

**MURRAY**  
CITY COUNCIL

**Council Meeting  
December 3, 2013**



**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, December 3, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

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

**1. Approval of Minutes**

Committee of the Whole – October 15, 2013  
Committee of the Whole – October 29, 2013

**2. Discussion Items**

- 2.1 Wasatch Front Waste and Recycling District Fee Increase – Jim Brass (15 minutes)
- 2.2 Enterprise Fund Reserve Accounts – Darren Stam
  - 2.2.1 Explanation of Included Documents – Justin Zollinger
  - 2.2.2 Power Department – Blaine Haacke (15 minutes)
  - 2.2.3 Water and Waste Water – Doug Hill (15 minutes)
  - 2.2.4 Storm Water – Doug Hill (5 minutes)
  - 2.2.5 Solid Waste – Doug Hill (5 minutes)
  - 2.2.6 Murray Parkway Golf Course – Doug Hill (5 minutes)

**3. Announcements**

**4. Adjournment**

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

**5. Opening Ceremonies**

- 5.1 Pledge of Allegiance
- 5.2 Approval of Minutes

- 5.2.1 October 15, 2013
- 5.2.2 October 29, 2013

5.3 Special Recognition

- 5.3.1 Introduction of Miss Murray McCall Gray (Mayor Snarr presenting.)

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

**7. Consent Agenda**

- 7.1 Consider confirmation of the Mayor's reappointment of Larry Wilson to the Murray City Board of Appeals in an At-Large position for a three-year term to expire November 1, 2016.

**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. (Justin Zollinger presenting.)

8.1.2 Council consideration of the above matter.

**9. Unfinished Business**

- 9.1 None scheduled.

**10. New Business**

- 10.1 Consider 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. (Jan Wells presenting.)

- 10.2 Consider a resolution approving a proposed fee increase for the Wasatch Front Waste and Recycling District, to be effective January 1, 2014 to December 31, 2014. (Jim Brass presenting.)

- 10.3 Consider an ordinance overriding the Mayor's veto regarding the dissolution of the Power Advisory Board. (Brett Hales 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 Wednesday, November 27, 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>.

---

Janet M. Lopez  
Council Administrator  
Murray City Municipal Council

# Committee of the Whole

**Committee  
of the Whole  
Minutes**

# DRAFT



**MURRAY**  
CITY COUNCIL

## MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 15, 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:

Ted Eyre	Resident	Justin Zollinger	Finance Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Services Director
Jennifer Kennedy	Recorder	Russ Kakala	Public Services
Georganne Weidenbach	Centurylink	Diane Turner	Resident
Greg Bellon	Power	Bruce Cutler	Resident
Sally Hoffmeyer-Katz	Resident	Kellie Challburg	Council Office
Jennifer Brass	Resident	George Katz	Resident
Buck Swaney	Resident	Blair Camp	Resident
Kim Fong	Library Director		

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance. He excused Mayor Snarr's absence, and welcomed Doug Hill as Mayor Pro-Tem.

### Minutes

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on September 17, 2013. Mr. Shaver moved for approval. Mr. Brass seconded the motion. All were in favor.

Mr. Hales asked for corrections or action on the Special Council Meeting held on October 1, 2013. Mr. Nicponski moved for approval. Mr. Shaver seconded the motion. All were in favor.

## **Business Items**

### **2.1 Discussion Item #1-**

### **Reports from Boards and Commission Representatives to Interlocal Entities.**

#### **2.1.1 Utah Associated Municipal Power Systems (UAMPS) – Greg Bellon**

Mr. Bellon stated that they are in the middle of contract agreements with IPA (Intermountain Power Agency). Approximately one half of the Utah municipalities involved have taken the contracts to their Council and obtained approval. Those contracts will come before the Murray City Council on October 29<sup>th</sup>.

Another topic of concern is the CRSP (Colorado River Storage Project) allocation with the drought going on in the southern part of the state. Lake Powell is about 110% below the spillway so generation has been cut back. There is a reserve fund set aside of approximately \$110 million dollars. A certain amount of energy is guaranteed to those participants, so they have had to dip into the reserve a little bit. Hopefully that won't last very long. If the drought continues into 2014, there could be a \$2 increase on the rates. Most likely, that would be a temporary rate increase, until there is more water added to the reservoirs.

Mr. Brass asked the current cost of running the turbines. Mr. Bellon said that it is anywhere from \$43 to \$49 depending on the day. Mr. Bellon said that is one of their very best resources. Mr. Nicponski clarified that this was due to Lake Powell being so low. Mr. Bellon agreed and said it is the equalization flow between Lake Powell and Lake Mead. He is hopeful for a snow filled winter.

UAMPS is looking at San Juan, the plant that California is trying to divest themselves from. Currently, it is 1.6 megawatts, and could possibly increase. Mr. Brass asked how reliable it was. Mr. Bellon said he would guess 85 to 90%. Murray City would support the UAMPS purchase, if it was the right price.

There is currently a dairy cow trial going on in Nephi. The farmers in the area believe that stray voltage is affecting the milk production in the dairy cows. They are losing more cows than normal, and believe it is a result of stray voltage from the transmission line. IPA and everyone else involved are being sued. It is a \$500 million lawsuit. There is insurance to cover costs, if something were to happen.

Mr. Bellon reminded everyone of the IPA luncheon on October 21<sup>st</sup>. All are welcome, and RSVPs are needed. Representative Stewart will attend.

Mr. Brass commented that he is nervous about the remedy for the lawsuit. He believes the only remedy would be to cut the transmission line. Mr. Bellon said there are other cases in the country right now regarding this same issue.

#### **2.1.2 Trans-Jordan Cities-**

#### **Russ Kakala**

Mr. Kakala said the financial audit was just completed. There were no concerns. Mr. Shaver asked if he could send a copy to Ms. Lopez.

Sandy City stated that they are going ahead with the gasification waste energy facility. Sandy City claims that the facility will be up and running in 18 months. It will be located on 700

West and 9000 South. Mr. Kakala said that the Sandy City ordinance has been changed to allow for a transfer station type of facility. Mr. Nicponski asked when Sandy made that ordinance change. Mr. Kakala said it was announced at a board meeting in June. Mr. Nicponski asked if they had the financing in order. Mr. Kakala noted that Sandy City stated that the money is there and there will be no out of pocket expense for the City.

Mr. Brass asked if Sandy City had received an air quality permit. Mr. Kakala said that permit is being issued now. He commented that Sandy City remains fairly vague on the details. Mr. Brass commented that Wasatch Front Waste and Recycling District had the same concerns as Trans-Jordan.

Mr. Kakala said that the plant will affect Trans-Jordan and decisions will need to be made. Sandy City has stated that it is a modular system that can grow. It can start at anywhere from 5 to 1,000 tons per day. Trans-Jordan processes 1300 tons per day, and could go as high as 3,000. Mr. Shaver stated that could lead to a bidding war. Mr. Kakala commented that it also changes the dynamics of the cities.

The price they are quoting is \$10 per ton, with a \$2 rebate at the back end, so approximately \$8 per ton. The current price is \$13 per ton to dump it. Mr. Brass commented that there could be money saved on dumping, but money lost at the landfill. The commercial rate would be \$20 per ton. If this project fails, then presumably Sandy will take over the building and make it a transfer station, which could have been the ultimate goal anyway.

Last month, Mr. Kakala attended meetings on gasification plants. The largest tonnage possible thus far had been 200 tons a day, most of which was green waste or lumber. Navitus is going to run the Sandy City facility, and they are an unknown entity. The general consensus is that gasification will not work for municipal waste. This site would separate recyclables at one facility so it would be a single stream, only one garbage can would be needed.

Mr. Brass noted that the energy required to create the gas to generate the energy doesn't add up. Mr. Kakala agreed and said that seems to be the consensus.

### **2.1.3 Murray City Library**

### **Kim Fong**

Ms. Fong showed a power point of statistics and comparisons for the first quarter of 2013 and the first quarter of 2012. Public internet was about the same, catalog searches were up, patron actions (holds and renewals) were down a small amount. Wireless access was up by about 62%, which makes sense as more people get wireless devices. Mr. Shaver asked the dates in question. Ms. Fong replied that it is the first quarter of this year, versus first quarter last year. He asked if this would include the teen computer addition. Ms. Fong replied that it does. Website visits are down, e-books are up by about 35%. The children's early literacy computers are up by about 54%. The gate count and room use is interesting. The average gate count last year was 21,000 and this year it is 22,000. Room utilization is the amount of available time being used for the rooms. The study rooms are the rooms with the highest usage, and the conference room and the auditorium are listed also. Circulation was up by 2% from last year.

Of the items checked out, 28% are children's books, 30% are books for adults and teens, and 42% is AV (audio/visual) material. AV material includes DVDs and CDs. Programming and outreach programs are well attended. There are programs for small children, toddlers and preschoolers, school age children, as well as teenagers and adults. Storytube is

the online story time and is being viewed frequently. The Murray City Library Facebook page receives posts and they are active in social media.

Ms. Fong closed with a quote, "The only thing you have to know is the location of the library, "Albert Einstein.

Ms. Nicponski asked if there had been any discussions about relocating to the Central Business District. Ms. Fong said there have been discussions, but not a real good proposal on how to finance such a move.

Mr. Stam asked if the Library were to be expanded, would the bulk of the expansion be in the open space. Ms. Fong said more study rooms are needed. Currently the library is a big open space, and sometimes it is hard to find quiet areas for study, as opposed to those that are there for activities.

#### **2.1.4 Legislative Policy Committee (LPC)**

#### **Jan Wells**

Ms. Wells noted that there are many legislative things happening at this time of year. A meeting or a breakfast needs to be scheduled with Murray City's Legislators, probably early in January.

Ms. Wells said one of the items at the top of the legislative list is transportation funding. The League, in coordination with many other entities brought this issue to the forefront last year. This is a multi-year effort to try and get more funding. The League has asked Mayor Rechtenbach from Taylorsville to help with a Legislative interim committee presentation. The main issue to be discussed will be all of the organizations' combined projects that need funding, which equate to an \$11.3 billion deficit in transportation funding. This request is so huge that it needs to be broken down into different elements. A plan has been identified to take on this deficit. The strategy this year is to look for funding for cities and counties on some of their road needs. The recommendation is a 3% fuel user fee, or a 10 cent gas tax hike. That recommendation will be made to the interim committee on transportation. Mr. Nicponski asked if that would be local option. Ms. Wells replied that she wasn't sure. Mr. Brass asked how that money would be broken down to ensure that it gets to the cities. Ms. Wells answered that some of those questions don't have answers yet. The focus is on introducing this concept and asking for the funding. Mr. Nicponski stated that he believes the request for 10 cents is because the state would take 5 cents, and leave 5 cents for the cities.

There is also legislation on trails, and efforts to get the limited use of condemnation.

The League has had a lot of input on the Transparency Advisory Board. They are working with technology to help streamline GRAMA (Government Records Access Management Act) requests and other public records.

The League has drafted a Canal Safety bill for Representative Johnny Andersen to encourage the State Engineers' office to gather information about hazardous canals that could impact the safety of our residents.

There are some Justice Court issues circulating.

There are other issues such as: impact fee challenges, Good Landlord programs, and governmental immunity issues. Mr. Nicponski agreed that governmental immunity issues are

important because the liability keeps going up. Mr. Brass said there were two recent State Supreme Court decisions that were harmful. Ms. Wells noted that the Legislature isn't usually friendly about those types of issues.

### **2.1.5 Council of Governments (COG)**

### **Jan Wells**

Council of Governments has been working on some specific issues recently, noted Ms. Wells. Air quality has been a big issue being discussed, with Ralph Becker as the Chairman. UDOT (Utah Department of Transportation) created [travelwise.utah.gov](http://travelwise.utah.gov) that is a toolbox to train cities to help people best use their resources to improve air quality, especially in the winter.

There has been continued discussion on the homeless services funding that Murray participated in.

Transportation is always an issue with the TIP (Transportation Improvement Program) and the STIP (State Transportation Improvement Program) and different projects going on.

The VECC (Valley Emergency Communications Center) and UPD (Unified Police Department) merger has received a lot of attention recently. Mayor Johnson from West Jordan has helped move that agreement along. There are some issues with the agreement and Mayor McAdams has offered to help fund Versaterm if everyone can get on the same operating platform. Murray has been on Spillman, so that is a challenge that still needs to be sorted out. Mr. Shaver asked if this was an interlocal agreement between the cities that are not a part of UPD and the County, which makes three partners: non-UPD cities, UPD, and the County. Ms. Wells agreed that those would be the parties in the agreement. Salt Lake City and Sandy City have left VECC, but there are still some issues that need to be worked out.

Corridor preservation funds have been discussed recently. This is a process that allows a person to apply for corridor preservation funds. Mr. Hill and his staff put together an application that is expected to be funded because other cities have received funding. Murray asked for money to help purchase homes on Box Elder for people that do not want to stay in their homes and would like the City to purchase them. The committee explained that the project wasn't far enough along to receive funding at this time.

### **2.1.6 Utah Telecommunications Open Infrastructure Agency (UTOPIA) - Jan Wells**

Ms. Wells appreciated the efforts on the resolution that would be addressed in the Council Meeting. The resolution is for a representative change on the UTOPIA board. It was decided that Mr. Zollinger with his financial background would be an asset to the committee. The resolution requests that Mr. Zollinger act as representative and Ms. Wells serve as the alternate. The timing is important because discussions are starting on the utility model, and options for system build-out.

### **2.1.7 Utah Infrastructure Agency (UIA)-**

### **Darren Stam**

Mr. Stam stated that a topic of discussion with UIA going forward was the Salt Lake City fiber ring. That was reviewed and some agreements were made for the payment of the bond that helped push the data center off. The contract was signed and there was promised payment to build out the fiber ring. Mr. Hales asked when the decision was made to go forward with the fiber ring. Mr. Stam said it was approximately two and a half to three months ago. He stated that the decision to go forward was based on the fact that someone offered to make payments for

certain usage. These contributions would be enough to cover the bond payments for money that would have been used for the build out.

There are ongoing discussions and negotiations. On October 23<sup>rd</sup>, there would be a meeting with City Council Members to explain the negotiations. An invitation should be coming soon.

UIA is still moving forward with the second round of the bonding plan. There have been several hundred additions a month to the customer list, equating to an increase in revenue of about \$5,000 to \$6,000 per month.

Mr. Shaver asked about invitations to the meeting. Mr. Stam said the invitations could come in the mail or by email. There would be specific sign up times, avoiding any quorum issues.

**2.1.8 Valley Emergency Communications Center (VECC)-** **Dave Nicponski**

Mr. Nicponski commented that the topic had been well covered by Ms. Wells. He added that the merger is moving along and the Spillman/Versaterm issue is a little tricky, but expects it to be resolved. He noted that VECC uses Spillman and the County uses Versaterm. The County thinks that Versaterm is a better system.

**2.1.9 Association of Municipal Councils-** **Dave Nicponski**

Mr. Nicponski toured the South Valley Sanctuary with the association and believes that all of these non-profit agencies could really use help. The Sanctuary is stretching their budget thin to get food for the pantry. The previous month, there was a report from the County homeless distribution.

**2.1.10 Central Valley Water Reclamation-** **Jim Brass**

Mr. Brass said that nutrients in the Jordan River are still an issue. The EPA (Environmental Protection Agency) will eventually come up with some numbers that will cost the City some money.

It is currently budget time, and there are always entities that find it easy to raise the budget, and it is a constant battle. The current discussion was that Central Valley pays 100% of insurance costs for their employees. It doesn't make sense to keep raising costs to give a benefit to employees that the City doesn't give to its own employees. Otherwise, the budget is only up about 1.2%. The plant is extremely well run, but is getting old and will have some capital expenditures in the future.

Mr. Nicponski asked about the nutrients in the Jordan River and what the increasing costs would go towards resolving. Mr. Brass said the cost would be in dropping the level of nitrogen and phosphorous, as well as other nutrients. The battle is that the EPA isn't taking into account all the other sources that empty into the Jordan River, from Utah Lake to the canyon creeks, and agricultural lands. The Water Treatment Plant is an easy target. There are various individuals with Ph.D.'s with differing opinions. New data shows the impact of heavy rains and materials washed into the river, causing a spike in the oxygen level of the organic materials. This should help the argument, but the EPA will still ask for some money.

**2.1.11 Wasatch Front Waste and Recycling District (WFWARD)-**      **Jim Brass**

It is budget time for WFWARD also. Mr. Brass thanked Doug Hill for attending the last meeting in his place. He received many compliments on Mr. Hill's representation.

WFWRD provides waste service for Murray citizens east of 900 East. There are mixed feelings about that from residents living in that area. He expects a rate increase very soon for those residents. There is an immediate increase proposed, as well as another increase the following year. Those increases will last for three years, until they are in a negative fund balance situation. Mr. Brass expressed concerns about the fast cash burn; at some point the rates will have to be increased and will make them no longer competitive. If Murray were to take over the service it would cost the residents less money, even including an additional charge for a roll-out dumpster once a year.

WFWRD provides some services that the City doesn't, so there are some unanswered questions. Mr. Hill agreed that the concern is that WFWRD keeps spending money but prefers not to increase the rates, but that is not sustainable. Mr. Brass said the current proposal is a two dollar monthly increase in 2014, and another two dollar per month in 2015, then another increase three years later.

WFWRD is introducing a subscription green waste that they hope will bring in money. There are costs involved in that; especially if there isn't critical mass in any one area, and trucks need to be driven all over.

WFWRD is looking into a glass recycling program also. There is now a market for glass recycling. There is a plant in Nephi that makes fiberglass insulation and can take all the glass that is generated from the Ogden to Provo area.

**NeighborWorks-**      **Tim Tingey**

Mr. Tingey commented that he serves on the NeighborWorks Salt Lake Board of Directors. This Board oversees the whole organization. There is also a Murray Advisory Board for the satellite office in Murray. He serves on that board also, acting as a liaison between the two groups. The boards meet monthly, and sometimes more often than that.

Mr. Tingey is pleased with the work that is happening in the community. The biggest challenge is getting the word out to residents and individuals so that they are aware of these available resources.

NeighborWorks provides a variety of different services. They are a real estate development that acquires property. The properties are blighted or in disrepair, they rehabilitate them and sell them to an owner occupied family.

There are four projects underway currently, and they are looking to buy a fifth. Before the property is sold to an individual, the individual must go through a first time home buyer education course. There are a variety of other steps to ensure that they are ready to be home owners. Foreclosure counseling is also offered to all residents in the Salt Lake area.

A rehabilitation loan was just approved as another service. If a person is in the low to moderate income range and has a home in need of repairs, such as leaking roofs or other

issues, they can seek assistance through this rehabilitation loan. It is a great program and NeighborWorks takes care of everything and oversees the contractors.

NeighborWorks has been working with the code enforcement officers when they see homes with repair issues. NeighborWorks then sends a letter to the home owner to make them aware of any resources.

Mr. Shaver commented that he was part of a youth group that participated in the NeighborWorks programs last summer. The youth spent time cleaning up properties. Afterwards, the comments from the youth and the adults were that they weren't even aware of this opportunity and would like to do it again. Mr. Shaver added that he was able to get some vinyl flooring from NeighborWorks and install it in an elderly lady's home.

Mr. Nicponski asked how many homes Murray can help rehabilitate in a year. Mr. Tingey replied that the average is probably around two to three per year. The acquisition rehabilitation are big projects and they are working on their fifth thus far. There was one on Box Elder that a second bathroom and a third bedroom were added to the house. Mr. Shaver commented that there are good contractors working for them and the houses are beautiful. Mr. Stam noted a large project that is a tear-down and a complete rebuild across from Riverview Junior High. Mr. Tingey noted that the home should be available soon for a family to move in.

## **2.2 Discussion Item #2**

## **Proposed Land Use Ordinance- E-cigarettes- Tim Tingey**

Mr. Tingey stated that in June 2013, a moratorium was established to allow time to look at the ordinances related to E-cigarettes. Since that time, State code had been reviewed. The State has defined E-cigarettes under their code. Murray took this opportunity to create an ordinance for Council to consider, in November. The Planning Commission has already given their recommendation.

The plan is to take the existing ordinance for tobacco retailers and define E-cigarettes in that ordinance, similar to the State. Chapter 17.4.2 of the ordinance will define E-cigarettes in the tobacco businesses and expand the definition, consistent with what the State has done. The State defines a tobacco E-cigarette retailer as a facility that sells tobacco products that account for more than 35% of the total annual gross receipts. Secondly, food and beverage products, excluding gasoline sales is less than 45% of the total gross receipts. The establishment may not be a licensed pharmacy under State Code.

Similar to the current ordinance for tobacco retailers, an E-cigarette retail establishment cannot be within 1000 feet of a residentially zoned property, public/private school, licensed childcare facility or pre-school, playground, youth center recreational facility, arcade, park or library. In addition, these retailers would be limited to one per every 1000 citizens per the population. They also cannot be located within 500 feet of another tobacco retailer.

Mr. Nicponski asked what the experience thus far has been. Mr. Tingey replied that there are totally new shops opening up to sell E-cigarettes. They will be defined as tobacco, or E-cigarette retail shops, consistent with State Code. There are some operating now that were grandfathered prior to the ordinance. Mr. Tingey said that if those retailers go out of business, then those can be regulated with the population criteria. Mr. Brass said this topic has been in the media all over the country. The effects are unknown, so the safest thing to do is what

Murray is doing. The E-cigarette still involves nicotine, which is a drug. Mr. Shaver noted that it was discussed in the school board meeting and many kids aren't aware that it is a drug.

Mr. Tingey commented that it was helpful that the State provided some definition for the cities. Mr. Tingey appreciated the attorneys' help on this issue.

Mr. Hales reminded the Council of the Municipal Building Authority meeting at 6:20.

Ms. Lopez mentioned that there had been several meetings on chickens and bees, and there will be a Committee of the Whole meeting on November 12<sup>th</sup> to further discuss that topic. (This meeting was later delayed until January 2014.)

Mr. Hales adjourned the meeting.

Council Office Administrator II  
Kellie Challburg



**MURRAY**  
CITY COUNCIL

**DRAFT**

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

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, October 29, 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	Gil Rodriguez	Fire Chief
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Jennifer Brass	Resident
Pete Fondaco	Police Chief	Craig Burnett	Police
Braint Farnsworth	Attorney	Blair Camp	Resident

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

**Discussion Item 2.1**

**Valley Emergency Communications Center (VECC) Agreement- Jan Wells**

Ms. Wells updated the Council on the status of the agreement. The agreement was put together by a special committee of COG (Council of Governments) led by Mayor Johnson from West Jordan. COG has given their approval of the agreement. The Board of Directors also agreed to move the agreement forward.

The Salt Lake County Council approved the agreement on Oct. 22<sup>nd</sup>, along with \$1.4 million for the equipment needed to move to Versaterm. The County Council is the budget arm and has the budgetary direction. There are political issues whether or not the Sheriff is willing to follow their direction. Mr. Shaver asked if the funds had been approved also. Ms. Wells replied that she wasn't sure, but it was probably set aside in Mayor McAdams budget that would be adopted in January.

Chief Fondaco has a few concerns about the agreement. When the VECC building was constructed, there was a five year commitment to be part of the organization to cover the bond. The five years has elapsed and the building is nearly paid for. The new agreement also calls for five years of commitment, and it is questionable as to why that needs to continue.

Recently, Sandy City walked away from VECC and therefore lost the interest that they had in the building. That brings another question if this would apply to the rest of the group if the building were only used by some of the organizations. Chief Fondaco is concerned about the interest in the building.

Another concern for the Operations Board has been the weighted voting. The contract cities of UPD (Unified Police Department) and UFA (Unified Fire Authority) plus the other individual entities, leave the remaining cities without a voice. It gives UPD and UFA an unfair block of voting. The Trustees are working on organizing the voting. Weighted voting isn't applicable in the majority of occasions, but it has been used in some situations.

When VECC was organized, the Board of Operations had the authority to act for the day to day operations of the organization. The Board of Trustees was put in place to oversee the budget. As time has passed, the Board of Trustees has taken on a more active role in management decisions and have taken some authority from the Board of Operations.

The Operating System is a big issue. Murray City uses Spillman, and this is an opportunity to have everyone on the same system. One of the components of the County coming to VECC is having everyone involved on the same system. Salt Lake County, Salt Lake City, and Sandy City use Versaterm. The rest of the cities are using Spillman. Chief Fondaco would like to see a study done of both models for a year and then make a decision. The County has put out this \$1.4 million to help the other cities buy the equipment and migrate to Versaterm.

Neither West Valley City nor West Jordan have adopted the agreement, but have plans to address it next month. Their main concern was whether or not the County would actually come, including the Sheriff.

The Legislature got involved and stated that there were too many PSAP's (Public Safety Answering Point) in the County and should be consolidated. Politically, it would be hard to leave VECC or form a new PSAP.

Chief Rodriguez feels like the County is holding some hostage. The offer of money wasn't necessarily for the best system, but for the system the County uses. Chief Rodriguez stated that ideally it would be best to create a new system, but there may not be money for that. He agrees with the idea of determining which system of the two is best.

Chief Rodriguez is also concerned with the weighted voting on the Operations Board. Previously, every jurisdiction had a vote, now it is up to the Board of Trustees to determine the voting. Previously, the Board of Trustees took care of the money, and the Board of Operations made sure that the day to day operations ran smoothly. Chief Rodriguez is concerned about the direction that is heading. Mr. Shaver asked if it was an interlocal agreement as to whether the Board of Trustees and the Board of Operations exist. Chief Rodriguez replied that it was. Mr. Brass asked if it was similar to signing a blank check on the operations side, due to the weighted voting.

Chief Fondaco commented that Chief Rodriguez discussed the main concerns with the agreement. Chief Fondaco is one of the remaining members of the Board of Operations that was involved with dispatch when VECC was created. The Operations Board had a lot of authority in the original agreement. The Operations Board could hire and fire the Director, and also decided what would happen at VECC. The Board of Trustees decided on the weighted vote on the percentage of money that was paid in. The new agreement has stripped the Operations Board of authority and will now be run by bylaws set by the Board of Trustees. Chief Fondaco has concerns that the UFA Chief and the UPD Chief can be a quorum based on the weighted vote. If those two entities voted together, it wouldn't matter what all the other cities voted. He has severe concerns with the day to day operations being controlled by two entities, rather than a Board.

The Board was always set up in the way that one Chief equaled one vote. It was never set up by how much money equaled how many votes. Chief Fondaco believes that this agreement favors UPD and UFA. He doesn't feel that this agreement benefits Murray City.

He believes the CAD (Computer Aided Dispatch System) is a separate issue. The original plan was the Sheriff was going to move into VECC with his CAD- Versaterm. At that point both CAD's would be run for a year and then have the dispatchers decide which system served the communities better. The Sheriff agreed to that and was going to cross-train and teach everyone on the new system. The Sheriff later changed his mind and decided he wanted Versaterm, and the County offered the money.

Chief Fondaco has used Spillman since 1997, and all his records are contained there. The data would not be transferred but left on a dead server to be looked at later. As Ms. Wells mentioned, all the other cities are on Spillman also. His concern is that the Sheriff doesn't own Versaterm, but simply operates it out of Salt Lake City. He doesn't have a server for his records or a CAD. If everybody switches to one CAD, it would be housed at Salt Lake City and be completely under their control. Salt Lake City Police Department owns Versaterm.

Mayor Snarr asked what the option was if Murray didn't approve this interlocal. Mr. Stam asked about the vote and if it is a weighted vote, would all the cities lose anyway if they voted against it. Chief Fondaco said the interlocal has to be approved by the Mayor and Council. Mr. Shaver clarified that the interlocal agreement was different than the operating system. Mr. Stam asked if all the cities voted against it, would they come up with a new agreement. Chief Fondaco noted that it is unknown which system is better: Versaterm or Spillman. He would like time to have everyone try out both systems. The County Mayor said in the CAD meetings that the \$1.4 million would only be given if Versaterm was chosen, not Spillman. Mr. Stam asked if those meetings were public. Chief Fondaco replied that he wasn't sure.

Mr. Shaver asked if the other cities that are not currently on Versaterm have similar concerns. Chief Fondaco noted that the Fire Chiefs and Police Chiefs from all the other cities, with the exception of Sandy, that are currently using Spillman are meeting to discuss the CAD issue.

Chief Fondaco noted that Murray has a large investment in Spillman because all of the records in Spillman and the vehicles use Spillman. There will be a necessary data push from Spillman, and he said the cost of that data bridge is unknown.

Mr. Shaver asked when the agreement would come before the Council. Ms. Wells replied it was currently on the agenda for November 19<sup>th</sup>. Mr. Nicponski noted that of the 15

cities, plus the unincorporated area for a total of 16 entities, there are only three that have not supported this agreement. They are: West Valley City, West Jordan and Murray. Some of the entities must think that Versaterm is a good idea. Mr. Nicponski disclosed the fact that he represents UFA and UPD on the Hill.

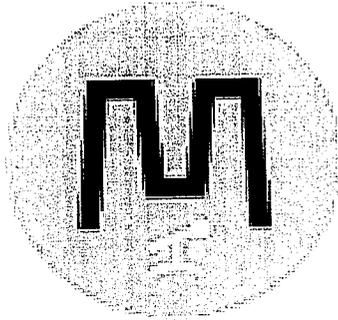
Chief Fondaco stated that there are three agencies in Utah using Versaterm. They are Davis County, Weber County and Salt Lake City and County. Weber County and Davis County are both in the process of an RFP (Request for Proposal) to get rid of Versaterm, it is not working for their Fire Departments. Mr. Nicponski commented that UPD has cities that are members. Chief Fondaco replied that police dispatch is relatively easy, fire dispatch causes a lot of other issues with the CAD. He said Versaterm has been a problem for those counties with fire dispatch, and transition is a problem also. Mr. Stam asked if those entities would be attending the upcoming meeting also. Chief Fondaco replied that they would not. The Chairman of the Board of Operations is the West Jordan Fire Chief and he is meeting with those entities and doing due diligence.

Mr. Nakamura doesn't believe the issue is the weighted voting. The reality is that in the past there wasn't an agency that had contracts with other cities. These separate entities are now contracted with UPD and that is very different. Those cities that would have had individual votes in the past, would now probably vote with UPD. The reason why Murray would be outvoted is because of the County and the cities that are contracted with UPD. He doesn't think the focus should be on weighted voting, it is a new experience because of the contracts that UPD has with several cities. Those cities are also members of VECC and that is the issue. It may be the same issue on the Operations Board. The fact is that Murray will get outvoted because of UPD and their contracted cities. Mr. Nakamura believes the vote would be based on contributions, but the result is the same. He stated that of course, there would be no agreement if Salt Lake County and UPD don't enter in to the agreement.

Mayor Snarr asked if there were any minutes taken from any of the meetings. Chief Fondaco replied that there was not from those meetings, but would be from the Operations Board meetings. Mayor Snarr said there would be dialog and he hoped that the concerns of the other entities would be weighed very carefully. He doesn't believe that UPD will roll over everybody. He is aware that some of the other cities would like to set up a new PSAP, but the legislature would have a hard time with that, and doesn't want Murray left stranded

The meeting was adjourned at 6:28.

Kellie Challburg  
Office Administrator II



**MURRAY**  
CITY COUNCIL

**Discussion  
Item #1**



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

A RESOLUTION APPROVING A PROPOSED FEE INCREASE FOR THE WASATCH FRONT WASTE AND RECYCLING DISTRICT, TO BE EFFECTIVE JANUARY 1, 2014 TO DECEMBER 31, 2014

WHEREAS, the Wasatch Front Waste and Recycling District (“District”) is empowered by Utah Code Annotated, Section 17D-1-210 and by Salt Lake County Resolution Number 4670, November 20, 2012, (“Resolution”) to provide garbage collection and recycling services within the boundaries of the District; and

WHEREAS, residents in the annexed area of the City are within the boundaries of the District and these residents receive services from the District; and

WHEREAS, the County Resolution 4670 provides that an increase in the District’s service charges is not effective until a majority of the legislative bodies of those local governments located within the District have adopted a resolution authorizing an increase in charges; and

WHEREAS, the District’s Administrative Control Board (“Board”) has recommended an increase to the current \$12.75 per owner per month service charges of \$2.00 per owner per month beginning on January, 1, 2014 and \$2.00 per owner per month beginning on January 1, 2015, and the Board has requested that the City Council approve that increase; and

WHEREAS, the City is represented on the Board and thereby participated in the service charge recommendation; and

WHEREAS, the increase in service charge is necessary for calendar year 2014 based on the following 2014 increased costs and the cumulative effects of declining revenue from second garbage cans being returned:

<u>Amount Per Home Per Month</u>	<u>Annual Amount of Increased Costs</u>
\$0.88 Loss of 2nd can revenue	\$880,000 4,888 returns
\$0.62 Landfill fee increase	\$616,500 From \$26 to \$31 per ton for garbage + growth
\$0.43 Depreciation/new trucks	\$430,000 CNG truck replacement
\$0.24 Truck Shop Rate Increase	\$238,675 Rate increase: \$5 per hour
\$0.17 Wage Adjust to Market	\$168,000 Improve recruitment & retention
\$0.18 Area Cleanup truck lease/cans/other	\$182,443 Increased lease rate/cans for growth

\$0.10	Billing/Mailings/Collections/Finance	\$ 99,777	Reg. billing on Tax Notice ruled illegal
\$0.10	Mandates for URS/ACA/Health ins	\$101,442	
<u>\$0.09</u>	2 Additional FTE's for growth	<u>\$ 86,540</u>	
\$2.81	Per home per month	\$2,803,377	

WHEREAS, since the basis for the increase is the proposed 2014 budget, the City Council wants to approve the fee increase only for calendar year beginning January 1, 2014 and ending December 31, 2014 and review any proposed increase for 2015 as the 2015 budget is prepared.

WHEREAS, the City Council finds that the proposed service fee increase is necessary to meet the District's budgeted expenditures for calendar year 2014.

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

Pursuant to Section 17D-1-210 of the Utah Code, the fee increase proposed by the District for calendar year beginning January 1, 2014 to December 31, 2014 at \$2.00 per owner per month is hereby approved.

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2013.

MURRAY CITY MUNICIPAL COUNCIL

---

Brett A. Hales, Chair

ATTEST:

---

Jennifer Kennedy, City Recorder



**Attorney-Client Communication**

**MEMORANDUM**

**TO:** Murray City Municipal Council

**FROM:** Frank M. Nakamura, City Attorney   
G.L. Critchfield, Deputy City Attorney

**CC:** Doug Hill, Public Services Director

**DATE:** November 4, 2013

**RE:** Proposed Resolution For Fee Increase For Wasatch Front Waste and Recycling District

---

We have received a proposed Resolution from Salt Lake County ("County") for a fee increase for the Wasatch Front Waste Recycling District ("District"). A copy of this proposed resolution is attached at Exhibit "A." The proposed resolution only applies to the most recently annexed parts of Murray that were existing members of the District prior to being annexed. These parts of Murray remain subject to District governance for waste and recycling.

However, the District does not have the authority to increase fees. Instead, state law requires that any fee increase be approved by the governmental entity that created the District. In this case, the County is the creating entity. By County resolution 4670, however, the County requires that a fee increase be approved by a majority of the governing bodies that have representation on the District's Administrative Control Board ("Board"). A copy of resolution is attached at Exhibit "B."

The City, along with the County, Taylorsville, Herriman, Holladay and Cottonwood Heights all have representation on the Board. Each governing body will be presented with a proposed resolution to increase the fees.

Please call our office to discuss any questions you may have.

**EXHIBIT A**



WHEREAS, the increase in service charge is necessary based on the following 2014 increased costs and the cumulative effects of declining revenue from second garbage cans being returned:

<u>Amount Per Home Per Month</u>	<u>Annual Amount of Increased Costs</u>	
\$0.88 Loss of 2nd can revenue	\$880,000	4,888returns
\$0.62 Landfill fee increase	\$616,500	From \$26 to \$31 per ton for garbage + growth
\$0.43 Depreciation/new trucks	\$430,000	CNG truck replacement
\$0.24 Truck Shop Rate Increase	\$238,675	Rate increase: \$5 per hour
\$0.17 Wage Adjust to Market	\$168,000	Improve recruitment & retention
\$0.18 Area Cleanup truck lease/cans/other	\$182,443	Increased lease rate/cans for growth
\$0.10 Billing/Mailings/Collections/Finance	\$ 99,777	Reg. billing on Tax Notice ruled illegal
\$0.10 Mandates for URS/ACA/Health ins	\$101,442	
<u>\$0.09</u> 2 Additional FTE's for growth	<u>\$ 86,540</u>	
\$2.81 Per home per month	\$2,803,377	

WHEREAS, the City Council finds that the proposed service fee increase is reasonable and justified;

**RESOLUTION:**

NOW THEREFORE, BE IT RESOLVED,

THAT the City Council of \_\_\_\_\_, State of Utah, hereby approves the proposed fee increase proposed by the District in the amounts and on the dates proposed herein.

APPROVED AND ADOPTED in \_\_\_\_\_, State of Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

*(signature lines and attestation)*

**EXHIBIT B**

DATE TUESDAY NOVEMBER 20, 2012

Mr. Lee Gardner, County Assessor, submitted letters recommending refunds in the amounts indicated be issued to the following taxpayers for overpayment of 2012 vehicle taxes:

<u>Taxpayer</u>	<u>Refund</u>
Dennis Fredricksen	\$ 80.00
Glen L. Pace	\$ 110.00
Dennis W. Winslow	\$ 10.00
Barry L. Johnson	\$ 300.00
Bob G. Shira	\$ 80.00
Erin Buck	\$ 13.00
Helen J. Ferguson	\$ 53.00
Jerry Seiner Buick GMC	\$ 651.35
Ken Garff Nissan	\$ 150.00
Jeff W. Mitchell	\$ 83.00
Nate Wade Subaru	\$1,350.00

Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the recommendations. The motion passed unanimously, authorizing the County Treasurer to effect the same, showing that all Council Members present voted "Aye."



Ms. Rena Beckstead, Deputy District Attorney, submitted a letter recommending approval of the following RESOLUTION creating the Wasatch Front Waste and Recycling District effective January 1, 2013. The resolution establishes the powers, duties, and responsibilities of a special service district to provide trash collection, superseding all previous resolutions regarding garbage and recycling collection services, and describes the powers and functions of the Administrative Control Board, sets out district services, the district area, provisions regarding payment for district services, fiscal and budgetary procedures, and provisions regarding personnel and merit system, and provides for the transfer of buildings, funds, and other assets to the Wasatch Front Waste and Recycling District.

RESOLUTION NO. 4670

DATE: NOVEMBER 20, 2012

A RESOLUTION OF THE COUNTY COUNCIL OF SALT LAKE COUNTY, UTAH, ESTABLISHING THE POWERS, DUTIES AND RESPONSIBILITIES OF A SPECIAL SERVICE DISTRICT TO PROVIDE TRASH COLLECTION; UPDATING AND SUPERCEDING PREVIOUS RESOLUTIONS REGARDING GARBAGE RECYCLING COLLECTION SERVICES; DESCRIBING THE POWERS AND FUNCTIONS OF THE ADMINISTRATIVE CONTROL BOARD; SETTING OUT DISTRICT SERVICES; SETTING OUT THE DISTRICT AREA; SETTING OUT PROVISIONS REGARDING PAYMENT FOR DISTRICT SERVICES; SETTING OUT FISCAL AND BUDGETARY PROCEDURES; SETTING OUT PROVISIONS REGARDING PERSONNEL AND A MERIT

DATE TUESDAY NOVEMBER 20, 2012

SYSTEM; PROVIDING FOR THE TRANSFER OF BUILDING, FUNDS AND OTHER ASSETS TO THE DISTRICT; AND MAKING OTHER RELATED PROVISIONS AND CHANGES.

BE IT KNOWN AND REMEMBERED:

THAT, the County Council of Salt Lake County, State of Utah, met in regular session of the Council on the 20<sup>th</sup> day of November, 2012.

WITNESS:

WHEREAS, the County Commission of Salt Lake County of January 19, 1977, established a special service district known as Salt Lake County Special Service District No. 1 ("Sanitation District") for the provision of garbage collection services in the unincorporated area of Salt Lake County; and

WHEREAS, some of the original area of the Sanitation District have been incorporated into or annexed by municipalities, while remaining within the district and continuing to receive services from the Sanitation District; and

WHEREAS, the Salt Lake County Council on November 10, 2009, established an Administrative Control Board to govern the Sanitation District and appoint the members representing both Salt Lake County and the municipalities served by the Sanitation District; and

WHEREAS, Utah Code Ann. § 17D-1-302(2)(b) authorizes the County Council to delegate to the Administrative Control Board the exercise of any right, power or authority that the Council possesses with respect to the governance of the Sanitation District, except certain powers which are specifically limited by statute; and

WHEREAS, since its inception, the Sanitation District has been considered a division or agency of Salt Lake County government and has been treated as a county division, with the district's employees being employees of Salt Lake County and administrative and support services being provided by Salt Lake County agencies; and

WHEREAS, the County Council desires to delegate to the Administrative Control Board full governance of the functions and activities of the Sanitation District; to provide that Sanitation District employees will no longer be employees of Salt Lake County, and that Sanitation District activities, operations and administration be the sole responsibility of the Sanitation District and the Administrative Control Board; and

WHEREAS, the County Council authorizes the transfer of buildings, funds and other assets and liabilities from Salt Lake County to the Sanitation District's control; and

WHEREAS, the Salt Lake County Council has found that it is in the best interests of the citizens of Salt Lake County, the partner municipalities which are included in the Sanitation District, and those property owners receiving services to make the Sanitation District independent from Salt Lake County; and

DATE TUESDAY NOVEMBER 20, 2012

WHEREAS, it is the intent of the Council to incorporate and supersede all other previous resolutions regarding the creation and power of the Sanitation District and consolidate the provisions of those prior resolutions into one document;

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, the County Council of Salt Lake County, Utah, hereby adopts this Resolution governing the powers, activities and responsibilities of the Sanitation District and provides for its independence from Salt Lake County as the Wasatch Front Waste and Recycling District ("District.")

1. INDEPENDENT DISTRICT – PRIOR RESOLUTIONS-NAME-LEGAL POWERS AND DUTIES.

A. This Resolution updates, incorporates and supersedes any and all previous Salt Lake County Commission or Salt Lake County Council resolutions regarding the creation, powers or functions of the District and formally re-implements and re-creates the District as fully independent of Salt Lake County, especially regarding employees, administrative services and assets. The following Salt Lake County Resolutions are specifically incorporated into and superseded by this Resolution:

Resolution No. 399, January 19, 1977;  
Resolution No. 1, August 1, 1977;  
Resolution No. 1-96, September 30, 1996  
Resolution No. 03-01, March 18, 2003;  
Resolution No. 09-2, October 13, 2009;  
Resolution No. 4345, November 10, 2009; and  
Resolution No. 4347, August 23, 2010.

B. Based on the foregoing, the effective dates of the creation and governance of the District are as follows, the District is considered created on January 19, 1977; the District's Administrative Control Board is considered created effective January 1, 2010; and the District's complete independence and separation from Salt Lake County government is considered effective January 1, 2013.

C. The District shall be named the "Wasatch Front Waste and Recycling District."

D. The District shall exercise and be subject to all the rights, powers, duties, governance and responsibilities of a special service district under the provisions of Utah Code Ann. § 17D-1-101, *et seq.* and the Utah Constitution, Art. XI, sec. 7, and subject to those powers limitations set out in state law.

2. DEFINITIONS

DATE TUESDAY NOVEMBER 20, 2012

A. "District" shall mean the Wasatch Front Waste and Recycling District and, as appropriate, shall also refer to the area served and the officers, employees and agents of the District. "Sanitation District" shall mean Salt Lake County Special District No. 1 (Sanitation).

B. "County" shall mean Salt Lake County, Utah, including its various departments, divisions, agencies, and employees.

C. "Board" shall mean the Administrative Control Board of the District.

D. "Garbage" shall mean all waste, trash and other objects or substances ordinarily or usually discarded by persons at private residential (as distinguished from commercial, manufacturing or industrial) property or dwelling units, excluding sewage and animal or human body wastes. The term includes any manner of rubbish, junk, rubble, offal, refuse, and trash, as such words are commonly defined.

E. "Recyclable" and "Reusable" materials shall mean all discarded materials by person at private residential (as distinguished from commercial, manufacturing or industrial) property or dwelling units, excluding garbage. The term includes any manner of paper, cardboard, plastic, metals, trees, and lawn and shrub trimmings.

F. "Property Unit" shall mean a residential, single family dwelling, each separate dwelling of a duplex, triplex or fourplex and each separate apartment house or complex, up to and including four apartments, and including upstairs, basement, garage or detached apartment or housing unit; and shall exclude commercial, manufacturing or industrial property used for those purposes. Any exceptions are defined in section 4. D and E of this resolution.

G. "Person" shall mean and include individuals, companies, firms, corporations, associations or combinations thereof.

3. ADMINISTRATIVE CONTROL BOARD – GENERAL POWERS – APPOINTMENT – BYLAWS.

A. The District shall be governed by an Administrative Control Board ("Board") for the governance of the District, appointed as specified in Utah Code Ann. § 17D-1, Chapter 3, initially consisting of nine members and always consisting of an odd number of members, appointed as follows:

(1) Four elected officials shall be appointed by the Salt Lake County Council; provided that, if the number of households served in the unincorporated area of the county is reduced to the same number of households served in the largest municipality in the district, the number of county council representatives shall be reduced by one. If the number of households served in the unincorporated area of the county is reduced to the same number as the average number of households served in the municipalities, the number of county council representative shall be reduced to one. The number of board representatives appointed by Salt Lake County may otherwise be reduced as provided by statute.

DATE TUESDAY NOVEMBER 20, 2012

(2) One municipal elected official shall be appointed from each of the participating municipalities, each appointed by legislative body of the respective municipality.

(3) In the event a municipality annexes into the District, the legislative body of the annexing municipality may appoint one municipal elected official to serve on the Board.

(4) The size and composition of the board may be changed as needed from time to time as determined by a two-thirds majority of the Board and consistent with State Statute.

(5) Appointments shall be made in writing and filed with the Clerk of the Board. The Clerk of the Board shall administer oaths of office to board members and maintain records of those oaths.

B. The Salt Lake County Council hereby delegates to the Board, to the extent authorized by statute, the legal authority to exercise any right, power, or authority that the Salt Lake County Council possesses with respect to the governance of the District. The Board may make rules and regulations governing the administration, management and operations of the District's garbage and recycling collections, transportation and processing services. The Salt Lake County Council retains only those legal powers and duties specifically set out in state statute as retained by the County.

C. The qualification, terms of office, specific board member powers and responsibilities shall be as provided by state law and the provisions of this Resolution. The Board shall adopt rules and regulations governing its internal activities and rules of procedure, including quorum requirements, the appointment of chair and vice chair, meeting locations and times, meeting procedures and electronic meetings, and such other matters as necessary to the efficient conduct of its activities, as provided in Utah Code Ann. § 17B-1-301.

D. The Board shall have and exercise all governing authority regarding the operations of the District and shall adopt such rules, regulations and policies as are necessary, from time to time, to most efficiently manage the District and its operations.

E. The Board shall be responsible to provide for the fiscal and budgetary management of the District, by the appropriate adoption of necessary rules, regulations and policies approved by the Board. The Board is further responsible for adopting the District's annual budget.

F. The Director of the District shall serve as the executive director to the Board and in that capacity shall prepare and provide notice of the Board meeting agendas, ensure compliance with the Open Meetings Act, attend all Board meetings in a non-voting capacity, and shall appoint competent staff to serve as clerk to the Board and to the District.

G. The Board shall make recommendations, as may be necessary from time to time to Salt Lake County and to any municipality which receives District services, regarding the adoption of county and city ordinances which govern and direct garbage and recycling

DATE TUESDAY NOVEMBER 20, 2012

collections and processing services within the municipality or the unincorporated portions of Salt Lake County.

4. SERVICES

A. The District shall provide garbage and recycling collection, transportation and processing services for all persons owning property units within the geographic boundaries of the District. The Board shall adopt necessary rules, regulations and policies regarding specific services. The District may provide services regarding garbage collection, transportation and processing, recycling, temporary trailer services, area clean-up, green waste, and other related services as are currently provided or which may be provided in the future, pursuant to the rules, regulations and policies adopted by the Board.

B. The Board may adopt rules, regulations and policies, as appears appropriate, regarding the establishment of collection routes, the frequency of garbage and recycling pick-up services, standards for containers, location requirements for containers, regulations regarding entry into private roads or other private property and such other specific requirements and procedures as appears necessary.

C. The Salt Lake County Council specifically empowers and encourages the Board to adopt the necessary rules, regulations and policies regarding recycling, green waste processing, and other waste management systems and practices calculated to protect the Salt Lake County environment, appropriately process recyclable materials, and reduce reliance on the Salt Lake County landfill.

D. Services may be provided to planned unit developments, condominiums, commercial and industrial properties upon request and pursuant to rules regulations and policies as adopted by the Board.

E. Services may also be provided to facilities owned and operated by municipalities located within the District, at the request of the municipal governing body and as approved by the Board.

5. AREA

A. The District shall include and provide services to all of the geographic territory and areas of Salt Lake County which are not located within an incorporated municipality, the geographic territory and area of the city of Cottonwood Heights, the geographic territory and area of the city of Herriman, the geographic territory and area of the city of Holladay, and the geographic territory and area of the city of Taylorsville, and the geographic territory and area of the City of Murray that is served by the District; services shall also be provided in portions of incorporated municipalities which are, pursuant to state statute, retained within district boundaries. An accurate representation of all District boundaries shall be available as a map maintained by the District.

B. District boundaries may be enlarge or reduced pursuant to the provisions of state statute, based upon the Board's statutory authority to approve such changes.

6. FEE PAYMENTS – COLLECTIONS – ABATEMENTS

A. The District shall support garbage collection, transportation and disposal services and the functions related thereto by imposing an annual or other periodic service charge or fee upon the persons who receive those services. The annual service charge amount and other provisions regarding fees and their collection may be altered or changed from time to time as may be in the best interest of the public, as the management and operations of the District may require, and as directed by rules, regulations and policies adopted by the Board. The service charge shall be set and budgeted annually by the Board and public hearings regarding service charges shall be held annually in conjunction with the adoption of the District's budget or as otherwise provided by the Board. An increase in the service charge shall not be effective until it has been authorized by resolutions adopted by a majority of the governing bodies that have representation on the Board.

B. There is hereby levied and imposed upon the owners of all property units serviced in accordance with the provisions of this Resolution, an annual service charge for each such property unit. The owner or owners of the property units serviced pursuant to this Resolution are responsible for payment of the service charges levied and imposed by the District. If any property unit is located on an established and designated garbage collection route, the property owner of that property unit is lawfully required to pay the annual service charge without regard to whether such owner uses or avails himself of the services of the District.

C. The District shall arrange for billing of the annual service charge either through providing such services internally or by contract with third parties or as otherwise provided for by law. Past due fees shall be collected consistent with and pursuant to applicable laws.

D. Persons subject to the District's annual service fee who meet the criteria for Indigent or Hardship deferral or abatement of property taxes due, established by Utah Code 5-2-1107 to 1109 or pursuant to criteria adopted by Salt Lake County under Utah Code 59-2-1347, shall be granted a fee reduction of the annual service fee and/or a deferral of such payment in the same manner and pursuant to the same policies applying to the collection of property taxes. A person requesting reduction or deferral shall file an application with Salt Lake County as provided for general property tax relief, and such applicants shall qualify for annual service fee relief by the same standards that are applicable to general property taxes and in accordance to any rules, regulations or policies adopted by the Board.

E. Persons subject to the District's annual fee may notify the District of any errors in billing. The District will review any reports and determine if any abatement or reduction of future fees is appropriate based on the District's error. All abatements or reductions will be processed by the District and approved by the Board.

7. FISCAL PROCEDURES – BUDGET

A. The Board shall be responsible for the direction and oversight of the fiscal management of the District and shall adopt rules, regulations and policies governing fiscal,

DATE TUESDAY NOVEMBER 20, 2012

accounting, auditing and budgeting matters. The District shall comply with all applicable state statutes, including Fiscal Procedures for Local Districts, Utah Code Ann. § 17B-1-601, *et seq.*

B. The District's fiscal year shall be January 1 to December 31. The District, under the direction of the Board, shall adopt an annual budget and perform an annual audit, as provided by state statute.

8. PERSONNEL – TRANSITION PROCESS – MERIT SYSTEM

A. The initial employees of the District, beginning on January 1, 2013, shall be those former employees of Salt Lake County, in its Sanitation Division, who choose to transition their employment from the County to the District in accordance with this section. All employees of Salt Lake County's Sanitation Division, being employed and in good standing on December 31, 2012, shall be reduced in force from Salt Lake County employment, in accordance with the personnel policies and procedures of Salt Lake County. Those employees shall be offered equivalent employment status with the District beginning at 12:01 a.m., January 1, 2013. Employment shall be offered by the District to the employees at the same level of salaries and benefits, the same seniority, and working in the same job description as they had as Salt Lake County employees. The District shall maintain these employees' status, employment, job description and seniority until July 1, 2013, with the exception of any change in status resulting from bona fide personnel or disciplinary action. Any Salt Lake County employee choosing not to accept employment with the District shall be accorded the procedures and protections of the County reduction-in-force personnel policy.

B. The District, through rules, regulations and policies adopted by the Board, shall operate under a merit system, based on the requirements and provisions of Utah Code Ann. 17B-1-801, *et seq.* Provisions regarding employment status, salary and benefits, hiring process, discipline, and all other matters related to District employment status and a merit system shall be based on personnel policies adopted by the Board in accordance with recommendations made by the District director.

C. The executive staff of the District shall include a district director and a fiscal manager. The District Director shall be appointed and retained by a majority vote of the Board. Excepting the District Director, the executive staff shall be merit employees until their status is affirmatively changed by the Board's direction. The District Director shall serve as the executive director to the Board and as the manager and administrator of all district services, administration, and operations.

9. TRANSFER OF BUILDINGS, ASSETS, LIABILITIES AND FUNDS

The transfer of assets, liabilities and funds from Salt Lake County to the District shall be in accordance with the provisions and timelines set out in Exhibit A attached hereto. The transfer of oversight and responsibility for real estate and buildings, including the repayment of a bond for the construction of the District's administrative offices, as well as contracts, leases or other transfers regarding other buildings or interests in real estate shall be arranged and approved in accordance with appropriate Interlocal agreements between Salt Lake County and the District.

DATE TUESDAY NOVEMBER 20, 2012

10. ADMINISTRATIVE SERVICES

The District shall arrange for the provision of its administrative and support services, including purchasing, human resources, risk management, legal, information services and similar services as needed and either through providing such services internally or by contract with third parties or with Salt Lake County.

11. MISCELLANEOUS PROVISIONS

A. The provisions of this Resolution shall be applied and interpreted to grant the greatest flexibility and autonomy to the Board, regarding the management and operations of the District, as is permitted by state law. This Resolution should, therefore, be interpreted and applied in such a way as will maximize the flexibility and autonomy of the Board and the independence of the District.

B. If any provision, section or paragraph of this Resolution is found by a court of competent jurisdiction to be unlawful or unconstitutional, such finding shall not affect the other provisions and sections hereof.

C. Salt Lake County Council, through this Resolution, directs and requests that the County Mayor and all county officers, employees and agencies cooperate and work towards the quick and effective accomplishment of the ends of this Resolution, that is the independence and autonomy of the District, and do all that is lawfully within their power to effect the goals of this Resolution.

APPROVED and ADOPTED in Salt Lake City, Salt Lake County, Utah this 20<sup>TH</sup> day of November, 2012.

SALT LAKE COUNTY COUNCIL

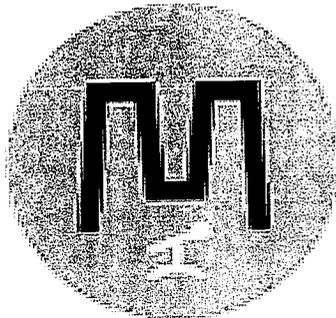
ATTEST

By /s/ DAVID WILDE  
Chair

By /s/ SHERRIE SWENSEN  
County Clerk

Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the resolution and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Members Horiuchi, Jensen, and DeBry were absent for the vote.] The Council motion passed unanimously, authorizing the Chair to execute the resolution and directing the County Clerk to attest his signature, showing that all Council Members present voted "Aye."

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆



**MURRAY**  
CITY COUNCIL

**Discussion  
Item #2**



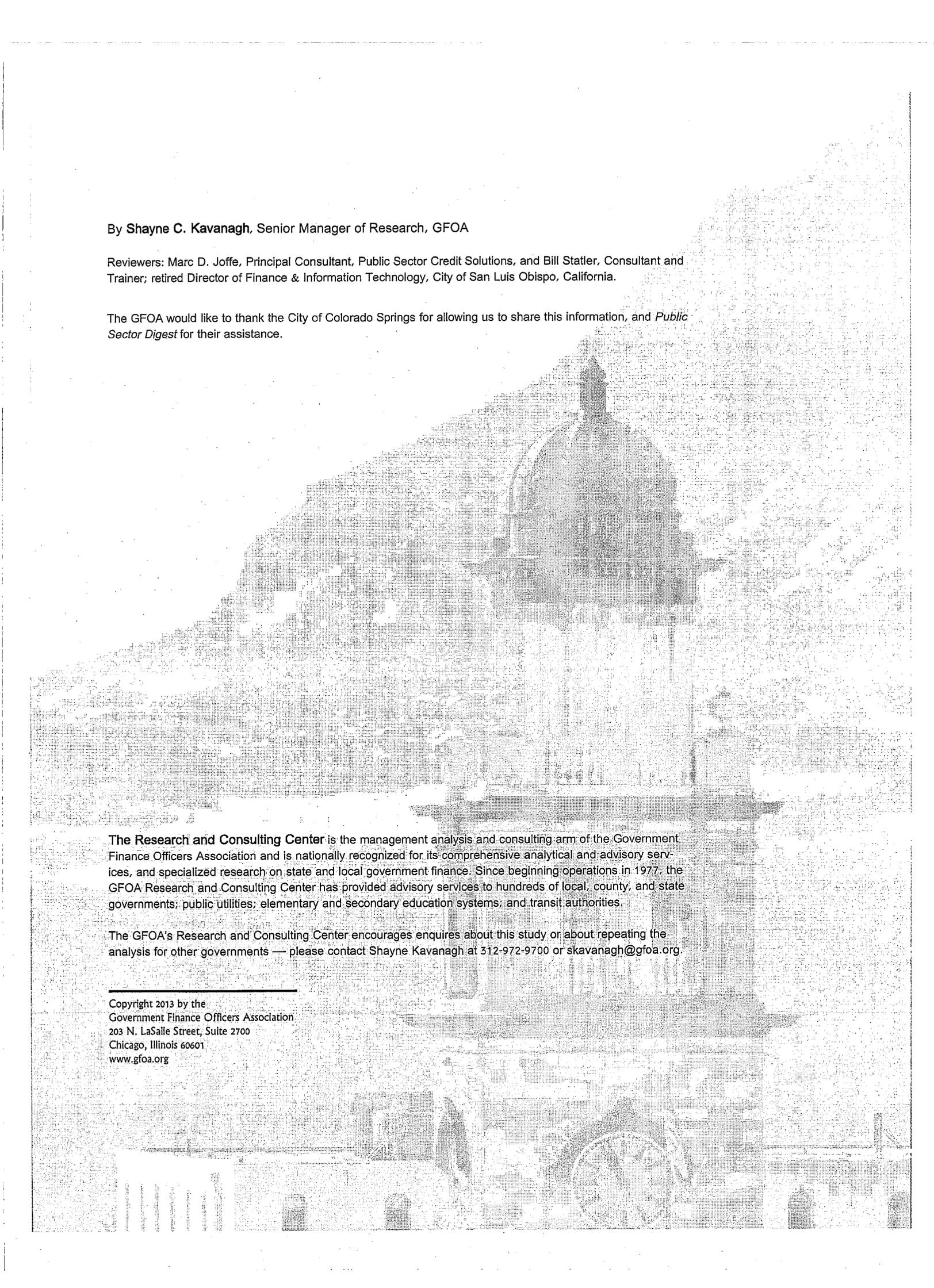
A Case Study of the City of Colorado Springs

# A Risk-Based Analysis of General Fund Reserve Requirements

---

Government Finance Officers Association  
May 2013





By **Shayne C. Kavanagh**, Senior Manager of Research, GFOA

Reviewers: Marc D. Joffe, Principal Consultant, Public Sector Credit Solutions, and Bill Statler, Consultant and Trainer; retired Director of Finance & Information Technology, City of San Luis Obispo, California.

The GFOA would like to thank the City of Colorado Springs for allowing us to share this information, and *Public Sector Digest* for their assistance.

**The Research and Consulting Center** is the management analysis and consulting arm of the Government Finance Officers Association and is nationally recognized for its comprehensive analytical and advisory services, and specialized research on state and local government finance. Since beginning operations in 1977, the GFOA Research and Consulting Center has provided advisory services to hundreds of local, county, and state governments; public utilities; elementary and secondary education systems; and transit authorities.

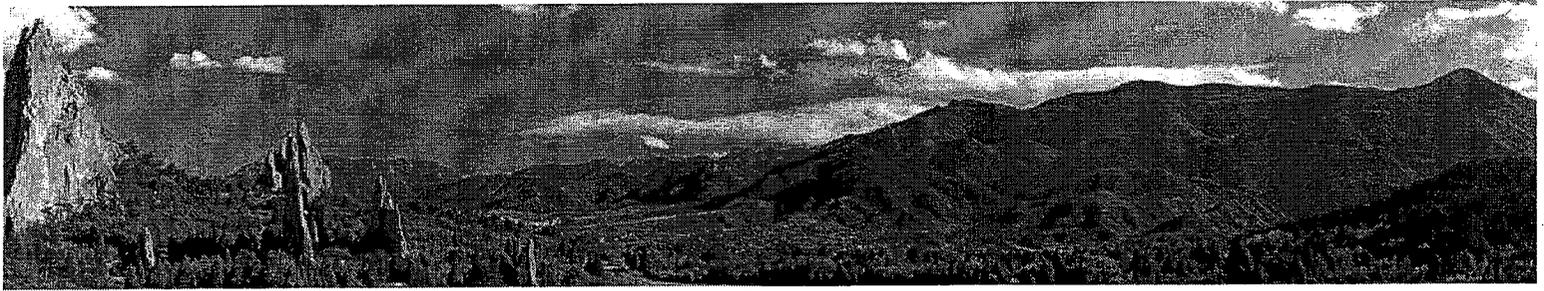
The GFOA's Research and Consulting Center encourages enquires about this study or about repeating the analysis for other governments — please contact Shayne Kavanagh at 312-972-9700 or [skavanagh@gfoa.org](mailto:skavanagh@gfoa.org).

---

Copyright 2013 by the  
Government Finance Officers Association  
203 N. LaSalle Street, Suite 2700  
Chicago, Illinois 60601  
[www.gfoa.org](http://www.gfoa.org)

# The Case of the City of Colorado Springs

Executive Summary.....	4
1. Introduction.....	7
2. Primary Risk Factor Analysis .....	9
Revenue Source Stability .....	9
Infrastructure.....	14
Vulnerability to Extreme Events and Public Safety Concerns.....	15
3. Secondary Risk Factor Analysis.....	17
Leverage.....	17
Expenditure Volatility.....	19
Growth of the Community.....	20
Liquidity .....	20
4. Recommendations .....	22
Recommended Reserve Target for Colorado Springs.....	22
Other Ideas to Support the General Fund Reserve Strategy .....	26
Appendix 1. Sales Tax Revenues in Boulder, Colorado .....	31
Endnotes .....	32



## Executive Summary

Reserves are the cornerstone of financial flexibility. Reserves provide a government with options for responding to unexpected issues and a buffer against shocks and other forms of risk. Managing reserves, however, can be a challenge. The main question is how much money to maintain in reserve – how much is enough, and when does it become too much? This can be a sensitive question, since money held in reserve is money taken from constituents, and it can be argued that excessive reserves should be returned to citizens in the form of lower taxes.

The City of Colorado Springs, Colorado, has been considering this question, especially in light of its volatile revenue portfolio and the fact that it cannot easily increase taxes to compensate for other changes in its financial condition; for example, the Taxpayer Bill of Rights – a statewide provision restricting all governments in the state from raising tax rates without voter approval – limits the City's ability to increase taxes. The City engaged the Government Finance Officers Association to help produce an answer. The GFOA is a non-profit association of approximately 17,500 state and local government finance professionals and elected officials from across North America, and a key part of its mission is to promote best practices and good public finance, including reserve policies.

The GFOA worked with Colorado Springs to analyze the risks (based on the model originally described in the GFOA publication, *Financial Policies*) that influence the level of reserves the City needs as a hedge against uncertainty and loss. Three primary risks were identified: volatility of sales tax revenue; the potential for the City's storm sewer and bridge infrastructure to fail; and the City's vulnerability to extreme events such as wildfires, floods, and, to a lesser extent, snowstorms. Secondary risk factors were also examined, including cash flow and the potential for unexpected spikes in expenditures. In addition, a benchmarking survey of the reserves held by comparable cities provided context.

### CALCULATING THE RESERVE

The GFOA reviewed three primary risk factors in order to assess the potential magnitude of the City's exposure. The "Triple-A" approach to accounting for uncertainties was an important part of GFOA's analysis.

#### Accounting for Uncertainty – The "Triple-A" Approach

Sizing a reserve requires estimating highly uncertain events, like natural disasters and economic downturns. To develop an adequate response, the GFOA used the "Triple-A" approach:

- **Accept.** First, we must accept that we are subject to uncertainty, including events that we haven't even imagined.
- **Assess.** Next, we must assess the potential impact of the uncertainty. Historical reference cases are a useful baseline.
- **Augment.** The range of uncertainty we really face will almost always be greater than we assess it to be, so we should augment that range. Historical reference cases provide a baseline, but that baseline may not be adequate to account for all future possibilities.



**Revenue Volatility.** The City's primary concern was the volatility of sales tax income, and its most important vulnerability in this area would be an economic downturn. The GFOA reviewed sales tax volatility back to 1996 in order to observe monthly variations and longer-term trends. Past experiences suggested that Colorado Springs should prepare for a 20 percent decline in sales tax revenues over 25 months as a plausible worst-case scenario; this would equal about \$23 million in reserves. However, since the City would presumably reduce its spending in the event of such a severe downturn, the reserve fund wouldn't have to cover the entire decline in revenue. The City budget office estimated that the budget could be reduced by almost \$10 million without creating a major disruption to services (although there would of course be some degree of negative impact on service quality). Thus, Colorado Springs should maintain a reserve of at least \$13 million to cover the remaining portion of the worst-case revenue gap and to help the City make a "soft landing" under those circumstances. An additional \$7.5 million is required to cover the other revenues that make up the general fund; these were found to be considerably less volatile than the sales tax.

**Infrastructure Risks.** A government might need general fund reserves to repair or replace an asset that fails unexpectedly. In Colorado Springs, the two major asset classes deemed to have the greatest associated risk were bridges and storm sewers. Thirteen bridge structures had a high risk rating, with an estimated replacement value of almost \$23 million – an average of roughly \$1.75 million per bridge. A reserve that covers one or two bridges should be adequate, but covering three might be more prudent, for a \$5.25 million reserve. No installation dates or condition assessments were available for the 406 miles of storm lines the City manages, but the estimated replacement cost for all storm sewers was a little more than \$588 million.<sup>2</sup> Since this lack of information made it impossible to assess the risk of failure, the best that could be done was to make an assumption. The GFOA did know that about 10 percent of the total dollar value of the City's bridge inventory is in the higher-risk category, so it started with that number for storm sewers, which translates to \$58 million. The recommended reserve amount is about 20 percent of the high-risk bridges, which equates to \$11.6 million for storm sewers.

**Extreme Events.** Finally, the City is subject to extreme events that pose significant threat to life and property, particularly wildfires and floods. Historically, however, the financial impact of these events has been manageable. For example, the 2012 wildfire was the worst in Colorado history, but the total cost to the City was only \$3.75 million – out of an annual budget of approximately \$220 million. Of course, the scale of future events is uncertain, as is the timing of FEMA reimbursement and the portion of event response costs that would likely already be covered by existing budgeted resources. Taking this into account, a reserve of \$5 million to \$7.5 million for extreme events appears reasonable.

**Adding It Up.** The analysis above, along with the analysis of the secondary risk factors (particularly uncertainty regarding future payments for pension liabilities and expenditures for unfavorable lawsuit judgments) led to the following reserve components. The GFOA further recommended that the reserve amounts be categorized by component, making the purpose of the reserve more transparent. For example, having a reserve for emergencies and a reserve for economic uncertainty would make their purpose more clear than one all-encompassing reserve.<sup>4</sup>



#### Budgetary Uncertainty Reserve

\$13 million for sales tax economic uncertainty +

\$7.5 million for economic uncertainty in other revenues +

\$6.25 million for pension payment uncertainty =

---

**\$27 million, or approximately 12.5 percent of general fund revenues<sup>3</sup> as budgetary uncertainty reserve**

#### Emergency Reserve

\$5.25 million for critical bridge failure +

\$11.6 million for critical storm sewer replacement +

\$5 million to \$7.5 million for extreme events +

\$2 million to \$4 million for expenditure spikes from lawsuits =

---

**\$27 million, or approximately 12.5 percent of general fund revenues as an emergency reserve**

Combining the components gives us a target of approximately 25 percent of general fund revenues, which is in line with the range of reserves actually maintained by other cities that are comparable to Colorado Springs. It is also greater than the 16 percent the GFOA considers a minimum baseline level.<sup>5</sup>

October 31, 2013

Statement of Net Position - Proprietary Funds (Unaudited)

	Water Fund	Waste Water Fund	Power Fund	Murray Parkway Fund	Telecom Fund	Solid Waste Fund	Storm Water Fund	Total
<b>Assets</b>								
<b>Current assets:</b>								
Cash and cash equivalents	\$ 6,704,727	\$ 2,001,294	\$ 14,300,013	\$ 717,116	\$ 101,953	\$ 500,277	\$ 721,841	\$ 25,047,221
Accounts receivable (net)	377,060	248,605	2,517,739	-	3,304	81,455	84,424	3,312,587
Notes receivable	-	-	-	-	418,590	-	-	418,590
Due from other funds	125,095	-	-	-	-	-	-	125,095
Due from other governments	-	111,150	-	-	-	-	-	111,150
Inventory	-	-	2,081,882	84,507	-	-	-	2,166,389
<b>Total current assets</b>	<b>7,206,882</b>	<b>2,361,049</b>	<b>18,899,634</b>	<b>801,623</b>	<b>523,847</b>	<b>581,732</b>	<b>806,265</b>	<b>31,181,032</b>
<b>Noncurrent assets:</b>								
Restricted cash	201	353,500	294,107	-	-	-	3,054,314	3,702,122
Investment in joint venture	-	3,312,153	-	-	-	-	-	3,312,153
<b>Capital Assets:</b>								
Land	2,155,313	455,921	1,691,650	326,336	-	-	2,344,849	6,974,069
Buildings	904,024	949,132	3,410,311	797,534	-	-	-	6,061,001
Improvements	25,395,326	10,691,325	76,243,203	3,734,149	-	-	32,867,440	148,931,443
Machinery and equipment	3,116,440	1,231,707	12,986,078	961,556	-	-	1,141,285	19,437,066
Intangibles	-	-	3,759,027	-	-	-	-	3,759,027
Construction in progress	840,333	1,393,186	3,650	-	-	-	688,877	2,926,046
Accumulated depreciation	(14,748,095)	(6,447,312)	(58,860,153)	(4,724,366)	-	-	(23,182,157)	(107,962,083)
<b>Total noncurrent assets</b>	<b>17,663,542</b>	<b>11,939,612</b>	<b>39,527,873</b>	<b>1,095,209</b>	<b>-</b>	<b>-</b>	<b>16,914,608</b>	<b>87,140,844</b>
<b>Deferred Outflows of Resources</b>								
Bond defeasance costs	-	-	131,513	-	-	-	-	131,513
<b>Total deferred outflows of resources</b>	<b>-</b>	<b>-</b>	<b>131,513</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>131,513</b>
<b>Liabilities</b>								
<b>Current liabilities:</b>								
Accrued Liabilities	9,569	77,013	4,068,926	6,369	-	-	-	4,161,877
Due to other funds	-	-	-	125,095	-	-	-	125,095
Notes payable	-	-	-	-	418,590	-	-	418,590
Interest payable	-	-	49,017	-	-	-	-	49,017
Compensated absences	139,994	60,921	368,312	71,739	-	2,038	36,985	679,989
Bonds & leases payable	-	-	1,545,000	-	-	-	210,000	1,755,000
<b>Total current liabilities</b>	<b>149,563</b>	<b>137,934</b>	<b>6,031,255</b>	<b>203,203</b>	<b>418,590</b>	<b>2,038</b>	<b>246,985</b>	<b>7,189,568</b>
<b>Noncurrent liabilities:</b>								
Compensated absences	81,157	35,317	213,516	41,588	-	1,182	21,442	394,202
Net OPEB payable	92,071	-	337,556	-	-	-	-	429,627
Bonds payable	3,150,446	2,811,172	13,040,883	-	-	-	2,897,326	21,899,827
<b>Total noncurrent liabilities</b>	<b>3,323,674</b>	<b>2,846,489</b>	<b>13,591,955</b>	<b>41,588</b>	<b>-</b>	<b>1,182</b>	<b>2,918,768</b>	<b>22,723,656</b>
<b>Total liabilities</b>	<b>3,473,237</b>	<b>2,984,423</b>	<b>19,623,210</b>	<b>244,791</b>	<b>418,590</b>	<b>3,220</b>	<b>3,165,753</b>	<b>29,913,224</b>
<b>Net Position</b>								
Beginning net position	19,688,332	10,803,893	36,387,176	1,464,610	105,065	454,154	14,662,743	83,565,973
Change in net position	1,708,855	512,345	2,548,634	187,431	192	124,358	(107,623)	4,974,192
<b>Total net position</b>	<b>\$ 21,397,187</b>	<b>\$ 11,316,238</b>	<b>\$ 38,935,810</b>	<b>\$ 1,652,041</b>	<b>\$ 105,257</b>	<b>\$ 578,512</b>	<b>\$ 14,555,120</b>	<b>\$ 88,540,165</b>

October 31, 2013

YTD Statement of Revenues, Expenses, and Changes in Net Position - Proprietary Funds (Unaudited)

	Water Fund	Waste Water Fund	Power Fund	Murray Parkway Fund	Telecom Fund	Solid Waste Fund	Storm Water Fund	Total
<b>Operating revenues:</b>								
Charges for services	\$ 3,094,787	\$ 1,343,698	\$ 13,967,165	\$ 635,487	\$ 19,368	\$ 458,478	\$ 569,213	\$ 20,088,196
Connection fees	7,483	775	99,465	-	-	-	-	107,723
Miscellaneous	1,249	375	604,970	(14,388)	-	-	3,254	595,460
Total operating revenues	<u>3,103,519</u>	<u>1,344,848</u>	<u>14,671,600</u>	<u>621,099</u>	<u>19,368</u>	<u>458,478</u>	<u>572,467</u>	<u>20,791,379</u>
<b>Operating expenses:</b>								
Wages and benefits	360,287	191,718	1,467,449	245,417	-	16,879	140,336	2,422,086
Administrative fees	194,604	126,608	523,084	252	-	37,916	29,792	912,256
Purchase power	-	-	7,381,113	-	-	-	-	7,381,113
Operations and maintenance	432,971	462,638	1,077,069	131,615	19,321	253,124	78,817	2,455,555
Depreciation and amortization	338,512	141,756	970,502	53,269	-	-	400,132	1,904,171
Total operating expenses	<u>1,326,374</u>	<u>922,720</u>	<u>11,419,217</u>	<u>430,553</u>	<u>19,321</u>	<u>307,919</u>	<u>649,077</u>	<u>15,075,181</u>
Operating income (loss)	<u>1,777,145</u>	<u>422,128</u>	<u>3,252,383</u>	<u>190,546</u>	<u>47</u>	<u>150,559</u>	<u>(76,610)</u>	<u>5,716,198</u>
<b>Nonoperating revenues (expenses)</b>								
Investment earnings	13,852	3,703	84,455	1,004	145	715	6,716	110,590
Interest and fiscal charges	(25,235)	(34,397)	-	(4,119)	-	-	(8,322)	(72,073)
Impact fees	86,192	224,723	132,956	-	-	-	7,937	451,808
Total nonoperating revenues (expenses)	<u>83,602</u>	<u>194,029</u>	<u>237,411</u>	<u>(3,115)</u>	<u>145</u>	<u>715</u>	<u>6,331</u>	<u>519,118</u>
Income (loss) before transfers	<u>1,860,747</u>	<u>616,157</u>	<u>3,489,794</u>	<u>187,431</u>	<u>192</u>	<u>151,274</u>	<u>(70,279)</u>	<u>6,235,316</u>
Transfers out	(151,892)	(103,812)	(941,160)	-	-	(26,916)	(37,344)	(1,261,124)
Change in net position	<u>\$ 1,708,855</u>	<u>\$ 512,345</u>	<u>\$ 2,548,634</u>	<u>\$ 187,431</u>	<u>\$ 192</u>	<u>\$ 124,358</u>	<u>\$ (107,623)</u>	<u>\$ 4,974,192</u>

## CHAPTER 2.30

**POWER DEPARTMENT**

## SECTION:

2.30.010: Created  
 2.30.020: Purpose  
 2.30.030: General Manager  
 2.30.040: Subdivisions  
 2.30.050: Financial Standards  
 2.30.060: City Forester

2.30.010: **CREATED:**

- A. The power department is created.
- B. The power department's primary role and mission is to provide, in a safe and efficient manner, the electrical needs of the department's designated service area; including supplying reliable, cost effective, and adequate sources of electrical capacity, energy and associated services. (Ord. 11-35)

2.30.020: **PURPOSE:**

The department is to supply the city's residents and businesses within the department's service area with a reliable and adequate source of electrical energy and associated services at a reasonable cost, and to install, operate and maintain the city's electrical machinery, streetlights, and all other related electrical equipment and facilities owned or maintained by the city wherever located. (Ord. 11-35)

2.30.030: **GENERAL MANAGER:**

The mayor shall appoint a general manager, subject to the advice and consent of the city council. The general manager supervises all functions of the power department. The general manager is a department director and reports to the mayor. (Ord. 11-35)

2.30.040: **SUBDIVISIONS:**

The power department will be divided into three (3) general divisions:

- A. Administrative;
- B. Engineering; and
- C. Operations. (Ord. 11-35)

2.30.050: **FINANCIAL STANDARDS:**

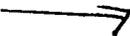
In order to maintain fiscal soundness of the power department, the following financial standards are established:

- A. In Lieu Of Tax Transfer: In lieu of tax transfer from the power enterprise fund to the general fund of the city shall be six and eighty four hundredths percent (6.84%) of total actual operating revenues (including wholesale power sales revenue as well as gains from the sale of assets) for each fiscal year, excluding:
1. Disbursements and/or refunds of overcollections and/or margins re-

ceived from Utah associated municipal power systems (UAMPS) and/or the Intermountain Power Agency (IPA); and

2. Revenues collected in accordance with electric service schedule 30, supply cost adjustment (SCA): The in lieu of tax transfer approximates the equivalent ad valorem taxes which would be imposed on an investor owned utility with the same or similar facilities. This transfer does not prohibit the power department from assisting or providing other services to other city departments.

- B. Transfer For Administrative Services: Transfer for administrative services to the general fund must be in an amount not to exceed the value of the actual services rendered. Such amount will be set each year by the finance director and approved by the city council through the budget approval process, based upon established cost allocation methodologies. In the general audit for fiscal year 1994-1995, and every fifth year thereafter, an allocation audit will be included in the general audit performed for the city by an independent auditor, to verify and/or recommend modification of the cost allocation methodologies. Any additional costs must be paid out of an appropriate power department account.

 C. Reserve Accounts:

1. Five (5) specific reserve accounts must be established within the power enterprise fund. The operating and ordinary capital reserve account and the renewal and replacement reserve account will together represent the

minimum reserve goal for the power enterprise fund to provide financial stability and cash liquidity for emergency circumstances. The five (5) accounts are as follows:

a. Operating and ordinary capital reserve account: This reserve account, which applies to working capital, purchased power expense, and ordinary capital projects, is established at the amount of twelve and one-half percent (12.5%) of the total approved annual budget for power department operating revenues.

b. Renewal and replacement reserve account: This reserve account must be established at a minimum of one million dollars (\$1,000,000.00) in a designated trust account at a bank determined by the city's finance director, in accordance with any bond covenants of the city's electric revenue bonds. This reserve account minimum balance will be adjusted annually by the percentage increase reflected in the United States department of labor, bureau of labor statistics consumer price index for all urban consumers for the month of June in each fiscal year.

c. Hunter II overhaul reserve account: This reserve account is initially established at a maximum of one million nine hundred thousand dollars (\$1,900,000.00), which may be drawn down to zero as necessary to fund a portion of the city's contractual share of costs for the overhaul of the Hunter II power generating facility.

d. Gas turbine overhaul reserve account: This reserve account is established at a maximum of three million dollars (\$3,000,000.00), which

may be drawn down to zero as necessary to fund the periodic overhaul of the city's gas turbine generators.

e. Future resource reserve account: This account contains the total of reserve funds, as defined in subsection C2 of this section, which are in excess of the sum of the four (4) specific reserve accounts detailed in subsections C1a through C1d of this section, to be used for power department purposes, except as determined by the city council.

f. The accounts set forth in subsections C1a through C1e of this section are subject to regular annual budget review by the city council.

2. The assets of the above reserve accounts are included in the following general ledger accounts:

a. Cash in bank sweep account (account 101);

b. Interest bearing investments (account 110);

c. Investments renewal and replacement (account 116);

d. Due from other funds (portion payable within 30 days) (account 141). (Ord. 11-35)

2.30.060: **CITY FORESTER:**

- A. There is created in the power department the position of city forester.
- B. The city forester reports to the operations manager of the power department. The city forester supervises the

forestry matters of the power department, and directs, administers, and develops the utility and urban forestry personnel and operations of the city.

- C. The city forester may draft arboricultural rules, regulations and specifications governing the planting, maintenance, and removal of trees on city property, other than those in city parks or cemetery, which is the responsibility of the public services department. Before enacting these rules, the shade tree and beautification commission must review and endorse the rules. The mayor must then approve the rules before the city forester may enact or enforce them.
- D. The city forester supervises the execution and enforcement of the rules, regulations and specifications pertaining to trees on city property, other than those in city parks or cemetery. The city forester may assist the public services department concerning the planting, maintenance or removal of trees in city parks or cemetery.
- E. The city forester or designee may grant permission and issue permits to third parties to plant, maintain or remove trees on city property. The city forester or designee must inspect work done under those permits, in accordance with the rules, regulations or specifications approved by the mayor. (Ord. 11-35)

## CHAPTER 13.08

**WATER SERVICE SYSTEM**

SECTION:		13.08.170:	Nonliability Of City For Scarcity Of Water, Accidents
13.08.010:	Water System Financial Standards	13.08.180:	Permanent Disconnection Fee
13.08.020:	Metered Water Rates	13.08.190:	Extension Of Mains; Generally
13.08.030:	Fire Line Users; Charge	13.08.200:	Costs
13.08.040:	Unauthorized Opening Of Valves	13.08.210:	General Penalty For Violation Of This Chapter
13.08.050:	Water Connection Impact Fees	13.08.220:	Effective Date
13.08.060:	Duty Of Water Users To Maintain Meters; Adjustment Of Water Bills When Meter Fails To Function Properly	13.08.010:	<b>WATER SYSTEM FINANCIAL STANDARDS:</b>
13.08.070:	Interference With Meter		In order to maintain fiscal soundness of the water enterprise fund, the following financial standards are established:
13.08.080:	Application For Water Service; Property Owners Required To Connect Premises Prior To Paving	A.	Annual Transfer: Annual in lieu of tax transfer from the water department to the general fund of the city shall not exceed 8.3 percent of total actual revenue as used and defined in the uniform fiscal procedures act. Such transfer shall not prohibit acts and other services being rendered to other departments of the city.
13.08.090:	Size Of Water Service Pipe	B.	Transfer For Administrative Services: Transfer for administrative services to the general fund in an amount not to exceed the value of the actual services rendered. Such amount shall be set not less than every five (5) years by the municipal council after the performance of an independent audit to determine the value of service performed.
13.08.100:	Specifications For Service Pipe		
13.08.110:	Unauthorized Use Of Water By Persons Other Than Water Taker		
13.08.120:	Service Pipes To Be Kept In Good Repair; Digging In Streets Or Sidewalks For Purpose Of Repairing Service Pipe		
13.08.130:	Wasting Water Prohibited		
13.08.140:	Damage To Waterworks System Prohibited		
13.08.150:	Executive Orders Of Mayor Limiting Use Of Water		
13.08.160:	Right Of Entry For Inspection Of Apparatus Attached To Waterworks System		

C. Reserve Funds: A reserve fund shall be established within the water fund. Such account shall have maintained at least twelve and one-half percent (12½%) of the total approved operating budget together with an additional four and one-half percent (4½%) of system value.

1. Reserved funds shall consist of money contained in the following accounts:

- a. Cash in bank;
- b. Automatic repurchases;
- c. Petty cash;
- d. Short term investments;
- e. Renewal and replacement funds;
- f. Amount due and payable from other funds payable within thirty (30) days. (Ord. 02-35 § 5)

*Amended Oct. 30, 2002*

13.08.020: **METERED WATER RATES:**

A. Minimum Charge: Minimum charge for water meters shall be as follows:

Monthly Base Rate By Meter Size (Inches)	Nov. 1, 2006 To Oct. 31, 2007	Nov. 1, 2007 To Oct. 31, 2008	Nov. 1, 2008 To Oct. 31, 2009	Nov. 1, 2009 And After
¾ and 1	\$ 6.68	\$ 6.83	\$ 7.00	\$ 7.21
1½	10.43	10.66	10.96	11.32
2	14.92	15.27	15.70	16.25
3	25.41	26.01	26.77	27.76
4	40.38	41.35	42.59	44.20
6	77.82	79.71	82.14	85.30
8	122.75	125.75	129.60	134.63
10	190.15	194.80	200.79	208.61

B. Consumption Charges: In addition to the minimum service charge provided in subsection A of this section, consumption charges for each hundred cubic feet of water supplied through meters are assessed as follows:

Monthly Base Rate By Meter Size (\$/hcf)	Nov. 1, 2006 To Oct. 31, 2007	Nov. 1, 2007 To Oct. 31, 2008	Nov. 1, 2008 To Oct. 31, 2009	Nov. 1, 2009 And After
Winter volumetric rate	\$0.79	\$0.82	\$0.86	\$0.89
Summer volumetric rate	1.13	1.18	1.23	1.28

For purposes of this subsection, "winter volumetric rate" shall apply from November 1 to April 30, and "summer volumetric rate" shall apply from May 1 to October 31.

## CHAPTER 13.32

**WASTEWATER SYSTEM**

SECTION:		13.32.270:	Connections With Public Sewers; Required
13.32.010:	Short Title	13.32.280:	Inspection Required
13.32.020:	Purpose	13.32.290:	Sewer Connection Impact Fees And Tapping Charges
13.32.030:	Definitions	13.32.300:	Connections To Be Made Only By Licensed Drain Layers Or Plumbers
13.32.040:	Supervision	13.32.310:	Connections Before Sewer Completed
13.32.050:	State Requirements	13.32.320:	Discontinuance Of Water Service When Sewer Connections Not Made
13.32.060:	Sewer Service Charge	13.32.330:	Extensions Of Sewer Lines
13.32.070:	Sewer Service Charge Abatement (Rep. by Ord. 06-47 § 2)	13.32.340:	Notice To Be Given To Public Services Director Or Designee Prior To Commencing Work On Sewers
13.32.080:	Maintenance Expense	13.32.350:	Excavation Safeguards For Public
13.32.090:	Installation Expenses	13.32.360:	Compliance With Chapter Separate Connections With Public Sewers Required
13.32.100:	Application For Sewer Service	13.32.370:	Wastewater System Connection Requirements
13.32.110:	Design And Construction	13.32.380:	Cleanouts Required
13.32.120:	Building Sewer Elevation	13.32.390:	Grease, Oil And Sand Interceptors
13.32.130:	Sewer Financial Standards	13.32.400:	Testing Required Prior To Backfilling
13.32.140:	Contracts For Sewer Service Outside Of City	13.32.410:	Backfilling Of Trenches
13.32.150:	Certain Connections With Public Sanitary Sewers Prohibited	13.32.420:	Additional Requirements
13.32.160:	Connection Requirement	13.32.430:	General Penalty For Violation Of This Chapter
13.32.170:	Damage To Wastewater System Prohibited	13.32.440:	Effective Date
13.32.180:	Opening Of Manhole Covers	13.32.450:	
13.32.190:	Separation From Other Utilities		
13.32.200:	Outhouses Prohibited		
13.32.210:	Water Closets Or Chemical Toilets Required		
13.32.220:	Old Building Sewers		
13.32.230:	Discharge Into POTW		
13.32.240:	Discharge Of Sewage		
13.32.250:	Permanent Sewer Disconnection Fees		
13.32.260:	Right Of Entry; Violations		

13.32.010: **SHORT TITLE:**

This chapter shall be known as the *WASTEWATER CONTROL ORDINANCE*. (Ord. 02-36 § 2)

13.32.020: **PURPOSE:**

- A. It is necessary for the health, safety and welfare of the residents of the city to regulate the collection of wastewater and treatment thereof. The provisions of this chapter are uniform requirements for direct and indirect contributors into the wastewater system for the city, and enables the city to comply with all applicable local, state and federal laws.
- B. The objectives are to:
1. Prevent the introduction of pollutants into the city wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
  2. Prevent the introduction of pollutants into the city wastewater system and, that are inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system;
  3. Improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
  4. Provide for equitable distribution among users of the cost of the city wastewater system; and
  5. Provide for and promote the general health, safety and welfare of the citizens residing within the city.

C. The provisions of this chapter provide for the regulation of direct and indirect contributors to the city wastewater system through the issuance of permits and through enforcement of general requirements for all users, authorize monitoring and enforcement activities, require user reporting, assume that existing user's capability will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from implementation of this chapter.

D. The provisions of this chapter shall apply to the users of the wastewater system. (Ord. 02-36 § 2)

13.32.030: **DEFINITIONS:**

Unless the context specifically indicates otherwise, the following terms and phrases, shall have the following meanings:

**BUILDING OR LATERAL SEWER:** Conveying the wastewater of a user from a residence building or other structure to the wastewater system, including direct connections to the wastewater system where permitted by the city. A lateral sewer is a building sewer.

**BUILDING SEWER CONNECTION:** That part of the piping extending from the building drain to its connection with the wastewater system.

**CENTRAL VALLEY PRETREATMENT PROGRAM:** The rules, regulations and policies established by the Central Valley

water reclamation facility board concerning the collection, pretreatment and treatment of wastewater.

**COMPATIBLE POLLUTANT:** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the NPDES permit, where the wastewater system is designed to treat such pollutants and does treat such pollutants to the degree required by the wastewater system's NPDES permit.

**CONSTRUCTION STANDARDS:** The general construction requirements adopted by the city for installation of sewerage facilities.

**CONTAMINATION:** An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the environmental and/or public health through poisoning or through the spread of disease, as described in standard methods.

**DISCHARGER:** Any person who discharges or causes the discharge of wastewater to the wastewater system.

**INDUSTRIAL USER:** Any user that discharges wastewater from commercial and/or industrial processes.

**INTERFERENCE:** The inhibition or disruption of the wastewater treatment processes or operations or which contributes to a violation of any requirements of the POTW NPDES permit. The term includes prevention of sewage sludge uses or disposal by the POTW in accordance with 405 of the act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the solid waste disposal act (SWDA), the clean air act, the toxic substances control act, or more stringent state criteria (including those contained in any state sludge

management plan prepared pursuant to title IV of SWDA) applicable to the method of treatment and disposal or use employed by the POTW.

**POTW GOVERNING AUTHORITY:** The Murray City municipal council.

**POTW TREATMENT PLANT:** That portion of the wastewater system designated to provide treatment for wastewater.

**PERSON:** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

**POLLUTION OR POLLUTANT:** The man-made or man induced alteration of the chemical, physical, biological, and radiological integrity of water; including, but not limited to, any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

**PRETREATMENT OR TREATMENT:** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other

means, except as prohibited by 40 CFR section 403.6(d).

**PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

**PUBLICLY OWNED TREATMENT WORKS (POTW):** A treatment works as defined by section 212 of the act (33 USC 1291) which is owned by the city having statutory authority to collect and treat sewage. This definition includes any sewers that convey wastewater to the POTW treatment plant, except building or lateral sewers. For the purposes of this chapter, POTW shall also include any sewers that convey wastewater to the POTW from persons outside the POTW boundaries who are by contract or agreement with the POTW actual users of the POTW.

**SEWAGE:** The waterborne wastes discharged to the wastewater system from buildings for residential, business, institutional, and industrial purposes. Wastewater and sewage are synonymous and interchangeable.

**SHALL, WILL, MAY:** "Shall" and "will" are mandatory; "may" is permissive.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC):** A classification pursuant to the standard industrial classification manual issued by the executive office of the president, office of management and budget, 1972.

**STATE:** The state of Utah.

**STORM SEWER:** A sewer that carries only storm, surface and ground water drainage.

**STORM WATER:** Any flow occurring during or following any form of natural precipitation.

**SUBDIVISION:** The division of a tract, or lot, or parcel of land into three (3) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment; provided, however, that divisions of land for agricultural purposes or for commercial, manufacturing, or industrial purposes shall be exempt. This definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder. The word "subdivide" and any derivative thereof shall be referenced to the term subdivision as defined in this section.

**USER:** Any person, individual, partnership, corporation or other entity which discharges fluids or effluent into the city's sewer system.

**WASTEWATER:** The liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any infiltrating ground water, surface water, and storm water that may be present, whether treated or untreated, which enters the wastewater system.

**WASTEWATER SYSTEM:** The pipe or conduit system and appurtenances for the collection, transportation, pumping, and treatment of sewage. This definition shall also include the terms "public sewer", "sewer system", "POTW sewer" and "sewer".

**WATER CONSUMPTION:** The monthly water consumption average during the

13.32.030

13.32.060

winter. The average is computed with water consumption billed between November 1 and April 30 of the following year.

**WATERS OF THE STATE:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. 02-36 § 2)

	<u>Base Rate</u>	<u>Flow Rate Charge Per 100 Cubic Feet</u>
November 1, 2010 – October 31, 2011	\$6.51	\$1.93
November 1, 2011 – October 31, 2012	6.71	1.99
November 1, 2012 – October 31, 2013	6.95	2.06
November 1, 2013 – October 31, 2014	7.17	2.13
November 1, 2014 and after	7.62	2.26

**13.32.040: SUPERVISION:**

The wastewater system shall be supervised and directed by the public services director or designee. (Ord. 02-36 § 2)

Monthly rates are calculated from the previous year's consumption during the winter months. "Winter months" are defined as November 1 through April 30.

**13.32.050: STATE REQUIREMENTS:**

State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations. (Ord. 02-36 § 2)

2. For new users with no history of water consumption, said users shall be billed monthly and charged:

**13.32.060: SEWER SERVICE CHARGE:**

A. The following service charge shall be imposed for regularly monthly service rendered to the users of the city's sewer system:

a. The applicable base rate according to the schedule contained in subsection A1 of this section; and

b. The average charge of a like and similar user as determined by the city. Such average charge shall be billed on a monthly basis until such time as a history of "water consumption" as defined in this section shall be obtained.

1. All users with a history of water usage shall be charged as follows:

3. All residents within three hundred feet (300') of the wastewater system shall be billed monthly and charged the applicable base rate contained in subsection A1 of this section.

B. Any user who has more than one water meter, one or more of which

measures water eventually to be discharged into the sewer and one or more other meters of which measures water not entering into the sewer system, will not be charged an additional sewer charge for such meters.

- C. When, for any reason, the water meter fails to register, operate or otherwise does not function properly, the charge shall be determined based on the average rate of consumption for a like period of time.
- D. In the event that a user does not receive culinary water from the city on a meter basis, the user shall be assessed the average charge of a like or similar user as determined by the city. If such a user questions the assessment or the amount of water discharged into the sewage system, it shall be the responsibility of the user to install, at its expense, a metering device approved by the city to accurately determine the quantity of water discharged into the sewer system.
- E. The city may make adjustments in the charge based on, but not limited to, meter malfunction, water line breaks or unusual irrigation needs. (Ord. 10-24: Ord. 06-39 § 2: Ord. 02-36 § 2)

**13.32.070: SEWER SERVICE CHARGE ABATEMENT:**

(Rep. by Ord. 06-47 § 2)

**13.32.080: MAINTENANCE EXPENSE:**

All building sewers, including the connection to the wastewater system, shall be maintained by the property owner. (Ord. 02-36 § 2)

**13.32.090: INSTALLATION EXPENSES:**

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the applicant. The applicant shall retain or employ a licensed and bonded sewer contractor or plumber to make connection to and install a building sewer. (Ord. 02-36 § 2)

**13.32.100: APPLICATION FOR SEWER SERVICE:**

Whenever any person desires to obtain a sewer service from the city, they shall make application therefor in writing in accordance with the provisions of section 13.08.080 of this title. All payments for services rendered pursuant to the application shall be made consistent with the terms of this chapter. (Ord. 02-36 § 2)

**13.32.110: DESIGN AND CONSTRUCTION:**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench shall all conform to the requirements of the building and plumbing code or other applicable laws, rules and regulations of federal, state and local entities, and wastewater system construction standards. (Ord. 02-36 § 2)

**13.32.120: BUILDING SEWER ELEVATION:**

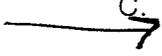
In all buildings where the elevation is too low to permit gravity flow to the wastewater system, sewage discharge from such building shall be lifted by the city approved

means, discharged to the wastewater system, and operated and maintained by the user. (Ord. 02-36 § 2)

**13.32.130: SEWER FINANCIAL STANDARDS:**

In order to maintain fiscal soundness of the sewer enterprise fund, the following financial standards are established:

- A. Annual Transfer: Annual in lieu of tax transfer from the sewer enterprise fund to the general fund of the city shall not exceed 8.3 percent of total actual revenue as used and defined in the uniform fiscal procedures act, but shall not include funds dedicated for Central Valley water reclamation facility. Such transfer shall not prohibit acts and other services being rendered to other departments of the city.
- B. Transfer For Administrative Services: Transfer for administrative services to the general fund in an amount not to exceed the value of the actual services rendered. Such amount shall be set not less than every five (5) years by the Murray City council after the performance of an independent audit to determine the value of services performed.

-  C. Reserve Funds: A reserve fund shall be established within the sewer fund. Such account shall have maintained in it funds constituting at least twelve and one-half percent (12½%) of the total approved operating budget together with an additional four and one-half percent (4½%) of wastewater system value. Reserve funds shall consist of funds contained in the following accounts:

- 1. Cash in bank;
- 2. Automatic repurchases;
- 3. Petty cash;
- 4. Short term investments;
- 5. Renewal and replacement funds;
- 6. Amounts due from other funds payable within thirty (30) days. (Ord. 02-36 § 2)

**13.32.140: CONTRACTS FOR SEWER SERVICE OUTSIDE OF CITY:**

The proper officers of the city are authorized to make and enter into such contracts as may be necessary, convenient or proper with respect to the carriage and treatment of sewage for improved property outside the city and with respect to the payment of proper charges for such service, including, without limiting the generality of the foregoing, connection charges, and justly related to, but not less than the charges fixed by this chapter; provided, that no such contract shall impair the ability of the city to carry and treat properly the sanitary sewage furnished within the city. (Ord. 02-36 § 2)

**13.32.150: CERTAIN CONNECTIONS WITH PUBLIC SANITARY SEWERS PROHIBITED:**

It is unlawful for any person to connect with a public sewer any drainpipe or pipe which discharges rainwater, cellar or surface water or the contents of any spring, flowing well, creek, ditch or other watercourse or any stream or exhaust blowoff. The overflow from blowoff boilers or heating plants

shall not be permitted to enter a sewer at a temperature in excess of one hundred twenty degrees Fahrenheit (120°F). The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, stores or warehouses containing inflammable oils or petroleum products, carriage houses, laundries or buildings for the stabling of horses or cows or other animals shall not enter into or be connected with a public sanitary sewer unless such contents are discharged into a settling tank, properly trapped and vented, such tank to be approved by the public services director or designee and to be at all times subject to his approval and condemnation. (Ord. 02-36 § 2)

**13.32.160: CONNECTION REQUIREMENT:**

Any person connecting to the city's wastewater system shall notify the public services director or designee when the building sewer is ready for inspection. The connection shall be made under the supervision of the public services director or designee. The connection of the building sewer to the wastewater system shall conform to the requirements of the building and plumbing code or other applicable laws, rules and regulations of federal, state and local entities. All such connections shall be made tight. (Ord. 02-36 § 2)

**13.32.170: DAMAGE TO WASTEWATER SYSTEM PROHIBITED:**

- A. It is unlawful for any person to injure, break or remove any part or portion of any sewer or of any sewer appliance or appurtenance.

- B. Except as otherwise approved in writing by the public services director or designee, no person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any public sewer. (Ord. 02-36 § 2)

**13.32.180: OPENING OF MANHOLE COVERS:**

It is unlawful for any person to open any sewer manhole without permission from the public services director or designee. (Ord. 02-36 § 2)

**13.32.190: SEPARATION FROM OTHER UTILITIES:**

All utility lines or conduits shall be separated from the building sewer as required by state law. (Ord. 02-36 § 2)

**13.32.200: OUTHOUSES PROHIBITED:**

It is unlawful for any person to erect or maintain any outhouse or privy within the city. (Ord. 02-36 § 2)

**13.32.210: WATER CLOSETS OR CHEMICAL TOILETS REQUIRED:**

It is unlawful to dispose or deposit any human excreta within the city, except in a sanitary water flush closet or a chemical toilet. (Ord. 02-36 § 2)

13.48.010

13.48.010

CHAPTER 13.48

STORM SEWER UTILITY

SECTION:

- 13.48.010: Findings
- 13.48.020: Purpose
- 13.48.030: Definitions
- 13.48.040: Storm Sewer Utility  
Established
- 13.48.050: Storm Sewer Utility Fee
- 13.48.055: Computation Of Volume
- 13.48.060: Annual Transfer

cals, heavy metals, toxic materials and other material that may jeopardize the integrity of groundwaters and receiving waters, including the city's culinary water supply.

13.48.010: FINDINGS:

- A. The city owns and operates a storm sewer system and facilities ("system") which have been developed over many years.
- B. The system consists of a network of structures, conduits and ditches, including groundwater, that collect and route stormwater runoff.
- C. Existing stormwater drainage conditions may constitute a potential hazard to the health, safety and general welfare of the city, its residents and businesses unless effectively maintained, replaced, improved, operated, regulated and controlled.
- D. Anticipated growth and further wear and tear on the system will place increased demands on the system.
- E. Stormwater runoff carries concentrations of oil, grease, nutrients, chemi-

F. Inadequate management of both the quantity and quality of stormwater runoff may:

- 1. Endanger the groundwater supply;
- 2. Cause flooding, erosion and property damage;
- 3. Hinder the provision of emergency services to residents;
- 4. Impede traffic flow;
- 5. Degrade the integrity of city streets and other utilities; and
- 6. Pose health hazards to residents.

G. The city is required under federal and state mandates to provide increased quantity and quality controls to mitigate the impacts of pollutants that may be discharged from the system.

H. Developed property contributes to the need for the system by altering natural conditions with impervious surfaces. All developed properties, whether public or private, make use of or benefit from the city's operation and maintenance of, and improvements to, the system.

- I. Impervious area is an important factor influencing storm sewer service requirements and costs posed by properties, and therefore is an appropriate factor for calculating storm sewer utility fees.
- J. The future usefulness of the system, including any additions and improvements, and the capability of the city to comply with federal and state mandates, depends on the ability of the city to effectively manage, protect, control, regulate, use, and enhance the system. In order to do so, the city must have adequate and stable funding for its storm sewer management program operating and capital investment needs.
- K. A storm sewer utility is the most equitable and efficient method of managing stormwater and ensuring that each property pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the system.
- L. A storm sewer utility fee is properly labeled a service fee similar to water, lighting, and sewer charges.
- M. A monthly charge imposed for the use of the system constitutes a fee for services, not an assessment. (Ord. 06-17 § 2)

**13.48.020: PURPOSE:**

The purpose of this chapter is to protect the health, safety and welfare of the city and its inhabitants by efficiently operating the city's system, managing and controlling stormwater runoff, protecting property, preventing polluted waters from entering

the city's water supply and other receiving waters, and establishing a viable and fair method of financing the improvement, operation and maintenance of the system. (Ord. 06-17 § 2)

**13.48.030: DEFINITIONS:**

For purposes of this chapter, the following terms and phrases and words shall mean:

**DEVELOPED PARCEL:** Any parcel that has been altered from its natural conditions by grading, filling, or the construction of improvements or other impervious surfaces.

**EQUIVALENT RESIDENTIAL UNIT (ERU):** The average amount of impervious surface, expressed in square feet, on developed single-family residential parcels in the city. One ERU equals three thousand four hundred (3,400) square feet of impervious surface.

**IMPERVIOUS SURFACE:** Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at greater rates of flow than the natural surface. (Ord. 06-17 § 2)

**13.48.040: STORM SEWER UTILITY ESTABLISHED:**

- A. **Creation:** There is hereby created and established a storm sewer utility operating within the city's public services department.
- B. **Enterprise Fund:** There is hereby established a storm sewer utility enterprise fund to handle all income, expenses and other financial transac-

tions related to the storm sewer utility. All storm sewer utility charges shall be deposited in the storm sewer utility enterprise fund. Impact fees, provided for in chapters 13.06 and 13.20 of this title relating to the system shall also be deposited in the storm sewer utility enterprise fund. Impact fees shall be deposited in separate interest bearing ledger accounts, not commingled with any other funds, and shall only be used for expenditures enumerated in section 13.06.110 of this title and title 11, chapter 36 of the Utah code. Funds in the storm sewer utility enterprise fund shall not be commingled with other city funds and may be transferred to other city funds only as allowed under title 10, chapter 6 and title 11, chapter 36 of the Utah code. The storm sewer utility enterprise fund shall be operated according to state law and city policy.

- C. **Facilities And Assets:** The storm sewer utility shall operate independently of city operations funded by the general fund. The storm sewer utility shall have the same relationship to the city as other city utilities, such as the water utility and the power utility. Upon creation of the utility, all of the city's storm sewer facilities and assets (other than streets and other facilities designated by the mayor or the mayor's designee) shall be transferred to the storm sewer utility in consideration for the storm sewer utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the city's system.
- D. **Administration:** The storm sewer utility shall be administered by the city's

public services director or designee. (Ord. 06-17 § 2)

13.48.050: **STORM SEWER UTILITY FEE:**

- A. **Imposed:** Each developed parcel of real property shall be charged a storm sewer utility fee.
- B. **ERU:** The fee shall be based on the number of equivalent residential units (ERUs) contained in the parcel. An ERU is the average amount of impervious area in a single-family parcel and was determined by a statistical study of residential parcels in the city. The study utilized digital aerial photography to delineate and measure impervious areas within a residential sample area. Based on this study, one ERU equals three thousand four hundred (3,400) square feet of impervious surface area.
- C. **Calculation:** Each single-family residential parcel and each duplex parcel contributes approximately the same amount of stormwater runoff; therefore, each developed single-family residential parcel and each duplex parcel shall pay a base rate of one ERU. All nonsingle-family and nonduplex residential parcels shall pay a multiple of this base rate, expressed in ERUs, according to the measured impervious area on the parcel. Total ERUs are calculated by dividing the total square feet of impervious surface by three thousand four hundred (3,400) (1 ERU).
- D. **Charge Per ERU:** The amount charged for each ERU shall be three

dollars fifty five cents (\$3.55) per month.

E. Exemptions And Credits:

1. Exemption: The following areas are exempt from utility service fees:

a. Governmentally owned streets;

b. Stormwater facilities operated and maintained by, or for, the storm sewer utility, county, or state of Utah;

c. Railroad rights of way (tracks), however, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm sewer service fees;

d. Undeveloped parcels.

2. Credit: A service fee credit, not to exceed forty five percent (45%) of the original fee amount imposed, may be applied for, by nonsingle-family residential customers, for:

a. On site mitigation for improving the quality of stormwater runoff based on implementing source or treatment controls which reduce or eliminate pollutants from the customer's stormwater runoff before it enters the city system. Stormwater quality must meet or exceed city standards to qualify for a credit; and/or

b. Reducing the quantity of the customer's site stormwater discharged into the city's system. Discharge rate must be equal to or less than city standard to qualify for a credit.

F. Policies: The public services director may adopt policies to assist applying, administering, and interpreting this chapter or other provisions related to the storm sewer utility.

G. Appeals: Any person or entity that believes that this chapter, or any storm sewer utility fee or impervious surface measurement, was interpreted or applied erroneously may appeal to the public services director ("director"). The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. The director may elect to hold a hearing on the appeal. The director shall decide the appeal within ten (10) days of when the appeal is filed. Any person or entity aggrieved by the decision of the director may appeal to the mayor within ten (10) days of receiving the decision from the director. The appeal to the mayor shall follow the same procedure as the appeal to the director. The mayor's decision shall be final and binding on all parties. (Ord. 06-17 § 2)

**13.48.055: COMPUTATION OF VOLUME:**

The amount of surface water runoff shall be established by using the following tables and formula:

A. Rainfall Factor: The fee shall be assessed on the basis of 1.4 inches of rainfall per hour (which is the accepted 100-year standard). This shall be known as "factor A" in the formula.

B. Area Factor: The rainfall factor shall be multiplied by number of acres in

the development or subdivision. This factor shall be known as "factor B" in the formula.

C. Land Use Factor: The result achieved by multiplying factor A and factor B shall be multiplied by the applicable runoff coefficients as follows:

<u>General Land Use Classification</u>	<u>Runoff Coefficients</u>
Residential:	
Single-family	0.35
Two-family	0.45
Multiple-family	0.60
Suburban estates	0.25
Commercial:	
Neighborhood	0.60
General	0.80
Drive-in movies	0.70
Industrial:	
Light	0.60
Heavy	0.80
Agricultural	0.10
Institutional	0.30
Parks and recreations	0.20
Utilities and transportation	0.50
Streets	0.86
Vacant	0.15

D. Distance Factor: The result achieved by multiplying factor A times B times C shall be multiplied by the applicable distance coefficient from the following table:

<u>Distance From Outfall Of Development Or Subdivision To Estuary</u>	<u>Runoff Coefficients</u>
0.0 – 0.2 miles	0.1
0.2 – 0.4 miles	0.2
0.4 – 0.6 miles	0.3
0.6 – 0.8 miles	0.4
0.8 – 1.0 miles	0.5
1.0 – 1.2 miles	0.6
1.2 – 1.4 miles	0.7

<u>Distance From Outfall Of Development Or Subdivision To Estuary</u>	<u>Runoff Coefficients</u>
1.4 – 1.6 miles	0.8
1.6 – 1.8 miles	0.9
1.8 – 2.0 miles	1.0

E. Estuary Defined: The "estuary" shall be defined as the Jordan River, the Big Cottonwood Creek or the Little Cottonwood Creek.

F. Distance Coefficient: The distance coefficient shall be factor D in the formula.

G. Cubic Feet Per Second: The number of cubic feet per second shall be known as "factor F".

H. Service Fee: The formula for determining the service fee for water runoff and storm drain shall be determined by the following formulas:

$$A \times B \times C \times D = F$$

$$F \times \$1,000.00 = \text{Service fee}$$

(Per correspondence dated 1-28-2010: prior code § 35-57)

**13.48.060: ANNUAL TRANSFER:**

There shall be, each fiscal year, an in lieu of tax transfer from the city's storm sewer utility fund to the city's general fund of 8.3 percent of total actual revenues as determined according to standards promulgated by the governmental accounting standards board. The in lieu of tax transfers do not prohibit the storm sewer utility from providing funds or services to other city departments, or receiving funds or services from other city departments. (Ord. 06-17 § 2)

Enacted June 15, 2010

June 2010

No reserve account

**TITLE 7**  
**SOLID WASTE AND RECYCLING**  
**MANAGEMENT**

Subject	Chapter
General Provisions And Charges .....	7.04
Automated Refuse Containers .....	7.08
Solid Waste Recycling .....	7.12
Additional Services .....	7.16

## CHAPTER 7.04

**GENERAL PROVISIONS AND CHARGES**

## SECTION:

- 7.04.010: Definitions  
 7.04.020: Fund  
 7.04.030: Charges For Services To Residences

7.04.010: **DEFINITIONS:**

In addition to the definitions found in each chapter of this title, for purpose of this title:

**AUTOMATED RECYCLING CONTAINER(S):** The container(s) provided by the city to residences for removal of "recyclable material" as defined in chapter 7.12 of this title.

**AUTOMATED REFUSE CONTAINER(S):** The container(s) provided by the city to residences for removal of garbage by the city's service provider.

**BASE FEE:** The fee for a residence's use of the first automated refuse container and the first automated recycling container.

**CITY:** For purposes of this chapter only, the jurisdictional limits of Murray City Corporation excluding those areas of Murray City Corporation located within the Salt Lake County sanitation district 1.

**GENERAL SOLID WASTE MANAGEMENT SERVICES:** The pick up of solid waste material and "recyclable material" as defined in chapter 7.12 of this title.

**GREEN WASTE TRAILER:** The container provided by the city, subject to the provisions of chapter 7.16 of this title, for the disposal of green waste.

**NEIGHBORHOOD ROLL-OFF BOX:** The container provided by the city, subject to the provisions of chapter 7.16 of this title, for the disposal of any type of waste, except hazardous waste, tires, and excessive amounts of concrete.

**PROPERTY OWNER:** Any person who alone, jointly or severally with others has legal title to any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is a trustee, personal representative, or conservator of the estate of an owner.

**RESIDENCES:** Other than residences in Salt Lake County sanitation district 1, means buildings or dwellings comprising of not more than two (2) residential building units including, without limitation, single-family dwellings, designed for separate housekeeping tenements and where no business of any kind is conducted except such home occupations as defined in the zoning ordinances of the city.

**SERVICE PROVIDER:** The city, a person, a firm or a corporation working for the city engaged in the removal of garbage from residences within the city, other than residences in Salt Lake County sanitation district 1. (Ord. 12-21: Ord. 04-21 § 3)

**7.04.020: FUND:**

- A. Fund Created: There is created an enterprise fund known as the solid waste management fund. All funds received from, or expended in connection with, general solid waste management services and green waste trailer reservations shall be accounted for in the solid waste management fund separate and apart from all other city funds. The collection, accounting and expenditure of all such funds shall be in accordance with existing fiscal policies of the city.
- B. Annual Transfer: Beginning fiscal year 2014, there shall be, each fiscal year, an operational transfer from the city's solid waste management fund to the city's general fund of eight percent (8.00%) of total operating revenue as used and defined in the Utah uniform

fiscal procedures act. Such transfer shall not prohibit acts and other services being rendered to other departments of the city. (Ord. 12-21)

**7.04.030: CHARGES FOR SERVICES TO RESIDENCES:**

- A. A monthly charge for general solid waste management services provided to residences other than residences in the Salt Lake County sanitation district 1 shall be in accordance with the following rate schedule. The monthly rates shall go into effect on August 1 of each year, beginning on August 1, 2012. Every residence shall at minimum pay the monthly base fee except where power, water, sewer and waste management services to the residence are properly terminated.

	FY2013	FY2014	FY2015	FY2016
Base fee	\$10.00	\$11.00	\$11.25	\$11.50
Additional refuse or recycling container fee	6.85	7.60	7.75	7.90

- B. If a residence wants more than two (2) automated refuse containers or one automated recycling container, the residence must submit a written request to the public services director, or designee, stating with specificity the reasons supporting the need. The determination to provide additional automated refuse containers or additional recycling containers to a residence shall be made at the sole discretion of the public services director, or designee.
- C. The fee for each reservation of the green waste trailer shall be forty dollars (\$40.00).
- D. The fee for reservation of each neighborhood roll-off box shall be as deter-

7.04.030

7.04.030

mined by the public services director provided, however, that in no event shall the fee exceed the city's actual costs to: 1) deliver and pick up the neighborhood roll-off box; and 2) dispose of the contents. (Ord. 12-28)

Amended September 18, 2012

CHAPTER 12.28

**LYNN F. PETT MURRAY PARKWAY GOLF COURSE**

SECTION:

- 12.28.010: Renamed
- 12.28.020: Financial Standards
- 12.28.030: Green Fees
- 12.28.040: Golf Course Operation;  
Rentals
- 12.28.050: Discounts And Promotions

C. Transfer for administrative services to the general fund in an amount not to exceed the value of the actual services rendered to the parkway and its related facilities. Such amount shall be set not less than every five (5) years by the city council after the performance of an independent audit to determine the value of services performed.

12.28.010: **RENAMED:**

The golf course known as the Murray Parkway golf course shall be renamed the Lynn F. Pett Murray Parkway golf course. (Ord. 04-08 § 2)

D. → A cash reserve fund shall be established within the Murray Parkway recreation fund and maintained at the level of seventeen percent (17%) of annual gross revenues, or one hundred fifty thousand dollars (\$150,000.00), whichever is greater. Transfer to the cash fund will be made only after subsections A and B of this section are fully funded. (Ord. 04-08 § 2)

12.28.020: **FINANCIAL STANDARDS:**

In order to maintain fiscal soundness of the Lynn F. Pett Murray Parkway golf course, the following financial standards are established:

- A. Reserve for improvements and equipment replacement. This reserve will be funded at seventy thousand dollars (\$70,000.00) per year, only after payment of all operation and maintenance expenses and debt services.
- B. In lieu of tax transfer to general fund shall be twenty two thousand dollars (\$22,000.00) per year, only after funding of subsection A of this section is complete.

12.28.030: **GREEN FEES:**

The green fees shall be as follows:

<u>User Type</u>	<u>9 Holes</u>	<u>18 Holes</u>
10 round punch card	\$120.00	n/a
Juniors	8.00	\$16.00
Juniors annual pass (age 17 or younger)	350.00	
Juniors summer pass (age 17 or younger)	250.00	

*Amended February 11, 2004  
June 2010*

**Adjournment**

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Council Minutes

# Murray City Municipal Council Chambers Murray City, Utah

---

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 15<sup>th</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:

Doug Hill,	Mayor Pro-tem
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Tim Tingey,	Administrative and Development Services Director
Justin Zollinger,	Finance Director
Mary Ann Kirk,	Cultural Arts
Sean Malouf,	Police Department
Roy Halford,	Police Sergeant
Scouts	
Citizens	

5. **OPENING CEREMONIES**

5.1 Pledge of Allegiance – Ian Martinez and Beau Sheffield

Mr. Hales asked the scouts in attendance to introduce themselves, state their troop number and the merit badge or badges they are working on.

5.2 Approval of Minutes

5.2.1 None scheduled.

5.3 Special Recognition:

5.3.1 Murray City Council Employee of the Month, Officer Sean Malouf, Police Department.

Staff presentation: Pete Fondaco, Police Chief

Mr. Hales said this program has been going on for almost one year. He stated that the name of the employee of the month will be added to the plaque located in the back of the Council Chambers.

Mr. Hales asked Sean Malouf and Pete Fondaco, Police Chief, to join him at the podium. Mr. Hales congratulated Mr. Malouf on behalf of the entire City Council, saying that this is a great tribute for Mr. Malouf amongst all of the officers and all those in his department. Mr. Hales noted this is the second employee of the month from the Police Department. Mr. Hales presented Mr. Malouf with a certificate, told him his name would be added to the plaque, and gave him a \$50.00 gift card to Fashion Place Mall.

Chief Fondaco stated that Mr. Malouf was hired by the Murray City Police Department on August 10, 2009. He is currently assigned to the Patrol Division. He always demonstrates a positive attitude and is willing and eager to patrol the City of Murray and help out wherever he can. Multiple citizen compliments have been received for Mr. Malouf's performance on the job. A few weeks ago, Mr. Malouf was assigned to investigate a sexual assault case. Officer Malouf met with the victim at LDS hospital. He did an outstanding job interviewing and obtaining information about the crime. He went above and beyond of just collecting the facts. He spoke with the victim in a kind and compassionate way. He made her feel safe and assured her that she had done the right thing in reporting the incident. The sexual assault nurse noticed Mr. Malouf's actions and shared the experience with his supervisors.

In January of this year, as Chief Fondaco has previously reported to the Council, Officer Malouf was patrolling the streets of Murray when a report of an armed robbery came in. A suspect armed with a gun had just robbed a local restaurant.

While officers were investigating the incident, Officer Malouf was aware of another business in Murray that had been the victim of similar robberies in the past. He went to the area of that business on a hunch that this might be the suspect's next target, and he was right. While he was watching the business he saw a person approaching the store. This person matched description of the suspect who had just robbed the other restaurant and appeared to be wearing a disguise. Officer Malouf confronted the suspect who immediately fled on foot. The suspect ran to a waiting getaway car, raised a handgun and fired multiple shots at Officer Malouf. Officer Malouf returned fire but the suspects fled.

Because of his actions, Officer Malouf not only prevented another violent robbery, but his work identified the perpetrators of the crimes. Officer Malouf is another example of the officers that we have working for Murray City. Chief Fondaco stated that it is his honor to present Officer Malouf to the Council for Employee of the Month.

Officer Malouf introduced his family and thanked the Council for this honor.

### 5.3.2 Community Art Award Presentation.

Staff presentation: Elaine Judd – Cultural Arts

Ms. Judd said she was grateful to be here in such illustrious company. She said she is here to represent the Murray Arts Advisory Board. She wanted to call everyone's attention to the fact that October is Arts and Humanities month as people probably did not know that. She advised the Council to take a break from their heavy City duties and think about the great things that the arts and humanities add to our environment. She noted that Murray has partners such as the Murray Symphony, the Murray Band, the Ballet Center, and the school arts programs which all coordinated with volunteers who are going to be honored tonight. These volunteers very quietly, unassumingly have supported the arts in Murray for 20 years; since 1992 when the program began.

Ms. Judd continued saying it is interesting to note that the Murray arts program serves between 35,000 to 40,000 patrons each year. That is a small city with a significant amount of population. Patrons come from as far north as Weber County and as far south as Utah County; from the west out to Tooele and to the east from Cheyenne, Wyoming. They are drawing from a large population. People come here to participate and to view the arts. Many of them are coming to participate. They involve approximately 2,500 artists in 75-80 productions.

This summer when Ms. Judd was taking tickets in Murray Park for the musical "Oklahoma", a father and son came riding their bikes through the park. They stopped to ask what was going on and could they go. They had just moved to Murray, fairly recently, and were not aware of all the arts that we have. While they were riding through the park, they saw the set up at the Amphitheater. The

father wanted to take his son to the production right then; but the only money he had on him was a credit card, which they don't take in the park. He was really impressed and asked Ms. Judd how many productions were put on during the summertime and what they did in the winter. Ms. Judd was able to tell him about the symphony, the band, the ballet and all the great productions they have that enrich our lives and give people, young and old, opportunity to use those arts that uplift all of us and give people a chance to feel joy and feel a sense of accomplishment.

There is really nothing more wonderful than the feeling of putting on a live stage production and everyone working together to create that great experience. It takes everybody with a singleness of mind. It is a great experience in community cooperation and accomplishment. It accomplishes many things that no other avenue can accomplish.

Ms. Judd continued saying that the Council would be receiving an agenda for the arts for this year (Attachment 1). It starts this Saturday at Murray High with the symphony. Ms. Judd invited everyone to join them in that opportunity. On the back of the agenda, there is a summary of the arts and education projects that they are doing.

In Murray City next week there will be a Murder and Mayhem and ghostly stories that will be told at different venues downtown with costumed people. Murray has been the setting for many colorful characters. It is a great opportunity to learn a little of the true history of Murray and also have a little fun with some of the stories.

Ms. Judd added that there will be haunted tales on Monday October 28<sup>th</sup>, 2013. This will be held at the Murray Library and these little stories are written by the children in the schools within Murray. It is an opportunity for them to use their imaginations as the stories are judged. Mrs. Higby has read through these stories and poems that children write and help them give awards. It is a labor of love because it takes a lot of time and they appreciate everything Mrs. Higby does. There will be a juried art show from November 7, 2013 through November 25, 2013 at the Murray Library.

In closing, Ms. Judd said that they appreciate the City's support for the arts and the performing arts center that can be such a catalyst. She pictures a beautiful art center down in Murray with beautiful, colorful flags flying and lights shining; making that area a colorful, attractive place for people to go. It will attract so many other good things besides giving a real venue for all of the community arts groups that work so hard in many areas.

Ms. Judd concluded by acknowledging the people that have been selected this year by the Arts Board. These wonderful people did not want to be recognized because they feel like they are one of a group, but they have been exceptional in

their gift of time, dedication and enthusiasm as well as financial support which represents the support of many people in Murray who really care about the arts. In addition to great police protection, we have great arts because of people like June and Ed Higby. Ms. Judd the Higby's to join her at the podium, presented them with a certificate and thanked them for their work.

Ms. Judd added that the Board appreciates what the Higby's have done and their constant continual support and willingness to tell stories in the cemetery, to judge literary entries and to help the Board in so many ways. The Board appreciates them; they represent the wonderful people in Murray who give their time and talents all the time without asking for anything in return.

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

No comments given.

Citizen comment closed.

7. **CONSENT AGENDA**

7.1 None scheduled.

8. **PUBLIC HEARINGS**

8.1 None scheduled.

9. **UNFINISHED BUSINESS**

9.1 None scheduled.

10. **NEW BUSINESS**

10.1 Consider a Resolution appointing poll workers for the City's 2013 General Election.

Staff presentation: Jennifer Kennedy, City Recorder

Ms. Kennedy stated that the City contracts with Salt Lake County for election services. The County has presented the City with a list of poll workers for the upcoming General Election. She asked the Council to approve a Resolution for these poll workers.

Mr. Brass made a motion to adopt the Resolution.

Mr. Shaver 2<sup>nd</sup> the motion.

  A   Mr. Nicponski

  A   Mr. Stam

  A   Mr. Brass

A Mr. Shaver  
A Mr. Hales

Motion passed 5-0

- 10.2 Consider a Resolution approving the Mayor's appointment of representatives to the Board of the Utah Telecommunications Open Infrastructure Agency (UTOPIA).

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells said that in light of some of the efforts that are being made in UTOPIA as far as some financing and some different things are concerned, the Mayor's office has talked about the opportunity to involve the City's Finance Director, Justin Zollinger a little bit more in this organization. There are meetings that start tomorrow, October 16, 2013, and it would be helpful to have Mr. Zollinger attend those meetings.

They are asking the Council to change the representatives on the UTOPIA Board. They are asking to have Mr. Zollinger be the representative and Ms. Wells would serve as the alternate.

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Stam 2<sup>nd</sup> the motion

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

Motion passed 5-0

## 11. MAYOR

### 11.1 Mayor's Report

Doug Hill, Mayor Pro-tem excused the Mayor from the meeting. He is out of town on City business. No report was given.

### 11.2 Questions of the Mayor

## 10. ADJOURNMENT

# Attachment 1

# 2013-2014 Murray Winter Community Art Pass



**MURRAY**  
PARKS & RECREATION

Enjoy community and school related performances throughout the school year with a community art pass. **You can't beat the price!** This provides a great opportunity to enjoy the arts as a family or with a child or friend - one on one! Individual tickets are sold at the door only. Events, dates and times may be subject to change.

October 19	Murray Symphony Orchestra	MHS, 7:30 pm	\$6 gen adm - under 10 free
November 2	Murray Concert Band	HJH, 7:30 pm	Free
November 14-18	<i>Suessical</i> , MHS Musical	MHS, 7 pm	\$6 st/\$7 gen adm in advance/door \$8
November 21-25	<i>Tarzan</i> , CHS Musical	CHS, 7 pm	\$9
December 7	Murray Symphony Holiday Concert	MHS, 7:30 pm	\$6 gen adm - under 10 free
January 11	<i>Blackbeard the Pirate</i> , Missoula	RJH, 1 & 4 pm	\$5 gen adm, \$20 family/up to 6
January 13-15	<i>Broadway Review</i> , MHS Drama	MHS 7 pm	\$3 gen adm
January 20	Martin Luther King Concert	MHS, 7 pm	Free
February 1	Murray Concert Band	MHS, 7:30 pm	Free
February 13	Utah Sym Chorus & MHS/CHS choirs	MHS, 7 pm	Free
February 20	<i>Monster Who Ate My Peas</i> , ArtsPower	MHS, 4 pm	Free (tickets required)
March 6-10	<i>Dancing at Lughnasa</i> , MHS play	MHS, 7 pm	\$5 st/\$6 gen adm in advance, \$7 door
March 13-15	<i>Prince &amp; the Pauper</i> , Fairytale Ballet	Blt Ctr, 7 pm	\$7 gen adm
March 15	Murray Symphony Orchestra	MHS, 7:30 pm	\$6 gen adm - under 10 free
March 22	Murray Storytelling Festival	Libr, 10:30 am	Free
March 31-Apr 5	<i>Forever Plaid</i>	RJH, 8 pm	\$10 adult, \$7 sr/child
April 17-18	MHS Dance Company in Concert	MHS, 7 pm	\$5 general admission, 3-under free
April 26	Murray Concert Band	MHS, 7:30 pm	Free
May 1-3	MHS Shakespeare Fest, <i>Julius Caesar</i>	MHS, 7 pm	\$3 at the door
May 17	Murray Symphony Orchestra	MHS, 7:30 pm	\$6 gen adm - under 10 free

## Season Pass Order Form

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ Adult @ \$45

Total Enclosed \$ \_\_\_\_\_

\_\_\_\_\_ Senior @ \$40

Make Check Payable to Murray City Arts  
296 E Murray Park Avenue, Murray, Utah 84107

\_\_\_\_\_ Student/Child @ \$25

\_\_\_\_\_ Family (up to six) @ \$125



Sponsored by Murray City Cultural Arts with funding assistance provided by Salt Lake County ZAP, Utah Division of Arts & Museums, and National Endowment for the Arts.

**MURRAY CULTURAL ARTS**  
**ARTS/LOCAL HISTORY IN EDUCATION ACTIVITIES 2013-2014**

1. **CURRICULUM RESOURCES**

**ART BOOKLET**, Provided to 4<sup>th</sup> grade classrooms (could also be used for other grades) to encourage viewing of Murray City Art Collection or your own school art collections. Contact Mary Ann Kirk to order.

**ART CURRICULUM** lesson plans for music and visual arts with composer description/music CD's and artists descriptions with prints (in library) were provided to every elementary teacher several years ago. If you can't locate them, contact Natalie Johnson.

**CHILDREN'S MURRAY HISTORY WORKBOOK**, for school core curriculum on community history for grades 2-3. All schools should have one classroom set. Additional books may be purchased for \$1 each. Teacher packet with classroom activities is also available upon request.

2. **MUSEUM TOURS**, Murray City Hall

Any Tuesday or Thursday. Tour runs from 9:30 to 11 am. Suggested grades 2-4.

Schools reserve buses. Murray City will pay for one grade level.

3. **HALLOWEEN LITERARY COMPETITION** for grades 3-12. Literary categories include funny and scary short stories, poems, and limericks. Winning stories will be read Oct 28 at Murray Haunted Tales at the Murray Library. Entries are due to the Murray Parks Office on October 15.

4. **STORYTELLING FESTIVAL** planned for grades 2-12. We will provide professional storytelling instruction and coaching after-school for 60 minutes (or during the school day if desired) for two weeks with dates alternating for different age groups. Each school may choose the weeks (October through February). Participating students will share their stories in classrooms for judging (optional) and the best stories will be selected for a (during or after-school) school festival where finalists will be selected for a city wide festival scheduled for March 22. Fax form to request a two week residency.

5. **THE MONSTER WHO ATE MY PEAS**, ARTS POWER MUSICAL THEATER

Thursday, February 20 at 10 am. Murray High. Restricted to one grade only, either K or 1<sup>st</sup> grade.

Fax form to reserve space. Schools must reserve buses.

6. **FAIRY TALE BALLET**, (tentative show: Prince and the Pauper)

Ballet Center in Murray, #70 East 4880 South, Thursday, March 13 - 10 am and 1 pm

Schools must reserve buses. Murray City pays for one grade level only but additional classes may attend.

To attend, reserve space by calling 266-5999 (Susan Wright)

7. **SECONDARY ART SHOW** - April/May TBA, Fashion Place Mall, grades 7-12. Flyers sent to art teachers

8. **MISSOULA CHILDREN'S THEATER**

About 50 children grades K-12 will be cast in Missoula's after-school production of *Blackbeard the Pirate*, January 6-11. Parkside and Riverview will be offered free in-class daytime workshops as part of this residency.

9. **CEMETERY TOURS**, Murray Cemetery

May 27-30. Suggested grades 2-3. (Grade 4 if space permits.)

Schools must reserve buses. Murray City pays for one grade level. Additional classrooms must walk or pay.

10. **SECONDARY CHORAL FEST, MURRAY HIGH** (date TBA)

Murray pays for a guest conductor/community choir to work with MHS and CHS choral programs during the day with a combined concert at night, exposing students to opportunities to use their skills after high school.

11. **LOCAL MUSIC ART SPECIALISTS.** Murray City and Murray School District share costs. The City works with the music specialists when needed to prepare students for various activities.

12. **STEVE JAMES ASSEMBLIES** will be provided for interested schools IF they book the evening performance with the assembly (\$500). Classrooms are asked to learn one song from the Prevention Dimension CD. To book a date, phone 801-556-3843 and contact Mary Ann Kirk (801-264-2638) to arrange for payment once the program has been booked.

Murray City Cultural Arts and Murray History Advisory Board Presents



# Murder Mayhem In Murray

Saturday, October 26

7:30 - 9:30 pm - Free

Murray Mansion (starting location) - 4872 S Poplar (½ block west of State)  
Five outside storytelling locations repeated every 20 minutes in a two block area between 4800 South and Vine Street. A “grim guide” will be provided.

Dress accordingly for cool/inclement weather.

Recommended for ages 16 and older

## Featuring True Stories from Murray's Past

First for Utah: Charles Thiede Execution, 1896

Ending to A Creepy Story: Ted Bundy Final Kidnapping Attempt

Murder by Disguise: Rulon Allred

Villain or Hero: Joe Hill, Labor Activist

Good Times with Ghosts at the Mansion



**MURRAY**  
PARKS & RECREATION

## 2013-2014 Schedule

Sept 14	Miss Murray Pageant
Sept 28	Murray Museum Day
October/Nov	National Arts Month/Awards
October 19	Winter Season begins with Murray Symphony
October 26	Murray Murder Mayhem, historic downtown storytelling for adults
October 28	Haunted Tales/Halloween Lit Competition (grades 3-12)
Nov 2	Art Show Set up
Nov 7-25	Public Show, Reception on Nov 25
Oct - Feb	Local storytelling camps, competition
Jan 6-11	Missoula
Jan TBA	Literary Workshop, Murray Library
Feb TBA	Literary Competition
Feb 20	Arts Power school assembly, Monster Who Ate My Peas
March 22	City Storytelling Festival with Puppet Shows, Library
April TBA	Secondary Art Show, Fashion Place Mall
May 23	Murray High Art Fest
May 27-30	Cemetery Tours
June 7	Arts in the Park Kickoff

# Murray City Municipal Council Chambers Murray City, Utah

---

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 29<sup>th</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
Craig Burnett,	Deputy Police Chief
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Briant Farnsworth,	Senior City Attorney
Charles Crutcher,	Power Department
Blaine Haacke,	Power Department
Greg Bellon,	Power Department
Bruce Turner,	Power Department
Natalie Gochnour,	Power Advisory Board
Dallas DiFrancesco,	Power Advisory Board
Jan Evans,	Power Advisory Board
Steve Meyer,	Power Advisory Board
Scouts	
Citizens	

**5. OPENING CEREMONIES**

5.1 Pledge of Allegiance – Craig Burnett, Deputy Police Chief

Mr. Hales asked the scouts in attendance to introduce themselves, state their troop number and the merit badge or badges they are working on.

5.2 Approval of Minutes

5.2.1 August 27, 2013.

5.2.2 September 3, 2013

Mr. Hales asked that both sets of minutes be taken together, no objections were made.

Mr. Shaver made a motion to approve the minutes.

Mr. Stam seconded the motion.

Voice vote taken, all “ayes.”

5.3 Special Recognition:

5.3.1 None scheduled.

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

Don Snarr 634 Germania Avenue, Murray, UT 84123

Mr. Snarr stated that he was related to Mayor Snarr, they are cousins. Mr. Snarr stated that he would like to talk about the situation where the Council is considering dissolving the Power Advisory Board. Mr. Snarr gave a little bit of history regarding his position. He has been a lifelong resident of Murray and has been involved in, not only civic, but school and church affairs all of his life. Regarding power, when Murray City first got into the power business it was quite simple. In fact, the General Manager of the Power Department was the best lineman the department had. The Power Department only had to maintain the lines and the little generating plant. Since that time it has become highly complicated.

When the Mayor of Murray City at the time decided that they needed expert help, they created what they referred to as a Power Advisory Board. Mr. Snarr was one of the first members on the Board along with Jack Anderson and Glade Peterson. They were all power oriented. Mr. Snarr feels that they Mayor and Council at that time chose them on purpose. He doesn't think you would want a plumber operating on your heart and the Mayor and Council back then felt the same way.

Since they were involved, many important issues came to light. Mr. Snarr was in the electrical contracting business and did a lot of work for Utah Power and Light. When you buy power, for

example, from Utah Power and Light, you have to make all the requirements to meet their safety measures and all of their supervisory equipment and things like that. He would not advise the Power Advisory Board be dissolved because they are all competent people and they have Murray City's interest at heart.

Citizen comment closed

7. **CONSENT AGENDA**

7.1 None scheduled.

8. **PUBLIC HEARINGS**

8.1 None scheduled.

9. **UNFINISHED BUSINESS**

9.1 None scheduled.

10. **NEW BUSINESS**

10.1 Consider proposed resolutions and contracts related to the amendments and renewal of Intermountain Power Agency (IPA).

Staff presentation: Blaine Haacke, Power Department General Manager

Mr. Haacke stated that we are here not because of a decision of our own. We are here because we are being backed into a decision. The Californians have come to the table and they have been our partners in the IPA plant since its conception. Because they cannot bring coal-fired power plant energy into their state lines, they have approached the City and we have to do something different with that plant down by Delta. It is the Californians that are pushing us to this decision. Mr. Haacke hates to bring this decision before the Council because he doesn't like to be cornered either. We have had these discussions for the past year because we have had the understanding that we have to do something to keep that plant going.

Mr. Haacke thanked the Attorneys office for getting them to this point. This is a very complicated situation with four contracts that are pretty thick and complex. The Attorneys have given a risk analysis to the Mayor, Council and staff. They have been by his side the whole time. This has been years in the coming.

Mr. Haacke thanked Mayor Snarr for being involved. Mayor Snarr has been involved every step of the way as far as the Power Board discussions. There have also been some one-on-ones with Jan Wells, Chief of Staff and the Mayor. The Council has been involved by having several work sessions. Mr. Haacke feels that the Council knows the issues. He will give the highlights of the decision that is being made tonight by passing these Resolutions.

Mr. Haacke acknowledged the presence of the Power Board. They have spent numerous work sessions and agenda items on getting into the nitty-gritty, or details, of the contracts. The Board

knows it a little bit more in depth than some of the staff at the Power Department do and Mr. Haacke thanked them for being involved. This is an exciting decision. It is pretty important. This is a decision that will go out 50 years and is not to be held lightly.

On October 1, 2013, the Power Department approached the Council in a work session and they talked with IPA representatives about the evolution of the contracts. When the Power Department first approached the Council several years ago, they were not as comfortable in presenting those contracts for a vote. They were more comfortable last month because they have had them evolve through the year. This past year the Californians have come part way in negotiations. The Power staff recommends the Council passes all four Resolutions which would open the City into a new resource for 50 years, from 2027 to 2077.

Mr. Haacke noted that in the Council's packet there are three things he wanted to point out. One is a memo from him that talks about a review of the plant and the contract. The second thing is a letter from Frank Nakamura, City Attorney and Briant Farnsworth, Senior City Attorney about the risk analysis of each of the contracts. The third thing is the four Resolutions that the Power Department is asking the Council to pass.

This project has been successful. Back in the 1980's when they built it; it was a cooperative situation between the co-ops, like Dixie Escalante, Garkane, Moon Lake, twenty-three Utahans and six Californians. It's been an economic boom to that region; Delta, Oak City, and Fillmore. There are over 450 full-time jobs down there. It has been backed by the Governor's office back then and the current Governor still has a big role in the evolvement of industry down in that area. It has been a reliable resource. It has been one of the more clean resources as far as coal-fired plants in the western United States. It is always in the top ten percent as far as reliability meaning it is on; it is on ninety percent of the time. Lots of coal-fired plants when they get older, they break down and have trouble with the boilers. This has been a reliable plant. It's clean. It is over twenty-five years old; this is not a new resource anymore.

Mr. Haacke continued addressing the four contracts the Council has. The first contract is a Resolution that allows for changes to be made to the other three contracts. It is just a text type of thing. Small wording; it uses words to replace coal-fired with natural gas or some other thing. Mr. Haacke feels this contract is a no-brainer.

The second contract is a little stickier. It is an amendment to the existing contract that will go until 2027. It allows for a new plant to be built with a different type of fuel, perhaps natural gas. Right now it is natural gas but if there is a different fuel resource that comes in the next seven or eight years, we have the flexibility to move to a different fuel. Basically it will be two natural gas units at 600 megawatts a piece.

The second contract also deals with the decommissioning. As of right now if no contracts are signed and we reach the year 2027 and the coal-fired plant is no longer useable, unworkable or they want to get rid of it off of the market, who is going to pay for the decommissioning of the plant? Right now, that is up in the air. It was something they didn't put in the contract back in the 1980's as to who is going to pay for this when we are at the end of the line. This contract also allows for the decommissioning funds to be pulled aside in the next ten years so when the time comes for decommissioning, there will be money set aside. This is a big, big deal to the Power Department. Upwards of four hundred million dollars to half a billion dollars are needed to take these coal-fired plants totally down to a sage brush type of environment. There is one down in the four corners area, Mojave, where the stacks were just torn down and they are in the process of

decommissioning that right now. It is in the three hundred to four hundred million dollar range. That was a big albatross over Murray's neck and above everybody else's neck of who is going to pay for the decommissioning. The second contract allows money to be set aside for that.

The third contract is a renewal contract that goes from 2027 to 2077. This contract does not need to be signed right now. In fact, Mr. Haacke recommends we do not sign this contract, but pass the Resolution. Right now Murray has four percent of entitlement in the plant; whatever size that plant is, whether it is 1800 megawatts or 1200 megawatts. Through this process of people signing on to this contract, there might be some people in Utah that might not want to sign that contract and might want to walk away from the plant because they are tired of it. They would leave their entitlement shares on the table. The Power Department's hopes, with direction from the Council and the Mayor, would be to pick up some of those shares if we can. That way we can boost our portfolio. These shares are called "orphan shares".

Mr. Haacke said that if he was not mistaken, if we sign the third contract, it kind of binds our hands a little bit on whether we can pick up some of those orphan shares. He thinks it is best to wait a little bit, but pass the Resolution tonight so that when the timing is right, we can do that. So contract number three is basically a continuation of the contract from hence forth.

The fourth contract is the big contract that makes this all happen and that is the call-back. It is called the Excess Power Sales Agreement. This contract allows the City to hop in and out seasonally with the call-back. Without the Californians coming part way on contract number four, Mr. Haacke would not be presenting anything tonight because he would recommend that we walk away from the plant. However, the fourth contract allows us to come in and out. Contract number three by itself means we have to eat 72 megawatts or 48 megawatts depending on what size plant we are looking at. That would probably bankrupt Murray because we would be forced into buying a resource that was more expensive than or close to the market. It would be just too much capacity. Contract number four allows Californians to take our load; take our resource; and we will call it back as we need it. Contract number four is very, very important. Mr. Haacke states that it was the most important contract to him.

Mr. Haacke continued by going over some key issues. Murray will be set until the year 2077 if these Resolutions pass and the contracts get signed. For example, the City's load right now is about 100 megawatts. After 2027, if we sign this, our portion of the plant will be 50. Our entitlement to the plant would be 50; we have a 100 megawatt load, and we expect to have about a two percent growth every year. By doing simple math, 50 megawatts growth is about 25 years, or something like that. By signing this we actually have guaranteed Murray a resource. It might not be the best resource but at least it is a resource for at least 25 years past 2027. This is a 50 year commitment.

Mr. Haacke reiterated that our entitlement will go from 72 megawatts down to 48 megawatts. We have transmission enough to get our 48 megawatts to the hub; the IPA will be used as the hub. We have excess transmission surplus that we might be able to market to the Californians using renewables. We are going to have more than our needs for the transmission system. We had to give up a little of that to the Californians so they would come part way on the decommissioning.

Mr. Haacke added a few last items. The decommissioning of the old plant was a huge issue to us. We feel comfortable that it has been covered by the contracts that we will sign and it will not be worrisome to Murray and it will not be something that is going to bankrupt Murray.

The call-back is a little bit tighter than the one we have now where it is a six month season. The call-back as it will be in contract number four is that we have to give them one year notice and we have to have the resource for three years. We can determine how much of our 48 megawatts that is. So we give them one year's notice to get three years resource and then we can give it back to them in year four and five at fifty percent. It's a five year process, but it is better than having to call it back and eating it for the rest of the contract.

Mr. Haacke stated that to the Council that they can leave their mark as a councilmember tonight by passing these Resolutions. This is a big decision on the Council's part; 50 years is a long time. He reiterated that the Power Department and the Mayor are recommending the passage of these Resolutions.

Mr. Shaver stated that part of the thing that was talked about several years ago when the IPA group first came up was that coal is getting really hard looked at as far as emissions and what it does to a system. He remembers, at that time, Mr. Haacke saying that we need to make a decision because if they come in and say we have to clean this up, that would be as prohibitively expensive, but we would not have any kind of remuneration coming back to us that would help us cover the expense. It would just be an outlay of cost. He asked Mr. Haacke if he was remembering this correctly.

Mr. Haacke replied that he was.

Mr. Shaver continued saying that one of the reasons this is a good issue, other than the ones that Mr. Haacke has already enumerated, is that it gets us out of that particular plant without having to clean the emissions that would be coming out of it through government regulations.

Mr. Haacke said that Mr. Shaver is right. He thinks that California is approximately ten years ahead of the Utah time table. He feels that we would have been facing changing from coal ten years from now. Right now California is pushing us towards that. We are getting pressure. The plant is getting pressure and we might have to put SCR's (Selective Catalytic Reducers) or SNCR's (Selective Non-Catalytic Reducers) on it. These are devices that are put on the emission stack. The EPA is pushing us towards that already at that plant. The partners may have to put out hundreds of millions of dollars just to get us to the year 2020 or 2027. We are going to have to make that business decision in the next five years if the EPA gets their way. We are feeling pressure right now. We have other coal-fired plants. We have ownership in the Hunter plant and we have ownership in the San Juan plant. San Juan is going under issues right now where a lot of the Californians are walking away from their contracts at that plant and we are in the process of trying to decide, as far as a UAMPS group, whether we should pick up some of those "free" kilowatts that are out there on the table.

Mr. Haacke continued saying this is an issue that we are going to have to face one way or another. He is sorry that coal is such a bad word, but it is getting a bad rap.

Mr. Shaver stated that it is not in Emery County.

Mr. Haacke added that this is a clean plant; that is what is so sorrowful about it. This clean plant, one of the cleanest in the region, is being hit so hard. It is only a matter of time until we have to change to fuel or walk away.

Mr. Stam said that one of the big benefits is the decommissioning money that is going to be available for the coal. However, 2077 will come. Is there any additional resource being put aside in these agreements to worry about 2077?

Mr. Haacke replied that from 2027 to 2077 in the contract, there will be accruals set aside. They are not going to make that decision wrong. They made the wrong decision in the 1980's by not putting money aside; it will not happen a second time.

Mr. Haacke spoke about what is going to happen in 2027. There will be two plants that we will have built. Both will be 600 megawatt gas-fired. There will also be the existing 1800 megawatt coal-fired plant sitting right beside them. We will have access to that plant. It will basically be our plant because they are going to give the keys of ownership over to us; the Californians paid for our mortgage. As a UAMPS group, and as a Utah group, it is too big for us to market or use ourselves. We will still have access to half of that plant if the market turns around or we are able to market it out there.

We may not take one inch of the gas-fired plant after 2027; we may still operate that coal-fired plant if it is feasible.

Mr. Nicponski verified that the coal-fired plant is the plant that would need the SCR's.

Mr. Haacke replied that it was and that was the analysis that would have to be made.

Mr. Nicponski asked if that was an administrated rule made by the EPA.

Mr. Haacke responded that it was. They tried to do it legislatively federally, but Congress would not pass it; they wouldn't get it through. So the present administration has gone through other ways to do mandates. It is so frustrating because they tried to do it legislatively but had to do it executively.

10.1.1 Consider a Resolution approving of the "Fourth Amendment to Intermountain Power Agency Organization Agreement", and authorizing the execution and deliverance thereof.

Mr. Brass made a motion to adopt the Resolution.

Mr. Shaver 2<sup>nd</sup> the motion

  A   Mr. Nicponski

  A   Mr. Stam

  A   Mr. Brass

  A   Mr. Shaver

  A   Mr. Hales

Motion Passed 5-0.

Mr. Haacke said that number two is kind of the big one. One hundred percent of the participants have to sign this. Right now, out of the twenty-three Utahans, we are the fifteenth or sixteenth city that will have pass this. There are still seven or eight out there that have not passed it. There have been no co-ops and no

Californians. Los Angeles, the big guy, has already passed and signed this.

There are still some issues that L.A. will have to deal with in California as far as getting them to sign this second contract but they don't sense any problems. L.A. is the dog that wags its tail. Whatever L.A. wants is what they are going to get. Even if the other Californians walk away from this whole thing, L.A. is going to pick up the slack. They are going to pick the scraps off the table and say we need this resource we will continue to work with Utah. There may only be one California participant, but it is the big guy that we need.

Mr. Brass said that Eric Tharp said something along those lines in the December meeting. He said they were going to build a power plant regardless.

Mr. Shaver asked that because of contract number two, when you talk about that four percent, what is the timing of it when you say when the contracts have to be signed and we would actually know when that four percent would either grow or not grow.

Mr. Haacke responded that he did not know. He stated he had not heard anything in the discussions of when we will have to sign the third and fourth contract. The fact that we have the Resolution passed gives the Mayor the prerogative to sign it. He asked Mr. Farnsworth if he knew.

Mr. Shaver said it is actually the timing of the second contract, not the third one. The second contract will tell you who is on board which is going to effect the third contract. He asked if there was a timing issue for the second contract that he is aware of.

Mr. Haacke replied there was no deadline on the second contract. He added that we are on top dead center for quite a while on this. Utahans have said we are going to push this through and commit.

Frank Nakamura, City Attorney added that the problem with the second contract is that it requires one hundred percent participation so the waiting is a little different. If anything gets held up, it is going to be the second contract. He added that he doesn't know where the Power Department is at with one hundred percent participation.

Mr. Haacke shared what he has heard about the second contract. There are a couple of co-ops and co-ops are a little bit different than IOU's (Investor Owned Utilities). They are kind of like the City in that they are municipally owned. There is an issue with one of the substations out in Nevada where they need transmission out there through what is called the Gander Line. They are kind of holding out on signing this to see if they can get a little bit better deal from some of the Californians as far as getting energy out there. That is one of the reasons why they have not signed on; they are negotiating. They are posturing for that.

We are not in that mode because we could care less about that line. We feel like the deal we have here is comfortable for Murray and we are ready to go on it. There may be other selfish reasons for some of these people not signing it. Mr. Haacke added that they do not expect less than one hundred percent. If you sign the first and second contracts you are not really committing yourself past 2027, you are just letting everybody else play the game until 2027. Then you slowly walk off into the sunset.

- 10.1.2 Consider a Resolution approving an Interlocal Agreement for the Sale of Renewal Power from the Intermountain Power Project, and authorizing the execution and deliverance thereof.

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Stam 2<sup>nd</sup> the motion

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

Motion Passed 5–0.

Mr. Haacke stated that other cities have passed the first two and signed the Resolutions and have passed the third and fourth but have not signed them yet.

Mr. Shaver said that it is the Council's option then. We are saying yes, go ahead with it. If something comes up either this current Mayor or the Mayor Elect, whomever that might be, might come back and say this changed; we need to really look at it. For right now, Mr. Shaver thinks this is something they should move forward with.

Mr. Haacke verified that if it doesn't change they would go ahead and sign it without going back to the Council.

Mr. Brass commented that he was nervous about dropping from 72 to 48 megawatts; just because. He feels that the City invested in that too. We took the risk for all those years. However, he is also not uncomfortable having less ownership of power. Forty-eight or fifty is a nice, comfortable number.

As far as the fourth contract, the Renewal of Excess Power, back in December the Los Angeles Department of Water and Power made the point that they never envisioned, back in 1988, that they would be shifting hundreds of megawatts of power back and forth all the time. They figured this would happen once in a rare while. They didn't know how to plan for that because they did not intend for that.

That was back when they were not going to do this at all.

Mr. Brass was thinking, like Mr. Haacke was, that if they did not do this at all, we walk away. Then that comment was made and Mr. Brass thought that we would not want that either. We would not want to figure out if we were going to get 100 megawatts in six months or if we would lose it. For them to turn around and let us do it; it is a little stiffer term, but he feels this is still unprecedented. That is really good negotiating and it does not bother him.

Mr. Stam gave kudos to Mr. Haacke for negotiating that one.

Mr. Haacke noted that if they had not come up with the forth contract; it would have been a deal breaker. We would have walked away.

- 10.1.3 Consider a Resolution approving of the “Second Amendatory Power Sales Contract” with the Intermountain Power Agency.

Mr. Nicponski made a motion to adopt the Resolution.

Mr. Brass 2<sup>nd</sup> the motion

  A   Mr. Nicponski

  A   Mr. Stam

  A   Mr. Brass

  A   Mr. Shaver

  A   Mr. Hales

Motion Passed 5–0.

Mr. Haacke verified that the Council would be okay if the Power Department decided not to sign the third contract.

Mr. Hales said that was fine.

Mr. Nakamura noted that it was also stated in the Resolution that when those orphan shares become available....however, he was assuming that when that happens Mr. Haacke would come before and advise the Council that he is going to make that decision.

Mr. Haacke said he was hearing from the Council that he was supposed to go after those orphan shares. If he doesn't want to stick to 48, he has latitude. He added that he was not sure if anything was going to be available. We are talking about small cities like Fillmore, Kanosh and Parowan that might put a couple hundred of kilowatts out there on the table. By the formula, the City would be able to snap some of that up.

Mr. Brass replied that he did not know about that personally. He noted that he and

Mr. Haacke had talked about this in the past. Mr. Brass' concern is that a great deal of our resource is very far away. In the event of a major natural disaster, if the transmission lines go down, we do not have local energy to hold the City through winter. Before we invest in something like that, Mr. Brass would like to consider it more. He would like to find something a little bit closer that could keep us a little bit safer. We need enough to carry us through winter time. You can deal with the heat in the summer but you have to be able to keep people warm in the winter.

- 10.1.4 Consider a Resolution approving an Interlocal Agreement for the Sale of Renewal Excess Power from the Intermountain Power Project, and authorizing the execution and deliverance thereof.

Mr. Shaver made a motion to adopt the Resolution.  
Mr. Nicponski 2<sup>nd</sup> the motion

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

Motion Passed 5-0.

- 10.2 Consider an Ordinance dissolving the Murray City Power Advisory Board.

Staff presentation: Jared Shaver, Council District 2

Mr. Shaver stated to the Council that they have reviewed this a couple of different ways and a couple of different times. One of the issues that came into his mind as he has served on the Council is the equality, or the equity, of the Boards and Commissions and how they serve the City and what they do for the City. One of the issues that Mr. Shaver dealt with is as he looked at each of the different Boards and Commissions and what they actually did; it seemed to him that there was an imbalance of credibility given from one to the other.

As an example, Mr. Shaver looked at each Commission and what powers they had and did not have, who had legislative power or who had the ability to say this is what it is and whether they go before the council or not. He looked at those that were just advisory only and reviewed those; as well as those that had State connection. For example, the City's Library Board has a State connection. We cannot really alter that one. It is set up through the State. They serve our local library, they are kind enough to come and talk with the Council, yet they are also an agency that can tax. They kind of set themselves apart.

Mr. Shaver looked at the City's Enterprise funds; the Power Department is an Enterprise fund. However, our Water and Sewer Department do not have a Board and they are Enterprise funds. Our Golf Course is an Enterprise fund but they also do not have a Board.

Mr. Shaver recommended to the Council that they dissolve the Power Advisory Board. He also recommended to the Mayor that follows, the Mayor Elect, that a Board be formed that would look

at all the Enterprise funds. Mr. Shaver reiterated that this is only a recommendation and it will not become part of the Ordinance. The Ordinance is completely different.

By doing this, it gives the discretion of the Mayor to say that this Enterprise Board could look at power one month, water the next month, sewer the next month, golf course the next month and so on. They could give a wider swath of public involvement in those particular agencies. The Ordinance dissolving the Power Advisory Board is what is on the table tonight. Mr. Shaver recommended approval of the Ordinance.

Mr. Hales stated this is one of the biggest things he has struggled with. After going through the ten months where he saw what the Power Advisory Board had done with the IPA, he feels that this Board is important and pertinent.

Mr. Hales was struggling with this the other day when his son had come home and noticed this was weighing heavily on his mind. His son asked him why he would go along with it if he does not agree with it. After Mr. Hales thought about it over a period of time he feels the Power Advisory Board is pertinent. It is a \$39 million budget, basically half of our budget for the City. He has really, really been thinking about this and has talked to some people. When he looked at the IPA agreement that is 170 pages he was overwhelmed. It is a checks and balance system. That is what he thinks the Power Advisory Board is right now.

Mr. Hales reiterated that he really feels strong that the Board not be dissolved right now.

Mayor Snarr shared his involvement with the Power Department. He feels he had a special interest in it because his mother was the personal secretary to Mr. Gadsby who greatly expanded Utah Power and Light from the late 1930's to the mid 1940's. His mother shared with him a lot of things that peaked his interest in the power business. His Uncle Lloyd was the superintendent of construction for Utah Power and Light. Fortunately, he was a good uncle and gave the Mayor employment to build substations in the summers.

Mayor Snarr felt that the Power Advisory Board has been his advocate to help him through some very challenging times as the Mayor. They have been there to explain to the citizenry what is going on because they are vested in spending the time to become educated. The best decisions and the most informed decisions are educated decisions.

When he was first elected, the Mayor had to select a new General Manager for the Power Department. They went through a process, but his main concern was the clearing of the overhead lines by eliminating the trees. He took his concern to the Council and the Council got on board, but he had citizens who were not happy. They felt he was wasting money on bringing on additional arborists to clear the trees so the lines would stay clear of any debris falling in the case of a significant storm event. It was well over \$500,000.00. They said there you go Mayor, you are spending money. He responded by saying that this was a good investment; this is protecting our infrastructure which is very expensive to replace. The Power Advisory Board supported the Mayor in that decision.

In 2003 there was a significant storm event. Our neighbors to the east, which were part of Murray at that time, were out of power for seven to eight days. Murray City's average outage was about two minutes, but in reality we had one little area that was out for about six hours because a lady did not like the way the arborists were trimming her trees. The Mayor guarantees that after that outage, all the neighbors told her to let the arborists do their job.

Mayor Snarr continued saying that he had to have support because he had some Council people sometimes who were giving him pushback. People tell the Mayor that he has spent a lot of money as the Mayor in the Power Department. His response to them is that we have invested a lot of money. The Mayor has had the support of those outside voices as citizens who are on the Power Advisory Board, who are not elected, but are chosen to represent what is in the best interest of the future success of Murray City Power.

Mayor Snarr has attended as many of the Board meetings as he could. He thinks he has the best attendance of any Mayor because he wants to know and understand what is going on. It is a very, very complicated industry. That is why we have a lobbying group at the APPA back in Washington D.C. to help us out. That is also why we have people attend those meetings and he knows that some of the Council has attended them. It is a complicated business.

Mayor Snarr continued by saying he was the one to say let's build the gas turbines. He realized with the grid there was the possibility it would go down. Ironically it did go down. They were able to turn those on. It went down when the riding substation had to be rebuilt by Utah Power and Light. When that power is wheeled off of that main transmission line it goes down the heart of Salt Lake County, down to those resources clear down to Glen Canyon Dam and other places. It is very expensive to build those. However, they are our ace in the hole. The Mayor had to get the support and have advocates go out and say this is a wise investment. Those advocates were the Power Advisory Board. They helped him through that challenging time; it was a major investment, close to thirty million dollars.

Mayor Snarr stated that the City decided to expand our SCADA (Security Control and Data Acquisition) system. That is the system that monitors in a real time, fractional second basis, what goes on with hundreds of millions of dollars' worth of equipment scattered throughout the City. It also monitors our lift stations and pumps for our water and wells. That was originally proposed by the Power Department; to take that forward and have it internal instead of contracting with someone else which most other cities have to do for their water and sewer.

The Mayor was able to get the Power Advisory to again say this is a great thing and we should do it. The Board even decided to take it to the school district and help them out. The other, somewhat controversial issue, that they had to do....they still have not solved the problem with Rocky Mountain Power up by the University of Utah. That is why the hospital is so excited to be here in Murray.

The Power Advisory Board again supported upgrading the system from 48 to 138 KV so we would have capacity to handle the expansion of the mall and other entities such as the hospital. The Mayor needed outside advocates to support him. Those were very expensive decisions. In a lot of ways, the Board took the heat off the Council, because they were out there saying no we have sat through literally hundreds of hours of meetings over the years addressing what we need to do in the long term to support the future success of Murray Power. The Board became the Mayor's outside advocates to explain to people that they are attending these meetings. The power industry is very complicated. It is not just a local issue, it is a national issue. It is an issue that has a lot of other members that are involved with the UAMPS group.

Mayor Snarr continued saying he can see what Mr. Shaver is saying, to some degree. He doesn't say this in any demeaning way whatsoever, but he sat as the Chairman of Central Valley Water Reclamation Facility. He looked at that versus how complicated the power industry is. He worked

with Jordan Valley because they serve in our annexed area, but they also work with Murray City's Water Department and the wells we have at McGhee Springs. None of these is nearly as complicated as the Power Department. What makes Murray different than any other city in Salt Lake County; we are the only city that has our own Power Department. It is the extra set of citizen advocates that have helped him through very, very challenging times as the Mayor to make those difficult decisions where we were spending tens of millions of dollars over forty-five million dollars where they Mayor had pushback to not do it. However, he had allies who sat and became educated and went out and informed the citizenry as to why these expenses were absolutely critical to the future success of Murray City Power and the success of Murray City.

Mayor Snarr continued saying that it was noted as he was on the phone for quite a while today with the University of Utah Hospital system trying to solve a problem for them, they reiterated they are so excited about the clinics they are moving to Murray City because we have the most reliable source of power in all of Salt Lake County. This is where they need to be to grow their system.

As the Mayor heard this comment, he thought to himself why do we have that? We have it because he had allies. He had people that helped him get these things done or we would not be 138 KV. We would not have the back-up that they are looking for with that generation capacity in-house if the grid goes down. We would not have been able to get the lines cleared if the Mayor had not got the additional arborist on board.

Mayor Snarr said that he knows that some of the members of the Council have concerns about the trips and what not. He feels that they have tried to work through that and be fair with the way they can attend the trips. Again, it is all about education to him.

Mayor Snarr stated that if he was never on another Board and could be totally out of politics on a City basis, he would be. This has been a very challenging time for him. The decisions he has always tried to make are based on what is good for Murray's future, not what looked good for him. He would not have done a lot of things that he has tried to do if that was the case.

Mayor Snarr said he supports the Power Advisory Board. It is the extra line of defense that he has had to defend him against the critics that were going to tackle him and take out what was important for Murray City Power's future. The Board was there to stand up and say we will block for you Mayor. We have attended meetings, we are educated and we are invested in what is really going on in the power industry. We will go out and be your advocates.

Mr. Shaver made a motion to adopt the Ordinance.

Mr. Stam 2<sup>nd</sup> the motion

Mr. Stam added that he would like to make a revision to the motion. On Section 3 - the Effective Date, he would like to make the effective date as of December 31, 2013 instead of immediately.

No objections were made from any of the Councilmembers.

A Mr. Nicponski – Mr. Nicponski added that even though it might not be politically prudent, he thinks having the Power Department report directly to the City Council is the way to go. He is not going to be supportive of a “Super Board” that

oversees all the enterprise accounts. He will not go along with that either.

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

Motion Passed 4-1

## 11. **MAYOR**

### 11.1 Mayor's Report

Mayor Snarr said they are finally getting ready to pave the area to the north of the brand new Hilton Hotel. This has been very controversial for over two months. The Mayor has heard from the people in the little strip mall on numerous occasions. He has been over there, sat with them, held their hand and tried to explain to them why it was necessary. We do not control Questar and when they are going to get their gas line in. We encourage them to get it in as quick as possible. They could not do it at the same time the City was pulling in the other infrastructure whether it was water, sewer or additional storm drain capacity.

Mayor Snarr was over at the property this morning and the owners of a couple of those businesses applauded what they see. Miller Paving, who does an excellent job, took out all the pavement. If you go over and look at it, they have graded it, they have got it compacted and they are ready to pave it. That will make those residents happy.

Mayor Snarr stated that there is an issue that he is trying to work through. He will be taking Tim Tingey, Administrative and Development Services Director, on site on Thursday to see if we can come up with a resolution to help the University of Utah with their expansion of their hospital system. They are facing some challenges with the ingress and egress for the Washington Mutual building. Mayor Snarr can see where they have some issues, but that property is owned by the University of Utah. They bought it when they bought the other property from Roderick. Washington Mutual is saying they have somewhat of a prescriptive easement.

Mr. Shaver asked what the issue is.

Mayor Snarr replied that the issue is they had designed and built their building and have all the architectural work done and all the necessary parking stalls. John Zone, with the University of Utah, is in charge of this project. This is going to be one of their biggest campuses in the valley. The issue is the architects came in and designed everything, they did the spacing, and they will have 75,000 to 80,000 people a year coming there. Knowing that many people would be going there made Mayor Snarr very happy knowing the mall was across the street.

Washington Mutual says they are taking away one of their accesses. If you go in, you will

see. You have to go in on the east side and drive around and come out of the drive-up teller windows now. If the teller windows are full of customers, it is tough to get through. You will also see they only have two lanes. One allows them to go through because there is not a teller there any longer.

What the Mayor would like to do is propose a way to get through. If you look further to the west, as he analyzed it today, there is a big ingress and egress back to that property that is not being utilized, it is owned and controlled by General Growth. They are trying to work with them on additional expansion resources.

The Mayor is going to meet with Mr. Tingey and John Zone. Mr. Zone wants the Mayor to call him back because otherwise this is going to go into litigation and screw up the project. The Mayor does not want to see that happen. The one building is down and by tomorrow everything will be gone. That is Praxair; they want to move over to the other building. They have a real tight schedule to get it constructed and Mayor Snarr is trying to mediate some kind of reasonable way to address their concerns without litigation. Litigation will cost a lot of money.

This may be a big issue because the State of Utah is in charge of the University of Utah Hospital. They have rights for condemnation, but it has to be for major infrastructure and right-of-ways. Mayor Snarr does not want to see this go there; he thinks there is a better solution.

They finished 245 East which was somewhat controversial. That is all paved, the circle is paved. Mayor Snarr has received a lot of great comments recently from people saying the Public Service Department has done an excellent job. They have done a lot of roads this year, probably more roads this year than in many years. They have pushed hard to get things done before the weather turns bad.

Mayor Snarr stated that we are doing some paving via a contract with Miller Paving. If you have any questions, the impact fees on that site were pretty substantial to cover all of these additional things that had to be done to make it possible for the Hilton Hotel to be built there. It is exciting to see that hotel.

Mayor Snarr said he has never seen a hotel go up faster than the new Holiday Inn Express. The footings are in.

Mr. Nicponski said that in speaking of roads, Mayor Snarr mentioned on the Conference of Mayors. He asked how things are progressing on the local option gas tax discussions.

Mayor Snarr replied that if you talk to the Utah League of Cities and Towns who are actively engaged in that, there is going to be a concerted effort by many entities to make this happen. They are coming up with a compromise for those more rural counties to get buy in from them. This tax is absolutely critical for us. This will allow us to continue to get Class C road money, which won't change. The distribution may change if this passes.

The tax helps the State. If we took what we are already taking out of the General Fund and if we continue to get the Class C Funds, plus we get this additional increment, in five years we could almost get to where we are on top of things. We would not have to waste money trying to rebuild a road, which is ten times more expensive than doing regular routine maintenance on it. Whether it is slurry seals, overlays, crack seals or whatever, we are much better off doing this. The Mayor's suggestion to the new administration and to the Council is to continue to spend the money to get us up to where we are just doing routine maintenance.

Mr. Nicponski stated that they have calculated the tax at either 3% or \$0.10 a gallon.

Mayor Snarr said they said 3% and he suggested doing a flat \$0.10 in case gas went down to \$1.50 a gallon and they all laughed.

Mr. Nicponski asked the Mayor if he had any idea of how much of that money the City would see.

Mayor Snarr replied it depends. They had to take diesel off of the table which made a difference. He believes it would be over \$600,000.00 a year for the City.

Mr. Shaver asked if that would be on top of the Class C Funds.

Mayor Snarr responded that was correct.

Mr. Shaver said even if this tax happens, it will not lower the amount we get from Class C Funds.

Mayor Snarr said the point is that it is going to give the money that is badly needed by the cities, because inflation is eating up any money from 1997 which was the last time they raised the fuel tax. They know cities are getting killed but it is a tough political decision. Mayor Snarr thinks they have the political will power to say this decision has to be made. Constituents are constantly calling his office and the Legislators because they know that this decision is in their hands and if they want their roads fixed they ought to get on board and pass it.

Mayor Snarr thinks they are going to roll it out to explain it. He thinks they may have already done it. If you go there, they have all the charts and graphs to show what a difference it would make and how much faster you can get on top of getting your roads in good condition. We have a lot of roads that are rated pretty poorly.

Mayor Snarr went back to the Washington Mutual – University of Utah problem saying he was going to try to get it resolved before it blows up in the press and there is litigation. The lawyers are coming down from the northwest to represent Washington Mutual in about two weeks. Mayor Snarr will get Mr. Zone and Mr. Tingey over there to see about options that could be looked at. He calculated a solution would cost approximately \$50,000.00. All General Growth would have to do is move the gates back to the north. He

encouraged the Council to go over there and take a look.

Mr. Brass noted that they only use that property from Thanksgiving through Christmas.

Mayor Snarr stated that the Council gets it. He thought what a simple solution. He doesn't know why they have not looked at it. Maybe they have. He would tell General Growth that 75,000 to 80,000 patients over there is good for their business. Let's not let this thing get hung up.

Mr. Shaver stated he has noticed that the new parking lot for the Jr. High is paved.

Mayor Snarr said that was brilliant because the constructions workers who are working on the hotel over there are using that lot for parking. The other thing is that the lot can support a lot of the additional materials that they are going to be bringing in there and stock piling them on the site, particularly for the interior construction. They were brilliant to get that parking lot done this year.

Mr. Shaver said that the Jr. High is going up pretty quick too.

Mayor Snarr said that the brick work on the Marriott Hotel is supposed to be done by the end of next week. They have got just the tower to build to the west and the one in the middle. The one to the east is done. They are going to keep stick framing it as fast as they can.

11.2 Questions of the Mayor

**12. ADJOURNMENT**

---

**Jennifer Kennedy, City Recorder**

# Special Recognition #1

# Murray City Municipal Council Request for Council Action

*Spec  
Rec  
#1*

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

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

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

- Discussion Only  
 Ordinance (attach copy) Has the Attorney reviewed the attached copy?   
 Resolution (attach copy) Has the Attorney reviewed the attached copy?   
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy?   
 Appeal (explain) \_\_\_\_\_

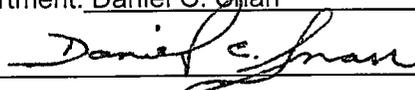
Other (explain) **Special Recognition and Introduction - McCall will briefly talk about her platform**

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
**December 3<sup>rd</sup> 2013**

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

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

6. **REQUESTOR:**  
Name: Dan Snarr Title: Mayor  
Presenter: Dan Snarr Title: Mayor  
Agency: Murray City Corp. Phone: 264-2600  
Date: November 20<sup>th</sup> 2013 Time: \_\_\_\_\_

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)  
Head of Department: Daniel C. Snarr Date: November 20<sup>th</sup> 2013  
Mayor:  Date: November 20<sup>th</sup> 2013

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

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

9. **NOTES:**

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

## **Miss Murray 2014 McCall Gray**

McCall Gray is the daughter of Shawn and Char Gray. Born and raised in Murray, she attended Parkside Elementary, Hillcrest Jr. High, and graduated from Murray High School in 2011.

McCall was born a performer. Always parading around in a tutu and “princess shoes,” she began dancing at the age of 3 and continued on to reach the highest level of instruction at Studio 56 Dance Center here in Murray. She then went on to become a member of the inaugural Westminster College Dance Team (2011-2012) and has taught youth dance classes at Studio 56 for the past five years.

Art has always been a strong talent of McCall’s and she is proud to be a commissioned artist specializing in charcoal drawing and oil painting. Aside from local contests, her art has been featured in a State Capitol Art Exhibition and the Springville Museum of Art. She enjoyed her opportunities to share art with children through her own “Show your HeART” summer art workshops and served as the director and instructor of Parents Night Out art classes at Studio 56.

McCall is currently a junior at the University of Utah majoring in Communication with a Journalism emphasis. She became interested in Journalism when she was invited to become a member of the Murray High School Journalism staff her sophomore year. She was promoted to editor in chief and featured her own opinion column for the following two years. In addition, she pursued her love of photography which led to her being appointed as the head editor of her senior yearbook.

McCall’s platform is The “HOPE for Alzheimer’s Act.” Her goal is to raise awareness and promote support for those individuals with Alzheimer’s disease and their families, as well as raise money to aid in the care, support, and research program efforts. By the time she was crowned, McCall had already been very involved with the Alzheimer’s Association, Utah Chapter, and is now extremely grateful for the opportunities to come in working with them more closely as Miss Murray. Through her natural poise, class, and confidence, there is no question that McCall will go out of her way to fulfill the duties of her title as Miss Murray and keep up the good fight in Alzheimer’s awareness.

We are very excited to have McCall Gray as our City Representative in many places and ways. She will do Murray well and proudly! Thank you, McCall, for your dedication, service and great representation!

# Citizen Comments

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

# Consent Agenda

# Murray City Municipal Council Request for Council Action

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

1. **TITLE:** (State how it is to be listed on the agenda)  
Consider confirmation of the Mayor's **reappointment** of **Larry Wilson** to the **Murray Board of Appeals** in an **At-Large** position while residing in District 2 for a **second three-year term**

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

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

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)  
December 3<sup>rd</sup> 2013

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

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

6. **REQUESTOR:**

Name: Gilbert Gonzales Title: Chief Building Official  
Presenter: Gilbert Gonzales Title: Chief Building Official  
Agency: Board of Appeals Phone: 270-2408  
Date: November 20<sup>th</sup> 2013 Time: \_\_\_\_\_

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

Head of Department: Tim Tingey Date: November 20<sup>th</sup> 2013

Mayor:  Date: November 20<sup>th</sup> 2013

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

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

9. **NOTES:**  
Larry Wilson will continue serving on the **Board of Appeals** for a second **three-year term** effective **November 1<sup>st</sup> 2013** to **November 1<sup>st</sup> 2016**

RESUME FOR:

LARRY WILSON – WILSON CONSTRUCTION, INC

5934 MURRAY OAKS CIR.  
MURRAY, UTAH 84123  
801-573-5934 – MOBILE  
801-268-0055 OFFICE  
801-288-4134 – FAX  
LARRYWILSONCONSTRUCTION@HOTMAIL.COM

BUSINESS OBJECTIVE: TO DO EVERY JOB WELL.

EDUCATION

Highland High School class of 1970  
Contractor's Licensing School 1978

EXPERIENCE

Bodell Construction  
• 1970-75 - Carpenter, Concrete  
Keller Construction -1975-78  
Job Superintendant  
Wilson Construction Co. 1978-present –  
Incorporated in 1991  
Owner/President  
Murray Board of Appeals Nov. 1999-Nov. 2002

SKILLS AND BACKGROUND INFORMATION:

• I started in the construction business right out of high school, Moving to Hawaii with Bodell Construction to work on a Chapel for the LDS Church. Upon completion, we returned to Utah to build various other commercial projects throughout the valley. In 1975 when business slowed down. I then went to work for a series of companies as a Superintendant, in charge of such projects as McDonalds Drive-thru window additions, Ground-up construction of Artic Circle drive-in on 7200 S. State, and several office buildings.

• As owner of my own construction business since 1978, I have built many Single-family homes, remodeled many homes and businesses, and done some commercial remodeling and designed/built small commercial projects. I also do my own concrete flatwork and custom concrete work.

• I pride myself in my honesty with my customers. I strive to give My customers a good value for their dollar, and do not use low-grade Materials on any of my jobsites.  
Most of my business comes by referrals from satisfied customers.

References:

Richard Goddard, owner, Guthrie Bicycle – Salt Lake City 801-484-0404  
Richard Kester, ret. Murray City. Inspector – Murray (801) 266-4256  
Craig or Lynette Burnett – Murray Asst. Police Chief 801-266-2311

**Public  
Hearing #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.)

Budget Opening

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

Financial Sustainability

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

Council Meeting OR  Committee of the Whole

Date requested **12/3/2013**

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.)

Prior year budget savings, insurance proceeds, grants

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

Memo

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

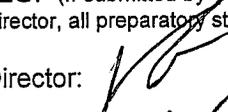
Agency: Murray City

Phone: 801-264-2669

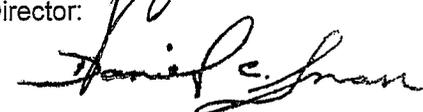
Date: 11/20/2013

Time: 5:00 PM

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

Department Director: 

Date: 11/20/2013

Mayor: 

Date: 11/20/2013

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

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

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

9. **NOTES:**



MURRAY CITY CORPORATION  
FINANCE & ADMINISTRATION

# MEMO

**To:** Council  
**From:** Justin Zollinger, Finance Director  
**Cc:** Mayor Daniel C. Snarr  
Jan Wells, Chief of Staff  
**Date:** November 4, 2013  
**Subject:** Fiscal Year 2014 Budget Opening

---

I am requesting that the following unspent fiscal year 2013 budget be rolled over to fiscal year 2014:

- RDA Fund land and write-of-way purchase – \$250,000

In addition to the above rollover request, I am recommending the following items be added to the fiscal year 2014 budget:

- Police Capital Project Fund carry forward of \$104,909. This will be used to purchasing police mobile radios.
- Administrative Development Services Capital Project Fund carry forward of \$41,000. This will be used to purchasing EOC IT upgrades, GIS vehicle replacement, and a utility billing printer.
- Transfer the MBA fund's reserves to the General Fund for inactivation of MBA fund. The amount to be transferred is \$1,769.
- The Police received \$19,038 of insurance proceeds from a vehicle accident. This money will be used in the General Fund for vehicle repair costs.
- The Police were awarded \$2,349 from Utah Commission on Criminal and Juvenile Justice (CCJJ). The proceeds will be used for a covert camera purchase in the General Fund.
- The DEA in the past has not been required to set a budget. The new state auditor has changed this position. This means that we will need to amend fiscal year 2014 budget to be in compliance. Revenue budget of \$1,933,208 and expenditure budget of \$1,933,208 for DEA operations.

MURRAY CITY CORPORATION

NOTICE OF PUBLIC HEARING

Notice is hereby given that on December 3, 2013, beginning at 6:30 p.m. of said day in the Council Chambers of the Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to the following proposed amendments to the Fiscal Year 2013-2014 Budget:

1. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Redevelopment Agency \$250,000 for land and right-of-way purchase.
2. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Police Capital Project Fund \$104,909 for police mobile radios.
3. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Administrative and Development Services Capital Project Fund \$41,000 for EOC Information Technology upgrades, GIS vehicle replacement and a utility billing printer.
4. Transfer to the General Fund \$1,769 from the Municipal Building Authority Fund reserves.
5. Increase the General Fund by \$19,038 as revenue from insurance proceeds for reimbursement of police vehicle repair.
6. Increase the General Fund by \$2,349 as revenue from the Utah Commission on Criminal and Juvenile Justice.
7. Adopt budget for the Drug Enforcement Agency with revenue of \$1,933,208 and appropriate \$1,933,208 for Drug Enforcement Agency operations.

The purpose of the hearing is to receive public comment concerning the proposed amendments to the City's 2013-2014 Fiscal Year Budget.

Dated November 8th, 2013.

MURRAY CITY CORPORATION

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

DATE OF PUBLICATION:  
PH 13-31

November 15, 2013

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY'S FISCAL YEAR 2013 – 2014 BUDGET

On June 19, 2013, the Murray City Municipal Council adopted the City's budget for Fiscal Year 2013 - 2014. It has been proposed that the Fiscal Year 2013 - 2014 budget be amended as follows:

1. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Redevelopment Agency \$250,000 for land and right-of-way purchase.
2. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Police Capital Project Fund \$104,909 for police mobile radios.
3. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Administrative and Development Services Capital Project Fund \$41,000 for EOC Information Technology upgrades, GIS vehicle replacement and a utility billing printer.
4. Transfer to the General Fund \$1,769 from the Municipal Building Authority Fund reserves.
5. Increase the General Fund by \$19,038 as revenue from insurance proceeds for reimbursement of police vehicle repair.
6. Increase the General Fund by \$2,349 as revenue from the Utah Commission on Criminal and Juvenile Justice.
7. Adopt budget for the Drug Enforcement Agency with revenue of \$1,933,208 and appropriate \$1,933,208 for Drug Enforcement Agency operations.

Section 10-6-128 of the Utah Code states that the budget for the City may be amended by the Murray City Municipal Council following a duly noticed public hearing. Pursuant to proper notice, the Murray City Municipal Council held a public hearing on December 3, 2013, to consider the proposed amendments to the Fiscal Year 2013 - 2014 budget. After considering public comment, the Murray City Municipal Council wants to amend the Fiscal Year 2013 - 2014 budget.

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

*Section 1. Purpose.* The purpose of this Ordinance is to amend the City=s Fiscal Year 2013 - 2014 budget.

*Section 2. Enactment.* The City=s Fiscal Year 2013 - 2014 budget shall be amended as follows:

1. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Redevelopment Agency \$250,000 for land and right-of-way purchase.
2. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Police Capital Project Fund \$104,909 for police mobile radios.
3. Carry forward from the Fiscal Year 2012-2013 Budget to the Fiscal Year 2013-2014 Budget – Administrative and Development Services Capital Project Fund \$41,000 for EOC Information Technology upgrades, GIS vehicle replacement and a utility billing printer.
4. Transfer to the General Fund \$1,769 from the Municipal Building Authority Fund reserves.
5. Increase the General Fund by \$19,038 as revenue from insurance proceeds for reimbursement of police vehicle repair.
6. Increase the General Fund by \$2,349 as revenue from the Utah Commission on Criminal and Juvenile Justice.
8. Adopt budget for the Drug Enforcement Agency with revenue of \$1,933,208 and appropriate \$1,933,208 for Drug Enforcement Agency operations.

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

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

**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.)

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

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:

10/25/13

**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.

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

1. It hereby approves the Amended and Restated Interlocal Cooperation Agreement, in substantially the form attached as Exhibit "A".
2. The Mayor and the City Recorder are hereby authorized to execute the Agreement for and in behalf the City.
3. The Agreement shall be effective upon execution.

DATED this            day of            , 2013.

MURRAY CITY MUNICIPAL COUNCIL

---

Brett A. Hales, Chair

ATTEST:

---

Jennifer Kennedy  
City Recorder

EXHIBIT "A"

# VECC Agreement “A”

This agreement has been approved by all entities  
except Murray City and West Valley City.

**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:

# VECC Agreement “B”

New language highlighted on page 5.

If approved this agreement would need to go back to the other cities  
for approval.

**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 have handled 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 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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 increase over the last approved budget by more than 2% or any vote to approve an expenditure of money in excess of \$500,000 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.

(g) 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 9-11 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:

\_\_\_\_\_

**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 A PROPOSED FEE INCREASE FOR THE WASATCH FRONT WASTE AND RECYCLING DISTRICT, TO BE EFFECTIVE JANUARY 1, 2014 TO DECEMBER 31, 2014.

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
Well maintained, planned and protected infrastructure and assets.

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

Council Meeting or  Committee of the Whole  
 Date requested December 3, 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.)  
Fee increase

5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
Attorney's memo, proposed Murray resolution, proposed County resolution and resolution creating WFWARD.

6. **REQUESTOR:**

Name: Jim Brass	Title: Council Member District 3, representative to WFWARD
Presenter: Jim Brass	Title: As above
Agency: Murray City Corporation	Phone: 801-264-2622
Date: November 21, 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: *Janet M. Lopez* Date: 11. 21. 13  
Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

9. **NOTES:**

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

A RESOLUTION APPROVING A PROPOSED FEE INCREASE FOR THE WASATCH FRONT WASTE AND RECYCLING DISTRICT, TO BE EFFECTIVE JANUARY 1, 2014 TO DECEMBER 31, 2014

WHEREAS, the Wasatch Front Waste and Recycling District ("District") is empowered by Utah Code Annotated, Section 17D-1-210 and by Salt Lake County Resolution Number 4670, November 20, 2012, ("Resolution") to provide garbage collection and recycling services within the boundaries of the District; and

WHEREAS, residents in the annexed area of the City are within the boundaries of the District and these residents receive services from the District; and

WHEREAS, the County Resolution 4670 provides that an increase in the District's service charges is not effective until a majority of the legislative bodies of those local governments located within the District have adopted a resolution authorizing an increase in charges; and

WHEREAS, the District's Administrative Control Board ("Board") has recommended an increase to the current \$12.75 per owner per month service charges of \$2.00 per owner per month beginning on January, 1, 2014 and \$2.00 per owner per month beginning on January 1, 2015, and the Board has requested that the City Council approve that increase; and

WHEREAS, the City is represented on the Board and thereby participated in the service charge recommendation; and

WHEREAS, the increase in service charge is necessary for calendar year 2014 based on the following 2014 increased costs and the cumulative effects of declining revenue from second garbage cans being returned:

<u>Amount Per Home Per Month</u>	<u>Annual Amount of Increased Costs</u>
\$0.88 Loss of 2nd can revenue	\$880,000 4,888 returns
\$0.62 Landfill fee increase	\$616,500 From \$26 to \$31 per ton for garbage + growth
\$0.43 Depreciation/new trucks	\$430,000 CNG truck replacement
\$0.24 Truck Shop Rate Increase	\$238,675 Rate increase: \$5 per hour
\$0.17 Wage Adjust to Market	\$168,000 Improve recruitment & retention
\$0.18 Area Cleanup truck lease/cans/other	\$182,443 Increased lease rate/cans for growth

\$0.10	Billing/Mailings/Collections/Finance	\$ 99,777	Reg. billing on Tax Notice ruled illegal
\$0.10	Mandates for URS/ACA/Health ins	\$101,442	
<u>\$0.09</u>	2 Additional FTE's for growth	<u>\$ 86,540</u>	
\$2.81	Per home per month	\$2,803,377	

WHEREAS, since the basis for the increase is the proposed 2014 budget, the City Council wants to approve the fee increase only for calendar year beginning January 1, 2014 and ending December 31, 2014 and review any proposed increase for 2015 as the 2015 budget is prepared.

WHEREAS, the City Council finds that the proposed service fee increase is necessary to meet the District's budgeted expenditures for calendar year 2014.

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

Pursuant to Section 17D-1-210 of the Utah Code, the fee increase proposed by the District for calendar year beginning January 1, 2014 to December 31, 2014 at \$2.00 per owner per month is hereby approved.

PASSED AND APPROVED this 3<sup>rd</sup> day of December, 2013.

MURRAY CITY MUNICIPAL COUNCIL

---

Brett A. Hales, Chair

ATTEST:

---

Jennifer Kennedy, City Recorder



Attorney-Client Communication

MEMORANDUM

TO: Murray City Municipal Council

FROM: Frank M. Nakamura, City Attorney   
G.L. Critchfield, Deputy City Attorney

CC: Doug Hill, Public Services Director

DATE: November 4, 2013

RE: Proposed Resolution For Fee Increase For Wasatch Front Waste and Recycling District

---

We have received a proposed Resolution from Salt Lake County ("County") for a fee increase for the Wasatch Front Waste Recycling District ("District"). A copy of this proposed resolution is attached at Exhibit "A." The proposed resolution only applies to the most recently annexed parts of Murray that were existing members of the District prior to being annexed. These parts of Murray remain subject to District governance for waste and recycling.

However, the District does not have the authority to increase fees. Instead, state law requires that any fee increase be approved by the governmental entity that created the District. In this case, the County is the creating entity. By County resolution 4670, however, the County requires that a fee increase be approved by a majority of the governing bodies that have representation on the District's Administrative Control Board ("Board"). A copy of resolution is attached at Exhibit "B."

The City, along with the County, Taylorsville, Herriman, Holladay and Cottonwood Heights all have representation on the Board. Each governing body will be presented with a proposed resolution to increase the fees.

Please call our office to discuss any questions you may have.

**EXHIBIT A**

( - CITY - ) RESOLUTION

WASATCH FRONT WASTE AND RECYCLING DISTRICT  
FEE INCREASE

RESOLUTION NO. \_\_\_\_\_, 2013

A RESOLUTION OF THE CITY OF \_\_\_\_\_, APPROVING A PROPOSED FEE INCREASE FOR THE WASATCH FRONT WASTE AND RECYCLING DISTRICT, TO BE EFFECTIVE JANUARY 1, 2014 AND JANUARY 1, 2015.

BE IT KNOWN AND REMEMBERED:

THAT the City Council of \_\_\_\_\_, State of Utah, met in a regular session of the Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, and adopted the following Resolution:

**WITNESS:**

WHEREAS, the Wasatch Front Waste and Recycling District ("District") is empowered by Utah Code Annotated, Section 17D-1-210 and by Salt Lake County Resolution Number 4670, November 20, 2012, ("Resolution") to provide garbage collection and recycling services within the boundaries of the District; and

WHEREAS, the City of \_\_\_\_\_, and its residents are within the boundaries of the District and the city's residents receive services from the District; and

WHEREAS, the County Resolution 4670 provides that an increase in the District's service charges is not effective until a majority of the legislative bodies of those local governments located within the District have adopted a resolution authorizing an increase in charges; and

WHEREAS, the District's Administrative Control Board ("Board") has recommended an increase to the current \$12.75 per owner per month service charges of \$2.00 per owner per month beginning on January 1, 2014, and \$2.00 per owner per month beginning on January 1, 2015, and the Board has requested that the City Council approve that increase; and

WHEREAS, the City is represented on the Board and thereby participated in the service charge recommendation; and

WHEREAS, the increase in service charge is necessary based on the following 2014 increased costs and the cumulative effects of declining revenue from second garbage cans being returned:

<u>Amount Per Home Per Month</u>	<u>Annual Amount of Increased Costs</u>	
\$0.88 Loss of 2nd can revenue	\$880,000	4,888returns
\$0.62 Landfill fee increase	\$616,500	From \$26 to \$31 per ton for garbage + growth
\$0.43 Depreciation/new trucks	\$430,000	CNG truck replacement
\$0.24 Truck Shop Rate Increase	\$238,675	Rate increase: \$5 per hour
\$0.17 Wage Adjust to Market	\$168,000	Improve recruitment & retention
\$0.18 Area Cleanup truck lease/cans/other	\$182,443	Increased lease rate/cans for growth
\$0.10 Billing/Mailings/Collections/Finance	\$ 99,777	Reg. billing on Tax Notice ruled illegal
\$0.10 Mandates for URS/ACA/Health ins	\$101,442	
<u>\$0.09</u> 2 Additional FTE's for growth	<u>\$ 86,540</u>	
\$2.81 Per home per month	\$2,803,377	

WHEREAS, the City Council finds that the proposed service fee increase is reasonable and justified;

**RESOLUTION:**

NOW THEREFORE, BE IT RESOLVED,

THAT the City Council of \_\_\_\_\_, State of Utah, hereby approves the proposed fee increase proposed by the District in the amounts and on the dates proposed herein.

APPROVED AND ADOPTED in \_\_\_\_\_, State of Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

*(signature lines and attestation)*

**EXHIBIT B**

DATE TUESDAY NOVEMBER 20, 2012

Mr. Lee Gardner, County Assessor, submitted letters recommending refunds in the amounts indicated be issued to the following taxpayers for overpayment of 2012 vehicle taxes:

<u>Taxpayer</u>	<u>Refund</u>
Dennis Fredricksen	\$ 80.00
Glen L. Pace	\$ 110.00
Dennis W. Winslow	\$ 10.00
Barry L. Johnson	\$ 300.00
Bob G. Shira	\$ 80.00
Erin Buck	\$ 13.00
Helen J. Ferguson	\$ 53.00
Jerry Seiner Buick GMC	\$ 651.35
Ken Garff Nissan	\$ 150.00
Jeff W. Mitchell	\$ 83.00
Nate Wade Subaru	\$1,350.00

Council Member Bradshaw, seconded by Council Member Jensen, moved to approve the recommendations. The motion passed unanimously, authorizing the County Treasurer to effect the same, showing that all Council Members present voted "Aye."



Ms. Rena Beckstead, Deputy District Attorney, submitted a letter recommending approval of the following RESOLUTION creating the Wasatch Front Waste and Recycling District effective January 1, 2013. The resolution establishes the powers, duties, and responsibilities of a special service district to provide trash collection, superseding all previous resolutions regarding garbage and recycling collection services, and describes the powers and functions of the Administrative Control Board, sets out district services, the district area, provisions regarding payment for district services, fiscal and budgetary procedures, and provisions regarding personnel and merit system, and provides for the transfer of buildings, funds, and other assets to the Wasatch Front Waste and Recycling District.

RESOLUTION NO. 4670

DATE: NOVEMBER 20, 2012

A RESOLUTION OF THE COUNTY COUNCIL OF SALT LAKE COUNTY, UTAH, ESTABLISHING THE POWERS, DUTIES AND RESPONSIBILITIES OF A SPECIAL SERVICE DISTRICT TO PROVIDE TRASH COLLECTION; UPDATING AND SUPERCEDING PREVIOUS RESOLUTIONS REGARDING GARBAGE RECYCLING COLLECTION SERVICES; DESCRIBING THE POWERS AND FUNCTIONS OF THE ADMINISTRATIVE CONTROL BOARD; SETTING OUT DISTRICT SERVICES; SETTING OUT THE DISTRICT AREA; SETTING OUT PROVISIONS REGARDING PAYMENT FOR DISTRICT SERVICES; SETTING OUT FISCAL AND BUDGETARY PROCEDURES; SETTING OUT PROVISIONS REGARDING PERSONNEL AND A MERIT

DATE TUESDAY NOVEMBER 20, 2012

SYSTEM; PROVIDING FOR THE TRANSFER OF BUILDING, FUNDS AND OTHER ASSETS TO THE DISTRICT; AND MAKING OTHER RELATED PROVISIONS AND CHANGES.

BE IT KNOWN AND REMEMBERED:

THAT, the County Council of Salt Lake County, State of Utah, met in regular session of the Council on the 20<sup>th</sup> day of November, 2012.

WITNESS:

WHEREAS, the County Commission of Salt Lake County of January 19, 1977, established a special service district known as Salt Lake County Special Service District No. 1 ("Sanitation District") for the provision of garbage collection services in the unincorporated area of Salt Lake County; and

WHEREAS, some of the original area of the Sanitation District have been incorporated into or annexed by municipalities, while remaining within the district and continuing to receive services from the Sanitation District; and

WHEREAS, the Salt Lake County Council on November 10, 2009, established an Administrative Control Board to govern the Sanitation District and appoint the members representing both Salt Lake County and the municipalities served by the Sanitation District; and

WHEREAS, Utah Code Ann. § 17D-1-302(2)(b) authorizes the County Council to delegate to the Administrative Control Board the exercise of any right, power or authority that the Council possesses with respect to the governance of the Sanitation District, except certain powers which are specifically limited by statute; and

WHEREAS, since its inception, the Sanitation District has been considered a division or agency of Salt Lake County government and has been treated as a county division, with the district's employees being employees of Salt Lake County and administrative and support services being provided by Salt Lake County agencies; and

WHEREAS, the County Council desires to delegate to the Administrative Control Board full governance of the functions and activities of the Sanitation District; to provide that Sanitation District employees will no longer be employees of Salt Lake County, and that Sanitation District activities, operations and administration be the sole responsibility of the Sanitation District and the Administrative Control Board; and

WHEREAS, the County Council authorizes the transfer of buildings, funds and other assets and liabilities from Salt Lake County to the Sanitation District's control; and

WHEREAS, the Salt Lake County Council has found that it is in the best interests of the citizens of Salt Lake County, the partner municipalities which are included in the Sanitation District, and those property owners receiving services to make the Sanitation District independent from Salt Lake County; and

DATE TUESDAY NOVEMBER 20, 2012

WHEREAS, it is the intent of the Council to incorporate and supersede all other previous resolutions regarding the creation and power of the Sanitation District and consolidate the provisions of those prior resolutions into one document;

#### RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, the County Council of Salt Lake County, Utah, hereby adopts this Resolution governing the powers, activities and responsibilities of the Sanitation District and provides for its independence from Salt Lake County as the Wasatch Front Waste and Recycling District ("District.")

1. INDEPENDENT DISTRICT – PRIOR RESOLUTIONS-NAME-LEGAL POWERS AND DUTIES.

A. This Resolution updates, incorporates and supersedes any and all previous Salt Lake County Commission or Salt Lake County Council resolutions regarding the creation, powers or functions of the District and formally re-implements and re-creates the District as fully independent of Salt Lake County, especially regarding employees, administrative services and assets. The following Salt Lake County Resolutions are specifically incorporated into and superseded by this Resolution:

Resolution No. 399, January 19, 1977;  
Resolution No. 1, August 1, 1977;  
Resolution No. 1-96, September 30, 1996  
Resolution No. 03-01, March 18, 2003;  
Resolution No. 09-2, October 13, 2009;  
Resolution No. 4345, November 10, 2009; and  
Resolution No. 4347, August 23, 2010.

B. Based on the foregoing, the effective dates of the creation and governance of the District are as follows, the District is considered created on January 19, 1977; the District's Administrative Control Board is considered created effective January 1, 2010; and the District's complete independence and separation from Salt Lake County government is considered effective January 1, 2013.

C. The District shall be named the "Wasatch Front Waste and Recycling District."

D. The District shall exercise and be subject to all the rights, powers, duties, governance and responsibilities of a special service district under the provisions of Utah Code Ann. § 17D-1-101, *et seq.* and the Utah Constitution, Art. XI, sec. 7, and subject to those powers limitations set out in state law.

2. DEFINITIONS

DATE TUESDAY NOVEMBER 20, 2012

A. "District" shall mean the Wasatch Front Waste and Recycling District and, as appropriate, shall also refer to the area served and the officers, employees and agents of the District. "Sanitation District" shall mean Salt Lake County Special District No. 1 (Sanitation).

B. "County" shall mean Salt Lake County, Utah, including its various departments, divisions, agencies, and employees.

C. "Board" shall mean the Administrative Control Board of the District.

D. "Garbage" shall mean all waste, trash and other objects or substances ordinarily or usually discarded by persons at private residential (as distinguished from commercial, manufacturing or industrial) property or dwelling units, excluding sewage and animal or human body wastes. The term includes any manner of rubbish, junk, rubble, offal, refuse, and trash, as such words are commonly defined.

E. "Recyclable" and "Reusable" materials shall mean all discarded materials by person at private residential (as distinguished from commercial, manufacturing or industrial) property or dwelling units, excluding garbage. The term includes any manner of paper, cardboard, plastic, metals, trees, and lawn and shrub trimmings.

F. "Property Unit" shall mean a residential, single family dwelling, each separate dwelling of a duplex, triplex or fourplex and each separate apartment house or complex, up to and including four apartments, and including upstairs, basement, garage or detached apartment or housing unit; and shall exclude commercial, manufacturing or industrial property used for those purposes. Any exceptions are defined in section 4. D and E of this resolution.

G. "Person" shall mean and include individuals, companies, firms, corporations, associations or combinations thereof.

3. ADMINISTRATIVE CONTROL BOARD – GENERAL POWERS – APPOINTMENT – BYLAWS.

A. The District shall be governed by an Administrative Control Board ("Board") for the governance of the District, appointed as specified in Utah Code Ann. § 17D-1, Chapter 3, initially consisting of nine members and always consisting of an odd number of members, appointed as follows:

(1) Four elected officials shall be appointed by the Salt Lake County Council; provided that, if the number of households served in the unincorporated area of the county is reduced to the same number of households served in the largest municipality in the district, the number of county council representatives shall be reduced by one. If the number of households served in the unincorporated area of the county is reduced to the same number as the average number of households served in the municipalities, the number of county council representative shall be reduced to one. The number of board representatives appointed by Salt Lake County may otherwise be reduced as provided by statute.

DATE TUESDAY NOVEMBER 20, 2012

(2) One municipal elected official shall be appointed from each of the participating municipalities, each appointed by legislative body of the respective municipality.

(3) In the event a municipality annexes into the District, the legislative body of the annexing municipality may appoint one municipal elected official to serve on the Board.

(4) The size and composition of the board may be changed as needed from time to time as determined by a two-thirds majority of the Board and consistent with State Statute.

(5) Appointments shall be made in writing and filed with the Clerk of the Board. The Clerk of the Board shall administer oaths of office to board members and maintain records of those oaths.

B. The Salt Lake County Council hereby delegates to the Board, to the extent authorized by statute, the legal authority to exercise any right, power, or authority that the Salt Lake County Council possesses with respect to the governance of the District. The Board may make rules and regulations governing the administration, management and operations of the District's garbage and recycling collections, transportation and processing services. The Salt Lake County Council retains only those legal powers and duties specifically set out in state statute as retained by the County.

C. The qualification, terms of office, specific board member powers and responsibilities shall be as provided by state law and the provisions of this Resolution. The Board shall adopt rules and regulations governing its internal activities and rules of procedure, including quorum requirements, the appointment of chair and vice chair, meeting locations and times, meeting procedures and electronic meetings, and such other matters as necessary to the efficient conduct of its activities, as provided in Utah Code Ann. § 17B-1-301.

D. The Board shall have and exercise all governing authority regarding the operations of the District and shall adopt such rules, regulations and policies as are necessary, from time to time, to most efficiently manage the District and its operations.

E. The Board shall be responsible to provide for the fiscal and budgetary management of the District, by the appropriate adoption of necessary rules, regulations and policies approved by the Board. The Board is further responsible for adopting the District's annual budget.

F. The Director of the District shall serve as the executive director to the Board and in that capacity shall prepare and provide notice of the Board meeting agendas, ensure compliance with the Open Meetings Act, attend all Board meetings in a non-voting capacity, and shall appoint competent staff to serve as clerk to the Board and to the District.

G. The Board shall make recommendations, as may be necessary from time to time to Salt Lake County and to any municipality which receives District services, regarding the adoption of county and city ordinances which govern and direct garbage and recycling

DATE TUESDAY NOVEMBER 20, 2012

collections and processing services within the municipality or the unincorporated portions of Salt Lake County.

4. SERVICES

A. The District shall provide garbage and recycling collection, transportation and processing services for all persons owning property units within the geographic boundaries of the District. The Board shall adopt necessary rules, regulations and policies regarding specific services. The District may provide services regarding garbage collection, transportation and processing, recycling, temporary trailer services, area clean-up, green waste, and other related services as are currently provided or which may be provided in the future, pursuant to the rules, regulations and policies adopted by the Board.

B. The Board may adopt rules, regulations and policies, as appears appropriate, regarding the establishment of collection routes, the frequency of garbage and recycling pick-up services, standards for containers, location requirements for containers, regulations regarding entry into private roads or other private property and such other specific requirements and procedures as appears necessary.

C. The Salt Lake County Council specifically empowers and encourages the Board to adopt the necessary rules, regulations and policies regarding recycling, green waste processing, and other waste management systems and practices calculated to protect the Salt Lake County environment, appropriately process recyclable materials, and reduce reliance on the Salt Lake County landfill.

D. Services may be provided to planned unit developments, condominiums, commercial and industrial properties upon request and pursuant to rules regulations and policies as adopted by the Board.

E. Services may also be provided to facilities owned and operated by municipalities located within the District, at the request of the municipal governing body and as approved by the Board.

5. AREA

A. The District shall include and provide services to all of the geographic territory and areas of Salt Lake County which are not located within an incorporated municipality, the geographic territory and area of the city of Cottonwood Heights, the geographic territory and area of the city of Herriman, the geographic territory and area of the city of Holladay, and the geographic territory and area of the city of Taylorsville, and the geographic territory and area of the City of Murray that is served by the District; services shall also be provided in portions of incorporated municipalities which are, pursuant to state statute, retained within district boundaries. An accurate representation of all District boundaries shall be available as a map maintained by the District.

B. District boundaries may be enlarge or reduced pursuant to the provisions of state statute, based upon the Board's statutory authority to approve such changes.

6. FEE PAYMENTS – COLLECTIONS – ABATEMENTS

A. The District shall support garbage collection, transportation and disposal services and the functions related thereto by imposing an annual or other periodic service charge or fee upon the persons who receive those services. The annual service charge amount and other provisions regarding fees and their collection may be altered or changed from time to time as may be in the best interest of the public, as the management and operations of the District may require, and as directed by rules, regulations and policies adopted by the Board. The service charge shall be set and budgeted annually by the Board and public hearings regarding service charges shall be held annually in conjunction with the adoption of the District's budget or as otherwise provided by the Board. An increase in the service charge shall not be effective until it has been authorized by resolutions adopted by a majority of the governing bodies that have representation on the Board.

B. There is hereby levied and imposed upon the owners of all property units serviced in accordance with the provisions of this Resolution, an annual service charge for each such property unit. The owner or owners of the property units serviced pursuant to this Resolution are responsible for payment of the service charges levied and imposed by the District. If any property unit is located on an established and designated garbage collection route, the property owner of that property unit is lawfully required to pay the annual service charge without regard to whether such owner uses or avails himself of the services of the District.

C. The District shall arrange for billing of the annual service charge either through providing such services internally or by contract with third parties or as otherwise provided for by law. Past due fees shall be collected consistent with and pursuant to applicable laws.

D. Persons subject to the District's annual service fee who meet the criteria for Indigent or Hardship deferral or abatement of property taxes due, established by Utah Code 5-2-1107 to 1109 or pursuant to criteria adopted by Salt Lake County under Utah Code 59-2-1347, shall be granted a fee reduction of the annual service fee and/or a deferral of such payment in the same manner and pursuant to the same policies applying to the collection of property taxes. A person requesting reduction or deferral shall file an application with Salt Lake County as provided for general property tax relief, and such applicants shall qualify for annual service fee relief by the same standards that are applicable to general property taxes and in accordance to any rules, regulations or policies adopted by the Board.

E. Persons subject to the District's annual fee may notify the District of any errors in billing. The District will review any reports and determine if any abatement or reduction of future fees is appropriate based on the District's error. All abatements or reductions will be processed by the District and approved by the Board.

7. FISCAL PROCEDURES – BUDGET

A. The Board shall be responsible for the direction and oversight of the fiscal management of the District and shall adopt rules, regulations and policies governing fiscal,

accounting, auditing and budgeting matters. The District shall comply with all applicable state statutes, including Fiscal Procedures for Local Districts, Utah Code Ann. § 17B-1-601, *et seq.*

B. The District's fiscal year shall be January 1 to December 31. The District, under the direction of the Board, shall adopt an annual budget and perform an annual audit, as provided by state statute.

8. PERSONNEL – TRANSITION PROCESS – MERIT SYSTEM

A. The initial employees of the District, beginning on January 1, 2013, shall be those former employees of Salt Lake County, in its Sanitation Division, who choose to transition their employment from the County to the District in accordance with this section. All employees of Salt Lake County's Sanitation Division, being employed and in good standing on December 31, 2012, shall be reduced in force from Salt Lake County employment, in accordance with the personnel policies and procedures of Salt Lake County. Those employees shall be offered equivalent employment status with the District beginning at 12:01 a.m., January 1, 2013. Employment shall be offered by the District to the employees at the same level of salaries and benefits, the same seniority, and working in the same job description as they had as Salt Lake County employees. The District shall maintain these employees' status, employment, job description and seniority until July 1, 2013, with the exception of any change in status resulting from bona fide personnel or disciplinary action. Any Salt Lake County employee choosing not to accept employment with the District shall be accorded the procedures and protections of the County reduction-in-force personnel policy.

B. The District, through rules, regulations and policies adopted by the Board, shall operate under a merit system, based on the requirements and provisions of Utah Code Ann. 17B-1-801, *et seq.* Provisions regarding employment status, salary and benefits, hiring process, discipline, and all other matters related to District employment status and a merit system shall be based on personnel policies adopted by the Board in accordance with recommendations made by the District director.

C. The executive staff of the District shall include a district director and a fiscal manager. The District Director shall be appointed and retained by a majority vote of the Board. Excepting the District Director, the executive staff shall be merit employees until their status is affirmatively changed by the Board's direction. The District Director shall serve as the executive director to the Board and as the manager and administrator of all district services, administration, and operations.

9. TRANSFER OF BUILDINGS, ASSETS, LIABILITIES AND FUNDS

The transfer of assets, liabilities and funds from Salt Lake County to the District shall be in accordance with the provisions and timelines set out in Exhibit A attached hereto. The transfer of oversight and responsibility for real estate and buildings, including the repayment of a bond for the construction of the District's administrative offices, as well as contracts, leases or other transfers regarding other buildings or interests in real estate shall be arranged and approved in accordance with appropriate Interlocal agreements between Salt Lake County and the District.

DATE TUESDAY NOVEMBER 20, 2012

10. ADMINISTRATIVE SERVICES

The District shall arrange for the provision of its administrative and support services, including purchasing, human resources, risk management, legal, information services and similar services as needed and either through providing such services internally or by contract with third parties or with Salt Lake County.

11. MISCELLANEOUS PROVISIONS

A. The provisions of this Resolution shall be applied and interpreted to grant the greatest flexibility and autonomy to the Board, regarding the management and operations of the District, as is permitted by state law. This Resolution should, therefore, be interpreted and applied in such a way as will maximize the flexibility and autonomy of the Board and the independence of the District.

B. If any provision, section or paragraph of this Resolution is found by a court of competent jurisdiction to be unlawful or unconstitutional, such finding shall not affect the other provisions and sections hereof.

C. Salt Lake County Council, through this Resolution, directs and requests that the County Mayor and all county officers, employees and agencies cooperate and work towards the quick and effective accomplishment of the ends of this Resolution, that is the independence and autonomy of the District, and do all that is lawfully within their power to effect the goals of this Resolution.

APPROVED and ADOPTED in Salt Lake City, Salt Lake County, Utah this 20<sup>TH</sup> day of November, 2012.

SALT LAKE COUNTY COUNCIL

ATTEST

By /s/ DAVID WILDE  
Chair

By /s/ SHERRIE SWENSEN  
County Clerk

Council Member Bradshaw, seconded by Council Member Jensen, moved to ratify the vote taken in the Committee of the Whole meeting. [Council Member Bradshaw, seconded by Council Member Burdick, moved to approve the resolution and forward it to the 4:00 p.m. Council meeting for formal consideration. The motion passed unanimously. Council Members Horiuchi, Jensen, and DeBry were absent for the vote.] The Council motion passed unanimously, authorizing the Chair to execute the resolution and directing the County Clerk to attest his signature, showing that all Council Members present voted "Aye."

◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆ ◆◆◆

**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.)  
CONSIDER AN ORDINANCE OVERRIDING THE MAYOR'S VETO REGARDING THE DISSOLUTION OF THE POWER ADVISORY BOARD

---

**2. KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
Responsive and Efficient City Services and Well Maintained, Planned and Protected Infrastructure and Assets

---

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

Council Meeting or  Committee of the Whole  
 Date requested December 3, 2013  
 Discussion Only  
 Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? Yes  
 Resolution (attach copy)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
 Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
 Appeal (explain) \_\_\_\_\_  
 Other (explain) \_\_\_\_\_

---

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

---

**5. RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
Proposed Ordinance and Ordinance #13-28 Dissolving the Power Advisory Board

---

**6. REQUESTOR:**

Name: Brett Hales	Title: Council Chair
Presenter: Brett Hales	Title: As above
Agency: Murray City Corporation	Phone: 801-264-2622
Date: November 21, 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: November 21, 2013
Mayor:	Date:

---

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

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

---

**9. NOTES:** State Code 10-3b-204 (3) "At the next meeting following a Mayor's veto under Subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation." (We actually delayed this business item, per attorney's advice, to consider it when all Council Members were scheduled to be in attendance.) This action requires a 2/3 vote to pass – 4 Council in favor.

ORDINANCE NO.

AN ORDINANCE OVERRIDING THE MAYOR'S VETO REGARDING THE  
DISSOLUTION OF THE POWER ADVISORY BOARD

On October 29, 2013, the City Council passed Ordinance No. 13-28 repealing Chapter 2.44 of the Murray City Municipal Code effectively dissolving the Power Advisory Board. On November 4, 2013, the Mayor vetoed Ordinance No. 13-28. Pursuant to Section 10-3b-204 of the Utah Code, the City Council has the authority to override the Mayor's veto by a vote of at least two thirds of all Council Members. On December 3, 2013, the City Council reconsidered Ordinance No. 13-28 and by at least a two thirds vote overrode the Mayor's veto.

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

*Section 1. Purpose.*

The purpose of this Ordinance is to override the Mayor's veto of Ordinance No. 13-28 effectively dissolving the Power Advisory Board.

*Section 2. Override.*

By at least two thirds vote of City Council members, the City Council overrides the Mayor's veto of Ordinance No. 13-28 effectively dissolving the Power Advisory Board. Chapter 2.44 of the Murray City Municipal Code is hereby repealed in its entirety effective December 31, 2013.

*Section 3. Effective Date*

This ordinance shall take effect immediately.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 3<sup>rd</sup> day of December, 2013.

MURRAY CITY MUNICIPAL COUNCIL

---

Brett A. Hales, Chair

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

ORDINANCE NO. 13-28

AN ORDINANCE REPEALING CHAPTER 2.44 OF THE MURRAY CITY MUNICIPAL CODE EFFECTIVELY DISSOLVING THE POWER ADVISORY BOARD

The Murray City Municipal Council determines that a Power Advisory Board ("Board") is not needed at this time and finds that it is in the best interest of the City to dissolve the Board in order to save administrative time and expense.

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

*Section 1. Purpose*

The purpose of this Ordinance is to repeal Chapter 2.44 of the Murray City Municipal Code effectively dissolving the Power Advisory Board.

*Section 2. Repeal Chapter 2.44 of the Murray City Municipal Code.*

Chapter 2.44 of the Murray City Municipal Code is hereby repealed in its entirety as follows:

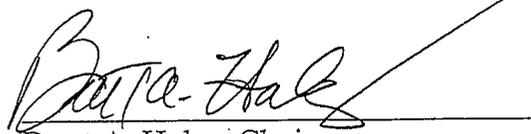
**Chapter 2.44 – Power Advisory Board: [Repealed]**

*Section 3. Effective Date*

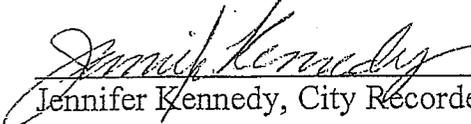
This ordinance shall take effect December 31, 2013.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 29<sup>th</sup> day of October, 2013.

MURRAY CITY MUNICIPAL COUNCIL

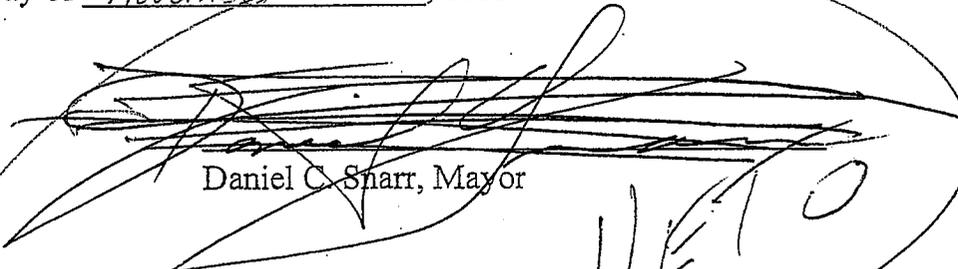
  
Brett A. Hales, Chair

ATTEST:

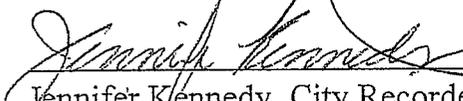
  
Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this 4 day of November, 2013

~~~~  
Daniel C. Snarr, Mayor

ATTEST:

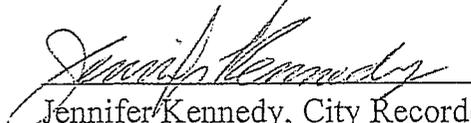
  
Jennifer Kennedy, City Recorder



VETO

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according to law on the 8 day of November, 2013.

  
Jennifer Kennedy, City Recorder

**Mayor's  
Report  
and Questions**

**Adjournment**