

**MURRAY**  
CITY COUNCIL

**Council Meeting**  
**November 19, 2013**



**MURRAY**  
CITY COUNCIL

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

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, November 19, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

4:45 p.m. **Committee of the Whole:** To be held in the Conference Room #107  
Brett Hales conducting.

**1. Approval of Minutes**

- 1.1 Council Initiative Workshop – October 1, 2013
- 1.2 Committee of the Whole – October 1, 2013

**2. Business Items**

- 2.1 Valley Emergency Communications Center Agreement – Jan Wells presenting. (20 minutes)
- 2.2 Financial Statement Review – Justin Zollinger presenting. (45 minutes)
- 2.3 Governmental Accounting Standards Board (GASB) 54 Fund Balance – Justin Zollinger presenting. (15 minutes)

**3. Announcements**

**4. Adjournment**

6:20 p.m. **Board of Canvassers:** To be held in the Council Chambers  
Brett Hales conducting.

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

**5. Opening Ceremonies**

- 5.1 Pledge of Allegiance
- 5.2 Approval of Minutes
  - 5.2.1 October 1, 2013
- 5.3 Special Recognition
  - 5.3.1 Murray City Council **Employee of the Month, Firefighter and Paramedic, Paul Adams.** (Gil Rodriguez presenting.)
  - 5.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah expressing gratitude and appreciation to **Tim Tingey** for his contributions to Murray City. (Dave Nicponski and Brett Hales presenting.)

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

7. **Consent Agenda**

7.1 None scheduled.

8. **Public Hearings**

8.1 Public Hearing #1

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

Consider an ordinance amending Sections 17.64.030 and 17.64.090 of the Murray City Municipal Code relating to fence height regulations. (Tim Tingey presenting.)

8.1.2 Council consideration of the above matter.

8.2 Public Hearing #2

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

Consider an ordinance amending Section 17.116.080 of the Murray City Municipal Code relating to the maximum building height in the Multiple-Family Low Density Residential District (R-M-10). (Tim Tingey presenting. Tim Vanderlinden applicant.)

8.2.2 Council consideration of the above matter.

8.3 Public Hearing #3

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

Consider an ordinance amending Chapter 17.42 of the Murray City Municipal Code relating to tobacco and electronic cigarette retailers. (Tim Tingey presenting.)

8.3.2 Council consideration of the above matter.

8.4 Public Hearing #4

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

Consider a resolution donating One Thousand (\$1,000) from the General Fund to the Murray School District for the Murray High School Debate Team. (Jared Shaver presenting.)

8.4.2 Council consideration of the above matter

8.5 Public Hearing #5

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

Consider a resolution waiving golf cart fees valued at approximately Five Hundred Sixty Dollars (\$560) for the Glenae Turley Trust Fund. (Gil Rodriguez presenting.)

8.5.2 Council consideration of the above matter.

9. **Unfinished Business**

9.1 None scheduled.

10. **New Business**

10.1 Consider a resolution approving an Interlocal Agreement between the City and the State of Utah, Utah Humanities Council, Utah Division of Arts and Museums for a grant to install Murray Museum listening stations. (Doug Hill presenting.)

10.2 Consider a resolution approving an Interlocal Agreement between the City and Salt Lake County for receipt by the City of Tier II "Zoo, Arts, and Parks" Funds. (Doug Hill presenting.)

10.3 Consider a resolution acknowledging completion and receipt of the independent audit for Fiscal Year 2012-2013 and order that notice be published pursuant to Section 10-6-152 of the Utah Code. (Justin Zollinger presenting.)

10.4 Consider an ordinance enacting Section 3.04.015 of the Murray City Municipal Code relating to Governmental Accounting Standards. (Justin Zollinger presenting.)

10.5 Consider a resolution adopting the Regular Meeting Schedule of the Murray City Municipal Council for calendar year 2014. (Brett Hales presenting.)

10.6 Consider a resolution requesting that appropriate action be taken by the State of Utah to ensure that Stericycle Medical Waste Incinerator does not emit harmful contaminants into the air that jeopardize the health of residents in the Salt Lake valley including Murray City residents. (Jim Brass presenting.)

11. **Mayor**

11.1 Report

11.2 Questions of the Mayor

12. **Adjournment**

**NOTICE**

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

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

On Friday, November 15, 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](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.

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Janet M. Lopez  
Council Administrator  
Murray City Municipal Council

# Committee of the Whole

**Committee  
of the Whole  
Minutes**



**MURRAY CITY MUNICIPAL COUNCIL  
COUNCIL INITIATIVE WORKSHOP**

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A Murray City Council Initiative Workshop was held on Tuesday, October 1, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

**Members in Attendance:**

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

**Others in Attendance:**

Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Jan Wells	Mayor's office	Kim Fong	Library Director
Ted Eyre	Resident	Justin Zollinger	Finance Director
Tim Tingey	ADS Director	Jennifer Brass	Resident
Diane Turner	Resident	Kellie Challburg	Council Office
Doug Hill	Public Services Director	Greg Bellon	Power
Blaine Haacke	Power, General Manager	Blair Camp	Resident

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

**Discussion Item 1.1**

**City Boards, Commissions and Committees should be treated in equitable manner- Jared Shaver**

Mr. Shaver stated that there were several issues that had come to the attention of the Council in the last few weeks. He appreciates the Council's willingness to listen and discuss the issues.

Mr. Shaver said that in the last three years as a Council Member, he noticed a lack of equality in the different boards and commissions, including the amount of work performed and the compensation.

Mr. Shaver printed out the different committees and boards and their functions. There are some boards or commissions that receive compensation, minimal as it might be, and others that do not. The dollar amount ranges from \$15, \$25 up to \$75. The comparison included not only the compensation in pay, but the duties and work performed, as well as the authority that the board or committee members

have.

Mr. Shaver would refer to the boards, committees and commissions as groups for the remainder of the discussion. Some of the groups have legislative capability, others do not, and therefore are treated differently. As an example, the Planning and Zoning Commission has a very specific function. The Library Board hires the Library Director, without any type of oversight by the Mayor or Council. Some groups have power to do certain things according to the statute. Other groups have limited power, and are only advisory boards. The Arts Board advises and promotes, but has no real authority to change policy or procedures. It doesn't seem to be a level playing field, noted Mr. Shaver.

The first group on the list is the Arts Advisory Board and the language is that the group promotes, encourages, advocates, and supports, and there is no compensation.

The Building Code Board of Appeals is created to hear and decide appeals of orders, decisions or determinations. That group actually has deciding power, and it states that the group shall render all decisions and findings in writings to the Director of Public Works with a duplicate copy to the appellant. That group makes a decision and renders that decision, but receives no compensation.

The Heritage Center Advisory Board has advisory capacity to the Heritage Center Director, Office of the Mayor, and the City Council. That group states specifically that they are only advisory and receive no compensation.

The Parks and Recreation Advisory Board promotes, reviews and recommends. This group is also only an advisory group, no compensation.

The History Advisory Board advises the Mayor and officials of the City. They encourage and oversee, but receive no compensation.

The Personnel Advisory Board hears appeals and can render a decision. They advise the City on matters concerning personnel administration, including career and public safety rules. They represent and hear certain appeals and grievances for other actions, but receive no compensation.

The Power Advisory Board is advisory only. They give advice and do not oversee, but yet receive compensation. Mr. Hales asked if the Power Advisory Board gives any direction at all. Mr. Shaver replied that the group is purely advisory and receives \$75 per month that a meeting is held.

The Shade Tree Commission studies, assists and promotes, and receives no compensation.

The Public Library Board is a group that spends hours of time and makes decisions. They are simply reimbursed any necessary expenses, but receive no compensation. This group actually hires the Library Director and assists in creating the contract and is responsible for the maintenance and care of the facility. It also states the Library board shall make and adopt rules and regulations. Mr. Brass said that they also can levy a tax, with the approval of the City Council. No other group has that authority, even those that are compensated.

Murray Center City District group promotes, and requires those to adhere to the design review, but receive no compensation.

Planning and Zoning Commission makes binding decisions, albeit those decisions can be overridden by the Council. That group receives \$25 per meeting as a reimbursement for expenses incurred in performing the official duties.

Board of Adjustment group hears and decides on special exceptions. That group receives a \$15 compensation per meeting.

Mr. Shaver stated that as per his request, Ms. Lopez asked the department heads for information on the number of meetings attended, and hours of service that the board or commission requires. Some groups meet once a month, others meet on a regular basis. For example, the Planning Commission meets approximately ten hours a month, the Board of Adjustment meets four hours per month; Design Review is one hour per month; and the Board of Appeals is four hours annually.

Mr. Shaver asked Mr. Haacke about the Power Advisory Board and clarified that the group is compensated and receives travel benefits. It states that they can attend one out of state conference every three years that is paid for by the City. Mr. Hales asked how often they meet. The answer was once a month.

Mr. Shaver had a note from the Library Director stating that each member of the Library Advisory Board spends about 30 hours of service per year and there are no additional perks.

Mr. Shaver noted that there are decisions that need to be made before this Council. There are decisions that Mr. Haacke needs to make regarding the Power Advisory Board. When the Power Department needs to enter into a contract, the business is brought before the Council for the decision.

Mr. Shaver stated that Mr. Tingey has a marvelous group in the RDA (Redevelopment Agency). The agency makes decisions and gives guidance on how to proceed. Eventually those decisions come before the Council if money or expenditures are needed. The Council serves as that agency, in another form.

Mr. Shaver commented that it seems to him that either all or none of the groups should be compensated. Mr. Stam asked if he meant all of the groups that make decisions or all of the groups. Mr. Shaver used Planning and Zoning as an example. There are expenses incurred on their part as it is incumbent upon them to go and look at properties, so the compensation makes sense. He believes there is a problem with compensation just simply for attending a meeting.

Mr. Hales asked if he was including travel as part of the compensation. Mr. Shaver believes travel would fall under compensation. One of the group is authorized to travel to specific places, within the state and out of the state. That travel is seen as a perk, yet that same group is attending the same functions that the Council attends. The Council makes the binding decisions in the contracts. For

example, if a change occurred in a UAMPS (Utah Associated Municipal Power Systems) contract, that change would come before the Council, and the Council would make a decision on the contract. The Power Advisory Board has no authority to make those decisions.

Mr. Shaver has some recommendations but would love to hear some feedback first. Mr. Stam commented that the Parks and Recreation Board has out of state conferences also, and those members did not have the opportunity to attend. He believes Planning and Zoning Commission members get the chance to attend land use training when it is sponsored by the Utah League of Cities and Towns. That training is necessary for them to be able to do their job. Many of the other advisory boards may not have specific training opportunities available to them, other than training by the City Officials that oversee them. Mr. Brass commented that the Planning and Zoning Commission is also a legislative body.

Mr. Hales asked Mr. Haacke what the duty of the Power Advisory Board is, if they don't have any authority, Mr. Haacke said he sometimes takes their advice.

Mr. Stam mentioned the Parks and Recreation board as an example, the board presents different ideas, which then go to the Council for a vote. The board can make a positive recommendation or no recommendation at all, and that is their purpose. The Power Advisory Board can do that also, but has no more authority than the other boards. Mr. Shaver said that the language in the statute is to advise and promote, in a non-binding manner. He used an example as to when Mr. Tingey presents an issue to the Council, he might say that the Planning and Zoning Commission recommends something, while the engineering team is against it. The Council then becomes the arbitrators, with a no on one side and a yes on the other side. Mr. Stam commented that the Planning and Zoning Commission has more authority than the Parks and Recreation board. Mr. Shaver agreed that the advice of some groups could be totally ignored, but that is not the case with the Planning and Zoning Commission.

Mr. Nakamura said the Council makes the binding decision, in rezones for example. There are other issues that are decided by the Planning and Zoning Commission that don't go before the Council. The Planning and Zoning Commission can make binding decisions. Mr. Brass said the Planning and Zoning Commission is the legislative body for site plan reviews, conditions, and permits. The Council is the legislative body for ordinance changes, ordinances and zoning changes. He said the Planning and Zoning Commission meetings are long and contentious, and it is a difficult position.

Mr. Haacke said the word advisory is key to this. He gives heady issues to the Power Advisory Board and gets their advice. He usually follows the recommendation and takes it back to the Council. Years ago, there was a rate increase, and a lot of time and effort was spent on deciding the rate increase, it was brought to the Council, and the Council changed it just a little bit. Another example is the upcoming IPA (Intermountain Power Authority) issues. He has spent hours with the Board to get them up to speed. The Council hasn't had that much time with the issue. It was under the direction of the Council last year, to let the Power Board do the footwork. It is difficult for him to be between two masters, or three masters including the Mayor.

Mr. Shaver said his first recommendation would be to make the compensation equal between the boards.

The second recommendation would be that the Library Board is similar to the Planning and Zoning Commission, in that it is a legislative body and should also receive compensation. The individuals on the library board spend a lot of time and effort, and should be compensated as such.

The third recommendation would be that the Council serve as the Power Advisory Board. The Council serves as the RDA, and similar to that meeting, the Council would have a Power Advisory Board meeting before a Council meeting. Those issues come to the Council anyway, and this would alleviate Mr. Haacke having to address the same issue multiple times. Mr. Stam asked if Mr. Haacke would spend those hours, previously spent with the Power Advisory Board, getting the Council up to speed on power issues.

Mr. Hales said he had been asked why the Council and the Power Advisory Board both attend certain meetings and conferences. He would welcome the idea of knowing more about power issues, since it is his signature on the documents. Mr. Shaver commented that at times, for example, at an APPA (American Public Power Association) meeting, certain meetings could be divided among the Council members with a sense of direction in covering all the meetings.

Mr. Nakamura commented that the Library Board is statutory and implies that they serve without compensation under State law. Mr. Shaver thanked Mr. Nakamura for that comment, and apologized to Ms. Fong.

Mr. Stam commented that if the Council became the Power Advisory Board, and that compensation was gone, the other boards receiving compensation are expense reimbursements only, so a change may not be needed. Mr. Shaver said the compensation should be equal, instead of \$15 for one, and \$25 for another. Mr. Brass said that the difference makes sense when looking at the agendas and the number of properties handled. That cost is simply to cover the cost of driving around and looking at properties. Mr. Brass said equalizing is also a budgetary issue and the Power Advisory Board is an enterprise fund, whereas, the other boards are out of the general fund. It would take some budget and ordinance changes, commented Mr. Brass.

Mr. Shaver stated that he isn't necessarily saying these are changes that should be made or will be made, but simply a discussion that is needed. He would be happy to come up with a plan on how to do that in the next few months. Mr. Nicponski asked Mr. Shaver to repeat the three points that he was making. Mr. Shaver stated they were: first, equal compensation, second, Library Board compensation, but that is no longer relevant, and third to make the Council the Power Advisory Board.

Mr. Brass stated that under the rules of engagement of the CIW (Council Initiative Workshop), it is a decision for the Chairman to decide whether or not to move forward with this issue.

Mr. Hales asked Mr. Haacke his opinion before deciding to move forward. He wanted Mr. Haacke to feel comfortable with this decision. Mr. Haacke replied that there is a value to a second set of ears for advice, but he does see other cities of similar size or larger, that do not have a Power Advisory Board, such as Idaho Falls and Logan. Mr. Stam asked if the Council acted as the Power Advisory Board in those cities. Mr. Zollinger replied that in Logan, the Council acts as the Power Advisory Board.

Mr. Nicponski said he would like more time with the issue to be considered. Mr. Stam stated that the consensus was that Mr. Shaver would do some research and revisit this issue later. Mr. Shaver said he would be happy to do the research and visit with Councilmembers individually and get their opinions.

Mr. Hales agreed the consensus was to move forward and research the issue.

**Discussion Item 1.2**

**Zoning Amendments- Jared Shaver**

This topic became of interest in the last several months because had the Council taken the initiative to make a change to R-N-B (Residential Neighborhood Business) for example, it would have saved a lot of problems. If the Council had taken the initiative, it would have prevented the developer or property owner from coming in with their requests. He believes there are places within the City that it would behoove the Council to move forward and make decisions on zoning. A prime example of this, was the last issue discussed, Winchester Blvd. If you look at the City plans, that street is going to become busier, not slower. Every person along that street is going to have to face that issue on an individual basis.

Mr. Shaver would propose that the Council meet with Mr. Tingey and Mr. Nakamura and look at areas in the City where the Council could make the zoning change. He is aware that there could be a change in the tax liability if the property is changed from residential to residential/business. Mayor Snarr commented that the property between Vine Street and 4800 South on Center Street, the residential portion that is zoned commercial, has been that zone over 30 years is still taxed residential. He said that changing the zoning doesn't necessarily impact the residential houses. Mr. Stam commented that it did change for one lady that lived on the corner of Wheeler Farm. Mayor Snarr said that was correct, but that was due to the agricultural zoning. If there is a pre-existing structure on the site, he believes that the tax is assessed on a residential basis. Mr. Tingey said that changing the zone can increase the value, but they do receive a tax break.

Mr. Shaver would like to recommend different places in the City that would be possible zone change prospects and look at what would happen with the taxes, etc. Mr. Brass commented that the heartburn on that issue is that the City doesn't rezone property unless it has been requested, with the exception of the MCCD (Murray City Center District). Mr. Tingey added that mixed use changes have been done also. Mr. Stam noted that he agreed with Mr. Shaver on the issue when three properties come to have zone changes, and leave a little strip that wasn't included. Mr. Shaver said that flaglot that would have remained residential was his concern also.

Mayor Snarr said he has been anti-change when it is just to develop properties to get them working in their existing state. If you consider the property that Carol Smith purchased, that property will sit there forever, and never be anything. She can't build residential, and really can't do anything commercial either. There would be opposition in anything that she did. She took the initiative to buy the other residential houses that were in deplorable condition to give access to the property from the adjoining street. She even tried to give the property to the LDS church, but they couldn't do anything

with it either. Mayor Snarr commented that he likes Mr. Shaver's idea to take those heavily trafficked corridors that are no longer one lane in each direction, that were originally identified as R-N-B, but yet allow residents to remain there in a residential setting.

Mr. Shaver remarked on a comment made by Mr. Brass stating that was the intent of the R-N-B to allow residential and business to reside within specific parameters. Mr. Hales asked if the citizens would still have the right to go through the appeal process. Mr. Shaver said absolutely.

Mr. Brass noted that he is a bit indifferent due to the fact that it is master planned. His only issue with Winchester was that the particular project didn't meet the intent. He didn't have a problem with the rezone. Mr. Nicponski said that would be fine if Mr. Shaver wanted to work with the master plan. Mr. Stam said there are a few houses over there in disrepair that are still zoned residential. If the zoning was changed to R-N-B, the chances are better that a buyer would be interested. Mayor Snarr said there are certain requirements that they need to adhere to anyway.

Mr. Tingey commented that he had been involved in a couple of city initiated rezones, and they are much more controversial. He is willing to move forward, but does believe they are always more controversial.

Mr. Hales adjourned the meeting.

Kellie Challburg  
Council Office Administrator



# DRAFT

## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 1, 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
Jim Brass	Council Member
Jared A. Shaver	Council Member

### Others in Attendance:

Dan Snarr	Mayor	Justin Zollinger	Finance Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Ted Eyre	Resident	Ruth Eyre	Resident
Blair Camp	Resident	Diane Turner	Resident
Greg Bellon	Power	Bruce Turner	Power
Tim Tingey	ADS	Kellie Challburg	Council Office
Jennifer Brass	Resident	George Katz	Resident
Sally Hoffelmeyer-Katz	Resident	Briant Farnsworth	Attorneys Office
Dallas DiFrancesco	Power Board	Natalie Gochmour	Power Board
Blaine Haacke	Power, General Manager	Jennifer Kennedy	Recorders
Dan Eldredge	IPA	Jim Hewlett	IPA
Dave McKay	State of Utah	Michael Dolan	FFKR Architects
Russ Bachmour	FFKR Architects		

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance.

### Minutes

Mr. Hales asked for corrections or action on the minutes from the Council Retreat on September 3, 2013 and also the Committee of the Whole meeting held on September 3, 2013. Mr. Shaver moved for approval. Mr. Stam seconded. All were in favor.

**Business Item 2.1**

**University of Utah Mid-Valley Health Facility  
Proposal- Tim Tingey**

Mr. Tingey introduced three individuals that were present to give the presentation; Dave McKay with the State of Utah, Russ Bachmour and Mike Dolan, both with FFKR Architects. This is a proposal to build a facility near Fashion Place Mall.

Mr. Dolan stated that they are very excited about this project and thrilled to be assisting the University of Utah. The project is a consolidation of services for University of Utah Healthcare. The Department of Dermatology and the Moran Eye Center are bringing services and outpatient clinics to Murray. The site that has been chosen is just north of Fashion Place Mall. There is a small property of land the University has purchased. There are currently four buildings on that property. Many people are familiar with the property because of the Allstate insurance building.

The University has numbered the buildings #1-#4. Mayor Snarr clarified that building #1 was the former Praxair building, building #2 is where the Bank of American Fork was, building #3 was Allstate, and #4 was a type of medical building. Mr. Dolan said that was correct. Building #4 had a surgical center on the bottom, and University of Utah health plans will be moving into that building with a few weeks.

The main plan of this project is to demolish buildings #1 and #2, and in their place, build a five story dermatology/ophthalmology building. The proposal does involve relocating the road to a little further east on the site. That would provide more patient parking, and particularly more patient friendly parking. There would be a drive into the site to create a roundabout in front of the building for patient drop-off and pick-up. A lot of the clientele are elderly people that have a harder time getting to their cars. The goal is to consolidate the parking around the building itself.

The building is split up into two different areas; the bottom two floors would be the Department of Ophthalmology, where the Moran Eye Center would operate. The top three floors would be the Department of Dermatology. Currently, the plan is for the fifth story to be empty, but would be occupied eventually. The entry would be on the bottom right hand corner of the building. It creates an L-shape of clinic spaces, and I-Lanes with Moran consolidating its Lasik services into this building. The second floor would be similar, with the I-Lanes and cornea and refractive testing. Level three would begin with the Dermatology Department. The floor plan is similar, with the exception that it is grouped into pods, with the most efficient ratios of staff to patients. Levels three, four and five are virtually identical, with the common waiting areas in the southeast corner.

The renderings shown are not the final renderings, but this first one shows the approach from the west, turning from State Street onto 6100 South. It will be a brick and metal paneling building, minimizing the western windows reducing the solar heat, improving efficiency, whereas most of these clinical spaces do not need a lot of light. The canopy on the east corner for the patient drop off would create a nice beacon to welcome the patients. The University is looking at this building as their flagship in this area and want to reach out to the community.

Mr. Dolan introduced Dave McKay from the state of Utah, and Mark Graebel from the University of Utah, and they were available to answer questions also.

Mr. Tingey asked about the Washington Federal access on the west, and if those issues were accounted for. Mr. Graebel said that those issues are currently being addressed, and hopes to come to an arrangement shortly.

Mr. Shaver asked about entrances for the doctors. Mr. Dolan said there is a separate entrance in the back area for staff. There is a gurney sized service elevator that runs on emergency power, with emergency egresses also.

Mayor Snarr asked what the timeline was. Mr. Dolan responded that a construction fence was installed that day to start demolition within the next couple weeks, approximately October 21<sup>st</sup>. Following demolition, the site would be developed and early next year the new building will begin construction. Mayor Snarr commented that it would be a demolition derby between this site and the Sears building site. The project is scheduled to be completed by February 2015. Mayor Snarr noted that the building would be shifted towards the west and the entrance would be more to the east. Mr. Bachnour agreed and said the intent was to give a little more space for the turn-around and patient drop-off. The master plan that the University of Utah has is to realign Fashion Boulevard so that it connects up on the north end.

Mr. Stam asked if a contractor had been selected. Mr. Bachnour stated that Jacobsen Construction had been selected as the general contractor. Mayor Snarr clarified that this could be phase one, developing into more properties as time goes on.

Mr. McKay commented that it had been a real pleasure to work with Murray City. There was applause from the mechanical and electrical teams when they were notified that they would be working with Murray Power. He noted that the employees have made the difference, and have been very nice to work with.

## **Business Item 2.1**

## **Intermountain Power Agency (IPA) Post 2027 Contracts Presentation- Blaine Haacke**

Mr. Haacke explained that the goal for him was to make the Council comfortable with the contracts presented to them as far as the future for the IPA plan.

The current contract expires in 2027. There have been questions as to what would happen then. IPA approached the California entities to see what their plans were and compared them to the plans for Utah. The goal is to keep the plant running in some form.

California regulations have prohibited coal fired generation; it is not allowed to be brought into their state. They have to find a different plant or different fuel source. California is pushing the issue, as well as the EPA (Environmental Protection Agency). The EPA administrator last week made stronger building requirements for new coal fired plants and that is non-attainable with today's technology. Anybody building a coal fired plant today would be unable to meet those requirements.

The goal is to discuss this issue in a work session. There would be a special Council Meeting held four weeks later to follow up on questions and hopefully pass a recommendation to possibly execute those contracts.

There are four contracts up for review. The first two are timelier than the other two. There are several reasons to continue with this project:

1. It has been a good partnership with the California group thus far. There have been ups and downs with Los Angeles through the past twenty or so years, but they have been unbelievably good negotiators in the past couple of years. In many cases, they have come more than halfway. They want this project to go forward and to continue with the Utah partnership group. It is a good economic driver for central Utah to continue also. It also gives Murray City peace of mind that there is a resource that can be relied upon. The contract has been beautiful thus far, allowing Murray to call back power when desired, and leave it on the table when not needed. Los Angeles picked up the slack or loose ends. Los Angeles has been paying the mortgage for this plant. In 2027, the 4% ownership will be Murray's, even though the City has not had to pay much of the rental, he noted.
2. Murray is the largest municipality in the IPA group. Murray holds 4% entitlement of an 1800 megawatt plant, which equals about 72 megawatts that could be called back with notice. Murray has seats on the Coordinating Committee, which is the work group, and also a seat on the IPA Board of Directors. There is some personal direction given for the direction of the plant.

Mr. Nicponski asked what the total megawatt usage was for the City. Mr. Haacke replied approximately 100 on a summer day, but 72 could be called back. Murray already has contracts with other resources also.

Mr. Haacke stated that the decision needs to be made about what to do for 2027. Mr. Haacke noted that they would like to have answers by the end of the month.

Mr. Haacke handed out a memo from the Power Advisory Board with their recommendation, a memo from Mr. Haacke, a segmented piece with a matrix, and also a memo from the City Attorney, Frank Nakamura.

Mr. Haacke introduced Dan Eldredge and Jim Hewlett, the General Manager, and Assistant General Manager from IPA, and also Natalie Gochmour and Dallas DiFrancesco from the Murray Power Board.

Ms. Gochmour noted that she is the Chair of the Power Advisory Board. She stated that the board has spent a considerable amount of time on this issue, possibly eighteen separate agendas. It has been a hard and laborious project, but full due diligence was given. At the last Power Advisory Board meeting, each contract was reviewed and votes were taken on each contract. All four contracts passed unanimously, without any dissension. It is their full recommendation that the Council look seriously at this contract and expects them to find that this will be very good for Murray City and for the State of Utah. Ms. Gochmour complimented Mr. Haacke, Mr. Bellon, Mr. Farnsworth and Mr. Zollinger for their contributions also. It has been a technical exercise, and the Power Board had been well served by this extremely competent staff at Murray City.

Mr. Haacke referred to the matrix that compared the old and new contracts. The current contract conditions are in one column, and the new contract is the other column. Mr. Haacke reiterated that his goal was to make the Council comfortable with the information by the Council Meeting on October 29<sup>th</sup>. This is important, because this contract is a 50 year commitment, he noted. The contract, if signed won't expire until 2077.

The current plant size is 1800 megawatts, noted Mr. Haacke. The new plant size would be 1200 megawatts, about 66% of the current size. LADWP (Los Angeles Department of Water & Power) is the big player, but there are five other entities involved. The other players are large cities: Riverside, Burbank, Anaheim, Glendale and Pasadena. They will have the opportunity to enter into these new contracts as well. Some of the California groups are backing down on the need and desire for the plant. That is the reason that the size is less than before. Likewise, Murray's entitlement would be 66% of what it was also. It would be around 48 megawatts, instead of 72, post 2027. Mr. Brass clarified that Murray would lose a third of the megawatts. Mr. Haacke replied that was correct and it did mean less generation if needed and called back, but there is also risk. Currently it is a coal fired plant, and since Californians can't bring coal fired generation into the state, it will most likely be changed to natural gas. One of the contracts allows for that fuel change to take place. If a different resource becomes available that is cheaper than natural gas, then that could be used. But for now, it is a two turbine plant, 600 megawatts each in the turbines.

The IPA ownership includes the plant, the transmission system, rail system and coal mines. A key component is the transmission system. Currently the transmission capacity is two and a half times the generation capacity. In other words, the transmission has been over built. If all 72 megawatts were to be recalled, there would be more than 200 megawatts of transmission. Originally, the plant was scheduled to be a four unit plant, but was downsized to two units when the economy was down. The transmission system remained bulky. There is a market for transmission, as renewables are built. The Milford wind farm has been built and is going to the Californians. There is a need to take transmission from Utah to California, but the dollar amount is yet unknown. Mr. Shaver clarified that IPA owns the lines, of which Murray has a 4% ownership. Mr. Haacke agreed, but said the idiosyncrasy to that is that there is no transmission unless generation is brought back. Currently, there hasn't been any generation called back so there is no transmission.

Mr. Stam commented that there may be a need for more resources than the plant can generate, so there needs to be additional power transmitted over those lines, via renewables or whatever source. It seems that if the Californians are taking more power than the plant can generate, then is somebody else using IPA lines for transmission, he asked. Is there a dollar value to them taking more of the resources that are producing the power to use the transmission lines, he questioned. Mr. Haacke replied no, because they are taking the generation with the transmission. Mr. Hewlett noted that the resources are all governed out through the mechanics of the contracts and so all the entitlement is under contract and under one budget. Whomever takes the energy has the right to the facilities and are paying those costs. Mr. Hewlett asked if the question was related to the new or old contract. Mr. Shaver answered the new contract. Mr. Brass commented that a third of the transmission seems to have been lost. Mr. Hewlett stated that the reason that there is a cutback on that is a trade.

Currently there isn't any coverage with respect as to what is going to happen to those units when decommissioned. There may be a large dismantling cost associated with that if the EPA decides. The Californians will take part of that obligation as part of their monthly power costs. Murray City's share of those dismantling costs would be paid by whomever is taking that power. Since the Californians are taking on an additional cost obligation, they are leaving some additional capacity, although not as much as there has been. He noted that it is correct that the renewable resources hope to have additional generation to put into the pipeline and send to California. Mr. Shaver said the trade-off is that Murray doesn't pay as much for the dismantling. Mr. Brass commented that the plant decreases but the transmission stays the same. The trade-off is a reduction in the transmission capacity, which does have value, in return for the

decommission costs, which could be huge. He stated that this makes him a little more comfortable because transmission does have value, especially considering the wind farms. Ironically, the people that promote wind don't care for transmission lines, noted Mr. Brass. He believes it is a fair trade because access to that line has value. Mr. Haacke noted that part of the hope with the post 2027 issue, is that IPP will become a hub where this could be more marketable, similar to a Mona substation.

One of the problems in negotiating with the Californians was that some of them wanted to separate generation from transmission, stated Mr. Haacke. They didn't want coal-fired or natural gas, but wanted the transmission coming from Utah. Los Angeles held tight to that and talked the others into keeping it bundled; generation needs transmission.

Mr. Stam clarified that a portion of the cost of the power is being set aside for the cost of decommission later. He asked what happens if the cost of decommissioning is more than has been set aside, does it come back to Murray. Mr. Hewlett replied that once the decision has been made to go to gas in 2020, contracts would be reviewed and look into rebuilding IPP; the known obligation would be funded then. The bond for new gas, would also include a bond for reserve for decommissioning and dismantling. It would be one bond that would cover all of those costs. Respectively going forward, the monthly power costs would include some of that debt service. It is spread out over 30-35 years in a level debt service and whomever is taking power at that time, would pay that portion of the costs.

Mr. Haacke explained that Murray has had a beautiful call back contract. When the power was needed, a three to six month notice was given. Murray City could tell Los Angeles that 10 megawatts was wanted on October 1<sup>st</sup>, and they committed to that. The City could keep it for six months and then give it back to them. Typically, the summer months is when power has been called back. IPP has not been called back for a number of years due to the market price. There have been times when it had been called back and resold through UAMPS to cities that needed it. Right after the Enron situation, there was 25 megawatts called back, then the market turned around and the City was left with a little too much. Luckily, some of it was able to be resold. It has been a good resource, and has been able to be seasonalized on a six month deal.

The new contract is a little more stringent. Los Angeles was adamant in the beginning that a callback was required to be kept for the duration of the contract. That would have hurt and forced Murray to never call back IPA. After negotiations, there can be a one year notice to call back any portion. There is no cap on the amount that can be called back. The downside is that the callback must be kept for three seasons; one half can be laid back in the fourth season, and the other half laid back in the fifth season. This results in a five year cycle to go from use to non-use. This will require the projections to be fine-tuned. This helps with the short-term. Los Angeles has been at the whim of Utah's desire to call back power. They had hoped that Utah would grow into this resource back in the 1989's but Utah never has grown into it. Mr. Eldredge commented that there was a callback from Utah scheduled for the winter season, but there were no callbacks done over the summer season.

Mr. Haacke noted that before there had to be a six month season; April- September. The other six months were considered the winter season. There had never been a need for a winter callback, but during summer there have been callbacks. Sometimes it hurt because of the seasons. That has been negotiated to a four month summer season, and an eight month winter season. That will help Murray in a huge way. Mr. Stam clarified that call back is by season and not by year. Murray has the ability to call it back for three seasons and then lay it back if so desired.

Under the current contract, the Utahns were held to a 50 megawatt ceiling on a non-pre-call callback. At times, it felt like the City was fighting other cities for callback capability. If Los Angeles knew about it ahead of time, more could be requested. If there wasn't advance notice, the cap would have been 50 megawatts. Now, callbacks could be done individually by different cities. For example, if there was a catastrophic loss of 20 megawatts, and the other UAMPS cities are calling back also, this would help to be able to call back on an individual basis. Mr. Shaver clarified that it could be an individual city negotiating directly for a callback with LADWP. Mr. Haacke commented that Los Angeles has really come to the table for negotiating.

The cost would be bonded by IPA. There was a risk assessment done by the attorneys, and the letter was sent to the Power Board, with the different risks earmarked.

Mr. Shaver asked about the length of the debt. Mr. Haacke replied that is unknown, because the bond hasn't happened yet. He would assume the bond would be for about a billion dollars, but the mix of short-term and long-term debt is unknown, as well as the amortization period. Mr. Hewlett commented that it would be whatever the market is at in about seven years, which is unknown. He said there is a capital plan in place right now. It is a modest cost of borrowing for this project that has been managed very well. The same amount of expertise and consultation would go towards this contract. Mr. Eldredge commented that the term is likely to be over the economic life of the plant. It would probably be taken out to the point of necessary additions and renovations for maintenance, so it would be a level cost in debt service.

Mr. Hewlett stated that there is a lot of infrastructure at IPP that will be used in the new project that will not need to be bonded for. There may be rehabilitation costs on some of it, but that has already been amortized. The amount of the bond will be strictly for the gas generation. Transmission doesn't need to be rebuilt or permitted and the water is already there. The same switchyard can also be used. Mr. Haacke mentioned one key clause is that one coal-fired plant can be operative, post 2027, if so desired. Mr. Nicponski asked about the charge to retrofit the plant. Mr. Haacke said it would be a totally new and separate plant, adjacent to it.

Mr. Shaver asked what happens if some groups decide to drop out and yet not pull their power, but new participants cannot be added. Mr. Haacke explained those are called orphan shares. Murray City would have the right to be in a pool with others to have the ability to snap up those shares. Mr. Haacke noted that if a Utah City dropped out, those shares would be distributed equally within the Utah pool. The Californians would take the California groups. Mr. Nicponski asked how many plants were included in the estimated billion dollar figure. Mr. Haacke replied that it would be two, about 500 million cost per unit.

Mr. Haacke said the first contract for review allows IPA to change the fuel to natural gas. The first two contracts also start the decommissioning reserves coming in. Those two need to be executed. The second amendatory is something that 100% of the Utah Cities, as well as the six co-ops need to sign off on. Mr. Haacke said it looks positive for the Utah municipalities at 100%, and the co-ops are showing good signs also. Mr. Hewlett said that five of the cities have already approved. Mr. Nicponski asked if there were any problems in the Price/Carbon area. Mr. Haacke said that the city of Price was one of the first to sign. Mr. Haacke said the Mayor of Price was totally in support as was the Council, although they did have concerns about job losses. Mayor Snarr commented that there were a lot of natural gas wells there to possibly convert also.

Mr. Haacke stated that contract #3 was the actual renewal for the 4% entitlement. There is a little more time to review on that contract and the 4% entitlement can be altered.

The fourth contract is the excess power sales agreement. This gives the City the chance to layoff and that is an important one also, but could be signed at a later date. Some of the cities have passed all four at one time, while other cities have opted to pass two at a time, and review the orphan shares and entitlement. Mr. Stam asked if 100% of the cities have to pass it, where would the orphan shares come from. Mr. Haacke explained that two cities have been hesitant about renewing. They would be a participant until 2027, but just not renew at that time. Mr. Hewlett added that all the cities need to come into the second amendatory power sales contract, but to enter into the renewal power sales contract would be optional. He explained that is where the orphan shares would come from.

Mr. Shaver asked what timely meant. Mr. Haacke said that he would like the first two contracts to be signed at the meeting on October 29<sup>th</sup>. Mr. Nicponski asked if the Power Advisory Board had passed these also. Mr. Haacke replied that they had.

Mr. Brass asked what percentage of Murray's current resources were coal. Mr. Haacke replied that about 40% to 50% was from coal. He mentioned that a lot of coal was purchased from UAMPS. Mr. Brass noted that this has come a long way, particularly with the callbacks. He has concerns about natural gas being acceptable in the future, with fracking and other environmental issues. He noted that the exposure isn't as great with 48 megawatts. He feels good about the contract and noted that LADWP commented on the difficult expectation of scheduling power when it isn't known if the 300 megawatts would be available in six months. That made him aware of the situation that LADWP is in. He believes this agreement is much better than it was a year ago. He noted that coal is going to be a problem and will get more expensive, as plants are required to clean up their emissions. He stated that a fallback of 48 megawatts of natural gas is a good thing.

Mr. Haacke commented that the beauty of this agreement is if the power isn't called back, there is no cost at all. Mr. Haacke said the City would be more apt to call it back in the summer season, now since there are only four months to play with. Mr. Brass noted that the power load fluctuates during the day, but the same price is paid throughout the day. Sometimes it will benefit the City and other times it will not.

Mr. Haacke said he feels good about the contract, and agreed that it has come a long way.

Mr. Nakamura commented that Mr. Haacke was very instrumental in the call back negotiations. Mr. Haacke was a really good negotiator, and getting it to three years was important. He also noted that the bond had been identified as a risk in the memo, but that is a risk that always exists. He mentioned that he had spoken with Eric, who said that the provisions in the agreement allow for any problems to be paid with the revenues. The City will not be personally liable, and the City's assets won't be subject to default. He believes there would be an obligation to raise rates to cover expenses, but the City itself is not liable. That is worst case scenario. His other question was on financing, but the market is unknown in seven years, so those are just risks involved with any contract.

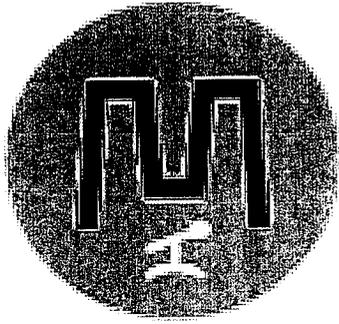
Mr. Nakamura commented on the Renewal Sales Power Contract and said it could be passed with some flexibility for the Power Department to pick up those orphan shares.

Mr. Hewlett noted that IPP appreciates Murray's involvement. Murray is the largest participant from the Utah municipalities, providing a lot of leadership for the other cities to look to. Murray has had a member sit on the IPP Board, which has been helpful. He noted that this partnership in this site has developmental capabilities that aren't even possible at this time.

Mr. Nakamura recognized Briant Farnsworth and his efforts with this contract.

Mr. Hales adjourned the meeting.

Kellie Challburg  
Council Office Administrator II



**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.)

A RESOLUTION APPROVING THE AMENDMENT AND RESTATEMENT OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND DRAPER CITY, MIDVALE CITY, SALT LAKE COUNTY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, WEST JORDAN CITY, WEST VALLEY CITY, TOWN OF ALTA, HERRIMAN CITY, RIVERTON CITY, TAYLORSVILLE CITY, BLUFFDALE CITY, HOLLADAY CITY, COTTONWOOD HEIGHTS CITY, UNIFIED FIRE AUTHORITY AND UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE REGARDING THE OPERATION OF A COMMUNICATIONS CENTER LOCATED WITHIN SALT LAKE COUNTY

**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 11.19.13  
 Date requested  
 Discussion Only  
 Ordinance (attach copy)  
Has the Attorney reviewed the attached copy?   
 Resolution (attach copy)  
Has the Attorney reviewed the attached copy?   
 Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy?   
 Appeal (explain) \_\_\_\_\_  
 Other (explain) \_\_\_\_\_

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

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

**6. REQUESTOR:**

Name: Jan Wells	Title: Chief of Staff
Presenter: Jan Wells	Title: Chief of Staff
Agency:	Phone:
Date: 10/02/2013	Time: 10:00

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

Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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

**9. NOTES:**

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

A RESOLUTION APPROVING THE AMENDMENT AND RESTATEMENT OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND DRAPER CITY, MIDVALE CITY, SALT LAKE COUNTY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, WEST JORDAN CITY, WEST VALLEY CITY, TOWN OF ALTA, HERRIMAN CITY, RIVERTON CITY, TAYLORSVILLE CITY, BLUFFDALE CITY, HOLLADAY CITY, COTTONWOOD HEIGHTS CITY, UNIFIED FIRE AUTHORITY AND UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE REGARDING THE OPERATION OF A COMMUNICATIONS CENTER LOCATED WITHIN SALT LAKE COUNTY

WHEREAS, Title 11, Chapter 13, of the Utah Code, provides that two or more public agencies may, by agreement, jointly exercise any power common to the contracting parties for joint undertakings and services; and

WHEREAS, the City and Draper City, Midvale City, Salt Lake County, South Jordan City, South Salt Lake City, West Jordan City, West Valley City, Town of Alta, Herriman City, Riverton City, Taylorsville City, Bluffdale City, Holladay City, Cottonwood Heights City, Unified Fire Authority and Unified Police Department of Greater Salt Lake ("Members") have created an entity which serves as a Communications Center ("Center") under an agreement effective on or about June 13, 1988, ("Former Agreement") in order to protect, preserve and enhance the health, safety and welfare of persons within the municipalities and the unincorporated portions of Salt Lake County which has handled communications and other services for the Members, including Police, fire, PSAP/E-911 service, dispatch and records services; and

WHEREAS, the Members wish to amend and restate the Former Agreement and intend that the police and fire department of each member municipality and each member agency shall participate in the Center by the terms of the amended Agreement; and

WHEREAS, the Members intend that the police, fire and medical dispatch functions of all parties hereto, where applicable, be combined in an efficient, effective and flexible centralized systems.

WHEREAS, the Members want the amended Agreement to continue for a period of fifty (50) years or until terminated by unanimous consent of the then parties; and

WHEREAS, an Amended and Restated Interlocal Agreement has been prepared to accomplish such purpose.



EXHIBIT "A"

**AMENDED AND RESTATED  
INTERLOCAL COOPERATION AGREEMENT**

THIS AGREEMENT is made between the following political subdivisions of the State of Utah, hereinafter referred to collectively as "Members" and individually as "Member":

DRAPER CITY  
MIDVALE CITY  
MURRAY CITY  
SALT LAKE COUNTY  
CITY OF SOUTH JORDAN  
CITY OF SOUTH SALT LAKE  
CITY OF WEST JORDAN  
WEST VALLEY CITY  
TOWN OF ALTA  
HERRIMAN CITY  
RIVERTON CITY  
CITY OF TAYLORSVILLE  
BLUFFDALE CITY  
CITY OF HOLLADAY  
CITY OF COTTONWOOD HEIGHTS  
UNIFIED FIRE AUTHORITY  
UNIFIED POLICE DEPARTMENT OF GREATER SALT LAKE

**PURPOSE.** The Members and others, in June 13, 1988, entered into an interlocal cooperation agreement ("Former Agreement") to create, fund and operate an interlocal cooperation entity which shall have served as a communications center, (herein called the "Center") in order to protect, preserve and enhance the health, safety and welfare of persons within the Municipalities and the unincorporated portions of Salt Lake County by creating a communications center located within Salt Lake County which shall handle communications and other services for the Members, including Police, fire, PSAP/E-911 service, dispatch, and records services. The Members wish to amend and restate the Former Agreement and intend that the police and fire departments of each member municipality and each member agency shall participate in the Center by the terms of this Agreement. The Members intend that the police, fire and medical dispatch functions of all parties hereto, where applicable, be combined in an efficient, effective and flexible centralized system.

**AUTHORITY.** The Members make this Agreement pursuant to Section 11-13-203, Section 10-1-202, 17B-1-103 and Section 17-50-302, Utah Code Annotated, as amended.

**CONSIDERATION.** The consideration for this Agreement consists of the mutual benefits and exchange of promises provided herein.

## SPECIFIC PROVISIONS

1. NAME. By this Agreement the Members hereby amend and restate the Former Agreement that created interlocal cooperation entity known as the Salt Lake Valley Emergency Communications Center, herein called the "Center".
2. TERM. This Agreement shall take effect upon its execution by all Members whose names appear first above and shall continue for a period of 50 years or until terminated by unanimous consent of the then parties to it or until dissolution of the Center. Upon dissolution, the assets remaining, including any surplus money, shall be disposed of among the Members thereto at the time.
3. MEMBERSHIP. Each Member which is a signatory to this Agreement, and each additional political subdivision or public agency accepted for membership by a two-thirds vote of the Board of Trustees pursuant to the provisions hereof which shall hereafter sign this Agreement is a Member of the Center and is entitled to all the rights and privileges and subject to the obligations of membership as set out herein.
4. TERMINATION OF MEMBERSHIP. This Agreement shall remain in full force and effect as to each member agency for a minimum of five years from and after the date the member is first signs accepts and signs this interlocal agreement., subject to the appropriation of funds by the legislative body thereof. Thereafter, any party to this Agreement may cease to be a party hereto and may withdraw from membership in the Center by the adoption by its legislative body of a resolution of intention to withdraw and the giving of written notice to the Director and to each of the other Members not less than six months before the Center's new fiscal year. Due to the potential impact to public safety emergency response, the written notice of the intention to withdraw must include evidence of an alternative means to provide emergency response services. Said termination shall be effective on the last day of the said current fiscal year of the Center. A Member terminating its membership herein shall have no interest in the assets of the Center unless it is a Member at the time of dissolution of the Center.

After receipt by the Center of a resolution of intent to withdraw by a member, and before termination of membership takes effect, the Director shall calculate the departing member's proportionate share of the existing bonded indebtedness and other indebtedness incurred in by VECC to provide any service to the departing member, up to the date of the Member's termination of membership (hereinafter referred to as "the indebtedness"). The departing member's proportionate share of the indebtedness shall be calculated by determining the proportion of the departing member's contribution to the total Center budget for the fiscal year prior to the member's withdrawal, as expressed in a percentage of the overall budget. In determining the total Center budget for the purpose of calculating the departing members' proportionate contribution to the same, the Director shall not take into consideration the receipt of grant moneys which could not be used toward payment of the indebtedness. The director shall continue to assess the departing member, and the departing member shall continue to pay after termination of membership takes effect, its proportionate share of the indebtedness as said indebtedness becomes due and payable, until the indebtedness is paid in full.

5. **POWERS OF THE CENTER.** The Center shall have the power in its own name, to provide dispatch services, records, E-911, and other communications and related services to governmental subdivisions and to other entities; to make and enter into contracts; to employ agents, consultants and employees; to acquire, hold and dispose of property, real and personal; to sue and be sued in its own name; and to incur debts, issue bonds, liabilities or obligations necessary for the accomplishment of the purposes of this Agreement; to accept gifts; and to make bylaws, rules, and regulations regarding the Center. The Center shall have the power of eminent domain which power shall not be exercised except with the unanimous consent of the Board of Trustees.

6. **LIMITED OBLIGATION OF MEMBERS.** The debts, liabilities and obligations of the Center shall not constitute any debt, liability or obligation of any of the individual Members. The obligation entered into by each of the Members by this Agreement are limited obligations and nothing herein shall constitute or give rise to a general obligation or liability of the Members or a charge against their general credit or taxing powers.

7. **OPERATIONS.** The Center shall operate on the following principles:

(a) **Services.** The Center shall provide combined fire, police, medical dispatch and some public works services for all Members, and other communications-related services which the Board of Trustees wishes to provide to Members and others subscribing to those services, including, Salt Lake County-wide or State-wide emergency functions.

(b) **System.** Dispatch operation shall be based upon a team dispatch profile that provides for actual dispatching to occur while emergency information is still being received.

(c) **CAD and Records.** It is the intent of the Members to operate with a computer-aided dispatch system. The system adopted by the Center shall be able to communicate with the records systems of the Members. The cost of the system as well as the records communication link shall be borne by the Center subject to the assessment and budget policies set by this Agreement and the Board of Trustees. The system adopted shall have adequate hardware maintenance and repair support and software support available.

(d) **Dispatch Manning and Training.** Whenever desired by individual Members and subject to manning efficiencies during low-volume hours, the dispatch, manning, training and emphasis shall be structured to insure a high level of familiarity with the street system, personnel, equipment and procedures of the Members. Whenever possible, persons familiar with the Member's street system, including former dispatchers for that Member, shall be assigned to that Member's dispatching where applicable.

(e) **Flexibility.** The operation and policies of the Center shall be marked by flexibility consistent with the principles set out above to meet the varied needs of the participating Members.

(f) Mutual Aid Agreements. Nothing contained herein shall supersede mutual aid agreements of individual Members.

8. AMENDMENT. This Agreement may not be amended, other than the admitting of new members which is governed by paragraph 3 above, except by written agreement of all the then Members to it.

9. BOARD OF TRUSTEES. The Center shall be governed by a Board of Trustees consisting of one representative from each Member, appointed by the governing body of the Member. A Member representative shall be the Mayor, a City Council member, a board member, the chief executive officer or the city manager, where applicable. The Member may also designate in writing an alternate representative, who also must be the Mayor, City Council member, board member, chief executive officer or senior level manager of the Member. The Member representative or alternate representative will attend, participate and vote on matters coming before the Board of Trustees on behalf of the Member. Neither the Member representative nor alternate representative may also be a member of the Operations Board. Each Member shall have one vote on the Board of Trustees. Each member's vote shall be weighted. The weight given to each vote shall be determined by the proportion of the Member's contribution to the total Center budget for the previous fiscal year expressed as a percentage. The weight of any new member representative's vote shall be determined by estimating what the new member's contribution to the Center budget would have been had the new member been a member during the previous fiscal year. The weight of each Member's vote shall be adjusted at the beginning of each Center fiscal year.

(a) Tenure. Each trustee shall serve at the pleasure of the Member, which may replace the trustee as it wishes in accordance with applicable law. In the event of removal, resignation, or death of a trustee, the appointing member shall promptly appoint a successor to fill the position.

(b) Powers, Duties. The Board of Trustees shall be the legislative body of the Center. It shall determine the policies, and budget of the Center, the assessments for each Member, and shall have final determination of all matters having budgetary impact on the Center. No trustee, acting in an individual capacity, shall direct or request the appointment of any person to, or his discharge from the Center, nor interfere in any way with the performance of Center staff in the performance of their duties. Trustees shall not give orders or directives to any subordinate of the director of the Center, publicly or privately. Nothing herein, however, shall prevent a trustee who otherwise could do so except for his position on the board, from giving directions to or making requests of dispatchers or other staff.

Officers, Bylaws, New Members, Staff. The Board of Trustees shall elect a chair and such other officers as it sees fit. It shall adopt bylaws for the Center consistent with this Agreement, allocate funds, and select a director ("Director"). The Board of Trustees may establish procedures for its business and operations, create committees composed of the trustees or other persons, allow other governmental entities to join the Center, make policies for the employment of Center employees, and perform such other acts which do

not violate the terms of this Agreement, the bylaws or applicable law.

Nothing herein shall prevent the Board of Trustees from appointing committees to conduct investigations into the conduct of any officer or any matter relating to the welfare of the Center.

Special Services. Where services provided by the Center are not used by all the Members, the trustees of those Members using the respective services shall have primary responsibility for setting policies with respect to those services which shall not conflict with Center policies as a whole. The costs of those special services shall be determined by the entire Board of Trustees.

(c) Meetings. The Board of Trustees shall meet at least once every three months, shall give reasonable notice to all trustees of the time and place of each meeting, and shall otherwise follow the terms of the Utah Open and Public Meetings Act, Section 52-4-1 et. Seq. Utah Code Annotated, as amended, where applicable.

(d) Decisions, Quorum. A Quorum shall be required for the transaction of all business of the Board of Trustees, and shall consist of a majority of the total number of Member representatives, and that majority must represent a majority of the weighted voting rights represented on the Board of Trustees. Most decisions shall require a vote of a majority of the total weighted votes present. Any vote to approve a budget increased over the last approved budget by more than 2% shall require a supermajority vote of 2/3 of all the Member representatives and 2/3 of all the weighted votes. Supermajority voting may also be required if expressly elsewhere so provided by this Agreement, applicable law, the Bylaws, or the rules or policies of the Board of Trustees; provided that a bylaw, policy or rule providing for supermajority voting on a matter must be approved by the same supermajority vote.

(e) Director. The Board of Trustees shall select a director. The director shall serve at the pleasure of the Board of Trustees. The director shall report to the Chair of the Board of Trustees.

10. OPERATIONS BOARD. The Board of Trustees shall establish an Operations Board, which shall include the Director. The Board of Trustees shall adopt bylaws which shall set forth the membership, powers, duties, policies and procedures for the Operations Board.

11. FINANCIAL AFFAIRS. The financial affairs of the Center shall be conducted in compliance with the Utah Municipal Fiscal Procedures Act and generally accepted accounting principles. The Board of Trustees shall provide for an audit of the financial records of the Center by an independent certified public accounting firm annually. The Board of Trustees shall promulgate appropriate policies for the accounting, methods of maintaining accounts, the payment of obligations of the Center, the preparation of the annual budget, adoption of a fiscal year and other financial affairs of the Center.

(a) Assessments, Workload, Payments. Each member receiving services from the

Center shall be assessed annually, fairly based upon a workload share with respect to each service the Member receives from the Center. Members shall make payments to the Center quarterly or at such other time as the bylaws or policies shall provide. The Board of Trustees shall annually evaluate the method for assessing workloads.

(b) Overhead. The overhead of the Center shall be divided into four categories: PSAP/E-911, Dispatch Services, Records Services, and Miscellaneous Services. All overhead of the Center shall be attributed to one of the above four categories and allocated to them based upon workload and impact to the Center most directly attributed thereto. Overhead shall include, but not be limited to lease or building purchase, maintenance of building, utilities, insurance, administrative costs, financial services, director's salary, and costs of the Board of Trustees and Operations Board.

(c) Dispatch Assessment. The annual assessment to each Member for dispatch services and overhead associated therewith shall be determined annually as part of the annual budget preparation. The annual assessment for each Member shall be adjusted annually for workload, changes in overhead costs, changes in dispatch-specific system costs, and inflation and deflation as measured by appropriate indices of the U.S. Department of Labor.

(d) Records. A Member may at its sole discretion elect to have the Center provide its records services. The cost of said services shall be combined with the overhead most directly allocated thereto, and shall be fairly divided among Members receiving records services on a workload share basis.

(e) Miscellaneous Services. Members may at their discretion elect to receive other communications-related services which the Center may from time to time choose to provide. The overhead most directly allocated to each service shall be included in the cost of such service to the Member or Members receiving it, and the total cost including overhead for the service shall be fairly divided among the Member receiving the service on a workload share basis.

(f) Additional Services. A Member may, if it elects, receive increased dispatch services assigned solely to its dispatch needs, provided it pay the additional cost thereof.

(g) Nonmember Agencies. The Board of Trustees shall set reasonable costs for services for nonmember agencies receiving services from the Center.

12. PSAP/E-911. The Members agree to provide 911 services and allow the collection of 9-1-1 fees for their jurisdictions in accordance with applicable State statute. The Members shall pay to the Center those 911 monies received from The Utah Tax Commission, which the Members shall hold in trust for the Center. The Board of Trustees shall apply said payments to the PSAP/E-911 services of the Center and the overhead allocated thereto as prescribed by State statute. The Board of Trustees may allow exceptions to the full payment of 911 fees to those members for whom dispatching services are provided by another primary PSAP. The division of those 911 fees will be negotiated between two involved PSAPs, with final approval of the Board

of Trustees.

13. COMMENCEMENT and EFFECTIVE DATE. The Center began operations on January 1, 1989, and this amended Agreement shall be effective when adopted by all members, or such later date determined by the Board of Trustees.

14. OFFICERS, STAFF. The Center shall have a Director and other employees which shall be selected and serve by a process determined by the Board of Trustees. Staff personnel shall be trained and qualified to perform their duties in a manner consistent with the purposes and terms of this Agreement.

15. CONFIDENTIALITY. The Board of Trustees and Operations Board shall take such steps as they deem necessary to protect and keep confidential appropriate information received or kept by the Center in accordance with law. The Members shall protect and keep confidential information kept or received by the Center during the term of this Agreement and after the termination of their membership in the Center pursuant to the Bylaws or other policies adopted by the Board of Trustees and consistent with law.

16. COOPERATION, STANDARDIZATION. While all Members recognize the individual differences of each Member, all Members participating herewith commit themselves to mutual cooperation, and each agrees to move towards standardization and unification of those functions relating to emergency response, dispatch, record keeping and equipment purchasing.

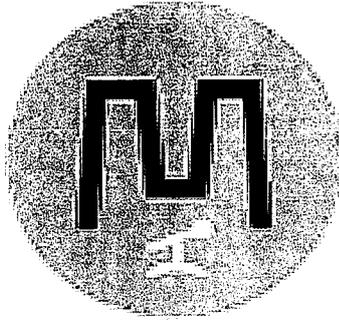
17. LIABILITY AND INDEMNIFICATION. The Center shall defend, indemnify, save harmless and exempt the Members, their officers, agents and employees from and against all claims, suits, legal proceedings, demands, damages, costs, expenses, and attorney's fees incident to any willful or negligent acts or omissions by the Center, its officers, agents or employees. The Board of Trustees shall, prior to the commencement of operations, provide for risk and liability coverage in such amounts as it deems necessary to insure against risks which the operation of the Center may involve.

SIGNED AND DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
MEMBER

ATTEST:

\_\_\_\_\_  
APPROVED AS TO FORM:



**MURRAY**  
CITY COUNCIL

**Discussion  
Item #2**

# Murray City Municipal Council Request for Council Action

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

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

Financial Statement Review Fiscal Year 2013

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

Financial Sustainability

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

Council Meeting OR  Committee of the Whole

Date requested **11/19/2013**

Discussion Only

Ordinance (attach copy)

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

Resolution (attach copy)

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

Public Hearing (attach copy of legal notice)

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

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

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

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

N/A

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

Financial Statements

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 11/6/2013

Time: 5:00 PM

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

Department Director:

Date: 11/6/2013

Mayor:



Date: 11/6/2013

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

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

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

9. **NOTES:**



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

## **Memo:**

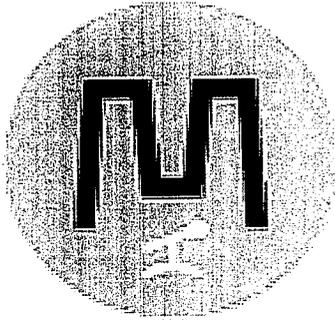
**To:** Frank Nakamura, City Attorney

**From:** Justin Zollinger, Finance Director

**Date:** November 6, 2013

**Subject:** Yearend Financial Statement Resolutions

As you know the City has prepared its fiscal year 2013 financial statements and had them audited by our independent auditors. The finance department would like to present the financial statements to the City Council on November 19, 2013. This letter is to request the City attorney prepare a resolution to be presented to council for this council meeting. This resolution provides evidence that the City comply with state law.



**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.)

Governmental Accounting Standards Board (GASB) 54 Fund Balance

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

Financial Sustainability

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

Council Meeting OR  Committee of the Whole

Date requested **11/19/2013**

Discussion Only

Ordinance (attach copy)

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

Resolution (attach copy)

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

Public Hearing (attach copy of legal notice)

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

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

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

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

N/A

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

Attachment A

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 11/6/2013

Time: 5:00 PM

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

Department Director:

Date: 11/6/2013

Mayor:



Date: 11/6/2013

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

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

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

9. **NOTES:**



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

## **Memo:**

**To:** City Council

**From:** Justin Zollinger, Finance Director

**Date:** November 6, 2013

**Subject:** Governmental Accounting Standards Board (GASB)

The Governmental Accounting Standards Board (GASB), the governing body for governmental accounting, issued GASB statement 54 in February 2009. This statement requires governments to adopt their guide lines for reporting governmental fund balance within an entity's local code. A detailed description of the categories is included in "Attachment A".



MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

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

CERTIFICATE OF PUBLICATION

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

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

## ATTACHMENT A

For financial statement reporting purposes, governmental fund balance is to be reported in the following categories:

Nonspendable  
Restricted  
Committed  
Assigned  
Unassigned

When resources may be spent from various categories of fund balance, resources will generally be spent in the order listed above.

### Definitions of Fund Balance

**Nonspendable** – Some of the resources reported in a governmental fund cannot be spent because they are not in spendable form. Other resources reported in governmental funds are in spendable form, but still cannot be spent because they are legally or contractually required to be maintained intact.

**Restricted** – Some constraints on the use of resources are externally enforceable. Most often, such restrictions are imposed by parties outside the government (creditors, grantors, contributors, and laws or regulations of other governments). Such restrictions also may result from constitutional provisions or enabling legislations.

**Committed** – A government at its highest level of decision-making authority may formally place a constraint on the use of its own resources (for example, dedicated revenues) that remain legally binding unless removed in the same manner.

**Assigned** – Governments frequently desire to set aside ( earmark) resources for particular purposes. This requires the Mayor to propose the resources to be set aside and Council to ratify this action subsequent to the end of the fiscal period.

**Unassigned** – All other resources that are not required to be reported in one of the other four fund balance categories. This category is only used in the general fund.

The City currently maintains the following governmental fund types and funds:

#### General Fund

#### Special Revenue Funds

- Municipal Building Authority
- Library
- Redevelopment Agency
- Community Development Block Grants

#### Cemetery Perpetual Care

#### Capital Projects

A **general fund** is used as the main operating fund of a government. It is used to account for all resources not required to be reported in another fund. Fund balance in this type of fund may be reported in nonspendable, restricted, committed, assigned, or unassigned.

**Special revenue funds** are used to account for the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes. As such, the following revenues are restricted or committed to the following specified purposes and as such are accounted for in a special revenue fund:

**Municipal Building Authority** – This fund may be used to bond for City projects when rates are more advantageous in this fund than using other City funds. Fund balance could be restricted, committed, or assigned depending on the circumstances.

**Library** – Property taxes are levied for the specific purpose of the Library and are restricted by state law for that purpose. All other charges for services and other miscellaneous revenues collected by the fund through Library operations are restricted for that purpose.

**Redevelopment Agency** – Property taxes are collected for the specific purpose of redevelopment and are restricted to redevelopment activities.

**Community Development Block Grants** – Money received for specific grant programs are restricted for that purpose.

**Cemetery perpetual care funds** are used to account for payments received for the long term care of the cemetery. The fund may also receive transfers from the General Fund to build reserves. The balance of the fund's reserves is considered committed by City ordinance adopted by Council.

**Capital projects funds** are used to account for resources that are restricted, committed or assigned to the expenditure for capital outlay and maintenance. Council approves by original adopted budget or by amendment transfers to capital projects funds that are assigned for this purpose.

**Enterprise funds** include Water, Waste Water, Power, Murray Parkway, Telecommunication, Solid Waste, and Storm Water. **Internal Service funds** include Central Garage and Retained Risk Reserve. As the focus of this ordinance is on governmental fund balance, enterprise funds and internal service funds are not discussed. However, any future funds (governmental, enterprise or internal service) will be created by council resolution, either included within the original adopted budget, or by special resolution.

**Adjournment**

**BOARD OF  
CANVASSERS**

Notice of Meeting  
Murray City Board of Canvassers

Tuesday, November 19, 2013  
6:20 p.m.  
Council Chambers  
5025 South State Street  
Murray, Utah 84107

Pursuant to Utah Code, Title 20A, Chapter 4, notice is hereby given that the Board of Canvassers of Murray City, shall canvass the November 5, 2013 General Election returns during a public meeting, to be held on Tuesday, November 19, 2013 at 6:20 p.m. in the Council Chambers.

- I. Call to Order
- II. Report General Election results
- III. Consider a resolution certifying the election results
- IV. Adjourn

Special accommodations for the hearing or visually impaired will be made upon a request to the office of the City Recorder (801) 264-2660. We would appreciate notification two working days prior to the meeting. TDD number (801) 264-2506.

On Thursday, November 7, 2013 at 11:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center and posted on the Utah Public Meeting website.

---

Jennifer Kennedy  
City Recorder  
Murray City Corporation

# 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 OF THE BOARD OF CANVASSERS OF MURRAY CITY CORPORATION  
(GENERAL ELECTION).

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

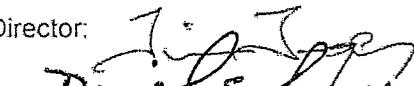
3. **MEETING, DATE & ACTION:** (Check all that apply)  
 Council Meeting OR  Committee of the Whole  Board of Canvassers  
 Date requested: November 19, 2013  
 Discussion Only  
 Ordinance (attach copy)  
Has the Attorney reviewed the attached copy?   
 Resolution (attach copy)  
Has the Attorney reviewed the attached copy? Yes  
 Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy?   
 Appeal (explain) \_\_\_\_\_  
 Other (explain) \_\_\_\_\_

4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
Not Applicable

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
Memo, Resolution and copy of contract with Salt Lake County. Results to follow.

6. **REQUESTOR:**  
Name: Tim Tingey Title: Administrative and Development Services Director  
Presenter: Jennifer Kennedy Title: City Recorder  
Agency: Phone: 801-264-2663  
Date: October 10, 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: 10/10/13  
Mayor:  Date: 10/10/13

8. **COUNCIL STAFF:** (For Council use only)  
Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**



MURRAY CITY CORPORATION  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

TO: City Council  
Mayor Snarr  
Jan Wells, Chief of Staff

CC: Tim Tingey, Director of Administrative and Development Services

FROM: Jennifer Kennedy, City Recorder

DATE: October 10, 2013

SUBJECT: Consider a Resolution of the Board of Canvassers of Murray City Corporation

Per UCA 20A-4-301, I am requesting your approval of a Resolution of the Board of Canvassers of Murray City Corporation for the General Election.

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

A RESOLUTION OF THE BOARD OF CANVASSERS OF MURRAY CITY CORPORATION APPROVING RESULTS OF THE 2013 MURRAY CITY MUNICIPAL GENERAL ELECTION

WHEREAS, the Board of Canvassers of Murray City Corporation (the Board), consisting of the Mayor and Murray City Municipal Council, met on November 19, 2013 to conduct a canvass to the returns of the 2013 Murray City General Election held on November 5, 2013; and

WHEREAS, the Board must canvass the returns of the 2013 Murray City General Election for election to the Murray City Municipal Council and Mayor; and

WHEREAS, the Salt Lake County Elections Representatives reviewed the mail-in and absentee ballots received after November 5, 2013 to determine eligibility; and

WHEREAS, the Salt Lake County Elections Representatives reviewed the mail-in and absentee ballots and accepted them; and

WHEREAS, the Salt Lake County Elections Representatives verified provisional ballots; and

WHEREAS, the Salt Lake County Election representatives merged mail-in and absentee ballots, and provisional ballots with the election night (November 5, 2013) results to produce final results; and

WHEREAS, the City's Election Officer presented to the Board how the ballots were electronically processed and the quality control measures initiated to insure accuracy; and

WHEREAS, the City's Election Officer presented her report to the Board, a copy of which is attached, which contains the election results of the 2013 Murray City General Election for election to the Murray City Council and Mayor; and

WHEREAS, the Board is satisfied with the accuracy of the results presented.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Board of Canvassers as follows:

1. The Board certifies, as final, the results of the 2013 Murray City General Election as presented in the City's Election Officer report, a copy of which is attached hereto.

2. The Board directs the City's Election Officer to publish the report as required by Section 20A-4-304 of the Utah Code and file a copy of the report with the Utah Lieutenant Governor's Office.

PASSED, APPROVED AND ADOPTED by the Board of Canvassers of Murray City, Utah, this 19th day of November, 2013.

MURRAY CITY BOARD OF CANVASSERS

\_\_\_\_\_  
Dave Nicponski

\_\_\_\_\_  
Darren V. Stam

\_\_\_\_\_  
James A. Brass

\_\_\_\_\_  
Jared A. Shaver

\_\_\_\_\_  
Brett A. Hales

\_\_\_\_\_  
Daniel C. Snarr

ATTEST:

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

ELECTIONS OFFICER

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

INTERLOCAL COOPERATION AGREEMENT  
BETWEEN

MURRAY CITY

-AND-

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

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

WITNESSETH:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EL13017C

- 11. Counterparts. This Agreement may be executed in counterparts by the City and the County.
- 12. Governing Law. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
- 13. Integration. This Agreement embodies the entire agreement between the parties and shall not be altered except in writing signed by both parties.

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



By [Signature]  
Mayor Dan Snarr

[Signature]  
Jennifer Kennedy, City Recorder

Approved as to form and compliance with applicable law:

[Signature]  
City Attorney  
Date: \_\_\_\_\_

**APPROVED AS TO CONTENT**

[Signature]

SALT LAKE COUNTY

By [Signature]  
Mayor Ben McAdams or Designee

Approved as to form and compliance with applicable law:

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

Approved as to the availability of funds  
Murray City Finance Division  
[Signature]  
Budget Officer

**Exhibit "A"**  
**2013 Municipal Elections**  
**Scope of Work**

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

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

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

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

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

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

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

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

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

**Exhibit "B"**  
**2013 Election Estimate**  
**Murray**

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

Assumptions for providing this estimate consist of the following:

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

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

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Council Minutes

# Murray City Municipal Council Chambers Murray City, Utah

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 1<sup>st</sup> day of October, 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:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Doug Hill,	Public Services Director
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Rondi Knowlton,	Mayor's Office
Gil Rodriguez,	Fire Chief
Susan Dewey,	Associate Planner
Jennifer Heaps,	Office Administrator
Bonnie Park,	IS Technician
Bruce Turner,	Power Department
Darin Bird,	Shade Tree Commission
Geneal Nelson,	Shade Tree Commission
Jan Evans,	Shade Tree Commission
Jim Hendrickson,	Shade Tree Commission
Deb Ashton,	Murray School District
Scouts	
Citizens	

## 5. OPENING CEREMONIES

5.1 Pledge of Allegiance – Jan Wells, Chief of Staff

5.2 Approval of Minutes

5.2.1 Approval of minutes for August 6<sup>th</sup>, 2013

Mr. Shaver made a motion to approve the minutes.  
Mr. Brass seconded the motion.

Voice vote taken, all “ayes.”

5.3 Special Recognition:

5.3.1 Murray City Council Employee of the Month, Bonnie Park.

Staff Presentation: Tim Tingey, Administrative and Development Services Director

Mr. Hales invited Tim Tingey, Administrative and Development Services Director and Bonnie Park to join him at the podium.

Mr. Hales stated that the City started the Employee of the Month program a little while ago and it has been a really great program. He told Ms. Park that she has been recognized by Mr. Tingey as he was the one who recommended that she receive this award. Mr. Hales continued saying that as a Council they would like to give her a \$50.00 gift card to the Fashion Place Mall, a certificate, and they will be putting her name on the Employee of the Month plaque that hangs in the Council Chambers at City Hall. He congratulated Ms. Park and turned the time over to Mr. Tingey to say a few words.

Mr. Tingey said that there are a lot of individuals that work for the City that do great work that make our work here at the City effective and efficient for our residents. They make a difference every day in the lives of individuals and a lot of times you don't see those individuals. Ms. Park does not come to the City Council meetings that often but the work she does is so important every day and the contribution to our community is great.

Mr. Tingey continued saying that Ms. Park is reliable. When you talk to her about an issue she follows through with it. She solves problems. She is congenial in her efforts in working with people. She has a “can-do” attitude. She has excellent professionalism and is one of those people that are great assets for our community and for our City. She deserves all the praise that she should get with this recognition. She is a wonderful employee. Mr. Tingey said he was pleased and so happy to be associated with her every day and he thanked her for her efforts.

Mr. Tingey mentioned that Ms. Park's supervisor, Rob White, City Network Administrator, was not able to be here today as he had to be out of town. Mr. White was also very much involved in this process of identifying Ms. Park as a potential employee of the month. Mr. Tingey thanked Ms. Park again for all that she does.

Mr. Hales asked Ms. Park to introduce her family.

Ms. Park introduced her family.

Mr. Shaver attested to just how congenial Ms. Park is. He stated that Ms. Park is always kind enough to point him in the right direction when he needs assistance. He thanked her for that.

- 5.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah declaring October 14-18, 2013, as "Ribbon Week – Healthy Community Proclamation – Own Your Future."

Presentation: Deb Ashton, Safe & Drug Free Schools Coordinator/Truancy Specialist.

Ms. Ashton thanked the Council for the opportunity to take a few minutes and tell them about their campaign in Murray School District and in the community. The theme is "Own Your Future" so they went with the district colors. You can't just tell students anymore to "say no to drugs" or "too smart to start" because they really need to build skills. They will be helping the students identify how they can own and create their future.

Ms. Ashton directed the Council to the handout that was given to them (Attachment 1). She advised that the information given to the council was for everyone. She directed the Council to the part in the packet that talks about the parent seminar. This seminar came through House Bill 298 and they will be hosting this on October 8<sup>th</sup>, 2013 at Murray High School. The seminar is for adults only. This is the first time they have done this, but Ms. Ashton said that it is because they are really looking at some sensitive material with the internet safety and suicide prevention etc. Then the next step will be working with their students and helping them help themselves as well as others.

Ms. Ashton told everyone to come out to this. They have the Attorney General's office coming out on internet crimes against children. She wasn't sure if the Council was familiar with Parents Empowered; they have those great commercials on TV. They will be sharing some of their new commercials and some really great tips. Ms. Ashton feels that sometimes as parents we forget that we are really the key to our child's future and helping them. Sometimes we think

it is about peers. Ms. Ashton continued saying that it will be a phenomenal evening from 6:00 pm to 7:30 pm.

Ms. Ashton showed the Council some other information in the packet that they were giving out to educators, counselors, school boards, etc. for them to look at two different options this year for presenters. Ms. Ashton also pointed out the most important part of this information that she would like the Council to really look at and take some consideration of is a prevention state endorsed program called Prevention Dimensions through Verne Larsen. It is evidence-based so when it is implemented it has proven results.

Ms. Ashton continued stating they have had educators attending this for a number of years and they would like community members, such as parents, PTA, etc., to attend. When parents attend, they just register through her, Deb Ashton, at Murray High School. Ms. Ashton invited anyone who is interested to contact her. Once registered, you will receive the curriculum which is phenomenal. She had a few parents who attended last year just because they wanted some ideas to implement in their homes. They are hoping that all of the PTA and PTSA representatives will attend this.

Ms. Ashton encouraged everyone to attend this. She told the Council that in the packet there is some data on the risk and high use rates as well as the three most commonly abused substances. There is also information on suicide prevention and what the stats are in Utah. They will be covering a lot of that in the parent forum.

Something that Ms. Ashton found interesting is that for families that have two or more family dinners per week the suicide and drug use drastically decrease. There is an article in their packet on that.

Ms. Ashton mentioned that a great resource is the Mobile Outreach Crisis Team. They will come to the school when a student is having a mental health disorder or issue. They will go to homes also. It is at no cost and what happens is that a multi-disciplinary team will stay in the home helping the family to get the resources they need. They will then continue with whatever kind of service is needed. It is phenomenal that it is mobile.

As an educator and clinical social worker, Ms. Ashton has a lot of parents say that they are worried about taking their child home over the weekend because they are suicidal. They have a safety plan. This is the avenue that can be taken to really get tapped into the right kind of help.

Ms. Ashton thanked the Council for their time every year. She hopes that they will come out to the parent's seminar and consider taking some time to participate in the Prevention Dimensions training. Verne Larsen from the State Office of Education is phenomenal. It is one of the best trainings ever. She asked the Council if they had any questions.

Mr. Shaver asked Ms. Ashton about the awareness statistics. He stated that we are looking at 2011 prevention needs awareness. He asked if that was done every two years.

Ms. Ashton responded that it was. She also said that they had just barely received the statistics for 2013. Throughout the state of Utah and Murray School District alcohol and cigarette use is decreasing. She asked the Council what drug they thought was increasing.

No response from Council.

Ms. Ashton continued saying that prescription drug use is high, there is some spice use, but marijuana is the drug that has increased use. There is a real mixed message with Washington and Colorado passing laws for recreational use of marijuana.

Mr. Nicponski stated that the media is a big problem with that also.

Ms. Ashton agreed. She mentioned that ten to fifteen percent of our youth are current users. It is not all of the students. Students will say to Ms. Ashton that everyone drinks and everyone is doing this. It is just not true. Eighty-five to ninety percent of the students don't. And that is the message they want to give them; that they don't have to do something that they don't want to do to fill like they belong. So the majority doesn't.

Mr. Hales asked Ms. Ashton to repeat the percentage again.

Ms. Ashton responded that ten to fifteen percent of students have used or are currently using substances. There is a five percent error rate. She offered to send over the data for the 2013, which has similar use rates. She reiterated the five percent error rate so it could be ten percent or it could be twenty percent.

What Ms. Ashton likes about this study is that it is state wide and includes all the districts in Utah. There are also national statistics done. They can see how Murray School District compares to the state, which a lot of times they are neck and neck, even though she feels they should not be. Murray is a small community and we need to help our students more as parents and leaders to make better choices. It seems to be that same consistent ten to fifteen percent.

Mr. Shaver stated that if there is a statistic that he would like to point out, it is the eighth graders. If you look at the sheet the eighth graders based on the state versus Murray School District, there is a massive difference there in the percentage. That means that the introduction to most of this is coming in our middle schools, Riverview and Hillcrest. That is where it is happening.

Ms. Ashton agreed. She noted that it peaks. Usually the older students are within the school system the more use rate they will have. She asked the Council to look on the second sheet of the packet. She mentioned that the perceived rate of use is much higher than the actual rate. Perceived rate of alcohol use for sixth grade is 2.5%. The actual rate is 1.3%, which is still astounding, but students feel like more students use than really do. They really want to dispel some of those myths.

Mr. Nicponski made a motion to approve the Resolution.  
Mr. Shaver seconded the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mayor Snarr read the Resolution in its entirety.

Mayor Snarr told Ms. Ashton that she has been coming to the City for most of the time that he has been in office. He told Ms. Ashton that she has done a great job and has great passion for this. They have made significant strides over the years identifying those core areas. They can be very helpful in helping our students get through school and live a little more productive life. He thanked Ms. Ashton for all she does.

### 5.3.3 Murray City's 29<sup>th</sup> Annual Beautification Awards Program for 2013.

Presentation: Jim Hendrickson, Shade Tree and Beautification Commission

The following received Beautification Awards:

District Winners:

District # 1: Johnson Residence  
5074 South Clover Crest Drive  
Murray, Utah 84123

District # 2: Stevens Residence  
809 West Shadow Wood Drive  
Murray, Utah 84123

District # 3: Kessimakis Residence  
4648 South 345 East  
Murray, Utah 84107

- District # 4: Sainsbury Residence  
5345 South Knollcrest  
Murray, Utah 84107
- District # 5: Sorenson Residence  
5836 South Forrest Side Lane  
Murray, Utah 841074

Mayor Award Winners

- Commercial Premises: Enginuity  
5926 South Stratler  
Murray, Utah 84107
- Multi-Family: Maple Ridge Condominiums  
5500 South 1300 East  
Murray, Utah 84121
- Mayor's Award  
Multi-Family: Lost Creek Apartments  
4950 South State Street  
Murray, Utah 84107
- Xeriscape Residence Johnson Residence  
329 East 6240 South  
Murray, Utah 84107

Mr. Hendrickson stated that Murray City is a beautiful city thanks to the people who live in it and who have an interest in making their homes beautiful. He stated the Shade Tree and Beautification Commission has some awards to give to the residents who have won their contest. There were a large number of homes entered into the program this year. They had a long session in order to find those who won. He welcomed the recipients to the meeting.

Darin Bird presented the first two awards. Mr. Bird stated that Jay Hazelgren is the member from District # 1 and he was not able to be here tonight. He invited the Johnson's from 5074 South Clover Crest Drive to come up and accept their award as winner from District # 1.

Mr. Hales said that the Johnson's residence is beautiful. Mrs. Johnson taught school over at Longview Elementary for a lot of years. He stated that she was his kids' favorite teacher. She was phenomenal.

Mr. Bird presented the award for District # 2 which is his district. The winners of that award were Ron and Mimi Stevens who live at 809 West Shadow Wood Drive. Mr. Bird invited the Stevens up to accept their award.

Mr. Bird continued saying he thought they had more nominations for District # 2 than any other district. This particular home is located in his neighborhood and he is excited to have the Stevens here today.

General Nelson presented the award for District # 3. Ms. Nelson said that the

recipients don't know it, but they live around the corner from her so she has seen this house quite a bit and they always have a beautiful yard. She presented the award to the Kessimakis residence. They live at 4648 South 345 East.

Mr. Hendrickson presented the award for District # 4 to the Sainsbury residence. They live at 5345 South Knollcrest.

Jan Evans presented the award for District # 5 to the Sorenson Residence. They live at 5836 South Forrest Side Lane. Ms. Evans stated that they are very special friends of hers and she is thrilled to be able to share this with them.

Mr. Hendrickson thanked the Murray City residents for the efforts that they make to make the City a beautiful one.

Mayor Snarr commented that Ron Stevens learned all of his landscaping skills in Scotland because they manicure all their properties so well over there and make sure moss grows over everything.

Mayor Snarr presented the Beautification Award for the Commercial Property in Murray City. The award goes to Engenuity at 5926 South Stratler. A representative from Engenuity accepted the award on behalf of the company.

The next award Mayor Snarr presented was the Mayor's Award Multi-Family which was awarded to Lost Creek Apartments located at 4950 South State Street. Mayor Snarr stated that he drives by these apartments all the time and they are beautiful. He added that the apartments are owned and ensured it is immaculate by Intermountain Health Care.

Mayor Snarr added that he watches the landscapers at Lost Creek Apartments. They go overboard because they also plant a lot of flowers, pansies, for the winter. That is a lot of work to do that, but again you can see how beautiful it is. Mayor Snarr added that not only were they the winner of this award, but they were the overall winner. He congratulated Lost Creek Apartments.

The next award was the Multi-Family Award which Mayor Snarr presented to Maple Ridge Condominiums located at 5500 South and 1300 East. He stated that you can see how beautiful these condominiums are. They do a lot of work to make their community very beautiful.

The final award Mayor Snarr presented was for Xeriscape Residence. Mayor Snarr presented the award to the Johnson Residence located at 329 East 6240 South. He added that this property is behind the Fashion Place Mall and it is an extremely well-manicured, taken care of property.

Mayor Snarr added that this is the last time he gets to hand out these awards. He thanked the Shade Tree Commission. This has always been a passion of his. He

loves driving around the City, looking at projects, analyzing things and making sure that the pot holes are filled well. He added this is special to his heart because he has landscaped a lot of places in Murray over the years. He takes great pride in his yard and both of the commercial properties he owns. Murray City has quite a community effort where we have people who really want to make their yards look nice as well as their neighborhood; they take it upon their selves to help do it. It makes Murray a great place to live. He thanked the citizens for making the visual tour of Murray enjoyable.

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

No citizen comments given.

Citizen comment closed

7. **CONSENT AGENDA**

7.1 None Scheduled.

8. **PUBLIC HEARINGS**

8.1 Public Hearing #1

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

Consider an Ordinance amending the City's Fiscal Year 2013-2014 Budget.

Staff presentation: Justin Zollinger, Finance Director.

Mr. Zollinger stated he appreciates the opportunity to come before the Council and present all of these budget items. This is a lengthy list. He will start by presenting the roll-forwards first.

For the first item, the Power fund started a project last year to redo their parking lot. They got the front portion of it done but they did not get all of it done. They would like to carry \$400,000.00 so that they have some funds to pay for that project. The project is done now, it is just they would like to carry that money forward.

The second item is the Vine Street Underground Electrical Project. This is actually work that the Power fund is going to be doing and the Capital Projects fund is reimbursing them for that work. It is like changing pockets. It is just in the Power fund now instead of the Capital Projects fund. He wanted to be clear on that one.

In addition the Capital Projects fund Land and Right-of-Way Purchase, we have set aside money into an escrow account. We have an agreement, but the money has not left and they have not fulfilled their contract yet. Therefore, we need to appropriate that money so that when all the contractual obligations are fulfilled we can then pay it and it will be expensed at that point. This item is also in the RDA. We have two sources there. It is \$450,000.00 and it is for the project off of Vine Street. Both of those are the same type of thing.

We had some carry-forward budget from Class C last year of \$268,374.00. Mr. Zollinger calculated that as long as they have reserves he will calculate that if they have something left. He will calculate that every year and work with Doug Hill, Public Services Director, on getting that money brought forward.

In our Water fund, Jefferson Street and Kenwood/Avalon and Edison projects are carrying forward \$210,590.00. They were not completed last year so we are carrying forward that budget to complete those projects this year.

Also, in the Waste Water fund, the Mall line completion, Fairbourne and Edison, Riverside Lift Station, and 235 East sewer line fix are carrying forward \$647,350.00.

The waste water line for McGhee Springs is carrying forward \$1,030,000.00. If Mr. Zollinger remembers correctly, this one is actually bond proceeds that the City will be using to pay for that.

CDBG Administration is reimbursing the General fund. We provide the service to administer the proceeds and then we can reimburse ourselves through those grant proceeds. In addition to the administration, Community Development Corporation of Utah has a carry-forward of \$25,000.00.

Mr. Zollinger stated that those are all of our budget carry-forwards and roll-overs. He will now go over the new money that we are receiving.

First is the Justice Assistant Grant for \$32,595.00. This is a little bit less than prior years but we are still getting a fair amount of money.

The Victims of Crime Act, or VOCA Grant, is \$34,947.00. Both of these grants, the Justice Assistant Grant and the VOCA Grant will go to the General Fund.

The State of Utah Justice Grant; we have already received this money; for \$1,400.00.

We received the Library Services and Technology Act Grant for \$13,322.00. Kim Fong, Library Director has done a great job. This grant has actually provided us over \$60,000.00 in the last two years. We have benefited a great deal from this

grant.

Select Health donated \$7,500.00 for a pickle ball court and we just received those proceeds today. Mr. Zollinger stated that was very generous of them. He thought that was really great.

We received a grant from the Utah Division of Arts and Museum Grant for \$6,000.00. That is an additional award. We had already budgeted \$2,000.00; we received an additional \$6,000.00 this year.

The Hazmat Response Grant was \$32,000.00 which will go into the General Fund. We have received this grant already; we are just putting it into the budget so the Fire Department can make use of it.

The Emergency Management Performance Grant was \$8,500.00. This will be put into the General Fund also.

We received money from House Bill 377 for the 1300 East Road Project. Mr. Zollinger did not know that this money would come so quickly. We received this and the 5900 South money at once. If he would have known it was coming so quickly, he would have encouraged the City to put it in the budget. It showed up, so he is putting it in the budget so we can get that project going. The amount received for 1300 East was \$1,800,000.00. We received \$1,200,000.00 for 5900 South. This money will be budgeted for Capital Projects

Settlement payouts for the City's Retained Risk Fund were \$195,000.00. The City has some claims that are coming up.

Right now, as our fund balance sits, the City is at 25.56%. That is preliminary. Mr. Zollinger continued saying the City has anticipated the change of our 45 day to 60 day accrual. We anticipated the change on what we were calling "restricted". We anticipated the sale of the Sports Mall money coming in. We anticipated budget savings of \$2,000,000.00; it was actually \$2,200,000.00 to \$2,300,000.00. And then we had greater sales tax money than what we had budgeted. So that put us higher.

Mr. Zollinger feels that he could have done better and anticipated a little bit better. This reflects on the City's policy that we have this savings plan and departments are really working hard to save their money so they can use it for next year's CIP (Capital Improvement Plan). He believes this is partially attributed to that.

Mr. Zollinger continued stating that the City is going to move \$660,000.00 from the General Fund to the Capital Projects Fund for next fiscal year's CIP. We are setting money aside in Capital Projects and as the CIP gets together, we will allocate it to the different departments and then bring it to Council for approval.

This is just moving the money to the Capital Projects Fund.

Mr. Shaver verified that the City is at 25.5%.

Mr. Zollinger responded the actual number is 25.56%.

Mr. Shaver asked how much that puts the City over.

Mr. Zollinger replied the City is over by .56%. He added that he is not going to avoid it. He did not anticipate it being there. He thought it was going to be around 21%. He added that this is a great problem to have. Mr. Zollinger asked the Council if they had any questions.

Public Hearing opened for public comment.

No public comment given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Ordinance.  
Mr. Brass 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mr. Hales noted that some scouts had joined the meeting. He asked them to stand up and introduce themselves, state their troop number and the badge they are working on.

Mr. Stam added that some of the merit badges the scouts earn require service; that they find a service project or some type of service that they give. The Council has a list of people the scouts can contact for service around the community or the City. He told the scouts if they are interested to see Janet Lopez, Council Administrator, and she will provide them with the information.

Mr. Shaver added they also have forms for the scouts to fill out that will help them with their merit badges.

**9. UNFINISHED BUSINESS**

9.1 None scheduled.

**10. NEW BUSINESS**

Items 10.1 and 10.2 were discussed and voted on together.

- 10.1 Consider a Resolution approving an Interlocal Agreement between the City and the State of Utah, Department of Heritage and Arts for a grant to enhance year-round funding to provide pay for professional musicians in the City's four summer series, to provide stipends for production staff for two summer musicals, to pay for two quality youth theater touring companies, including ArtsPower and Missoula Children's Theater and to support the City's arts in education/youth activities.
- 10.2 Consider a Resolution approving an Interlocal Agreement between the City and the State of Utah, Department of Heritage and Arts for a grant to assist the City to provide the ArtsPower touring public performance with library story hours and reading incentives, school instruction and performance outreach activities.

Staff presentation: Doug Hill, Public Services Director.

Mr. Hill noted that he will be handling both of these items at once. There are two grants that the City received from the State of Utah. Because they are Interlocal Agreements between two governmental entities, the State and Murray City, it requires that the Council approve these Interlocal Agreements.

The first one is what is called a Local Arts Agency Grant for \$8,000.00. That will be used to fund many of the City's art programs that we are currently offering.

The second grant is for \$1,900.00. It is called an On Stage Grant. That will be used to allow a theater production company to come in town and work with the school district, with the classrooms to put on a play this year called, "The Monster Who Ate My Peas."

Mr. Hill reiterated that there are two grants; one for \$8,000.00 and another one for \$1,900.00.

Mr. Brass made a motion to approve both Resolutions.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Both motions passed 5-0

## 11. MAYOR

### 11.1 Mayor's Report

Mayor Snarr wanted to make the Council aware that there is a major beautification project underway on 300 West. It is the old Ore Sampling Mill. It is being cleaned out for a potential resale. It doesn't take a lot to do any beautification over there because it has been significantly challenged for many years with a lot of cars that had value at one time but they have rusted away. Now they are cleaning the property up and hauling the cars away. The Mayor thinks they will be leaving a few cars there and are going to try to dispose of them through some special sale. If you go over there, it looks a lot better. The trees and other things that were growing up through the frames of the vehicles and what not are being taken down.

The property owner is doing a good job of getting the property cleaned up. He promised the City he would do that and he is keeping his word. The first time the City was told the cleanup would be done in 60 days. It didn't happen, but he has come back and said it would be within 30 days. That has taken place. The Mayor encouraged the Council to look at that property if they are in that area.

Mr. Shaver said that he thought he had read that the property owner was actually going to auction some of those items on site. He asked the Mayor if that was correct.

Mayor Snarr stated that was correct.

Mr. Shaver asked if the Mayor knew when that was going to be happening.

Mayor Snarr responded that he did not. However, that property has so much visibility and potential for development, the City just hopes that the efforts of the property owner to get it cleaned up will provide someone who has a vision and the money to make it something that will give value back to the City instead of people calling and complaining about the graffiti and what not. It is one more property that could be an asset rather than a visual liability to the City.

Mayor Snarr commented that the City has great Department Heads. One of them who takes a lot of heat, which he does because he has a passion for what is right for the future of our City, is Tim Tingey, Administrative and Development Services Director. Mr. Tingey has done an excellent job to make some improvements in the City's business regulation review process. Because he has done such an excellent job, the Governor is recognizing his efforts in a special press conference on October 16, 2013.

The Mayor was going to attend the conference with Mr. Tingey but he will be at UAMPS up in Portland, Oregon, looking at a project up there.

He will also be looking at another potential project for Central Valley Water Reclamation Facility. The Mayor feels that is now more directed toward South Valley because they are running out of water out there for the development of South Jordan. If they can figure out a way to clean the water and it also produces power with the hydrogen as part of the process of cleaning the water. It is a very unique project. There is actually interest from DP&G, Deseret Power and Generation, out there in Jensen, Utah. There is also interest from some others down in Southern Utah.

Mayor Snarr said that the progress that has been made on the hotels recently is pretty phenomenal. You can see a steel frame on the bottom of the Hilton, but the rest will be stick frame. Structurally because of all the commercial elements on the bottom level; over at the Marriott they just did a cinderblock and poured concrete in the cinderblock. But the hotel will be stick framed on top. He added that it is exciting.

Mr. Hales said that it is exciting to see them going up.

The Mayor stated that it is also exciting to see what will happen over the course of the next couple of months. There will be major demolition between 6100 South and 6400 South.

Mr. Hales asked the Mayor how large that building was going to be. How many square feet?

The Mayor replied it was about 75,000 square feet. He thinks it is five stories at 15,000 square feet per story. It is the University of Utah building. He added that the City does not have anything to do with that as far as inspections or anything else. Just like the schools are controlled by governing entity over the schools; the governing entity over health care facilities takes care of that. Although we were, in this case because the University of Utah is attached to the State and state funded, whereas IMC is a non-profit entity. The City did do all of the inspections on that project.

#### 11.2 Questions of the Mayor

### 12. ADJOURNMENT

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Jennifer Kennedy, City Recorder

# Attachment 1

# **SUBSTANCE ABUSE & VIOLENCE PREVENTION 2013 RED RIBBON CAMPAIGN OWN YOUR FUTURE!**

## **This year's CHALLENGE:**

1. Teach prevention concepts & skills **throughout** the year.
2. Teachers, PTA/PTSA Health & Safety Commissioners, parents & community partners attend the **Prevention Dimensions Training** (schedule/registration attached).
3. Choose a couple of the resources below to strengthen your Prevention Campaign!

## **Prevention Campaign Student & Family Forum Resources**

### **Substance Abuse**

\*cost

1. \*Steve James- Prevention Dimensions Assembly Tour  
801-556-3843 (Elementary)
2. Verne Larsen- Utah State Office of Education Safe & Drug Free Schools Director  
[verne.larsen@schools.utah.gov](mailto:verne.larsen@schools.utah.gov) (Elementary & Secondary)
3. \*Brad Barton- Prevention Mindset, Activities & Presentations  
[http://www.bradspeaks.com/downloads/Red\\_Ribbon\\_Week\\_Recipe.pdf](http://www.bradspeaks.com/downloads/Red_Ribbon_Week_Recipe.pdf) (  
Elementary & Secondary)
4. \*Michael Brook- High Performance Living  
High energy, exciting & motivating program about high performance living that exemplifies the steps to build physical, emotional and mental health.  
<http://www.highperform.com/aboutus.html> (Elementary & Secondary)
5. Kali Mower- Odyssey House  
Faculty, student & parent presentations to promote a healthy lifestyle.  
[kmower@odysseyhouse.org](mailto:kmower@odysseyhouse.org) (Secondary)
6. Ashley Frederickson- Teen Talk (drugs, bully prevention & skill building)  
Tech savvy, teen partying, downplay the drama, tough decisions, how to be true to yourself, relationships with parents & peers, how to succeed in school, self-health, ...  
[mhsprincess@gmail.com](mailto:mhsprincess@gmail.com) 801-864-9509 (Secondary)

### **Bullying & Cyber Bullying**

1. Nikki Wolfe – Internet Crimes Against Children Task Force Education Specialist  
[nwolfe@utah.gov](mailto:nwolfe@utah.gov)
2. Sim Gill- Salt Lake District Attorney 801-366-7804

3. Patsy Speelman- FBI SOS (Safe Online Surfing) Program  
<https://sos.fbi.gov/> 801-579-6840
  - School Presentation (approx. one hour)
  - Online curriculum for students in 3<sup>rd</sup> – 8<sup>th</sup>
  
4. \*Brent Burnham- Midway Elementary School & Vice President of the Utah Association for Elementary School Counselors  
 Contact: 435-654-0472 [brent.burnham@wasatch.edu](mailto:brent.burnham@wasatch.edu)
  - Bully Blockers Program
  - Cool to Care
  
5. Ellen Jensen & Marci Taylor- Don't Stand By... Be an Ally!  
 Ellen Jensen [mejensen@graniteschools.org](mailto:mejensen@graniteschools.org)  
 Marci Taylor [mtaylor@graniteschools.org](mailto:mtaylor@graniteschools.org)  
<http://www.graniteschools.org/depart/schoolaccountability/studentsservices/bullyingprevention/Pages/default.aspx#ally>
  - Granite School District (Elementary & Secondary)
  - Sexual Harassment (Secondary)
  
6. Deb Ashton & Shawn Johnson- School Supports to address Substance Abuse, Bullying & Truancy (Faculty: Elementary & Secondary)
  
7. Esekia Afatasi- Salt Lake Area Gang Project  
 Contact Michelle Busch-Upwall [MUpwall@updsl.org](mailto:MUpwall@updsl.org) or 801-473-5891 (Secondary)

### **What You Can Do About Bullying?**

**Become familiar** with the MSD anti-bullying **policy** and associated **programs** and **communicate** them to all members of the school community.

**Accept responsibility** for carrying out the program including:

- Teach a planned **curriculum** on bullying and spend time on the issue
- Make sure action is consistently taken to deal with cases of bullying
- Care about the problem of bullying as part of a "**whole school approach**"
- Spend time with students, especially students at risk
- Be the **authority** in your classroom, and anywhere on school grounds
- Share in the **supervision** of children with your colleagues (times & places)
- Teach **bystanders** how to step up and stop the bullying
- Show them that they are in the **majority** of students who disapprove of bullying
- Teach them realistic and safe behaviors to use, and when to use them
- Provide diversity training to build empathy

**Distinguish with Children:**

- **Tattling/Snitching:** trying to get someone into trouble for unimportant matters
- **Telling:** sharing important information when someone is being physically or psychologically harmed

**Websites:**

[www.stopbullying.gov](http://www.stopbullying.gov)

<http://www.pacer.org/bullying>

<http://www.bullyingstatics.org>

<http://www.violencepreventionworks.org/public/index.page> (Olweus)

# Salt Lake County Prevention Dimensions Trainings 2013 - 2014

Prevention Dimensions (PD) trainings are offered throughout the year for elementary and secondary educators. Prevention Dimensions is an evidenced-based program endorsed by the Utah State Office of Education. The series of resource lessons align with the Kindergarten - 12<sup>th</sup> Grade Health Core. New teachers attend one of the initial trainings and then again every 5 years.

**Location: Jordan School District Auxiliary Services Building  
7905 South Redwood Road  
Time: 8:00 am - 3:00 pm**

(Administrators, elementary educators & school counselors/social workers)

- Thursday, November 14th (Elementary)
- Thursday, February 27th (Secondary)
- Monday, March 26th (Elementary)

**Location: Granite School District Programs Building  
2500 South State Street  
Time: 8:00 am - 3:00 pm**

(Administrators, elementary educators & school counselors/social workers)

- Monday, October 7th (Elementary)
- Thursday, January 30th (Elementary)

## Attendance Includes:

- .5 USOE credit
- Lunch
- Prevention Dimensions materials
- Paid substitute to attend

## To Register:

Email the following information to [dashton@murrayschools.org](mailto:dashton@murrayschools.org):

- Name
- School
- Grade
- Date of Training
- Confirmation will be emailed
- Login to SubFinder
- Select Professional Development
- Select Prevention Dimensions 7601-2200-132

Deb Ashton, LCSW  
Safe & Drug Free Schools Coordinator

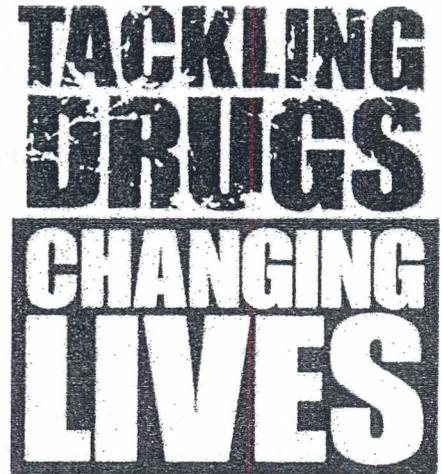
# How Big Of A Problem Is It?

## 2011 Prevention Needs Assessment Student Survey Report

Four Domains: School, Peer/Individual, Family, Community

### Risk Factors Predict Problem Behaviors, such as:

- Substance Abuse
- Delinquency
- Teen Pregnancy
- School Drop-out
- Violence



### School Domain Risk Factors:

- Low commitment to school
- Academic Failure

### School Domain Protective Factors:

- Provide **Opportunities** for Prosocial Involvement for ALL Students
- Provide **Rewards** for Prosocial Involvement for ALL Students

### Most Commonly Abused Substances

6 <sup>th</sup>	8 <sup>th</sup>	10 <sup>th</sup>	12 <sup>th</sup>
1. Inhalants	Alcohol	Marijuana	Alcohol
2. Alcohol	Marijuana	Alcohol	Marijuana
3. Cigarettes	Cigarettes	Cigarettes	Cigarettes

6 <sup>th</sup>		8 <sup>th</sup>		10 <sup>th</sup>		12 <sup>th</sup>	
District	State	District	State	District	State	District	State
4.8%	5.0%	11.3%	8.4%	11.7%	10.1%	13.4%	10.5%

### Perceived vs. Actual Use

#### Drank Alcohol in the past 30 days:

	6 <sup>th</sup>	8 <sup>th</sup>	10 <sup>th</sup>	12 <sup>th</sup>
Perceived Use:	2.5%	34.4%	44.7%	42.0%
Actual Use:	1.3%	6.6%	2.6%	20.5%



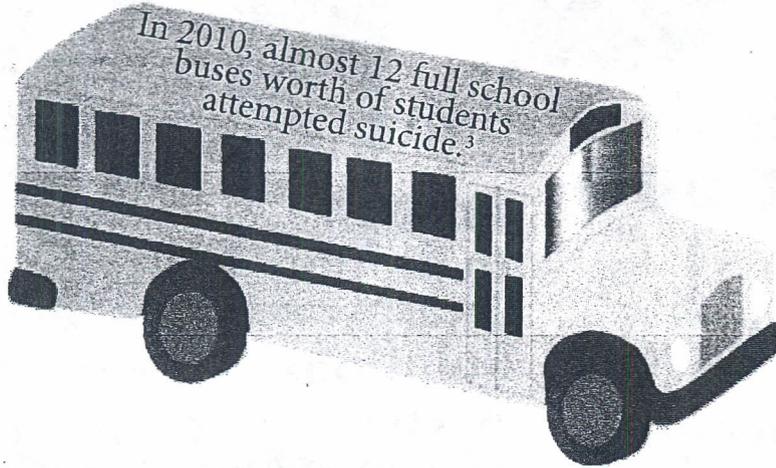
UTAH DEPARTMENT OF HEALTH

Violence & Injury Prevention Program

(AGES 10-17)

# Youth Suicide in Utah

**2nd** leading cause of death ages 10-17<sup>1,3</sup>



Utah ranks



in the Nation<sup>1</sup>

**19 YOUTH DIE BY SUICIDE EACH YEAR, ALMOST THE NUMBER OF STUDENTS IN AN AVERAGE HOMEROOM CLASS.<sup>3</sup>**

Youth are more likely to use suffocation/hanging or firearms as a method of suicide.<sup>3</sup>



In an average classroom size of 30...

will report feeling sad and hopeless

**4**

will have seriously considered suicide

will have made a suicide plan

**2**

will have attempted suicide one or more times

will have had medical treatment for a suicide attempt

Boys have a significantly higher suicide rate than girls,



while girls attempt suicide 2.5 times more than boys.<sup>3</sup>

For more information visit: [www.health.utah.gov/vipp](http://www.health.utah.gov/vipp)  
National Suicide Prevention Lifeline 1-800-273-TALK (8255)

1. Centers for Disease Control and Prevention Web-based Injury Statistics Query and Reporting System  
 2. Substance Abuse and Mental Health Services Administration National Survey on Drug Use and Health  
 3. Utah Department of Health Indicator-based Information System for Public Health  
 4. Utah Department of Health Violence and Injury Prevention Program Utah Violent Death Reporting System

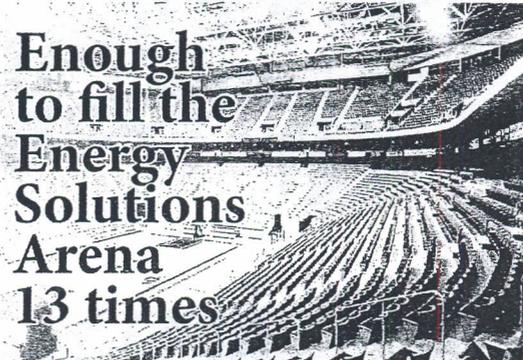
# Utah Suicide Facts

**2nd**!  
leading cause  
of death ages  
10 to 24<sup>1,3</sup>

Utah ranks  
  
in the Nation<sup>1</sup>

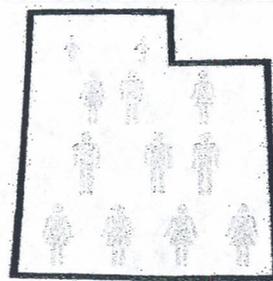
**NINE**  
Suicides  
a week<sup>3</sup>

  
**1 in 15**  
Utah adults have  
had serious thoughts  
of suicide<sup>2</sup>

Enough  
to fill the  
Energy  
Solutions  
Arena  
13 times  


**EVERY DAY IN UTAH...**

- 2 Youth
- 3 Young adults
- 3 Adult men
- 4 Adult women



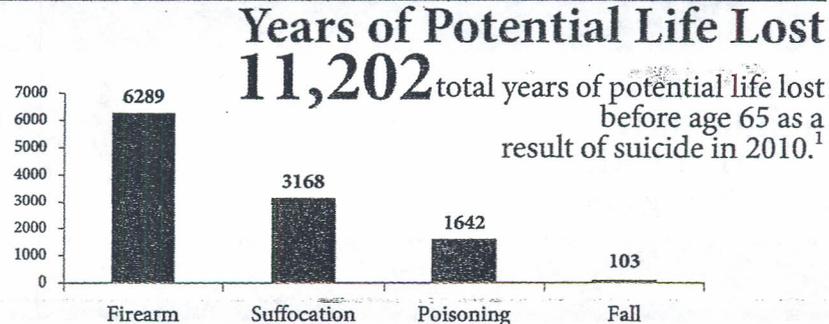
**ARE  
TREATED  
FOR SUICIDE  
ATTEMPTS<sup>3</sup>**

There is a **SUICIDE** in Utah every 15 hours 

Adult males  
are at higher risk for  
suicide compared to females  
in every age group<sup>3</sup>

Adult males who die by suicide  
are more likely to have job,  
financial, substance abuse, and  
relationship problems.<sup>4</sup>

Each suicide  
costs an  
average of  
**\$1,015,333**  
in medical and  
work loss costs.<sup>1</sup>



# **Teens Having Two or Fewer Family Dinners per Week Are Twice as Likely to Get Drunk Monthly**

**Sep 19, 2006**

Teens who have infrequent family dinners (two or fewer per week) are twice as likely to smoke daily and get drunk monthly, compared to teens who have frequent family dinners (at least five per week), according to a new report from the National Center on Addiction and Substance Abuse (CASA) at Columbia University and sponsored by TV Land and Nick at Nite's Family Table. This is the first time the study has examined the relationship between a teen's current tobacco and alcohol use and family dinners.

The report, *The Importance of Family Dinners III*, also reveals that, compared to teens who have five or more family dinners per week, those who have two or fewer are:

- More than twice as likely to have tried cigarettes;
- One-and-a-half times likelier to have tried alcohol;
- Twice as likely to have tried marijuana; and
- More than twice as likely to say future drug use is very or somewhat likely. Findings in *The Importance of Family Dinners III* draw from CASA's 11th annual back-to-school survey, released this past August.

## **Parental Engagement**

The report's findings underscore the significance of family dinners as a proxy for parental engagement.

Compared to parents who say their families have dinners together frequently, those who have infrequent family dinners are:

- Five times likelier to say they have a fair or poor relationship with their teen;
- One-and-a-half times likelier to say they know the parents of their teen's friends not very well or not at all;
- More than twice as likely to say they do not know the names of their teen's teachers; and
- Twice as likely to say that parents deserve not very much blame or no blame at all when a teenager uses illegal drugs.

"This year's findings prove that family dinners and the communication that occurs over the course of a meal are critical in building a relationship with your children and to understanding the world in which they live," said Joseph A. Califano, Jr., CASA's chairman and president and former U.S. Secretary of Health, Education and Welfare. "Parents who have frequent family dinners are those who take the time to know their child's friends and the parents of these friends, know their child's teachers and chaperone their parties, and have healthier kids."

"Once again, the study's findings serve as a wake-up call to the benefits of engaging kids consistently at the family table," states Larry W. Jones, president, TV Land and Nick at Nite. "Making the commitment to eat together on a regular basis can influence your kids' lives more than anything else you do."

If you can't eat dinner together:

Serve a small snack, and let everyone share something good that happened that day, or tell a little bit about their day. Make sure everyone gets a chance to talk, and that everyone feels valued and respected.

Find a substitute gathering time – maybe right after school or just before bed – and stick to it.

Eat a snack or play a game together a few times each week.

Wake up early enough to sit down together at breakfast.

Eliminate distractions like television and telephone calls from your family time.

Make sure everybody gets a chance to talk, and as a parent, listen.

## **Too Busy for Dinner**

This year, 58 percent of teens report having dinner with their families at least five times a week, the same proportion CASA has observed over the past several years. Consistent with what teens report, 59 percent of parents say they have frequent family dinners.

This year, for the first time the study asked teens and parents who have infrequent family dinners to tell us the main reason why their family does not have dinner together more often. More than one in five of these parents and teens say they are too busy to have dinner together more often. The reason most commonly given by parents for why family dinners are not more frequent is because of conflicting schedules, while the most common reason given by teens is because one or both parents work late.

## **Family Dining and Academic Performance**

Teens who have frequent family dinners are likelier to get better grades in school, and higher academic performance is associated with lower substance abuse risk.

Teens who have dinner with their families five or more times a week are likelier to say that they receive either all As or mostly As and Bs in school compared to teens who have dinner with their families fewer than three times a week (63 percent vs. 49 percent). Teens who typically receive grades of C or lower are at twice the risk of substance abuse as those receiving all As or mostly As and Bs.

## **Other Findings**

Family dinners mostly take place at home: More than 90 percent of teens and parents say they have fewer than three family dinners per week at a restaurant or someplace other than their home.

Family dinners are also more common than family breakfasts: Only 17 percent of teens and 13 percent of parents say they eat breakfast with a family member five or more times per week.

Twenty-six percent of 17 year olds have family dinners seven nights per week compared to 51 percent of 12 year olds and 40 percent of 13 year olds.

Teens who have frequent family dinners are more than twice as likely to say that parents are always home during the house parties they attend.

Compared to teens who have five or more family dinners per week, those who have two or less are twice as likely to report that half or more of their friends use marijuana and are one-and-a-half times likelier to say half or more of their friends drink alcohol.

"Of course there are no silver bullets; teen substance abuse can strike any family. But one factor that does more to reduce teens' substance abuse risk is parental engagement and one of the simplest and most effective ways for parents to be engaged in their teens' lives is by having frequent family dinners," Califano concluded.



## UNI Crisis Services

University Neuropsychiatric Institute (UNI), in partnership with Salt Lake County and OptumHealth SLCo, is now providing comprehensive crisis response to Salt Lake County residents.

### *CrisisLine*

UNI CrisisLine provides 24-hour phone service staffed by mental health professionals. These specialists provide crisis intervention, suicide prevention, information and referral, emotional support and assistance to individuals experiencing emotional distress or psychiatric crisis.

### *The Warm Line*

The Warm Line, (801) 587-1055, is a recovery support line available daily from 3 p.m.–11 p.m. Certified peer specialists provide callers with support, engagement and encouragement. They promote wellness in a nonjudgmental and respectful manner by listening, empowering a person to resolve his or her own problem, and fostering a sense of hope, dignity and self-respect.

### *Mobile Crisis Outreach Team*

UNI Mobile Crisis Outreach Team (MCOT) is an interdisciplinary team of licensed professionals and certified peer specialists. Available 24/7, they provide crisis resolution services for anyone experiencing or at risk of a mental health crisis requiring intervention.

This team provides rapid response, face-to-face assessment and crisis intervention throughout Salt Lake County. UNI MCOT also offers consultation and support to individuals, families and treatment providers. Follow-up services provide information, referrals and linkage with appropriate community-based mental health services for ongoing treatment.



UNIVERSITY OF UTAH  
HEALTH CARE

#### Receiving Center

The UNI Receiving Center (RC) is an innovative program providing a short-term, secure crisis center for up to 23 hours. The RC is designed to offer a safe, supportive and welcoming environment to both voluntary and involuntary individuals. It recognizes each person as a guest and provides the critical time needed to work through his or her crisis.

The center features the "Living Room" model including peer support and clinical staff. Treatments include therapeutic crisis management, strength-based assessment utilizing peer specialists, health screenings to determine health-care needs, assessment by a licensed mental health professional, medication intervention, safety, security and assistance in discharge planning. The RC acts as the primary receiving facility for law enforcement officers and EMS personnel in Salt Lake County.

#### Wellness Recovery Center

The Wellness Recovery Center (WRC) is a short term residential program for Salt Lake County residents experiencing an acute mental health crisis. The Center follows a recovery/resiliency model. Staffed by a team of nurses, social workers, psychiatric technicians, consulting psychiatrists and certified peer specialists, the WRC provides crisis triage and intervention, assessment services, medication intervention, safety, security and assistance in alleviating the crisis.

#### Peer Bridger Program

The Peer Bridger program provides WRC consumers with continued follow-up and support for up to 30 days after leaving the WRC. Peer Bridger assists clients in making appointments with treatment providers, organizing transportation to appointments, obtaining documents and negotiating systems of care. All of which are crucial elements for successful transition back into the community.

The Peer Bridger Program provides a unique and personal level of support and service to effectively deliver consistent, uninterrupted quality care to individuals transitioning into the community from hospital or WRC stays.



UNIVERSITY OF UTAH  
HEALTH CARE

University Neuropsychiatric Institute.

501 Chipeta Way

Salt Lake City, Utah 84108

**(801) 587-3000**

# Special Recognition #1

# Murray City Municipal Council Request for Council Action

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

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)  
MURRAY CITY COUNCIL EMPLOYEE OF THE MONTH, FIREFIGHTER &  
PARAMEDIC, PAUL ADAMS – NOVEMBER 2013

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

3. **MEETING, DATE & ACTION:** (Check all that apply)  
 Council Meeting OR  Committee of the Whole  
 Date requested November 19, 2013  
 Discussion Only  
 Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
 Resolution (attach copy)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
 Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
 Appeal (explain) \_\_\_\_\_  
 Other (explain) Special Presentation

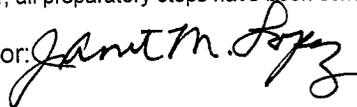
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)

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

6. **REQUESTOR:**

Name: Janet Lopez	Title: Council Administrator
Presenter: Chief Rodriguez & Brett Hales	Title: Murray City Fire Chief
Agency: Murray City Corporation	Title: Murray City Council Member, District 5
Date: November 8, 2013	Phone: 801-264-2622
	Time: 11:00 a.m.

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

Department Director:  Date: 11.8.13  
Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

9. **NOTES:**

See attached recommendation by Chief Rodriguez.

**EMPLOYEE OF THE MONTH RECOGNITION**

DEPARTMENT:

DATE:

Fire

November 6 for November 19

NAME of person to be recognized:

Submitted by:

Paul Adams

Gil Rodriguez

DIVISION AND JOB TITLE:

Senior Firefighter/Paramedic/ Cadet Supervisor

YEARS OF SERVICE:

13 years

REASON FOR RECOGNITION:

This is based on his time with Murray City, his value as a senior paramedic and firefighter, as well as his leadership in the Fire Cadet program. He is the department's go to guy for all things related to the cadets. He is the main point of contact, scheduler, problem solver, trainer and friend to our cadets. In spite of little pay, our cadets put in many hours of volunteer service, this is in large part due to Paul's commitment to the program. Paul has built a group of fire department members who help promote and support the cadet program.

For many of the cadets, the program is their first exposure to the workplace. Paul's hard work and dedication ensure their experience is a good one, Paul deserves recognition as employee of the month.

This is based on his time with Murray City, his value as a senior paramedic and firefighter, as well as his leadership in the Fire Cadet program. He is the department's go to guy for all things related to the cadets. He is the main point of contact, scheduler, problem solver, trainer and friend to our cadets. In spite of little pay, our cadets put in many hours of volunteer service, this is in large part due to Paul's commitment to the program. Paul has built a group of fire department members who help promote and support the cadet program.

November 19, 2013 

**Special  
Recognition #2**

# Murray City Municipal Council Request for Council Action

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

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

Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah expressing gratitude and appreciation to Tim Tingey for his contributions to Murray City.

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

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

Council Meeting OR  Committee of the Whole

Date requested November 19, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

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

Other (explain) Special Presentation

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

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

**6. REQUESTOR:**

Name: Janet Lopez

Title: Council Administrator

Presenter: Dave Nicponski &

Title: Murray City Council Member, District 1

Brett Hales

Title: Murray City Council Member, District 5

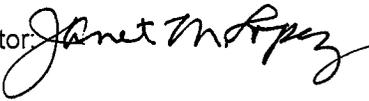
Agency: Murray City Corporation

Phone: 801-264-2622

Date: November 8, 2013

Time: 11:00 a.m.

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

Department Director:  Date: 11.8.13

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

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

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

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

**9. NOTES:**

**A JOINT RESOLUTION OF THE  
MAYOR AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH  
EXPRESSING GRATITUDE AND APPRECIATION TO TIM TINGEY  
FOR HIS CONTRIBUTIONS TO MURRAY CITY**

**BE IT RESOLVED** by the Mayor and the Municipal Council of Murray City as follows:

**WHEREAS**, Tim Tingey has served Murray City since 2008 as the Community and Economic Development Director and Director for Administrative and Development Services; and

**WHEREAS**, the Murray City Mayor and Municipal Council desire to honor and express its appreciation for his dedicated work and innovative concepts; and

**WHEREAS**, during Tim's tenure as Community and Economic Development Director he stepped forward to implement a focus on housing projects for low to moderate income individuals through the Community Development Block Grant program and originated a City partnership with NeighborWorks for home ownership, housing loans, and rehabilitation; and

**WHEREAS**, he has served as Executive Director of the Murray City Redevelopment Agency (RDA) fulfilling statutory requirements to facilitate and promote economic development and job growth in underutilized or blighted areas; and

**WHEREAS**, Tim has been persistent in pursuing quality economic development within the City, bringing in business and retail entities and those that serve the community in health care related fields. Meeting the needs of that growing sector in Murray, the current construction of two hotels is evidence of his success in this arena; and

**WHEREAS**, following the recent reorganization in Murray City administration, Tim oversees the Building, Community and Economic Development, Geographic Information Systems, Information Technology, Treasurer, and Recorder Divisions with proficiency, integrity, and genuine dedication, safeguarding the advantages that make our community a great place to work and live; and

**WHEREAS**, Tim continues to ensure that the City Council is fully informed and educated on all issues; he listens to the concerns of residents, as well as, experts in various fields while striving to fulfill the mission and vision for Murray City; and

**WHEREAS**, Tim's reports bring the ring of laughter and humor to Council meetings and work sessions as his Power Point discussions have become characteristic of his presentations; and

**NOW, THEREFORE BE IT RESOLVED** that the Mayor and Murray City Municipal Council express its sincere appreciation and gratitude to **Tim Tingey** for his expertise, sense of fairness and contributions to Murray City that are recognized for outstanding excellence.

**PASSED, APPROVED AND ADOPTED** this 19<sup>th</sup> day of **November** in the year **2013**.

**MURRAY CITY CORPORATION**

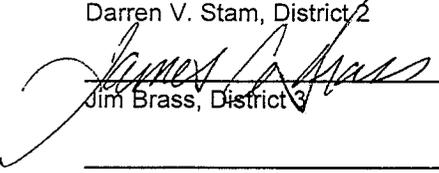
\_\_\_\_\_  
Daniel C. Snarr, Mayor

**MURRAY CITY MUNICIPAL COUNCIL**

  
\_\_\_\_\_  
Brett Hales, District 5, Chairman

\_\_\_\_\_  
Dave Nicponski, District 1

\_\_\_\_\_  
Darren V. Stam, District 2

  
\_\_\_\_\_  
Jim Brass, District 3

\_\_\_\_\_  
Jared A. Shaver, District 4

**ATTEST:**

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

# Citizen Comments

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

**Public  
Hearing #1**

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19<sup>th</sup> day of November, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider a land use code text amendment to Sections 17.64.030 and 17.64.090 of the Murray City Municipal Code relating to fence height regulations.

The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.

DATED this \_\_\_\_\_ day of October, 2013.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: November 3, 2012

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

AN ORDINANCE AMENDING SECTIONS 17.64.030 AND 17.64.090 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO FENCE HEIGHT REGULATIONS. (Murray Community Development Division.)

Now, therefore, be it ordained by the Murray City Municipal Council as follows:

*Section 1. Purpose.* The purpose of this ordinance is to amend Sections 17.64.030 and 17.64.090 relating to fence height regulations.

*Section 2. Amendment.* Section 17.64.030 and 17.64.090 of the Murray City Municipal Code relating to fence height regulations is hereby amended to read as follows:

17.64.030 **NONRESIDENTIAL FENCING REGULATIONS:**

- A. No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained on an interior lot higher than **six seven** feet (67') when located a minimum distance of ten feet (10') from the front property or street right of way line. Any fence, wall, hedge, or other screening material within the first ten feet (10') of front yard setback shall not be erected to a height greater than three feet (3') if a solid or opaque fence, or four feet (4') if an open type fence.

...

17.64.090 **FENCE HEIGHT REGULATIONS:**

...

- C. Residential zoned properties adjacent to the UTA light rail **and commuter rail** tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right of way subject to all fencing permit requirements and traffic visibility setback requirements.

...

- E. **Residential and nonresidential properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding seven feet (7') on the side or rear property line adjacent to the collector or arterial street right of way.**
- F. **Properties exceeding one-half (1/2) acre in size may erect a fence to a height not exceeding seven feet (7').**

Section 3. Effective Date. The Ordinance shall take effect upon first publication.

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

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Brett A. Hales, Chair

ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2013.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was passed on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Recorder

HEIGHT FOR DWELLINGS IN THE R-M-10 ZONE – Project #13-160

Tim Vanderlinden was the applicant present to represent this request. Ray Christensen reviewed the request for a text amendment to maximum dwelling height in the residential R-M-10 zone. Murray Municipal Land Use Code Chapter 17.116.080 limits building height to 30 feet maximum. Tim Vanderlinden has a property in the R-M-10 zone and is planning to construct a two family dwelling, but is limited by the ordinance to 30 feet high maximum. He is requesting the ordinance change to allow 35 feet high for a two-family dwelling. The proposed amendment would allow him additional height to construct a 35 foot high dwelling based on the code change. The zoning ordinance for the R-M-10 zone, Section 17.116.080 states: No building shall be erected to a height greater than 30 feet.” Other multi-family zones such as R-M-20 and R-M-25 allow 40 feet building height. The R-1-8 zone allows a 35 foot high dwelling. It appears to be inconsistent that a dwelling in a single family residential zone can be allowed five feet higher than a dwelling in a residential multi-family zone. In addition, other multi-family zones allow for heights exceeding 30 feet. Staff has been unable to determine a reason for the 30 foot limitation in the R-M-10 zone. Based on the above information and findings, staff recommends that the Planning Commission forward a recommendation of approval for the proposed text amendment, to allow 35 foot maximum dwelling height within the R-M-10 zone, to the Murray City Council amending Municipal Code Chapter 17.116.080.

Tim Vanderlinden, 2074 Sample Cove, Sandy, stated he is wishing to build a structure higher than 30 feet similar to a single family residential zoning.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Taylor made a motion to forward a recommendation of approval to the City Council to allow 35 feet maximum dwelling height within the R-M-10 zone and amending Municipal Code Chapter 17.116.080. Seconded by Ms. Patterson.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

FENCE HEIGHT ORDINANCE TEXT AMENDMENT – Project #13-141

Chad Wilkinson reviewed the recently adopted 2012 International Building Code which included changes to the regulation of fences. Prior codes had required a building permit for any fence exceeding six feet in height. The 2012 Code increases the height of non-regulated fences to seven feet. Current zoning ordinance standards limit the height of fences and hedges in residential and nonresidential zones to six

feet, with some exceptions for areas adjacent to freeways and UTA rail facilities. In addition, sports courts have separate regulations. The Code also gives the Planning Commission authority to authorize a fence of 8 feet in height for a buffer between residential and commercial properties. The Building Official has recommended that the maximum fence height standards of the Zoning ordinance be increased to seven feet in order to be consistent with the adopted building code standards. However, staff has concerns that the increase in height may not be appropriate in all situations, especially in small lot single family residential subdivisions, where fence height could impact adjoining property owners. Potential impacts could include shading of adjoining properties, obstruction of view, and other aesthetic impacts. There may be situations where a seven-foot fence could be appropriate, such as:

- Zone buffer fences/walls between commercial and residential properties; (Note: The current ordinance allows for additional height in this situation subject to Planning Commission approval).
- Areas along high capacity roadways such as arterial and collector streets;
- Fencing surrounding large properties;
- Fencing surrounding industrial or commercial properties;

The attached changes to the fence code allow for an increase in height for fences and hedges in commercial and industrial zones and in some limited instances in residential zones. The proposed code changes would account for situations where residential properties adjoin arterial and collector streets on a side or rear property line. The proposed amendment would also allow for fences up to seven feet in height for properties that exceed ½ acre in size. Larger lot sizes may mitigate some of the aesthetic and shading issues that could arise on smaller lots as a result of higher fences.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Ms. Patterson made a motion to forward a recommendation of approval to the City Council for the proposed amendment to the fence standards of the zoning ordinance. Seconded by Mr. Harland.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Maren Patterson  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Karen Daniels

Motion passed, 5-0.

**TO: Murray City Planning Commission**  
**FROM: Murray City Community & Economic Development Staff**  
**DATE OF REPORT: October 11, 2013**  
**DATE OF HEARING: October 17, 2013**  
**PROJECT NAME: Fence Height Text Amendment**  
**PROJECT NUMBER: 13-141**  
**PROJECT TYPE: Ordinance Text Amendment**  
**APPLICANT: Murray City**

## **BACKGROUND AND DISCUSSION**

The recently adopted 2012 International Building Code included changes to the regulation of fences. Prior Codes had required a building permit for any fence exceeding six feet in height. The 2012 Code increases the height of non-regulated fences to seven feet.

Current zoning ordinance standards limit the height of fences and hedges in residential and nonresidential zones to six feet, with some exceptions for areas adjacent to freeways and UTA rail facilities. In addition, sports courts have separate regulations. The Code also gives the Planning Commission authority to authorize a fence of 8 feet in height for a buffer between residential and commercial properties. The Building Official has recommended that the maximum fence height standards of the Zoning ordinance be increased to seven feet in order to be consistent with the adopted building code standards. However, staff has concerns that the increase in height may not be appropriate in all situations, especially in small lot single family residential subdivisions, where fence height could impact adjoining property owners. Potential impacts could include shading of adjoining properties, obstruction of view, and other aesthetic impacts. There may be situations where a seven-foot fence could be appropriate, such as:

- Zone buffer fences/walls between commercial and residential properties; (Note: The current ordinance allows for additional height in this situation subject to Planning Commission approval).
- Areas along high capacity roadways such as arterial and collector streets;
- Fencing surrounding large properties;
- Fencing surrounding industrial or commercial properties;

The attached changes to the fence code allow for an increase in height for fences and hedges in commercial and industrial zones and in some limited instances in residential zones. The proposed code changes would account for situations where residential properties adjoin arterial and collector streets. The proposed amendment would also allow for fences up to seven feet in height for properties that exceed ½ acre in size. Larger lot sizes may mitigate some of the aesthetic and shading issues that could arise on smaller lots as a result of higher fences.

### III. FINDINGS AND CONCLUSION

- i. The proposed amendment is consistent with the policies of the General Plan.
- ii. Allowing additional height for fences in some limited circumstances is consistent with recent changes to the building Code.

### IV. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendment to the fence standards of the zoning ordinance.

## 17.64.030: NONRESIDENTIAL FENCING REGULATIONS:

A. No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained on an interior lot higher than ~~six~~seven feet (6'7') when located a minimum distance of ten feet (10') from the front property or street right of way line. Any fence, wall, hedge, or other screening material within the first ten feet (10') of front yard setback shall not be erected to a height greater than three feet (3') if a solid or opaque fence, or four feet (4') if an open type fence.

## 17.64.090: FENCE HEIGHT EXCEPTIONS:

A. When not located on a property line, fence type uses such as tennis court enclosures, sport court, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six feet (6'), but shall not exceed a height of eighteen feet (18').

B. Properties abutting the interstate freeway system may erect a fence to a height not exceeding ten feet (10') on the property line adjacent to the freeway right of way.

C. Residential zoned properties adjacent to the UTA light rail and commuter rail tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right of way subject to all fencing permit requirements and traffic visibility setback requirements.

D. The planning commission is authorized to grant additional fence height for buffer fencing between commercial and residential zoning districts to a maximum height of eight feet (8'). (Ord. 07-30 § 2)

E. Residential and nonresidential properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding seven feet (7') on the side or rear property line adjacent to the collector or arterial street right of way.

F. Properties exceeding ½ acre in size may erect a fence to a height not exceeding seven feet (7') in height.

## CHAPTER 17.64

**FENCE REGULATIONS**

## SECTION:

- 17.64.010: Purpose
- 17.64.020: Fence Height; Interior Lot
- 17.64.030: Nonresidential Fencing Regulations
- 17.64.040: Grade Differential
- 17.64.050: Shrub Plantings
- 17.64.060: Clear View Of Intersecting Streets
- 17.64.070: Nonconforming Fences
- 17.64.080: Barbed Wire And Electrical Fencing Restrictions
- 17.64.090: Fence Height Exceptions
- 17.64.100: Creation Of Public Hazard Prohibited

17.64.010: **PURPOSE:**

The purpose for fence regulation provisions is to allow a wide variety of fence styles and construction to promote property security, privacy, and architectural compatibility. In addition, these regulations are provided to promote vehicular and pedestrian safety by requiring safe fence placement and height to allow proper visibility standards. (Ord. 07-30 § 2)

17.64.020: **FENCE HEIGHT; INTERIOR LOT:**

- A. Front Yard Setback Area: No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained higher than four feet (4') within any required front yard setback area

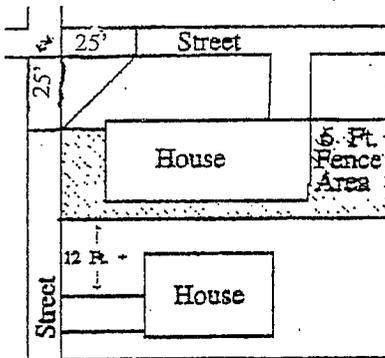
in all residential zones. Solid opaque type fencing, walls, hedges, or screens are limited to three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4'). In any side or rear yard area, fencing may be constructed to a maximum height of six feet (6') with standard type fencing material.

- B. Fence Height; Corner Lot: Fences, walls, hedges, or other screening material greater than three feet (3') in height are permitted within the street side yard setback area, provided, that such fence, wall, hedge, or other screening material does not exceed six feet (6') in height, is not adjacent to a driveway on an abutting lot, and is not located within a triangular area formed by the property lines and a line connecting them at points twenty five feet (25') from the intersection of the property lines. Fencing which is located within the twenty five foot (25') triangular area is limited to solid opaque type fencing, walls, hedges, or screens, no higher than three feet (3') in height. Other nonsolid fencing which is seventy five percent (75%) open and presents no visual barriers to adjoining properties and streets may be constructed to a height not to exceed four feet (4'). If adjacent to a driveway on an adjoining lot, the maximum fence height shall be three feet (3') if solid, or four feet (4') if an open

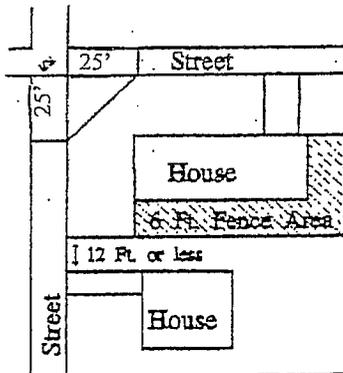
type fence within the minimum side yard setback area of the zone.

"Adjacent", as used in this chapter, means any distance from the corner lot property line to the driveway of the adjoining lot which does not exceed twelve feet (12').

Example 1  
Corner Lot With No  
Adjoining Driveway



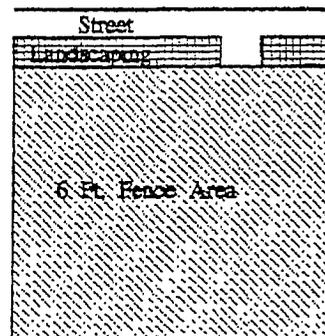
Example 2  
Corner Lot With  
Adjacent Driveway



17.64.030: **NONRESIDENTIAL FENCING REGULATIONS:**

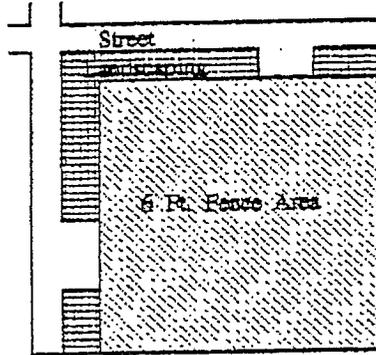
- A. No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained on an interior lot higher than six feet (6') when located a minimum distance of ten feet (10') from the front property or street right of way line. Any fence, wall, hedge, or other screening material within the first ten feet (10') of front yard setback shall not be erected to a height greater than three feet (3') if a solid or opaque fence, or four feet (4') if an open type fence.
- B. On corner lots, no fence, wall, hedge, or other screening material shall exceed three feet (3') if solid or opaque, or four feet (4') if open type fencing located within the first ten feet (10') of front or side yard setback adjacent to a street. Fences, walls, hedges, and other screening material may not exceed six feet (6') in height in any front, side, or rear yard area and must comply with provisions of section 17.64.060, "Clear View Of Intersecting Streets", of this chapter.

Example 1  
Nonresidential Lot  
Fencing Regulations



(Ord. 07-30 § 2)

Example 2  
Nonresidential Corner Lot  
Fencing Regulations



(Ord. 07-30 § 2)

17.64.040: **GRADE DIFFERENTIAL:**

Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two (2) sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line. (Ord. 07-30 § 2)

17.64.050: **SHRUB PLANTINGS:**

For the purpose of this chapter, single shrub plantings shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is at least five feet (5'). (Ord. 07-30 § 2)

17.64.060: **CLEAR VIEW OF INTERSECTING STREETS:**

In all districts which require a front yard, no obstruction to view shall be placed on any

corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty five feet (25') from the intersection of the street lines, except those fences which comply with the fence regulations and a reasonable number of trees or landscaping pruned high enough to permit unobstructed vision to vehicular drivers. (Ord. 07-30 § 2)

17.64.070: **NONCONFORMING FENCES:**

Nonconforming fences shall not be reconstructed except in conformance with the requirements of this chapter. (Ord. 07-30 § 2)

17.64.080: **BARBED WIRE AND ELECTRICAL FENCING RESTRICTIONS:**

A. It is unlawful for any person to erect or cause to be erected or to maintain any barbed wire fence or any similar device except as provided below:

1. Commercial Or Industrial: Such barbed wire shall be allowed so long as it is attached at the top of a fence or similar structure at a height not less than six feet (6') above the ground.

2. Agricultural: Such barbed wire shall be allowed so long as it is not used in connection with a residential purpose.

3. Residential: Allowed only if prior approval is given by the planning commission. In a residential area, under no circumstances may the barbed wire extend into the required front yard setback.

- B. It shall be unlawful for any person to erect or cause to be erected or to maintain any device on a fence with an electrical charge sufficient to cause shock to any person except in agricultural areas. Such electrified fence shall not be energized from a power source which exceeds twelve (12) volts direct current. (Ord. 07-30 § 2)

**17.64.090: FENCE HEIGHT EXCEPTIONS:**

- A. When not located on a property line, fence type uses such as tennis court enclosures, sport court, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six feet (6'), but shall not exceed a height of eighteen feet (18').
- B. Properties abutting the interstate freeway system may erect a fence to a height not exceeding ten feet (10') on the property line adjacent to the freeway right of way.
- C. Residential zoned properties adjacent to the UTA light rail tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right of way subject to all fencing permit requirements and traffic visibility setback requirements.
- D. The planning commission is authorized to grant additional fence height for buffer fencing between commercial and residential zoning districts to a maximum height of eight feet (8'). (Ord. 07-30 § 2)

**17.64.100: CREATION OF PUBLIC HAZARD PROHIBITED:**

Code enforcement officials shall have the authority to require the removal or relocation of fences which create a hazard to the general public even when such fences comply with the provisions found in this chapter. This shall apply to all fences in all zoning districts of the city. The determination of whether or not a hazard exists shall be made by code enforcement officials in conjunction with the city engineer using line of sight visibility safety considerations. Failure to remove or relocate a fence no later than thirty (30) days from receiving the determination that a fence must be moved or relocated constitutes a misdemeanor. (Ord. 07-30 § 2)

## TABLE OF CONTENTS

### [A] 105.2 Work exempt from permit.

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

#### Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m<sup>2</sup>).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwelling*s.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

LAND USE ORDINANCE TEXT AMENDMENT – Fence Height Ordinance Section  
17.64 – Project #13-141

Chad Wilkinson reviewed this proposal for an ordinance text amendment. The recently adopted 2012 Building Code included changes to the regulation of fences. Prior Codes had required a building permit for any fence exceeding six feet in height. The 2012 Code increases the height of non-regulated fences to seven feet.

Current zoning ordinance standards limit the height of fences in residential and nonresidential zones to six feet. The Building Official has recommended that the maximum fence height standards of the Zoning ordinance be increased to seven feet in order to be consistent with the adopted building code standards. However, staff has concerns that the increase in height may not be appropriate in all situations, especially in small lot single family residential subdivisions, where fence height could impact adjoining property owners. Potential impacts could include shading of adjoining properties, obstruction of view, and other aesthetic impacts. There may be situations where a seven-foot fence could be appropriate, such as:

- Zone buffer fences/walls between commercial and residential properties; (Note: The current ordinance allows for additional height in this situation subject to Planning Commission approval).
- Areas along high capacity roadways such as arterial and collector streets;
- Fencing surrounding large agricultural properties;
- Fencing surrounding industrial or commercial properties;

Because of the potential impacts of an increase in height, staff is seeking input from the Planning Commission on this issue, which will be followed up by a recommendation at a subsequent meeting. A copy of the current ordinance with the applicable standards was attached for the planning commission to review.

Mr. Markham asked that all the circumstances mentioned above could still be petitioned and a higher than 6 foot fence could be put in under the present code. Mr. Wilkinson replied that a property owner could apply for a variance to increase the height.

Ms. Daniels clarified that the building code has changed to a seven foot fence, but the zoning ordinance can be kept at six feet. A discussion was held concerning the change; if the ordinance is changed to seven feet, it raises concern the people will want to go slightly over seven feet just as they are going over six feet.

Mr. Wilkinson stated that staff is not necessarily opposed to this ordinance change however, there are concerns. Mr. Harland asked staff if the ordinance could be modified so that in certain places the standard height is seven foot. Mr. Wilkinson replied in the affirmative.

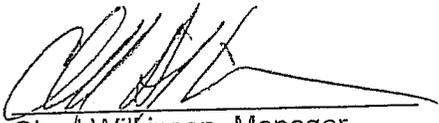
Ms. Mackay had concern about the zoning code being read when applying for a building permit. Mr. Wilkinson was asked if staff was interested in considering this building code in some instances. There was discussion on which circumstances the seven foot fence should be allowed. Mr. Harland asked if there were landscaping

height restrictions. Mr. Wilkinson clarified and stated there are restrictions to hedge height. Mr. Wilkinson indicated that staff will draft an ordinance for the commission to consider and will schedule it as an agenda item.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:19 p.m.

A handwritten signature in black ink, appearing to read 'Chad Wilkinson', with a long horizontal line extending to the right from the end of the signature.

Chad Wilkinson, Manager  
Community & Economic Development

4770 S. 5600 W.  
P.O. BOX 704005  
WEST VALLEY CITY, UTAH 84170  
FED. TAX I.D.# 87-0217663  
801-204-6910

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PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	10/7/2013

**FILE COPY**

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER / INVOICE NUMBER
8012642660	0000911144 /
SCHEDULE	
Start 10/06/2013	End 10/06/2013
CUST REF NO	
Fencing Regulations	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
25 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC CHARGES	AD CHARGES
TOTAL COST	
47.00	

*Fence Height*

**MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that on the 17th day of October, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on a Land Use Ordinance Text Amendment to Municipal Code Section 17.64 regarding Fencing Height Regulations.  
MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
911144 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN** that on the 17th day of October, 2013, at the hour of 6:30 p.m. of said day in the Coun FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

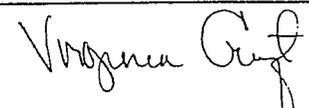
PUBLISHED ON Start 10/06/2013 End 10/06/2013

SIGNATURE 

DATE 10/7/2013



VIRGINIA CRAFT  
Notary Public State of Utah  
Commission #581469  
My Commission Expires  
January 12, 2014

  
NOTARY SIGNATURE

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P.O. BOX 704005  
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FED. TAX I.D.# 87-0217663  
801-204-6910

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www.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER,  5025 S STATE, ROOM 113  MURRAY, UT 84107	9001341938	8/26/2013

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER # / INVOICE NUMBER
8012642660	0000900996 /
SCHEDULE	
Start 08/25/2013	End 08/25/2013
CUST. REF. NO.	
Plan Comm PH 9/5	
CARTON	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEI	
SIZE	
25 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
47.00	

**FILE COPY**

*Fence height reg's amend.*

MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that on the 5TH day of September, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on a Land Use Ordinance Text Amendment to Municipal Code Section 17.64 regarding Fencing Height Regulations.  
MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic  
Development  
900996 U FAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 5TH day of September, 2013, at the hour of 6:30 p.m. of said day in the C FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 08/25/2013 End 08/25/2013  
SIGNATURE *Mark Salt*  
DATE 8/26/2013

**VIRGINIA CRAFT**  
Notary Public, State of Utah  
Commission # 581469  
My Commission Expires  
January 12, 2014  
*Virginia Craft*

**THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
PLEASE PAY FROM BILLING STATEMENT**

P/C AGENDA MAILINGS  
"AFFECTED ENTITIES"  
Updated 03/1/13

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: PAT O'HARA  
147 E 5065 S  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

QUESTAR GAS  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
1265 E FT UNION BLVD #250  
CTNWD HEIGHTS UT 84047

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

UTOPIA  
Attn: TOM MARRIOTT  
2175 S REDWOOD RD  
WEST VALLEY CITY UT 84119

GENERAL PLAN MAILINGS:

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

«Next Record»

«Next Record»

«Next Record»

**Public  
Hearing #2**

# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19<sup>th</sup> day of November, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider a land use code text amendment to Section 17.116.080 of the Murray City Municipal Code relating to the maximum building height in the multiple-family low density residential district (R-M-10).

The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.

DATED this 28<sup>th</sup> day of October, 2013.



MURRAY CITY CORPORATION

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

DATE OF PUBLICATION: November 3, 2012  
PH 13-27

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

AN ORDINANCE AMENDING SECTION 17.116.080 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO THE MAXIMUM BUILDING HEIGHT IN THE MULTIPLE-FAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-M-10). (Tim Vanderlinden.)

Now, therefore, be it ordained by the Murray City Municipal Council as follows:

*Section 1. Purpose.* The purpose of this ordinance is to amend Section 17.116.080 relating to the maximum building height in the Multiple-Family Low Density Residential District (R-M-10).

*Section 2. Amendment.* Section 17.116.080 of the Murray City Municipal Code relating to the maximum building height in the Multiple-Family Low Density Residential District (R-M-10) is hereby amended to read as follows:

**17.116.080 HEIGHT REGULATIONS.**

Building height will be determined by the planning commission for conditional uses, except no building shall be erected to a height greater than thirty-five feet (305'), and no dwelling structure shall be erected to a height less than one story. Chimneys, flagpoles, church steeples and similar structures not used for human occupancy are excluded in determining height. Public and quasi-public buildings, when authorized, may be erected to a height greater than the height limit by conditional use permit. (Ord. 07-30 § 2)

*Section 3. Effective Date.* The Ordinance shall take effect upon first publication.

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

MURRAY CITY MUNICIPAL COUNCIL

---

Brett A. Hales, Chair

ATTEST:

\_\_\_\_\_  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2013.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

\_\_\_\_\_  
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was passed on the \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
City Recorder

HEIGHT FOR DWELLINGS IN THE R-M-10 ZONE – Project #13-160

Tim Vanderlinden was the applicant present to represent this request. Ray Christensen reviewed the request for a text amendment to maximum dwelling height in the residential R-M-10 zone. Murray Municipal Land Use Code Chapter 17.116.080 limits building height to 30 feet maximum. Tim Vanderlinden has a property in the R-M-10 zone and is planning to construct a two family dwelling, but is limited by the ordinance to 30 feet high maximum. He is requesting the ordinance change to allow 35 feet high for a two-family dwelling. The proposed amendment would allow him additional height to construct a 35 foot high dwelling based on the code change. The zoning ordinance for the R-M-10 zone, Section 17.116.080 states: "No building shall be erected to a height greater than 30 feet." Other multi-family zones such as R-M-20 and R-M-25 allow 40 feet building height. The R-1-8 zone allows a 35 foot high dwelling. It appears to be inconsistent that a dwelling in a single family residential zone can be allowed five feet higher than a dwelling in a residential multi-family zone. In addition, other multi-family zones allow for heights exceeding 30 feet. Staff has been unable to determine a reason for the 30 foot limitation in the R-M-10 zone. Based on the above information and findings, staff recommends that the Planning Commission forward a recommendation of approval for the proposed text amendment, to allow 35 foot maximum dwelling height within the R-M-10 zone, to the Murray City Council amending Municipal Code Chapter 17.116.080.

Tim Vanderlinden, 2074 Sample Cove, Sandy, stated he is wishing to build a structure higher than 30 feet similar to a single family residential zoning.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Taylor made a motion to forward a recommendation of approval to the City Council to allow 35 feet maximum dwelling height within the R-M-10 zone and amending Municipal Code Chapter 17.116.080. Seconded by Ms. Patterson.

Call vote recorded by Ray Christensen.

A \_\_\_ Maren Patterson  
A \_\_\_ Phil Markham  
A \_\_\_ Tim Taylor  
A \_\_\_ Jim Harland  
A \_\_\_ Karen Daniels

Motion passed, 5-0.

FENCE HEIGHT ORDINANCE TEXT AMENDMENT – Project #13-141

Chad Wilkinson reviewed the recently adopted 2012 International Building Code which included changes to the regulation of fences. Prior codes had required a building permit for any fence exceeding six feet in height. The 2012 Code increases the height of non-regulated fences to seven feet. Current zoning ordinance standards limit the height of fences and hedges in residential and nonresidential zones to six

**TO: Murray City Planning Commission**

**FROM: Murray City Community and Economic Development Staff**

**DATE OF REPORT: October 11, 2013**

**DATE OF HEARING: October 17, 2013**

**PROJECT TYPE: Land Use Ordinance Text Amendment**

**APPLICANT: Tim Vanderlinden**

**PROJECT NUMBER: 13-160**

**DESCRIPTION OF REQUEST:**

The applicant is requesting a text amendment to maximum dwelling height in the residential R-M-10 zone. Murray Municipal Land Use Code Chapter 17.116.080 limits building height to 30 ft. maximum. Tim Vanderlinden has a property in the R-M-10 zone and is planning to construct a two family dwelling, but is limited by the ordinance to 30 ft. high maximum. He is requesting the ordinance change to allow 35 ft. high for a two family dwelling. The proposed amendment would allow him additional height to construct a 35 ft. high dwelling based on the code change.

**STAFF REVIEW**

The zoning ordinance for the R-M-10 zone, Section 17.116.080 states: No building shall be erected to a height greater than 30 feet . Other multi-family zones such as R-M-20 and R-M-25 allows 40 ft. building height. The R-1-8 zone allows a 35 ft. high dwelling. It appears to be inconsistent that a dwelling in a single family residential zone can be allowed five feet higher than a dwelling in a residential multi-family zone. In addition, other multi-family zones allow for heights exceeding 30 feet. Staff have been unable to determine a reason for the 30 foot limitation in the R-M-10 zone.

**FINDINGS AND CONCLUSION**

- i. The proposed R-M-10 zone text amendment is consistent with single family residential zoned areas, such as the R-1-8 zone which allows a 35 ft. high dwelling. There does not appear to be justification for limiting the height of a dwelling in the R-M-10 zone to be less height than what is allowed in a single family residential R-1-8 zone.
- ii. The proposed amendment is consistent with the General Plan for building height.

## **STAFF RECOMMENDATION**

Based on the above information and findings, **staff recommends that the Planning Commission forward a recommendation of approval for the proposed text amendment, to allow 35 ft. maximum dwelling height within the R-M-10 zone, to the Murray City Council amending Municipal Code Chapter 17.116.080.**

---

# APPLICATION MATERIALS

#13-160

# ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

- Zoning Map Amendment
- Text Amendment
- Complies with General Plan
  - Yes  No

Subject Property Address: \_\_\_\_\_

Parcel Identification (Sidwell) Number: \_\_\_\_\_

Parcel Area: \_\_\_\_\_ Current Use: \_\_\_\_\_

Existing Zone: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_

Applicant Name: Tim Vanderhinder

Mailing Address: 2074 Sample Ct

City, State, ZIP: Sandy, Utah, 84093

Daytime Phone #: 801-556-8613 Fax #: \_\_\_\_\_

Email address: Linder 554 @ yahoo.com

Business Name (If applicable): \_\_\_\_\_

Property Owner's Name (If different): ''

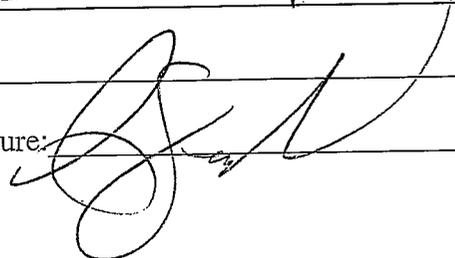
Property Owner's Mailing Address: ''

City, State, Zip: ''

Daytime Phone #: '' Fax #: \_\_\_\_\_

Describe your reasons for a zone change (use additional page if necessary):

Change R-M-10 Maximum height + From 30 Feet To Maximum height of 35'

Authorized Signature:  Date: 9/25/13

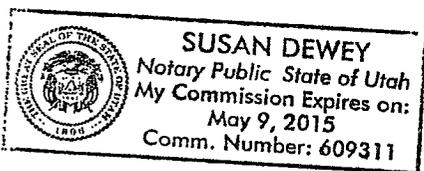
**Property Owners Affidavit**

I (we) Tim Vandavindor, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 25 day of Sept, 20 13.



Notary Public

Residing in

My commission expires:

Salt Lake County  
5-9-15

**Agent Authorization**

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

Owner's Signature

Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me

\_\_\_\_\_ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

**17.116.080: HEIGHT REGULATIONS:** 

Building height will be determined by the planning commission for conditional uses, except no building shall be erected to a height greater than thirty feet (30'), and no dwelling structure shall be erected to a height less than one story. Chimneys, flagpoles, church steeples and similar structures not used for human occupancy are excluded in determining height. Public and quasi-public buildings, when authorized, may be erected to a height greater than the height limit by conditional use permit. (Ord. 07-30 § 2)

**PROPOSED CHANGE:**

Building Height will be determined by the planning commission for conditional uses, except no building shall be erected to a height greater than thirty-five feet (35'), and no dwelling structure shall be erected to a height less than one story. Chimneys, flagpoles, church steeples and similar structures not used for human occupancy are excluded in determining height. Public and quasi-public buildings, when authorized, may be erected to a height greater than the height limit by conditional use permit.

**Chapter 19.34**  
**RM – RESIDENTIAL MULTI-  
FAMILY ZONE**

**Sections:**

- 19.34.010 Purpose.**
- 19.34.020 Permitted uses.**
- 19.34.030 Conditional uses.**
- 19.34.040 Minimum lot size.**
- 19.34.050 Minimum lot width.**
- 19.34.060 Setbacks/yard requirements.**
- 19.34.070 Maximum height of structures.**
- 19.34.080 Maximum lot coverage.**
- 19.34.090 Open space requirement.**
- 19.34.100 Master development plan required.**

**19.34.010 Purpose of chapter.**

The purpose of the RM zone is to provide areas in the city for high-density residential development.

**19.34.020 Permitted uses.**

Permitted uses in the RM zone are as follows:

- A. Single-family dwellings, attached or detached;
- B. Accessory buildings customary to multi-family and single-family residential buildings; and
- C. Home occupations.

**19.34.030 Conditional uses.**

Conditional uses in the RM zone are as follows:

- A. Bed and breakfast;
- B. Churches;
- C. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
- D. Dwelling group, provided that:
  - 1. The parcel of ground on which the dwelling group (as defined in chapter

19.04, "Definitions") is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.

2. The distance between principal buildings shall be equal to the total side yards required in the zone. The distance between principal buildings and the nearest perimeter lot line shall be at least 15 feet. The distance between any building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least 20 feet.

3. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.

4. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet city standards.

5. Every dwelling structure in the dwelling group shall be within 60 feet of an access roadway or drive.

6. The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual fences shall be provided along all interior property lines unless the planning commission approves otherwise.

- E. Golf course;
- F. Hospital;
- G. Hotel;
- H. Lodging house;
- I. Multiple unit dwellings, either apartments or condominiums;

- J. Nursing home;
- K. Offices, professions and general business;
- L. Planned unit development;
- M. Private parks and recreational grounds;
- N. Public and quasi-public use;
- O. Radio and/or television tower;
- P. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
- Q. Two-family dwellings;
- R. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and
- S. Public schools.

**19.34.040 Minimum lot size.**

The minimum lot size in the RM zone is 10,000 square feet for each single-family or two-family dwelling, with 2,000 extra square feet for each additional unit in a building with more than one unit.

**19.34.050 Minimum lot width.**

The minimum lot width in the RM zone is 65 feet measured 30 feet from the front lot line.

**19.34.060 Setbacks/yard requirements.**

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

1. Front: 30 feet.
2. Sides: On interior lots, a total of at least 25 feet between the two side yards,

with no side yard of less than ten feet. On corner lots, at least 30 feet per side yard.

3. Rear: 30 feet.

B. Accessory buildings in the RM zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.

2. Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.

3. Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.

4. Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

**19.34.070 Maximum height of structures.**

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings. No accessory building shall exceed 20 feet in height. For each foot of height over 14 feet, accessory buildings shall be set back from property lines an additional foot

from the minimum setback to allow a maximum height of 20 feet.

**19.34.080 Maximum lot coverage.**

The maximum lot coverage in the RM zone is 50%, including all structures.

**19.34.090 Open space requirement.**

The minimum open space requirement for developments over two acres in the RM zone is 15%.

**19.34.100 Master development plan required.**

Any development of land in the RM zone shall be subject to the requirements of a master development plan approved by the planning commission.

4770 S. 5600 W.  
 P.O. BOX 704005  
 WEST VALLEY CITY, UTAH 84170  
 FED. TAX I.D.# 87-0217663  
 801-204-6910

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CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	10/7/2013

**FILE COPY**

*R-M-10  
height*

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000911150 /
SCHEDULE	
Start 10/06/2013	End 10/06/2013
CUST. REF. NO.	
RM10 Max Height	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
26 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD. CHARGES
TOTAL COST	
48.68	

**MURRAY CITY CORPORATION  
 NOTICE OF PUBLIC HEARING**  
 NOTICE IS HEREBY GIVEN that on the 17th day of October, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on a Land Use Ordinance Text Amendment to Section 17.116.080, relating to maximum height for structures in the R-M-10 zoning district.  
 MURRAY CITY CORPORATION  
 Chad Wilkinson, Manager  
 Community & Economic Development  
 911150 UPAKIP

AFFIDAVIT OF PUBLICATION

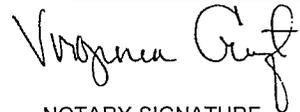
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PUBLISHED ON Start 10/06/2013 End 10/06/2013

SIGNATURE 

DATE 10/7/2013

 **VIRGINIA CRAFT**  
 Notary Public, State of Utah  
 Commission # 581469  
 My Commission Expires  
 January 12, 2014

  
 NOTARY SIGNATURE

**THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"**  
**PLEASE PAY FROM BILLING STATEMENT**

**P/C AGENDA MAILINGS**  
"AFFECTED ENTITIES"  
Updated 03/1/13

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ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: PAT O'HARA  
147 E 5065 S  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

QUESTAR GAS  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
1265 E FT UNION BLVD #250  
CTNWD HEIGHTS UT 84047

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

UTOPIA  
Attn: TOM MARRIOTT  
2175 S REDWOOD RD  
WEST VALLEY CITY UT 84119

**GENERAL PLAN MAILINGS:**

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

«Next Record»

«Next Record»

«Next Record»

**17.116.080: HEIGHT REGULATIONS:**  

Building height will be determined by the planning commission for conditional uses, except no building shall be erected to a height greater than thirty feet (30'), and no dwelling structure shall be erected to a height less than one story. Chimneys, flagpoles, church steeples and similar structures not used for human occupancy are excluded in determining height. Public and quasi-public buildings, when authorized, may be erected to a height greater than the height limit by conditional use permit. (Ord. 07-30 § 2)

**PROPOSED CHANGE:**

Building Height will be determined by the planning commission for conditional uses, except no building shall be erected to a height greater than thirty-five feet (35'), and no dwelling structure shall be erected to a height less than one story. Chimneys, flagpoles, church steeples and similar structures not used for human occupancy are excluded in determining height. Public and quasi-public buildings, when authorized, may be erected to a height greater than the height limit by conditional use permit.

**Chapter 19.34**  
**RM – RESIDENTIAL MULTI-  
FAMILY ZONE**

**Sections:**

- 19.34.010 Purpose.**
- 19.34.020 Permitted uses.**
- 19.34.030 Conditional uses.**
- 19.34.040 Minimum lot size.**
- 19.34.050 Minimum lot width.**
- 19.34.060 Setbacks/yard requirements.**
- 19.34.070 Maximum height of structures.**
- 19.34.080 Maximum lot coverage.**
- 19.34.090 Open space requirement.**
- 19.34.100 Master development plan required.**

**19.34.010 Purpose of chapter.**

The purpose of the RM zone is to provide areas in the city for high-density residential development.

**19.34.020 Permitted uses.**

Permitted uses in the RM zone are as follows:

- A. Single-family dwellings, attached or detached;
- B. Accessory buildings customary to multi-family and single-family residential buildings; and
- C. Home occupations.

**19.34.030 Conditional uses.**

Conditional uses in the RM zone are as follows:

- A. Bed and breakfast;
- B. Churches;
- C. Day care/pre-school, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
- D. Dwelling group, provided that:
  - 1. The parcel of ground on which the dwelling group (as defined in chapter

19.04, "Definitions") is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.

2. The distance between principal buildings shall be equal to the total side yards required in the zone. The distance between principal buildings and the nearest perimeter lot line shall be at least 15 feet. The distance between any building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least 20 feet.

3. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.

4. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet city standards.

5. Every dwelling structure in the dwelling group shall be within 60 feet of an access roadway or drive.

6. The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual fences shall be provided along all interior property lines unless the planning commission approves otherwise.

- E. Golf course;
- F. Hospital;
- G. Hotel;
- H. Lodging house;
- I. Multiple unit dwellings, either apartments or condominiums;

- J. Nursing home;
- K. Offices, professions and general business;
- L. Planned unit development;
- M. Private parks and recreational grounds;
- N. Public and quasi-public use;
- O. Radio and/or television tower;
- P. Temporary structures, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations";
- Q. Two-family dwellings;
- R. Utility stations and lines, as allowed by the applicable accessory regulations in chapter 19.76, "Supplementary and Qualifying Regulations"; and
- S. Public schools.

**19.34.040 Minimum lot size.**

The minimum lot size in the RM zone is 10,000 square feet for each single-family or two-family dwelling, with 2,000 extra square feet for each additional unit in a building with more than one unit.

**19.34.050 Minimum lot width.**

The minimum lot width in the RM zone is 65 feet measured 30 feet from the front lot line.

**19.34.060 Setbacks/yard requirements.**

A. Setbacks/yard requirements are intended to provide a description of the required space between buildings and property lines. All buildings intended for human inhabitants shall maintain a minimum distance from property lines as follows:

1. Front: 30 feet.
2. Sides: On interior lots, a total of at least 25 feet between the two side yards,

with no side yard of less than ten feet. On corner lots, at least 30 feet per side yard.

3. Rear: 30 feet.

B. Accessory buildings in the RM zone shall maintain a minimum distance from property lines as follows:

1. Front: Accessory buildings, excluding garages, shall maintain a setback of at least six feet from the main building in the rear yard for the particular property.

2. Sides: Five feet, excluding garages, on interior lots; 20 feet on corner lots.

3. Rear: Five feet, excluding garages, on interior lots; 20 feet on corner lots. Attached garages shall conform to the rear yard requirements of main buildings. Detached garages shall conform to the rear yard requirements of accessory buildings, provided that the garage is in the rear yard and at least six feet away from the main building.

4. Garages: The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall maintain a minimum side yard of not less than five feet.

**19.34.070 Maximum height of structures.**

A. For uses where the slope of the original ground surface is greater than 15%, or if the property is located in a sensitive lands overlay zone, the maximum structure height shall be 30 feet.

B. All other properties shall maintain a maximum structure height of 35 feet.

C. Accessory buildings. No accessory building shall exceed 20 feet in height. For each foot of height over 14 feet, accessory buildings shall be set back from property lines an additional foot

from the minimum setback to allow a maximum height of 20 feet.

**19.34.080 Maximum lot coverage.**

The maximum lot coverage in the RM zone is 50%, including all structures.

**19.34.090 Open space requirement.**

The minimum open space requirement for developments over two acres in the RM zone is 15%.

**19.34.100 Master development plan required.**

Any development of land in the RM zone shall be subject to the requirements of a master development plan approved by the planning commission.

## **Agenda Item #10**

**TO: Murray City Planning Commission**

**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: October 11, 2013**

**DATE OF HEARING: October 17, 2013**

**PROJECT NAME: Fence Height Text Amendment**

**PROJECT NUMBER: 13-141**

**PROJECT TYPE: Ordinance Text Amendment**

**APPLICANT: Murray City**

## **BACKGROUND AND DISCUSSION**

The recently adopted 2012 International Building Code included changes to the regulation of fences. Prior Codes had required a building permit for any fence exceeding six feet in height. The 2012 Code increases the height of non-regulated fences to seven feet.

Current zoning ordinance standards limit the height of fences and hedges in residential and nonresidential zones to six feet, with some exceptions for areas adjacent to freeways and UTA rail facilities. In addition, sports courts have separate regulations. The Code also gives the Planning Commission authority to authorize a fence of 8 feet in height for a buffer between residential and commercial properties. The Building Official has recommended that the maximum fence height standards of the Zoning ordinance be increased to seven feet in order to be consistent with the adopted building code standards. However, staff has concerns that the increase in height may not be appropriate in all situations, especially in small lot single family residential subdivisions, where fence height could impact adjoining property owners. Potential impacts could include shading of adjoining properties, obstruction of view, and other aesthetic impacts. There may be situations where a seven-foot fence could be appropriate, such as:

- Zone buffer fences/walls between commercial and residential properties; (Note: The current ordinance allows for additional height in this situation subject to Planning Commission approval).
- Areas along high capacity roadways such as arterial and collector streets;
- Fencing surrounding large properties;
- Fencing surrounding industrial or commercial properties;

The attached changes to the fence code allow for an increase in height for fences and hedges in commercial and industrial zones and in some limited instances in residential zones. The proposed code changes would account for situations where residential properties adjoin arterial and collector streets. The proposed amendment would also allow for fences up to seven feet in height for properties that exceed ½ acre in size. Larger lot sizes may mitigate some of the aesthetic and shading issues that could arise on smaller lots as a result of higher fences.

### III. FINDINGS AND CONCLUSION

- i. The proposed amendment is consistent with the policies of the General Plan.
- ii. Allowing additional height for fences in some limited circumstances is consistent with recent changes to the building Code.

### IV. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendment to the fence standards of the zoning ordinance.

## 17.64.030: NONRESIDENTIAL FENCING REGULATIONS:

A. No fence, wall, hedge, or other screening material shall be erected, allowed, or maintained on an interior lot higher than ~~six~~ seven feet (6'7') when located a minimum distance of ten feet (10') from the front property or street right of way line. Any fence, wall, hedge, or other screening material within the first ten feet (10') of front yard setback shall not be erected to a height greater than three feet (3') if a solid or opaque fence, or four feet (4') if an open type fence.

## 17.64.090: FENCE HEIGHT EXCEPTIONS:

A. When not located on a property line, fence type uses such as tennis court enclosures, sport court, and swimming pool enclosures, ball diamond backstops, etc., may be erected to a height greater than six feet (6'), but shall not exceed a height of eighteen feet (18').

B. Properties abutting the interstate freeway system may erect a fence to a height not exceeding ten feet (10') on the property line adjacent to the freeway right of way.

C. Residential zoned properties adjacent to the UTA light rail and commuter rail tracks may erect a fence to a height not exceeding ten feet (10') on the property line adjoining the UTA light rail right of way subject to all fencing permit requirements and traffic visibility setback requirements.

D. The planning commission is authorized to grant additional fence height for buffer fencing between commercial and residential zoning districts to a maximum height of eight feet (8'). (Ord. 07-30 § 2)

E. Residential and nonresidential properties abutting a collector or arterial street on a side or rear property line may erect a fence to a height not exceeding seven feet (7') on the side or rear property line adjacent to the collector or arterial street right of way.

F. Properties exceeding ½ acre in size may erect a fence to a height not exceeding seven feet (7') in height.



MURRAY CITY CORPORATION  
ADMINISTRATIVE &  
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

## NOTICE OF PUBLIC HEARING

This notice is to inform you of a Public Hearing scheduled for Tuesday, November 19, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

The purpose of this hearing is to receive public comment concerning consideration of a land use code text amendment to Section 17.116.080 of the Murray City Municipal Code relating to the maximum building height in the multiple-family low density residential district (R-M-10).

Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call the Murray City Community & Economic Development Department office, at 801-270-2420 or e-mail [sdewey@murray.utah.gov](mailto:sdewey@murray.utah.gov).

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (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.

Rules of the Murray City Municipal Council  
Murray City Corporation

Public Hearings

The presiding officer shall conduct the public hearing in the following manner:

1. Introduction – The presiding officer informs those attending of the procedure and order of business for the hearing.
2. Staff Presentation – City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five (5) minutes.
3. Sponsor Presentation – If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen (15) minutes.
4. Public Comment – The presiding officer asks for public comment on the matter before the Council. Comments are limited to three (3) minutes, unless otherwise approved by a majority vote of the Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of the Council members. Speakers are requested to:
  - a. complete the appropriate form;
  - b. wait to be recognized before speaking;
  - c. come to the microphone;
  - d. be brief and to the point;
  - e. not restate points made by other speakers;
  - f. address questions through the presiding officer;
  - g. confine remarks to the topic, avoiding personalities.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. Sponsor Summation/Response – Following citizen comment and questions by the Council, the sponsor shall be given the opportunity to give a fifteen (15) minute summation and/or response prior to the closing of the public hearing.
6. Closing the Hearing – If there is no further public comment, questions by the Council members, or final response by the sponsor, the presiding officer declares the hearing closed. The Council shall conclude the public hearing ten (10) minutes in advance of subsequently scheduled public hearings. The Council may, by majority vote, extend a public hearing past the starting time of a subsequent public hearing.
7. Consideration of Item – At the close of the public hearing, the Council shall consider the item as a special order.

**Public  
Hearing #3**

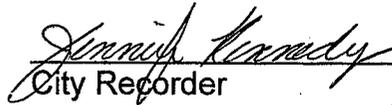
# Murray City Corporation

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19<sup>th</sup> day of November, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning an ordinance amending Chapter 17.42 of the Murray City Municipal Code relating to tobacco and electronic cigarette retailers.

DATED this 28<sup>th</sup> day of October, 2013.

MURRAY CITY CORPORATION

  
City Recorder

DATE OF PUBLICATION:  
PH 13-26

November 3, 2013



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

AN ORDINANCE AMENDING CHAPTER 17.42 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO TOBACCO AND ELECTRONIC CIGARETTE RETAILERS.

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this Ordinance is to amend Chapter 17.42 of the Murray City Municipal Code relating to Tobacco and Electronic Cigarette Retailers.

*Section 2.* Chapter 17.42 of the Murray City Municipal Code shall be amended to read as follows:

**Chapter 17.42**  
**TOBACCO/ELECTRONIC CIGARETTE RETAILERS**

SECTION:

17.42.010: DEFINITIONS:

17.42.020: LIMITATIONS:

17.42.010: **DEFINITIONS:**

**TOBACCO/ELECTRONIC CIGARETTE (E-CIGARETTE) PARAPHERNALIA:** Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or nicotine products.

**TOBACCO PRODUCTS:** Any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco or electronic cigarette as defined in Utah Code Section 76-10-101.

**TOBACCO/E-CIGARETTE RETAILERS:** Any person who sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco/e-cigarette paraphernalia and either:

A. devotes twenty percent (20%) or more of floor area or display area to, ~~or derives seventy five percent (75%) or more of gross sales receipts from,~~ the sale or exchange of tobacco products and/or tobacco/e-cigarette paraphernalia; or

B. 1. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;

2. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and

3. the establishment is not licensed as a pharmacy under the Title 58, Chapter 17b, Pharmacy Practice Act.

**17.42.020: LIMITATIONS:** 

A. Separation From Sensitive Uses: No tobacco or **e-cigarette** retailer shall be located within one thousand feet (1,000') of the boundary of any residential zone, residential use or a parcel occupied by any of the following:

1. A public or private kindergarten, elementary, junior or high school;
2. A licensed childcare facility or preschool other than a family daycare facility;
3. A playground;
4. A youth center;
5. A recreational facility;
6. An arcade;
7. A park; or
8. A library,

as measured in a straight line from parcel boundary to parcel boundary.

B. Limited Number: One tobacco/**e-cigarette** retailer shall be allowed for every ten thousand (10,000) citizens living in the city.

C. Limited Density Of Tobacco/**E-cigarette** Retailers: No tobacco/**e-cigarette** retailer shall be located within five hundred feet (500') of a site occupied by another tobacco/**e-cigarette** retailer, as measured in a straight line from parcel boundary to parcel boundary. (Ord. 11-39)

*Section 3.* This Ordinance shall take effect upon the first publication.

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

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Brett A. Hales, Chair

ATTEST:

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

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2013.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

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

CERTIFICATE OF PUBLICATION

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

\_\_\_\_\_  
City Recorder

## Study: Children's use of e-cigarettes is up

By **MIKE STOBBE**

*The Associated Press*

Children — like adults — are increasingly trying electronic cigarettes, according to the first large national study to gauge use by middle and high school students.

About 2 percent of the students said they'd used an e-cigarette in the previous month, according to a survey done last year. That was up from 1 percent in 2011.

More kids still smoke traditional cigarettes than the new electronic ones, and it's not clear how dangerous

e-cigarettes are. It's also not clear from the report how many are using them on a daily or weekly basis.

But health officials are worried. The new study suggests many kids are now getting a first taste of nicotine through e-cigarettes and then moving on to regular tobacco products, they say.

Electronic cigarettes are battery-powered devices that provide users with aerosol puffs that typically contain nicotine, and sometimes flavorings like fruit, mint or chocolate. They've often been described as a less dangerous

alternative to regular cigarettes.

Unlike conventional smokes, the federal government does not regulate e-cigarettes, although about 20 states have banned store sales to minors. The devices began to appear in the United States in late 2006, but marketing has exploded in the last couple of years.

The new study — released Thursday by the Centers for Disease Control and Prevention — is based on a questionnaire filled out by nearly 19,000 students in grades 6 through 12 in 2011 and another 25,000 in 2012.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland

Motion passed, 7-0.

LAND USE ORDINANCE AMENDMENT - ELECTRONIC CIGARETTE – Project  
#130-145

Chad Wilkinson presented this item. In 2012, the State Legislature passed HB 95 which established regulations authorizing municipalities to license specialty tobacco retailers. The definition of specialty tobacco retailers under Section 10-8-41.6 of Utah Code includes "a commercial establishment in which:

- (i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

State code further defines tobacco products as follows:

- (c) "Tobacco product" means:
  - (i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;
  - (ii) a tobacco product as defined in Section 59-14-102, including:
    - (A) chewing tobacco; or
    - (B) any substitute for a tobacco product, including flavoring or additives to tobacco; and
  - (iii) tobacco paraphernalia as defined in Section 76-10-104.1.

Utah Code stipulates the minimum distance required between individual specialty tobacco retailers, along with minimum distances separating these establishments from certain community facilities, such as schools, churches and residential uses.

- o In 2011, the Murray City Council adopted Section 17.42 which regulates Tobacco retailers within the City. This ordinance regulates not only minimum separation distances between tobacco retailers and community and residential uses, but also limits the number of these establishments allowed in the City based on the population. Murray ordinance does not currently include Electronic cigarettes (e-cigarettes) in the definition of tobacco retailers. The proposed text amendment would include e-cigarettes in the City ordinance along with other tobacco specialty product retailers in order to provide consistency between state and local ordinances. The same restrictions currently applying to tobacco retailers would apply to the sale of e-cigarettes.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would add e-cigarettes to the

existing tobacco retailer ordinance and would restrict the number and location of these retailers within the City.

Mr. Taylor clarified that in the second paragraph where it talks about tobacco products it says 'Or Electronic Cigarette' everywhere else it says "E-Cigarette" except for in that one spot. Mr. Wilkinson responded that it can be clarified and that it might be better to state Electronic Cigarette at the beginning of the ordinance and then put E-Cigarette in parentheses. Mr. Taylor also clarified that in the referencing Utah Code sections, if those code sections change in the future, would it require a new text amendment or is that just an administrative change that staff can make. Mr. Wilkinson responded that it is an administrative change.

Ms. Daniels clarified that a 6 month moratorium was placed in June on the sale of e-cigarettes and it will end in December depending on approval from the City Council and Planning Commission. She asked if the electronic cigarettes are currently being sold, does it mean that they are out of compliance. Mr. Wilkinson replied in the negative. He explained that if it is an existing establishment it does not apply and the moratorium is on the establishment of new retailers.

The meeting was opened for public comment.

Josh Morin, 5546 Edgeberry Drive, stated that Blue E-Cigarette's was purchased in 2011, at that time Wells Fargo, the financing company, spoke to 3,500 business owners in that market from which that data concluded that 56% of e-cigarettes are purchased in e-cigarette only locations, another 20% is purchased online and the remainder is between tobacco stores and miscellaneous. Fifty-six percent of the entire product purchased is being done and sold at e-cigarette stores. Mr. Morin stated that he has an interest in opening a location in Murray. He does not want to carry any other tobacco products like tobacco bongos or tobacco pipes or anything of that nature.

The public comment portion of the meeting was closed.

Mr. Woodbury clarified with staff that this amendment states that stores selling only e-cigarettes are prohibited. Mr. Wilkinson replied that tobacco and e-cigarettes stores do not have to be combined, but they are included they just are not currently allowed as Murray City has reached the limit by population. Mr. Wilkinson clarified that there are State laws regulating location of where these businesses could locate but there is no regulation of number of stores.

Mr. Woodbury made a motion to recommend approval to the City Council for the requested amendment to the zoning ordinance to add e-cigarettes to the tobacco retailer ordinance, Section 17.42, and would restrict the number of and location of the retailers within the City and also with the additions by the City Attorney and Mr. Taylor. Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Scot Woodbury  
A \_\_\_\_\_ Maren Patterson

Planning Commission Meeting

September 19, 2013

Page 7

A \_\_\_\_\_ Phil Markham

A \_\_\_\_\_ Karen Daniels

N \_\_\_\_\_ Vicki Mackay

A \_\_\_\_\_ Tim Taylor

A \_\_\_\_\_ Jim Harland

Motion passed, 6-1.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:25 p.m.

---

Chad Wilkinson, Manager  
Community & Economic Development

## **Agenda Item #6**

**TO: Murray City Planning Commission**

**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: September 13, 2013**

**DATE OF HEARING: September 19, 2013**

**PROJECT NAME: Electronic Cigarette Text Amendment**

**PROJECT NUMBER: 13-145**

**PROJECT TYPE: Ordinance Text Amendment**

**APPLICANT: Murray City**

## **BACKGROUND AND DISCUSSION**

In 2012, the State Legislature passed HB 95 which established regulations authorizing municipalities to license specialty tobacco retailers. The definition of specialty tobacco retailers under Section 10-8-41.6 of Utah Code includes "a commercial establishment in which:

- (i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

State code further defines tobacco products as follows:

- (c) "Tobacco product" means:
  - (i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;
  - (ii) a tobacco product as defined in Section 59-14-102, including:
    - (A) chewing tobacco; or
    - (B) any substitute for a tobacco product, including flavoring or additives to tobacco; and
  - (iii) tobacco paraphernalia as defined in Section 76-10-104.1.

Utah Code stipulates the minimum distance required between individual specialty tobacco retailers, along with minimum distances separating these establishments from certain community facilities, such as schools, churches and residential uses.

In 2011, the Murray City Council adopted Section 17.42 which regulates Tobacco retailers within the City. This ordinance regulates not only minimum separation distances between tobacco retailers and community and residential uses, but

also limits the number of these establishments allowed in the City based on the population. Murray ordinance does not currently include Electronic cigarettes in the definition of tobacco retailers. The proposed text amendment would include e-cigarettes in the City ordinance along with other tobacco specialty product retailers in order to provide consistency between state and local ordinances. The same restrictions currently applying to tobacco retailers would apply to the sale of e-cigarettes.

#### **IV. STAFF RECOMMENDATION**

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would add e-cigarettes to the existing tobacco retailer ordinance and would restrict the number and location of these retailers within the City.

The purpose of this ordinance amendment is to amend Sections 17.42.010 and 17.42.020, of the Murray City Municipal Code. The following (underlined and in red) are the proposed changes:

## Chapter 17.42

### TOBACCO/ELECTRONIC CIGARETTE RETAILERS

#### 17.42.010: DEFINITIONS:

#### 17.42.020: LIMITATIONS:

#### 17.42.010: DEFINITIONS:

TOBACCO/ELECTRONIC-CIGARETTE (E-CIGARETTE) PARAPHERNALIA: Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or nicotine products.

TOBACCO PRODUCTS: Any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco or electronic cigarette as defined in Utah Code Section 76-10-101 and 10-8-41.6.

TOBACCO/E-CIGARETTE RETAILERS: Any person or commercial establishment who sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco/e-cigarette paraphernalia and either :

- (i) devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products and/or tobacco/e-cigarette paraphernalia.; or
- (ii) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (iii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iv) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

~~, or derives seventy five percent (75%) or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.-(Ord. 11-39).~~

#### 17.42.020: LIMITATIONS:

A. Separation from Sensitive Uses: No tobacco/e-cigarette retailer shall be located within one thousand feet (1,000') of the boundary of any residential zone, residential use or a parcel occupied by any of the following:

1. A public or private kindergarten, elementary, junior or high school;
2. A licensed childcare facility or preschool other than a family daycare facility;

3. A playground;
4. A youth center;
5. A recreational facility;
6. An arcade;
7. A park; or
8. A library,

as measured in a straight line from parcel boundary to parcel boundary.

B. Limited Number: One tobacco/e-cigarette retailer shall be allowed for every ten thousand (10,000) citizens living in the city.

C. Limited Density of Tobacco /E-cigarette Retailers: No tobacco /e-cigarette retailer shall be located within five hundred feet (500') of a site occupied by another tobacco/e-cigarette retailer, as measured in a straight line from parcel boundary to parcel boundary. (Ord. 11-39)

Next Section (10-8-42) >>

**Title 10 Utah Municipal  
Code**

**Chapter 8 Powers and Duties  
of Municipalities**

**Section 41.6 Regulation of retail  
tobacco specialty  
business.**

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**10-8-41.6. Regulation of retail tobacco specialty business.**

(1) As used in this section:

(a) "Community location" means:

(i) a public or private kindergarten, elementary, middle, junior high, or high school;

(ii) a licensed child-care facility or preschool;

(iii) a trade or technical school;

(iv) a church;

(v) a public library;

(vi) a public playground;

(vii) a public park;

(viii) a youth center or other space used primarily for youth oriented activities;

(ix) a public recreational facility; or

(x) a public arcade.

(b) "Retail tobacco specialty business" means a commercial establishment in which:

(i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;

(ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and

(iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

(c) "Tobacco product" means:

(i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;

(ii) a tobacco product as defined in Section 59-14-102, including:

(A) chewing tobacco; or

(B) any substitute for a tobacco product, including flavoring or additives to tobacco; and

(iii) tobacco paraphernalia as defined in Section 76-10-104.1.

(2) The regulation of a retail tobacco specialty business is an exercise of the police powers of the state, and through delegation, to other governmental entities.

(3) (a) Except as provided in Subsection (7), and beginning July 1, 2012, a municipality shall require an entity to be licensed as a retail tobacco specialty business to conduct business as a retail tobacco specialty business in a municipality.

(b) A municipality may issue a retail tobacco specialty business license to an entity if the entity complies with the provisions of Subsection (5).

(4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity that conducts a retail tobacco specialty business in a municipality shall be licensed by the

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municipality as a retail tobacco specialty business.

(5) (a) A municipality may not issue a license to a retail tobacco specialty business if it is located within:

- (i) 1,000 feet of a community location;
- (ii) 600 feet of another retail tobacco specialty business; or
- (iii) 600 feet from property used or zoned for:
  - (A) agriculture use; or
  - (B) residential use.

(b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, or agricultural or residential use, without regard to intervening structures or zoning districts.

(6) (a) Nothing in this section:

- (i) requires a municipality to issue a business license to a retail tobacco specialty business; or
- (ii) prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section.

(b) A municipality may revoke a business license issued under this section:

- (i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;
- (ii) if a licensee violates the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or
- (iii) under other provisions of state law or local ordinance.

(7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has a business license and is operating lawfully in a municipality on or before May 8, 2012, is exempt from Subsections (4) and (5).

(b) A retail tobacco specialty business may maintain an exemption under Subsection (7)(a) if:

- (i) the business license is renewed continuously without relapse or permanent revocation;
- (ii) the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;
- (iii) the retail tobacco specialty business does not substantially change the business premises or its business operation; and
- (iv) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

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Enacted by Chapter 154, 2012 General Session

The purpose of this ordinance amendment is to amend Sections 17.42.010 and 17.42.020, of the Murray City Municipal Code. The following (underlined and in red) are the proposed changes:

## Chapter 17.42 TOBACCO/E-CIGARETTE RETAILERS

### 17.42.010: DEFINITIONS:

### 17.42.020: LIMITATIONS:

#### **17.42.010: DEFINITIONS:**

TOBACCO/E-CIGARETTE PARAPHERNALIA: Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or nicotine products.

TOBACCO PRODUCTS: Any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco or electronic cigarette as defined in Utah Code Section 76-10-101 and 10-8-41.6.

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~~, or derives seventy five percent (75%) or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia. (Ord. 11-39).~~

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4. A youth center;

5. A recreational facility;

6. An arcade;

7. A park; or

8. A library,

as measured in a straight line from parcel boundary to parcel boundary.

B. Limited Number: One tobacco/ e-cigarette retailer shall be allowed for every ten thousand (10,000) citizens living in the city.

C. Limited Density of Tobacco /E-cigarette Retailers: No tobacco /e-cigarette retailer shall be located within five hundred feet (500') of a site occupied by another tobacco/ e-cigarette retailer, as measured in a straight line from parcel boundary to parcel boundary. (Ord. 11-39)



MURRAY CITY CORPORATION  
COMMUNITY AND ECONOMIC DEVELOPMENT

801-270-2420 FAX 801-270-2414

NOTICE OF MEETING  
MURRAY CITY PLANNING COMMISSION  
5025 South State Street  
MURRAY, UTAH 84107

Meeting Date: September 19, 2013  
Meeting Place: Murray City Municipal Council Chambers  
Staff meeting: 6:00 p.m. (Conference Room, Public Welcome)  
The Staff Review Meeting purpose is to briefly review the agenda items and answer questions.  
Meeting Time: 6:30 p.m.

**AGENDA:**

**BUSINESS ITEM:**

1. Approval of Minutes
2. Conflict of Interest
3. Approval of Findings of Fact

**CONDITIONAL USE PERMIT**

4. CHRISTIANSEN CLINIC Project Number: 13-148  
6358 South 900 East  
Medical Building

**SUBDIVISION REVIEW**

5. AVONLEA TOWNHOMES Project Number: 13-149  
639 & 643 East Vine Street **POSTPONED 9-13-13**  
Condominium Project

**LAND USE ORDINANCE AMENDMENT**

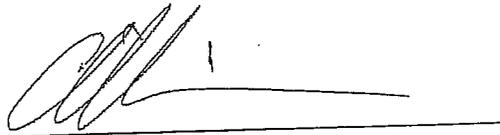
6. E-CIGARETTES TEXT AMENDMENT Project Number: 13-145  
Amending Municipal Code Section 17.42 Related to Regulation of  
Electronic Cigarette Sales

**OTHER BUSINESS**

No agenda will begin after 10:00 p.m. without a unanimous vote of the Commission.

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

On the 30<sup>th</sup> day of August, 2013, before 5:00 p.m. a copy of the foregoing Notice of Meeting was posted in accordance with Section 10-9a-201 through 209, U.C.A. A copy of this notice was also posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov)



Chad Wilkinson  
Community & Economic Development Manager

P/C AGENDA MAILINGS  
"AFFECTED ENTITIES"  
Updated 03/1/13

UDOT - REGION 2  
ATTN: MARK VELASQUEZ  
2010 S 2760 W  
SLC UT 84104

UTAH TRANSIT AUTHORITY  
ATTN: PLANNING DEPT  
PO BOX 30810  
SLC UT 84130-0810

TAYLORSVILLE CITY  
PLANNING & ZONING DEPT  
2600 W TAYLORSVILLE BLVD  
TAYLORSVILLE UT 84118

WEST JORDAN CITY  
PLANNING DIVISION  
8000 S 1700 W  
WEST JORDAN UT 84088

CHAMBER OF COMMERCE  
ATTN: STEPHANIE WRIGHT  
5250 S COMMERCE DR #180  
MURRAY UT 84107

MURRAY SCHOOL DIST  
ATTN: PAT O'HARA  
147 E 5065 S  
MURRAY UT 84107

MIDVALE CITY  
PLANNING DEPT  
655 W CENTER ST  
MIDVALE UT 84047

SALT LAKE COUNTY  
PLANNING DEPT  
2001 S STATE ST  
SLC UT 84190

GRANITE SCHOOL DIST  
ATTN: KIETH BRADSHAW  
2500 S STATE ST  
SALT LAKE CITY UT 84115

UTAH POWER & LIGHT  
ATTN: KIM FELICE  
12840 PONY EXPRESS ROAD  
DRAPER UT 84020

QUESTAR GAS  
ATTN: BRAD HASTY  
P O BOX 45360  
SLC UT 84145-0360

COTTONWOOD IMPRVMT  
ATTN: LONN RASMUSSEN  
8620 S HIGHLAND DR  
SANDY UT 84093

JORDAN VALLEY WATER  
ATTN: LORI FOX  
8215 S 1300 W  
WEST JORDAN UT 84088

CENTRAL UTAH WATER DIST  
355 W UNIVERSITY PARKWAY  
OREM UT 84058

HOLLADAY CITY  
PLANNING DEPT  
4580 S 2300 E  
HOLLADAY UT84117

COTTONWOOD HEIGHTS CITY  
ATTN: PLANNING & ZONING  
1265 E FT UNION BLVD #250  
CTNWD HEIGHTS UT 84047

SANDY CITY  
PLANNING & ZONING  
10000 CENTENNIAL PRKWY  
SANDY UT 84070

UTOPIA  
Attn: JARED PANTIER  
2175 S REDWOOD RD  
WEST VALLEY UT 84119

UTOPIA  
Attn: TOM MARRIOTT  
2175 S REDWOOD RD  
WEST VALLEY CITY UT 84119

**GENERAL PLAN MAILINGS:**

UTAH AGRC  
STATE OFFICE BLDG #5130  
SLC UT 84114

WASATCH FRONT REG CNCL  
PLANNING DEPT  
295 N JIMMY DOOLITTLE RD  
SLC UT 84116

«Next Record»

«Next Record»

«Next Record»

4770 S. 5600 W.  
 P.O. BOX 704005  
 WEST VALLEY CITY, UTAH 84170  
 FED.TAX I.D.# 87-0217663  
 801-204-6910

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 WWW.MEDIAONEUTAH.COM

Deseret News  
 WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	9/9/2013

**FILE COPY**

*Electronic  
cigarettes*

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012642660	0000904481 /
SCHEDULE	
Start 09/08/2013	End 09/08/2013
CUST. REF. NO.	
Plan Comm PH 9/19	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
24 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD. CHARGES
TOTAL COST	
45.32	

**MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING**  
 NOTICE IS HEREBY GIVEN that on the 19TH day of September 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City, Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on a Land Use Ordinance Text amendment to Municipal Code Section 17.42 regarding regulation of Electronic Cigarette sales: MURRAY CITY CORPORATION Chad Wilkinson, Manager Community & Economic Development 904481 UPAFLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 19TH day of September 2013, at the hour of 6:30 p.m. of said day in the Cou** FOR **MURRAY CITY RECORDER**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY.

PUBLISHED ON Start 09/08/2013 End 09/08/2013

SIGNATURE

*Chad Wilkinson*



**VIRGINIA CRAFT**  
 Notary Public, State of Utah  
 Commission # 581469  
 My Commission Expires  
 January 12, 2014

DATE 9/9/2013

*Virginia Craft*

**THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"  
 PLEASE PAY FROM BILLING STATEMENT**

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

- 10.2 Consider an Ordinance establishing a temporary land use regulation pursuant to Utah Code Ann. Section 10-9a-504 relating to E-Cigarette retailers.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this was prompted from a discussion that they had on land use issues on June 4, 2013. Some of the issues that were discussed did relate to e-cigarettes. The biggest issue that the City is looking at with this temporary land use Ordinance, and it is something that we are allowed to do through State law, is to understand this issue a little bit better. To understand what the health risks are and do some research to ascertain what the City needs to do as far as regulating e-cigarettes. It is not eliminating but it is regulating and it particularly relates to minors. Right now there are no age regulations related to these and the City wants to look into this and evaluate it. Based on that, this Ordinance addresses that. What it would do is it would mean that, if it is enacted by the Council, the City would not accept, process or approve any application for any proposed e-cigarette retailer in the City for a period of six months beginning June 5, 2013. That is what the proposal is and it will allow the City time to evaluate this and come back to the Council with a proposed Ordinance to regulate these issues after they study it and understand it a little more fully. They are recommending approval of this temporary land use regulation ordinance.

Mr. Shaver said that the idea is that we do the research relative to Murray City to craft an Ordinance as far as distance from minors, high schools, schools, etc. that would in some way mirror the ordinance for tobacco in some method or manner or whatever it happens to be.

Mr. Tingey said possibly. They are going to try to understand the issue a little bit more fully as far as the health risks and how that relates to minors and then possibly come back with an Ordinance that could include distance requirements related to facilities that house minors.

Mr. Shaver said that it could be left to say that e-cigarettes are combined with.... and we just add it to the ordinance that already exists. Somehow they are going to look at that and say that this is the best move for Murray.

Mr. Tingey said that was correct.

Mr. Nicponski asked if this effectively puts on hold any applications that the City may have pending.

Mr. Tingey said it would. It would put on hold any application that was not submitted prior to June 5, 2013.

Mr. Nicponski asked how many applications they had prior to June 5, 2013.

Mr. Tingey stated that there was one application that was submitted prior to June 5, 2013.

Mr. Nicponski asked how they would handle that application.

Mr. Tingey said it can move forward as long as it moves forward within a 90-day time frame. There is an allowance for a potential extension if they are moving forward with a lease. If not, it cannot move forward.

Mr. Shaver asked if Mr. Tingey had spoken with any other cities regarding this particular issue.

Mr. Tingey said that they have not had a conversation with any at this point, but they will.

Mr. Shaver asked Mr. Nickel if there is an Ordinance in Ogden that addresses this issue that he is aware of.

Mr. Nickel said that the Ordinance that basically all of the cities have adopted at this time is not by their choice, it is what the State that has done already. There is requirement in Utah, which is 19 here for all cigarettes and e-cigarettes. The zoning has been done by the State. It puts up parameters as to where you can be located because it put it in the same category as tobacco. This becomes restrictive because this State and tobacco is a very harsh subject. He doesn't think that electronic cigarettes should have been put into the same category, but it has been. He thinks that once the City looks into it, the requirements that the State has already put on you are going to be restrictive enough to satisfy anything that the City of Murray needs. The City doesn't have a choice but to go by those requirements but he doesn't think that the City will see a need to make more restrictive requirements.

Mr. Brass made a motion to adopt the Ordinance.

Mr. Hales 2<sup>nd</sup> the motion.

Call vote recorded by Brent Davidson.

  A   Mr. Stam

  A   Mr. Brass

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

Motion passed 5-0

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

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that in April, 2013, the Council approved the polling locations. Since that time the County found out that some of the locations would not work for them so they had to switch those polling locations. This means that the City needs to revise what was approved by the City Council. This would affect Districts 3, 4 and 5 as far as locations and staff is recommending approval of this minor modification. The City will also make sure that the candidates are aware of these changes as well.

Mr. Shaver asked Mr. Tingey to repeat which ones will be changing.

Mr. Tingey said that in Districts 3, 4 and 5 is where there are some changes. The Discovery Christian Community location as a polling place has been eliminated and would move to the Utah Association of Counties. A portion of those districts will also be moved to Wheeler Historic Farm.

Mr. Shaver noted that it would mainly affect the eastern portions.

Mr. Tingey stated that was correct. Districts 3, 4, and 5 are the districts that are impacted.

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Stam 2<sup>nd</sup> the motion.

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

- 10.4 Consider an Ordinance imposing a temporary ban on the discharge of fireworks and firearms in specific risk areas.

Staff presentation: Phil Roberts, Fire Marshal

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

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**T**he Municipal Council of Murray City, Utah, met on Wednesday, the 19<sup>th</sup> day of June, 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:

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

Others who attended:

Tim Tingey,	Mayor Pro-Tem
Jan Wells,	Chief of Staff
Brent Davidson,	Deputy City Recorder
Frank Nakamura,	City Attorney
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Michael Williams,	Court Administrator
Mike Terry,	Human Resources Director
W. Paul Thompson,	Municipal Court Judge
Jackie Sadler,	MCEA President
Karen Gallegos,	Municipal Court
Scouts	
Citizens	

5. **OPENING CEREMONIES**

5.1 Pledge of Allegiance- Tim Tingey, Administrative & Development Services Director

5.2 Approval of Minutes

5.2.1 Approval of minutes for March 5, 2013.

Mr. Shaver made a motion to approve the minutes.  
Mr. Brass seconded the motion.

Voice vote taken, all "ayes."

5.3 Special Recognition:

5.3.1 Murray City Council Employee of the Month, Karen Gallegos, Municipal Court Clerk III.

Mr. Hales stated that this is the sixth month that they have presented this award and it is very exciting. Mr. Hales presented Ms. Gallegos with a \$50.00 gift card and a certificate for the Employee of the Month and added that her name has been placed on the plaque in the Council Chambers.

Staff presentation: Michael Williams, Court Administrator.

Mr. Williams stated that Ms. Gallegos has been with the Court for thirteen years. The Court opened in 1999 and she has been there the vast majority of time that the Court has been open. She and Jackie Sadler, Assistant Court Clerk III are the in-court clerks. Ms. Gallegos is a case manager for the DUI and Drug Court as well. She is always on top of getting the reviews in and making sure that everything is up to par for the Court and Judge Thompson.

Mr. Williams said that he appreciates this opportunity to have Ms. Gallegos here and working for the Court. He turned the time over to Ms. Gallegos.

Ms. Gallegos stated that she really enjoys working for the City. She has been here for thirteen years and it has been a really good thirteen years. She is hoping to be here for many more years and really enjoys working with the people that she works with. She enjoys listening to the defendants who come in and if they can get one person to say that they have made a difference in their lives and that they won't drink and drive, then they have done their job and that is what she really cares about.

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

Frank Nickel, 5024 Comanche Circle, Ogden, Utah

Mr. Nickel stated that he is trying to open an electronic cigarette store here in Murray. He understands that electronic cigarettes are a very new subject and it is a very confusing subject, even for people who are in the business selling the product. He wanted to point out that the State of Utah has put electronic cigarettes in a zoning situation the same as tobacco stores, which he doesn't really feel is right. Electronic cigarettes are trying to solve the problem, not be a part of the problem. Honestly, it is the best way to stop smoking. Your chances of stopping smoking with electronic cigarettes are 300% better than anything else and it is logical because you are still smoking although it is something that doesn't hurt you. It is not in the same category as tobacco. It has nothing to do with tobacco. It is basically a mixture of vegetable glycerin and propylene glycol. It looks like smoke, no question. There is no smell; you don't smell like a smoker. He can tell you that it is the only thing that stopped him from smoking. He smoked for 50 years and tried everything else. The reason that he went into this business is because he stopped smoking as soon as he went to electronic cigarettes. You feel better, all the good attributes are there from stopping smoking and you can do it inside. It doesn't create the problems of smoke. If you have ever been in a house that smokers were in, you know what he is saying. Electronic cigarettes do not have the same thing, there is no after effect.

The tobacco industry was on a real campaign to stop this. He thinks they have given up on that and are now going into the business. That situation is going to change where they were putting out a lot of bad publicity on it. If you go on the internet and research it, there are some unknowns. But, 95% of what you find on the internet is all positive. They have doctors sending people to their store to help them to quit smoking. He feels that this is an upcoming thing and really doesn't think that the City would want to eliminate the tax revenue that it would bring to it when stores come in. It is going to be a very popular subject. At some point in time it is pretty much going to eliminate smoking for anybody. That is a tough issue.

Mr. Hales has been very curious about this issue, as he doesn't know much about it. He noted that Mr. Nickel had stated that electronic cigarettes helped him quit smoking. He asked Mr. Nickel if he still uses the electronic cigarette.

Mr. Nickel said that he does but he could stop it right now. For the research that he has done, he will not do that. You can get the liquid with all different levels of nicotine, even down to zero. He won't even go off the zero because the research that he has done shows that nicotine is a brain stimulant. He read one research where they went into a home for people with dementia and they gave half of the people there a placebo for eight months and the other half they gave nicotine to. They retested all of these people after eight months and the half that had the placebo was 26% worse in their dementia and the half that they gave the nicotine to was 46% better with their dementia. There are problems with brain stimulants, it is a chemical, but with the age that he has at, he is not going to stay at a high level of nicotine.

Mr. Nicponski interjected stating that to answer Mr. Hales' question, Mr. Nickel still use the e-cigarette.

Mr. Nickel responded that he does.

Mr. Hales asked what the drawback was. Where the people do not want this, what do you find? Why do they not want it? Mr. Nickel stated that that the government didn't want this at first, what was the reasoning.

Mr. Nicponski added that Mr. Nickel said that the cigarette industry did not want it.

Mr. Nickel said that the State of Utah put zoning requirements for tobacco shops. They put electronic cigarettes into the same category which puts those zoning requirements on shops.

Mr. Hales asked if electronic cigarettes can be smoked inside, in such places as the mall.

Mr. Nickel said he would have to say no. As far as businesses go, a lot of people are letting people smoke electronic cigarettes inside of the business establishments.

Mr. Hales stated that he had seen people smoking these inside before. He wasn't sure where it was at, but he saw a younger person smoking one inside a business.

Mr. Nickel said that you will see that taking place in a lot of places. They did allow them to be used on airplanes but they stopped that because it looks like a cigarette. Just due to the fact that it has the same appearance as smoking is a problem in that regard.

Mr. Shaver said that this issue has come before them recently as a Council. The issue they have before them is that the State, at the present time, has labeled this as a tobacco product and therefore it is not up to the City as to whether they can change it or not. That is up to the State. Therefore, because they are still handled as a tobacco product, they still follow the zoning ordinances that the City has in regulating how many, where they are, the stores and the types. As much as the Council may want to change it, until the Legislature changes it, the City is still tied to what the Legislature have decided at the present time.

Mr. Tingey said that our ordinances right now regulate tobacco retailers and that is what the City will be looking at a little bit later on is allowing us to research this issue more fully and look at the regulation elements of e-cigarettes.

Citizen comment closed

7. **CONSENT AGENDA**

7.1 None scheduled.

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:



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

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

## **NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Public Hearing scheduled for Tuesday, November 12, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

Murray City Community Development is requesting an amendment to Chapter 17.42 of the Murray City Municipal Code relating to tobacco and electronic cigarette retailers.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the Murray City Municipal Code as described above.

See the attached subject property map. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call the Murray City Community & Economic Development Department office, at 801-270-2420 or e-mail [sdewey@murray.utah.gov](mailto:sdewey@murray.utah.gov).

**SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (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.**

Rules of the Murray City Municipal Council  
Murray City Corporation

Public Hearings

The presiding officer shall conduct the public hearing in the following manner:

1. Introduction – The presiding officer informs those attending of the procedure and order of business for the hearing.
2. Staff Presentation – City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five (5) minutes.
3. Sponsor Presentation – If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen (15) minutes.
4. Public Comment – The presiding officer asks for public comment on the matter before the Council. Comments are limited to three (3) minutes, unless otherwise approved by a majority vote of the Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of the Council members. Speakers are requested to:
  - a. complete the appropriate form;
  - b. wait to be recognized before speaking;
  - c. come to the microphone;
  - d. be brief and to the point;
  - e. not restate points made by other speakers;
  - f. address questions through the presiding officer;
  - g. confine remarks to the topic, avoiding personalities.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. Sponsor Summation/Response – Following citizen comment and questions by the Council, the sponsor shall be given the opportunity to give a fifteen (15) minute summation and/or response prior to the closing of the public hearing.
6. Closing the Hearing – If there is no further public comment, questions by the Council members, or final response by the sponsor, the presiding officer declares the hearing closed. The Council shall conclude the public hearing ten (10) minutes in advance of subsequently scheduled public hearings. The Council may, by majority vote, extend a public hearing past the starting time of a subsequent public hearing.
7. Consideration of Item – At the close of the public hearing, the Council shall consider the item as a special order.



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

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

## **NOTICE OF PUBLIC HEARING**

This notice is to inform you of a Public Hearing scheduled for Tuesday, November 19, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

The purpose of this hearing is to receive public comment concerning an Ordinance amending Chapter 17.42 of the Murray City Municipal Code relating to tobacco and electronic cigarette retailers.

Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call the Murray City Community & Economic Development Department office, at 801-270-2420 or e-mail [sdewey@murray.utah.gov](mailto:sdewey@murray.utah.gov).

**SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (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.**

Rules of the Murray City Municipal Council  
Murray City Corporation

Public Hearings

The presiding officer shall conduct the public hearing in the following manner:

1. Introduction – The presiding officer informs those attending of the procedure and order of business for the hearing.
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4. Public Comment – The presiding officer asks for public comment on the matter before the Council. Comments are limited to three (3) minutes, unless otherwise approved by a majority vote of the Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of the Council members. Speakers are requested to:
  - a. complete the appropriate form;
  - b. wait to be recognized before speaking;
  - c. come to the microphone;
  - d. be brief and to the point;
  - e. not restate points made by other speakers;
  - f. address questions through the presiding officer;
  - g. confine remarks to the topic, avoiding personalities.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. Sponsor Summation/Response – Following citizen comment and questions by the Council, the sponsor shall be given the opportunity to give a fifteen (15) minute summation and/or response prior to the closing of the public hearing.
6. Closing the Hearing – If there is no further public comment, questions by the Council members, or final response by the sponsor, the presiding officer declares the hearing closed. The Council shall conclude the public hearing ten (10) minutes in advance of subsequently scheduled public hearings. The Council may, by majority vote, extend a public hearing past the starting time of a subsequent public hearing.
7. Consideration of Item – At the close of the public hearing, the Council shall consider the item as a special order.

**Public  
Hearing #4**

**Murray City Corporation**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 19<sup>th</sup> day of November, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning a proposed resolution approving the donation of One Thousand Dollars (\$1,000) from the General Fund to the Murray School District for the Murray High School Debate Team and waiving golf cart fees valued at approximately Five Hundred Sixty Dollars (\$560) to help the Glenae Turley Trust Fund.

DATED this 16<sup>th</sup> day of October, 2013.

MURRAY CITY CORPORATION

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Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION: October 19, 2013  
PH 13-25

PUBLIC NOTICE WEBSITE	10.16.13	gf
MURRAY WEBSITE	10.16	gf

# 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 APPROVING THE DONATION OF \$1,000 TO MURRAY SCHOOL DISTRICT FOR THE MURRAY HIGH SCHOOL DEBATE TEAM.**

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

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

Council Meeting OR  Committee of the Whole

Date requested November 19, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?  Yes

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

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

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

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

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

6. **REQUESTOR:**

Name: Janet M. Lopez

Title: Council Administrator

Presenter: Jared Shaver

Title: Council Member, District 4

Agency: Murray City Council

Phone: 801-264-2622

Date: November 8, 2013

Time: 11:30 a.m.

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

Department Director  Date: 11.8.13

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

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

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

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

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

9. **NOTES:**



**MURRAY CITY CORPORATION  
CITY COUNCIL**

Dave Nicponski, District 1

Jared A. Shaver, District 4

Darren V. Stam, District 2

Brett A. Hales, District 5

Jim Brass, District 3

Janet M. Lopez  
Council Administrator

**MEMORANDUM**

**DATE:** November 13, 2013  
**TO:** Murray City Council Members  
**FROM:** Jared Shaver, District 4  
**RE:** Request for Debate Team Funding

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Some months ago in an interview I was asked what I felt the best investment I could make would be. Multiple ideas came and as I considered each, one continued to stand apart.

The youth of our nation, state and city.

It occurred to me that with all of the challenges they face whether it be economically, physically, mentally or spiritually, they need all the support, encouragement and reaffirming patronage we, as adult community leaders, can provide. They have been born in a world of financial difficulty not seen in two generations. A world with diseases that were unheard of 50 years ago, a world that continues to surround them with images of defeat and ruin, of shootings in a place of security some years ago, our schools. A world were walking on the street there is danger of being taken by those meaning to do them irreparable harm. A world filled with the filth of pornography.

We cannot, as a legislative body, protect them sufficiently, but we can encourage those who represent the best of our youth. This funding request does not come from a lack but from an abundance and will go a long way to provide some of these marvelous young people, our youth, to participate in a positive activity that will benefit them as they also represent themselves, our schools and the city.

The Murray High School Speech/Debate team travel all over our state and even nationally representing our fair city. They study countless hours in preparing topics assigned to them only days in advance of a competition where they are judged on their ability to present a logical argument for or against the issue. They speak eloquently on a topic of choice. They do impromptu speaking. They are amazing in their zeal, enthusiasm and desire to do well.

Gentleman, I beg you to give them your attention.

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

A RESOLUTION DONATING ONE THOUSAND DOLLARS (\$1,000) FROM THE GENERAL FUND TO THE MURRAY SCHOOL DISTRICT FOR THE MURRAY HIGH SCHOOL DEBATE TEAM

WHEREAS, the City wants to donate One Thousand Dollars (\$1,000) from the General Fund to the Murray School District for the Murray High School Debate Team; and

WHEREAS, Section 10-8-2 of the Utah Code authorizes, after first holding a public hearing, a donation to be given to a non-profit entity, whether or not the City receives consideration in return; and

WHEREAS, pursuant to proper notice, and Section 10-8-2 of the Utah Code, a hearing was held on November 19, 2013 to allow the public an opportunity to comment on the donation.

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

Pursuant to Section 10-8-2 of the Utah Code, a donation of One Thousand Dollars (\$1,000) from the General Fund to the Murray School District for the Murray High School Debate Team is hereby approved.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council this 19<sup>th</sup> day of November, 2013.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Brett A. Hales, Chair

ATTEST:

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

**Public  
Hearing #5**

## Murray City Corporation

### NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 19<sup>th</sup> day of November, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning a proposed resolution approving the donation of One Thousand Dollars (\$1,000) from the General Fund to the Murray School District for the Murray High School Debate Team and waiving golf cart fees valued at approximately Five Hundred Sixty Dollars (\$560) to help the Glenae Turley Trust Fund.

DATED this 16<sup>th</sup> day of October, 2013.

MURRAY CITY CORPORATION

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Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION: October 19, 2013  
PH 13-25

PUBLIC NOTICE WEBSITE 10.16.13 *JK*  
MURRAY WEBSITE 10.16 *JK*

# 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 REGARDING THE FIRE DEPARTMENT FUND RAISING

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

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

Council Meeting OR  Committee of the Whole

Date requested November 19<sup>th</sup> 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.)

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

Memo and the Resolution

6. **REQUESTOR:**

Name: Gil Rodriguez

Title: Fire Chief

Presenter: Gil Rodriguez

Title: Fire Chief

Agency: Fire Department

Phone: 801-264-2780

Date: November 6<sup>th</sup> 2013

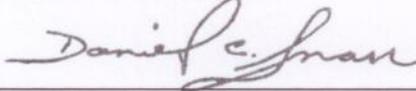
Time:

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: Gil Rodriguez

Date: November 6<sup>th</sup> 2013

Mayor:



Date: November 6<sup>th</sup> 2013

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

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

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

9. **NOTES:**



MURRAY CITY CORPORATION  
OFFICE OF THE MAYOR

Daniel C. Snarr, Mayor

Jan Wells, Chief of Staff

801-264-2600 FAX 801-264-2608

# MEMO

To: Murray City Council  
Council Director, Jan Lopez  
From: Mayor Dan Snarr  
Date: November 5, 2013  
RE: Fire Department Fund Raising

Glenae Turley, one of our long time firefighters, has been battling cancer for quite some time. She has determined that it would be in her best interest to leave with this disability at this time. The Fire Department wanted to help her with medical expenses, so they organized a golf tournament to raise money. It was held at Murray Parkway on October 16<sup>th</sup>, with the idea that the money from the carts would be donated to her. There were 50 players, so it would be about \$400.

Thank you for your consideration.

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

A RESOLUTION WAIVING GOLF CART FEES VALUED AT APPROXIMATELY FIVE HUNDRED SIXTY DOLLARS (\$560) FOR THE GLENAE TURLEY TRUST FUND

WHEREAS, the City wants to waive golf cart fees valued at approximately Five Hundred Sixty Dollars (\$560) for the Glenae Turley Trust Fund; and

WHEREAS, Section 10-8-2 of the Utah Code authorizes, after first holding a public hearing, a donation to be given to a non-profit entity, whether or not the City receives consideration in return; and

WHEREAS, pursuant to proper notice, and Section 10-8-2 of the Utah Code, a hearing was held on November 19, 2013 to allow the public an opportunity to comment on the donation.

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

Pursuant to Section 10-8-2 of the Utah Code, waiving of golf cart fees valued at approximately Five Hundred Sixty Dollars (\$560) for the Glenae Turley Trust Fund is hereby approved.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council 19<sup>th</sup> day of November, 2013.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Brett A. Hales, Chair

ATTEST:

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

**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 APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE STATE OF UTAH, UTAH HUMANITIES COUNCIL, UTAH DIVISION OF ARTS AND MUSEUMS FOR A GRANT TO INSTALL MURRAY MUSEUM LISTENING STATIONS.

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

FINANCIALLY SUSTAINABLE; VIBRANT PARKS, RECREATION, AND CULTURAL AMENITIES;  
RESPONSIVE AND EFFICIENT CITY SERVICES

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

Council Meeting OR  Committee of the Whole

Date requested NOVEMBER 19, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy? YES

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

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

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

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

\$2,000 GENERAL FUND REVENUE

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

MEMO, RESOLUTION, AGREEMENT

**6. REQUESTOR:**

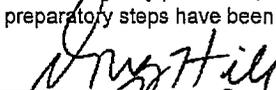
Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

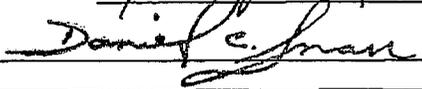
Presenter: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

Agency: MURRAY CITY Phone: 801-270-2404

Date: OCTOBER 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: 10/25/13

Mayor:  Date: 10/25/13

**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  
Mary Ann Kirk, Cultural Programs Manager  
Justin Zollinger, Finance Director  
**Date:** October 22, 2013  
**Subject:** Murray Museum Grant

---

Attached is an Interlocal Agreement between the City and the State of Utah for a grant to install listening stations in the Murray City Museum. The grant of \$2,000 will be matched by funds currently included in the Fiscal Year 2014 General Fund budget. I am requesting that this be presented to the Murray City Council for their consideration.

Please call me if you have any questions or concerns.

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

A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE STATE OF UTAH, UTAH HUMANITIES COUNCIL, UTAH DIVISION OF ARTS AND MUSEUMS FOR A GRANT TO INSTALL MURRAY MUSEUM LISTENING STATIONS.

WHEREAS, the State of Utah, Utah Humanities Council ("State") allocates funds in support of local arts projects; and

WHEREAS, the State has a grant in the amount of \$2,000 that would assist the City in installing Murray Museum Listening Stations; and

WHEREAS, it is understood that as part of the grant, the City needs to provide cash and/or in-kind matching funds up to or exceeding the amount of \$2,500 already appropriated in 2013-2014 budget and accomplish the work items as detailed in Attachment B of the attached Agreement; and

WHEREAS, the Murray City Municipal Council believes it is in the best interest of the City to receive and match the grant.

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

1. It does hereby approve an Interlocal Cooperation Agreement between the City and the State of Utah, Utah Humanities Council, Utah Division of Arts and Museums in substantially the form attached hereto; and
2. The Interlocal Cooperation Agreement is in the best interest of the City; 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.

ADOPTED AND APPROVED this 19<sup>th</sup> day of November, 2013.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Brett A. Hales, Chair

ATTEST

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



UTAH HUMANITIES COUNCIL  
MUSEUM INTERPRETATION  
GRANT AGREEMENT

**Murray City Museum** (hereinafter called Grantee) hereby signifies its acceptance of a project grant from the Utah Humanities Council (UHC) collaboration with the Utah Division of Arts and Museums (A&M), hereinafter called UHC or Grantor, in the amount of **\$2000**, for UHC project 12110 1 2105 1360, "**Murray Museum Listening Stations**". The Grantee agrees to provide cash and/or in-kind matching funds up to or exceeding the amount of **\$2500**. The total project budget will equal **\$4500**, and the grant period will be **October 31, 2013 – October 30, 2014**. The Grantee and the Project Director, **Mary Ann Kirk**, agree to administer the grant in compliance with the following provisions:

I. **General Provisions**

- A. **Scope of Project:** The proposal submitted by the Grantee is part of this agreement. Grantee will use UHC funds only to conduct the project described in the proposal, and will abide by any conditions imposed by the UHC Board (see page 5).
- B. **Nonprofit status:** Grants are made only to nonprofit organizations, educational institutions, and government agencies. It is the responsibility of Grantee to notify UHC within three days of any changes from such nonprofit status. In the event a grant award is made to an organization subsequently determined to be ineligible for a grant, the award will be terminated, and Grantee agrees to repay to UHC all funds received from the improper award.
- C. **Reports:** All correspondence and reports, identified with the appropriate project number (see agreement's first paragraph), should be sent to: **UTAH HUMANITIES COUNCIL, ATTN: MUSEUM INTERPRETATION, 202 W 300 N, SLC UT 84103-1108**. Reports must not be sent to the Division of Arts and Museums.
- D. **Requirement of UHC and A&M credit:** Exhibits and printed materials that benefit from a Museum Interpretation Grant should contain the following credit line: "**Funds to support this (exhibit/project/program/brochure — choose the appropriate one) have been provided by the Utah Humanities Council in collaboration with the Utah Division of Arts and Museums.**" UHC and A&M must be credited verbally – using this same language – at public programs that have benefited from a Museum Interpretation Grant. Language for the credit line may be modified with Grantor's advance approval.
- UHC and A&M must not be listed as a "sponsor." Instead, language should make it clear that UHC and A&M are funding sources.
- E. **Disclaimer:** Printed materials produced as a result of a UHC grant (e.g., published articles, websites, films, and exhibits) must also include the following: "**Any views, findings, conclusions, or recommendations expressed in this (publication/program/exhibition/website) do not necessarily represent the views of the National Endowment for the Humanities or the Utah Humanities Council.**"
- F. **Anti-discrimination provisions:** All Grantees and programs must conform to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975. These Acts state that no otherwise qualified person shall, on the grounds of race, color, national origin, disability, sex, or age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance.

- G. Debarment and suspension: Grantees must comply with federal debarment and suspension statutes, and must notify UHC of any changes of status.
- H. Access to documents: Grantee and Grantor shall provide public access to all official documents relating to the activities of the Grantee and Grantor.
- I. Termination: **The Grantee's failure to comply promptly with any and all provisions of this agreement will be sufficient cause to terminate it.** Termination will be effective when the Grantee receives Grantor's written notice. However, Grantor is not precluded from exercising other contractual remedies.
- J. Public Program Requirement: Grantee must host at least one live public program that showcases the interpretation project funded by UHC. One possibility is to make it part of the A&M annual Museum Day program.
- K. Evaluation: Grantee agrees to distribute the Utah Humanities Council's audience evaluation form or a similar form that measures outcomes at each event or program funded, wholly or in part, by UHC. Grantee also agrees to collect the completed audience evaluations and mail them (or a summary of them) to UHC with final report paperwork (Utah Humanities Council, 202 West 300 North, Salt Lake City, UT 84103).
- L. Research Misconduct: is prohibited from participating in research misconduct, which is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research

## II. Accounting and Audit Requirements

### A. Cost Principles

The allowability of costs and cost allocation methods shall be determined by:

- OMB Circular A-21 for awards to public and private organizations of higher education,
- OMB Circular A-122 for awards to nonprofit organizations that are not institutions of higher education, and
- OMB Circular A-87 for awards to state, local, and federally recognized Indian tribal governments.

### B. Income

1. Project income such as meal charges or material fees must be applied to the cost of the project and accounted for as matching funds in final financial reports. Such fees must be approved by UHC as part of the grant proposal.

### C. Expenditures

1. **Only costs in those expense categories set forth in the project budget as approved by UHC will be charged to this grant.**
2. Federal law prohibits the use of grant and cost-sharing funds for certain electioneering activities, financial support of political entities, attempts to influence federal or state legislation either directly or through grass-roots lobbying, and some legislative liaison activities.
3. No funds from this grant will be used to pay institutional indirect costs or overhead. Indirect costs are defined as the costs of the facilities and services available to the university, institutional, or sponsor community, including support services such as departmental administration, purchasing, payroll, janitorial service, library costs, depreciation, light, heat, etc.
4. No funds from this grant will be used to pay costs of alcoholic beverages.
5. No funds from this grant will be used to pay costs of food, entertainment, amusement, or social activities, unless such expenditures have been approved by UHC as part of the original grant application.

6. Necessary travel expenses will be allowed at a rate not to exceed the rate of \$.40 per mile for privately owned automobiles or at economy or coach rates for air travel. Grant funds may not be used for international air travel.
7. Hotel rates must not exceed \$80 per day from grant funds, and charges against grant funds are limited to the actual cost. Meals can be reimbursed using a per diem allowance of \$30.00 per day, or at the rate of up to \$6.00 for breakfast, \$9.00 for lunch, and \$15.00 for dinner.
8. Grantee assumes all responsibility for making social security contributions, reporting wages and fees to the appropriate state and federal authorities, withholding employee income and social security taxes, and obtaining unemployment insurance and worker's compensation coverage for those employees paid for participation in any UHC project. These expenses and employee benefits shall not be paid using UHC grant funds.
9. Grant funds must be obligated during the grant period for goods and/or services utilized within the grant period. Obligations outstanding as of the official termination date must be liquidated within thirty (30) days thereafter.
10. Funds uncommitted at the termination of the grant period must be returned to UHC with the final financial report.
11. Any cost reimbursed to the Grantee subsequently found to be disallowable under audit shall be promptly refunded to UHC.
12. Grantee agrees to submit in writing requests for all changes in the scope or objectives of a project, the project director, or the duration of the project. The Grantee must also submit in writing requests to subcontract or transfer substantive project work.
13. Grantee agrees to seek approval for budget changes that involve the addition or deletion of budget items, the inclusion of costs that were specifically disallowed by the terms of the grant award, or the transfer of funds that were budgeted for direct costs to absorb increases in indirect costs or indirect cost-type items.

#### **D. Accounting Records and Financial Reports**

1. Grantee agrees to establish a separate banking account, separate computer account number, or other means of segregating project funds and records for the purposes and duration of each UHC grant project.
2. The Project Director and the Fiscal Officer must not be the same person.
3. Grantee agrees to request grant funds on a UHC Cash Request Form. Grantees are permitted to submit payment requests whenever they need grant funds, and are permitted to draw down up to 90% of the grant award as an advance. Ten percent of each grant will be withheld by UHC until complete final reports have been submitted. Payment of the documented portion of the 10% withheld will be made promptly once the required reports are received.
4. Grantee agrees to maintain records that adequately identify the source and application of funds provided for financially-assisted activities. These records must contain information pertaining to obligations, unobligated balances, assets, liabilities, expenditures, and income
5. UHC does not require the submission of regular performance or financial records. Grantee agrees to maintain records that adequately identify submit to UHC a completed Final Report Form within ninety (90) days of the termination of the grant period.
6. The Grantee certifies that accounts and supporting documentation relating to project expenditures will be adequate to permit an accurate and expeditious audit. An audit may be made at any time by UHC, its designated representative, or any applicable agency of the United States government.
7. The Grantee agrees to maintain records of matching contributions, including reasonable justification of the value of in-kind contributions to this project.

8. The Grantee agrees to retain financial records, supporting documentation, statistical records, and other records pertinent to the grant for no less than seven (7) years following the submission of the final financial report, or, at its option, the Grantee may forward such records and accounts to UHC with the final project report.

### III. Copyright and Use of Information

- A. Ownership and copyright shall be vested in the Grantee or producers, as established among the interested parties. The Utah Humanities Council is to be informed of the terms of any such arrangement.
- B. The National Endowment for the Humanities (NEH) and UHC reserve a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use any products, including copyrighted materials, arising out of UHC grant activities. This use of copyrighted materials is not intended to interfere with or disadvantage Grantee in the sale or distribution of the product. All such property is subject to a Freedom of Information Act request for research data. UHC will not sell or distribute these materials for profit or distribute them to profit-making or public broadcasting agencies.
- C. Grantee may reproduce of its own volition the results of grant activity, provided such publications, films, products, etc., acknowledge UHC and A&M support and include the disclaimer statement described in Section I.(E) of this agreement.
- D. Information collected by the Grantee for the project through interviews or questionnaires may not be represented as information collected for or by a federal agency.

### V. Amendments to the Agreement

Proposed amendments must have written approval from UHC prior to initiation of those changes. Elements requiring written approval for changes include:

- 1. program content, format, or schedule
- 2. key project personnel
- 3. project beginning and ending dates (approval from Grants and Program Manager is acceptable)
- 4. budget changes that involve the addition or deletion of budget items or the inclusion of costs that were specifically disallowed by the terms of the grant award

VI. Recommendations: none

VII. Conditions: none

VIII. Signatures

GRANTOR: UTAH HUMANITIES COUNCIL

UHC EXECUTIVE DIRECTOR: CYNTHIA BUCKINGHAM

UHC EXECUTIVE DIRECTOR'S SIGNATURE:

Cynthia Buckingham 10/10/2013  
Date

I have read the above recommendations and/or conditions and agree to abide by them. I understand that if the above conditions are not met, UHC may, at its discretion, cancel the grant. I also agree to abide by the provisions of this grant agreement.

GRANTEE: Murray City Museum

PROJECT NUMBER: 12110 1 2105 1360

PROJECT TITLE: "Murray Museum Listening Stations"

PROJECT DIRECTOR: Mary Ann Kirk

PROJECT DIRECTOR'S SIGNATURE:

\_\_\_\_\_  
Date

PROJECT FISCAL AGENT: Justin Zollinger

PROJECT FISCAL AGENT'S SIGNATURE:

\_\_\_\_\_  
Date

INSTITUTIONAL AUTHORIZING AGENT: Mayor Daniel C. Snarr

AUTHORIZING AGENT'S SIGNATURE:

\_\_\_\_\_  
Date

**New Business  
Item #2**

# Murray City Municipal Council Request for Council Action

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

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

CONSIDER A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND SALT LAKE COUNTY FOR RECEIPT BY THE CITY OF TIER II "ZOO, ARTS, AND PARKS" FUNDS.

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

FINANCIALLY SUSTAINABLE; VIBRANT PARKS, RECREATION, AND CULTURAL AMENITIES;  
RESPONSIVE AND EFFICIENT CITY SERVICES

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

Council Meeting OR  Committee of the Whole

Date requested NOVEMBER 19, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy? YES

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

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

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

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

\$67,391 GENERAL FUND REVENUE

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

MEMO, RESOLUTION, AGREEMENT

**6. REQUESTOR:**

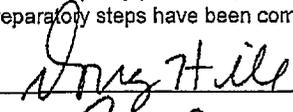
Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

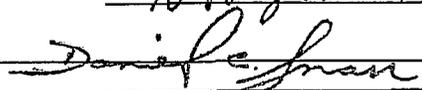
Presenter: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

Agency: MURRAY CITY Phone: 801-270-2404

Date: OCTOBER 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: 10/25/13

Mayor:  Date: 10/25/13

**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  
Mary Ann Kirk, Cultural Programs Manager  
Justin Zollinger, Finance Director  
**Date:** October 22, 2013  
**Subject:** Zoo, Arts and Parks Grant

---

Attached is an Interlocal Agreement between the City and Salt Lake County for a \$67,391 Zoo, Arts and Parks (ZAP) grant to fund City cultural art programs. I am requesting that this be presented to the Murray City Council for their consideration.

Please call me if you have any questions or concerns.

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

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND SALT LAKE COUNTY FOR RECEIPT BY THE CITY OF TIER II "ZOO, ARTS, AND PARKS" FUNDS.

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

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

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

1. It hereby approves the Interlocal Cooperation Agreement between the City and Salt Lake County providing for receipt by the City of Tier II "Zoo, Arts, and Parks" funds in the amount of \$67,391 to be used by the City's Cultural Arts Program.
2. The Mayor and the City Recorder are hereby authorized to execute the Agreement for and in behalf of the City.
3. The Agreement shall be effective upon execution.

PASSED AND APPROVED this 19<sup>th</sup> day of November, 2013.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Brett A. Hales, Chair

ATTEST:

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

**SALT LAKE COUNTY**  
**Standard Form Contract No. 13-10068 Approved 10-Oct-2013, Expires 31-Aug-2014**  
**TIER II**  
**ZOO, ARTS AND PARKS FUNDING AGREEMENT**  
**Between**  
**SALT LAKE COUNTY**  
**And**  
**Murray City Corporation / Murray City Cultural Arts**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between SALT LAKE COUNTY, a body corporate and politic of the State of Utah ("COUNTY"), and Murray City Corporation / Murray City Cultural Arts ("RECIPIENT") either a Utah non-profit organization or an agency of a municipality, whose mailing address is 5025 S. State, Murray UT 84107.

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

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

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

**1. SCOPE OF AGREEMENT:**

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

- A. Funds shall be expended within Salt Lake County as set forth with greater specificity in RECIPIENT'S application (Exhibit 1) and, if applicable, COUNTY'S additional requirements letter (Exhibit 3), incorporated herein by reference, and as further defined and set forth herein and pursuant to Utah Code Ann. §§ 59-12-701, et seq.; Chapter 3.07 Salt Lake County Code of Ordinances, 2005; and those policies, applications and standards established by Salt Lake County to administer the distribution of the Funds.
- B. Funds may not be expended for the following non-qualifying expenditures: capital construction expenses, acquisition of real property or any interest in real property, depreciation or amortization of any asset including real property, improvement to real property, payments into an endowment corpus, expenditures outside of Salt Lake County, fund-raising expenditures related to capital or endowment campaign, repayment of loans or interest thereon, grants or re-grants, scholarships, interest payments, direct political lobbying, expenditures not directly related to RECIPIENT's primary purpose, non-deductible tax penalties, bad debt expense,

and any operating expenses that are utilized in calculating federal unrelated business income tax.

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

through said Representative for the purpose of enabling the official to better evaluate and review the organization, programming and attendance at the event.

- K. It is understood and agreed that no Funds or proceeds from Funds will be made available to any public officer or employee or in violation of the Public Employees Ethics Act, Utah Code Ann. §§ 67-16-1, et. seq.
- L. COUNTY may sponsor an event that highlights the ZAP Program and showcases the recipients of ZAP funding. If the COUNTY sponsors such an event and RECIPIENT is invited to participate, RECIPIENT will use its best efforts to reasonably participate as requested.
- M. The RECIPIENT agrees that, although it may not be a "public body" as defined by the Utah Open and Public Meeting statute, Utah Code Ann. §§ 52-4-101, et. seq., because RECIPIENT receives public funds, it will use its best efforts to adhere to the spirit of the statute by making its board meetings open to the public.
- N. COUNTY is preparing an online training for all recipients. If this training is available by March 30, 2014, RECIPIENT agrees that at least one representative from the organization will complete the training prior to July 1, 2014.

## 2. PUBLIC FUNDS AND PUBLIC MONIES:

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

D. RECIPIENT expressly understands that COUNTY may withhold funds or require repayment of funds from RECIPIENT for contract noncompliance, failure to comply with directives regarding the use of public funds, or for misuse of public funds or monies.

**3. CONSIDERATION:**

Payment of Funds to RECIPIENT and the amounts thereof shall be determined and paid as set forth in Chapter 3.07, Salt Lake County Ordinances, 2005; and the COUNTY'S Policy #1031. Payment of Funds to RECIPIENT for the ZAP fiscal year 2013 shall be approximately \$67,391 of the funds designated for Tier II qualifying organizations. This amount is based on 2013 ZAP revenue projections and the Tier II Advisory Board's recommendation as approved by the Salt Lake County Council. Actual amount distributed to RECIPIENT may be decreased if 2013 ZAP revenues differ from those projected. The COUNTY recognizes that if a RECIPIENT is awarded less funding than requested, the project as described in the application may be scaled back commensurately. Funds may be distributed in several payments. Any past due balances owed to a county facility or agency may first be deducted before any distribution of FUNDS made to RECIPIENT

**4. EFFECTIVE DATE:**

This agreement shall be for a term of one (1) year, beginning on the date of the first distribution of Funds to RECIPIENT, and shall not be renewable. It is understood that the Funds received by RECIPIENT under this Agreement will be expended and accounted for within either RECIPIENT'S fiscal year or the time period indicated in their 2013 application.

If all Funds received under this Agreement are not expended during RECIPIENT'S fiscal year or time period indicated in their 2013 application, RECIPIENT agrees to account for the Funds in the succeeding fiscal year pursuant the terms and conditions of this Agreement.

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

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

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

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

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

**7. INDEPENDENT ENTITY:**

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

**8. INDEMNIFICATION:**

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

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

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

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

**9. INSURANCE:**

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

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

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

**11. TERMINATION:**

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

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

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

**12. ETHICAL STANDARDS:**

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

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

**13. COUNTY REPRESENTATIVE:**

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

**14. COMPLIANCE WITH LAWS:**

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

**15. ADDITIONAL DOCUMENTS:**

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

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

**16. INTERPRETATION:**

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

**17. ENTIRE AGREEMENT:**

This Agreement contains the entire agreement between the parties, and no statement, promises or inducements made by either party or agents for either party that are not contained in this written agreement shall be binding or valid. This Agreement may not be enlarged, modified or altered, except in writing, signed by the parties. Moreover, as a

standard form contract approved by the District Attorney's Office, any alteration without the approval of the District Attorney's Office shall render the agreement void and without effect.

**18. SURVIVAL:**

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

**19. GOVERNING LAWS:**

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

**20. WARRANT OF AUTHORITY:**

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

*[Intentionally Left Blank]*

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

SALT LAKE COUNTY

By: \_\_\_\_\_  
Mayor Ben McAdams or Designee

Murray City Corporation / Murray City Cultural Arts  
RECIPIENT

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

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

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

Approved as to Form:

/s/Stephen M. Barnes  
Stephen M. Barnes  
Deputy District Attorney

Date: 10-10-2013

**New Business  
Item #3**

# Murray City Municipal Council Request for Council Action

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

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

Financial Statement Review Fiscal Year 2013

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

Financial Sustainability

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

Council Meeting OR  Committee of the Whole

Date requested **11/19/2013**

Discussion Only

Ordinance (attach copy)

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

Resolution (attach copy)

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

Public Hearing (attach copy of legal notice)

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

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

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

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

N/A

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

Financial Statements

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 11/6/2013

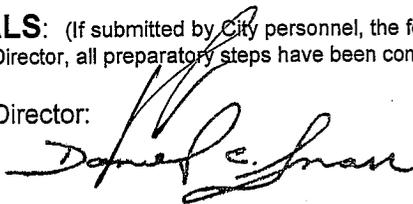
Time: 5:00 PM

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

Department Director:

Date: 11/6/2013

Mayor:



Date: 11/6/2013

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

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

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

9. **NOTES:**



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

**Memo:**

**To:** Frank Nakamura, City Attorney

**From:** Justin Zollinger, Finance Director

**Date:** November 6, 2013

**Subject:** Yearend Financial Statement Resolutions

As you know the City has prepared its fiscal year 2013 financial statements and had them audited by our independent auditors. The finance department would like to present the financial statements to the City Council on November 19, 2013. This letter is to request the City attorney prepare a resolution to be presented to council for this council meeting. This resolution provides evidence that the City comply with state law.

RESOLUTION \_\_\_\_\_

ACKNOWLEDGE COMPLETION AND RECEIPT OF THE INDEPENDENT AUDIT FOR FISCAL YEAR 2012-2013 AND ORDER THAT NOTICE BE PUBLISHED PURSUANT TO SECTION 10-6-152 OF THE UTAH CODE.

WHEREAS, sections 10-6-151, 51-2a-201 and 51-2a-202 of the Utah Code require the City to have, at least annually, an independent audit of its accounts by a certified public accountant; and

WHEREAS, pursuant to section 10-6-152 of the Utah Code, within ten (10) days following receipt of the independent audit, the City is required to publish notice advising the public that the audit is complete and available for inspection; and

WHEREAS, the City retained Keddington and Christensen, certified public accountants, to do an independent audit of the City's accounts for fiscal year 2012-2013 ; and

WHEREAS, Keddington and Christensen has completed the independent audit of the City's accounts for fiscal year 2012-2013; and

WHEREAS, Keddington and Christensen has presented the independent audit to the Mayor and Murray City Municipal Council; and

WHEREAS, the Murray City Municipal Council wants to acknowledge receipt of the completed audit and order that notice be published pursuant to section 10-6-152 of the Utah Code.

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

It hereby acknowledges that the independent audit of the City's accounts for fiscal year 2012-2013 has been completed by Keddington and Christensen and submitted to the Murray City Municipal Council. As required by section 10-6-152 of the Utah Code, the City Recorder is directed to publish notice, advising the public that the independent audit is complete and available for inspection.

PASSED AND APPROVED this 19<sup>th</sup> day of November, 2013.

MURRAY CITY MUNICIPAL COUNCIL

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Brett A. Hales, Chair

ATTEST:

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Jennifer Kennedy, City Recorder

**New Business  
Item #4**

# Murray City Municipal Council Request for Council Action

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

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

Governmental Accounting Standards Board (GASB) 54 Fund Balance

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

Financial Sustainability

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

Council Meeting OR  Committee of the Whole

Date requested **11/19/2013**

Discussion Only

Ordinance (attach copy)

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

Resolution (attach copy)

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

Public Hearing (attach copy of legal notice)

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

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

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

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

N/A

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

Attachment A

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 11/6/2013

Time: 5:00 PM

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

Department Director:

Date: 11/6/2013

Mayor:

Date: 11/6/2013

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

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

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

9. **NOTES:**



## Memo:

**To:** City Council

**From:** Justin Zollinger, Finance Director

**Date:** November 6, 2013

**Subject:** Governmental Accounting Standards Board (GASB)

The Governmental Accounting Standards Board (GASB), the governing body for governmental accounting, issued GASB statement 54 in February 2009. This statement requires governments to adopt their guide lines for reporting governmental fund balance within an entity's local code. A detailed description of the categories is included in "Attachment A".



MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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

ATTEST:

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

CERTIFICATE OF PUBLICATION

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

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

## ATTACHMENT A

For financial statement reporting purposes, governmental fund balance is to be reported in the following categories:

Nonspendable  
Restricted  
Committed  
Assigned  
Unassigned

When resources may be spent from various categories of fund balance, resources will generally be spent in the order listed above.

### Definitions of Fund Balance

**Nonspendable** – Some of the resources reported in a governmental fund cannot be spent because they are not in spendable form. Other resources reported in governmental funds are in spendable form, but still cannot be spent because they are legally or contractually required to be maintained intact.

**Restricted** – Some constraints on the use of resources are externally enforceable. Most often, such restrictions are imposed by parties outside the government (creditors, grantors, contributors, and laws or regulations of other governments). Such restrictions also may result from constitutional provisions or enabling legislations.

**Committed** – A government at its highest level of decision-making authority may formally place a constraint on the use of its own resources (for example, dedicated revenues) that remain legally binding unless removed in the same manner.

**Assigned** – Governments frequently desire to set aside (earmark) resources for particular purposes. This requires the Mayor to propose the resources to be set aside and Council to ratify this action subsequent to the end of the fiscal period.

**Unassigned** – All other resources that are not required to be reported in one of the other four fund balance categories. This category is only used in the general fund.

The City currently maintains the following governmental fund types and funds:

#### General Fund

#### Special Revenue Funds

- Municipal Building Authority
- Library
- Redevelopment Agency
- Community Development Block Grants

#### Cemetery Perpetual Care

#### Capital Projects

A **general fund** is used as the main operating fund of a government. It is used to account for all resources not required to be reported in another fund. Fund balance in this type of fund may be reported in nonspendable, restricted, committed, assigned, or unassigned.

**Special revenue funds** are used to account for the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes. As such, the following revenues are restricted or committed to the following specified purposes and as such are accounted for in a special revenue fund:

**Municipal Building Authority** – This fund may be used to bond for City projects when rates are more advantageous in this fund than using other City funds. Fund balance could be restricted, committed, or assigned depending on the circumstances.

**Library** – Property taxes are levied for the specific purpose of the Library and are restricted by state law for that purpose. All other charges for services and other miscellaneous revenues collected by the fund through Library operations are restricted for that purpose.

**Redevelopment Agency** – Property taxes are collected for the specific purpose of redevelopment and are restricted to redevelopment activities.

**Community Development Block Grants** – Money received for specific grant programs are restricted for that purpose.

**Cemetery perpetual care funds** are used to account for payments received for the long term care of the cemetery. The fund may also receive transfers from the General Fund to build reserves. The balance of the fund's reserves is considered committed by City ordinance adopted by Council.

**Capital projects funds** are used to account for resources that are restricted, committed or assigned to the expenditure for capital outlay and maintenance. Council approves by original adopted budget or by amendment transfers to capital projects funds that are assigned for this purpose.

**Enterprise funds** include Water, Waste Water, Power, Murray Parkway, Telecommunication, Solid Waste, and Storm Water. **Internal Service funds** include Central Garage and Retained Risk Reserve. As the focus of this ordinance is on governmental fund balance, enterprise funds and internal service funds are not discussed. However, any future funds (governmental, enterprise or internal service) will be created by council resolution, either included within the original adopted budget, or by special resolution.

**New Business  
Item #5**

# 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 ADOPTING THE REGULAR MEETING SCHEDULE OF THE MURRAY CITY MUNICIPAL COUNCIL FOR CALENDAR YEAR 2014.**

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

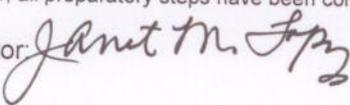
3. **MEETING, DATE & ACTION:** (Check all that apply)  
 Council Meeting OR  Committee of the Whole  
 Date requested November 19, 2013  
 Discussion Only  
 Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
 Resolution (attach copy)  
Has the Attorney reviewed the attached copy? Yes  
 Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
 Appeal (explain) \_\_\_\_\_  
 Other (explain) \_\_\_\_\_

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

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
Proposed Resolution  
Attachment: Proposed 2014 Meeting Dates

6. **REQUESTOR:**  
Name: Janet M. Lopez Title: Council Administrator  
Presenter: Brett Hales Title: Council Chair  
Agency: Murray City Council Phone: 801-264-2622  
Date: October 8, 2013 Time: 11:30 a.m.

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

Department Director:  Date: 11.8.13  
Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

8. **COUNCIL STAFF:** (For Council use only)  
Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_

9. **NOTES:**

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

A RESOLUTION ADOPTING THE REGULAR MEETING SCHEDULE OF  
THE MURRAY CITY MUNICIPAL COUNCIL FOR CALENDAR YEAR  
2014.

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

1. The regular meeting schedule of the Murray City Municipal Council for calendar year 2014 shall be as provided in the attached.
2. The Murray City Municipal Council reserves the right to change the schedule or cancel any meetings it deems necessary consistent with the Utah Open and Public Meetings Act.
3. The City Recorder is directed to publish the attached schedule.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council of  
Murray City, Utah, this 12<sup>th</sup> day of November, 2013.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
Brett A. Hales, Chair

ATTEST:

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



**MURRAY CITY MUNICIPAL COUNCIL  
2014 MEETING SCHEDULE**  
Murray City Center, 5025 South State Street

5:30 COMMITTEE OF THE WHOLE – Conference Room #107  
6:30 COUNCIL MEETING – Council Chambers

Tuesday, January 7  
Tuesday, January 21

Tuesday, February 4  
Tuesday, February 18

Tuesday, March 4  
Tuesday, March 18

Tuesday, April 1  
Tuesday, April 15

Tuesday, May 6  
Tuesday, May 20

Tuesday, June 3  
Thursday, June 17

Tuesday, July 1  
Tuesday, July 15

Tuesday, August 5  
Tuesday, August 26

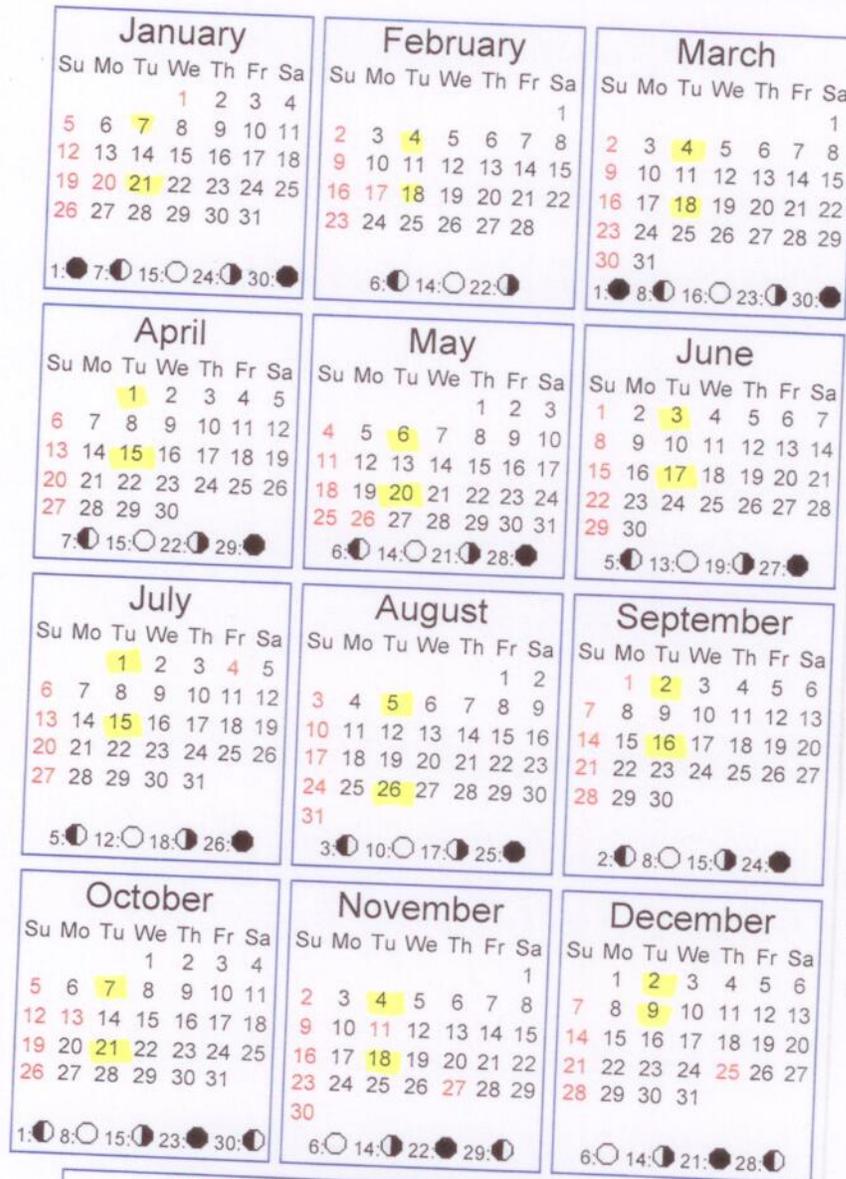
Tuesday, September 2  
Tuesday, September 16

Tuesday, October 7  
Tuesday, October 21

Tuesday, November 4  
Tuesday, November 18

Tuesday, December 2  
Tuesday, December 9

# Calendar for year 2014 (United States)



- January 1 New Year's Day
- January 20 Martin Luther King Day
- February 17 President's Day
- March 8-12 National League of Cities
- April 16-18 ULCT - St. George
- May 26 Memorial Day
- June 13-18 APPA National Conference
- \*June 17 Adopt Budget
- July 4 Holiday
- July 24 Holiday
- August 17-20 UAMPS Conference
- September 1 Labor Day
- November 11 Veterans Day
- November 27-28 Thanksgiving Holiday
- \*December 16 Council Holiday Party
- December 25 Christmas Holiday

Holidays and Observances:	
Jan 1	New Year's Day
Jan 20	Martin Luther King Day
Feb 14	Valentine's Day
Feb 17	Presidents' Day
Apr 13	Thomas Jefferson's Birthday
Apr 20	Easter Sunday
May 11	Mothers' Day
May 26	Memorial Day
Jun 15	Fathers' Day
Jul 4	Independence Day
Sep 1	Labor Day
Oct 13	Columbus Day (Most regions)
Oct 31	Halloween
Nov 11	Veterans Day
Nov 27	Thanksgiving Day
Dec 24	Christmas Eve
Dec 25	Christmas Day
Dec 31	New Year's Eve

# New Business Item #6

# 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 REQUESTING THAT APPROPRIATE ACTION BE TAKEN BY THE STATE OF UTAH TO ENSURE THAT STERICYCLE MEDICAL WASTE INCINERATOR DOES NOT EMIT HARMFUL CONTAMINANTS INTO THE AIR THAT JEOPARDIZE THE HEALTH OF RESIDENTS IN THE SALT LAKE VALLEY INCLUDING MURRAY CITY RESIDENTS.**

---

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 November 19, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy? yes

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

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

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

---

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

---

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

---

6. **REQUESTOR:**

Name: Jim Brass

Title: City Council Member, District 3

Presenter: same as above

Title: same

Agency: Murray City Corporation

Phone: 801-264-2622

Date: November 13, 2013

Time: 10:25 a.m.

---

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

Department Director:

Date:

Mayor:

Date:

---

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

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

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

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9. **NOTES:**



**MURRAY CITY CORPORATION  
CITY COUNCIL**

Dave Nicponski, District 1

Darren V. Stam, District 2

Jim Brass, District 3

Jared A. Shaver, District 4

Brett A. Hales, District 5

Janet M. Lopez  
Council Administrator

**MEMORANDUM**

**DATE:** November 13, 2013  
**TO:** Murray City Council Members  
**FROM:** Jim Brass, District 3  
**RE:** Stericycle Medical Waste Incinerator

---

The Salt Lake County Council voted on October 8, 2013 to send a letter to Governor Herbert on behalf of all citizens to investigate the medical waste facility in North Salt Lake, Stericycle, and take appropriate action. The letter pointed out that Stericycle may not be in compliance with state air quality laws and the fact that emissions from Stericycle's incinerator can travel many miles and significantly impact the air quality and safety of Salt Lake County residents.

The proposed resolution hereby requests that Murray City also take a stand to request the State of Utah to ensure that Stericycle Medical Waste Incinerator does not emit harmful contaminants in the air jeopardizing the health of residents in Salt Lake County and Murray City.



## Stericycle: Medical Waste

- [Contacts](#)
  - [Documents](#)
  - [Emissions Inventory](#)
  - [Emissions Limits](#)
  - [FAQs](#)
  - [Medical Waste](#)
  - [Notice of Violation](#)
  - [Regulations](#)
  - [Stack Testing](#)
  - [Timeline](#)
- 

Stericycle is permitted to treat non hazardous medical waste and other non medical wastes. It is also referred to as "infectious waste," which, by definition, is "a solid waste that contains or may reasonably be expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease."

Many people may interchange the terms medical waste, infectious waste, and bio-hazardous waste. In general, medical waste is used for all waste coming from a medical facility. Infectious waste is used to refer to waste contaminated with body fluids. It is, therefore, a subset of medical waste.

### Waste Accepted

- Non hazardous medical waste, including laboratory waste, glassware, and sharps.
- Surgical specimens and tissues, animal tissues and carcasses, blood, and body fluids.
- Infectious wastes from veterinaries, mortuaries, research, and industry.
- Expired and unused pharmaceuticals and contraband.
- Outdated consumer commodities, proprietary packaging, and records.
- Recalled medical equipment and supplies.
- Agriculture (APHIS) waste, and municipal solid waste contaminated with infectious waste.
- Other non hazardous waste approved by the Director that is appropriate for a medical waste incinerator.

### Waste Excluded

- Hazardous Waste
- Municipal Waste
- Radioactive Waste
- PCB Waste

### Contacts

- Air Quality Compliance History: [Rusty Ruby](#)
- Air Quality Permit: [Regg Olsen](#)
- Health Related Concerns: [Steve Packham](#), Toxicologist
- Solid Waste Permit and Compliance History: [Roy Van Os](#).

## Stericycle: Notice of Violation

- [Contacts](#)
  - [Documents](#)
  - [Emissions Inventory](#)
  - [Emissions Limits](#)
  - [FAQs](#)
  - [Medical Waste](#)
  - [Notice of Violation](#)
  - [Regulations](#)
  - [Stack Testing](#)
  - [Timeline](#)
- 

On May 28, 2013, the Division of Air Quality (DAQ) issued a [Notice of Violation and Order to Comply](#) to Stericycle for multiple violations of its Title V air quality operating permit.

The Order required Stericycle to take all necessary actions to bring its operations into compliance with all applicable provisions of the Utah Air Conservation Act and submit written notification of its intent to comply, outlining how, and when compliance will be achieved to DAQ in writing on or before the 15th day after it received the Order. Stericycle submitted its [15-day response to the NOV](#) to DAQ on June 14, 2013 and requested a 30-day extension from DAQ to decide whether it will challenge the Order. Stericycle submitted a [request for extension](#) on July 26, 2013, asking for additional time to work towards a settlement. DAQ granted Stericycle an [extension](#) until August 30, 2013. DAQ requested, and Stericycle agreed, to weekly meetings to advance settlement discussions, with an option for additional meetings as needed.

The Division of Air Quality identified a need to modify the NOV to explicitly cover each day of the nitrogen oxides (NOx) emission limit violation based on the charging rate of waste prior to the installation of additional NOx controls. On August 28, 2013, DAQ issued an [Amended Notice of Violation and Order to Comply](#). Stericycle responded to this Amended Notice of Violation by filing a [Request for Agency Action](#) with the Division on September 27, 2013.

Stericycle demonstrated compliance with the emission limits contained in its permit as of April 10, 2013, with the penalty accruals for the violations listed in the NOV ending on that date. Under state rules, DAQ can levy fines of up to \$10,000 per day for every violation.

The violations identified in the Notice of Violation (NOV) occurred between 2011 and 2013. They include:

1. emissions exceeding the permit limits for dioxin and furan
2. emissions exceeding the permit limits for NOx on multiple occasions
3. failure to report these emission exceedances to DAQ in a requisite time frame
4. failure to maintain normal operating conditions during a stack test
5. failure to include the test results demonstrating these emission exceedances in the requisite annual and semi-annual monitoring reports

The Division Director will determine the [penalties](#) for noncompliance based on the nature and extent of the violations and the potential for harm from the violations. Violations with a high potential for impact on the public health and the environment are subject to the highest penalties.

The Notice of Violation and Order to Comply is a document that describes findings of fact, identifies violations based on these findings, and issues mandatory compliance provisions based on the findings and violations. It does not establish penalties, but does provide information the Division Director can use in determining fines.

### Contacts

- Air Quality Compliance History: [Rusty Ruby](#)

**Mayor's  
Report  
and Questions**

**Adjournment**