

MURRAY
CITY COUNCIL

Council Meeting

July 9, 2013



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NOTICE OF MEETING
MURRAY CITY MUNICIPAL COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, July 9, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:15 p.m. **Budget & Finance Committee:** To be held in the Conference Room #107
Jim Brass conducting.

1. Approval of Minutes

1.1 Budget & Finance Committee – May 14, 2013

2. Adjournment

5:16 p.m. **Committee of the Whole:** To be held in the Conference Room #107
Brett Hales conducting.

3. Approval of Minutes

3.1 Committee of the Whole – May 7, 2013

4. Business Items

4.1 Wasatch Front Waste and Recycling District Report – Pam Roberts,
Executive Director (20 minutes)

4.2 Radar Speed Sign Placement – Assistant Chief Burnett & Trae Stokes
(15 minutes)

4.3 North Jordan Canal Remediation Funding – Dave Nicponski (15 minutes)

4.4 Power Fund Donation of Football Scoreboard to Murray High School –
Mayor Snarr, Blaine Haacke & Brett Hales (15 minutes)

5. Announcements

6. Adjournment

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

7. Opening Ceremonies

7.1 Pledge of Allegiance

7.2 Approval of Minutes

7.2.1 April 30, 2013

7.2.2 May 7, 2013

7.3 Special Recognition - None scheduled

8. **Citizen Comments** (Comments are limited to 3 minutes unless otherwise approved by the Council.)
9. **Consent Agenda**
 - 9.1 Consider confirmation of the Mayor's appointment of Holly L. Hult to the Murray Library Board of Trustees in a District 2 position for a three-year term to expire June 30, 2016.
 - 9.2 Consider confirmation of the Mayor's reappointment of Gamal Herbon to the Murray Library Board of Trustees in an At-Large position for a three-year term to expire June 30, 2016.
 - 9.3 Consider confirmation of the Mayor's reappointment of Robbie Robertson to the Murray Personnel Advisory Board in an At-Large position for a three-year term to expire June 30, 2016.
10. **Public Hearings** – None scheduled
11. **Unfinished Business** - None scheduled
12. **New Business**
 - 12.1 Consider a resolution authorizing the execution of an Interlocal Cooperation Agreement between Murray City School District ("District") and Murray City ("City") for shared use of the new Hillcrest Junior High. (Doug Hill presenting.)
13. **Mayor**
 - 13.1 Report
 - 13.2 Questions of the Mayor
14. **Adjournment**

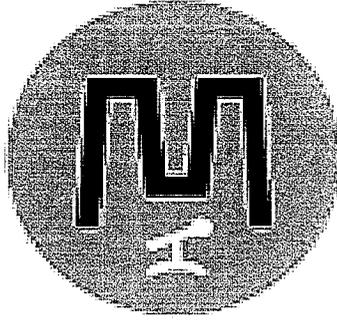
NOTICE

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

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

On Friday, July 5, 2013, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.


Janet M. Lopez
Council Administrator
Murray City Municipal Council



MURRAY
CITY COUNCIL

Budget & Finance Committee

Budget & Finance Committee Minutes



MURRAY
CITY COUNCIL

DRAFT

**MURRAY CITY MUNICIPAL COUNCIL
BUDGET AND FINANCE COMMITTEE
Fiscal Year 2013-2014**

The Murray City Municipal Council met as the Budget and Finance Committee on Tuesday, May 14, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jared A. Shaver	Budget Chair
Brett A. Hales	Budget Vice-Chair
Jim Brass	Committee Member
Dave Nicponski	Committee Member
Darren V. Stam	Committee Member

Others in Attendance:

Jan Wells	Mayor's Office	Tim Tingey	ADS
Janie Richardson	ADS	Mary Bahr	Attorney's
Briant Farnsworth	Attorney's	Frank Nakamura	Attorney's
Brent Davidson	ADS	Robert White	ADS
Wendell Coombs	ADS	Gary Healy	PS
Danny Astill	PS/Water	Kim Sorenson	Parks
Cory Plant	Recreation	Trae Stokes	Engineering
George Hamer	Fleet	Kellie Challburg	Council
Susan Gregory	Heritage Center	Jackie Sadler	MCEA/Court
Daren Wightman	Fire/MCEA	Blaine Haacke	Power
Mike Terry	HR	Craig Burnett	Police
Doug Hill	Public Services	Kim Fong	Library
Gil Rodriguez	Fire	Kevin Potter	Fire

Mr. Brass called the Budget and Finance Committee Meeting to order at 8:34 a.m.

Mr. Brass explained the contingency list. This list would allow a Council Member to put an item on the contingency list if they believe there are questions or if it needs further review. This has been done in the past with road repairs. Subsequently there would be another meeting held to discuss the contingency list. This helps the current meeting flow so that one subject is not discussed for a lengthy time.

Budget Overview

Justin Zollinger

Mr. Zollinger said there had been a few changes in the budget this year. Mostly involving the presentation, and the electronic format. He tried to include additional reports to supply more information.

In addition, the current software was used to create the budget. This allowed all of the employees and Department Heads to enter notes in the system. Some of the line item details include a description.

This year, the City has to cover all of the election costs and not share the expenses. Mr. Tingey put a note there to explain the increase of \$96,000. Staff is trying to provide as much information as possible to Council.

Mr. Zollinger also included a staffing document; this allows one to see how the different departments are structured and the compensation. That is an important control for Finance to keep an eye on positions. Also, the Finance Department strived to use target based budgeting; this means that the approximate revenue number is projected, and a conservative number is determined to work within that area. This also provides departments the ability to have the flexibility to move the budget between different accounts. It gives the departments the ability to analyze the budget and decide how much was needed and still keep their budget flat.

Revenues remain fairly conservative. The only revenue that has been increased in the General Fund is sales tax. The sales tax number went up by \$350,000. Mr. Nicponski asked what the overall revenue increase was. Mr. Zollinger replied the overall increase was just over \$300,000. There were some ups and downs with the biggest increase in sales tax, Mr. Zollinger said. Mr. Nicponski stated that the rate for property tax needs to be reduced if there is an increase in property values. Mr. Brass said that was correct. Mr. Shaver said the property tax remains fairly constant over time, the sales tax number is the one that fluctuates.

Mr. Nicponski asked about the franchise or utility tax. Mr. Zollinger said that number is pretty consistent and doesn't increase much. Mr. Brass said that tax is also committed to UTOPIA and UIA. Mr. Zollinger said that UTOPIA and UIA are using it to qualify for bonds but they are not receiving the franchise tax. Mr. Nicponski asked about fines and forfeitures also. Mr. Zollinger replied that number is down a little bit, and it is apparent in the court revenue that there are fewer officers on the road. This was due to the turnover in the Police Department and that issue is being addressed. Mr. Shaver said part of that also is less recidivism in the courtroom. It is a positive thing but does affect the financial side.

This puts the budget exactly at "the floor." This is the last year having "the floor" from the state.

Mr. Zollinger has looked at the last four years and tried to estimate revenue a little more conservative than what may actually happen. The City doesn't want to have a high estimate on revenue. If the City were to balance the budget with a high revenue estimate, and the revenue comes in low, but the expenses come in at what was expected, the fund balance would go down every year.

Mr. Shaver said obviously, Mr. Zollinger is looking at several years, but if you take out 2012-13 and look at revenues before that, which were low due to the economic downturn, are those factors being taken into account, he asked. Mr. Zollinger said he tries to keep conservative while still following the current trend. He was comfortable raising the sales tax budget to \$12.6 million from \$12.25 million. He said he still believes the number may be closer to \$13 million for sales tax.

Mr. Shaver said one element is that the mall has seen an increase in square footage, and also a major player in the market invested millions of dollars in the auto sales industry. He asked if those elements were considered. Mr. Zollinger said he tries to compare the current trend with historical numbers. He doesn't like to go ahead of the trend, but follow it instead.

Mr. Nicponski asked how much sales tax was brought in this year. Mr. Zollinger said he is projecting \$13 million this year, and last year was \$12.6 million. Mr. Zollinger agreed it is conservative but compares sales tax to the tide. There are times when it is high, and times when it is low.

Murray is very susceptible to changes in the market, stated Mr. Zollinger. When economic concerns arise, people stop buying new cars. That is a huge base to the City's sales tax. He would be uncomfortable going too much higher.

Mr. Shaver said he has continually heard Mr. Brass say that it is a risk because so much of Murray's money is dependent on retail sales. That becomes precarious when the City is at the whim of the economy when it comes to revenue. That has been a powerful thing for the City for many years but can also have a negative impact.

Mr. Brass said it is a lot easier to open the budget mid-year and fund projects if there is extra money, then to cut budgets in January. Mr. Shaver asked if he is talking about the contingency fund. Mr. Brass clarified that it wasn't a contingency fund, but a contingency list that sets items aside for further discussion.

Mr. Nicponski asked what the top estimate for sales tax would have been. Mr. Zollinger said the top estimate would have been \$13 million, instead of the \$12.6 million he budgeted. The "hold harmless" did kick in last year and resulted in an increase of \$400,000. Mr. Shaver said that they need to take into consideration also the absence of "the floor." Mr. Zollinger said the sales tax number could vary from \$14 million to \$11 million. The budgeted amount is \$12.6 million. The difficult decisions that could result from an estimate of \$14 million, would not be recommended.

Mr. Stam asked about the World Series. When the City previously hosted it, the sales tax was in a decline. At the time of the World Series, the sales tax was flat, instead of a downward trend. Mr. Stam interpreted that was possibly due to the \$100,000 gain when the World Series was held here. Looking back, was there a bump or spike around that time, he asked. There would not be that increase this year, since the City is not hosting that event. This time, all the visitors stayed in Murray hotels, so he expected a bump in sales tax around that time. Mr. Nicponski asked if a financial analysis was done of that event. Mr. Zollinger responded that there are 1400 businesses in Murray contributing to sales tax. That is based on the data

from the state. Staff could look at individual businesses that may have been affected and compare them to previous years, but there are other factors, such as the recession that need to be factored in. Mr. Stam said that by comparing six months in a row, there would be a constant change. The eight weeks around the World Series increased and then went back to the original line. If a line was interpreted, he believes there should have been a spike in sales tax around that time. His point is that may have been a one-time increase and could falsely alter the numbers.

Mr. Brass stated that Utah is the 5th fastest growing state economically. Things should be better, but possibly not a trend yet. Mr. Nicponski said he is satisfied with the idea of being able to open up the budget earlier and make adjustments if there is extra revenue.

Attorney's Office

Frank Nakamura

Mr. Nakamura complimented Mr. Zollinger on his job as Finance Director.

The budget for the Attorney's Office is fairly status quo. They have added a bit to the budget just to keep up with technology. The Courts and other law firms are all going paperless. In order to remain the same with them, the budget has been increased for added scanners, and dictation programs that allow dictation to the computer. Mr. Nakamura said they are not using it currently but will purchase it soon. Technology has come a long way and it looks like a great product.

There were tablets requested in the budget, but those have since been purchased out of this year's budget. They have not been received yet, but have been purchased. The tablets will make the greatest differences for the prosecutors.

Mr. Nakamura asked about the cell phones. Mr. Zollinger said there is a cell phone line in the budget for that.

Mr. Nicponski asked if settlement money was included in the Attorney's office budget. Mr. Zollinger said that is called Retained Risk. That budget line is being handled by Mr. Nakamura and Mr. Zollinger. Mr. Brass asked that the Retained Risk Fund be put on the contingency list. Mr. Zollinger said the Retained Risk is budgeted for just under \$1 million.

Mr. Nakamura said that his office is in the process of trying to decide how to handle a safety risk in the City. The Safety Manager has left the City and his position is vacant. Department Heads are having discussions on how to handle that and a program is still being determined. The position is budgeted in the Retained Risk Fund. Ultimately, it is probable that that position will be the responsibility of the Attorney's Office.

Mr. Brass asked how much money had been budgeted for tablets. Mr. Nakamura said \$3,400 had been set aside. Mr. Zollinger said the Attorney's office had been awarded \$8,900, which went toward the tablets and the Dragons Speak Naturally software. Mr. Nakamura agreed that some money would be available but also had to add an additional Lexis program that was around \$3,000. Mr. Zollinger stated it had been included in the budget. Mr. Nakamura said that five tablets had been purchased, and they needed six Lexis subscriptions. The Lexis

subscriptions are sold on an individual basis.

Mr. Nakamura also introduced Briant Farnsworth and Mary Bahr in attendance at the meeting with him.

Mr. Shaver complimented Mr. Nakamura and his office on the work that they have done. Mr. Nakamura complimented his staff and said that they are the best.

Administrative and Development Services

Tim Tingey

Mr. Tingey summarized his department budget. The wages and benefits increases are not due to new staff. There were some adjustments in positions as people had vacated. The increase in wages and benefits is due to the City-wide increase proposed by the Mayor's office.

The department has two large requests and that is the reason the budget is increasing. The increase in elections of \$100,000 is a payment that is on an every other year basis. There is also an Economic Development Fund that has a proposed increase of \$50,000.

Mr. Shaver asked about the passport proposal. That could possibly result in an additional part time person. Mr. Tingey said he believes that the existing staff can do it, and if an additional hire is needed, it wouldn't be until the end of the year. Mr. Brass commented that passport services would be a great addition.

Mr. Brass asked Mr. Zollinger if the wages and benefits in all the departments reflect the Mayor's proposed increase. Mr. Zollinger said that is correct.

Based on the two new proposals that would increase the budget by \$150,000, there are some minor increases in IT, telephone, and maintenance and internet expenses. There is a request for some training in each division also. The operations increases are a little over \$50,000.

Mr. Hales asked about the table of contents and if it matches up with the departments.

Mr. Shaver asked about the training costs. Is the City keeping up with the mandatory training in addition to other beneficial training, he asked. Mr. Tingey stated that it is both types of training. He is hopeful there is value in all of the training.

Mr. Tingey said there is an anticipated reduction in the cell phone line, due to the new cell phone policy by the administration. There is a minor increase of \$400 to allow for miscellaneous professional services for economic development marketing services for city wide issues, not just RDA areas. Mr. Tingey works with groups outside of redevelopment areas and often needs materials.

The big increase is the Economic Development incentive. There was a fund about seven or eight years ago, and was an economic incentive for businesses. At that time, it was over \$100,000. Those funds were utilized for a number of different projects, including the development on the corner of 5300 South. These are areas that RDA funds cannot be used. It is an opportunity to help small businesses. The Mayor really wanted this incentive included in the

budget. Mr. Tingey has had requests from the Marriott group that is developing the hotel for assistance with the infrastructure; these include right of way enhancements that are a little over \$30,000. Because RDA funds cannot be utilized, it prompted the proposal of this fund of \$50,000. Likely, this year a portion of it would be used for that project, and have additional funding to assist other small businesses.

Mr. Shaver asked if this was outside of the agreement with Marriott. Mr. Tingey said there is not an agreement with Marriott. Mr. Shaver said there is no real agreement because it is not an RDA. Would there be an agreement as to what those funds could be used for, he questioned. Mr. Tingey said he has spoken with Marriott and the curb/gutter and sidewalk issues have been evaluated and that is what they are asking for assistance with. Mr. Brass said the City assisted with the development on 5300 and State that included curbs and gutters also. Mr. Shaver asked what else Mr. Tingey envisioned these funds being used for. Mr. Tingey believes the funds would primarily be used for infrastructure enhancements, and possibly site improvements. He doesn't think it should be used for projects outside of public enhancements that need to occur. For example, if a business is interested in a project but doesn't feel like they would get the return on this project and asks for money. If the City proposes money for the project, it would be for public infrastructure enhancements.

Mr. Zollinger asked if the Council wanted to put this in the intent language. Mr. Brass said yes for the future. Mr. Brass said the City doesn't currently help smaller businesses. Several years ago, there was a cabinet and furniture maker that opened up a business. In order to get a certificate of occupancy, there were major sewer repairs needed, so the City figured a way to help him.

Mr. Shaver agreed that helping the Marriott with infrastructure was okay, but would like to see the smaller businesses helped also. This becomes part of the intent document.

Mr. Tingey agreed with helping smaller businesses. He has had calls from businesses wanting funding to help with renovations, and if it is not in an RDA area there is not funding available. Sometimes the City can refer them to the State, but this fund would allow for some goodwill money to go toward projects that would help small businesses.

Mr. Stam asked if \$50,000 was enough, considering the fund used to be at \$100,000. Looking at possible projects, is that enough money to cover those, he asked. Mr. Tingey replied that it is a good starting point and can possibly be increased next year.

Mr. Shaver stated that if Mr. Tingey came to the Council and asked for funds to help a business and the funds were not there, than an opening could be made in the budget.

Treasurer

The Treasurers division and showed an increase in postage, Mr. Tingey commented. There is a proposed increase of \$3,000. This would include an increase in the number of mailings as well as the increased price of postage. Also, on utility bills and supplies, there is a

substantial increase proposed. This is due to the increase of new living units, such as the Fireclay Area. The added housing results in more utility bills, and late payment notices. Already this year, they have surpassed the \$20,000 mark, so they proposed an increase of \$6,000 there. Mr. Shaver commented that this item is exactly what was previously discussed. It was helpful to see the notes and comments when looking at utilities, billings, and supplies. It was handy to have the explanations right there.

There is a slight increase in the cell phone budget, due to the new City cell phone policy. That is just about \$100. Software support has increased due to the increased cost of the SunGard Support software. That increase is visible in other divisions also.

Mr. Tingey would like the Treasurer to be able to attend the National Treasurers' Conference this upcoming year in Salt Lake City, so there was an increase in funds to allow for that training.

Recorders'

Mr. Tingey said that public notices have increased over the past two years, and that needs to be addressed. This year, the Recorder's office has surpassed the budget for public notices. He has proposed an increase of \$1,500 for public noticing.

There is a one-time expense this year, due to the election. The amount is calculated on the formula that the County has given. It is \$96,000 this year. This is still a cheaper option than buying the equipment and manning the booths. That is a new line item for this year.

Information Technology

Mr. Tingey recognized his IT staff, and complimented their work. Janie, Rob and Brent were all in attendance.

Murray made investments in new servers last year as part of the Capitol Improvement Project. This resulted in a reduction in maintenance costs. There are typically increases in maintenance costs in the variety of IT areas. The equipment maintenance line has major increases in printer supports for about \$10,000. The majority of the costs are offset by a reduction in the maintenance for solutions to IBM hardware from the previous investments made. There are increases in the IPDS Print Server maintenance. Also, this year there was a federally mandated requirement passed for Spillman passkey security measures that the City needs to invest in. This results in an increase of \$13,000 to \$14,000 for equipment maintenance.

There are some aging vehicles in vehicle maintenance. That line has been surpassed this year also, so there is a proposed increase for that.

Mr. Tingey believes this may be the first time ever for a reduction in software maintenance. This is a great example of investing in the Capital Improvement Process and IT needs, and resulted in a \$4,000 reduction due to the decrease in ongoing support.

Telephone and internet has a proposed increase of \$1,000. The internet connection was

increased from 20 megabytes to 100 megabytes. The average monthly cost through UTOPIA and Xmission is \$1,024 per month. That number is included in this proposed increase. Mr. White said the cost was about \$100 per month extra to increase the speed 5 times.

There is an increase in the cell phone budget due to an additional employee. Last year the Police Department was paying for this employee's cell phone, but this year it was changed to the ADS budget.

Small equipment refers to the replacement of the City's PC's and laptops. There was an unanticipated failure of computers in the previous fiscal year, so the number has been replaced by two. Additionally, there has been a lot of wear and tear on the laptops that are in police cars. There is a proposal for an increase of replacement laptops for the Police Department. That results in about a \$4,000 increase. The number of replacements would be approximately 20-25 laptops and 75-80 PC's in this budget year. Mr. Zollinger said that is the computer replacement program, with an increase for contingency, in case some fail. Mr. Shaver asked if this was in the General Fund or the Capital Improvement Fund. Mr. Zollinger said that it is in the General Fund because computers aren't considered capital and is considered an ongoing expense. Capital is considered one-time money, but computers need to be continually replaced.

Mr. Shaver clarified that repetitive replacement comes out of the General Fund, whereas a one-time purchase could be considered Capital Improvement. Also, Mr. Zollinger said that the other funds; such as Water, Waste Water, and Power are allocating money to help provide for these computers. Mr. Zollinger said that line item was added last year so the departments could contribute to the small equipment costs.

Mr. Brass asked if there was a more rugged laptop option for the police cars. Mr. White commented that the ruggedized lap tops are very expensive. It is about \$2500 versus \$1200 for a standard laptop. Mr. White said there hasn't been a lot of mishaps such as spills on the lap tops. The City has a pretty good supply of older good laptops that can be used temporarily until the parts come in for replacement. Mr. Shaver asked if the City was replacing parts or laptops. Mr. White said the laptops have a 3 year guarantee. If something gets spilled, it is under the warranty for a replacement. Mr. Shaver asked how quickly the City is going through the 3 year replacement window. Mr. White said currently there are laptops in the Police Department that are 7 to 8 years old. Those older models are often re-distributed to the Fire Department also. Mr. White said that when purchasing in large quantities, there is a substantial discount.

There is \$75,000 to \$80,000 set aside for the desktops, but because of the bulk purchase, the City will get more for their money. Mr. White said it is always a State purchase on computers.

Mr. Stam complimented Mr. White on his work, and saving the City money by doing a good evaluation.

Mr. White said he is proud of the Council Members for their use on the new IPAD's.

Mr. Brass said he observed Operation Shakeout, and if there was an earthquake and City Hall was lost, a redundant system would be needed in the EOS (Emergency Operations

Center). He would like to see that as a priority. Mr. Tingey said that had been discussed. Mr. Zollinger said it would be about \$25,000 for a redundant site down at the Fire Department 83. If money was found to get this done, would the Council approve that expense, asked Mr. Zollinger. He said he really agrees with Mr. Brass on the importance of a redundant system.

Mr. Stam said that Layton City just signed an agreement with Brigham City for a redundant back-up outside of the City. This topic is on the next agenda for the Finance Committee with UTOPIA. All of the cities are discussing this to see if there could be redundant facilities outside of the valley. He said that the cities might take advantage of all being on UTOPIA. Mr. White asked if he was saying to move the EOC up north. Mr. Stam replied no just the server backups, so they are outside of the City. Mr. Brass commented that Layton City servers are located in Brigham City's skater room in their Power Department in the mouth of Sardine Canyon. Mr. Stam said there could still be an EOC here, but this would also get some off-site, and out of the City. Mr. White said currently the tapes for the AS400 and other primary systems are sent to the vault on the mountain. Mr. White asked if Mr. Stam was referring to data to disk replications. Mr. Stam said that Layton just has a server that they could access from anywhere. Mr. Zollinger said it may be a security concern. Mr. White said the information would definitely have to be encrypted. Mr. Brass said it is fairly secure in the Power Department. He said the EOC is theoretically earthquake resistant, but any business needs to get back to business as quickly as possible after a disaster.

Mr. Shaver asked if this was an item that should be put on the contingency list. Mr. Brass replied that it is something that needs to be discussed in the CIP. Mr. Zollinger asked if that would be okay if the funds were found to get a redundant site. He said he could pull different amounts from different budgets. Mr. Zollinger said that Mr. White had a suggestion of running those back up EOC servers and operating off those in the next EOC test run. Mr. White said that if there was a disaster recovery site, the main servers could be turned off and test the back-up servers to ensure that they can function as an alternative site.

GIS Geographic Information System

Mr. Tingey said that GIS has a proposed increase in software maintenance. This includes a new license to support the web applications on Apple devices. Some of the web applications have been presented to Council that have helped other departments, such as Fire and Power. That proposed increase is a little over \$2,000.

There is a slight increase of \$200 for office phones, due to an error in the past that didn't allow any budget for office phones. Small equipment has funding of \$1500 for the purchase of some IPAD's for application development which is critical to their work, especially with the other departments.

Mr. Shaver asked about vehicle maintenance. The line states that \$800 has been spent, and the budget was \$300. Mr. Tingey is hopeful that those repairs will last into this year and money will be saved this year. Mr. Shaver commented that vehicle maintenance is over budget in several places. Mr. Zollinger replied that the assessment for central garage has changed. In the past, items would be marked up and the different departments were charged the marked-up

prices. This was a disincentive to use the central garage. It was decided to create an assessment that would cover the fixed costs, and simply pass on the items at cost to the other departments. This would result in a smaller number due to the change in the assessment. Mr. Shaver asked where that additional money was going. Mr. Zollinger said there was an assessment and it was changed up and down depending on how much money was made. It would be a zero sum gain at the end of the year.

GIS has a proposed budget of \$2,000 for application programming assistance. This is a new line item for GIS. It is a need as the City is moving forward with these applications. Mr. Brass stated that he was impressed with what they did with Operation Shakeout and the equipment inventory. They had maps and as issues would arise, they could track the equipment and where it was. He commented it was much better than last year. Mr. Stam asked if it was GIS that was requesting the plotter. Mr. Tingey said they don't have it yet, but have the \$1000 from the CIP of last year. It has not been completely funded. It is believed that engineering is asking for that funding.

Building Inspection

Building Inspection has a proposed increase for software support with SunGard. A significant increase is proposed for education and training. There are six employees that have to maintain their CEU to maintain state licensure. This increase would allow some inspectors to go out of state, and to attend training locally. This has been needed for quite some time and is an increase of \$1,500. Mr. Shaver asked if it was a yearly requirement to certify for the inspectors. Mr. Tingey said that they deal with it yearly, and have to be working towards the amount of credits that they need. Mr. Shaver asked if there was training available in state also. Mr. Tingey confirmed that there was.

Community and Economic Development

Community and Economic Development is requesting a minor increase for books and subscriptions for the business licensing staff. Mr. Tingey said that they haven't sent an employee to a National Conference since he has been with Murray. Some of the staff need to attend this conference in order to maintain their AICP certifications for certified planners. It is a proposed increase of \$1,500 for at least one staff member to attend this year. There is a small increase for the new cell phone policy.

EDCU (Economic Development Corporation Utah) submitted a formal request to Murray to increase the funding level back up to what it used to be. A few years ago that budget was reduced from \$21,000 to \$8,600. This year EDCU has requested \$16,360. This is based on a formula. There were previous concerns with their formula because the numbers varied between similar sized cities. Mr. Tingey looked into it, and the assessment is higher if the city is located along the Wasatch Front. The Mayor proposed going half way and increasing the proposed amount to \$12,600. Mr. Brass said that when the amount was reduced, the feeling at the time was that Murray was not getting a good return on the investment. He asked if things have changed. Mr. Brass asked if the access to the booth at ICSC was included. Mr. Tingey said that it was not, that was an extra charge. He believes that EDCU does a good service for the state,

but doesn't think Murray has received any substantial projects from them. EDCU does submit opportunities to all the communities, and Murray submits applications. Mr. Tingey has had concerns with some of their staffing. One of their staff members lived in North Carolina recruiting businesses in Utah, and he doesn't think that was very productive. That has since changed. He does think it is a good partnership, and the proposed amount would be justified.

Mr. Shaver said that EDCU does a great job in broadcasting the Utah name. Even though, the interested party may not go back to the EDCU that is where Murray needs to solicit them to come to Murray.

Mr. Stam said that the EDCU selects the different cities that meet the criteria for a new business and allow the cities to bid on it. It is simply adding Murray to the invitation list with ten other cities. Mr. Shaver said that the intent of the EDCU is not to market for Murray. Mr. Brass said also some of the projects just won't fit in Murray, due to the lack of space. Mr. Tingey said the majority of projects that he sees need 20 acres for a manufacturing site. He said there are some projects for office space and Murray does apply for those.

RDA

Redevelopment Agency (RDA) has a revenue source that comes to the five redevelopment areas. That money comes in as the November 1st report is done and the projections are made. The revenue amounts are a little bit higher in 2014. That is accurate, and an increase is being seen, compared to previous years when the property values declined.

The big thing this year is that the reserve amounts are being dipped into to fund the State and Vine hotel project and other areas. This year, there was a request in the Fireclay area to do the additional improvements on the intersection with the rail. That is a \$225,000 expense that the City fronts with RDA reserves, and then reimburse the fund after Fireclay RDA produces revenue.

The depleting of reserves is good because it means the City is investing in projects, but that means that in the past two years, the City has taken the estimate of reserves plus the revenues and put it into the budget, so reductions will be seen in each of the areas because they don't have the reserves anymore. Mr. Shaver asked how that affects operations. Mr. Tingey showed the Central Business District chart and pointed out the operation amounts have dropped because the reserves are not there. Those reserves had previously been banked into the line items for potential projects.

There is a proposed drop in professional items, and a proposed drop in the property clean up because funds are being utilized for that this year. Many of these areas have a reduced operation amount because the reserves were not built into this budget. The revitalization grants have dropped from \$100,000 to \$50,000. There are not any major revitalization projects anticipated this year. That amount should be adequate.

Improvements have been dropped from \$585,000 to \$200,000. The State and Vine project will receive some of the improvements this year, and the remainder next year. There are some reductions in some transfers and other areas. The Murray School District remains the

same. Mr. Tingey pointed out page 196 that shows Fireclay and the reserves with that project with the rail crossing. On page 197, the Vine Street project and some decreases in professional, revitalization grants, and improvements due to the reduced amount in reserves; it is the same with Cherry Street.

Mr. Shaver asked about the administration fee. Mr. Zollinger said that number is based on a formula and will go up and down with the budget. As the amounts dropped, so did the administration fees. The smelter site has decreased in professional line items, but still has the required 20% added for low income housing. There has been a drop because of the investment with Neighborworks. This amount will continue to go towards that.

A couple of projects have been purchased and will drop the \$592,000 pretty quickly. Several properties might possibly be acquired for rehabilitation projects. Mr. Tingey said the administration of that project isn't increasing, the actual amount is decreasing. The revenue will be utilized for purchasing projects. Mr. Shaver pointed out that the administration fee is substantial when there hasn't been anything for a couple of years.

Community Development Block Grant (CDBG) was reviewed a few weeks ago. Mr. Tingey said that Karen Wiley said there would likely be an increase for Murray. It won't be certain for a few more weeks, but it is likely to be \$17,000 that will need to be reflected in the budget. Mr. Shaver said that when it was passed, it was recognized that it may change. The amounts were given based on the percentage of the total. He asked if a budget needs to be opened. Mr. Tingey said it needs to be reflected and is currently not since it just happened last week. Mr. Zollinger said it doesn't need to be a budget opening since this is a preliminary budget. Once the information and money is received, the amount can be plugged into the numbers and make adjustments before the budget is adopted. The number does have to be received before the final budget is approved in June. If it comes in after, then a budget opening would need to be done.

Capital Improvement Projects (CIP)

Capital Improvement Projects (CIP) are listed on page 133. Amounts are recommended by the committee for the general plan and that needs to be started this year. There is an amount of \$50,000 to start that general plan process. The Council Chambers recorder needs to be replaced, and that would be something that would be transferable to the New City Hall. There is also funding proposed for New City Hall plans, in case that is needed as the City moves forward in the process of a New City Hall. The utility billing printer needs to be replaced this year, as well as a vehicle in Community Economic Development. Also, the printer/copier/scanner in the public services building needs to be replaced. The IBM lease/purchase plan is being proposed and would be very good for this upcoming year. There was a proposal for a Websense upgrade. There would be cost savings if that is done. The cost is about \$17,000. Mr. White and Mr. Tingey have been discussing that. It is not currently recommended for funding. Mr. Zollinger asked if there was any savings from this year. Mr. Tingey said he would look into that and see if it could be a possible budget opening item.

Mr. Brass asked Ms. Lopez if CIP funds were on the agenda for the budget meeting. Ms.

Lopez replied that they were not and must be looked at individually in each department budget.

Mr. Zollinger said that if you look at the CIP in the ADS Department everything is outlined. Mr. Tingey complimented Mr. Zollinger and also thanked his staff for the great work.

Questions

Justin Zollinger-Finance Director

Mr. Zollinger said many issues have already been addressed. He stated that he has some financial tools available to him that help lower costs in the different departments, but is less money for the fund. For example, the Central Garage fund, and the Retained Risk fund are both Internal Service Funds. If the budgets in those funds are lowered, it costs the rest of the funds less money. In order to make room for the employee compensation, those funds were tightened. In the Retained Risk fund, it was decided that the reserves were where they need to be, that allowed for about \$100,000 extra.

Mr. Zollinger also reduced non-departmental budgets. The current amount would be \$600,000, versus \$2 million a couple of years ago. It was a huge reduction, and was made possible because some of the retirees no longer use the insurance. That was cut from about \$120,000 down to \$70,000. Once an amount is cut, it isn't there for use anymore. Mr. Nicponski asked if the City eliminated retiree health benefits. Mr. Zollinger said that is correct and OPEB insurance is no longer available. Mr. Shaver asked if that is why it was in non-departmental, because it wasn't considered a regular feature.

There were also departments that reduced positions in terms of dollars, such as the Council Office and the Court.

The Power Department was asked to help with streetlights, and that saved \$168,000. The Power Department is covering the streetlight costs, instead of the general fund.

All these cuts mentioned are one-time tools that are gone once they are used up. The Power Department should be complimented for their help with the streetlights. That was a big savings that helped provide additional funds for the employees.

Mr. Brass commented that Murray was one of the few cities with a public power that charged streetlights to the General Fund. Mr. Zollinger stated that Logan did also. Mr. Stam commented that Midvale changed their street lights to an enterprise fund. Mr. Brass said that is different because Midvale doesn't have their own public power. Mr. Zollinger said that they must be charging a fee to cover the costs.

Mr. Zollinger said the Library fund is getting tight. There have been six years of benefit and retirement increases that have hit the Library Fund. The Library Fund did repay the loan from the General Fund this year which provided them with some flexibility. Mr. Shaver asked if the Library is able to meet the demands of the budget because of this reduction. Mr. Brass commented that they are a taxing entity that makes them similar to an Enterprise fund. Mr. Zollinger said they function very similarly, with their own budget, own fund, and their own reserves. Mr. Brass said that they could raise their taxes. Mr. Zollinger replied that they could, and that is the only revenue they have, with the exception of minor fine revenue. Mr. Zollinger

just wanted to make them aware that the Library Fund is very tight.

The Waste Water Fund is quite tight also. There is about \$100,000 in capitol that is decreasing. There could be come cuts in operations, but a large part of their budget is Central Valley Water. Mr. Brass asked when fees were raised. Mr. Zollinger said it must have been three years ago, before he was here. Mr. Zollinger said recent studies were done on storm water and solid waste. Mr. Brass asked if there were built-in increases.

The Solid Waste Fund is very tight also. The contract with Ace Disposal increases a little every year. There were recent increases in that fund, but it is still pretty tight. Mr. Shaver said this fund also has a built-in increase coming. Mr. Brass said that would help them to know if that needs to be addressed. Mr. Zollinger said he believes an increase is scheduled for 2015.

Mr. Zollinger stated that the Mayor tried hard to bring a sustainable balanced budget to the Council. Those mentioned areas are of concern, but overall that was his goal to bring this to Council. He said all of the departments were able to keep their budgets pretty flat, with the exception of things that have to go up.

Ms. Wells commented that dollars for employee's increases were small, but Mr. Zollinger had been able to find the money to fund the benefit increases and also give the employees the increases that the Mayor's office has asked for. This work by Mr. Zollinger has made the employee increases possible.

Mr. Zollinger said the Department Heads have made great efforts to keep their budgets flat also, which helped make the increases possible.

Meeting adjourned for a 15 minute break.

Fire Department-

Gil Rodriguez

Chief Rodriguez said his budget remained pretty much flat with a few variations. Some of the questions concerned FLSA (Fair Labor Standards Act) in administration, and this has been discussed with Mr. Zollinger. This was due to the employees working shift work.

Mr. Nicponski asked about the Capitol grant and if the department had a grant writer. Mr. Zollinger replied that Chief Rodriguez and his department do a great job at finding grants. Those are not budgeted for until they are awarded. Mr. Nicponski asked if it was one grant or a combination of grants, and how many employees there were in the Fire Department. Chief Rodriguez and Ms. Lloyd answered that there were 55 suppression employees and 7 in administration, not including cadets. Mr. Nicponski encouraged the department to work in the grant process. Currently, there is not a grant writer, it is something that has been discussed. Chief Rodriguez stated that Mike Dykeman and Jon Harris are involved with grants. There is also another Captain that would like to be involved with grants. The direction that they are given is that if they can find grants for things that are already budgeted for, it makes the process much easier. For example, they received part of a grant for the lighting in the Battalion Chief vehicle.

Mr. Shaver said Mr. Nicponski brings a good point about having a grant writer for the City. That person can go after the grants for you, and is a professional. Chief Rodriguez agreed

that there is a lot of money out there in grants, especially city wide.

Chief Rodriguez said that there was an increase in overtime. In the past years, the overtime budget had been cut, and it was okay for the first year, but this year is very tight. The department lost two employees to retirement, one is currently in the military, and also there are injured employees. The Fire Department has an employee that is being treated for cancer. He complimented this employee and her amazing attitude.

Vehicle maintenance increased a little bit, this year the department went over budget. The main reason was because the engine was refurbished. It cost a little more, although, it will save a ton of money over the long run.

The fuel budget had been decreased. Mr. Shaver asked why this would be \$5,000 less, with fuel costs going up. Mr. Zollinger said he works with the Central Garage and Vehicle Maintenance budgets. Vehicle maintenance went up because the Central Garage assessment went down. Mr. Rodriguez said the ambulance fuel budget went up. Possibly, that could account for the shift in numbers for fuel for suppression. Chief Rodriguez replied that he wasn't aware of any problems with fuel, possibly the actuals brought it down. Chief Potter said it looks like it stayed flat because the shift in ambulance fuel was exactly the same amount. The fuel on the suppression side was reduced by \$5,000, but there was a \$5,000 increase on the ambulance fuel, so it looks like it stayed flat. Chief Rodriguez believes that when there is a problem with fuel, it is a trend city wide. In the past, the fuel budgets were increased for all the departments. Mr. Brass commented that fuel can be looked at later if needed.

The Central Garage budget went down because it is not used very much anymore, mostly just for the staff cars. Mr. Brass asked if the engines and trucks are too specialized. Chief Rodriguez said that a choice was made to take those vehicles somewhere else. Mr. Nicponski asked if the Central Garage was limited in its services. Chief Rodriguez replied it just wasn't working out.

The Fire Department is a different animal. There are three shifts with three engineers on each shift. Each engineer is directed to own that vehicle that they have for 48 hours. They are responsible for everything on it. The Central Garage didn't like getting information from three different engineers, and it became a personality conflict.

Mr. Zollinger commented that the VECC (Valley Emergency Communication Center) line did increase. Chief Rodriguez stated that VECC is still a moving target, and is unsure of the direction it will head. Mr. Zollinger said he received an estimate from VECC just yesterday. The amount had increased for fire, and decreased for police. Mr. Zollinger said the numbers from VECC have changed at least three times.

Mr. Zollinger said he is curious to see how the Sandy City departure would affect things. He said he has heard that Sandy would be part of VECC until the first part of November and would be charged up to that point. After that, the revenue will be gone. How is VECC driving their costs down, after that revenue is no longer there, he asked. Are they going to use up their reserves, or will they be able to drop costs, he questioned. Mr. Stam asked if they were still paying for bonding. Mr. Brass said there should be some obligation still there. Mr. Stam

commented that they participated in the bond to build it, so even if they leave they should still have to pay that expense. Ms. Wells said that their interest is in the building, so they don't get a share of the proceeds of the value of the building, when they leave. Chief Rodriguez said this has been a frustrating battle. Six months ago, the whole issue with VECC was the Sheriff merger, now with the Sandy departure that is all that has been worked on.

Chief Rodriguez said that there was some overtime in the ambulance budget. The vehicle maintenance went down, this is a concern because the ambulances are now out of warranty. There was some cost to refurbish and paint the ambulance from Sandy City. The ambulance itself was free, but there was about \$11,000 in repairs. That has been a great asset to be able to fall back on.

Mr. Brass commented that he saw a Murray ambulance being staffed by South Salt Lake paramedics the other day, and asked if this was due to staffing issues. He said he didn't see any Murray employees there. Mr. Potter said the Murray paramedics could have been in the back working on a patient, while the South Salt Lake employees drove the ambulance. Usually, a Murray employee would drive the ambulance, but it is possible that a South Salt Lake paramedic could drive if the Murray employees are busy in the back.

Mr. Shaver asked how the billings were going. Chief Rodriguez stated that they are at a level of 50%. It pretty much pays for the ambulance service. He said he wondered how things would have been without the recession. That is when people started to lose their insurance, and stopped calling as much. The Obamacare law will have an interesting effect also; with the requirement of mandated insurance, calls may increase. Chief Rodriguez said the ambulance is a great service to the community. He said his guys are career guys, and not just a stepping stone to get somewhere else. Customer service is stressed in the department. Mr. Brass said that customer service does make a difference.

Mr. Stam complimented the Fire Department on its understanding of the CIP process. Chief Rodriguez said that when the Fire Department needs something, it is usually big dollars. It is now \$1 million for a truck, \$600,000 for an engine, and even a grass truck is \$100,000.

Mr. Shaver asked why computers are on a constant rotation, but when the Fire Department asks for thermal scanners, does it then become part of the rotation. He said that it was discussed that 3 or 4 thermal scanners would be great. Chief Rodriguez stated that a lot of the things that are requested, don't necessarily fit in the CIP process. He said thermal imagers don't typically fit there because they are not expensive enough. Mr. Stam clarified that they were included. Chief Rodriguez said that was correct. The money that was saved in the previous year allowed them to go after some items, such as the extrication equipment. Mr. Brass said he was speaking to some of the fireman and they said that it is difficult to get into some of these new cars. Chief Rodriguez stated that their cutters won't even cut into some of the new cars. Mr. Zollinger said the extrication equipment will cost nearly \$36,000.

Mr. Brass asked if the imagers were considered specialized equipment. Chief Rodriguez said they are specialized and come from one of three main vendors. The price has gone down, they used to be about \$25,000 per unit. These new units are geared towards the

specific needs of the Fire Department.

Mr. Shaver asked about the rotation of the gear for a firefighter. He is aware of the staggering cost to outfit one person, and knows it is not a one size fits all. Chief Rodriguez said the CIP has been great for this reason. Previously, the turnout gear would be rotated about every five years. The turnout gear costs about \$2,000 per person. The budget is about \$36,000 annually for turnout gear that allows for a constant rotation. Mr. Shaver asked if that falls under the General Fund or a CIP project. He asked why the difference. He said he knows a police laptop is \$2,800, and that is an item that is rotated, and that falls under the General Fund, not the CIP. This turnout gear seems like it should work the same way. He stated that CIP funds should be for high priority items, and worries that turnout gear would fall to the bottom of the list. Mr. Brass asked if life-saving equipment should be on a CIP list. This line item could be on a contingency list, just to determine how it should be funded.

Mr. Stam said there have been several projects similar to this gear, based on a five year rotation. There have been times where money was needed for trucks or equipment and money was taken from that fund which may have impacted the money for turnout gear. Should those items be in the general budget, instead of the CIP, he asked. Mr. Brass commented that it would be unacceptable to have a failure with turnout gear because it wasn't a priority in the CIP process. That is a risk to the City and the employees. Mr. Shaver asked about the uniform allowance of \$29,000. Chief Rodriguez said that is for physical uniforms, and is the same for police. He said he agrees with what the Council is saying. The rotation is great, unless the rotation is stopped for other purchases. Mr. Brass said it would be good to put this on the contingency list. Mr. Zollinger said in order for those to be in the General Fund, there needs to be a funding mechanism. Mr. Shaver said it isn't a discussion as to whether to fund or not to fund, but what fund it should be paid out of. Mr. Brass said there would be a meeting to discuss the contingency list next week.

Mr. Nicponski asked about the breathing apparatus. Chief Rodriguez said it would cost about \$300,000 to get new breathing apparatus outfits for the whole department. The amount of \$31,000 per year is being set aside annually in hopes of purchasing the units in about eight years. Mr. Brass asked about the lifetime of the breathing apparatuses. Mr. Rodriguez said he would estimate about eight to ten years, and they are continually tested.

Chief Rodriguez said he looks at the CIP as building a savings account, so the money will be there when they need to make a large purchase.

Chief Rodriguez said there are some medical equipment and software upgrades budgeted. Mr. Shaver asked what software the department is using. He remembers a discussion about software that was purchased specifically for the Fire Department. Chief Rodriguez said they under budgeted for it, and as a result didn't spend any. It is an adjustment and the budget was lowered this year, so that it could be used next year.

Public Services-

Doug Hill

There have been a couple of changes proposed in the Public Works budget. One is street lighting has been paid out of the General Fund and has been moved to the Power Fund

for the areas located west of 9th East. The areas that are east of 9th East belong to Rocky Mountain Power will be continued to be paid out of the Street Department budget. Mr. Brass asked if the City charges a fee for that, and the answer was no. That line item has been increased because those costs do go up every year, and that was approved by the Mayor.

The other major change in Public Works is the proposal of a new employee in the Engineering Department. That new engineer will assist in the duties of an engineer. Currently, it is difficult to manage all the projects, and perform the building inspections and site plans. It is really a replacement of a position that ended with the early retirement a year and a half ago. Things are getting busy again, so it is hard to function without that employee.

Roadways and Class C Roads

Mr. Zollinger commented on the road grinder that was approved this year. That was paid for with some of the Class C money to pay for a road grinder lease. When county and governmental money are used, it is required to budget as if the lease money was received and spent. That adjustment needs to be made to the budget to gross up those two numbers. Revenue goes up and expense goes up for this asphalt grinder next year. That is one change that needs to be made to the budget, stated Mr. Zollinger.

Mr. Hill is planning to fund the asphalt grinder over the next five budget years, a lease purchase with Class C road money. The amount will be about \$90,000 per year.

Mr. Shaver complimented Mr. Hill on his presentation showing the different types of road repair. He noticed that the mulch budget had increased. He asked if that increased due to anticipation of addressing some of the road issues. Mr. Hill replied that Mr. Zollinger and the Mayor set aside a certain amount for CIP and roads. They basically said it was coming from various sources, including Class C funds. The Legislative appropriation the City received for 5900 South was for \$1.2 million. Murray also received a Legislative appropriation this year for \$1.8 million for 13th East and Vine. That money is not in the budget, because no one knows when it will be received. Once the money is received, there would have to be a budget opening.

Mr. Hill stated that they combined all the various sources of money and looked at the possible road projects. Some of the projects are accounted for in the mulch account, but are specific projects. For example, there is a project planned in the Cimarron Development to overlay that whole subdivision. Mr. Shaver asked if that would be mulch. Mr. Hill replied that mulch and asphalt are the same thing. There are also plans to overlay Spring Clover Drive. That road needs to be done and the Mayor has put it off for years to avoid showing favoritism. A lot of projects have been grouped in to the mulch account. Mr. Zollinger's office counts an overlay or a slurry seal as maintenance, not necessarily a CIP project. Mr. Shaver asked about any scheduled slurry seal projects. Mr. Hill said there is \$350,000 budgeted for slurry projects next year. He said his staff is trying to spread the money out between major renovations and maintenance. The department is trying to keep the good roads good and fix the bad roads.

Mr. Nicponski asked about the striping paint. Mr. Hill said it includes everything, such as speed limits, crosswalks, etc. He has three employees in that job position. During the summer, they are striping all summer long. In the winter, they spend time repairing and replacing the

signs.

There is about \$350,000 set aside for sealers and \$75,000 for salt in the Class C fund. There are some street improvement projects, including 5900 South, west of State Street. The City will provide matching funds to the State, because that came from the STIP. It is a percentage of about \$5 million. The money comes in over several years; as it comes in the City provides the matching funds, and can do a portion of the work. Last year the environmental work was done. This year, there will be some preliminary design and start the project in 2015.

Mr. Stam asked if the City ran out of road salt this last year. Mr. Hill said they didn't run out, but spent \$70,000 on salt.

There was a problem with overtime, and that has been adjusted for this year.

There is some road realignment work being done at 5600 South and 9th East. Mr. Hill said that came from a request by Mr. Shaver.

The big project next year will be the Winchester Street overlay from State Street to 9th East. That will affect a lot of traffic and businesses. It is just an overlay, so it should be fairly quick, and traffic could keep flowing. That will probably be done in September.

Another project that is in the CIP budget is 5900 South from State to 725 East. The design will be done this year, and the project will start in the spring of next year.

There is some sidewalk replacement money set aside in the CIP also.

Shop and Garage

Mr. Hill said there wasn't any changes to the maintenance account.

Engineering

In the engineering account, there was an increase to hire the new engineer.

Last year, there was \$70,000 budgeted from the engineering department to pay for the canal repair north of Winchester Street. Mr. Hill is expecting to be approached by the canal company to help fix the problem south of Winchester Street. There haven't been any commitments made, or any money set aside; however he wanted to make the Council aware of that possibility.

Mr. Stam asked how many shares the City has. Mr. Hill said he believes it is around ten.

Mr. Brass thinks it may be an occasion where they cannot not do anything, it may have to come from reserves, as a one-time expenditure. Mr. Nicponski said he agrees with that, and that would warrant a use of reserves.

Mr. Stam asked if it should be put on a contingency list. It was decided it was premature without knowing the amount needed.

Mr. Hill has received phone calls from the canal company and believes those

discussions will be happening soon.

Parks & Recreation

Mr. Shaver asked about the extended hours of the Park Center and if that was going to happen. Mr. Hill stated that the Mayor had proposed to stay open later on Friday nights in the summer months. In July, the hours will be extended from 6:00 pm to 10:00 pm year round. Those numbers are included in the budget.

There have been some line item adjustments made in order to increase the overtime budget that had been previously reduced. It has been difficult for the Park staff to work on weekends and after hours. They receive a lot of call outs to help on the weekends and evenings. It is recommended that the overtime budget be increased in Parks & Recreation this year.

Mr. Shaver asked about the last sentence in the explanation stating the majority of impact to the lower paid maintenance level. Mr. Hill said it is mostly the job positions of maintenance worker I and II that would receive the overtime.

The light poles at Germania Park at both of the parking lots have rotted out. The design of the poles allowed water to get inside the poles and rot them out. Mr. Sorenson met with the Power Department and a different pole was recommended. They could be repaired, but with no guarantee on future rotting. The recommendation was to replace all of the light fixtures and poles in the parking lots at a cost of \$25,000. Mr. Brass asked what type of pole was recommended. Mr. Sorenson said there is a local company that the Power Department works with that is putting together some poles made from a new and improved metal. Mr. Hill stated that the Power Department could give specifics.

Mr. Sorenson said that one of the poles was blown over in a snow storm. Mr. Zollinger stated that this pole project would be funded from the reserves.

Park Center

Mr. Shaver previously mentioned the temporary employee line item at the Park Center that has been increased by \$7,000, which will allow the Center to be open later on Friday nights. There have been other line item adjustments made by administration.

Mr. Shaver asked how the roof was holding up on the Park Center after the repairs last year. Mr. Plant replied that there is still some minor leaking near the skylights but it is better than before.

Mr. Hill stated that there have been some line item increases mostly related to the programs that are offered. For example, the costs for officials, equipment, trophies, t-shirts, and other items have increased resulting in an upwards adjustment. Mr. Plant adjusts the fees to help offset those costs also. Mr. Hill said there had been an increase in credit card use and fees across the City also. Mr. Nicponski noted that the line for awards had a substantial increase. Mr. Hill reminded him that those were offset by the fees.

There have been some increases to the arts budget to cover Fun Days. Stage rental, portable bathrooms, etc. have had some increased costs. The royalty for some of the summer performances have increased, but Mary Ann Kirk was able to adjust the budget to make those possible. The City did receive a CLG Historic Preservation Grant that provided matching funds. Ms. Kirk also writes and receives grants from the County ZAP programs. Mr. Nicponski asked about arts contract fees. Ms. Kirk replied that those are for the performers, lunch concerts, children's matinees, and the staff to produce the musicals. There is a touring company that is coming to Murray also.

There were no changes for the budget for the outdoor swimming pool.

Heritage Center

The only changes for the Heritage Center are some line items being adjusted to allow for the bus driver to receive a little more compensation. Mr. Shaver asked how many temporary employees there were at the Heritage Center. Ms. Gregory answered seven. There are two in the cooking department, one dishwasher that comes twice a week, and an assistant. There were some increased program fees to allow for additional trips. There are fees charged to offset those expenses. Ms. Gregory said that a trip to Cedar City to see the Shakespeare festival had been added next year.

Cemetery

The cemetery remains a status quo budget. Mr. Stam asked about the process of removing some roads in the cemetery. Mr. Hill said that is in the CIP, but hadn't been funded. It is an investment up front but would repay itself over time, with the 150 new graves. Mr. Hill said the cemetery is sold out, with the exception of a new niche that is being installed. Mr. Shaver asked about a mausoleum. Mr. Hill said there hadn't really been much restructuring done. Mr. Shaver admitted it isn't a popular idea here in Utah, but is in some of the larger cities for housing urns, as opposed to a whole body. Eventually the cemetery may become a total expense to the City without any revenue coming from that plot of land. This would not take up much room but would allow for some additional revenue. Mr. Brass said the Council should look at land acquisition to expand the cemetery. Murray residents love their City and enjoy their roots here, but are not able to be buried here. The citizens might support the expansion of the cemetery. Mr. Nicponski said he likes that idea, and believes it would basically pay for itself.

Mr. Hill said the existing cemetery is about 30 acres. Mr. Brass said the old Wagon Master property is right across the street and has been vacant for a long time. He believes the price may be a little high, but it should be looked into as an option. Mr. Hill said the Mayor felt like it would be very difficult for the City to buy land and have it pay for itself. The City has 100 years of experience in that cemetery and has never made a profit. The City would not make a profit in the land business for the cemetery; it would increase the subsidy. Mr. Nicponski said it is odd that a city cannot make a profit, but a private industry could. Mr. Hill replied that the political will is that a City cannot charge enough to compete with a private sector. That is the reason the Mayor hadn't purchased more land because it would cost the City money that would not be recovered. Mr. Hill said that when cemetery fees are compared between other cities

versus private cemeteries, the private cemeteries always charge twice as much. History has not allowed cities to do that.

Mr. Brass said a part of him thinks that some of the more prominent citizens haven't thought ahead to purchase a plot, and when they find out that they can't purchase one, attitudes might change. The City subsidizes a lot of things and should look into what the subsidy is on the cemetery. Mr. Hales commented that he has talked to residents that strongly desire to be buried in Murray. Mr. Hill agreed that many residents call the cemetery and wish that the City had more burial plots. He said he has had private cemeteries tell him that they have looked into purchasing that same land for a private cemetery, believing there is a great demand. Mr. Shaver asked about the possibility of trading a piece of property for the property near the cemetery. Mr. Brass commented that it should be looked into at a future date.

Water

This year, the budget has increased almost \$2 million for the water fund. The City is spending more than the revenue it brings in. There is a healthy reserve of around \$6 million. These are planned drawdowns of reserve funds. The big project is 5900 South from State Street to 725 East. When the legislature allocated money to do the road, the need to do the water line project in that road escalated.

There is nearly \$4 million worth of projects that will be done next year in the Water Fund. Some of those projects include: 5900 South, creation of a new well for McGee Springs, and several pump houses, roofs and windows repaired. There is a \$600,000 budget for local streets. For example, there is a water line project on Kenwood St. before it is paved.

There is about \$85,000 in equipment repair, which includes replacement of a surface truck, and purchasing a planer for the asphalt.

Some operating costs have increased for the Water Fund, mainly utility costs for those wells outside the city boundaries.

These projects will be paid for out of the reserve fund. Service allocations have been implemented and the cost has been incorporated into several of the enterprise funds. The Water Fund will decrease by the service allocations; other funds, such as Solid Waste would see an increase.

Mr. Stam said he receives calls from residents asking to eliminate chlorine from the water. Mr. Hill said he receives those calls also. It would save the City money if they didn't have to pay for the fluoride and also a half time employee to oversee the fluoride. Chlorine also is hard on the fixtures; the light bulbs have to be constantly changed because of the fluoride. Mr. Hill said Murray is compliant with the Salt Lake County Health requirement. Mr. Stam said some cities voted against it and it would be a legal issue. Murray could look into declaring itself independent from the County guidelines. The citizens haven't been surveyed for 10 years about the attitude of chlorinated water. The Murray citizens voted in favor of it by about 60%. He believes the majority still wants it. Mr. Stam recommended that the citizens get a set of signatures and put it on the ballot.

Waste Water

The budget decreased due to the completion of most of the bond proceed projects that the City received two years ago. Mr. Astill has some contracts out for some sewer line projects that were just started. It is likely that they would not be completed by the end of the fiscal year, and money would need to be transferred to the next year. They are not burning through reserves at this point in time. Mr. Astill said there were some things discussed at the Water Environment Association of Utah (WEAU) meeting that concern him, regarding the mindset of the state with nutrient removal. The State has decided to keep the Environmental Protection Agency (EPA) at bay and set new numeric limits for everything. They have suggested dealing with the non-point sources, which are acts, land, and irrigation. It would also pull in storm water into this as well. They have suggested raising bonds to deal with those issues via waste water raises.

Mr. Shaver commented about a waste water forum at the ULCT (Utah League of Cities and Towns) conference and stated that they want all the nutrients removed and the water should be clear and blue. Mr. Brass said it is a touchy subject. Mr. Astill said they are suggesting a \$3 fee per connection, homes and businesses would be the same. That is a 30-40% increase on everybody's fee. Mr. Hill said he asked Ms. Wells to bring it up with ULCT personnel. Mr. Hill said they are trying to blame it on the sewer plants. The state can charge the fee but the local entities are the ones that will take the heat when collecting it. Mr. Brass commented that Mr. Astill eluded to the fact that the fee will have zero impact on their views in our valley. Mr. Astill said that our fees need to be looked at. Mr. Shaver said that the knowledge needs to be passed on to the residents that this fee is coming from the state. Mr. Brass said that even in his discussions with Central Valley there is pushback.

Mr. Stam believes the CIP funds need to be evaluated. The policy behind the reserves hasn't been reviewed for many years. Mr. Hill said he would be happy to participate in that. Mr. Hill said the reserves in the waste water fund are remaining pretty flat. Mr. Zollinger stated that capital projects are being funded with reserves. He believes the reserves are around \$2.1 million.

Golf Course

The big change in the golf course is the outsourcing of the operations of the café at the golf course. The budget decreased because employees are not being paid, and food is not being purchased, but the revenue will decrease also by an amount a little less than the expenses. Some years the café nearly broke even, but most years the café lost money. The private business will pay the City a percentage of the gross sales. Theoretically, this should result in a profit, possibly \$10,000 to \$15,000. Mr. Stam asked if the contracted business would make enough money to justify returning next year. Mr. Hill said it is still early so it is hard to tell. Mr. Astill stated that based on the other numbers, it would be expected. This same company has operated the café at Mick Riley golf course, and made a profit of about \$80,000 there. It is possible to have \$150,000 in sales at Murray. Mr. Hill said there is also the same issue with the café in Murray Park. There is a lot of turnover in café operators. Mr. Stam asked if the Murray Park café was up and running. Mr. Astill said it would be open Memorial weekend.

The golf course is projecting the ability to put about \$65,000 into reserves. So far this year, the numbers are lower than last year, but the revenues have been projected low. If it is a good year, more than \$65,000 would be put into reserves to go toward Capital projects.

The most notable thing about the golf course in Murray is that it is one of possibly five courses in the state that make a profit every year. Most governmental entities are subsidizing their golf courses.

Solid Waste Fund

Mr. Hill stated that a truck is being purchased out of this fund. With that exception, it is a status quo budget. Ace disposal received a COLA (cost of living adjustment), which will result in an increase in costs. The State and City landfill fees have increased also. It was hopeful that a new employee could be added, but the money wasn't there, stated Mr. Hill. Mr. Hill said the increase by TransJordan for the landfill was \$1 per ton. Mr. Nicponski asked what that amounted to. Mr. Hill replied it would equal about a \$15,000 increase.

Mr. Stam noted that there was no increase or decrease to the reserve fund. Mr. Hill said the challenge is that an increase happened last August and another increase will go into effect this August. There are also two minor increases scheduled the next couple of years.

Mr. Shaver asked about the difference between solid waste that is going to the landfill and solid waste that is going to recycling. Mr. Hill said generally Ace provides a cost to pick it up and take it to either location. There is not a profit sharing program with Ace. For example, Ace takes the green recycling cans to Rocky Mountain recycling and gets paid from them, but the City doesn't get a percentage. Ace does return some of the money when they bid as part of their fees. There is different strategies from companies when structuring the bid. Mr. Hill believes it is probably best to get the lowest price possible and let the waste haulers deal with the recycling market. Those prices go up and down, so this way the City is not in a gambling position as to determine the market for plastic, etc.

Wasatch Front Waste and Recycling District (WFWRD)

Mr. Hill and Mr. Brass are meeting with the WFWRD next week and plan to propose to them that a survey be distributed to the residents that live east of 9th East asking the residents what they want, whether they would like to stay with WFWRD or to be part of the service with Murray. The survey would include comparisons and costs between the two entities, so the residents can make an educated decision. Mr. Shaver asked if this came about due to the separate billing issue that recently occurred. Mr. Hill said there are some people upset that would like Murray to provide their services. The discussion with the Board would be to determine if the WFWRD would allow Murray citizens to de-annex if the majority decided that on the survey. Mr. Shaver asked about the existing cans that the citizens have. Mr. Hill said that the cost of new cans needs to be evaluated, as well as a possible new provider. Mr. Stam asked if the survey could pose the question asking if the residents were willing to pay a one-time fee for a new can.

Mr. Brass said that WFWRD periodically offers the roll out dumpsters, and is looking into

establishing a green waste program. Depending on how these programs work out, it may be financially beneficial to allow those residents to go to service with Murray. He asked how their trucks would be routed through the area if they don't have customers there. The citizens may like some of those services that Murray doesn't provide, but Murray's rates are lower and will remain lower. WFWRD will have to have a rate increase in the near future.

Storm Water Fund

This year it is proposed to spend \$1 million more than last year, as a result of the bonded projects. This year would be the first year of spending bond proceeds. The main project is the 5900 South and State Street to 725 East. That road will have water and storm drain lines, as well as, the road being constructed. The Cherry Street area has had some flooding problems that need to be resolved. There is work that needs to be done at 665 West and Capri, and also Anderson Avenue. Mr. Brass said this is good information to know for when the citizens call. Mr. Hill reminded everyone that there is a rate increase on July 1st that they may receive calls on. The impact fee for storm water increased on January 1st and the developers are now starting to figure it out and complain about it. Mr. Brass said that everything that can be mitigated hopefully lowers the impact.

Central Garage Fund

The biggest change is the manner that Central Garage is allocated. The fixed costs, including salaries and associated overhead costs, would be allocated to the departments. Those departments would transfer funds to the Central Garage to pay for the fixed costs. The maintenance costs, including repairs and parts, would have a line item in the budget.

The budget remains mostly the same, down a little bit; only the way the money is collected is changing.

CIP Public Works

There is \$182,000 budgeted for general asphalt. This allows the Street Department to solve problems that arise as the funds are available.

There is money for sidewalk and ramp replacements.

There is \$10,000 for radar speed signs. Mr. Nicponski would like to increase that amount, and asked to have it placed on contingency. Mr. Hill stated that each radar speed sign costs about \$2,500. The City would install them.

Roof repairs need to be done at Public Services.

There is money available for the Cimarron subdivision overlay project.

Engineering is planning on buying a large format plotter/scanner to be shared with GIS.

Mr. Nicponski had requested a trail beacon on the Jordan River and Bullion Street to notify drivers of pedestrians crossing. That was determined to be a good project, and that would be funded and installed. Mr. Stam asked how that was activated. Mr. Hill said it is similar to the

crosswalk by IMC, by pushing a button. Mr. Stam asked about a motion activated trigger for the joggers there. Mr. Hill said that it could be looked into. Mr. Hill said the joggers probably have to stop anyway because it won't change simultaneously.

Mr. Nicponski asked to put the Taylorsville pedestrian crossing on contingency. Mr. Hill stated that Taylorsville requested \$75,000. Mr. Nicponski suggested possibly paying a lower amount.

CIP Parks and Recreation

The roof needs to be replaced at the outdoor amphitheater in Murray Park, as well as, carpet in areas of the Park office building and the Park Center. The Heritage Center has a couple pillars that need to be repaired.

The cemetery needs some fire and waterproof cabinets. The Heritage Center would receive some exercise equipment, and a new oven and steamer. The Murray Park Office building needs a new roof. The competitive pool at the Park Center would be re-plastered. Park maintenance would receive two new pick-up trucks.

There is \$200,000 set aside for new crossing arms for the Fireclay development to comply with UTA and UDOT requirements. There is \$1.2 million set aside for 5900 South. The asphalt grinder needs to be budgeted for.

The meeting was adjourned for a lunch break.

Library- Kim Fong

The Library is trying to do a couple of things to improve their services; one would be to add a full-time library aide. This would give some stability and better scheduling. The money to cover that would be taken from the seasonal budget. The seasonal employees are really part time employees that have been working for the library for a very long time. Many of the very good seasonal employees have recently left for full time benefitted positions elsewhere. Ms. Fong would like to have this position be a full-time position. The library is also planning on adding a couple of positions that would be intended for current employees promoted within.

The other major change is in the materials budget. The materials budget is the budget most often pillaged and results in fewer allowable purchases. There is a significant difference in the money allotted to purchase books, dvd's, etc.

The Library board has approved a \$10 collection fee. In the past, the policy stated that customers may be referred to collections for non-payment. The policy will change to state that customers in arrears on their payments will be referred to collections and will be charged an additional \$10 fee. The reason for this is the new collection company charges the library \$8.95 per account that they take for collection purposes. Mr. Hales asked if this was charged whether they collect anything or not. Ms. Fong said yes and it is a flat rate and this collection company only works with libraries. The emphasis is to get the materials back, and keep the customers as patrons using a softer approach. There is a new line item of \$7,500 for that in the budget, based on the estimate from the collections company.

Mr. Shaver asked about the number of late fees for patrons, if it is decreasing or increasing. Ms. Fong said it is hard to tell looking at the statistics. The library has a very high loss rate. The national rate for loss is about 1%, and the Murray library has about a 3.5%. The goal is to get that under control. Hopefully, with an increased vigilance, the message will get across to the customers. Utah Code classifies this loss as library theft, and is considered pretty serious.

Mr. Shaver asked about the e-books. Ms. Fong said there has been an increase in the use of e-books and there are no fines for those. Still, e-books only account for about 2% of the circulation. That number should increase over the years.

The Library Board has also approved a program associated with the summer reading club. The library is hosting a "read down your fines" program. This is mainly geared towards teens and adults. At the end of the summer reading club, patrons have a choice of receiving a book as a prize for completion or a \$5 fine waiver. This has been tried before with "foods for fines" and has shown to be a substantial increase and effective way to collect fines. When a customer is given the \$5 incentive, they will often just pay the whole fine.

The Library used money from the reserves to pay off the debt to the General Fund. The reserves are a little on the low side, but it was a good thing to do, considering the 10% interest on that loan. There is a lot more money available for operational costs.

Mr. Stam asked about the increased budget for equipment maintenance. Ms. Fong said there is a plan to replace computers, especially the ones that the public uses. That has often been pushed aside and many of the computers are well past their warranty. That increase will allow for the purchase of new computers. Some of the current computers are nearly 10 years old. Mr. Stam asked if the Library purchases those through the City and the IT Department.

Mr. Shaver commented that he loves the computer teen section. Ms. Fong stated that the students make a mad dash from school to get to a computer, and it does bring them into the library. Mr. Shaver complimented her on the quality of the Library staff.

Court- Mike Williams

Mr. Williams said the court is currently at 80% of the budget, with 92% of the year passed. There were some remodeling disasters that turned into major repairs. Three security cameras went out about three weeks ago, and those cost \$3,000. He feels happy that the Court is at that point in the budget.

The Court is down one employee, but that has been consistent for about a year now. Things slowed down with the economy and fewer citations, tasks have been realigned and seem to be working okay.

The prisoner transport has increased, due to a 20% jump to go with the jail. Currently the budget is at \$70,000 and actual is at \$73,000. Mr. Williams said he can make some adjustments on what prisoners really need to come to court but that fluctuates. Some people could possibly appear using Skype, and not have to come in to the Court. There are a lot of arraignments using

Skype now.

The jail was not able to do out-of-county transports, without a three day notice, which is impossible. Sylvan will still be used for out of county transports, and that cost increased also. In talking with Lieutenant Kirk, she agreed to do the abutting county transports for \$75 instead of \$145-\$160. That cost was transferred to the defendants anyway, but always takes some time to actually collect. Court costs get paid before the fines, and get shared with the State. It did take some rearranging so all the transport vans don't show up at the same time.

Beginning on July 1st of last year, there were state orders to get the recording system in the court; even though they are not a court of record. That was paid for at the time, but the Court still needs a server; because it didn't work out to share the server with the Council Chambers. It probably is at the very maximum right now. The Netgear server is \$4,500 and the Court needs that now. Mr. Brass said that item would be added to the contingency list.

There is another issue with the print machine. The Court has not had a service contract for over a year now. Updates have been done with Cogent, but may have been warranty work. He believes the price for the annual maintenance contract with Cogent was \$3,730. Mr. Shaver suggested looking at other contracts with the Police Department to see if the Court could be added to an existing contract. Cogent has stated that they would cover the costs until this contract went into effect on July 1st.

IT came to the Court and reassessed the printers. With the exception of one printer, the other equipment is over eight years old. The equipment needs more and more maintenance. That was part of the CIP request. The server is the most pressing need, then the maintenance contract but the equipment is wearing out.

There was a Senate Bill 111, that everybody missed, that takes effect on July 1st. This bill requires all the courts to e-file. Mr. Williams is unsure of the cost to the Court, but knows there will be costs for the Police Department also. The Police Department is addressing it right now. The Court doesn't get misdemeanor crimes e-filed, only traffic citations, and not from the motor officers. According to this code, it says everything must be e-filed by July 1st or the court is in non-compliance. He looked at the code with the Attorneys, and there is nothing about what happens if the court is in non-compliance. Right now the Civil and District Court e-files in the State system. Murray just e-files traffic citations, and that is only citations from Murray City and UHP (Utah Highway Patrol). There are still DUI's, domestic violence, poaching and the other agencies that do not e-file. After reading the bill, there doesn't appear to be a penalty if it isn't done by July 1st. Ms. Wells said she would speak to the League about this issue. Other courts weren't aware of this new bill either.

The case numbers now have a barcode attached to them, so a bar code scanner would also be beneficial.

Other than those two items; the server, and the maintenance contract, the budget remains pretty flat.

Mayor's Office- Jan Wells

The budget is very status quo for the Mayor's office. The budget dropped a little in special projects. Mr. Zollinger made the minor adjustment to add to another line. The Mayor just has about seven remaining months, this budget will only be in effect until the end of the year. The new administration may have additional needs and requests. The existing office furniture is old, and possibly the new administration may want to make some changes.

Mr. Zollinger said that the Legislative position is still budgeted for, even though Zach Fountain resigned. This is to help cover compensated absences, vacation pay-outs, etc. so the next Mayor has some budget remaining. There is still money in the budget for employee appreciation day, and some other things. Ms. Wells said some kind of planned celebration will take place for the Mayor's retirement.

Finance Department- Justin Zollinger

The wages and benefits line has decreased due to the turnover in his department. There was a death in his department, and that position was filled with a person promoted within the department. The rule applied to the promotion, that if a person was promoted within, there could only be an increase of 10% in wages.

There is also a new AP (Accounts payable) clerk that has opted out of the insurance that is about a \$13,000 annual savings.

In addition, the audit services were bid out this year, resulting in a savings of \$14,000. The interested parties responded well to the RFP (request for proposals) and understood that it is a 3 year agreement with the City's option to renew.

The non-departmental budget had originally been \$2 million; currently the budget is \$364,000 for Murray fiber transition costs. That budget would continue to go down, except for that one item. That cost is being paid for out of reserves.

The miscellaneous services budget has also gone down because the \$200,000 payment to the School District is done.

Ms. Wells stated that the non-departmental budget allowance of \$364,000 would go to a utility model. It would go to UTOPIA; and is the remainder of the operations shortfall for the next year to finish up and create a utility model.

The Christmas bonus had also been paid for out of non-departmental. Those funds have been separated so they are paid for by each Enterprise Fund.

There was a resolution passed to help with the Homeless Shelter. This came from a request by the Salt Lake Council of Governments. That is non-departmental also. Mr. Brass asked if it could be looked at as part of the 20% increment for low income housing out of RDA. Ms. Wells said Mr. Tingey thought the challenges of paperwork may not be worth it. Mr. Brass suggested funding it this year, then looking at moving it next year. Mr. Stam suggested putting it on the contingency list. That would give some time to find out if it is an ongoing expense.

Mr. Nicponski asked if the Boys & Girls Club budget was in addition to the CDBG funds. The answer was yes. Mr. Brass asked to put Murray fiber on contingency.

MCEA- Jackie Sadler and Darren Wiseman

Ms. Sadler brought the newsletter from the Mayor to discuss some of his statements about pay increases and options. There are some good starts here to handle some of the problems that have arisen from not having pay increases from the last few years. Ms. Sadler questioned the 5% increase on the health insurance. Mr. Zollinger said that there is a small increase for insurance for employees. Both the employee and the City's portion will increase, but remain at 15% that the employee pays.

She asked about COLA (Cost of living adjustments) or merit increases coming back this year. The Mayor had proposed \$1,000 raise for full-time employees across the board. She asked if the employees that would receive the compression adjustment also receive the \$1,000 raise. The answer was that it was one or the other, whichever is greater.

Mr. Nicponski said the \$1,000 raise isn't fully set yet. He would like to see a more substantial increase. He asked about how many employees would be affected by the compression issue. It appeared to be the employees that started three to four years ago and haven't received raises. Apparently, there are some employees that started before that and are still on the same compression level.

Mr. Wiseman passed out some charts. This was informational to demonstrate some of the budget challenges. He had three areas to discuss, constructively:

1. There were variances in the Wasatch Comp Study. Mr. Wiseman compared grade 19 in the Fire Department, which also translates equally for many employees throughout the City. The survey actual average compared to Murray's actual average shows that Murray is .20 higher than surrounding departments. There are a couple of inaccuracies. Those numbers aren't weighted by the number of employees in the department. When comparing departments, it should be more representative of departments within the valley and not outside smaller departments. Also, when the data was pulled, they only compared Paramedic I, and not Paramedic II and III also. That is a significant difference in the amount. That average wage of \$23.37 for a firefighter in Salt Lake Valley is about \$5 to \$7 off. Mr. Shaver clarified that was due to only taking the entry level of paramedics. He asked if those position classifications are consistent throughout the cities. Mr. Wiseman said there are differences and he kept those in mind as he tried to list the specific job duties for comparison.
2. Mr. Wiseman has been with Murray for 11 years, and makes \$25.68 per hour. There are employees that have been at Murray, in the same grade, longer than him, and are making less than Mr. Wiseman. One of the employees listed trained Mr. Wiseman and currently makes less. Mr. Shaver asked if the differential is due to the hire date. Mr. Terry said it could be from higher marks on evaluations which led to

merit increases. Mr. Wiseman said that at least one of the employees shown has had stellar evaluations and is number one on the Captain's list. In 2008, the salaries were compared, with evaluations considered, and it seemed to come down to timing.

3. Salt Lake City Fire Department is a highly paid department. Mr. Wiseman compared four Murray employees with four Salt Lake employees with the same amount of time, and the difference between pay is substantial. A Salt Lake City fireman would reach the maximum pay in eight years. Murray has some employees that have worked between ten to twelve years and have not reached mid-point. It is a slow progression for Murray employees. He is not sharing this information with Murray firefighters to not hurt morale.

Mr. Brass said the Council recognizes the issues and would like wages and benefits added to the contingency list. He stated that it has been difficult and the City is just now working out of the hole it has been in. He said the problem is if there is another glitch in the economy, there would be nowhere to cut. The City has worked really hard to retain people and/or benefits. Mr. Nicponski said to put it on the contingency list and try and solve this compression issue.

Mr. Zollinger asked Mr. Wiseman if some of the employees that he compared were getting the compression adjustment. Mr. Wiseman said that they are not, he did look into that. Those employees don't fall into the bottom quarter. They are not to midpoint yet, but are above the 90% level.

Mr. Shaver said one of the issues is that the majority of funds come from one source, which could be volatile. If Murray's tax rate is compared to Salt Lake City's tax rate, there is a huge difference. It isn't just a matter of agreeing to the raise, if the City draws from reserves to pay for increases, it is a onetime thing, and then the reserves are no longer there.

Mr. Wiseman said he is a Murray resident and is vested in the City also. Mr. Brass said the employees are the greatest asset and the Council is seriously looking at employee compensation. Mr. Shaver stated that every Council Member is on board to take care of the employees.

Mr. Zollinger said for the record that Murray's tax rate is .001817 and Salt Lake is .003574, almost double.

Mr. Hales said it is tough because the percentage for the increase has a different value when salaries are higher. He believes the best investment is in the employee base.

Mr. Brass said that it will take longer than one year to fix everything, but they are committed to working towards it. Ms. Sadler thanked the Council for listening to them.

Mr. Zollinger said it is tricky to compare because Salt Lake City employees are members

of a union.

Mike Terry- Human Resources

Mr. Terry said he doesn't disagree with Mr. Wiseman's statements, but Mr. Wiseman is looking at actual salaries, and not ranges. Murray has always compared ranges and compared midpoints against other midpoints. This survey is done every year to ensure that grades and titles are correct compared to the market, but since 2008 nothing has been done with the survey because market adjustments weren't made. He doesn't believe the City is as far out as others, but some areas need adjustments.

Mr. Brass said they are aware that the City is losing employees, particularly in the Police Department, and there are costs to that. Several years back, the City was losing journeyman, and those salaries had to be increased. There have been a lot of suggestions made, and he appreciates that.

Mr. Shaver asked if other cities had made market adjustments. Mr. Terry said that all the cities survey each other, and it is similar to an arms race. Ms. Wells said she meets with the City Managers regularly and everyone has had a different philosophy, and everyone had a different way to make it through the last four years. Some cities have stuck with only merit increases. Murray has gone away from that. The challenge is dealing with where the City is now with limited resources. Mr. Brass said the City needs to make as many people healthier as possible and then come up with a plan for moving forward. Ms. Wells said a lot of effort went into the Mayor's proposal.

Mr. Stam stated that when comparing employees, one City could have an employee close to red lining, and another city could hire him at the same experience, at a higher grade. Are there several people that could get a grade increase, which would give more room for growth, he asked. He suggested that it may improve morale knowing that there is more room for growth. Mr. Terry said the rule is that if a grade is found to be inaccurate, then all the employees in that grade would be moved up a grade. The difference between the grades is 5%, but all those employees would receive a 2.5% increase. That is called a market adjustment. That would only affect those in that specific job title. Mr. Stam said it would be nice to know which grades should be looked at. Mr. Terry agreed, but said it only benefits a handful of people.

The remainder of the budget is fairly flat. The only thing that increased was the cell phone budget due to the new cell phone policy. The training budget decreased to \$4,000. There is some City wide training planned that isn't expected to cost that much. The Police and Fire testing remains the same. It would be preferable to do the testing every two years, but the list gets exhausted, and it is usually more like every year. Testing for employees becomes very costly, but \$10,000 should be adequate.

Mr. Hales asked about the evaluations. Is the Mayor's proposal consistent across the board, not determined by the score received on evaluations, he asked. He had an issue with giving the same amount to people with less than adequate evaluations. That issue was also determined to be part of the contingency discussion.

Blaine Haacke- Power Department

Mr. Nicponski commented that it was so nice to have a Power Department. He said that Salt Lake City is a different animal with the Airport and Water; it may be hard to compete with that.

Mr. Haacke has asked Charles Crutcher, Bruce Turner and Greg Bellon to attend today also. Those individuals have helped formulate the budget, along with Mr. Zollinger.

The budget is very similar to last year. A conservative approach has been taken concerning revenue. There will be increases in metered sales, due to growth in the community.

The budget is \$37.3 million, of which \$19.2 million is allocated to purchase the power to pass along to the residents. That is UAMPS, and natural gas contracted services. Natural gas prices are expected to be within the \$4.00 - \$4.25 range, and the generation costs are based off of those estimates, even though natural gas may not be generated, due to the turbines. That is what runs the market on the wholesale market in the United States. Purchases from other places are expected to be about 4 cents a kilowatt hour. Wholesale sales are not expected to increase much over the next couple of years. Things can change; for example, if fracking is determined to be environmentally unsound, then the market would change.

Mr. Brass commented that he saw something about exporting natural gas. Mr. Haacke said that they are trying to get the pipeline from Canada which would bring more natural gas into the market, which would be great. Liquefied natural gas (LNG) is a big issue. It is shipped to Hong Kong and changed from liquid back to gas.

The budget is about \$1 million more than last year due to the principal of the bond. Mr. Zollinger stated that the Power Department is continuing to try and pay off some bonds, the \$1 million would go toward that. The Department is trying to knock down some of the high interest rate bonds, which are at 5%. The bonds are callable, which means they can be paid off early. That would amount in a savings of \$137,000 a year in interest. Mr. Shaver commented that the money that would have been paid for the bond can now be split; or be aggressive and put it back into reserves, but at a better interest rate. Mr. Stam said it is interesting because the money isn't shown as going back into reserves at this point. Mr. Zollinger said the numbers are conservative, so most likely there would be extra money going back into reserves. Mr. Haacke said they believe they will sell more and buy at a less expensive price. Mr. Haacke likes the idea

of the Power Department getting out of debt before he retires. Mr. Haacke said the key to remember is that the loans are being paid off and not just refinanced.

The Power Department took advantage of the early retirement a couple of years ago, and is still living off the laurels of that. Seven employees retired, and the Department is still running down five employees. Two arborists have been rehired, and an employee in GIS. The department now has 46 employees, instead of 52 before the retirement and peaked around 61. Through re-organization, John Christensen moved to City Hall staffing

Mr. Nicponski asked how many employees were in the arborist department. Mr. Haacke said there are seven now. The position of City Forester has never been filled. The arborist supervisors have taken on that responsibility.

The Capital budgets have increased. This is an enterprise fund, and not part of the CIP. Mr. Stam agreed that it is reviewed but is different.

There has been a request for more vehicles. Mr. Shaver asked if the whole new vehicle is requested or just different vehicle parts. Mr. Turner said that the whole vehicle is replaced. For example, the trouble truck has rusted out bins and the truck has over 100,000 miles. There is a line truck that has the boom and the auger that was done last year, and it was better to replace the whole thing. Mr. Nicponski asked about #128, the bucket truck. Mr. Turner said that it would be a total replacement, the scrap would be auctioned or possibly given to the school.

Mr. Zollinger asked if there was anything in the purchase ordinance that said anything about donations. Mr. Shaver said that a saleable property could be declared surplus, and then given away. Mr. Turner told Mr. Brass he had never thought of that but that the school called recently looking for a bucket truck.

Mr. Turner said it is a possibility to combine the brush truck and the bucket truck. It would be a wash between that and two separate vehicles but that the newer employees love the one unit truck. The rest of the vehicles are dump trucks, and the tree trimmer/chipper. Mr. Haacke said that the budget amount requested for vehicles has doubled, but if you compare the actual costs, you can tell that money hasn't been spent. Mr. Nicponski asked if the City tries to buy vehicles from Murray dealerships. Mr. Haacke said no, but this had been brought up last year. There are no Larry H. Miller dealerships on the State list. Mr. Haacke said it was requested by the Vehicle Replacement Committee that he purchase a Ford, and there are no Ford dealerships in Murray. The money went to dealerships in American Fork. Mr. Turner said that the Larry H. Miller dealerships do not know how to get on the State contract.

Mr. Crutcher talked about the first item, which was CP1. That is the cost for providing service to new customers with their requirements not known. Mr. Shaver asked if they look at the new hotels being built, etc. Mr. Crutcher said that some of the big customers are returned

back under work order revenue, which is under the revenue strata.

The replacements of existing facilities increased because it is budgeted to re-conductor the hydro line that runs up Fort Union Boulevard. A few years ago, new conduit and boxes were put in Fort Union, but not new conductor. That is around \$180,000 to \$200,000 of the \$500,000. The other projects would be smaller projects, backyard rebuilds, etc.

Transformers include the larger ones that cost over \$5,000, so \$50,000 will buy six or seven of them. Those are items that a Hotel would use, and those would be purchased and kept in the inventory.

There is a north and a south bus, and two transformers at the Riding Substation that come off the north bus, and if there was a problem with the north bus, the distribution would be lost. The Department would like to take the south bus and bring it over and feed one transformer off the north and one off the south. The bus is an aluminum bus pipe that carries 138 kb volts that is distributed to the different breakers that go to the other stations. It is a delivery system that gives more redundancy and backup in that station.

Some foundations need to be replaced in the Central Substation. If you look down the aluminum bus pipe, you can see the foundations are settling and putting strain on the bus. Those need to be straightened up to relieve the strain on the bus, so the insulators don't actually break off. There would be a section of the bus removed between two sections, kill that bus section, and take out the supports, then put the new supports in and the foundation also. Mr. Shaver asked if that was due to settling. Mr. Crutcher confirmed it was due to settling because the substation is sitting on about 25 tons of garbage. The substation is located right behind the office.

The next item is to re-conductor the URD (Underground Rule Distribution) to Winchester Estates. That is the primary cable that feeds that. All of the cable within Winchester Estates had been replaced already, but the four runs that come across Winchester need to be replaced because the conduits are damaged. The cable that was in there was a single strand in the middle, then insulation, then the neutral on the outside. It was a bare concentric neutral that had deteriorated. It is replaced with cable that has another insulated jacket over it. Mr. Nicponski asked how he was aware of the problem. Mr. Crutcher said they had experienced problems in other areas and noticed it was bad when they tried to pull it out. They pulled out all of the non-jacketed cable to check when people had reported getting shocked from their bathroom fixtures. Mr. Brass said that the neutral acts as the return and if it is corroded then that current has to go somewhere. If someone has metal piping, the current gets up into the plumbing and you stand on the drain and go to adjust the water temperature, you instantly know there is a problem. Mr. Nicponski said he was interested since Winchester Estates was in his district. Mr. Brass said it is common and happens everywhere in the state. Mr. Crutcher said that the code wants you to

ground to the water pipe, then to the ground rod. The older areas did not require ground rods when the services were put in. This will finish the four main runs into Winchester Estates; the bore is the majority of the cost.

Another capacitor bank will be installed in the Central Substation to increase the power factor. The department is hopeful that this will bring the power factor to where it needs to be. WEC is still in the process of writing the standard for power factor. Mr. Brass asked what the power factor is. Mr. Crutcher believes the power factor is around 88%. The agreement with Rocky Mountain Power requires 94% on peak. Mr. Brass said it is a factor of loss when power is delivered. Mr. Crutcher said WEC is in the process of writing a policy as to what the entities that report to an RRO are required to have.

Mr. Brass asked what the demand charges are on the Water department for the pumps that kick in. There was an increase in rates from Murray Power and Rocky Mountain Power which were attributed to demand. Could that be fixed with capacitors to level it out, he asked. Mr. Crutcher said the wells have motor starters, so the impact shouldn't be as bad as if they were coming across the line.

There is an increase for street lights in the annexed area near 13th East. These streetlights will be LED. Murray pays for all the lights in the annexed area right now. They will allow Murray to install lights, and will charge a set fee for the energy charge, but not the full blown rate for a regular street light. Murray will install the lights and connect them, and they will charge Murray a few dollars each month for the energy cost. Mr. Shaver asked why the City is doing that. Mr. Crutcher replied that 13th East is dark and needs additional lighting. The City thought this street might be a nice attempt at LED lighting. Mr. Stam asked if Mr. Hill had talked about street lights in his budget. Currently, the lights are in the General Fund, but are coming back to the Power Department. Mr. Stam thought that Mr. Hill was still paying for the street lights in the annexed area and the East side, so it would be an increase for the Public Services Department utilities bill. Mr. Brass said that Murray doesn't serve the East side, but are paying for street lighting. Mr. Shaver said that the power usage of a LED light is less. If the City was to do the same thing on 9th East, it would reduce the amount of energy used in the end. Mr. Crutcher said it would be about 15 LED street light installed, and would be a good test for LED lighting. Mr. Crutcher said sometimes LED have bright spots and are directional. Mr. Brass said they are expensive and longevity is still questionable. LED lights have less spillage of light into a house for example, this will be a great experiment stated Mr. Brass.

Mr. Haacke said the capital is about \$2.2 million, with an increase of \$400,000 over last year. The ILOT is about \$2.8 million, a little higher than last year, based on previous years audited figures. It remains at 8% of the revenue. Ms. Lopez stated that Provo was at 10%, and increasing to 11%. Price is at zero percent and is at the whim of the budget.

There is \$500,000 set aside to change out the commercial remote meter readers this year. Residential is already on remote read, and commercial is in phases. Every meter in the City should be read remotely with this additional money. Mr. Shaver asked if there were accuracy issues with those. Mr. Haacke believes it is at 99% accuracy rate.

This Thursday is the lunch with retirees, Council Members, Power Board Members, former Council Members and Mayors to celebrate the continuation of 100 years. There have been 24 employees that have retired, and about half of them are coming to the lunch.

The Power Department has helped out with the scoreboard, the fireworks, and has sponsored a portion of the float this year.

Mr. Bellon and Mr. Haacke reiterated that the Power Department is making ends meet, and still putting away an extra \$1 million for bond repayment this year.

The meeting recessed for a 15 minute break.

Police Department- Chief Fondaco

The budget submitted was exactly the same as last years. There were no increases in any line item, with the exception of possibly VECC (Valley Emergency Communications Center).

Chief Fondaco had already discussed the salary problem, and the vehicle problem. He feels beat down on the budget. He is aware that there isn't money to deal with his problems. Chief Fondaco said the compression increases will help, but is not enough to fix it. Mr. Zollinger said there is the 3%-3% increase in the budget for the new hires. Mr. Nicponski asked why this increase will not fix the problem. Chief Fondaco showed a sheet with employees highlighted in red, as not being fixed. Mr. Brass said salary has been put on contingency to be addressed later. Mr. Shaver said the Council would like to look at his sheet with his numbers also to address. He is aware of the training costs when employees leave. Chief Fondaco said he understands there isn't any money to fix things. His department has kept the budget flat, and keeps expenses in line. Mr. Brass said they recognize that the Police Department is unique with the expenses to train a new employee. This is a problem throughout the City. The goal is to take care of the employees, and the Council feels the pain. The Chief said he can't cut anything else from his budget. Mr. Brass said that is the same fear for cutting from the City's budget and he never wants to have to cut personnel.

Chief Fondaco said he is still five officers down from retirement, but knows the money isn't there to replace them. He still has three motors working in patrol. Isaac just sent the stats from the first quarter, and the response times are up by about 45 seconds. His department prides themselves with priority one response time. Priority one is a crime in progress and that response time has increased to over seven minutes. That is a direct impact from not having enough officers. The bike patrol hasn't started yet. Last year, he filled that spot with motors, and

now doesn't even have the motors.

Mr. Zollinger said that the Chief had asked for a 3%-3% increase for the Police Officer 1 position. That entry level position has stayed at the \$18.00 range and the rest of the cities around Murray were paying \$21.00. That was to help address the attrition of new officers. Mr. Shaver said that some of those valuable officers that the City wants to keep might have to be addressed separately but is aware that creates contention among the employees. The question was raised earlier that the same increases are being given, no matter what the performance is. Mr. Brass commented that not everyone will ever be happy. Mr. Stam said he would rather have the unhappy employees be the ones that are not performing.

Mr. Stam asked if the 26 new police cars helped with morale. The Chief said it certainly helped with the patrol officers. The department has received a lot of comments on them. Although, the department should replace 12 to 15 cars a year, and replaced 26 in a five year time period. The department is still way behind on fleet. The Chief cannot even look at new cars until the next budget begins in July 2014 and even then the cars wouldn't arrive until January or February of 2015. It still is not working. Chief Fondaco himself went back to a 2001 car, so he could give his car to a detective that had 120,000 miles on his car. The canine truck has over 100,000 miles on it and in two years will probably be around 130,000.

Mr. Zollinger said the Council has tried to address this with the budget savings program. There is a good savings to date in the Police Department and hopefully that will come up for use. The Chief said if you lose an officer that has four years experience and replace him with an \$18.00 per hour officer, that results in savings, but that is not a good way to acquire savings. Mr. Nicponski asked what the savings would be used for. The Chief said probably vehicles and radios. If it goes back in to the CIP program, then it becomes a CIP conversation and how it is spent. Mr. Shaver said the issue is that the department is still down officers.

There are four motorcycles in the CIP, four were traded for basically two replacements, but that had to be done before they got any older. The motorcycles don't have a lot of miles because they aren't ridden in inclement weather.

Council Office- Jan Lopez

The budget decreased in wages and benefits, by about \$58,000. The lobbyist salary change went from \$40,000 to \$30,000. That item was put on the contingency list. Mr. Nicponski said he was impressed in the meeting with the lobbyist.

Mr. Stam asked about the line item for \$25,000 for a grant writer. It is listed under consultants and service audits. Mr. Stam said it was seed money for a grant writer. The decision was made to leave it there for now.

Ms. Lopez said that the budget was increased to allow for two Council members per year to attend the National League of Cities. It is believed to be in December every year.

Mr. Stam said that he noticed the Council was highlighted in the staffing document, and that the top three Council Members are listed differently than the other two Council members.

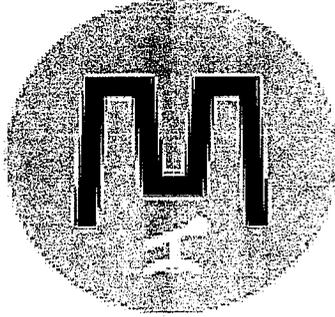
Mr. Zollinger said that the \$125 Christmas bonus was inadvertently left off the other two Council Members salary. He would make that correction. The other variation is due to the difference between Tier I and Tier II retirement levels.

Mr. Stam mentioned that an iPad would have to be replaced at the end of the four year term anyway, so maybe it should be a gift for them to have while in service and then just retain afterwards. They would be outdated after four years anyway. Mr. Stam asked about the short time that possibly he and Jared might have in service and what would happen at the end of the term. Mr. Hales said his opinion would be to let the Council Member take the iPad with them. Ms. Lopez said that IT suggested that the Council Member could purchase it at the going rate at the end of the term. Mr. Zollinger said the decision to be made is whether this is part of the compensation for a Council Member. Mr. Brass commented that the City information can be easily deleted. Mr. Zollinger asked about the policy if it gets dropped and broken. Ms. Lopez said that if the decision is made to let the Council Member keep the iPad upon leaving, it should be changed in the Council Rules.

Mr. Shaver asked if there was an increase for the Council reflected, based on what the employees are getting. The Mayor and Council do not typically get a raise, unless it is deemed a Cost of Living Adjustment (COLA). Mr. Shaver believed the pay rate should remain the same, considering the benefits discussion. The decision was unanimous.

The Meeting was adjourned

Kellie Challburg
Office Administrator II



MURRAY
CITY COUNCIL

Committee of the Whole

**Committee
of the Whole
Minutes**



DRAFT

MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, May 7, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Others in Attendance:

Dan Snarr	Mayor	Tim Tingey	ADS Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Pete Fondaco	Police Chief	Craig Burnett	Police
Jennifer Kennedy	Recorder	Diane Turner	Resident
Mike Adams	Resident	Roseann Stam	Resident
Ted Eyre	Resident	Justin Zollinger	Finance
Todd Marriott	UTOPIA		

Chairman Hales called the Committee of the Whole meeting to order at 5:15 and welcomed those in attendance. He excused Jim Brass who is traveling.

Minutes

Mr. Hales asked for corrections or action on the minutes from the Public Open House Meeting held on March 26th, 2013. Mr. Shaver moved approval, and Mr. Nicponski seconded. All were in favor.

Business Item 2.1

Passport Discussion- Tim Tingey and Jennifer Kennedy

Mr. Tingey told the Council about an opportunity that Murray has to administer passports in Murray City.

There are two other cities in the Salt Lake Valley that do passports: Sandy and Draper Cities. The County also administers this program, as well as some of the post offices.

There are some reasons that staff believes it is a good time to start doing this. Staff has included the revenue it would bring in in the upcoming budget that will be discussed shortly. Mr. Tingey said he believes that passports could be administered with the existing staff and hopefully be a revenue provider as well as a great service to the City.

Ms. Kennedy has made the contacts and done the legwork. She brought the idea to Mr. Tingey and they met with Mayor Snarr and Ms. Wells. Mr. Tingey appreciates the work that Ms. Kennedy has done on this subject.

Ms. Kennedy contacted Draper and Sandy and was given a contact person with the U.S. Department of State, Mike Silva. She contacted Mr. Silva and asked if it would be probable for Murray City to do passports. Ms. Kennedy sent a letter to Mr. Silva stating the population of Murray, the Intermountain Medical Center (IMC) location, Front Runner tracks, commuter rails and other information about the City. Mr. Silva approved the application for a couple of reasons. As of last February, the LDS Church had stopped issuing passports, and also Clerk's offices are easier and friendlier to work with.

Appointments won't be taken, it will be on a walk-in basis. The hours will be 10:00 to 4:00, Monday thru Friday. There are certain instances; such as custody issues that require both parents to be present. The City will make necessary exceptions and allow them to come in either before or after regular hours, if requested.

Mr. Shaver confirmed that the passport requirements are on line. Murray City will just be facilitating the U.S. Department of Foreign Affairs requirements. Ms. Kennedy confirmed that Murray is just taking in the applications. Murray will encourage people to have their applications filled out before they arrive at the City. If not, there will be blank applications. Staff will verify the required identification. The passport fee will need to be paid by check or money order. The processing fee that that City charges can be paid by other ways.

Mr. Stam asked if the City would provide photo service. Ms. Kennedy confirmed that photo services would be provided. There would be a \$10.00 charge per photo. That may seem higher than other places, but it will be the exact size needed for the passport. Draper and Sandy also charge \$10.00 per photo. Mr. Stam said that he thought the County charged \$20.00.

Mr. Nicponski said that this sounds better and better. Ms. Kennedy said that the photos can also be used for other types of identification, such as concealed weapons permits. The photo service would be available to anyone, regardless of getting a passport or not.

Mr. Tingey said there would be some minor setup costs in the beginning. A camera would need to be purchased. The City is still considering an area for the set up. Most likely it would be set up in the Recorder's office. That area just needs to be configured to make it as user friendly as possible.

Mr. Nicponski said this is another reason that Murray needs a New City Hall.

Ms. Kennedy talked to both Sandy and Draper concerning their revenue. In the last year, Sandy generated \$50,000 and Draper generated \$60,000. That was their portion of the passport

services. The potential to create revenue is there. Ms. Kennedy believes that Murray is better located than those cities. She believes that the City should realize at least \$50,000.

Mr. Stam asked about the increased workload required. Mr. Nicponski asked if a new FTE would be required. Ms. Kennedy said that the City will not need to hire a new person. She created a task list for her department and believes it can be done with existing staff. There will be some back-up employees. Jade, from the Mayor's office has agreed to be a back-up helper, as well as Jennifer Heaps and Tim Tingey. They will all be trained to process passports.

Mr. Tingey said that they believe it can be done with existing staff. If there are lines of 20 people all day long, that may need to be re-evaluated.

Mr. Nicponski asked if there was any possible liability. Mr. Tingey said not as long as the City is following Federal guidelines. The employees will be trained by the Passport Department, most likely in June, and they would continue to be a resource for staff. Mr. Nicponski commented that processing really falls on the Federal Government. Mr. Tingey agreed and said that the information is sent to the Passport Department daily. Ms. Kennedy noted the main responsibility is to look over the applications and make sure they are filled out correctly. The City would not issue the passport, the Federal Department would.

Mr. Nicponski asked about the turnaround time. Mr. Stam thought it was about 6 to 8 weeks. Ms. Kennedy agreed and said that expedition is possible also, with an extra fee. Ms. Kennedy said that Sandy and Draper cities started with new applications only, but have since moved to processing renewals. Ms. Kennedy said that if someone brings in a renewal they would have to pay the postage part of the renewal, as well as the photo.

Mr. Tingey asked if there were any questions or concerns. He said he would bring it up again in the budget meetings, and has marked a conservative figure in the budget for estimated revenue this first year.

Mr. Nicponski said he believes it would be an outstanding service to the citizens. Ms. Kennedy agreed it would be a great service, and can be done with existing staff. Mr. Tingey said that Ms. Kennedy had the idea and was aware that Sandy did it, so she looked into it.

Business Item 2.2

Utah Infrastructure Agency (UIA) Report- Darren Stam.

Mr. Hales said he is aware of all the work that Mr. Stam has put into this report, and appreciates his efforts.

Mr. Stam said that he has put some things together to show the information.

The Cities spent \$185 million with UTOPIA. The first thing that needs to be understood is what the cities received for that money:

- UTOPIA built the "Core" infrastructure. UTOPIA doesn't operate without the core infrastructure.
- UTOPIA built the "Long Haul." The Long Haul is a line that runs from Brigham City to St. George that everyone connects to.
- Connections. This is the construction to the house or business.

These were all expenses that didn't create revenue, with the exception of connections, and even then there were people that received connections but didn't pay for them. Mr. Hales asked if the name of that area was called Legacy. Mr. Stam said that is correct and they are now called Legacy because they received the connections first.

Mr. Hales asked about the year that UTOPIA and UIA were created and if 2002 for UTOPIA and 2011 for UIA was correct. That was correct.

When UIA was formed, they were approved for \$65 million in bonding. They received \$29.5 million from bonding for the first phase. He showed a breakdown of the \$29.5 million. There was money spent on marketing and customer acquisition. Money used to install the service and for construction costs.

There was also the stimulus match. The Federal Government gave UIA a grant of \$16.5 million and matching funds were necessary to receive that fund.

When UIA was created, the cities paid the operating costs because UIA didn't have any money. UIA then paid that money back to the cities. Mr. Shaver asked if it came back as a check or a credit. Ms. Wells said she thought they received money back, but wasn't sure. Mr. Stam said the cities paid for UIA to get rolling and then they paid the cities back with money.

The IRU is the agreement that UIA had with UTOPIA. This was the money UIA paid for operations and to help with the litigation against Rural Utilities System (RUS). Mr. Stam said he wasn't sure what the acronym IRU stood for, but it paid for operations and the lawsuit.

UIA also had to pay for the connection boxes and electronic accessories needed for hookups.

These expenses totaled \$27,174,000. The other money was the cost of issuance and the capitalized interest that needed to be paid. That concluded the breakdown of where the money went.

Mr. Shaver asked about the difference between construction, installs, and electronics. Mr. Stam said that construction is the conduits and fiber laid in the ground. Installs were the connections made to the house, and electronics is the equipment that they had to put in the houses, huts, and boxes.

Mr. Hales asked where the stimulus was and if UIA had to pay the \$4.4 million to get the \$16 million, and where the \$16 million would show up. Mr. Stam said that they have not received all of it yet, the work needs to be done and then a bill is sent.

Mayor Snarr said there were certain types of clientele that that infrastructure could provide for. Firmco is a company in the medical device business. They were one of the qualifying customers.

Mr. Stam said he has been asked if Murray benefitted from the stimulus. He has a list of stimulus connections that were installed in Murray and paid for by the stimulus. There were 24 connections and 29 more planned for a total of 53. This has to be completed by July 1st to get the money.

Mr. Nicponski asked if the pumps, wells and traffic lights are all connected to the system. Mr. Stam said that they were and were all connected because of stimulus money.

Mr. Stam said there isn't a lot of money gained because of the stimulus but there were contacts made with Utah Education Network (UEN) and the schools. Mr. Nicponski asked if IMC was connected because it didn't show up. Mr. Stam said IMC was connected but the connection was made before the stimulus.

Mr. Stam said he is asked about how much fiber has been put into Murray. He passed out a chart. Starting in 2007, it shows you how many miles were put in and it is broken out by city. In 2007, there was a large volume put in, it slowed down a bit in 2008 and went to almost nothing in 2009/2010. That is when the RUS pulled the funding which created more issues.

Mr. Shaver asked about how much fiber was already put in the ground of the original fiber ring. Mr. Stam believes this is the fiber that was added and didn't count the existing fiber. Mr. Shaver stated that if you look at 2002, that would be 5 years and the averages in Murray over 5 years would lead to a huge amount every year. He would like to know how much of that was already in the ground.

Mr. Nicponski asked how much of the \$16 million from the stimulus connections did Murray actually receive. Mr. Stam replied he didn't have a dollar breakdown for the different cities.

Mr. Stam said that Murray City was evaluated and of all the possible addresses that could be passed, about 68% of those have been passed. The fiber ring that was originally installed was a business ring only, and not residential. Mr. Shaver asked if the 68% was only residential. Mr. Stam replied that the 68% was for all possible connections in the City. The City was evaluated with all business and residential locations and of that number, over 68% of those locations was built out. The lines are there, so it is the potential of 68%, not necessarily connections. The original fiber ring was running through the business district and did not provide connection to the houses.

That is quite a bit of the City that is covered, said Mr. Stam. He pointed to a chart that tells how much fiber has been put in, in feet not miles. The column to the left shows miles.

Mr. Stam is often asked about the money spent versus the revenue. The debt is quite large, he discussed the return on investment (ROI) that the City is getting.

In 2008, the ROI was a 1.71%, in 2009 there were more connections made, and it increased to a 1.8% ROI. In 2010, it increased to 2.15%, and in 2011, prior to UIA, it went to 2.33%. That year Brigham City was built out. Ms. Lopez asked if these numbers were a total of all the cities, or just Murray. Mr. Stam replied it was a total for all the cities. In 2012, a return was realized from UIA connections, and the ROI was 2.42%. That was after adding the \$29 million to the \$185 million for a total of \$214.5 million. In 2013, the ROI so far is at 2.61%. UIA has made an impact on the return. Even with adding more debt, the ROI has had a significant jump.

The ARPU (Average Revenue per Unit) is a number that people are interested in also. A chart showed how much revenue is made from the connections in each location. Notice non-UTOPIA cities listed as part of the revenue. These other cities are due to contracts from UEN and schools in that city. For example, in American Fork, there were two connections because two businesses wanted to be connected. Mayor Snarr said there were also examples of that in

South Salt Lake, and Waverly Station in Midvale. Mr. Stam said it shows the revenue from connections made in all of the cities. This revenue is monthly revenue. Another chart showed the number of active connections or devices. The devices are cabinets, huts, data centers, and interconnecting points. Basically, anything that had to be powered by UTOPIA is listed. Mr. Shaver clarified that those were connections in the ground as well as in the homes.

Mr. Stam said only one city had more connections than Murray, and that is Orem. He noted that the main line runs through Murray and without Murray, it would be dark in many cities around the network. Murray is the 'crossroads of the network.' Everything crosses through Murray, and if Murray chose not to participate, it would affect a lot of other people, not just in Murray.

UTOPIA had an ARPU of \$37.84. Since UIA was put in place, and changed the focus to a larger ROI, it has increased to an average of \$45.54. That is a 20% increase in average revenue per connection since UIA started.

In the Legacy area, UTOPIA used to receive \$29.50 per residential connection and averaged approximately \$150.00 per business connection. Today, there are two connection prices: There are people that paid for the \$7 transport fee and cue in UIA. UIA gets \$48, of which \$25 could be financed over 20 years. The Legacy area wanted to keep things the same, and the total there is \$35, including a \$5 lease. Eventually, the \$25 cue would be paid, and leave \$23 which would be the same for the two groups. If the \$23 rate would increase, and if you look at how much money the providers make versus the \$23.00, and a lot of people that sign up for the lower end connections there is very little room there. The providers make more money on the higher end connections; which include the 50/50, 60/60 100/100, and when television and other services are provided.

Mr. Nicponski asked what the average household is paying. Mr. Stam said that it depends on what services they choose. If it is a low end connection, similar to a 20/20, it would be approximately \$29. That would be what the provider would receive, and then pay UTOPIA \$23 of the \$29. Mr. Nicponski clarified that this was internet only. Mr. Stam said that was correct.

Current connections in Murray are approximately 1924 including both businesses and residents. It isn't split between the two, but it was around 280 businesses. Mr. Shaver said you could get a pretty good idea how many resident connections there are if you look at the address ID's and extrapolate those based on the percentage of the total ID's.

Mr. Shaver commented that there is only one other city performing close to Murray, and that would be Orem.

Mr. Stam said that when he was asked to be the chair of the Finance Committee, one of the requests was to make the financials easier to understand. The Finance Committee is made up of Finance Directors from Orem, Centerville, Midvale and Brigham City.

Mr. Stam handed out a copy of a draft financial report. The Committee has created a coversheet, which is basically a snapshot of the cash flow. The format is more similar to what people are used to. There is a snapshot for UTOPIA and UIA both. Some of the depreciation and non-cash items had been removed from the report. The Board is given the full financial reports every month. The Finance Committee meets on the first Thursday of every month to prepare this report. Their fiscal year is July to June.

The first graph shows UIA subscriber growth and compares projections for Phase 1. The goals were not being met, until the focus was changed to revenue. If the revenue is met, then the number of connections doesn't matter as much. This chart shows the number of connections based on UIA growth throughout the entire area. Mr. Stam said at this time, Centerville was built out and had 25% take rate.

Mr. Stam displayed a graph that showed that the UIA revenue actual growth is closer to the planned growth and that in September the lines crossed and there was enough money to make the bond payments. There is an average of more than 4% growth. If growth continues at 4% then it would exceed the planned revenue in June. Projection was decreased a little because last month was a little slower. Theoretically between May/June and the time bonding is received for the next phase, the line should be crossed to meet the revenue.

Mr. Shaver noted that January-February looks like a down time. Mr. Stam confirmed it was a down time, but also that is when money ran out and the marketing efforts went way down. The marketing money has helped them meet expenses without asking for more money. That is why they need operations money to make up the difference and also continue with marketing. Mr. Stam noted that in January there were 92 new connections, and 90 in December without any marketing. This was attributed to word of mouth. Although that is compared to 170 connections in September.

Mr. Shaver asked to look at the projected results again. The growth seemed slow for that time period. Mr. Stam replied that there are things at hand that are making an impact. Mr. Shaver asked how quickly the return would be seen. Mr. Stam said some return would be visible in weeks or months for the total return, and added there is a cost to putting in a connection until a return is gained. Money is being made on the business connections. Mr. Shaver is concerned with the reduction in growth and the shortfall.

Mr. Nicponski asked about the finance report for the month of March. Mr. Stam clarified that the coversheet is for the month of March and the other sheets are for the year. Mr. Nicponski asked if the reason UIA was making a profit was because the cities were infusing money. Mr. Stam said the cities aren't contributing anything to UIA, only UTOPIA. Mr. Shaver said the point of creating UIA was to create a revenue stream and make money while the UTOPIA side was attempting to balance.

Mr. Stam said that a dashboard has been created. Every night at 2:00 a.m., a snapshot is taken of the number of connections and customers. This is available every week. The ADID is the number of active connections (units). A unit doesn't mean one house, it could mean an apartment complex with a dozen connections. It does show how many units have been turned on every day. It shows activations and disconnects. Disconnects doesn't necessarily mean someone is leaving the network, it could mean a change in providers also. It would show as a disconnection, but also as a new connection. Revenue net change shows the money from businesses and residents for that day. That doesn't mean a person has left, but it could mean that someone has made a change in their service or their television provider for example. The advantage of this report is that the knowledge is there right away and a provider cannot take advantage of a disconnection, as has been experienced in the past.

In April, it showed that there were 60 disconnects. After researching, it was discovered that it was due to a provider, Connected Life. Connected Life started having problems, and all of the customers were put with other providers. Most of those customers went with Veracity. Some

of the customers made their own switch and as a result there was some double billing. Most of those 60 disconnects were actually corrections for the double billing. The important change is that UIA can react to these situations quicker now than before.

Another change is that now the providers will be billed for the month ahead, instead of billing in arrears for the month already used. The providers were told that they would be double billed and they had to be caught up on payments by July 1st.

Mr. Hales asked when the inception of the Finance Committee was. Mr. Stam said it had been about 9 months, and feels like it has made a difference in some of the reporting. Mr. Stam said that Tim Fisher should be credited with some of the reporting. He logged every single address and made sure that payment was being received.

Mr. Stam started a discussion at UIA by asking to consider themselves a regular business that had to break even today. As a result, Blaine Lutz from Centerville created a spreadsheet to explain what would happen if cuts were made. His spreadsheet showed the operations with all the departments listed. For example, if a 10% decrease in the expenses was the goal that would be about \$861, 625. In order to reach that 10% decrease, you have to cut 21% of personnel, 95% of operating costs, 87% of professional services and 32% of the network to save 10% of the shortfall. The shortfall is the \$225,000 monthly. Looking at these numbers, there is nowhere to cut. To break even, you would have to cut 65% of personnel, 333% of operating and 272% of professional services.

The one area that could be cut is a small part of administration costs noted Mr. Stam.

Mr. Hales asked about the legal fees that were close to half a million. Is that an area that could be cut, he asked. Mr. Stam said that they are in the middle of a litigation and would be hard to cut.

Mr. Marriott said there are currently 9 to 10 legal issues, mostly with RUS and service providers. Per the statute and bond coverage, these legal issues have to be pursued as best as possible. There are discovery and deposition costs involved.

Mr. Stam stated that the Finance Committee did a draft summary and found an interesting thing about the chart. If the network grew by 25%, there would be a small increase to the network management but almost no increase to the other service costs. Bottom line, is that the network is built for growth. New growth will not cost more money, it will only help offset expenses.

The amount of bonding for the first phase has been reduced to \$12 million instead of \$14 million. They eliminated the "Stim 90". The Stim 90 involved anything within 90 feet of the stimulus line. Currently, there is only a small profit from the Stim 90, so that would maximize the savings.

At the end of July 2016, the \$225,000 monthly shortfall, would only be \$55,000 per month. That is based off a 6% interest on future bonding. Currently, the interest is just about 4%, so that would decrease it even more.

Last week, a contract was signed with some cell towers. The monthly recurring revenue for that is about \$20,000 per month. There are two ways to look at that: some of this future

bonding would be needed to make the connections and all of the connection money would be paid for in less than one year. Then, the rest of the revenue would be strictly profit.

Mr. Hales asked if this involved the microcell technology. Mr. Stam said that is something different. These are for cell towers in all of the cities. That \$20,000 per month could be put towards the \$225,000 monthly shortfall; or it is $\frac{1}{4}$ to $\frac{1}{3}$ of the new bond payment. That is a good step going forward when $\frac{1}{3}$ of the cost of the payment is covered before even borrowing the money.

Mr. Shaver asked about an earlier comment about the goal of creating revenue, not connections. He commented that the cell towers would create revenue instead of putting more fiber into the ground. Mr. Stam replied that the cell towers are connecting to the fiber that is already running by it. He noted that the fiber runs fairly close, there is a small cost to get those connections.

Mr. Stam said that everyone wants to know why Google can't take us also. Mr. Stam had several discussions and made a quick list of what would need to happen for Murray to be in the same position as Provo. Mr. Hales asked if other cities are asking that question also. Mr. Stam said it is mostly residents asking that question.

In order for Murray to be in the same situation as Provo, the following would need to happen:

- A fee would have to be instituted to all of the residents to cover the debt.
- The network would need to be a closed model, which would eliminate all the providers, to leave Google as the only provider. We would have to find a way to legally eliminate the current providers.
- The cities would have to separate, and reconcile the assets and equalize the debt so it is fair.
- The stimulus dollars would have to be repaid, because they require an open network.

There are some positive elements to the Google acquisition:

- The Provo residents will save \$35 million over the next 7 years, because they are giving them a 5 megabyte connection for free.
- Provo has a company to run the network.
- It justifies UTOPIA as a necessary infrastructure. The Governor has complimented Provo on the 1 gig connection that Murray had announced a year ago.

The negative elements of the Google acquisition:

- Google is not providing telephone service.
- They are not providing business connections, they would be the same as residential.
- This will affect economic growth by denying business connections and services they need.
- Google will control 70% of all of the services. If you are not happy with Google, there won't be other choices.
- There will be no control over customer service.
- After 7 years, the cost could increase, Google could walk away. Google now has the monopoly and has their own equipment installed. The equipment cost is \$300 per house.

If Google leaves, it would need to be replaced; 10,000 houses would equate to \$30 million.

- All UTOPIA revenue stays in Utah, Google is a national company.

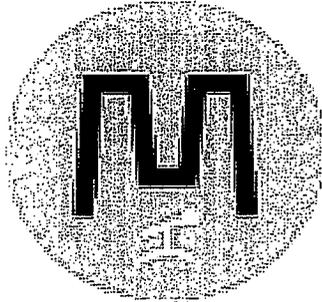
Abraham Lincoln said, "I am a firm believer in the people, if given the truth, they can be depended upon to meet any National crisis." Mr. Stam said he has given the facts about UTOPIA and UIA. The problem is if Murray doesn't participate, something will have to change.

Mr. Nicponski thanked Mr. Stam and respectfully disagreed with the Google analysis, but complimented Mr. Stam on his presentation.

Mr. Nicponski stated that the goal is to protect the bump and compression issue in the budget. He asked if UTOPIA had been budgeted for also, and it was confirmed that it had.

Mr. Hales adjourned the meeting at 6:26 p.m.

Kellie Challburg
Council Office Administrator



MURRAY
CITY COUNCIL

**Discussion
Item #1**

Murray City Municipal Council Request for Council Action

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

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

WASATCH FRONT WASTE AND RECYCLING DISTRICT REPORT

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 JULY 9, 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.)

N/A

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

MEMO, PRESENTATION

6. **REQUESTOR:**

Name: PAM ROBERTS Title: EXECUTIVE DIRECTOR

Presenter: PAM ROBERTS Title: EXECUTIVE DIRECTOR

Agency: WFWARD Phone: 385-468-6342

Date: JUNE 25, 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: *Doug Hill* Date: 6/25/13

Mayor: *Daniel C. Fran* Date: 6/25/13

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

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

Recommendation: _____

9. **NOTES:**



MEMO

To: Mayor Daniel C. Snarr
From: Doug Hill, Public Services Director
Cc: Jan Wells, Chief of Staff
Date: June 25, 2013
Subject: Wasatch Front Waste and Recycling District Report

Pam Roberts, Executive Director for the Wasatch Front Waste and Recycling District, would like to make a presentation at a City Council meeting. Attached is a copy of the presentation.

As you know, the Wasatch Front Waste and Recycling District provides garbage services to an area of Murray City east of 900 East.

I appreciate your help in scheduling this. Please let me know if you have any questions or concerns.



WASATCH FRONT WASTE AND RECYCLING DISTRICT

Report For Murray City Council Meeting, Tuesday July 9, 2013

Our Mission is to provide sustainable integrated waste and recycling collection services for the health and safety of our community

...because not everything fits in the can.

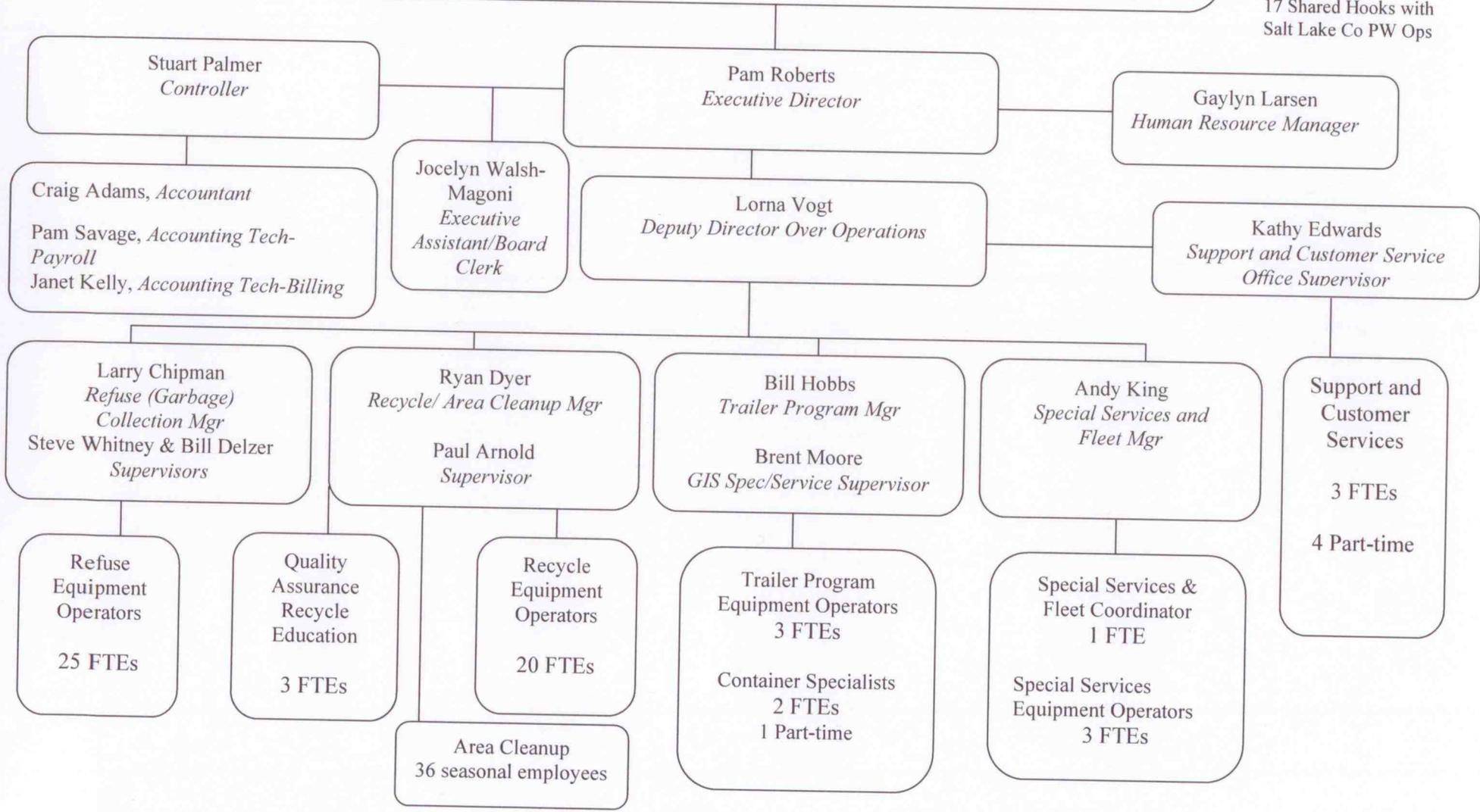
Our Vision is to be the collection industry leader by 2016

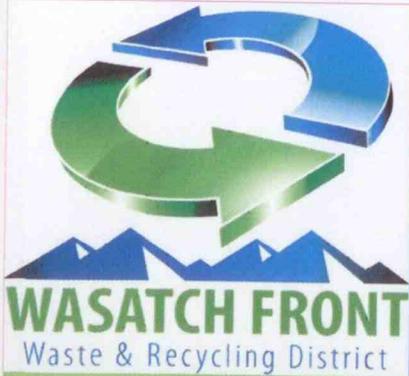


ORGANIZATIONAL CHART

Administrative Control Board
 Chair, Coralee Wessman-Moser, *Herriman City*
 Vice-Chair, Sabrina Petersen, *Holladay City*
 Scott Bracken, *Cottonwood Heights City*
 Dama Barbour, *Taylorsville City*
 Jim Brass, *Murray City*
 David Wilde, Sam Granato, Richard Snelgrove, Patrick Leary, *Salt Lake County Unincorporated*

District Resources
Employees
 77 FTEs
 36 Temporary/seasonal
Trucks
 44 Side Loader
 2 Front Loader
 2 Rear Loader
 3 Hook Lifts
 17 Shared Hooks with
 Salt Lake Co PW Ops





District Mandates: Collect and dispose of the waste generated within the District. Approximately 141,000 tons of waste is generated annually by the 81,000 homes in the District. We provide a variety of ways to collect and haul this waste...

Weekly curbside recycling collections: 20,561 tons



Weekly curbside garbage collections: 101,712 tons



Annual Area Clean up: 10,864 refuse tons and 533 green tons.

Special Services/Non-residential: 2,239 refuse tons and 656 recycling tons



The Integrated Collection System, because everything doesn't fit in the can



Emergency/ disaster: tonnage varies pending situation

Centralized glass collections: 373 tons



Leaf bag collections: 2,200 tons

Trailer rental: 149 refuse tons and 1,274 green tons. **Returning in June,** Bulk Waste Trailer Rental for \$125



Curbside Christmas tree collections: 60 tons of green

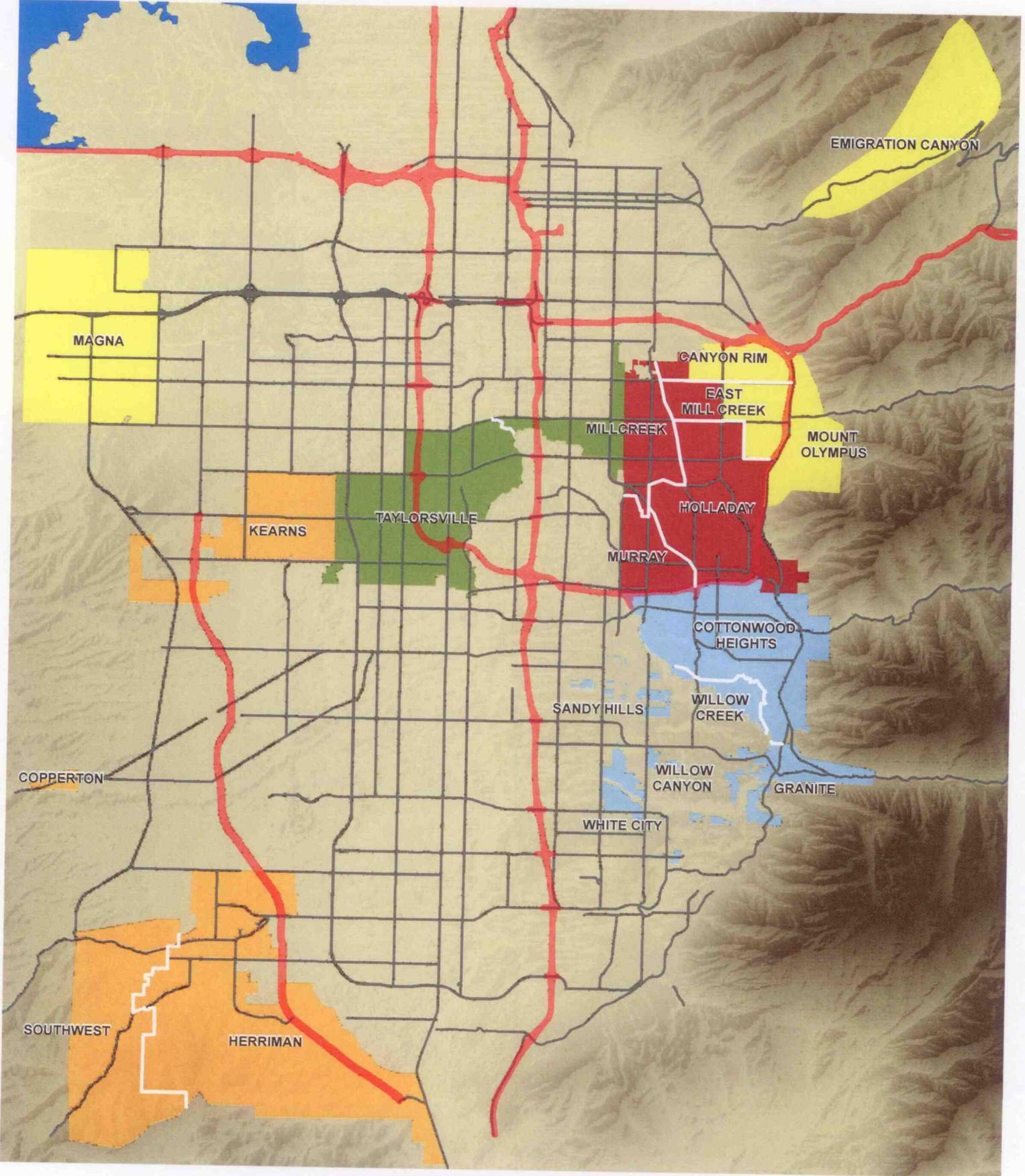


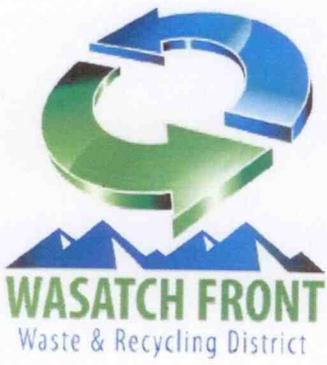


Wasatch Front Waste & Recycle District Service Areas & Service Days

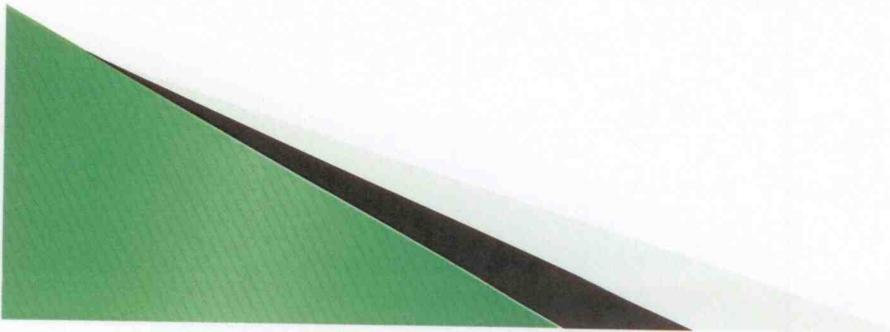
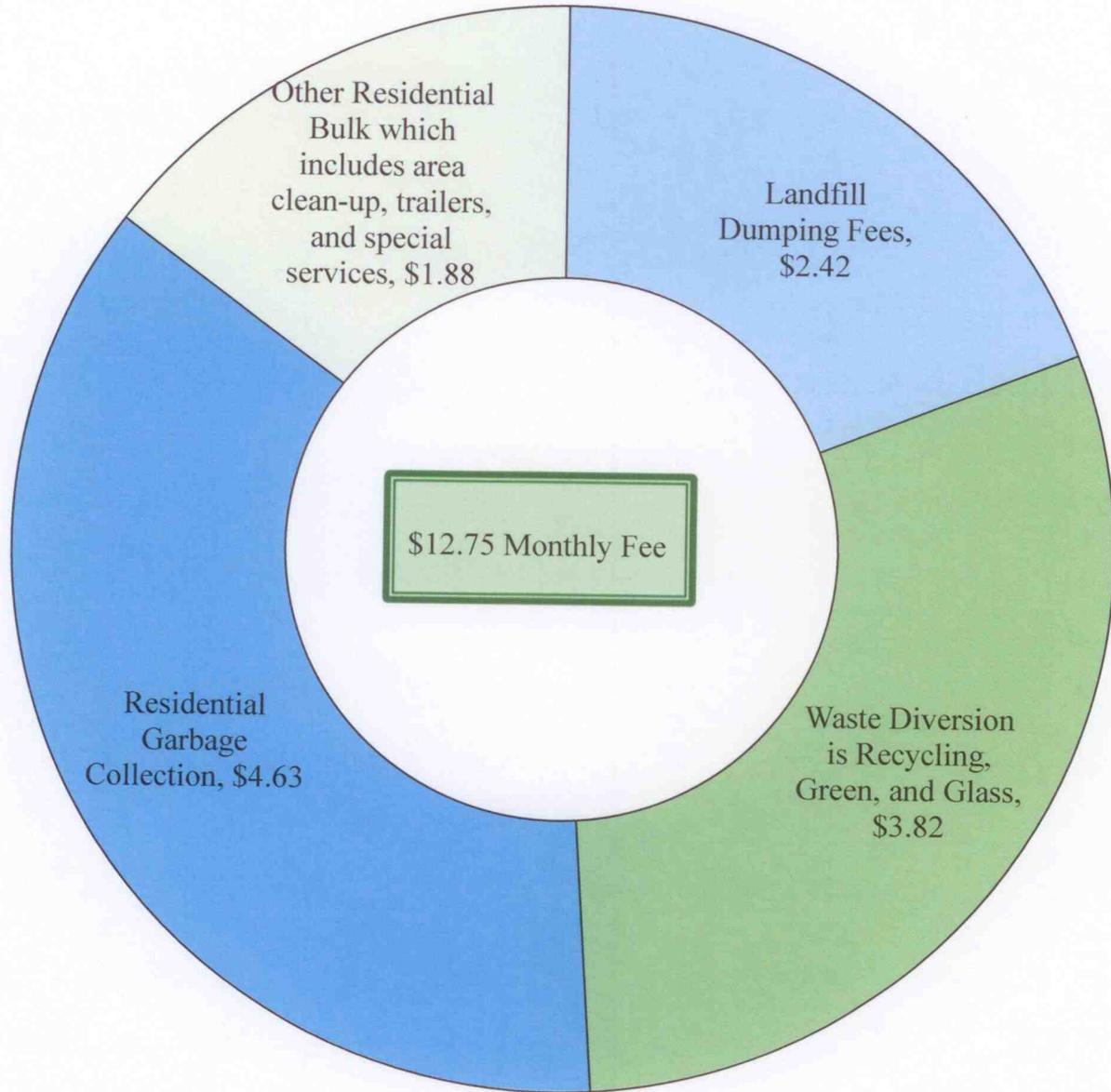


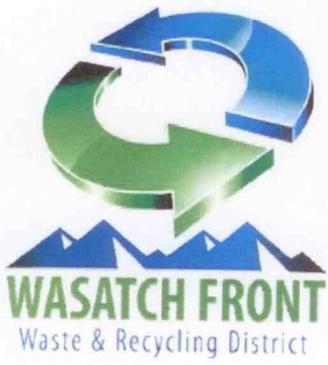
MON THU Tuesday FRI WED





What Does the Monthly Service Fee Pay for?

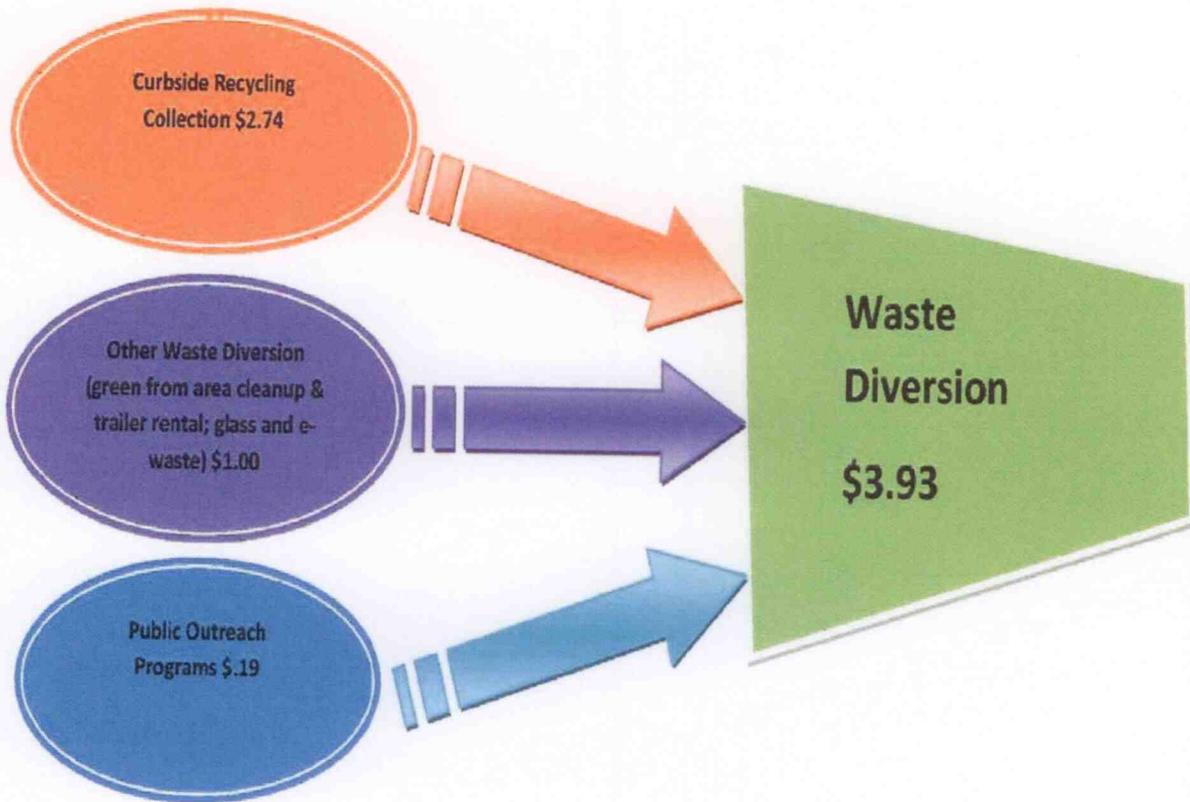


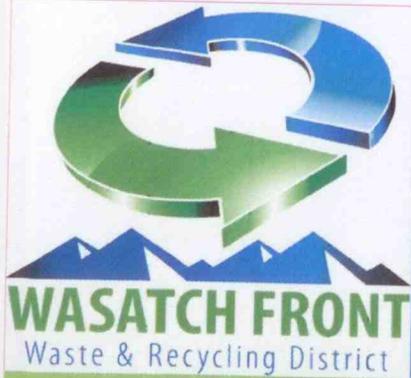


Diversion



Where the diverted waste comes from ...





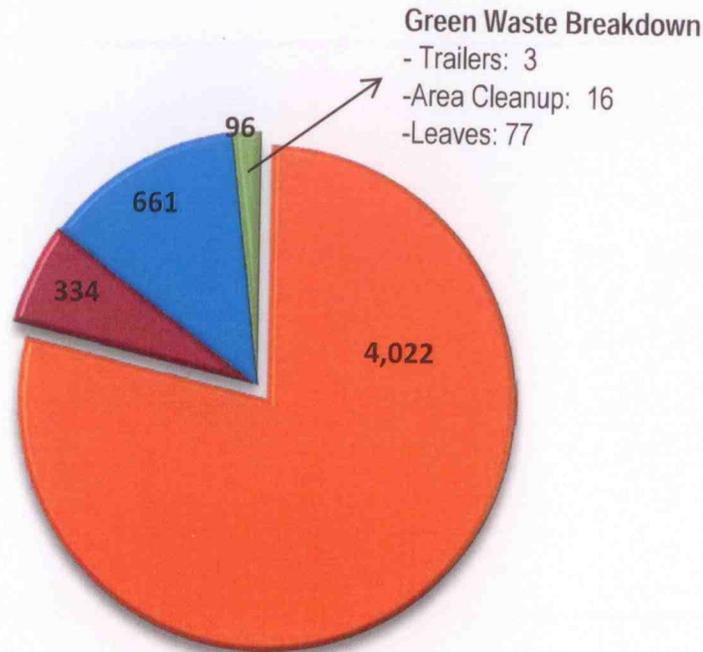
REDUCE, REUSE, RECYCLE AND RETHINK 2012 TONNAGE AND DIVERSION

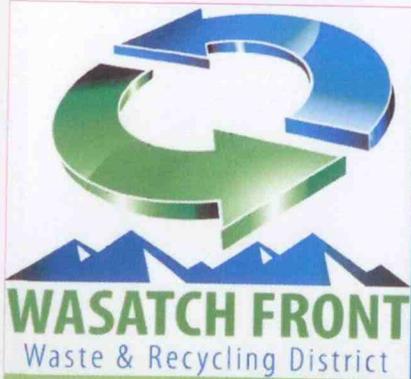
In 2012, Murray customers saved a total of \$31,362 for diversion as follows: \$13,218 in recycling revenue for 661 tons and \$18,144 for 96 tons of green waste going for composting rather than land filling (Diversion).

Garbage disposal costs were \$113,249 for 4,356 tons.

2012 Tons

- Curbside refuse
- Bulk refuse
- Recycling
- Green waste





REDUCE, REUSE, RECYCLE AND RETHINK

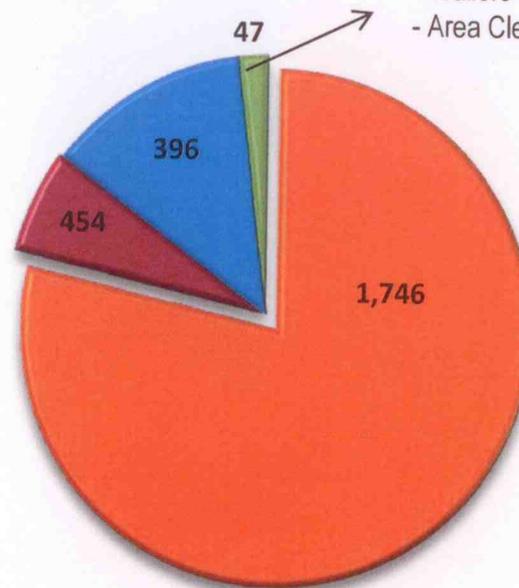
2013 TONNAGE AND DIVERSION

2013 through May, Murray customers saved a total of \$19,450 for diversion as follows: \$8,888 in recycling revenue for 396 tons and \$10,562 savings for 47 tons of green waste for composting.

Garbage disposal costs were \$57,209 for 2,200 tons.

YTD Tons (05/2013)

- Curbside refuse
- Bulk refuse
- Recycling
- Green waste

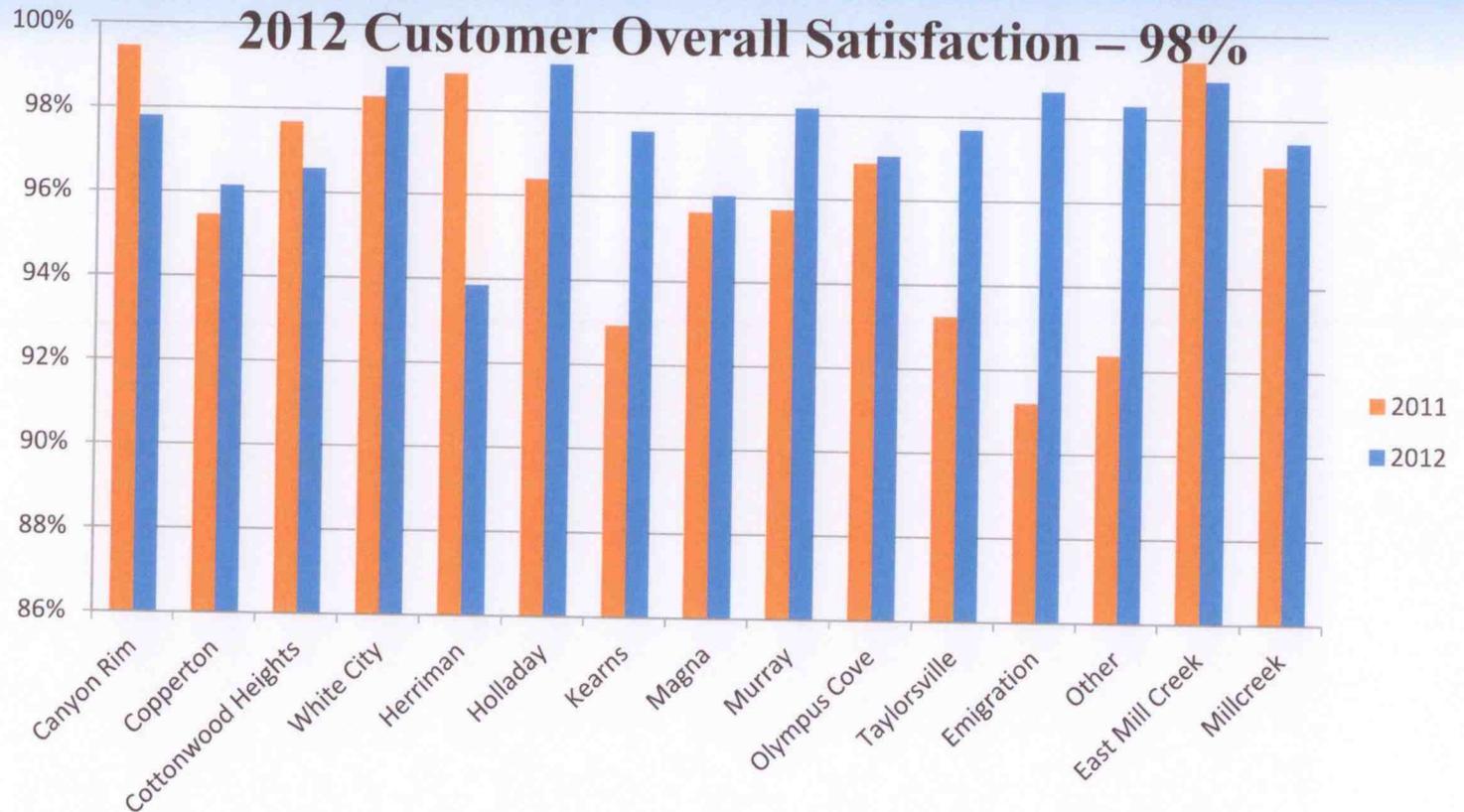


Green Waste Breakdown

- Trailers : 12
- Area Cleanup : 35



GOAL TO PROVIDE WORLD CLASS CUSTOMER SERVICE



Murray Rating: 98% Satisfaction, 3% improvement from 2011





GOAL TO GREEN OUR FLEET

Implemented a plan for all residential collection trucks to be Compressed Natural Gas (CNG) by 2016.

The District was awarded a grant in the amount of \$79,071 from the State of Utah Department of Environmental Quality to assist in the purchase costs of CNG trucks.

We rolled out the first five CNG trucks in the District neighborhoods.

All collection trucks are using alternative fuels with CNG or Bio-diesel. Annual cost savings = \$75,000 in 2013

2013 Goal: Optimal Fleet Efficiency

5% efficiency improvement in all programs by end of 2013 measured by fuel, maintenance, mileage, and labor costs; ongoing improvements each year with a goal of 10% in 3 years (achieved through actual savings, absorbing increases, or cost avoidance)



Celebrated the first CNG fuel purchase on February 7, 2013.

Price per gallon:

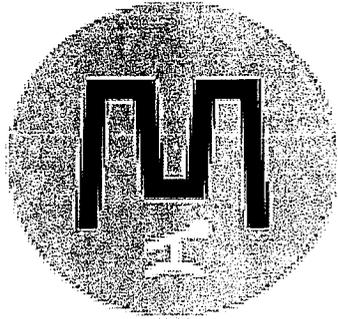
CNG \$1.85

Bio-diesel: \$3.53



WHAT'S NEW IN THE DISTRICT?

- ⊙ The District reinstated the ability for customers to rent a bulk waste disposal trailer at a fee of \$125.
- ⊙ We accepted funds in the amount of \$79,071 awarded by the State of Utah Division of Environmental Quality and expend to assist in the purchase of Compressed Natural Gas Trucks (CNG)
- ⊙ Implemented a fee for Non-Sufficient Funds charges up to the Utah State allowable amount of \$25 per occurrence. This charge only applies to those customers whose payments are rejected or returned from their financial institution.
- ⊙ **A subscription green waste collection** program with startup fee of \$60 for subscribers. This fee will be used to purchase carts and other items needed to rollout the program in the spring, 2014. The annual fee will be \$115 for the nine month program.



MURRAY
CITY COUNCIL

Discussion Item #2



MEMO

To: Murray City Council
Jan Lopez, Council Administrator
From: Mayor Dan Snarr
Date: June 25, 2013
RE: Discussion on Radar Speed Sign Locations

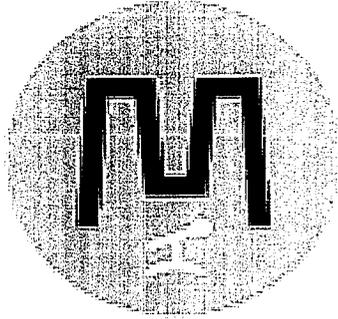
The Traffic Safety Committee met and discussed potential locations for radar speed signs in the City. As you can see from the list, there are many areas that would be benefitted by this type of sign. The Committee was encouraged to see that \$20,000 has been placed in the CIP for the new fiscal year for them.

The Committee prioritized the list based on where they feel the signs would be the most helpful. Representatives from the Police Department and Engineering will be at the Committee of the Whole on July 9th to discuss these recommendations and answer any questions you may have.

CC: Chief Pete Fondaco
Chief Craig Burnett
Trae Stokes

2013 Radar Speed Signs (priority list)

Priority	Location	District
1	Greenoaks	2
2	Atwood – 2 signs	3
3	725 East	5
4	5290 South	3
5	Revere	3
6	Spurrier	4
7	Sanford	2
8	Avalon	4
9	Vine Street – West of Murray Blvd.	1,3
10	Loch Hawkins	1
11	Box Elder	1
12	Hillcrest	4
13	Walden Glen	1
14	Jefferson	2
15	Three Fountains	3
16	6400 South – 1300 East to Highland Dr	5
17	Anderson	2
18	Glen Oaks	5
19	Shenandoah	5
20	Hollow Springs	1
21	Sliver Shadows	5
22	Potomac	2
23	Lester	2
24	Vine Street – East of State Street	3,4



MURRAY
CITY COUNCIL

**Discussion
Item #3**

Murray City Municipal Council Request for Council Action

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

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)
North Jordan Canal Remediation Funding

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

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

Council Meeting OR Committee of the Whole

Date requested July 9, 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.)
General Fund Reserves

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

6. **REQUESTOR:**

Name: Dave Nicponski

Title: City Council, District 1

Presenter: same

Title: same

Agency: Murray City Council

Phone: 801-913-3283

Date: June 25, 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: N/A

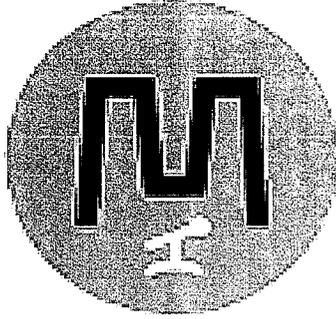
Date:

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

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

Recommendation: _____

9. **NOTES:** The North Jordan Irrigation Company has requested Murray City participation in a Cost Sharing Agreement to repair the breach that occurred at 1203 Saddle Bluff Drive.



MURRAY
CITY COUNCIL

Discussion Item #4

Murray City Municipal Council Request for Council Action

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

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

Power Fund donation of a sports scoreboard to Murray High School.

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

Vibrant Parks, Recreation, and Cultural Amenities

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

Council Meeting OR Committee of the Whole

Date requested July 9, 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.)

Power Fund Expense

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

6. **REQUESTOR:**

Name: Brett Hales

Title: City Council Chair

Presenter: same

Title: same

Agency: Murray City Council

Phone: 801-882-7171

Date: June 25, 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: N/A

Date:

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

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

Recommendation: _____

9. **NOTES:** Murray High School has approached the Murray City Power Department asking for a donation to purchase a new sports scoreboard.

Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

Council Minutes

**Murray City Municipal Council
Chambers
Murray City, Utah**

DRAFT

The Municipal Council of Murray City, Utah, met on Tuesday, the 30th day of April, 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
Darren Stam,	Council Member
Jared Shaver,	Council Member -Conducted
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
G.L. Critchfield,	Deputy City Attorney
Pete Fondaco,	Police Chief
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Hill,	Public Services Director
Gilbert Gonzales,	Chief Building Official
Gil Rodriguez,	Fire Chief
Mike Terry,	Human Resources Director
Bob Wirthlin,	North Jordan Irrigation
Boyd Simper,	North Jordan Irrigation
Johnny Anderson,	State Representative
Scouts	
Citizens	

3. OPENING CEREMONIES

3.1 Pledge of Allegiance- Pete Fondaco, Police Chief

Mr. Shaver excused Frank Nakamura, City Attorney and noted that Deputy City Attorney G.L. Critchfield will be sitting in for him tonight.

3.2 Approval of Minutes

3.2.1 Approval of the Minutes for March 19, 2013

3.2.2 Approval of the Minutes for April 2, 2013

Mr. Shaver asked that these be taken together.

Mr. Brass made a motion to approve the Minutes for March 19, 2013 and April 2, 2013.

Mr. Hales second the motion.

Voice vote taken, all 'ayes'.

3.3 Special Recognition:

3.3.1 Consider a Joint Resolution of Mayor Daniel C. Snarr and the Murray City Municipal Council in Recognizing and Supporting May 2013 as Building Safety Month.

Staff presentation: Gilbert Gonzales, Chief Building Official.

Mr. Gonzales expressed his appreciation for the support that his department receives from the Mayor's Office, the City Council and staff. One of the things that Murray City has is a Mission Statement that says that the City strives to provide courteous and consistent plan review and inspections in a timely manner. To contractors, time is money. In addition to that, the City also has to be solution oriented. What Mr. Gonzales means by that is that during the construction and design processes there are always going to be challenges. What the City tries to do is find solutions to those challenges while still meeting the minimum building code. The other thing that the Building Division does is to try to streamline their process. This may not sound like much but currently, when they complete a plan review, they email it to the design professional. Four years ago the design professional would have to come into the office and pick up their plan review comments. It doesn't seem like much now but it is quite a change from what they were doing in the past.

Mr. Gonzales added that the Building Division also wants to be a great resource to the community. One of the ways that they do this is through Building Safety Month where they go to places such as Lowe's and talk to people, contractors,

and homeowners about the importance of building codes and building safety. Last year, they went out into the community and spoke to people about their URM's (Unreinforced Masonry Structures). They won't be doing this month because the Structural Engineers Association of Utah is working on an updated homeowners guide to retrofit existing unreinforced masonry structures. They are doing this with some generic engineering so that you don't have to go out and pay an engineer to do that. Because of the Building Division staff, they do a better job than 90% of the building departments in Utah. That is because of the staff and their dedication they have to providing the above mentioned Mission Statement.

Mr. Gonzales added that another thing that they will be doing shortly is once the Hilton and Marriott Hotels get moving forward, the Building Division will be posting progress pictures on the Building Division website. That will be done with the help of Jade Paulsen of the Mayor's Office. Mr. Gonzales asked the Mayor to thank Ms. Paulsen for that. You will be able to go to the website and see the progress of these hotels as they go up.

As we know from our ShakeOut drills that have recently taken place in Murray City, it is not if we have an earthquake, but when we have one. Mr. Gonzales has brought some 'Putting Down Roots in Earthquake Country' brochures which he will have available to everyone. The Building Division will be at Lowe's on May 1st, 10th, and 22nd, 2013 to talk about anything you would like to talk about on building code issues.

Mr. Shaver asked if those dates will be on the website.

Mr. Gonzales said that they are on the website as well as in the Murray Journal thanks to Perry Kinder of the Journal.

Mayor Snarr read the Resolution in its entirety.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

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

Mr. Shaver stated that the Council is there for the citizens and they want to hear all of the comments. He reminded the public that they have three minutes to discuss their issues and he asked the public to address the Council with the comments.

Mr. Nicponski asked Mr. Shaver if it would be helpful to have Doug Hill, Public Works Director, share information relative to Murray's actions and status on the City's role in the event so that he can share that information with the flood victims and others who are present.

Mr. Shaver said that protocol does not state either way. He does not know if it would be helpful. He would like to hear what the comments are and if Mr. Hill hears something specific that he would like to address they could give him that opportunity.

John Dye, 1213 Saddle Bluff Drive, Murray, Utah

Mr. Dye said that as they are all aware, an irrigation canal managed by the North Jordan Canal Company breached its banks about 4:00 p.m. Saturday, April 27, 2013 flooding multiple homes in Murray Bluffs II. The canal was built in 1894 and contained water moving at a rate of approximately 70 cubic feet per second. This water wreaked havoc over the entire community as it made its way through the streets and neighborhoods, finally ending in fields in the Jordan River. Their street, Saddle Bluff Drive, was good humoredly nicknamed Saddle Bluff Creek that evening. In a show of unprecedented camaraderie, friendship and love, at least 70 volunteers gave willingly of their time and their abilities on Saturday and Sunday comforting and helping those who received damage dig out. Many of these volunteers were strangers, not knowing those who had received damage. But being good citizens and even better people, they responded to the need at hand. Murray High School athletic teams, LDS ward members, neighbors, local companies and others showed up with equipment, barbeques, food, water, and other supplies.

While they feel great pride in being Murray City citizens and associating with those who gave so selflessly during this disaster, they have come tonight to address another issue. Where do they go from here? Yesterday, the North Jordan Canal Company sent an insurance inspector to review the damage and begin the process to make those who received damages whole once again. Let it be noted that the citizens are appreciative of this action. However, what will now become of the canal behind their homes that left a huge breach spanning the width of their street behind their homes. You may remember that fateful night in July of 2009 when Logan resident Jacqueline Levy and her twelve year old daughter Abby and fourteen year old son Victor were not as fortunate as the residents here in Murray were last Saturday. The concrete canal above their home gave way and a fatal rush of mud literally buried them in their home. How can they sleep at night knowing that something similar could occur to us? Our homes are sacred spaces where they can feel safe, protected and secure. If they once felt that way, can they feel that way now?

Had this incident occurred at night, children who were once peacefully sleeping in basement bedrooms may have been awakened to a torrent of mud and water frantically filling their bedrooms, literally to the ceiling. Had the situation played out similar to this last Saturday

evening, and not at 4:00 p.m. in the afternoon, we may well have been attending a funeral at this hour rather than speaking in front of you. In response to the tragic loss of life when the landslide breached the northern Logan canal, killing a mother and her two children, Utah State Legislature passed two canal safety bills. House Bill 298, Land Use Authority Notification of Canal Development and House Bill 60, Water Conveyance Facility Safety Act. The purpose of House Bill 298 was to insure that residential construction projects with close proximity to a canal do not proceed until the canal owner has been given an opportunity to review the project. Thus the canal owner can protect the integrity of the canal system and assist homeowners and developers to safeguard adjacent structures. The purpose of House Bill 60 was to encourage canal owners to identify the risks associated with their canal systems and to develop solutions to reduce or eliminate those risks. This information is to be documented in a Water Conveyance Facility Safety Management Plan by no later than May 1, 2013. Let it be noted that is tomorrow.

The main canal risk factors that must be addressed in the safety plan are slope instability and storm water. Compliance to the 2010 statute is voluntary and requires a canal or irrigation company to adopt a management safety plan only when applying for State money from a revolving loan fund. The law only calls for a company to submit a letter, not the plan itself, to the State Division of Water Resources declaring its compliance. Currently, Utah does not have a canal inspection program and no State agency reviews the safety plans at all. As residents of Murray Bluffs II they are asking to be involved in the canal policy that affects them. They are here before the Council today to ask for a voice and for representation on a joint task force that will include members of the Murray Bluffs II community, other concerned Murray Citizens desiring to be involved, Murray City Officials and or staff and members of the North Jordan Canal Company. They ask that they all come together and create a dialogue that will be a win-win-win for all parties involved. They would ask that a Resolution be passed this very evening to form this aforementioned task force. If no one is in attendance from North Jordan Canal, (Mr. Dye asked if they are to stand and Mr. Bob Wirthlin stood.)

Mr. Shaver stated that Mr. Dye's time was up. He asked if Mr. Dye was representing a group.

Mr. Dye said he was and requested 60 more seconds to finish.

Mr. Dye said that together they can create a solution to a situation that is disconcerting to all involved parties. Aristotle is quoted as saying that the whole is greater than the sum of its parts. We may each think that we have the answer to the issue at hand but if we first seek to understand and then to be understood we will come to a resolution that will benefit everyone. Mr. Dye requested that they look at this joint resolution following the other comments that are stated.

Mr. Shaver asked if there was anyone independent of Mr. Dye that would like to make a comment.

Anthony Scott Goodman, 1203 West Saddle Bluff Drive, Murray, Utah

Mr. Goodman said that he comes here, not as a victim of the recent disaster, but as a concerned citizen of Murray. The canal that backs the properties of Murray Bluffs I and II needs to become a topic of discussion in these halls. Not only is this canal not regulated by any one governmental

agency, but the canal company does not take advantage of all of the available technology that is available to insure the citizen's safety. Controls such as video monitoring, electronic measures to automatically shut the gates or close control valves would have minimized the damage on Saturday. Ground penetrating mapping to detect weakness in the soil is also not being used and was probably deemed as being too expensive in the past. How many more claims will the company have to pay before this becomes an invalid argument? It took the lives of two small children in Cache County to awaken law makers last time. He prays that Murray City will not require the same wakeup call. All that he asks is that the same regulatory requirements that all other industries must abide by be put in place to help citizens in Murray to feel safe in their own homes.

Stephen Linge, 1197 West Saddle Bluff Drive, Murray, Utah

Mr. Linge stated that he loves Murray City. He was born in Cottonwood Hospital, swam for Murray High School, met his wife at Murray High and married her. He still consults for the Murray High students to this day. He swam for the U and has been here a really long time. When he came of age, both he and his wife came to the decision that they wanted to stay and live in Murray because they love it so much and it is such a safe place. His children returned home today and they have been having really bad dreams about being swept away in rivers and water and asked him point-blank if they are going to be safe tonight. They want to know if they are going to be okay and if there is going to be more water. He literally could not look them in the face and say 'yeah, we are going to be safe.' He had to tell a little white lie and could not tell them with conviction because he himself does not feel safe.

Mr. Linge wants to put his faith and trust in the Council and the Mayor that they can come to a resolution and do something to make sure that people are safe. He does not want to leave Murray, he has been here his entire life and he would be sad to have to leave. He just wants to know that they can stay here without a disaster like this happening again. They are putting their faith and trust in the City to do something about it. The City has the power and the say and the citizens are trusting them.

Scott Mooy, 6712 Murray Bluffs Drive, Murray, Utah

Mr. Mooy commended and thanked the City's Public Works Department staff, the Police and Fire Departments for their incredible response. The citizens really appreciate the help and care that they brought to the neighborhood. Mr. Mooy wished he could personally apologize to the policeman who he and his wife yelled at in panic as they were trying to get to their home. The reason that they were panicking was because their house flooded in 2011 as well. It is interesting getting on social media because there is a wonderful, snarky comment going on in response to all of the media comment about this event asking "what kind of idiot would buy a house in that location?" This idiot wants to say that he tried to make an educated decision. He spoke to the developer and he thinks they all can imagine what the developer was hoping that he would do. He does not feel that the developer withheld information but he did not have to describe any kind of risks. Mr. Mooy also contacted the City and he feels that the City thought that the only question he needed answered was that he didn't need flood insurance because this was not a flood area. He does not think that anyone in the City was trying to be duplicitous and does not

feel that he was lied to. He wants to add his voice to the voice of his fellow neighbors that as they go forward, the residents hope that they will be given the kind of information that will help them make good decisions about what they can do for their homes and what they can do for their neighbors to make sure that they are safe. He would make this plea for future residents of Murray as well. As the City goes forward with development or redevelopment he hopes that the elected officials will support the City departments in having the ability to make sure that the correct information is gathered, that it is sufficiently reviewed, and that information is made available so that potential home buyers and potential business owners will know what kind of risks they are really getting into.

Mr. Mooy stated that he does not have a degree, he is not a water engineer, and he does not understand everything about building codes. He does not know how you have to maintain a canal. He appreciates that when he asks a City representative or employee that they give him straight answers. When he has known the right questions, they have. Unfortunately he doesn't always know the right questions. He hopes that they can have the right kind of dialogue and the right kind of information available to help to protect them.

Jessica Goodman, 1203 West Saddle Bluff Drive, Murray, Utah

Ms. Goodman stated that she was told today that her house was uninhabitable. She and her husband are living in an RV right now. She grew up in Murray since the age of five and can tell you everyone on her street. Her husband is from Taylorsville and when they got married she said that they will live in Murray with no chance of moving anywhere else. She went to school with most of the people on her street, wanted to raise her kids in Murray and her daughter graduated from Murray High School three years ago. She has kept her kids in Murray schools and worked really hard to shuffle them around because where she works does not get them to and from school very easily.

Ms. Goodman said that this canal situation is not safe for anyone. She is crying because she has been affected, along with her two next door neighbors who she loves. They finished their basements at the same time together and shared ideas and stories. They are all beautiful but that is beside the point-basements can be fixed. Her wedding dress, her husband's military items and other sentimental items maybe not. They are past that process and moving on to whether this is a safe place for their kids. They lived in that basement. She worked out in the mornings at 5:00 a.m. with headphones in where the water rushed in causing the basement entrance to fly open. Had she been down there that morning, she might be gone and maybe her children would be without a mother. It is a safety concern. She realizes that they can make the houses whole again. They can tear them down and rebuild. But she will never, ever feel safe in her home again. She loves Murray, she grew up around the block from Mayor Snarr and just loves Murray. There is no other place to build in Murray and they are all here as a family and residents together; where else are they going to go? She thinks it is a really easy solution to fix the canal. She thinks that the money is there for this, that it is time, and like her husband said earlier, is it going to take a death to wake these people up and realize? There have been three canal breaches within the last year alone. Murray Bluffs II has breached twice with this one being the latest, there was also one last fall; and one in Murray Bluffs I. On behalf of the residents that she loves and this City she would like this fixed so that they don't have this problem again.

Connie Mooy, 6712 Murray Bluffs Drive, Murray, Utah

Ms. Mooy said it is no secret that she has been trying to move since 2011. They have received ground water. A flood does not have to come up over the top. Those of you that know, rain comes down and floods come up. The water came up through her basement. She has had no warning. They were able to get everything out and the water was clean. She was going to bottle it and sell it if she had to, to refinish her basement. She did not lose anything on Saturday but when she walked into her church for a ward party and saw neighbors on the phone who had asked her if she saw the flood and if her home was ok, her gut wrenched and her rib cage hurt until this afternoon because she hates the thought of anybody getting even clean water in their basement. She has yet to go to the back of her neighborhood and see the gaping hole. She doesn't need to. She sat on her front porch and watched the water rush down her street and come up to her garage and threaten her home again. As she has spoken with people, Murray is not an isolated town. You tell people where you live and they are envious. You tell people that you want to move and they ask you why. When you tell them you want to move within Murray they ask you why you want to move if you already live there. She tells them she does and doesn't want to leave but she cannot stay in her current home if when she goes down and expresses something else that has occurred in her basement and the family comes running down expecting water. That is the fear that they have. They check two pipes during almost every rainstorm to make sure that they are pumping water out from under their house. She doesn't need a houseboat at Lake Powell, she has one here in Murray. It's concrete, red brick and grey stucco and the only thing that is keeping it there are the pumps. What she would like to see happen is the safety of her children.

One of the nicest things she saw on Saturday was while she was in the neighborhood was seeing people they didn't know come in to help them. There was a family with little girls who had their little backpacks on and tiny orange snow shovels. Those girls couldn't have even been elementary school age, but that is the kind of care and love that is in Murray. She doesn't know who they were. They could have been family, friends or someone who had just heard about it. There was a man who put on waders and came down to shovel drains and said that after his meeting on Sunday would be back to do more and he was there the entire time. We need to address this issue as Murray because we all have family throughout the valley and Murray has a reputation. Murray can be a leader and this needs to happen for safety, technology, effectiveness and for the future. Get your pumps.

John Brown, 1209 West Saddle Bluffs Drive, Murray, Utah

Mr. Brown stated that he is still actively digging out of his house. He is not going to reiterate what everyone else has said, and he understands how completely heartfelt this is. His wife and son are here with him tonight. His seven year old son is at his mother-in-law's house right now, where they are all living at the moment. He does not know how long they will be there but he wants to say that they all need to work together as a team to fix this problem.

Mr. Brown is an electrical design engineer and that thing (the canal) is not engineered. They need to get some people involved. There needs to be a pipe, something that is going to mitigate

these problems in the future, end of story. There is not much else to talk about. The stuff in his basement doesn't matter that much to him. What matters is his family's safety. He hopes that everyone is on the same page. What are they going to do about it? Does anyone have any ideas? He hopes that they have some soon.

Scott Archbold, 6756 Saddle Bluffs Drive, Murray, Utah

Mr. Archbold echoed Mr. Dyes remarks about informing people of situations prior to making purchases. They were in the same boat. They noticed the canal and they really love Murray. They lived in Murray for eighteen years before moving to Saddle Bluffs. They had the opportunity of living anywhere in the valley and chose Murray for multiple reasons. There are a lot of advantages here. The canal was a concern and they specifically asked about it. The developer said 'no problem' but that doesn't surprise him because they aren't going to tell you anything. They also consulted with the City and the City basically didn't say much. He feels it is important that you understand, when talking about revising building codes and such, if Murray City issues a building permit that is an implied endorsement of the products, of the projects, the building and the landscaping. It is important to realize that and it may require a review of how that process is done so that sufficient information is given to people to make an informed decision.

Mr. Archbold said that they really love it over there and they actually like the wall of the canal behind them for many reasons. But again, they are like everyone else right now. They are nervous and don't know what this is all going to mean. They agree with the idea of forming a committee with multiple representatives that could come to a joint resolution to the problem. That will be far more productive than having a bunch of people yelling and screaming at each other.

Pat Bell, 6714 Saddle Bluff Drive, Murray, Utah

Ms. Bell stated that she saw tragedy this weekend. It was devastating. She wanted so much to take the pain away from the people who were suffering and she was not able to do it. She doesn't think that anyone would like to be down there watching what these families have gone through and not be able to help them. You have that power. She is tired of hearing that it is the landscaping, it's the trees, or it's the boulders. She drives along that canal and sees multiple old trees that have been there for years. They are having fingers pointed at them for putting trees in their yards. It is not about finger pointing. They need to quit blaming someone else for the problem. It doesn't matter who caused the problem or what caused the problem. What matters is what they, as a community, will do together to make it right and make it so that they don't have to walk away from their homes because they cannot live there anymore for fear, or for property value. They have all lost a lot. Maybe her home was not flooded this time, but she still lost a lot because of this flood. She is not going to point a finger and she is not going to say it is your fault. She is not going to say it is the canals fault. She is not going to say it was the developers fault and is certainly not going to say it is her fault for being stupid. She wanted to live in that home; she loves her home and her neighborhood and loves the people who surround her. Let's make it and keep it that way.

Bill Fink, 6759 Saddle Bluff Drive, Murray, Utah

Mr. Fink said that the breach avoided him this time, but what about the next time? You have already been reminded of the two miracles that happened and we should remember those again. One is that there were no fatalities and the second is that they lived in Murray. Murray put everything they had into this. The only thing he didn't see out there (addressing the Mayor) was snow plows. That big yellow fire truck was right in front of his house when he got home, with the water running and he knew how close he might be to that. He looks at what is happening up there on that canal and this is not the place for it, but there was mismanagement in running that system. He understands how those systems work and are supposed to work and there was a lot of mismanagement in filling that canal and not balancing it from the end where it is supposed to come out to the end where it is supposed to come in. In their case, John called right away to get the water shut off but it was not shut off until 7:00 or 8:00 that night. Why couldn't they shut the water off? He could not find out from anyone that he knows where there is a spillway that would divert 100% of that canal back into the river. They were thinking as neighbors that there was, but there was not one. There is a relief valve that would spill some of the water out, but not all of it. For safety wherever it is, not just in their neighborhood, but anywhere where there is an open canal they need intervals where a floodgate can be dropped and divert all of the water back to the river. They don't have that now which will come out in further hearings and information.

Mr. Fink thanked the Mayor again, saying that they cannot give him enough praise for turning the City loose on this.

Mr. Shaver explained that as a public forum, you have the opportunity to speak as a volunteer. The Council cannot compel or force someone to speak. He feels that Mr. John Dye has given the Council a solution in that they could hold a public forum where that kind of discussion could be had. Unfortunately, this is not the place for that. There are some recommendations that they can make and they will take those. Mr. Shaver asked if there were any other public comments.

Mr. Nicponski acknowledged State Representative Johnny Anderson and asked him to comment.

State Representative Anderson commended and congratulated all of the residents, volunteers, Municipal employees and everyone who participated in the cleanup up to this point. He said it was a herculean effort and said way to go. He echoed something that Mr. Dye had said: Thank God that we are not here discussing children who were asleep in a basement at the time and we are talking about ways that we can this. The number one thing we need to do is make sure that these residents are made whole, that the canal is made safe and make sure that those homes are brought back to a standard. They need to gather information about the breach and see what kind of reasonable actions we can take in the future to avoid this kind of a problem and insure that those actions are put into place this time. He pledged to work with members of the Council, the canal companies and everyone else to resolve this issue to make sure they don't have this problem again.

Mr. Nicponski said that the comments made tonight are not wasted on him. He thinks it is a valuable idea and something that he feels they need to do relative to a task force. He feels that they need to research what has happened and come up with a responsible and safe solution.

He wouldn't want to try to react immediately and make a mistake, they need to have the proper people involved, such as engineers, City representatives, people from the neighborhoods and we need to do the right thing. With that, he would like to hear from one of the City's experts in this area and have had Doug Hill, Public Services Director, in touch with the canal company and it was the Public Works Department who was there cleaning up the streets and other areas. It means so much to Mr. Nicponski for people to come and share. He understands the emotions that are involved and the need to have some type of action take place. That is something that he feels that they need to be able to do. Mr. Nicponski invited Mr. Hill to address the public with some of these concerns.

Doug Hill, Public Services Director, said that he did not want to take the credit for any of this. It was an awful event to have to respond to. Speaking collectively for the Police Department, Fire Department and Public Service Department, all of us as City employees have often gone into other tragic situations and have found that the neighbors are unkind and difficult to work with but that was not the case with this neighborhood. They were actually commenting throughout the evening on Saturday night how amazed they were that people were so friendly. It was nice to be in the neighborhood and he thanked the residents for letting them do what they could. He is not sure, after listening to the comments here tonight, that there is really anything that he would like to say or add to. What he has heard tonight would cover anything that he could say and he would not like to repeat what was said already. He would be willing to answer any questions if the Council has any questions and address any specific issues.

Mr. Hill also wanted to say that he knows that the North Jordan Canal Company is probably not the popular organization here tonight, but he would like everyone here tonight to know that he has worked with the organization for twenty years and he has found them to be very responsive. He has found that they are concerned about the safety of their canal. They were invited here tonight to represent the canal company and he will leave it up to them to speak if they would like to. Mr. Hill would like the residents to know that the representatives from the canal company were invited and did not have to come. They did come and hear the comments made tonight. They have been working with the residents the past three days and with their insurance adjustors and so forth and he is sure that they have understood everything that has been said this evening. The last thing he would like to add is that as City staff, again speaking collectively for the Mayor and the Executive Branch of the City, they are more than willing to work with the elected officials, City Council, in addressing anything that you think would be worth addressing in the future.

Mr. Nicponski asked Legal to correct him if he is wrong, but he thinks that at this time the appropriate thing to do is to direct staff to craft a Resolution that they could bring back to the Council. The City has to give notice within a certain amount of time relative to actions that they are going to take. He would support and endorse what this group has said tonight and would direct staff to craft a Resolution relative to the creation of a task force so that they can meet and address this problem and take it to the next level.

Mr. Shaver stated that this Council does have the capacity of forming a committee or group that can address such an issue. He feels that Mr. Nicponski's suggestion would have merit and as

part of that task force, maybe they ought to then invite some others to at least have voice whether they are part of that task force or not. At least they would have some voice in the forming of that Resolution. He asked Mr. Nicponski if he had an idea of how he would like to direct that or be a part of that.

Mr. Nicponski said that he would like to be a part of that.

Mr. Shaver asked if there were any other Councilmembers that would like to be a part of that.

Mr. Hales and Mr. Stam said they would also like to be involved.

Mr. Nicponski stated that they do this in keeping with if they had the answers tonight they would take that step. He is glad that the representative is here tonight because they may get into this and decide that they might need to do something legislatively. He appreciates Representative Anderson coming out tonight, as well as the latitude given him tonight by the Council.

Mr. Brass said that ultimately they will find that this needs to be addressed on a State level as it is a water issue. He is also glad that Representative Anderson is here and has offered to help with that. Mr. Brass also supports a task force. We operate under the State Open Meetings and Records Act so they cannot take action that hasn't been noticed in a meeting. It doesn't mean that they don't hear you or feel what they are going through. Mr. Brass said that he lives in a house that floods every year. He has a high water table too and has two sump pumps in his basement. Like you, he wishes he could do something. They did find a solution and if anyone would like to know what it is he would be happy to tell them after the meeting. Mother's Day used to be a time frame when they would end up with inches of water in his basement. To have it come blasting through your homes is really bad. They need to get together with the canal company with our representatives and find a solution for this state-wide. As it was brought up, it happened in Logan. Because we live in a desert, the second driest state in the union, there are irrigation canals all over and they are getting old and it is time it was addressed. Mr. Brass thanked everyone for coming and said they appreciate having people attend the meetings.

Mr. Nicponski added that they do understand. They were so blessed that no lives were lost and that is a very real fact to what occurred. His basement has flooded before and he understands when people talk about their basements flooding, he gets it.

Mr. Shaver asked if Mr. Stam or Mr. Hales had any comments.

Mr. Hales said that he hopes that when this is all through that Ms. Mooy will want to stay in Murray and will not have the fear. It would be great if they can make this work and make everyone feel safe in their homes.

Boyd Simper, 4788 Hidden Cove Drive, Murray, Utah

Mr. Simper stated that he is the Secretary/Treasurer of the North Jordan Irrigation Company and has been with them for the past 35 years. He wanted to address a couple of myths that were mentioned. They do test holds and Murray City has participated in the projects such as on

Winchester when they bored holes in the ground to test the soil because they had a slide area that came down and blocked the canal. Murray City, Taylorsville City, and the Flood Control entered into an agreement to put a box culvert into the canal. It was very expensive on your part but they appreciated that the project was there. It solved a lot of problems. This unfortunate instance is they are planning on doing the same thing. First of all, they want to make sure that all of the people are made whole. They have sufficient insurance to cover it; they have a claim adjuster on board and has been since that time. They talk about poor management; they have several overflow structures that have been done and they can dump the canal at an instant. But between that distance and the overflow...(interrupted). They have had a very good reputation as far as the canal has been concerned. They have had two slides since 1894 when this was accounted for. That is a good track record? (Public interruption stating that there have been three in the last three years) Mr. Simper argued that saying that there have not been three, only two. One was on Mr. Brown's property and the one that happened Saturday. If you know of another one, he would like to be told of it, as he is not aware of it.

Mr. Shaver interjected, asking the public to allow Mr. Simper to speak uninterrupted. As part of the citizen's comments they ask that comments are addressed to the Council and not to each other. That gets things heated and into arguments which is not what they are here for tonight.

Mr. Simper said that regarding House Bill 60 that was produced by the Legislature, they have complied with that. They did not need to as it was voluntary. They did a study and have been working on it for two months to do a study that was completed and complied with that during the deadline. If they had a say in Senate Bill 293, perhaps this subdivision wouldn't be in existence. Right after this subdivision was built, they wrote a letter from their attorney to each individual land owner, that they were there and he can show them copies. If people moved in after that time, they probably didn't get the letter. The letter was addressed to all the property owners explaining that they had a concern that there is a canal in their backyard.

John Brown, 1209 West Saddle Bluffs Drive, Murray, Utah

Mr. Brown appreciates Mr. Simper getting up and talking as this needs a joint effort. If the canal stays there, and he is pretty sure it is going to, they need to work together with the canal company and the engineering companies as a group. He is a project manager for a major refiner. We need to do this systematically. It will be a long process, they all know that, and they need to have meetings, talk to each other, and not have any surprises. It cannot work that way. They need to be in agreement along with the people at the canal company. He cannot say enough what a major concern this is. For people who are in the engineering environment and know how this stuff works, this has to be fixed. We are so lucky that we are banding together as a community. These people are like a second family, he has lived next to them for years. Please, let's get something done. He can see that something is going to get done and he thanked everyone for listening, both the neighbors and the City.

Mr. Stam said that the interesting thing in listening to this is that when he ran for office, one of the things that he told everyone was is that there are two things that bring a community together. One is sports and the other is a disaster. It is amazing to see how this community pulls together in times of need. The best positive thing that he sees out of this tonight is all sides coming

together and wanting to work together. We don't need to point fingers, everyone wants to come to a good resolution and that is the most positive thing he sees tonight. He appreciates that from everyone here, including the canal representatives, the City and the residents. They are all willing to work together and come to solutions so that they can feel safe. The City doesn't want anyone moving away either.

Mr. Shaver stated that if there is something that people want to address to each one of the Councilmembers individually they would be happy to hear it. He wanted to go back to something that Mr. Brass had mentioned. Sometimes it is very, very difficult to sit on the Council and know that they cannot respond as quickly as people would like. It is very frustrating. They are constrained by a law that says that if there is an issue before the City, they cannot just say 'let's do a Resolution right now.' The Council wants them to know that the people have been heard. If their faces look impassive, it is not because they don't care. One of the things that he loves about Murray is that this Council as a whole has committed to finding a resolution to this issue. You have heard all five of the Councilmembers say that and that is what they are hoping to do. They will work with the Mayor's Office because they are the Executive Branch, the ones that actually do the work. The Council can make recommendations and control the purse strings as to how that happens but it is the Mayor's Office that would gather it together and who the citizens would address. The Council would be happy to be a part of that and wants to be a part of that, but they need the experts. Some have mentioned that they are not water experts, neither are those on the Council.

As a personal note, Mr. Shaver said that his mother lived in Rexburg, Idaho in 1976. That was a singular instance because they didn't rebuild the dam. Yours, the fear that you are expressing, comes from the fact that the canal burst and didn't go away. That safety issue, that ability to feel like you can walk into your home and be safe, it is a sanctuary. You have described it as sacred and it is. Mr. Shaver thanked Mr. Fink; he described two miracles. The first one being that no one was hurt. The second one is that you live in Murray. The Council is going to act on that second one because of the first one. It shouldn't require an accident to cause the Council to act. Unfortunately, in this case it actually does, but they do want to do that.

A citizen asked to make a request to the representative from the canal company.

Mr. Shaver asked him to wait until after the meeting to talk to the representative.

Jeff Straley, 5194 Spring Clover Drive, Murray, Utah

Mr. Straley said that although not as important, his comment is about trees. He has lived in Murray for about fourteen years and loves it here. Mayor Snarr is his neighbor. He is a great Mayor and an even better neighbor. Mr. Straley said that the City does a great job planting trees and has won various awards for planting trees, maintaining them well and keeping them in good shape. His only complaint with the tree program is that they offer two types for the residential properties. You can have a Maple tree which he doesn't have a gripe with. They are a little messy but it's a good shade tree with fast growth. The other tree is a flowering tree, the Santa Clair Flowering Pear. His gripe with this one is that it smells terrible. He knows that it seems dumb at a time like this when people are suffering, but the City doesn't need to plant a tree that

smells bad. Larry Sager at the Deseret News is the 'Garden Guy' and he said that there are over 80 varieties of flowering trees that grow well in Utah and with subspecies, even more than 80. Mr. Straley is sure that the City can find another variety that smells good in addition to looking good. The flowers on the pear tree look good, but so do dandelions and he doesn't want those in his yard either.

Mr. Straley added that he is a runner. When he was younger, he went to a rival high school of Murray. Murray was always a formidable foe but he never noticed the smell before. Now when he runs through the streets of Murray, he will round a corner and almost be knocked over by the smell of these Santa Clair Flowering Pear trees. He really doesn't know why the City chose that tree. He imagines it is because it is inexpensive and grows well here. Other trees that grow well here are Magnolias, Idaho Locust, various lilacs, flowering cherry trees, Choke Cherries, etc. There is a laundry list of trees that would grow well here and he implores the City Council to consider others. He has mentioned this to the City Forester and that department has 'accepted his complaint' but that is about all. Mr. Straley asked if anyone on the Council felt the same way.

Mr. Straley reiterated that there are many gorgeous flowering trees available that would do well in this environment, even though the environment can be challenging for some trees. He recommends that they choose a different flowering tree so that the City can look great and smell great as well.

Citizen comment closed

Mr. Brass stated that all of the Councilmembers phone numbers are on the City's website if someone wants to contact them with questions or if they just want to know how things are progressing.

5. **CONSENT AGENDA**

5.1 None scheduled.

6. **PUBLIC HEARINGS**

6.1 None scheduled.

7. **UNFINISHED BUSINESS**

7.1 None scheduled.

8. **NEW BUSINESS**

- 8.1 Consider approval of a resolution acknowledging receipt of the Fiscal Year 2013-2014 Tentative Budget from the Mayor and the Budget Officer, and referring the Mayor's Tentative Budget for review and consideration to the Budget and Finance Committee of the Murray City Municipal Council.

Staff Presentation: Mayor Daniel Snarr

Mayor Snarr thanked the Council for the opportunity to address them this evening. Through the years, it has been his pleasure to bring a City Budget before the Council and present it for their consideration. Each year at this time they find themselves in various circumstances. Sometimes they have flexibility in their numbers and other times stretching to make ends meet. Mayor Snarr has appreciated the opportunity to work with the Council throughout the years on the Council Administration Budget Committee. It has allowed them to understand, together, the financial status of the City and to manage and accomplish the many goals in lean times. While we have struggled through the economic downturn along with the rest of the nation, he is encouraged that our sales tax revenues are slowly rebounding. It may still take a while to return to the high numbers we enjoyed in 2007 but we are steadily seeing businesses rebound in Murray City. In 2011, we undertook a process to develop a Strategic Plan and put a Capital Improvement Plan in place. These tools have made a positive difference in the way we look at our City budget. We understand what goals are important for us to achieve and now have an ability to set funding aside to plan for higher dollar items over time. This effort has helped us to separate our budgeting into three main categories. The Mayor would like to discuss his recommendations in each category.

The first category is our day-to-day operations budget. This budget pays for the supplies, utilities, buildings and programs that are taken care of by each of the departments in the City. We have been working under a model called "Target-Based Budgeting for Operations". This allows departments to move their operations funding as needed to cover the daily work of their areas. In order to have more funding for our other two categories, the departments were asked to provide a flat operations budget. Other than unavoidable increases, this has been accomplished. There are several operational items that the Mayor is recommending be funded. These include paying for our local elections this fall, providing some funding for economic development and increased utility cost in some of the departments. Some of the outside public safety entities, such as VECC and UCAN, have required increases for their services. He is also recommending increases in the budget so that the City can open the Park Center again on Friday nights.

The second category to fund is for Capital Improvements in the City. There are a variety of large projects and equipment that must be funded. This year the amount requested for these items was over \$30 million. We had \$1.8 million to spend. A CIP Committee of executive, legislative, and staff members made recommendations on what priorities should be funded. A good portion of the \$1.8 million came from savings in our departments throughout the City. When they save budget dollars, a portion of that money is programmed for their CIP priorities in the next fiscal year by the Committee. Some of

the projects recommended by the Committee include: \$100,000.00 for a new grass truck for the Fire Department to fight fires; \$50,000.00 to purchase three thermal imagers for Fire Fighters to locate people in people in fires; \$50,000.00 to update the General Plan that is currently ten years old; \$510,000.00 for Police cars purchased in this fiscal year; \$40,000.00 to replace Police motorcycles; \$55,000.00 to re-plaster the competitive pool at the Park Center; and \$10,000.00 for additional radar speed signs. Road projects are included in the CIP. We have committed 20% of the General Fund savings to be added to the Class C road money to improve our streets. It is under \$2 million, but our Street Division works very hard to make the money go as far as possible.

Mayor Snarr stated that other projects that will be done are in our Power Department, Water, Storm Water, and Sewer Divisions which are separate Enterprise Funds. He is also recommending using some of the CIP reserves to spend \$50,000.00 to begin plans for a new City Hall.

Finally, the third leg of our budget is to take care of our wonderful employees. We are an organization that provides service. That means that we have a need for excellent people who work hard to make Murray City the great place it is to call home. Each year we look at the best possible way to provide them with great benefits and compensation. This year, we looked at over ten options in an effort to take care of some of the challenges that are the result of the rough economic times. We have considered compression, merit, market adjustments, hourly increases, and COLA's to find the right balance of equity for the employees. Mayor Snarr said that he is recommending that the City covers the increases in health care costs which are about 5%, and increases for the Utah Retirement System. These benefits alone will take \$550,000.00 to fund. Due to the three years when no pay increases were given we have seen challenging compression problems, especially in our Public Services and Public Safety areas. He is suggesting that the lower paid quarter of our employees in their pay ranges, which is about 100, receive compression adjustments. This will not take care of the total problem but it will help to begin a process with these changes. For full-time employees, his recommendation includes about \$1,000.00 raise and funding to provide a small increase for seasonal employees to be determined by the Department Heads.

The City staffing level will remain as it is with two exceptions: he would like to add a Civil Engineer position for the Public Services Department. They have been very short handed with the high demand for building services. The second position would be in the Library. The City Library Director, Kim Fong, would like to transition her staff from fewer seasonal positions to more full-time positions. She will reallocate funding from seasonal personnel to provide for this new position.

We have some items to be considered from the non-departmental fund including helping with the COG initiative to provide for the homeless population in the valley. We also continue to pay our portion of the UTOPIA commitment. Mayor Snarr is recommending that they use funding from the reserves in the current fiscal year and the next budget to transition to a utility model for fiber. He believes plans for this direction can be

completed during this time and will give us the opportunity to manage this extremely valuable infrastructure.

Mayor Snarr would like to acknowledge the cooperation and the cooperative work between the Council and Administration in this process and in dealing with the other efforts to improve our City. Because this will be his last Budget Address, he would especially like to give a heartfelt thanks to his staff for their continuous support and outstanding work. Justin Zollinger, our Finance Director, has done an absolutely amazing job in helping with options to review and scenarios to consider. Mayor Snarr believes that we are very careful stewards of public funds. It has been his goal to use them to lead Murray as to what we all believe it to be, the best city in America. The Mayor thanked everyone for their time and consideration.

8.1.1 Council consideration of the above matter.

Mr. Brass said that having been around for many of the Mayor's years with the City that it has been a pleasure and the City has been well run.

Mr. Shaver concurred. Although his experience has not been as long, he has never seen waste. It has always been a very cautious and judicious assessment of the City's needs and trying to meet those needs. He expressed his appreciation as well.

Mr. Stam said that the Mayor has not only worked to take care of the City, but he has also put this City on the map. Even if it is just in some areas for the Mayor's mustache, he has made Murray a place that is recognized, not just in the State but all over the Country. It makes people wonder and think about if this is a place they want to go. He also expressed his appreciation for the Mayor.

Mr. Nicponski made a motion to acknowledge receipt of the Budget, and refer the same for review and consideration to the Finance and Budget Committee.

Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

8.2 Consider a Resolution approving an amendment to an Interlocal Agreement with member entities of the Central Valley Water Reclamation Facility.

Staff presentation: Doug Hill, Public Works Director.

Mr. Hill stated that Murray City is one of seven member entities of the Central Valley Sewer Treatment Plant. Councilman Brass is the City representative on that and he may also want to follow up on any comments.

This Resolution is an amendment to an agreement that Murray City has with Central Valley dating back to the year 2000. It has been amended a couple of times. Every time there is, for example, a plant expansion the agreement gets amended. Most of the amendments address ownership percentages, how much do we own and how we are going to pay each year. That is what this amendment is addressing tonight. It is clarifying the ownership that Murray City has in the plant and how we will pay for those capital expansion projects moving forward.

This is really just a clarification of what has been happening in the past but because there are new leadership and new Board Members that come on and off the Central Valley Board, there were some recent discussions about changing the way that those costs would be allocated. The Board felt that they needed to have this in writing so that every time there is a change it does not come up and get re-discussed. Mr. Hill asked Mr. Brass if he would like to add anything.

Mr. Brass said that Danny Astill, Water Superintendent, weighed in heavily on this. As Mr. Hill said, they have had to amend this agreement several times and the initial document was not favorable for Murray City. We have excess capacity at the plant which is a nice position to be in and some of the larger entities are running up against their capacity. This more fairly allocates the cost of improvements and expansions to the people who are actually putting the heaviest wear and tear on the facility. The initial discussions put an unfair weight on Murray City and with Mr. Astill, Mr. Hill and Mr. Nakamura looking at it, they have come up with an agreement that he feels everyone now feels is fair.

Mr. Shaver said that as part of one of the issues that was brought up in the Committee of the Whole meetings and individually, the filtering is the challenge. This would actually make that filtering be more equitable across the cities, should it be necessary for that to happen.

Mr. Hill said that the plant goes back to the mid 1980's.

Mayor Snarr said that some of it is newer.

Mr. Brass said that some is only a decade old, some is new. There is a lot of infrastructure that is starting to need to be replaced and this agreement will help out.

8.2.1 Council consideration of the above matter.

Mr. Brass made a motion to adopt the Resolution.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

- 8.3 Consider a Resolution approving an Interlocal Agreement between the City and the State of Utah, Utah State History, Department of Heritage and Arts for a grant to undertake local historic preservation projects under the Certified Local Government Program.

Staff Presentation: Doug Hill, Public Services Director.

Mr. Hill thanked Mary Ann Kirk, Cultural Director, who works hard at getting these grants for the arts and history programs in the City. This is one that Ms. Kirk pursues every year and we seem to get a grant from the State to help the historic preservation issues for Murray City. This grant would give Murray City \$10,000.00 over two fiscal years. We would receive \$5,000.00 this fiscal year and the other \$5,000.00 next fiscal year. The City would need to match that with our own monies or in-kind donation which are currently in our budget and included in the Mayor's budget which was just presented.

With this money, the plan would be to create a national register historic district for the Hillcrest area which is the area just east of Hillcrest Jr. High School. It would also allow us to nominate five to seven buildings to be on the national register.

Mr. Shaver asked if that is an equal contribution, meaning \$5,000.00 from them and \$5,000.00 from us.

Mr. Hill said that was correct.

Mr. Nicponski asked if Mr. Hill had any idea of which buildings they are talking about.

Mr. Hill said he did not know. He thinks that Ms. Kirk might have an idea of which ones they might be.

Mr. Shaver said that if he understands it correctly, the buildings have to meet very specific criteria in order to be listed on that register.

Mr. Hill stated that was correct. Mr. Hill emphasized that he knows that many people have concerns that if we nominate a building to the National Historic Register, does it put

all kinds of restrictions on that property such as whether that building can be demolished or remodeled. To clarify it, the answer is no. There are no restrictions for being on the National Historic Register. It allows the property owner to receive tax credits to do historic preservation on the building.

Mr. Nicponski asked if that included selling the building.

Mr. Hill said that there were no restrictions and the owner could sell if they wanted to.

Mr. Brass said that he has friends who just put a sunroom on their house, which is on the National Historic Register. It is not difficult.

8.3.1 Council consideration of the above matter.

Mr. Brass made a motion to adopt the Resolution.
Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

8.4 Consider a Resolution approving the polling locations specified by the Salt Lake County Clerk's Office, Elections Division, for the City's 2013 elections.

Staff Presentation: Jennifer Kennedy, City Recorder

Ms. Kennedy stated that Salt Lake County has sent the City a list of polling locations. By combining these polling locations it can potentially save the City money during our elections and they are recommending approval of this Resolution.

8.4.1 Council consideration of the above matter.

Mr. Hales made a motion to adopt the Resolution.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Hales
A Mr. Nicponski
A Mr. Stam

A Mr. Brass
 A Mr. Shaver

Motion passed 5-0

9. MAYOR

9.1 Mayor's Report

Mayor Snarr stated that he was on his way back from Eureka, Utah on Saturday and when he turned the corner on 1300 West to go on eastbound on Winchester, there was one of our Police Officers who had just pulled up and began to place cones. At the same time, the break had occurred about 15 minutes before; they were notified that the ambulance and other fire vehicles were down there. The officer said that everyone had been notified. The Mayor's hat goes off to everyone for the wonderful response to the event. The Power Department was there to make sure that the power stayed on and everyone got involved. He thanked all of the staff for all their hard work. They stayed there all night and it was amazing to see the amount of mud and debris that had to be moved and seeing all of the volunteers the next day that came out to help out. Even people from Lester Avenue came out to help. Lester Avenue is the City's southern-most boundary. To see individuals come down and work and participate side by side to resolve this was great. We were very lucky that this occurred during the day and not at night.

The canal company has been very supportive in saying that they need to find solutions. We know that some of those solutions could be very, very expensive and we will have to sit down and discuss the expense of putting in a culvert box similar to what is on the other side. That was put in to protect the area above up to the west, where it was sloughing off and blocking the canal. At looking at this particular situation, the same thing could happen from both sides. Just know that this will be very expensive. They will all sit down together and we know that the canal company wants to come up with a solution.

Mayor Snarr noted that Costco, Lowes, Home Depot and other organizations also came out to participate in the clean-up efforts. They saw the event on TV and being good stewards they stepped up and did a great job. The Mayor has already expressed his appreciation to them already. Ironically, they are very excited about the Building Department down there for contractors.

Gilbert Gonzales, Chief Building Official, has placed notices on the doors regarding what they are doing for education on building codes and processes. This is a delicate situation. It would be very difficult for our Building Department to go in and say that someone can't build. If a person buys property and the City tells them it is not developable, it would be considered a taking. It takes away their ability to do what the property was zoned to do. Everyone should be aware that the canal area was not a part of Murray originally. There was a boundary adjustment between Murray and

West Jordan that was done. Wayne Harper came in and worked with the City on this. It was done mainly because they didn't want to put in a lift station to pump the sewage up to 1300 West. It made sense. To the south of Winchester was not Murray. It jogged at the Jordan River. At the corner of the Jordan River going to the west and south of Winchester was a part of West Jordan. Murray City accepted it and Goff had done a good job in developing Murray Bluffs I and there was no problem over there when that was done. There have been some challenges since then but this isn't about finger pointing, it is about solving the problem and figuring out what needs to be done.

Mr. Nicponski said that the idea sometimes is to engage in an educational process after an event when things have cooled down a little bit.

Mr. Brass gave kudos to the Murray staff, saying that they will work all night and those that are scheduled to come in at 8:00 a.m. show up. He also thanked Ms. Wells for the text messages.

Mayor Snarr said that they did the same thing, although the reception was not quite as good, over in Walden Glen. The County was so busy trying to take care of the potential flooding from the Big and Little Cottonwood Creeks as well as other creeks. The County was responsible for many creeks and rivers and they were trying to address those. They had started a project just south of 5400 South and 1300 West. There is an issue with a property there where they drain a lot of property that comes off the Walmart development. Unfortunately, we had a significant rain event.

Mr. Hill stepped in saying that he realizes that they should give credit to the Power Department who was there that evening too.

9.2 Questions of the Mayor

Mr. Nicponski said that he understands that they are going to tear down the Sears building at Fashion Place Mall.

Mayor Snarr stated that they are waiting to hear what is going to happen there. They have been in contact with the corporate offices and said that they hope they have a plan in place but that the documents have not been signed yet for the potential tenant. He asked Tim Tingey, Administrative and Development Services Director, to speak to that issue.

Mr. Tingey said that was correct. They are in negotiations at this time but it has not been finalized and there has been no announcement on what they are going to do. They are very close though.

Mr. Nicponski asked Mr. Tingey about an upcoming event that he has and asked him to share that.

Mr. Tingey said that they have the Economic Development Symposium coming up this

week on Thursday from 11:30 a.m. to 1:00 p.m. at the Doty Education Center at Intermountain Medical Center. They have some panelist who will speak about the economy 101 and what is happening and the effects that it has on Murray.

Mr. Shaver noted that they have done the demolition at Vine Street and State Street. It is exciting to drive by there to know and see what is happening there. They are plowing up the earth and putting up the retaining wall. It is marvelous to see what is happening in the City.

Mayor Snarr said that it is going to be a beautiful addition to downtown Murray.

Mr. Nicponski said that he has gone to the Chick-fil-A a number of times and watches the cars come in and end up turning around and going back out because they can't get through there. It is ridiculous that they can't get that issue resolved.

Mayor Snarr said that it is very frustrating but it is a private land issue and perhaps the City could have demanded more but it is what it is. Hopefully someday somebody will say that this is a joint effort and everyone wins if a road goes through. People would have a safe way to go out and turn left without having to go back out to 5300 South or through the Park. For what it would cost, approximately \$25,000.00, it would be worth it and he hears about it all the time.

Mr. Brass said that if you look at the load that the Chick-fil-A gets, the number of customers they have, if they could easily go from the restaurant over to the shopping center he would see an uptick on his business to the retail businesses including Best Buy. He just doesn't understand why he won't just fix the problem.

The Mayor said that he and Mr. Brass see it the same way. It is very frustrating because he feels that the City went above and beyond what was necessary to help facilitate the development of that property. They have bent over backwards to make things happen over there.

10. ADJOURNMENT

Jennifer Kennedy, City Recorder

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 7th day of May, 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 - Conducted
Jim Brass,	Council Member – Excused
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
Pete Fondaco,	Police Chief
Craig Burnett,	Deputy Police Chief
Gil Rodriguez,	Fire Chief
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager, Power Department
Gilbert Gonzales,	Chief Building Official
Mike Dykman,	Battalion Chief
Rondi Knowlton,	Administrative Assistant
Doug Roberts,	Police Department
Roy Halford,	Police Department
Deven Higgins,	Police Department
Scouts	
Citizens	

5. OPENING CEREMONIES

Mr. Hales excused Mr. Brass from the meeting.

5.1 Pledge of Allegiance- Roseann Stam

5.2 Approval of Minutes

5.2.1 None scheduled.

5.3 Special Recognition:

5.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah to designate and support the week of May 19-25, 2013 as Emergency Medical Services Week.

Staff presentation: Mayor Snarr, Gil Rodriguez, Fire Chief, Mike Dykman, Battalion Chief.

Mayor Snarr read the Resolution in its entirety.

Mr. Shaver made a motion to adopt the Resolution.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

Mayor Snarr turned the time over to Gil Rodriguez, Fire Chief and Mike Dykman, Battalion Chief.

Chief Rodriguez stated that years and years ago, when he got hired, Murray City had a lot of fires. The Fire Department went on a lot of calls for fires and service. Medical was just starting back then and it was an anomaly to be an EMT; but things have progressed. Thirty years later, medical calls take up about 70-80% of the Fire Departments calls. Without question, the Fire Department needs to be on top of it. Chief Rodriguez stated that just because he is the Fire Chief doesn't mean that is the only thing he does. He stated that having someone like Chief Mike Dykman as the EMS Battalion Chief is great. He does a great job. He understands it and he can work through it. He does things in fifteen minutes that would take Chief Rodriguez the whole day just to try to understand it.

Battalion Chief Dykman stated it says “one team one mission.” The Fire Department has quite a team and the team starts with the Mayor, the City Council, and those that support the Fire Department and their Emergency Medical Services. The City Council and Mayor make the real big decisions and it’s the Fire Department’s job to carry them out. They carry them out to the best of their abilities. Battalion Chief Dykman reiterated that the Fire Department considers the Mayor and City Council part of their team and thanked them for their support.

Battalion Chief Dykman mentioned some of the activities that will be going on through EMS Week. He mentioned the activities are listed on the City’s website and the update newsletter as well. During EMS Week, on the weekdays between 12:00 -1:00, the Fire Department crews will be at the Heritage Center conducting free blood pressure and blood sugar checks for senior citizens. The Fire Department has done this for a number of years and the senior citizens seem to appreciate it. Battalion Chief Dykman feels that the senior citizens are a population where they Fire Department can really make a difference and help. They are glad to be at the Heritage Center through EMS Week, and any other time they would like for them to be there. On Saturday May 25th between 11:00 – 2:00 there will be an annual EMS Week barbeque. The public is invited. You can come by and get a free hot dog or hamburger, soft drinks, and chips. This is a chance for the public to come meet with the Paramedics, take a look at some of their equipment, and talk about whatever. The Fire Department is very proud of what they do and they would love to have the public stop by. The barbeque will be at Fire Station #84 on 5900 South and 200 East. It’s on the old Cottonwood Hospital property on the southwest corner, kind of by McDonalds.

Battalion Chief Dykman wanted to make people aware that the Fire Department is kicking off a County-wide program called the Yellow Dot program. This is a national program that Tooele County has recently started doing. Salt Lake County will be next and eventually this program will be statewide. The Yellow Dot program is designed to help citizens be able to communicate if they are involved in an automobile accident. Basically, there is a folder that is put in the glove box and a yellow dot that is affixed to the vehicles rear window. If you are involved in an accident, the yellow dot clues in Paramedics that there is some kind of significant medical condition that they need to be aware of and they will take appropriate action. They will look for that documentation that was put together and put inside the glove box. This can be very helpful for diabetic situations, seizures, or any kind of medical condition. It is a very good program. More information is available at www.utahyellowdot.com. The materials that are required for this program are at the Headquarters Fire Station throughout the year and they will also be available at all of the county libraries.

Mr. Stam asked if the Yellow Dot program is only for people who have a medical issue. He stated that if someone doesn’t have a medical condition, they could

change the color of the dot or something and that way the Paramedics would know that there are no allergies or anything they need to worry about.

Battalion Chief Dykman answered that they don't have anything like that and the reason why is because they don't anticipate getting 100% compliance with this. They want to make the program available to people who do have conditions and feel that they would need to pass that information on to the Paramedics. It's a way to make that information available. If there is no dot, they are not going to go look for it. They will take care of the patients, but they will not go look for additional information.

Battalion Chief Dykman noted that the program will involve training of the City's Paramedics so they are able to recognize the yellow dots and be aware of them. The Yellow Dot program is a big thing that is just getting started here. It has been very successful in Tooele County and it is just growing from there. The Fire Department is glad to be involved with it. There will be quite a bit of information about the program coming out in the media as it is a county-wide program. More information will be coming out as EMS Week gets closer. He thanked the City Council for their support saying that it humbles him to represent the City's Paramedics and what they do. They make a difference in people's lives every single day and they do it in a positive way. He is proud to be part of it.

Mr. Shaver asked what the age for seniors at the Heritage Center was.

Battalion Chief Dykman answered that anyone can go to the senior center, but he wasn't sure what age you had to be.

Mr. Stam said that he thought it was 55.

5.3.2 Swearing-In of new Murray City Police Officers Chaseton Lynn Smith, Quintin Stephen Grillone, and Heidi Marie Schultz.

Staff presentation: Pete Fondaco, Police Chief

Chief Fondaco gave a little bit of background on each of the new officers before he called them up to get sworn in.

Chief Fondaco stated that Chase Smith used to be a Cadet for Murray City. The City hired him from the airport. When he was working as a Cadet for the City, he knew that eventually he would want to come and work here full-time. He told Chief Fondaco that was his goal. Now he will become the second Cadet that the City has hired as a full-time Police Officer. The first one was Assist Chief Craig Burnett who was a Cadet for the City back in 1978.

Quintin Grillone is from New Jersey. He graduated from Roxbury High School which was a rival school of Chief Fondaco's high school back in New Jersey.

Chief Fondaco stated that he graduated from West Morris High School. Mr. Grillone is straight out of the academy. Lieutenant Tom Martin attended Mr. Grillone's graduation the other day at Salt Lake Community College.

Heidi Schultz was hired from the Weber County Jail where she had just started. Ms. Schultz is also right out of the academy. Chief Fondaco invited the new Officers to come forward for their swearing in.

The swearing-in ceremony was performed by Jennifer Kennedy, City Recorder.

The new officers introduced their families.

The council congratulated the new officers.

Mr. Hales stated that the City appreciates them. It's amazing and a proud moment. He stated that the Council is excited to have the new officers on board.

Mr. Nicponski added that he felt that the most valuable tool for our City to remind the residents of our commitment to service is the police logo on the patrol cars and the paramedic symbol on the paramedic and fire trucks. It all comes home when you see those Paramedics roll up to a house or a police car roll up to give service. He stated that the Council appreciates them for what they are about to embark on. He also sent his appreciation out to the Paramedics and Fire Department.

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

Before the citizen comments started, Mr. Hales asked the Boy Scouts in attendance to introduce themselves.

Shannon Oveson, Miss Murray – 604 West 5900 South, Murray, Utah

Ms. Oveson stated that she wanted to come before the Council and talk about an event that she has going on this upcoming Friday. As Miss Murray, she has a platform. Her platform is, "Education: The Key to Opportunities." Throughout her year as Miss Murray, Ms. Oveson has been raising money to give a way for two different scholarships. One if for somebody who is just graduating from Murray High School and the other is for somebody who is a nontraditional student or somebody who wants to go back to school. Ms. Oveson has been putting together a huge fundraiser that will be going on this coming Friday and Murray High School at 7:00 p.m. It is a silent auction out in the commons and in the auditorium, there will be a fun variety show. Miss Utah is coming to host the event with Miss Murray. There are incredibly talented people coming. Ms. Oveson has received donations from a lot of Murray businesses such as Desert Star tickets. Brandon Burningham also donated a three hour limo ride and \$100.00 towards dinner. Ms. Oveson wanted to personally invite everyone to come to Murray High School at 7:00 p.m. on Friday.

Mr. Hales asked Ms. Oveson how her reign has been going over the past few months.

Ms. Oveson replied that she has been super busy with school, but the semester is finally over. She couldn't be happier. She stated that she got another 4.0 this semester. Now, she will be able to focus more on Miss Murray things. She stated that she hopes everyone can come to her fundraiser this Friday and said that it is only \$5.00 to get in. She added that it should be a family-fun event and encouraged people to bring everyone they know.

Citizen comment closed

7. CONSENT AGENDA

7.1 Consider confirmation of the Mayor's new appointment of Karen E. Johnsen to the Murray City Ethics Commission in an At-Large position for a three-year term to expire February 19, 2016.

7.2 Consider confirmation of the Mayor's new appointment of Dana Dmitrich to the Murray Parks and Recreation Advisory Board in an At-Large position for a three-year term to expire January 17, 2016.

Vote for both taken together.

Mr. Shaver made a motion to approve the confirmations.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

Mr. Stam said it is really nice to have people that are willing to step up and serve in the City and help the community out. That is one of the first things that got him involved other than coaching baseball. He spent nine years on the Parks and Recreation Committee which was a fun committee to be on. He told Ms. Dmitrich that she will enjoy serving on it as well. Mr. Stam said that the Ethics Commission is a new one so he did not have any experience on how that is going to be yet. He reiterated how nice it is to have people willing to help out and serve their community.

Mr. Shaver added to Ms. Dmitrich that he hopes she is very, very busy with her committee and told Ms. Johnsen that he hopes no one ever has to come before her.

8. PUBLIC HEARINGS

8.1 Public Hearing #1

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

Consider a Resolution declaring the property located at approximately the southwest corner of 5900 South and 700 West, Murray City, Salt Lake County, State of Utah, as surplus.

Staff presentation: Doug Hill, Public Services Director.

Mr. Hill stated that about thirty years ago Murray City purchased a piece of property to extend Green Oaks Drive to 700 West. There was a small parcel remnant of that parcel left over from that road extension. The parcel that the City currently owns is approximately 3,700 square feet which is a little less than 1/10 of an acre. The adjacent property owner, Mr. Jones, is looking to develop that piece of property adjacent to this remnant piece. He has asked that the City surplus this property. The process the City goes through whenever we have to dispose or get rid of a piece of property is to hold a Public Hearing, there will be appraisals of that property, and then the City would put the property up for sale. In this particular case, once the property is for sale, Mr. Jones could purchase that property at fair market value. It could then be added to help his development. Mr. Hill believes that Mr. Jones' plans are to put in some single family housing on that vacant piece of property. Mr. Hill is recommending the Council surplus this property.

Public Hearing opened for public comment.

Richard Hanson – 5269 Lucky Clover Lane, Murray, Utah

Mr. Hanson asked if this piece of property is landlocked or is it viable for anyone to purchase to develop independently.

Mr. Hill responded that the property is not landlocked; it is adjacent to Green Oaks Drive. It is accessible from the road. Mr. Hill stated that the City Attorney, Frank Nakamura can address the issue of is it available for anybody to purchase.

Mr. Nakamura stated that often they are available for anyone to purchase. However, if property is contiguous to another property owner, the City's policy allows for the contiguous property owner to purchase the property. It is a policy that the City has developed. It makes since in terms of that is usually what happens when there is a piece of property that is unusable. That is what the Council needs to decide tonight; whether or not the City can use this property. If the City cannot use it and there is a contiguous property owner, then the contiguous property owner has the opportunity to purchase that

property. If the property was located somewhere else or was a larger piece of property that the City decided it didn't need and surpluses, we could then put that out for bid. These pieces of property are contiguous because of something happening in terms of the road, like we took a piece of property for the road and did not utilize it all, we defer to the contiguous property owner.

Mr. Stam added that property is about five feet wide at one end and about ten feet wide at the other and about 80 feet long.

Mr. Nakamura added that usually these properties are irregular pieces. A lot of that results from the City purchasing them for roads or other infrastructure and end up not using it all. That is why the City allows them to go to the contiguous property owner.

Public comment closed.

Mr. Stam said that property has received many complaints from the neighbors for many years because the City does not do a very good job of maintaining it. There have been some members of the Parks and Recreation that go by and spray it for weeds and put bark on it to try to make it a little more presentable. This property is small enough that it can't be built upon. Nothing can happen to it and it would cost an awful lot of money to landscape and maintain the tiny space. This is going to allow the property to be developed and used and not be an eyesore.

Mayor Snarr stated that he had dealt with this for almost 16 years and he is happy to see it getting resolved. This has happened on numerous occasions. When the City realigned Vine Street with Cottonwood Street there was some excess property and the City worked out a deal to make everything work with the new Dialysis Center over there. This kind of thing happens to UDOT all the time. Particularly on major road projects where they actually have to take out the whole business. The best thing to do is to look at the adjoining businesses and see if they are interested in purchasing property; particularly if it is an irregular piece of property that is left or property that isn't large enough to develop. Otherwise, UDOT, which is funded by taxpayers, ends up picking up the tab to take care of it. In this case, the City has taken care of it. Now the property will go back on the tax rolls and it is a nice development that Mr. Jones plans on putting in there. These things work out for the betterment of the City. At the end of the day, the City doesn't have to spend the money to take care of it and we will get a little bit of property tax from the property now. It is a win-win deal. Rarely does anybody say they want to come and buy this property because it's really not a developable piece of property. Sometimes when other people buy it, they don't take care of it and the City has to go out and assess them a fine for not cutting down the weeds or spraying them. That is not a pleasant thing to do.

Mr. Hanson stated that this was brought up to him because of a piece of property that is adjacent to and backs his property. The property was a road that originally went through Applegate Condominiums and stopped at the end. Now it is weed infested on one side and he doesn't know who is responsible for taking care of the property. The whole thing

just gets worse, and worse, and worse. Mr. Hanson asked if it was the City's responsibility to take care of it or the people who live next to it.

Mayor Snarr answered that it is the responsibility of Applegate. He told Mr. Hanson that the reason that road didn't go through was because the neighbors protested that they did not want a cut through from their neighborhood for people to be able to take a short cut down through Applegate into the other neighborhood. The neighbors said that they did not want that street to go through. That happened almost 40 years ago.

Mr. Hanson asked what happens to properties that are owned by the City that no one takes care of.

8.1.2 Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Resolution.
Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

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 relating to land use; amends the Zoning Map for property located at 5918 South 700 West, Murray City, Utah from A-1 (Agricultural District) to R-1-8 (Single-Family Low Density Residential District).

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

Mr. Tingey stated this item was taken to the Planning Commission and a Public Hearing was held on April 4, 2013. The purpose was to rezone the property from Agricultural to Residential R-1-8. The General Plan supports that as it is consistent with the General Plan. The property is 2.4 acres and the new uses that will be allowed on that site are primarily residential with 8,000 square foot lots. Both the Planning Commission and staff are recommending approval of this change.

Mr. Shaver asked that with the purchase of the new property from Mr. Jones included, is that going to create a zoning issue because they won't be including this piece since it has not been purchased or designated as such.

Mr. Tingey answered that he does not believe it will create an issue. Where it is right-of-way, it is likely the City would have to look at it and see if it would have to be rezoned as well as part of this. They will need to look at legal descriptions on that.

Public Hearing opened for public comment.

No public comment was given.

Public comment closed.

8.2.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

8.3 Public Hearing #3

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

Consider an Ordinance relating to land use; amends the General Plan from Residential Single-Family Low Density to Residential Business and amends the Zoning Map from A-1 (Agricultural District) to R-N-B (Residential Neighborhood Business) for the property located at approximately 6358 South 900 East.

Staff presentation: Tim Tingey, Administrative & Developmental Services Director. (See Attachment 1 for the Map)

Mr. Tingey started by giving some background on this item. This was taken to the Planning Commission on March 21, 2013 and a Public Hearing was held. This

request is on the west side of 900 East. Mr. Tingey showed the property on a map. The property is currently zoned agricultural. This is different than a similar application that was brought to the City about a month ago. That application was for a property located on the east side of 900 East. The future uses for the properties on the east side of 900 East are for residential. The property on the other application was adjacent to the open space area and there were a lot of differences with the property on the east side of 900 East; primarily with the consistence, the location with Wheeler Farm and the General Plan has designated that as non-commercial. The west side of 900 East is much different. The areas on the west side allow for Residential Neighborhood Business; to allow properties to go from Agricultural to R-N-B. It is a transition zone. One of the challenges with this property is that it is one contiguous property. It is its own parcel; it is not split in the middle.

Mr. Tingey continued stating that when the General Plan was adopted, there were some difficulties created related to the property. It was split as far as the future land use; one portion being R-1-8 and the other portion being R-N-B. When you split a property like that it causes some challenges for the property particular with development. It creates different standards for development and it creates a whole different set of uses right adjacent on the same property. There are considerable issues that have to be addressed for development of a whole property like that when it has been split. At the time of the General Plan, Mr. Tingey does not know why the property was split, but it is not typical that that happens where you have one property split with two different zoning designations, two different standards, and a number of different land uses.

As this went to the Planning Commission, staff recommended approval of this change. Mr. Tingey would like to explain the reasons behind staff's decision. The first reason is because of the split in property; the different standards. For example, if you have to develop in the R-N-B and it is split like this property is, you have to create the buffering and the masonry walls. Basically all of the buffering elements have to be on the property line adjacent to a residential district. Those standards immediately kick in and it splits that property. The standards have to be applied right in the center of that property. In addition to that, one of the big issues with this site is there is an access control strip. So if someone owned this site and wanted to develop this property separately, that access control strip prevents any access on the north or west side of this property. The only access would be coming off of 900 East. If you were to develop this as residential on this side, the City does not allow for a private street, so you could not access it off of a private drive. You would have to access it off of these public streets. However, in doing that, it causes problems. There is an access control strip; there is no allowance for that. The only way they could do it is to create a public right-of-way through this to create R-N-B. In addition to that, in a Residential Neighborhood Business (R-N-B) district there are buffer and access control requirements. If this were all developed as Residential Neighborhood Business zoning, we would not allow for access coming off of these residential streets.

Access would have to come off of 900 East. Based on these things, staff feels that the R-N-B provides the buffer. There is an existing buffer with Glen Oaks Drive at least on the west side. Buffering is an important element related to this. There are also some existing buffers with R-N-B where you have a masonry wall required, some design standards with landscaping and other elements. Based upon all of that, staff recommended approval of R-N-B for the full property instead of splitting it with R-N-B and residential. There was deliberation after public input from the Planning Commission. They had concerns with this property having R-N-B going back as far as it does into the neighborhood. It was not unanimous, but they recommended denial of the request. Mr. Tingey has forwarded both the staff and the Planning Commission's recommendations to the Council.

Mr. Tingey showed the Council pictures of the west side of the property. He said if it was R-N-B, there would be a requirement for a masonry wall and a ten foot landscaping buffer as well. There would be limited access that would be allowed primarily because of the access control strip, but also staff would not ever recommend any additions or changes.

Mr. Hales asked if the County owns a portion of the strip.

Mr. Tingey replied that the County does own the access control strip and showed the Council where it was on the map. He also said that right now, there is no access allowed into those residential neighborhoods for this property.

Mr. Shaver verified that there was no access from the west or the north.

Mr. Tingey said that was correct.

Mr. Stam asked Mr. Tingey to explain the access control strip a little bit better. He asked if it can be changed if someone applied to do so since it is controlled by the County and not by Murray.

Mr. Tingey said that the access control strip is controlled by a different property owner. It is not the County and it is definitely not Murray. Often times it is a developer. When they develop a property, they will create an access control strip. What that does is pay for future access for development. It basically states that you have to go through that property owner to do what you want with the property as far as development. The County owns it, and Mr. Tingey isn't sure why they came under ownership. This was annexed property at one time. Right now, you couldn't develop on this property. They would have to either acquire that access control strip or get an agreement with the County. Mr. Tingey doesn't know how feasible it would be to get such an agreement with the County for this.

Mr. Hales asked if it is a possibility down the road that they could access that.

Mr. Tingey clarified that Mr. Hales meant that the property owner would be able

to acquire the access control strip.

Mr. Hales said that was what he meant.

Mr. Tingey responded that it would be a possibility. He does not know what the County's thoughts are on that. He does not know if they would be willing to do that.

Mr. Hales asked if by doing that it would open up the property into the residential area.

Mr. Tingey said that with an R-N-B, the City would not allow access. The City's R-N-B Ordinance states that you limit access into these residential neighborhoods.

Mr. Hales asked if that would be the case even with the County owning it down the road.

Mr. Tingey responded it would be on the site itself.

Mr. Shaver added that if the property owner that wants to buy it, who is purchasing the property, if they wanted to open this up on the north or the west side, the City has an Ordinance that says no. As an R-N-B property you cannot do that.

Mr. Tingey responded that was correct. Mr. Tingey added that if a certain portion of the property was maintained as residential on the west side, they could access it if they buy that for residential development.

Mr. Shaver verified that would be the case if it was a split property.

Mr. Tingey said that was correct, if it was a split property.

Mr. Shaver asked a question about the split. He stated that Mr. Tingey is saying if we are moving A-1 to R-N-B and you are talking about it as if it is already zoned. The split creates a zone of two different types of zoning. Mr. Shaver said that he is confused. He wanted to know if we are moving the property from A-1 to R-N-B.

Mr. Tingey stated that the proposal is A-1 to R-N-B for the whole site. The General Plan states that the property is split with a portion of it being residential and a portion of it being R-N-B.

Mr. Stam asked if the General Plan is the future plan.

Mr. Tingey responded that it is for future land uses.

Mr. Nicponski asked if the Planning Commission's vote was split or unanimous.

Mr. Tingey answered that it was not unanimous. There was one that dissented, that did not vote with the rest.

Mr. Hales stated that the vote was 6-1.

Mr. Stam asked if the owner of this property wanted to split it and have half of it zoned one way and the other half zoned R-N-B, could he apply to do that.

Mr. Tingey replied that he could. What would happen is the portion that is being requested for R-N-B could be R-N-B and the other portion could be residential. Mr. Tingey noted that R-N-B does allow for residential uses. So if the entire property was zoned R-N-B they could locate residential structures on that back portion if they wanted to. With the General Plan it is to be R-N-B on that portion and residential, R-1-8, on the other portion.

Mr. Shaver asked if they would still have to have the buffer.

Mr. Tingey responded that on the R-N-B portion they would have to have a buffer. If this is the future zoning, if it was determined by the Council to keep this portion at R-N-B and the other portion at residential and they go through the processes for that, the buffer would have to occur. Mr. Tingey showed on the map where the buffering would need to be. He stated by doing that, the back portion of the property would not have any access unless it was to be addressed.

Mr. Stam stated that what Mr. Tingey was trying to refer to is if the entire property was zoned R-N-B and they decided to build residential on the back side, would they need a wall to separate the residential from the other because the zoning is R-N-B.

Mr. Tingey said they would not because the property is adjacent to future residentially zoned land.

Mr. Nicponski asked if the property surrounding this property was zoned R-N-B.

Mr. Tingey replied that land around the property was on the General Plan to be R-N-B. Some of it has already been rezoned R-N-B and there are existing structures. Mr. Tingey noted that there are height restrictions for the R-N-B areas. They are lower than a residential zoning district. They are 20 feet where a residential structure can be 35 feet. In an R-N-B you can go as high as 30 feet with the Planning Commission's approval. It would still have to be lower than a residentially zoned property.

Mr. Shaver said that one of the concerns they have as a Council, that they have addressed several issues regarding, is the access and the traffic. They don't want

traffic going into the residential area. They want the traffic coming off of 900 East rather than going through the residential properties in order to enter into a business or a commercial area.

Mr. Tingey stated that the intent of the ordinance for R-N-B is to limit that access.

Mr. Stam verified that what Mr. Tingey was saying is there could not be any access from any road except 900 East on that property.

Mr. Tingey answered at this point that is correct.

Mr. Stam continued saying that if this property is developed as R-N-B there would be no access to the property except 900 East.

Mr. Tingey said that is correct. The intent is that but it is not set in stone that you cannot have an access. Mr. Tingey continued saying that with the intent of the R-N-B staff would never recommend approval of having any access into these residential neighborhoods. The intent is not there for that. You want to limit the impacts into the residential neighborhood. That is what you want to limit. Access would cause a problem with that. Therefore, there would never be any recommendation from his office for that.

Mr. Nicponski asked Mr. Tingey to repeat what the General Plan use is for this property.

Mr. Tingey answered that the General Plan use for the front portion of this property is to be Residential Neighborhood Business (R-N-B). The area to the back of the property is to be Residential Single Family (R-1-8).

Mr. Nicponski asked how many units could there be on this property.

Mr. Tingey answered that on this site you could get one or two possibly even three units. He wasn't sure of the exact acreage of this particular area of the property so it is difficult to say. He added that you have to have a minimum lot size of 8,000 square feet and he believes there is more than 16,000 square feet there.

Mr. Hales asked if the applicant would like to comment.

Travis Maughan, Applicant - 2505 East Parleys Way, Salt Lake City, Utah

Mr. Maughan stated that he is one of the applicants and he felt that Mr. Tingey did an excellent job of presenting it. Mr. Maughan knows that there will be some dissenting conversations here tonight based on the conversations that they had at the Planning Commission. He reinforced that there are a lot of protections in place for this neighborhood with the R-N-B and with the protection strip. He knows he

is not allowed to talk about what they want to put there, but he shares the neighbor's values and wants to protect their neighborhood as well.

Public Hearing opened for public comment.

Jake Zollinger - 873 Southwood Drive, Murray, Utah

Mr. Zollinger stated that there are three homes to the north. Mr. Zollinger moved there in 1983. In 1987, when he was a Scout Master, he looked across there and had his scouts clean that strip of land up. On both the north and west side it was a dump yard. There were big gobs of cement from construction people who had dumped it there, car fenders, and even posts from the pioneer days. The County called Mr. Zollinger and offered to give him that strip of grass, both on the north and west side. He thought about what he could do with it. He thought about putting storage sheds in there or maybe put an RV or two on the property. He then decided it wouldn't be a very neighborly thing to do to his neighbors on Southwood and Glen Oaks Drive for obvious reasons. These people have lived here for 40 or 50 years and it's an attractive neighborhood and residential community. Mr. Zollinger cleaned up the property with the scouts. He worked with Murray City to put sod and a sprinkler system in. Then he personally maintained it for a couple of years, mowed and kept it up.

Mr. Zollinger made that decision. He could have had that property and today, if he had it, maybe he would have a bigger dog in the fight here tonight. He will defer to some of his neighbors who are better spoken than he is, particularly Gary Weston who is an attorney who deals with these types of things and has lived in the neighborhood longer than Mr. Zollinger has.

David Kirk - 825 Southwood Drive, Murray, Utah

Mr. Kirk has been a resident of Murray City for over 30 years. He likes the neighborhood; it has a great feel to it. The Master Plan was designed to keep and maintain or enhance the integrity of the neighborhood and Glen Oaks with the extension of R-1-8 to be on the Glen Oaks portion of that. Under the City's regulation, there is ample space for two homes. The citizens measured it and there are roughly 190 feet. Regulation states you have to have 80 feet interior and 90 feet corner lot plus the part that could probably be surplused from the County and purchased by someone who wanted to develop it. Personally, Mr. Kirk would like to see homes on this property. It would improve and keep the flavor of the neighborhood. Many of the neighbors have suffered with an ugly, unpainted barn for years and years. Mr. Kirk thanked a couple of the neighbors for putting siding on and painting that barn. By doing that, it has reduced what was somewhat of an eyesore in the neighborhood.

Mr. Kirk reiterated that both he and the other neighbors would like to see homes in this area. They have discussed it in the past. He feels that there is more than enough space to still put a nice vision clinic on the east portion of that property.

Mr. Kirk also wanted to mention that there were approximately 20 neighbors in the neighborhood that signed various forms of a petition to protest the changing of that entire parcel to R-N-B.

Mr. Hales asked Mr. Kirk if he is recommending a split.

Mr. Kirk responded that he is absolutely recommending a split.

Susan Holman - 774 Southwood Drive, Murray, Utah

Ms. Holman said that she has had a particular interest in this property for years along with Mr. Zollinger because her son was one who did the Eagle project. They did a petition of the neighborhood where they had the sidewalk put in under the Safe Sidewalks program, they had the irrigation ditch put underground and the sod was put in on the west side of the property.

The neighbors went to the County on that property and discovered that Easement. The Easement is only one foot or one yard all the way around the property. That part was owned by the County. There are certain islands in there that were owned by the County and the City owned most of the rest of the property.

Three of Ms. Holman's sons along with Mr. Zollinger maintained that property for almost seven years. They maintained it from the time her son did his Eagle project until Mayor Snarr came into office. Mayor Snarr was the first Mayor that would allow the City to maintain the property.

Ms. Holman feels that when they did the Safe Sidewalks with the City and they looked at the property, everything made since for it to be housing than to be a business back that far. The County had told her that any time after 20 years somebody could petition and request that access to be opened up. Nobody ever did that because the Cracraft's owned the property. Ms. Holman recommends housing in the back of the property. She feels that could easily be part of the neighborhood because Art Cracraft's house is part of the neighborhood. The new houses could be a continuance of that. She feels the business could be put on the front of the property. The rest of the businesses on that street only go back as far as that line in the neighborhood and Ms. Holman doesn't see why any other business should extend further. She's sure they property owner can get some money out of the property selling part of it as lots because there are so few of those in Murray City.

Kyle Miller – 4885 South 900 East, Murray, Utah

Mr. Miller has been a member of Murray City for his entire life. He is a Principal Broker for Miller and Company Real Estate. Mr. Miller noted that this was one property at the time it was listed. The residential scenario came to light literally days before the zoning meeting. His General Manager met with Ray Christensen on two or three occasions and it was just one parcel, there never was a residential contingency. Mr. Miller feels that something emerged at the eleventh hour and he is not sure what it was. Whatever

happened might be important or it might not, but he wanted to make that point because if we were just defining what the highest and best use is to market the property what we are talking about would make perfect sense. However, the property has been sold. The purchaser is in the room, the sellers are in the room, the architect is in the room and there is a lot of expenditure laid out to get this development off the ground based on the information the real estate company had from Murray City.

Mr. Miller told the people of Southwood that he understands exactly what they are saying and he would probably be saying the exact same thing they are if he were in their neighborhood. It is the unknown that everyone is concerned with. What if what was going to be proposed or that is proposed, is better than if there were two unknown houses going in? In other words: basically a park-like atmosphere. A better environment than the neighbors have been looking at the whole time they have lived there. A new wall; it would be a nice, crisp environment.

Mr. Miller commented that Mr. Tingey did an excellent job pointing out a couple of points about the business application in terms of the height. It is a lower height by five or ten feet than a standard residential, and that's if they don't get a variance to put a bigger home in there to block views. There would be a protective strip and a low impact doctor's environment.

Mr. Miller stated that the point is that this would be a low-impact environment. They had many offers from people who wanted high density in there. There were a lot of different offers generated. Mr. Miller feels that if the neighbors were to ask what would be the perfect situation to put in that spot, this particular offer that is before the Council right now would be what they would choose.

Gary Westin – 809 Southwood Drive, Murray, Utah

Mr. Westin lives about 100 yards west of where this property is. He said there are two things to keep in mind. Why is it that the City Planning and Zoning is more interested in supporting this particular developer than supporting the residents that are there in that subdivision? Everything Mr. Westin has heard is about why we need to develop it this way or we can't develop it. Obviously the City is not about what is the best development of a particular buyer of property, but what works best for the continuity of the community in that particular area. Mr. Westin feels that Mr. Miller said it best when he said if he lived in the Southwood subdivision he would feel like the rest of us do.

Mr. Westin continued saying that Glen Oaks Drive has absolutely no commercial business or office space on it. The people who live there do not want the residential nature and circumstance of their subdivision impeded by commercial or industrial. If you look along 900 East, everyone knows full well 900 East is going to go into offices. That is what it is going to be and that is what it should be. None of that that extends to the north and none of that that extends to the South comes down on Glen Oaks Drive. They don't want it to do that.

Mr. Westin feels the answers are very simple. Number one, the north side of the property where the big park is when you come in on Southwood is Salt Lake County property. What Mr. Zollinger and Ms. Holman didn't tell you is that there was a trash pile so they all got together and put in the lawn and took care of it. One day they went to Mayor Snarr and asked if he could do something about that. The City took over the maintenance and mowing of that lawn. They have taken care of it for years and years, it's a beautiful place. It is owned by Salt Lake County. Whether it was a protective strip originally intended by the developer, no one knows, but Salt Lake County has the title.

When you go around to the west side of this property, the property that is on the east side of Glen Oaks Drive, there is a protective strip there also. It is about three feet wide, again owned by Salt Lake County. Everyone knows that Salt Lake County doesn't want to own non-revenue producing property that is in Murray. The owner of this property now is certainly going to go to Salt Lake County, knock on their door and say I'll take over that grass strip and have it part of my property and develop and maintain it. Salt Lake County will jump up and say that is fantastic. They will do the same thing down the west line. Right now there is a protective strip in place which means you can't get a curb cut; Murray City won't permit it across that protective strip from the north or the south. The owner of this property can do away with the protective strip. By just going to the County and asking for it he is going to get it. Then he can put those two or three lots, which he can probably turn into an R-1-10 flag lot for two lots. When he puts that in there, then he's got his curb cuts and he can make it work.

The neighbors want homes there. Everything at the front of the property should be rezoned from A-1 into permitting offices to go in there. That is what 900 East has to be developed for, everyone understands that. The neighbors want two zones, they want a buffer. On that rear line of every property that is on the east of Glen Oaks Drive, they want the property line to be followed. They want residential whether it is R-1-8 or R-1-10 for the two lots that will now face on Glen Oaks Drive and the rest to be office. That makes sense. The City says the problem with that is you have to have a buffer. The buffer is no big deal. What the owner of this property can do is go ahead and divide it. They can divide the property and cut off the half that is going to be the residential portion. It can be deeded to a strong buyer, given a brand new legal description, and dedicated that particular way. They can ask Murray City's Planning and Zoning to give them a flag lot for two houses.

The neighbors in the subdivision will love that. They feel that maintains the integrity of the subdivision. It maintains the circumstance that was there when they moved in and invested. They want it to stay that way. There is just no reason to do it other than that. It permits the developer to go ahead with the rest of that property to the east and develop it and put his clinic in.

Mr. Westin noted that he sat on the Planning and Zoning Commission for Murray City years ago. He became very attentive to a particular issue. Once you rezone into an area and you permit a commercial business encroachment in that area and it is along a main thoroughfare like 900 East, you can predict problems in five to seven years. Eventually

the owner of that property will come knocking on Planning and Zoning's door and say we have a problem. That ninety degree turn in and out of our property off of 900 East is creating safety problems on 900 East. That is a main thoroughfare. The owner of the property will then ask the City to accommodate them for safety purposes in giving them a cut onto Glen Oaks Drive or onto Southwood Drive so we no longer have that safety problem.

No one can make that request now. No one would be attentive to it; there would not be a listening ear. In five or six years from now, when they come upon a safety issue, all of the sudden there is attention and there is a listening ear. The neighbors are concerned about that. They don't want a change. They believe this good developer can have what he wants; he can have his cake and eat it too. The neighbors want to have two houses on the back portion of the property that is next to Glen Oaks Drive to maintain the residential integrity of their subdivision. That is all they are asking for and that is what the Planning and Zoning Commission determined was best also.

Mr. Westin mentioned that he thought no one voted against this on the Planning and Zoning Commission. He thought one was an abstention rather than a 'no' vote.

Art Cracraft – 6371 South Glenoaks Street, Murray, Utah

Mr. Cracraft stated that his dad owned that property and now it belongs to him, his two brothers, and his sister and they are trying to sell it. He lives next door to the property. All of the neighbors have lived there for 30 to 40 years. When Mr. Cracraft's family moved there in 1959, it was a dirt road. The last light on 900 East was 4500 South. You can see how things have changed. People in the subdivision did not like that his dad had a few chickens because they squawked. So his dad thought since this property was agricultural, he could get horses, cows and pigs. He could have got a lot of stuff in there, but he didn't do it. The reason he didn't is because he wanted to be a good neighbor. Mr. Cracraft's dad was a good neighbor. The neighbors had to look at a barn, one of the few remaining barns in Murray that belonged to his dad. If they would have had a Planning and Zoning Commission meeting when they built the subdivision there and his dad would have went and said this is all horses and cows, we don't want any houses out here, these people wouldn't live back there. Times change and it is a 1 ½ acre property. Are you going to tie two zones in a 1 ½ acre property?

Tim Busch - 784 East Southwood Drive, Murray, Utah

Mr. Busch stated that most of the people in attendance tonight are his neighbors. He is relatively new to Utah. He has lived here for four years now and plans to live here another 40 years. He plans to be like the rest of his neighbors. He likes Murray. He came here from Knoxville, Tennessee and Pooler, Georgia. He came here because he loves Murray, this place is awesome. The neighborhood is incredible. He owns his own small business and understands that. Where his and about 90% of the neighbors problems is, is they don't want to see a business come in. He agrees with a previous speaker who made a very valid point and that was the fact that once you let the slippery slope occur, all of

the sudden you could have a gas station in ten years. He doesn't know where this goes. He wants to see his neighborhood that they bought a house in and enjoy, love, send their kids to school in and go to church in, to be a neighborhood. He doesn't mind an office and he doesn't care whether it is going to be a doctor's office, tomorrow it could be a realtor office and the next day it could be something else. Mr. Busch's issue is he wants residential houses in the neighborhood. All of the area around them is that way. This property that is zoned correctly right now should be something that consists of a house inside of a neighborhood, not something else. That is the main reason they moved here. His wife spent six months looking for a house in the neighborhood they got because of this. They went to Murray because they love Murray. Ultimately his and the neighbors point, which is valid, all they want to see is houses. You have sufficient land to create anything. Several of these lots have large complexes just to the north of this property and they work great and then there are houses in the neighborhood. They should have something like that where they have plenty of space, we leave the subdivision as a subdivision, our kids can ride their bikes in it and everything is like it is supposed to be. You shouldn't have any office into a subdivision like that.

Greg Barber – 4885 South 900 East, Murray, Utah

Mr. Barber represents the buyer in this transaction. Mr. Barber said that they started the discussion today with an issue with a piece of land that the City now has turned to surplus land because they had some plans that the neighbors blocked and it thwarted what the City had in mind. Now you have surplus property. We have had neighbors stand up and an attorney but their opinions are their opinions. The recommendations that they have seen are recommendations by professionals who have thought through this process. The point of the R-N-B is to create a buffer. With the full plat the intention of the buyer is to create a park-like place. The buyer's intention is not to create a building with asphalt parking all around it. It is to create a space conducive to healing. Where people can sit in an office and see foliage. That is what attracted him to this lot was the park-like nature of the lot.

The City has protected the neighbors by making it an R-N-B where there could not be any future development. There is a lot of conjecture and speculation about what is going to happen in ten years, that there will be a gas station there, and it is all speculation. If you look at the facts and what the Planning Commission has said, it is factual, it is designed to make a buffer and it makes a lot of sense. Mr. Barber can see that they are going down the same road that they had to deal with earlier today.

Fabiola Busch - 784 East Southwood Drive, Murray, Utah

Ms. Busch stated they are new to the neighborhood. Like her husband (Tim Busch) said, she found this neighborhood. She fell in love with the neighborhood and waited until something came up for sale. She loved that the neighborhood was child safe. Her kids could ride their bikes; they take their dog for a walk and visit with neighbors. She doesn't want to see a big cement wall but up along this property. There would be no neighbors to visit. They are concerned with traffic and graffiti. Once you start putting up walls you

might get graffiti. This just is not what the neighborhood is about. It is about people that love to walk. Southwood Park is in their neighborhood so they already have greenery to go to. What Ms. Busch is hearing from everybody is that they are not opposed to having development on 900 East. They know that is what it is going towards and they are okay with it. They don't want the part on Glen Oaks, into their neighborhood, to be a business. They are trying to protect their neighborhood.

Greg Low - 6186 South 725 East, Murray, Utah

Mr. Low has lived in this neighborhood for 20 years. He wanted to give a little bit of background on himself. He served on the Planning Commission for two terms. During that time, they had trouble along 900 East, Winchester, and some of those streets because they used to be residential. Ninth east used to be all homes with people living in them. Eventually the homes became blighted and undesirable. The challenges of 900 East were a problem. So R-N-B was done as a way to make a better use of the land that would have somebody taking care of it. Homes would not sell on those streets. The General Plan considered as a way to accommodate that, they would make it R-N-B.

However, the original use and the desired use is R-1-8. Mr. Low is disappointed that the Planning Commission voted in favor of this amendment. Sometimes the staff of the Planning Commission, he feels, gives too much deference to business and development and not enough deference to the citizens that are in the area. The citizens don't have the money and the big stick. There is enough room for two lots on the west side of this 1 ½ acre parcel. That would leave one acre for the R-N-B use. However, on the other streets along 900 East, Holly and Silver Shadow for example, when there are homes that face the residential street and not 900 East, they do remain very viable and valuable and maintained and look nice.

Mr. Low disagrees with some of his predecessors who spoke at the podium in that he doesn't think the parcel should be split. He thinks the whole parcel should be R-1-8. He thinks the area along Southwood is a very viable option to put homes in. Two to four homes would fit on that property facing Southwood and they would be very viable homes. There has been development on 900 East by David Godfrey about five doors south of this subject property where he put in three very nice homes that enter off of 900 East. The homes have functioned well and are viable. This does not have to be R-N-B to have somebody take care of it and make it viable.

Secondly, as has been stated before, they had trouble on the Planning Commission in the old days, where somebody comes in and wants to have a rezoning or some other change in the plan for a use and then that use falls through. It all sounded good to begin with but it falls through. It may not change in ten years, it may change this year or next week. Then the property is zoned something that no one wants. As said before, he is sure the County would be happy to give up this land. Mr. Low is not sure why they even have it; he cannot see a purpose as to why they would care to keep that land. Mr. Tingey indicated that the code restricts R-N-B from having curb cuts or entrances into neighborhoods. But again, those things are all pushed. Developers and property owners

that want to sell for commercial use push and push and push and push until the staff, the Commission, the Council and the neighbors get tired of pushing back. It eventually goes through and you end up with an undesirable use. Mr. Low is asking the Council to not amend the plan and possibly even reconsider the plan to make the whole parcel be residential use and not have it be R-N-B at all. Residential use would be viable on Southwood all the way to 900 East as long as the residential driveways faced onto Southwood.

Mr. Tingey said he needed to clarify a couple of things. On the ordinance that the Council has in front of them and on the agenda item, the language includes this from R-1-8 to R-N-B. It should say A-1 (Agricultural) to R-N-B. Mr. Tingey wanted to make sure that is clarified. With this ordinance, whatever the council decides, that would need to be clarified depending upon what happens. Mr. Tingey added one further clarification. The recommendation of the Planning Commission was to deny this request. He wants to make sure that is understood as some of the comments indicated that wasn't the case. The Planning Commission recommended denying their request; staff recommended approval.

Mr. Shaver asked Mr. Tingey what A-1 usage would include. The way the property is zoned right now, the General Plan may say R-N-B and R-1-8, but that is not what the zoning is. Right now the property is zoned A-1. So what use could this property owner, the one who owns the property now, what could they do with an A-1 property?

Mr. Tingey responded that with A-1 they could have a variety of things. They could have residential on a one acre lot. So they could have one single-family home on a one acre lot. There could be some agricultural type uses like fields for crops and things such as that. There could be animals as well.

Mr. Shaver asked what the total acreage of this property is. He wondered if it was about five. So they could actually have five single-family homes.

Mr. Tingey said not quite that amount because there would have to be some consideration for roads and driveways.

Mr. Hales again asked Mr. Tingey what the acreage of the property is.

Mr. Tingey replied the acreage of the property is 1.6.

Mr. Shaver commented then they could have one home on the property, which is what is there now, plus some other out structures.

Mr. Tingey said that was correct.

Mr. Shaver continued by asking if the R-N-B would allow residential and business in joint on that property.

Mr. Tingey said that you could have that.

Mr. Nicponski asked Mr. Tingey why the deviation from the General Plan. In the General Plan wasn't this property zoned both commercial and residential?

Mr. Tingey answered that the map actually shows the General Plan of the future land use. The future land use is Residential Neighborhood Business (R-N-B) on the front portion and the back portion being Residential Single-Family. Mr. Tingey asked Mr. Nicponski if he was asking about the deviation as far as the recommendation.

Mr. Nicponski stated that was what he was asking.

Mr. Tingey continued saying the reason staff is recommending this is because when you have one lot and you have two types of uses that split that lot, it causes problems for development. It causes problems for the types of uses and it is really not compatible together when you have two types of uses because of the different standards. In addition to that, with the access control strip, staff felt that there is buffering with streets in place adjacent to residential areas with the exception of this property.

Mr. Stam asked a question relating to the use of the property. He asked if the new owner wanted to put residential on the back and he wanted to come in and have that zoned residential in the back, could he divide the lot and develop it that way by bringing that fourth to the City.

Mr. Tingey replied that he could. The R-N-B though, allows for single-family. So if it is all zoned R-N-B he could still split it off on the back and have residential if he wanted to.

Mr. Stam replied that with R-N-B he would not have to do that.

Mr. Tingey stated that if the property is R-N-B he can do both or just have it be residential.

Mr. Shaver clarified for everyone that what is on the property is not a decision the Council gets to make. That is not what the issue is. The Council cannot tell a homeowner what they can and cannot do on their property other than what the zoning is. They cannot tell a property owner they can only do this on that property. The Zoning Ordinance creates that. That is not something the Council gets to do. They don't get to tell the current property owner you have to put residences on the back of your property.

Mr. Shaver continued saying that if the neighbors want to go to the property owner and talk with him about what he wants to do with that property; they are welcome to do so. But that is not a choice the Council gets to make. The Council only gets one choice. They either decide to go from A-1 to R-N-B or they leave it the way it is. That is the only choice before them this evening. They don't get to choose to do this part of it this and this part of that, they only get one choice. Mr. Shaver reiterated the choice is to go from A-1 to R-N-B or leave it as A-1. He asked Frank Nakamura, City Attorney, if he had explained that correctly.

Mr. Nakamura responded that Mr. Shaver was correct. He also addressed Mr. Stam's question stating that they can come back and rezone the A-1 to an R-1-8, but that would be at a later date. You cannot presume that the Council would vote for that, but you could come back and ask for that.

Mr. Nicponski added that another option would be to stay consistent with the General Plan.

Mr. Stam said that what Mr. Nicponski is saying is that the General Plan has this property scheduled right now that somebody would eventually develop this property and put residential on the backside and R-N-B on the front. That is what the General Plan future use is right now.

Mr. Hales asked if that can be voted that way. He asked Mr. Stam if that was what he was saying.

Mr. Stam answered that the Council cannot vote that way.

Mr. Hales clarified that their vote is to say 'aye' or 'nay' to what the City has proposed.

Mr. Stam commented that if the owner of the property wanted to divide the property and come back and ask for that zoning as the General Plan describes, he could do that.

Mr. Shaver stated that right now it wouldn't be necessary. In other words if the Council approves R-N-B he wouldn't have to come back before the Council because it would already be zoned for residential based on specific lot size. So he could put on that back end, on the west side, he could build residences if the Council approves an R-N-B

Mr. Shaver continued saying that is the issue in his mind. If the Council approves R-N-B the owner could, if he so chose, to put residences on the west end, if they approve R-N-B. If not, then the zoning stays A-1 and it is designated the way Mr. Tingey has explained this evening.

Mr. Stam said that is correct. It will stay A-1 until someone else comes forward with a plan to either split it or change it to something else.

Mr. Nicponski added that the recommended future use was the split; the residential and the business split. So they would be able to do that regardless of what the Council believed.

Mr. Shaver said that the current property owner would have to come back and say he wants to do this and this, like the General Plan says. It would have to be at a different time and not at this session.

Jarred Cameron – 7533 South Lincoln Street, Midvale, Utah

Mr. Cameron has a vested interest in this outcome. Mr. Cameron stated that the Council has already answered a couple of his questions as they have been talking this evening. His question is how deep is the total depth of this property from 900 East all the way to the back to Glen Oaks Drive and how wide is the property from Southwood going south. He believes Mr. Tingey would be the best person to answer this question.

Mr. Cameron's second question was is it possible to only zone to a certain depth which the Council was just speaking of, and, if the Council was to deny the applicants request for the entire piece of property right now, can the applicant turn in another zoning request for the lesser portion that would only include to the depth of what is future zoned for R-N-B. His final question is what makes it a reasonable depth to be a future zone. In other words, what does the City have future zoned for that depth away from 900 East. Mr. Cameron also asked if the applicant will have to wait an entire year to turn in another zoning request. To his knowledge, if the applicant gets denied tonight, they have to wait an entire year unless it is a substantially different plan from the previous zoning request.

Mr. Cameron stated that the question he wants answered more than anything is how deep is the total property that could be zoned from what the City has versus what the applicant is actually going for. What are the two different depths and the width?

Mr. Nicponski deferred the question to Mr. Tingey.

Fabiola Busch - 784 East Southwood Drive, Murray, Utah

Ms. Busch stated that multiple times it has been said that they can see what the developer has planned. She asked what the process is for the neighbors to get to see what the developer is doing. Ms. Busch also asked when the neighbors would get to see what they are doing.

Mr. Shaver responded that he thinks that part of the issue is what is being planned on the property is not what is before the Council so that is not an answer they can give Ms. Busch. Mr. Shaver continued saying that if someone owns property and it was zoned appropriately, they would not have to show the neighbors what they were developing. Unfortunately that is just the way it is. With a zone change, yes, the City has to make notice and that is probably why most everyone is here tonight.

Mr. Stam mentioned that the Council has seen a plan of what the developer wants to put on the property. It's not like they haven't seen it. But, just because the developer has shown the Council what they intend to do, doesn't mean that is what is going to end up going in there. When the Council looks at it they have to look at what all the possibilities are.

Susan Holman - 774 Southwood Drive, Murray, Utah

Ms. Holman asked what all can go into an R-N-B because she thought it could be

businesses, but that it could also be duplexes up to a certain number. That is another issue she wanted to bring up.

Public comment closed.

Mr. Tingey stated the dimensions of this lot are approximately 351 feet from east to west and the width is approximately 190 feet. Mr. Tingey did not know the exact depth, but he believed it was about 250 feet. As far as the depth of the property, this is from the General Plan. The City can have GIS address this and get exact measurements. Mr. Tingey pointed out on the map the area that has a future land use of R-N-B.

Mr. Tingey mentioned some of the uses that would be allowed in a Residential Neighborhood Business. These are not all of the uses that would be allowed, but some of them. They include single-family and two-family dwellings; office uses; florists; and photograph studio. Other uses you can have via getting a Conditional Use Permit include bed and breakfast; home-stay; delicatessen lunch facilities; gift shop, book, art, and hobby supplies; banking services; churches; and schools. These are in general the types of uses that are allowed. They are considered low-impact commercial uses.

Mr. Shaver asked Mr. Tingey to explain Conditional Use Permits.

Mr. Tingey replied that Conditional Use Permits are permits that need to be acquired because a particular use is not allowed outright. The property owners have to go through a process to the Planning Commission and get approval. This process includes getting public input and there can be additional conditions to address those issues.

Mr. Tingey added that if it is a commercial facility it has to go through a Conditional Use Permit in an R-N-B zone. Single or two-family dwelling would not have to go through the process.

Mr. Nakamura asked Mr. Tingey to explain the options for this property that are available. Mr. Nakamura is concerned that there is some confusion. This property is currently zoned as A-1. So there are various options here in regards to zoning all of the property R-N-B or leaving it consistent with the General Plan which would leave part of the property R-N-B. He wanted Mr. Tingey to go through the options one more time.

Mr. Hales stated that would be helpful because they were saying earlier that it would have to be one way or the other.

Mr. Tingey stated that the request is for the full property to go R-N-B. That is one option that the Council can make a decision on tonight.

Mr. Hales verified that option is what City staff has recommended.

Mr. Tingey replied that was what staff is recommending. Mr. Tingey continued saying the other option would be to rezone the front portion of the property, consistent with the

General Plan, to Residential Neighborhood Business (R-N-B). At minimum, that is probably something that the applicant would probably be interested in. That way, if they did want to facilitate a project, they could move forward with it. They could do that and then come back at a future time and request this second portion as Single-family Residential if that is what they want to do.

Mayor Snarr asked if they have to have a legal description that says this property is already split that way. That is an arbitrary boundary. If you went down to the Recorder's office and asked to look at the plat for this property, they are going to say it is all one zone, it is A-1. They will also say it is under the ownership of the Cracraft family.

Mayor Snarr stated that his concern is where is the real boundary is because it is an artificial boundary and there is not a legal description that divides that property currently. If we don't do this and do it right, it can be challenged by somebody.

Mr. Nakamura said that what Mr. Tingey is pointing out under the options, obviously the zoning is a real problem. This is the way the future uses were presented on the General Plan and that is what the City is abiding by. Mr. Nakamura understands the difficulty with doing it that way but that is an option. Of course the other option is to leave it as it is, zoned as A-1.

Mr. Nicponski added that he would think that one could vote to deny the recommendation assuming the property owner would come back and try to address the General Plan which has the property split.

Mr. Shaver stated that is the confusion that he has. Even if the City were to designate R-N-B for a portion and R-1-8 for another portion of this property, what is the dividing line and how would they actually do that. That is where the confusion comes in. For him, it still is either an A-1 or an R-N-B and then at a future time they can address, by measurement, and say we are going to go this part to this part and then divide the property up. We can address that at another time. Trying to do so tonight without actually having adequate measurements or definition would be, in the Mayor's words, it just creates confusion and a conundrum for the Council that they would have to face in the future.

Mr. Tingey said that he understood what the Council is saying. The property could be designated consistent with the General Plan. The City can delineate what that boundary is, it can be done. If the Council wanted to wait to make their decision, they can do that and then staff could get that actual boundary. As long as it is consistent with the General Plan, the City has, through GIS capabilities, the opportunity to define that as consistent with the General Plan. Mr. Tingey stated that he does not have the actual distance tonight.

Mr. Shaver responded that was what he was saying. Because they don't have the measurements tonight it is difficult to do. If they had it then it would be very easy to do. But since they don't have it, it is difficult to make that kind of designation this evening.

Mr. Stam added that what he thinks Mr. Tingey is saying is that the GIS has the definite line.

Mr. Shaver asked if they could make a vote that says consistent with the GIS recommendation for the General Plan.

Mr. Tingey responded yes, consistent with the General Plan. Then staff would delineate that line.

Mr. Nicponski said that his assumption is that if the Council makes a motion to deny then the applicant will come back and work with Mr. Tingey to delineate that property so that one portion is residential and the other portion is business.

Mr. Tingey stated he appreciates what Mr. Nicponski said. The applicant would have to go back through a process. They would have to go through a public process and re-request the rezone. It would not be a General Plan amendment if they want to request that portion to be R-N-B, but they would have to go through the process, unless the Council designates, tonight, the full property to be R-N-B.

Mr. Hales addressed Mr. Tingey saying that he did not hear anybody representing the property owner saying that is what they would like to do if the other doesn't happen. He invited the applicant to come up and speak.

Mr. Hales added that this is what this process is all about; they are not in a hurry. This is the neighbor's livelihood; this is the applicants and other families' livelihood as well. This is what the City is all about and why the citizens have elected these particular individuals to represent them.

Mr. Maughan said that they would really appreciate a decision one way or another tonight. The process is quite lengthy and with schedules and everything they have, they would greatly appreciate a decision and not having to go through the process again.

Mr. Stam said he had two more quick questions for Mr. Tingey. The first question is if the Council votes to maintain the A-1 zone, or deny this going to R-N-B, and the applicant wants to make another application to split the property is he going to have to pay the fees all over again and start all over.

Mr. Tingey replied he would on the rezone but if he is splitting the property and going R-1-8 he would not because it would not be a General Plan amendment. But on the rezone, he would.

Mr. Stam said is other question is in looking at the plan, he has to consider the whole property. Is there room based on what the applicant is thinking to be able to put his facility only on that front portion of the property? As Mr. Stam looks at the plan, he sees a lot of open space that the applicant has on 900 East. Would the facility still fit in that front portion if he wanted to put it there?

Mr. Tingey replied that it is likely that the development would fit; they would just have to reconfigure a plan to make it fit on that property.

Mr. Shaver added that was a great point, but if they do that, if they are talking about keeping the General Plan as they build, they are still going to have to have some sort of a drive as a flag lot to get through that property, to get to the back two. As of present, there is not a way to cut into the property in order to do the residential. That process that the applicant is going to have to go through, to go to Salt Lake County, etc., and address that issue, they are still going to have to come back to the City Council and ask them to change the statute that says you cannot have a drive on either Glen Oaks or Southwood. That is still an issue that the applicant would have to address. That is still another process that they are going to have to go through in order to make it happen. Even if the Council does say build residential in the back of the property, there is no way to get there other than making it a flag lot in order to do that.

Mr. Tingey stated that they could have curb cuts for that residential zone onto those properties. They could have curb cuts. It is the R-N-B that restricts those access points.

Mr. Shaver asked if they would have to go to the City to get the curb cuts.

Mr. Tingey responded that they would have to propose a plan.

Mr. Stam said that is what he is saying. The applicant would still have to come back and address it.

Mr. Stam said that they would have to sub-divide the property, which they would have to do anyway.

Mr. Nicponski said that the residents have compelled him. He thinks the residents make a compelling argument about preserving the integrity of their neighborhood. He would vote to deny based on that knowing that the developer can come back and have his cake and eat it too. That is part of the development game, so to speak. You pay fees, you map out a profit, and you zone accordingly. The General Plan, he thinks, has been well intended. He thinks the General Plan is a good plan.

Mr. Shaver asked Mr. Nakamura if the Council could deny the A-1/R-N-B and then vote on the General Plan.

Mr. Stam added in other words, make a second motion.

Mr. Nakamura stated that they could vote to agree with the General Plan and also deny the rezone. That is a possibility.

Mr. Stam told Mr. Shaver that he thinks what he is asking is if the Council can then put forth a second motion to zone the property according to the General Plan.

Mr. Shaver replied that the Council has the right to make a motion amongst them. Whether the staff brings it or an applicant brings it, they have that right as a Council to make a motion to that regard. Mr. Shaver just wanted to make sure they could do that.

Mr. Nakamura reiterated that the Council can rezone to the General Plan. He thought they may have been concerned with the boundaries of the property because it is not, and at least tonight, well defined although, GIS probably could define it.

Mr. Shaver stated that was what he was going to say. If in the motion the Council says based on a future recommendation of size, is that something they can do in the motion?

Mr. Nakamura said that again, the Council is not to address any specific project. This is a land use decision.

Mr. Stam addressed Mr. Shaver stating that what he thinks Mr. Shaver is saying is that if the Council made a motion to change the zoning to match the General Plan, then that line is defined.

Mr. Hales added that there would be no access to any residential part.

Mr. Stam said until the applicant comes back to the City and asks for it. He doesn't even think they would have to go before the Council; they would just have to go to Planning and Zoning. He asked Mr. Tingey if that was correct.

Mr. Tingey asked if Mr. Stam was referring to the applicant coming back for the rezone.

Mr. Stam replied no. If the property was zoned tonight to match the General Plan and the applicant wanted to build residential in the back, it would not have to come before the Council for access only to Planning and Zoning.

Mr. Tingey said that was correct. He added that the portion that is not consistent with the General Plan with the proposal tonight is the back portion.

Mayor Snarr said that his biggest concern is that it is an arbitrary line. Somebody could come back and say they want to push it back a little deeper in the lot to the east. Here is the thing; there is not a legal description. His concern is if the applicant will have to come back again if, in some way, he says he can do this. He will then have to come back to the City and ask for approval of R-1-8 on this property. He will have to come back in and show how the lots are split and everything else, right? Does he have to do that?

Tingey replied saying on the back portion there is not a request right now to go to R-1-8 per this application. So he would probably have to come separately and do the rezone for an R-1-8.

Mr. Stam asked if that would be the case even if the Council voted to zone the property per the General Plan. Would he still have to come back?

Mr. Tingey responded that he would not need to on that. There has not been a proposal for R-1-8 on that back portion. If you make it consistent with the General Plan per this proposal, he thinks that could work.

Mr. Hales said he wanted to make sure that there is not access to the property. That is his biggest concern. He has had tons and tons and tons of calls of no access on any side residential.

Mr. Shaver said that if the property is residential, they cannot deny the access if it is houses.

Mr. Hales said that was not what he was talking about. He is talking about if the property becomes a business. He is not talking about residential, he is talking about business.

Mr. Nakamura stated that his concern is the same as the Mayor's concern. As far as the legal descriptions, he thinks the City can go off of GIS, but he is not sure how certain that is. If that is a direction we are going.

8.3.2 Council consideration of the above matter.

Mr. Nicponski made a motion to deny the Ordinance.
Mr. Shaver 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion Denied 4-0

Mr. Stam said that before they move on he would like to discuss briefly with the Council whether they would be interested in making another motion to match the General Plan.

Mr. Shaver stated that he feels with the Mayor and Mr. Nakamura that tonight it would be premature. He think it would be better served if they saw what those definitions would actually be before they do that.

Mr. Hales said he agrees.

Mr. Shaver commented to the audience that their enthusiasm for their neighborhood is heartwarming. He knows some of the people who live in Southwood, some of them are very dear friends. He has received some calls and comments as well. Murray is not a commercial business place. It is residential. It is homes for people like you. Had you been

here last week you would have seen those wonderful people that had the canal break. As they had tons of water and mud come into their homes; as they saw Murray stand up and come and serve as our good public service people went to their aide and dug them out of ditches and things; it would have done you good to hear the wonderful compliments they paid to each other and to Murray City.

Mr. Shaver continued saying that sometimes it may feel as though the Council is more interested in commercial, he lives in a neighborhood, not in a commercial building. He is sensitive to these issues. The Council wants to support the citizens and what they do. They appreciate everyone coming tonight.

Mr. Shaver recommended to the citizens that they talk with the applicant and see what they are thinking and feeling. It wouldn't hurt.

9. UNFINISHED BUSINESS

9.1 None scheduled.

10. NEW BUSINESS

10.1 Consider a Resolution approving an amendment agreement between the City and Salt Lake Neighborhood Housing Services, dba NeighborWorks Salt Lake.

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

Mr. Tingey said that this is a modification of the City's agreement with NeighborWorks Salt Lake. This is to extend the agreement an additional two years and modify what they will accomplish in the upcoming years.

10.1.1 Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Resolution.
Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

11. MAYOR

11.1 Mayor's Report

Mayor Snarr said these are tough issues for him. If you want to see a tough issue it all began with the Make-A-Wish house where he got nothing but grief from everybody. There was a citizen that made his life miserable because they didn't want to see anything but houses on Winchester Street and 900 East. To the Mayor, this R-N-B ordinance was a solution to make Murray something that was more beautiful and utilized our properties the way that the property had transitioned to. This is a tough one here, but the whole parcel is A-1 and he did not want to make an issue of this other than the fact that it is tough because you need a legal description. When you are rezoning property, you need a legal description to find what that property is. The R-N-B ordinance is a good ordinance and he will defend that until the day he is through being the Mayor and probably even afterwards.

Mayor Snarr told the Council that they had a tough decision to make and he hopes the applicant will come back and look at it and see if he can orient that beautiful building on 900 East. It is going to cost him a lot more money to do it because he is going to have to spend a lot of money to get legal descriptions and for all the other work.

The public is welcome to join in a celebration of Armed Forces Day at the Gallivan Center on May 18th from 4:30 to 9:00 pm. This concert used to be hosted in Murray City but they outgrew our beautiful amphitheater because Phil Roberts, Murray City Fire Marshal, told them there were way too many people there and it was a fire hazard. Mayor Snarr encouraged people to go down. It is a free concert. It is a beautiful concert. They have the Armed Forces Band and different choirs that sing and perform.

Mr. Nicponski asked the Mayor to repeat when and where the concert is.

Mayor Snarr replied it is on May 18th from 4:30 to 9:00 pm and the Gallivan Center.

There will be a ribbon cutting held for Rocky Mountain Care tomorrow at 3:00 pm. They are located at 875 East Vine Street. It is a facility they have rehabbed and changed the name.

Mayor Snarr said at the south entrance of the mall, by Dillard's on the south side there are entries from Murray City students of their artwork. You will be amazed at the talent that exists. It is the art show for our students. Over at the Murray Library every year they have a community art show. You will see wonderful talent at both shows.

Mayor Snarr reported that they have resolved a major issue with the Marriott. There was way too much water on the site. It attenuated down from that entrance up to the north by the County Ice Center into the rugby fields. They

took it and created a massive drain system. It will go down and into our storm culvert. They have met all the requirements to do that. They have crossed a major hurdle that hung them up for about two weeks. They have been able to get that addressed and taken care of. They presented a plan and the City approved it so they are up and going again.

Obviously you can see the progress being made on the Hilton. Both of those hotels really will set Murray up. We've arrived and we are going to have nice facilities for individuals to come to our community and stay why they are going to the hospital or attending conferences or whatever. If you go over to the site and look, you'll see the higher elevation. The higher one will extend all the way out and they you'll have to come up at least eight feet on the west entrance. The tiered retaining wall with flowers in it and the shrubs are nice. You will enter into the hotel on the second floor from where the asphalt currently is.

Mr. Stam asked when they were going to have their grand opening.

Mayor Snarr replied that haven't said yet. He spoke with the excavators about it. Mayor Snarr is not sure if they will have a grand opening. He knows the Hilton is going to have one in June.

On June 12th at Larry H. Miller Lexus there will be a grand opening. They would like to have all the Council members there.

11.2 Questions of the Mayor

No questions for the Mayor.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder

Attachment 1

Clarus Vision Clinic

6358 South 900 East



UE

W AVENUE

ST

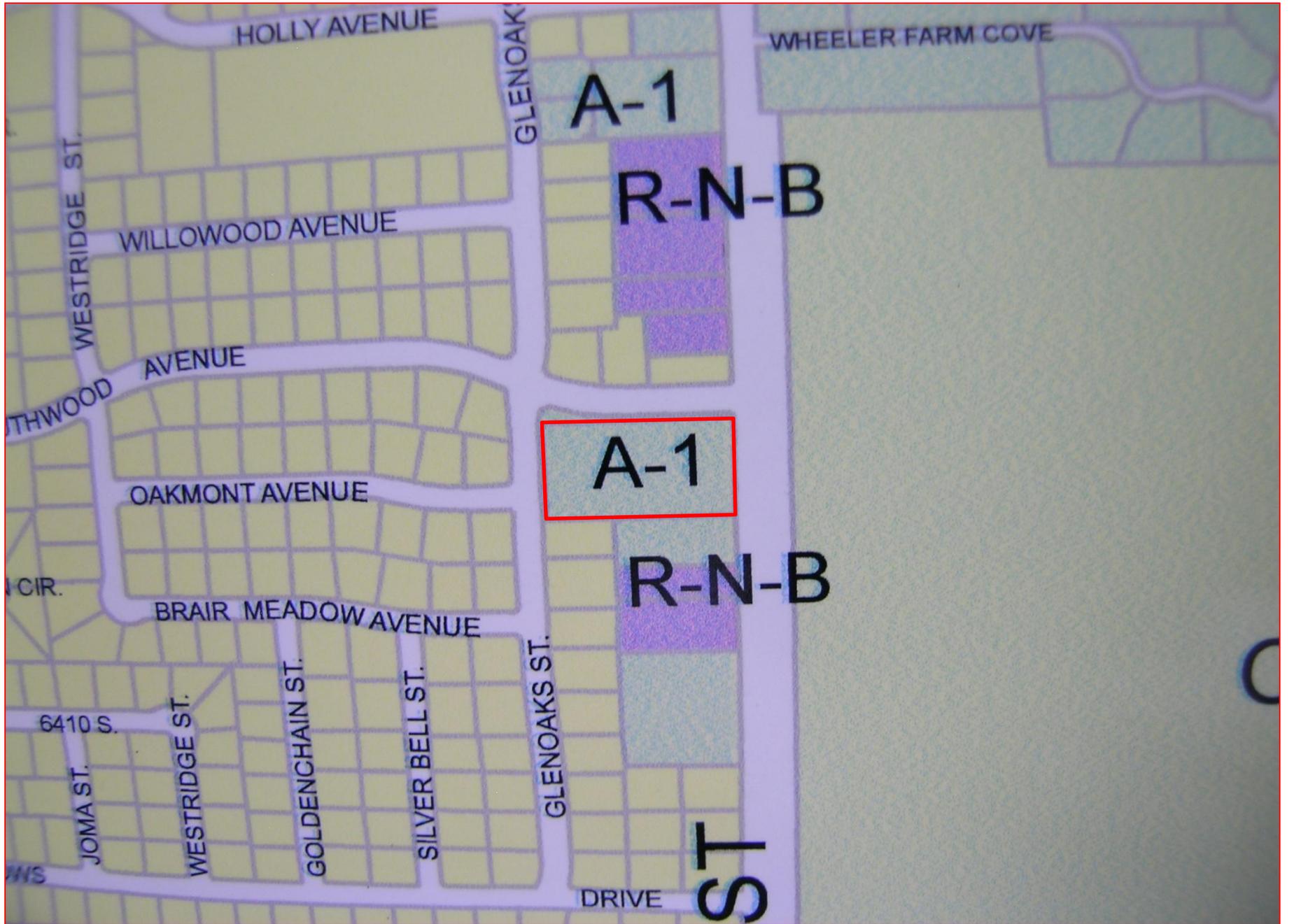
A-1

Subject Property

R-N-B

9000

ES



HOLLY AVENUE

WHEELER FARM COVE

A-1

R-N-B

A-1

R-N-B

WILLOWOOD AVENUE

OAKMONT AVENUE

BRAIR MEADOW AVENUE

WESTRIDGE ST.

GLENOAKS

GLENOAKS ST.

ST
DRIVE

6410 S.

JOMA ST.

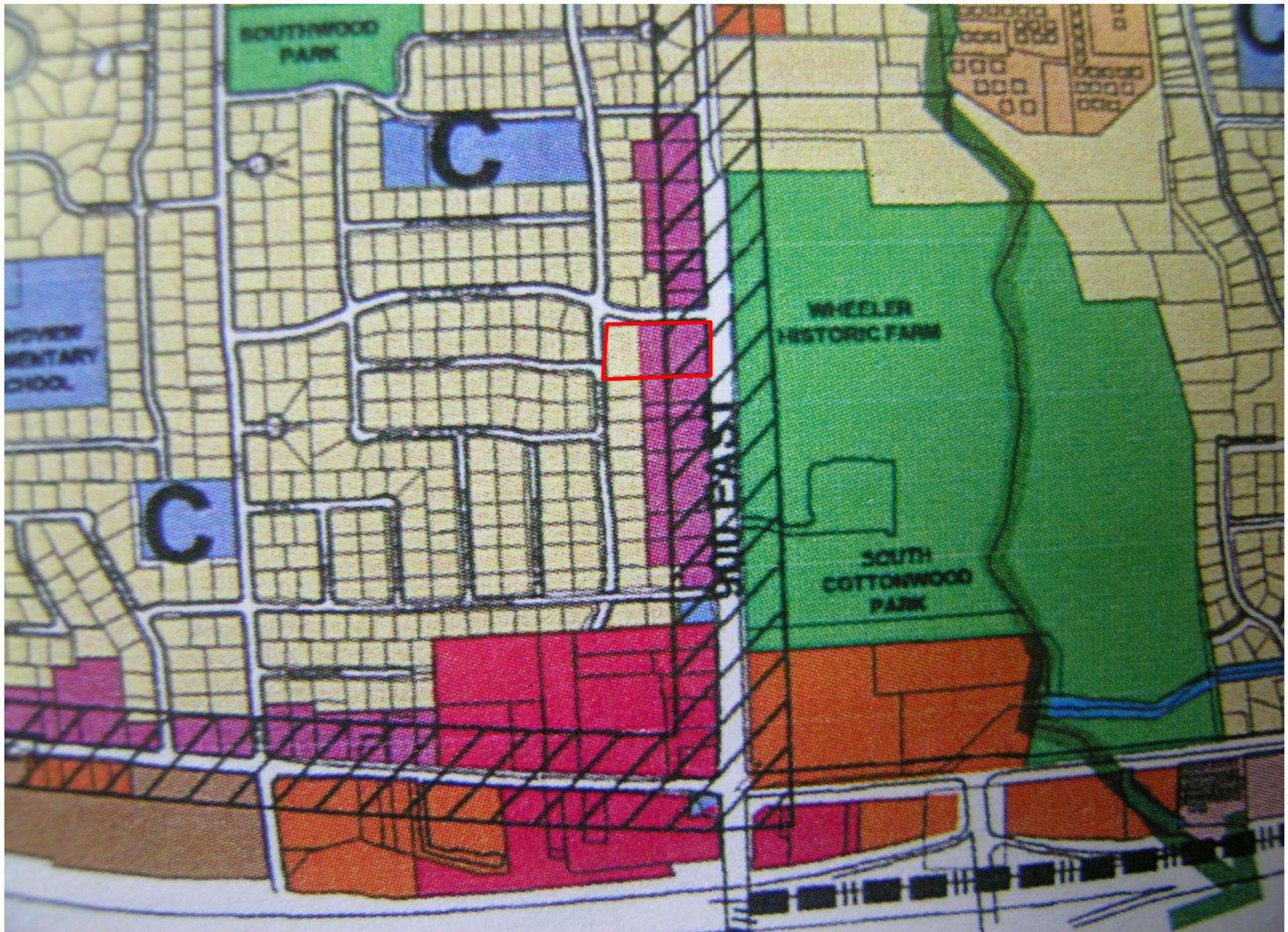
WESTRIDGE ST.

GOLDENCHAIN ST.

SILVER BELL ST.

CIR.

NS



SOUTHWOOD PARK

C

SOUTHWOOD
ELEMENTARY
SCHOOL

C



SOUTHWOOD

WHEELER
HISTORIC FARM

SOUTH
COTTONWOOD
PARK









Residential Neighborhood Zone Height & Design Regulations

1. No commercial building shall be erected to a height greater than 20 ft., except in no case shall the planning commission allow a building height greater than 30 ft.
2. The development shall have a residential character defined by appropriate density, massing, building materials, texture, style and roof lines. Generally roofs shall be of gable construction to provide a residential feel.
3. Applicants shall present building materials, colors, elevations and buffer schemes for planning commission approval. Building materials shall be similar to the materials in the neighborhood or other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible.
4. Provide on site improvements and appropriate buffering to adjacent properties and uses.



HCG DIET
AVAILABLE
HERE

Recommendation

Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the requested General Plan Map and Zone Map amendments.

Citizen Comments

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

Consent Agenda

Murray City Municipal Council

Request for Council Action

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

1. **TITLE:** (State how it is to be listed on the agenda)
Consider confirmation of the Mayor's **new appointment of Holly Hult to the Murray Library Board of Trustees in a District 2 position for a three-year term**

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

Discussion Only
 Ordinance (attach copy) Has the Attorney reviewed the attached copy?
 Resolution (attach copy) Has the Attorney reviewed the attached copy?
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy?
 Appeal (explain) _____
 Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)
July 9th 2013

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

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

6. **REQUESTOR:**

Name: Kim Fong Title: Library Director
Presenter: Dan Snarr Title: Mayor
Agency: Library Board of Trustees Phone: 264-2585
Date: June 26th 2013 Time: _____

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

Head of Department: Dan Snarr Date: June 26th 2013

Mayor:  Date: June 26th 2013

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

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

9. **NOTES:**

Holly Hult will begin serving immediately - July 9th 2013 to June 30, 2016 (to fill Bruce Cutler's position who served well and faithfully to term limits as of June 30th 2013.

Holly L. Hult

Personal Information:

Married mother of 3

Has lived in Murray for 16 years

Educational History:

Graduated from Weber State University in 1997 with an AAS in Radiography

Work History:

Pioneer Valley Hospital X-ray tech from 1995-2005

Murray School District employee (substitute power-hour teacher at Grant Elementary) 2011-current

Community Service:

PTA member for 10 years

Head Chair for the Grant School Carnival for the last 4 years

Assists in 2 classrooms each week

Relief Society President for the last 3 years

Interests:

Watching soccer games and hockey practices, reading, rock climbing, hiking and camping

My kids and I love the Murray Library!!

Holly L. Hult

May 30, 2013

6052 S. Mohican Cir.

Murray, Utah 84123

801-281-2577

holly6052@gmail.com

Murray City Municipal Council

Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)
Consider confirmation of the Mayor's reappointment of **Gamal Herbon** to the **Murray Library Board of Trustees** in an **At-Large** position while residing in **District 2** for a second **three-year** term

2. **ACTION REQUESTED:** (Check all that apply)
 Discussion Only
 Ordinance (attach copy) Has the Attorney reviewed the attached copy?
 Resolution (attach copy) Has the Attorney reviewed the attached copy?
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy?
 Appeal (explain) _____
 Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)
July 9th 2013

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

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

6. **REQUESTOR:**
Name: Kim Fong Title: Library Director
Presenter: Dan Snarr Title: Mayor
Agency: Library Board of Trustees Phone: 264-2585
Date: June 26th 2013 Time: _____

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

Head of Department: Dan Snarr Date: June 26th 2013

Mayor:  Date: June 26th 2013

8. **COUNCIL STAFF:** (For Council use only)
Number of pages: _____ Number of copies submitted: _____
Received by: _____ Date: _____ Time: _____
Recommendation: _____

9. **NOTES:**

Gamal Herbon will continue serving on the Library Board of Trustees effective June 30th 2013 to June 30th 2016.

Gamal B. Herbon

755 Walden Hills Drive
Murray, UT 84123

801-262-1221 (Home)
801-910-1244 (Cell)
gherbon@yahoo.com

Career Summary

Experience: Have worked in the computer industry for over 22 years: technical writer/editor (22 years); project management (19 years); personnel management (20 years); program management (20 years); engineering team management (10 years). 22 years experience in publishing: magazine writing/editing (16 years); magazine management (11 years); book publication (10 years); authored one professional computer book, and edited 6 computer books.

Skills: Strong leadership and management abilities, business operations skills, intra-departmental project coordination, web site management, creative problem solving, writing, editing, word processing/desktop publishing, spreadsheet/ database, and photography.

Other Highlights: Experienced in computer networking, software, service, and training. Known for being dependable, learning quickly, consistently meeting deadlines, managing within budget, working well with others, and initiating and completing new creative projects. Received numerous awards from the Society for Technical Communications for my documentation and technical articles.

Professional Experience

Chief Operations Officer / Project Administrator / Technical Writer

September 2004 – Present

InterComputer Corporation

Directed day-to-day business operations for InterComputer's Utah Development Site, including operations management, purchasing, project management, vendor relations, personnel management, HR issues, record keeping and reporting.

Designed, researched, and wrote developer documentation and technical information for patent applications, products, projects, and proposals for secure messaging system and related applications.

Researched and updated documentation.

Helped create, write, and edit business documents to acquire capital funding.

Helped create, write, and edit policies and procedures for all aspects of technical and business processes and procedures.

Provided input on marketing materials and updates for corporate web site.

Provided management expertise for development product, including suggestions on product enhancements, and resolving bug problems.

Senior Information Consultant

June 2003 – September 2004

eXegeSys, Inc.

Designed, researched, and wrote developer documentation and technical information for new development framework product for developing for Linux, Unix, and Windows applications.

Researched and updated ERP documentation.

Helped create, write, and edit business plan to acquire capital funding.

Edited and published company newsletter.

Provided input on marketing materials and web site for new products.

Provided management expertise for development product, including suggestions on product enhancements, and resolving bug problems.

Editor-in-Chief / Program Manager / Senior Editor for Novell AppNotes - Manager of DeveloperNet University and Novell Press

March 1992 – February 2003

Novell. Inc.

Managed publication of a monthly technical journal with worldwide distribution in hard copy, electronic, and web formats. Responsibilities included web site design, magazine layout, content research, content editing, content acquisition, production, customer service, fulfillment, printing, and delivery.

Managed all aspects of an online training site for professional software developers. Responsibilities included site design and maintenance, content research, writing, and production.

Managed the re-launch of Novell Press books. Responsibilities included negotiating and signing a separation agreement with the previous publisher (resulting in a savings of over \$400K) as well as negotiation and signing of a contract with a new-third party publisher that included a commitment of publishing at least 6 new book titles in the first year of the contract.

Managed the team responsible for the AppNotes magazine, the DeveloperNet University online training site, and Novell Press. Responsible for managing a 10-person team, including HR management, task management, scheduling, and budget management of a budget of \$2-\$5 million per year.

Responsible for all vendor relationships and relationship with internal operations group to ensure that the magazine was published and mailed on time, customer satisfaction expectations were met, and all operations were kept within budget.

Responsible for marketing for the publication and the on-line training site (with little to no annual budget).

Researched, wrote, and edited technical articles for the AppNotes.

Responsible for soliciting technical articles and testing them for accuracy.

Senior Technical Writer – NetWare Directory Services Engineering Team, Contract Technical Writer – Novell Product Documentation

December 1990 – March 1992

Novell. Inc.

Researched and wrote technical specification documents, product and marketing specification documents for NetWare Directory Services.

Researched, wrote, and edited technical presentations on the product for both internal and external distribution.

Researched and wrote documentation on API (Application Programming Interface) sets for the product.

Researched and wrote customer manual sets for the NetWare operating system.

Interacted with engineering team, graphic artists, and production team.

Senior Section Editor – NetWare Technical Journal

March 1990 – November 1990

McGraw-Hill

Responsible for all aspects of assigned sections of quarterly technical journal, including soliciting, editing, rewriting, testing, and production work for the magazine. Worked under tight deadlines with little direct supervision.

Technical Writer/Team Supervisor – Novell Product Documentation

June 1988 – March 1990

Novell. Inc.

Researched and wrote manual sets for various NetWare products.

Assigned, scheduled, and brought to conclusion various manual sets written by other team members.

Responsible for meeting tight deadlines and ensuring that production schedules were met with all quality standards being adhered to.

Education

Bachelor of Science - Mass Communication

1982 - 1986

University of Utah

Salt Lake City, Utah

Recipient, University Scholarship 1985 and 1986

Recipient, Society of Professional Journalists Scholarship 1985 and 1986

**Professional
Memberships**

Member of Society of Professional Journalists since 1987

Member of Society of Technical Communicators since 1990

Awards

Received numerous writing and publication awards from the Society of Technical Communications (STC) both at local and international levels

Received numerous work-related awards including Manager of the Quarter, Division Employee of the Quarter, Nomination and Finalist for Manager of the Year (2002), and numerous Employee of the Month and Employee of the Moment Awards

References

Available upon request

Murray City Municipal Council

Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)
Consider confirmation of the Mayor's **reappointment of Robbie Robertson to the Murray Personnel Advisory Board** in an **At-Large** position while residing in District 2 for a second **three-year term**

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

Discussion Only
 Ordinance (attach copy) Has the Attorney reviewed the attached copy?
 Resolution (attach copy) Has the Attorney reviewed the attached copy?
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy?
 Appeal (explain) _____
 Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)
July 9th 2013

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

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

6. **REQUESTOR:**

Name: Mike Terry Title: Director of Human Resources
Presenter: Dan Snarr Title: Mayor
Agency: Personnel Advisory Board Phone: 264-2656
Date: June 26th 2013 Time: _____

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

Head of Department: Mike Terry Date: June 26th 2013

Mayor:  Date: June 26th 2013

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

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

9. **NOTES:**

Robbie Robertson will continue serving on the **Personnel Advisory Board** effective **June 30th 2013 to June 30th 2016**

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 A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN MURRAY CITY SCHOOL DISTRICT AND MURRAY CITY FOR SHARED USE OF THE NEW HILLCREST JUNIOR HIGH

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

VIBRANT PARKS, RECREATION, AND CULTURAL AMENITIES; RESPONSIVE AND EFFICIENT CITY SERVICES; FINANCIALLY SUSTAINABLE

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

Council Meeting OR Committee of the Whole

Date requested JULY 9, 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.)

\$200,000 GENERAL FUND

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

MEMO, RESOLUTION, AGREEMENT

6. REQUESTOR:

Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

Presenter: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

Agency: MURRAY CITY Phone: 801-270-2404

Date: JUNE 12, 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: *Doug Hill* Date: 6/12/13

Mayor: *Daniel C. Fran* Date: 6/17/13

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:



MEMO

To: Mayor Daniel C. Snarr
From: Doug Hill, Public Services Director
Cc: Jan Wells, Chief of Staff
Mary Ann Kirk, Cultural Program Manager
Date: June 12, 2013
Subject: New Hillcrest Junior High Interlocal Agreement

Attached is the Interlocal Agreement executed by the Murray School District for joint use of the new Hillcrest Junior High for the City's arts programs. The funds for this Agreement are included in the FY2014 fiscal year budget.

I am requesting that this be presented to the Murray City Council for their consideration. Please let me know if you have any questions or concerns.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN MURRAY CITY SCHOOL DISTRICT ("DISTRICT") AND MURRAY CITY ("CITY") FOR SHARED USE OF THE NEW HILLCREST JUNIOR HIGH

WHEREAS, the City and the District are "public agencies" authorized by the Utah Interlocal Cooperation Act, Title 11, Chapter 13, of the Utah Code, to enter into agreements with each other for the joint and cooperative action which will enable them to make the most efficient use of their powers on a basis of mutual advantage; and

WHEREAS, the City and the District have developed a long term relationship of cooperation and sharing of resources to do what is in the best interest of the community; and

WHEREAS, as part of its cooperative relationship, the City and the District entered into an agreement establishing the Murray City – School Coordinating Council ("Coordinating Council"); and

WHEREAS, the Coordinating council meets regularly to discuss and resolve issues of mutual concern to the City and the District; and

WHEREAS, the District will construct a new Hillcrest Junior High located at approximately 126 East 5300 South, Murray, Utah ("new Junior High"); and

WHEREAS, the City is interested in using the new Junior High auditorium and related facilities for theatrical and other performances as part of the City's Arts Programs, however, the auditorium and related facilities would need to be enhanced to meet the City's needs; and

WHEREAS, the District is willing to enhance the auditorium and related facilities in the new Junior High to meet the City's needs for its Arts Programs and share the use of the auditorium and related facilities, on a cooperative basis, if the City contributes funds to the new Junior High; and

WHEREAS, in its 2013-2014 fiscal year budget, the City appropriated Two Hundred Thousand Dollars (\$200,000) to be provided to the District for enhancements and mutual use of the auditorium and related facilities in the new Junior High subject to certain terms and conditions; and

WHEREAS, the City and the District need to mutually agree as to the enhancements to the new Junior High auditorium and related facilities and establish a minimum guaranteed use by the City of the new Junior High auditorium and related facilities recognizing that during regular school hours, school activities must take priority; and

WHEREAS, the City and the District believe that issues related to the use of the new Junior High auditorium and related facilities and other matters can be discussed and resolved by the Coordinating Council; and

WHEREAS, it is beneficial for the District, the City and their respective citizens that the parties cooperate in accomplishing the foregoing.

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

1. It does hereby approve an Interlocal Cooperation Agreement between the City and Murray City School District in substantially the form attached hereto; and
2. The Interlocal Cooperation Agreement is in the best interest of the City and the District; and
3. Mayor Daniel C. Snarr is hereby authorized to execute the Agreement on behalf of the City and to act in accordance with its terms.

DATED this day of , 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

INTERLOCAL COOPERATION AGREEMENT

Between Murray City and the Murray City School District

SHARED USE OF THE NEW HILLCREST JUNIOR HIGH

This Interlocal Cooperation Agreement ("Agreement") is made and entered into this sixth day of June, 2013, by and between Murray City Corporation (the "City") and the Murray City School District (the "District").

RECITALS

1. The City and the District are "public agencies" authorized by the Utah Interlocal Cooperation Act, Title 11, Chapter 13 of the Utah Code, to enter into agreements with each other for the joint and cooperative action which will enable them to make the most efficient use of their powers on a basis of mutual advantage.
2. The City and the District have developed a long term relationship of cooperation and sharing of resources to do what is in the best interest of the community.
3. As part of its cooperative relationship, the City and the District entered into an agreement establishing the "Murray City - School Coordinating Council ("Coordinating Council").
4. The Coordinating Council meets regularly to discuss and resolve issues of mutual concern to the City and the District.
5. The District will construct a new Hillcrest Junior High located at approximately 126 East 5300 South, Murray, Utah ("new Junior High").
6. The City is interested in using the new Junior High auditorium and related facilities for theatrical and other performances as part of the City's Arts Programs, however, the auditorium and related facilities would need to be enhanced to meet the City's needs.

7. The District is willing to enhance the auditorium and related facilities in the new Junior High to meet the City's needs for its Arts Programs and share the use of the auditorium and related facilities, on a cooperative basis, if the City contributes funds to the new Junior High.
8. In its 2013-2014 fiscal year budget, the City appropriated Two Hundred Thousand Dollars (\$200,000) to be provided to the District for enhancements and mutual use of the auditorium and related facilities in the new Junior High subject to certain terms and conditions.
9. The City and the District need to mutually agree as to the enhancements to the new Junior High auditorium and related facilities and establish a minimum guaranteed use by the City of the new Junior High auditorium and related facilities recognizing that during regular school hours, school activities must take priority.
10. The City and the District believe that issues related to the use of the new Junior High auditorium and related facilities and other matters can be discussed and resolved by the Coordinating Council.

In consideration of the mutual covenants set forth herein, the City and the District agree as follows:

1. The District and the City mutually agree on the design and construction of the auditorium, the Little Theater and related facilities in the new Junior High. A copy of the design agreed on by the District and the City for construction of the enhancements to the auditorium, Little Theater and related facilities in the new Junior High is attached as Exhibit "A" and incorporated herein by reference.

No material changes to the auditorium, Little Theater and related facilities shall be made that are different from the design as provided in Exhibit "A" unless by written mutual agreement.

2. Within thirty (30) days after execution of this Agreement, the City shall pay to the District Two Hundred Thousand Dollars (\$200,000) as a contribution and full consideration for the construction of the enhancements as provided in Exhibit "A" attached to this Agreement and shared use of the auditorium, Little Theater and related facilities in the new Junior High as provided in this Agreement.
3. The District and the City agree that the City shall, at minimum, be allowed to use the auditorium, Little Theater and related facilities such as the dressing room, band room and storage in the new Junior High during each calendar year as follows:
 - a. The City shall have use of the auditorium/band room for five (5) days (dress rehearsal in the morning, provided such use does not conflict with a school activity, and concert in the evening) to be used by the Murray Symphony or a similar group. Said similar group shall be determined by the District and the City.
 - b. The City shall have use of the band room for forty five (45) days (once a week on a set day of the week for forty five (45) weeks), except Saturdays and Sundays, in the evenings for the Murray Symphony or a similar group. Said similar group shall be determined by the District and the City.
 - c. The City shall have permanent use of a storage room in the new Junior High of at least two hundred (200) square feet for instruments and music for the Murray Symphony or a similar group. Said similar group shall be determined by the District and the City.

- d. The City shall have use of the auditorium/band room for four (4) days (dress rehearsal in the morning, provided such use does not conflict with a school activity, and concert in the evening) to be used by the Murray Concert Band or a similar group. Said similar group shall be determined by the District and the City.
- e. The City shall have use of the band room for forty five (45) days (once a week on a set day of the week for forty five (45) weeks), except Saturdays and Sundays in the evening to be used by the Murray Concert Band or a similar group. Said similar group shall be determined by the District and the City.
- f. The City shall have use of the auditorium, Little Theater and dressing rooms for one (1) full week (weekday evening use and all day Saturday) to be used by Missoula or a similar group. Said similar group shall be determined by the District and the City.
- g. The City shall have use of the auditorium and dressing rooms for up to five (5) days for additional touring productions
- h. The City shall have use of the band room for up to twenty (20) nights in the summer for pit orchestra or similar rehearsals. Said similar rehearsals shall be determined by the District and the City.
- i. The City shall have use of the Little Theater and dressing rooms for up to seventeen (17) weeks in the evenings and on Saturdays for small theater productions and rehearsals, which includes two (2) winter plays and two (2) summer plays.
- j. The City shall have optional use of the dance room when available. The City shall pay the cost of a supervisor for the use of the dance room when supervision is not

provided in other areas of the new Junior High.

4. The City and the District may mutually agree, in writing, to alternate space to meet the City's needs as provided in paragraph 3 of the Agreement and to expand the City's use of the auditorium, Little Theater and related facilities in the new Junior High.
5. On or before January 15th of each calendar year, the City and District shall meet and establish a schedule for use of the auditorium, Little Theater and related facilities in the new Junior High for the summer/spring performances (March - August of that calendar year) recognizing the City's minimum use as provided in paragraph 3 above. On or before August 31st of each calendar year, the City and the District shall meet and establish a schedule for use of the auditorium, Little Theater and related facilities (other than the summer/spring productions) for the School Year Performances (September of that calendar year to May of the following calendar year) recognizing the City's minimum use as provided in paragraph 3 above. If a schedule cannot be mutually agreed upon by the City and District before January 15th and August 31st respectively, the matter shall be submitted to the Coordinating Council for a decision. When the City and District prepare a schedule, they shall not only specify the dates of use but also the group or event scheduled for the dates. If, after the schedule has been implemented, a group or event cannot, for whatever reason, use the specific dates scheduled for them, the dates cannot be used for another group or event without written consent of the District.
6. Unresolved issues regarding the use of the auditorium, Little Theater and related facilities in the new Junior High and other matters relating to this Agreement shall be submitted and

discussed by the Coordinating Council. The Coordinating Council decisions shall be final and binding.

7. The District shall be responsible for the maintenance and operation of all facilities in the new Junior High including janitorial services provided, however, the City, not the District, is responsible for extra costs associated with special technical and supervisory support for City productions. Except as provided in paragraph 3 above, the City shall have no obligation to contribute financially or otherwise to the operation and maintenance of the facilities in the new Junior High except for extra costs associated with technical and supervisory support for City productions.
8. The District shall be responsible for all utilities and other such costs of the new Junior High.
9. The District and the City are governmental entities under the Utah Governmental Immunity Act ("Act"). Therefore, consistent with the terms of the Act, the District and the City agree that each is responsible and liable for any wrongful or negligent acts which it commits or is committed by its agents or employees. Neither the District nor the City waives any defenses or limits of liability otherwise available under the Act and all other applicable laws and both the District and the City maintain all privileges, immunities and other rights granted by the Act and other applicable laws.
10. The District and the City shall not subcontract, sign or transfer any rights or duties under this Agreement without prior written consent of the other party.
11. The provisions of this Agreement are severable and should any provision herein be deemed void, voidable, unenforceable or invalid, such void, voidable or unenforceable or invalid

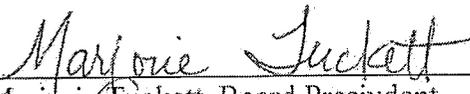
provision shall not affect the other provisions of this Agreement.

12. The term of this Agreement shall be ten (10) years, unless the parties or their assignees terminate the Agreement by mutual written agreement, provided, however, the Agreement shall be automatically renewed for an additional ten (10) years unless a party notifies the other party, in writing, six (6) months before the end of the term, that the Agreement shall not be renewed.
13. This Agreement may be amended only in writing signed by both the City and the District.
14. This Agreement shall be governed by and construed in accordance to the laws of the State of Utah.

IN WITNESS WHEREOF, the District and the City have caused this Agreement to be duly executed as of the day and year first written above.

MURRAY CITY SCHOOL DISTRICT

MURRAY CITY CORPORATION



Marjorie Tuckett, Board President

Daniel C. Snarr, Mayor

ATTEST:

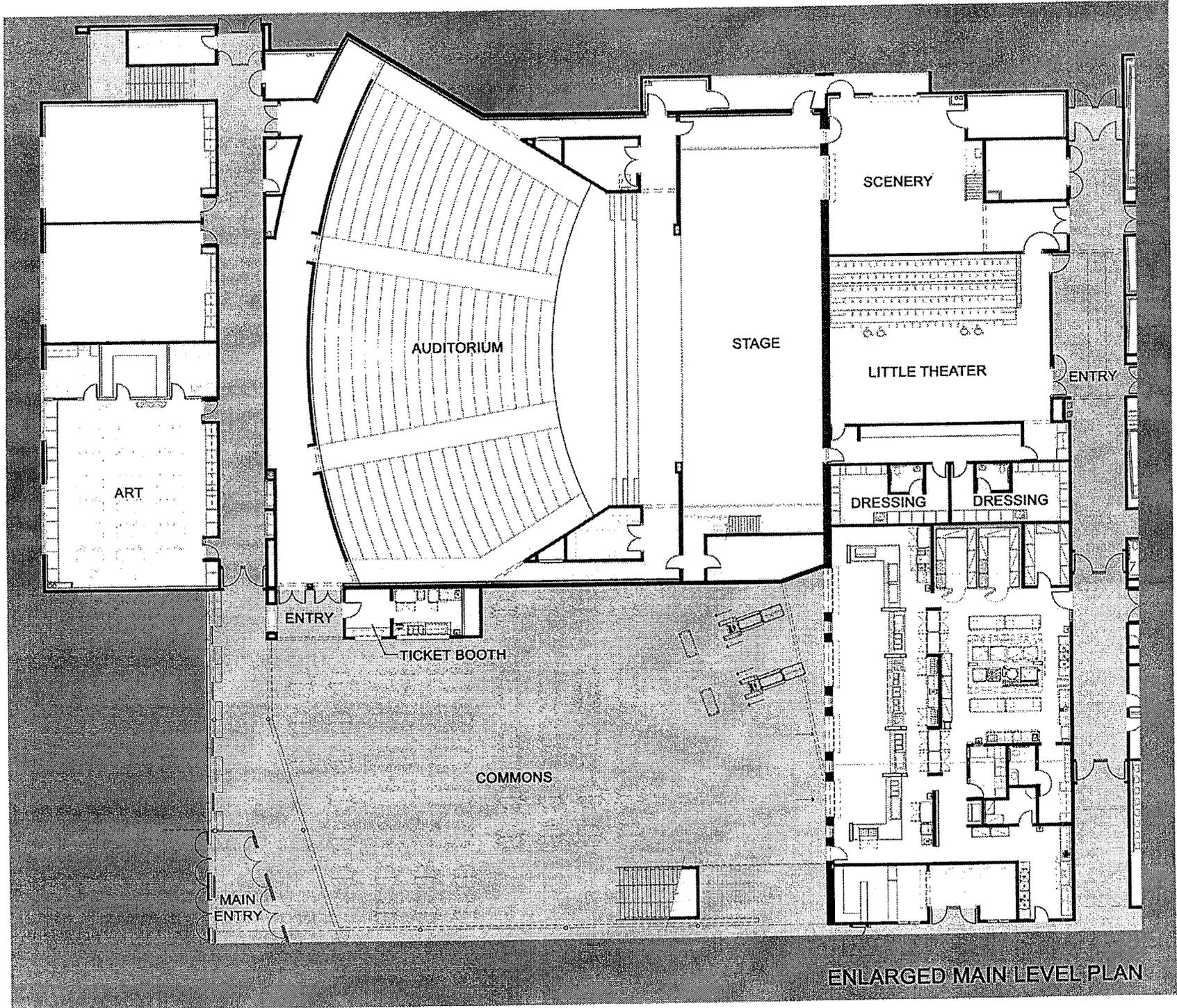
APPROVED AS TO FORM AND
LEGALITY:

Jennifer Kennedy, City Recorder

Frank M. Nakamura, City Attorney

INTERLOCAL COOPERATION AGREEMENT
between Murray City and the Murray City School District
SHARED USE OF THE NEW HILLCREST JUNIOR HIGH

Exhibit A



ENLARGED MAIN LEVEL PLAN

Hillcrest Jr. High School
Fine Arts Area

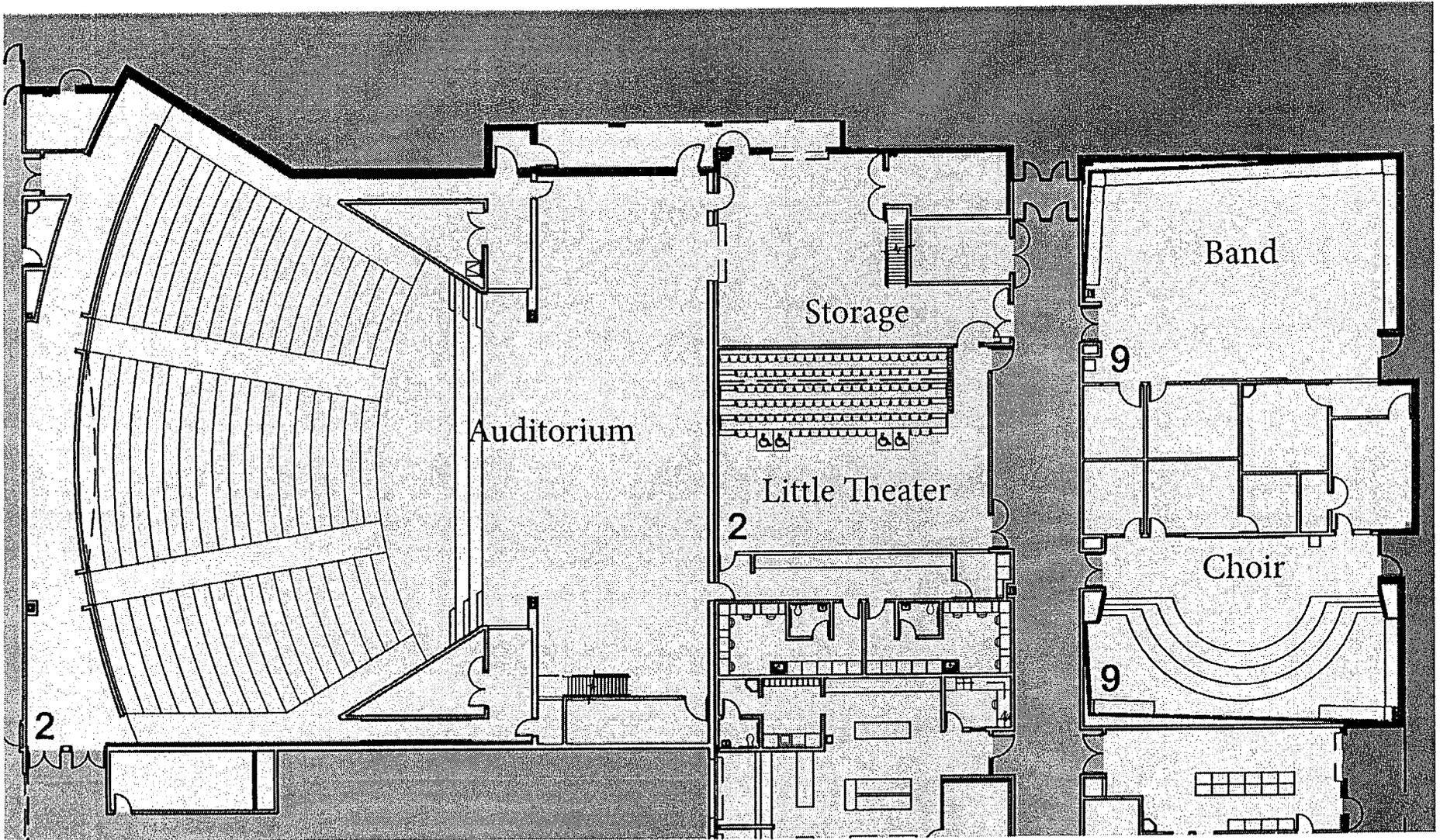


Exhibit A

**Mayor's
Report
and Questions**

Adjournment