverage to receive and respond to all calls after hours. The Parks & Recreation Director may also assign one parks employee to be on call during the secondary water service operation and during heavy rental periods between April 1<sup>st</sup> and October 31<sup>st</sup>.

One qualified and trained public works and/or parks employee will be assigned to be on call for a seven day period. The Department Head will determine if the employee is qualified. The (on-call) coverage will commence at 3:30 pm on Friday and will continue until 3:30 pm the following Friday, or as otherwise relieved of on-call duty. During this time, the on-call employee shall not consume alcohol, or use any drug that may impair the judgment or ability of the employee to perform assigned duties (See Section 7, Drug Free Workplace).

The assigned on-call employee will be provided with a vehicle and-cellular phone. To accommodate being available to receive all calls, the employee will be allowed to use the vehicle for personal use, provided the employee always carries the pager and/or phone issued by the City when using the vehicle. While on-call, the employee must be able to report to work within 30 minutes (including traffic congestion). Employees assigned to be on-call will receive weekly on-call pay. On-call pay will be adjusted to include the same annual cost of living adjustment given to other employee pay scales within the City. With approval from the Department Head, on-call employees may elect to receive the equivalent compensatory time in lieu of monetary on-call pay.

In order to reduce response time of snow removal during winter storm events, if snow is forecasted within a 24-hour period, snow plows may be taken home at night if the employee residence is within one-mile radius of the City limits. The plow is to be parked at a safe location on the employees' property and may not be used for any personal use except returning to work. The employee shall not use the plow for snow removal on personal property or other non-public property. The action of taking a snow plow home after work hours does not constitute being 'on-call' in regards to receiving on-call pay, unless an individual has been specifically assigned as the 'on-call' employee. Employees will not be compensated for commute times to-and-from their place of residence.

#### **6.1.8 Call-Out**

Non-exempt employees who are required to work outside the scope of normal office hours to assist with unscheduled, emergency situations shall receive compensatory time at the time-and-a-half rate for each hour worked. The employee shall be compensated for a minimum of one hour of work for each 'call-out'. All call-out hours will be paid on a time and one-half basis regardless of the number of hours worked during the regular work week. Hours worked by an employee coming in early or staying late to finish a project or other non-emergency work activity are not eligible as call-out or overtime hours worked unless the employee has exceeded 40 hours during the work week.

With direction from the Department Head, employees who are on-call may call other employees for assistance. Other employees who are 'called-out' will be compensated per the call-out requirements in this section, but shall not receive 'on-call' pay. If other employees are not reasonably available to respond to needed assistance, the on-call employee may continue to contact employees from other departments who may be available and/or qualified to assist in the matter. During emergencies, the Personnel Director or Department Head may compel employees to report to work or otherwise respond to call-out situations. Failure of any employee to report to work during emergency call-outs will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination.

If an employee is required to return to work after having left the premises, all time spent responding to calls, including travel time to and from work, shall be compensated at the time-and-a-half rate as hours worked.

Any employee who is called back to work during non-scheduled emergency work hours and has recently consumed alcohol or drugs which may impair the ability of the employee to safely perform his/her duties shall notify the supervisor of the impairment and shall not report to work (See Section 7, Drug Free Workplace).

Scheduled, non-emergency, work activities that are not during regular office hours, in which an employee was given at least 24-hours notice of the activity, are not eligible for call-out / overtime pay unless the employee has worked more than 40 hours during the work week, and has the approval to receive overtime pay (or comp time) from the Department Head.

#### **6.1.9 Administrative Leave**

Exempt employees who as part of their normal duties spend more than forty (40) hours a week in work assignments are eligible to receive Administrative Leave. This leave is not accruable nor is it vacation. Administrative Leave must be taken during same work week as the extended work days unless specifically approved by the Personnel Director.

#### **6.1.10 Salary Advancement**

Increases based on the meritorious or superior performance of job duties as indicated by a performance evaluation are available upon recommendation of the Personnel Director. A "Salary Advancement" is separate from a "Merit Increase." Salary advancements are available only within the current pay range identified for the position in the Salary Scale.

##### **6.1.10(b) Salary Scale**

Employee salary advancement shall be based on a 6-step scale. Advancement through the first 5 steps of the pay range is dependent on favorable performance evaluations through the first five years of an employee's employment. Given favorable performance evaluations, an employee may advance a full single step for each year of employment, up to the 5<sup>th</sup> step (Mid-Point) in the assigned pay range. Advancement from the 5<sup>th</sup> to 6<sup>th</sup> step in the pay range shall be based on approved merit increases and favorable performance evaluations. The City Council may approve a merit increase percentage for each fiscal year based on budgetary constraints. Employees may receive all or a portion of the approved merit increase percentage based on their Performance Evaluations shown in Section 6, Table 6.1. The current Salary Scale is available in the Employee Compensation section of the annual budget.

#### **6.1.11 Separation Pay**

When employees terminate, they shall be required to return all tools, keys, equipment and other property and to clear all financial obligations prior to receiving their final paycheck. For dismissals for cause, the employee must adhere to the above policy within 48 hours from notice of termination, and will be required to sign a "Release and Covenant Not to Sue" when appropriate. Any obligations not cleared within the appropriate time will be deducted from the final paycheck. Final paychecks shall include compensation for all unused annual leave and qualified overtime, but shall not include accrued sick leave, other than for retiring employees.

### **6.1.12 Severance Pay**

When a full-time employee is separated from City employment due to a reduction in force through no fault of the employee, and when such separation requires immediate action preventing a two-week notice, the employee shall be paid two weeks of severance pay in lieu of the two-week notice.

### **6.1.13 Pay Advancement**

The City will not make pay advances to employees.

### **6.1.14 Pay Days**

Pay days shall be every other week. Pay shall be up to and include Friday of the second week. Paychecks will be disbursed the following Wednesday.

### **6.1.15 Direct Deposit**

Employees will be paid through direct deposit into a savings or checking account.

## **6.2 PAY SCALE COMPENSATION PLAN**

A copy of the current Pay Scale is available in the Compensation Section of the Annual Budget.

### **6.2.1 Initial Appointment**

1. All positions in the City are assigned a Pay Range in Lindon City Salary Scale. Initial Appointment shall be at the first step of the salary range. The Personnel Director may approve appointment to a higher step within the same range if:
  - a. An employee cannot be recruited for the position at the beginning rate; or
  - b. The qualifications of the individual selected for the position exceed the minimum requirements and the individual can be expected to perform at a level equal to that of other individuals being paid at the same step.

### **6.2.2 Classification**

All City positions are comparatively evaluated on a set of common factors and assigned a grade encompassing a specific salary range on a salary plan. All employees hired on a regular full-time basis will receive compensation according to the classification of the position for which they are hired. Most employees will be hired at step 1 of the salary plan and will progress through the salary range based on performance warranting such advancement. Recommendations for advancement must be approved by the Personnel Director.

The City typically completes a salary study every two to three years which focuses on similar job duties and classifications in neighboring municipalities of similar size in Utah and Salt Lake counties. Based on results of the study, job classifications and pay ranges may be adjusted as appropriate.

### **6.2.3 Reclassification**

1. If the duties and responsibilities of a position change significantly, the Department Head should submit a written request for reclassification to the Personnel Director. The Personnel Director will perform an analysis of the position and make a final recommendation for or against reclassification.
2. If circumstances arise requiring removal of a position from the Staffing Plan, job security shall be attempted by:
  - a. Returning the employee to a previous position, if possible;
  - b. Promoting the employee based on merit and qualification, if reasonable;
  - c. Transferring the employee to another department to fill a position for which the employee is qualified or may become qualified, if possible; or
  - d. Terminating the employee if none of the above alternatives is feasible.

### **6.3 OUTSIDE EMPLOYMENT**

No employee may engage in outside employment which in any manner interferes with the proper and effective performance of official duties or which results in a conflict of interest. It is necessary that an employee give priority to employment with the City.

## **EMPLOYEE BENEFITS**

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**Note** - Permanent, full-time employees are compensated with a variety of benefit programs. Permanent part-time positions working less than 30 hours per week, and seasonal employees are non-benefited positions, and do not receive compensation through benefit programs. Permanent full-time employee benefits are outlined in the following sections.

### **6.4 INSURANCE BENEFITS**

#### **6.4.1 Medical and Life Insurance Benefits**

Subject to annual review and budgetary constraints, the City shall provide health insurance, and may provide dental, long term disability and life insurance for regular full-time employees and their dependents. Per the Affordable Care Act, the City shall also provide health insurance benefits to those employees working more than thirty (30) hours per week annually.

All benefits of full-time City employees or employees eligible for health care benefits under the Affordable Health Care Act begin or are applied for on the date of hire.

The City studies benefit costs each year during the annual budget approval process. Changes to insurance providers may be made each year if a more cost effective alternative is identified. Allowable enrollment dates vary between insurance providers. Therefore, if the insurance provider under contract with the City allows enrollment on the date of hire, health and dental insurance benefits will begin on the date of hire. If the insurance provider under contract with the City requires the enrollment date to be the first of the month, health and dental insurance benefits will begin the first of the month following the date of hire. Employees will be notified of the effective date of coverage at the time new-hire paperwork is completed.



Current insurance benefit offerings include:

- The City will pay 100% of medical insurance premiums and 50% of dental insurance premiums for employees who qualify for family coverage.
- The City will pay 100% of medical and dental insurance premiums for employees who qualify for employee plus one (double) or employee only (single) coverage.
- An additional \$100 per month will be paid for employees hired prior to January 1, 2015 for employee plus-one coverage.
- An additional \$50 per month will be paid for employees hired prior to January 1, 2015 with employee only coverage.
- During years when a High Deductible Health Plan (HDHP) is offered as an insurance option, employees who elect the HDHP option will have the difference between the premium for the Traditional Insurance plan and the HDHP insurance plan deposited into a Health Savings Account (HSA).

#### **6.4.2 Retirement Benefit in Lieu of Insurance Coverage**

Employees who have coverage under a Health Insurance Policy through another source may elect to receive a Benefit in Lieu of Insurance rather than enrolling in the Health Insurance Policy offered by the City as secondary coverage. All employees hired prior to January 1, 2015 electing the Benefit in Lieu of Insurance Coverage will receive \$500 monthly. Employees hired on or after January 1, 2015 may elect to receive \$300 monthly. Benefits in Lieu of Insurance Coverage will be paid into a 401k or 457 retirement account through Utah Retirement Systems.

Employees may also choose to use all or a portion of the \$500 or \$300 monthly payment to pay other benefit costs, such as dental, dental, life, accident or vision insurance premiums, or have the funds deposited into a qualifying Health Saving Account or Flexible Spending Account.

The Benefit in Lieu of Insurance is available to employees only when the employee has insurance coverage through another source, and is not intended to be an incentive to go without medical insurance.

### **6.5 SOCIAL SECURITY**

The City matches all employee contributions to the Social Security program, as administered by the Federal Government.

### **6.6 EMPLOYEE RETIREMENT SYSTEM**

#### **6.6.1 Utah Retirement Systems**

All employees of the City working twenty (20) hours or more per week, and also receiving benefits such as health insurance or paid holiday, sick or vacation time, are required to participate in the Utah Retirement Systems. Utah Retirement Systems sets the rate of contribution for the retirement plan.

Benefits eligible employees hired by a participating employer prior to July 1, 2011 participate in Tier 1 of the Utah Retirement Systems. Benefits eligible employees hired by a participating employer on or after July 1, 2011 participate in Tier 2 program of the Utah Retirement System. Elected officials are designated



as non-benefited part time employees, and are ineligible for retirement benefits under the Tier 2 program. No retirement contributions are made for benefits ineligible part time employees under Tier 2.

### **6.6.2 Retirement Savings Account Contribution**

Subject to annual review and budgetary constraints, the City will pay 1.5% of regular full time employee's gross wage into a 401K or 457 retirement account on behalf of the employee.

If an employee elects to make a voluntary contribution to a retirement savings account, the City will also pay a matching contribution of up to 1.5% of the employee's wage into a retirement savings plan through Utah Retirement Systems, for a maximum City contribution of 3% of the employee's wage. The employee matching contribution shall be paid into the retirement savings plan through payroll deduction.

## **6.7 ANNUAL VACATION LEAVE**

### **6.7.1 Annual Vacation Leave**

Employees are encouraged to take annual leave each year as it is earned. Employees shall earn vacation time as follows:

<b>YEARS OF SERVICE</b>	<b>ANNUAL HOURS EARNED</b>
0-1	40
2-10	80
11-20	120
21+	160
Exempt Employees	160

Vacation time will be earned and credited each pay period at the applicable rate. Vacation may not be taken until earned. Only regular full-time employees are eligible for vacation time. Vacation will not accrue to an employee while on leave without pay.

### **6.7.2 Exempt Employees**

Exempt employees shall schedule their annual leave in harmony with their area of responsibility, assuring that no City services will be omitted in their absence.

### **6.7.3 General Procedures**

The following guidelines apply to all employees when taking annual leave:

1. The City may, at the discretion of the Department Head or City Administrator, require employees with accrued annual leave in excess of two years of earned leave to use the leave which is in excess of two years.
2. Annual leave will be scheduled with the Department Head so as to meet the operating requirements of the City and, insofar as possible, the preference of employees. Seniority, within the various departments, shall apply in case of conflict with leave schedules.

3. Annual leave will accrue if an employee works for more than one department, but employment must be continuous. Annual leave shall not accrue during any period when an employee is on leave without pay status; however, employees on a leave with pay status will continue to accrue annual leave.
4. Holidays shall not constitute a day of annual leave. When an authorized holiday falls within the time period of an employee's annual leave, the employee will be entitled to one additional day beyond the specified annual leave period.
5. No employee will be granted annual leave for a period in excess of two weeks at any one time except by prior arrangement with the Department Head and City Administrator. Employees requesting annual leave from two to five working days must do so at least one week in advance. Employees requesting annual leave for a period longer than five working days must do so at least two weeks in advance.
6. Upon termination of employment with the City, an employee's accrued annual leave will be paid with the final check. The amount of annual leave should first be approved by the Department Head and the City Administrator.
7. Annual leave and sick leave shall start to accrue at the beginning of the employee's first full bi-weekly pay period and shall not be credited for less than a full bi-weekly pay period.

## **6.8 SICK LEAVE**

### **6.8.1 Eligibility**

Each regular full time employee earns 96 hours (12 days) of sick leave each year and is credited each pay period at the applicable rate. Sick leave will not accrue for an employee while on leave without pay except for an on-the-job injury or absence from work based on the Family Medical Leave Act.

### **6.8.2 Authorized Use of Sick Leave**

Sick leave is available for a full time City employee for any illness or disability which renders the employee incapable of working, excluding any disability sustained in the course of performing gainful employment while off duty.

Illness or disability in the immediate family of an employee requiring the presence of the employee to provide care for the family member shall constitute a covered illness or disability. Immediate family members shall mean spouse, child, step-child, or other dependent of the employee, such as foster child or a child of whom the employee has legal guardianship.

Any illness or disability for which the employee receives Worker's Compensation Insurance payments shall be excluded from sick leave coverage for the period of time that the employee is entitled to the Worker's Compensation payments.

Abuse of these sick leave provisions will not be tolerated. Disciplinary action will be taken where there is abuse of sick leave.

Verification from a doctor confirming that the employee is unable to work may be required for lengthy absences due to illness or injury, as well as an estimated time when the employee is expected to return to work.

Sick leave will not be approved for sickness, disease or disability caused by intemperance or illegal conduct. Intemperance is defined as the habitual or excessive use of alcoholic beverages or liquor.

### **6.8.3 Reporting Sickness**

The employee or a member of the employee's immediate family must notify his/her supervisor of absence from work prior to or within one half hour after the scheduled reporting time. The employee will keep his/her supervisor informed as to his/her illness daily if the disability persists.

### **6.8.4 Sick Leave Records**

The City will maintain official records of sick leave accumulation and use. Sick leave may not be taken before it is accrued.

### **6.8.5 Conversion for Retiring Employees**

Upon retiring from City employment, an employee may convert up to 50% of 60 days (480 hours) of his/her unused accumulated sick leave. A maximum of 30 days (240 hrs.) unused accumulated sick leave is available to be converted upon retirement. Accumulated sick leave in excess of 480 hours is not available for the 50% conversion upon retirement. Employees must be on the City/State Retirement Program in order to qualify for this conversion.

No sick leave conversion will be allowed upon termination other than for reason of retirement.

### **6.8.6 Pregnancy**

Women who are pregnant or have related conditions shall be treated the same as all other employees on the basis of their ability or inability to work, taking into account the Family Medical Leave Act

### **6.8.7 Sick Leave Buy-back**

In an effort to provide financial protection for employees who experience serious illness or injury, employees are encouraged to accumulate 480 hours (5 years @96 hours per year) of paid sick leave. Employees with more than 480 hours of accumulated sick leave may sell, or convert to vacation leave, half of their unused sick leave from the previous 12 months. Employees with more than 288 hours (3 years @96 hours per year) of accumulated sick leave may sell, or convert to vacation leave, one-fourth of their unused sick leave from the previous 12 months. Employees may not sell back sick leave hours that would take them below the 480 or 288 hour minimum balances.

The sell back provision is strictly voluntary. An employee may decide to continue accumulating paid sick leave as a hedge against long term illness.

### **6.8.8 Donation of Sick Leave**

Employees may donate accrued sick leave to another employee. The employee requesting donation of sick leave from other employees should initiate the request by submitting the Sick Leave Donation Request Form, found in Appendix A, to the City Administrator. The City Administrator will disseminate

the request to employees through Department Heads. Any employee who wishes to donate sick leave to the employee making the request will fill out the donor portion of the request form and return it to the Department Head.

Requests for donation of sick leave should be made only in extraordinary circumstances, such as an extended illness or serious injury of an employee or an immediate family member of an employee covered under the sick leave policy. Donated sick leave will be available only after the employee has exhausted all other paid leave, including sick leave, vacation leave and compensatory time off. All donations of sick leave will be kept confidential.

## **6.9 BEREAVEMENT LEAVE**

Leave with pay may be granted to employees to attend the funeral of a member of his/her immediate family. Such leave shall not be charged against accrued annual or sick leave.

The amount of time granted for funeral leave will be governed by the individual circumstance and at the discretion of the City Administrator, but not to exceed 3 days.

For purposes of this section, "Immediate Family" shall mean: wife, husband, children, parents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, brothers, or sisters of the employee.

Leave without pay may be granted by the City Administrator to attend funeral services of extended family members or close personal friends. Employees may opt to use vacation time to attend funerals of individuals not covered under the bereavement leave policy, or for leave in excess of the 3 days permitted under this policy.

## **6.10 UNAUTHORIZED LEAVE**

Any absence from duty that is not covered by an authorized grant-of-leave shall be recorded as leave without pay and shall be the basis for disciplinary action and for a deduction of pay.

## **6.11 MILITARY LEAVE**

Leave may be granted for a period of active military service. Extended military leave is defined as any leave of six months or more, and short-term military leave is any leave of less than six months in duration.

### **6.11.1 Short-term Military Leave**

Short term military leave is authorized for permanent City employees pursuant to the following conditions:

- a. Permanent employees are entitled to eleven working days military leave per year without total loss of compensation or other fringe benefits. Any employee requesting such leave must provide the City Administrator with a copy of the military orders placing him/her on active duty status;

- b. Employees granted Short Term military leave will receive, for the period of leave, compensation from the City computed as follows: the amount of the employee's bi-weekly salary/wage less the amount of compensation received by the employee from the military reserve unit;
- c. Employees are required to furnish to the City Administrator written verification of the amount of compensation received by the employee from the military reserve unit prior to the pay period following the employee's return to work; and
- d. Except in emergencies, employees who are members of reserve units of the military shall notify their immediate supervisor at least four weeks in advance and shall indicate in writing their intention and anticipation with regard to periods of active duty. Such written notification shall be made part of the individual employee's personnel file.

#### **6.11.2 Extended Military Leave**

Extended military leave without pay may be granted to regular full-time or regular part-time employees who enlist, are drafted or are recalled to active service in the armed forces of the United States of America in accordance with the provision of the Universal Military Training and Service Act. Former employees shall be permitted to return to City employment pursuant to the following conditions:

- a. The leave of absence may not exceed four years from the date of entry into the military service (unless the employee is involuntarily detained longer.);
- b. The employee must have satisfactorily completed the period of active duty and must furnish to the City a certificate to that effect;
- c. Any employee leaving active military duty is authorized 40 days from the active duty release date in which to request reinstatement to a position of comparable status and compensation. If the employee declines an offer for a position vacancy, reinstatement rights may be canceled by the governing body; and
- d. If, due to a service connected disability, an employee is not qualified to perform all the duties of the former position, the employee will be placed in the closest comparable position for which they are qualified.

#### **6.12 HOLIDAYS**

The following days have been designated by the City as paid holidays for benefited employees:

New Years Day – January 1;  
 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 24<sup>th</sup>;  
 Labor Day – 1st Monday in September;  
 Thanksgiving Day – 4th Thursday in November;  
 Day after Thanksgiving – Day after 4th Thursday in November;  
 Christmas Eve – December 24<sup>th</sup> (1/2 day only. Offices close at noon.)  
 Christmas Day – December 25<sup>th</sup>;  
 Day before or day after Christmas - as selected by City Administrator; and

Personal Holiday – as selected by employee.

If a holiday falls on a Saturday, the holiday will be observed on the Friday before the holiday. If a holiday falls on a Sunday, the holiday will be observed on the following Monday.

### **6.13 JURY DUTY**

An employee who in obedience to a summons or notice to appear as a juror or to a subpoena or direction by proper authority, appears as a witness for the Federal Government, the State of Utah, a political subdivision thereof, or testifies in their capacity as a Lindon City official, officer, or employee in private litigation matters shall be entitled to the difference between regular compensation and the compensation or fees received (in excess of traveling expenses) as a witness or juror.

Time absent by reason of subpoena in private litigation or by some party other than the Federal Government or a subdivision thereof, to testify in an unofficial capacity, but as an individual, shall be taken as leave without pay or vacation leave, at the discretion of the employee.

### **6.14 EMPLOYEE PARTICIPATION IN PROFESSIONAL ORGANIZATIONS**

It is the policy of Lindon City to encourage participation by City employees in those professional and technical organizations which will further knowledge and professional contacts for the benefit of the City as well as the employee.

It is the purpose of this directive to outline the procedure by which employees can join professional and technical organizations with the City participating in the cost associated with those memberships. In most instances, both the City and the employee will benefit from an employee belonging to professional and technical organization. Procedures for requesting participation in professional organizations is as follows:

1. At the budget preparation stage, each Department Head will list as part of their budget request a funding amount for training of personnel. The request will be evaluated as part of the annual budget approval process.
2. No fee for a professional or technical organization will be paid by the City unless authorized by the Department Head and included in the annual fiscal budget.

### **6.15 DIFFERENTIAL PAY FOR PROFESSIONAL CERTIFICATION**

It is the policy of Lindon City to provide differential pay for specific professional certifications which contribute directly to the ability of an employee to provide a broader range of service to the community or to provide a current service at a reduced cost.

The purpose of this policy is to recognize and reward employees who improve their skills, knowledge and proficiency in carrying out their assigned functions through additional training and certification.

#### **6.15.1 Guidelines**

1. Professional certifications which qualify an employee for differential pay must represent a level of training and skill **beyond what is required** to perform the regularly assigned duties of the position.
2. The City Administrator and the Department Head shall evaluate requests for differential pay. The Department Head must approve cross-training and certifications outside of the employees division or department.
3. Employees eligible to receive differential pay must submit proof of the initial certification and of all renewals and/or recertification to the City Administrator through the Department Head.
4. The differential pay shall be effective the first pay period after proof of certification has been submitted. It shall terminate the pay period in which the employee is no longer certified.
5. The Department Head shall be responsible to maintain records of all certifications and expiration dates and to terminate the differential pay if proof of re-certification has not been provided.

#### **6.15.2 Approved Differentials**

Approved differentials are as follows:

1. All employees in the Public Works Water and Sewer division who become certified with the State of Utah as a Grade I, II, III, or IV Systems Operator are eligible to receive monthly differential pay as follows:
 

a) Grade I	\$20/month
b) Grade II	\$40/month
c) Grade III	\$60/month
d) Grade IV	\$125/month
e) Backflow/Cross Connection	\$40/month

 (Differential pay rates for grade levels are not cumulative.)
2. Employees in the Parks Division who become certified by the International Society of Arboriculture (ISA) as a Certified Arborist shall receive \$50 per month in addition to their regular salary.
3. The Risk Manager is eligible to receive a \$100 per month differential pay upon certification as an Associate in Risk Management (ARM).
4. The Finance Director and Treasurer are eligible to receive monthly differential pay as follows:
 

a) Certified Public Finance Administrator	\$40/month; and
b) Certified Government Finance Manager	\$40/month
5. Employees in the Building Department may receive monthly differential pay for the following certifications:
 

a) ICC Certified Building Inspector	\$50/month
b) ICC Fire Code Inspector	\$50/month
c) ICC Plans Examiner	\$50/month

- d) ICC Accessibility Inspector/Plans Examiner \$25/month
  - e) ICC Structural Steel & Welding Special Inspector \$25/month
  - f) ICC Pre-stressed Concrete Special Inspector \$25/month
  - g) ICC Structural Masonry Special Inspector \$25/month
- (The maximum combined differential pay for employees of the building department is \$175 per month.)

6. The Planning and Economic Development Director and Assistant Planner are eligible to receive a \$100 per month differential pay upon certification by the American Institute of Certified Planners.
7. The City Recorder and Deputy Recorder are eligible to receive monthly differential pay as follows:
  - a) Certified Municipal Clerk \$40; and
  - b) Master Municipal Clerk \$40
8. The Storm Water Supervisor and Storm Water Technician are eligible to receive a \$40 per month differential pay upon certification by the Utah State Environmental Quality Department.

#### **6.16 TUITION REIMBURSEMENT**

Employees are encouraged to take advantage of education and training benefits to improve their job skills and to qualify for transfers and promotions. These benefits are limited to training and education which is relevant to the employee's current position or "reasonable" transfer and promotion opportunities. "Reasonable" is defined as attaining the minimum qualifications for promotion or transfer with no more than two years of additional education or training. However, Lindon City will not be obligated to reward education and training through promotion, transfer, reassignment or salary increase.

Final decision on requests for education and training will be made by the City Administrator and appropriate City Councilmember over the department. These benefits will be available to all employees on a first-come first-serve basis, subject to the availability of budgeted funds.

##### **16.16.1 Eligibility Requirements**

- a. Employee must have an exemplary record and perceived longevity potential;
- b. Employee must have completed 1 year of full time service at the time of application. Rehired employees must have completed 1 year of full time service as of their new hire date;
- c. The courses must be job-related. Consideration will be made as to how the courses will benefit the employee on the job. Written justification which shows correlation between course content and job requirement should be attached to the application;
- d. Employees must have the approval of their Department Head, the City Administrator and the appropriate Councilmember before the course starts. Approval will be given on a course by course basis;



- e. Any other funding to subsidize the course (scholarships, grants, veterans programs, etc.) must be disclosed and copies of documents provided. Proportional reimbursement will be decided on a case-by-case basis; and
- f. Employees must be able to make their own payment arrangements before the tuition due date as reimbursement will not occur until after the end of the course.

#### **6.16.2 Application and Approval Process**

- a. The employee must meet the Eligibility Requirements listed above.
- b. Fill out the tuition Reimbursement Application Form. In signing this form, employees acknowledge their understanding and responsibilities prior to receiving approval for course work.
- c. Write a Letter of Justification that shows correlation between course content and job requirements.
- d. Approval must be received before the course begins. Applications must be submitted for consideration and approval with the annual budget process. Any approved tuition reimbursement payments must be approved with the annual budget.
- e. The employee will submit the Application and Letter of Justification to their Department Head. The Department Head, City Administrator and appropriate Councilmember will review the request. The Employee will be notified by the Department Head whether the request has been approved or denied.
- f. Approval for courses unrelated to the employee's job may be given if the course is required in order to earn a degree which is related to the employee's job.

#### **6.16.3 Reimbursement Guidelines**

- a. Course attendance and preparation shall be on the employee's own time. The Department Head may authorize irregular work schedules.
- b. The employee will be reimbursed 75% of tuition, fees, books and other previously approved costs at the end of the course provided they receive a "C" grade or better and/or an instructor's certification of passing in a pass/fail course.
- c. The maximum reimbursement per employee per fiscal year is \$1500.00 for undergraduate work and \$2000.00 for graduate work.
- d. Reimbursement is dependent upon available budgeted funds.
- e. For reimbursement, the employee must submit a Tuition Reimbursement Request Form (found in Appendix A), the final grade and all receipts for tuition, fees, books and other previously approved costs to the Department Head.
- f. Employees will receive no reimbursement when, prior to completing course work they; are terminated for cause or violating expected rules of conduct, or, voluntarily separate from the City, or, receive disciplinary action other than verbal warning.
- g. Prior to each course or semester, the employee will be required to sign a contract acknowledging the above criteria.
- h. This program would be processed through the Accounts Payable system.

#### **6.16.4 Employee Repayment Requirements**

Employees who participate in the Tuition Reimbursement Program agree to continue working for Lindon City in a full time capacity for at least three years following the end of the course. If an employee terminates, whether voluntarily or involuntarily (except in cases of reduction-in-force), the employee must pay the tuition reimbursement back to the City on a monthly prorated basis. As an example, an employee was reimbursed \$600 for a class, but quit 12 months after completing the class. The employee would be required to repay 67% of the reimbursement back to the City. If multiple courses were reimbursed prior to an employee quitting, each course will be prorated separately according to the course's completion date. Any reimbursement due from the employee upon termination will be deducted to the extent available from the final paycheck and any leave time pay due the employee at termination.

#### **6.16.5 Tax Considerations**

There may be tax implications to persons receiving tuition support. Employees are responsible for such taxes, if any, and should seek counsel from a tax professional.

#### **6.17 AQUATICS CENTER PUNCH PASS**

Subject to annual review, Lindon City elected officials, appointed officials, full time employees and permanent part time employees are provided a 30 visit punch pass for use of the Lindon Aquatics Center and 50% off one additional 30 visit punch pass.

Seasonal employees and interns are provided a 10 visit punch pass for use of the Aquatics Center.

Members of the Board of Adjustments receive a 50% discount on a 30 visit punch pass to the Aquatics Center.

This policy does not include discounts for additional day passes, party room rentals, or other services or programs at the Aquatics Center. Flow Rider use for city officials and employees will be charged at the same rate as the general public.

The current Aquatics Center punch pass benefit is outlined in Resolution 2016-12-R. This benefit will be reviewed annually by the City Council, and may be updated as necessary.

#### **6.18 FACILITY RENTALS**

Employees and Elected Officials are entitled to four (4) free rentals of city facilities per calendar year, excluding the Aquatics Center facilities. Facilities available for rent include park pavilions, Veterans Hall, and Community Center rooms. Use of free rentals of City facilities is subject to availability. Free rentals are primarily intended for family or social purposes and shall not be used for profit generating business ventures.

#### **6.19 FITNESS ROOM USE**

Full time and permanent part-time employees and their spouse or partner are provided use of the Public Safety weight room equipment at the Community Center without charge.

## **6.20 LONGEVITY AWARDS**

Employees will be recognized for years of service with the City at a rate of \$10 per year of service. Longevity awards will be presented to employees for every five years of service, beginning on year 5. Awards will be presented annually in December. Awards will be paid in the form of a gift card.

DRAFT

## APPENDIX A

### LINDON CITY DISCIPLINARY ACTION FORM

Disciplinary action is necessary at times when an employee's behavior is negatively impacting his or her work, the work of his or her co-workers, or the workplace. This disciplinary warning form documents the discipline warning and the counseling discussion that accompanied the discipline warning. This form will be maintained in the personnel file of the subject employee.

#### PROGRESSIVE WARNING FORM

Employee Name: \_\_\_\_\_

Date of Action: \_\_\_\_/\_\_\_\_/\_\_\_\_/ Department: \_\_\_\_\_

Reason for Disciplinary Action: (Check all that apply)

☐ Quality ☐ Safety ☐ Conduct ☐ Attendance ☐ Insubordination ☐ Misc.

You are receiving this disciplinary warning because of the following actions: (attach documentation if necessary).

Unless this problem is corrected, further disciplinary action will be taken up to and including the termination of employment. The current level of discipline is noted below.

☐ Verbal Warning ☐ Written Reprimand ☐ Suspension for a period of \_\_\_\_ days without pay.

☐ Probation for a period of \_\_\_\_\_. ☐ Demotion ☐ Termination of Employment

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Administrator's Signature

\_\_\_\_\_  
Date

I have received this disciplinary action form and understand that unless this problem is corrected, further disciplinary action will be taken up to and including the termination of my employment. I have also received a copy of the Discipline Appeal and Grievance Policy of the City.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**COUNSELING DISCUSSION PLAN**

Describe the behavior or incident which created the need for this disciplinary action:

Describe the desired behavior which will correct the unacceptable situation or behavior:

Employee Statement:

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**LINDON CITY**  
**NOTICE OF PRE-DISCIPLINARY HEARING**

Employee's Name \_\_\_\_\_ Title \_\_\_\_\_

Date: \_\_\_\_\_

This is to inform you that disciplinary action up to and including possible termination is being considered against you as a result of the following incident:

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A pre-disciplinary hearing has been scheduled to discuss this matter on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. The hearing will be held in the office of the City Administrator. Please bring any information you feel may be relevant to this issue to the hearing. Attached to this notice is a copy of the disciplinary appeal and grievance procedures of the City.

\_\_\_\_\_  
City Administrator Signature

\_\_\_\_\_  
Department Head Signature

## LINDON CITY DISCLOSURE STATEMENT

To: Mayor \_\_\_\_\_

From: \_\_\_\_\_

Lindon City Ordinance No. 4-93 requires “elected officials, appointed officers, employees and volunteers serving on city boards, commissions, committees, agencies, councils and foundations...to disclose actual or potential conflicts of interest between their public duties and their personal interests.” Pursuant to this requirement, I am making the following sworn disclosure statement:

1. Name and City Position (please print):

\_\_\_\_\_

2. Name, address and nature of the business or interest involved:

\_\_\_\_\_

\_\_\_\_\_

3. A brief, but complete, description describing the nature of the event requiring disclosure (use the back of this form, if necessary):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. A brief summary describing your position in the entity and the precise nature of the interest:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. The precise nature and value of any change of interest since last disclosure, if applicable:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Signature

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary

**LINDON CITY**  
**HARASSMENT COMPLAINT FORM**

Thank you for bringing your concern to our attention. We will try to promptly resolve your complaint. Experience suggests that first discussing your concern with your supervisor often meets with mutual success, but, if the supervisor has engaged in, or condoned the harassment, you are not required to discuss this matter with your supervisor.

Have you discussed this situation with your supervisor? ☐ Yes ☐ No

If there was no such meeting, what was your reason for not bringing it to your supervisor's attention?

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If you did discuss this matter with your supervisor, please state your supervisor's response to the complaint.

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**COMPLAINT**

1. Please use the attached form to document all persons involved in the alleged harassment, including dates, times and locations of incidents and events related to this report.
2. Please state what action or change you feel would be appropriate in resolving this matter. (Attach additional sheets if necessary)

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Employee Signature

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Date

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CITY USE ONLY

Received by \_\_\_\_\_

Date received \_\_\_\_\_

Disposition \_\_\_\_\_

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**LINDON CITY**  
**DISCRIMINATION/HARASSMENT INCIDENT REPORT**

**Person alleging discrimination/harassment**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Department \_\_\_\_\_

Supervisor/Department Head \_\_\_\_\_

**Person against whom allegation of discrimination/harassment is being made**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Department: \_\_\_\_\_

Supervisor/Department Head: \_\_\_\_\_

**Person referring the complaint (if different than the person alleging discrimination/harassment)**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Department: \_\_\_\_\_

Supervisor/Department Head: \_\_\_\_\_

**Please use the remaining space on this page (including the back) to describe the events and/or behaviors that are the subject of the complaint. Include any offices or individual you have talked with, the names of witnesses, as well as dates, times and locations.**

**LINDON CITY**  
**FAMILY MEDICAL LEAVE REQUEST**

Name \_\_\_\_\_ Date \_\_\_\_\_

I am requesting Family Medical Leave based on the following qualifying status change:

- ☐ A serious health condition, which prevents me from performing my job.
- ☐ Care of a child during the first year following birth, adoption, or foster care placement.
- ☐ Care of an immediate family member who has a serious health condition.

In the space provided, please give a brief overview of the qualifying status change.

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Beginning date of leave request \_\_\_\_/\_\_\_\_/\_\_\_\_ Ending date of leave request \_\_\_\_/\_\_\_\_/\_\_\_\_

I am requesting that the leave be granted on:

- ☐ A concurrent day schedule for \_\_\_\_\_ days/weeks
- ☐ An intermittent day schedule (specify days off) \_\_\_\_\_ for \_\_\_\_ days/weeks.
- ☐ A reduced work schedule of (specify hours) \_\_\_\_\_ for \_\_\_\_ days/weeks.
- ☐ As needed for a chronic health condition.

Please attach required documentation. For medical leave, a statement from a medical doctor is required. If the status change is for adoption or foster care placement, court documents are required.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**LINDON CITY**  
**FAMILY MEDICAL LEAVE RESPONSE**

To: \_\_\_\_\_

Date \_\_\_\_\_

Dear \_\_\_\_\_

On \_\_\_/\_\_\_/\_\_\_ you notified me of your need to take leave due to:

- ☐ the birth of your child  
☐ the placement of a child with you for adoption or foster care  
☐ a serious health condition of a family member  
☐ your own serious health condition

You requested that FMLA be granted on:

- ☐ A concurrent day schedule for \_\_\_ days/weeks.  
☐ An intermittent day schedule (specify days off) \_\_\_\_\_ for \_\_\_ days/weeks.  
☐ A reduced work schedule of (specify hours) \_\_\_\_\_ for \_\_\_ days/weeks.  
☐ As needed for a chronic health condition.

You requested that FMLA begin on \_\_\_/\_\_\_/\_\_\_ and expect it to continue until on or about \_\_\_/\_\_\_/\_\_\_.

This memorandum is to inform you that you are:

- ☐ ELIGIBLE (see below) for leave under the FMLA.  
☐ NOT ELIGIBLE (see below) for leave under the FMLA.

ELIGIBLE: Your FML balance now is \_\_\_\_\_. Your balance at the end of this leave is \_\_\_\_\_.  
 You are required to provide verification of your status to the city every two weeks during your leave period. Your health benefits will be maintained during the leave under the same conditions as if you continued to work. You will be reinstated to the same or an equivalent position with the same pay, benefits, and terms of employment on your return from leave. Please notify the City if your anticipated return date changes.

NOT ELIGIBLE: Your request for Family Medical Leave has been denied due to:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

If you have further information or documentation, please contact the City Administrator. It is our desire to help you resolve this issue.

\_\_\_\_\_  
 City Administrator

\_\_\_\_\_  
 Date

**LINDON CITY  
CONCUSSION OR TRAUMATIC HEAD INJURY POLICY**

Pursuant to the Utah Protection of Athletes with Head Injuries Act, (U.C.A. §26-53-101 et. al.) Lindon City adopts the follow concussion or traumatic head injury policy for the Lindon Recreation Program.

- (1) This policy shall apply to all athletes or participants who are under 18 years of age.
- (2) Lindon Recreation Program staff and volunteers are required to immediately remove any athlete or participant from a sporting event, including tryouts, practice, sports camps, physical education classes, games or competitions, if the athlete or participant is suspected of sustaining a concussion or traumatic head injury, if any of the following conditions are observed, or are self-reported, and are attributable to the injury:
  - (a) transient confusion, disorientation, or impaired consciousness;
  - (b) dysfunction or memory;
  - (c) loss of consciousness; or
    - (i) signs of neurological of neuropsychological dysfunction including seizures, irritability, lethargy; vomiting; headache, dizziness and/or fatigue.
- (3) No athlete or participant, who has been removed due to a concussion or traumatic head injury, will not be allowed to return to active participation in Program activities until such athlete or participant has been evaluated by a qualified health care provider who is trained in the evaluation and management of concussions.
  - (a) A qualified health care provider is defined as a provider who:
    - (i) is licensed by the State of Utah under Title 58 of the Utah Code; and
    - (ii) may evaluate and manage a concussion within the health care provider's scope of practice.
- (4) Before any athlete or participant is allowed resume participation in the Lindon Recreation Program, Lindon City must be provided with a written statement from a health care provider, meeting qualifications listed above, clearing the participant to resume play. The written statement must include the following information;
  - (a) A verification from a health care provider must specify that within at least the last three years they has successfully completed training in concussion evaluation and management; and
  - (b) A finding that athlete or participant is clear to participate in the sporting activity.
- (5) The Lindon Recreation Program shall provide written notice of the City's policy to the parents/legal guardians of all athletes and participants under the age of 18, and prior to allowing minor to participant, must obtain a signature form the parent/legal guardian, acknowledging receipt of the policy and giving their consent and acknowledging their responsibility to work with Lindon in enforcing the policy as it relates to their child/legal ward, and waiving all claims and causes of against the City if they fail to comply with the policy.

**LINDON CITY**  
**POLICY MANUAL RECEIPT**

\_\_\_\_\_  
(Print Name)

I acknowledge receipt of a copy of the Lindon City Policies and Procedures Manual. I understand that while training is provided by the city regarding these policies, it is my responsibility to read the manual, and direct any questions regarding implementation of the policies contained in the manual to the Supervisor/Department Head, or the City Administrator for clarification. By signing this form, I affirm that I will abide by the Policies and Procedures of Lindon City as a condition of my employment, and that a violation of any policy contained in the manual is cause for disciplinary action.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**LINDON CITY**  
**VEHICLE ACCIDENT REPORT FORM**

This form is to be filled out by any employee involved in a traffic accident involving a City vehicle, or a private vehicle driven on City business. An Accident Review Committee review of the accident will be scheduled within 30 days following the accident.

**ACCIDENT INFORMATION –**

Driver's Name: \_\_\_\_\_ Title: \_\_\_\_\_

Date of Accident: \_\_\_\_\_ Date of Report: \_\_\_\_\_

Vehicle License #: \_\_\_\_\_ Private Vehicle \_\_\_\_\_ City Vehicle \_\_\_\_\_

Location of Accident: \_\_\_\_\_ City \_\_\_\_\_

Investigating Police Agency: \_\_\_\_\_

Were any injuries reported as a result of the accident? \_\_\_\_yes \_\_\_\_no

If yes, please describe \_\_\_\_\_

***\* Please attach any accident report, photographs or witness statements regarding the accident.***

**DESCRIPTION OF INCIDENT –** (Attach additional sheets if necessary.)

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\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

**LINDON CITY  
TUITION REIMBURSEMENT REQUEST FORM**

<b>Employee name:</b>		<b>Date:</b>	
<b>Position:</b>			

<b>School or Institution attended:</b>		<b>Degree or Program:</b>	
<b>Attendance dates:</b>	From: _____ to: _____		
<b>Total cost of tuition, fees, and books:</b>	\$ _____	<b>Requested reimbursement amount:</b>	\$ _____
<b>Classes attended:</b>			
<b>Grade(s) obtained:</b>			
<b>Employee must attach:</b>			
_____ Copy of receipts and/or payment verification		_____ Copy of grades or pass/fail verification	
<b>Employee Reimbursement and Repayment Requirements</b>			
<p><b>Eligible Reimbursements</b>            If approved for reimbursement, employees will be reimbursed 75% of tuition, fees, books and other previously approved costs at the end of the course - provided they receive a "C" grade or better and/or an instructor's certification of passing in a pass/fail course. The maximum reimbursement per employee per fiscal year is \$1,500.00 for undergraduate work and \$2,000.00 for graduate work. Reimbursement is dependent upon available budgeted funds.</p> <p><b>Employee Repayment Requirements</b>            Employees who participate in the Tuition Reimbursement Program agree to continue working for Lindon City in a full time capacity for at least three years following the end of the course. If an employee terminates, whether voluntarily or involuntarily (except in cases of reduction-in-force), the employee must pay the tuition reimbursement back to the City on a monthly prorated basis. As an example: An employee was reimbursed \$600 for a class, but quit 12 months after completing the class. The employee would be required to repay 67% of the reimbursement back to the City. If multiple courses were reimbursed prior to an employee quitting, each course will be prorated separately according to the course's completion date. Any reimbursement due from the employee upon termination will be deducted to the extent available from the final paycheck and any leave time pay due the employee at termination.</p> <p><b>Agreement and Understanding of Terms</b>            By signing below, the employee certifies that they have read the <i>Employee Repayment Requirements</i> described above, and have also read the Tuition Reimbursement regulations found in Section 6 of the Lindon City Policies &amp; Procedures Manual, and agrees with the terms and conditions as described therein.</p>			
<b>Employee Signature:</b>		<b>Date:</b>	
<b>Department Head:</b>		<b>Date:</b>	
<b>City Administrator:</b>		<b>Date:</b>	



**9. Review & Action — Resolution #2017-3-R; Class C Road Fund Accounting Designation** *(5 mins)*

The Council will review and consider Resolution #2017-3-R separating Fund 11 (Class C Road Fund) from the General Fund budget for accounting, auditing, and budgeting purposes and reassigning Fund 11 as an annually recurring Capital Improvement Projects fund for accounting, auditing, and budgeting purposes. This change will enable the Class C Road Fund balance to accumulate for needed future road projects without impacting the General Fund balance.

The Council was informed during the FY2016 audit that a change of the Road Fund classification for accounting, auditing, and budgeting purposes would be beneficial so that the General Fund balance is not impacted by surpluses or project monies in the Road Fund. See attached Resolution outlining the change.

**Sample Motion:** I move to (approve, deny, continue) Resolution #2017-3-R separating Fund 11 (Class C Road Fund) from the General Fund budget for accounting, auditing, and budgeting purposes and reassigning Fund 11 as an annually recurring Capital Improvement Projects fund for accounting, auditing, and budgeting purposes.

**RESOLUTION NO. 2017-3-R**

**A RESOLUTION APPROVING THE SEPARATING LINDON CITY BUDGETARY FUND 11 (CLASS C ROAD FUND) FROM THE GENERAL FUND BUDGET FOR ACCOUNTING, AUDITING, AND BUDGETING PURPOSES AND REASSIGNING FUND 11 AS AN ANNUALLY RECURRING CAPITAL IMPROVEMENT PROJECTS FUND FOR ACCOUNTING, AUDITING, AND BUDGETING PURPOSES, AND SETTING AN EFFECTIVE DATE.**

WHEREAS, Utah Code 10-6-116(2) states that “the accumulation of a fund balance in the city general fund may not exceed 25% of the total revenue of the city general fund for the current fiscal period”; and

WHEREAS, during test work for state compliance during the FY2016 Lindon City Audit it was noted that the City’s General Fund balance was over the maximum amount allowed by State Code due primarily to additional monies in Fund 11 (Class C Road Fund) being saved for future road projects; and

WHEREAS, Lindon City desires to conform with laws of the State of Utah; and

WHEREAS, Lindon City desires to save for future road projects without impacting the General Fund balance in a negative way and desires ability for the Class C Road Fund balance to accumulate for needed future road projects without impacting the General Fund balance; and

WHEREAS, reclassification of Fund 11 as a Capital Improvement Projects fund will enable the City to comply with State requirements and also build its Road Fund reserves for necessary future projects without impacting the General Fund balance; and

WHEREAS, the reclassification of Fund 11 (Class C Road Fund) as a Capital Improvement Projects fund will benefit the City and the public for which it serves.

THEREFORE, BE IT RESOLVED by the Lindon City Council as follows:

**Section 1.** Fund 11 (Class C Road Fund) shall be separated from the General Fund for accounting, auditing, and budgeting purposes and Fund 11 shall be reassigned as an annually recurring Capital Improvement Projects fund (not part of the General Fund) for accounting, auditing, and budgeting purposes.

**Section 2.** This resolution shall take effect immediately upon passage.

Adopted and approved this 3rd day of January, 2017.

By \_\_\_\_\_  
Jeff Acerson, Mayor

Attest:  
By \_\_\_\_\_  
Kathryn A. Moosman, City Recorder

SEAL:

## 10. **Council Reports:**

*(20 minutes)*

- A) MAG, COG, UIA, Utah Lake, ULCT, NUVAS, IHC Outreach, Budget Committee- Jeff Acerson
- B) Public Works, Irrigation/water, City Buildings - Van Broderick
- C) Planning, BD of Adjustments, General Plan, Budget Committee - Matt Bean
- D) Parks & Recreation, Trails, Tree Board, Cemetery - Carolyn Lundberg
- E) Public Safety, Court, Lindon Days, Transfer Station/Solid Waste - Dustin Sweeten
- F) Admin., Community Center, Historic Comm., UV Chamber, Budget Committee - Jacob Hoyt

## **II. Administrator's Report:**

*(10 minutes)*

### **Misc Updates:**

- December newsletter:  
[https://siterepository.s3.amazonaws.com/442/december16final\\_20161130162531.pdf](https://siterepository.s3.amazonaws.com/442/december16final_20161130162531.pdf)
  - March newsletter article: **Matt Bean** - Article due to Kathy last week in February.
- City Center Elevator remodel. Architect is preparing plans for bidding by early February.
- Public Safety Building – new contractor completion date is Jan. 19<sup>th</sup>. Phone system transfer is Jan. 26<sup>th</sup>.  
Open house most likely in first couple weeks of February.
- Misc. Items:

### **Upcoming Meetings & Events:**

- January 2<sup>nd</sup> – City offices closed.

# **Adjourn**