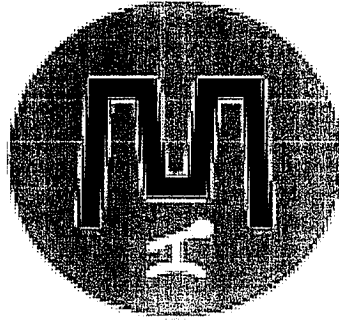
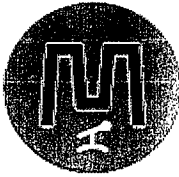




MURRAY
CITY COUNCIL

Council Initiative Workshop March 5, 2013



MURRAY
CITY COUNCIL

NOTICE OF MEETING
MURRAY CITY MUNICIPAL COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, March 5, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:45 p.m. **Council Initiative Workshop:** To be held in the Conference Room #107

1. Approval of Minutes

- 1.1 Committee of the Whole – November 20, 2012
- 1.2 Committee of the Whole – December 4, 2012

2. Business Items

- 2.1 Micro Cell Development, Deployment and Revenue – Darren Stam

3. Announcements

4. 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, March 1, 2013, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.

Janet M. Lopez
Council Administrator
Murray City Municipal Council

Committee of the Whole Minutes



MURRAY
CITY COUNCIL

DRAFT

MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, November 20, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Others in Attendance:

Dan Snarr	Mayor	Tim Tingey	ADS Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Justin Zollinger	Finance	Jennifer Kennedy	Recorder
Trae Stokes	Public Services	Nina Ogden	Student
Mike Johnson	Citizen	Dave Kasteler	Citizen
Jennifer Brass	Citizen	James Nielsen	Citizen
Marta Nielsen	Citizen		

Chairman Brass called the Committee of the Whole meeting to order at 4:30 p.m. and welcomed those in attendance.

Minutes

There were no scheduled minutes to be approved.

Business Item #1

Murray City Ethics Commission – Frank Nakamura

Mr. Nakamura presented a proposed ordinance that would be scheduled for the agenda on December 4th. The Utah State Legislature passed Senate bill 180 this year and created the State Ethics Commission. The State Ethics Commission's responsibility is to review violations or complaints regarding these state statutes. These statutes have been in place for a long time,

and cities have been operating by those laws. All cities are subject to the Municipal Ethics Act, the State Ethics act, and also one that deals with the County.

As part of that legislation, the City can establish a City, or Regional Ethics Commission. If there are complaints against Murray elected officials it could go to the established City Commission. If there is not one established, complaints will go to the state.

Mr. Shaver asked if an ethics commission is established would it be for local municipal officials only. Mr. Nakamura said the City's jurisdiction would be our elected officials.

Mr. Nakamura said that after reviewing this, it was decided that it would be better if a local commission was established; with local residents reviewing these complaints. Mr. Nakamura's experience is that if these issues go to the State level, they just get blown up, and it is better to deal with them here at a local level.

Mr. Nakamura said that he was not clear on when the commission finds a violation, what the authority would be for sanctions. The Commission could not remove an elected official without certain processes. The removal of the official would have to be done by the electorate.

Mr. Nakamura believes that the Ethics Commission finds the violations and makes recommendations. If it is a City employee in violation, the Mayor would ultimately decide the discipline. If it is an elected official, it would be referred to the District Attorney (D.A.).

Mr. Nicponski asked if the state statute spelled out the disciplinary action. Mr. Nakamura said that is does not.

Mayor Snarr asked if Murray created its own commission, would it define the disciplinary actions. Mr. Nakamura said the City can only do sanctions as defined under the law, which isn't clear. Even a judicial process would be difficult. It is a matter of public reprimand with elected officials. It is different with an employee, and volunteers of boards and commissions; the Mayor has the authority to make the decision. Mr. Nakamura isn't sure what the end result would be, beyond recommendations and public reprimands. The statutes talk about a judicial removal process, but that is hard to do without very specific standards.

Mr. Shaver brought up an example of a local Mayor that was reprimanded by the City Council for inappropriate activities. City officials slapped his hand, but nothing went beyond that. Mr. Shaver asked what the reporting is, and to whom do they report. Does the issue go to a judge, the Mayor, or the State, he asked. If it goes to the State, then it ends up right back in the state's hands anyway.

Mr. Hales commented on that same Mayor in question, and asked if he could have been voted out.

Mr. Nakamura said the statute does provide for a judicial removal process, and that would go to the D.A. This ordinance that he is proposing, still allows issues to go to the D.A.'s office if the ethical violations are also criminal in nature.

Mr. Nakamura said that he has had one time where the issue went to the D.A.'s office, and they suggested that the Municipal Ethics Act was broad, and they would have a hard time prosecuting criminally.

This change is a result of a case in Provo, where there was an issue with a Councilmember, and they would have liked to have a commission to review that. A commission was established and the Legislature thought there should be a State one in place also.

Mr. Nakamura recommended that the City create their own commission to handle any ethical complaints or violations. Mr. Nakamura believes that the City should handle the issues that are here within the City, and the State commission isn't a good default provision.

Mayor Snarr talked about the case in Cedar Hills where the Council asked the Mayor to step down because of ethical improprieties, even though they didn't have an ethical commission.

In this ordinance, Mr. Nakamura has taken the procedural elements of the state law, and moved it to this Ethics Commission. It has been patterned after the State Commission, so it is credible, and acknowledged by others that it has the jurisdiction over these matters. It is very detailed, in terms of reporting and process.

Mr. Shaver asked if this meets the State criteria if it were to be adopted. Mr. Nakamura said that it does.

Mr. Stam asked if there would be changes once the State creates their own commission. The State will possibly make changes, and so we would need to also, if we are patterning our commission after the State commission, he said

Mr. Nakamura said the statute defines what the commission does and the criteria for its members. Much of the standards that are defined are more of a constitutional and legal matter. The officials are elected by the people, so how far can administrative personnel go to make any changes, he questioned.

Mr. Stam asked if a commission is put together by the people, even though they may be the ones that voted to put the official in place, won't they have the power to remove an official.

Mr. Shaver said there have been instances where an official had been convicted of a crime, but still hold the office while they are going through the court process. They can hold the office until a recall election has been done.

Mr. Nakamura said the concern is that if the City doesn't have a commission in place, and the default mode takes place, the issue goes to the State Commission. As time goes on, some of these issues may have to be refined, as to what kind of sanctions can take place.

Mayor Snarr asked if the State commission reviews complaints about the legislators. Mr. Nicponski said the Legislature polices themselves, and they have a committee. He isn't sure if the Ethics Commission supercedes the Legislative Committee.

Mr. Stam asked if the public meeting becomes closed, if a complaint is filed, Mr. Nakamura said that the City doesn't want frivolous or vindictive complaints to be aired publicly before they have any merit. There are summary reviews of these before they are passed on to the commission to make sure they have merit. Mr. Stam asked where the reports go at the end of year. Mr. Nakamura said they go to the elected officials, not to the state. They also are not reported if they are found to be without merit.

Mr. Nicponski commented on the high quality of the Murray citizens that would be on the commission, and said they are trustworthy.

Business Item #2

Public Streets Standards Discussion- Tim Tingey

Mr. Tingey refers to this issue that was brought to a Council Initiative Workshop in August. There are a number of different options for infill subdivision. The Mayor and staff met and discussed the different options and scenarios. Mr. Hill, Mr. Stokes, Mr. Nakamura, Mr. Critchfield, and Mr. Wilkinson attended. Staff focused on two areas:

1. Street standards: In the City's current subdivision ordinance, if a property is being developed there is a requirement for a minimum of 49 feet of public right of way into that subdivision. The 49 feet includes a 25 foot paved area, curb and gutter, sidewalk, planter strip which roughly totals the 49 feet. For properties that are less than 2 acres, there is the option for single family infill under City ordinance. That ordinance states that you still have to have a 25 foot paved area and 5 feet of curb and gutter; the planter strip and sidewalks can be eliminated if there is an internal pedestrian connection that is part of that development and approved by the Planning Commission. There are options within the single family infill to reduce setbacks and modifications on a turnaround that can reduce the size of the right of way, as well as the turnaround area.

The public services department gave input regarding the width of streets because they deal with a variety of issues, including snow removal, street sweeping and the implications of those.

In the Fireclay area, there is a street called Gilbride that has a paved street area of 22 feet, this was allowed as part of the master transportation plan in the area. They are grid streets which give more opportunity to move snow without going into a turnaround to come out. In addition to that, it is unique because the right of way width isn't less, just the street width. The right of way width is quite wide. There are sidewalks that are very wide due to it being a pedestrian oriented area. That is a circumstance where we have gone down to 22 feet, he said. Public Services have concerns with reducing that amount because if you are looking at a turnaround in a residential street the 22 feet width still has issues with the heavy equipment that goes in there.

In addition to that, if there was a proposal to reduce that width, there would be an elimination of public parking on the street. That poses concerns as well for residents of that area. There is reluctance from public services to look at a reduction in the street standards. They feel like the 25 feet of paved area is adequate for our heavy equipment.

Mr. Shaver asked if there is a turnaround where the streets are 22 feet. Mr. Tingey confirmed that there is not. That is only allowed on the grid system, with no turnarounds.

2. Flag lot subdivisions: The City will allow a flag lot with a drive back to a secondary lot with the current ordinance. A private drive is allowed back to that second lot.

Looking at a double flag lot causes more issues than just the private street one. Now, there are three individuals that have to deal with relationship issues, issues of utilities, blocked driveways. Also, in the second flag lot, the house isn't really even connected to a public street. Right now, there is a driveway width to a flaglot that connects into a public street. A person could go from their double flag lot through a person's property and then another person's property potentially out to the public right of way. This causes dilemmas and concerns, and potential contention issues.

A fairly large neighborhood in the community is a watchdog on this issue. They have contacted our office and have concerns because they have a number of deep lots that could be considered flag lots. This neighborhood has possibly 15 to 20 lots that would feed into a small street. The City has concerns with a double flag lot also.

After these meetings, there are several opportunities. First, is to develop a flaglot, which is a secondary lot with a private drive. Second, to develop a single family infill with more than two lots, with a 30 foot right of way area, providing there is an internal pedestrian connection. Those are looked at on a case by case basis, and the City is comfortable with the current standards. The Public Services department is not willing to recommend reducing the width of the right of way. Administration doesn't have any additional proposals to bring through the Planning Commission process.

If an individual owner wants to come forward with a proposal to reduce the width, that would be an option, but most likely would not get a positive recommendation from staff.

There is a section in the ordinance that allows modifications to occur in the subdivision ordinance to allow for a private street on a two lot subdivision. This has been discussed, and a modification cannot eliminate a public street requirement to a private one. This is not debatable, and related to standards.

Mr. Shaver asked for a definition of the internal walk. Mr. Tingey answered that a sidewalk that connected to another street could be eliminated if there is an internal sidewalk that could connect to a park, or other areas. He gave an example of Winchester Overlook. There are townhomes there and two subdivisions with an internal pedestrian connection that connects them, and then goes to a public right of way. That is an example of not having to have the curb, gutter, and sidewalk connecting to the street from one subdivision.

Mr. Niponski asked for a clarification in the width standards. Mr. Tingey confirmed that it is 25 feet for the road, 5 feet for curb and gutter, which includes both sides. Sidewalk and planter strips would equal approximately another 19 feet, including both sides.

Mr. Brass mentioned that you need a hard edge for the road, or the edge breaks down.

Business item #3

Landscape Ordinance Amendments-Tim Tingey

The City has had discussions about significant changes to the landscape ordinances, especially commercial. The Planning Commission gave a recommendation that staff is comfortable with.

The City has had a couple of recent issues, involving planter strips. Planter strips are the portion of the right of way next to the sidewalk. The current requirement is that the planter strips

be landscaped with trees. Any new subdivision is required to have the landscaping in the planter strips.

Mr. Shaver asked if this was an adjustment to the planter strip comprised of grass. Mr. Tingey said the current requirement is for grass and street trees in the landscaping of the strip. The Planning Commission evaluated the planter strip portion and wanted to clarify what is and isn't allowed. For example, asphalt, concrete, thorn bearing plants, continued planting of ground cover and shrubs which exceed 18 inches in height, retaining walls, fences, boulders, gravel, rocks, steps and similar structures are not allowed in planted strips. There is an allowance for 25 percent to be concrete or something similar to provide for a pedestrian connection.

The Power department has concerns with the ongoing maintenance of these strips with the street trees in them. It requires a lot of work throughout the City that they are currently doing. Mr. Brass mentioned that the Power Department maintains park trees and the street trees, all public trees, with a limited number of arborists.

Mr. Tingey said there are a lot of individuals that have filled in their planter strips with concrete and rocks, primarily for maintenance purposes.

When the City does street projects and work in the right of way, residents want the City to fill their strip back in with what they had prior, whether it is rocks or concrete. Mr. Hales clarified that if the code states there needs to be landscaping, would we require that, he asked. Some of these residents are elderly and we would have to enforce on these issues. Mr. Brass said the issues are that we could have between 10 and 20 percent of our properties not meeting this ordinance. Mr. Shaver asked about a grace period for enforcement.

Mr. Tingey would like to bring the commercial element portion of the landscaping ordinance before the Council, and separate the planter strip issue. The City would like to understand how the citizens feel about planter strips, and are looking at a survey for the residents.

Mr. Nicponski asked Mr. Stokes if this issue comes up frequently. Mr. Stokes said that they reconstruct 10 to 12 roads a year, and they all have concrete park strips. The residents want the concrete replaced in the strips. If the City told the residents that they had to put water and landscaping back in the strips, it would be a battle. The unwritten policy is to repair and replace it like it was before, even if it is concrete.

Mr. Shaver asked what the purpose for the grass, landscape requirement was. Is it an aesthetic versus a functional value, he asked. Mr. Brass mentioned that permeability means that it doesn't run off and require cleaning. Mr. Shaver said the Council needs to have a purpose when talking to the residents. Mr. Tingey said it is for aesthetic purposes and run off, eliminating heat issues and giving a place to put utilities. Mayor Snarr said that it is expensive to repair a stamped concrete strip if you have to go in and make a utility repair. Mr. Shaver commented that many times water lines run under the strip. Mr. Wilkinson said the tree portion provide some mitigation for the concrete that is adjacent to it, and provide an offset to the heat, and also clean the air. The planning commission realized that there is work involved with the street trees, but there are benefits from these planter strips landscaped. The planning commission wanted a list of what is not allowed to make it easier to enforce.

Mr. Brass complimented the commercial side of the ordinance, and thought it was a necessary change. He has an area on his street that has so many leaves on it in the fall, and then the snow comes on top of that. His concern is that trees are pretty but have unintended

consequences of disputed maintenance. Last year, there was a wet, heavy snow that broke off many of the tree branches in his area, Mr. Brass said. Mr. Shaver said part of the ordinance addresses fruit trees, and what types of trees are allowed. Mr. Stam said that there will be some people that don't want trees, and if maybe a percentage could have trees, while some did not. The existing ordinance requires trees in the planter strip. Mr. Stam commented about trees that drop items, and also invasive trees that are a problem.

Mr. Tingey asked for time to see what the citizens think. Mr. Stam asked if questions about trees being required in the strip would be in the survey. Mr. Tingey said the survey hasn't been drafted yet. The idea of an open house with the different options to show the residents has been suggested. Mr. Tingey said that if a survey is done correctly, it provides a good understanding of the feeling in the community. Shaping the questions in the survey is a critical part, he said. Mr. Nicponski asked if the survey was contracted out. Mr. Tingey said they haven't decided if the survey will be outsourced, but will show it to the Council before it is distributed. Mr. Brass suggested using photoshop for different examples for the open house.

Business item #4

Residential Beekeeping and Chicken Land Use- Tim Tingey

The City has done some research, benchmarking with other communities on this ordinance. Mr. Wilkinson said the City needs to look at the broader issue, before making any changes to the code. The current General Plan calls for the phasing out of agricultural zoning and uses. The City has areas that allow farm animals of all types, including beekeeping. The City has some non-conforming areas, down on Jefferson Street for example. Some R-1-8 zoned lots were previously agricultural lots that have animals. They are legal, non-conforming uses that are allowed until that use is abandoned. The east side of the City also has some annexed areas where animals have historically been allowed. Mr. Wilkinson said there are complaints to Code enforcement mostly, about chickens. The Code enforcement employee couldn't recall any complaints regarding lots that have been legal, non-conforming lots.

The City also receives requests and complaints about goats, rabbits and pot belly pigs. Mr. Stam asked if a pet rabbit was allowed. Mr. Wilkinson replied that it was, as long as they weren't being raised commercially. Mr. Shaver asked about the distinction between farm animals and a kennel for breeding purposes, and asked if there are kennel complaints also. Mr. Wilkinson said they don't get a lot of complaints about dogs, although there are a maximum number of dogs or cats allowed in the code. Kennels are not allowed in residential zones, only commercial and agricultural.

Mr. Wilkinson pointed out agricultural zoning on the map of the City. The agricultural zones and legal non-conforming lots are areas where a citizen could put chickens and bees without any problems.

Mr. Tingey said they have researched other cities to see what they are doing with bee keeping. Salt Lake City has a maximum allowance of five hives in a side or rear yard if the lot is residential. If the lot is larger than a half-acre, they allow ten hives. The Salt Lake City ordinance isn't real specific, just limiting the hives to a rear or side area of the lot. Cedar Hills allows two colonies per 5,000 square feet of land, not to exceed eight colonies. Herriman requires a 10,000 square foot lot size to have hives. This is similar to other cities. Ivins, primarily focuses on having them in agricultural zones only, on larger lots. South Jordan allows two hives on quarter

to half-acre lots, increasing the amount with the lot size. They don't allow them on single family, 8,000 square feet or smaller lots. Taylorsville allows them on minimum lots of 10,000 square feet or larger. Morgan only allows them in agricultural zones. West Jordan recently adopted their ordinance that states lots less than 20,000 square feet, hives should not be less than five feet of any property line. Hives located between 5 and 15 feet of a property line, should be surrounded by a 6 foot flyaway with fence and dense foliage. Morgan County permits them in mixed use forestry and rural residential districts.

The City needs to look at setback issues and lot size issues when drafting an ordinance. Our ordinance should be similar to Salt Lake City or West Jordan. Mr. Shaver asked if there are certain standards required in maintaining the hive. Mr. Tingey said that there are and the County will assist in enforcing those standards as well. Mr. Tingey said that if we look at setback issues and allow them on lots smaller than 10,000 square feet, the number of hives would need to be limited.

Mr. Wilkinson said that most of the cities are categorized into two different categories on poultry. Cities either do or do not require a conditional use permit. That needs to be considered in allowing poultry. This would provide a public process and also provide additional money that would need to be paid by the applicant, with possible conditional approval.

There are two categories related to the number of animals allowed in a certain zone.

1. Most cities require a minimum acreage requirement, usually around a half acre, but there was no limit on animals if the lot size requirement was met.
2. Some cities took minimum lot size per animal. Kaysville City requires 1600 square feet per bird, with a conditional use permit also.

Some other cities take a combination of these two categories also. Some of the ordinances also apply to goats, geese, pot belly pigs, as well as, other animals. Most of the cities, if not all, require a minimum setback for distances between where the animals are kept from the residence, as well as the neighboring residence. This should be considered in any ordinance. There are also other cities that don't allow them at all. The importance varies from city to city. This is an issue that has strong feelings on either side. The Staff would like to schedule a public open house for the first part of the year to discuss this ordinance. The staff believes that public involvement is important and would like to promote that throughout the city.

Mr. Tingey said the Open House would probably deal with land use issues. It would be advertised as an agricultural use discussion, and planter strips combined. Also, the survey would include questions on all of these topics. Mr. Brass suggested that there would be at least two issues discussed, in two separate locations. The turnout will be different, depending on which side of the City it is in. Also, two meetings would help with the availability of the citizens. Mr. Stam questioned if the timing was too fast. Mr. Tingey said the scheduling is tentative, and could possibly take longer. Mr. Shaver said that the meetings scheduled may not be a problem, and that more time may be needed when drafting the resolution. Mr. Brass said there is a lot of passion in this area, and doesn't appear to have much of a gray area. He has seen a trend to go back to urban farming, and that people are embracing it. Cities are all getting hit with this, and he agrees that the issue shouldn't be rushed. Mr. Wilkinson said they are very comfortable with taking the time it needs. The City has done some background work and research, but needs the public input.

Mr. Brass said that a lot of open houses have been done, and the most successful ones were on property tax increases years ago. That Open House had a great turnout, and it was well advertised. There was also one done on the east side for storm water, and one citizen showed up. The Open House needs to be well known, and advertised. Let friends and neighbors know about the meeting so the City knows what the citizens are thinking and can make the right choice. Mr. Stam added that a 3rd Open House should be considered also if the first two are well attended. Mr. Brass understands why people would like to have their own eggs, for health reasons, but the neighbors rights should be considered also.

Announcements

Ms. Lopez asked to discuss the Council meetings for December. There is a Committee of the Whole, and a Council Meeting on December 4th, and only Committee of the Whole on December 11th. Those are items moving up from Council Initiative Workshop, one being the lowest responsible bidder. Mr. Nicponski was going to check with Dale Cox to see if he was available on December 4th. If he is available, would the Council like to combine the meetings and not have any meetings on December 11th, she asked. Mr. Brass said he would like that if that could be accomplished. Mr. Hales said that Dale Cox could be moved to January also.

Mr. Brass asked Ms. Lopez if the email has been sent out regarding the June 19th meeting. The change would move the meeting from a Thursday to a Wednesday to accommodate the Planning Commission.

Mr. Brass adjourned the meeting at 5:45.

Kellie Challburg
Office Administrator II



MURRAY
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MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, December 4th, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Others in Attendance:

Dan Snarr	Mayor	Tim Tingey	ADS Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Chad Wilkinson	CED	Justin Zollinger	Finance Director
Jennifer Kennedy	Recorder	Blaine Haacke	Power
Dale Cox	AFL-CIO	Fred & Cami	Consultants
Jennifer Brass	Citizen	Robert Wood	HBME-Auditors
Ed Erickson	HBME		

Chairman Brass called the Committee of the Whole meeting to order at 4:01 p.m. and welcomed those in attendance.

Business Item #1:

Employee of the Month Recognition- Brett Hales

Every month, the Council will receive a nomination for an employee from a pre-determined department head. Some of the departments will be done twice, and some have been grouped together to make one department. There is a one-time cost of \$125.00 for a plaque, \$96.00 to have a monthly name inscribed, and \$50.00 for the monthly gift card. The total annual expense would be \$996.00.. The amount of the gift card was increased to \$50.00 from \$25.00. This is the recommendation from the Council. Mr. Shaver asked about which employee would be for the month of August, since ADS, and MCEA were both listed. Mr. Brass

asked if the intent was to start this program in January. Mr. Hales answered that was correct, and thinks it will be a great thing for the employees. Mayor Snarr asked which Council meeting the employee will be recognized. Mr. Hales said it will be the 2nd Council meeting of the month. Mr. Stam asked if it would be similar to a special recognition in the Council meeting. Mr. Nicponski replied that is what he thought should be done.

Mr. Brass asked Mr. Nakamura if a vote was required. Mr. Nakamura suggested that a resolution be done to formalize it. He said he would prepare a resolution and get it to the Council. Mr. Nicponski said that he agreed a resolution would address the issue of continuity. Mr. Stam said the resolution can be done in the first meeting in January, and the award can be given away in the second meeting in January.

Business Item #2

Lowest Responsive Responsible Bidder- Dave Nicponski

Mr. Nicponski introduced Dale Cox and General Peter Cook. Mr. Cox thanked the Council for allowing him to come. This project is near and dear to his heart and gives the veterans a great opportunity.

There are minimum qualifications to qualify for a program called "Helmets to Hard Hats". This program allows returning veterans to come back from duty and go into an apprenticeship program, where they can learn a skill and make a good living.

The three things that are vital are: a training program, healthcare, and the veterans hire preference. Drug testing is a safety factor also included in the policy. This has been passed in Taylorsville by Executive Order. Salt Lake City and Salt Lake County have also passed it. Murray and West Valley would be the next cities in line.

This ordinance gives preference to a contractor doing City work that has a drug testing policy, follows the State law on offering healthcare, has a City, State or Federally recognized training program, and a veterans hire policy. The State has a lot of men and women coming back from several theaters. This program would help these veterans find quality employment and integrate them back into society. This allows them to make a house payment, have quality health care for their families, and be able to have a good training program where they can hone their skills. Veterans have the work ethic that employers are all looking for. They sometimes just need an avenue to get back into society.

Part of this project was spawned because of the water line project done on Bullion Street, where Mr. Cox resides. The contractor was right on the money getting the street torn up. There was a half of mile of water line torn up so there was no water and a bunch of dust. Mr. Cox called Mayor Snarr and within a half hour there was a Murray City water truck there, and things improved. There were a lot of complaints generated. After researching it, Mr. Cox found that Murray was locked into the lowest bidder. If there was a way to put some required qualifications in, that would help the contractor and the City as well. Every time a responsible contractor goes to bid on a job, they are penalized because they have to take care of their employees, unless there are some safeguards in place.

Mr. Nicponski asked if the document gives examples of weighted proportions. Mr. Cox said that probably needs to be determined by the City. Mr. Nicponski asked Mayor Snarr which

department could develop the weighted proportions. Mayor Snarr suggested that it should go to Mr. Nakamura in the Legal Department. Mr. Nicponski said that Mr. Nakamura has done a good job at looking at this document, and has given some clear direction.

Mr. Cox said that some cities have gone with a straight mandate requiring it. Salt Lake County states that the criteria needs to be met, possibly 104-105 percent of the bid. Mr. Cox said to keep in mind that if the minimum requirements are met, and these veterans are hired, some of their veterans benefit can be used to offset the pay while they are in training. An apprentice won't make journeyman wages, so this way they can still support their family, even while in training.

Mr. Shaver asked if this was a federally mandated program, and if the City would just need to have the healthcare, the veterans hire, and the training program as the minimum qualifications. Mr. Cox said that Taylorsville did it by Executive Order, and Salt Lake City is close to a mandate. Salt Lake County is a preference up to 104-105%, and to \$50,000.

Mr. Nicponski clarified that tonight was to see if the Council was comfortable taking this to the next level.

Mr. Stam stated that he liked the program, but was concerned about the number of companies that will meet the qualifications. He has worked in the steel industry, and doesn't know of any contractors that would meet those qualifications. Mr. Nicponski said that would be a good reason not to have it mandated. Mr. Cox said that it could be drawn up both ways, with the mandate weighted. Mr. Stam asked if subcontractors would be required to do that also. He doesn't want to see a contractor have to look out of state for the work to be done. Mr. Cox said that there is a difference between a supplier and a contractor. Mr. Stam said that the distinction isn't very clear in his experience with contractors.

Mr. Brass stated that he is a huge proponent of apprenticeships, and it shows in degrees that pay well and those that don't. The irony is that the apprenticeship program that he worked with was tossed out, and the retired journeyman makes six figures on average, and an English major makes about \$40,000 per year. The majority of high school seniors never get a four year degree, so a desirable alternative is an apprenticeship. Mr. Brass was a big supporter of employment support for guard and reserve, and has traveled with them. That program seems to have dwindled since the economic downturn. The commitment was that the employer would sign that they guarantee the job when the person returned from overseas.

General Peter Cook said that he saw great displays of patriotism in the halls of Murray City. When this war was fought nine years ago, 51% were reservists and guardsmen. Now, they are returning and there is no infrastructure for them to feel the support. If we don't start pushing these issues and mandating some help for our veterans, the problem will keep getting worse. When talking to businesses, few have the capacity to stand tall on that issue. It is overwhelming to think of the commitment that needs to be established for these veterans.

Mr. Nicponski said that he applauds the Council and their willingness to step up in a leadership role for societal good. The question when a person is elected becomes what are you willing to do, will you step up and start some trends, he asked.

Mr. Nakamura asked if the Council wanted both the mandatory and the weighted preferences drafted. Mr. Shaver said he is leaning towards the preference, and the Council supported that statement.

Mr. Cox invited the Council to the Operating Engineers Apprenticeship Program training site to show the Council the work being done.

Business Item #3

Business License Fee Study Review – Tim Tingey

Mr. Tingey introduced Fred Philpot and Tammy Hamilton from Lewis Young. The Council initiated this business license study and was funded by the Council office. Mr. Wilkinson, the Police and Fire department have all provided data that has been included.

Mr. Philpot shared the information that was compiled regarding the business license fee. He wanted to review the basic business license fee study process, and discuss the base service cost analysis, the disproportionate service analysis and its components. This also addresses enhanced services and provides a summary related to the primary objective of the analysis, the rental units and a Good Landlord Program.

Ms. Hamilton reviewed the Utah State Code in regards to studies of this nature. Fees charged must reflect the amount reasonably charged to regulate business activity, including the costs of disproportionate or enhanced levels of municipal services. The costs revolve around three major cost components: base services, disproportionate services and enhanced services.

1. Base Services are the processing, bookkeeping and recording of the license, possibly including some regulatory basic services.
2. Disproportionate Services are base services plus anything in addition. This would include Police or Fire calls that are in excess of the base services.
3. Enhanced Services are the highest level of service. Some cities include snow removal, or provide planters and charge an enhanced service fee for those. Murray currently does not charge extra for any enhanced services.

The data was reviewed and process maps were put together. This outlines whom the license goes to, and how much time each person spends on it. Lewis & Young also gathered financial information, salaries and benefits from the City budget. They analyzed the Police and Fire calls, and the calls were matched up to the according businesses. Businesses were grouped together by type and the call ratio. According to the Utah State Code, all businesses in the same class must be charged the same fee. Mr. Shaver asked what Code determined the class the business was in. Ms. Hamilton said it is established by the Utah State Code. The City can define the business groupings. Mr. Shaver clarified that the businesses must meet the criteria to be in that group and must be charged the same fee. Mr. Shaver asked if an enhanced service fee could be charged to one business in the grouping and not another. Ms. Hamilton said there is flexibility in that; South Salt Lake divided up their hotels, and charged extended stay (those with kitchens tend to have more Police calls) an enhanced service fee, for example.

The base cost analysis included direct and indirect costs. The direct costs are calculated by labor costs per minute, including salary and benefits, and also the department overhead cost per minute. The personnel is reviewed, evaluating how many Full- Time Equivalents (FTEs) are being used, total hours worked and that percentage of the department. Once the direct cost per

minute is discovered, those costs are applied to how much time was spent processing the license. If inspections are required the cost of that is added in also. The indirect costs are not specific to any department. The total is taken from all the departments, estimating that 20% is fixed, regardless of FTE's. Mr. Nicponski asked how the legislative cost was determined. Ms. Hamilton said the numbers were taken from the budget. Mr. Nicponski asked how the fixed and variable numbers were determined. Ms. Hamilton said the numbers are based on experience from other cities. Mr. Philpot said some departments have been weighted due to size. He said the total amount of indirect costs is weighted heavily towards FTE's and that ratio is applied, so more of it is spread to larger departments.

Ms. Hamilton discussed the Community and Economic Development Department as outlined in the booklet as an example. All the direct and indirect costs were calculated, giving each employee a cost per minute.

Mr. Philpot said the disproportionate regulatory costs are the unique requirements when processing a special license, and the disproportionate calls for service. Those applications that have those disproportionate requirements are businesses requiring background checks or additional time associated with the Police department, and code enforcement. Sexually oriented businesses are approximately \$140.00 in additional costs, and possibly more associated with the attorney's office. Businesses serving alcohol, automotive and motorcycle repair, auto body shops have additional costs that would be added to any base costs, for applications and renewals.

Any new application would be assessed the base fee, plus any disproportionate costs if it is applicable. Mr. Shaver asked about an example for a business serving alcohol. It would be the set fee, plus the disproportionate fee. Mr. Nicponski asked if the charges are based on the State law. Mr. Philpot said the review isn't completed yet, but the base fee will be summarized, and will show the typical commercial business license fee.

Mr. Brass asked if the cost for prosecution and code enforcement was included. Mr. Philpot said those fees are not considered. Generally, outliers are not considered unless it is happening on a regular basis. Mr. Tingey said that there are costs of prosecution, and attorney fees built in to the indirect cost per minute. Mr. Nakamura said that is more of a direct cost, such as Police or Fire, instead of overhead. The attorney's cost would increase depending on the type of business it is. Mr. Philpot said that will be considered when reviewing the sexually oriented businesses, and other categories.

The City can add additional regulatory costs, and isolate those instead of including those in the general average of the indirect costs. The State legislation allows a maximum fee of \$300 per alcohol license, plus the base license fee, and any disproportionate service costs. The sexually oriented businesses are also being looked at closely to ensure those costs haven't been averaged unnecessarily, and the specific costs have been captured.

Mayor Snarr asked if there are any sexually oriented businesses in the City. The Councilmen couldn't recall any businesses of that type in the City. Mr. Philpot clarified that this fee structure doesn't apply to renewals, only new businesses. Mr. Nicponski asked approximately what the cost for a license would be for a restaurant that serves alcohol. Mr. Wilkinson said it is currently a \$500.00 regulatory fee.

Mr. Philpot said that additional components are being identified that needed to be added, as well as disproportionate calls for service. This applies to Fire, Emergency medical Services

(EMS), and Law Enforcement. This is a labor intensive process, and involves researching the historic call volume for the City. Looking back at a three year period, a data set was established that could be geographically coded.

The total number of calls over a three year period was 129,187. Those were separated by which department was called and also annually, and compared to the 2011 financial reports. Generally, fire calls are quite a bit more expensive than police calls. The cost per call for fire is \$1,487, whereas the police call is approximately \$250. There also needs to be a base measurement to compare the call data to commercial and rental units compared to single family units. Ernst and Young sampled 359 single family units and geographically coded 164 Fire and EMS calls, and 750 law enforcement calls to get the ratio of 0.15 fire calls and 0.7 police calls per unit. This is the benchmark call data for commercial and rental units. Call data is then matched to the parcel. Mr. Nicponski asked a question clarifying the call data on the map. Individual calls were looked at and traffic calls omitted, because it was a public street, unless it was in a parking lot.

The call data was filtered to come up with call ratios for the different commercial developments and rental units. The apartments were separated by the number of units, and call data was matched to those units. On the example Mr. Philpot gave of a 1-2 unit building, there were no disproportionate calls for service, compared to a single family unit, but when compared with a 3+ unit there should be a disproportionate call fee.

Fees can typically range from \$100 or greater for disproportionate calls for service. This will vary on the history of the unit and the call history. There is a tendency throughout the state, as a result of the good landlord program and the business license studies that are going on to put a good landlord program in place to help mitigate the statistics for the communities. A good landlord program can be adopted anytime as long as a study similar to this one has been done, and a disproportionate fee has been put in place, as well as a reduction in fees if they are participating in the good landlord program.

There were disproportionate amount of calls in the trailer parks found in the study. The fee per unit for trailer parks is relatively high, above the \$100 threshold. If the multi-family category is broken down into single units there is a possible fee assessment there. Mayor Snarr asked if that was Winchester Estates. Mayor Snarr said there are two trailer parks in the City.

Mr. Philpot said that after reviewing the call data, there isn't a disproportionate call impact on police and fire in Murray City with these rental units.

Mr. Philpot also reviewed the commercial businesses and geographically coded them. This isn't a perfect analysis and 100% of the data cannot be captured, but 90% of the businesses were captured.

Call data was matched to the commercial businesses. Murray is unique that it has a lot of businesses with shared addresses. That is a difficult dilemma with the geographical coding process when isolating the calls to a specific address. Usually, with a strip mall, they will remove any businesses that are different from the others. For example, doctor's offices have multiple addresses within one complex. If they are the same type of business that data is included. If it is for example, a doctor's office and a dry cleaner, it cannot specify which business called for police services, so those are taken out. Ernst and Young developed a table with grouped businesses based on Standard Industrial Classification (SIC) codes. The more classifications there are make the tracking and administration more difficult.

Generally, convenience stores generate a lot of calls for service, relative to other commercial businesses. Professional services historically do not have disproportionate calls for service. Mr. Nicponski asked about the number of calls shown, if it is per business license, per year. Mr. Philpot confirmed that, and also said that outliers have been removed. This goes back to the rationale that you cannot isolate a business and make them pay a larger fee if within the same class of business. The numbers are similar to what has been seen in other cities. South Salt Lake was around the same amount. South Salt Lake decided to adopt something lower than that based on policy decision and to maintain revenue. There were not any surprises in the study. These factors will all be taken into consideration when the study is complete, and will show the maximum business license fee.

There have not been any identified enhanced service fees for Murray City.

One of the primary objectives for this study would be for the implementation of the Good Landlord Program for the rental units. The call data suggests that there are none or minor disproportionate impact for calls. A Good Landlord program could be implemented at a future date if the statistics start to shift. The Apartment Association said that the Good Landlord Programs can be beneficial, but can also be a crime locator, and the crime shifts to a place where the program is not in place. As statistics change in the future, there could be an impact. If the City chooses to implement a Good Landlord Program, there will be additional costs to implement and administer it.

Mr. Tingey stated that based on the findings of this study, the City is not looking to propose a Good Landlord Program at this time. Mr. Stam said there was one brought prior to the Council, and Mr. Tingey confirmed it was waiting on the finding of this study. Mr. Tingey said this study will be fine-tuned and staff will look at some proposed fees for the business licensing.

Mr. Nicponski asked if the bars had been isolated to determine fees for that business class. Mr. Philpot answered that they have not. Mr. Wilkinson said that currently some of the businesses that have disproportionate calls also bring in revenue, and the decision to charge more hasn't been made yet.

Business Item #4 Comprehensive Annual Financial Report- Justin Zollinger

Mr. Brass stated that the packet being handed out is the Comprehensive Annual Financial Report.

Mr. Zollinger asked for a discussion and welcomed any questions. He thanked his department and others in preparing this report. He introduced Robert Wood and Ed Erickson, the auditors from Hansen, Bradshaw, Malmrose & Erickson (HBME). Mr. Erickson said this is the first year that this document has been prepared internally, and agreed there was a lot of work put into it. Of the majority of the government clients, the outside auditors prepare the document; not a lot of the City finance staffs can prepare this document on their own.

Mr. Zollinger explained some of the sections of the Comprehensive Annual Financial report (CAFR). The Management discussion analysis is a narrative of what has happened the previous fiscal year. Changes in debt, in the economy, and the different type of funds are discussed. This gives a two year comparison.

The fund balance in the City's general fund is at 22%. That is after the \$3 million has been moved for Capital Improvement Projects. The money was re-appropriated this fiscal year, approximately 2 million dollars for CIP projects for the next year. Staff is aware of that, and are working that down to get to 18%. Mr. Shaver clarified that the numbers are from June 30th, and adjustments have been made since then. The state law prefers the numbers to be between 18 and 22%. The City has already appropriated the general fund balance in the fiscal year budget, and the City has dropped below 18%, so the auditors didn't consider that a finding.

The City's debt went down by approximately \$1.9 million dollars this year. Each year, the principal is approximately \$3 million. This year was a little less because \$1 million was issued to the waste water fund. Mr. Nicponski asked if the cash flow was increasing. Mr. Zollinger said that the City's position is strengthening. Mr. Nicponski asked for an example of an unrestricted net asset. Mr. Zollinger explained that those are assets that are available for use. If the City received Class C money that was left over at the end of the year, that would be restricted for specific projects. Mr. Shaver said that unrestricted funds means that you can still make a decision to move that money. He compared it to the radio fund for the Police; those funds are only available for purchasing radios, unlike an unrestricted fund.

Mr. Zollinger said the City had an increase of \$420,000 compared to the prior year. Mr. Shaver said that is due in part from smart money handling by the department heads, and the Finance Department. The assets are increasing, and the liabilities are decreasing. Mr. Shaver asked for the long term liabilities to be addressed. Mr. Zollinger said that those are bonds, capital leases, OPEB, and compensated absences. Mr. Wood said there is a disclosure in the notes that discuss the make-up of those numbers. OPEB is Other Post-Employment Benefits, benefits that you give to retirees. In the governmental activities, the leases were paid off last year. The City has one more bond payment in the business type remaining for the Enterprise funds. Mr. Shaver asked if the total bonds payable were \$25 million. Mr. Zollinger said that it is for business, \$10 million for governmental.

Mr. Zollinger said that the proposal this year is to pay some of the high interest debt down from the electric fund reserves to save a lot of money. Mr. Wood said page 54 gives a list of the individual bonds with the original issue amount and the amount outstanding, and also when they mature. Looking at the electric series 2004 schedule, the interest rates range from 3% to 5.25%, the City would pay off the 5% bonds first and save a lot of money. This would lower interest costs by about \$100,000 and cut four years off the loan, so the power fund will be debt free in 2021.

Mr. Shaver asked about the last line on page 18. The General Fund reported a total fund balance of \$11.3 million, of which \$235,000 is non-spendable. What is the difference between non-spendable and restricted funds, he asked. The non-spendable funds are inventory held, and loans that are due in the general fund. There is a good description of non-spendable, unrestricted, committed, assigned and unassigned funds on page 40.

Mr. Zollinger pointed out the City's financial position on page 23. This is based on governmental activities, and business type activities. Savings have improved and debts have decreased. The compensated absences include sick leave and vacation leave payouts. There is a long-term and short-term portion. Next year the City will pay off \$3.5 million in bonds and the long-term portion of bonds would remain at \$32.8 million. Mr. Nicponski asked what kind of cash flow that will give the City. Mr. Zollinger said all bond repayment has been budgeted, and shouldn't affect the cash flow. The power fund includes one that may drop a little, but that is

planned use. Mr. Wood talked about the cash and cash equivalents, and said the City is in a good position from a cash standpoint.

Mr. Nicponski asked about the expenditures on page 27, and if B&C road funds are included in the Highway and Public Improvement funds. Mr. Zollinger confirmed that they are included.

There is a summary on how the general fund compared to the budget on page 29. The City had a positive \$1.4 million variance on revenue. Mr. Nicponski asked what intergovernmental revenues were. Mr. Zollinger said that those are Class C funds, grants, and amounts other cities are paying us. Mr. Shaver said that this involves insurance, and the amount it requires to possibly become self-insured. How does the City prepare for this, and make it up over time, he asked.

Mr. Zollinger said that all of the positive variances are praiseworthy and employees should know that the positive results are appreciated. Mr. Shaver said that the City is thinking differently about the non-departmental expenditures, and asked if that amount will change. Mr. Zollinger said that the amount will change and the excess of that budget has been cut. The decrease of \$1.4 million in the general fund was because it was had been moved to the CIP fund. Mr. Nicponski asked if the cemetery had any reserve funds. Mr. Zollinger said that they do have \$520,000, and an additional \$700,000 in the perpetual care fund.

Mr. Wood noted the only item that was reported, was in the Utah Telecommunication Open Infrastructure Agency (UTOPIA) budget overage was the \$140,930. State law requires that you cannot overspend budgets in the General Fund by line-item. That finding was an escrow account that UTOPIA took out without the City's awareness, so other cities also had this finding.

Mr. Zollinger said on page 33, it shows where the money was earned and where it was spent. The cash flow from capital and related financing include the purchase of capital assets.

The Power Department has been trying to delay some of the capital improvements so they could build up the reserve. Mr. Brass commented that sometimes by delaying capital improvements, you end up paying for it in the long term. The Power Department reliability rates are very good, combined with the cost of power and should be a great savings to businesses. Often cities lose that when the maintenance is stopped, and the repair becomes too expensive to fix. It is not a trend that he would like to see too much of. Reliability is everything in public power. Mr. Zollinger said that they are trying to incrementally plan and save to maintain some capital replacement over time. Mr. Brass said that backyard rebuilds haven't had money spent on them, and that system needs to be strengthened. Mr. Wood said the Power Fund had over \$8 million in cash, which was at zero dollars a couple of years ago. The notes to the financial statements give greater detail on accounting policies on page 35.

The estimated taxable values versus the real taxable values are growing, but the property taxes are not indexed for inflation. An example of this is the Library, with insurance and retirement increases but the revenue does not increase. Property taxes are very stable, but do not increase with time. As inflation occurs, sales tax grows with it, but property taxes do not adjust. Mr. Brass said that if the value of a property goes up, the City doesn't get any more money, because the tax levy goes down. Mr. Zollinger said it is a competitive advantage to have lower tax rates, but not at the expense of dropping off services.

Page 95 gives statistics for a ten year comparison for fulltime equivalent employees. The number of employees dropped by 20 compared to last year. Mr. Wood pointed out changes in net assets on the statement of activities. The governmental activities had an increase of \$3.4 million, and the enterprise funds had an increase of \$7.2 million. Overall, the net assets had an increase of \$10.7 million in the operating results, even with fewer employees. This was compared to an increase of \$7.1 million the prior year.

Mr. Nicponski mentioned that he agreed with Mr. Brass that the steadfast, constant watch over time is the best process. The consistency is what will lead us to be able to pay for those expenses. Mr. Brass said it is a tough balance, protecting the capital assets, and also taking care of the people. We have to have the employees to provide the service.

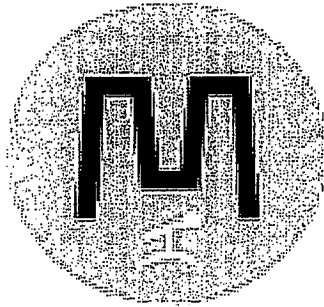
Mr. Shaver asked how the City can get the citizens to know what is happening financially, even though this will be posted on the agenda. Mr. Brass suggested addressing the high points of the CAFR, and putting it in a Council or Mayor's letter. Mr. Shaver said that the citizens may need to be invited to come and discuss this in a Council Meeting. Even if it is adopted tonight, the City can still send something out informing the citizens. Mr. Zollinger said the CAFR is readily available on the website.

Mr. Brass said the City is providing a very good level of service with fewer employees and less money. He believes that the Police, Fire, Power, and Parks Departments are all doing fantastic jobs, and should be touted more often. Mr. Nicponski said that staff should make this document easier to read, possibly in a power point, and summarize the study. Mr. Stam suggested a neighborhood meeting to present this to the citizens and make them aware of upcoming projects. Mr. Brass agreed that you cannot go wrong with too much information disseminated to the citizens. He suggested possibly combining this with the bees and chicken meetings. Mr. Stam said that many citizens are concerned with the fiscal cliff, and this would reassure them that Murray is in good standing.

Mr. Wood added that the price of the audit will be discounted, due to the efforts of the Finance Department.

Mr. Brass adjourned the meeting.

Kellie Challburg
Office Administrator II



MURRAY
CITY COUNCIL

Discussion Item #1

CIW Meeting Request Form

Sponsor Darren Stam Date January 28, 2013

Sent to Administration _____

Subject Micro Cell Development Deployment/Revenue

Date, Time, Place Council Initiative Workshop March 5
Committee of the Whole February 19, 2013 4:45 p.m.

Council Member Consent — In order to schedule a CIW three Council Members must consent. Consent merely reflects support to place a subject on an agenda for discussion, and in no way is meant to reflect complete endorsement of the topic.

Council Member Darren Stam

Council Member [Signature]

Council Member [Signature]

Subject Matter — Council members who wish to sponsor a CIW agenda item shall prior to the scheduled meeting obtain informal, but distinct approval from a majority of Council Members. CIW meetings will be limited to one agenda item, unless there is a reasonable relationship between multiple items requested for the same date.

Subject Matter in Concept: Murray City to consider an ordinance providing for a right-of-way for private companies' attachment to City poles in order to provide wireless technology service throughout the City. This could potentially grow into a large revenue source.

Presentation — Council members sponsoring a CIW shall be responsible for coordinating the presentation time, room, and staff involvement. A CIW presentation is designed to inform and educate Council Members regarding a particular topic, i.e., need for discussion, statistical data, outside municipal experiences, and current trends, etc.

Estimated time: 15 minutes

Presentation Medium Exhibits & Discussion

Special Equipment Needs (AV) None

Discussion — Each meeting shall begin with a presentation by the sponsor, and then in turn attending Council Members will have the opportunity to comment on the topic. This meeting is designed to cultivate informal discussion focusing on the will and direction of the Council pertaining to the topic. Discussion should be focused on balancing and weighing the topic against general policy created by the Council. If there is a need, discussion items may be scheduled for a second meeting.

Discussion Highlights _____

Direction — At the conclusion of Council discussion or at the request of the sponsor, the Council shall determine future action and direction, staff involvement, or whether the items shall be tabled until further notice.

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Data Consumption on the Rise: Small Cells Are Key Solutions to Offload Network Congestion

Speaking ahead of the Avren Events' Annual Small Cell Americas conference, run in exclusive partnership with the Small Cell Forum, and co-located with their USA Plenary, Gordon Mansfield, recently appointed Small Cell Forum Chairman, explained that "The fact that there is a finite amount of spectrum means that the only sustainable way to seriously increase capacity is to build smaller cells."

Dallas, TX, November 21, 2012 --(PR.com)-- Gordon Mansfield, recently appointed Small Cell Forum Chairman, today highlighted the excellent state of affairs for the small cell industry in the United States and abroad, "US operators have arguably embraced the technology more rapidly than any other region – over a third of all small cells globally have been deployed by just three operators in the US. Residential deployments have already achieved scale and business rollouts are really starting to gain traction."

Speaking ahead of the Avren Events' Annual Small Cell Americas conference, run in exclusive partnership with the Small Cell Forum, and co-located with their USA Plenary, Gordon explained that, "The fact that there is a finite amount of spectrum means that the only sustainable way to seriously increase capacity is to build smaller cells."

Backhaul and network design, key challenges for small cell deployments

"The key challenges for the industry as we move forward with public access small cells are in backhaul, zoning and network management," says Gordon Mansfield. With the increased number of cell sites and an ever growing demand for data services from consumers, there are clearly increasing opportunities and an inherent need for alternative technology to macro-base stations, such as small cells.

Meanwhile, AT&T's Project Manager Jim Parker, who will also be delivering a keynote presentation at the Dallas Summit, noted that, "AT&T's mobile data growth has been more than 20,000 percent over the last five years, so the main challenge is how to design a network to meet the capacity needs of a large public venue for today and into the future."

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The Small Cell Forum also sees great opportunity and growth in other spaces where connectivity is required. When asked about the implementation of small cell technology in private and public aircraft, Gordon said, "The penny dropped in the industry when it became clear that the technology could reach beyond simply providing residential coverage in rural blackspots." He goes on, "Today, the market perception is that anywhere you need connectivity, you will increasingly find small cells."

Exciting time for Wi-Fi and small cell integration

Wi-Fi and small cells are no longer viewed as competitive technologies, but rather different alternatives for operators to deploy on a case-by-case basis. "Joint deployments could allow mobile operators to dramatically increase capacity, intelligently channel traffic over either connection and even support cellular voice & SMS over Wi-Fi."

Jim Parker added "[We've] been deploying Distributed Antenna Systems (DAS) and Wi-Fi in locations that typically experience high-volume data usage. Small cells are another tool in the tool kit, adding more network capacity to support increasing demand for data services by consumers using devices such as smartphones and tablet computers."

Biggest ever small cell conference in the United States

Small Cells Americas 2012 will be the biggest ever Conference in the US to focus solely on small cell technology. Having been run in exclusive partnership with the Small Cell Forum since 2007, Small Cells Americas brings together 200+ delegates and includes keynote presentations and delegations from operators such as T-Mobile USA, AT&T, Sprint, Verizon, MetroPCS, Iusacell Mexico, NTT Docomo, SK Telecom and many more!

Event dates: December 3rd & 4th 2012

Location: Dallas Marriott Quorum by the Galleria, Dallas, Texas, USA

Event website: www.smallcellsamericas.com

Email: smallcellsamericas@clarionevents.com

For more information please contact:

Marketing Manager: Katherine Barnett

Email: katherine@avrenevents.com

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Avren Events

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Contact

www.smallcellsamericas.com

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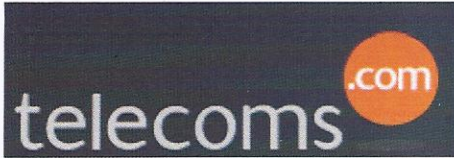
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December 17, 2012



Operators acknowledge need for small cells in future

December 4, 2012 Written by [Dawinderpal Sahota](#)

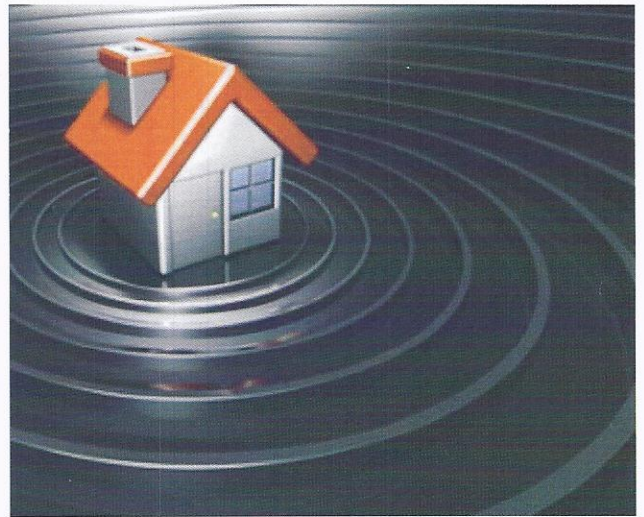
Almost all operators (98 per cent) believe that small cells are essential for the future of their networks, according to a report from Informa Telecoms and Media. The research firm's quarterly small-cell market status report also highlights significant new technological progress with operators announcing major public access deployments and the first dual-mode LTE/3G devices.

Important progress is also being made towards integrating small cells and public wifi according to the report, and there are now 46 small-cell deployments by operators, including nine of the top ten operators by revenue globally.

The report includes a case study of a new '3G hotspot' service from Vodafone Greece which provides its customers with a free data service when connected to certain public access small cells in retail locations. It also evaluates progress made by Virgin Media which has won a deal to roll out metrocells in several UK cities which will initially support only wifi but could also support cellular in the future.

Informa Telecoms and Media also assessed developments from NTT DoCoMo in the report. The Japanese operator is set to launch the world's first dual-mode LTE/3G femtocell this month. Meanwhile AT&T's announcement that it will start rolling out 40,000 public access small cells in 1Q13 is examined in the report, with Verizon and Sprint expected to follow imminently.

The survey conducted for the report also found that 55 per cent of the mobile operator respondents are most interested in public access deployments over the next 12 months followed by enterprise rollouts with 35 per



98 per cent of mobile operators say small cells essential for future of networks

cent of responses. Almost half (49 per cent) of operators said their greatest concern surrounding outdoor metro deployments are the planning issues, such as finding suitable sites and power supply, followed by backhaul challenges – which was cited by 35 per cent.

“Our research shows that operators now regard small cells as essential to the future of their networks. Furthermore, their attention over the next 12 months is centering on the public-access models which have been undergoing intense trials this year and will turn into widescale deployments in 2013 – AT&T looks set to lead this trend,” said Dimitris Mavrakis, principal analyst at Informa.

“With public deployments set to start in earnest, the next major stage in small-cell evolution surrounds the effective incorporation of wifi. Although this technology is being added to new models, there is work to be done to ensure that traffic is managed across all radio types intelligently. We’re seeing this work start in the Small Cell Forum and Wireless Broadband Alliance (WBA); the fact that Cisco is now building small cells incorporating wifi can only help this movement.”

We are keen to hear your views on this subject and others like it as we believe our readers can offer some of the most valuable insight in the market. [Let your voice be heard by joining in with our Annual Industry Survey.](#)

To thank you for your valuable time, everybody who completes the survey will receive a free copy of the report and will automatically be entered into our prize draw with two new Apple iPads up for grabs.

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THE SPECTRUM CRUNCH

Itsy-bitsy teeny cell towers are coming

By David Goldman @CNNMoneyTech April 30, 2012: 10:10 AM ET



Can you see the cell tower in this photo? Hint: It's on the facade.

NEW YORK (CNNMoney) -- The **cell phone capacity problem** is getting bigger by the day, but one potential solution has wireless carriers thinking smaller -- way smaller.

As smartphone and tablet usage soars, the giant cell towers that mobile devices communicate with are **getting overloaded**. As a result, cell phone companies have begun to get behind the idea of "small cells": tiny antennas that you can hold in your hand.

Small cells make much more efficient use than traditional towers of carriers' increasingly precious wireless spectrum. The low-powered devices can cut back on interference, improve cell reception indoors and become Wi-Fi hotspots to offload traffic from cramped cellular networks.

Such spectrum-maximizing tricks are becoming increasingly important as mobile traffic booms. By 2016, more than half of the Internet's traffic will come from mobile devices, and 71% of that will be big video files, according to Cisco's (**CSCO**, **Fortune 500**) latest Mobile Visual Networking Index, the industry's most comprehensive annual study.

Carriers would typically handle that growth by adding new cell towers or more radios to existing towers. But that's an **expensive process**, and many metropolitan areas are now so packed with towers that new ones would be riddled with interference concerns.

"That has major implications for how you build out mobile infrastructure," said Murali Nemani, head of service provider marketing for Cisco. "The rationale behind small cells has a lot to do with this perfect storm that is brewing."

Echoing Apple's proclamation of a **"post-PC"** world, Cisco CEO John Chambers said last month that we are entering a **"post-macrocell era."**

Telecom analysts agree. Small cells will make up 90% of total cell tower deployments by 2015, Nomura analyst Stuart Jeffrey predicts.

One of the main selling points is their low cost. The revenue generated by small cell infrastructure sales will make up just 5% of the total revenue from base station sales, Jeffrey estimates, even as small cells grow to dominate the market.

They also offer greater flexibility. **Wi-Fi is a potent tool for fighting the spectrum crunch** -- carriers can use it to offload traffic from their cell networks -- but today's networks can be painfully tricky to use. Customers have to seek out a network, remember their credentials, and manually sign in.

Cisco's small cells use a new "passpoint" standard, certified by the industry-governing Wi-Fi Alliance, that allows carriers to automatically sign their customers in to hotspots. The technology is expected to be released this summer. One day soon, you could walk into a mall with your iPhone and be switched to your carrier's Wi-Fi network without even knowing it.

The carriers aren't touting the technology just yet -- Verizon ([VZ, Fortune 500](#)), Sprint ([S, Fortune 500](#)) and AT&T ([T, Fortune 500](#)) all declined to comment for this article about their small-cell investments -- but they're all in various stages of deploying it.

AT&T **recently won approval** from Palo Alto, Calif., city officials for a **significant test project throughout the city**. Verizon's top network planning executive said at a conference last year that the carrier **will use small cells to help manage its network capacity**, while Sprint **recently partnered** with small cell hardware maker AirWalk Communications.

Cisco is just one of many mobile infrastructure providers hoping to get on the bandwagon. Alcatel-Lucent ([ALU](#)), Powerwave ([PWAV](#)) and others are promoting their own small cells, each with a different feature set.

Alcatel-Lucent's lightRadio, introduced last year, is a cube that fits in the palm of your hand and can be fastened to the top of lamp posts or placed on the sides of buildings. The company is developing several new devices, based on lightRadio, that will bring coverage indoors and be capable of sending both 3G and 4G signal simultaneously.

Powerwave's small cells are able to plug into an ethernet connection and broadcast a carrier's signal. They are also designed to blend in to their surroundings so they don't become an eyesore in places like office buildings or stadiums.

"There is a huge opportunity coming," said Juan Santiago, head of Powerwave's product management. "No one wants a giant cell tower in their backyard." ■

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Outdoor small cell backhaul a 5-year \$5-billion opportunity, says new Infonetics report

Campbell, CALIFORNIA, December 10, 2012-Market research firm Infonetics Research today released excerpts from its new Outdoor Small Cell Mobile Backhaul Equipment Market Outlook. The report forecasts the fastest growing segment of the small cell backhaul market -- outdoor small cell backhaul -- in 8 discrete categories: the 3 forms of wireline (copper, fiber, DSL) and the 5 forms of wireless (licensed and unlicensed millimeter wave and point-to-point, point-to-multi-point, and non-line-of-sight, or NLOS, microwave). The report tracks and forecasts outdoor small cell backhaul equipment revenue, units, connections (aka links) and small cell sites by medium (copper, fiber, air).

ANALYST NOTES

"There's been wild speculation on the small cell opportunity -- some that lump together small cells with residential femtocells, WiFi hotspots, and in-building and outdoor. Our latest research focuses on just the new, faster-growing outdoor small cell backhaul equipment market," says Michael Howard, Infonetics Research's co-founder and principal analyst for carrier networks.

"After fielding several small cell operator surveys and working directly with chipset manufacturers, mobile operators, small cell vendors, and backhaul equipment vendors for more than 2 years," Howard continues, "we are now able to reliably calculate the size of the market and build realistic forecasts. We expect a cumulative \$5 billion to be spent worldwide on outdoor small cell backhaul equipment between 2012 and 2016, with the market kicking into high gear in 2014. This is in addition to the nearly \$44 billion being spent on macrocell backhaul equipment during the same 5-year period."

wave, accounts for 89% of all outdoor small cell backhaul equipment revenue in 2012, while copper, fiber, and DSL wireline products account for 11%

Infonetics reported in its related Macrocell Mobile Backhaul Equipment and Services report that macrocell mobile backhaul spending will grow to \$9.7 billion in 2016 (report excerpts: <http://www.infonetics.com/pr/2012/1H12-Macrocell-Mobile-Backhaul-Market-Highlights.asp>)

REPORT SYNOPSIS

Infonetics' Outdoor Small Cell Mobile Backhaul Equipment Market Outlook tracks backhaul for mobile operator small cells located outdoors, such as those attached to light poles, utility poles, and the sides and tops of buildings. The report does not cover in-building small cells or home femtocells. The report provides regional and global market size, forecasts, analysis and trends for outdoor small cell backhaul equipment, connections, and cell sites. Equipment and connections are tracked and forecast by type: Ethernet over copper, Ethernet over fiber, DSL, non-line-of-sight (NLOS) microwave, standard line-of-sight (LOS) point-to-point microwave, standard LOS point-to-multipoint microwave, unlicensed millimeter wave and licensed millimeter wave.

The report tracks equipment made by Actelis, Adtran, Alcatel-Lucent, Aviat, BlinQ Networks, BluWan, BridgeWave, Calix, Cambridge Broadband, Celtro, Ceragon, Ciena, Cisco, E-Band, ECI Telecom, Ericsson, Fastback, Fujitsu, Huawei, Juniper, MRV, NEC, Nokia Siemens Networks, Overture, Positron-Aktino, RAD Data, Radwin, Samsung, Siklu, Sub10 Systems, Taqua, Tarana, ZTE and many others.

Download Infonetics' outdoor small cell backhaul report table of contents, companies and products tracked and more from the Mobile Backhaul and Microwave section of Infonetics' online service portal at <https://www.infonetics.com/cgp/login.asp?id=772>.

RELATED RESEARCH

- . Latest Infonetics Small Cells and Mobile Backhaul research brief: <http://bit.ly/1232L4t>
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- . Infonetics Research bullish on millimeter wave market
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Infonetics Research is an international market research and consulting firm serving the communications industry since 1990. A leader in defining and tracking emerging and established technologies in all world regions, Infonetics helps clients plan, strategize, and compete more effectively.

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Adjournment