



HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100
www.cityofharrisville.com

MAYOR:
Michelle Tait

COUNCIL MEMBERS:
Grover Wilhelmsen
Steve Weiss
Blair Christensen
Max Jackson
Kenny Loveland

CITY COUNCIL AGENDA

363 West Independence Blvd
May 24, 2022

Join Zoom Meeting

<https://us02web.zoom.us/j/84666739802?pwd=VnA4T2xxcHMvclYwMEgzcjM2ZDVCdz09>

Meeting ID: 846 6673 9802

Passcode: 290783

"In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting the City Recorder at 801-782-4100, providing at least three working days advance notice of the meeting."

7:00 P.M. CITY COUNCIL MEETING
Presiding: Mayor Michelle Tait
Mayor Pro Tem: Blair Christensen

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE & OPENING CEREMONY [Council Member Loveland]
3. BUSINESS ITEMS
 - a. Discussion/possible action to consider adoption of Harrisville Resolution #22-15; a resolution authorizing the issuance of sales tax revenue bonds. [Marcus Keller]
 - b. Discussion/possible action to adopt Harrisville Resolution 22-14; Policy and Procedures Amendments. [Jennie Knight]
 - c. Discussion/possible action to adopt Harrisville Ordinance 535; CP-2 (Commercial) Zone Amendments. [Jennie Knight]
4. PUBLIC COMMENTS - (3 minute maximum)
5. MAYOR/COUNCIL FOLLOW-UP
6. ADJOURN

DATE POSTED: May 20, 2022

BY: Maria Devereux, City Recorder

I, Maria Devereux, certify that I am the City Recorder of Harrisville City, Utah, and that the foregoing City Council agenda was posted and can be viewed at City Hall, on the City's website www.cityofharrisville.com, and at the Utah Public Notice Website at <http://pnn.utah.gov>. Notice of this meeting has also been duly provided as required by law.

**HARRISVILLE CITY
RESOLUTION 22-15**

A RESOLUTION OF HARRISVILLE CITY, UTAH, AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$15,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES AND FRANCHISE TAX REVENUE BONDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harrisville, Utah (the “*City*”) considers it necessary and desirable and for the benefit of the City to issue its Sales and Franchise Tax Revenue bonds as hereinafter provided for the purpose of (a) paying all or part of the costs of the acquisition, construction and improvement of a City Hall and offices, police station, public works facility, parks and recreational facilities, and related improvements (collectively, the “*Project*”) and (b) paying the costs incurred in connection with the issuance and sale of the Bonds pursuant to authority contained in the Local Government Bonding Act, Chapter 14 of Title 11 (the “*Act*”), Utah Code Annotated 1953, as amended (the “*Utah Code*”), and other applicable provisions of law;

WHEREAS, for the purposes set forth above, the City has determined (a) to issue its Sales and Franchise Tax Revenue Bonds in an aggregate principal amount not to exceed \$15,000,000 (the “*Bonds*”) pursuant to a Master Indenture of Trust (the “*Master Indenture*”), and a Supplemental Indenture of Trust (the “*Supplemental Indenture*” and, together with the Master Indenture, the “*Indenture*”), and (b) to cause the proceeds of the sale of the Bonds to be applied in accordance with the Indenture;

WHEREAS, in the opinion of the City Council, it is in the best interests of the City that the Designated Officer be authorized to (i) determine whether to pursue a competitive sale, private placement or negotiated sale for the sale of the Bonds, (ii) if a competitive sale is pursued, accept or reject the bids received for the Bonds pursuant to the PARITY[®] electronic bid submission system and determine the best bid received that conforms to the parameters, deadlines and procedures set forth in the notice of sale prepared in connection with the advertisement for sale of the Bonds, (iii) if a private placement or negotiated sale is pursued, select a purchaser or underwriter for the Bonds and (iv) approve the final principal amount, maturity amounts, interest rates, dates of maturity and other terms and provisions relating to the Bonds and to execute the Certificate of Determination (the “*Certificate of Determination*”), a form of which is attached hereto as *Exhibit B*, containing such terms and provisions;

WHEREAS, Section 11-14-316 of the Utah Code provides for the publication of a Notice of Bonds to be Issued (the “*Notice of Bonds*”) and the running of a 30-day contest period, and the City desires to cause the publication of such Notice of Bonds at this time in compliance with said section with respect to the Bonds;

WHEREAS, Section 11-14-318 of the Act requires that a public hearing be held to receive input from the public with respect to the issuance of Bonds and the potential economic impact that the Project will have on the private sector and that notice of such public hearing be given as provided by law and, in satisfaction of such requirement, the City desires to publish a Notice of

Public Hearing and Intent to Issue Sales and Franchise Tax Revenue Bonds (the “*Notice of Public Hearing*”) pursuant to such Section;

WHEREAS, Section 11-14-307(7) of the Act requires the City to submit the question of whether or not to issue the Bonds to voters for their approval or rejection if, within 30 calendar days after the publication of the Notice of Public Hearing, a written petition requesting an election and signed by at least 20% of the registered voters in the City is filed with the City; and

WHEREAS, the City desires (a) to provide for the holding of a public hearing and (b) to direct the publication of the Notice of Public Hearing and to provide for the form of the written petition requesting an election, as required by law;

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

Section 1. Issuance of Bonds. (a) For the purposes set forth above, there is hereby authorized and directed the execution, issuance, sale and delivery of the Bonds in the aggregate principal amount not to exceed \$15,000,000 in one or more series. The Bonds shall be dated as of the date of the initial delivery thereof. The Bonds shall be in authorized denominations, shall be payable, and shall be executed and delivered all as provided in the Indenture. The Bonds shall be subject to redemption prior to maturity as provided in the Indenture.

(b) The form of the Bonds set forth in the Supplemental Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the Indenture, is hereby approved.

(c) The Bonds shall be special obligations of the City, payable from and secured by a pledge and assignment of the Revenues (as defined in the Indenture) received by the City and of certain other moneys held under the Indenture on a parity with any other Bonds (as defined in the Indenture) issued from time to time under the Master Indenture. The Bonds shall not be obligations of the State or any other political subdivision thereof, other than the City, and neither the faith and credit nor the ad valorem taxing or appropriation power of the State or any political subdivision thereof, including the City, is pledged to the payment of the Bonds. The Bonds shall not constitute general obligations of the City or any other entity or body, municipal, state or otherwise.

Section 2. Bond Details; Delegation of Authority. (a) The Bonds shall mature in the years and in the principal amounts, and shall bear interest (calculated on the basis of a year of 360 days consisting of twelve 30-day months) from the Closing Date, payable semiannually each year, and at the rates per annum and commencing on the dates, all as provided in the Certificate of Determination.

(b) There is hereby delegated to the Designated Officer, subject to the limitations contained in this resolution, the power to determine and effectuate the following with respect to the Bonds and the Designated Officer is hereby authorized to make such determinations and effectuations:

- (i) the principal amount of each series of the Bonds necessary to accomplish the purpose of the Bonds set forth in the recitals hereto and the aggregate principal amount of each series of the Bonds to be executed and delivered pursuant to the Indenture; *provided* that the aggregate principal amount of the Bonds shall not exceed \$15,000,000;
- (ii) the maturity date or dates and principal amount of each maturity of the Bonds to be issued; *provided, however*, that the Bonds mature over a period of not to exceed 26 years from their date or dates;
- (iii) the interest rate or rates of the Bonds and the date on which payment of such interest commences, *provided, however*, that the interest rate or rates to be borne by any Bond shall not exceed 5.50% per annum;
- (iv) the sale of the Bonds and the purchase price to be paid by the Underwriter of such Bonds; *provided, however*, that the discount from par of each series of the Bonds shall not exceed 2.00% (expressed as a percentage of the principal amount);
- (v) the Bonds, if any, to be retired from mandatory sinking fund redemption payments and the dates and the amounts thereof;
- (vi) the time and redemption price, if any, at which the Bonds may be called for redemption prior to their maturity at the option of the City;
- (viii) the use and deposit of the proceeds of the Bonds; and
- (ix) any other provisions deemed advisable by the Designated Officers not materially in conflict with the provisions of this resolution and the Parameters Resolution.

For purposes of this resolution and the Bonds, “*Designated Officer*” means (i) the City Administrator, or (ii) in the event of the absence or incapacity of the City Administrator, the Finance Director, or (iii) in the event of the absence or incapacity of both the City Administrator and the Finance Director, the Mayor.

The City Council delegates to the Designated Officer the authority to determine whether to pursue a competitive sale, private placement or negotiated sale for the sale of the Bonds. If a private placement or negotiated sale is pursued, the Designated Officer is authorized to select a purchaser or underwriter for the Bonds and to obtain such information from potential purchasers or underwriters as he or she deems necessary to make such determination. If a competitive sale is pursued, immediately following the date and time specified in the Official Notice of Bond Sale attached to the Official Statement for the receipt of bids for the purchase of the Bonds, the Designated Officer shall obtain such information as he or she deems necessary to make such determinations as provided above and to determine the bid of the responsible bidder that results in the lowest effective interest rate to the City.

After the Designated Officer makes such determinations as provided above, the Designated Officer shall execute the Certificate of Determination containing such terms and provisions of the

Bonds, which execution shall be conclusive evidence of the action or determination of the Designated Officer as to the matters stated therein. The provisions of the Certificate of Determination shall be deemed to be incorporated in this Resolution. If the Designated Officer determines that it is in the best interest of the City and the District, the Designated Officer may (i) waive any irregularity or informality in any bid or in the electronic bidding process or in any response to a request for information, request for proposal or request for bids; and (ii) reject any and all bids or offers to purchase the Bonds.

Section 3. *Approval and Execution of the Master Indenture and the Supplemental Indenture.* The Master Indenture, in substantially the form attached hereto as *Exhibit A*, and the Supplemental Indenture, in substantially the form attached hereto as *Exhibit B*, are hereby authorized and approved, and the Mayor or the Mayor Pro-Tem is hereby authorized, empowered and directed to execute and deliver the Master Indenture and the Supplemental Indenture on behalf of the City, and the City Recorder or any Deputy City Recorder is hereby authorized, empowered and directed to affix to the Master Indenture and the Supplemental Indenture the seal of the City and to attest such seal and countersign such Master Indenture and the Supplemental Indenture, with such changes to the Master Indenture and the Supplemental Indenture from the form attached hereto as are approved by the Mayor or the Mayor Pro-Tem, his or her execution thereof to constitute conclusive evidence of such approval. The provisions of the Master Indenture and the Supplemental Indenture, as executed and delivered, are hereby incorporated in and made a part of this resolution. The Master Indenture and the Supplemental Indenture shall constitute a “system of registration” for all purposes of the Registered Public Obligations Act of Utah.

Section 4. *Certificates and Documents Required to Evidence Compliance with Federal Tax and Securities Laws.* Each of the Mayor or the Mayor Pro-Tem, the City Recorder or any Deputy City Recorder, the City Administrator and the City Treasurer or the Finance Director of the City is hereby authorized and directed to execute (a) such certificates and documents as are required to evidence compliance with the federal laws relating to the tax-exempt status of interest on the Bonds and (b) a Continuing Disclosure Undertaking and such other certificates and documents as shall be necessary to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission and other applicable federal securities laws.

Section 5. *Other Actions With Respect to the Bonds.* The officers and employees of the City shall take all action necessary or reasonably required to carry out, give effect to, and consummate the transactions contemplated hereby and shall take all action necessary in conformity with the Act to carry out the issuance of the Bonds, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the sale and delivery of the Bonds. Without limiting the generality of the foregoing, the officers and employees of the City are authorized and directed to take such action as shall be necessary and appropriate to issue the Bonds.

Section 6. *Prior Acts Ratified, Approved and Confirmed.* All acts of the officers and employees of the City in connection with the issuance of the Bonds are hereby ratified, approved and confirmed.

Section 7. *Notice of Bonds to be Issued; Contest Period.* In accordance with the provisions of Section 11-14-316 of the Utah Code, the City Recorder shall cause the Notice of Bonds, in substantially the form attached hereto as *Exhibit D*, to be published one time in *The Standard Examiner*, a newspaper of general circulation in the City.

For a period of thirty (30) days from and after publication of the Notice of Bonds, any person in interest shall have the right to contest the legality of this Resolution (including the Bond Resolution and the form of the Supplemental Indenture attached hereto) or the Bonds hereby authorized or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of this Resolution (including the Bond Resolution and the Supplemental Indenture) or the Bonds or any provisions made for the security and payment of the Bonds for any cause.

Section 8. *Publication of Notice of Public Hearing.* The City Recorder shall publish or cause to be published the Notice of Public Hearing on the Utah Public Notice Website no less than 14 days before the public hearing. The Notice of Public Hearing shall be in substantially the form attached hereto as *Exhibit E*.

Section 9. *Form of Petition.* The form of the petition to be used by registered voters in requesting that an election be called to authorize the Bonds shall be in substantially the form attached hereto as *Exhibit F*.

Section 10. *Resolution Irrepealable.* Following the execution and delivery of the Supplemental Indenture, this resolution shall be and remain irrepealable until all of the Bonds and the interest thereon shall have been fully paid, cancelled, and discharged.

Section 11. *Severability.* If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

Section 12. *Effective Date.* This resolution shall be effective immediately upon its approval and adoption.

(Signature page follows.)

PASSED AND ADOPTED by the City Council of the City of Harrisville, Utah, this May 24, 2022.

HARRISVILLE CITY:

MICHELLE TAIT, MAYOR

ATTEST:

MARIA DEVEREUX, City Recorder

CITY COUNCIL		
ROLL CALL VOTE TALLY:	YES	NO
Mr. Wilhelmsen	___	___
Mr. Weiss	___	___
Mr. Christensen	___	___
Mr. Jackson	___	___
Mr. Loveland	___	___

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EXHIBIT A

[ATTACH FORM OF MASTER INDENTURE]

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EXHIBIT B

[ATTACH FORM OF SUPPLEMENTAL INDENTURE]

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EXHIBIT C

[ATTACH FORM OF CERTIFICATE OF DETERMINATION]

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EXHIBIT D

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 11-14-316, Utah Code Annotated 1953, as amended, that on May 24, 2022, the City Council (the “*Council*”) of the City of Harrisville, Utah (the “*City*”), adopted a resolution (the “*Resolution*”) in which it authorized and approved the issuance of its Sales and Franchise Tax Revenue Bonds (the “*Bonds*”) in one or more series, in an aggregate principal amount of not to exceed fifteen million dollars to bear interest at a rate or rates of not to exceed five and one half percent per annum and to mature not later than twenty-six years from their date or dates and to be sold at a discount from par not to exceed two percent. The Bonds shall be subject to such optional and mandatory redemption and other provisions as are contained in the Master Indenture, described below, and the final form of the Bonds and Supplemental Indenture, described below.

Pursuant to the Resolution, the Bonds are to be issued for the purpose of financing all or a portion of the cost of the acquisition, construction and improvement of a City Hall and offices, police station, public works facility, parks and recreational facilities, and related improvements (collectively the “*Project*”) and (b) paying all or a portion of the costs incurred in connection with the issuance and sale of the Bonds. The Bonds are to be issued and sold by the City pursuant to the Resolution and copies of a Master Indenture of Trust (the “*Master Indenture*”) and a Supplemental Indenture of Trust (the “*Supplemental Indenture*”) and, together with the Supplemental Indenture, the “*Indenture*”), that were before the Council and attached to the Resolution at the time of the adoption of the Resolution. The Council will adopt the bond resolution and the City will cause the Indenture to be executed and delivered, in each case in such form and with such changes thereto as the Council shall approve upon the adoption of the bond resolution, *provided* that the principal amount, interest rate or rates, maturity and discount, if any, will not exceed the respective maximums described above.

The repayment of the Bonds will be secured by a pledge of the legally available revenues from the Local Sales and Use Taxes received by the City pursuant to Title 59, Chapter 12, Part 2, Utah Code and franchise taxes levied by the City (collectively, the “*Pledged Taxes*”).

The City currently has no bonds outstanding that are secured by the Pledged Taxes. More detailed information relating to the City’s outstanding bonds can be found in the City’s most recent Annual Comprehensive Financial Report that is available on the Office of the Utah State Auditor’s website (www.sao.state.ut.us). The estimated total cost to the City of the proposed Bonds that will be used to finance the costs of the Project, if the Bonds are held until maturity and based on estimated interest rates currently in effect, is \$_____.

A copy of the Resolution (including the drafts of the Indenture attached to the Resolution) is on file in the office of the City Recorder at City Hall, 363 West Independence Boulevard, Harrisville, Utah, where the Resolution may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. The Resolution shall be so available for inspection for a period of at least thirty (30) days from and after the date of the publication of this notice.

NOTICE IS FURTHER GIVEN that pursuant to law for a period of thirty (30) days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the Resolution (including the Indenture and the Supplemental Trust Indenture attached thereto) of the City or the Bonds authorized thereby or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of the Resolution, the Bonds or the provisions for their security or payment for any cause

DATED May 24, 2022.

CITY OF HARRISVILLE, UTAH

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EXHIBIT E

CITY OF HARRISVILLE, UTAH NOTICE OF PUBLIC HEARING AND INTENT TO ISSUE SALES AND FRANCHISE TAX REVENUE BONDS

PUBLIC NOTICE IS HEREBY GIVEN that the City Council (the “*Council*”) of the City of Harrisville, Utah (the “*City*”), shall hold a public hearing to receive input from the public with respect to the issuance of its Sales and Franchise Tax Revenue Bonds (the “*Bonds*”) to finance all or a portion of the cost of acquisition, construction and improvement of a City Hall and offices, police station, public works facility, parks and recreational facilities, and related improvements (collectively the “*Project*”) and the potential economic impact that the Project will have on the private sector, pursuant to the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “*Act*”).

PURPOSE FOR ISSUING BONDS

The City intends to issue the Bonds for the purpose of (1) financing all or a portion of the costs of the acquisition, construction and improvement of the Project and (2) paying the costs incurred in connection with the issuance and sale of the Bonds.

MAXIMUM PRINCIPAL AMOUNT OF THE BONDS

The City intends to issue the Bonds in an aggregate principal amount not exceeding \$15,000,000.

SALES TAXES PROPOSED TO BE PLEDGED

The City proposes to pledge to the payment of the Bonds all of the legally available revenues from Local Sales and Use Taxes received by the City pursuant to Title 59, Chapter 12, Part 2, Utah Code and franchise taxes levied by the City.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The City will hold a public hearing during its City Council meeting that begins at [7:00] p.m. on June 14, 2022. The public hearing will be held at the regular meeting place of the Council at City Hall, 363 West Independence Boulevard, Harrisville, Utah. All members of the public are invited to attend and participate in the public hearing. Written comments may be submitted to the City, to the attention of the City Recorder, prior to the public hearing.

PURPOSE FOR HEARING

The purpose of the hearing is to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the Project will have on the private sector.

NOTICE OF RIGHT TO FILE PETITION TO HOLD AN ELECTION

NOTICE IS FURTHER GIVEN that pursuant to Section 11-14-307(7), Utah Code, if within 30 calendar days of the publication of this notice on May 26, 2022, a written petition requesting an election and signed by at least twenty percent (20%) of the registered voters of the City is filed with the City, then the City shall submit the question of whether or not to issue the Bonds to the voters of the City for their approval or rejection.

If no written petition is filed or if fewer than 20% of the registered voters of the City sign a written petition, in either case, within 30 calendar days of the final publication of this notice on May 26, 2022, the City may proceed to issue the Bonds without an election.

DATED May 24, 2022.

CITY OF HARRISVILLE, UTAH

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EXHIBIT F

PETITION

To: City Recorder
City of Harrisville, Utah

We, the undersigned citizens and registered voters of the City of Harrisville, Utah (the “City”), respectfully request that an election be called by the City Council of the City, pursuant to the provisions of Section 11-14-307(7), Utah Code Annotated 1953, as amended, to authorize the issuance by the City of its Sales and Franchise Tax Revenue Bonds, in a maximum principal amount not exceeding \$15,000,000, as to which notice of intention to issue was published on May 30, 2022, on the Utah Public Notice Website pursuant to the provisions of a resolution passed by the City Council at a regular meeting of the City Council held on May 24, 2022, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the City of Harrisville, Utah; my residence and post office address are correctly written after my name:

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STATE OF UTAH)
 : ss.
COUNTY OF WEBER)

I, _____, of _____, hereby certify that I am a registered voter of the City of Harrisville, Utah, that all the names which appear on this sheet were signed by persons who professed to be the persons whose names appear thereon, and each of them signed his or her name thereto in my presence, I believe that each has printed and signed his or her name, and written his or her post office address and residence correctly, and that each signer is a registered voter of the City of Harrisville, Utah.

Subscribed and sworn to before me this _____ day of _____, 2022.

Notary Public (or other official title)

DRAFT



HARRISVILLE CITY

363 West Independence \$ Harrisville, Utah 84404 \$ (801) 782-4100

MAYOR:

Michelle N. Tait

COUNCIL MEMBERS:

Grover Wilhelmsen
Steve Weiss
Blair Christensen
Max Jackson
Kenny Loveland

MEMORANDUM

To: City Council
From: Chief Mark L Wilson
Department: Police Department
Date: 05/18/2022
Re: Police Pay Scale

The introduced policy regarding officer pay and rank assignments is crucial for officer recruitment and retention by the police department. Historically, the police department has not structured itself on an officer rank or pay scale progression table which has continued to affect hiring and more specifically, officer retention.

The suggested amendments to City Policy will establish clear guidelines in regards to officer rank progression and pay schedules based upon longevity, required training and satisfactory performance reviews.

A handwritten signature in blue ink, appearing to read 'Mark L Wilson', written over a horizontal line.

Mark L Wilson
Chief of Police

date 18th of May, 2022

MEMORANDUM

To: Harrisville Mayor and City Council

From: Jennie Knight, City Administrator

RE: Harrisville Resolution 22-14; Policy and Procedure Amendments

Date: May 20, 2022

In the past, Harrisville City has hired minors to provide services in our Youth Recreation Program. Our current policy prohibits the employment of minors under the age of 16. The proposed Resolution authorizes the employment of minors under the guidelines outlined in Utah State Code, Title 34, Chapter 23, Section 2.

Although the City has operated under certain guidelines with regard to the conducting of criminal background checks for individuals working with vulnerable populations, this policy has not been formally adopted. The proposed Resolution adopts these appropriate guidelines under which these criminal background checks will be conducted.

**HARRISVILLE CITY
RESOLUTION 22-14**

POLICY AND PROCEDURES UPDATES

A RESOLUTION OF HARRISVILLE CITY, UTAH, AMENDING SECTION A-4: EMPLOYEE HIRING; ADOPTING SECTIONS B-2-15: POLICE OFFICER PROGRESSION AND PAY SCALE; AND C-25: RECREATION CRIMINAL BACKGROUND CHECK GUIDELINES TO HARRISVILLE CITY PERSONNEL POLICIES AND PROCEDURES MANUAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation duly organized and existing under the laws of the state of Utah;

WHEREAS, the City Council is authorized to adopt personnel policies and procedures for the effective and efficient administration of municipal government;

WHEREAS, the City Council adopted its current *Personnel Policies and Procedures Manual* on April 28, 2009, and has made various amendments to the same;

WHEREAS, the City Council desires to amend Section A-4: Employee Hiring, to the personnel policies and procedures manual and adopt Guidelines on Criminal Background checks for Recreation (Exhibit “A”), and Police Officer Progression and Pay Scale (Exhibit “B”) to achieve greater efficiency and clarity;

NOW, THEREFORE, be it resolved by the City Council of Harrisville City, Utah, that the Policies and Procedures Manual sections A-4 is hereby amended and sections B-2-15 and C-25 are hereby adopted to read as follows:

Section 1.

A-4 Employee Hiring

A-4-3 Selection

3. Employment of Minors. It is the policy of the City of Harrisville that no-one under the age of ~~sixteen (16)~~ twelve (12) shall be hired for any position.

A-4-4 Placement

5. Hiring New Employees

- b. Additional Requirement for Employment of Minors. Applicants age 18 or younger must provide an employment or age certificate establishing that they are the minimum age required for the job:
 - i. Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
 - ii. Unless otherwise exempt, a minor employee must be paid according to the statutory minimum wage and overtime provisions (currently one and one half {1/2} times the employee's regular wage after forty {40} hours worked in a work week) of the Fair Labor Standards Act of 1938, as amended.
 - iii. Employees sixteen (16) and seventeen (17) years of age are subject to Department of Labor Orders when working in any occupations which the Secretary of Labor shall find and by order declare to be particularly hazardous or detrimental to their health and well-being as

set forth in US Department of Labor Wage and Hour (WH) Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupations.

- iv. Employment of applicants younger than sixteen (16) years of age ~~IS PROHIBITED~~. Applicants ~~sixteen (16) and seventeen (17) may be employed subject to the following conditions:~~ will be in accordance with UCA §34-23-202.
 1. A minor under the age of 16 may not be employed or permitted to work during school hours except as authorized by the proper school authorities.
 2. A minor under the age of 16 may not be permitted to work:
 - a. before or after school in excess of hour hours a day;
 - b. before 5:00 a.m. or after 9:30 p.m., unless the next day is not a school day;
 - c. in excess of eight hours in any 24-hour period; or
 - d. more than 40 hours in any week.
1. ~~During non school hours, except as provided for in work experience and career exploration programs.~~
2. ~~Not before 7 a.m. or after 7 p.m. Summer hours may be extended to 9 P.M. from the last day of school until the first day of school for the following school year.~~
3. ~~No more than three (3) hours a day on school days.~~
4. ~~No more than eighteen (18) hours a week, during school the school semester.~~
5. ~~No more than eight (8) hours a day, on non school days.~~
6. ~~No more than forty (40) hours a week, in non school weeks.~~
7. ~~May not work in any occupations found and declared to be hazardous.~~
8. ~~May not work in the operation or tending of hoisting apparatus.~~
9. ~~May not work in the operation or tending of any power driven industrial or commercial machinery, such as lawn movers, without authorization and appropriate training.~~
10. ~~May not work from window sills (such as window washing), or be involved with any other work requiring the use of ladders, scaffolds or their substitutes.~~

Section 2.

B-2-15 Police Officer Progression and Pay Scale

1. **Officer Ranking**
 - a. **Officer I.**
 - i. Minimum of 179 training hours
 - b. **Officer II.**
 - i. Available after the beginning of fourth year.
 - ii. Minimum of 275 training hours
 - c. **Master Officer**
 - i. **Step 1**
 1. Available after the beginning of sixth year
 2. Minimum of 326 training hours with 51 hours of approved advanced leadership training.
 - ii. **Step 2**
 1. Available after two (2) years of obtaining Step 1.
 2. Minimum of 398 training hours with 72 hours of approved advanced leadership training.
 - d. **Sergeant**
 - i. **Step 1**
 1. Minimum of 500 training hours with 78 hours of approved advanced leadership training.
 - ii. **Step 2**
 1. Minimum of 602 training hours with 102 hours of approved advanced leadership training.

- e. Detective
 - i. Step 1
 - 1. Minimum of 120 hours of approved advanced training.
 - ii. Step 2
 - 1. Minimum of 127 hours of approved advanced training.
 - iii. Master Detective
 - 1. Minimum of 168 hours of approved advanced training.
- f. Lieutenant/Assistant Chief
 - i. POST Mid-Management Certificate
 - ii. Achieve advanced leadership and management certification through an approved Leadership Academy.
- g. Chief
 - i. Officially appointed position

2. Officer Pay Scale

<u>Officer</u>		
New Hire	Current Pay Rate	
Officer I/Completion of FTO	\$1/hour raise	
Officer II	\$1/hour raise	After 3 years & training hours have been met
Master Officer I	\$1/hour raise	After 5 years & training hours have been met
Master Officer II	\$1/hour raise	After 7 years & training hours have been met
<u>Investigations</u>		
Detective	\$1/hour raise	
Detective II	\$1/hour raise	
Master Detective I	\$1/hour raise	After 3 years in investigations, and completion of Master Officer I training hours.
Master Detective II	\$1/hour raise	After 2 years of receiving Step I and completion of Master Officer II training hours.
Lateral Officer	Current Pay Rate equal in years of service to Officer I and II base pay. Years of L.E. service are valued at a rate determined by the Chief of Police.	

Section 3.

C-25 Recreation Criminal Background Check Guidelines

C-25-1 Purpose

To establish screening procedures for persons working with vulnerable populations.

C-25-2 Guideline

Volunteers working with vulnerable populations including, but not limited to, children, senior citizens and persons with disabilities, will be screened on a yearly basis for;

1. Criminal histories involving abuse or neglect of such vulnerable populations
2. Criminal history that creates a risk of abuse or neglect of such populations
3. Sex Offender Registries

C-25-3 Definitions

The following terms are defined as set forth below.

1. **Criminal Background Check:** A statewide search of criminal history to be conducted for all volunteers with verifiable history of five consecutive years of residence or more in Utah. This search will include a screening through local and national registries of convicted sexual abusers. A national criminal background check through the Federal Bureau of Investigation or some of other source will be conducted for volunteers residing outside of Utah during the past five years.
2. **Residency Verification:** A means of verification of applicant residency by providing a valid Utah driver license, tax records, employment records, utility bill or school records.
3. **Vulnerable Population:** Individuals under the age of 18, senior citizens at least 60 years of age, any person with physical and/or mental disabilities.
4. **Volunteer:** A person who donates his or her time and experience for the benefit of teaching or assisting persons outside of their immediate family.
5. **Sanctioned/Convicted:** A person convicted by a court of law or punished through means of pretrial diversion, or received first offender treatment or sentenced in connection with a plea of nolo contendere as adult, or entry of a plea in abeyance. "Sanctioned" also includes juvenile court dispositions and offenses for applicants under the age of 22.
6. **Review Board:** Shall consist of the Recreation Director, Police Chief, or designee, and City Administrator or Mayor.

C-25-4 Application

Any prospective volunteer who seeks approval to work with vulnerable populations on behalf of Harrisville City (hereinafter "Applicant"), shall complete a Harrisville City application with identifying information for purposes of a criminal background check and residency verification and shall sign a sworn statement affirming that applicant has no criminal history or other conduct of the types described in this guideline that would prevent him or her from working with vulnerable populations. Applicant may also be required to provide documentation for residency verification and shall execute a release authorizing the Harrisville City Police Department to access applicant's personal information as necessary to complete the criminal background check and residency verification.

C-25-5 Review of Application

The Review Board shall review all criminal background checks that meet the discretionary disqualification criteria.

C-25-6 Confidentiality

Completed applications and results of criminal background checks shall not be disseminated generally and access to such documents shall be limited to the Review Board to maximize confidentiality and comply with applicable law.

C-25-7 Disqualification

1. **Automatic disqualification:**
 - i. Any crimes against vulnerable population conviction
 - ii. Any violent felony conviction
 - iii. Any sexual conviction
 - iv. Any felony conviction within 7 prior years
 - v. Any drug related criminal offense conviction within 5 years
 - vi. Any alcohol related criminal offense conviction within 2 years
 - vii. Any misrepresentation of facts
2. **Discretionary disqualification:**
 - i. Applicant has been sanctioned for one or more criminal offense not described in the above subsection VII-A and the offense(s) reasonably raises the possibility of risk of neglect, abuse, harm or detriment to vulnerable populations if the same offense(s) or

- similar conduct were repeated in the presence of the vulnerable populations that applicant will be working with.
- ii. Applicant has a history of conduct known to the Review Board of unprofessional, dishonest, unethical, unsportsmanlike conduct, rule-breaking, reckless or other inappropriate behavior, or violation of court orders, which in the view of the Review Board demonstrates that vulnerable populations will not be well served by unsupervised interaction with or mentoring by applicant.
3. Using reasonable discretion, the Review Board may take the following into account as well as request additional information as deemed necessary.
- i. The lapsed time since offense occurred
 - ii. Is the offense repetitive
 - iii. The severity of the offense
 - iv. The type and nature of work to be performed
 - v. Countervailing information demonstrating improved conduct
 - vi. The likelihood that the offense may be repeated
 - vii. Pending criminal charges both prior to work as well as during volunteer work.
(Work may be revoked until charges are resolved)

C-25-8 Decision to Disqualify

A decision of the Review Board to deny or suspend approval of a current or prospective volunteer to work with vulnerable populations shall be communicated to the party by the Recreation Director by email or mail.

C-25-9 Appeal of Decision

Any disqualifying decision may be appealed to the mayor by filing a written request for reconsideration. The request shall be filed with the mayor’s office within 10 days of receiving written notice of decision. The request shall include a written statement describing the basis for reconsideration.

Section 4.

Effective Date. This Resolution shall be effective immediately upon passage and adoption.

PASSED AND ADOPTED this 24th day of May, 2022.

HARRISVILLE CITY:

MICHELLE TAIT, Mayor

ATTEST:

MARIA DEVEREUX, City Recorder

City Council		
Roll Call Vote Tally:	Yes	No
Mr. Wilhelmsen	___	___
Mr. Weiss	___	___
Mr. Christensen	___	___
Mr. Jackson	___	___
Mr. Loveland	___	___

MEMORANDUM

To: Harrisville Mayor and City Council
From: Jennie Knight, City Administrator
RE: Ordinance #535 – CP-2 (Commercial) Zone Amendments
Date: May 20, 2022

Background: This draft ordinance comes with a positive recommendation from Planning Commission at their May 11, 2022 meeting. On April 26, 2022, Triple Peaks, LLC, submitted an application to amend the CP-2 Zoning Uses to include outdoor swimming pools as an approved use. A public hearing was held at the May 11, 2022 Planning Commission meeting to receive public comment.

Findings:

1. “Commercial recreation” is defined under HCMC §11.01.060 as *“recreation facilities that may be indoor or outdoor such as golf courses, stadiums, gun range, skateboarding, water parks, ball fields, ball courts, swimming pools, bowling, skating rinks, gyms, or any similar facilities operated on a commercial or membership basis. The term “commercial recreation” shall also include any accessory uses, such as a snack bar, pro-shop, and locker room, which are designed and intended primarily for the use of patrons of the principal recreational use.”*
2. HCMC § 11.12.020(4) lists *“Commercial indoor recreation facility”* as a permitted use in the CP-2 zone.

Recommendation: Staff recommends a positive recommendation of Harrisville Ordinance #535 – CP-2 (Commercial) Zone Amendments to include Outdoor Swimming Pools as an approved use under a Conditional Use Permit to mitigate the impact on neighboring properties.

**HARRISVILLE CITY
ORDINANCE 535**

CP-2 (COMMERCIAL) ZONE AMENDMENTS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE CP-2 (COMMERCIAL) USE STANDARDS IN THE CP-2 (COMMERCIAL) ZONE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Utah Code Annotated Title 10 Chapter 9a enables municipalities to regulate land use and development;

WHEREAS, the City has adopted Commercial Use Standards to governing land use within the City;

WHEREAS, the City desires to amend Commercial Use Standards of Harrisville City as indicated herein;

WHEREAS, after publication of the required notice the planning commission held its public hearing on May 11, 2022, to take public comment on the proposed ordinance, after which the commission gave its recommendation to approve this Ordinance;

WHEREAS, the council received the _____ from the planning commission and held its public meeting on _____;

NOW, THEREFORE, be it ordained by the City Council of Harrisville as follows:

Section 1: 11.12.020 Uses

4. Any use in the following table is permitted if such use has a "P" designation in the zone where the use is listed. A "C" designation indicates that a conditional use permit is required according to the procedures of Chapter 11.18 of this Land Use Ordinance before the use can be allowed. An "N" indicates the use is not allowed in the specific zone where it is listed. If the last column in the use table includes a number this refers to a section in Chapter 11.14 to a specific regulation that is required to be followed in order to allow the use in the specific zone.

Land Use	Zone		Specific Use Regulation
	CP-2	MP-1	
RECREATION AND ENTERTAINMENT			
<u>Outdoor Swimming Pool</u>	<u>C</u>	<u>N</u>	

Section 2: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 3: Effective date. This ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2022.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JENNIE KNIGHT
City Recorder

RECORDED this ____ day of _____, 2022.
PUBLISHED OR POSTED this ____ day of _____, 2022.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall, 2) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.

City Recorder

DATE: _____