

MURRAY
CITY COUNCIL

Council Meeting
January 21, 2014



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, January 21, 2014, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:00 p.m. **Committee of the Whole:** To be held in the Council Chambers
Brett Hales conducting.

1. **Approval of Minutes**

1.1 Committee of the Whole November 19, 2013

2. **Business Items**

2.1 Preview of 2014 Legislative Issues – David Stewart (15 minutes)

2.2 Discussion of Residential Beekeeping and Chicken Land Use Ordinances
– Tim Tingey (60 minutes)

3. **Announcements**

4. **Adjournment**

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

5. **Opening Ceremonies**

5.1 Pledge of Allegiance

5.2 Approval of Minutes

5.2.1 January 7, 2014

5.3 Special Recognition

5.3.1 Murray City Council **Employee of the Month, Michelle Lundeen**,
Office Administrator III, Power Department. (Greg Bellon and Brett
Hales presenting.)

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

7. **Consent Agenda**
(Mayor Eyre presenting.)

- 7.1 Consider confirmation of Mayor Eyer's reappointment of Brandon Beckstead to the Murray City Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2016.
- 7.2 Consider confirmation of Mayor Eyer's reappointment of Scott Mooy to the Murray City Arts Advisory Board in an At-Large position for a three-year term to expire on January 15, 2017.
- 7.3 Consider confirmation of Mayor Eyer's new appointment of Kimberly Lewis to the Murray City Arts Advisory Board in an At-Large position for a three-year term to expire on January 15, 2017
- 7.4 Consider confirmation of Mayor Eyer's reappointment of Morgan Selph to the Murray Parks and Recreation Advisory Board in an At-Large position for a three-year term to expire on January 17, 2017.

8. Public Hearings

8.1 Public Hearing #1

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

Consider an ordinance amending Sections 17.68.030 and 17.68.040 of the Murray City Municipal Code relating to landscaping requirements for nonresidential developments. (Tim Tingey presenting.)

8.1.2 Council consideration of the above matter.

8.2 Public Hearing #2

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

Consider an ordinance amendment to Section 17.48.120 of the Murray City Municipal Code to allow for additional height and size for on-premise signs on properties adjacent to I-15 in the G-O (General Office) zoning district. (Tim Tingey presenting.)

8.2.2 Council consideration of the above matter.

9. Unfinished Business

- 9.1 None scheduled.

10. New Business

- 10.1 Consider a resolution approving the Mayor's appointment of representatives to Boards of Interlocal Entities. (Mayor Eyre presenting.)
- 10.2 Consider a resolution approving an Interlocal Cooperation Agreement between the City and the Utah Department of Transportation to receive financing from the Federal-Aid Highway Funds for the roadway project at 5900 South; State Street to 700 West. (Doug Hill presenting.)

10.3 Consider a Special Presentation of Mayor Ted Eyre's "State of the City" address for year 2014.

11. **Mayor**

11.1 Report

11.2 Questions of the Mayor

12. **Adjournment**

NOTICE

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

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

On Friday, January 17, 2014, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.

Janet M. Lopez
Council Administrator
Murray City Municipal Council

Committee of the Whole

**Committee
of the Whole
Minutes**



DRAFT

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

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, November 19, 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
Jim Brass	Council Member
Jared A. Shaver	Council Member
Darren Stam	Excused

Others in Attendance:

Dan Snarr	Mayor	Justin Zollinger	Finance
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Pete Fondaco	Police Chief	Craig Burnett	Police
Ted Eyre	Resident	Diane Turner	Resident
Phyl Warnock	Auditor	Brenda Moore	Finance
Peri Kinder	Valley Journal	Kellie Challburg	Council Office
Jennifer Brass	Resident	JoAnn Miller	Finance
Tim Tingey	ADS	Gil Rodriguez	Fire Chief
Joe Campos	Finance	Blair Camp	Resident
Janet Towers	Resident		

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

Minutes

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on October 1, 2013, and from Council Initiative Workshop meeting held on October 1, 2013. Mr. Brass moved for approval. Mr. Shaver seconded the motion. All were in favor.

Business Item 2.1

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

Ms. Wells commented that the discussion was a continuation of a previous conversation. The discussion was whether or not it was prudent to move ahead with the VECC interlocal agreement. That agreement would bring the Unified Police Department (UPD) into the VECC due to a Legislative mandate that the number of Public Safety Assistance Points (PSAPS) be reduced. The logical result would be for UPD to join the VECC operation.

Council of Governments (COG) has put together an agreement that has circulated around the County. Many cities have already signed the agreement. Those cities that have not yet signed the agreement include Murray and West Valley City. Ms. Wells had a conversation with the leaders in West Valley City to hear their issues and concerns.

Ms. Wells had also met with Chief Fondaco and Chief Rodriguez several times. Some of the concerns with the agreement include the lack of a provision for expenditures. The biggest issue with the agreement currently seems to be the CAD (Computer Aided Design) system. Murray has been on the Spillman system for a long time. Sandy City has recently left VECC and joined Salt Lake City for their emergency dispatch needs. Sandy has agreed to use the operating system Versaterm, which both Salt Lake City and Salt Lake County use. Mayor McAdams suggested that all entities switch to the Versaterm operating system. The move to Versaterm would require some expense and changes for many of the other cities.

Ms. Wells questioned whether the interlocal agreement of bringing UPD into VECC could be separated from the CAD system change. This would leave the other piece of the agreement to work and develop the CAD system afterwards. West Valley City had a concern and asked for a provision to prohibit any large expenditures without two-thirds Board majority approval. The idea was that a large expenditure would be for a CAD system. The language in the agreement was changed, and West Valley City is uncomfortable with that perspective. West Valley City feels like they are unprotected from having the discussion of a separate CAD.

Chief Fondaco and Chief Rodriguez have different concerns. Chief Fondaco's concerns relate to the general operation of VECC. When VECC was first organized, the Operations Board managed the day to day operations, and were the overseers. The Board of Trustees was an ancillary board that helped with some of the political pieces. That has transitioned over time, so the Board of Trustees now has more input than the Operations Board, and that is a concern for the Police Chief.

Originally, the discussion was to review both CAD systems and have them working side by side. After a decision had been made as to what system was best, an RFP (Request for Proposal) would be issued. That plan has changed, due to Mayor McAdams offer to contribute the \$1.4 million to help cover the cost of moving entities to Versaterm. There are many people that believe this is the right thing to do and the timing is right to get everyone on the same operating system. It makes sense to get everyone on the same system, but they want to make sure that due diligence has been done, noted Ms. Wells. Murray hasn't had a lot of experience with Versaterm and has heard the pros and cons. It isn't as simple of an agreement as Murray would prefer. This agreement is on the December 3, 2013 agenda for further action.

Mr. Shaver said he has heard some of the concerns that both Chief Fondaco and Chief Rodriguez have, but would like to hear more from them.

Chief Rodriguez stated that he has concerns with the Operations Board losing some of its status, and making it almost a non-functioning entity. The Operations Board really understood the different operations of both Police and Fire. Chief Rodriguez said both Versaterm and Spillman would work for the Fire Departments. He believes there are frustrations with both systems.

Mr. Nicponski asked the Chief if he thought all the agencies should be on the same system. Chief Rodriguez answered that Fire and Police are different. If a Fire Department is out, then another would fill in. There is not a fire within Salt Lake County that just one agency would respond to. All the agencies need to work together without delays. He believes it would be best for everyone to be on the same system.

Mr. Shaver clarified that was what the PSAP was about. Chief Rodriguez agreed that it makes it more seamless. Salt Lake City has had their own PSAP, but has worked with West Valley City, and South Salt Lake City. Mr. Shaver asked about the border for responding to the calls, and is the delay caused by transferring calls to the appropriate agency. He noted that one PSAP would seem to be more efficient, instead of secondary calls causing the delay. Mr. Shaver stated that Chief Rodriguez isn't the only Fire Chief that mentioned that neither of the two systems meet all the Fire needs. The Fire Departments are already very connected with each other, unlike the Police Departments commented Mr. Shaver. Chief Rodriguez said that VECC is a complicated organization with both Police and Fire dispatch. Chief Rodriguez said he has no experience with Versaterm, and there are constant issues with Spillman. He has concerns about whether the Board of Trustees would dictate the actions of the Board of Operations.

Mr. Hales asked if the preference of the Chief would be to go a different direction. Chief Rodriguez replied that it is unknown what the best option is. The best option could be Spillman; Spillman is a local entity. Versaterm is a business out of Canada. He said the issue is getting very political, which is the frustrating part. There is money, politics, and egos involved so it is a tough situation noted the Chief. Mr. Hales clarified with Ms. Wells that there were only two cities that had not signed the interlocal agreement, and that was Murray and West Valley City. Ms. Wells said she believes that is correct. Mr. Nicponski added that West Jordan approved it the previous night.

Chief Rodriguez noted that the interlocal agreement didn't have anything to do with the CAD. Mr. Shaver noted that was a distinction he would like to be made. He stated that Mayor McAdams has agreed to pay for the training and cost of the system. Mr. Shaver asked Chief Fondaco if his main concern was the history that was on Spillman. Chief Fondaco said that is a concern of his.

Chief Fondaco clarified that Salt Lake City was a PSAP. VECC is also a PSAP. Salt Lake City does not see Murray City's calls. It doesn't make sense to him that everyone needs to be on the same system, when Salt Lake City doesn't see calls from other cities. It is a separate dispatch center that has nothing to do with VECC. Mr. Nicponski noted that Murray shares borders with West Jordan, Taylorsville, East Millcreek, South Salt Lake and Cottonwood Heights. He believes it would be nice to be on the same system as the surrounding areas. Chief Fondaco noted that of those cities mentioned, the only one currently not on Spillman, is UPD. Chief Fondaco noted that South Salt Lake, South Jordan, West Valley, West Jordan,

Cottonwood Heights are all on Spillman. Mr. Nicponski added that those cities have all agreed to the interlocal and would be moving to Versaterm. Chief Fondaco restated that the agreement isn't part of the CAD decision. The agreement should be a decision by the cities to get together to form VECC.

Mr. Shaver noted that there are three issues in his mind: first, the interlocal agreement between the cities, secondly, the CAD, and finally the decision of whom will manage the system. Chief Fondaco said that was correct and that there are several issues in the agreement. The Trustees setting the Operations Board is an issue. This is similar to the issues that West Valley City has discussed regarding the need for a super majority vote for a major budget increase or for purchases. That issue should have been in the agreement, but is not there. Those were taken out of the original agreement and the requirement for a five year commitment was added. There isn't a reason anymore for a five year commitment.

Chief Fondaco said that in 1998 when this agreement was signed, all of the cities, with the exception of Salt Lake City and the Sheriff's Office, came together to form a consolidated dispatch center. At that time, each city had their own dispatch center, and the Police Chief submitted the budget which included the salaries of those employees that worked there. The Police Chiefs came together and stated that they did not want to give up control, so agreed on a strong Operations Board. The Fire and Police Chiefs would run the day to day operations of this new consolidated dispatch center. Now the proposal is for the Trustees to run the daily operations of the dispatch center, and that is a concern.

Mr. Hales asked how that will affect Murray with the trustees running the operations. Chief Fondaco said the Trustees want to set the Operations Board through the bylaws of the Trustees. That would give the Trustees power to do away with the Operations Board with the bylaws. Mr. Shaver asked for an example of a trustee. Chief Fondaco said all of the cities are Trustees, and the Council would choose a representative for the Board of Trustees.

Chief Fondaco said his issue is not whether or not to allow UPD to join. The question raised is the organization being stripped in order to make it work, he asked.

Mr. Shaver said that the interlocal agreement does not cover the CAD system, or dictate what would happen between the Operations Board and the Board of Trustees. Chief Rodriguez said that it is set up by the manner of the voting. The Operations Board does not vote, only the Board of Trustees. UFA has a trustee from every city, whereas the Operations Board votes as a Fire Department. This is a concern to both Chief Rodriguez and Chief Fondaco.

Mr. Shaver asked if Murray has input on how things will be set up. Mr. Nakamura said it is only affected indirectly because Murray would be outvoted. If UPD decides to vote in a block, then Murray is outvoted. Since that is the manner of voting, the Board of Trustees will determine the CAD system, and the nature of the Operations Board. The agreement addresses that issue with how the voting is set up. Mr. Nicponski noted that West Valley City was the big controller in VECC.

Mr. Brass noted that in his experience in dealing with operations based businesses, it is a problem when it isn't run by the operations people. He also has concerns with the Trustees versus the Operations. It should be people that understand the day to day business dealings that are running the business.

Chief Rodriguez stated that most of the voting was for recommendations to the Trustees, especially in financial matters. For example, when adopting the budget, recommendations were always made to the Trustees.

Mayor Snarr asked what happens if Murray doesn't sign the deal. He stated that the legislature has mandated cooperation and he doesn't know what system is the best. He said it was going to happen in the past, but it didn't go very far. Mayor Snarr believes it would be in the City's best interest to try and make this work. If you don't do the deal, then what would you do, questioned the Mayor. Mr. Shaver said that if Murray doesn't join in the deal, it would have to create its own system. Mayor Snarr said the whole issue was to eliminate some of the PSAP's, so it doesn't make sense to add more. Mayor Snarr asked Ms. Wells when the legislation occurred. He believes it was in 2011.

Chief Fondaco clarified that this agreement doesn't remove a PSAP from Salt Lake County. There are three PSAP's now and there will still be three. There is one at the University of Utah, one with Salt Lake City and one with VECC. UPD is not a PSAP. Mr. Nicponski asked if the County was a PSAP. Chief Fondaco said they were not. In order to be a PSAP, you must dispatch Police and Fire simultaneously; the County dispatches Police only. This agreement doesn't really consolidate and eliminate a PSAP. Chief Rodriguez noted that the County is a secondary PSAP but doesn't have the 911 calls that would make it a PSAP. Mayor Snarr said that Salt Lake County was the only County that doesn't have this figured out. He noted that Davis County consolidated into one dispatch.

Business Item 2.2

Financial Statement Review- Justin Zollinger

Mr. Zollinger introduced Phil Warnock, the partner in charge of the Murray City audit.

Mr. Zollinger thanked the Council and the Mayor for providing the leadership. The financial results shown are because of the good decisions made. Some decisions made were hard ones, but they were made and not avoided. He also thanked the Department Heads for being careful with their budgets, and also his department for all the work put into this document. The document created was 108 pages and required a substantial amount of work. Mr. Shaver noted that it was 23 pages smaller than last year. Mr. Zollinger said wherever things can be simplified, that was done.

Mr. Zollinger said he hopes to see trends and compare it to last year to see if things are improving or worsening. He noted that the statement is similar to the monthly statements also.

Murray City received the GFOA (Government Financial Officers Association Award) for the 32nd year in a row. That award costs \$500,000 to get, but is another set of professional eyes to look at the financial statements. Mr. Nicponski asked if the Power Company was included in the audit. Mr. Zollinger said that any fund in the City is included in this audit.

Mr. Warnock thanked the City for the opportunity to do the audit, and also complimented Justin Zollinger and Brenda Moore for their top notch work. Recently he worked with another City that is struggling because they let a top notch employee leave. He holds Mr. Zollinger in high esteem.

Mr. Warnock stated that he considers the Council to be the parties responsible for the governance of the financial direction of the City. As a result, the Council is responsible for

overseeing the financial process, and the financial statements. Most people consider that Mr. Zollinger has been hired to fill the responsibility for the Council, which makes sense. The fact that an audit is done does not take away any responsibility for those financial statements. The auditors are responsible for performing the audit in accordance with the accepted auditing standards. The audit was designed to obtain reasonable, rather than absolute assurance that it is free of material mistakes. The audit of financial statements includes consideration of the internal control for the purpose of designing audit procedures only, it is not an audit of the internal controls. That is a separate audit. Comments would be made to the findings of that effect.

Mr. Warnock noted that the auditing firm did not encounter any significant difficulties during the audit. There were no disagreements with management and are not aware of management consulting with other auditors regarding the audit.

Mr. Warnock noted that the opinion of the audit is given on page 9 of the Financial Statement. The last paragraph states that the information, presented fairly in all material respects, is the financial position of Murray City. That is called a clean run modified opinion, which is the only acceptable method for the State Auditor.

He noted that on page 92, the report on internal control over financial reporting is given. The second paragraph states that the auditors considered the City's internal control over financial reporting, but accordingly, no opinion is expressed regarding the internal controls.

On page 94, the opinion is stated regarding Federal money. It states the City complied in all material respects with the types of compliance requirements referred to. On page 102, the final opinion is regarding a State legal compliance. It was also found that Murray City complied in all material respects with the general compliance requirements.

On page 104 the findings are given regarding the General Fund balance. Mr. Warnock read that Utah State Code states that the maximum unrestricted fund balance in the General Fund may not exceed 25% of the total estimated revenue of the General Fund. For cities, the total estimated revenue of the General Fund is the current year's total General Fund revenue minus any beginning fund balance appropriated. During the audit, it was noted that the City had a non-compliance issue with this section of the Utah Code. The City's unrestricted General Fund balance exceeded the 25% as of June 30, 2013. The recommendation was to not exceed the limit in the future. Mr. Zollinger said the percentage of the General Fund balance was 25.38%. Mr. Nicponski asked what the amount was that equaled 25%. Mr. Zollinger replied that it was \$9,582,000.

Mr. Zollinger noted that there was a budget transfer in October, where \$660,000 was moved from the General Fund to the Capital Projects Fund. This has been addressed, but the auditor has suggested that some language be inserted that the Council has directed the Finance Director to bring the City to compliance at year end. That gives Mr. Zollinger the flexibility to move it at year end if there is a surplus. There is a contingency transfer currently, but there has been more money saved than that listed amount. The departments have saved \$2.4 million. Mr. Shaver clarified that Mr. Zollinger just needs the authority to move the money to get to the proposed amount, and that is part of the language needed for next year's budget. Mr. Zollinger explained that it would be a resolution so that this wouldn't happen again. It is his recommendation as a possible solution. Mr. Shaver noted that it would be easier to do it at the end of year when the numbers are better known.

Mr. Zollinger expressed appreciation to the auditors and their help in making the document stronger. Mr. Hales asked how long the auditors have been at Murray City helping. Mr. Zollinger replied about three weeks. He excused Mr. Warnock.

Mayor Snarr noted that the City is 12.3 square miles, instead of 11 miles as the document states. Mr. Zollinger said he would make that correction.

Mr. Zollinger noted some of the financial highlights for this year. They include an increase of \$11 million in the net position, this is due to conservative revenue estimates that controlled expenses. The usual formula is that revenues come in a little higher than budgeted and expenses come in lower and that money is taken for capital improvements the following year.

Mr. Zollinger told of a city with the inverse situation. They overestimated revenue budgets and underestimated expenses. That is how a city gets in a bankruptcy situation.

Mr. Nicponski asked about the CIP (Capital Improvement Projects) budget. Mr. Shaver stated that \$165,000 would go to the CIP budget, but the \$11 million would go to reserves or other places. Mr. Zollinger said it could be placed in reserves for needed projects. Mr. Zollinger said \$2.2 million has been transferred this year to the CIP fund.

Mr. Zollinger talked about a combined fund balance of \$22.7 million. Of that amount, \$3.4 million was an increase over last year. Part of that was due to the accrual policy change from 45 days to 60 days. The fund balance in the General Fund is \$9.5 million that is up \$400,000 from last year. Murray City paid off debt service of \$3.1 million in bonds, and that includes the issuance of \$3 million new bonds. Mr. Shaver asked if there was still a benefit from paying off existing bonds. Mr. Zollinger agreed and replied that there were still some 5% bonds out there that are callable this year. That discussion should take place with Doug Hill and Blaine Haacke. It would probably save the Power Fund an additional \$800,000 in interest.

Mr. Hales confirmed that the Sports Mall loan was paid off. Mr. Zollinger replied that it was and that the City received \$1.273 million. Mr. Zollinger showed the impact of the Sports Mall loan being paid off on page 23. The amount of interest was approximately \$23,000 per month in interest. The amount of budgeted investment income was reduced this year from \$150,000 to \$75,000. The receipt of one time money was a positive thing, but the City will not have the interest income from now on. The Sports Mall was a 9% interest loan, and there isn't anything that high out there.

The Management Discussion Analysis explains the reason why things have occurred in the City. The schedule shows prior year and current year. Assets have increased, which is positive. Long-term liabilities decreased from \$12.2 million to \$9.3 million. That was due to the payoff of bonds and the discontinuance of the OPEB (Other Post-Employment Benefits) program. Mayor Snarr commented that it was a painful but necessary adjustment. It was hard to keep paying an employee for 15 years after they leave.

Mr. Zollinger replied to Mr. Shaver's question about inflows of resources. He stated that deferred inflows is a new category for FY 2013. It is property tax receivables. The City adopts a rate in June, and because the City has a legal claim to that money, it needs to be on the books. The Enterprise funds don't have that category because they don't have any property tax receivables.

Some major capital projects this year include: 24 new Police cars, Fashion Boulevard, and Winchester storm drain. The Water Fund alone put over \$2 million of assets into the ground.

Murray City decreased the outstanding debt from \$36 million to \$32.9 million. There are great incentives to pay off loans. The principal amount paid off was \$2.6 million.

Mr. Hales asked about the \$4 million difference in the outstanding debt the previous year. Mr. Zollinger said in a usual year, a City might pay off \$3 million. This year was interesting because \$3 million was paid off, even though an additional \$3 million were issued.

The statement of net position is the highest level of view in the financial document. It combines everything in the City to the two different categories of governmental and business. Cash and cash equivalents is the equivalent of the City's checking or savings account. That amount is \$44 million in reserves, an increase from \$39 million. That page, along with page 22 is the City's financial summary.

Mr. Shaver asked about the RDA fund. Mr. Zollinger said the RDA fund became a major fund this year. That means it has at least 5% or 10% of the total assets. That is one reason why it is being reported on the schedule this year. Mr. Shaver commented that it was a healthier position to be in. Mr. Zollinger agreed and said it gives the City the ability to build, and makes investment propositions more appealing.

Mr. Nicponski asked about the revenue increase in the general fund. Mr. Zollinger said that the City exceeded the budget by over \$1 million.

Mr. Zollinger explained the general expenses in the City on page 22. He also added that if you look at the statistical section, it shows ten years of data, and the trends are visible. For example, the trend in Public Safety shows the hard times when expenses were fewer in the recession.

In 2004, there was \$12.9 million in sales tax revenue, in 2013 there is \$12.9 million in sales tax revenue. In 2006, 2007, 2008 there was around \$15 million in sales tax revenue. The decrease was a result of the 50% drop in point of sale (POS) purchases.

Page 27 shows the General Fund budget to actual income statement. There was a positive variance in sales tax of \$528,000. The budget for this year is \$12.7 million, so the ending variance may not be as large. These positive variances allow the City to give raises to the employees.

Looking at the different departments, the Council saved over \$70,000. Pretty much every department had budget savings, as a result of the new policy. Mr. Nicponski asked if the conclusion could be made that the Justice Court pays for itself. Mr. Zollinger clarified that the Justice Court saved \$42,000 over the budget. That surplus will be transferred to CIP for next year's capital.

Mr. Shaver asked about the loss in Garages and Shops, and if that was a result of the shift in the budget. The difference was from allowing zero markup in the products, but still incentivizing employees to use the City garages.

Mr. Nicponski asked about the Non-Departmental variance. Mr. Zollinger explained that \$200,000 was budgeted for the new Hillcrest Junior High School, and was not paid out at year end.

Mr. Zollinger noted that the Enterprise Fund income statement on page 29 that tells the fund performance had a new line added for wages and benefits. He also explained on page 30 the cash flow process and how that explains why the cash changed, whether it be operations, capital or debt service.

Page 80 of the statement shows the top sales tax payers in the City. One of those top tax payers is Costco with 12.4% of the total Sales tax revenue. The new hotels should appear in the top tax payers in the following year.

Page 84 shows the legal debt limit for the City. That doesn't necessarily mean the City should have that much debt. The City could bond for \$446 million in debt. Mr. Shaver added that the future Council should look at how to continue to make that even healthier if a bond is needed.

Mayor Snarr added that the Power Department should be debt free by 2017.

Mr. Zollinger noted the top employers in Murray City. Mr. Brass added that four of the top five employers do not pay property tax. This is a good way of getting some revenue from those non tax paying entities, in lieu of tax transfers. Murray City has a huge amount of nontaxable properties. These ILOT (In lieu of tax) properties purchase water, power, and storm water. That ILOT transfer allows the recovery of some revenue.

Mayor Snarr commented that he wished there was an impact fee installed for the Public Safety Department before IMC (Intermountain Medical Center) was developed. There were purchases required, such as a new fire truck with the ability to go to higher heights.

Mr. Zollinger supports either system, property taxes or ILOT transfers. He likes the way it is currently set up with ILOT transfers. Property taxes would go up by an estimated 100%, if ILOT transfers were stopped. Murray City's rates are less than the market rate. Currently it is a good balance.

Mr. Zollinger noted that there were 72 sworn officers in 2004, 79 in 2011, and down to 74 presently.

All of the changes that they wanted to make to the financial statement are done, and Mr. Zollinger is pleased with the final product.

Business Item 2.3

Governmental Accounting Standards Board (GASB) 54 Fund Balance- Justin Zollinger

Mr. Zollinger explained that in February 2009, the government changed the way the fund balances are reported. The government wants this new reporting formula adopted by ordinance. The different categories are: non-spendable, restricted, assigned and unassigned.

- Non-spendables include things like inventory and pre-paid items.
- Restricted is usually by an external party or a State law. Things in the restricted category could include Class C money, or beer tax money, or the library

endowment. These are all items that must be used for a specific purpose. The library must be restricted, per State law.

- Committed funds are funds that could be set aside by the Council to have money set aside for a rainy day. Mr. Shaver said it gives the Council a choice whether or not to use those funds. It could only be used for a general fund. It doesn't apply to the 25% General Fund requirement.

Mr. Shaver asked them to consider another Enron occurrence, and what would happen if everything blows up. Is it possible to have a reserve fund in the Power Department, as well as an emergency fund, he asked. Mr. Zollinger said that it should be included in the power fund, and a portion of the revenue be designated for emergency funds. Mr. Zollinger noted the year of the Enron collapse, the reserve balance in the Power Fund went from \$16 million to \$800,000 in one year.

- Assigned funds are any other governmental funds, other than the general fund.
- Unassigned funds are the general fund, the remaining fund balance that isn't in other areas.

The Municipal Building Authority (MBA) fund could be restricted, committed or assigned. RDA is also required to be restricted by State law. CDBG should never have a fund balance if it is operating correctly, expenses should meet the revenue. Cemetery/Perpetual care is a committed fund. That fund should generate interest to help with the care of the cemetery. Capital Improvement Projects (CIP) is assigned.

Mr. Zollinger compared other Cities and it is all over the board for reporting. He believes Murray is right on with the ordinance written correctly. He thanked the Council for their time.

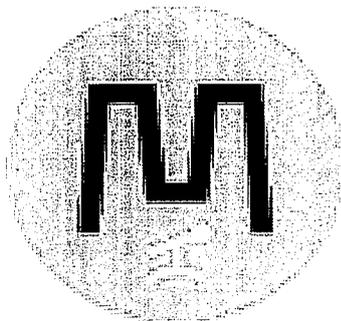
Announcements

Ms. Lopez noted there are written announcements for the Council Members, but announced that money was due for the MCEA Christmas Party and also the Ladies Luncheon. She also announced that there would be birthday cake after the meeting for everyone.

Mr. Hales adjourned the meeting.

Kellie Challburg
Council Office Administrator II

**Committee
of the Whole
Internal Business**



MURRAY
CITY COUNCIL

Discussion Item #1

Murray City Municipal Council Request for Council Action

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

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

PREVIEW OF 2014 LEGISLATIVE ISSUES BY DAVID STEWART.

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 January 21, 2014

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

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

6. **REQUESTOR:**

Name: Janet M. Lopez

Title: Council Administrator

Presenter: Brett Hales

Title: Council Chair

Agency: Murray City Corporation

Phone: 801-264-2622

Date: January 10, 2014

Time: 1:40 p.m.

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

Department Director:



Date:

1.10.14

Mayor:

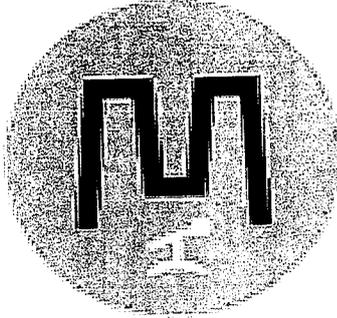
Date:

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

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

Recommendation: _____

9. **NOTES:**



MURRAY
CITY COUNCIL

**Discussion
Item #2**

Murray City Municipal Council Request for Council Action

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

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

Residential Beekeeping and Chicken Land Use Ordinance Discussion

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

Safe and healthy neighborhoods with varied housing opportunities

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

Council Meeting OR Committee of the Whole

Date requested 1/21/2014

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

N/A

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

See attached memo

6. **REQUESTOR:**

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Same

Title:

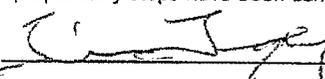
Agency: _____

Phone: (801) 264-2680

Date: 1/7/2014

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: 1/7/2014

Mayor:  Date: 1/7/2014

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

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

Recommendation: _____

9. **NOTES:**



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

TO: Murray City Council
FROM: Tim Tingey, Director of Administrative and Development Services
DATE: January 7, 2014
SUBJECT: Current Land Use Issues Discussion

Administrative and Development Services staff will be present to discuss information obtained through an online survey and recent public open houses related to chickens and beekeeping in residential areas. Please contact me if you have any questions before the meeting at 801-264-2680.

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

The Municipal Council of Murray City, Utah, met on Tuesday, the 7th day of January, 2014 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Brett Hales,	Council Chair
Jim Brass,	Council Member – Conducted
Blair Camp,	Council Member
Diane Turner,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Ted Eyre,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Janet Lopez,	Council Administrator
Pete Fondaco,	Police Chief
Craig Burnett,	Deputy Police Chief
Rondi Knowlton,	Mayor's Office
Doug Hill,	Public Services Director
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative and Development Services Director
Janie Richardson,	GIS
Jon Harris,	Fire Department
Daren Wightman,	Fire Department
Steve Roberson,	Fire Department
Jacob Sutton,	Police Department
Randy Larsen,	Ballard Spahr
Scouts	
Citizens	

5. Opening Ceremonies

5.1 Pledge of Allegiance – Drake Carlston

Mr. Brass asked the scouts in attendance to stand up to introduce themselves.

5.2 Approval of Minutes

5.2.1 December 3, 2013

5.2.2 December 10, 2013

Mr. Hales moved that both sets of minutes be approved together, no objections were noted.

Mr. Hales made a motion to approve the minutes
Mr. Nicponski seconded the motion

Voice vote taken, all “ayes.”

5.3 Special Recognition

5.3.1 Swearing-In new Murray City Police Officers, Jimmy Haas and Jacob Sutton

Staff presentation: Pete Fondaco, Police Chief

Chief Fondaco invited Mr. Sutton and Mr. Haas to join him at the podium.

Chief Fondaco stated that Mr. Sutton served a few years in the United States Marine Corps and upon his discharge he decided to go into law enforcement and enrolled in the Police Academy at Weber State University. For the past year, Mr. Sutton has been working for Weber County Jail. Chief Fondaco added that he was glad Mr. Sutton applied in Murray, we are glad to get him from Weber County Jail.

Chief Fondaco stated that Mr. Haas is fluent in French. He said that some may recognize him because he worked at the Murray Park Café in the summer of 2011 while he was attending college. He recently moved into Murray.

Chief Fondaco said that he is proud of both of these officers.

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

Chief Fondaco invited the new officer’s family members to join them for

the Badge Ceremony.

Mr. Sutton and Mr. Haas introduced their families.

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

Carlyle Clark – 6074 South Fontaine Bleu Drive, Murray Utah

Mr. Clark stated that down the street by the canal there is an 8' X 10' metal plate that is very slick. A neighbor of his fell on it recently because when it rains it is very slippery. He said that metal plate was put there about six months ago. He does not know if it was the canal people or Salt Lake City that put it there, just west of Fontaine Bleu Drive, but he believes it was put there so that heavy equipment would not break up the sidewalk. Mr. Clark brought this to the attention of some Council Members that are no longer here, but he would like someone to find out who owns it. He said you can see the letters N C I on the plate. He feels it is a detriment for the neighborhood and would like something to be done about it.

Mr. Brass told Mr. Clark that there are Department Heads that heard his comments and will look into it right away.

Mary Ellen Rosen – 495 East Calinas Creek Circle, Murray, Utah

Ms. Rosen stated that many years ago, her and her husband bought a lot and built a home on Calinas Creek Circle in Murray because they felt it was a nice place to raise a family. They had one baby then. They now have 5 children, the youngest is 12, and all their children live at home. And they were right; Murray has been a nice place to raise a family.

Ms. Rosen stated that her world changed quite dramatically when she woke up to a new reality. One day, she found out that her new next door neighbor wanted to run a business with 16 residents plus staff, and that her backyard would now be filled with large amounts of secondhand smoke. After talking to her realtor, she also found out that her property value had been reduced by half, maybe more. She lives in Murray. It is a great place, so she knew that the City would look at all the issues carefully and do everything they could to preserve the character of her neighborhood. She was confused when instead of taking the responsibility to make a decision that was adequate, the City decided to give a greater accommodation than was necessary so that they could avoid even the possibility of having to defend their decision in court. What added to her consternation is that in order to achieve this result, the City ignored Murray City Code provisions, treated the citizens unfairly, and failed to take into account information that was important to the decision making process. Ms. Rosen said she would share a few examples of what she feels have been a real lack of concern by the Murray City Administration.

Number One: Murray City has not required a Conditional Use Permit. Although the proposed facility itself is permitted in her neighborhood, in their letter of intent, they clearly stated that they would be holding weekly workshops in the home. These are life

skills workshops, and are not required as part of the reasonable accommodation for the disabled. Per Murray City Code they need a Conditional Use Permit to hold this kind of group instruction. This requires notification of the neighbors. If Murray City had wanted a legal way to notify its citizens, then this was the way. But instead, Murray City did not want them to learn about this change in their neighborhood in a timely manner. The facility is not supposed to change the character of the neighborhood, and the City should be interested in finding out from the neighbors just exactly what the character of their neighborhood is. Ms. Rosen said that we are seven months from when Murray City received this letter and have still received no formal notification. As far as they know, the City is not requiring Balance House to apply for a Conditional Use Permit, which is in violation of Murray City Code.

Number Two: Lack of due diligence of Fire Code requirements. On September 16, 2013, Ms. Rosen communicated with the City about the possible need for an automatic fire sprinkler system for the home. She received back a reply that the City did not know, but would look up the codes. After her inquiry, the City found out that, indeed, they would need one. The City received the letter of intent in May 2013, so for almost three months no one had bothered to look up any Fire Codes. It seems that the neighbors shouldn't have to look up Fire Codes and let the City know of an infraction in order for the City to do anything.

Number Three: Lack of due diligence for other Code requirements. Ms. Rosen stated that putting a large number of adults in a home surely would have an impact on the electrical, plumbing, and other systems. As far as she knows, nothing has been done in these areas, although the Administrator for State Licensing told her that the City is to make sure that there is compliance with all local Zoning Ordinances, Building Codes, and Health Codes. Since, per State Code, the burden of proof is with Balance House, the neighbors would hope that the city would require that these codes are met.

Number Four: Disregard of citizen's requests of items to be covered before the final determination was made. Ms. Rosen stated that on September 2, 2013, the neighbors met with Tim Tingey, Administrative and Development Services Director and went over 20 items that needed to be considered in a determination of reasonable accommodation. This meeting was also followed up with a petition signed by over 300 citizens requesting that the City give proper consideration to the rights of all in considering and acting upon the application. Instead of following up on these 20 items the City primarily used only two items, financial viability and parking, in their determination.

Number Five: Communication from Murray City to the citizens has been delayed. Ms. Rosen gave two examples of this.

Example One: Ms. Rosen said that the neighbors received notification of the preliminary determination of density almost two weeks after Balance House received it. Furthermore, on the very day that the City sent the letter to Balance House, her husband called and asked if any determination had been made, and he was told "no".

Example Two: Balance House received the final determination two days before the neighbors learned about it in a meeting with the City. She said that in both instances, the neighbors had spent considerable time preparing information for the City to consider. Because their notification was ex post facto, all of their information was ignored.

Number Six: Communication from the citizens to Murray City has been curtailed and ignored. Ms. Rosen offered two examples of this.

Example 1: Ms. Rosen's neighbor, Drue Kehl made an appointment to meet with the Fire Chief. The Fire Chief had planned to attend, but inexplicably called, canceled the appointment and refused to meet with Mr. Kehl.

Example 2: They believe that proper documentation is important. On November 25, 2013, another neighbor, Sandra Thueson received an email from Mr. Tingey stating that he would no longer communicate in writing and that he would only respond by phone communication.

Ms. Rosen added that these are just a few of the examples of the frustrations that we have encountered.

She stated to the Council that since they are their elected representatives, they request that the Council provide oversight into the City Administration's handling of the application. Murray City Code states that the City Council has the power to review and monitor the City Administration and appoint a committee of Council Members or citizens to conduct an investigation into a department of the City; or any other matter relating to the welfare of the City.

Neighbors were told from the beginning that it was a sad thing, and that nothing could be done for them. After careful research, it became very clear that Murray City could have done something, but they chose not to. Murray City shirked their responsibility of making a proper determination, and instead chose to make a decision to attempt to avoid even the possibility that they would have to defend the decision in court. There have been legal precedents where cities have protected neighborhoods by limiting these types of applicants on a non-discriminatory basis and even though they have had to defend their decisions in court, they have won. We believe the location that the applicant has chosen is uniquely problematic and has many non-discriminatory reasons why the number of residents should be greatly reduced, or the application be denied.

One judge stated that the role of government is to preserve the character of neighborhoods, securing zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for the people. The proposed action by the city does not follow this standard.

Ms. Rosen said that the neighbors request that the Murray City Council use their powers to take action to review the mishandling of the application of Balance House by Murray

City Administration, and do what they are lawfully charged to do to protect the neighborhoods of Murray.

Sandra Thueson – 5722 South Ridge Creek Road, Murray, Utah

Ms. Thueson said she has been a resident of Murray City for 22 years and she loves Murray. The situation with the proposed Sober Living Home to be located in their neighborhood has been frustrating and disconcerting. She stated that she will point out how the City's decision to allow up to 12 residents in this home will change the character of their neighborhood. The City's decision is unreasonable and will undoubtedly put an undue burden on their neighborhood.

Ms. Thueson continued saying that on August 27, 2013, Mark Rosen, whose home is located adjacent to this home, appeared before the Murray City Council and expressed legitimate concerns. Mr. Rosen pointed out that Murray City code indicates that four unrelated adults are allowed to live in a residential house. He acknowledged that FHA and ADA law states that the City must allow places like the Sober Living Home to operate in a residential neighborhood and the City must make accommodation that is reasonable, necessary, and affords persons equal opportunity to use and enjoy housing.

She continued saying at what point does the scale of reasonable accommodation and equal opportunity tip and the City instead becomes guilty of capitulation. It is evident that the scale has tipped in favor of the Sober Living Home while discounting the rights of the citizens in this neighborhood.

It seems that what is reasonable accommodation in this situation is held hostage by what the applicant states is financially necessary. Is it the City's responsibility to ensure that this facility make a 25% profit? Does the City ensure such profit for any other business in Murray?

Ms. Thueson said that at the recommendation of a consulting firm hired by the City, the decision was made to allow 12 residents in this home. This is 300% above current zoning regulation. An accommodation of 50% or even 100% above what zoning allows would seem reasonable accommodation but the City's decision to allow 12 residents is simply unreasonable. It should be noted that the applicant originally requested 16 residents which is 400% above current zoning regulation.

By allowing 12 unrelated residents to live in this home, it creates a fundamental change in the single-family character of their neighborhood which, as the Joint Statement of the Department of Justice and the Department of Housing and Urban Development indicates, can be reason to deny such a request. She noted that copies of that statement were provided for the Council to refer to later. (Attachment 1)

Ms. Thueson continued saying that in addition to what she has just stated, she would like to bring to the Council's attention the following facts which also create a fundamental change in the character of their neighborhood.

A business will be operating out of a home in a small cul-de-sac which has no on-street parking in front of the home. Because of the quick turnover of residents in the home, about every three months, the owners of this business must constantly be marketing the home. This means a large volume of prospective residents and their families visiting the home on a regular basis.

The geographic nature of this cul-de-sac includes a steep incline and presents a partially blind exit from the circle. Exiting during winter conditions can be very difficult. These facts, combined with the dramatic increase of traffic in this area, create safety issues especially for children as they walk to school and to friend's homes.

Ms. Thueson continued pointing out that because of the transient nature of the home's residents, the character of our neighborhood is changed because most residents stay in the neighborhood for 10-20 years. She stated that a high percentage of those in recovery smoke. Therefore, the volume of secondhand smoke will be much greater than a normal household would produce. Residents are not allowed to smoke in the home only outside. The secondhand smoke will cause a health hazard to the residents of the neighboring homes as well as to those who recreate in the park located adjacent to the back fence of this home.

Ms. Thueson said that property values of homes in the neighborhood will decrease.

Regarding parking, which is an essential need for such a business, with twelve residents, up to six staff members, workshop staff, maintenance vehicles, visiting family members, and the constant marketing of the home to potential residents, parking concerns are legitimate. The neighbors are also faced with the prospect of significant traffic increase in their neighborhood.

Ms. Thueson continued stating that in a letter she wrote to Mr. Tingey on November 12, 2013, she referred him once again to the Joint Statement which says:

"Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?"

The answer that was given was:

"Neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application. However, if a group home operator shows by credible and un rebutted evidence that the home will not create a need for more parking space then parking concerns would not support a decision to deny the home a permit."

Ms. Thueson said that as is clearly pointed out in this Joint Statement, a valid unaddressed concern about inadequate parking facilities could justify denying the application. As far as she knows, the City has not requested the applicant to provide any credible and un rebutted evidence to prove that an analysis conducted at their other facility does not have relevance in our neighborhood. The neighbors have asked Murray City to require the applicant to provide this evidence and then to share it with them. It is their understanding that the applicant has only provided the City with statements such as "Traffic increase will be inconsequential to the neighborhood." Just because they say it is so doesn't make it so. They want credible and un rebutted evidence that supports the applicant's statement. President John Adams once pointed out that, Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.

Ms. Rosen reiterated what Mark Rosen pointed out in August, 2013:

"Reasonable accommodation does not require accommodations that increase a benefit to a handicapped person above a non-handicapped person. As a Court noted, the requirement of even-handed treatment of handicapped persons does not include affirmative action by which handicapped persons would have a greater opportunity than non-handicapped persons."

She stated that it is evident that there has not been even-handed treatment by the City in this regard and their neighborhood is the victim. She appealed to each of the Council Members to consider the facts and rectify this so that there is even-handed treatment for both the Sober Living Home and the residents of this neighborhood.

It is Murray City's responsibility to preserve the single-family character of their neighborhood. The City's decision that 12 residents will be allowed to live in this home creates a dramatic change to the character of their neighborhood. The neighbors are petitioning Murray City to lower the number of residents allowed in this home so as to not create a fundamental change in the single-family character of their neighborhood.

Denny Mecham – 5742 South Ridge Creek Road, Murray, Utah

Mr. Mecham stated that he has worked in public service for 37 years for the State of Utah and Salt Lake County. He has watched and been involved in many issues being solved with various private and public matters. He has enjoyed seeing problems resolved with both government and public expertise, combined to arrive at a mutual agreement. From this experience, he knows that actions can be taken to arrive at a solution that makes our City a wonderful place to live.

He said that his family has lived in Murray City for almost 50 years. They love their City and have raised their family and educated them through the school system. In their neighborhood their children would walk down through the cul-de-sac into Friendship Park to play on the swings and playground. They did this without the slightest bit of concern for their safety. Now his grandchildren are doing the same maneuver. But now

there is a proposal in their subdivision that is threatening to change the serenity, safety, and integrity, not only to the quiet cul-de-sac but, the whole subdivision.

Mr. Mecham said that the proposal is to allow a private business to occupy an existing residential house in the cul-de-sac to establish a facility of corrections for drug and alcohol abusers. They plan to stack the house with 12 adult residents, provide staff, and other support personnel, as needed, for their care. Mr. Mecham and his wife disagree with this.

The concerns are many such as overloading parking in the circle and neighborhood; tremendous increased traffic in the small area; and added noise levels to a normally quiet neighborhood, just to mention a few. However, one of their biggest concerns is for the children. This planned business puts this residential area in jeopardy with increased traffic and density.

Mr. Mecham said that for many years our City Planners have spent much time in designing a plan to protect both residential and business establishments. We rely on, and trust, the expertise and experience of our Cities professional staff to continue to build an even better Murray for us. We also know that through the elected officials and trained professional management personnel, with their Masters and Doctorates Degrees have the tools to continue building a pleasant place to live.

If the business is allowed to invade this residential area we are welcoming an environment which will endanger and erode the present status of this long established, beautiful, residential area which the residents have worked so long and hard to maintain. He said that they are looking to the Council to preserve and protect their long loved establishment. The Council has the authority, and through that authority, they have the power. Use it. Use the tools to influence and the facilities at your disposal to ensure our real estate values and guard our neighborhood of intrusions of any kind which will erode the safety and foundations of our efforts, investments, and values.

The licensing procedures through the State of Utah are looking to the City for the protocol of vigilance and well-being of the Murray City Residence. The forms of approval that the City forwards on to the State are crucial to the resident's future. Please act in the best interest of the residents of this neighborhood.

Kent Sponbeck – 5737 South Ridge Creek Road, Murray, Utah

Mr. Sponbeck said that he wanted to amplify one of the concerns that have already been raised because of a particular concern he has towards his family. That concern came after learning that the residents of the Sober Living Facility that is being considered for their neighborhood will be smoking outside due to the Utah Clean Air Act. He believes this situation will create a health hazard for the neighborhood and particularly for his wife Vickie.

Mr. Sponbeck's wife has been struggling with respiratory health issues for several years and sees a Pulmonologist at the Heart and Lung Institute for treatments on a regular basis.

She is very sensitive to second hand smoke and the poisons they contain. Exposure to second hand smoke will greatly impact her health and her lungs. Having multiple residents and staff members smoking outside on a regular basis will create a health hazard due to the second hand smoke that is created which will drift beyond the borders of their property.

Mr. Sponbeck said that he has similar concerns that residents may choose to use e-cigarettes instead. Vapors released by e-cigarettes contain carcinogens and toxins that would also be a health concern for the neighborhood and his wife. The State of Utah has already signed a law which bans e-cigarettes everywhere that normal cigarettes are banned. The State of Utah has passed Nuisance Laws which make it illegal for any smoke that drifts beyond the boundaries of your property into a neighbor's property. As you know, controlling second hand smoke outside is very difficult.

Mr. Sponbeck stated that Friendship Park, located immediately adjacent to the proposed Sober Living Facility, is used by children, youth and adults for exercise and recreation. These individuals would be exposed to second hand smoke drifting beyond the Facility boundaries. He said that he and his wife are users of Friendship Park and they also visit with neighborhood friends that live adjacent to the proposed Facility. As such, they are very concerned about the health hazards that will be created due to second hand smoke drifting from the boundaries of the proposed Sober Living Facility.

He asked the Council that as they consider the application for a Business License for this Sober Living Facility, the residents of this neighborhood encourage them to consider the potential health hazards to the neighborhood, users of Friendship Park, and his wife Vickie due to drifting second hand smoke from their facility.

Joseph Spencer – 5750 South Ridge Creek Road, Murray, Utah

Mr. Spencer stated that his intention is to speak to the Council on the fundamental character of the neighborhood in which he lives, why those aspects are important to him and to express his desire that the Council takes steps to protect them.

Perhaps like others here tonight Mr. Spencer grew up in Murray, just a mile south of where he lives now. In fact both of his grandparents lived in Murray. One grandfather was an attorney, the other worked for a time in the smelter. When Murray had grown enough, they hired his father as the City's first Engineer. So as he grew up he got to hear about why certain roads are the way they are, and what it took to build our parks and why certain designs were done from an infrastructure standpoint.

Mr. Spencer said that he shares this with the Council so they can understand that as the third generation of his family in Murray, raising the fourth that he cares not only for the immediate well-being of his neighborhood, but the well-being of a more general sitting.

After completing his own education, Mr. Spencer and his wife felt fortunate that they could buy a home in the area. As buying a home is a major commitment they did their research. They met with those who had for years taken their walks in the neighborhood.

They did so themselves for a month before they moved in. They talked to the neighbors and paid attention to the traffic. What they learned is it was a quiet, stable, residential neighborhood with very light traffic.

Mr. Spencer stated that this was important to them because their children walk the roads and cross the streets every weekday on the way to and from school. Their children know their neighbors. They can go there if there is trouble, and they go there when there is service to give. These are characteristics consistent with a residential neighborhood, of which there are many in our City. At the moment Mr. Spencer said he is particularly concerned about the traffic that opening a business in the neighborhood would cause. What is reasonable and what is safe, he will defer to the Council's judgment as they do their own research. But while there certainly is a number to count and perhaps an angle to measure, there is so much more than this to a strong neighborhood.

So while he comes to the Council with a desire to protect the larger community, he comes to them tonight as a father of young boys who cross the entrance to the circle to and from school every day. In closing Mr. Spencer asked that the Council would come and see the neighborhood and learn about and protect it, like it were their own.

Ernie Smith – 476 East Holstein Way, Murray, Utah

Mr. Smith said he has lived in Murray for 32 years. He has also been on a different side to what has been talked about tonight. Mr. Smith stated that he is a developer. He has developed for 39 years in the State of Utah and Wasatch Front. He is in the process of developing a home like this in Clinton, Utah, but it is far different because the home they are building is being done in a commercial zone. They are building it near the areas of shopping, where these people can sometimes have jobs and walk to their jobs. They are not building in the middle of a residential area.

He continued saying that as he has been a developer for this amount of time; he has always been required by the cities to protect the areas, especially the residential areas, around which he develops. He has always been held to that requirement. Mr. Smith said he admits there have been many times that he has been denied the ability to build a commercial project, which is what they do, near a residential area.

He added that he does not know this developer, but he knows there are other opportunities. He does not know when the developer has already lost from 16 to 12, some 25% of his income he stays. The income is gained from the people that stay there. It is provided by the State; they are the ones who make it possible for this to happen.

If the City was to cut it down more, the developer would probably have to pull out of this because he would not have the ability to make a profit in this area. The right to do that is the City's right. He understands that the City is afraid to take it forward, but he does not know why they are afraid to fight the battle, when in their heart of hearts, he thinks the City knows this is not right. But because of the money and situation, they are afraid to fight the battle. Maybe contributions from many people here and in the community can make a difference. If it is being done here, Mr. Smith said that he promises the Council

that it can be done elsewhere. It can be done next to Mr. Smith's home or somewhere else in Murray. It can be done because these places are needed. There are over 500 people who are waiting to go into these homes. He believes it is a needed thing, but it is not needed to be done in areas like this. It needs to be done in areas that are right for this kind of commercial business development.

In closing, Mr. Smith told the Council to take this into consideration and if they need to, fight the battle. It is a battle that should be fought.

7. **Consent Agenda**

7.1 None scheduled.

8. **Public Hearings**

8.1 Public Hearing #1

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

Consider a Resolution approving the Mayor's appointment of Laverne Snow to the South Valley Mosquito Abatement District Board.

Staff Presentation: Ted Eyre, Mayor

Mayor Eyre asked Ms. Snow to join him at the podium. Mayor Eyre stated that Ms. Snow has served two complete terms on the South Valley Mosquito Abatement Board and she would like to continue with a third term on that Board.

Mayor Eyre said that Ms. Snow has an Undergraduate Degree in Communications and a Masters in Public Administration. She has another Masters from the University of Utah School of Medicine. She is currently working on her PhD and is very dedicated to receive that PhD.

Mayor Eyre stated that the reason he brings this up is because Ms. Snow is not only dedicated to education for herself, but also for the public safety. When you look at her personal goal, even though with all of this education, background, and experience in so many areas, her personal goal is to advance the public health by helping improve public health services and support public health professionals and improve a health choice.

Mayor Eyre said he has not known Ms. Snow for very long but he has been deeply impressed with her commitment to help our community. As many people may know, Ms. Snow's husband has served on the Power Advisory Board and was the Chair of that Board for a while. Not only

does Ms. Snow have, but her family has, a history of service to our community. Mayor Eyre commended her for that.

Mayor Eyre added that this Board is like all of the other Advisory Boards that we have here in Murray. These are Advisory Boards that do so much for the quality of our community that the rest of us really do not see. We just enjoy the benefits of them, but we really do not see what they really do. This Mosquito Abatement Board not only helps out public safety and improves the quality of our community, it also aides farmers and ranchers and others that have livestock that can be affected by this as well. This is one of those Boards that you just do not see out in front of you all the time, but we all appreciate the benefits of it and we all enjoy the health aspects of it.

Mayor Eyre said that anyone with the qualifications of Ms. Snow that would be willing to dedicate their time to such a thing is highly commendable. Mayor Eyre presented Ms. Snow for consideration of this Board.

Ms. Snow stated it was an honor for her to be here today. She loves living in Murray. Her family made an explicit decision to build a home in Murray and has been here for more than 15 years.

Ms. Snow said she had an opportunity to serve on the Personnel Review Board before being appointed as a Commissioner on the Mosquito Abatement Board. She is one of 15 Commissioners but is the sole representative for Murray. She makes a commitment to serve Murray's interests. She said if there are any community groups that want some information about why we need mosquito protection and how you can protect your home and family personally to contact her.

She added this is a challenging job because it is not only the Administrative side of a Board or Commission, but also the science of Mosquito Abatement is complicated. Ms. Snow prefers to not have chemical and pesticides in our environment. She received a little lecture from Gary Edwards, Health Director, when West Nile Virus was a huge problem in Salt Lake. After that, Ms. Snow had to take into consideration the balance between the safe use of pesticides and protecting people from dying.

Ms. Snow stated that the Mosquito Abatement staff takes the information on the labels very seriously. They use pesticides as little as possible. They use them as the label safely determines by research.

Taxes are about \$5.00 a year for a house worth about \$250,000.00. Those taxes were doubled for about four years in order to build a new, safer

building. It is a lot safer way to store the pesticides and give the staff space to do what they need to do. When the new building was paid off, they reduced the taxes. They are one of the few government special districts that have ever lowered tax rates. They are really proud of that; that they stuck to it and did lower the taxes back to the rate they were.

Ms. Snow said it is an honor to serve. She is available if anyone has questions or would like presentations or more information. She thanked the Council for providing her with this opportunity to serve the community.

Public Hearing Open for public comment.

No comments given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Camp stated that he had the opportunity to go through Ms. Snow's resume and he was very impressed. He said we are very fortunate to have someone of this caliber and has this knowledge that is willing to serve.

Mr. Camp made a motion to adopt the Resolution
Ms. Turner seconded the motion

Call vote recorded by Jennifer Kennedy

 A Ms. Turner
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass

Motion passed 5-0

8.2 Public Hearing #2

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

Consider a Resolution declaring certain real property located at approximately 5201 South Murray Park Lane, Murray City, Salt Lake County, State of Utah, as surplus.

Staff Presentation: Doug Hill, Public Services Director.

Mr. Hill said that if you have been up on the property behind the Murray Ice Center which is owned by Salt Lake County, you may have noticed that they have done significant work up there in renovating those play fields. As part of that renovation, the rugby field was reoriented so that it faced north and south which required additional grass area that did not exist.

Mr. Hill showed the boundary line that currently exists between the Murray City property and Salt Lake County's property which is the sidewalk that traverses the center of the photograph. (Attachment 2) He added that Murray City owns the property to the north and Salt Lake County owns the property to the south.

In order to fit the new rugby field on Salt Lake County's property, it required moving the sidewalk further to the north and that has been accomplished. The County has moved that sidewalk and been able to seed that area for grass.

The County has now approached the City and have asked that we surplus and deed to them the property so that the rugby field and sidewalk fit entirely on their property. It is about $\frac{1}{4}$ of an acre in size and is more detailed in the second photograph. The area north of the sidewalk to the yellow line is the property they are asking that the City deed to them.

Mr. Hill said that under State Law and City Ordinance whenever the City wants to sell or deed property to another owner, it requires that the property be surplus. That is what is before the Council in this Public Hearing. The first action would be for the Council to surplus the property and then, later on in the agenda, under New Business, there will be an approval of an Interlocal Agreement with Salt Lake County to deed the property to them. There is no exchange of monies for this property which is spelled out in the Interlocal Agreement.

Mr. Hill stated that by way of historical data, this property was at one time owned by Salt Lake County. When the City wanted to build the recreation center, we approached Salt Lake County and asked them to deed the property to us, which they did without any exchange of funds. Now they are asking that we deed a smaller portion of this property back to them so that the rugby field can sit again entirely on their property.

Mr. Nicponski asked if there were two rugby fields.

Mr. Hill replied yes. They have built two rugby fields and an additional soccer field up there.

Public Hearing Open for public comment.

No comments given.

Public comment closed.

8.2.2 Council consideration of the above matter.

Mr. Nicponski made a motion to adopt the Resolution
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

 A Ms. Turner
 A Mr. Hales
 A Mr. Nicponski
 A Mr. Camp
 A Mr. Brass

Motion passed 5-0

8.3 Public Hearing #2

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

Consider a Resolution acknowledging the holding of a public hearing to receive public input with respect to (A) the issuance of the Series 2014 Bonds and (B) any potential economic impact that the project described herein to be financed with the proceeds of the Series 2014 Bonds may have on the private sector.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that on December 10, 2013 there was a meeting for a Parameters Resolution. In the meeting, they talked about issuing \$3 Million in bonds. The property the City is purchasing is substantially less than what we were planning because we did not get as many properties as we thought. We are going to be issuing \$1.35 Million in bonds.

We had planned for up to 5% but the bonds look like we are going to get anywhere from 2% to 2.3%.

We thought the duration of these bonds would be up to 15 years. Since it is a lower amount, it is only going to be 5 years.

Mr. Zollinger added that this is for the Wright property. As far as he knows, the City does not have anything that will be a conflict or a competition with any of the private sector.

He reiterated that we need to have this hearing to comply with State Law.

Ms. Turner said this sounds like a great deal and thanked Mr. Zollinger.

Public Hearing Open for public comment.

Carlyle Clark – 6074 South Fontaine Bleu Drive, Murray Utah

Mr. Clark said that Mr. Zollinger stated these bonds were being issued to purchase property. He asked where the property was located.

Mr. Brass responded it is the Wright Costume shop on State Street and 5th Avenue.

Mr. Clark asked if that was property already owned by Murray City.

Mr. Brass said it is property the City is buying.

Mr. Clark asked how big of the piece of land is.

Mr. Brass responded he did not know this size.

Mr. Clark asked the reason the City is purchasing the property.

Mr. Brass said the City is in the process of redeveloping the downtown area and that is a major portion of it. One of the things that have held up development downtown is the lack of parking. The City is trying to accumulate land to put in a parking structure. Then we can build businesses.

Mr. Clark stated he remembered Mayor Snarr was trying to do that also. Mr. Clark thinks it is a great idea.

Public comment closed.

8.3.2 Council consideration of the above matter.

Mr. Hales made a motion to adopt the Resolution
Mr. Nicponski seconded the motion

Call vote recorded by Jennifer Kennedy

A Ms. Turner

A Mr. Hales
A Mr. Nicponski
A Mr. Camp
A Mr. Brass

Motion passed 5-0

9. **Unfinished Business**

9.1 None scheduled.

10. **New Business**

10.1 Consider a Resolution authorizing the execution of an Interlocal Cooperation Agreement for the conveyance of a 0.277 acre parcel of surplus real property, and approving the conveyance of the surplus property by Quitclaim Deed to Salt Lake County.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill said this relates to the property he just discussed. This is the formal agreement with Salt Lake County that would deed the property that was just surplused to them.

Ms. Turner made a motion to approve the Resolution
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

A Ms. Turner
A Mr. Hales
A Mr. Nicponski
A Mr. Camp
A Mr. Brass

Motion passed 5-0

10.2 Consider a Resolution approving an Interlocal Cooperation Agreement between the City and Salt Lake County to purchase LiDAR data from the Salt Lake County Surveyor's office.

Staff presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey stated the Council has a copy of the Resolution approving a partnership with Salt Lake County, along with other communities, for the purchase of this data. The amount to participate is a little over \$2,600.00. It is

based on the cost per square mile to get this data. The data is the light detection and ranging and allows the City to have dimensional and surface characteristics for a variety of purposes that help us with utility billing, planning and development, topography information, and overhead lines, heights and surface elevation modeling.

Mr. Tingey added it is really important to have this data for a variety of different areas in the City and projects that we work on. It is a great price. Salt Lake County is paying \$50,000.00 of this which is around half. The other communities are paying their share and ours is just over \$2,600.00. Multiple departments will share in this and the budget has been approved to have this expenditure go forward.

Mr. Camp asked how often we do these updates.

Mr. Tingey responded that he believed the last update was in 1995. We do have some other data in 2006, but this is a big undertaking. It is very timely and we need it.

Ms. Turner made a motion to approve the Resolution
Mr. Camp seconded the motion

Call vote recorded by Jennifer Kennedy

A Ms. Turner
A Mr. Hales
A Mr. Nicponski
A Mr. Camp
A Mr. Brass

Motion passed 5-0

10.3 Election of Chair and Vice Chair of the Murray City Municipal Council for the year 2014.

Mr. Brass asked for nominations for Council Chair.

Mr. Nicponski nominated Brett Hales to serve as Council Chair.

No other nominations were given.

Voice vote taken, all "ayes."

Mr. Hales was elected as Council Chair for 2014.

Mr. Brass asked for nominations for Council Vice Chair.

Mr. Hales nominated Dave Nicponski.

No other nominations were given.

Voice vote taken, all "ayes."

Mr. Nicponski was elected as Council Vice Chair for 2014.

10.4 Election of Chair and Vice Chair of the Murray City Budget and Finance Committee for the year 2014.

Mr. Brass asked for nominations for Budget Chair.

Mr. Nicponski nominated Jim Brass to serve as Budget Chair.

No other nominations were given.

Voice vote taken, all "ayes."

Mr. Brass was elected as Budget Chair for 2014.

Mr. Brass asked for nominations for Budget Vice Chair.

Mr. Hales nominated Dave Nicponski.

No other nominations were given.

Voice vote taken, all "ayes."

Mr. Nicponski was elected as Budget Vice Chair for 2014.

10.5 Election of a representative to serve as a member of the Association of Municipal Councils Board for a two-year term to expire December 31, 2015.

Mr. Brass stated that for those who do not know, the Association of Municipal Councils meets at City Hall once a month. It is Council Members and representatives from the different Councils from throughout the valley. He served on this Board for a while; even chaired it. It is a nice association.

Mr. Nicponski added that he has also served on that Board. He thinks it is very valuable because you interface with the other cities and their appointed Councilmen.

Mr. Nicponski nominated Blair Camp to serve as the City's representative.

No other nominations were given.

Voice vote taken, all "ayes."

Mr. Camp will represent Murray City on the Association of Municipal Councils Board.

11. Mayor

11.1 Report

Mayor Eyre said that for a few of them sitting up here this is the first time they have ever had this viewpoint and this prospective; looking out over the City when a City is taking care of its own business.

He added that this is serious stuff and it is a pleasure, thrill and honor to get involved in it. We saw tonight two police officers who were willing to become part of a municipal service that protects our health, wellbeing, and safety. We saw a number of Resolutions voted on tonight. However, one of the finest things we saw tonight was local municipal democracy getting worked right here in this room. This is where the rubber meets the road as you all know, but for three of us, we have not had that prospective for some time.

It is pretty impressive for them; they really appreciate the time the Council has put in to doing what they do to make this City work the way it does. It is quite humbling for those who are brand new at it; to see democracy work in this way.

This is what this City, this community, this government, and this nation is when it is held at this level.

11.2 Questions for the Mayor

12. Adjournment

Attachment 1

JOINT STATEMENT OF THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GROUP HOMES, LOCAL LAND USE, AND THE FAIR HOUSING ACT

Since the federal Fair Housing Act ("the Act") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement provides an overview of the Fair Housing Act's requirements in this area. Specific topics are addressed in more depth in the attached Questions and Answers.

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability.¹ The Act does not pre-empt local zoning laws. However, the Act applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful –

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.
- What constitutes a reasonable accommodation is a case-by-case determination.
- Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

The disability discrimination provisions of the Fair Housing Act do not extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable dispute resolution procedures, like mediation, as alternatives to litigation.

DATE: AUGUST 18, 1999

Questions and Answers on the Fair Housing Act and Zoning

Q. Does the Fair Housing Act pre-empt local zoning laws?

No. "Pre-emption" is a legal term meaning that one level of government has taken over a field and left no room for government at any other level to pass laws or exercise authority in that area. The Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. However, if that power is exercised in a specific instance in a way that is inconsistent with a federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts had held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.

Q. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning. In this statement, the term "group home" refers to housing occupied by groups of unrelated individuals with disabilities.² Sometimes, but not always, housing is provided by organizations that also offer various services for individuals with disabilities living in the group homes. Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.

The term "group home" is also sometimes applied to any group of unrelated persons who live together in a dwelling -- such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

Q. Who are persons with disabilities within the meaning of the Fair Housing Act?

The Fair Housing Act prohibits discrimination on the basis of handicap. "Handicap" has the same legal meaning as the term "disability" which is used in other federal civil rights laws. Persons with disabilities (handicaps) are individuals with mental or physical impairments which substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Q. What kinds of local zoning and land use laws relating to group homes violate the Fair Housing Act?

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home for seven people with disabilities was not allowed to locate in a single family zoned neighborhood, because a group of seven unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for seven persons with disabilities would have to be given the opportunity to seek an exception or waiver. If the criteria for reasonable accommodation are met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

Q. What is a reasonable accommodation under the Fair Housing Act?

As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.

Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable.

What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.

By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Q. What is the procedure for requesting a reasonable accommodation?

Where a local zoning scheme specifies procedures for seeking a departure from the general rule, courts have decided, and the Department of Justice and HUD agree, that these procedures must ordinarily be followed. If no procedure is specified, persons with disabilities may, nevertheless, request a reasonable accommodation in some other way, and a local government is obligated to grant it if it meets the criteria discussed above. A local government's failure to respond to a request for reasonable accommodation or an inordinate delay in responding could also violate the Act.

Whether a procedure for requesting accommodations is provided or not, if local government officials have previously made statements or otherwise indicated that an application would not receive fair consideration, or if the procedure itself is discriminatory, then individuals with disabilities living in a group home (and/or its operator) might be able to go directly into court to request an order for an accommodation.

Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.

Q. When, if ever, can a local government limit the number of group homes that can locate in a certain area?

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

Q. What kinds of health and safety regulations can be imposed upon group homes?

The great majority of group homes for persons with disabilities are subject to state regulations intended to protect the health and safety of their residents. The Department of Justice and HUD believe, as do responsible group home operators, that such licensing schemes are necessary and legitimate. Neighbors who have concerns that a particular group home is being operated inappropriately should be able to bring their concerns to the attention of the responsible licensing agency. We encourage the states to commit the resources needed to make these systems responsive to resident and community needs and concerns.

Regulation and licensing requirements for group homes are themselves subject to scrutiny under the Fair Housing Act. Such requirements based on health and safety concerns can be discriminatory themselves or may be cited sometimes to disguise discriminatory motives behind attempts to exclude group homes from a community. Regulators must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection. For example, it may be appropriate to require heightened fire safety measures in a group home for people who are unable to move about without assistance. But for another group of persons with disabilities who do not desire or need such assistance, it would not be appropriate to require fire safety measures beyond those normally imposed on the size and type of residential building involved.

Q. Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?

In the same way a local government would break the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities, a local government can violate the Fair Housing Act if it blocks a group home or denies a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers are not themselves personally prejudiced against persons with disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, that could be enough to prove a violation.

Of course, a city council or zoning board is not bound by everything that is said by every person who speaks out at a public hearing. It is the record as a whole that will be determinative. If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to treat them as pretextual, and to find that there has been discrimination.

For example, neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application, if another type of facility would ordinarily be denied a permit for such parking problems. However, if a group of individuals with disabilities or a group home operator shows by **credible and un rebutted evidence** that the home will not create a need for more parking spaces, or submits a plan to provide whatever off-street parking may be needed, then parking concerns would not support a decision to deny the home a permit.

Q. What is the status of group living arrangements for children under the Fair Housing Act?

In the course of litigation addressing group homes for persons with disabilities, the issue has arisen whether the Fair Housing Act also provides protections for group living arrangements for children. Such living arrangements are covered by the Fair Housing Act's provisions prohibiting discrimination against families with children. For example, a local government may not enforce a zoning ordinance which treats group living arrangements for children less favorably than it treats a similar group living arrangement for unrelated adults. Thus, an ordinance that defined a group of up to six unrelated adult persons as a family, but specifically disallowed a group living arrangement for six or fewer children, would, on its face, discriminate on the basis of familial status. Likewise, a local government might violate the Act if it denied a permit to such a home because neighbors did not want to have a group facility for children next to them.

The law generally recognizes that children require adult supervision. Imposing a reasonable requirement for adequate supervision in group living facilities for children would not violate the familial status provisions of the Fair Housing Act.

Q. How are zoning and land use matters handled by HUD and the Department of Justice?

The Fair Housing Act gives the Department of Housing and Urban Development the power to receive and investigate complaints of discrimination, including complaints that a local government has discriminated in exercising its land use and zoning powers. HUD is also obligated by statute to attempt to conciliate the complaints that it receives, even before it completes an investigation.

In matters involving zoning and land use, HUD does not issue a charge of discrimination. Instead, HUD refers matters it believes may be meritorious to the Department of Justice which, in its discretion, may decide to bring suit against the respondent in such a case. The Department of Justice may also bring suit in a case that has not been the subject of a HUD complaint by exercising its power to initiate litigation alleging a "pattern or practice" of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

The Department of Justice's principal objective in a suit of this kind is to remove significant barriers to the housing opportunities available for persons with disabilities. The Department ordinarily will not participate in litigation to challenge discriminatory ordinances which are not being enforced, unless there is evidence that the mere existence of the provisions are preventing or discouraging the development of needed housing.

If HUD determines that there is no reasonable basis to believe that there may be a violation, it will close an investigation without referring the matter to the Department of Justice. Although the Department of Justice would still have independent "pattern or practice" authority to take enforcement action in the matter that was the subject of the closed HUD investigation, that would be an unlikely event. A HUD or Department of Justice decision not to proceed with a zoning or land use matter does not foreclose private plaintiffs from pursuing a claim.

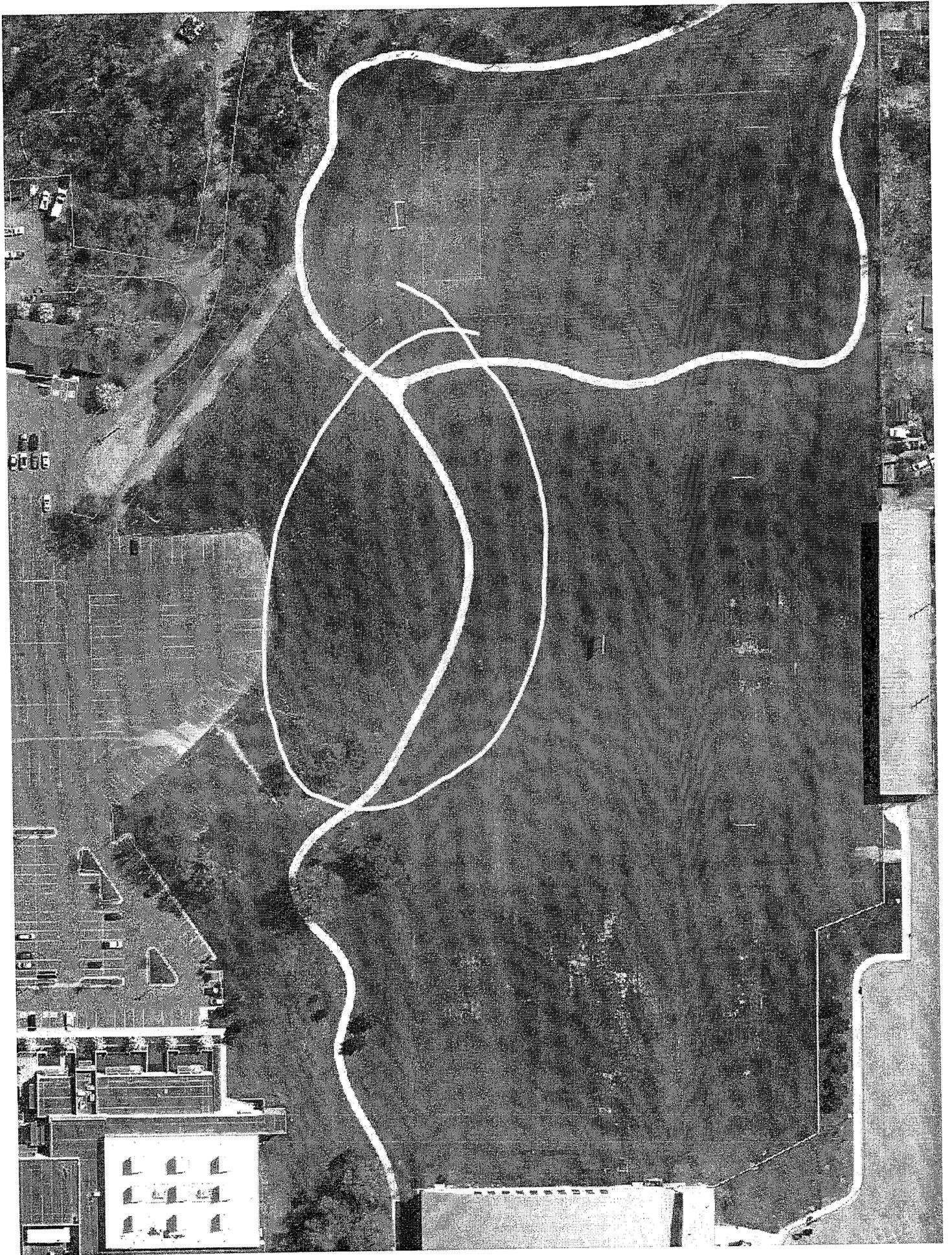
Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation. HUD attempts to conciliate all Fair Housing Act complaints that it receives. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

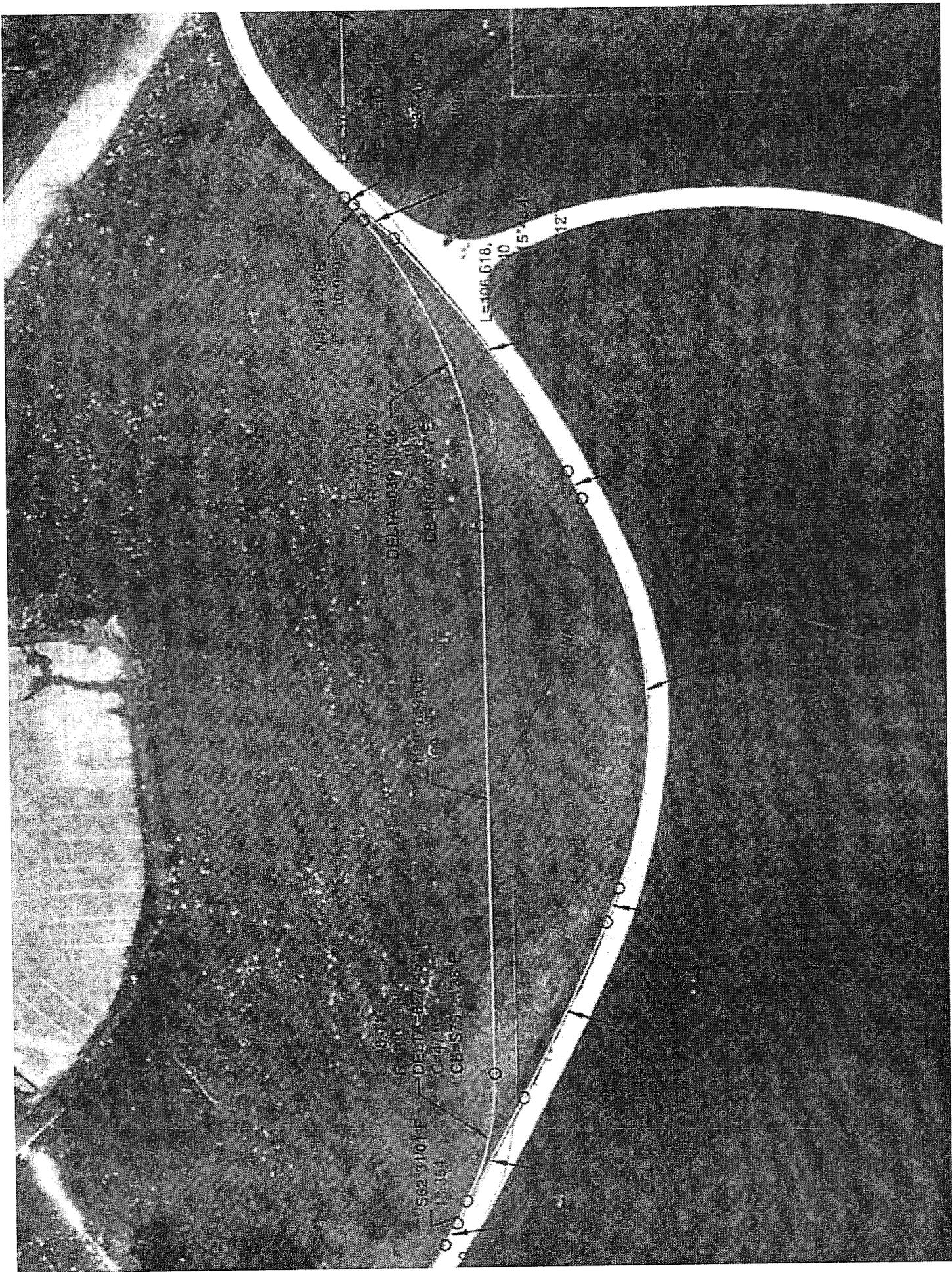
Source: http://www.justice.gov/crt/about/hce/final8_1.php

¹ The Fair Housing Act uses the term "handicap." This document uses the term "disability" which has exactly the same legal meaning.

² There are groups of unrelated persons with disabilities who choose to live together who do not consider their living arrangements "group homes," and it is inappropriate to consider them "group homes" as that concept is discussed in this statement.

Attachment 2





Nag Ambe
10.000

Deltaport
Deltaport
Deltaport

Nag Ambe
10.000

Sect 310 NE
Deltaport
10.000

L=106.018
10 12

10 10

10 10

10 10

10 10

10 10

**Special
Recognition #1**

Murray City Municipal Council Request for Council Action

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

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)
MURRAY CITY COUNCIL EMPLOYEE OF THE MONTH – JANUARY 2014
MICHELLE LUNDEEN, Office Administrator III, Power.

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 January 21, 2014

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain)

Other (explain) Special Presentation

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

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

6. **REQUESTOR:**

Name: Janet Lopez

Title: Council Administrator

Presenter: Greg Bellon

Title: Murray City Power

Agency: Murray City Corporation

Phone: 801-264-2622

Date: January 10, 2014

Time:

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

Department Director:

Date:

Mayor:

Date:

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

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

Recommendation: _____

9. **NOTES:**

See attached recommendation by Blaine Haacke.

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Power Department	January 21, 2014
------------------	------------------

NAME of person to be recognized:

Submitted by:

Michelle Lundeen	Blaine Haacke, to be presented by Greg Bellon
------------------	---

DIVISION AND JOB TITLE:

Office Administrator III

YEARS OF SERVICE:

13 1/2

REASON FOR RECOGNITION:

<p>Michelle's continual positive attitude and upbeat personality is contagious and of huge value to the Power Department. She is able to handle payroll and employee issues as well as monitor phones, interruptions and walk-in customers without missing a beat. She has the added responsibility of tracking and monitoring Apprentice/ Journeyman hours for our employees in order for them to move their schooling on time and receive promotions. Michelle has served as the MCEA representative for numerous years and continues to be a key player in that organization. When assigned anything, her immediate response is always, "I can do that". That is a refreshing approach. Dealing with contactors and manning the 'front lines' for citizen walk-ins can be unsettling at times. But Michelle is always very professional with these groups as well as with her co-workers. She is a jewel.</p>

COUNCIL USE:

MONTH/YEAR HONORED <i>January 2014</i>
--

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 Mayor Eyre's reappointment of **Brandon Beckstead** to the **Arts Advisory Board** for a final **two-year term** in an **At-Large** position while living in **District 1** - effective from **1/15/2014** to **1/15/2016**

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)
January 21st 2014

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

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

6. **REQUESTOR:**

Name: <u>Mary Ann Kirk</u>	Title: <u>Cultural Arts Program Coordinator</u>
Presenter: <u>Ted Eyre</u>	Title: <u>Mayor</u>
Agency: <u>Murray City Corporation</u>	Phone: <u>264-2600</u>
Date: <u>January 8th 2014</u>	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: Doug Hill Date: January 8th 2014

Mayor: *David Ted Eyre* Date: January 8th 2014

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

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

9. **NOTES:**
Brandon Beckstead will continue to serve his **second and final full two-year term** on the **Arts Advisory Board** effective **1/15/2014** to **1/15/2016**

BRANDON C. BECKSTEAD

1243 West Brandonwood Drive • Murray, Utah 84123
bbeckstead@hotmail.com • (801) 706-0327

Proven manager with success in overseeing a diverse range of projects from vision and strategy to execution and delivery. Exceptional interpersonal and communications talents to drive internal and external partnerships. Ability to create strong client relations to ensure total satisfaction. Fluent in English and Spanish. Open to travel.

CORE COMPETENCIES

- Account Management
 - Partner Development
 - Sales
 - Key Client Relations
 - Event Planning
 - Proposal Preparation
 - Project Management
 - Strategic Planning
 - Contract Negotiation
-

PROFESSIONAL EXPERIENCE

FARM BUREAU FINANCIAL SERVICES – Salt Lake City, Utah 2008 to Present

Carrier Agent (2008 to Present)

Marketing to prospects and new customers to sell insurance policies to and offer other services such as financial planning, estate planning, retirement planning, and college planning. Used cross-selling opportunities to grow customers in all areas of insurance and most investments. Held financial training seminars to attract new customers. Hired, trained and managed staff.

Key Achievements:

- Created marketing programs with business' and general public
- Maintained a 95.8% retention rate of clients
- Made the 50 Club and Blue Vase Club– Sales Recognitions

SALT PALACE CONVENTION CENTER SMG – Salt Lake City, Utah 2005 to 2008

National Sales Manager (2005 to 2008)

In charge of all clients that are more than a year and a half out. Negotiated contracts with clients and potential clients. Assisted in marketing the Salt Palace Convention Center. Created goals for all National Sales. Traveled out of state to work with potential clients. Helped create marketing plans. Responded to RFP's and wrote outgoing proposals.

Key Achievements:

- Sales team consisting of myself and one other beat our sales goals by \$1,000,000 or 34% in 2007
- Strengthened working relationship with Salt Lake Convention and Visitors Bureau, SMG's main partner
- Created new EXCEL programs to condense and expedite all work for department

MODERN DISPLAY – Salt Lake City, Utah 2003 to 2005

Account Executive (2003 to 2005)

Sales, marketing and production of exposition services to long-lasting and new clients with accounts spanning across the country. Customers included Sundance Film Festival, Stampin' Up, Utah Dental, System and Software Technology Conference, International Sportsman's Exposition and many more.

Key Achievements:

- Maintained and strengthened relationships with five of Modern Displays top ten accounts.
- Successfully executed month long Sundance Film Festival Event
- Headed group that presented to clients creative ideas to accomplish their goals for their event or project.

- Through my work at Modern Display I was recruited by the Salt Palace Convention Center.

THANKSGIVINGPOINT – Lehi, Utah

2001 to 2002

Events Manager

Created, managed, assisted in marketing and closed financials of all public events. Supervised a staff of 6-20 people per event. Managed events such as: Easter Egg Hunt (15,000 patrons), Merle Haggard (3,500 patrons), The Ark (30 continuous shows) and all other public events at venues. Coordinated with internal departments, neighborhood police, local businesses, 150 volunteers and multiple TV and radio stations per event.

Key Achievements:

- Executed new projects and events on a regular basis
- Grew existing events to most successful ever, for example: Easter Egg Hunt grew from approximately 4,500 attendees to 15,000 in the year I was project manager.

DELTA CENTER – Salt Lake City, Utah

2000 to 2001

Event Manager -

Managed or assisted in every event including: Utah Jazz and Utah Starzz Games, Concerts including Bon Jovi (16,000 patrons) and U2 (\$1.3 million revenue in one night), Banquets, TV and Radio Media, Commercials and Movie Shoots, Small Meetings and Family shows such as Disney on Ice and Moto Cross.

Key Achievements:

- Started as an intern and before finishing college was hired on as a full time employee.
- Consistently working on multiple projects at any given time.

EDUCATION

Master of Business Administration

EMPHASIS IN MARKETING

UNIVERSITY OF UTAH, Salt Lake City, Utah

~ *David Eccles School of Business* ~

Bachelor of Science in Organizational Communications

UNIVERSITY OF UTAH, Salt Lake City, Utah

~ *College of Humanities* ~

TECHNICAL SKILLS

Access, Act, Outlook, Excel, Word, Powerpoint
Fluent in Spanish

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 Mayor Eyre's reappointment of **Scott Mooy** to the **Arts Advisory Board** in a **District 1 - At-Large** position for a **three-year term** effective **1/15/2014 to 1/15/2017**

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)
January 21st 2014

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/Bio attached

6. **REQUESTOR:**
Name: Mary Ann Kirk Title: Cultural Arts Program Coordinator
Presenter: Ted Eyre Title: Mayor
Agency: Arts Advisory Board Phone: 264-2638
Date: January 8th 2014 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: Doug Hill Date: January 8th 2014
Mayor:  Date: January 8th 2014

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

9. **NOTES:**
Scott Mooy will continue serving on the **Arts Advisory Board** for a **second and final three-year term** effective **1/15/2014 to 1/15/2017**

Scott Mooy
6712 Murray Bluffs Drive
Murray, Utah 84123
801-262-5560 (home)
801-240-5701 (work)
mooyism@ldschurch.org (email)

I have an MFA in graphic design from the University of Utah. I taught design at both the U of U and SUU. I worked for the Utah Shakespearean Festival and SUU Theater Department as their graphic designer for three seasons, including the season the Festival doubled their offerings with the new Randall Theater. After a stint as an art director for a sportswear company, I began working for the LDS Church. I worked in General Publications Graphics for over 13 years, which included working with the Tabernacle Choir and the Church's Cultural Arts office. Almost three years ago I moved into the magazine design area, where I work as a Senior Designer on all four of the Church's magazines. I have won design awards from ADSLC, AIGA, the Herb Lubalin Typography Award, and a Pearl Award.

I did a little acting in high school and college. I did a lot more singing, through high school, college, church, and also with Utah Chamber Artists from 1991–2001. I have served on several nonprofit boards or committees, including the Salt Lake Art Directors Club, the Utah Chapter Arthritis Foundation Public Relations, Utah Federation for Drug-free Youth, the Murray City Historic Preservation Advisory Board, and currently am on the Friends of the Murray Center for the Performing Arts Board. My family and I are supporters of Murray Max soccer, U of U football, Salt Lake's gallery association and Murray's cultural arts. My wife, Connie, is a first grade teacher at Calvin Smith Elementary in Granite District, our children attend Riverview Junior High and Murray High School.

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 Mayor Eyre's **new appointment of Kimberly Lewis to the Arts Advisory Board in a District 5 At-Large position for a first three-year term effective 1/21/2014 to 1/15/2017** (She will fill the position of Elaine Judd who served well to Term Limits)

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)
January 21st 2014

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/BIO attached

6. REQUESTOR:

Name: Mary Ann Kirk Title: Cultural Arts Program Coordinator
Presenter: Ted Eyre Title: Mayor
Agency: Arts Advisory Board Phone: 264-2638
Date: January 8th 2014 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: Doug Hill Date: January 8th 2014

Mayor: *David Ted Eyre* Date: January 8th 2014

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Kimberly Lewis will begin serving immediately on the **Arts Advisory Board** effective **1/21/2014 to 1/15/2017**

KIMBERLY L. LEWIS
638 E. WILFORD AVENUE, MURRAY, UT 84107
(801) 263-0808 KIMBERLYLEWIS1968@GMAIL.COM

SKILLS & ATTRIBUTES

- Adept at innovative and strategic planning to ensure activities align with goals.
- Skilled at developing performance-based goals and measures in operational plans.
- Successful track record of building collaborative partnerships.
- Experienced at leading and creating high-performance teams to achieve results.
- Demonstrated effectiveness in working with individuals from diverse backgrounds, who have varying levels of experience and unique skill sets.
- Create environments that challenge people to succeed while having fun.
- Demonstrated success in managing complex departmental budgets.

PROFESSIONAL EXPERIENCE

GIRL SCOUTS OF UTAH Salt Lake City, UT (2012-2013)
Chief Membership, Volunteer & Program Officer

Spearheaded the development of a comprehensive strategic plan for program enhancement; membership growth and retention; and volunteer engagement; managing an 18-member team with three direct reports supporting 8,000 girl members and 3,000 adult volunteers. Achieved 3% growth during tenure.

Key contributions and accomplishments:

- Served as national convention team lead successfully collaborating with national and council leadership.
- Created efficient systems to evaluate programs and the achievement of outcomes.
- Oversaw the assessment and modification of volunteer systems including changing internal culture and external perception to emphasize team-oriented approach.
- Ensured that program delivery reflected current research and best practices on experiential education as well as the development of youth.

GIRL SCOUTS OF COLORADO Denver, CO (2008-2012)
Vice President, Fund Development

Redesigned and implemented strategic statewide, multi-year resource development initiatives while sustaining revenue and increasing funding commitments for key long-term supporters during re-alignment.

Key contributions and accomplishments:

- Led six-member department to meet \$1.25M annual revenue responsibility through the management and growth of pipeline donors who met strategically identified needs for programmatic growth.
- Served as major gifts officer securing \$25K+ capital and matching gifts.
- Increased new donors by 18% and average gift from all sources by 10% annually.
- Implemented individual planning with board members and development committee to identify the legacy they wished for their board service.

MAKE-A-WISH FOUNDATION OF ARIZONA Phoenix, AZ (2007-2008)
Director of Development & Communications

Led three-member development and communications department implementing strategies for major gifts, planned giving, grants, special events, and creative public relations strategies to raise \$2.5M annually.

Key contributions and accomplishments:

- Executed \$500k net black tie gala.
- Launched community advisory councils netting \$25k additional revenue.
- Created Arizona sports CEO's wish council to reduce sports-related wish costs by 18% annually.
- Developed robust marketing/public relations strategies, and designed branding campaigns increasing corporate wish adoptions by 15%.

WEST VALLEY CHILD CRISIS CENTER Glendale, AZ (2004-2007)
Director of Development & Marketing

Managed the development and implementation of annual and long-term fundraising and public relations strategies to raise \$1.4M annually.

Key contributions and accomplishments:

- Organized government, foundation and private grant management, researching funding opportunities/organizational fit, developing concept, determining outcomes, and cultivating partnerships, exceeding foundation revenue by \$100k.
- Created a corporate and inkind partnership program that offset budgeted expenses.
- Authored and successfully negotiated contract for agency adoption/foster license.
- Composed action-inspiring copy for annual reports, newsletters, direct marketing appeals, and corporate, foundation and individual solicitations.
- Developed mayor's roundtable to create collaborative community programs to aid in prevention education.

ADDITIONAL CAREER HISTORY

- Director of Development & Public Relations, Habitat for Humanity-West Valley, AZ
- Director of Development & Marketing, Torrance-South Bay YMCA, CA
- Director of Alumni Outreach Services, Pepperdine University, CA
- Development Director, American Cancer Society, AZ
- Community Director, March of Dimes Birth Defects Foundation, CA

EDUCATION

- **Master of Business Administration & Bachelor of Arts in Telecommunications**
Pepperdine University, Malibu, CA

COMMUNITY INVOLVEMENT

- Longview Community Council, Murray School District 2012-current
- 2013 Board Membership: The Adoption Exchange, Royal Family Kids, We Are Pals
- Founding Board Member, Bootstrap America, 2007-current
- Author, They've Always Been Nice to Me, benefiting Wickenburg, AZ Fire Department
- Impact Denver, Leadership West and Leadership Torrance alumna

KIM LEWIS

Kim's experience in the non-profit, higher education, and entertainment industries for more than two decades has improved communities, changed lives and empowered youth. She has worked for six nationally recognized non-profit organizations (Girl Scouts, Make-A-Wish Foundation, Habitat for Humanity, YMCA, American Cancer Society and March of Dimes). She is a strategic leader who orchestrates multi-million dollar innovative marketing and fundraising campaigns through powerful relationship-building and generation of significant business and collaborative opportunities.

Fueled by an intense desire to contribute to improvements for disadvantaged families, abused and neglected children, and the health and well-being of youth, Kim devotes much of her spare time advocating for and supporting local agencies like the Adoption Exchange. She started her fundraising career in Kindergarten when she sold her first box of Girl Scout cookies. She quickly progressed to an entrepreneur with lemonade stands benefitting her local animal shelter. Then she advanced to selling candy bars, nuts, and pizza dough for a variety of after school programs. Today, she is a successful fundraising executive.

It was always instilled in her, from a very young age, that we all have a responsibility to make our communities better and to help others. Her family viewed fundraising as an act of love that was rooted in our hearts and was a part of our soul. She learned early on that community support is empowering; and that still guides her today.

Kim received her MBA and Bachelor of Arts in Telecommunications from Pepperdine University. An Arizona native, Kim relocated to Utah in 2012 with her husband Patrick, and their three adopted sons (ages 7, 8, and 9) and two dogs. They live in Murray, where here children attend Longview Elementary. She serves on their community council. Additionally, she enjoys hiking, crafting, traveling, and volunteering with her children's school and church. She is a self-published author of [They've Always Been Nice to Me](#), which was a tribute to her Uncle Randy who is retarded and challenged with Cerebral Palsy, yet lives a productive life.

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 Eyre's reappointment of **Morgan Selph** to the **Murray Parks and Recreation Advisory Board** in an **At-Large** position while living in **District 1** for a **third and final three-year term** effective **1/17/2014** to **1/17/2017**

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)

January 8th 2014

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: Doug Hill Title: Public Services Director
Presenter: Ted Eyre Title: Mayor
Agency: Parks and Recreation Advisory Board Phone: 270-2404
Date: January 8th 2014 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: Doug Hill Date: January 8th 2014

Mayor: *Ted Eyre* Date: January 8th 2014

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Morgan Selph will continue serving on the **Parks & Recreation Advisory Board** for a **third and final three-year term** effective **1/17/2014** to **1/17/2017**



Morgan Selph RLA

1080 Fairhaven Circle, Murray UT 84123
Morgan.Selph@gmail.com

(801) 590-3055

Summary of Qualifications

- ◆ Served as Chair and Secretary of Denney Whitford Neighborhood Council in Portland, OR.
- ◆ Helped write and secure Neighborhood Action Grants for play equipment and native restoration plantings for our neighborhood park.
- ◆ Able to work well with stakeholders to ensure project collaboration and coordination.
- ◆ Excellent communication and motivation skills.
- ◆ Known for ability to find creative design solutions for complex problems.
- ◆ Passionate about helping neighborhoods come together through parks and recreation.
- ◆ Believe that public involvement and communication is the key to better government.

Experience

Park Developer Project Manager, Salt Lake County Parks and Recreation, UT

July 2007 - Present

Contact: Emery Crook

Project Management:

Working as Project Manager of multiple regional scaled County Parks projects. Projects include water feature feasibility studies, multipurpose fields, hang gliding parks, and development of the flagship Herriman Recreation Center. With a strong background in public involvement I've been tasked to guide projects that are complex in nature and that have a high degree of public awareness.

Park Developer Project Manager, Vancouver-Clark Parks & Recreation, Vancouver, WA

July 2005 - June 2007

Contact: Jane Kleiner

Project Management:

Worked as project manager for multiple park development projects. Each capitalized on existing park qualities and resources to maximize play environments while enhancing natural resources. Each project responded to local input to develop plans unique to the neighborhood and park system. Developed first "natural play" playground in park system. Led multiple project teams through initial scoping, public involvement plans, master planning, design and bidding phases. Produced schematic and final master plan illustrations and project cost estimates. Represented projects before local governing boards for work sessions and final approvals. Shepherded projects through approvals and local permits.

Experience:

Landscape Architect & Project Manager, Portland Parks & Recreation, Portland, OR
January 2003 - July 2005 **Contact: Janet Bebb**

Project Management:

Errol Heights Park - 12 acre neighborhood park. Led research on natural resource values, recreation assessment, site conditions, and schematic design prior to master plan preparation. Organized and facilitated 6 steering committee meetings, 2 public open houses, and 1 site tour.

Gateway Parks Strategy Report – Report and GIS research focuses on fiscal impacts of parks for the Gateway Urban Renewal Area. Pioneered Parks Bureau process to illustrate and justify use of tax increment funds to catalyze development.

Children’s Arboretum – Master plan for 23 acre neighborhood park. Focused on integrating existing cultural history while maintaining and enhancing the natural resources of the park. Assisted in leading steering committee, public open houses, site tours and document preparation.

Construction Documents: Three Bridges, Forest Heights Park, Eastridge Park - Led or assisted document preparation for multiple phases. Office “Go to Guy” for developing cut/fill takeoffs, storm sewer design and solving intricate grading problems.

Trails: Red Electric Feasibility Study – 7 mile inter-urban trail along previous rail alignment. Lead associate in developing extensive trail mapping for public open houses and inter-bureau planning meetings. Refined trail options to minimize vertical gain and length to serve widest variety of trail users. Assisted in extensive public involvement process.

Columbia Slough Trail - 2 mile trail along waterway. Lead associate for putting together construction documents for permits and bidding.

Senior Landscape Architect, SRF Consulting Group, Inc., Minneapolis, MN

June 2000 - January 2003

Contact: Barry Warner

Master Plan: Manor Park- Consulted and collaborated with the City Council, Parks and Recreation Commission and community members to develop the master plan for a 5-acre neighborhood park that integrated creative and physical play structures, sports fields and native plants. Project management included business development, schematic design, construction document preparation, coordination and construction observation of both Phase 1 and 2.

Other Master Plans: Minnesota Landscape Arboretum Entrance, Clinton Field Community Design, Metropolitan Airport Commission's Humphery Terminal, Purgatory Creek Park.

Parks: Oak Park, Mud Lake, Clinton Field Park, Heritage Park, Sumner Park, and Bethune Park - Implemented design development, schematic design graphics, CD packages, cost estimation and construction observation.

Trails: Southwest Light Rail Transit Trail Connection, Construction documents and cost estimation

Associate, James Bach and Associates Landscape Architect, Salt Lake City, UT

July 1999 - August 1999

Contact: James Bach

December 1996 - August 1997

Responsibilities: Campus landscape redesign and construction estimate for LDS Business College, residential landscape design, detail and planting plan production, base maps and site inspections.

Owner/Partner, SweetWater Sprinklers and Landscaping, Park City, UT

July 1992 - October 1995

Responsibilities: Licensed and insured Utah contractor. Designed and installed gardens and landscapes in Park City, UT. Projects ranged from \$3,000 to \$75,000. Prime subcontractor for 2001 ASLA Merit Award - Red Butte Gardens in Salt Lake City, Utah.

Education and Training

University of Minnesota, Minneapolis, Minnesota. Graduated: May, 2000.

Masters of Landscape Architecture

Thesis Project focused on environmental and social impacts of lower Phalen Creek floodplain. Utilized input from neighborhood groups and city agencies to develop a master plan that combined soil and water remediation technologies with historical landscape features.

Brigham Young University, Provo, Utah.

Graduated: April 1998.

Bachelor of Science, Environmental Landscape Design

Coursework in Soils, Environmental Science, Woody and Herbaceous Plant Materials

Graphics: Graduated from the Mike Lin Graphics Workshop Jan. 2000

Awards and Honors

University of Beijing Lecture Series, Beijing, China, November, 2004

In America: Designing Parks for People and Aspects of American Park Maintenance.

CoPresident of MN Student chapter of ASLA, Dec. 1998 - Dec. 1999

Held membership meetings with workshops for students to supplement graphic and computer skills, represented students in meetings with school Dean and organized LA Career fair.

Computer Skills

Skilled in AutoCAD 2007, Microstation J, Arcview, Photoshop, InDesign, Illustrator, Corel Draw, Autodesk Buzzsaw, InfoPath, and Microsoft Office Suite.

Professional Associations

Registered Landscape Architect for the state of Washington. Utah in Process