

MURRAY
CITY COUNCIL

Council Meeting
June 19, 2013



AMENDED 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 Wednesday, June 19, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:15 p.m. **Committee of the Whole:** To be held in the Conference Room #107
Brett Hales conducting.

1. Approval of Minutes

- 1.1 Canal Meeting – May 9, 2013
- 1.2 Council Initiative Workshop – May 14, 2013
- 1.3 Committee of the Whole – May 21, 2013

2. Business Items

- 2.1 Board and Committee Reports (five minutes each)
 - 2.1.1. Russ Kakala – Trans-Jordan Cities
 - 2.1.2. Kim Fong – Murray City Library
 - 2.1.3. Jan Wells – Legislative Policy Committee (LPC)
 - 2.1.4. Jan Wells – Council of Governments (COG)
 - 2.1.5. Jan Wells - Utah Telecommunications Open Infrastructure Agency (UTOPIA)
 - 2.1.6. Darren Stam – Utah Infrastructure Agency (UIA)
 - 2.1.7. Dave Nicponski – Valley Emergency Communications Center (VECC)
 - 2.1.8. Dave Nicponski - Association of Municipal Councils
 - 2.1.9. Jim Brass – Central Valley Water Reclamation
 - 2.1.10. Jim Brass – Wasatch Front Waste and Recycling District

3. Announcements

4. Adjournment

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

5. Opening Ceremonies

- 5.1 Pledge of Allegiance
- 5.2 Approval of Minutes
 - 5.2.1 March 5, 2013
- 5.3 Special Recognition
 - 5.3.1 Murray City Council **Employee of the Month, Karen Gallegos, Municipal Court Clerk III.** (Mike Williams presenting.)

6. **Citizen Comments** (Comments are limited to 3 minutes unless otherwise approved by the Council.)
7. **Consent Agenda**
 - 7.1 None scheduled.
8. **Public Hearings**
 - 8.1 Public Hearing #1
 - 8.1.1 Continued from June 4, 2013:

Consider an ordinance adopting the Final 2013 – 2014 Fiscal Year Budgets for Murray City including the Library Fund Budget. (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:

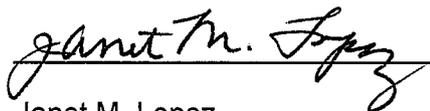
Consider an ordinance amending the City's 2012–2013 Fiscal Year Budget. (Justin Zollinger presenting.)
 - 8.2.2 Council consideration of the above matter.
9. **Unfinished Business**
 - 9.1 None scheduled.
10. **New Business**
 - 10.1 Consider an ordinance adopting the rate of Tax Levies for the Fiscal Year commencing July 1, 2013 and ending June 30, 2014. (Justin Zollinger presenting.)
 - 10.2 Consider an ordinance establishing a temporary land use regulation pursuant to Utah Code Ann. Section 10-9a-504 relating to E-Cigarette retailers. (Tim Tingey presenting.)
 - 10.3 Consider a resolution approving the revised polling locations specified by the Salt Lake County Clerk's Office, Elections Division, for the City 2013 elections. (Tim Tingey presenting.)
 - 10.4 Consider an ordinance imposing a temporary ban on the discharge of fireworks and firearms in specified fire risk areas. (Phil Roberts, Fire Marshall, presenting.)
11. **Mayor**
 - 11.1 Report
 - 11.2 Questions of the Mayor
12. **Adjournment**

NOTICE

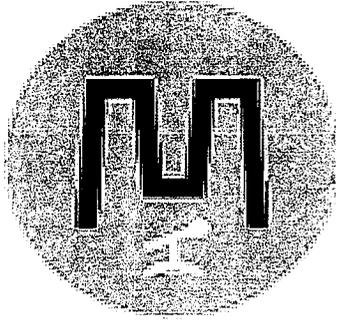
SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.

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 Monday, June 13, 2013, at 3:00 p.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 and the state noticing website at <http://pmn.utah.gov>.



Janet M. Lopez
Council Administrator
Murray City Municipal Council



MURRAY
CITY COUNCIL

**Committee
of the Whole**

Committee of the Whole Minutes



MURRAY
CITY COUNCIL

DRAFT

**MURRAY CITY MUNICIPAL COUNCIL
CANAL MEETING**

The Murray City Municipal Council held a Canal Meeting on Thursday, May 9th, 2013, at Murray City Municipal Center, Rm. #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Brett Hales	Council Chair
Dave Nicponski	Council Member
Jared Shaver	Council Member
Darren Stam	Council Member

Members Excused:

Jim Brass	Council Member
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Others in Attendance:

Tim Tingey	ADS Director	Ted Eyre	Citizen
Frank Nakamura	Attorney	Janet Towers	Citizen
Doug Hill	Public Services Director	Daren Wightman	Citizen/Fire
Janet Lopez	Council Administrator	Heather Hatch	Citizen
Kellie Challburg	Council Office	Jessica Goodman	Citizen
Beth Graham	Congressman Matheson's	Connie Mooy	Resident
Peter Samore	KSL News	Gilbert Gonzales	Inspections
John Brown	Murray City	Pat Bell	Citizen
Alan Bell	Citizen	Brian Shiozawa	State Senator
John Dye	Citizen	Rick Pearmain	Citizen
Kim Poulson	Citizen	Johnny Anderson	Utah House

Mr. Hales welcomed all in attendance to the canal discussion. It will be renamed as a task force, once the resolution is approved by the Council on May 21st, 2013.

Mr. Hales asked if everyone would introduce themselves.

Mr. Hales said the Council was moved by the comments and emotion at the Council Meeting. It was fortunate that there was a Council Meeting a couple of days after this canal breach. It was very fresh and the Council appreciated the emotions and comments by the citizens.

Murray City has limited control over the oversight and authority of the activities of the North Jordan Canal. It is an entirely separate entity. The canal representative wanted to attend but had a conflict. North Jordan Canal sent a letter saying that a representative would be present for the next meeting and possibly for the passing of the resolution.

One of the citizens, John Dye asked that the City form a task force, and the City has taken that to heart. Murray City owns a couple of shares of the North Jordan Canal water that is used to irrigate the Winchester Park Duck Pond, Mr. Hales disclosed.

Mr. Hales explained that the City doesn't have the right to speak for the Canal Company, but the Council would like to know how the Canal Company is responding and if they have kept up with their commitment.

Mr. Hales is acting as the Chairperson currently, but Mr. Nicponski asked that the Chairperson be Mr. Brass. Mr. Brass has experience in this area, and he will take over as Chairperson at the next meeting.

Mr. Nicponski expressed that Mr. Hales had covered the main points and confirmed the fact that the City doesn't want failed expectations. He thinks the most important thing the Council can do is get feedback from the residents relative to the anticipated response from the North Jordan Canal Company. He explained that there are expectations outside of this room, and others may join the meeting. The recipients of the canal water are also interested in the direction that this goes. It is fortunate to have the State Senator, Brian Shiozawa in attendance and the House Representative Johnny Anderson is on his way. The cities are entities of the State. If there is something that is not within the city's purview, sometimes the Legislature can help the cities get what they want. That is why the Legislators have been asked to attend this meeting. It is good to be prepared in case it gets to that level, noted Mr. Nicponski.

Mayor Snarr expressed appreciation to be there and plans on being a good listener.

Mr. Shaver asked the residents if they had seen the adjusters and if they were working well with the residents in the neighborhood. Mr. Shaver asked those to speak up because the meeting is recorded, and please state their name.

Ms. Goodman stated that she had a good discussion with Matt Basham, one of the adjusters. She asked for a timeline on when a determination of liability would be made. Mr. Basham told Ms. Goodman that by the first of next week there would be some answers. Ms. Goodman said she felt like the conversation went well, although she is not fully trusting of any one at this point. Their house and neighborhood has been put in complete distress. Ms. Goodman talked to Mr. Basham about some concerns, including time off from work. She asked what the determination of liability would mean. Mr. Basham said it would not necessarily say that the Canal Company was liable, but that costs would be covered and those costs are yet to be determined. Ms. Goodman said that it leaves her with questions and anxiety. Mr. Basham expressed to Ms. Goodman that he is her friend and will present the damages to the insurance company.

Ms. Goodman said the canal itself is a separate issue and that is why they are at the meeting. The homes and losses are separate; and the adjusters don't have anything to do with the canal.

Mr. Shaver stated that he saw two different issues:

- There is representation that there is reimbursement or a remedy to the damage to their homes. He asked how many are still out of their homes. Someone has to determine what can or cannot be repaired, and come up with a number, and;
- The canal.

Ms. Goodman said that everyone is holding their cards close to them and won't say anything they could possibly be held to. Ms. Goodman said she writes everything down.

Mr. Brown said that the adjusters were in the homes today and he found one in his basement walking around. The adjuster mentioned that he had been in Ms. Goodman's home on Friday. Ms. Goodman expressed desire that the adjusters contact them and let them know when they would be in their homes. She has been trying to get back to work. Mr. Brown said he checks in on the house every morning. The adjuster had asked him who he was when he was in the basement. Mr. Brown told him he was the homeowner.

Mr. Shaver said the adjusters would be cautious because they don't have a real number yet. They have to do more than just look at the damages.

Mr. Brown said the homeowner should be with the adjuster to tell them what was in their home. Ms. Goodman believes the adjusters should make an appointment with the homeowners. Mr. Brown said the adjuster asked him questions about types of countertops, etc. and Ms. Goodman hasn't had the opportunity to tell the adjusters what was in her basement.

Ms. Bell commented that the homeowners should insist on appointments with adjusters. Mr. Brown said that he would prefer an advance call and prepare to be there with the adjuster.

Ms. Mooy said she is distressed as a homeowner and asked if the homeowners signed something giving permission for the adjusters to be in their homes. Ms. Goodman said her house is wide open with no windows or a basement door, as is the Brown's home. Ms. Mooy said something should be done to rectify that arrangement.

Mr. Nicponski asked Ms. Mooy if she had damage to her home. She replied that she has been raking mud daily, but the groundwater issues are getting better.

Mr. Stam asked if there are extra police patrols in the area because the homes are open. Ms. Goodman said she has taken most of the valuables out, and is staying in the RV, 4 houses down, to keep an eye on the house since it is wide open. Mayor Snarr said the best eyes in the City are usually the neighbor's eyes. Ms. Goodman replied that the neighbors aren't living there. Mayor Snarr replied that there are neighbors across the street. He encourages them to ask the neighbors to keep an eye on things. Mayor Snarr said that the officers can drive down there but there will be times that they are called away on business. Ms. Goodman said that she has seen a greater Murray police presence than ever and it has been wonderful.

Mr. Shaver asked if Ms. Goodman received a card from the adjuster. He recommends that she call the company and ask for appointments before they come on the property.

Mayor Snarr said that he has dealt with adjusters in the past. They come with an estimate and a contractor that would do the whole project from top to bottom. That doesn't necessarily mean that you have to use that contractor; you can also take the check and find your own contractor, similar to car repair.

Ms. Goodman said she understands that but is concerned about an earlier meeting they had with: insurance adjusters, the attorney for Arch Insurance Company, Mr. Van King, and the attorney for Kennecott. It was supposed to be a friendly meeting about storm water, but the concern was the Kennecott attorney said that maybe the plat wasn't approved. Ms. Goodman works for a title company and pulled the plat, and it was signed. Then, they said that maybe the properties were encroaching on the easement. Ms. Goodman said that she hasn't received a survey but is pretty sure that that is not true. She left the meeting feeling a little concerned about their motives.

Mr. Nicponski asked about the meeting. Ms. Goodman said it was a meeting mainly to discuss storm water but then evolved into more than that. Mr. Nicponski asked if the canal Company solicited the residents to come to the meeting. Mr. Dye said the meeting was held at his house and he solicited the meeting so that all parties could get together. He said the residents wanted to meet Mr. Van King.

Ms. Goodman said that there was a question because on the Canal Company's website it said the president was Keith Hanson. Keith Hanson has passed away, so Mr. Van King is the acting president. He also maintains the water for Kennecott. That helped clear things up. He is the asset manager for Rio Tinto and acting president for North Jordan Canal.

Mr. Nicponski clarified that David Byrd from Parsons, Behle & Latimer attended as well as Ryan Atkinson, who is the attorney for Arch Insurance.

Mr. Shaver said that usually adjusters won't assume liability but attorneys would define liability. Mr. Dye said that soil samples and case law would determine liability.

Ms. Bell said a major concern she sees is that neighbors do need to watch out for each other. However, there is a canal road right behind the houses that is open and accessible that no one can see. There is no visibility behind that canal or behind the homes; neighbors can be friendly and watch but there is open access there.

Ms. Mooy said she is a very watchful neighbor. A couple of years ago her next door neighbor's house was broken into in the daylight while she was home. It was the opposite side of her home, and she had no idea. She believes the security of those homes needs to be addressed right away.

Ms. Goodman said that the "looky-lou's" are unreal. There is non-stop traffic on their street, possibly shareholders driving by also. She is worried about a boulder falling on someone in their backyard.

Ms. Goodman stated that they have pretty much lost everything. The basement had all of their memories, so a flat screen TV being stolen is not as big of a worry. She does think it is a safety issue and would like to feel secure at night. She said the neighbors tried to kick a Murray firefighter off their property the other night, not knowing he was a firefighter. So, the neighbors are trying to watch as much as they can.

Ms. Mooy said besides the threat of theft, vandalism is rampant also. It is possible that taggers could come in and tag the whole residence.

Mr. Hales confirmed that the neighborhood is seeing an increased police presence. The residents agreed and said there is a lot of traffic currently on the road.

Mr. Pearmain walked in late and introduced himself.

Mr. Shaver asked if there were any more questions about the adjusters or the insurance at this point.

Mr. Brown said that core samples were taken and it would still be a couple more weeks until those results come back. Samples were taken from 7200 South, and around the corner to Winchester Blvd., along the canal road. This is still in the first stages of the process. The samples are core samples taken about 30 feet down, well below the canal service road.

Ms. Mooy asked if they are comparing the core samples to the north side of Winchester Street as well. Ms. Goodman said she believes it was Winchester to 7000 South, and she thought it was just on one side.

Mr. Shaver said that there are the two issues, and the first is making sure the homes are secure and getting the residents back in their homes.

Ms. Goodman said that the disaster clean up guys have been amazing. Mr. Brown agreed and said they really are doing a great job. He said that the HVAC units have been yanked, and water heaters are gone. They are building the boxes for the lower portions of the filter system today, and the HVAC units should be back within the next couple of days.

Ms. Goodman said that her basement entrance door was sitting out and they were trying to install it that night, even without a lock. She said the disaster people are working like crazy, and she hopes that they are getting paid.

Mr. Brown said that as far as the egress is concerned with the basement, everything is still boarded, without windows installed.

Mr. Nicponski asked if the Canal representative talked about stabilization and reinforcement and the timing for these things. Mr. Brown replied that it wasn't really discussed. Mr. Nicponski said he would hope to have that topic covered at the next task force meeting. Ms. Goodman said that is a big part of making the residents whole. Mr. Nicponski said they should talk about reliability and safety.

Ms. Bell said that they go to bed at night and are worried because they are on that canal also. It indirectly affected the whole neighborhood. She was worried when the core samples were taken, if that caused stress on the canal bank. They were pounding constantly on it, with huge trucks going back and forth on it. It seems it must be causing some kind of stress. She doesn't know if it would relate to further problems. She would like the Canal Company to appease the neighbors a bit.

Mr. Nicponski said that Murray's control parameters have been mentioned. He would like some input from the permit expert, Gil Gonzales. Mr. Nicponski asked Mr. Gonzales if Murray City have any process or requirements at all, relative to canal companies. Mr. Gonzales said that the City doesn't have any requirements relative to canal companies, just the subdivisions itself. Geotechnical engineers did a report that addressed many issues. Mr. Nicponski asked if the City engineers would be involved in the rebuilding process of this canal. Mr. Gonzales commented that he couldn't speak for the City engineers.

Mr. Hill said he could speak to that. The City is only involved to the extent that they are allowed to be involved. The City has been involved with the Canal Company in the past. He stated that the City participated in a box culvert that was constructed north of Winchester Street. Murray City was a financial participator in that project. The City was invited to all of the design meetings to meet with their engineers and geotechnical people. The City wasn't allowed to approve the plans, Murray City engineers and others could make comments. The City didn't approve the plan or issue any permits. Murray City doesn't want to become liable for what the Canal Company does.

Mr. Nicponski said he wanted that shared so the residents could get an idea of what the City's span of control really is.

Mr. Shaver said that he heard Mr. Dye reference legislation at the meeting. There is legislation that states that a canal company must meet the criteria, but it is voluntary rather than mandated. He said one of the issues that they are facing now is who has oversight, he noted. Obviously, Murray City does not have oversight, and it doesn't seem like there is strong oversight from either the County or the State. There are specific mandates on building a street, or a home, but it doesn't sound like there is any of that as far as the canals are concerned on the state level, or on the county level. He said he went back to the code to see what the statute said and it doesn't state that anything must be done. Mr. Nicponski said that is not a mistake in legislation. That legislation was attempted to be strengthened, but it was diluted because of the Canal Companies presence on Capitol Hill. That was the end result, he stated.

Mr. Shaver said he agreed but it goes to the issue of this breach; but what about a breach in another location, or part of the State. He said that people can't live in their home in fear; whether it be from a canal or a robbery. Ms. Goodman remarked that she has small children, and had a playground, and a fire pit. It was a beautiful backyard she stated, as were all of the backyards.

Mr. Shaver said part of the issue should be that the government is there to help and protect as best they can. Obviously, the law shouldn't be so strict that there are commandments in everything that happens. In dangerous situations, there should be reasonable protection from whatever the threat happens to be. He clarified that he is not saying that there wasn't protection in the canal breach. Somewhere along the line, there has to be something that says that this would be a reasonable effort to make in providing that protection. He commented that they have talked about the police force and the Mayor made it clear that he would love to have his officers there 24 hours a day, but that isn't going to happen. The City can't afford it, number one. Number two, things happen all over the City, and they would be pulled away. It isn't reasonable to expect that the police force could be everywhere. Reasonable protection is something that should be looked at or adjusted. He said that is a discussion in how to do that; whether it be from this task force, or representatives that are here tonight from the State and County.

Mr. Brown said there is a real gray area between these two entities. Unless it has been in the media, like the Murdock Canal or the Logan Canal, they run fairly unregulated. No one really knows what the other one is doing. Someone can dig a hole and throw water in it; that is not regulated.

Mr. Shaver said as a child he would love to run up and down the canal.

Mr. Brown said there have been improvements made on the other side of Winchester St. The fact that these core samples have been dug on that stretch, leads him to believe that there will be improvements made on that stretch. Mr. Nicponski asked what stretch that was. Mr. Brown replied that it was Winchester to 7200 South.

Ms. Mooy said she is aware of the two issues. The homeowners' repairs; and the immediate canal that is backing Murray Bluffs II. The other picture here is that she would like canals, in general, in Utah to be regulated. She said that there are canals everywhere in this County; near school grounds and residential neighborhoods. She hopes that they can be regulated, so that every breach, small or large has to be discussed. She hopes they can be prevented first. One thing that wasn't clear at the other meeting, was the comment that the Canal Company made about being in business since the 1800's. She said that nothing lasts forever; repairs need to be made and it needs to be taken care of. When she had groundwater, she took precautions and repaired what needed to be done, put in pumps, and then put the house back together. That is what needs to be done with the canal. The valley is growing and people are coming here. The canals are not going away, and need to be regulated. The canals are a hazard and something needs to be done to make them functional but without problems. There are safety issues as well, with small children running around them.

Mr. Shaver said that from the Canal shareholders perspective, a breach costs them money. If the canal empties onto dry vacant land, the company loses money. They would have gained money had that water been delivered to where it was supposed to go. It is not in their best interest to have a canal breach. The challenge is how to balance that for them as well as the citizens. If the water is not going where it is supposed to, then there are problems. If a pipe is broken and the water isn't going to your house, a phone call would be made asking for water.

Ms. Goodman said that a Facebook page had been created and is managed by John Dye. Mr. Dye has made a video of storm water fixes. Ms. Goodman said the dirt is piled up, and it looks like dirt, not sand. She said she realizes that the Canal Company is losing money every day and the company said they are doing a temporary fix and installing a storm water pipe. She said she is scared that they are building it back to fill with water. She asked what Murray's involvement would be in that. She said that the dirt is high and is concerned about rain runoff. Her family had to recently sandbag the entrance to the basement because the water was running in. Her husband filled up over 100 sandbags himself. Her concern is that they are filling it up with dirt and installing the storm water pipe. What if they decide to fill it up with water, what involvement would Murray have, she asked.

Mr. Hill said that is the problem that Murray City isn't involved, even if they wanted to be. Ms. Goodman replied that the City is a shareholder. Mr. Hill confirmed that the City has ten shares.

Ms. Goodman said she would lay in that canal if they start filling it with water.

Mr. Hill said that ultimately it would have to be the State's decision to step in. Not only are there canals in Murray, they are all over the state. This canal goes beyond Murray City limits. The Canal Company isn't telling Murray what the repairs will be, although ultimately they will. Mr. Hill has had multiple conversations with Mr. Van King over the last couple of weeks. He doesn't want to give the impression that the Canal Company isn't talking to the City. They have said that they would like to bring a solution to the City, probably to ask for funding also. He said the Canal Company is talking to the other cities also, but not asking for approval before they put the water in. That is the problem, and Mr. Hill said ultimately it needs to be addressed at the state level. The Logan canal was an awakening for a lot of people, but even as a city, Murray would look to the state to help solve the problem.

Mr. Dye asked if the Canal Company does decide to ask for funding from the City, if that needs to be done before June 4th when the budget is voted on. Mayor Snarr said there can always be an opening made in the budget process.

Mr. Pearmain asked what group ultimately grants approval for water to flow through Murray.

Mr. Hill said that ultimately it goes back to the Utah Lake agreement.

Mr. Nakamura said that water rights are controlled by the State Engineer. It is a multi-jurisdictional issue. Obviously, Murray cannot have any say in regards to the water, as it crosses through Murray and into the other jurisdictions. It is a State issue. He has read some cases and seen some cities regarding the point of diversions; at times that complicates things. Ultimately, it is the State Engineer that controls water. The State controls the Jordan River also. The reason for that is that it is a multi-jurisdictional issue. There can't be differences in city regulations along the way, simply because it is flowing through their jurisdiction. He said that is the intent of the resolution on May 21st, 2013.

He believes that the residents' concerns need to be addressed to the North Jordan Canal, and they need to answer the questions. The City's role in this is to facilitate that discussion and promote answers from the Canal Company. City staff will be watching as the residents ask their questions and look for the responses from the Canal Company. That is what the City can do. That is the intent. The key to this is to have North Jordan Canal Company sitting across the table from you. They are the ones that can give the answers. The difference is that there will be a lot of observers to their responses. It should be a direct communication between the Canal Company and the residents.

Mr. Nicponski said Mr. Hill has been in contact with them and has been the connection. Mr. Nakamura believes that the Canal Company will sit down and hear the questions. Mr. Nakamura said he understands the concerns.

Ms. Hatch stated that she has a home in Bluffs I, directly across the canal. She is concerned that this would happen again. She would like to know what the steps would be to secure this canal. She has learned tonight that the Canal Company does not have any regulations or certifications outside of their own company that they have to answer to. Obviously, this is a major problem. She would like to know what steps would be taken to ensure this doesn't happen again. She said many people have questions as to why a Canal Company that has so much water running through it and can do this kind of damage isn't regulated for

basic safety. She asked why they don't have to answer to the state. She would like to invoke some kind of action by the state to regulate canals.

Mr. Shaver said unfortunately the City Council cannot force the issue with the state any more than a citizen can. Murray is just one part of the multi-jurisdiction. The best resource would be the State Engineer on that level.

Mr. Johnny Anderson said he could have the State Engineer or someone from their office at the next meeting to answer these questions. They may very well play a role in this and in the reconstruction, he stated. Mr. Nicponski commented that would be very helpful. Mr. Anderson said he is hopeful that they will have answers very soon that the canal going through Bluffs I and II is safe. Obviously, it is going to cost the Canal Company money. If Murray ends up participating in that, then possibly the State could participate in that also. Mr. Anderson said that he and Senator Shiozawa could try and get an appropriation in the next legislative session to help. He cannot guarantee it, but he is willing to try. As discussion is happening about regulating these Canal Companies, one of the representatives could run a bill or work with Senator Okerlund and work on strengthening the bill that originated in 2010. Everyone just needs to understand that there are a lot of canals in this state. This is a desert with a lot of irrigation.

These shareholders of the canal companies are major players. Mr. Anderson said that can be a little tricky when running legislation to regulate them; but at the same time, they are people with large targets on their back when citizens tell them that the canal that they own shares of just dumped into their houses. He thinks that the major shareholders are another group that possibly should be talked to. He stated that he realizes that one of the shareholders has their own mess to take care of right now, but the others have plenty of resources. Public relations is important if it goes in that direction. Pressure could be applied during the legislative session. The regulation that is in place only needs to be met if the Canal Company is seeking a loan from their reserve fund. With the right kind of pressure in place, the groups that worked against it in the past may decide to work for it. The pressure has to come from this group. He said costs should be figured out, and the Engineer involved and look to where the money can come from to fix it.

First and foremost, the residents need to be made whole and that canal needs to be fixed. Then, the work can begin to make sure there is something in place to keep this from happening in the future.

Mr. Brown asked if there was any water in the canal past Winchester. The answer was that nothing is moving, just leftover storm water.

Senator Shiozawa commented that Representative Anderson did a wonderful job in terms of articulating how important it is to get the State Engineer involved in this. Water rights is a huge thing. He said that he and his wife just discovered that they have water shares. He agreed with Representative Anderson that first and foremost, the citizens need to be made whole. Then, the other issues could be looked at, such as regulation. He said there are a lot of influences at play, but this gives time to move forward to some regulation. He said he would have a conversation with the engineer about remedies before meeting with Senator Okerlund next week. He noted that there will be enormous pressure on this Canal Company to reopen as quickly as possible with summer coming up. On one hand, that puts you at risk. On the other hand, it gives a lot of leverage.

Senator Shiozawa said he would work with Representative Anderson and appreciates the residents allowing him to come to their homes. He appreciates the opportunity to come to the Council meeting also. He stated that Murray is a great city and would look after its residents at the local level. He said he would call the engineer tomorrow, and he urged the residents to call also, but said sometimes it does help move things along by having an office on the hill.

Mr. Stam offered to give Senator Shiozawa a little ammunition for the bill. He stated that he is in construction and over the last few years, there have been several changes made in building codes. One of the things that a Canal representative might say is that it has been working for the last 200 years without any problems. It should be packed down and more stable, but just like in the building codes, the ground is moving all the time. The big changes in construction recently are changes in earthquake codes. One of the big changes hitting Utah now is called story drift which allows the building to sway. Sure, the canal has lasted a long time, but the ground is moving. Who is verifying that the ground along the canal hasn't moved, he asked.

Mr. Nicponski said he appreciates the comments from Representative Anderson and Senator Shiozawa. They understand what the regulatory authority is. It is also important to look at a proper assignment of liability, so that the citizens aren't getting asked questions from the attorney for Kennecott. That can be troubling when those questions are asked and makes you wonder if you are going to be made whole. He believes that this has been helpful in sharing it with the Legislators.

Mr. Shaver asked Mr. Dye about the Facebook page. He asked what kind of comments he is seeing and how broad the comments are. Is it a local response or people farther out, he asked. Mr. Dye said that it has been purposefully kept small. Initially, he wanted to get the media involved. Mr. Dye stated that he thinks for an effective change to be made, the residents need to know what buttons to push. He would like to keep it insulated, thinking it can also act as their enemy now. The canal and the insurance representatives are now at the table. If they become uncooperative as the residents see it that is when the media re-enters the picture. The residents will fight fair, not dirty. Ms. Goodman said it is a positive page. Mr. Dye agreed it is a positive page and has about 80 members, and is by admission only.

Mr. Nicponski asked the Mayor if he had any comments before leaving. The Mayor responded that it had been a very productive meeting and appreciated all the comments. He believes the City has represented where it stands and appreciates the Legislators coming and their willingness to step up and see what can be done. He thinks that the owners of the Canal should do everything to make it right. It is critical for them to get the water running again and get those resources downstream. He said he thinks there will be a lot more discussion when the Canal representatives come to the table.

Mr. Nicponski said he agreed and believes the Canal owners will not want the negative impact. Once the media gets involved, it gives the Legislators more ammunition when dealing with them on Capitol Hill.

Ms. Mooy would like to disagree with Mr. Dye on the Facebook page. She believes it should have two separate purposes. It has been relatively positive and has been a good thing, but she believes that if there are people not close to this situation reading some of the comments, they may be taken back, especially if they are from the insurance company. She thinks that they need to be very careful with that.

Ms. Mooy remarked that she feels much safer texting and driving, than she does living near that canal. When looking at that legislation and comparing it to her teenagers that don't text and drive because it is against the law, and often sees people older than 21, texting and driving. They are the ones texting and driving, and their age group is not regulated. She asked why a canal can't be regulated. She stood in the water rushing towards her house, where it was ending and said that if she had been 15 pounds lighter, the water would have taken her under. She said that most laws make sense; such as seat belts, texting, driving under the influence. If there is a way to regulate something as violent as water, then it should be done. Things that are controllable are regulated, and things such as water that may not be controllable should be regulated.

Ms. Bell said her concern is that there are a lot of people downstream that want that water and need it for many purposes. They are going to push to get the water running. As Mayor Snarr said, the Canal Company is going to work to get it done. She hopes that they work to get it done properly, and not just to supply the water that is in demand down the road. Money speaks, and even though they may not want bad publicity, that money that will come into their coffers once the water is running. She believes the Canal Company is fighting a double issue here also. They need to get that water going; so will they make sure it is correct or just get it done to get the water going she asked.

Mr. Nicponski stated that they need to do it right. Ms. Bell agreed but asked if they will be able to keep enough fingers on it to make sure it is right.

Mr. Hill shared his experience with the Canal Company. When Mr. Hill has worked with them in the past, they had great engineers and have done a great job. He understands the concern and lack of trust for the Canal Company right now. The Canal Company recognizes this challenge also. He believes that they will do it right and design a system that will be safe. He said that the bigger challenge is the areas that they don't fix. He believes the areas that they fix are going to be fine, but would be concerned with the areas that they don't fix. They don't have the money to fix all the areas, so that concern is still out there. For example, he has had several conversations with residents in Bluffs I that live near where it was repaired. Their concern is whether this repair is going to work. Mr. Hill said he felt confident in saying that the fix would work and what the Canal Company has done is good. Now, the concern is if you live above or below the fix, and is this fix stressing the additional banks. He believes it is a legitimate concern but would say that his experience with the Canal Company has been that they are responsible and believes that they want to make sure it doesn't break again. The last thing they want is to have another break and to have water out of the canal for a period of time. They are doing their best with the resources they have, stated Mr. Hill.

Ms. Goodman asked Mr. Hill how long the repair in Murray Bluffs I lasted. She said she had watched all the trucks going in and out, and it seemed like a fairly short amount of time. Mr. Hill replied that the planning for the project started early in 2012, and it was intended to be repaired when the water stopped flowing, which is usually about October 15th. The repairs were made after that period of time. Mr. Hill said that is correct that the actual repair took a couple of months. Mr. Hill said that in his conversations with, Mr. King realized that there would be no water in this canal for months. He doesn't believe that they want to wait until October 15th to

repair it, but there won't be water in it any time this month. This canal also carries storm water, so there may be water in the canal when it rains. They also don't want the rain water to come out of the canal, so that is the reason for the temporary fixes.

Mr. Brown said that is why he was asking earlier how far the water went down the canal. Mr. Brown believes, barring a 100 year rain, that nothing will flood in that area. Mr. Brown said that no one at this point knows what the engineering would be; whether it be a culvert or a pipe. They are not really sure what to do until the samples are returned from the lab. Depending on what the samples show, they may have to bring in new dirt. There are certain things that you can't do with piping, such as put gravel around it. Concrete is probably the best answer in his opinion. It is still early, he commented. He believes that the repairs that have been done now will last through the storm water. They have also put spill ways in place so the water would be mitigated to a place without houses.

Mr. Hales said that the next step would be the resolution on May 21st. He asked if they would like to set up another meeting with the Canal representatives. He said that Tuesdays work best for some of the staff, especially the 2nd and 4th Tuesdays. Mr. Nicponski said that they could meet on both Tuesdays if there is the need to do that. He said that they could meet on the 2nd Tuesday and see if they need to meet also on the 4th Tuesday. He said he values having the staff here also. Mr. Hales said that it would be best to set up the resolution first before the meeting. Mr. Nicponski said that in order to stay on top of this, they should meet on the 4th Tuesday, May 28th. Then they could plan on the 2nd Tuesday after that.

Mr. Hill said that there needs to be two key people in attendance at the meeting; the Canal Company representative and also the state engineer. Mr. Hales agreed and said they would try and get those people there.

Ms. Goodman clarified the times for the meetings.

Mr. Nakamura said that in order to have a meaningful meeting, representatives from North Jordan Canal Company need to be in attendance. Mr. Hales said that they would let everyone know if the Canal Representatives cannot be there. He believes that the Canal representatives want to attend, and also if Representative Anderson and Senator Shiozawa can get the State Engineer to attend.

Mr. Nicponski said to tentatively mark June 11th as a follow up to the May 28th meeting.

Ms. Lopez asked everyone in attendance to sign the sheet with their email addresses so she can inform them of the next meeting.

Mr. Hales also asked the residents to let their neighbors know about the meeting. He said he has had calls from people in his district asking about the canal breach also. It has had a major impact and people are listening. He is impressed that there has been a lot of recognition.

Ms. Mooy said that she and her husband both work for shareholders of the Canal Company also so they would like to see both sides get involved.

Ms. Bell asked if there could be another Facebook page, and keep the original one more intimate, but maybe get this information out on another Facebook page. She said that if they want people statewide to be concerned about their canals, a good way to get information out would be on social media.

Mr. Shaver said that Mr. Dye made a great point when he spoke about the Facebook page and the timing needs to be appropriate. Right now, the wound is open and sore. He said that the Council can't advise them how to do that but urges caution.

Ms. Mooy agreed that caution needs to be taken also. There have been some negative comments on KSL. Mr. Hales said that comments made anonymously are sometimes amazing. Ms. Mooy said there have been people blaming residents for building near the canal.

Mr. Dye said currently there has been a good dialog right now on the Facebook page.

Ms. Goodman said there is a realtor in their group and could contact the Realtor Political Action Committee and see if that would help. She said this falls under homeowner's rights, and feeling safe in your home. Representative Anderson said to possibly wait and see how the next meeting goes.

Mr. Stam said that he believes the best time to go public with the facebook page would be right before the Legislature starts next year. Mr. Dye commented that they would get exclusives with certain news networks, and they know how to push buttons.

Mr. Stam said that the City is limited in what they can do, but the best thing the City can do is to be here and listen, and the same thing for the Representatives. He believes that the Canal representatives would do a better job when they know that the City and the State Representatives are watching them. He believes that is the best thing that the City can do, is to let them know that Murray is watching them, and want our residents protected.

Mr. Hales thanked everyone, and said this is how it works. He adjourned the meeting at 5:50 p.m.

Kellie Challburg

Council Office Administrator II



**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL INITIATIVE WORKSHOP**

A Murray City Council Initiative Workshop was held on Tuesday, May 14, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Brett Hales	Council Chairman
Dave Nicponski	Council Vice Chairman
Darren Stam	Council Member
Jim Brass	Council Member
Jared Shaver	Council Member

Others in Attendance:

Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Jan Wells	Mayor's office	Mike Terry	Human Resources

Mr. Hales called the Council Initiative Workshop to order at 4:30 p.m. and welcomed those in attendance.

Minutes:

There was no approval of minutes.

Discussion Item

**Medical and Dental Coverage for City Council
Members- Brett Hales and Mike Terry**

Mr. Hales stated this was an idea that he has been thinking about for about seven months. He has had conversations about insurance coverage with Department heads, as well as some of his toughest, most critical residents. He has also spoken with Mr. Zollinger, and has discussed City Council work as a service. There is a lot of time put into the Council Member job. Mr. Hales has researched the idea, with the help of Ms. Lopez and Mr. Terry, with support from the administration.

Mr. Hales said that he first had to make sure that the Council Members would qualify for the insurance coverage, and that was confirmed.

Mr. Terry said that in order to be eligible to participate in PEHP (Public Employees Health Plan) Health Insurance, based on the contract Murray has with them, the rules are that an employee must work 20 hours a week; and/or be an elected official that qualifies with the Utah Retirement System. The

Council Members are all enrolled with Utah Retirement System and all qualify for that based on their salaries; therefore the Council Members are also eligible to enroll in PEHP Health insurance, if the Council chooses to do that and fund that also.

Mr. Shaver asked about the last line on the handout. Mr. Terry clarified that the reason that is in there is that some Cities allow different family members to get on the insurance but pay the premium for certain members. This creates a problem because it dilutes the pool, which usually results in the sickest people joining and the healthiest not joining. The standard they came up with was that the City must pay 100% of the single coverage premium, or 50% of the other plans, so the City is invested into this employee. If a variety of plans are offered; such as two party and family plans, the City must pay at least 50% of the premium.

Murray City currently pays 85% of the premium, but could go as low as 50%.

Mr. Shaver asked if the Council makes the decision to pay the 85% or any other amount of the premium. Mr. Terry said that was correct as long as the City paid the minimum 50% allowed. Mr. Terry said that he wouldn't recommend a different formula, but to stick with the same 85% that Murray pays for all of the employees. Mr. Shaver agreed it would be best not to change the percentage, but just to decide to do it or not. Mr. Terry said that would be his opinion also.

Mr. Nicponski asked about a retiree insurance plan and how that would work if he were to drop that plan and get on this one. Would he be able to take this plan with him if he were to leave the Council, he asked. Mr. Terry said that COBRA insurance would be available for up to 18 months, and would terminate after that. Mr. Stam said that COBRA involves paying 100% of the premium. Mr. Terry said that is correct, and it would only last for 18 months. Mr. Stam commented that with Obamacare, it should be available to take with you and create your own but he is unsure of whether or not that will really happen.

Mr. Nicponski asked about Medicare. Mr. Terry said that Medicare has a 65 age requirement, unlike social security that starts at an earlier age.

Mr. Shaver asked Mr. Brass about his health insurance. Mr. Brass said he has Altius, and it is a group of two. Mr. Stam said he receives insurance through his wife's employment. Mr. Hales commented that he receives insurance through Cyprus Credit Union. Mr. Nicponski said that he has Select Med insurance.

Mr. Terry commented that Mr. Nakamura said it might create problems if the Council decided to do a different plan than the 85% of the premium being paid for by the City. Mr. Nakamura said that the definition of eligible employees would include the Council Members also, so it would be the same percentage share.

Mr. Shaver asked if there was a challenge of having dual insurance. Mr. Terry said that PEHP would be the primary insurance for the employee and the spouse's insurance would be the secondary insurance. The opposite would be the case for the spouse.

Mr. Stam said that his past experience with dual insurance was that the secondary would pay the deductible for the primary insurance, and vice versa. Insurance companies are not allowing that anymore.

Mr. Terry recommended looking at the cost of paying two premiums also, and deciding if that was cost effective.

Mr. Zollinger said that an opt- out payment has been discussed. That would pay the employee an additional \$1200 per year, or \$100 per month if they did not take the insurance. Mr. Stam said he was going to ask about that. Mr. Zollinger said he supports that because the employee is still getting their insurance, and saving the City money at the same time.

Mr. Stam used to work for a company, but didn't take the insurance because he received insurance from his wife. He went to his supervisor and asked that he be paid in wages what he was saving on insurance costs. He received a raise equal to that amount. This would permit those to take insurance that want it but those that don't, would be paid out. This would allow for all the benefits to be the same.

Mr. Zollinger said that gets tricky to make it exactly even, depending on what level of plan the Council Member chose. It would differ between single, two-party and family plans. He said it may be better to choose a certain dollar amount that would be paid out.

Mr. Shaver asked about participation in the other Cities, and it appears to be just the family plan. Mr. Nicponski asked if there is an opt-out plan for all the employees. Mr. Zollinger said currently there is not and they don't receive any extra compensation. It has been a discussion whether or not to offer it to the employees stated Mr. Terry. Mr. Zollinger said he believes it would be a good thing.

Mr. Nakamura said the provision states that "those employees that do not have other health coverage in place" needs to be addressed. Mr. Hales asked if that is a PEHP rule; it doesn't seem to be happening in the City or other places.

Mr. Zollinger said there are a few employees with dual coverage, and thought the opt-out option would be a savings to the City. He said there are examples of two people employed by the City from the same family and the City pays two family premiums. Mr. Terry said it may be hard to enforce not knowing the employee's spouse insurance coverage. Mr. Terry said obviously, the City would be aware of a spouse within the City, and believes they have one couple in that situation.

Mr. Shaver asked if that would mean a questionnaire about his spouse's insurance coverage. Mr. Zollinger said that PEHP would know if they were the primary or secondary insurance. Mr. Terry said that there could be questions if a spouse had the same policy and wanted the spouse employer to pick it up. Mr. Hales said in his experience the insurer has covered both.

Mr. Brass said that when you check into a hospital, you are asked if there are two types of insurance. Mr. Terry said he would check with PEHP on that issue. Mr. Stam questioned if they really want to ask PEHP about their enforcement of that issue.

Mr. Zollinger said that the opt-out plan would still offer the employees insurance, but a little compensation also, while saving the City money.

Mr. Terry said he questions whether that above comment means other PEHP coverage only. Mr. Shaver said that it might imply that the City cannot offer any medical plan other than PEHP. For example, Medicare would be another plan. Mr. Terry said it might mean the City itself doesn't offer any other medical coverage. Mr. Hales believes that is what it means also. Mr. Nakamura said that he would talk to PEHP tomorrow and clarify that rule.

Mr. Brass said he would be interested to look at the coverage.

Mr. Terry said that there are two networks. Advantage care is primarily the IHC (Intermountain Health Care) network. The Summit care network involves such hospitals as St. Marks, Jordan Valley, Pioneer Valley, and the University of Utah. The plans are identical, with the exception of the facilities and providers. Office visits are \$20, Specialists are \$30, Urgent Care is \$50 and the Emergency Room is \$75. Deductibles are not applied to office visits. For hospitalizations, surgeries, etc. the deductible is \$500 per individual and \$1000 per family. After the deductible is met, expenses are paid at 80/20. The out of pocket maximum is \$4000.

Mr. Brass asked about pre-existing conditions. Mr. Terry said as long as there is not a lapse in coverage, there would be no penalty for pre-existing conditions. Mr. Terry said that the break in coverage cannot be longer than 63 days.

Mr. Terry said that starting in 2014 there would be no pre-existing conditions under healthcare reform.

Referring to research on surrounding cities, Mr. Shaver said it was interesting to look at the salary comparison. Mr. Hales said the differences between the cities are amazing.

Mr. Terry said the employees get a steal on insurance. Sometimes he hears complaints, but they really don't know what the rest of the world pays, he commented.

Mr. Brass said that he pays \$700 per month with Altius for essentially the same coverage. Mr. Stam said his insurance was as high as \$1,200 per month. Mr. Brass commented that was for two-party insurance, not single coverage.

Mr. Shaver said it is an issue that should be addressed. Mr. Brass said he would like to proceed with this, as well as Mr. Nicponski.

Mr. Stam said that his one question would be if the timing is good for this. If you look at the total compensation right now, it equals about a 60-70% raise.

Mr. Shaver said that he asked Jackie Sadler, the MCEA President, if she had a problem considering the Council Members as part of the employee base, and she answered absolutely not.

Mr. Hales also has talked to several employees and they had no problems with it either. Mr. Stam said he doesn't believe the Department heads would have an issue, but there are some employees everywhere known as the "grumblers" that might. Mr. Hales agreed and said there would always be a few "grumblers."

Mr. Brass said this is not a pay increase, but just receiving a benefit that the entire City is already receiving.

Mr. Stam asked about the opt-out and asked if that is something that would be done to equalize the compensation. Mr. Brass said that is a topic to be discussed next week.

Mr. Shaver asked if this is something that would begin in July of this year. Mr. Zollinger confirmed that it was and a funding mechanism of \$40,000 to \$60,000 would be required. Ms. Lopez stated that the total amount would be \$64,000 if all of the Council Members were to take the family insurance.

Mr. Hales said that he doesn't feel like the Council is asking for something that they don't qualify for, considering the number of hours that they put in. He has had this conversation with Mr. Stam many times about the hours worked, especially with Mr. Stam's efforts with UTOPIA. Mr. Hales said there may be a few unhappy people but believes the majority would be supportive of this benefit because of the hours the Council Members put in. He said that the City makes sure the money is there for those other deserving employees.

Mr. Zollinger stated that whenever something new is introduced, initially it has to be worked into the budget.

Mr. Hales said that the Council saved \$60,000 in salary, and would have liked to discuss benefits for the Council Members at that time.

Mr. Stam added that the benefit will increase the number of people interested in running for Council positions. This benefit might be enough to get more people interested in serving.

Mr. Brass asked if this should be added to the compensation discussion next week.

Mr. Hales said Open Enrollment ends at the end of the month. Mr. Terry said this would be the best time to add the Council Members.

Mr. Hales thanked everyone and adjourned the meeting at 4:52 p.m.

Kellie Challburg
Council Office Administrator II



MURRAY
CITY COUNCIL

DRAFT

**MURRAY CITY MUNICIPAL COUNCIL
COMMITTEE OF THE WHOLE**

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, May 21, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Brett Hales	Council Chair
Darren V. Stam	Council Member
Jim Brass	Council Member
Jared A. Shaver	Council Member

Excused:

Dave Nicponski	Council Member
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Others in Attendance:

Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Justin Zollinger	Finance
Blair Camp	Resident	Diane Turner	Resident
Ted Eyre	Resident	Jennifer Kennedy	Recorder

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance. He welcomed Susan Gregory from the Heritage Center and excused Mr. Nicponski who was attending the ICSC Convention.

Minutes

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on April 16th, 2013.

Mr. Stam said he had a correction on page 11 of the minutes. He was speaking about being on the finance committee at UTOPIA, not of the City. That correction should be made throughout the paragraph.

Mr. Shaver moved for approval with the recommendations from Mr. Stam in the fourth paragraph on page 11. Mr. Stam seconded the motion. All were in favor.

Mr. Hales thanked the staff that prepares the minutes.

Business Item 2.1

**Heritage Center Accreditation Update-
Susan Gregory**

Ms. Gregory thanked the Council and appreciates the time allotted to tell them about the project going on at the Heritage Center.

Salt Lake County Aging Services asked all of their senior centers to go through an accreditation process. This really involves a self-evaluation of how the Center is performing. Twenty years before, the Heritage Center went through part of this self-evaluation process. The Director preceding Ms. Gregory was a member of the National Organization as a Utah delegate. They worked on this process to try and elevate the standards of senior centers across the country.

The County requires the County senior centers to go through this process. There are three centers that are not funded and operated by the County. The Heritage Center was approached by the County and asked if they would like to participate in this process.

Ms. Gregory thought it would be a great opportunity to finally finish the process and do a self-assessment of what the Heritage Center is doing and make sure they are up to the level of the standards that she would love to see all of the centers in the Country reach. It would help all of the centers lose the stigma that is often associated with senior centers, the idea that senior centers are places to go when you are really old to play bingo. Senior centers are completely different from that and hope that they would agree as they visit the center.

The Heritage Center offers all kinds of programs and services for all kinds of people. They have people in attendance from ages 55 to 100. There is a 100 year old person that comes to the Center regularly, and people in their sixties also. They really do have to meet a wide variety of needs.

The accreditation process has nine standards. Ms. Gregory formed a committee of community leaders or volunteers from the Center to be the outside eyes and look at the Center and its services. Ms. Gregory has put together a document review notebook. The committee has met three times now. Ms. Gregory and other staff have been giving them information for these nine standards. The committee then would review those items for those standards and look to see if the criteria is being met and followed.

The committee would then make recommendations to Ms. Gregory and the staff at the Center. Then, the National Review Board would come in and review the Center and make recommendations, as well.

Currently, the time frame for this process is June. She would like to have all of the information to the committee by next month. They would have a month or two to review the information and make recommendations. Then, any necessary changes would be made in September or October, with the goal of having the process completed by November.

Ms. Gregory wanted to inform the Council of this project. She was excited about the project. It is a large amount of work, but it is really a great review of the processes at the Heritage Center. Hopefully, this will put the Center in the best possible place. She asked if there were any questions about the process.

Mr. Shaver asked about how the committee was chosen. Ms. Gregory said she looked for volunteers or willing people from different areas. Some are volunteers at the Center. Others are from the community. She said that Steve Hirase, the School Superintendent is on the committee, as well as a vice president of Zions Bank, and a gentleman that was the manager of Ultimate Electronics and now comes to the Center. There are members of the Advisory Board on the committee, as well as volunteers. The director of the Utah Division of Disabilities is a member on the committee. Ms. Gregory tried to pull volunteers from different areas of expertise, and find those willing to come to a monthly meeting and review documents.

Mr. Shaver asked how the accreditation would affect the Center. Ms. Gregory believes it would ensure that they are doing the best job they can and a self-assessment to make sure they are providing the best and well-rounded services. It would look at things such as program development all the way to records and reports.

Mr. Brass commented that it is a great facility.

Ms. Gregory said that the County believes the process may bring more money. She is unsure about additional money but believes the process is an assessment in elevating performance. She stated that unless every Center in the Country completes the process, it may not make a difference nationally.

Mr. Brass said the Center is so highly regarded in the valley, but understands the programs speak for themselves.

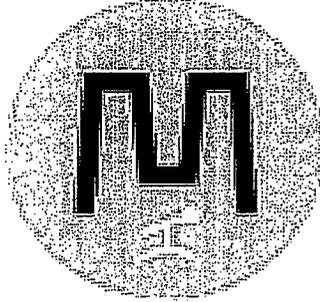
Ms. Gregory said the Council is welcome any time.

The Council thanked Ms. Gregory for her great service.

Mr. Hales asked for any other business announcements.

Mr. Hales adjourned the meeting at 6:13.

Kellie Challburg
Council Office Administrator II



MURRAY
CITY COUNCIL

**Discussion
Item #1**

Committee of the Whole

June 19, 2013

Board and Committee Reports (Five minutes each)

1. Russ Kakala – Trans-Jordan Cities
2. Kim Fong – Murray City Library
3. Jan Wells – Legislative Policy Committee (LPC)
4. Jan Wells – Council of Governments (COG)
5. Jan Wells - Utah Telecommunications Open Infrastructure Agency (UTOPIA)
6. Darren Stam – Utah Infrastructure Agency (UIA)
7. Dave Nicponski – Valley Emergency Communications Center (VECC)
8. Dave Nicponski - Association of Municipal Councils
9. Jim Brass – Central Valley Water Reclamation
10. Jim Brass – Wasatch Front Waste and Recycling District

Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

Council Minutes

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 5th day of March, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Brett Hales	Council Chair
Jim Brass,	Council Member - Conducted
Darren Stam,	Council Member
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative & Development Services Director
Chad Wilkinson,	Division Manager
Pete Fondaco,	Police Chief
Doug Hill,	Public Works Director
Gil Rodriguez,	Fire Chief
Janelle Ericson,	Utah Transit Authority
Patti Garver,	Utah Transit Authority
Scouts	
Citizens	

1. OPENING CEREMONIES

1.1 Pledge of Allegiance- Gil Rodriguez, Fire Chief

1.2 Approval of Minutes

1.2.1 January 22, 2013

Mr. Stam made a motion to approve the minutes of January 22, 2013.
Mr. Shaver second the motion.

Voice vote taken, all 'Ayes'.

1.3 Special Recognition:

1.3.1 None scheduled.

2. **CITIZEN COMMENTS** (Comments are limited to 3 minutes unless otherwise approved by the Council.)

None given.

Citizen comment closed

3. **CONSENT AGENDA**

3.1 None scheduled.

4. **PUBLIC HEARINGS**

4.1 Public Hearing #1

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

Consider an Ordinance amending Section 17.24 of the Murray City Municipal Code relating to Home Occupations.

Staff presentation: Tim Tingey, Administrative & Developmental Services Director.

Mr. Tingey detailed some of the background of the Home Occupation standards are and what the proposal is for. The current Ordinance or City Code allows for home occupations with limited business activity in residential districts provided that they meet a variety of standards. The main focus is that there is compatibility and the use is not detrimental to a neighborhood or residential area. There are certain uses in the current

Ordinance that have been in place for some time that are prohibited as home occupations. Even back in 2007, the City Council revisited this Ordinance and added some additional uses related to construction businesses; were not allowed as home occupations. Some of the concerns related to that were the storage of materials and large equipment and mobilization of work crews. In 2007 the Council modified the Ordinance to not allow for those. Since that time there have been a number of requests and the Council is aware of this. In 2012, there were a number of conversations and the Council requested that staff relook at this Ordinance. Staff is now bringing that Ordinance forward and it has gone to the Planning Commission.

Mr. Tingey explained that what they are trying to do with the Ordinance is to allow for home occupations and an additional number of uses as home occupations. They also want ensure that there are no detrimental effects and that there is compatibility with residential neighborhoods and residential uses.

Mr. Tingey showed a PowerPoint presentation highlighting some of the Ordinance proposal details. He stated that with this Ordinance, the proposal is to allow additional major home occupations. They are defining those major home occupations which are uses that require the client to come to the home or which may result in neighborhood impacts. There are permits for home occupations, including major home occupations and in a process that they need to go through. The uses proposed in the Ordinance as major home occupations are: barbers, consultants, counseling, contractors and home instruction. Contractors include: handyman and landscape or yard maintenance contractors subject to special conditions related to no construction materials or equipment to be stored on-site. There are other similar personal and professional services as well. These are the types of uses that are allowed as major home occupations.

What this Ordinance does is allows an approval process through an application. There are a number of things that would mitigate those potential impacts. There would be limits on the hours of operation, numbers of clients per day, and other conditions to mitigate other adverse impacts. The application would include a complete description of the type of business, a listing of the individuals in the home working for the business, expected hours of operation and the expected number of clients. The main point of the major home occupation is to allow neighborhood involvement. This would require the applicant to get the names, addresses and signatures of all abutting and adjacent property owners stating that they are ok with this type of use. It allows that input up front. If that is the case, there are ten working days in which if they get the application in and meet the requirements and signatures, they can get approval directly from the Community and Economic Development Division. If they cannot get the signatures of all of the adjacent property owners then it can be referred to the Planning Commission and the Planning Commission can make a decision through a public process.

Mayor Snarr asked for a clarification of which property owners signatures the applicant would be required to get signatures from.

Mr. Tingey stated that it would be the abutting and adjacent property owners. Adjacent meaning next door property lines and properties across the street. That is defined in the Ordinance. As part of this, they have defined what prohibited uses are and added additional prohibited uses regardless of their conformance with the other standards of this chapter. They feel that there are still uses that are not appropriate in residentially zoned areas. These are the uses: on-site carpentry work including cabinet making or other similar uses, which is similar to what they have now. They feel that this type of use still has the tendency to expand beyond what would be good for a neighborhood or residential area. Dental offices, vehicle repair, etc. There are a number of these that are still the same. They have also included vehicle sales, limousine or taxi services, sexually oriented businesses and tattooing.

Mr. Tingey added that they have had the County Health Department contact the City. They have seen this Ordinance and brought up a couple of issues. The City feels that the current Ordinance addresses these issues. One of those was that the Health Department felt that in multi-family complexes, the City should not allow salon type uses because of odors. It is already in the Ordinance that would prohibit that. They also had concerns with tattooing. They are fine with the City having it in its Ordinance and may also have it in their own Ordinance, but felt it would be better to define. Those that do body makeup (permanent). From an interpretation standpoint, the City feels that is something that has already been addressed in its Ordinance so they do not need to add that.

Mr. Tingey stated that this went to the Planning Commission and they had two meetings in October and November to discuss this. Their two major concerns were that the tendency of these types of businesses to expand, even though you go through this process, over time they were concerned about the impact on neighborhoods. They were also concerned about the administrative burden for staff on this. Based on that, they recommended denial of this proposal. As they brought this forward, Staff recommended approval to them but the Planning Commission recommended denial based on those concerns.

Mr. Hales asked Mr. Tingey to repeat the concerns that the Planning Commission had.

Mr. Tingey reiterated that the Planning Commission was concerned about the administrative burden that this would cause and they were concerned that some would go through the process but their business would expand anyway and be detrimental to a neighborhood. Mr. Tingey again stated that the Planning Commission was recommending denial and staff had recommended approval through that process. He added that if the Council does go forward and approve this Ordinance; staff would request that it be effective on April 1, 2013 to allow some administrative time to put the applications together.

Mayor Snarr asked if Mr. Tingey felt that this would be a big burden on his department, going out and looking at these businesses to see if someone is stretching the limit of what the interpretation of the law was.

Mr. Tingey said that as far as an administrative burden, without a doubt, it would be more to process these major home occupations. He feels that he has very capable staff that can do that. As far as the enforcement side of things, he thinks that the original reason, in 2007, that it was changed was due to a lot of enforcement issues. When you have enforcement issues they are not the easiest issues to deal with. They have had some since 2007, even in the last year and a half, that they have had enforcement issues on that were construction businesses operating illegally. Anytime you allow something like this you will potentially have more enforcement issues.

Mr. Shaver said that they are asking someone that has a business that would somehow encroach upon with noise, dust, etc. into the neighbors, the City is saying that they have the right to then watch. In the renewal process, because they have to go back for a license every year, are they going to need to go back to their neighbors or is it that once they have signed that paper the City says 'ok, you are done unless we get a complaint'?

Mr. Tingey stated that once they have signed that, the City is not going to ask the applicant to bring new signatures back every year. But if there are complaints then there will be enforcement issues and that renewal will be in jeopardy.

Mr. Shaver asked if there is something in the paperwork that the applicant will sign that says to the neighbor... he doesn't want to make the neighbors become the watchdogs and the City not do the enforcement, but the neighbors have the right to call the City and say that this has gone beyond the mark or we agreed to this, but they are doing X. Is there something in that paperwork that the neighbors sign that will tell them that the City expects them to tell us what is happening?

Mr. Tingey said that was something that the City could add, saying that if there are concerns they can contact the appropriate department. But basically what they would be signing is that they are ok with this type of use, they have talked to the applicant and they consent to having it adjacent or abutting to their property.

Mr. Brass said that he has never found the citizens of Murray to be reluctant to telephone when there is an issue.

Mr. Shaver said that some months ago they spoke specifically to massage, particularly to a specific type of business, Reiki. In this particular Ordinance, is what they did with Reiki also a part of this?

Mr. Tingey said that he believes with the Reiki Ordinance there are only certain areas where they can have that type of business and it is not in a residential zone. They are also required to go through a public process.

Mr. Brass asked about teaching Reiki.

Mr. Tingey stated that under this Ordinance, if they are not practicing Reiki it would probably not apply. There is allowance for educational types of use in home occupations but they have to adhere to all the standards under the Home Occupation Ordinance.

Mr. Shaver asked Mr. Tingey to go back to the contractor's portion of this Ordinance. The top line of the Ordinance, in reference to generating noise, dust or fumes, if they are not generating noise, dust or fumes would that qualify then? How will they measure that? There is a decibel level that says someone is creating too much noise, or fumes or dust, how will they determine that?

Mr. Tingey stated that these uses are prohibited as home occupations. On-site carpentry work including cabinet making for commercial purposes are not allowed as a home occupation. The fumes and noise are some of the reasoning behind that.

Mr. Brass said that he had an individual contact him who makes fireplace mantels. At one time Mr. Brass thought they allowed cabinet making. He views what this man does as cabinet making because it is fine mantels, high end stuff, and he is working alone. It is almost up there with doing furniture work as a hobby. Our Ordinance covers it well enough that if you get permission from all of the neighbors, what would the problem be with doing that kind of work? Equipment now does really well with capturing the dust and sawdust and dirt. There are requirements that they could make but his concern is that a one-size fits all Ordinance doesn't always fit all. He does not want to put someone out of business if there is some way that they can work this. Carpentry is carpentry and is a whole different thing. That is hauling in a lot of lumber and building large things, but smaller furniture items?

Mr. Stam added that he also knows of someone who currently has a business license here in Murray that frames pictures and builds picture frames which could be interpreted as cabinet making or other similar use because he has to have equipment to cut the wood. He currently has a business license to do that. It could fit under the same thing.

Mr. Tingey said that the intent of this Ordinance is compatibility and the concern of detrimental impacts. Some of the concerns with on-site carpentry work and cabinet making means that you have materials. It is prohibited in the Ordinance to store materials and even related to what we have with construction contractors. Bringing vehicles in to take the materials built away into the neighborhood, whether they are large or not, there is more of that tendency for the impacts to adjacent properties to be more. You are building, hauling away and, bringing materials in. In addition to that the noise in these smaller 8,000 foot lots, they cannot have a home occupation in an accessory structure, it must be in the home. If they are in a garage, if they open up the garage in the summertime and have noise, fumes, etc. that is the concern with carpentry and cabinet makings.

Construction type businesses, with the intent that they have in the Ordinance, is if you are a contractor or a handyman you are doing the work off-site. You are getting up in the morning, driving to a location, do your work and come back. You have your business license and do the work off-site. That is something that has minimal impact on the neighborhoods based on what is in the Ordinance. These other businesses cause concern with the potential impacts.

Mr. Shaver said that his relaxation is to turn wood and create furniture. That is how he relaxes in his out building but he is not a business. Sometimes there is that half way mark and that is where his confusion is. Where someone for fun or enjoyment makes furniture for their children. They are still making noise, making dust and fumes but they are not in a business so it is not regulated under an Ordinance. However, there are a lot of people that have the turnings and things and do that from their home in their basements and have the ventilations. When he looks at it there are two things that are happening in his mind and he is trying to find a way to separate it. One is that this is a home occupation in a residence. It is actually a business that is being done in a residence. The idea is that they are saying 'this is a business' that will be run in a dwelling, in a home and the City is saying that they will regulate how that happens.

Mr. Tingey said that is correct. It would not affect someone such as Mr. Shaver who is not operating a business. The City has limitations on the amount of square footage that is allowed within the home for a home occupation. These types of uses would probably have issues related to the additional square footage requirements as well as what types of modifications would have to be made to the interior of that home. There are also limitations within the Ordinance on that. These are all reasons why they don't feel that they are appropriate in this area.

Public Hearing opened for public comment.

Mark Van Dyke, 715 E. Arrowhead Lane, Murray, Utah

Mr. Van Dyke said that he wanted to know if he could have an office in his home. When he wrote down 'carpentry and sales' on the application as the business type, it was denied. He has no intent to run any business out of his house. He doesn't want employees at his house he doesn't want to store materials at his house he only wants to have his office there. That is all.

Mr. Van Dyke asked if there is any way to get there without having to go through what they are looking at now.

Mr. Brass stated that Mr. Tingey will answer that question when the public comment is closed.

Public Comment closed.

Mr. Tingey said that if they are talking about an office only, to get a business license to have a home occupation office only, that is something that can work. If they are talking about on-site work, where it is carpentry work at the home, under this Ordinance it would not work.

Mr. Shaver agreed, but said that the issue for Mr. Van Dyke is that as he does carpentry work and when it is listed on the forms, it is an automatic denial.

Mr. Tingey stated that if it is defined on the application as a home office only, it is something that he feels they can make work under the Ordinance.

Mr. Van Dyke stated that he now carries a DBA in West Valley City because he could not get a license here in Murray.

Mr. Shaver recommended that Mr. Van Dyke speak with either Mr. Tingey or Mr. Wilkinson and they can address how best to fit that particular issue for him and figure out how to have his office at his home address and get out of the DBA. That way he can continue to do the off-site carpentry and have his office at his home.

Mr. Wilkinson said that was a very technical question and that his staff is amazing at technical questions. He encouraged Mr. Van Dyke to come in to the office during office hours and if this Ordinance is adopted they can discuss what needs to be done to work out the next steps. The Business License staff can help him with this issue.

Mr. Brass said that he would hate to see them put someone out of business and kill their livelihood, such as the mantle guy. He feels that much in this Ordinance would protect that and what he does. Mr. Brass does not foresee large truck loads of lumber being brought in for this business, or hauling off mantels. When Mr. Brass was with Planning and Zoning, they didn't allow violin making in the CDC. They had someone who wanted to make violins and they created an ordinance that covered that. They have been flexible for people who are genuinely trying to do a good thing and he feels that the City can protect itself on something like this. He would ask that they rethink the term 'cabinet making' or see if they can find a way to make it work. If the neighbors say no, then it is done. If he goes to Planning and Zoning, they say no. The outbuilding part of it would be a problem for this particular person so maybe there is no way to do this and he understands that. He is just reluctant to put somebody out of business.

Mr. Stam said that Mr. Brass is bringing up the same point with the guy that does frames. This person makes three or four frames a year, mostly for friends, but he got a business license so that he could sell them. Does that fit under the cabinet making or carpentry? Would this put him out of business?

Mr. Shaver stated that according to this Ordinance it does.

Mayor Snarr asked about someone who makes knives?

4.1.2 Council consideration of the above matter.

Mr. Shaver said that it seems to him that there are enough questions on a couple of points that they may want to either pass this and amend it later or just wait.

Mr. Brass agreed. They need to do what is right for the whole of Murray. They have 45,000 citizens and they all recognize that a decision made for one could impact others negatively and he wants to avoid that. As a City they have always been good at trying to find a solution where they can. At this one he is at a loss.

Mr. Stam asked if the man who makes the mantles has a business license currently.

Mr. Brass said that he does have a business license and is in a leased space off of 4800 South that he can no longer afford. He has let all of his employees go and is down to just himself. He is trying to stay in business.

Mr. Stam said that the guy he is talking about does have a business license to do it at his home and this may impact him.

Mr. Nicponski asked if they would postpone any action pending an amendment being drafted to address these issues.

Mr. Tingey clarified that with the individual who already has a business has probably already gone through the process. Whether it was non-conforming or not he is probably not going to go out of business if he has a business license. There is potentially a non-conforming element there. The second thing is that it comes down to the carpentry work. If the Council wants them to relook at it and have the vote postponed, he is fine with that. The reasoning behind that is their concern with construction businesses needing to be off-site. Carpentry businesses can have employees through this home occupation process that can come on-site. The amount of equipment that they have, the amount of materials that they may provide is a concern. It may only be one piece of furniture that they are shipping out, but no one knows. It could be more and there could be impacts within the interior of the building which wouldn't meet the standards of this and it could be detrimental to the neighborhood. Those are the issues. They are saying that construction businesses can be there but the work needs to be off-site. These types of businesses have the tendency to grow and that is their concern. They would be happy to look at this again if the Council wants them to.

Mr. Stam asked if part of the problem could be eliminated by putting a dollar amount on the amount of work being done at the home.

Mr. Tingey said that a lot of that is by the estimates that the applicant provides and it would be difficult to enforce that. They could indicate how much they may earn and then it could expand significantly if their business is successful.

Mr. Shaver asked about the line referring to “pronounced tendency” to expand, grow or go beyond the limits that is allowed for homes. That is where the grey area is. As the Council began to talk about it, there is greyness to it and is not clearly defined. Mr. Shaver again read from Ordinance: “regardless of the conformance with the other standards of this chapter” and that is what they need to address.

Mr. Shaver didn’t know if he needed to make a motion or if they could have a discussion that says if the Council passes this particular home occupation proposed Ordinance and make those changes that it is something that they can come back and address for the specifics such as they did for the violin maker that Mr. Brass discussed.

Mr. Brass said that personally he is comfortable with that. The mantle maker has a sense of urgency because finances are getting tight but again, they need to do what is right for the City first and try to address this secondly. We are in interesting economic times and depending upon which newspaper you read it is either going to get better or get worse. That is why he quit reading the papers and goes out to spend his money and try to get the economy to turn around on his own.

Mr. Nakamura stated that the drafting of ordinances has general applicability and when you use words like ‘carpentry work’ it does have general applicability. He does not try to address a very specific situation or specific business. That is what is going to be the difficulty. He feels that the issue here will be that they will need to make another policy decision. If what Mr. Tingey is saying is that this issue regarding dust and fumes is a policy decision and not an issue for the Council, then it certainly changes things. He does not want to get into a situation where they are carving out exceptions to words that apply to very specific situations. They have to draft Ordinances that apply across the board. By doing that it ultimately creates some problems when it is applied to others. Mr. Nakamura wanted to caution the Council on that. He thinks that they can go back and look at the wording but it is really not that easy when you are using terms that apply across the board.

Mr. Brass stated that he understands that. He lived the dream of Planning and Zoning for three years. They are saying that pronounced tendency once started, rapidly increases beyond the limits permitted for the home. They can put wording in to prevent that by saying that if they go beyond a certain limit they are out. He would be comfortable passing this Ordinance as-is if the Council chooses to do that. He can sit down with Mr. Tingey and others to see if it is possible. He also understands the other side of that as well.

Mr. Hales said that he is a little uncomfortable passing this Ordinance and then going back. If the rest of the Council is comfortable with it that is fine but he feels that there are still a lot of questions still and feels they should get everything fixed first and then pass it.

Mr. Nicponski concurred with Mr. Hales. He would like to ask Mr. Tingey to research this and perhaps Mr. Brass could be more specific in what his expectations are and then the Council can go from there.

Mr. Brass said that if the Council is concerned about that one item in the Ordinance as he stated and he appreciates their support but they shouldn't be. He feels that this is a good Ordinance and he does not want to hold up the entire City or other people based on that one use. He appreciates the support though. If the Council is concerned about other parts of the Ordinance then they absolutely should take a look at it and wait but if it is for the cabinet making versus others he will work that out.

Mr. Stam said that he received a call from the person who makes the frames and granted, he is grandfathered in, but if someone else wanted to start making frames in their garage for friends and wanted to do it legally and right they would not be allowed. He can see both sides of that and feels that there is a limit on how much carpentry work can be done. He doesn't know if they can do it by putting in a dollar amount that is done during a year or how else that could be regulated.

Mr. Brass said that they are currently limiting how many hours in some pieces of this Ordinance can work. He finds it ironic that they mention fumes specifically for carpentry/cabinet making and then the Health Department is concerned about fumes for hair salons. He gets his hair cut in a hair salon and some of those fumes will drop you to the ground.

Mr. Shaver concurs with Mr. Brass. He feels that they are looking at a specific portion of the Ordinance. The overall Ordinance and its objective is well stated and well placed and he would like to see the Council move forward with it tonight. They can deal with each of the issues as they may arise as a City. As Mr. Wilkinson stated it is adequate and they have marvelous staff to deal with each of these issues and they can do that. If there is something that they need to address at a later date, and they always do have things come up, they deal with those the best that they can as a City and as staff. He thinks that they should move forward with this.

Mr. Brass stated that there are other people who would like to conduct business that would be held up by this and he does not want to stretch everyone out.

Mr. Tingey stated that if the Council is moving forward with this he is going to request that the implementation date for this is April 1, 2013. He wanted to be clear that the carpentry businesses would not be allowed per this Ordinance. If it is for an office only with no carpentry on-site at all, that would be allowed.

Mr. Shaver made a motion to approve the Ordinance, implementing it on April 1, 2013.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Shaver
A Mr. Hales
A Mr. Nicponski
A Mr. Stam
A Mr. Brass

Motion was approved 5-0

5. **UNFINISHED BUSINESS**

5.1 None scheduled.

6. **NEW BUSINESS**

6.1 **Consider an Ordinance amending Sections 5.04.280, 5.08.010, 5.08.030, and 5.08.070 of the Murray City Municipal Code relating to Business License Fees.**

Staff Presentation: Chad Wilkinson, Division Manager

Mr. Wilkinson showed a Power Point presentation and explained that about a year ago the City began the process of looking at the business license fees. Part of that was reviewing the business license late fees. One of the things that he really had a desire to do was to look at the processes and ways that they can be more business friendly. One of those was to look at the late fees and the practices that they have had in the past. They wanted to find a way to try to help businesses in Murray to thrive. That is the purpose why they are here tonight.

Mr. Wilkinson said that the business license fees consist of two components. One is the base license fee which is \$100.00 plus \$6.00 per employee. In addition, a lot of the businesses have a regulatory fee such as hotels, motels, storage units, sexually oriented businesses, businesses requiring alcohol permits for those types of businesses. Multi-Family businesses have a regulatory fee as well as a whole list of other business uses that have regulatory fees.

Under the current ordinances and policies that have been followed for quite some time, they calculate the late fees using both the base fee and the regulatory fee. As an example, a general business office that had three employees would currently pay about \$59.00 for a late fee if they were between one and thirty days late on their business license renewal not having any regulatory fees. With a mini-storage, where we charge a per-unit regulatory fee, if they had a 200 rental unit facility with three employees they would pay a late fee of \$259.00. As they looked at this they did not feel that this was equitable. There really isn't any other impact as far as late fees that is any greater for a mini-storage facility than there is for a regular business facility.

Mr. Wilkinson stated that they are proposing the late fee be based only on the base fee and not the regulatory fee for all businesses. The per employee fee would be taken from the base fee calculation and moved to the regulatory fee calculation. If this were to be adopted, both of those examples in the one to thirty day late category would be \$50.00. He wants to be very clear that for businesses that are operating without a license, or businesses that go beyond that 60-day renewal, they would still charge the 100% of regulatory and base fees because they are really trying to capture the time that business has been operating without a license. That would not change for a business that simply was operating without a license or goes beyond two months in renewing their license.

The second thing that they are trying to do is have the ability to waive late fees. They receive a number of requests each month to waive those fees. One of the primary reasons given for that is that the business had it date stamped or postmarked for December 29th and it didn't arrive to the City until January 5th, can you waive the late fees. In the City's current policies we do not accept post marks as timely payment but they are sensitive to the fact that there is no control over the mail system by the City or the applicant. They want to meet people halfway on this issue. They are proposing that they have a waiver of late fees if that renewal is received within ten days of the expiration date. After that the same late fee of 50% would apply for renewals. Mr. Wilkinson emphasized that the expiration date does not change with what they are proposing. There would be no grace period for the grace period. Once that grace period expires that late fee would immediately be assessed.

Mr. Wilkinson stated that in regards to refunds, the City Code is very specific in stating that the City does not process refunds. Fees paid for business licenses are non-refundable. One of the things that the City has run into is with businesses, especially those who are requesting an alcohol license which requires State approval they sometimes do not get that with the number of limited licenses available with from the State. Sometimes the State comes back and says they cannot give them a license now. Under current policy that entire fee would be collected and not refunded. What they are proposing is that the regulatory fees would be refundable. The base processing fee to run the application through the City divisions would not be. All of these changes being proposed are to try to work with businesses and come to some reasonable changes that will hopefully create that business-friendly environment they are shooting for.

Mr. Hales asked if the Code allows for someone in the department to waive fees if they deem necessary.

Mr. Wilkinson stated that they do waive fees from time to time but he doesn't think that there is anything in the specific code language that states that they can waive the fees. It does say that some of these things are up to the discretion of the License Administrator but there is no specific language on waiving of late fees. From time to time they do have legitimate reasons. If they have someone that can show evidence that they honestly tried to make their payment on time and because of some mechanical or electronic error or something they can show is legitimate they have waived the fees. They try to work with

people. They have noticed that everyone sees their reason in equal standing. The person who is 25 days late sees themselves as timely as the person who is five days late. That is where they need to come up with some consistency and administer it that way.

Mayor Snarr said that if a person is deployed in the military and had a business that they had to walk away from because they had an obligation to the National Guard or are enlisted reserves. If they are in a deployment situation putting the business in a temporary hiatus and then come back, they are late. Are they going to give those people a bit of slack?

Mr. Wilkinson stated that they would certainly work with them on something like that.

Mr. Shaver said that goes back to what Mr. Nakamura was saying earlier. There is a general application and the City has good people that can deal with the specifics.

Mr. Stam made a motion to adopt the Ordinance.

Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Shaver
A Mr. Hales
A Mr. Nicponski
A Mr. Stam
A Mr. Brass

Motion passed 5-0

6.2 Consider an Ordinance amending Chapter 2.66 of the Murray City Municipal Code relating to Elections.

Staff presentation: Jennifer Kennedy, City Recorder

Ms. Kennedy said that the two major changes in this Ordinance are due to legislation that was passed in 2012. The first major change being that in a year where there is a Municipal Election, the City is now required to post on or before February 1st, a notice that identifies what offices will be up for election and the filing dates for candidacy. The second change moves the filing dates for declaring candidacy from July 1st - 15th to June 1st - 15th. The other changes that are being made are so that our Code will better match up to the State Code.

Mr. Shaver made a motion to adopt the Ordinance.

Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Stam
 A Mr. Brass

Motion passed 5-0

6.3 Consider an Ordinance amending Section 13.08.050 of the Murray City Municipal Code making technical changes necessitated by the recent amendment to the Water Connection Impact Fee Schedule.

Staff presentation: Fran Nakamura, City Attorney

Mr. Nakamura stated that in a prior City Council meeting the City Council changed the way we calculate the water connection impact fees. Prior to that change, you had the formula that relied upon EDU which required different factors in terms of the calculations and could be challenged and we could be making a calculation mistake. We allowed an appeal process. Subsequently we changed that Ordinance and changed the way we calculated the connection fees basing it purely on pipe size and no additional factors. Because of this there is no need for an appeal process. Mr. Nakamura apologized that this was not caught in the amendment with the changes to the Water Connection Impact Fee Schedule. They are asking that the Council make that change. There is no need for the appeal process and this amendment takes that out.

Mr. Nicponski made a motion to adopt the Ordinance.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Stam
 A Mr. Brass

Motion passed 5-0

6.4 Consider an Ordinance enacting Chapter 12.29 of the Murray City Municipal Code relating to No-Fault Golf Ball Claims.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura said that the City did at one time have a no-fault golf ball claim ordinance which was repealed. The Attorney's Office has always indicated that the City is not liable for stray golf balls off the golf course. They do get these claims and they have decided, in talking to Doug Hill, Director of Public Services, that the City should implement a No-Fault Claim program similar to what we do with water breaks. In other words, the City is not liable for water breaks but from a public relation standpoint in dealing with these issues they do have a No-Fault Water Break Program as well.

This no-fault program would pay up to a maximum of \$300.00 per claim. Usually these golf ball claims are when a golf ball hits a vehicle on the Interstate or roads. This would have a maximum of \$1,000.00 per incident if several cars are hit. This is reflective of the deductible on many auto insurance policies. This would be subject to annual appropriation of funds and it does have provisions regarding if there is insurance coverage as they will not double cover if there is. If they find the golfer who is at fault they will go after that golfer for the costs of what is paid out. This is a no-fault program with \$300.00 per claim.

Mr. Hales asked if this is something that the City is changing.

Mr. Nakamura reiterated that the City did have this in place at one time but eliminated it because the City's position was that they are not liable, but from a public relation standpoint they are changing it.

Mr. Hales asked how many claims the City gets on this issue.

Mr. Nakamura stated that the City gets ten or twenty claims a year.

Mr. Brass said it was amazing how far some people can hit a golf ball and it is generally not straight down the fairway. You might expect it if you are living next to the golf course but not two neighborhoods away or on the Interstate.

Mr. Nakamura said that there is the driving range and for some reason they do get through that somehow.

Mr. Stam asked if there is any cost to the City right now when somebody tries to file a claim.

Mr. Nakamura said no, it is purely public relations. No one has filed lawsuits against the City.

Mr. Stam said that every time somebody brings a claim forward, the Attorney's Office still needs to spend time on that so there is a financial impact administering it.

Mr. Nakamura agreed and said that even with this Ordinance they would still need to go through a process to verify the claim. There are time elements to this but it is still more of a public relations item rather than arguing whether or not the City should pay.

Mr. Stam asked if at the bottom line, in the end, will it save money with not having to deal with issues or is it a wash.

Mr. Nakamura said that it is a wash, but it is big public relations. Their experience is that a lot of the other cities and County golf courses have that program. This is not unique.

Mr. Hales made a motion to adopt the Ordinance.

Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Shaver

A Mr. Hales

A Mr. Nicponski

A Mr. Stam

A Mr. Brass

Motion passed 5-0

6.5 Consider an Ordinance amending Section 3.10.370 of the Murray City Municipal Code relating to evaluating the Lowest Responsive Responsible Bidder for building improvement and public works projects.

Staff presentation: Dave Nicponski, Council Member

Mr. Nicponski read an excerpt from the Ordinance. *In order to assist in the determination of the lowest responsive responsible bidder, the City may establish criteria relating to financial strength, performance, integrity, liability and other factors to assess the ability of the bidder to perform fully and in good faith the contract requirements. The City wants to establish certain criteria in addition to the existing criteria in order to encourage responsible business practices and social responsibility. The City Council finds that bidders who would qualify would provide its employees with adequate healthcare insurance and job training, has a policy of non-discrimination, has a drug and alcohol program, a policy to recruit veterans, and has a safety program which will provide better quality work for public works and building improvement projects. Further, the general welfare of the community is enhanced if the City encourages the program. The City Council finds that the adoption of this Ordinance reasonable for the health, safety and general welfare of the citizens of the City by encouraging responsible business practices and assisting the City in determining the lowest responsive and responsible bidder.*

Mr. Nicponski said that basically encapsulates what they are trying to accomplish here.

Mr. Brass added that they have had a couple of Committee of the Whole meetings on this.

Mr. Stam said that he had a couple of concerns that he needed to bring up. He declared a conflict of interest. He had spoken with Mr. Nakamura who informed him that this is not a direct conflict of interest and Mr. Nakamura feels that Mr. Stam should still vote on it, but he wanted to declare a conflict of interest as this could directly impact his ability to obtain work here in the City. It also creates concern for him in that being in the construction field and the people that he does business with, there are many contractors and subcontractors that he is aware of, both in and out of the City, that would not be able to be recognized or to have the ability to perform work in the City based on the way this is written. One of the concerns that he has is that he does not want to see that work leave the City and go outside the City or the State because someone does not qualify.

Another concern that Mr. Stam has is being in construction and going through the training program that he has, he was taught that every line that he puts on the page needs to have a reason for being put on that page. Getting onto the Council and having his duties explained to him he was told that with every vote that he makes he needs to make sure that he is stating the purpose behind the vote to state for the record why he agrees or enacts the change. Going back to a couple of the lines that Mr. Nicponski read, it says that the City Council find that bidders who provide its employees adequate healthcare, insurance, job training, policy of non-discrimination, drug and alcohol testing program, a policy to recruit and hire veterans and has a safety program. Although he has no problem with these because he does believe these are good practices for those companies that can have these things, his company personally cannot do that. One of the concerns that he has is that he doesn't think our City is in the business of providing social services. The State is in the business of providing social services, not the City. Where it says that the City Council finds...he is not sure that meets his personal understanding of what he thinks it is going to as it is stated further 'provide for the general welfare of the community and enhance the City.' His goal as a City Councilman is to do those things that affect the general safety and welfare of the citizens and he is not sure that this Ordinance does or reflects his opinion on what is positive for the welfare of the citizens.

Mr. Nicponski asked Mr. Nakamura if at one point they had talked about dollar limits and classifications.

Mr. Nakamura said that through different meetings such as the Committee of the Whole they have defined what this covers. That would be Public Works projects. The bid limits have a formula but they estimate it to be about \$160,000.00 projects. They made a few changes in the Ordinance to make sure that they are not covering supply contracts which was an issue that was a concern to the Power Department so it is somewhat narrow.

Mr. Nicponski stated that these would be substantial contracts. It is not a requirement but simply provides a way to preference those bidders on these major contracts.

Mr. Stam understands that point, but it does say at the top that if the City determines to proceed with the building improvement or public works projects, then the City *must* enter into a contract for the completion of the building improvement or public works project with the lowest responsive responsible bidder. That is telling us that we have to pick that bidder. We are putting in an Ordinance or rule that says this is where it has to come from.

Mr. Brass said that the next line says 'that in order to assist in the determination of the lowest responsive responsible bidder the City may establish criteria relating to financial strength.' If may were must he would have concerns.

Mr. Nicponski said that there is some flexibility here.

Mr. Shaver said that because there is a may and a must in there, he is confused as to how those two work together.

Mr. Nakamura explained that the term is the lowest responsive responsible bidder. There is a criteria that is used in the Code. He likes to analogize it in an employment manner where you are hiring and there are minimum qualifications. We have a whole list of criteria that we must go through that is provided in another part of the Procurement Code as we evaluate and review contractors. What overlays those criteria is the preference points. In employment you have minimum qualifications and they have preference qualifications. That is when those come into play. Once you determine using the evaluation criteria and the preference points, they do expect you to enter into an agreement with the lowest responsive responsible bidder. You are going through all of these evaluation processes and overlay the preferences and you aren't going to go through all of that and then say you are not going to hire the lowest responsive responsible bidder. You do have to award that contract if you are going to award it. It is possible that they don't meet the qualifications at all. It does say 'must' and that goes to the 'must' provision.

In regards to the 'may' provision, in regards to the way that you deal with the preferences. We are granting discretion to the procurement department and others involved in awarding that contract. If Public Service is involved, they can determine what those preferences are, what weight is given and how you apply them. That is a 'may'. A 'may' is how you want to use it, giving discretion on how you want to apply those preferences. Again, like an employment matter, there are minimum qualifications and then there are the things that you want to see what the additional experience brings and you evaluate that.

Mr. Hales asked if they have someone who has all the qualifications but they say that they would prefer someone who has experience they can choose that person. That is something they do with applications at his work all the time.

Mr. Nakamura said that is not a direct analogy because we are, in advance, deciding the weight of those preferences. Mr. Nakamura is saying that they would prefer a certain type of experience and they will weight it a certain way. You have to go through the evaluation process based upon the bid itself, can they do the work, can they financially handle it, etc. You have to go through all of the criteria first before they get to that point.

Mr. Nicponski emphasized that they are talking about projects that are \$160,000.00 or greater.

Mr. Brass asked if he is understanding this clearly. The City must take the lowest responsive responsible bidder now. By that, the low bid of somebody who is qualified to do the work, is skilled to do it is how we handle it now.

Mr. Nakamura said that is correct but it is not based solely upon the bid price.

Mr. Brass said that the 'may' part is the additional criteria that the City may or may not use to determine who that lowest responsive responsible bidder is.

Mr. Nakamura said that they use the criteria but it is how it is weighted. The City might give those criteria very little weight or a great deal of weight.

Mr. Shaver said that if they have a qualified health program and don't do testing and the health program carries more weight than the testing, the City then has an option of rating these things and if they are more interested in one weight over another they can then chose the one that meets those criteria.

Mr. Nakamura said that the whole purpose of the Ordinance is to advance some of these issues so that they are out there encouraging these veterans programs, the healthcare, etc. With all things being equal with very close competitive bids, these factors are going to determine who you are going to award that contract to. The City is advancing these issues which may be social types of issues, but you are advancing these and it is based upon a finding and by doing that the contractors that the City is working with are better. In the end, these contractors are providing better work to the City. That is the whole purpose of this Ordinance.

Mr. Hales addressed Mr. Hill. Mr. Hill and Mr. Haacke were in the Committee of the Whole meetings where this was discussed and they did not seem to have much heartburn over this issue. This was asked several times and it did not seem to be a big issue.

Mr. Nicponski said that these are benefits that the City encourages itself to provide.

Mr. Hill said that speaking for himself, the challenge is to separate your own personal opinion versus how is it going to affect the City and the work. Although he may have his own personal opinion whether this is a policy that he feels the government should be doing, it is a call for the Council to decide since they are the ones who have to set the policies. If they feel that they want to advance and promote these preferences such as

companies that have health insurance, non-discrimination policies and so forth, then they as a City can live with that. They pointed out that it will have an impact on some things that we deal with in this City. At the end of the day, if the overriding policy is that this is something that is important to the City and they want contractors that provide health insurance and so forth they can live with that.

Adopting this Ordinance is going to potentially have an impact. He is not going to say if that impact will be positive or negative because they don't know that but it will have an impact on who they are selecting as contractors, whether or not they are the lowest bidder, etc. In theory, could it cost the City more? It is possible but we don't know that for sure as there are contractors that may be the low bid that still provide all of these preferences. On the other hand you may have somebody who doesn't provide these preferences that did provide a lower bid but we are not able to use them because they don't have all of the preferences. He thinks that they can always make the argument that this could potentially cost the City more money. You could make an argument that it could, as Mr. Stam pointed out, prevent some contractors or sub-contractors from getting the work or bidding on the program.

The overall policy is that we want to have contractors that provide these benefits and you could get better contractors because you are screening out these others that perhaps are not providing these benefits to their employees. Whether they have concerns or not is a difficult question to answer. He feels that this is more of a policy call and whether or not the elected officials want to go in this direction. If they do, the employees are capable of working within that framework.

Mr. Shaver said that there is a difference between a policy and an Ordinance. They can set a policy for the issues that they want to be able to say. If you take the last paragraph of this Ordinance, beginning with "The City Council finds..." that is a policy. Whether it becomes part of the Ordinance or not is where his question is. They can establish policy that says that they want contractors to do X, Y, and Z, without making an Ordinance. This is in an Ordinance and he would like to know if they, as a Council, are saying that this is an Ordinance or can they say that they would like this to be a policy for when they do bids. Whether they want to set a time or money limits on it for them to participate, do they want to make a policy decision that says they recommend this as a policy for the City or are they saying that they want this to be an Ordinance that becomes binding. In his mind, that is the decision that he is trying to make.

Mr. Nicponski stated that this is consistent with the City's Mission Statement and that is why he is advocating the Ordinance.

Mr. Brass sees where Mr. Shaver is coming from but the use of 'may' in saying that the 'City may establish criteria' covers that. We are making a good statement without saying that it has to be done. It gives them flexibility. Maybe the best contractor out there who can do the best work doesn't do all of this stuff and that word gives the City the flexibility. He deals with OSHA who has some very strict rules now regarding the utility lineman, and there is a big difference between must and shall or shall and should. In laws

it is funny how little words make a huge difference. Mr. Brass feels that this makes a good statement. Health insurance is becoming more and more important and is something that makes a difference. Ironically, it won't matter because everyone is going to get health insurance anyway.

Mr. Nakamura said that it is a policy call. There are no conflicting interests here. He pointed out that this is narrowly crafted to large contracts with companies that have more than one or two employees. He understands that there is a sub-contractor issue. It has to be equal to or less than 104% of the lowest bid price or within \$50,000.00. It is a public works project, does not include supply contracts. They are really trying to narrow this down to balance the different competing interests that are involved here. All of these interests are what everyone is saying, they are competing. The Council has to decide which outweighs the other.

Mr. Stam asked for clarification on what Mr. Nakamura just explained. If there is a project that is going to cost \$2.5 million, the lowest bidder comes in and it is greater than \$50,000.00 less than the company that provides all of these preferences, they can still go with the lowest bidder? If Mr. Hill has a project and has experience with several contractors, and he chooses that he is not going to weight any of these items in his choice of contractor he could eliminate all of them. By the use of the word 'may' if he wants to hire a contractor that does not meet any of these items, he could weight these as a zero and give that contractor the bid if they are low.

Mr. Nakamura said that Mr. Hill could weight the items at a zero, but the intent is that these preferences are criteria. He could weight them low, but Mr. Nakamura would advise against weighting any of them at zero. They have to be considered and that is the purpose of the Ordinance. There is the recognition that these factors have to be considered. How they are weighted would be up to Mr. Hill, but to weigh them at zero is just discounting them as non-factors.

Mr. Nicponski suggested that the Council gets this rolling and if they see a need for an amendment they can always come back to it.

Mr. Tingey said that on the weighting issue, it would be the procurement officer from Administrative and Developmental Services and that weighting would not be zeros. There would have to be a weight, some type of equitable formula that would be in place on how they would weight these. The way that he understands it, the determination would have to be based on that weighting and who gets the higher points.

Mr. Shaver asked if a department puts forward an RFP or bid, that department is the one proposing that bid and sends it out, is it the department who does the weighting or would it be through Administrative and Developmental Services?

Mr. Tingey stated it would be the procurement officer who did the weighting. Currently, that would be Brent Davidson and Jennifer Kennedy would be a part of that as well. Obviously, they work in these bid processes with the departments, they are heavily

involved. As far as the selection process, the departments are significantly involved in that process. The weighting would occur and a determination would have to be made based on if it comes within that \$50,000.00 range.

Mr. Shaver said that in the selection, both the issuing of a bid for a contract or work to be done and then the selection would be done by the Administrative and Developmental Services Department in counsel with the department for whom that work is going to be done.

Mr. Tingey said it is a team approach on the selection but the procurement process goes through the Administrative and Developmental Services Department.

Mr. Brass commented on specifications for projects. The department writes specifications when they are going to do a road or a bridge. They either hire somebody or they do it themselves. You weed out a lot of people in the spec process. You can craft a specification to sole-source a bid and that happens for very good reasons sometimes because there may in fact be only one person or product that suits that need. Especially when you get into power where reliability is critical and generators are not made by everybody. There are a lot of other things that go into the bid process that come into play here too that will have an effect long before this kicks in.

Mr. Shaver said that he is okay with the language as it has been discussed up to the point where "The City Council finds....." from that point to the end he would recommend that they cut that particular thing. No other Ordinance has anything in it where the City Council makes a determination. It becomes redundant because the City Council is adopting the Ordinance and it is understood. Then they go on later to say that the bid limit means this, health insurance means this.... They are literally defining it in the Ordinance as to what it is. He would propose that they take that out of the main Ordinance.

Mr. Nakamura stated that the purpose of that language is the record and however it appears in the record. To support an Ordinance like this there has to be a connection between the action that they are taking or the governmental interest that you are resolving. That language is saying that by doing this you have accomplished a governmental interest, a Nexus as they use in the law. That is fine because it has all been stated in the record and they have discussed it extensively.

Mr. Stam asked if they feel, as a Council, that this policy states governmental interest in the involvement in these social services.

Mr. Nicponski said that he feels that is their role as a Council. Health, safety and welfare. Under the welfare portion they want to promote quality of life where they have that opportunity.

Mr. Stam asked if this Ordinance takes care of the general welfare of residents of the City or is this specifically taking care of the employees of a particular company versus the general citizenship.

Mr. Nicponski reiterated that he feels it improves quality of life.

Mr. Brass said that will determined by how people vote.

Mr. Nicponski made a motion to adopt the Ordinance with the change of eliminating the language that Mr. Shaver proposed.

Mr. Nakamura stated that noting the language change is not necessary as it is not part of the Ordinance itself, only the background for the Ordinance.

Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Shaver added that there have been a couple of issues over the past couple of weeks that have torn him up a little bit. Based on the conversation that they have had previous to the motion, he will say 'aye'

A Mr. Hales

A Mr. Nicponski

N Mr. Stam stated that he too has struggled with this issue. Although some of the discussion has let him feel better about it and he agrees with the recommendations that are in there of companies and the services they provide their employees, he has not been convinced that this relates to the general welfare of the citizenship of the City. He does not know if this is something that they need to do and therefore he will vote no.

A Mr. Brass

Motion passed 4-1

6.6 Consider a Resolution approving the City's Locally Preferred Alternative for the Taylorsville Murray Transit Project.

Staff presentation: Tim Tingey, Administrative & Developmental Services Director

Mr. Tingey recognized Dana Holmes with Stanley Consultants, Loretta Markham with Lochner Engineering, Patty Garver with UTA and Janeal Erickson with UTA. They have been very involved in the process with the environmental report that they have been working on and assisting with.

Mr. Tingey stated that this Resolution is for the Locally Preferred Alternative as part of that environmental study report. He has provided the attachment that has the route to the Council and they feel very good about this route. It has the elements that they were hoping to have in this for the bus rapid transit connection from Taylorsville to Murray. The route includes Murray Blvd. along the Murray section, along Vine Street with some stops in and around the Frontrunner and TRAX locations, and then a connection into our downtown all as part of the Phase I part of this project. Phase II would include the Cottonwood Street connection when that is done. Based on that and the study as well as the hard work that has been done they are recommending approval of the attached Resolution.

Mr. Nicponski said that this project is an exciting endorsement of our proposed downtown renovation. He commended the Mayor for the lead that he took on this and working with Taylorsville in getting this spur or extension of the line done. It is quite a coup.

Mr. Brass expressed his appreciation to UTA for their willingness to look at this extension into our downtown area. Getting that built will be a big help in feeding passengers from TRAX and Frontrunner into that area.

Mr. Shaver said he had a question about the Taylorsville end of this at Redwood Road. He asked if he is correct in saying that what we are really doing with this is approving our portion as Taylorsville can make changes based upon what they are going to approve.

Mr. Tingey said that this Resolution identifies that route. It includes the section in Taylorsville as well. We are really interested in the Murray side but the attachment includes the preferred alternative connecting from Salt Lake Community College into our downtown, which a big part of that. He added that the involvement of Trae Stokes, Doug Hill and Chad Wilkinson in this process has been very critical. They have been involved in multiple meetings with this group and he wanted to give them recognition for all of their work.

Mr. Brass added that the City definitely has great people.

Mr. Shaver made a motion to adopt the Resolution.

Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

 A Mr. Shaver
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Stam
 A Mr. Brass

Motion passed 5-0

7. MAYOR

7.1 Mayor's Report

Mayor Snarr said that he wanted to give credit to the Department Heads for all of the good things that happen in the City. They are the ones that are in the trenches when these things happen. Although he thanks those who try to give him the credit, he defers to those people who are out there ahead of the game and looking at things and saying 'what can we do to make this a really good project.' Mayor Snarr hopes that Taylorsville comes to a decision on whether they are going to go down Redwood Road and take out the apartments and take another direction off of 4700 South. That is something that they are still going to have to work on and come up with some money for as they would be responsible for buying those apartments.

Mayor Snarr thanked Councilmen Shaver and Brass for attending a meeting with Woodbury Corporation last week. Our Economic and Community Development Department did an excellent job in making a great presentation to Woodbury Corporation. Mayor Snarr stayed behind after the meeting to discuss some issues and Woodbury Corporation had said that they had not been aware of the real independence that Murray City has. They also were not aware of the City's gas turbines that are the back-up for the City's power delivery system in the event the grid goes down. That was fascinating to them. They asked if we can power the City with those. The Mayor explained that it would depend on the time of year; in the summer the City would have a bit of trouble doing so but from September to May in the evenings we would be able to cover the critical areas. If the back-up system at IHC failed we could handle that. That was one of the things that the City sold IHC on was the power system and the fact that Murray has three independent gas turbines of almost 40 megawatts to cover them. We are capable of doing things that other cities are not capable of doing and that was really of interest to them. This reliability is also something that attracts other businesses to Murray and factors in to their decision of where they will locate.

Mayor Snarr met with Gilbert Gonzales, Chief Building Official, last week and he had indicated that Woodbury, who has taken the lead on the Marriott site, met with them and between this week and next they will probably take out the demolition and grading permits to get that work started. They also stated that they would bring in a full set of plans on the 21st. They have been down this path many times and the Mayor feels that they have asked for some help on this project after looking at other properties and exploring other options, so as not to spread themselves too thin on this project. They have partnered with another company who has done many excellent projects and now have the resources and people in play to make this happen. Murray will get a good product and he is very excited about it.

Some of the neighbors are still concerned but the Mayor said it is nice that the City is doing this in conjunction with the building of the new Jr. High School. We can work together to make sure the ingress lines up with theirs and make sure they line up where they put the school crossing in and make that work. There will also be a light at the crossing where they can push a button to trigger a red light for traffic to stop and allow the students a safe crossing.

Mayor Snarr understands that this project has been very controversial, but at the end of the day it is a great project and something that is needed. There have been other meetings with the David Grower who is the Chief Administrative Officer with the Intermountain Medical Center and he is also excited about the project. They have some other plans as well but they look at this and want to see how the two hotels work. As the City grows and expands, the abilities that the City has to offer as far as medical care goes will require additional resources to accommodate those visiting patients who are here for extended care or need to go over for Chemotherapy and don't want to drive back to Rock Springs and back again. It is an exciting thing to have both of these projects in place.

The Mayor said that the way they have decided to take down the houses is very interesting. They are going to knock down several of the houses before they bring in the heavy trucks to start hauling off the material. That way they don't need to have a truck come in and haul off each house separately. There are two track hoes over there and are going to work aggressively to not inconvenience the neighbors and finish the job in as short of time as possible.

Mr. Hales asked when they will tear down the New Concept building.

Mayor Snarr said that will depend on how fast they can turn the demolition permit around. They have gone through most of the work to show that the building is free of asbestos and other bad contaminants so it isn't going into the air. There is a lot of work that has to be done to get those permits. The grading permit is something else that needs to be done and they need to have certain retaining done to the north. From the driveway up to the Park Center the slope comes down and they have to set that back and shore it up until they can build a tiered retaining wall. They can't just dig at it because it could collapse and ruin that upper parking structure. They are obligated to protect that structure and make sure it stays intact. The City's departments are ready to make this work. Mr. Tingey told the Mayor that if the City receives a good set of plans, they can turn this around in a couple of weeks. If there are questions on the plans they will have to go back and get those answered. The City needs to make sure that these are verified specs. Mayor Snarr has been through this process several times and has found out that the key is to get a great architect who really knows what the building codes are and get it right the first time because it saves you a lot of money. They have indicated that it will get done and they aren't going to sweat the small stuff or go over the minute details, they will take care of it.

Mayor Snarr added that the grand opening for the Chick-fil-A was very nice. He was over there this afternoon and they are still having a terrible problem with people turning in at the light, thinking they can go through to the other property and then circling around the Chick-fil-A parking lot. This is a very annoying issue and there isn't much the City can do about it since it is a private property issue.

Mr. Brass said he was amazed at how crowded they were over there at lunch. Ironically, if people want to know what a fast-food joint on 5300 South will look like, they need to go past the Chick-fil-A.

Mr. Hales said that at the Chick-fil-A on 10400 S. State Street has six people outside taking orders for the drive-up. They are always very busy.

7.2 Questions of the Mayor

Mr. Nicponski said that there is a building going in next to the tattoo shop across from Zions Bank and asked if that is going to be an office building.

Mayor Snarr noted that it used to be the former City Hall and they are going to lease the top level out to businesses. Jimmy Johns has indicated that they would like to be there as well as some other small retailers. Underneath in the back portion, there is some very unique retaining going on. The owner is going to tier it off and it will be graded and have some high-end storage. Some people say it shouldn't be there but the Mayor looked at it and the area works for it. To the owner's credit, it is a very creative way to utilize that property. It is a challenge when there is such a radical drop to the east and it is a hard piece of property to develop. Mr. Kimball realizes that one of the largest expenses is the retaining that has to be done.

Mayor Snarr added that it is probably a good thing that they did not get the In-and-Out Burger to go in there because they would have had students trying to cross to get over to it. He doesn't believe they will have that kind of issue with the Marriott.

Mr. Brass asked Chief Fondaco to thank his staff for putting on a good show for those who were able to come and watch them blow things up. He knows that there was some consternation within the department as to why the Council wanted to come and watch them blow things up, but when you say 'blow things up,' that is why. It was quite amazing to watch; SWAT did an explosive entry and had a demolition charge on a sliding glass door and the amazing thing is that the glass doesn't go anywhere it just cracks straight down. When they hit it with a battering ram the glass blew clear through the house. That was a great demo. Mr. Brass thanked them and said that they all had a great time.

Mayor Snarr said that the Fire Department has cut a lot of holes into the roofs of the houses. The Fire Department also opened that to the other agencies and the UFA.

Mr. Brass noted that this was a great training opportunity for everyone.

8. ADJOURNMENT

Jennifer Kennedy, City Recorder

Special Recognition #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.)

MURRAY CITY COUNCIL EMPLOYEE OF THE MONTH – JUNE 2013
KAREN GALLEGOS – COURT CLERK III

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 June 19, 2013

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 Presentation

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: Janet Lopez

Title: Council Administrator

Presenter: Mike Williams

Title: Murray City Municipal Court Administrator

Agency: Murray City Corporation

Phone: 801-264-2705

Date: June 6, 2013

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:

Date:

Mayor:

Date:

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

Number of pages: _____ Received by: _____ Date: _____ Time: _____

Recommendation: _____

9. **NOTES:**

See attached recommendation by Mike Williams.

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Murray City Municipal justice Court

05 June 13

NAME of person to be recognized:

Submitted by:

Karen Gallegos

Michael Williams

DIVISION AND JOB TITLE:

Court Clerk III

YEARS OF SERVICE:

12 Years

REASON FOR RECOGNITION:

Karen is a very important component of the total Murray City Justice Court. With her years of service, she is very knowledgeable in the performance of her duties, and has proven invaluable to the Court on an on-going basis. The Court has developed programmes to further the benefits to the defendants and the victims, of which Karen has participated in their imposition as a case manager for the DUI and other addiction issues. She has proven very helpful in the training of new court clerk employees and with assisting the Court management in creating new programmes or in managing programmes already in practice. She has proven to be a very valuable and able employee.

COUNCIL USE:

MONTH/YEAR HONORED: June 19, 2013

Citizen Comments

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

Public Hearing #1

MURRAY CITY CORPORATION

**NOTICE OF PUBLIC HEARING ON THE CITY'S TENTATIVE BUDGET,
AS AMENDED,**

FOR FISCAL YEAR 2013 - 2014

NOTICE IS HEREBY GIVEN that on the 4th day of June, 2013, at the hour of 6:30 p.m., in the City Council Chambers of the Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold a Public Hearing on the City's Tentative Budget, as amended, for fiscal year 2013 - 2014. Said budget includes:

- a. Compensation and Benefits for elected officials, and City employees;
- b. General Fund;
- c. Municipal Building Authority;
- d. Library Fund;
- e. Capital Projects Fund;
- f. Water Fund;
- g. Waste Water Fund;
- h. Power Fund;
- i. Murray Parkway Recreation Fund;
- j. Telecommunications Fund;
- k. Solid Waste Management Fund;
- l. Storm Water Fund;
- m. Central Garage Fund;
- n. Retained Risk Reserve Fund;
- o. Redevelopment Agency Fund;
- p. Community Development Block Grant Fund;
- q. Cemetery Perpetual Care Fund.

All interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item thereof in the City's Tentative Budget, as amended, of any fund.

A copy of the City's Tentative Budget, as amended, may be reviewed by interested persons in the Finance Director's Office, Room 117, Murray City Center, 5025 South State Street, Murray, Utah, from 8:00 a.m. to 5:00 p.m. starting May 22, 2013.

DATED this 20th day of May, 2013.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: May 23, 2013
PH 13-16

PUBLIC NOTICE WEBSITE <u>5.20.13</u>
MURRAY WEBSITE <u>5.20.13</u>

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.)

AN ORDINANCE ADOPTING THE FINAL 2013-2014 FISCAL YEAR BUDGETS FOR MURRAY CITY INCLUDING THE LIBRARY FUND BUDGET

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 June 19, 2013

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: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency:

Phone:

Date: 06/11/2013

Time: 11:00

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:

8. COUNCIL STAFF: (For Council use only)

Number of pages: _____ Received by: _____ Date: _____ Time: _____

Recommendation: _____

9. NOTES:

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE FINAL 2013 - 2014 FISCAL YEAR BUDGETS FOR MURRAY CITY INCLUDING THE LIBRARY FUND BUDGET.

PREAMBLE

Section 10-6-118 of Utah Code, as amended, requires adoption of the City's budgets before June 22nd of each year. Said budgets have been open for public inspection since May 21st, 2013. Notice of public hearing for the consideration of the adoption of the budgets was published in the Salt Lake Tribune and the Deseret News. Said public hearing was held on June 4, 2013, and public comment was received. The Murray City Municipal Council wants to adopt its Final Budgets.

The Murray City Municipal Council adopts, as revenue to the General Fund, a tax levy that is less than or equal to the certified tax rate. Since the tax levy does not exceed the certified tax rate, under UTAH CODE ANN. Title 59, Chapter 2, no Truth-In-Taxation hearing is required.

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

Section 1. Purpose.

The purpose of this Ordinance is to adopt the Final 2013 - 2014 Fiscal Year budgets of the City including the Library Fund budget along with the Council Intent document.

Section 2. Enactment.

- A. The Final Budgets for Fiscal Year 2013 - 2014 are hereby adopted and shall consist of the following:

General Fund	\$41,202,619
Capital Projects	5,156,155
Water	7,883,035
Waste Water	3,859,279
Power	37,285,000
Parkway Recreation	1,291,000
Telecommunications Fund	49,000
Solid Waste	1,322,599
Storm Water	3,202,923
Central Garage	346,281

Retained Risk Reserve Fund	901,673
Cemetery Perpetual Care Fund	40,873

- B. The Final Budgets also include, in an addendum, allocations to non-profit entities under Section 10-8-2 of the Utah Code.
- C. The Council Intent document for fiscal year 2013 - 2014 is hereby adopted.

Section 3. Special Revenue Funds.

The budgets of the Library, Municipal Building Authority, the Redevelopment Agency and Community Development Block Grant are as follows:

Library	\$1,689,738
Municipal Building Authority	1,000
Redevelopment Agency	2,697,455
Community Development Block Grant	116,679

The Municipal Building Authority Board and the Redevelopment Agency Board shall, in separate actions, ratify their final budgets. The Council has separately approved the Community Development Block Grant Funds.

Section 4. Compliance with UTAH CODE ANN. Title 59, Chapter 2. Since the budgets include a tax levy that is less than or equal to the certified tax rate, no Truth in Taxation hearing is required under UTAH CODE ANN. Title 59, Chapter 2.

Section 5. Adjustments.

- A. The Budgets are subject to adjustments, if any, that need to be made when the Murray City Municipal Council adopts the tax levies based on the certified tax rate.
- B. The Director of Finance is hereby authorized to make adjustments to the budgets to reflect the actual certified tax levies provided to the City at a later date.

Section 6. Transfer of Unencumbered or Unexpended Appropriated Funds. The Director of Finance is authorized to make such transfer of any unencumbered or unexpended appropriated funds pertaining to the 2012 - 2013 Fiscal Year budget at the close of the 2012 - 2013 Fiscal Year in conformity with the provisions of UTAH CODE ANN. Section 10-6-124, as amended.

Section 7. Effective Date. This Ordinance shall take effect on July 1, 2013.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 19th day of June, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2013

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 _____, 2013.

Jennifer Kennedy, City Recorder

MURRAY CITY MUNICIPAL COUNCIL

INTENT FOR THE FISCAL YEAR 2013-2014 BUDGET

The Murray City Municipal Council (the "Council") adopts the City's final budget (the "Budget") for fiscal year 2013-2014. Under Utah law, the Council has policy making authority and responsibility. The Budget is a means by which the Council directs City policy. The City Administration ("Administration") must, therefore, implement the Budget consistent with the intent and general policy direction of the Council. The following are the Council's intent and general policy direction underlying the adoption of the Budget.

PERSONNEL

The Council considers City employees its greatest asset in the quest to fulfill the Strategic Plan initiative providing "Responsive and Efficient City Services," which benefit both the residents and businesses in the community. The Council acknowledges the superior knowledge and expertise of City employees, their dedication to excellence and support. As City employees' value is unequaled, it is the intent of the Council to fund an increase in employee compensation as follows:

Compression

City employees in the bottom quartile of their salary range will receive a compression adjustment. Ninety eight (98) City employees will receive an average annual increase of \$2,234; the average percentage increase is 5.5% and is capped at 7%.

Salary Increase

The remaining two hundred seventy four (274) City employees will receive a \$0.48 per hour increase equal to approximately \$1,000 per year.

Revenue Review

The Council will conduct an annual mid-year review of City revenues and expenditures during the month of February 2014. If, at that time, the City revenues are consistently showing increases that are determined favorable, the Council will consider salary increases or one time adjustments for City employees.

Wasatch Compensation Survey

The Human Resource Department completed the Wasatch Compensation Survey for the first time since 2008. It is the intent of the Council to ensure that City employees' compensation is competitive with other employees in like entities.

MURRAY FIBER/UTOPIA – UIA FUNDING

Fiber optic technology is imperative to future proficiency in private, public and business operations. The City is one of the pledging cities for the Utah Telecommunications Open Infrastructure Agency (UTOPIA) and the Utah Infrastructure Agency (UIA) and continues to meet its bond commitments.

Based on continual requests for additional funding from UTOPIA and UIA and the lack of ability for these agencies to cover their operational expenses, it is the intent of the Council to consider and investigate alternative options for the ongoing operation of fiber optics within the City. No funding for these agencies, beyond the City's bond obligations, shall be included in the City Fiscal Year 2013 – 2014 Budget.

PUBLIC INFRASTRUCTURE FUNDING

As adopted in the Murray City Strategic Plan, the Council supports a “Welcoming and Thriving Business Climate” and seeks to ensure that a progressive and business-friendly environment exists within the City through investments that enhance commercial development projects, encourage job creation and reduce barriers for redevelopment in the City. It is the intent of the Council to provide and maintain public infrastructure, fiber optic enhancements and other improvement funding in non-redevelopment (RDA) areas within the City. Fifty thousand dollars (\$50,000) has been allocated for this purpose. Through an application process with established criteria, each project will be evaluated on an individual basis by the Mayor with input from the Business Enhancement Committee.

CAPITAL IMPROVEMENT PROGRAM

As part of the Murray City Strategic Plan, a Capital Improvement Program (CIP) was developed as an essential component to the implementation of the City Budget by planning, prioritizing, budgeting and financing capital needs. The CIP involves a five year period, or beyond, of capital projects in the areas of facilities, technology, maintenance and vehicle replacement. Capital Projects have been identified for the Fiscal Year 2013 – 2014 City Budget in the amount of \$1.8 million of which \$510,000 has been previously spent on police cars.

LIFE SAFETY EQUIPMENT

The Council believes that life safety equipment (Fire Department turn-out gear and breathing apparatus) should not be subject to decisions of the Capital Improvement Program Committee. It is the intent of the Council to fund these items in future budget years from the General Fund operational budget.

RADAR SPEED SIGNS

In order to ensure safety on the roadways and in City neighborhoods the Council has allocated \$20,000 in the City Budget for installation of eight radar speed signs. The location of these speed signs shall be determined by the Council in conjunction with the City Safety Committee.

PASSPORT SERVICES

In seeking to provide "Responsive and Efficient City Services" as specified in the Murray City Strategic Plan, the Recorder's Division of the Administrative and Development Services Department has received a positive response from the U.S. Department of State to become a passport processing center. It is the intent of the Council to support this new service.

PRELIMINARY DESIGN FOR A NEW CITY HALL BUILDING

The current Murray City Center was built in 1937 without benefit of seismic and emergency preparedness standards. It has been remodeled numerous times to adapt to changing City needs, is in constant need of repairs and is not ideal for housing public safety and other personnel. It is the intent of the Council to fund \$50,000 for the preliminary design of a New City Hall.

DEPARTMENT BUDGET SAVINGS

The Council wants to provide Departments an incentive to find ways to reduce costs without adversely affecting the quality of City services. Therefore, if, at the end of fiscal year 2012-2013, the City Finance Director determines that a Department has under spent its budget, 75% of the savings shall be allocated to the CIP to be used for the capital needs of that Department in the 2014-2015 fiscal year, provided, however that the allocation shall only be made if the General Fund Reserves on June 30, 2013 are at least nineteen percent (19%) of the General Fund budget.

GENERAL FUND RESERVES

The 2013 State Legislature approved a municipal general fund amendment allowing municipal governments to maintain a maximum excess general fund balance of twenty five percent (25%) of budgeted operational revenue. Based on this increase in allowed fund balance, it is the intent of the Council to raise the amount of General Fund reserves to nineteen percent (19 %) from whatever sources become available. In future years, it is the Council's goal to incrementally raise the General Fund reserve balance to the maximum allowed by law.

LOBBYIST

The Council wants to retain a lobbyist to represent the City in the State legislative process. Funding for a lobbyist shall not exceed \$40,000. The Council intends to renew its agreement with its current lobbyist for a term of one year beginning July 1, 2013.

GRANT WRITER ASSISTANCE

The Council appropriates \$15,000 to non departmental for grant writer assistance. The Finance Department, with input from other Departments, shall establish criteria for City wide use of the grant writer assistance.

**Public
Hearing #2**

MURRAY CITY CORPORATION

NOTICE OF PUBLIC HEARING

Notice is hereby given that on June 19, 2013, 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 \$8,439 to purchase new communication equipment for the Fire Department; \$6,329 as revenue from a Federal Emergency Management Agency ("FEMA") Grant and \$2,110 transfer from Non-Departmental as the required FEMA Grant match.
2. Increase the General Fund by \$5,000 as revenue from a Utah Department of Public Safety Grant and appropriate same to the Fire Department for a scholarship to a Murray City student.
3. Increase the General Fund by \$29,331 as revenue from the North Jordan Canal Company as emergency response reimbursement and appropriate \$26,680 to Public Works, \$788 to Parks & Recreation, \$772 to the Police Department and \$1,091 to the Fire Department.
4. Increase the General Fund by \$105,000 as revenue from a Federal Grant passed on by the Utah Department of Transportation for the Cottonwood and Winchester Street Intersection Project.
5. Increase the Library Fund by \$2,228 as revenue from a grant provided by the Library Services and Technology Act to purchase a computer for the Afterschool Literacy Program.
6. Increase the Recreation Division budget from additional General Fund revenue by \$33,000. \$30,000 shall be used for uniforms and \$3000 shall cover credit card fees.
7. Increase the Park Center Budget by \$10,000 from additional General Fund revenue to pay for significant repair on the HVAC system.
8. Increase the Capital Projects Fund by \$95,795 from the Capital Projects Fund to be used by the Administrative and Development Services Department to budget for IBM Lease Purchase.

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

Dated May 30, 2013

MURRAY CITY CORPORATION

Jennifer Kennedy, City Recorder

DATE OF PUBLICATION: June 4, 2013
PH 13-17

PUBLIC NOTICE WEBSITE	<i>JH</i>	<i>5.31.13</i>
MURRAY WEBSITE	<i>JH</i>	<i>5.31.13</i>

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 **6/19/2013**

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.)

Grant, reimbursement, sales tax, recreation fees, and lease proceeds

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: 5/20/2013

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: 5/20/2013

Mayor:

Date: 5/20/2013

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: May 20, 2013
Subject: Budget Opening 6/19/2013

The Fire Department has been awarded two grants. One is from the Federal Emergency Management Agency (FEMA) for \$6,329, and the other is from the Utah Department of Public Safety for \$5,000.

The \$6,329 FEMA grant will be utilized for new communication equipment and requires a \$2,110 City match. To fund the City match, budget could be moved from Non-departmental to the Fire department with Council consent.

The \$5,000 dollars from the Utah Department of Public Safety grant is for a scholarship to a Murray City student.

The City has requested \$29,331 from the Jordan Canal Company for emergency response reimbursement. The department budget breakdown is as follows:

- Public Works - \$26,680
- Parks & Recreation - \$788
- Police - \$772
- Fire - \$1,091

The Public Works Department has been awarded an additional \$105,000 for the Cottonwood & Winchester Street intersection project. UDOT is passing through Federal grant proceeds to the City for this project. Initially this project was going to be paid for by Class C fund reserves. The money will be received into the General Fund.

The Library fund received a Federal grant in the amount of \$2,228 dollars. This grant was provided by the Library Services and Technology Act. The amount was awarded for the purchase of a computer for the Afterschool Literacy Program.

The City's recreation programs have experienced greater citizen participation rates this year. This has generated more revenue and expenditures. To help cover these expenditures, the Recreation Division would like to increase their budget for uniforms by \$30,000 and credit card fees by \$3,000. This will be funded by the increase in revenue and sales tax.

The Park Center has had some unexpected expenditures occur. The HVAC system had a significant repair that has put their building maintenance account over budget. The repair was for \$13,300, the Park Center division would like to increase their budget by \$10,000. This will be funded by sales tax revenue.

Last, the City authorized in the Capital Projects fund through the CIP committee and Council an IBM lease purchase this year of \$95,795. To account for this properly, this purchase is required to be fully budget in the expenditure account even though it is going to be paid for over the next four years. This is a technical accounting change that is required for government budgeting.

Budget Opening Summary

Fire Department:

Utah Department of Public Safety Grant	\$5,000
Federal Emergency Management Agency Grant	\$6,329

Various Departments:

Jordan Canal Company Reimbursement	\$29,331
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Public Works:

UDOT Grant	\$105,000
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Library:

Library Services and Technology Grant	\$2,228
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Parks & Recreation:

Uniforms & Credit Card Fees	\$33,000
HVAC Repairs	\$10,000

ADS:

IBM Lease Purchase	\$95,795
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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.)
CONSIDER AN ORDINANCE ADOPTING THE RATE OF TAX LEVIES FOR THE FISCAL
YEAR COMMENCING JULY 1, 2013 AND ENDING JUNE 30, 2014.

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

3. **MEETING, DATE & ACTION:** (Check all that apply)
 Council Meeting OR Committee of the Whole
 Date requested June 19, 2013
 Discussion Only
 Ordinance (attach copy)
Has the Attorney reviewed the attached copy? Yes
 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) _____

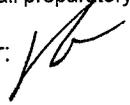
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

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

Ordinance attached

6. **REQUESTOR:**
Name: Justin Zollinger Title: Finance Director
Presenter: Justin Zollinger Title: Finance Director
Agency: Phone: 801-264-2669
Date: June 7, 2013 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: 

Date: 6/7/13

Mayor: N/A

Date:

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

Number of pages: _____ Received by: _____ Date: _____ Time: _____
Recommendation: _____

9. **NOTES:**

ORDINANCE NO.

AN ORDINANCE ADOPTING THE RATE OF TAX LEVIES FOR THE FISCAL YEAR COMMENCING JULY 1, 2013 AND ENDING JUNE 30, 2014.

PREAMBLE

UTAH CODE ANN. Chapter 2, Title 59 states that each year, the governing body of each city shall, by ordinance or resolution, adopt final tax levies for its General and Library Funds. UTAH CODE ANN. Chapter 2, Title 59 provides for certain notice and hearing requirements if the proposed total tax rates exceeds the certified tax rate. The City needs to reserve the power to amend the tax rates to guarantee, after final appraisal figures have been determined, that they do not exceed the amount required for its governmental operations and taxing authority granted by Utah law.

The Murray City Municipal Council wants to adopt final levies for fiscal year 2013-2014 subject to the requirements of UTAH CODE ANN. Chapter 2, Title 59.

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

Section 1. Purpose. The purpose of this Ordinance is to adopt the tax levies for fiscal year 2013-2014 subject to the requirements of UTAH CODE ANN. Chapter 2, Title 59.

Section 2. Enactment.

1. The Murray City Municipal Council hereby levies, upon property within the City, made taxable by law in the year 2013 for the fiscal year of the City ending June 30, 2014, a tax of 0.001782 on each dollar of taxable valuation of said property as revenue in the General Fund and a tax of 0.000434 on each dollar of taxable valuation of said property as revenue in the Library Fund for a combined total tax of 0.002216 on each dollar of taxable valuation of said property.

2. The total tax levy for the General and Library Funds does not exceed the certified tax rate. Since the total tax levy for the General and Library Funds does not exceed the certified tax rate, the budgets are not subject to the notice, hearing and other requirements of UTAH CODE ANN. Chapter 2, Title 59.

3. The Murray City Municipal Council hereby further levies a tax to cover the costs of mandates by the Utah State Legislature or judicial or administrative orders under UTAH CODE ANN. Chapter 2, Title 59 as determined by the Utah State Tax Commission and the Salt Lake County Auditor.

4. The tax levies herein above determined and levied shall be certified by the City Recorder to the Salt Lake County Auditor pursuant to the provisions of UTAH CODE ANN. Chapter 2, Title 59.

5. The City hereby expressly reserves the power and right to amend any tax levy made herein as it may deem just and appropriate under the law.

Section 3. Effective Date. This Ordinance shall take effect on July 1, 2013.

PASSED, APPROVED AND ADOPTED, this 19th day of June, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved.

DATED this _____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the _____ day
of _____, 2013.

Jennifer Kennedy, City Recorder

New Business 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.)

Temporary Land Use Regulation Related to E-Cigarette Retail Facilities

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 6/19/13

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? Y

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: 6/6/2013

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:  Date: 6/7/13

Mayor: _____ Date: _____

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, Administrative and Development Services Director
DATE: June 9, 2013
RE: Temporary Land Use Regulation related to E-cigarette Retail Facilities

Over the past several weeks there have been multiple inquiries about locating e-cigarette retail businesses in Murray. Our existing ordinances related to tobacco retailers do not regulate these types of businesses because they do not sell products related to smoking or ingesting tobacco.

Attached is an ordinance drafted by the City Attorney's office establishing a temporary land use regulation for e-cigarette retail facilities. This ordinance is being proposed to restrict these types of uses in the City for a period of six months. During this time, City staff will conduct research and evaluate options for ordinance language to regulate these types of businesses.

Administrative and Development Services staff recommends approval of the attached ordinance. If you have any questions please contact me.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A TEMPORARY LAND USE REGULATION
PURSUANT TO UTAH CODE ANN. SECTION 10-9a-504 RELATING TO E-
CIGARETTE RETAILERS

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

PREAMBLE

Utah Code Annotated 10-9a-504 grants the City authority to enact an ordinance establishing a temporary land use regulation for all of the area within the City without prior consideration or recommendation from the Planning and Zoning Commission for a period not to exceed six (6) months.

The City Council has concerns that e-cigarettes may pose a health risk to the public and to minors specifically. E-cigarettes are a relatively new product. They do not contain tobacco. However, an e-cigarette is an electronic nicotine delivery system that looks and feels like a conventional cigarette. After the user inhales, a vapor is exhaled into the air. Leading public health organizations are concerned that there are no age-related regulations and that e-cigarettes are marketed without appropriate health warnings. Further, there have not been sufficient clinical studies to prove that they are safe for consumption. More information is needed about the chemicals in the e-cigarette and its vapor.

The Council is concerned that minors are potentially susceptible to the marketing of the relatively new e-cigarette.

Currently, the City does not regulate where an e-cigarette retailer may locate within the City or the concentration of outlets.

The Council finds that there is a compelling, countervailing public interest to establish this temporary land use regulation to allow the City time to determine whether, and under what circumstances, e-cigarette retailer locations should be regulated to limit access to e-cigarette by minors.

The Council has determined it is in the best interests of the City, in the protection of public health, safety and welfare, that the regulation of the locations and concentration of e-cigarette retailers should be analyzed by the City staff, the regulated community and the citizens of the City for the purpose of determining the best possible approach for such regulation under the Constitution of the United States and the laws of the State of Utah.

In order to preserve the status quo pending further investigation of the possible regulation of e-cigarette retailers, the Council has determined that a temporary moratorium should be imposed upon the issuance of any land use or other required approvals ("approvals") for the establishment of e-cigarette retailers.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to establish a temporary land use regulation prohibiting the issuance of approvals for the establishment of e-cigarette retailers.

Section 2. That there be and hereby is imposed for a period of one hundred eighty (180) days from the effective date of this ordinance a moratorium upon the issuance of approvals for the establishment of any e-cigarette retailer. The City shall not accept, process, or approve any application for any proposed e-cigarette retailer.

Section 3. That during the one hundred eighty (180) day moratorium period, the City staff shall work to develop and present to the City Council a proposed ordinance regulating e-cigarette retailers, and present to the City Council in sufficient time that the ordinance, if adopted, may take effect prior to the expiration of the one hundred eighty (180) day moratorium.

Section 4. That all approvals for any e-cigarette retailer whose rights vested before Wednesday, June 05, 2013, shall be valid for a period of ninety (90) days from the effective date of this ordinance and the e-cigarette retailer which is the subject of said approvals must be established by the end of said ninety-day period or not at all. Said approvals may be extended by the City for one additional ninety-day period upon presentation of satisfactory evidence of diligence toward completion of the e-cigarette retailer and the existence of circumstances beyond the control of the applicant causing the delay.

Section 5. In order to protect the public health, safety, and welfare and allow sufficient time to implement the policy goals and objectives of the City as more fully described above, the Murray City Municipal Council hereby expressly invokes the Pending Ordinance Doctrine with respect to this Temporary Land Use Regulation.

Section 6. Effective date. This Ordinance shall take effect June 19, 2013.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 19th day of June, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

City Recorder

Transmitted to the Office of the Mayor of Murray City on this ____ day of _____, 2013.

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the ____ day of _____, 2013.

City Recorder

New Business 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.)

A RESOLUTION APPROVING THE POLLING LOCATIONS SPECIFIED BY THE SALT LAKE COUNTY CLERKS OFFICE, ELECTIONS DIVISION, FOR THE CITY 2013 ELECTIONS.

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 June 19, 2013
 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.)

Not Applicable

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

See attached memo, email from Salt Lake County, the list of the 2013 polling locations, Resolution, and copy of the executed Interlocal Agreement with Salt Lake County for election services.

6. REQUESTOR:

Name: Tim Tingey Title: Director of Administrative and Development Services
Presenter: Jennifer Kennedy Title: City Recorder
Agency: TIM TINGEY Phone: (801) 264-2663
Date: June 11, 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: 6/12/13
Mayor: Daniel C. Grant Date: 6/12/13

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
Mayor Snarr
Jan Wells, Chief of Staff

CC: Tim Tingey, Director of Administrative and Development Services

FROM: Jennifer Kennedy, City Recorder

DATE: June 11, 2013

SUBJECT: Resolution to Approve Polling Locations

On April 30, 2013 I went before the City Council requesting their approval of the polling locations that Salt Lake County wanted to use for the 2013 Municipal Elections. On June 6, 2013 I received an email from Salt Lake County stating that there were some locations on the first list that could not serve as a polling location for this election.

The changes include Discovery Christian Community has been dissolved as a polling place; MUR030 has been moved to Utah Association of Counties, MUR029 & MUR036 have been moved to Wheeler Historic Farm. (Utah Association of Counties now has MUR025, MUR027, MUR030 & MUR031. Wheeler Historic Farm now has MUR029, MUR032, MUR036, MUR039 & MUR043).

I am requesting the revised list of polling locations.

I have attached an updated draft of the Resolution to approve the polling locations, the email from Salt Lake County, a revised list of the 2013 polling locations and a copy of the executed Interlocal Agreement with Salt Lake County for our election services.

Jennifer Kennedy

From: Pam Tueller <PTueller@slco.org>
Sent: Thursday, June 06, 2013 12:35 PM
To: Jennifer Kennedy
Cc: Rozan Mitchell
Subject: Polling Places Revised
Attachments: Murray Polls 2013 Revised 060613.pdf

Jennifer,

Attached is a revised list of polling locations due to changes in some of the locations that could not serve as polling locations for us. The changes in Murray are Discovery Christian Community has been dissolved as a polling place; MUR030 has been moved to Utah Association of Counties, MUR029 & MUR036 have been moved to Wheeler Historic Farm. (Utah Association of Counties now has MUR025, MUR027, MUR030 & MUR031. Wheeler Historic Farm now has MUR029, MUR032, MUR036, MUR039 & MUR043)

If you have any questions, please don't hesitate to ask.

Thank you,

Pam Tueller
Salt Lake County Election Division
385-468-7425

2013 Murray Polling Locations

2013 POLLING PLACE	ADDRESS	ZIP	PREC	ACTIVE VOTERS	PERM VOTE BY MAIL	ELIGIBLE VOTERS	COUNCIL DISTRICT
Calvary Chapel Of Salt Lake	460 W Century Dr (4350 S)	84123	MUR001	21	7	14	1
			MUR002	472	74	398	1
			MUR003	232	85	147	1
			MUR008	1103	250	853	1,3
Cottonwood Presbyterian Church	1580 E Vine St (6105 S)	84121	MUR034	512	176	336	4
			MUR041	476	146	330	5
			MUR042	794	296	498	5
			MUR033	445	164	281	4
Grant Elementary	662 W Bulldog Cir	84123	MUR019	440	136	304	2
			MUR020	747	185	562	2
			MUR022	72	24	48	1
			MUR044	89	28	61	1
			MUR045	48	14	34	1
			MUR046	565	181	384	1
			MUR048	52	11	41	1
			MUR049	630	231	399	1,2
Make A Wish Foundation	771 E Winchester St (6500 S)	84107	MUR052	51	30	21	1
			MUR023	662	201	461	2
			MUR035	549	183	366	2
			MUR037	689	182	507	5
			MUR050	562	149	413	2
Murray City Hall	5025 S State St (100 E)	84107	MUR053	13	7	6	2
			MUR004	680	148	532	1,3
			MUR005	618	137	481	1,3
			MUR009	284	61	223	3
			MUR040	165	44	121	3
Murray City Library	166 E 5300 S	84107	MUR010	42	15	27	3
			MUR021	810	212	598	4
			MUR024	615	162	453	4
			MUR047	387	119	268	5
Murray Parkway LDS	5555 S 700 W	84123	MUR007	605	168	437	1,3
			MUR015	391	94	297	1
			MUR016	579	169	410	2

2013 Murray Polling Locations

2013 POLLING PLACE	ADDRESS	ZIP	PREC	ACTIVE VOTERS	PERM VOTE BY MAIL	ELIGIBLE VOTERS	COUNCIL DISTRICT
			MUR017	339	113	226	2
			MUR018	837	251	586	2
			MUR038	439	132	307	1
Three Fountains (West)	5050 S Three Fountains Cir (825 E)	84107	MUR011	626	169	457	3
			MUR006	5	0	5	3
			MUR012	721	274	447	3
			MUR014	562	195	367	3
			MUR028	288	86	202	4
Utah Association Of Counties	5397 S Vine St	84107	MUR025	663	159	504	4
			MUR027	966	301	665	3
			MUR030	406	85	321	4
			MUR031	748	252	496	3,4
Wheeler Historic Farm	6351 S 900 E	84121	MUR029	936	278	658	5
			MUR032	464	138	326	4
			MUR036	821	319	502	5
			MUR039	759	251	508	5
			MUR043	848	301	547	5

RESOLUTION NO. _____

A RESOLUTION APPROVING THE REVISED POLLING LOCATIONS SPECIFIED BY THE SALT LAKE COUNTY CLERKS OFFICE, ELECTIONS DIVISION, FOR THE CITY 2013 ELECTIONS.

WHEREAS, on April 30, 2013, the City Council passed Resolution R13-22, approving the polling locations specified by the Salt Lake County Clerk's Office, Elections Division, for the City 2013 elections; and

WHEREAS, the Salt Lake County Elections Division has revised the polling locations for the City 2013 elections, and;

WHEREAS, the City wants to revise the polling locations for the 2013 City elections;

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

Section 1. Approval of Consolidation Plan. The Murray City Municipal Council does hereby approve the revised polling locations for the City 2013 Elections as specified in the attached as modified from time to time by Salt Lake County Elections Division.

Section 2. Effective Date. This Resolution will be effective immediately upon passage.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council, this day of , 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

INTERLOCAL COOPERATION AGREEMENT
BETWEEN

MURRAY CITY

-AND-

SALT LAKE COUNTY on behalf of the
COUNTY CLERK ELECTION'S DIVISION

THIS AGREEMENT is made and entered into the 4 day of April, 2013, by and between Murray City ("City"), and SALT LAKE COUNTY, a political subdivision of the State of Utah ("County"), on behalf of the Salt Lake County Clerk's Office, Elections Division.

WITNESSETH:

WHEREAS, the County desires to provide the services of its Clerk's office, Elections Division, to the City for the purpose of assisting the City in conducting the City's 2013 primary and general municipal elections; and

WHEREAS, the City desires to engage the County for such services;

NOW, THEREFORE, in consideration of the promises and covenants hereinafter contained, the parties agree as follows:

1. **Term.** County shall provide election services to the City commencing on the date this Agreement is executed, and terminating on December 31, 2013. The term of this Agreement may be extended by mutual agreement in writing signed by all parties. Either party may cancel this Agreement upon thirty (30) days written notice to the other party. Upon such cancellation, each party shall retain ownership of any property it owned prior to the date of this Agreement, and the City shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the Salt Lake County Clerk's Office, Elections Division shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit "A." Generally, the County Clerk shall perform all elections administration functions as set forth in Exhibit "A" and as needed to ensure implementation of the City's 2013 primary and general municipal election.

3. **Legal Requirements.** The County and the City understand and agree that the 2013 primary and general municipal election are the City's elections. The City shall be responsible for

compliance with all legal requirements for these elections and shall direct the manner in which the elections are conducted. The City agrees to translate ballot issues, if any, into Spanish. The County will provide the remaining Spanish translations for the ballot and other election materials. County agrees to work with the City in complying with all legal requirements for the conduct of these elections and conduct these elections pursuant to the direction of the City. County agrees to disclose and maintain election results through its website merely as a courtesy and convenience to the City. The City, not the County, is responsible to resolve any and all election questions, problems, and legal issues that are within the City's statutory authority.

4. **Cost.** In consideration of the services performed under this Agreement, the City shall pay the County an amount not to exceed the estimate given to the City by the County. The County shall provide a written invoice to the City at the conclusion of the elections, and the City shall pay the County from the invoice within thirty days of receiving it. The invoice shall contain a summary of the costs of the election and shall provide the formula for allocating the costs among the issues and jurisdictions participating in the elections. In the case of a vote recount, election system audit, election contest, or similar event arising out of the City's election, the City shall pay the County's cost of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to the City to exceed the estimate given to the City by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** The City and the County are governmental entities and subject to the Governmental Immunity Act of Utah, Utah Code Ann. §§ 63-30d-1, et seq. (1953, as amended) ("Act"). Subject to the provisions of the Act, the City and County agree to indemnify and hold harmless the other party, its agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability damages, losses and expenses (including attorney's fees and costs) arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act or omission of that party, its officers, agents and employees. Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to the City or the County under the Act.

6. **Election Records.** The City shall maintain and keep control over all records created pursuant to this Agreement and to the elections relevant to this Agreement. The City shall respond to all public record requests related this Agreement and the underlying elections and shall retain all election records consistent with the Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-101 - 901 (1953, as amended) and all other relevant local, state and federal laws.

7. **Service Cancellation.** If the Agreement is canceled by the City as provided herein, the City shall pay the County on the basis of the actual services performed according to the terms of this Agreement. Upon cancellation of this Agreement, the County shall submit to the City an itemized statement for services rendered under this Agreement up to the time of cancellation and based upon the dollar amounts for materials, equipment and services set forth herein.

8. **Legal Compliance.** The County, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections.

9. **Indemnification.** To the extent permitted by law, the City agrees to indemnify and hold County harmless, including providing legal defense costs on behalf of the County, as a result of any legal or administrative claim, action or proceeding brought against the County by any person or entity claiming that the County violated any state or federal law by providing election services under this Agreement.

10. **Interlocal Agreement.** In satisfaction of the requirements of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended ("Interlocal Act"); in connection with this Agreement, the City and the County (for purposes of this section, each a "party" and collectively the "parties") agree as follows:

- (a) This Agreement shall be approved by each party, pursuant to § 11-13-202.5 of the Interlocal Act;
- (b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party, pursuant to Section 11-13-202.5 of the Interlocal Act ;
- (c) A duly executed original counterpart of the Agreement shall be filed with the keeper of records of each party, pursuant to § 11-13-209 of the Interlocal Act;
- (d) Each party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs; and
- (e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the City Recorder of the City and the County Clerk of the County, acting as a joint board. No real or personal property shall be acquired jointly by the parties as a result of this Agreement. To the extent that a party acquires, holds, and disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party.

11. Counterparts. This Agreement may be executed in counterparts by the City and the County.

12. Governing Law. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

13. Integration. This Agreement embodies the entire agreement between the parties and shall not be altered except in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.



By [Signature]
Mayor Dan Snarr

[Signature]
Jennifer Kennedy, City Recorder

Approved as to form and compliance with applicable law:

[Signature]
City Attorney
Date: _____

APPROVED AS TO CONTENT

[Signature]

SALT LAKE COUNTY

By [Signature]
Mayor Ben McAdams or Designee

Approved as to form and compliance with applicable law:

/s/ Melanie F. Mitchell
Salt Lake County Deputy District Attorney
Date: 2/14/2013

Approved as to the availability of funds
Murray City Finance Division

[Signature]
Budget Officer

Exhibit "A"
2013 Municipal Elections
Scope of Work

The County shall provide to the City with an Official Register as required by Utah Code Ann. § 20-5-401, U.C.A. (as amended).

The City shall perform all administrative functions related to candidate filing requirements and all other requirements of Utah Code Ann. § 20A-9-203 (as amended), including all administrative functions related to financial disclosure reporting.

The City agrees to consolidate all elections administration functions and decisions in the County Clerk to ensure the successful conduct of multiple, simultaneous municipal elections. In a consolidated election, decisions made by the County regarding resources, procedures and policies are based upon providing the same scope and level of service to all the participating jurisdictions and the City recognizes that such decisions, made for the benefit of the whole, may not be subject to review by the City.

Services the County will perform for the City include, but are not limited to:

- Ballot layout and design
- Ballot ordering and printing
- Machine programming and testing
- Polling place and poll worker selection and assignment
- Delivery of supplies and equipment
- Provision of all supplies
- Absentee Ballot administration
- Early Voting administration
- Updating state and county websites
- Tabulating, reporting and canvassing election results
- Conducting recounts as needed
- All notices and mailings required by law (except those required by Utah Code Ann. § 20A-9-203)
- Direct payment of all costs associated with the election to include poll workers, polling places, rovers.

The City will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the election in a timely manner.

The County will provide a good faith estimate for budgeting purposes (Exhibit "B"). Election costs are variable and are based upon the offices scheduled for election, the number of voters, the number of primaries, the number of jurisdiction participating as well as any direct costs incurred.

The City will be invoiced for its pro-rata share of the actual costs of the elections which will not exceed the estimate in Exhibit B.

In the event of a state or county special election being held in conjunction with a municipal election, the scope of services and associated costs, and the method of calculating those costs, will remain unchanged.

Exhibit "B"
2013 Election Estimate
Murray

Below is the good faith estimate for the upcoming *2013 Municipal Election* for the city of Murray. The city will be billed for actual costs, which will not exceed this estimate.

Assumptions for providing this estimate consist of the following:

- A. Active voters (as of 2/1/2013): 24,817
- B. Permanent Vote by Mail voters (as of 2/1/2013): 7,408
- C. Worst case primary election.
- D. General election for the 2013 offices below.
- E. 16 Cities participating in the consolidated 2013 elections.

2013 Offices	Estimate
Mayor	
Council #2	
Council #4	\$96,786.30

New Business 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.)

AN ORDINANCE IMPOSING A TEMPORARY BAN ON THE DISCHARGE OF FIREWORKS AND FIREARMS IN SPECIFIED FIRE RISK AREAS

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 June 19, 2013

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.)

None

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

Memorandum, Ordinance

6. REQUESTOR:

Name: Phil Roberts

Title: Fire Marshall

Presenter: Phil Roberts

Title: Fire Marshall

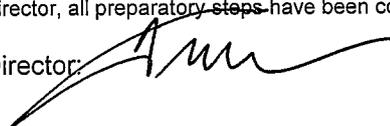
Agency: Fire Department

Phone: 2776

Date: 06/17/2013

Time: 2:30

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: 6-17-2013

Mayor: _____

Date: _____

8. COUNCIL STAFF: (For Council use only)

Number of pages: _____ Received by: _____ Date: _____ Time: _____

Recommendation: _____

9. NOTES:



MEMORANDUM

TO: Murray City Municipal Council

FROM: Frank Nakamura, City Attorney 

DATE: June 17, 2013

RE: Temporary Ban on the discharge of fireworks and firearms in certain areas of the City

We apologize for the delay in getting, for your review, the attached Ordinance. In the last legislative session, amendments were made to the State Fireworks Statutes making it clear that the legislative body of a municipality may prohibit ignition or use of the ignition sources in high fire risk areas. Therefore, rather than having an executive order under broad authority provided by the International Fire Code as the City did last year, it is prudent to pass an ordinance under the more specific authority granted by the 2013 amendments to the State Fireworks Statutes. The City Fire Marshall has identified the high fire risk areas as stated in the Ordinance.

If you have any questions please contact the City's Fire Marshall, Phil Roberts. Thank you

ORDINANCE NO.

AN ORDINANCE IMPOSING A TEMPORARY BAN ON THE DISCHARGE OF FIREWORKS AND FIREARMS IN SPECIFIED FIRE RISK AREAS.

Section 15A-5-202 of the Utah Code provides that a municipal legislative body may prohibit ignition or use of ignition sources in fire risk areas of the City. Chapter 15.24 of the Murray City Municipal Code adopts by reference the International Fire Code. Pursuant to the International Fire Code, the City Fire Marshall has authority to impose emergency regulations if he finds that an imminent fire risk exists. The City Fire Marshall and the City Council have determined that due to extreme dry conditions and the enhanced risk of fire danger in certain areas of the City, the City needs to impose a temporary ban on the discharge of fireworks and firearms in those areas of the City identified as high risk for fire danger.

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

Section 1. Purpose

The purpose of this Ordinance is to impose a temporary ban on the discharge of fireworks and firearms in areas identified by the City Fire Marshall as presenting eminent fire risk pursuant to Section 15A-5-202 of the Utah Code and Chapter 15.24 of the Murray City Municipal Code.

Section 2. Enactment

TEMPORARY BAN ON THE DISCHARGE OF FIREWORKS AND FIREARMS:

Effective midnight June 22, 2013, the discharge of fireworks (as defined in Title 53 Chapter 7 of the Utah Code) and firearms are hereby banned in the following areas of the City:

1. The Murray Parkway Trail
2. Within 500 feet of the Murray Parkway Trail
3. Murray Park
4. Within 500 feet of the Murray Park
5. Within 500 feet of Wheeler Farm (Wheeler Farm is owned by Salt Lake County and therefore subject to restrictions imposed by the Unified Fire Authority).

PENALTIES

Violations of this ban shall be deemed a violation of this Ordinance and Chapter 15.24 of the Murray City Municipal Code and are subject to the penalties therein.

Section 3. Effective Date

The ban provided herein shall be effective from midnight June 22, 2013 until the City Fire Marshall determines that the enhanced fire risk no longer exists.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 19th day of June, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2013

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 _____, 2013.

Jennifer Kennedy, City Recorder

**Mayor's
Report
and Questions**

Adjournment