

**MURRAY**  
CITY COUNCIL

**Council Meeting  
November 20, 2012**



**NOTICE OF MEETING**  
**MURRAY CITY MUNICIPAL COUNCIL**

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, November 20, 2012, at the Murray City Center, 5025 South State Street, Murray, Utah.

4:30 p.m. **Committee of the Whole:** To be held in the Conference Room #107

1. **Approval of Minutes**
  - 1.1 None scheduled
2. **Discussion Items**
  - 2.1 Murray City Ethics Commission – Frank Nakamura (15 minutes)
  - 2.2 Public Street Standards Discussion – Tim Tingey (30 minutes)
  - 2.3 Landscape Ordinance Amendment Discussion – Tim Tingey (30 minutes)
  - 2.4 Residential Beekeeping & Chicken Land Use Discussion – Tim Tingey (30 minutes)
3. **Announcements**
4. **Adjournment**

6:30 p.m. **Council Meeting:** To be held in the Council Chambers

5. **Opening Ceremonies**
  - 5.1 Pledge of Allegiance
  - 5.2 Approval of Minutes
    - 5.2.1 None scheduled.
  - 5.3 Special Recognition
    - 5.3.1 Mayor Dan Snarr's Special Introduction of the 2012 – 2013 Miss Murray, Shannon Oveson.
6. **Citizen Comments** (Comments are limited to 3 minutes unless otherwise approved by the Council.)
7. **Consent Agenda**
  - 7.1 Consider a resolution approving the appointment of James A. Brass as the City's representative to the Wasatch Front Waste and Recycling District Board. (Frank Nakamura presenting.)

**8. Public Hearings**

8.1 Public Hearing #1

8.1.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

Consider an ordinance amending the City's 2012-2013 Fiscal Year Budgets. (Justin Zollinger presenting.)

8.1.2 Council consideration of the above matter.

8.2 Public Hearing #2

8.2.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

Consider a resolution approving the Utah Associated Municipal Power Systems Integrated Resource Plan. (Greg Bellon presenting.)

8.2.2 Council consideration of the above matter.

8.3 Public Hearing #3

8.3.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter:

Consider an ordinance relating to land use: amends the General Plan from Residential Single-Family Low Density to Residential Multiple-Family Low Density and amends the Zoning Map from R-1-10 to R-M-10 for the property located at approximately 1765 and 1775 East Vine Street. (Tim Van Der Linden applicant.) (Tim Tingey presenting.)

8.3.2 Council consideration of the above matter.

**9. Unfinished Business**

9.1 None scheduled.

**10. New Business**

10.1 Consider a resolution changing the policy of the City regarding the use of independent auditors to prepare annual financial reports as required by State law. (Justin Zollinger presenting.)

**11. Mayor**

11.1 Report

11.2 Questions of the Mayor

**12. Adjournment**

## NOTICE

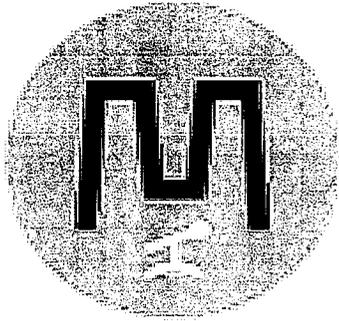
**SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.**

**Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.**

On Friday, November 16, 2012, at 10:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov> .

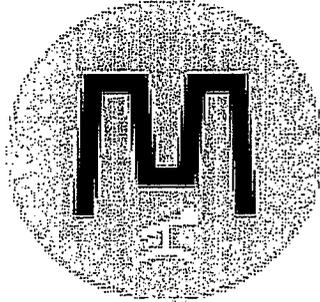
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Janet M. Lopez  
Council Administrator  
Murray City Municipal Council



**MURRAY**  
CITY COUNCIL

# Committee of the Whole



**MURRAY**  
CITY COUNCIL

**Discussion  
Item #1**

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

**1. TITLE:** (Similar wording will be used on the Council meeting agenda.)

Ordinance repealing Sections 2.46.110 and 2.46.120 and enacting Chapter 2.47 of the Murray City Municipal Code relating to the Murray City Ethics Commission

**2. KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Responsive and Efficient City Services

**3. MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested November 20, 2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

**4. FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

**5. RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

Memo, Ordinance

**6. REQUESTOR:**

Name:

Presenter: Frank Nakamura

Agency:

Date: 11/08/2012

Title:

Title: City Attorney

Phone: 264-2640

Time: 2:20

**7. APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director:

Date:

Mayor:



Date:

11/8/2012

**8. COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

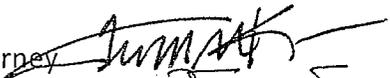
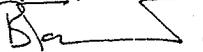
Recommendation: \_\_\_\_\_

**9. NOTES:**



ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

TO: Murray City Municipal Council  
CC: Daniel C. Snarr, Mayor  
FROM: Frank Nakamura, City Attorney   
Briant Farnsworth, Senior City Attorney   
DATE: October 16, 2012  
RE: Proposed Creation of Murray City Municipal Ethics Commission

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Attached for your review and consideration is a proposed ordinance establishing a City Ethics Commission. In 2012, the Utah State Legislature enacted SB 180 that establishes a States Ethics Commission to review complaints against elected officials alleging violations of the State Ethics Code – Title 10, Chapter 3 of the Utah Code. It also gave cities the option to create their own ethics commission to review such complaints rather than having the States Ethics Commission handle them.

It is unfortunate that the State has determined that it needed to become involved in mandating the creation of ethics commissions. SB 180 creates a system wherein cities are mandated with either creating their own ethics commission or deferring complaints against its elected officials to a state ethics commission

After reviewing the options, the City administration believes it would be in the best interests of the City to create its own ethics commission. The commission would be made up of members appointed by the Mayor with advice and consent of the City Council. The City's elected officials would be able to determine the qualifications of the commission members and designate the terms of appointments, rather than relying on whatever system the State ultimately conceives.

The City, by creating its own ethics commission, resolves a number of potential concerns. The ethics investigations would be kept at a local level, where the greatest interest resides. Members of the commission would be required to be City residents who actually have an interest in the community. The Mayor, with the advice and consent of the Council, would appoint members of the commission. Because the elected officials would be involved in selecting the commission members, it would increase the likelihood of the elected officials honoring and giving legitimacy to the commission's findings.

SB 180 went into effect on September 1, 2012. Thus far, the State has not established an ethics commission. The Administration believes the City needs to move quickly to implement an ethics commission on a local level. Should the City not create its own ethics commission, it would by default be subject to the State Ethics Commission that will eventually be set up.

- No authority for the City exists to remove or sanction an elected official other than through an election.
- A finding that there was an ethical violation of an elected official would be forwarded to the District Attorney for review. The commission has no power to impose punishments on its own.
- The Commission also reviews ethics complaints against City employees. Commission recommendations are referred, for action, to the Mayor or City Council if the employee is employed in the City Council office.
- Detailed explanations of the procedures the Commission is to use when investigating ethics complaints.

We would like to discuss the proposed ordinance at your convenience in Committee of the Whole before it is considered for action at a duly notice Council meeting. Please contact our office should you have any questions or concerns. Thank you.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE REPEALING SECTIONS 2.46.110 AND 2.46.120 AND ENACTING CHAPTER 2.47 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO THE MURRAY CITY ETHICS COMMISSION.

In 2012 the Utah State Legislature passed Senate Bill 180 (SB180), establishing a State Ethics Commission, to review complaints against elected political subdivision officers alleging violations of the Municipal Officers' and Employees Ethics Act, Title 10, Chapter 3, Part 13 of the Utah Code ("the State Ethics Code").

SB180, however, also allows political subdivisions to establish their own ethics review commissions. If the City establishes its own ethics commission, ethic complaints against the City officers and employees alleging violations of the State Ethics Code would be subject to review by the City's Ethics Commission and not by the State's Ethics Commission.

The Murray City Municipal Council believes that it is in the best interest of the City to have a City Ethics Commission to preserve local control over City matters. Under the City's process, an ethics commission of five (5) Members would be appointed by the Mayor with the advice and consent of the City Council. This City Ethics Commission would review and investigate complaints alleging violations by elected City officials, appointees and employees of: Chapter 2.46 of the Murray City Municipal Code, Ethics and Standards of Conduct ("City Ethics Code") and the State Ethics Code. This allows the City's elected, appointed officials and employees to have such complaints reviewed by citizens in the City.

The authority of the City to impose sanctions against elected officials, based on findings of the City's Ethics Commission, including removing an elected official, is limited, pursuant to state statute. Sanctions or discipline against City employees based upon a finding of the City's Ethics Commission can be taken in accordance with the City's personnel policies and procedures.

While the Council believes it is best to have local citizens reviewing complaints against elected City officials, it also knows that the ultimate review is up to the voters in the City. As stated in State v. Jones, 407 P.2d 571 (Utah 1965), "it is of course desirable for everyone, especially public officials, to conform to the law [and rules of ethics] in all respects, and in fact to live exemplary lives. But . . . public offices must be staffed with people beset with human frailties and we must deal with them as such. . . [There is a] principle, fundamental in our democracy, that the privilege of choosing and electing public officials, and repudiating them if and when they so desire, belongs exclusively to

the people; and that neither the courts nor any other authority [including ethics review commissions] should be hasty to encroach upon that right.”

SB 180 also enacted Title 11, Chapter 49 of the Utah Code providing a process for review of ethics complaints by the State Ethics Commission. The City Council wants to pattern the process of review by the City Ethics Commission after the process provided in Title 11, Chapter 49 of the Utah Code.

The City Council wants a City Ethics Commission to ensure that allegations of ethics violations are handled on a City level not a State level.

THEREFORE, BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this section is to repeal sections 2.46.110 and 2.46.120, and to enact chapter 2.47 of the Murray City Municipal Code relating to the Murray City Municipal Ethics Commission.

*Section 2.*

A. Sections 2.46.110 and 2.46.120 of the Murray City Municipal Code are hereby repealed as follows:

**2.46.110: COMPLAINTS CHARGING VIOLATIONS; HEARING PROCEDURE: REPEALED**

**2.46.120: APPEALS FROM THE MAYOR'S DECISION: REPEALED**

B. *Chapter 2.47* of the Murray City Municipal Code shall be established and read as follows:

**2.47.010 COMMISSION ESTABLISHED; PURPOSE; COMPOSITION; APPOINTMENT; TERM**

- A. The Murray City Ethics Commission (the “Commission”) is hereby established under authority of section 10-3-1311 (2012), Utah Code Annotated, Municipal Officers’ and Employees’ Ethics Act.
- B. The purpose of the Commission is to review, hold hearings, deliberate and make official findings and recommendations regarding complaints against City Officers and Employees for alleged violations of Murray City Municipal Code chapter 2.46, Ethics and Standards of Conduct (“City Ethics Code”) and Title 10 Chapter 3 Part 13, Utah Code Annotated, Municipal Officers’ and Employees’ Ethics Act (“State Ethics Code”).

- C. Members of the Commission ("Member(s)") must be City residents, and have lived in the City for at least three years. The Commission is composed of five at large Members, all of whom are appointed by the Mayor with the advice and consent of the City Council, based upon their competency and fitness for the appointment.
- D. Terms. Members serve terms of (3) three years. Members may not serve more than (2) two full consecutive terms. Vacancies occurring through expiration of terms of appointment, death, disability, resignation or removal by the Mayor, if applicable, will be filled by appointment of the Mayor with the advice and consent of the City Council. A Member may resign from the Commission by giving written notice of the resignation to the Mayor. For purposes of this section, an appointment to fill the unexpired term of a vacating Member is not considered a full term.
- E. Initial Terms of Commission. When appointing the initial Members upon formation of the Commission, one Member will be appointed for a one-year term; two Members will be appointed for a two-year term; and two Members will be appointed for a three-year term; such that at least one new Member may be appointed each year. For purposes of this section, the initial one-year term and two-year term, respectively, are considered full terms.
- F. Removal.
  - 1. The Mayor may remove a Member at any time for any reason so long as the Mayor is not the subject of review by the Commission.
  - 2. The Mayor must remove a Member if:
    - a. the Member is convicted of, or enters a guilty plea to; or enters a plea of no contest or a plea in abeyance to any criminal violation, other than a minor traffic violation;
    - b. the Member is found to have committed an ethical violation by the State Political Subdivision Ethics Review Commission; or
    - c. the Member fails to remain a resident of the City.
- G. Recusal. If a Member is accused of wrongdoing in a complaint, or if a Member determines that the Member has a conflict of interest in relation to a complaint, the Member will be temporarily recused and a temporary Member will be appointed by the Mayor, with the advice and consent of the City Council, to serve in the recused Member's place for the limited purpose of reviewing that complaint for which the recusal was implemented. The recusal will not affect the recused Member's service on the Commission for other complaints that may be concurrently before the Commission.
- H. Compensation. Members may not receive compensation or benefits for the Member's service; except that a Member may receive per diem and expenses incurred in the performance of the Member's official duties at the rates established by the City Finance Department.
- I. Commission Chair.
  - 1. Within 30 calendar days following the appointment of all five initial Members of the Commission by the Mayor, with the

consent of the City Council, the Members are directed to convene a meeting to elect, by majority vote, a Commission Chair ("Chair") and Vice Chair. Members must thereafter convene a meeting each January to elect, by majority vote, a Chair and Vice Chair. A Member may not serve as Chair for more than two consecutive years.

2. A Vice Chair is authorized to fulfill any of the Chair's duties found in this chapter should the Chair at any time be unavailable to fulfill his duties, is absent from any meeting where there is otherwise a quorum, or the position of the Chair becomes vacant for any other reason. If the position of Chair becomes vacant for any reason, the Vice Chair shall fulfill the duties of the Chair until the next election of a Chair and Vice Chair in the yearly January meeting.

## **2.47.020 DEFINITIONS**

- A. "Actual Knowledge" means direct and clear knowledge, usually personal or firsthand knowledge, as distinguished from constructive or common knowledge. It is knowledge of such a reliable character that it would lead a reasonable person to believe the information was fully trustworthy.
- B. "City Employee" means any employee of the City who is employed on a full or part-time basis by the City, including all appointed employees, and career service employees who are subject to the City and State Ethics Codes. City Employee does not include City Officials, as defined herein, seasonal workers, City volunteers, independent contractors or the Murray City Municipal Justice Court Judge.
- C. "City Ethics Code" means Chapter 2.46 of the Murray City Municipal Code, Ethics and Standards of Conduct.
- D. "City Official" means any official of the City, either elected to office or appointed to a City board, panel or commission, who is subject to the City and State Ethics Codes.
- E. "Commission" means the Murray City Ethics Commission, established in this Chapter.
- F. "Complainant" means a person who files a complaint in accordance with this Chapter.
- G. "Conflict of Interest" means a real or seeming incompatibility between one's private interests, especially financial or political interests, and one's public duties.

- H. "Contact Complainant" means the person listed in the complaint identified as the contact to receive notices and findings from the Commission.
- I. "Dismiss with Prejudice" means that a complaint or allegation is dismissed and cannot be re-filed with the Commission.
- J. "Dismiss without Prejudice" means that a complaint or allegation is dismissed, usually for procedural reasons, but allows the Complainants to re-file a complaint or allegation with the Commission.
- K. "Ethics Violation" means a violation of any provision of the City or State Ethics Codes.
- L. "Frivolous" means lacking reasonable foundation, basis or merit; not reasonably serious or purposeful; done mainly to harass, extort or annoy; intending to cause unwarranted harm to the reputation of another or to cause the unwarranted expenditure of public funds.
- M. "Impracticability" means a fact or circumstance that excuses a party from performing an act, because it would cause unreasonable difficulty.
- N. "Legal Justification" means a lawful or sufficient reason for one's acts or omissions; capable of being legally excusable or defensible.
- O. "Party" is a generic term that means either the Complainants or Respondent. "Parties" means both the Complainants and Respondent.
- P. "Quorum" means the minimum number of Members who must be present for the Commission to transact business or take a vote. For purposes of this Chapter, four (4) Members constitute a quorum.
- Q. "Recusal; Recuse" means the removal of oneself as a decision-maker in a particular matter, usually due to a conflict of interest.
- R. "Respondent" means a person who files a response to a complaint in accordance with this chapter.
- S. "Shall" means the individual or group directed thereby is required to perform the indicated action; has a duty to perform.
- T. "State Ethics Code" means Title 10 Chapter 3 Part 13 of the Utah Code, Municipal Officers' and Employees' Ethics Act.

## **2.47.030 MEETINGS – STAFF**

A. Purpose. The Commission meets for the purpose of reviewing ethics complaints against City Officials or Employees and holding hearings, deliberating complaints, making findings and issuing recommendations based upon their findings, when called to meet at the discretion of the Chair, except as otherwise provided in this Chapter.

B. To hold a meeting in which any official action or vote may be taken, a quorum must be present. Four (4) Members of the Commission must be present to constitute a quorum.

C. A meeting held by the Commission is subject to Title 52, Chapter 4, Utah Open and Public Meetings Act, unless otherwise provided.

D. Members must attend a yearly training meeting on ethics and the Rules of Evidence to be presented by the City Attorney's Office.

E.1. The City Attorney's Office staff will assist the Commission in the performance of the Commission's official duties. The City Attorney or the City Attorney's designee will attend Commission meetings to assist with legal, procedural or evidentiary matters and to ensure compliance with the Utah Open and Public Meetings Act.

2. a. Other than situations governed by section 2.47.230 below, should the City Attorney determine that the City Attorney's Office has an actual or perceived conflict with any particular investigation or matter before the Commission, the City Attorney's Office shall recuse itself from the matter, and the Commission is authorized to hire outside legal counsel; however, costs for such legal counsel may not exceed an amount budgeted for this purpose by the City Council in its yearly budgeting process.

b. Regardless of whether the City Attorney recuses the City Attorney's Office, the Commission may decide to hire outside legal counsel to give it legal advice for any particular matter, subject to the budget authorized by the City Council in its yearly budgeting process.

c. Notwithstanding subsections 2a and 2b above, staff support not related to legal advice may continue to be provided to the Commission by the City Attorney's Office.

## **2.47.040 COMPLAINTS AGAINST ETHICS COMMISSION MEMBERS**

In accordance with section 10-3-1311(3), Utah Code Annotated, any complainant alleging a violation of the City or State Ethics Code by a Member must file such complaint with and subject to the rules, regulations and procedures of the State Political Subdivisions Ethics Review Commission, established under Title 11 Chapter 49, Utah Code Annotated.

**2.47.050 AUTHORITY TO REVIEW COMPLAINT – GROUNDS FOR COMPLAINT – LIMITATIONS ON FILINGS**

A. Subject to the requirements of this Chapter, and Section 10-3-1311 of the Utah Code, the Commission is authorized to review an ethics complaint against a City Official or Employee if the complaint alleges:

1. An ethics violation of the City or State Ethics Code by a City Official or Employee alleged to have occurred after the enactment of this ordinance and while the City Official was serving in office or the City Employee was employed by the City. In no case shall a complaint be accepted in which the alleged violations occurred over four (4) years prior to the filing of the complaint;

2. A complaint described in subsection A1 above must be filed in accordance with time limit provisions, if any, of the applicable part or Chapter in the State or City Ethics Code and this Chapter.

B. A complaint may not contain an allegation if that allegation and the general facts and circumstances supporting that allegation have been previously reviewed by the Commission, unless:

1. the allegation was previously reviewed and dismissed by the Commission under sections 2.47.100 or 2.47.130 of this Chapter;

2. the allegation is accompanied by material facts or circumstances supporting the allegation that were not raised or pled to the Commission in the original complaint; and

3. the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the Commission in accordance with section 2.47.130 of this Chapter on one previous occasion.

C. If an allegation in the complaint does not comply with the requirements under this section, the allegation must be summarily dismissed with prejudice by the Commission.

**2.47.060 GENERAL POWERS – JURISDICTION**

A. The Commission has jurisdiction over complaints against a City Official or Employee alleging violation of the State Ethics Code or the City's Ethic Code. The States Ethics Commission has no jurisdiction of these ethics complaints.

B. The Commission must dismiss an ethics complaint if the Respondent resigns or is terminated from City employment.

C. If a Respondent has been charged with a criminal violation, and an ethics complaint asserts an ethics violation in addition to the criminal violation, the Commission may review and hear the complaint related to the alleged ethics violation.

#### **2.47.070 CHAIR AS PRESIDING OFFICER**

A. Except as expressly provided otherwise in this Chapter, the Chair of the Commission is vested with the power to direct the Commission during meetings authorized by this Chapter.

B. Unless expressly prohibited from doing so under this Chapter, the Commission may overrule a decision of the Chair through the following motion procedure:

1. if a Member objects to a decision of the Chair in any meeting or hearing, that Member may appeal the decision by stating:
  - a. "I appeal the decision of the Chair"; and
  - b. stating the basis for the objection.
2. A motion described under subsection B1 is non-debatable.
3. The Chair shall immediately direct a roll call vote to determine if the Commission supports the decision of the Chair.
4. A majority vote of the Commission is necessary to overrule the decision of the Chair.

C. The Chair may set time limitations on any part of a meeting or hearing authorized by this Chapter.

#### **2.47.080 ETHICS COMPLAINTS – WHO MAY FILE – FORM**

A.1. The following may file an ethics complaint, subject to the requirements of this Chapter, against a City Official or Employee:

- a. two or more registered voters who reside within the City;
- b. two or more registered voters who pay a fee or tax to the City; or
- c. one or more registered voters who reside within the City and one or more registered voters who pay a fee or tax to the City.

2. A person described in section A.1 above may not file an ethics complaint unless at least one person described therein has actual knowledge of the facts and circumstances supporting the alleged ethics violation.

3. A Complainant may file an ethics complaint only against an individual who, on the date that the complaint is filed, is serving as a City Official or Employee. The complaint may only be for violations of the City or State Ethics Code alleged to have been committed while the City Official or Employee was serving or employed by the City.

B.1. a. A Complainant must file the ethics complaint with the City Recorder's Office and remit a nonrefundable \$25.00 administrative filing fee.

b. the City Recorder's Office is required to forward the complaint to the Chair of the Commission and the City Attorney's Office no later than two (2) business days after the date on which the complaint is filed.

B.2. An individual may not file a complaint against a City Official during the 60 calendar days immediately preceding:

- a. a regular primary election, if the accused City Official is a candidate in the primary election; or
- b. a regular general election in which the City Official is a candidate, unless the City Official is unopposed in the election.

C. A Complainant must ensure that each complaint filed under this section is in writing and contains the following information:

1. the name and position of the City Official or Employee alleged to be in violation;
2. the name, address and telephone number of each individual Complainant who is filing the complaint;
3. the name, address and telephone number of the Complainant designated to receive notices as the Contact Complainant;
4. a description of each alleged ethics violation of the City or State Ethics Code;
5. include for each alleged ethics violation:
  - a. a reference to the section of the City or State Ethics Code alleged to have been violated;
  - b. the name of the Complainant who has actual knowledge of the facts and circumstances supporting each allegation; and
  - c. with reasonable specificity, the facts and circumstances supporting each allegation, which may be provided by either:
    1. copies of official records or documentary evidence; or
    2. one or more affidavits that include the information required in subsection D, below.
6. a list of the witnesses that a Complainant wants to have called, including for each witness:
  - a. the name, address and, if available, one or more telephone numbers of the witness;
  - b. a brief summary of the testimony to be provided by the witness; and
  - c. a specific description of any documents or evidence a Complainant wants the witness to produce.
7. a statement that each Complainant:
  - a. has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
  - b. believes that the complaint is submitted in good faith and not for any improper purpose such as for the purpose of harassing the Respondent, causing unwarranted harm to the Respondent's reputation, or causing unnecessary expenditure of public funds; and

c. believes the allegations contained in the complaint to be true and accurate.

8. the signature of each Complainant.

D. An affidavit described in subsection C.4.c.2 above must include:

1. the name, address, and telephone number of the signer of the affidavit;
2. a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
3. the facts and circumstances testified by the signer;
4. a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
5. the signature of the signer.

#### **2.47.090 REVIEW OF ETHICS COMPLAINT FOR COMPLIANCE WITH FORM REQUIREMENTS – RETURN OR ACCEPTANCE OF COMPLAINT**

A. Within five (5) business days after receipt of an ethics complaint, staff to the Commission, in consultation with the Chair, will examine the complaint to determine if it is in strict compliance with sections 2.47.050 and 2.47.080 of this Chapter, or whether the complaint is obviously frivolous.

B.1. If the Chair, with staff input, determines that the complaint does not comply with sections 2.47.050 or 2.47.080 of this Chapter, the Chair must:

- a. return the complaint to the Contact Complainant with:
  1. a statement detailing the reason for non-compliance of sections 2.47.050 or 2.47.080 of this Chapter; and
  2. a copy of the applicable provisions in this chapter; and
- b. notify the Mayor and City Council, for informational purposes, that:
  1. a complaint was filed against an unidentified City Official or Employee, but was returned for non-compliance with this Chapter; and
  2. the fact that a complaint was filed and returned must be kept confidential until the Commission submits its annual summary data report.

2. If a complaint is returned for non-compliance with the requirements of this chapter, a Complainant may file another complaint if the new complaint independently meets the requirements of sections 2.47.050 and 2.47.080 of this Chapter, including any requirements for timely filing.

C. If the Chair, with staff input, determines the complaint to be obviously frivolous, the Chair must dismiss the complaint with prejudice and:

1. a. return the complaint to the Contact Complainant with a statement explaining that the complaint has been determined to be obviously frivolous and the reasons for the decision; and
- b. notify the Contact Complainant that:

1. an ethics complaint dismissed for being obviously frivolous cannot be re-filed alleging the same facts and circumstances; and
  2. the decision by the Chair to dismiss a complaint for being obviously frivolous is final; and
2. Notify the Mayor's Office and City Council, for informational purposes only, that:
    - a. an ethics complaint was filed against an unidentified City Official or Employee, but was dismissed and returned because it was determined to be obviously frivolous; and
    - b. the fact that a complaint was filed and returned must be kept confidential until the Commission submits its annual summary data report.
  3. A complaint will be deemed to be obviously frivolous if, on its face, it lacks foundation, basis or merit and is clearly filed with the intent to harass or annoy, or to cause unwarranted harm to the reputation of Respondent.

D. If the Chair, with staff input, determines that the complaint complies with the requirements of this section, the Chair must:

1. accept the complaint;
2. notify each Member that a complaint has been filed and accepted;
3. notify the Mayor's Office and City Council, for informational purposes, that:
  - a. a complaint has been filed against an unidentified City Official or Employee;
  - b. the identity of the City Official or Employee and the allegations raised in the complaint are confidential pending the Commission's preliminary review of the complaint; and
  - c. the fact that a complaint was filed must be kept confidential until the Commission publicly discloses the existence of the complaint via:
    1. notice of the Commission's Formal Review of a complaint; or
    2. submission of the Commission's annual summary data report as required in section 2.47.260 of this Chapter; and
4. immediately forward the complaint to the City Official or Employee who is the subject of the ethics complaint via personal delivery or a delivery method that provides verification of receipt, together with a copy of this Chapter and notice that the City Official or Employee must file an informal, preliminary response to the complaint within 30 calendar days of the Commission's acceptance of the complaint.

#### **2.47.100 PRELIMINARY REVIEW OF COMPLAINT – NOTICE**

- A. 1. By no later than five (5) business days after the day on which a complaint is accepted, the Chair must:
- a. schedule a Preliminary Review Meeting on a date no later than 45 calendar days after the date on which the Chair accepts the complaint;

- b. place the complaint on the agenda for consideration at the Preliminary Review Meeting;
- c. provide a copy of the complaint to the Members; and
- d. provide notice of the date, time and location of the Preliminary Review Meeting:
  - 1. to the Respondent;
  - 2. the Contact Complainant;
  - 3. each Member; and
  - 4. as otherwise required by the Utah Open and Public Meetings Act.

e. include in the notice to the Respondent and Complainants that the Preliminary Review Meeting is closed to the public under section 52-4-204, Utah Code Annotated.

- B.
- 1. At the Preliminary Review Meeting:
    - a. the Members must review each allegation in the ethics complaint;
    - b. review the Respondent's requested response;
    - c. the Commission may not receive testimony, hear a motion from a Party, or admit evidence; and
    - d. the Chair will conduct deliberations in accordance with section C1 below.
  - 2. Upon a motion, the Commission may, by majority vote, exclude Commission staff from all or a portion of the deliberations during the Preliminary Review Meeting.

- C.
- 1. During deliberations, each Member will, for each allegation, determine:
    - a. whether the facts alleged, if true, would be a violation of the City or State Ethics Code;
    - b. whether the ethics complaint includes an affidavit from a person with actual knowledge of alleged facts described in subsection C1a; and
    - c. whether the ethics complaint is frivolous or solely for a political purpose, such as harassing the Respondent, causing unwarranted harm to the reputation of Respondent or causing unwarranted expenditure of public funds.
  - 2. a. At the conclusion of deliberations in the Preliminary Review Meeting, the Commission must vote on whether to forward a complaint or allegation for a Formal Review.
    - b. A Member must vote to forward an allegation in an ethics complaint for a Formal Review if the Member determines that:
      - 1. an allegation, if true, would be a violation of the City or State Ethics Code;
      - 2. the complaint contains an affidavit with actual knowledge of the allegation under subsection C.2.a; and
      - 3. the allegation is not frivolous or solely for a political purpose, such as harassing the Respondent, causing unwarranted harm to the reputation of Respondent or causing unwarranted expenditure of public funds..

D.1. A verbal roll call vote must be taken on each allegation and each Member's vote must be recorded.

2. The Commission may not forward an allegation for a Formal Review unless 3 of the 5 Members of the Commission vote to forward the allegation.

E.1. An allegation that is not forwarded for a final determination is dismissed.

2. Before the Commission issues an order dismissing a complaint or allegation, the Commission may, upon a majority vote, reconsider and hold a new vote on the complaint or allegation.

3. A motion to reconsider a vote may only be made by a Member who voted that the allegation should not be forwarded for a Formal Review.

F.1. If each allegation stated in a complaint is dismissed in accordance with this section, the Commission must:

a. issue and enter into the record an order that the complaint is dismissed because no allegations were forwarded for a Formal Review;

b. classify all recordings, testimony, evidence, orders, findings and other records directly relating to the Preliminary Review Meetings as private records under section 63G-2-302, Utah Code Annotated;

c. provide notice of the determination, in a manner to be determined by the Chair, to:

1. the Respondent;

2. the Contact Complainant; and

3. subject to subsection F.2, the Mayor's Office and City

Council; and

d. provide notice to each person or entity named in F.1.c that a person who discloses the findings of the Commission in violation of any provision of this Chapter is in contempt of the Commission and is subject to penalties for contempt.

2. The notification to the City Council and Mayor's Office must inform that:

a. an ethics complaint against an unidentified City Official or Employee has been dismissed; and

b. the fact that an ethics complaint was filed must be kept confidential until the Commission publicly discloses the existence of the ethics complaint via submission of the Commission's annual summary data report.

G. If one or more of the allegations stated in an ethics complaint are not dismissed and are forwarded for Formal Review, the Commission must:

1. issue and enter into the record:

a. an order for each allegation that is dismissed, if any, because the allegation was not forwarded for a Formal Review; and

b. an order for a Formal Review of each allegation that is not dismissed;

2. classify all recordings, orders, findings, and other records or documents directly relating to a meeting authorized by this section as private records under section 63G-2-302, Utah Code Annotated;

3. if an allegation stated in an ethics complaint is dismissed in accordance with this subsection, the Commission must:

a. issue and enter into the record an order that the allegation is dismissed in accordance with this section, and was not forwarded for a Formal Review;

b. classify all recordings, testimony, evidence, orders, findings and other records directly relating to the Preliminary Review Meetings as private records under section 63G-2-302, Utah Code Annotated;

c. provide notice of the determination that one or more allegations in a complaint were dismissed to:

1. the Respondent;

2. the Contact Complainant; and

3. for informational purposes, and subject to subsection

F.2. above, the Mayor's Office and City Council; and

d. provide notice to each person or entity named in F.1.c that:

1. a person who discloses the findings of the Commission in violation of any provision of this Chapter is in contempt of the Commission and is subject to penalties for contempt.

2. the Commission will review the remaining allegations in the complaint at a Formal Review Hearing.

H. The notification to the City Council and Mayor's Office must inform that:

1. an ethics complaint against an unidentified City Official or Employee has been dismissed; and/or

2. an allegation against an unidentified City Official was not dismissed and was forwarded for a Formal Review; and

3. the fact that an ethics complaint was filed must be kept confidential until the Commission publicly discloses the existence of the complaint in accordance with the provisions of this Chapter.

I. For an ethics complaint or allegation that is forwarded for Formal Review, the Commission must ensure that, within five (5) business days after the Preliminary Review Meeting, the ethics complaint is redacted to remove references to any allegation that is dismissed under this section.

J. The Chair must ensure that a record of the Preliminary Review Meeting held under this section is kept in accordance with section 2.47.250 of this Chapter.

## **2.47.110 FORMAL REVIEW HEARING - NOTICE**

A. By no later than 10 calendar days after the Preliminary Review Meeting at which an ethics complaint or an allegation in an ethics complaint is accepted for Formal Review, the Chair must:

1. schedule a Formal Review Hearing on a date no later than 45 calendar days after the date on which the Commission votes to forward a complaint for Formal Review;
2. place the complaint on the agenda for consideration at the Formal Review Hearing;
3. provide notice of the date, time and location of the hearing to:
  - a. all Members;
  - b. the Contact Complainant; and
  - c. the Respondent; and
  - d. in accordance with section 52-4-202, Utah Code Annotated;

and

4. provide a copy of the complaint or redacted complaint to each Member.

## **2.47.120 RESPONSE TO ETHICS COMPLAINT – FILING – FORM**

A. the City Official or Employee who is the subject of the ethics complaint scheduled for a Formal Review Hearing shall file a formal response to the ethics complaint no later than 30 calendar days after the day on which the City Official or Employee receives delivery of notice that the Commission decided to forward an ethics complaint or allegation for Formal Review.

B. the Respondent must file the formal written response with the Commission by filing it with the City Attorney's Office, and ensure that it contains the following information:

1. the name, address, and telephone number of the Respondent;
2. for each alleged violation in the ethics complaint:
  - a. each affirmative defense asserted in response to the allegation, including a general description of each affirmative defense and the facts and circumstances supporting the defense to be provided by one or more affidavits, each of which must comply with subsection D;
  - b. the facts and circumstances refuting the allegation, which must be provided by:
    1. copies of official records or documentary evidence; or
    2. one or more affidavits, each of which must comply with subsection D;
3. a list of witnesses that the Respondent wants to have called, including for each witness:
  - a. the name, address and, if available, telephone number of the witness;

- b. a brief summary of the testimony to be provided by the witness; and
- c. a specific description of any documents or evidence the Respondent wants the witness to produce;
- 4. a statement that the Respondent:
  - a. has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the response; and
  - b. believes the contents of the response to be true and accurate; and
- 5. the signature of the Respondent.

C. Promptly after receiving the response, the City Attorney's Office must provide copies of the response to:

- 1. each Member; and
- 2. the Contact Complainant.

D. An affidavit described in subsection B2 must include the following information:

- 1. the name, address and telephone number of the signer;
- 2. a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
- 3. the facts and circumstances testified to by the signer;
- 4. a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
- 5. the signature of the signer.

#### **2.47.130 FORMAL REVIEW OF ETHICS ALLEGATIONS IN THE COMPLAINT**

A. 1. The scope of a Formal Review by the Commission is limited to alleged ethics violations stated in a complaint that were not dismissed at the Preliminary Review Meeting.

2. During a Formal Review Hearing, the Commission may:

- a. review the complaint ;
- b. review the formal response;
- c. hear arguments from the Parties or the Parties' representatives;
- d. hear testimony of Parties or witnesses; and
- e. review and make decisions on the admission of other evidence.

3. The Commission will follow the procedure outlined in 2.47.150 of this Chapter during the Formal Review Hearing.

B. 1. Before holding the Formal Review Hearing, the Chair may schedule a separate meeting of the Commission, open to the public and noticed as provided in section 52-4-204, Utah Code Annotated, for the purposes of:

a. hearing motions or arguments from the parties, including hearing motions or arguments relating to dismissal of an ethics complaint in whole or in part, admission of evidence, or other procedural matters;

b. holding a vote of the Commission, with or without the attendance of the parties, on procedural or Commission business matters relating to an ethics complaint in whole or in part; or

c. reviewing an ethics complaint in whole or in part, with or without the attendance of the parties, to determine if the complaint should be dismissed in whole or in part, by means of a majority vote of the Commission.

2. Notwithstanding section 2.47.110 of this Chapter, the Commission may, by a majority vote, change the date of the meeting for the Formal Review Hearing in order to accommodate:

a. a meeting authorized under subsection B1; or

b. other reasonable scheduling considerations.

C. 1. The Commission and all Parties must comply with the Utah Rules of Evidence except where the Commission determines, by majority vote, that a rule is not compatible with the requirements of this Chapter.

2. The Chair must make rulings on admissibility of evidence, based upon the Utah Rules of Evidence, consistent with the provisions of section 2.47.070 of this Chapter.

D. 1. A Formal Review Hearing authorized in this part is open to the public except as provided in section 52-4-204, Utah Code Annotated.

2. The following individuals may be present in the Formal Review Hearing and during the presentation of testimony and evidence to the Commission:

a. Members

b. the Complainant;

c. the Complainant's counsel, if applicable;

d. the Respondent;

e. the Respondent's counsel, if applicable;

f. staff to the Commission;

g. a witness, while testifying before the Commission; and

h. necessary security personnel. If the Commission decides

that security personnel is needed for any hearing, the Commission will make a request to, and security personnel shall be provided by, the City Police Department.

3. The Commission may, in accordance with section 52-4-204, Utah Code Annotated, close a meeting to:

1. seek or obtain legal advice on legal, evidentiary or procedural matters; or

2. conduct deliberations to reach a decision on the complaint.

E. If a majority of the Commission determines that a continuance of the hearing is necessary to obtain further evidence and testimony, to accommodate

administrative needs, or to accommodate the attendance of Members, witnesses, or a party, the Commission must:

1. adjourn and continue the meeting to a future date and time after notice to the parties; and
2. establish that future date and time by majority vote.

F. A record, as defined in section 63G-2-103 of the Utah Code, created, reviewed, or received by the Commission during the Formal Review Hearing is considered a public record.

#### **2.47.140 GENERAL PROCEDURES – HEARINGS**

A. In conducting a hearing on a complaint, the Commission shall comply with the following process in the order specified:

1. introduction and instructions for procedure and process, given by the Chair;
2. Complainant's opening argument, to be presented by a Complainant or Complainant's counsel;
3. Complainant's presentation of evidence and witnesses in support of allegations in the ethics complaint;
4. consideration of motions to dismiss the ethics complaint in whole or in part or motions for a finding of no cause, as applicable;
5. Respondent's opening argument, to be presented by the Respondent or Respondent's counsel;
6. Respondent's presentation of evidence and witnesses refuting allegations in the complaint;
7. presentation of rebuttal evidence and witnesses by the Complainant, at the discretion of the Chair;
8. presentation of rebuttal evidence and witnesses by the Respondent, at the discretion of the Chair;
9. Complainant's closing argument, to be presented by Complainant or Complainant's counsel;
10. Respondent's closing argument, to be presented by the Respondent or Respondent's counsel;
11. deliberations by the Commission; and
12. adoption of the Commission's findings.

B. The Commission may, in extraordinary circumstances, vary the order contained in section A by majority vote and by providing notice to the parties.

C. The Chair may schedule the examination of a witness or evidence subpoenaed at the request of the Chair or the Commission under 2.47.190 of this Chapter by a majority vote of the Commission.

## 2.47.150 TESTIMONY AND EXAMINATIONS OF WITNESSES – OATH – PROCEDURE – CONTEMPT

- A.1. The Chair is required to ensure that each witness listed in the ethics complaint and response is subpoenaed for appearance at the hearing unless:
- a. the witness is unable to be properly identified or located; or
  - b. service is otherwise determined to be impracticable.
2. The Chair determines the scheduling and order of witnesses and presentation of evidence in consultation with the Members.
3. The Commission may, by majority vote:
- a. overrule the Chair's decision not to subpoena a witness under A.1.;
  - b. modify the Chair's determination on the scheduling and order of witnesses under A.2.
  - c. decline to hear or call a witness that has been requested by the Complainant or Respondent;
  - d. decline to review or consider evidence submitted in relation to an ethics complaint; or
  - e. request and subpoena witnesses or evidence according to the procedures of section 2.47.190 of this Chapter.

- B.1. Each witness must testify under oath, which oath is outlined under subsection F, below.
2. The Chair or the Chair's designee will administer the oath to each witness.

- C. After the oath has been administered to the witness, the Chair will direct testimony as follows:
1. allow the party that has called the witness, or that party's counsel, to question the witness;
  2. allow the opposing party, or that party's counsel, to cross-examine the witness;
  3. allow additional questioning by a party or a party's counsel, as appropriate;
  4. give Members the opportunity to question the witness; and
  5. as appropriate, allow further examination of the witness by the Commission, or the parties or their counsel.

- D.1. If the witness, a party, or a party's counsel objects to a question, the Chair will:
- a. direct the witness to answer; or
  - b. rule that the witness is not required to answer the question.

- D.2. If the witness declines to answer a question after the Chair or a majority of the Commission determines that the witness is required to answer the question, the witness may be held in contempt as provided in this Chapter.

E.1. The Chair or a majority of the Members may direct a witness to furnish any relevant evidence for consideration if the witness has brought the material voluntarily or has been required to bring it by subpoena.

2. If the witness declines to provide evidence in response to a subpoena, the witness may be held in contempt as provided in this chapter.

F. The following oath, or one substantially similar hereto, must be given by the Chair or his designee, and sworn to by the witness before a witness or party may be allowed to testify in any proceeding before the Commission:

1. "Do you solemnly swear or affirm, under the pains and penalties of perjury, to tell the truth, the whole truth, and nothing but the truth?"

G. Witnesses or parties committing perjury may be criminally prosecuted in accordance with state law under Title 76, Criminal Code, Utah Code Annotated.

H. In all hearings in which the Commission hears testimony or reviews evidence, the Utah Rules of Evidence shall be strictly followed unless the Commission decides otherwise by majority vote.

#### **2.47.160 COMMISSION DELIBERATIONS – STANDARD OF PROOF**

A. After each party has presented a closing argument at the Formal Review Hearing, the Commission may, by majority vote, begin its deliberations either:

1. immediately after conclusion of the closing arguments; or
2. at a future deliberation meeting of the Commission, on a date and time agreed upon by a majority of the Members, no less than 30 calendar days following the Formal Review Hearing.

B.1. The Chair shall conduct the deliberations.

2. Upon motion made by a Member, the Commission may:

- a. exclude Commission staff from all or a portion of the deliberations by a majority vote of the Members; and
- b. close the meeting in accordance with section 52-4-204, Utah Code Annotated.

C. For purposes of this chapter, "clear and convincing evidence" is defined as "evidence indicating that what is to be proved is highly probable or realistically certain."

1. During deliberations, for each allegation reviewed by the Commission, each Member will decide and cast a vote stating:

- a. that the allegation is either:
  1. proven by clear and convincing evidence; or
  2. not proven; and
- b. for each allegation proven, whether the Member believes the

Commission should make a recommendation to the appropriate authority.

2. a. a verbal roll call vote will be taken on each allegation.

- b. -each Member's vote must be recorded.

D.1. An allegation is not proven unless four of the five Members vote that the allegation is proven.

2. An allegation that is not voted proven is dismissed.

3. After the Commission votes that an allegation is proven, it may vote to adopt a recommendation for further action. A recommendation is adopted by majority vote.

4. a. Before the Commission issues its findings and recommendation, the Commission may, upon a majority vote, reconsider and hold a new vote on an allegation.

b. A motion to reconsider a vote may only be made by a Member who initially voted that the allegation was not proven, and may only be made before the end of the Formal Review Hearing or separate deliberation meeting.

E. At the conclusion of its deliberations, the Commission must prepare its findings and recommendations as provided in sections 2.47.170 and 2.47.180 of this Chapter.

#### **2.47.170 FINDINGS AND RECOMMENDATION OF THE COMMISSION**

A.1. If the Commission finds that no allegations in the ethics complaint were proven, the Commission must:

a. issue and enter into the record an order that the ethics complaint is dismissed because no allegations in the complaint were found to have been proven;

b. provide notice of the decision at a public meeting; and

c. provide written notice of the decision to:

1. the Respondent;

2. the Contact Complainant; and

3. the City Council or Mayor's Office, pursuant to subsections

B2i and B2j, below.

B. If the Commission finds that one or more of the allegations in the ethics complaint were proven, the Commission must:

1. if one or more of the allegations were not found to have been proven, enter into the record an order dismissing those unproven allegations; and

2. for each allegation that was found to be proven, prepare a written finding that:

a. lists the name of each Complainant;

b. lists the name of the Respondent;

c. states the date of the finding;

d. provides a reference to the specific provision of the City's or State's Ethics Code allegedly violated, as well as a brief synopsis of the unethical conduct;

e. states the number and names of the Members voting that the allegation was proven and the number and names of Commission Members voting that the allegation was not proven.

f. at the option of those Members voting that the allegation was proven, includes a statement by one or all of those Members stating the reasons for voting that the allegation was proven; and

g. at the option of those Members voting that the allegation was not proven, includes a statement by one or all of those Members stating the reasons for voting that the allegation was not proven;

h. contains any general statement that is adopted for inclusion in the recommendation by a majority of the Members;

i. for City Employees, contains a statement referring the allegations found to have been proven to the Mayor's Office for review and, if necessary, further appropriate action in accordance with the City's employment policies and procedures;

j. for City Council staff, contains a statement referring the allegations found to have been proven to the City Council for review and, if necessary, further appropriate action in accordance with the City's employment policies and procedures;

k. states the name of each Member; and

l. is signed by each Member.

C. The Commission must provide notice of the decision:

1. at a public meeting; and

2. provide written notice of the finding to:

a. the Respondent;

b. the Contact Complainant; and

c. the Mayor's Office or City Council, subject to subsections B2i

and B2j above.

D. The Commission must ensure that, within five (5) business days of the date of public issuance of the findings in accordance with subsection C, the following documents are provided to the Mayor's Office or City Council:

1. a cover letter giving notice of the proven allegations contained in the ethics complaint to the Mayor or City Council for review;

2. a copy of the complaint;

3. a copy of the response;

4. a copy of the Commission's findings and recommendation.

#### **2.47.180 FINDINGS AGAINST MAYOR OR CITY COUNCIL MEMBER-RECOMMENDATIONS TO DISTRICT ATTORNEY**

A. If the Commission finds that an allegation made against the Mayor or a City Council Member is proven, the Commission must send written findings and recommendations to the district attorney for appropriate action to be taken.

- B. Written findings and recommendations sent to the district attorney must:
1. list the name of each Complainant;
  2. list the name of the Respondent;
  3. state the date of the request;
  4. for each allegation, provide a reference to the provision of the City or State Ethics Code allegedly violated;
  5. include a general statement that is adopted by a majority of the Members;
- C. If the Commission sends findings and recommendations to the district attorney, the Commission must enter into the record a copy of the written materials forwarded to the district attorney.

#### **2.47.190 SUBPOENA POWERS**

- A. Except for a preliminary review, the Commission may issue a subpoena for any proceeding authorized by this Chapter to:
1. require the attendance of a witness;
  2. direct the production of evidence; or
  3. require both the attendance of a witness and the production of evidence.
- B. The Commission is required to issue a subpoena:
1. in accordance with section 2.47.210 of this Chapter;
  2. at the direction of the Chair, if the Chair determines that the testimony or evidence is relevant to the review of an ethics complaint; or
  3. upon a vote of a majority of the Members.
- C. If the Commission issues a subpoena under this section, the Commission must give a reasonable period of time, not less than 14 calendar days, for the person or entity to whom the subpoena is directed to petition a district court to quash or modify the subpoena before the time specified in the subpoena for compliance.

#### **2.47.200 CONTEMPT OF COMMISSION**

- A.1. The following actions constitute contempt of the Commission in relation to actions and proceedings under this Chapter:
- a. disobedience to a direction of the Chair;
  - b. failure, without legal justification, to answer a question during a hearing when directed to do so by:
    1. the Chair, unless the direction is overridden by the Commission in accordance with section 2.47.070 of this Chapter; or
    2. a majority of the Commission;
  - c. failure to comply with a subpoena or other order issued under authority of this Chapter;

d. violation of privacy provisions established under section 2.47.240 of this Chapter.

e. violation of the communication provisions established under section 2.47.220 of this Chapter.

f. violation of a request to comply with a provision of this Chapter by a Chair or a majority of the Members; or

g. any other ground that is specified in statute or recognized by common law.

A.2. Because the purpose of the Fifth Amendment privilege not to incriminate oneself is to prevent prosecution for criminal action, it is improper for a witness to invoke the Fifth Amendment privilege if the witness cannot be prosecuted for a crime to which the witness's testimony relates.

B.1. The following persons may authorize an enforcement action against a person in contempt of the Commission under the provisions of this Chapter:

a. The Chair, subject to the provisions of section 2.47.070 of this Chapter;

or

b. Members by means of a majority vote.

B.2. In initiating and pursuing an action against an individual for contempt of the Commission, the individual must comply with the procedures and requirements of section 2.47.210 of this Chapter.

#### **2.47.210 ORDER TO COMPEL – ENFORCEMENT**

A.1. If the subject of a subpoena issued in accordance with section 2.47.190 of this Chapter disobeys or fails to comply with the subpoena, or if a person appears before the Commission pursuant to a subpoena and refuses to testify to a matter upon which the person may be lawfully interrogated, the Commission may:

a. file a motion for an order to compel obedience to the subpoena with the Third District Court;

b. file, with the Third District Court, a motion for an order to show cause why the penalties established in Utah Code Annotated, Title 78B, Chapter 6, Part 3, Contempt, should not be imposed upon the person named in the subpoena for contempt of the Commission; or

c. pursue other remedies against persons in contempt of the Commission.

A.2. The Commission may be represented by either the City Attorney or outside counsel, subject to budget considerations, in proceedings initiated under this section.

B.1. If a Commission subpoena requires the production of accounts, books, papers, documents, or other tangible records, the person or entity to whom the

subpoena is directed may petition the Third District Court to quash or modify the subpoena at or before the time specified in the subpoena for compliance.

2. The Commission may respond to a motion to quash or modify the subpoena by pursuing any remedy authorized by section A.1. above.

C. Nothing in this section prevents the Commission from seeking an extraordinary writ to remedy contempt of the Commission.

#### **2.47.220 COMMUNICATIONS OF MEMBERS**

A. As used in this section, "third party" means a person who is not a Member of or staff to the Commission.

B. While an ethics complaint is under review by the Commission, a Member may not initiate or consider any communications concerning the complaint with a third party unless:

1. the communication is expressly permitted under the procedures established by this Chapter; or

2. the communication is initiated by the third party, in writing, simultaneously to all Members.

C. While the Commission is reviewing an ethics complaint under this Chapter, a Member may communicate outside of the meetings, hearing, or deliberations with another Member or staff to the Commission, only if the Member's communication does not materially compromise the Member's responsibility to independently review and make decisions in relation to the ethics complaint.

#### **2.47.230 ATTORNEY FEES AND COSTS**

A. Complainants filing a complaint under this Chapter:

1. may, but are not required to retain legal representation during the ethics complaint review process; and

2. are solely responsible for payment of Complainant's attorney fees and costs incurred.

B.1. A Respondent against whom an ethics complaint is filed under this Chapter may:

a. but is not required to retain legal representation during the complaint review process; and

b. be entitled to the provision of legal defense by the City in accordance with section 63G-7-902, Utah Code Annotated.

2. For purposes of subsection B.1., an ethics complaint filed against a Respondent in accordance with this Chapter constitutes an action against a governmental employee in accordance with section 63G-7-902, Utah Code Annotated.

3. If a Respondent requests representation for legal defense by the City in accordance with section 63G-7-902, Utah Code Annotated, the City Attorney shall deem there to be a conflict of interest, and give no further legal advice to the Commission regarding that particular matter. The Commission shall hire outside legal counsel to give it legal advice for all remaining proceedings and associated hearings related to that matter, subject to annual appropriation of funds.

C.1. An attorney participating in a hearing before the Commission must comply with:

a. the Rules of Professional Conduct established by the Utah Supreme Court;

b. the Utah Rules of Evidence;

c. the procedures and requirements of this Chapter; and

d. the directions of the Chair and Commission.

2. A violation of subsection C.1 may constitute:

a. contempt of the Commission; or

b. a violation of the Rules of Professional Conduct subject to enforcement by the Utah State Bar.

#### **2.47.240 PRIVACY OF ETHICS COMPLAINT – CONTEMPT – DISMISSAL**

A.1. Except as provided in subsection 2, 3 or 4 below, a person, including any Complainant, the Respondent, a Member, or staff to the Commission, may not disclose the existence of an ethics complaint, a response, or any other information concerning any alleged ethics violation that is the subject of an ethics complaint:

a. unless otherwise provided in this Chapter; or

b. after an ethics complaint is presented at the Formal Review

Hearing.

2. The restrictions under A.1 do not apply to the Respondent's voluntary disclosure of a finding by the Commission that no allegations in an ethics complaint were proved after that finding is issued by the Commission following a Preliminary Review Meeting.

3. Nothing in this section may prevent a person from disclosing facts or allegations about potential criminal violations to a law enforcement authority.

4. Nothing in this section may be construed to hinder or prevent a Respondent from preparing a defense to an ethics complaint, including contacting a witness or other actions in preparation for review by the Commission.

B. A person who violates the provisions of subsection A.1. is in contempt of the Commission and proceedings may be initiated to enforce the finding of contempt using the procedures provided in this Chapter.

C. If the existence of an ethics complaint is publicly disclosed before or during the preliminary review period by any Complainant, the ethics complaint must be summarily dismissed without prejudice.

#### **2.47.250 RECORD – RECORDING OF MEETINGS**

A.1. Except as provided in subsection A2, an individual may not use a camera or other recording device in a meeting authorized by this Chapter.

2. a. The Commission must keep an audio or video recording of the portions of each meeting that is considered open pursuant to the Utah Open and Public Meetings Act.

b. The Commission may, by a majority vote, permit a camera or other recording device in the Formal Review Hearing or the public meeting in which the Commission announces the Commission's findings and recommendation.

B. In addition to the recording required in subsection A2a, the Chair must ensure that a record is made of the Formal Review Hearing and public meeting in which the Commission's findings and recommendations are announced, which record must include:

1. official minutes taken during the meeting or hearing;
2. copies of all documents or other items admitted into evidence by the Commission, if any;
3. copies of a document or written order or ruling issued by the Chair or the Commission, if any; and
4. any other information that a majority of the Commission or the Chair directs.

#### **2.47.260 ANNUAL REPORTS**

F.1. The Commission must prepare, on an annual basis at the end of each calendar year, a summary data report that contains:

a. a general description of the activities of the Commission during the past year;

b. the number of ethics complaints filed with the Commission;

c. the number of ethics complaints dismissed by the Commission in accordance with this chapter;

d. the number of ethics complaints formally reviewed by the Commission;

e. an executive summary of each complaint formally reviewed; and

f. an accounting of the Commission's expenditures, including the amount expended for outside legal counsel.

2. The summary data report must be submitted to the Mayor and City Council on an annual basis at the end of each calendar year.

3. The summary data report is considered a public record.

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

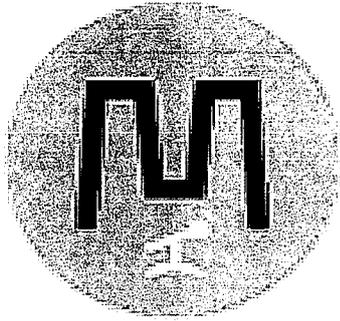
ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance, or a summary hereof, was published according to law on the \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Jennifer Kennedy, City Recorder



**MURRAY**  
CITY COUNCIL

# Discussion Item #2

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

Public Street Standards Discussion

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Safe and healthy neighborhoods with varied housing opportunities

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested 11/20/2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

N/A

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

See attached memo

6. **REQUESTOR:**

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Same

Title:

Agency: \_\_\_\_\_

Phone: (801) 264-2680

Date: 11/2/2012

Time:

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: [Signature] Date: 11/2/2012

Mayor: [Signature] Date: 11/5/2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



**MURRAY CITY CORPORATION**  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES

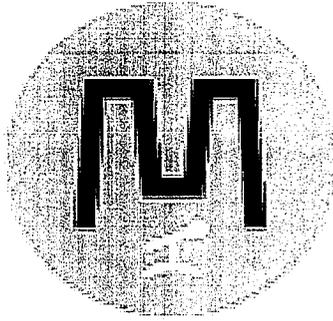
B. Tim Tingey, Director

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

**TO:** City Council  
**FROM:** Tim Tingey, Director, Administrative and Development Services  
**DATE:** November 6, 2012  
**RE:** Public Street Standards Discussion

Administrative and Development Services, Public Services and Attorney's office staff members have met with Mayor Snarr and the City Council Chair to discuss public street standard options and the Residential Infill Ordinance. Staff from each of these departments will be present at the Committee of the Whole meeting on November 20<sup>th</sup> to outline the issues related to public streets and development.



**MURRAY**  
CITY COUNCIL

# Discussion Item #3

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

Landscape Ordinance Amendment Discussion

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Safe and healthy neighborhoods with varied housing opportunities

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested 11/20/2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

N/A

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

See attached memo

6. **REQUESTOR:**

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Same

Title:

Agency: \_\_\_\_\_

Phone: (801) 264-2680

Date: 11/2/2012

Time:

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: Tim Tingey Date: 11/2/2012

Mayor: Daniel E. Snare Date: 11/5/2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



**MURRAY CITY CORPORATION**  
**ADMINISTRATIVE &**  
**DEVELOPMENT SERVICES**

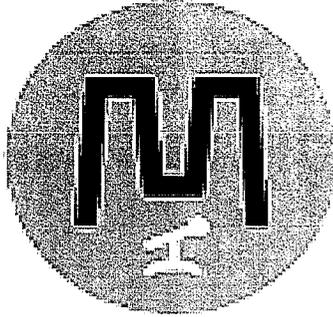
**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

**TO:** City Council  
**FROM:**  Tim Tingey, Director, Administrative and Development Services  
**DATE:** November 6, 2012  
**RE:** Landscape Ordinance Amendment Discussion

As you are aware, at the September 4, 2012 Committee of the Whole meeting Administrative and Development Services staff presented Landscape Ordinance modifications including recommendations from the Planning Commission. Since that discussion, there have been a number of concerns regarding the proposed planter strip landscaping standards. Staff will outline the concerns on this matter prior to a formal public hearing at the regular City Council meeting.



**MURRAY**  
CITY COUNCIL

# Discussion Item #4

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

Residential Beekeeping and Chicken Land Use Ordinance Discussion

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Safe and healthy neighborhoods with varied housing opportunities

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested 11/20/2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

N/A

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

See attached memo

6. **REQUESTOR:**

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Same

Title:

Agency: \_\_\_\_\_

Phone: (801) 264-2680

Date: 11/2/2012

Time:

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: Tim Tingey Date: 11/2/2012

Mayor: Daniel E. Fran Date: 11/5/2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



**MURRAY CITY CORPORATION**  
**ADMINISTRATIVE &**  
**DEVELOPMENT SERVICES**

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

**TO:** **City Council**  
**FROM:** **Tim Tingey, Director, Administrative and Development Services**  
**DATE:** **November 6, 2012**  
**RE:** **Residential Beekeeping and Chicken Land Use Discussion**

Administrative and Development Services staff has research options for discussion related to beekeeping and locating chickens in residential areas. Staff will be present to outline the issues and options for future City Council consideration.

**Adjournment**

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Special Recognition #1

# Murray City Municipal Council

## Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages.

1. **TITLE:** (State how it is to be listed on the agenda)  
**CONSIDER MAYOR SNARR'S SPECIAL INTRODUCTION OF THE 2012-2013 MISS MURRAY - SHANNON OVESON**

2. **ACTION REQUESTED:** (Check all that apply)

Discussion Only  
 Ordinance (attach copy) Has the Attorney reviewed the attached copy?   
 Resolution (attach copy) Has the Attorney reviewed the attached copy?   
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy?   
 Appeal (explain) \_\_\_\_\_  
 Other (explain) **SPECIAL RECOGNITION AND INTRODUCTION - SHANNON WILL BRIEFLY TALK ABOUT HER PLATFORM**

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
**November 20<sup>th</sup> 2012**

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
None

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)  
Mayor will introduce Shannon

6. **REQUESTOR:**

Name: Dan Snarr Title: Mayor  
Presenter: Dan Snarr Title: Mayor  
Agency: Murray City Corp. Phone: 264-2600  
Date: November 7<sup>th</sup> 2012 Time: \_\_\_\_\_

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Daniel C. Snarr Date: November 7<sup>th</sup> 2012

Mayor:  Date: November 7<sup>th</sup> 2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages \_\_\_\_\_ Number of copies submitted \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**

Shannon would like to take a few minutes to share her enthusiasm for and information about her platform for this next year.

# Citizen Comments

Limited to three minutes, unless otherwise approved by the Council.

# Consent Agenda #1

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

**1. TITLE:** (Similar wording will be used on the Council meeting agenda.)

RESOLUTION APPROVING THE APPOINTMENT OF JAMES A. BRASS AS THE CITY'S REPRESENTATIVE TO THE WASATCH FRONT WASTE AND RECYCLING DISTRICT BOARD

**2. KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Responsive and efficient City Services

**3. MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested November 20, 2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy? Yes

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

**4. FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

*None*

**5. RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

*Resol, AM & Memo*

**6. REQUESTOR:**

Name: Frank M Nakamura

Title: City Attorney

Presenter: Frank M Nakamura

Title: City Attorney

Agency:

Phone: 2640

Date: 11/15/2012

Time: 3:45

**7. APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: *[Signature]*

Date:

Mayor: *[Signature]*

Date: 11/15/12

**8. COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

**9. NOTES:**



**MURRAY CITY CORPORATION  
OFFICE OF THE MAYOR**

Daniel C. Snarr, Mayor  
Jan Wells, Chief of Staff  
801-264-2600 FAX 801-264-2608

**MEMORANDUM**

**TO:** Murray City Municipal Council

**FROM:** Mayor Daniel C. Snarr  
Jan Wells, Chief of Staff

**DATE:** November 15, 2012

**RE:** Appointment of representative to the Wasatch Front Waste and Recycling District Board

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Garbage services have been provided to residents in the annexed areas of Murray City by the Salt Lake County Sanitation District. The Salt Lake County Sanitation District provides garbage services to unincorporated Salt Lake County and a number of other municipalities. Although there is a board overseeing the Salt Lake County Sanitation District, the City has not had a representative on the board.

Last week, the Salt Lake County Council approved the separation of the Salt Lake County Sanitation District from Salt Lake County. At that time, the Salt Lake County Council directed the Salt Lake County Sanitation District that as part of the separation, Murray City needed to have a representative on the board. In a meeting on November 14, 2012, the Salt Lake Sanitation District changed its name to the Wasatch Front Waste and Recycling District. It is necessary for the City to have a representative on the Wasatch Front Waste and Recycling District Board to be involved in decisions impacting a third of the City's residents. I am hereby submitting the appointment of Jim Brass to the Wasatch Front Waste and Recycling District Board for advice and consent. I realize that appointments to boards are often reviewed annually, however, since this appointment is being made in November, I have requested that the appointment be made effective until January 2014.

Thank you.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE APPOINTMENT OF JAMES A. BRASS AS THE CITY'S REPRESENTATIVE TO THE WASATCH FRONT WASTE AND RECYCLING DISTRICT BOARD.

WHEREAS, the City Council wants to approve the appointment of James A. Brass as the City's representative to the Wasatch Front Waste and Recycling District Board;

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

1. James A. Brass is hereby confirmed as the City's representative to the Wasatch Front Waste and Recycling District Board.
2. This appointment is effective immediately and shall remain in effect until January 15, 2014, unless otherwise changed by the Mayor.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council this 20<sup>th</sup> day of November, 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James. A. Brass, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

**Public  
Hearing #1**

## MURRAY CITY CORPORATION

### NOTICE OF PUBLIC HEARING

Notice is hereby given that on November 20, 2012, beginning at 6:30 p.m. of said day in the Council Chambers of the Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to the following proposed amendments to the City's 2012-2013 Fiscal Year Budget:

1. Increase the General Fund by \$31,090 as revenue from a Justice Assistance grant and appropriate \$31,090 to the Police Department for police firearms and video equipment.
2. Increase the General Fund by \$36,713 as revenue from a Victim Crime Act grant and appropriate \$36,713 to the Police Department for personnel and supplies.
3. Increase the General Fund by \$9,443 as revenue from the Emergency Medical Services grant and appropriate \$9,443 to the Fire Department for computers.
4. Increase the General Fund by \$29,677 as revenue from a State Homeland Security grant and appropriate \$29,677 to the Fire Department for an incident command vehicle.
5. Increase the General Fund revenue by \$11,225 as revenue from the Zoos, Arts and Parks grant and appropriate \$11,225 to the Public Services Department.
6. Appropriate from Reserves within the Murray Parkway Recreation Fund \$25,600 to purchase mowers.
7. Within the Library Fund, transfer \$40,000 from Reserves to pay for cost of improvements on the Library parking lot.
8. Increase the Library Fund by \$21,500 and \$17,411 as revenue from the Library Services and Technology Act grants and appropriate \$21,500 and \$17,411 to fund e-books and technology enhancements.
9. Increase the Library Fund by \$32,160 due to a recalculation of the Property Tax Revenue. Appropriate \$32,160 to miscellaneous services within the Library Fund.

10. Transfer from the General Fund to the Capital Projects Fund \$3,071,258 to reflect a change in the way the City will account for restricted fund balance to the Utah Telecommunications Open Infrastructure Agency ("UTOPIA") and changing the time receipts are available for use.

The purpose of the hearing is to receive public comment concerning the proposed amendments to the City's 2012-2013 Fiscal Year Budget.

Dated \_\_\_\_\_, 2012.

MURRAY CITY CORPORATION

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Jennifer Kennedy, City Recorder

DATE OF PUBLICATION:

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

Budget Opening

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Financial Sustainability

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested **11/20/2012**

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Resolution (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? yes

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

Grants and Reserves

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

Memo

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 11/7/2012

Time: 5:00 PM

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director: Justin Zollinger Date: 11/7/2012

Mayor:  Date: 11/7/2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



## Memo:

**To:** City Council  
**From:** Justin Zollinger, Finance Director  
**Date:** October 29, 2012  
**Subject:** Budget Opening

The Police Department has three items that need to be added to their budget. The Justice Assistance Grant was awarded in the amount of \$31,090 for fiscal year 2013 budget. This amount will be used to purchase police firearms and video equipment. The second item is the Police Department has been awarded a grant from Victim of Crime Act for \$36,713 for personnel, \$625 for supplies, and \$1,500 for other miscellaneous items. The third budget adjustment is for the purchase of new police vehicles. The amount the CIP committee is recommending is an additional \$510,000 for patrol vehicles. This amount plus the \$210,000 already budgeted will purchase 24 new patrol vehicles and equipment if the Chevy Impala is selected as recommended by the Vehicle Replacement Committee. The \$510,000 funding is from the Capital Project Fund reserves.

The Fire Department has been awarded two grants for fiscal year 2013. The first is an Emergency Medical Services grant. The award amount for this grant is \$9,443 and Toughbook computers will be purchased to provide our ambulances with more up-to-date equipment. The second is a State Homeland Security Grant for \$29,677. This grant was awarded for a new incident command vehicle. The Fire Department has done a nice job searching for additional funding to help with their capital replacement needs.

The Parks and Recreation department has been awarded \$11,225 more for the Zoos, Arts and Parks grant. The Parks department would like to adjust the budget to reflect this increase.

The Murray Parkway would like to purchase electric greens mowers that they have rented for the last six months. The total price for the two mowers is \$53,000. The proposed funding mechanism is to delay the purchase of an irrigation vehicle of \$18,000, use the remaining rental budget of \$9,400, and use reserves for the remaining \$25,600.

The Library has several adjustments that need to be addressed in the fiscal year 2013 budget. The parking lot at the Library is in need replacement. This has been completed using other budget, but the Library would still like to complete the other planned tasks. This adjustment would allow the other task to be completed. The purposed funding method for the parking lot is Library reserves. This fund is in a position to cover the cost for this needed improvement. The estimated cost of this project is \$40,000. The Library Services and Technology Act program has awarded the Library two grants for \$21,500 and \$17,411. The grants are for expansion of eBooks and technology enhancements. The last adjustment for the Library is the budget for



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

property tax. This is similar to the adjustment we made for the general fund. The state requires our budget to match our levy even though this is not what is collected. The amount for this adjustment is \$32,160.

The last budget change is to move money from the General Fund to the Capital Projects Fund. These amounts are made up of two financial statement changes with how the City reports. The City has reported our following year's UTOPIA payment as restricted fund balance. This is incorrect treatment for this transaction. The effect of this change increases our unassigned fund balance. The second change is also a financial statement change; it has to do with when the City considers receipts available. The City is changing to a 60 availability standard. If no transfer is made, the City's fund balance will be out of compliance with state law. It has been discussed to use this money for construction of a new city hall.

**Budget Opening Summary**

**Police Department:**

Justice Assistance Grant \$31,090  
Victim of Crime Act \$38,838  
Police Car Purchase \$510,000

**Fire Department:**

Emergency Medical Services Grant \$9,443  
State Homeland Security Grant \$29,677

**Parks and Recreation:**

Zoos, Arts and Parks Grant \$11,225

**Murray Parkway:**

Use of Reserves \$25,600

**Library:**

Use of Reserves \$40,000  
Library Services and Technology Act Grants \$21,500 and 17,411  
Property Tax Budget Adjustment \$32,160

**Transfers:**

Move 3,071,258 from the General Fund to the Capital Projects Fund

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITY'S FISCAL YEAR 2012 – 2013 BUDGET

PREAMBLE

On November 20, 2012, the Murray City Municipal Council adopted the City's budget for Fiscal Year 2012 - 2013. It has been proposed that the Fiscal Year 2012 - 2013 budget be amended as follows:

1. Increase the General Fund by \$31,090 as revenue from a Justice Assistance grant and appropriate \$31,090 to the Police Department for police firearms and video equipment.
2. Increase the General Fund by \$36,713 as revenue from a Victim Crime Act grant and appropriate \$36,713 to the Police Department for personnel and supplies.
3. Increase the General Fund by \$9,443 as revenue from the Emergency Medical Services grant and appropriate \$9,443 to the Fire Department for computers.
4. Increase the General Fund by \$29,677 as revenue from a State Homeland Security grant and appropriate \$29,677 to the Fire Department for an incident command vehicle.
5. Increase the General fund revenue by \$11,225 as revenue from the Zoos, Arts and parks grant and appropriate \$11,225 to the Public Services Department.
6. Increase the Murray Parkway Golf fund by \$25,600 from Reserves within the fund to be appropriated to the purchase of mowers.
7. Within the Library fund, transfer \$40,000 from Reserves to pay for the cost of improvements on the Library parking lot.
8. Increase the General Fund by \$21,500 and \$17,411 as revenue from the Library Services and Technology Grants and appropriate \$21,500 and \$17,411 to fund for e-books and technology enhancements.

9. Increase the Library fund by \$32,160 due to a recalculation of the Property Tax Revenue. Appropriate \$32,160 to miscellaneous services with the Library Fund.
10. Transfer from the General Fund to the Capital Projects Fund \$3,071,258 to reflect a change in the way the City will account for payments to the Utah Telecommunication Open Infrastructure Agency ("UTOPIA") and changing the time receipts are available for use.

Section 10-6-128 of the Utah Code states that the budget for the City may be amended by the Murray City Municipal Council following a duly noticed public hearing. Pursuant to proper notice, the Murray City Municipal Council held a public hearing on November 20, 2012, to consider the proposed amendments to the Fiscal Year 2012 - 2013 budget. After considering public comment, the Murray City Municipal Council wants to amend the Fiscal Year 2012 - 2013 budget.

BE IT ENACTED by the Murray City Municipal Council as follows:

*Section 1. Purpose.* The purpose of this Ordinance is to amend the City's Fiscal Year 2012 - 2013 budget.

*Section 2. Enactment.* The City's Fiscal Year 2012 - 2013 budget shall be amended as follows:

1. Increase the General Fund by \$31,090 as revenue from a Justice Assistance grant and appropriate \$31,090 to the Police Department for police firearms and video equipment.
2. Increase the General Fund by \$36,713 as revenue from a Victim Crime Act grant and appropriate \$36,713 to the Police Department for personnel and supplies.
3. Increase the General Fund by \$9,443 as revenue from the Emergency Medical Services grant and appropriate \$9,443 to the Fire Department for computers.
4. Increase the General Fund by \$29,677 as revenue from a State Homeland Security grant and appropriate \$29,677 to the Fire Department for an incident command vehicle.
5. Increase the General fund revenue by \$11,225 as revenue from the Zoos, Arts and parks grant and appropriate \$11,225 to the Public Services Department.

6. Increase the Murray Parkway Golf fund by \$25,600 from Reserves within the fund to be appropriated to the purchase of mowers.
7. Within the Library fund, transfer \$40,000 from Reserves to pay for the cost of improvements on the Library parking lot.
8. Increase the General Fund by \$21,500 and \$17,411 as revenue from the Library Services and Technology Grants and appropriate \$21,500 and \$17,411 to fund for e-books and technology enhancements.
9. Increase the Library fund by \$32,160 due to a recalculation of the Property Tax Revenue. Appropriate \$32,160 to miscellaneous services with the Library Fund.
10. Transfer from the General Fund to the Capital Projects Fund \$3,071,258 to reflect a change in the way the City will account for payments to the Utah Telecommunication Open Infrastructure Agency ("UTOPIA") and changing the time receipts are available for use.

*Section 3. Effective Date.* This Ordinance shall take effect on first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 20<sup>th</sup> day of November, 2012.

MURRAY CITY MUNICIPAL COUNCIL

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James A. Brass, Chair

ATTEST:

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Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

#### CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Jennifer Kennedy, City Recorder

## 2012 UTAH JAG ALLOCATIONS

Listed below are all jurisdictions in the state that are eligible for FY 2012 JAG funding, as determined by the JAG formula. If your jurisdiction is listed with another city or county government in a shaded area, you are in a funding disparity. In this case, the units of local government must develop a Memorandum of Understanding (MOU) and apply for an award with a single, joint application.

Finding your jurisdiction:(1) Disparate jurisdictions are listed in shaded groups below, in alphabetic order by county.(2) Eligible individual allocations are listed alphabetically below the shaded, disparate groupings.

Counties that have an asterisk (\*) under the "Eligible Individual Allocation" column did not submit the level of violent crime data to qualify for a direct award from BJA, but are in the disparate grouping indicated by the shaded area. The JAG legislation requires these counties to remain a partner with the local jurisdictions receiving funds and must be a signatory on the required Memorandum of Understanding (MOU). A sample MOU is provided online at:

<https://www.bja.gov/Funding/JAGMOU.pdf>. Disparate jurisdictions do not need to abide by the listed individual allocations, which are provided for information only. Jurisdictions in a funding disparity are responsible for determining individual amounts within the Eligible Joint Allocation and for documenting individual allocations in the MOU. For additional details regarding the JAG formula and award calculation process, with examples, please refer to the updated JAG Technical report: <https://www.bja.gov/Publications/JAGTechRpt.pdf>.

For JAG Frequently Asked Questions, please refer to BJA's JAG webpage: <https://www.bja.gov/Funding/JAGFAQ.pdf>.

State	Jurisdiction Name	Government Type	Eligible Individual Allocation	Eligible Joint Allocation
UT	DAVIS COUNTY	County		
UT	LAYTON CITY	Municipal	\$18,219	\$18,219
UT	SALT LAKE COUNTY	County	\$108,703	
UT	SALT LAKE CITY	Municipal	\$222,533	\$331,236
UT	TOOELE COUNTY	County		
UT	TOOELE CITY	Municipal	\$12,202	\$12,202
UT	UTAH COUNTY	County		
UT	OREM CITY	Municipal	\$10,252	
UT	PROVO CITY	Municipal	\$30,589	\$40,841
UT	WASHINGTON COUNTY	County		
UT	ST GEORGE CITY	Municipal	\$17,885	\$17,885
UT	WEBER COUNTY	County		
UT	OGDEN CITY	Municipal	\$61,790	\$61,790
UT	MIDVALE CITY	Municipal	\$18,164	
UT	MURRAY CITY	Municipal	\$31,090	
UT	SANDY CITY	Municipal	\$27,078	
UT	SOUTH SALT LAKE CITY	Municipal	\$35,102	
UT	TAYLORSVILLE CITY	Municipal	\$34,266	
UT	WEST JORDAN CITY	Municipal	\$35,659	
UT	WEST VALLEY CITY	Municipal	\$98,674	

**2012 VICTIM ASSISTANCE PROGRAM  
VICTIM OF CRIME ACT (VOCA) COVER SHEET**

**STATE OF UTAH RECEIVED**  
**OFFICE FOR VICTIMS OF CRIME**  
 350 East 500 South #200  
 Salt Lake City, UT 84111  
 Phone: (801) 238-2360, 1-800-621-7444  
 Fax: 801-533-4127

**APR 13 2012**

**UOVC**

10. Amount Requested: \$ **38,837.86**

1. Program Period:  
 July 1, 2012 Beginning Date  
 June 30, 2013 Ending Date

4. Use of Funds:  
 Continue Existing Services to Crime Victims

5. Grant Submission Type:  
 Competitive

11. Subgrantee Agency Information:  
 Project Title: Murray Victim Advocate Program  
 Agency Name: Murray Police Department  
 Address: 5025 South State Street  
 City: Murray  
 Zip Code (5+4): 8-4107 -4824  
 Phone: (801) 264-2673  
 FAX: (801) 284-4207  
 E-Mail: \_\_\_\_\_

Annual Report Due Date: September 30, 2013  
 Quarterly Due Dates: 30th of Oct, 2012, Jan, April, July 2013

6. Congressional District & Counties Served:  
 District 2  
 Salt Lake County

8. Federal Tax ID #: 876000254

12. Contact Person(s):  
 Name: Julie Johansen  
 Title/Position: Victim Advocate  
 Phone: (801) 284-4203  
 Email: jjohansen@murray.utah.gov

2. Number of Paid Staff (FTE) **0.78**  
 b. Number of Volunteer Staff **0.12**

9. Purpose of Award:  
 Initiate a New Victim Service Program  
 Enhance or Expand an Existing Program NOT Funded by VOCA in the Previous Year  
 Continuation of Grant # - specify below

Name: \_\_\_\_\_  
 Title/Position: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

5. Type of Implementing Agency:  
 Criminal Justice Governmental  
 Other: \_\_\_\_\_

Formula: \_\_\_\_\_ Recovery: \_\_\_\_\_  
 11VOCA35

13. Send Reporting Information to:  
 Name: Julie Johansen  
 Phone: (801) 284-4203  
 Email: jjohansen@murray.utah.gov

14. Implementing Agency Type:  
 A. Criminal Justice Agency  
 B. Non-Criminal Justice/Governmental  
 C. Private Non-Profit

Law Enforcement     Corrections     Social Services     Public Housing  
 Prosecution     Courts     Mental Health  
 Probation     Children's Justice Center  
 Other (describe): \_\_\_\_\_     Other (describe): \_\_\_\_\_

Family Justice Center     Shelter  
 Rape Crisis     Mental Health  
 Religious Organization  
 Other (describe): \_\_\_\_\_

15. Subgrant Match Financial Support from Non-Federal Source(s):

a. Source(s) of Cash Match	b. Source(s) of In-kind Match	State:	0.00
1 Murray City	1 _____	Local:	9,745.95
2 _____	2 _____	Other:	0.00
3 _____	3 _____	<b>TOTAL VALUE of MATCH:</b>	<b>9,745.95</b>

Minimum Match: **9,709.46**  
 grant fund amount divided by 4

16. Project Budget Summary

	TOTAL COSTS	VOCA Federal Funds	Match	
			Cash	In-kind
a. Personnel:	46,458.81	36,712.86	9,745.95	0.00
b. Contracted Fees:	0.00	0.00	0.00	0.00
c. Equipment:	0.00	0.00	0.00	0.00
d. Travel/Training:	625.00	625.00	0.00	0.00
e. Supplies:	0.00	0.00	0.00	0.00
f. Other:	1,500.00	1,500.00	0.00	0.00
<b>TOTAL COSTS:</b>	<b>48,583.81</b>	<b>38,837.86</b>	<b>9,745.95</b>	<b>0.00</b>

17. Contractual Signatures:

<b>A: Official Authorized:</b> Date: Daniel C. Snarr Position: Mayor Signature: _____ Date: 4/12/12	<b>B: Program Director or Manager:</b> Name: Julie Johansen Position: Victim Advocate Signature: _____ Date: 4/11/12	<b>For OCVR use only</b> OCVR Approval: _____ Date: 8-22-12
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**Utah Department of Health**

W. David Patton, Ph.D.  
Executive Director

**Division of Family Health and Preparedness**

Marc E. Babitz, M.D.  
Division Director

**Bureau of Emergency Medical Services**

Paul R. Patrick  
Bureau Director

**ARY R. HERBERT**  
Governor

**GREG BELL**  
Lieutenant Governor

August 13, 2012

Mike Dykman  
Murray Fire Dept.  
40 East 4800 South  
Murray, Ut. 84107

Dear Mike Dykman,

Enclosed is the fully executed grant for Fiscal Year 2013(FY13) between the Utah Department of Health, Bureau of Emergency Medical Services and Preparedness and Murray Fire Dept. in the amount of \$ 9,443.

Per capita grant funds were computed on agency certified EMS personnel and county classification.

The FY2013 grant year is from July 1, 2012 through June 30, 2013. Vendor invoices are required for reimbursement. Purchase orders are not acceptable. To eliminate excessive paperwork, it is recommended grantees submit the highest priced invoices first. If reimbursement is for any one item exceeding \$10,000 or more, it will be necessary to include a copy of the check.

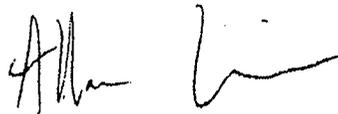
As stated in the Grant Terms, the grantee must be up to date with the submission of the agency Fiscal Report and monthly Pre-hospital Data Reports. Funds will not be released unless these requirements are current.

Reimbursement for initial training or certification upgrades and continuing medical education (CME) training will only be accepted if the Bureau CME form accompanies the request. Receipts, invoices or cancelled checks for tuition, conference registration and hotel expenses will need to accompany the CME form. The CME form is available on the Bureau Website: : <http://health.utah.gov/ems> click on "grants" on the right hand side .It is not necessary to send gas receipts for mileage and per diem expenses as State rates will apply.

Grant reimbursement requests **will not** be accepted after **July 10, 2013**.

If you have any questions pertaining to grants, please contact your regional consultant or Irene Petrogeorge at 801 273-6634.

Sincerely,



Allan Liu, Budget Officer  
Emergency Medical Services and Preparedness

Grant Enclosed

**UTAH EMERGENCY MEDICAL SERVICES GRANTS PROGRAM**  
 BUREAU OF EMERGENCY MEDICAL SERVICES AND PREPAREDNESS  
 UTAH DEPARTMENT OF HEALTH  
**FY2013 APPLICATION/GRANT**

LOG NO. E1222034

Box 142004, Salt Lake City, Utah 84114-2004 Phone 801-273-6634 or 800-284-1131

**APPLICANT/GRANTEE INFORMATION**

Agency Name: **Murray City Fire Department** Federal Tax I.D. No.: 876000254  
 Agency Representative: **Battalion Chief Mike Dykman** Phone: 801-264-2762  
 Mailing Address: **40 East 4800 South** Agency Level: **Licensed** EMS Provider No.: 1857L  
 City: **Murray** County: **Salt Lake** Zip: **84107** E-mail: **mdykman@murray.utah.gov**

**PROPOSED/APPROVED BUDGET**

**IN WITNESS WHEREOF, the following parties have agreed to the provisions and the Terms dated 11/15/11 of this grant and cause it to be executed.**

Title	Name (Please Type)	Signature	Date
Fire Chief Title of Applicant	Gil Rodriguez		12/12/2011
Battalion chief - EMS Title of local authorized individual	Mike Dykman		12/12/2011
Director, Division of Family Health and Preparedness	Marc Babitz, M.D. Division Director		1/10/12
Director, Office of Fiscal Operations Department of Health	Shari Watkins, CPA		1/8/12

Status of Contractor-Check all that apply  
 Ambulance Agency  
 Paramedic Agency  
 Law Enforcement  
 Dispatch Agency  
 Other

Contact Person: Irene Petrogeorge, Bureau of Emergency Medical Services and Preparedness, 801-273-6634, ikpetrogeorge@utah.gov

Grant Period: July 1, 2012 to June 30, 2013. Invoices for reimbursement will not be accepted after July 11, 2013.

ATTACH THE CURRENT AGENCY ROSTER AS OF JANUARY 1, 2012

**(FOR OFFICE USE ONLY - DO NOT USE SPACE BELOW)**

FISCAL YEAR 2013 GRANT FUNDING	Units	Total	Agency Share	State Share
Per Capita		\$ 3,548.00	0.00	\$ 3,548.00
Toughbooks		\$ 11,790.00	5,895.00	\$ 5,895.00
<b>Total EMS Grant Award</b>				<b>\$ 9,443.00</b>

**FUNDS MUST BE EXPENDED BY JUNE 30, 2013**

**From:** Jesse Valenzuela [<mailto:jessev@utah.gov>]  
**Sent:** Tuesday, October 09, 2012 9:52 AM  
**To:** Mike Dykman  
**Cc:** Jon Harris  
**Subject:** SHSP Grant

Hello and Good morning,

The following message is authorizing Murray City Fire to move forward with their purchase of line item 11-SHSP-REG 2-Project 1-048.

They should have sent in the Articles of Agreement. ( Which Murray City Fire hand delivered to State Liaison Jesse Valenzuela) We are within the grant period, so they should be good to go.

I have identified this line item for Murray City for the 2011 grant. Nothing has been awarded for the 2012 grant. It is still being processed.

11-SHSP-REG 2-Project 1-048	CBRNE Incident Command Vehicle	1	\$29,677.00		\$29,677.00	Murray
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Russ Fillmore  
Financial Manager  
Utah Department of Public Safety | Division of Emergency Management  
1110 State Office Building | Salt Lake City, Utah 84114  
Office: 801-538-3754 | Cell: 801-558-1125 | Fax: 801-538-3770

If you should have any concerns or questions please let me know. Thank you.

All my best,

Jesse

Jesse Valenzuela  
Community Support Liaison Region II  
Department of Public Safety/Division of Emergency Management  
801.707.0930  
[jessev@utah.gov](mailto:jessev@utah.gov)  
<http://emergencymanagement.utah.gov>  
<http://bereadyutah.gov>

**FY 2011 Homeland Security Grant Program**  
**Articles of Agreement**  
**Due back to State by November 21, 2011**

SHSP FY 2011  
Region VII  
Jurisdiction: \_\_\_\_\_

DPS/DEM

In order to receive funding for any approved line items, this document titled, "Articles of Agreement", must be signed by the Mayor or another authorized Public Official representing the named jurisdiction. By signing this document, the jurisdiction certifies the following:

1. The named jurisdiction is not currently identified on the Federal Government's List of those who have been Suspended and/or Debarred (ineligible to receive federal funding). Additionally, the named jurisdiction must assure that any vendor from whom they procure equipment or services is also not currently identified on the Federal Government's List of those who have been Suspended and/or Debarred.

2. The named jurisdiction will comply with Federal audit requirements, as identified in Circular A-133 (Single audit requirements) and will submit to A-133 audit monitoring as requested by the Division of Emergency Management. Please provide jurisdiction fiscal year-end, point-of-contact, email, and phone number for agency representative.

**Note:** OMB Circ. A-133 requires subrecipients who expend over \$500,000 in total federal awards during the subrecipients' fiscal year to have an A-133 audit completed within 9 months. When an A-133 audit is performed, the subrecipient must submit to the Utah Department of Public Safety, Division of Emergency Management either a copy of their A-133 audit report or written notification that an A-133 audit was performed and there were no findings related to the pass-through entity.

Fiscal year end month (December, June) June  
Point-of-Contact Name Justin Zollinger  
Point-of-Contact Email & Phone jzollinger@murray.utah.gov

3. The named jurisdiction will cooperate with all members of its assigned region to help carryout the regional response team concept identified in the State of Utah Homeland Security Strategy. This includes providing support from any and all resources purchased under any of the Homeland Security Grants. Additional projects or modification of existing projects must receive approval from all Regional Coordinator.

4. The named jurisdiction will comply with all deadlines, reporting requirements, and documentation requests identified by the Division of Emergency Management (DEM), the State Administrative Agency (SAA).

5. The named jurisdiction agrees to purchase only those items that have been identified with approved line item numbers. Any changes to the original scope of work must be requested by the named jurisdiction, in writing, and must be approved by DEM prior to the procurement of those newly requested items.

6. The named jurisdiction certifies that they will not use funds for the purpose of supplanting existing funds.

**FY 2011 Homeland Security Grant Program**  
**Articles of Agreement**  
**Due back to State by November 21, 2011**

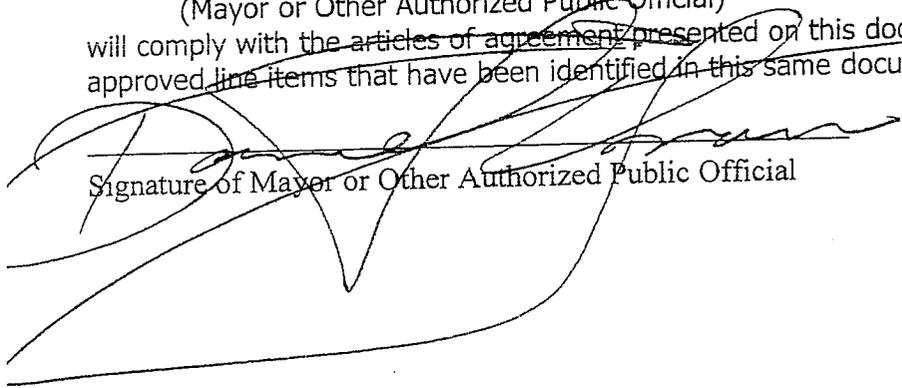
7. The named jurisdiction agrees to use the equipment purchased under the grant for the intended purpose as outlined in the 2011 HSGP grant guidelines.
8. The named jurisdiction agrees to comply with the following Federal requirements:
  1. Freedom of Information Act
  2. Compliance with Federal Civil Rights Laws and Regulations
  3. Services to Limited English Proficient (LEP) Persons
  4. Integrating Individuals with Disabilities into Emergency Planning
  5. Buy American Act Compliance
  6. Drug Free Workplace
  7. Funding Cannot be Used for the Purpose of Lobbying
  8. Compliance with Federal Energy Policy Legislation (including National Energy Conservation Policy Act, Energy Policy Act of 2005, and Energy Policy Act of 1992)
9. The named jurisdiction will submit to be monitored by the Division of Emergency Management (DEM), the State Administrative Agency (SAA), as requested.
10. The named jurisdiction agrees that no reimbursement will be allowed under the FY 2011 grant until the FY 2009 HSGP funds are expended for all subrecipients within the corresponding region.
11. The named jurisdiction will coordinate all interoperable communications equipment purchases with Phil Bates, DPS/State DTS Director (801-209-9343) to assure interoperability with the state communication systems.
12. The named jurisdiction certifies they have an implementation plan for interoperable communications equipment purchased with Homeland Security grant funds that include governance structures, policies, procedures, training, and planned exercises to ensure that key elements of planning, governance, and training are addressed before the equipment is procured.
13. The named jurisdiction certifies they are NIMS compliant as outlined in the FY 2011 HSGP Guidance
14. The recipient shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources **without the prior approval of FEMA**, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures and objects that are 50 years old or greater. Recipient must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been

**FY 2011 Homeland Security Grant Program**  
**Articles of Agreement**  
**Due back to State by November 21, 2011**

initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding..

I, Daniel C. Snarr, certify that my jurisdiction  
(Mayor or Other Authorized Public Official)

will comply with the articles of agreement presented on this document and agree to accept the approved line items that have been identified in this same document.

  
Signature of Mayor or Other Authorized Public Official

10/2/12  
Date

**TIER II**  
**ZOO, ARTS AND PARKS FUNDING AGREEMENT**  
**Between**  
**SALT LAKE COUNTY**  
**And**  
**Murray City Corporation / Murray City Cultural Arts**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between SALT LAKE COUNTY, a body corporate and politic of the State of Utah ("COUNTY"), and **Murray City Corporation / Murray City Cultural Arts** either a Utah non-profit organization or an agency of a municipality, whose mailing address is **5025 S. State, Murray UT 84107** ("RECIPIENT").

WHEREAS, the COUNTY has imposed a local sales and use tax, pursuant to Utah Code Ann. §§ 59-12-701, et seq., and has enacted an ordinance, Chapter 3.07, Salt Lake County Code of Ordinances, 2005, as well as policies governing distribution of the revenues collected by this tax, which revenues are referred to as the "Zoo, Arts & Parks Funds" ("Funds").

WHEREAS, RECIPIENT has applied for and is qualified to receive a portion of the Funds pursuant to the statute, ordinance, and policies.

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms and conditions contained in this Agreement, and the payment of the amount of Funds as specified, the parties agree as follows:

**1. SCOPE OF AGREEMENT:**

In exchange for receipt of these Funds, RECIPIENT agrees to the following uses and limitations of uses for the Funds:

- A. Funds shall be expended within Salt Lake County as set forth with greater specificity in RECIPIENT'S application (Exhibit 1) incorporated herein by reference, and as further defined herein and pursuant to Utah Code Ann. §§ 59-12-701, et seq.; Chapter 3.07 Salt Lake County Code of Ordinances, 2005; and those policies, applications and standards as established by Salt Lake County to administer the distribution of the Funds.
- B. Funds may not be expended for the following non-qualifying expenditures: capital construction expenses, acquisition of real property or any interest in real property, depreciation or amortization of any asset including real property, improvement to real property, payments into an endowment corpus, expenditures outside of Salt Lake County, fund-raising expenditures related to capital or endowment campaign, repayment of loans or interest thereon, grants or re-grants, scholarships, interest payments, direct political lobbying, expenditures not directly related to RECIPIENT'S primary purpose, non-deductible tax penalties, bad debt expense, and any operating expenses that are utilized in calculating federal unrelated business income tax.

- C. RECIPIENT agrees to submit an Actual Use/Evaluation report detailing how Funds were expended.
- D. RECIPIENT agrees to acknowledge Zoo, Arts and Parks program in writing and orally, including acknowledging Zoo, Arts and Parks at every event in which Funds have been utilized. RECIPIENT further agrees to use its best efforts to use the official Zoo, Arts & Parks logo on written material such as playbills, brochures, advertisements, flyers, banners, websites and newsletters. RECIPIENT may use other acknowledgments as appropriate, such as announcements from the stage, in media releases, on supertitles, on pre-event videos, etc. If RECIPIENT has a website, the Zoo, Arts and Parks logo shall be displayed on the donor/sponsor page or other prominent page of the website.
- E. RECIPIENT shall provide COUNTY with a copy of programs or other printed material acknowledging the COUNTY and the Zoo, Arts & Parks program.
- F. RECIPIENT agrees to provide COUNTY with press releases and other public relations material designed to promote RECIPIENT'S programs and projects. Submission by email is preferred at [PRZAP@slco.org](mailto:PRZAP@slco.org).
- G. RECIPIENT agrees that if it produces a free or reduced-admission-fee program, the terms of admission shall be extended to all citizens of the State of Utah and shall not be restricted to citizens of Salt Lake County. RECIPIENT further agrees to inform the COUNTY'S Representative, named below, of such an event in a timely manner.
- H. RECIPIENT agrees to use the [www.nowplayingutah.com](http://www.nowplayingutah.com) (NPU) to promote its events. This arts and cultural calendar has been created by the ZAP program, Utah Arts Council and Salt Lake Convention and Visitors Bureau in order to benefit Utah's arts and cultural community and individuals interested in attending arts and cultural events. RECIPIENT must supply its publicity materials to NPU in a timely manner. RECIPIENT must also use its best efforts to promote the NPU website to their constituents, patrons, audiences, etc. This includes linking to NPU from RECIPIENT'S website. RECIPIENT also agrees to list artist profiles on NPU.
- I. RECIPIENT agrees to provide tickets to any non-fundraising event, without charge and within reason, as requested by COUNTY'S Representative to enable the Tier II Advisory Board to better review and evaluate RECIPIENT'S organization and programs. RECIPIENT is encouraged to extend the Tier II Advisory Board an invitation to at least one event per year without charge.
- J. In compliance with County Ethics Code 2.07.207 and as outlined in the ZAP Event Attendance Program, RECIPIENT may make one performance or event per year available to elected or appointed officials through said Representative for the purpose of enabling the official to better evaluate and review the organization, programming and attendance at the event.

- K. It is understood and agreed that no Funds or proceeds from Funds will be made available to any public officer or employee or in violation of the Public Employees Ethics Act, Utah Code Ann. §§ 67-16-1, et. seq.
- L. COUNTY may sponsor an event that highlights the Zoo, Arts and Parks program and showcases the recipients of ZAP funding. If the COUNTY sponsors such an event and RECIPIENT is invited to participate, RECIPIENT will use its best efforts to reasonably participate as requested.
- M. The RECIPIENT agrees that, although it may not be a "public body" as defined by the Utah Open and Public Meeting statute, Utah Code Ann. §§ 52-4-101, et. seq., because RECIPIENT receives public funds, it will use its best efforts to adhere to the spirit of the statute by making its board meetings open to the public.

## 2. PUBLIC FUNDS AND PUBLIC MONIES:

- A. Definitions: "Public funds" and "public monies" mean monies, funds, and accounts, regardless of the source from which they are derived, that are owned, held, or administered by the State or any of its boards, commissions, institutions, departments, divisions, agencies, bureaus, laboratories, or other similar instrumentalities, or any county, city, school district, political subdivision, or other public body. The terms also include monies, funds or accounts that have been transferred by any of the aforementioned public entities to a private contract provider for public programs or services. Said funds shall maintain the nature of "public funds" while in RECIPIENT'S possession.
- B. RECIPIENT'S Obligation: RECIPIENT of "public funds" and "public monies" pursuant to this and other contracts related hereto, expressly understands that it, its officers, and employees are obligated to receive, keep safe, transfer, disburse and use these "public funds" and "public monies" as authorized by law and this Agreement for ZAP qualifying activities in Salt Lake County. RECIPIENT understands that it, its officers, and employees may be criminally liable under Utah Code Ann. §76-8-402, for misuse of public funds or monies. RECIPIENT expressly understands that COUNTY may monitor the expenditure of public funds by RECIPIENT.
- C. COUNTY reserves the right to audit the use of Funds and the accounting of the use of Funds received by RECIPIENT under this Agreement. If an audit is requested by the COUNTY, RECIPIENT shall cooperate fully with COUNTY and its representatives in the performance of the audit.
- D. RECIPIENT expressly understands that COUNTY may withhold funds or require repayment of funds from RECIPIENT for contract noncompliance, failure to comply with directives regarding the use of public funds, or for misuse of public funds or monies.

## 3. CONSIDERATION:

Payment of Funds to RECIPIENT and the amounts thereof shall be determined and paid as set forth in Chapter 3.07, Salt Lake County Ordinances, 2005; and the COUNTY'S Policy #1031. Payment of Funds to RECIPIENT for the ZAP fiscal year 2012 shall be approximately \$61,225 of the funds designated for Tier II qualifying organizations. This amount is based on 2012 ZAP revenue projections and the Tier II Advisory Board's recommendation as approved by the Salt Lake County Council. Actual amount distributed to RECIPIENT may be decreased or increased if 2012 ZAP revenues differ from those projected. The ZAP program recognizes that if a RECIPIENT is awarded less funds than requested, the project as described in the application may be scaled back commensurately. Funds may be distributed in several payments. Any past due balances owed to a county facility or agency may first be deducted before any distribution of FUNDS made to RECIPIENT

Failure to submit a previously due Actual Use/Evaluation Report will be considered a breach of contract and 2012 funding will be revoked.

**4. EFFECTIVE DATE:**

This agreement shall be for a term of one (1) year, beginning on the date of the first distribution of Funds to RECIPIENT, and shall not be renewable. It is understood that the Funds received by RECIPIENT under this Agreement will be expended and accounted for in accordance with either RECIPIENT'S fiscal year or the time period indicated in their 2012 application.

If all Funds received under this Agreement are not expended during RECIPIENT'S fiscal year or time period indicated in their 2012 application, RECIPIENT agrees to account for the Funds in the succeeding fiscal year pursuant the terms and conditions of this Agreement.

All covenants made by RECIPIENT shall survive the expiration date of this Agreement if any Funds paid to RECIPIENT under this Agreement remain unexpended and shall continue to bind RECIPIENT until all such Funds are expended.

**5. MAINTENANCE AND AVAILABILITY OF RECORDS:**

RECIPIENT agrees to maintain detailed and accurate records of the use of all Funds that it receives under this Agreement. RECIPIENT further agrees to retain said records and make them available for review by COUNTY from time to time upon the COUNTY'S request. Said records shall be maintained by RECIPIENT for a period of five (5) years from the date of their creation. All records shall be maintained in a professional manner and form. The parties hereby stipulate that ownership of all records that are the subject of this paragraph shall rest with RECIPIENT. However, to the extent that such records are deemed by competent legal authority to be records of the COUNTY, COUNTY agrees that its review and/or disclosure of said records shall be governed according to the COUNTY'S rights and responsibilities under the Utah Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-101 et. seq. If said records disclose that RECIPIENT is in violation of this Agreement, the COUNTY may make such use and disclosure of said records as it deems appropriate to protect its rights under this Agreement and to protect the public's interest in the proper expenditure of public funds.

**6. ASSIGNMENT AND TRANSFER OF FUNDS:**

It is understood and agreed that RECIPIENT shall not assign or transfer its rights or receipt of Funds under this Agreement, any interest therein, or claim hereunder. The Funds provided under this Agreement shall be used exclusively and solely by RECIPIENT for the purposes set forth in this Agreement.

**7. INDEPENDENT ENTITY:**

It is understood and agreed that RECIPIENT'S status in relation to COUNTY is that of an independent entity. RECIPIENT'S acts, made through any of RECIPIENT'S officers, agents or employees are made without any suggestion, direction, or management whatsoever by the COUNTY, the COUNTY'S Representative, or any other of COUNTY'S officers, agents or employees. The parties stipulate that the Funds provided RECIPIENT under this Agreement do not give COUNTY any authority whatsoever over the manner and method by which RECIPIENT carries out its purposes. To the extent that any actions taken by RECIPIENT violate the understanding between the parties, as expressed in RECIPIENT'S application for Funds and in this Agreement, COUNTY shall have the rights provided under this Agreement to withdraw funding and demand reimbursement of Funds previously expended by RECIPIENT.

**8. INDEMNIFICATION:**

RECIPIENT agrees to indemnify, defend and save harmless the COUNTY, its officers, agents and employees, from and against any and all claims, damages, losses and expenses, including attorney's fees and legal costs, arising out of any and all of RECIPIENT'S, or its officers', agents', or employees' negligent or wrongful acts or failures to act which occur during the term of the Agreement, or, if Funds are not fully expended during the term of this Agreement, during the period of time in which RECIPIENT expends Funds made available under this Agreement.

To the extent permitted by law, COUNTY agrees to indemnify, defend and save harmless the RECIPIENT, its officers, agents and employees from and against any and all claims, damages, losses and expenses, including attorney's fees and costs, directly arising out of the negligent or wrongful acts or failure to act by COUNTY, its officers, agents, or employees during COUNTY'S performance of the Agreement.

COUNTY is a body corporate and politic of the State of Utah, subject to the Utah Governmental Immunity Act ("Act"), Utah Code Ann. §§ 63G-7-101, et. seq. (1953, as amended). The parties agree that COUNTY shall only be liable within the parameters of the Governmental Immunity Act. Nothing contained in this Agreement shall be construed in any way, to modify the limits of liability set forth in that Act or the basis for liability as established in the Act.

If RECIPIENT is a governmental entity in the State of Utah, subject to the Act, the parties agree that RECIPIENT shall only be liable within the parameters of the Governmental Immunity Act and that nothing contained in this Agreement shall be construed in any way, to modify the limits of liability set forth in that Act or the basis for liability as established in the Act.

**9. INSURANCE:**

RECIPIENT shall maintain such insurance as is appropriate and in accordance with industry standards and recommendations for the events, programs and operations it conducts.

**10. NO OFFICER OR EMPLOYEE INTEREST:**

It is understood and agreed that no officer or employee of the COUNTY has or shall have any pecuniary interest, direct or indirect, in this Agreement or the Funds distributed.

**11. TERMINATION:**

The COUNTY may terminate this Agreement as a result of the failure of RECIPIENT to fulfill its obligations under this Agreement. The COUNTY shall provide written notice of termination of this Agreement by delivering to RECIPIENT a Notice of Termination specifying the basis for the termination. Upon RECIPIENT's receipt of a Notice of Termination, RECIPIENT shall have 30 days in which to cure the basis for termination set forth in such Notice of Termination. If RECIPIENT fails to cure such basis for termination within such 30 day period, COUNTY may terminate this Agreement. Upon termination of this agreement, RECIPIENT shall immediately deliver to the COUNTY all unused Funds previously paid to RECIPIENT under this Agreement.

The COUNTY may terminate this agreement for the following non-inclusive reasons:

- A. RECIPIENT no longer qualifies for receipt of funding as a Tier II organization under the COUNTY'S Zoo, Arts and Parks program,
- B. RECIPIENT was determined to be qualified based upon the submission of erroneous information, and may require RECIPIENT to return all Funds paid to RECIPIENT based upon the erroneous information.
- C. RECIPIENT fails the minimum financial health test and their financial health plan is not accepted by the COUNTY.
- D. RECIPIENT fails to supply adequate financial health reports (if required by this Agreement),
- E. If the financial health of RECIPIENT is in such jeopardy that organizational dissolution is inevitable.
- F. The rights and remedies of the COUNTY are in addition to any other rights and remedies provided by law or under this Agreement.

**12. ETHICAL STANDARDS:**

RECIPIENT represents that it has not: (a) provided an illegal gift or payoff to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or Salt Lake County's Ethics Code, Chapter 2.07, Salt Lake County Code of

Ordinances, 2005; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statute or Salt Lake County ordinances.

**13. COUNTY REPRESENTATIVE:**

COUNTY hereby appoints the Program Director of the COUNTY'S Zoo, Arts and Parks Program as COUNTY Representative to assist in the administration of this Agreement and the Funding provided by this Agreement. Said Representative shall ensure performance of this Agreement by RECIPIENT and assist RECIPIENT in obtaining information and access to COUNTY or other government offices, if necessary for RECIPIENT'S performance of this Agreement, and if such assistance is requested by RECIPIENT. Additionally, said Representative shall monitor and evaluate the performance of this Agreement by RECIPIENT, but shall not assume any supervisory or management role over RECIPIENT or any of RECIPIENT'S officers, agents or employees during RECIPIENT'S ordinary course of business or in RECIPIENT'S expenditure of funds provided by this Agreement, other than to enforce COUNTY'S rights and responsibilities under this Agreement.

**14. COMPLIANCE WITH LAWS:**

RECIPIENT agrees that it, its officers, agents and employees will comply with all laws, federal, state or local, which apply to its operations and in particular those laws created to protect the rights of individuals, including, but not limited to, those laws requiring access for persons with disabilities as well as the laws governing non-discrimination against all protected groups and persons in admissions and hiring.

**15. ADDITIONAL DOCUMENTS:**

The following documents shall be submitted by RECIPIENT to the COUNTY prior to any funds being disbursed to RECIPIENT by the COUNTY, and are incorporated into this Agreement by reference, being made a part hereof as exhibits:

- A. Application Form with attachments – (Exhibit 1)
- B. Verification of 501(c) 3 or municipal/county/community council status– (Exhibit 2)
- C. Additional Requirements Letter, if applicable – (Exhibit 3)

**16. INTERPRETATION:**

The entire agreement among the parties shall consist of this Agreement and the documents set forth above in paragraph 15. All documents are complementary and the provisions of each document shall be equally binding upon the parties. In the event of an inconsistency between any of the provisions of said documents, the inconsistency shall be resolved by giving precedence first to this Agreement, and then to the other documents in the order set forth in paragraph 15 above. Further, this Agreement shall be interpreted to be consistent with Title 59, Chapter 12, Part 7, U.C.A., (1953, as amended); and Chapter 3.07, Salt Lake County Code of Ordinances, 2005, as amended; and County Policy #1031.

**17. ENTIRE AGREEMENT:**

This Agreement contains the entire agreement between the parties, and no statement, promises or inducements made by either party or agents for either party that are not

contained in this written agreement shall be binding or valid and this Agreement may not be enlarged, modified or altered, except in writing, signed by the parties.

**18. SURVIVAL:**

All covenants made by RECIPIENT shall survive the expiration date of this Agreement if any Funds paid to RECIPIENT under this Agreement remain unexpended and shall continue to bind RECIPIENT until all such Funds are expended.

**19. GOVERNING LAWS:**

It is understood and agreed by the parties hereto that this Agreement shall be governed by the laws of the State of Utah and Salt Lake County, both as to interpretation and performance.

**20. WARRANT OF AUTHORITY:**

Any person signing this Agreement warrants his or her authority to do so and bind RECIPIENT. RECIPIENT understands that COUNTY may require RECIPIENT to return all Funds paid to RECIPIENT based upon a breach of the warrant of authority.

*[Intentionally Left Blank]*

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year recited above.

SALT LAKE COUNTY

By: \_\_\_\_\_  
Mayor Peter Corroon or Designee

Murray City Corporation / Murray City Cultural Arts  
RECIPIENT

By: \_\_\_\_\_

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

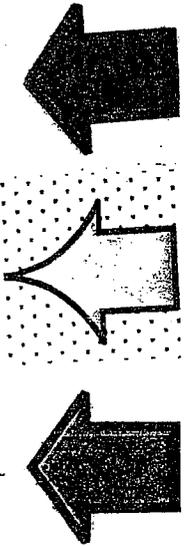
Title: \_\_\_\_\_

APPROVED AS TO CONTENT  
*[Handwritten Signature]*  
\_\_\_\_\_

Approved as to Form:

\_\_\_\_/s/ Melanie F. Mitchell\_\_\_\_  
Melanie F. Mitchell  
Deputy District Attorney

Date: \_October 4, 2012\_



s Office



## Zoo, Arts & Parks Tier II 2012 Application/2010 Evaluation

*The entire application may not exceed 12 pages. (Please do not use type smaller than 10 point font.)  
If you have any questions – please refer to the Application Guide.*

### Organization Information

Name of Organization: Murray City in behalf of Murray City Cultural Arts  
*Organization must be a 501(c)(3) or municipality. If your name is different from how it appears on your federal 501(c)(3) letter, an explanation is required. See guidelines.*

Qualifying Information	YES		NO
	Is your organization headquartered in Salt Lake County?	XX	
Are you a member of the Utah Nonprofits Association?			XX
If you are not a member of UNA, does your organization abide by all nonprofit ethics and professional standards?	XX		
If you are a part of a public university, college, or educational affiliate, does your program receive more than 50% of its funding from state funds?	N/A		
Choose one by marking with an X	501(c)(3)	Municipality	Affiliate or part of a University
		XX	
Date organization/agency was founded	1992 City Cultural Arts Dept		
Age of Organization	20 years		
Federal Tax ID Number	87-6000254		
Date of 501(c)(3) Status	NA - Municipality		
Utah Business Registration: Entity #	NA - Municipality		
Basis for contractual authority	Mayor is the only person who can sign contract. Mary Ann Kirk has been given permission to sign application.		
For what 12 month time period are you asking for funding (may use a timeframe between January/2012 and December /2013)?	July 1, 2012 – June 30, 2013		
Dun and Bradstreet Number (optional):	03-312-6542		

### Funding Request

Project Title: General Operating Support

*Type in project title or, if requesting general operating support, type in "General Operating Support".*

ZAP FUNDING REQUESTED – place a check mark in ONE of the following boxes:			
Up to \$15,000	Over \$15,000 but less than \$30,000	\$30,000 and over but less than \$60,000	\$60,000 or above
			XXX

Summary Table - use your most recently completed fiscal year data		
1	What is your organization's eligible discipline? (Must be an eligible discipline - see guidelines.)	Local Arts Agency
2	Are you a first time applicant?	No
3	What is the total number of people that attended your events/activities during your most recently completed fiscal year? (Everywhere)	32,621
4	What is the total number of people that attended your events in Salt Lake County?	32,621
5	What is the number of people that attended for FREE in Salt Lake County?	20,498
6	What is the total number of paid attendance in Salt Lake County?	12,123
7	What is the total number of paid subscribers to your organization?	72 season tickets
8	What is the total number of paid memberships to your organization?	N/A
9	What is the number of artists, scholars, botanists, zoologist involved with your organization?	2026 including youth
10	What are the number of types of educational / outreach programs you provide?	13
11	How many times do you offer these programs (# 10) to the public?	32
12	What is the number of people that attended an educational/outreach program?	4064
13	How many individual donors gave to your organization?	31
14	How many people are employed full-time with your organization?	1 with additional city staff support
15	How many people are employed part-time with your organization?	7
16	How many people are employed as contract personnel?	75
17	How many people volunteer for your organization?	161 + 40 for pit orch
18	How many interns work with your organization (paid or unpaid)?	0

**Narrative** (type in your responses under each question)

A1. Mission Statement (as approved by Murray City Council by ordinance and Advisory Boards):

The Cultural Arts Division includes two advisory boards with separate mission statements which reflect the art and history components of the City under the direction of one city administrator.

**Murray Arts Advisory Board** mission is to promote the development, awareness and appreciation of, and participation in the cultural arts and humanities in the City. To carry out this purpose, the Board is empowered to promote the broad spectrum of the arts in the community of Murray including the performing, visual, and literary arts; to encourage and support other community based art organizations which provide cultural arts opportunities for city residents; to advocate for the arts as a significant element of the school curriculum; and to promote resources including staffing, facilities, and funding which support the implementation of year-round cultural arts activities focused for the benefit of city residents.

**Murray History Advisory Board** mission is to identify, document, preserve, and interpret the city's historic resources to promote awareness, understanding, appreciation, and preservation of Murray's heritage and foster community identity and civic pride. To carry out this purpose, the board is empowered to advise officials of the city and other governmental entities regarding the identification and protection of local historic and archaeological resources; to encourage historic preservation by maintaining a local register and inventory of historic structures and by preparing nominations to the National Register; to oversee the Murray City Museum and its collections; and to encourage the education of the public regarding historic preservation and City history by sponsoring heritage programming for the community.

A2. Please provide a summary overview of your organization, including major program areas & brief history.

The Cultural Arts Division functions within the Murray City Parks and Recreation Department. Under the direction of the cultural arts manager, the Murray Arts Advisory Board and the Murray History Advisory Board help plan and guide the vision and implementation of the art and history activities for the City. It also coordinates community calendaring and facility scheduling for local arts organizations and provides training for local community art groups.

**Major Program Areas:**

- . Murray Arts in the Park (evening series, lunch concerts, children matinees, family night series)
- . Murray Winter Series (12-16 community performances)
- . Arts in Education outreach performances, workshops, residencies, art show, Shakespeare
- . Youth musicals, Missoula, Halloween literary/storytelling, drama and band camps
- . School curriculum resources in arts and history including in-class instruction
- . Annual exhibits, competitions, and workshops in literary, music, visual arts and crafts
- . Communication to local artists and training/grants for local arts organizations
- . History museum, publications, tours, collections, school curriculum and resources
- . Art activities added to city events, i.e. Fun Days entertainment, Earth Day

**Brief History:** The Murray Arts Advisory Board was established by city ordinance in 1986 as a volunteer board to oversee the art programs in the community. As the program expanded, the Cultural Arts Division was organized as part of the Murray Parks and Recreation Department in 1992 with a paid staff member to manage the art programs for the city. Together, they coordinate with other local organizations such as the Murray Arts Council which is largely a theater group, the Murray Symphony, Murray Concert Band, Ballet Center in Murray, Miss Murray Pageant, and the Murray School District. As an outgrowth of art projects, the Murray History Advisory Board was established by city ordinance in 1996 to oversee expanding history programs. A city museum was created in 2003.

**Major Accomplishments:**

Over the past 20+ years, we have developed strong support for arts and history within the city and created a cohesive relationship with the various art groups and other community organizations operating within Murray. Together with a small paid staff and supportive cast of many volunteers, these groups have created year round programming that address a broad range of art and history activities for both patrons and participants young and old. We continue to move forward with our plans to build a regional performing arts center, seeking both county and state funding.

A3. What are your short-term and long-term operational goals and objectives? What are your plans for achieving them?

Our goals have not changed significantly over the past several years.

**Short Term Goals:**

- Continue commitment to year round programming with lean budgets. We are working hard to maintain our various programs, keeping costs to a minimum and in a few cases, raising ticket prices to help cover costs.
- Develop social media communication. Our efforts to find an unpaid intern has not been successful to date but we have been able to enlist help from performers and cast members. We did initiate monthly email blasts.

**Long Term:**

- Maintain focus on a regional performing arts center with strategies to obtain funding from city, state, county, and private donors. This is our primary goal. We are working with a foundation to obtain private funds, requesting funds through the city budget process, and have submitted grants to both the county and state. We have met with county councilmen and state legislators to help us in this process.
- Seek city funding through budget process to renovate an aging outdoor amphitheater. This request has been submitted to the city in their 5 year plan.
- Protect historic and original art collections by creating a disaster plan. Staff have attended training on this and are working with city first responders so they know how to proceed in the event of a disaster.

A4. Describe how Zoo, Arts, & Parks funds will be used. What do you plan to do? When? Where? Who will be instrumental in implementing this plan or project? Your answer to this question should give a compelling argument as to why the ZAP Program should fund your project/operations.

ZAP funds help support a broad range of activities that provide additional opportunities for thousands of patrons to enjoy the arts and history as well as participate in them as artists. Our participant and patron base comes from every zip code within Salt Lake County as well as several surrounding counties and as far away as Wyoming. The cultural arts manager will implement these projects with contracted personnel and the assistance of board members and other volunteers. These projects may be adjusted depending on the level of available funding.

#### Art Assemblies, Performances, Residencies with transportation assistance to performance sites

We plan to book performances for public shows and school assemblies such as Arts Inc and Arts Power and in some cases bus students to schools for performances. In 2012-2013, we have booked Missoula Children's Theater *Wizard of Oz* and Arts Power production of *Little Engine That Could*. These provide performance and patron opportunities for many who have little access to the arts. Murray has 4 out of 9 Title I schools. There may be other touring programs we will consider as they become available. We also invite 1-2 quality performance groups typically from Utah to join our evening summer and winter performing arts seasons. ZAP funds help to augment the performance fees which are often not completely covered by ticket revenue or no revenue for free public/school shows.

#### Arts in the Park Activities

##### Production of summer musicals

Community theater is the most popular activity in our arts programs. ZAP funding helps the City produce multiple large scale musicals as part of our Arts in the Park series which gives more individuals an opportunity to participate. We will select the titles in November of 2012 and hire directors and other production staff. Two musicals are typically produced in June and August as part of the Arts in the Park Series in the Murray Park Amphitheater.

##### Free Summer Concerts

Our summer lunch concerts are held every Tuesday at noon and the children matinees are held every Friday at 2 pm in the Murray Park Pavilion #5. The Family Night Series is held at our senior center the 2<sup>nd</sup> Monday of every month. These concerts are free and are heavily accessed by special needs populations such as day care and retirement centers who bus patrons to these events. ZAP funding helps provide proper stipend fees for quality performers.

##### Summer Art Camps

We offer band and drama camps each summer. Instructors are current and former teachers in their respective fields. The camps run 2-3 weeks long and focus on providing opportunities for school age youth during the summer. The band camp prepares students to march in the July 4 parade in Murray. The drama camp includes two sessions for younger and older children who learn different skills each year and prepare a short play created by the students and performed for parents and families at the conclusion. ZAP funding helps with instructor fees and supplies.

##### General Office, Marketing

ZAP funds assist with the costs of printing tickets, programs, flyers, and postage for mailings. We have established an email form of communication. However, direct mail is needed for a large number of individuals since a majority of our patrons are seniors who don't use email often. Paid advertising for our initial season offerings through radio and major newspapers is an expensive but critical element to inform the public of the various programs offered.

##### History Activities/Exhibits

We annually bus over 50 classrooms to the museum and the cemetery. ZAP funds help provide for buses and supplies for new museum exhibits.

##### Competitions/Exhibits

ZAP funds help provide for supplies for the various art and museum displays and exhibits.

A5. Community Service:

- a. What are your goals for serving the communities in Salt Lake County? How would you describe your primary and/or target audience? Explain how your organization intends to maintain and/or grow its audience over the next year.
- b. Please identify and explain how your organization partners with other organizations and service providers located within Salt Lake County.

**A. Organization Goals to Serve Community in Salt Lake County**

Our main goal to serve the community is focused on enhancing and providing a wide range of opportunities for Murray and Salt Lake County residents to enjoy the arts and history as a participant or patron. We want children, families, seniors, artists, and the general public engaged in these experiences. We have found a niche addressing the needs of amateur and small professional performing groups by providing many types of performance options. We annually pay 30-40 groups to perform. We continue to target Arts in Education because the kids are our future artists and patrons. Involving youth in the programs themselves creates an audience of supportive parents and grandparents now and in the future. Our goal to create a better social media network is also designed to engage a younger audience. Another strategy to build audiences has been to combine local performances into series to encourage patrons to attend a variety of performing groups in the community. We have encouraged our local arts organizations to invite other guest artists to perform with them. This has been very successful over the past two years for our symphony and band organizations. We bus students to the museum and invite them to bring their parents back. Our museum attendance outside of children's tours has steadily grown over the past few years.

**B. Partnerships**

Murray City Cultural Arts collaborates extensively with organization and service providers in Salt Lake County:  
. Organizes coordinated performance series and provides venues for local/regional performing arts groups including Murray Symphony, Murray Concert Band, Murray Ballet Center, Murray Arts Council, Utah Acoustic Music Association. We invited 88 groups to a preview event of our proposed performing arts center and 12 attended.

. Coordinates marketing for Murray's art organizations involved in series by partnering with marketing organizations in radio (KDYL, FM 100, KSL), newspaper (Murray Journal, Trib), and TV to access free or low cost publicity where possible. Also partners with Intermountain Medical Center who annually designs and prints our summer brochure for free.

. Asks local service clubs to help as volunteers for various art and history events including the Murray Youth Chamber of Commerce and the Murray Women's Club.

. Supports other city departments and they support us in many projects and events such as Fun Days, Family Night at Senior Center, and Earth Day. We often create our city float design around themes for our community organizations such as the 100<sup>th</sup> birthday of our library. Although ZAP funds are not used for the float and are not a qualifying expense, the float design itself is an artistic process involving a variety of groups. One year we had a contest with the school district elementary schools to design the float. We took the winning team to the construction location so they could learn how floats are made.

. Networks with county and state agencies in arts and history fields including Utah Cultural Alliance, South Valley Museum Association, South Valley Theater Coalition.

. Partners with both Murray and Granite School District to provide free tickets for music and literacy rewards and the Share Tix agency to provide free tickets to low-income individuals when we know seats will go unused.

. Shares the costs of elementary music and art specialists (not paid through ZAP) with Murray School District who in turn help us with a variety of in-class docent instruction prior to community sponsored exhibits and performances.

. Partners with Murray and Cottonwood High to create community events involving school and community art organizations.

. Collaborates with a local foundation (FMCPA) on fundraising for performing arts center.

Proposed Use of ZAP Funding		
Proposed Expenses	Amount	Explanation/Description
Salaries & Benefits		
Independent Contractor Fees	\$ 50,000.00	Perf fees, production/camp staff
Program Expenses	\$ 12,000.00	perf, production, exhibit supplies
General Administration/Office Expenses	\$ 2,000.00	paper, mailings
Royalties/Licensing Fees	\$5,000	musical royalty for 2 shows
Marketing	\$5,000	Newspaper, radio
Development/Fundraising		
Facility Rent	\$ 2,000.00	school facilities, perf, rehearsals, auditions
Other Expenses (please explain)	\$ 2,000.00	student busing to performances
Total proposed Expenses	\$ 78,000.00	automatic calculation

Note: We are not requesting a specific amount-- use this to show us how you would use the funds in the category you selected.

Community Impact and Outreach				
Date (mm/yy)	Location (street address, city)	Event (name or type and full description)	Number of People in Attendance	Indicate if # is Actual, Estimated or Both
7/10-6/11	Local schools	Winter Series	6,965	Both
7/10-6/11	Murray Park facilities	Arts in the Park - all series	17,526	Both
10/10, 5/11	Murray Library	Adult Competitions, art, literary	450	Both
8/10-6/11	Murray park	Summer Youth Camps	56	Actual
7/10-6/11	Local schools	Arts in Education	6,065	Estimate
7/10-8/11	Museum, Cemetery	History Tours	1,549	Both

## Governance

Use data from your most recently completed fiscal year (See guide for more instructions).

# Board Members having their primary residence...	in County District #1	
	in County District #2	
	in County District #3	15
	in County District #4	1
	in County District #5	
	in County District #6	
	in Utah (outside of Salt Lake County)	
	outside of Utah	
Total number of Board Members (should equal the sum of all the above)		16
Frequency of Board Meetings		Monthly

G1. Please describe any related party transactions that occurred in the last year (2011). In the event of any sale, lease or other transaction with a board member or affiliate, or staff member or affiliate, disclose the costs and expenses incurred by the board, staff member or affiliate.

N/A

<b>In-kind Contributions</b>	
Do not add In-kind Contributions to the Financial Statement & Budget Section of this application. Use \$20/hr for volunteer time - this is based on the Independent Sectors recent recommendations. Include a brief explanation of volunteer/board hours reported	
Services Rendered/Materials Contributed Identify source and rate used in determining dollar value.	Dollar Value
	\$10,000
<u>Board Volunteers (500 hrs @ \$20)</u>	\$12,000
<u>Community Volunteers (600 hrs @ \$20)</u>	\$1,500
<u>Intermountain Medical Center (brochure design and printing 7000)</u>	\$3,000
<u>Radio PSA Kdyl. Fm 100 (60 @ \$50)</u>	\$4,000
<u>Murray City Liability Insurance</u>	\$10,000
<u>Murray City Accounting, Financial Services</u>	\$6,000
<u>School Facilities (we pay for tech only)</u>	\$
<b>Total In-kind Contributions</b>	<b>\$46,500</b>

## Organization's Financial Statement and Budgets

	Column A Actual 2011	Column B Current Budget 2012	Column C Projected Next Year 2013
<b>Revenues</b>			
1. Admissions/Earned Income	41,097	40,000	45,000
2. Rental Income			
3. Other Earned Income	\$ 3,596	\$ 3,500	\$ 3,500
4. Corporate or Foundation Contributions	\$ 2,550	\$ 500	\$ 500
5. Individual Contributions	\$ 3,600	\$ 2,000	\$ 2,000
6. City Government Funding	\$ 276,568	\$ 271,951	\$ 262,500
7. State Government Funding	\$ 21,500	\$ 10,000	\$ 15,000
8. Other Government Funding (explain)			
9. ZAP Grant (actual, anticipated)	\$ 49,385	\$ 52,049	\$ 71,000
10. Other Grants – Weststaff	\$ 2,500		\$ 2,500
11. Investment/Interest Income			
12. Other Revenue (explain)			
<b>13. Total Revenue (calculation)</b>	<b>\$ 400,796</b>	<b>\$ 380,000</b>	<b>\$ 402,000</b>
<b>Expenditures</b>			
14. Salaries and Benefits	\$ 150,932	\$ 151,000	\$ 160,000
15. Independent Contractor Fees	\$ 99,478	\$ 92,400	\$ 99,000
16. Program Expenses (for eligible	\$ 40,995	\$ 43,800	\$ 45,000
17. General Administration/Office	\$ 9,610	\$ 10,000	\$ 10,000
18. Travel & Housing (explain)			
19. Marketing/Public Relations	\$ 7,968	\$ 10,000	\$ 10,000
20. Development/Fundraising Expenses			
21. Facility Rent (including utilities)	\$ 14,274	\$ 14,300	\$ 15,000
22. Accounting and Legal			
23. Other Expenses (please explain)	\$ 77,539	\$ 58,500	\$ 63,000
<b>24. Total All Operating Expenses</b>	<b>\$ 400,796</b>	<b>\$ 380,000</b>	<b>\$ 402,000</b>
<b>25. Income/Loss (calculation)</b>	<b>\$ 0</b>	<b>\$ -</b>	<b>\$ -</b>

Explanations: Other expenses include mostly ineligible funding for festivals, pageants, and building repairs.

Additional Explanations are requested ...

- If your total expenditures have increased or decreased by 25% from any of the 3 years on page 5
- On any line that asks for more detail or explanations

## 2010 Actual Use/Evaluation Report

Reporting Cycle: July 1, 2010 – June 30, 2011

Reporting Amount: \$ 49,385.12

*Must be between January 1, 2010 – December 31, 2011 and not covered by a previous ZAP grant.*

Expenses	Amount	Explanation/Description
Salaries & Benefits		
Independent Contractor Fees	\$34,385	Tour/perf fees, production/project staff
Program Expenses	\$10,000	Supplies for exhibits, musicals
General Administration/Office Expenses		
Royalties/Licensing Fees	\$3,000	Royalty assistance
Marketing	\$2,000	Murray Journal ads
Development/Fundraising		
Facility Rent		
Other Expenses (please explain)		
<b>Total proposed Expenses</b>	<b>\$ 49,385.12</b>	<i>automatic calculation</i>

What were your total operating expenditures (everything your organization spent money on) during this time period? **\$400,796** (not excluding non-qualifying expenditures)

## Evaluation Narrative

*Your candid and complete answers to the following questions will help the ZAP Program document the impact of its funding on the organizations funded and the community members that you serve. Please answer by referring specifically back to the responses to your 2010 ZAP application, and explain any changes in goals, outcomes, or other major organizational circumstances.*

E1. Describe what was accomplished using your 2010 ZAP funding and how ZAP funds assisted with your organization's goals.

Our programming focuses on our goal and mission to actively engage the community in the arts and history as patrons and participants. ZAP funding was used to provide arts-in-education activities and musical theater touring productions of Anne of Green Gables and Missoula Children's Theater, RDT Green Mapping project, free daytime performances and evening musical theater of Seven Brides and Scarlet Pimpernel as part of our

Murray Arts in the Park, and summer band/drama camp instructors. ZAP funds have been especially helpful in enhancing our ability to maintain and reach our goals to provide a variety of opportunities for artists young and old.

E2. Describe any noteworthy achievements and awards that your organization received during this cycle.

We were particularly pleased with the Green Mapping Project collaboration with RDT. Classroom projects became the catalyst for two school dance pieces. Murray High Dance Company and a Horizon Elementary 5<sup>th</sup> grade class performed their pieces at the Murray City Arbor Day Celebration. Murray High Dance Company also performed their piece at their spring dance concert. Our two musical theater summer productions of Seven Brides (Aug 2010) and Scarlet Pimpernel (June 2011) were also exceptional projects that involved many people.

E3. How did you measure and evaluate the success of your organizational efforts in 2010? What were the results of these measurements and evaluations?

Part of our measurement is the participation numbers themselves. Our numbers reflect approximately 2000 professional and amateur artists involved and about 30,000 patrons supporting our programs. We also identified where our participant artists were coming from. In surveying our amateur artists, we have been able to document involvement from nearly every zip code in Salt Lake County and many individuals coming to participate from Utah, Tooele, and Davis counties with a few people coming from Evanston, Wyoming.

E4. How is your organization funded? What sources of funding has your organization secured in the past 12 months? If you charged admission, please describe.

Our main source of funding is Murray City. Aside from the County ZAP funding, we have also been able to secure funding from Utah Division of Arts and Museums and Utah State History for both arts and history projects, and Westaff, a regional granting organization for tours. We do charge admission for our evening concert series in the summer and winter months with series and individual performance ticket options. All of our daytime events and exhibits are free including our museum. We receive a small amount of community donations as part of our Heart to Art Campaign.

E5. What, if any, challenges and opportunities did your organization face during the ZAP 2010 funding cycle? What are the current issues that impact your organization or the wider cultural community and its audience? How has/is your organization addressing both past and present concerns? How can ZAP assist or support your organization (apart from providing more funding)?

Challenges this year included trying to maintain programming with budget cuts. Advertising budgets were hit the hardest. We addressed this with emphasis on social networking and we seemed to be able to maintain the same attendance levels. The biggest challenge continues to be lack of rehearsal and performance space. One of our art groups produced a winter play this current year in Holladay because we don't have available performance space during the school year in Murray. One of the biggest opportunities before us and the broader community is the potential for a regional performing arts center. We have been actively working with ZAP groups and other arts organizations that have similar space issues throughout the valley who might be interested in using this facility. We have submitted grant applications to the county and the state facilities process. A foundation partner has completed a fundraising feasibility study indicating the ability to raise \$3-\$4 million private dollars for this project. We believe our proposed regional performing arts center multi-use design meets these critical needs and will allow groups to expand programming which in turn gives more individuals an opportunity to participate as artists and patrons. We hope ZAP will encourage implementation of the Salt Lake County's cultural art facility master plan with its associated funding assistance for facilities outside of the Salt Lake City downtown core. A serious commitment to the facility needs of amateur groups is long overdue. Our fundraising consultant has stressed that private donors want to see a commitment by both Murray and Salt Lake County before making commitments.

## Required Attachments for the Evaluation Section

- Provide documentation that your events are on the NowPlayingUtah.com (NPU) website - a copy of your history/past events page from NPU will suffice.
- Please attach examples (only one of each type) of how the ZAP Program was acknowledged in programs, brochures, newsletters, etc.
- Submit 2-3 digital images (optional but strongly encouraged)
- See Checklist in the Guidelines to be sure all information has been submitted.

## General Information

Organization Address: 5025 South State  
City, State, Zip Code: Murray Utah 84107  
 Please check box if this is a new address

Mailing Address (if different from above):  
City, State, Zip Code:  
 Please check box if this is a new address

Main Org Phone: 801-264-2638  
Fax: 801-264-2507  
Website: www.murray.utah.gov

Salt Lake County Council District #: 3  
(of primary location):

Application Submitted By:  
Name: Mary Ann Kirk  
Title: Cultural Programs Manager  
Phone: 801-264-2638  
Email: mkirk@murray.utah.gov

Person with Contract Signing Authority (if different from above):

Name: Daniel C. Snarr  
Title: Mayor, Murray City  
Phone: 801-264-2600  
Email: jwells@murray.utah.gov

Alternate Contact Person (must include):  
Name: Doug Hill  
Title: Public Services Director  
Phone: 801-270-2404  
Email: dhill@murray.utah.gov

## Signature

The undersigned hereby acknowledges that the submitted information is true and correct and that she/he has the authority to bind the applying organization. The undersigned also affirms that the Governing Board of the organization is aware of and approves of the contents of this application. The undersigned also acknowledges that the information you provided in question 1 and 2 in the Actual Use/Evaluation narrative and the images you submit may be used to highlight your organization on the ZAP website and other ZAP publications.

Dated this 9 day of March, 2012.

  
\_\_\_\_\_  
Name of Administrative Officer

Murray Cultural Programs Manager  
\_\_\_\_\_  
Title



MURRAY CITY CORPORATION  
OFFICE OF THE MAYOR

Daniel C. Snarr, Mayor  
Jan Wells, Chief of Staff  
801-264-2600 FAX 801-264-2608

March 1, 2012

To Whom It May Concern:

The Murray City Cultural Arts operates officially under Murray City Corporation.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Daniel C. Snarr'.

Daniel C. Snarr  
Mayor



# MEMO

**To:** Mayor Daniel C. Snarr  
**From:** Doug Hill, Public Services Director  
**Cc:** Jan Wells, Chief of Staff  
Justin Zollinger, Finance Director  
Brent Davidson, Purchasing Agent  
**Date:** September 11, 2012  
**Subject:** Golf Course Electric Greens Mowers

---

As you recall, because electric mowers are new in the industry, the golf course rented two Jacobsen Eclipse electric greens mowers this past golf season to test them out. The mowers exceeded our expectations and I am now recommending that the City purchase these mowers rather than continuing to rent. Attached is a proposal from the supplier to purchase these mowers. Listed below are my thoughts on how they can be funded:

- Use the remaining \$9,400 budgeted for future rental payments.
- Delay the purchase of the irrigation vehicle, budgeted for \$18,000.
- Take \$25,600 from golf course fund reserves.

The golf course has experienced increased revenues over budget projections this calendar year, primarily due to good weather. According to Justin, the FY2012 fund reserves are up approximately \$100,000 over FY2011 for a total of over \$300,000 in reserves.

These greens mowers were new when we rented them and can now be purchased at a discounted price. If approved, we will comply with the City's purchasing requirements.

I appreciate your consideration of this request. I recognize that this will need to be approved by the CIP Committee. Therefore, please let me know as soon as a decision is reached.



A Textron Company

## PROPOSAL

Attn: Dave Carruth  
Murray Parkway Golf Course  
Murray, UT

September 10, 2012

### Goal

- To replace two highly visible pieces of greens mowing equipment key to Murray Parkway's turf maintenance operation and staff efficiency
- Timely replacement of critical greens mowing equipment will actually save you money!
- Repair expenses to be \$0 for first two years of ownership as mowers will be under warranty, maintenance expenses to be minimal as mowers have no engine or hydraulics
- Reduce upfront cost of Eclipse 322 Electric greens mowers by purchasing mowers currently on season long rental at Murray Parkway Golf Course
- Eliminate risk of hydraulic oil spill/damage on putting greens with Jacobsen Eclipse 322 technology which requires zero hydraulic oil to operate
- Greatly reduce the fuel budget and environmental impact at Murray Parkway Golf Course by conserving 740 gallons or more of fuel per year, 27 gallons of waste oil, and \$2200 per mower in engine/hydraulic maintenance costs with Jacobsen Eclipse 322 fully electric greens mower (based on two mowers per mowing day, two hours each, 240 days a year)
- Continue to produce high quality putting surfaces at Murray Parkway Golf Course with the help of the Eclipse 322's programmable FOC (frequency of clip) and superior cut

### Equipment

- (2) Jacobsen Eclipse 322 Electric greens mowers complete w/ 11-blade reels

### Cash Price

- \$26,500 per mower if you do not make the September and October rent payment

Jacobsen Eclipse 322 Electric greens mowers listed on this proposal are 2012 units that have been on a season long rental program at Murray Parkway Golf Course. The price of these two mowers has been reduced \$3,200 each from the buy down of four months rental and are priced \$6,499 below normal government price and \$15,390 below list price PER MOWER!

---

4225 South 500 West - Salt Lake City, Utah 84123 - ph. 801.261.2100 - fax 801.262.9740

**SLC - Boise - St. George - Portland - Ogden**



A Textron Company

**Next Steps**

- Signing and returning this proposal secures this equipment for Murray Parkway Golf Course and Murray City

By signing this proposal Murray Parkway Golf Course and Murray City agree to the terms of this proposal accepts responsibility for any and all costs associated with cancellation charges that could be incurred.

\_\_\_\_\_  
Dan Snarr- Murray City Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
4225 South 500 West - Salt Lake City, Utah 84123 - ph. 801.261.2100 - fax 801.262.9740

**SLC - Boise - St. George - Portland - Ogden**



## MURRAY LIBRARY

### MEMO

To: Justin Zollinger  
From: Danny O'Rourke  
Date: 9/7/2012  
Re: Re-open Library Budget

Murray Library Capital Improvement Committee Members: Gamal Herbon (Co-chair, Library Board President), Danny O'Rourke (Co-chair), Kim Fong (Library Director), Bruce Cutler (Library Board), Lois Holt (Library Board)

The Murray Library Capital Improvements Committee has determined that we need to repave and reseal our parking lot. The lot is 20 years old, with the last seal coat applied in 2005. Mike Pfeiffer, the City Engineer accessed the parking lot and made recommendations for areas that need repaved or simply repaired and resealed. Mike had these areas marked so vendors can provide comparable quotes.

We are in the process of gathering 3 quotes to determine if we can do a competitive quote or bid proposal. Brent Davidson from Purchasing will assist in the bid process and writing a contract. We are anticipating the project to cost between \$25,000 and \$40,000.

The paving would be paid for with special use money from our Reserve Fund. We would like you to move \$40,000 from our Reserve fund to our Improvements budget line.

Reserve Fund 023-2301-471.94-00  
Improvements 023-2301-471.73-10

Take Me There 166 East 5300 South, Murray, UT 84107 801 264.2699  
dorourke@murray.utah.gov murraylibrary.org

Let me know if you need more information before taking this to the City Council.

Thanks

Danny O'Rourke  
Assistant Director

Take Me There 166 East 5300 South, Murray, UT 84107 801 264.2699  
dorourke@murray.utah.gov murraylibrary.org



STATE OF UTAH

GARY R. HERBERT  
*Governor*

GREG BELL  
*Lieutenant Governor*

DEPARTMENT OF HERITAGE AND ARTS  
JULIE FISHER  
*Executive Director*

STATE LIBRARY DIVISION  
DONNA JONES MORRIS  
*Division Director/State Librarian*

October 3, 2012

Kayla Chandler  
Murray City Library  
166 E 5300 S  
Murray UT 84107

Dear Kayla,

Please find enclosed a check in the amount of \$ 21,500.00, which represents 100% of the approved funding for your LSTA grant project titled: eBook Expansion – Axis 360. These funds must be placed in a non-interest bearing account, per LSTA regulations. The funds can be used only to purchase goods or pay for services listed and approved in your grant application.

Also enclosed are:

1. A signed copy of the MOA for this LSTA grant project. Keep this in your project file.
2. A signed copy of Amendment 1 to your MOA. Keep this in your project file.
3. A copy of the Grant Administrative Guidelines. Please read this as soon as possible before beginning your grant project. It contains useful information on how to manage your grant project per LSTA guidelines.
4. A template of the Interim Report, which is required by USL. These reports are due by January 15, 2013 and April 15, 2013.
5. A template of the Final Report (including budget) which is required by IMLS. This report is due in August 31, 2013. The online report template for the Interim Report and the Final Report can be found on the Utah State Library LSTA grants page at: <http://library.utah.gov/grants/lsta/index.html>.

If you have questions regarding your grant project, please contact Steve Matthews at 801-715-6722 or [smatthews@utah.gov](mailto:smatthews@utah.gov). Steve will be contacting you in mid-late October to discuss your grant project and reporting procedures.

Sincerely,

Julie Anderson  
Contracts/Grants Analyst  
Utah State Library Division

Attachments



# USL MEMORANDUM OF AGREEMENT

This Agreement is entered into by the Department of Heritage and Arts, Utah State Library Division, herein referred to as "USL", and Murray City Library, herein referred to as "LIBRARY".

Murray City Library  
166 E 5300 S  
Murray UT 84107

DUNS # (required): 127-749745

Vendor # 316911

Contact Person: Kayla Chandler  
 Email: kchandler@murray.utah.gov

Phone Number: 801-264-2572

## PURPOSE OF AGREEMENT:

Fund LSTA Collections Grant for Project Title: eBook Expansion – Axis 360. Project will be completed by LIBRARY as outlined in Grant Application and in accordance with Scope of Work as outlined below.

THEREFORE, the parties agree as follows:

1. **This Agreement must be returned to USL with all required LIBRARY initials and/or signatures by 9/17/2012.** Any exceptions must be arranged in writing via email to Julie Anderson, Contracts/Grants Analyst for USL at juanderson@utah.gov. *Failure to return signed Agreement by aforementioned date may result in voidance of Agreement.*
2. The effective dates of Agreement shall be from 09/01/2012 through 09/30/2013, unless terminated sooner in accordance with the terms and conditions herein.
3. The amount payable to LIBRARY by USL for the performance of activities outlined in this Agreement shall not exceed \$ 21,500.00.
4. This Agreement may be terminated with or without cause by either party with 60 days prior written notice. Upon termination of this Agreement, all accounts and payments for services rendered prior to the termination date will be processed according to established financial procedures.
5. Communication between Agreement agencies shall be directed to those individuals appointed by each agency. Any information or other correspondence regarding this Agreement shall be forwarded through the designated contact person. These individuals are as follows:  
  
 USL Contact: Cheryl Mansen, cmansen@utah.gov, 801-715-6747  
  
 LIBRARY Contact: Kayla Chandler, kchandler@murray.utah.gov, 801-264-2572
6. The Catalog of Federal Domestic Assistance program for the LSTA grant program is 45.310.

## SPECIAL CONDITIONS:

- Evaluation section of project very poorly written and supported. USL requires project evaluation be re-written with specific information within four (4) weeks of funding notification.
- LIBRARY should determine why eBooks don't circulate well; other libraries don't experience this problem.

LIBRARY should work with Cheryl Mansen, Assistant Director at USL, to comply with the aforementioned Special Conditions as outlined above.

## SCOPE OF WORK:

1. Library Services and Technology Act (LSTA) funds will be used to finance approved projects. Approved projects will be required to follow State and Federal guidelines in regards to procurement, expenditure of funds and reporting standards.

2. The Project Director must create a separate cost center for subaward (LSTA) funds. LSTA funds may not be placed in an interest-bearing account.
3. The Project Director must set up an accounting system to track expenditures of LSTA, matching, and in-kind funds or services.
4. The Project Director or Financial Officer must set up procedures for documenting any salaries/benefits costs associated with the grant project. Time sheets and payroll documentation are required for salary and benefit costs. Name must be legible, but personal information (SSN or home address, for example) may be concealed on copies sent to the USL Contact.
5. The Library must send (email or mail) copies of all invoices at least every three (3) months during the grant period to the USL Contact. Copies must be complete and legible.
6. If applicable, the Library must send (email or mail) documentation for any salary/benefit costs applicable to the grant at least every three (3) months during the grant period to the USL Contact.
7. The Project Director must read the Grant Administrative Guidelines within one (1) month of the start of the grant period.
8. The Project Director must retain all documentation (either in paper or PDF format) related to the grant project for three (3) years after the completion of the grant.
9. The Project Director must acknowledge IMLS and USL as part of the grant project. Additional information is in the Grant Administrative Guidelines.
10. If the Project Director or Financial Officer cannot fulfill their duties through the completion of the grant, the USL Contact must be informed within seven (7) working days.
11. All expenditures for the grant project must be expended by August 31, 2013.
12. Final Report (including final budget information) is due to USL on or before September 30, 2013.

**SPECIAL PROVISIONS:**

1. USL will advance 90% of the LSTA funds for this project, which equals \$ 19,350.00, upon receipt of the signed MOA and its completion by USL.
2. USL will hold back 10% of the LSTA funds for this project, which equals \$ 2,150.00. Upon receipt of: a) all financial documentation for LSTA funds expended during the grant, and b) Final Report and Budget, USL will reimburse the final 10% of the LSTA funds.

**ATTACHMENTS:**

The following attachments are required for this MOA to comply with the aforementioned LSTA guidelines and are required for submission during project period as outlined. These documents are included in the total documentation for MOA, though received at different times during the effective dates of Agreement.

Grant Application with attached: Assurances - Non-Construction Programs and Certification Regarding Debarment and Suspension, etc.  
Final Report (template will be provided upon completion of signed MOA)

**OTHER INFORMATION:**

Grant Administrative Guidelines (will be provided upon completion of signed MOA)

In witness thereof, the parties sign and cause this Agreement to be executed.

UTAH STATE LIBRARY DIVISION

\_\_\_\_\_  
Donna Jones Morris, Director

\_\_\_\_\_  
Date

MURRAY CITY LIBRARY

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date



STATE OF UTAH

GARY R. HERBERT  
Governor

GREG BELL  
Lieutenant Governor

DEPARTMENT OF HERITAGE AND ARTS

JULIE FISHER  
Executive Director

STATE LIBRARY DIVISION

DONNA JONES MORRIS  
Division Director/State Librarian

October 3, 2012

Danny O'Rourke  
Murray City Library  
166 E 5300 S  
Murray UT 84107

Dear Danny,

Please find enclosed a check in the amount of \$ 17,411.00, which represents 100% of the approved funding for your LSTA grant project titled: Teen Space: Technology Enhancements. These funds must be placed in a non-interest bearing account, per LSTA regulations. The funds can be used only to purchase goods or pay for services listed and approved in your grant application.

Also enclosed are:

1. A signed copy of the MOA for this LSTA grant project. Keep this in your project file.
2. A signed copy of Amendment 1 to your MOA. Keep this in your project file.
3. A copy of the Grant Administrative Guidelines. Please read this as soon as possible before beginning your grant project. It contains useful information on how to manage your grant project per LSTA guidelines.
4. A template of the Interim Report, which is required by USL. These reports are due by January 15, 2013 and April 15, 2013.
5. A template of the Final Report (including budget) which is required by IMLS. This report is due in August 31, 2013. The online report template for the Interim Report and the Final Report can be found on the Utah State Library LSTA grants page at: <http://library.utah.gov/grants/lsta/index.html>.

If you have questions regarding your grant project, please contact Steve Matthews at 801-715-6722 or [smatthews@utah.gov](mailto:smatthews@utah.gov). Steve will be contacting you in mid-late October to discuss your grant project and reporting procedures.

Sincerely,

Julie Anderson  
Contracts/Grants Analyst  
Utah State Library Division

Attachments



# USL MEMORANDUM OF AGREEMENT

This Agreement is entered into by the Department of Heritage and Arts, Utah State Library Division, herein referred to as "USL", and Murray City Library, herein referred to as "LIBRARY".

Murray City Library  
166 E 5300 S  
Murray UT 84107

DUNS # (required): 127-749745

Vendor # 316911

Contact Person: Danny O'Rourke  
 Email: dorourke@murray.utah.gov

Phone Number: 801-264-2699

**PURPOSE OF AGREEMENT:**

Fund LSTA Technology Grant for Project Title: Teen Space: Technology Enhancements. Project will be completed by LIBRARY as outlined in Grant Application and in accordance with Scope of Work as outlined below.

THEREFORE, the parties agree as follows:

1. **This Agreement must be returned to USL with all required LIBRARY initials and/or signatures by 9/17/2012.** Any exceptions must be arranged in writing via email to Julie Anderson, Contracts/Grants Analyst for USL at [juanderson@utah.gov](mailto:juanderson@utah.gov). *Failure to return signed Agreement by aforementioned date may result in voidance of Agreement.*
2. The effective dates of Agreement shall be from 09/01/2012 through 09/30/2013, unless terminated sooner in accordance with the terms and conditions herein.
3. The amount payable to LIBRARY by USL for the performance of activities outlined in this Agreement shall not exceed \$ 17,411.00.
4. This Agreement may be terminated with or without cause by either party with 60 days prior written notice. Upon termination of this Agreement, all accounts and payments for services rendered prior to the termination date will be processed according to established financial procedures.
5. Communication between Agreement agencies shall be directed to those individuals appointed by each agency. Any information or other correspondence regarding this Agreement shall be forwarded through the designated contact person. These individuals are as follows:  
  
 USL Contact: Cheryl Mansen, [cmansen@utah.gov](mailto:cmansen@utah.gov), 801-715-6747  
  
 LIBRARY Contact: Danny O'Rourke, [dorourke@murray.utah.gov](mailto:dorourke@murray.utah.gov), 801-264-2699
6. The Catalog of Federal Domestic Assistance program for the LSTA grant program is 45.310.

**SPECIAL CONDITIONS:**

- High price per computers noted by evaluators. Project Director is required to get price quotes or lower prices.
- No electrician fees included in project. Will this be in-kind? If so, note it in Final Report.

LIBRARY should work with Cheryl Mansen, Assistant Director at USL, to comply with the aforementioned Special Conditions as outlined above.

**SCOPE OF WORK:**

1. Library Services and Technology Act (LSTA) funds will be used to finance approved projects. Approved projects will be required to follow State and Federal guidelines in regards to procurement, expenditure of funds and reporting standards.

2. The Project Director must create a separate cost center for subaward (LSTA) funds. LSTA funds may not be placed in an interest-bearing account.
3. The Project Director must set up an accounting system to track expenditures of LSTA, matching, and in-kind funds or services.
4. The Project Director or Financial Officer must set up procedures for documenting any salaries/benefits costs associated with the grant project. Time sheets and payroll documentation are required for salary and benefit costs. Name must be legible, but personal information (SSN or home address, for example) may be concealed on copies sent to the USL Contact.
5. The Library must send (email or mail) copies of all invoices at least every three (3) months during the grant period to the USL Contact. Copies must be complete and legible.
6. If applicable, the Library must send (email or mail) documentation for any salary/benefit costs applicable to the grant at least every three (3) months during the grant period to the USL Contact.
7. The Project Director must read the Grant Administrative Guidelines within one (1) month of the start of the grant period.
8. The Project Director must retain all documentation (either in paper or PDF format) related to the grant project for three (3) years after the completion of the grant.
9. The Project Director must acknowledge IMLS and USL as part of the grant project. Additional information is in the Grant Administrative Guidelines.
10. If the Project Director or Financial Officer cannot fulfill their duties through the completion of the grant, the USL Contact must be informed within seven (7) working days.
11. All expenditures for the grant project must be expended by August 31, 2013.
12. Final Report (including final budget information) is due to USL on or before September 30, 2013.

**SPECIAL PROVISIONS:**

1. USL will advance 90% of the LSTA funds for this project, which equals \$ 15,670.00, upon receipt of the signed MOA and its completion by USL.
2. USL will hold back 10% of the LSTA funds for this project, which equals \$ 1,741.00. Upon receipt of: a) all financial documentation for LSTA funds expended during the grant, and b) Final Report and Budget, USL will reimburse the final 10% of the LSTA funds.

**ATTACHMENTS:**

The following attachments are required for this MOA to comply with the aforementioned LSTA guidelines and are required for submission during project period as outlined. These documents are included in the total documentation for MOA, though received at different times during the effective dates of Agreement.

Grant Application with attached: Assurances - Non-Construction Programs and Certification Regarding Debarment and Suspension, etc.  
Final Report (template will be provided upon completion of signed MOA)

**OTHER INFORMATION:**

Grant Administrative Guidelines (will be provided upon completion of signed MOA)

In witness thereof, the parties sign and cause this Agreement to be executed.

UTAH STATE LIBRARY DIVISION

\_\_\_\_\_  
Donna Jones Morris, Director

\_\_\_\_\_  
Date

MURRAY CITY LIBRARY

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Date

**MURRAY CITY CORPORATION, UTAH**  
**Balance Sheet – Governmental Funds**  
**June 30, 2011**

	<u>Governmental Fund Types</u>			Total Governmental Funds
	General	Capital Projects	Other Governmental Funds	
<b>ASSETS</b>				
Cash and cash equivalents	\$ 11,590,969	\$ 2,443,448	\$ 3,467,868	\$ 17,502,285
Receivables, net:				
Property taxes	5,990,761	-	1,457,107	7,447,868
Special assessments	180	-	-	180
Other	2,621,726	-	-	2,621,726
Notes receivable	1,470,915	-	-	1,470,915
Due from other funds	555,822	11,117	-	566,939
Due from other governments	2,514,635	-	23,946	2,538,581
Land held for resale	-	-	20,000	20,000
Restricted cash	407,173	1,447,076	25,452	1,879,701
<b>Total assets</b>	<b>\$ 25,152,181</b>	<b>\$ 3,901,641</b>	<b>\$ 4,994,373</b>	<b>\$ 34,048,195</b>
<b>LIABILITIES</b>				
Accounts payable	\$ 950,334	\$ 282,276	\$ 422,154	\$ 1,654,764
Accrued liabilities	770,836	-	13,421	784,257
Due to other funds	-	-	566,939	566,939
Deferred revenue	10,726,171	-	1,435,836	12,162,007
<b>Total liabilities</b>	<b>12,447,341</b>	<b>282,276</b>	<b>2,438,350</b>	<b>15,167,967</b>
<b>FUND BALANCE</b>				
Nonspendable	-	-	20,000	20,000
Restricted for:				
Capital projects	-	1,447,076	-	1,447,076
Class C roads	639,185	-	-	639,185
UTOPIA	1,519,519	-	-	1,519,519
Cemetery perpetual care	-	-	520,000	520,000
Library endowment	-	-	25,452	25,452
Assigned to:				
Special revenue funds	-	-	1,188,807	1,188,807
Capital projects funds	-	2,172,289	-	2,172,289
Permanent fund	-	-	801,764	801,764
Unassigned	10,546,136	-	-	10,546,136
<b>Total fund balances</b>	<b>12,704,840</b>	<b>3,619,365</b>	<b>2,556,023</b>	<b>18,880,228</b>
<b>Total liabilities and fund balances</b>	<b>\$ 25,152,181</b>	<b>\$ 3,901,641</b>	<b>\$ 4,994,373</b>	<b>\$ 34,048,195</b>

The accompanying notes are an integral part of this financial statement.

**MURRAY CITY CORPORATION, UTAH**  
**Notes to the Financial Statements (Continued)**  
**June 30, 2011**

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Government-Wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net assets and the statement of activities) report information on all of the nonfiduciary activities of the City and its component units. For the most part, the effect of interfund activity has been removed from these statements. Governmental activities, which normally are supported by taxes and intergovernmental revenues, are reported separately from business-type activities, which rely mainly on fees and charges for support.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those which are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers or applicants who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

Separate financial statements are provided for governmental funds, proprietary funds and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The use of financial resources to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as an expenditure. Proceeds of long-term debt are recorded as a liability in the government-wide financial statements, rather than as an other financing source. Amounts paid to reduce long-term debt of the City are reported as a reduction of the related liability, rather than an expenditure in the government-wide financial statements.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. The City's policy for revenues to be considered available is if they are collected with 45 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt-service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

**Public  
Hearing #2**

## Murray City Corporation

### NOTICE OF PUBLIC HEARING

Murray City ("City") is a member of the Utah Associated Municipal Power Systems ("UAMPS") and a participant in the Colorado River Storage Project ("CRSP"). Under the Federal Energy Policy Act, the City, as a participant in the CRSP Project, needs to prepare an Integrated Resource Plan that establishes guidelines for the City in meetings its objective of providing a reliable, least cost, electrical energy supply portfolio for the next five to ten years. UAMPS, on behalf of the City, has prepared a proposed Integrated Resource Plan in compliance with Federal law.

NOTICE IS HEREBY GIVEN that on the 20<sup>th</sup> day of November, 2012, at the hour of 6:40 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning a proposed 2012 Integrated Resource Plan prepared by UAMPS. A copy of the proposed Integrated Resource Plan shall be on file for inspection by the public beginning November 7, 2012, in the Murray City Recorder's Office, 5025 South State Street, Murray, Utah, during normal business hours. Public comments may be submitted in writing at or before the public hearing, or verbally at the public meeting.

DATED this 6<sup>th</sup> day of November, 2012.

MURRAY CITY CORPORATION

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Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION: November 9<sup>th</sup>, 2012  
PH 12-32

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

Resolution approving the Utah Associated Municipal Power Systems Integrated Resource Plan

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
Responsive and Efficient City Services

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested November 20, 2012

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

6. **REQUESTOR:**

Name: Blaine Haacke

Presenter: Greg Bellon

Agency: Power

Date: 11/06

Title: Power General Manager

Title: Assistant Power General Manager

Phone: 264-2705

Time: 3:57

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director:

Date:

Mayor:



Date:

11/6/12

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



# Memo

**To:** Mayor Dan Snarr and City Council  
**From:** Blaine Haacke *BH*  
**Subject:** Request for Council Agenda item and public hearing to discuss Integrated Resource Plan (IRP) during the November 20, 2012 Council Meeting  
**Date:** November 7, 2012

Since 1964, Murray City has benefitted from the use of Colorado River Storage Project (CRSP) energy generated primarily at the Glen Canyon and Flaming Gorge Dam facilities. The resource is operated by the federal Western Area Power Administration (WAPA). This energy source, and its historically lower priced cost, has been a key reason that Murray City's electrical rates have been manageable and enviable.

As a participant in the CRSP project, the Murray City Municipal Council must approve an IRP every five years to fulfill provisions of Contract No. 87-SLC-0039. The Federal Energy Policy Act of 1992 imposes a requirement that all customers purchasing electric energy under a long term firm power service contract from WAPA, implement an integrated resource plan in accordance with specific terms in the legislation. WAPA will use the IRPs of their customers to prepare an annual report to Congress that will show estimated energy savings and renewable resource benefits. UAMPS, Murray's joint action agency, is able to fulfill these obligations for Murray and other UAMPS members through one, all encompassing IRP. The law requires that all participant cities' governing bodies approve the document after a public hearing is held.

The IRP consists of an Executive Summary and general assessments, including individual city's energy conservation efforts. Murray's segment of this portion of the IRP details our efforts in regards to education in the school, tree plantings, customer audits and customer rates. Each of these programs are designed to conserve energy and/or promote public awareness.

The IRP must be updated by UAMPS annually, which is done with Murray's input. But every five years, a more formal IRP, like this one, must be submitted to governing councils for a public hearing and approval. This process was completed in 1997, 2002, and again in 2007.

The Power Department is requesting that a resolution be passed approving this IRP, on behalf of the City, and in compliance with Federal law. Non-compliance with this IRP submittal could result in an up to a 10% reduction in the City's contractual allocation.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE UTAH ASSOCIATED MUNICIPAL  
POWER SYSTEMS INTEGRATED RESOURCE PLAN

WHEREAS, Murray City ("City") is a member of the Utah Associated Municipal Power Systems ("UAMPS") pursuant to the provisions of the Amended and Restated Agreement for Joint and Cooperative Action; and

WHEREAS, UAMPS and Western Area Power Administration ("WAPA") have entered into Contract No. 87-SLC-0039, as amended (the "Integrated Contract") that provides for the submittal by UAMPS of an Integrated Resource Plan ("IRP"); and

WHEREAS, UAMPS and City, along with other members of UAMPS with allocations of CRSP power and energy, have formed the CRSP Project of UAMPS (the "CRSP Project") through the CRSP Project Power Supply Agreement Between UAMPS and Murray City to provide for the coordinated management of the Integrated Contract, for the benefit of the members; and

WHEREAS, WAPA requires the participation and approval of the IRP from each participant in the IRP Cooperative;

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council as follows:

1. The City, as a member of the CRSP project of UAMPS, has participated fully in the development of the UAMPS IRP Cooperative Integrated Resource Plan through exchange of information, multiple reviews of draft documents and holding meetings for public participation.
2. The City has reviewed the final UAMPS Integrated Resource Plan and finds that the data and conclusions accurately represent the planning needed under the requirements of the WAPA IRP Program.
3. The City approves the UAMPS Integrated Resource Plan for submittal to the UAMPS Board of Directors and WAPA.
4. This Resolution shall take effect immediately upon its adoption and approval.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council of Murray City, Utah, this \_\_\_\_\_ day of November, 2012.

MURRAY CITY MUNICIPAL COUNCIL

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James A. Brass, Chair

ATTEST:

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Jennifer Kennedy  
City Recorder

# Demand-Side Activity Report

Murray City Power

2012



MURRAY  
CITY  
POWER

*Today and Every Day*

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## DSM Overview

The goal of demand side management (DSM) is to promote the efficient use of energy, ultimately benefitting both the customer and the utility. While there are many ways of achieving this goal through different DSM programs, Murray City Power has chosen to concentrate much of its DSM effort and resources on energy education. Murray City Power believes that customers who are well informed about energy use are more likely to use energy more efficiently than customers who are not and more likely to pass those behaviors on to future generations. Most energy education programs are directed at Murray's school age children; however, residential and commercial customers have also benefitted from education efforts.

In addition to energy education, Murray City Power has promoted several other DSM programs during the past five years, including residential and commercial energy audits, efficient compact fluorescent light giveaways, a community tree planting program, and electric rates that promote conservation and efficiency.

This report summarizes Murray City Power's current DSM efforts.

## **Energy Education**

Murray City Power has adopted a simple philosophy regarding the stewardship of our country's energy resources and the environment; "If we expect our children to use energy wisely when they become adults, we must be involved in their education today". This important idea has been embraced by city and school district leaders and has been the foundation for building a strong educational partnership between Murray City Power, the National Energy Foundation, and Murray School District, which consists of seven elementary schools, two junior high schools, one high school, and an alternative high school. Significant financial resources have been committed for sponsoring quality energy and environmental education in our schools and community. Bill stuffers and various brochures with energy saving tips are also used to keep information flowing to our customers.

**Kid Power** – Murray City Power's *Kid Power* energy program has completed sixteen years of implementation in the Murray City School District. Through our partnership with National Energy Foundation (NEF), many creative and challenging energy education programs have been achieved. These programs have reinforced energy awareness, helped to foster conservation, and helped students to be better steward of our earth. Teachers K-12 are provided opportunities to receive professional development training, educational materials, classroom presentations, and participate in school-to-home components.

**Energy and Our Environment** – Junior High School students participate in a hands-on presentation showing the impact of choices they make regarding energy use, such as changing incandescent lights for compact fluorescents (CFL). Students learn the about the impact their actions have on saving natural resources, reducing emissions, and saving money, especially when everybody does it. This educational program also allows students to compare the physical energy needed by each type of light by pedaling a generator-bicycle to provide the power. Students receive their own CFL to take home.

In addition, Murray City Power annually purchases 1,500 CFLs for giveaways at special events and energy audits. Any customer requesting a CFL can receive one at no cost.

**Earth Day Conservation Campaign** – In celebration of Earth Day, Murray Schools receive presentations focusing on energy conservation, including an Energy Action Challenge for K-3 students. This take-home piece is designed to engage student and parent/guardian in assessing energy usage within the home.

In addition, Murray City Power, in cooperation with Murray City Parks and Recreation,

annually sponsors an Earth Day event at Murray City Park. School children and the community participate in programs and numerous environmental-themed presentations.

**Powerlines Newsletter** – Murray City Power publishes four or five Powerlines Newsletters each year. The newsletter often contains energy saving tips and techniques, along with other useful energy and utility related information. Each newsletter is mailed as a bill stuffer to approximately 16,000 residential and commercial customers.

**Internet Toolbox** – In August 2012, Murray City Power implemented an online program for residential customers aimed at raising awareness of personal energy consumption and personalizing recommended energy conservation and efficiency measures. The program integrates consumption data with county demographic information, including size and age of the customers' homes. This creates an opportunity for customers to compare their consumption with others who have similar demographics. Customers can fine tune information about their homes, including expansions and upgraded appliances, windows, insulation and HVAC equipment, providing more accurate reporting. Customers also have an option to compare their consumption with that of the average for all of Murray's residential customers. Customers also have the ability to create online Energy Challenges with other individuals or groups to engage in competitions to reduce energy consumption.

The program lets customers view up to three years of historical consumption graphs, adjusted for variations in weather and number of days in billing periods, providing valuable trending information.

Also included with the online experience is an energy audit function. Customers enter detailed information about their home and personal lifestyles or behaviors that affect energy consumption. This information, along with historical energy consumption and known demographics provide a comprehensive audit result with customer-specific recommendations for conservation and improved efficiencies.

The program also includes an appliance calculator with built in electric rates for accurately assessing cost to operate appliances and other electrical devices.

## **Energy Audits**

Murray City Power's no-cost energy audit program is available to all residential and commercial customers. Large commercial customers requiring a comprehensive energy study may be referred to third party energy services companies.

During a typical walk-through energy audit, Murray City Power's certified energy analyst identifies areas of energy waste and opportunities for improved efficiencies. Customers receive a follow-up report with results of the audit and recommendations for a variety of energy-saving and demand-cutting measures. Customers also receive a historical energy analysis of their account. The analysis includes graphs and data which are useful in identifying energy use trends and providing comparisons of energy consumption.

## **Electric Rates**

Murray City Power has seasonal, inclining block rates to promote efficiency and conservation during the peak summer season. Residential customer cost per kilowatt-hour increases after the first 600 kWh. Commercial customers pay a higher demand charge (cost per kW) during the peak summer season.

In 2006, Murray City Power began offering a Net Metering electric rate to customers who desire to produce their own electricity from renewables, including solar and wind. If a customer produces more electricity than they consume, the excess is credited to their bill in the form of kWhs. During months in which the customer uses more electricity than they produce, accumulated kWh credits can be used to offset energy needed from the utility. Credited kWhs are valued the same as the retail rate.

## **Tree Power**

Murray City has long recognized the benefits of planting trees along city streets, in city parks, and on public properties. In addition to the natural beauty and aesthetics they offer, trees decrease electrical demand by providing windbreaks to reduce heating loads in the winter and provide cooling in the summer through shading and natural evapotranspiration. A well-designed landscape can lower the temperature of air surrounding a building by as much as 10 degrees.

In 1991, Murray City Power Department joined in a nationwide program sponsored by the American Public Power Association called "Tree Power." The Power Department pledged to plant one tree for each customer to demonstrate its commitment to energy

conservation, aesthetics, and environmental concerns. By the year 1998, the planting goal had been met, with over 15,000 trees planted within Murray's boundaries. The American Public Power Association awarded Murray City Power with the coveted **Golden Tree Award**. Murray City Power was also awarded the Millenium Arbor Day Award by the White House Millenium Council in 2000.

By 2012, the total number of trees planted Murray City Power for the Tree Power program has reached nearly 21,000. Additionally, in 2012 Murray City received its 35<sup>th</sup> consecutive "Tree City, USA" award from the National Arbor Day Foundation for meeting stringent minimum requirements for urban forestry management. Murray City was the first city in Utah to receive the award.

## **Distribution System**

An ideal transformer would have no energy losses, and would be 100% efficient. In practical transformers, energy is dissipated in the windings, core, and surrounding structures resulting in losses of two to four percent. Energy losses at the transformer can be reduced by up to 50% by purchasing higher cost low-loss transformers. Over the last several years, Murray City Power has routinely, but not exclusively, purchased low-loss transformers for the city's distribution system. Cost analysis is performed for each transformer purchase to determine transformer type.

**Public  
Hearing #3**

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 20<sup>th</sup> day of November, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to the consideration of amending the General Plan from Residential Single-Family Low Density to Residential Multiple-Family Low Density and the Zoning Map from the R-1-10 zoning district to the R-M-10 zoning district for the property located at approximately 1765 and 1775 East Vine Street, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the General Plan and Zoning Map as described above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

MURRAY CITY CORPORATION

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Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: November 8, 2012

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO LAND USE; AMENDS THE GENERAL PLAN FROM RESIDENTIAL SINGLE-FAMILY LOW DENSITY TO RESIDENTIAL MULTIPLE-FAMILY LOW DENSITY AND AMENDS THE ZONING MAP FROM R-1-10 TO R-M-10 FOR THE PROPERTY LOCATED AT APPROXIMATELY 1765 AND 1775 EAST VINE STREET. (Tim Van Der Linden.)

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at approximately 1765 and 1775 East Vine Street, Murray, Utah, has requested a proposed amendment to the General Plan of Murray City to reflect a projected land use for that property as Residential Multiple-Family Low Density and to amend the zoning map to designate the property in a R-M-10 zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of Murray City and the inhabitants thereof that the proposed amendment of the General Plan and the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

*Section 1.* That the Murray City General Plan be amended to show a Residential Multiple-Family Low Density projected use for the following described property located at approximately 1765 and 1775 East Vine Street, Murray, Salt Lake County:

Parcel Id Number: 22-16-452-012

Beginning at a point on the North line of Vine Street at a point 1575.83 feet South 89°15'45" West and 33.00 feet North of the Salt Lake County Monument, at the intersection of Highland Drive and Vine Street, said monument is described as being 206.27 feet South 87°11'50" West and 2006.24 feet South 0°20'50" West of the East Quarter corner of Section 16, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South 89°15'45" West 70 feet; thence North 156.0 feet, more or less, To Warrant Subdivision No. 3; thence South 156.0 feet to the point of beginning.

*Section 2.* That the Zoning Map and the zone district designation for the property described in Section 1 be amended from the R-1-10 (Single-Family Low Density Residential) zone district to the R-M-10 (Multiple-Family Low Density Residential) zone district.

*Section 3.* This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder of Murray City, Utah.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council

on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION:

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Daniel C. Snarr, Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the \_\_\_\_  
day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Recorder

those tests. Mr. Markham thought that was great and added that it's also good to have for her own protection.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Taylor made a motion to grant approval of the Certificate of Appropriateness and site plan approval for the daycare/preschool business at the property addressed 4790 South Hanauer Street, subject to conditions 1-12.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Phil Markham

Motion passed, 4-0.

TIM VANDERLINDEN – 1765 & 1775 East Vine Street – Project #126 & #127

Tim Vanderlinden is the applicant requesting a Murray General Plan amendment from Single Family Low Density Residential to Multi-Family Low Density Residential and a zone change from R-1-10 to R-M-10. Mr. Wilkinson reviewed the location and request for the property, which has two dwellings addressed 1765 East and 1775 East Vine Street. The property was annexed into Murray from Salt Lake County and has two dwellings. The General Plan has this property designated for residential single family low density, but this property is located adjacent to residential duplex lots. The applicant is proposing a multi-family low density residential zone to make the existing two dwellings on the lot conforming to the R-M-10 zone and has future plans to construct a new residential duplex on the property. Various permitted uses are allowed in the R-1-10 zone such as single family dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include churches, schools, public parks, and libraries. Various permitted uses are allowed in the R-M-10 zone such as single family dwellings, duplex dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include multi-family dwellings, retirement homes, churches, public parks, libraries and schools. The property contains .25 acres and is located at the north side of Vine Street. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment and Zone Change.

Mr. Markham asked Mr. Wilkinson if he felt the only suitable size dwelling would be a duplex. Mr. Wilkinson stated if they met the densities, they could possibly do two detached residences or a single family home. Mr. Taylor asked if the standards are the same for the height maximums. Mr. Wilkinson responded in the affirmative.

Mr. Vanderlinden, 2074 Sample Cove did not have any additional comments.

The meeting was opened for public comment. No comments were made by the public and the public comment period was closed.

Mr. Black made a motion to forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment from Single Family Low Density Residential to Multi-Family Low Density Residential and a zone change from R-1-10 to R-M-10 for the properties addressed at 1765 & 1775 East Vine Street.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Karen Daniels  
A \_\_\_\_\_ Ray Black  
A \_\_\_\_\_ Phil Markham

Motion passed, 4-0.

CONSTRUCTION BUSINESS HOME OCCUPATION – Home Occupation Zoning  
Text Amendment to Section 17.76 – Project # 12-118

Murray City proposes an amendment to the Home Occupation standards to remove construction businesses from the list of prohibited uses and to provide additional standards for approval of these types of home based businesses. Mr. Wilkinson reviewed the request for the home occupation zoning text amendment change to Section 17.76 in the Murray City Code. The Murray City zoning ordinance allows for the establishment of home occupations as accessory uses in all residential zones subject to specific standards. Among the standards, certain uses are explicitly prohibited from being established as home occupations. In 2007, the City Council added construction businesses to the list of prohibited uses based on several problems with existing home based construction businesses. Concerns included storage of materials and large equipment on residential properties, mobilization of construction crews in residential neighborhoods, noise, hours of operation and other similar complaints. The City continues to receive requests for home occupation licenses for construction businesses, contractors and "handyman" services. The City Council has received recent requests from residents to allow construction businesses to be allowed. On August 21, 2012 the City Council directed staff to reconsider the prohibition of construction businesses as home occupations and to analyze whether additional standards could be developed to protect neighboring properties. The purpose of the Home Occupation standards as stated in Chapter 17.24 is to allow for certain income producing accessory uses in residential districts that are compatible with and not detrimental to the neighborhood in which they are located. The Code identifies that certain uses are not appropriate because of their tendency "to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of the residentially zoned area." In the past, several home based

**TO: Murray City Planning Commission**

**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: October 12, 2012**

**DATE OF HEARING: October 18, 2012**

**PROJECT NAME: Tim Vanderlinden**

**PROJECT NUMBER: 12-00000127**

**PROJECT TYPE: General Plan Amendment/Zone Change**

**APPLICANT: Tim Vanderlinden**

**PROPERTY ADDRESS: 1765 & 1775 East Vine Street**

**SIDWELL #: 22-16-452-012**

**ZONE: R-1-10**

**PROPERTY SIZE: .25 Acre**

**I. REQUEST:**

The applicant is requesting a Murray General Plan amendment from Single Family Low Density Residential to Multi-Family Low Density Residential and a zone change from R-1-10 to R-M-10 for the property, which has two dwellings, addressed 1765 East and 1775 East Vine Street.

**II. BACKGROUND AND ANALYSIS**

Background: Tim Vanderlinden is requesting a Murray General Plan amendment from Single Family Low Density Residential to Multi-Family Low Density Residential and a zone change from R-1-10 to R-M-10. The property was annexed into Murray from Salt Lake County and has two dwellings. The General Plan has this property designated for residential single family low density, but this property is located adjacent to residential duplex lots. The applicant is proposing a multi-family low density residential zone to make the existing two dwellings on the lot conforming to the R-M-10 zone and has future plans to construct a new residential duplex on the property.

Site Location/Detail The property contains .25 acre is located at the north side of Vine Street.

## Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential Duplex	R-1-10
South	Residential Single Family	R-1-10
East	Residential Duplex	R-1-10
West	Residential Single Family	R-1-10

## Allowed Land Uses

**Existing:** Various permitted uses are allowed in the R-1-10 zone such as single family dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include churches, schools, public parks, and libraries.

**Proposed:** Various permitted uses are allowed in the R-M-10 zone such as single family dwellings, duplex dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include multi-family dwellings, retirement homes, churches, public parks, libraries and schools.

### III. PUBLIC INPUT

A mailing was sent on October 3, 2012 to the surrounding property owners. As of the date of this report, no public input has been received.

### IV. GENERAL PLAN ANALYSIS

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan for the property is residential low density single family, but there are unique conditions relating to this particular property which is located adjacent to parcels of property at the north and east which have duplex dwellings. This property was annexed into Murray City from Salt Lake County with two existing dwellings on the lot which were built about 1935 and 1955. Currently the dwellings on the lot are non-conforming and the General Plan amendment and zone change to R-M-10 will make two dwellings legal conforming for this property.

## **V. FINDINGS**

- A. Is there need for change in the General Plan and the proposed zoning at the subject location for the neighborhood or community?**

The General Plan for the subject property has been identified as residential single family low density, but there are unique conditions relating to this particular property. This property was annexed into Murray City from Salt Lake County with two existing dwellings on the lot which were built about 1935 and 1955. Currently the dwellings on the lot are non-conforming and the General Plan amendment and zone change to R-M-10 will make two dwellings legal conforming for this property. In addition surrounding properties are designated multi-family low density in the Murray General Plan.

- B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?**

The uses allowed in the R-M-10 zone are compatible with the surrounding neighborhood and residential uses. Many of the surrounding properties are designated multi-family low density in the General Plan and are currently developed as residential duplexes.

- C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?**

The subject area is located in a developed part of the City and is served by all utilities, public services and facilities. The uses allowed will have little effects on utilities and services provided.

## **VI. CONCLUSION**

- i. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.**
- ii. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.**
- iii. Currently the dwellings on the lot are non-conforming and the General Plan amendment and zone change to R-M-10 will make the two dwellings legal conforming for this property.**
- iv. Properties in the surrounding area are designated multi-family low density residential in the General Plan and this proposal is consistent with this designation.**

## VII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment and Zone Change.

\\DMS2\DMSDOCS\HTLTR\PLTR\PROD\PZ2012\IP0004622.DOC

# SITE INFORMATION

#12127

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

- Zoning Map Amendment
- Text Amendment
- Complies with General Plan
  - Yes  No

Subject Property Address: 1765 / 1775 e Vine St

Parcel Identification (Sidwell) Number: 22-16-452-012

Parcel Area: .25 Current Use: 2 homes on one lot.

Existing Zone: R-1-10 Proposed Zone: R-M-10

Applicant Name: Tim Vanderlinden

Mailing Address: 2074 e Sample cv

City, State, ZIP: Sandy, UT, 84093

Daytime Phone #: 801-556-8613 Fax #: \_\_\_\_\_

Business Name (If applicable): Hartford Law Associates

Property Owner's Name (If different): "

Property Owner's Mailing Address: "

City, State, Zip: "

Daytime Phone #: " Fax #: \_\_\_\_\_

Describe your reasons for a zone change (use additional page if necessary):

See Attached page.

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

Authorized Signature: [Signature] Date: 9/26/12

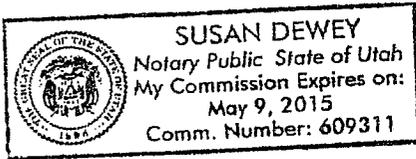
Property Owners Affidavit

I (we) Tim Vandertinder, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 27 day of September, 2012.



Notary Public

Residing in Salt Lake County

My commission expires: 5-9-15

Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me

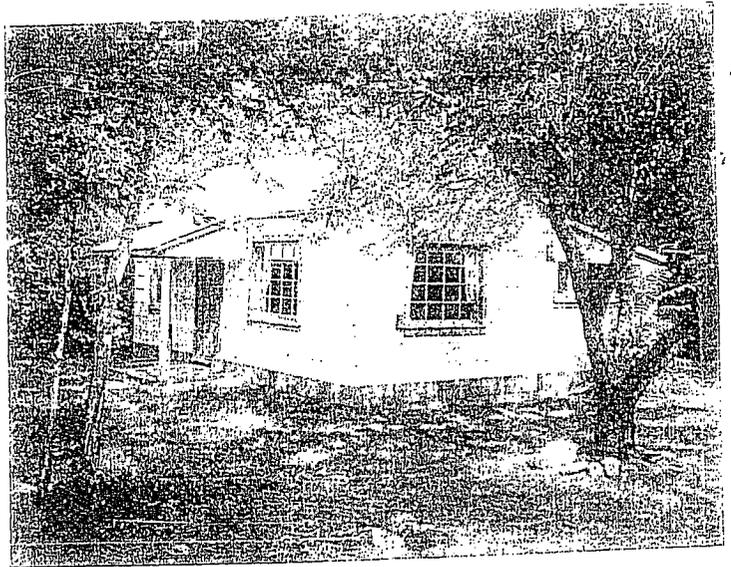
\_\_\_\_\_ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary public

Residing in \_\_\_\_\_

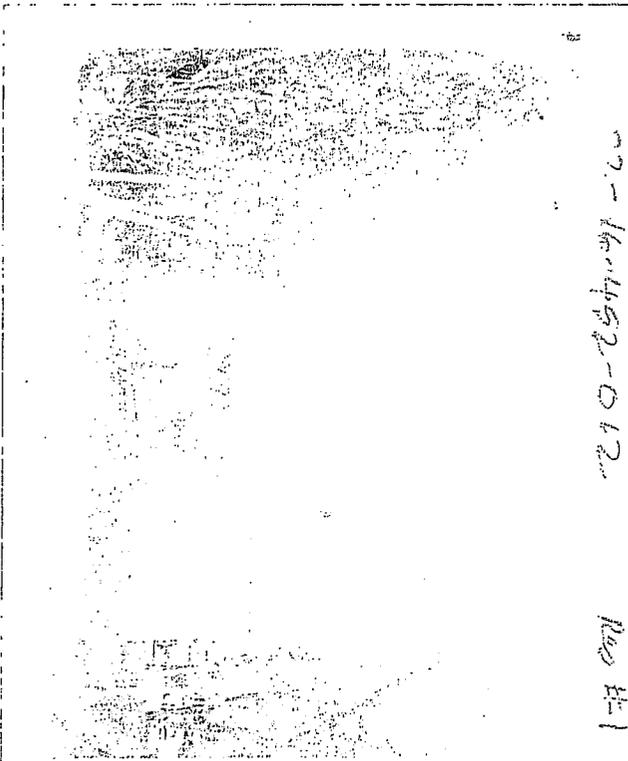
My commission expires: \_\_\_\_\_

The property has two homes on one lot with separate utilities. The first home is located at 1765 E Vine Street, and was built in 1935. The second home is located at 1775 E Vine Street, and was built in 1955. The zoning to the north and east are both R-M-10. The reason we would like a zone change is that the property has been used as a multi-family property since 1955 when the second home was built. We believe the zoning should reflect what the property is being used for, and would like to protect it for future use.



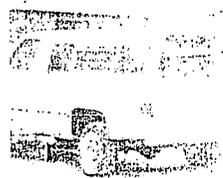
22-16-452-012

Ro #2



22-16-452-012

Ro #1





## SALT LAKE COUNTY RECORDER

### Data and Documents for Parcel Number: 22164520120000

**Owner:**

HARTFORD LAW ASSOCIATES LLC

**Mailing Address:**

2074 E SAMPLE CV

SANDY UT 84093

**Legal Description:**

COM 1863.88 FT W & 1995.89 FT S FR E 1/4 COR SEC 16 T 2S R  
 1E SL MER S 89-15'45" E 70 FT N 156 FT N 89-15'45" W 70 FT S  
 156 FT TO BEG. 0.25 AC. 5743-1535 5958-2550 6405-0510  
 6924-0269 8299-7017 10056-2069

Land Value: \$142600

Building Value: \$27600

Total Value: \$170200

Total Acres: 0.25

Parcel Location Address: 1765-1775 E VINE ST

Location Area Name: SEC 16 TWNHP 2S RNG 1E

Type: SECTION

Total Documents Found: 18

NOTE: Documents recorded before 1990 (entry numbers lower than 4866007) are not found by this search.

Entry Number	Book	Page	Instrument Type	Recorded Date	First Parties	Second Parties	Consideration
5191616	6405	510	WD	1/31/1992	THOMAS, STARR A THOMAS, STARR	JONES, LEAH W	\$10.00
5191617	6405	512	TRD	1/31/1992	JONES, LEAH W	THOMAS, STARR GUARDIAN TITLE CO OF UT TR	\$26,677.23
5559619	6713	1700	TRD	7/21/1993	JONES, LEAH W	JENSON, LYNN N GUARDIAN TITLE CO OF UT TR	\$27,678.96
5713823	6852	528	RECON	1/18/1994	FIRST AMERICAN TITLE CO UT TR SECURITY TITLE CO TR	THOMAS, GORDON R THOMAS, STARR A	
5786972	6912	1192	RECON	4/6/1994	GUARDIAN TITLE CO OF UT TR	JONES, LEAH W	
5802052	6924	269	WD	4/22/1994	JONES, LEAH W	LAMBSON, KYLE B JT LAMBSON, JILL JT	\$10.00
5802053	6924	270	TRD	4/22/1994	LAMBSON, KYLE B LAMBSON, JILL	WESTERN MTGE LN CORP UNITED SAV BK TR	\$49,000
5806251	6927	78	SUB TR	4/27/1994	JENSON, LYNN N	FOUNDERS TITLE CO TR	
5806252	6927	79	RECON	4/27/1994	FOUNDERS TITLE CO TR	JONES, LEAH W	
5809967	6930	1416	ASSIGN	5/2/1994	WESTERN MTGE LN CORP	UNITED SAV BK	VAL
7432533	8299	7017	QCD	8/4/1999	LAMBSON, KYLE B LAMBSON, JILL	LAMBSON INV LLC	\$10.00
8597901	8771	4964	APPT	4/4/2003	WASHINGTON MUTUAL BK UNITED SAV BK	FIDELITY NATL TITLE INS CO TR	\$5
8597902	8771	4966	RECON	4/4/2003	FIDELITY NATL TITLE INS CO TR	LAMBSON, KYLE B JT LAMBSON, JILL JT	
8710190	8829	903	ORDIN	6/30/2003	MURRAY CITY MUNICIPAL COUNCIL	TO WHOM IT MAY CONCERN	

# Utah Business Search - Registered Principals

## Registered Principals

Name	Type	City	Status
HARTFORD LAW ASSOCIATES LLC	Limited Liability Company	Sandy	Active

Position	Name	Address
Registered Agent	HEATHER VANDERLINDEN	2074 SAMPLE CV Sandy UT 84093
Member	HEATHER VANDERLINDEN	2074 SAMPLE CV Sandy UT 84093
Member	TIM VANDERLINDEN	2074 SAMPLE CV Sandy UT 84093

If you believe there may be more principals, click here to

### Search by:

- Search by:
- Business Name
- Number
- Executive Name
- Search Hints

Name:

11474715  
9/19/2012 4:23:00 PM \$12.00  
Book - 10057 Pg - 9049-9050  
Gary W. Ott  
Recorder, Salt Lake County, UT  
GUARDIAN TITLE  
BY: eCASH, DEPUTY - EF 2 P.

Mail Tax Notice To:  
Grantee:

8707 S Acorn Lane  
Sandy, UT 84093

File No. 12-1827

## QUIT CLAIM DEED

HEATHER VANDERLINDEN, grantor of Murray, County of Salt Lake, State of Utah, hereby QUIT CLAIM to  
HARTFORD LAW ASSOCIATES, LLC

grantee of Murray, County of Salt Lake, State of Utah, for the sum of TEN DOLLARS AND OTHER GOOD AND  
VALUABLE CONSIDERATIONS the following described tract of land in Salt Lake County, State of Utah:

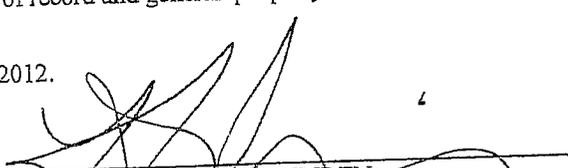
Beginning at a point on the North line of Vine Street at a point 1575.83 feet South 89°15'45" West and 33.00 feet  
North of the Salt Lake County Monument, at the intersection of Highland Drive and Vine Street, said monument is  
described as being 206.27 feet South 87°11'50" West and 2006.24 feet South 0°20'50" West of the East Quarter  
corner of Section 16, Township 2 South, Range 1 East, Salt Lake Base and Meridian, and running thence South  
89°15'45" West 70.0 feet; thence North 156.0 feet, more or less, to Warranty Subdivision No. 3; thence North  
89°15'45" East 70.0 feet, more or less, to Warranty Subdivision No. 3; thence South 156.0 feet to the point of  
beginning.

Situate in Salt Lake County, State of Utah.

(For reference purposes only: Tax Parcel No. 22-16-452-012)

Subject to easements, restrictions and rights-of-way currently of record and general property taxes for the year  
2012 and thereafter.

Witness the hand of said grantor this 13th day of September, 2012.

  
HEATHER VANDERLINDEN

### Courtesy Recording

This document is being recorded solely as a courtesy  
and as an accommodation only to the parties named  
therein. Guardian Title Co. of Utah hereby expressly  
disclaims any responsibility or liability for the accuracy  
thereof.

7004450020.rdw

Ent 11474715 BK 10057 PG 9049

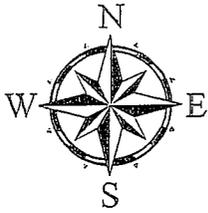


# 1765 & 1775 E. Vine Street



**MURRAY**  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES





# 1765 & 1775 E. Vine Street



**MURRAY**  
ADMINISTRATIVE &  
DEVELOPMENT SERVICE





MURRAY CITY CORPORATION  
COMMUNITY & ECONOMIC DEVELOPMENT

Daniel C. Snarr, Mayor

Tim Tingey, Director

801-270-2420 FAX 801-270-2414

October 3, 2012

**NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, October 18, 2012, at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Tim Vanderlinden is requesting a Murray General Plan Amendment from Single Family Low Density Residential to Multi Family Low Density Residential and a zone map change from R-1-10 to R-M-10 for the properties addressed 1765 & 1775 East Vine Street. See the attached location map. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office., at 801-270-2420, or e-mail to [rchristensen@murray.utah.gov](mailto:rchristensen@murray.utah.gov).

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 OR CALL RELAY UTAH AT #711.



# APPLICATION MATERIALS

#12126

# GENERAL PLAN AMENDMENT APPLICATION

Type of Application (check all that apply):

Text Amendment

Map Amendment

Subject Property Address: 1765 / 1775 e Vine st

Parcel Identification (Sidwell) Number: 22-16-452-012

Parcel Area: .125 Current Use: two homes on one lot

Land Use Designation: R-1-10 Proposed Designation: R-M-10 *multi family medium dens*

Applicant Name: Tim Vanderliden

Mailing Address: 2074 Sample cv

City, State, ZIP: Sandy, Utah, 84093

Daytime Phone #: 801-556-8613 Fax #: \_\_\_\_\_

Business Name (If applicable): Hartford law Associates

Property Owner's Name (If different): ''

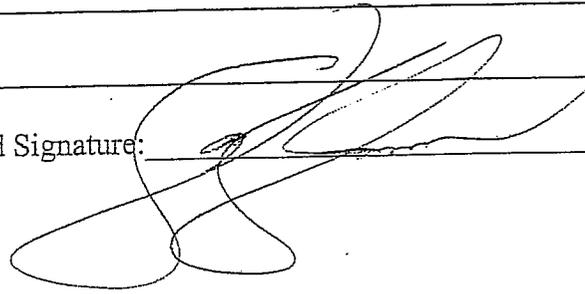
Property Owner's Mailing Address: ''

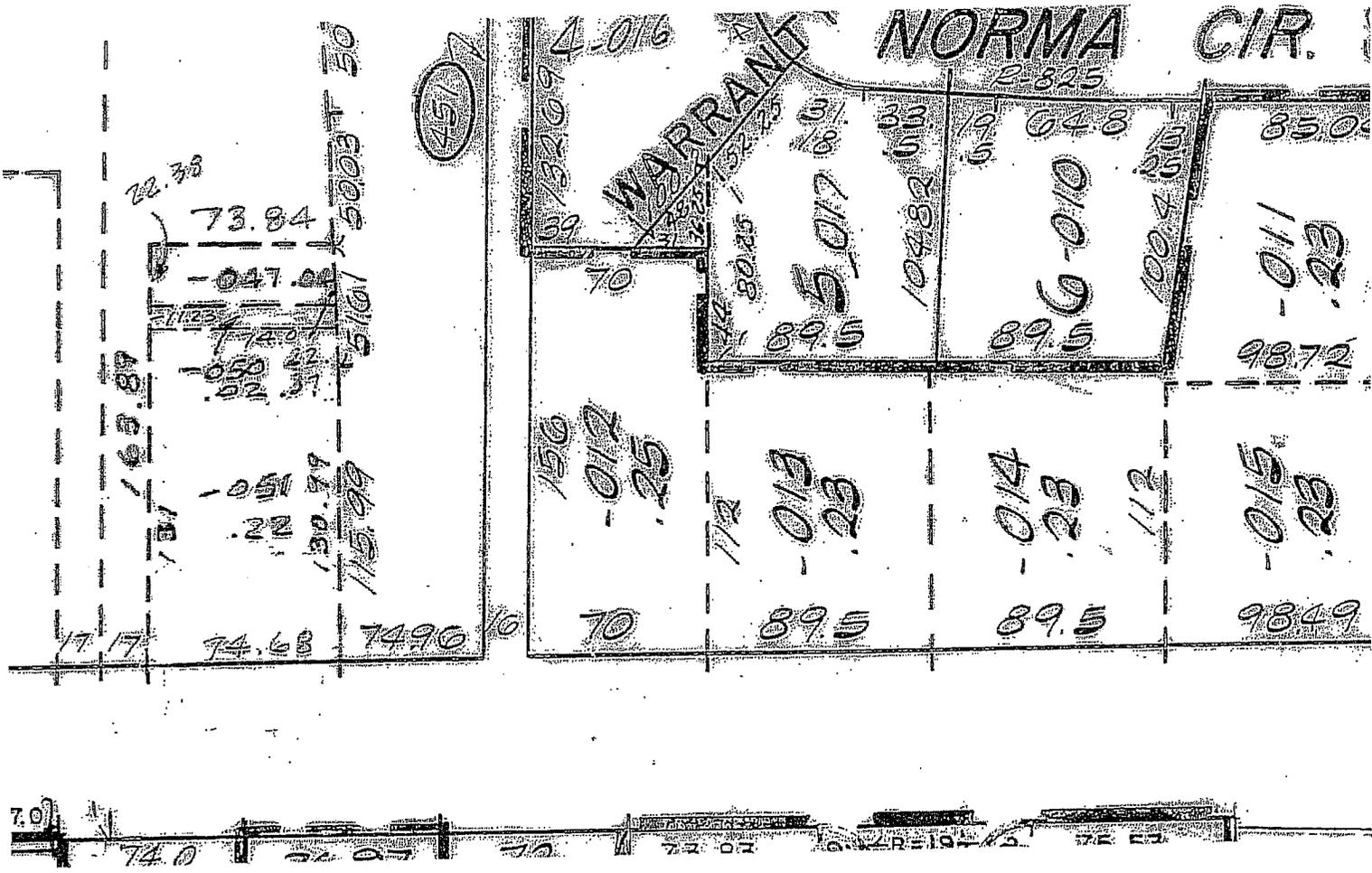
City, State, Zip: ''

Daytime Phone #: '' Fax #: \_\_\_\_\_

Describe your request in detail (use additional page if necessary): \_\_\_\_\_

See attached page.

Authorized Signature:  Date: 9/26/12



# APPLICATION FOR BUILDING PERMIT

Permit No. 11111 Date of Application 2-8- 1955, Estimated Cost \$ 2500 00

Owner's Name Arthur Thomas Address 1791 W. Line St.

Building Address 1791 W. Line St. Building Zone U

Builder Arthur Thomas Address 1791 W. Line St.

### Building Information

To be Used for:	<input checked="" type="checkbox"/> Family Dwelling	<input type="checkbox"/> Business	<input type="checkbox"/> Commercial	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Other
Type of Construction	<input type="checkbox"/> Brick	<input checked="" type="checkbox"/> Frame	<input type="checkbox"/> Block	<input type="checkbox"/> Reinf. Conc.	<input type="checkbox"/> Other

Property Description 1791 W. Line St.

Remarks

Fee \$ 2.50

(See Reverse Side)

Arthur Thomas  
Signature

BUILDING AND ZONING ENFORCEMENT

6210

No. \_\_\_\_\_

210

Address: 765 (near) Vine St. Date: 10-29-70

Owner: Arthur Thomas Address: 1791 Vine St. Phone: 277-2260  
 Zip Code: 18412

Owner: Arthur Thomas Address: same Phone: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_

Property Description: Sec. 16 T-25 R-1E.

Zone: A-1 App'd. By: NW  
 Date: 10-29-70

Date: 10-29-70 -SITE CONDITIONS AND LOCATION REQUIREMENTS-

PLAN CHECK: Done SUB-CHECK BY: \_\_\_\_\_ Disapproved \_\_\_\_\_ Approved \_\_\_\_\_ Date: \_\_\_\_\_ SUB-CHECK FEE: \_\_\_\_\_

Fill: \_\_\_\_\_ Swamp: \_\_\_\_\_ Sub Water: \_\_\_\_\_ Drain: \_\_\_\_\_ Nat. Water Chanel: \_\_\_\_\_ Steep Hillside: \_\_\_\_\_

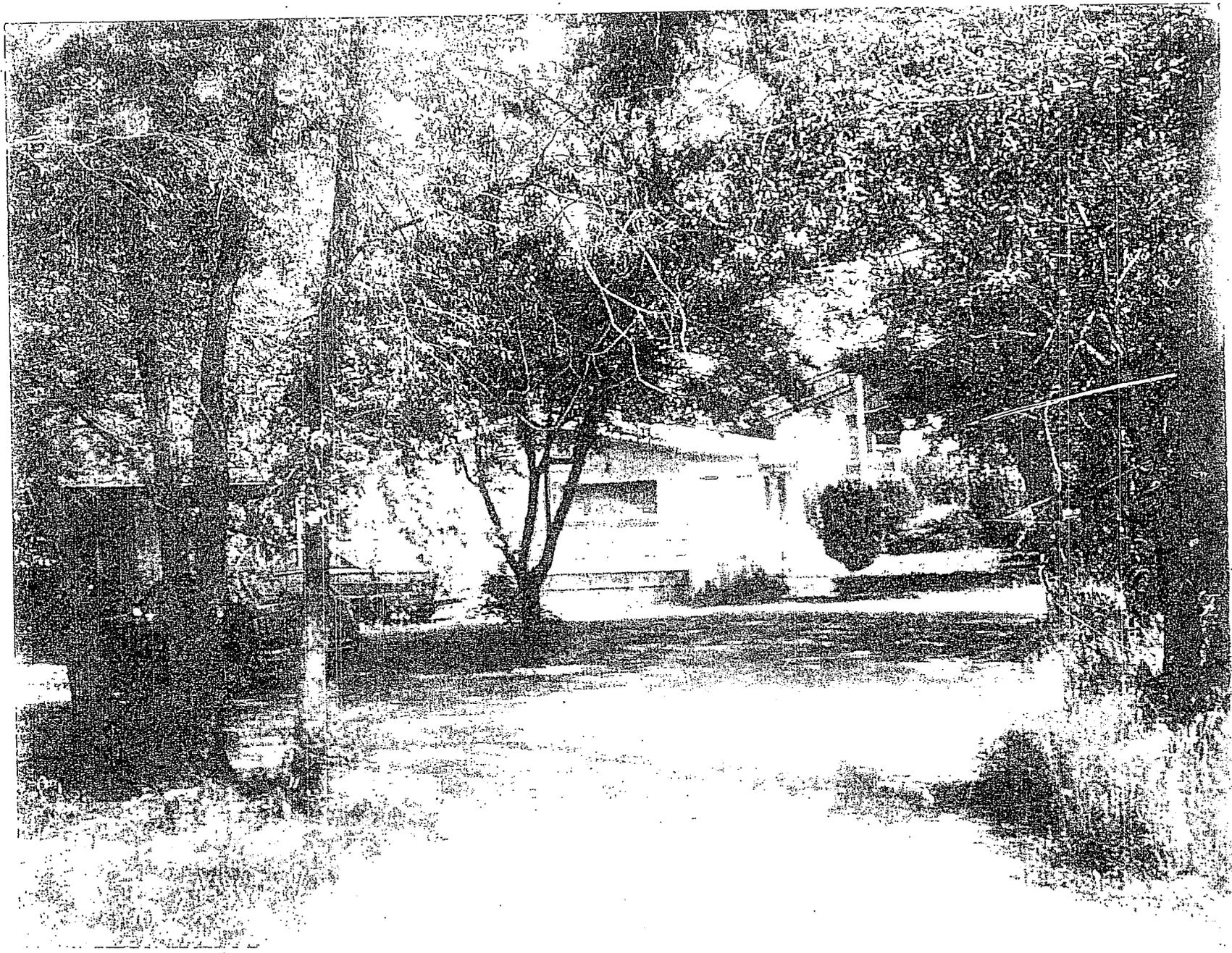
Soil: \_\_\_\_\_ Front Yard: 20' From House Side Yrd. 1: 2' Side Yrd. 2: \_\_\_\_\_ Rear Yard: \_\_\_\_\_

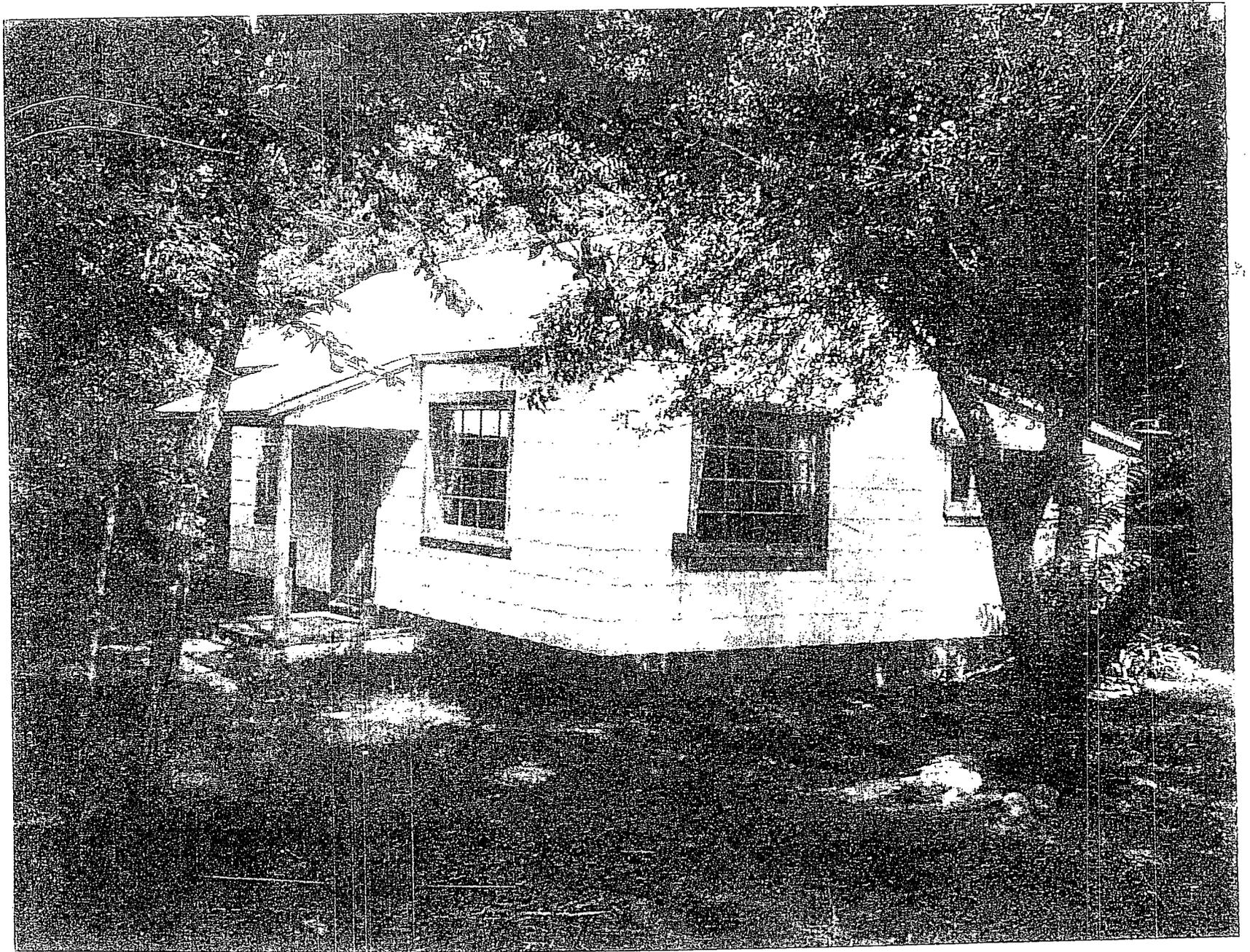
SPANCY: Sing. Fam. Dplx. \_\_\_\_\_ Demolition: No. Bldgs. \_\_\_\_\_ Move-On: \_\_\_\_\_ Other: \_\_\_\_\_

BUILDING	ELECTRICAL	PLUMBING	MECHANICAL
Rec. No. _____	Rec. No. _____	Rec. No. _____	Rec. No. _____
SQUARE FT. _____	SQUARE FT. _____	Min. Fee \$3 + \$2 ea. add'l.	Min. Fee \$3 _____
(Min. 1000 sq. ft. @ 1c per)	(Min. 1000 sq. ft. @ 1c per)	Fixtures _____ Fount. _____	Furnace Input _____
Remodel Inter. \$ 5.00	Remodel Inter. \$ 5.00	WC. _____ WH _____	Bldg. Ht/Loss _____
Service 5.00	Service 5.00	WB _____ Septic _____	A.C. Output _____
Duplex 14.00	Duplex 14.00	BT _____ Roof D. _____	Bldg. Ht/Gain _____
Other (Min. fee) 5.00	Other (Min. fee) 5.00	Sink _____ Refr. D. _____	Heater _____
Temp-pole 5.00	Temp-pole 5.00	Tray _____ Pool D. _____	Hood-Vent _____
Temp w/o _____	Temp w/o _____	F. Dr. _____ Air C.D. _____	Fans CFM _____
No Fee _____	No Fee _____	Sh. _____ W. Soft. _____	Other _____
		DW _____ Vent _____	
		Disp. _____ Waste _____	
		Stack _____ UR _____	
		Other _____	
Total _____	Total _____	Total _____	Total _____

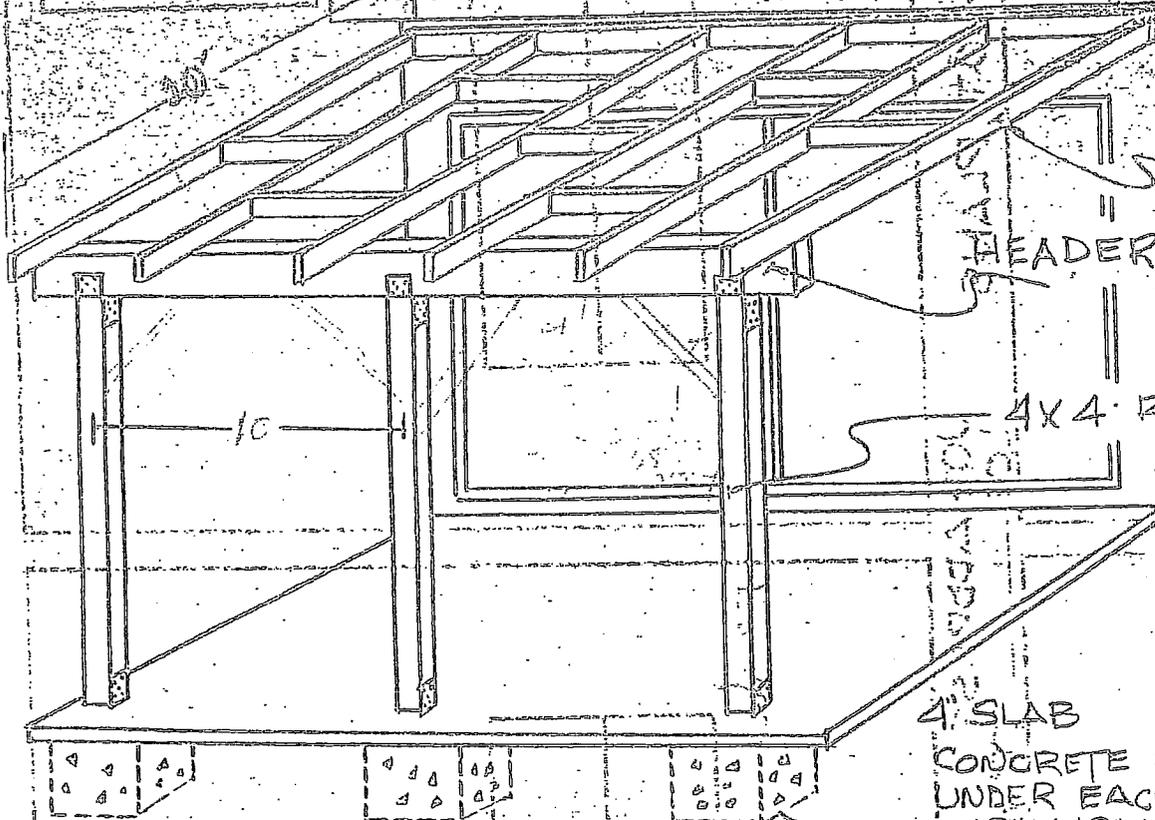
Plumber Lic. No. \_\_\_\_\_ State Lic. No. \_\_\_\_\_ State Lic. No. \_\_\_\_\_ State Lic. No. \_\_\_\_\_  
 Elec. Contr. \_\_\_\_\_ Plmbg. Contr. \_\_\_\_\_ Mech. Contr. \_\_\_\_\_

Signed: Arthur Thomas Signed \_\_\_\_\_ Signed \_\_\_\_\_ Signed \_\_\_\_\_





OVERALL DIMENSIONS OF COVER



TYPE OF ROOF:

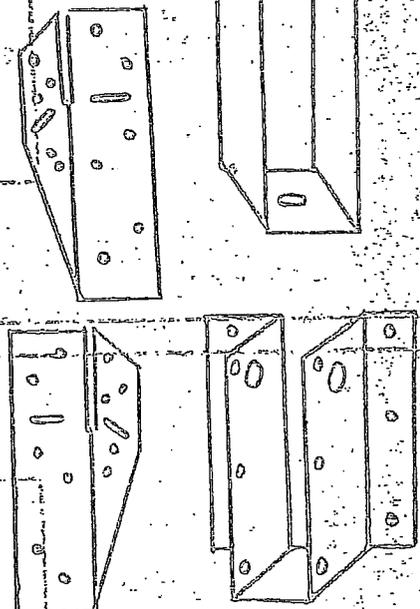
RAFTER " X " o/c

HEADER SIZE 4" X "

4X4 REDWOOD POST

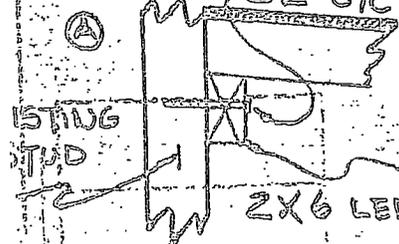
4" SLAB

CONCRETE FOOTINGS UNDER EACH POST 12 X 12" X 12" INTO GRADE

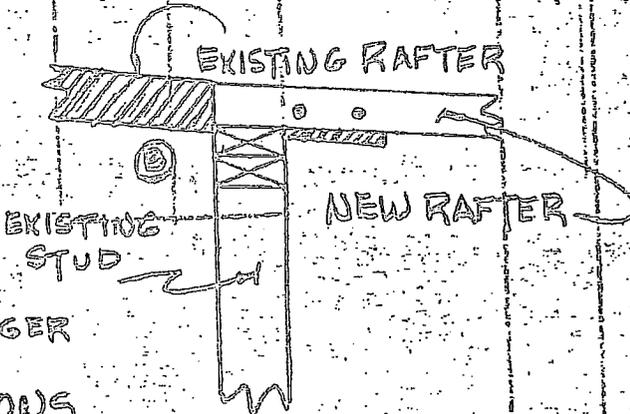


FASTENERS & ATTACHMENTS

3/8" X 5" LAG SCREW 32" O/C

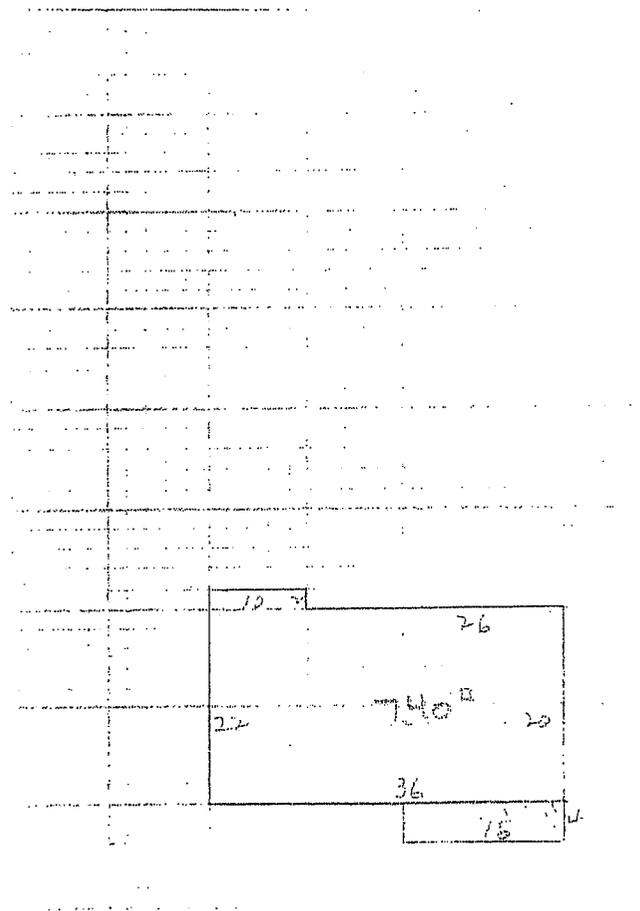


APPROVED CONNECTIONS TO HOUSE (ALTERNATES)



RAFTER SCHEDULE  
STANDARD GRADE DOUGLAS FIR  
SPACINGS & SPANS

RAFTER SIZE	12" OC	16" OC	24" OC	30" OC	32" OC
2X4	7'-0"	6'-6"	4'-9"		3'-3"
2X6	16'-6"	14'-0"	11'-6"		10'-0"
2X8	22'-0"	19'-0"	15'-6"		13'-3"
2X10	27'-9"	24'-0"	19'-0"		17'-0"
3X6			14'-6"	13'-6"	
4X6			18'-0"	16'-0"	
4X8			23'-0"	21'-0"	



Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#2 of 2

Location 1725 S. [unclear] (Ren of 1985)  
 Kind of Bldg. [unclear] St. No. 1725  
 Class 5 Rms. 4 Type 1 2 3 4. Cost \$ [unclear] X [unclear] %

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
1	x x		740		\$ 2229
	x x				
	x x				

Attr. Cat.	Flr.	Walls	Roof	Factor	Totals
Description of Building					Additions
Foundation— Stone		Concrete	None		
Ext. Walls					
Insulation— Floors		Walls	Clgs.		91
Roof Type	Low	Med.	PS		
Dormers— Small		Med.	Large		
Bays— Small		Med.	Large		
Porches — Front	2	6	@		35
Rear			@		
Basement Entr.			@		
Planters			@		
Cellar-Bsmr. — 1/4 1/2 3/4 Full			Floor		
Bsmr. Apt.		Rooms Fin.	Unfin.		
Attic Rooms Fin.			Unfin.		
Plumbing	Class	Tub	Trays		410
	Basin	Sink	Toiler		
	Urns	Fins.	Shr.		
	Dishwasher	Garbage	Disp.		
Heat— Srove	H.A.	Steam	Stkr.	Blr.	287
Oil	Gas	Coal	Pipeless	Radiant	
Air Cond.					
Finish— Fir		Hd. Wd.			
Floor— Fir		Hd. Wd.	Other		140
Cabinets		Manrels	Bl. In		
Title— Walls		Wainscot	Floors		
Electrical— Outlets			Fixt.		
Storm Sash— Wood		Metal	Doors	Sash	
Metal Awnings					
Total Additions					966

Year Built	Avg. Age	Reproduction Value	\$ 3115	
		Depr. Col. 1 2 3 4 5 6 95 %		
Inf. by	{ Owner - Tenant - Neighbor - Record - Est.	Repr. Val. Minus Depr.		
		Obsol. or Rem.	%	
Remodel Year	Est. Cost	Bldg. Value	\$ 3067	
Garage— Class		Depr. 2% 3%		
Cars	Floor	Walls	Roof	Doors
Size— x	Age	Cost	x	%
Other				
Total Building Value			\$	

Appraised May 1957 By 1331







22-42-3

Arthur D. & Shirley A. Thomas  
522 El Caminito  
Livermore, CA

~~22-45~~

Com 1963.98 ft W & 1995.39 ft S fr E 1/4  
cor Sec 16, T 2S, R 1E, SL 7er, S 89°  
15'45" E 70 ft; N 156 ft; N 89°15'45"  
W 70 ft; S 156 ft to beg. 0.25 Ac.

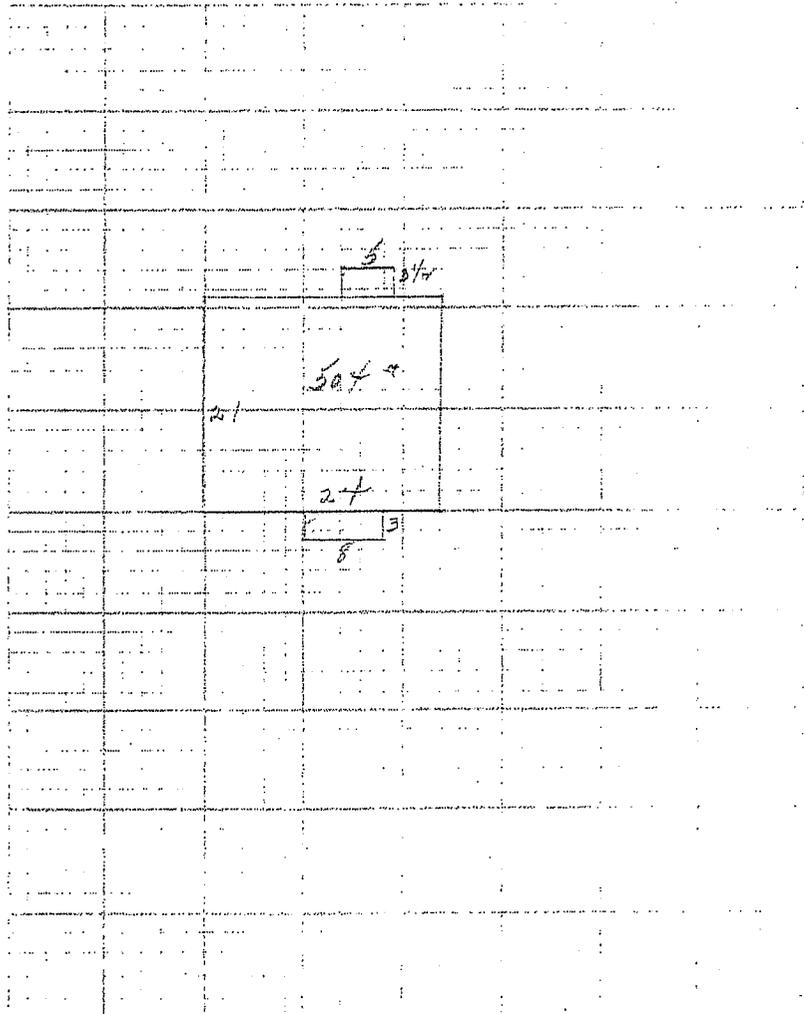
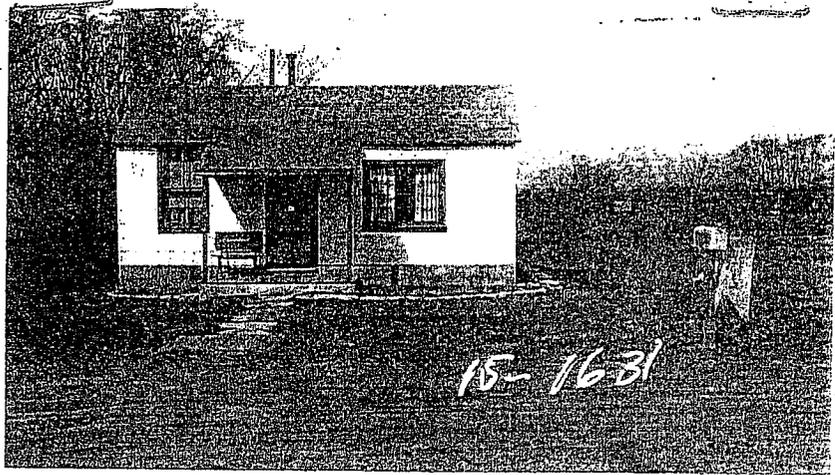
10,920 W

PARCEL NO.	FRONTAGE OR AREA	DEPTH FACTOR	RATE	CORNER INFLUENCE	RATE	VALUE
	10,920 W	1	559	1/4		6006

TOTAL

ASSESSED VALUE  
MAY 4 - 1972

1200  
Lee Atkins



Remarks: 3-31-71 (add 23240 cost)  
460<sup>th</sup> 17.65<sup>th</sup> on 7/26/69 T 15-  
 (OK very poor) 147  
141370

SERIAL NO.  
APPRAISAL CARD

~~22-42-3~~ <sup>43</sup> 22-42-3 #1 of 2

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

Location \_\_\_\_\_

Kind of Bldg. Res Sr. No. 1785 Vine St

Class 3 Rms. \_\_\_\_\_ Type 1 2 3 4. Cost \$ 1145. X 100.

Stories	Dimensions	Cu. Ft.	Sq. Ft.	Factor	Totals
	x x		504.		\$ 1145.
	x x				
	x x				

Att. Gar. x Flr. \_\_\_\_\_ Walls \_\_\_\_\_ Roof \_\_\_\_\_

Description of Building Additions

Foundation— Stone \_\_\_\_\_ Conc. \_\_\_\_\_ None \_\_\_\_\_

Exr. Walls \_\_\_\_\_

Insulation— Floors \_\_\_\_\_ Walls \_\_\_\_\_ Clgs. \_\_\_\_\_ 58.84

Roof Type Shingle Mtl. \_\_\_\_\_

Dormers— Small \_\_\_\_\_ Med. \_\_\_\_\_ Large \_\_\_\_\_

Bays— Small \_\_\_\_\_ Med. \_\_\_\_\_ Large \_\_\_\_\_

Porches — Front \_\_\_\_\_ @ 75 18

Rear \_\_\_\_\_ @ 50 9

Basement Entr. \_\_\_\_\_ @ \_\_\_\_\_

Planters \_\_\_\_\_ @ \_\_\_\_\_

Cellar-Bsmt. — 1/4 1/2 3/4 Full \_\_\_\_\_ Floor \_\_\_\_\_

Bsmt. Apr. \_\_\_\_\_ Rooms Fin. \_\_\_\_\_ Unfin. \_\_\_\_\_

Attic Rooms Fin. \_\_\_\_\_ Unfin. \_\_\_\_\_

Plumbing { Class 1 Tub 1 Trays \_\_\_\_\_  
Basin \_\_\_\_\_ Sink 1 Toiler 1  
Urns \_\_\_\_\_ Ftns. \_\_\_\_\_ Shr. \_\_\_\_\_  
Dishwasher \_\_\_\_\_ Garbage Disp. \_\_\_\_\_ 315

Heat— Stove ✓ H.A. \_\_\_\_\_ Steam \_\_\_\_\_ Sktr. \_\_\_\_\_ Blr. \_\_\_\_\_

Oil \_\_\_\_\_ Gas ✓ Coal \_\_\_\_\_ Pipeless \_\_\_\_\_ Radiant \_\_\_\_\_

Air Cond. \_\_\_\_\_

Finish— Fir ✓ Hd. Wd. \_\_\_\_\_

Floor— Fir ✓ Hd. Wd. \_\_\_\_\_ Other \_\_\_\_\_

Cabinets 1 Mantels \_\_\_\_\_ Blt. In \_\_\_\_\_

Tile— Walls \_\_\_\_\_ Wainscot \_\_\_\_\_ Floors \_\_\_\_\_

Electrical— Outlets \_\_\_\_\_ Fixt. \_\_\_\_\_

Storm Sash— Wood \_\_\_\_\_ Metal \_\_\_\_\_ Doors \_\_\_\_\_ Sash \_\_\_\_\_

Metal Awnings \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Total Additions 470 4215 (B) 1544

Year Built 1907 Avg. \_\_\_\_\_ Reproduction Value \$ 1597

Age 11 Depr. Col. 1 2 3 4 5 6 7 8 1/2 % 15

Inf. by 4 { Owner - Tenant - Repr. Val. Minus Depr. 1213

{ Neighbor - Record - Est. Obsol. or Rem. % \_\_\_\_\_

Remodel Year \_\_\_\_\_ Est. Cost \_\_\_\_\_ Bldg. Value \$ \_\_\_\_\_

Garage— Class \_\_\_\_\_ Depr. 2% 3% \_\_\_\_\_

Cars 2 Floor 2 Walls \_\_\_\_\_ Roof \_\_\_\_\_ Doors \_\_\_\_\_

Size— x Age \_\_\_\_\_ Cost \_\_\_\_\_ x \_\_\_\_\_ % \_\_\_\_\_

Other \_\_\_\_\_

Total Building Value \$ \_\_\_\_\_

Appraised 2/17/58 1958 By 1347

## Chad Wilkinson

---

**From:** Max Reese <max.reese1922@gmail.com>  
**Sent:** Thursday, October 18, 2012 10:31 AM  
**To:** Chad Wilkinson  
**Subject:** Fwd: public notice hearing Tim Vanderlinden 1765 east vine

----- Forwarded message -----

**From:** Max Reese <max.reese1922@gmail.com>  
**Date:** Sat, Oct 13, 2012 at 10:26 AM  
**Subject:** public notice hearing Tim Vanderlinden 1765 east vine  
**To:** [rchristensen@murray.utah.gov](mailto:rchristensen@murray.utah.gov)

Greetings Ray,

The Little Cottonwood Tanner Ditch Company received the notice of the public hearing for the zoning change at 1765 East and 1775 East and Vine Street.

The Ditch company is not against or for the zoning change. We feel Murray should deal with zoning matters.

The Ditch company does have an interest in any construction on this sight. We have a ditch running on the South side of the property along Vine Street, and along the West side of the property. In the building permit process, Tim Vanderlinden or who ever is doing the building, will have to get together with the ditch company and determine what and if any modifications will be needed to the ditches for the anticipated construction. If there are changes to the ditches requested by the developer, or need to safe guard the ditches, the ditch company will prepare a contract with the developer which is mutually satisfactory to each. This signed contract will be submitted to Murray Development as proof the ditch company's interest are being met. This is the same process we have done before with Murray many times before.

We will not be attending the October 18, 2012. We feel Murray City will know best about zoning. If you do feel our attendance would be necessary to safe guard our ditches, please call Max Reese (secretary Little Cottonwood Tanner Ditch Company [801-261-1922](tel:801-261-1922) or E-mail at [max.reese1922@gmail.com](mailto:max.reese1922@gmail.com).)

The ditch company would appreciate it if Murray would inform the developer that they need to get with the ditch company, and sooner is better than later.

Our contact information:

Little Cottonwood Tanner Ditch Company  
977 East 5600 South  
Murray, Utah 84121

[801-261-1922](tel:801-261-1922)

Sincerely,

Max Reese secretary LCTDC    October 13, 2012

4770 S. 5600 W.  
P.O. BOX 704005  
WEST VALLEY CITY, UTAH 84170  
FED. TAX I.D.# 87-0217663

The Salt Lake Tribune  
www.sltrib.com

MEDIAONE  
NEWSPAPER AGENCY COMPANY  
300 WEST VALLEY BLVD.

Deseret News  
www.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	10/8/2012

**FILE COPY**

*Vanderlinden  
rezone*

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000827550 /
SCHEDULE	
Start 10/07/2012	End 10/07/2012
CUST. REF. NO.	
Vanderlinden	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
31 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
57.08	

MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that on the 18TH day of October, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City, Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of resolving public comment on and pertaining to a General Plan Amendment from Single Family Low Density and a Zone Map Amendment from R-10 to R-M-10 for the properties located at 1765 & 1775 East Vine Street in Murray City, Salt Lake County, State of Utah.

MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
827550 UFAXL

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 18TH day of October, 2012, at the hour of 6:30 p.m. of said day in the Cou FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 10/07/2012 End 10/07/2012

SIGNATURE *[Signature]*

DATE 10/8/2012

VIRGINIA CRAFT  
Notary Public, State of Utah  
Commission # 581459  
My Commission Expires  
January 12, 2014

*Virginia Craft*

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
PLEASE PAY FROM BILLING STATEMENT

ADAMS, KAREN M 6337 S HIGHLAND DR # 107 HOLLADAY UT 84121	BATTERMANN, J SLADE; ET AL 1750 E VINE ST SALT LAKE CITY UT 84121	BRADY, ELLEN M 6133 S CARRIAGE PARK CIR SALT LAKE CITY UT 84121
BROOKS, BEN 1811 E NORMA CIR MURRAY UT 84121	BUTTERFIELD, RICK A & 1777 E CARRIAGE PARK CIR SALT LAKE CITY UT 84121	C R RADCLIFFE DEVELOPMENT LLC 2400 E WALKER LN HOLLADAY UT 84117
CATMULL, WILLIAM D & 1794 E ANNDELL LN SALT LAKE CITY UT 84121	CORNISH, JOANNA A; TR 6134 S CARRIAGE PARK CIR SALT LAKE CITY UT 84121	CORSON, RODNEY K, JR. & 6116 S CARRIAGE PARK CIR SALT LAKE CITY UT 84121
CRANDALL, GARY L; TR 1783 E VINE ST SALT LAKE CITY UT 84121	DAVIS, PAUL E & 5048 S 1045 E MURRAY UT 84117	DAVIS, PAUL E & 5048 S 1045 E MURRAY UT 84117
DAVIS, PAUL E & 5048 S 1045 E MURRAY UT 84117	ECKART, EMILE P III 1814 E NORMA CIR SALT LAKE CITY UT 84121	ENGLAND, AFTON A & E GLADE; 1776 E VINE ST SALT LAKE CITY UT 84121
FEATHERSTONE, SANDRA 1753 E VINE ST SALT LAKE CITY UT 84121	GODFREY, JOHN R & 1608 W 14165 S RIVERTON UT 84065	HALE, MALIA T & 6030 S 1830 E MURRAY UT 84121
HALE, MALIA T & 6030 S 1830 E MURRAY UT 84121	HATCH, HEATHER A & 6115 S CARRIAGE PARK CIR SALT LAKE CITY UT 84121	VANDERLINDEN, TIM 2074 E SAMPLE COVE SANDY UT 84093
MAYFIELD, NANCY A; TRS 7120 S ANGELSEA DR WEST JORDAN UT 84084	MCHENRY, SAMUEL S & 1816 E VINE ST MURRAY UT 84121	MCLANE, SAMUAL H & 1781 E VINE ST MURRAY UT 84121
MCLANE, SAMUEL H & 1781 E VINE ST MURRAY UT 84121	MOGHARRAB, JEFF 7318 S RACQUET CLUB DR COTTONWOOD HTS UT 84121	NIPPER, LANDY L & 3856 E PARKVIEW DR SALT LAKE CITY UT 84124
NORMA CIRCLE PROPERTIES LC; ET 2075 E LONSDALE DR COTTONWOOD HTS UT 84121	NOYES, RICHARD M, JR. & 1736 E VINE ST SALT LAKE CITY UT 84121	OLSON, JOHN F & 6040 S 1830 E SALT LAKE CITY UT 84121

PETERSON, BETTY JO; TR  
1749 E VINE ST  
SALT LAKE CITY UT 84121

ROBBINS, JOY M; JT ET AL  
1726 E VINE ST  
SALT LAKE CITY UT 84121

ROXBURTH, R MICHAEL &  
1751 E VINE ST  
SALT LAKE CITY UT 84121

THOMAS, ARTHUR D &  
1808 E ANNDELL LN  
SALT LAKE CITY UT 84121

QUICK, JANET L  
1725 E VINE ST  
SALT LAKE CITY UT 84121

ROXBURGH, G JEANNE &  
1751 E VINE ST  
SALT LAKE CITY UT 84121

STEWART, NICHOLAS  
1770 E VINE ST  
MURRAY UT 84121

+ Affected Entities list

QUICK, THOMAS K. & PATRICIA L.  
1727 E VINE ST  
SALT LAKE CITY UT 84121

ROXBURGH, R MICHAEL &  
1751 E VINE ST  
SALT LAKE CITY UT 84121

TAYLOR, PATTY B  
1807 E VINE ST  
MURRAY UT 84121

TANNER DITCH COMPANY  
c/o MAX REESE  
977 E 5600 S  
MURRAY UT 84121

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 5/24/12

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: SCOTT BAKER  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: PAT O'HARA  
147 E 5065 S  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

QUESTAR GAS  
ATTN: KIM BLAIR  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
1265 E FT UNION BLVD #250  
CTNWD HEIGHTS UT 84047

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: TOM MARRIOTT  
2175 S REDWOOD RD  
WEST VALLEY CITY UT 84119

UTOPIA  
Attn: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

**GENERAL PLAN MAILINGS:**  
(in addition to above)

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116



# New Business Item #1

# Murray City Municipal Council Request for Council Action

**INSTRUCTIONS:** The City Council considers new business items in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 112, no later than 5:00 p.m. on the Wednesday two weeks before the Council meeting in which they are to be considered. This form must accompany all such business items. If you need additional space for any item below, attach additional pages with corresponding number and label.

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)

AUDIT POLICY RESOLUTION

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)

Financial Sustainability

3. **MEETING, DATE & ACTION:** (Check all that apply)

Council Meeting OR  Committee of the Whole

Date requested **11/20/2012**

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Resolution (attach copy)

Has the Attorney reviewed the attached copy? yes

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

N/A

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)

Memo

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 11/7/2012

Time: 5:00 PM

7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)

Department Director:

Date: 11/7/2012

Mayor:

Date: 11/7/2012

8. **COUNCIL STAFF:** (For Council use only)

Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Recommendation: \_\_\_\_\_

9. **NOTES:**



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

## Memo:

**To:** City Council  
**From:** Justin Zollinger, Finance Director  
**Date:** October 29, 2012  
**Subject:** City Independent Audit Policy Revision

This memo is to provide information as to the purposed changes to the City's independent audit policy.

The City's current independent audit policy requires the City to change auditors every ten years.

The revised audit policy requires the City, at a minimum, to bid out audit services every five years. The City may select the prior independent auditor if the firm is selected through the request for proposal process, but the audit firm's manager must be alternated. The future agreements will be 3 years with a 2 year City extension option. These agreements do not in any way restrict the City ability to change at any time.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CHANGING THE POLICY OF THE CITY REGARDING THE USE OF INDEPENDENT AUDITORS TO PREPARE ANNUAL FINANCIAL REPORTS AS REQUIRED BY STATE LAW.

WHEREAS, Title 10 Chapter 6 of the Utah Code requires that an annual financial report must be prepared and presented to the City Council ("Council"), after the close of each fiscal year of the City; and

WHEREAS, the annual financial report needs to be audited by an independent auditor; and

WHEREAS, Resolution No. R-0647 was passed on November 14, 2006, changing the policy of the Council to limit the use of the same independent auditor for no more than 10 consecutive years; and

WHEREAS, it is in the best interest of the City to amend its policy to not limit the use of the same independent auditor, provided however, the City shall select an independent auditor through a Request for Proposals ("RFP") and enter into an agreement with the selected independent auditor for three years with the option of the City to renew the agreement for two years; and

WHEREAS, no agreement for independent auditor services shall exceed five (5) years; and

WHEREAS, at the expiration of an agreement for independent auditor services, the City shall do an RFP to select an independent auditor; and

WHEREAS, if an independent auditor is selected who has provided independent auditor services to the City in the past, the audit manager shall be different than before.

NOW, THEREFORE, it is hereby resolved by the Murray City Municipal Council, as follows:

1. In performing the independent audits required by State law, the City shall not limit the use of the same independent auditor subject to certain terms and conditions provided herein.
2. The City shall select an independent auditor through a RFP to provide independent auditor services, pursuant to an agreement, for three years with the option of the City to renew the agreement for two years.
3. No agreement for independent auditor services shall exceed five (5) years.
4. At the expiration of an agreement for independent auditor services, the City shall do an RFP to select an independent auditor.
5. If an independent auditor is selected who has provided independent auditor services to the City in the past, the audit manager shall be different than before.

6. This Resolution shall not be construed to limit the City's ability to change at any time, for any reason, its independent auditor.

Dated this            day of            , 2012.

MURRAY CITY MUNICIPAL COUNCIL

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James A. Brass, Chair

ATTEST:

---

Jennifer Kennedy, City Recorder

**Mayor's  
Report  
and Questions**

**Adjournment**