

MURRAY
CITY COUNCIL

Council Meeting April 16, 2013



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NOTICE OF MEETING
MURRAY CITY MUNICIPAL COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, April 16, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

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

1. Approval of Minutes

- 1.1 Committee of the Whole – February 19, 2013
- 1.2 Public Open House - February 26, 2013
- 1.3 Council Initiative Workshop – March 5, 2013
- 1.4 Council Initiative Workshop – March 19, 2013

2. Discussion Items

- 2.1 Records and Information Management – Tim Tingey & Jennifer Kennedy
(15 minutes)
- 2.2 Capital Improvement Program Recommendations – Jan Wells
(30 minutes)
- 2.3 Fiber Infrastructure/ Utah Telecommunications Open Infrastructure
Agency/Utah Infrastructure Agency Discussion – Mayor Snarr & Jan
Wells (45 minutes)

3. Announcements

4. Adjournment

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

5. Opening Ceremonies

- 5.1 Pledge of Allegiance
- 5.2 Approval of Minutes
 - 5.2.1 February 19, 2013
- 5.3 Special Recognition
 - 5.3.1 Murray City Council **Employee of the Month, Jeff Martin,**
Aquatics Manager, Parks and Recreation (Doug Hill presenting.)
 - 5.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of
Murray City, Utah declaring Friday, April 26, 2013 as **Arbor Day.**
(Jim Hendrickson presenting.)

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

7. **Consent Agenda**

- 7.1 Consider confirmation of the Mayor's new appointment of Traci Black to the Murray City Library Board of Trustees in an At-Large position to fill the remainder of a term, which expires June 30, 2014.
- 7.2 Consider confirmation of the Mayor's new appointment of Ray Black to the Murray City Center District – Design Review Committee to serve in an At-Large position to fill the remainder of a term, which expires January 1, 2014.

8. **Public Hearings**

8.1 Public Hearing #1

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

Consider a resolution approving modifications to prior appropriations of Community Development Block Grant (CDBG) funds. (Angela Price 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 a resolution allocating the 39th Year Community Development Block Grant (CDBG) funds for program year 2013-2014. (Angela Price presenting.)

- 8.2.2 Council consideration of the above matter.

8.3 Public Hearing #3

- 8.3.1 Staff and sponsor presentations, and public comment prior to Council action on the following matter (Continued from April 2, 2013):

Consider an ordinance relating to land use: amends the General Plan from Residential Single-Family Low Density to Residential Business and amends the Zoning Map from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the property located at approximately 6271 South 900 East. (Camter Development) (Tim Tingey presenting.)

- 8.3.2 Council consideration of the above matter.

8.4 Public Hearing #4

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

Consider an ordinance amending the City's Fiscal Year 2012 - 2013 Budget. (Jan Wells presenting.)

8.4.2 Council consideration of the above matter.

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a resolution authorizing the execution of an Interlocal Cooperation Agreement between Salt Lake County ("County") and Murray City ("City") to create and fund an ongoing, regional program for homeless services in the greater Salt Lake County metropolitan area. (Mayor Snarr presenting.)

11. Mayor

11.1 Report

11.2 Questions of the Mayor

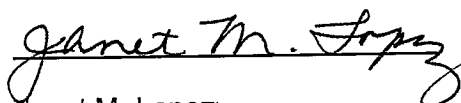
12. Adjournment

NOTICE

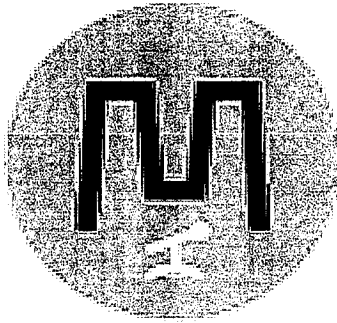
SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.

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

On Tuesday, April 9, 2013, at 3:00 p.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.



Janet M. Lopez
Council Administrator
Murray City Municipal Council



MURRAY
CITY COUNCIL

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, February 19, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Brett Hales
Dave Nicponski
Darren V. Stam
Jim Brass
Jared A. Shaver

Council Chair
Council Member
Council Member
Council Member
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
Pete Fondaco	Police Chief	Jennifer Kennedy	Recorder
Justin Zollinger	Finance Director	Chad Wilkinson	CED
Trae Stokes	City Engineer	Mike Dykman	Fire
Patricia Griffiths	Library Board	Kellie Challburg	Council Office
Jennifer Brass	Resident	Brent Davidson	Recorder
Charles Crutcher	Power	Robert White	IT
Steve Kollman	GIS	Ben Teran	GIS
Matt McQuiston	GIS	Tim Tingey	ADS
Mike Terry	HR	Dale Cox	AFL-CIO
Brandon Dew	Operating Engineers	Mike Adams	Resident
Peri Kinder	Valley Journal		

Chairman Hales called the Committee of the Whole meeting to order and welcomed those in attendance. He excused Mr. Nicponski for the time being. Mr. Nicponski arrived.

Minutes

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on November 13, 2012, and January 22, 2013, as well as minutes from a Council Initiative Workshop from November 20, 2012. Mr. Hales asked if they should be approved all together or separately. Mr. Shaver said that he doesn't have any comments and Mr. Brass said he also didn't have any comments on the minutes.

Mr. Stam said he had some comments on the Committee of the Whole from January 22, 2013. There were a couple of things that he thought were mis-quoted, that he would like adjusted and added.

On page 7, Mr. Stam was talking about taking on the responsibility of the assignment. The minutes read, "When he took on the assignment he had two goals." What Mr. Stam said, was "when I took on the assignment, I sat down and asked Mr. Brass his concern about his issues, and he gave me two issues. The first one was to improve communication, and in the minutes it says, "Communication works both ways, somebody has to be able to listen." What Mr. Stam said was, "Communication works both ways, I could bring back a firehose of information but somebody has to listen."

The next change Mr. Stam had was the minutes said "research on how the company could survive", but it actually went, "Mr. Brass asked me to explain how the company could survive if there was no return on investment in 20 years." Mr. Hales asked to clarify what company. Mr. Stam said Utah Telecommunication Open Infrastructure Agency (UTOPIA). The minutes read that the model is a 20 year return. In reality, Mr. Stam said, "it is a 10 year return with the second 10 years of additional money, or extra money."

The next paragraph reads that the return on investment on the lease program was just over three and a half years, that is not correct, "I said, it is just over two years." That is a significant difference. Then, "I said the plan moving forward is based on three and a half year return, and I asked, is that good enough."

Mr. Stam had one more change. "After he listed all the money for 'Going dark,' Mr. Nicponski said that he would like Justin to look at the numbers, and Mr. Stam replied that he had met with Justin the previous week to look at the numbers." That is an addition that previously wasn't there.

On page 10, at the very end, "Mr. Nicponski said it is their job to come up with the ideas (referring to the employees)", he actually said, "It is not their job to come up with ideas, it is our responsibility." Mr. Nicponski confirmed that is what he said, and thanked Mr. Stam.

Mr. Shaver moved for approval of the minutes from the Council Initiative Workshop on November 20, 2012, and the Committee of the Whole on November 13, 2012. Mr. Brass seconded. All were in favor.

Mr. Hales asked if there were any questions on the changes to the minutes that Mr. Stam would like done. Mr. Stam moved for approval of the minutes from the Committee of the Whole on January 22, 2013 with the additions as stated. Mr. Shaver seconded. All were in favor.

Business Item #1:

Murray City Municipal Council Handbook Discussion- Brett Hales

Mr. Hales said he believes the Council would like to discuss the handbook and wanted to know if the Council wanted to pursue more on this topic, or if it was to be adopted.

Mr. Stam had a couple of comments regarding the Handbook, and if everybody agreed, then they should go ahead and approve it.

Mr. Stam said his understanding of the Council Handbook from the beginning was that it had two purposes:

1. It is something that the Council can refer to and help give them guidelines as to what their responsibilities are.
2. It is so a new Councilmember is not overwhelmed and can understand what processes are involved.

For the most part, everything is done well, but there are a couple of points that may be helpful for a new Councilmember that does not speak "City talk."

On page 3, the second to the bottom paragraph, the explanation taken out is "the handbook will function as the rules and norms of the City Council, and should be adopted by the majority of the Councilmembers." Mr. Stam believes that would be helpful to have that remain in. This would help a new person to have a better understanding of what happens. Currently, it states, "the Council may revise the contents of this handbook, as needed." Mr. Stam was talking about, "moreover this handbook should function as the rules and norms of the City Council, and should be adopted as such by the majority of the Councilmembers in the Committee of the Whole meeting and amended in the same fashion. Council rules may be suspended by 2/3 vote of the quorum." Mr. Stam thought it was helpful in the eyes of somebody new.

Page 7 talks about budgeting and oversight in the process. It says, "The Council has the responsibility to adopt the Annual City Budget and Capital Improvement Plan." Mr. Stam stated that the Capital Improvement Plan had already been adopted, what is actually up for approval is the plan allocations. He believes the word *allocations* should be there, instead of approving the plan. Mr. Shaver said it is a great point, but if they are approving the budget, then they are approving in that process also the CIP allocations for a yearly, since the budget is a yearly. Mr. Stam said that is correct, but they are not reapproving the plan every time. Mr. Shaver appreciates the clarification but would like the word 'yearly' added to the allocations, otherwise they are approving the CIP allocations. It could be included up and above with the budget and CIP allocation, if it says it is a yearly thing. Mr. Stam said it reads, "Each fiscal year, the Council has the responsibility to adopt the Annual City Budget and Capital Improvement Plan *Allocations*." Mr. Shaver said he would agree with the word *allocations* there.

Page 8, under Annual Budget hearings and recommendations, the sentence reads, "Items which may impact the City's Budget Capital Improvement or other funds are reviewed." Mr. Stam thought it should continue, and say "and evaluated as they relate to the key performance areas and strategic initiatives." The City went through a big strategic plan and he would hate to not include those ideas.

Page 10, there is an explanation at the top that explains City performance and service reviews. It goes through and explains quite a bit. Mr. Stam thought it was a good explanation of what those reviews were, but that is an option whether or not to leave them in.

A couple of paragraphs later, it talks about the same thing under Management and Service Performance Reviews, it talks about the scope of review. "Although a program or department may be looked at in its entirety, the Council may opt to focus a review on a

particular service or division, of any given program or department. The scope of review details the items to be studied and the timeframe for the study, and any rules and procedures needed to assure boundaries in the thoroughness of the study.” Mr. Stam thought that would be helpful in both of those locations to help someone that might not know what is going on.

The last thing is that anything but a reference to the RDA (the Municipal Building Authority) has been taken out. In the last meeting of the RDA, Mr. Stam brought up the fact that it was taken out of the Council handbook, and asked for an assignment to produce the handbook for the RDA this year, so that it explains duties and responsibilities of the RDA, and the different types of RDAs. That way, they would have the RDA book to go along with the handbook, which this refers to.

Mr. Hales thinks of this as more of a guideline than an actual handbook. It may not need to be adopted, because the City has a handbook, or a set of rules that they go by. His opinion is that it doesn’t need to be adopted as a handbook, because they already have a set of rules.

Mr. Nicponski said there are some things he would like to strike if it is going to be adopted. If not, then they can save the time and energy.

Mr. Shaver asked if this is a set of rules, bylaws, ordinances, or just a guideline. Mr. Hales said that if it is guidelines, it doesn’t need to be adopted, but if it is rules, the City has a Code that has all the rules.

Mr. Stam said the adoption doesn’t necessarily set forth rules, more to establish that a review of the book has been completed. It states clearly that it is a guideline, not a rule.

Mr. Brass said that if the Council reinstate, as requested the line, “moreover this handbook shall function as the rules and norms of the City Council”, then it is indeed rules, and not a guideline. Mr. Shaver said a guideline can be adopted with a specific purpose.

Mr. Hales said from his experience guidelines are not adopted, but maybe they are in the City. Guidelines are just guidelines where he comes from and they are not adopted. Once it is adopted, then it needs to be abided by.

Mr. Brass said that he believes the intention is good. When a new person gets into these jobs, they are not always well trained. Mr. Brass said that when he became a planning commission member, he was given the planning ordinances, and was told essentially to have a nice day. Fortunately, he read the ordinance and started asking questions.

Mr. Brass likes the idea of a background on the RDA’s because they are becoming more complicated. The RDA is a separate legal state entity which is why it is removed from anything that deals with the Council. They are a completely different deal. The fact that it happens to be the Council confuses people but in reality, “we are them and we are us.”

Mr. Brass’s concern is the more rules you make the more likely they are to be inadvertently broken. It tends to plug up the plumbing. If there is a book that gives knowledge to Council Members, that is great. He thinks the Council Rules are adequate.

Mr. Shaver said he feels the same way and that should be the recommendation. If there is a booklet of guidelines that would help the staff, or the Council Chair, or new Council Members that help them understand the policies and the things that are done without binding

them to it. That was the original intent, if he understands it correctly, not to create a rule, law, ordinance or statute that needs to be obeyed and if one is contrary to it, there would be a fixed punishment. Mr. Shaver doesn't think that is what is intended. He does not want as a Council to punish another Council Member, by not following a rule. There are guidelines and if that is the intent, then they can move forward with it. One of the things in the Handbook states that it can be changed by 2/3 vote, so if it is adopted as a guideline, they can always make changes to it, and strike something if it is not helpful. The Council can decide whether or not to add something.

Mr. Stam said his intent was not to establish it as a set of rules, because reading the foreword it clearly states that these are guidelines, and an overview of responsibilities. He does not have a problem with striking the word rules and norms, and knows that it can be adjusted by the Council.

Mr. Nicponcki said he thinks it is a good idea to leave it as suggested. The work has been worthwhile, and he welcomes the concept. It was educational and helpful to read through it. There are a few things in here that he believes should be fleshed out when it is suggested to flesh it out, but if this is not hard and fast then he is okay with that. When it gets to a scenario when these suggestions become applicable, then the Council will not be bound by it. That is the assurance he would like.

Mr. Stam believes the only point of approving the book is so that there is a final draft.

Mr. Shaver said that can be done if the language is used that this Handbook should be used as a training measure and guideline for Council members. He finds it very helpful to go back and look at the rules and statutes and know what he is supposed to be doing. Mr. Shaver will ask Ms. Lopez what her opinion and understanding is on something. Ms. Lopez will answer based on her understanding, and that is helpful to him working with the parameters within the Council. If this is adopted as a guideline used to educate and inform Council Members, then he thinks that it is good.

Mr. Stam said maybe they just need to clarify what is on the foreword, since that basically explains the guidelines. It is the only place that he noticed where it talks about whether these are rules.

Mr. Brass said he would go one step further and eliminate section 7 which specifically states ethics rules. Mr. Nicponski clarified that is page 27, and he agrees on that ethics recommendation. Mr. Brass also said appendix 8, is specifically labeled Council travel policy, he doesn't have a problem discussing travel, but would remove it from the handbook because it is policy.

Mr. Brass also said that tonight they are approving members of the Ethics Commission so that would supersede what is in the book. He asked Mr. Nakamura if that was correct. Mr. Nakamura said when talking about training, maybe the purpose of the Ethics attachment is for training purposes, because obviously it is the law that needs to be followed, it is a statute in the City ordinances. Mr. Nicponski said the disclosure must be followed, but the withdrawal and not participating in the vote is all new, and he wouldn't go along with that.

Mr. Brass said appendix 9 is Council Code of Conduct and if that correlates with what the new laws are then that is fine and he doesn't have a problem leaving it in. Mr. Shaver agreed as long as it matches up. Mr. Brass said otherwise they would have to have a meeting

and change it. Mr. Nakamura said that is probably an extension. Mr. Shaver asked if they could include the new Ethics Commission in the handbook, as a natural course. Mr. Brass said then it could be adopted that way. Mr. Nakamura added "for purposes of training, using it as guidelines in training". Mr. Stam said they want the foreword to talk about the book being used as guidelines in training, and have the option of how changes can be made left in it. Mr. Nakamura confirmed the part without 'referring to rules and norms'.

Mr. Nicponski added that the recommendation for advice and consent is a big step also. He thinks it is good and likes it, but isn't necessarily being done now. Mr. Shaver said that part seems redundant to put it in the handbook, because that is a statute. By putting it in the handbook, it could be called a synopsis of the advice and consent because it is in different places in the code.

Mr. Nicponski asked if anyone had been interviewed. Mr. Stam said that Mr. Zollinger had. Mr. Nicponski asked if this makes the Council interview the nominees for the Ethics Commission. Mr. Shaver said that has not been done, and believes that it would just apply to department heads. Mr. Nicponski replied absolutely.

Mr. Shaver recommends that the Council handbook be training and guidelines for new Council Members and to be used accordingly. Mr. Nicponski asked about the changes that Mr. Stam had made.

Mr. Shaver asked if it could be adopted as it is, and changes could be made in the future. Mr. Nakamura said those changes could be made, plus the changes that Mr. Stam had requested. The 'rules and norms' could be crossed out, but the words pursuant and concurrent to the strategic planning could be included.

Mr. Shaver said there are three that he would look at:

- The review has to be in accordance with the strategic plan
- The word 'allocations' added in the CIP
- The overall review or specific to the Council.

Mr. Nakamura said it was mentioned that there is not an RDA handbook currently and work could begin on that; it would not be as extensive. They could go ahead and proceed, assuming that there will be an RDA handbook. Mr. Brass said that discussion will be continued. Mr. Nakamura said including the changes that Mr. Stam proposed, other than as modified, as were discussed.

Mr. Brass said he would like the travel policy to be a separate issue, because that is specifically policy. Mr. Nicponski stated that the ethics section should be handled separately also. Mr. Brass said with those changes he would second the motion. All were in favor.

Business Item 2.2 Lowest Responsive Responsible Bidder- Dave Nicponski, Doug Hill, Tim Tingey and Blaine Haacke

Mr. Nicponski said he has staff present to assist him, as well as Dale Cox, the head of the AFL-CIO. He represents a wide swath of Utahns.

Mr. Hill said this was originally discussed as a draft ordinance. He has worked with the legal department and his concerns are addressed in this latest ordinance. He has two comments on the subject.

Mr. Hill was asked to talk to contractors and find out how this affects them. His department spoke with eight contractors, randomly selected. The 6 necessary criteria to be met were discussed with them. Those include: health insurance, veterans preference, drug and alcohol training, safety program, non-discrimination program. He asked these contractors, based on the criteria, would they contractors still be eligible to bid on City jobs. Of the eight contractors, five of them already offered these to their employees, or could easily offer them. Three of them said they would unlikely bid on a City job, because of the hoops that they must jump through, or they do not have the ability to provide these services. There are contractors that have worked with the City that may not work with us in the future.

Mr. Nicponski asked if the contractors knew that it was not a requirement to have these things, it just helps. Mr. Stam asked if they were Murray businesses. Mr. Hill said some were and some were not. The larger contractors seemed to not have an issue with this as much as the smaller contractors.

Mr. Hill said there is language in this ordinance implying that the sub-contractors must comply also. Some of the contractors said that they did not know if the sub-contractors could meet this requirement, and some thought that they could not meet it. The big question is how a sub-contractor is defined, he asked. The City may be left with defining some of the rules that are left in this ordinance. The definition of a sub-contractor as you read it now, is anybody that works for the contractor. Mr. Hill acknowledged that Mr. Stam had an issue in the past with this, if it applied to somebody like him. It would be likely that if a person is working for the contractor, they would need to comply with this ordinance. The City may have to work through this one, as well as the contractors to see if they can comply with this.

Mr. Shaver commented that the onus is on the City to track it. He asked if the contractor wins the contract, does the City require that the sub-contractors comply also, or is that the responsibility of the contractor. Mr. Hill said that is correct that the City would want to ensure that the ordinance is being followed. If the ordinance is adopted, the City needs to determine how this would be done. That is one of the big questions is enforcement and compliance.

Mr. Tingey said in the Administrative Services Department, the administration of this ordinance would occur in the Records office. They have spoken about it, and would like everything to be stream-lined and user-friendly. This does complicate things for the contractors. There are important elements in what is being proposed.

If the City adheres to this ordinance, there is a clause about maintaining the compliance. It could possibly be a three year project, and if for some reason, one of the sub-contractors does not comply. It is hard to switch contractors in the middle of projects.

As has been mentioned, sometimes a sub-contractor is a one-person business, and they may not have a formal training, safety program, etc. These are issues that need to be addressed.

The administrative burden will be larger with the tracking of this ordinance, but the Department is willing to take that on. Contractors and Sub-contractors will need to be looked at throughout the entire project. Mr. Shaver asked how this tracking of compliance would happen.

Mr. Tingey said the City would need to rely on the Contractor and let them know that at certain times throughout this contract, the certification and documentation for compliance would need to be met. It may be that the City would need to do on-site monitoring, but would rely on the contractors for that primary documentation.

Mayor Snarr said there may be a contractor that did not get the bid, and question whether or not another sub-contractor was in compliance. Those comments would need to be responded to.

Mr. Stam suggested possibly requiring the paperwork to be submitted for the compliance along with the pay request for their monthly draw.

Mr. Tingey said that if a sub-contractor is not adhering mid-way through the project, the action taken still needs to be determined. Mr. Nicponski said it could always come back to the Council for review.

Mr. Crutcher thinks the largest burden will be on the Records office as well as the managers of the project to know which employees belong to the contractor and which employees belong to the sub-contractor. That will be a burden that the City will have to enact on. The enforcement is difficult, once a violation is found.

When the City is invoiced, the sub-contractors are not typically listed. The subs that were used for those draws are not listed, but just won the bid for portions of the project. The City previously has not had to determine which subs actually did the work. It will create additional burdens to track all the sub-contractors. The turbine project had 10 to 20 different contractors on that project. Mr. Shaver clarified that currently the City relies on the contractor to get things done, meet expectations and meet the criteria, no matter who the contractor employs. Mr. Crutcher said they look at the specific portion of the job. This will change the way that they operate. Mr. Crutcher said they monitor the specifications and the completion, but not who is doing the work.

Mr. Crutcher asked if this would be for projects specifically providing labor to the City for a project, and not for manufacturing issues. The City works with small machine shops that fabricate parts for the City. Are they required to comply with this ordinance also, he asked. Mr. Shaver commented that Mr. Stam had asked that question also. If someone is hired to do the steelwork, and the steelwork is only manufactured, they are not putting it in place or applying it, would those businesses fall under this requirement, he asked. Mr. Crutcher said sometimes the machine work does require the business to come look at the site, does that change them from a fabricator to a contractor, he asked.

Mr. Brass said that it would be hard to take it to that level. Certain assumptions are made that people will work honorably. He thinks that if parts are purchased, that is different. Sometimes assumptions are necessary, such as the width of the wire, if the documentation says that is the correct width, then the assumption is there that it is.

Mr. Shaver agreed that the assumption is made that the people the City works with are honorable and will do the work that they have been asked to do. Most of the time that is the case, sometimes you can get burned.

Mr. Stam said that he is a sub-contractor and works with fabricators, architects and engineers in Murray. There are some fabricators in Murray that he has worked with that will not

meet this requirement. He believes that there might be one in Utah that might meet the criteria. This might be the case for the architects and engineers also that he has worked with in Murray. He asked about the Strategic Initiative #2, welcoming a thriving business climate. If the City puts restrictions that limit businesses from working with the City, is that a welcoming climate, he asked.

Mr. Nicponski reminded the Council that these requirements are not necessary; it would just help them get the contract. He doesn't see a bunch of businesses turning their back on doing business with the City. He said quality of life tenants are in the goals and objectives as well. He thinks thriving is part of the reason the City is looking into this.

Mr. Stam also mentioned that these were simply guidelines, similar to the handbook and were not ordinances that must be followed and enforced. Mr. Shaver remembers the discussion, but not the conclusion.

Mr. Nakamura said there was a difference between requirements and preference points. He believed the City moved towards preference points that would go towards the procurement. How these preference points would be weighed, within 104% of the lowest bid or \$50,000 less was still to be determined. If someone didn't meet the requirements, it didn't mean necessarily that they would not get the contract.

Mr. Shaver said this could apply to particular contracts of a specific amount. He said there are a lot of businesses that do a small amount of work for the City. For example, the library window was a one-time, specific job needed that had to be purchased out of state, there was quite a procurement process with a specific budget amount. He loves the idea of getting the veterans hired, and the drug testing. Those things appeal to him, but not at the exclusion of some. If there is a line that some fall under, possibly under a certain dollar amount, that would be excluded from this requirement. This would help the small contractors and single businesses thrive. Currently the City is looking at a handyman ordinance, because they would like to welcome the small business owners.

Mr. Nicponski said he appreciates the discussion, and the solutions.

Mr. Cox expressed appreciation to the Council and Department heads for their hard work. He wanted to remind everyone of the language that rewards responsible contractors. He started with this because of a project on Bullion Street. He watched a less than desirable contractor tear up Bullion Street for months, when it should have been a three to four week job. As he explored that, it was simply because it was low bid. He is trying to get a quality low bid and a reward for responsible contractors. As far as sub-contractors and suppliers, he believes that this preference would not apply to suppliers. He believes it is a ground level thing, once the work starts.

He knows that it is added work for the Departments, but at the end of the day, Murray gets a better product. A contractor, whether large or small, is responsible enough to take part of the profit margin and invest it back into a safe workforce. He thinks that is a value to Murray City as well. That is the point of this whole thing, a quality workforce and quality product. The men and women that do the work have a fair and safe work environment.

Mr. Shaver asked if it could be adopted with pricing without preferential treatment, or draws a line as to an amount needed. Mr. Nakamura said there is a bid limit of \$168,000 that only applies to Public Works projects equal to or above that amount. Mr. Nakamura said there is

a calculation that increases 3% per year. Mr. Hill said the limit is currently \$54,000 for building projects, and \$168,000 for Public Works. Mr. Stam said an example would be the restrooms at Southwood Park. Mr. Nakamura said the amount could be increased, the Murray Code was referenced, but that could be changed. Mr. Shaver asked if there was something in writing concerning the minimums. Mr. Nicponski asked if Mr. Hill, Mr. Nakamura, and Mr. Tingey could get together and work on this.

Mr. Brass said he has had frustrations with low bids. The mentality needs to be changed when working with taxpayers dollars. The City should look at lowest cost of ownership, and the quality of materials, and the product may not be the cheapest one, but the one that will last the longest. This isn't unprecedented. Other Cities give a 5% bid preference to people within their City limits, and yet other companies continue to bid on the projects. If Murray gets a better quality product, the City will be better off.

Business Item 2.3

Information Technology Governance Committee Update- Tim Tingey

Mr. Tingey said this is a very active committee. It consists of Department Heads, Jan Lopez, and other staff that is quite involved. The committee has been working on application to affecting efficiency within the City. Ben Teran, Matt McQuiston, Steve Kollman, and Rob White are also present for this discussion.

In 2012, the Help Desk ticket program was implemented. An employee can go online and request assistance. This past year, 1,249 help desk tickets were finished. Hopefully this is a more responsive approach.

The PC replacement program was implemented through the Capital Improvement Committee recommendation and the Council adopted. They have purchased 70 new computers, and that will be completed in March. That has been a great process to continually improve the equipment that we have on an ongoing basis. Mr. Shaver asked if employees have remarked that this is a good thing. Mr. Tingey said that they have.

They also initiated the conversion of the City e-mail system to Microsoft Outlook from Lotus Notes. That has been a very good project that is completed.

The Internal Wireless system was purchased and installed in multiple City buildings, as well as numerous daily tasks, related to servers and other things.

There have been a number of programming projects as well that have been completed. The Committee has seen this information and given input on proposals and projects.

These are some of the things that the IT Governance Committee has done. The Committee was established in October 2011, and has been active a little over a year. The Committee meets monthly and addresses a number of things. This is all included in the Governance Committee Standards of what they look at and how they address things. If the project is over \$12,000 and considered a large Capital Improvement Project, the Committee provides input that goes to the Capital Improvement Committee, as well as the budget for IT and GIS. The Committee provides recommendations on that also.

There have been customer service changes implemented by the Committee, such as the Help Desk tickets.

Policies and procedures have been reviewed by the Committee, and are in the process of being formally adopted.

The Technology standards provide an ongoing review. The implementation of the Fire programs package is part of this also. The technology selection process is part of what the committee has been evaluating. The Printelligent contract is being reviewed currently. They are hoping to save the City money on that Printelligent contract and revisions with their recommendations. The network and server investment project is an ongoing thing that the committee has given input on. The PC replacement program has been implemented and reviewed by the Committee.

The City's cell phone policy has been finalized and the committee is very pleased with it. Now there is a standard policy that applies to every employee in the City that has a cell phone, either a City issued cell phone, or their own cell phone for reimbursement. That has been adopted as well. Mr. Nicponski asked what the range for reimbursement is on the cell phones. Mr. Tingey said that it is \$65 for a smart phone, and \$30 for others. Also, if an employee is using a City smart phone, they pay an additional amount to use it for personal use.

The Committee is really working on implementing the Strategic Plan and making it a working document that the City is trying to improve technology and efficiency.

He complimented the IT staff, and the amount of time that Rob White puts in to fixing problems.

Mr. Tingey introduced Ben Teran. The Geographic Information Systems (GIS) group is doing a lot of things behind the scenes.

They are doing things that help the departments complete their jobs and improve efficiency.

Mr. Teran showed a base map that has been created. It runs on any web browser, but is localized to the internal network of Murray, so it won't work from your home.

Usually, the City workers have a bunch of printed maps that they have to look at for things such as garbage collection. This program allows you to punch in an address and it will tell you exactly what day their garbage pick-up is. This streamlines a few things. The same is the case with Water, Power, and City districts. The program allows you to zoom in and click on a property to get specific public information, such as year built, value, etc.

There have been measuring and printing tools added to customize the map. You can add text, or other things and create a PDF of whatever it is you are looking at. Mr. Shaver said he has had a lot of people calling about Hillside Drive. He asked if he could actually print up that location and show them what is happening.

Mr. Tingey said they have up to 50 people call a week and ask about their zoning. This map makes the Department a lot more efficient. You can type in a property address and determine exactly what the zoning is. This will enhance how customer service is provided in the Mayor's office, the Council office, and the development side of things.

The City has a lot of printed map books. They are pretty large, and are expensive to keep updated. For that reason, the most current information isn't always available to those that need it. This especially affects the Power Department with the changes that they have.

First, they have made a digital PDF map book that can be loaded on to a PC or iPad or anything, and you get some interactivity.

Secondly, they have made it easier to use and more interactive. The user can zoom in and touch a grid on the map, and it jumps to the corresponding page in the book. The detailed information, such as circuits can be seen when zoomed in. They have added a page guide at the top that tells you the City boundaries, in addition to the page numbers.

The employees in the Power Department have started using this and have given positive feedback. They will be receiving an update tomorrow with new information.

This map book is a stand-alone product and doesn't require a data plan or internet connectivity. Mr. Shaver asked if this would be truck accessible for the Power Department, and they would not have to call in and get the information. Mr. Teran said that it was. Typically, when they receive a call, they look it up in the book, but they could look online at this

Mr. Brass asked if a physical update was needed. Currently Mr. Teran has been attending the staff meetings and assisting them with the updates, but it is as simple as putting it on a webserver with the URL, and downloading it.

Mr. McQuiston showed an example of the map for the Water Department. Currently, he prints ten maps for the Water Department, six for the Sewer, and five or six for the Storm Water Department.

These maps have the same ability to zoom, and scroll in. All of the meters, hydrants, and shut-off valves are shown. There are some utility indicators; it is an arc-reader project and is a little more interactive. You can touch on a water line, and get the size, date, and addresses. There are three utilities shown here: Water, Sewer, and Storm Water.

Mr. Kollman said that the Fire Department requested an updated map-book. The Fire boundary is red. This is a draft version that he is currently working on with the Fire Captains to figure out the needed detail. In the printed version, it is necessary to limit some of the detail. The goal is to keep the map-books consistent and similar looking. The grid has been set up by the Fire Department, and there are inset pages to help navigate. They are trying to use GIS to give the existing maps a little more detail.

Mr. Nicponksi asked if there was training for the firefighters and paramedics. Mr. Kollman said that the draft version was emailed to the Captains and explained the tools. He said the Fire Department picked it up very quickly. There are a lot of the multi-unit complexes that have been mapped out, both within and outside of the City limits. There is also County information that can be incorporated into the PDF version also. This makes it nice to see several layers of live maps. As buildings are developed, such as Fireclay, new pages can be pushed out to them a page at a time.

Mr. Tingey commented that the Information Technology (IT) department is working on great things and the IT Governance Committee is an important part and very active in their assistance. The City has great staff that is doing great work every day.

Business Item 2.4

Election Code Changes- Jennifer Kennedy

Ms. Kennedy said there have been some changes to the Election Code. Some are caused by changes in the Legislature, and some are just cleaning up the Code.

There is a new requirement that on or before February 1st the offices that will be filled this year are posted in a newspaper. That has been done.

Another big change is to the Declaration of Candidacy. The date has changed from July 1st to 15th to June 1st to 15th. That has been updated. The Declaration of Candidacy Ordinance has been mirrored to match the State Code.

Nomination procedures also have been mirrored to follow the State Code. There was some clarification done on the acceptance of a nomination petition.

Ms. Kennedy stated that June 1st is on a Saturday, so the actual dates will be June 3rd to June 17th.

Mr. Tingey said this will be on the Council Agenda on March 5th, 2013.

Mr. Nicponski asked how the give and take with the County on the boundaries was coming along. Ms. Kennedy said at this time it has been left as County precincts. There may be some split-precincts, but it will be left at that. The boundaries will not change. The new maps will also help to tell people what precinct they reside in. Mr. Shaver said they should receive a notification from the County also. Ms. Kennedy said that was correct, and those should have already been received because of the school board elections.

Mr. Hales adjourned the meeting at 6:30.

Kellie Challburg
Office Administrator II



MURRAY
CITY COUNCIL

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MURRAY CITY MUNICIPAL COUNCIL
PUBLIC OPEN HOUSE

The Murray City Municipal Council and the Community and Economic Development Division held a Public Open House on Tuesday, February 26, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

Members in Attendance:

Dave Nicponski
Darren V. Stam
Jim Brass
Jared A. Shaver

Council Member
Council Member
Council Member
Council Member

Members Excused:

Brett Hales

Council Chair

Others in Attendance:

Chad Wilkinson
Angela Price
Amy Goller
Susan Dewey
Mayor Snarr
Citizens

Community Economic Dev Manager
CDBG Coordinator
Comm Econ Dev
Planner

The Public Open House began at 6:00 p.m. with the arrival of Murray City citizens interested in giving input on the topics of chickens and bee keeping in residential zones, and changes being considered to the current standards for park strips/landscape stripes along public streets. Currently, Murray City does not allow chickens or bee keeping in residential zones; however, the City Council is considering making changes to allow these types of uses on a limited basis.

Mr. Wilkinson thanked all present and explained that this meeting was not a formal Council Meeting, no decisions would be made; rather, the open house was the beginning of the process to get citizens input, feelings and thoughts on the three issues being considered. All three issues impact residential neighborhoods.

At the entry table there were surveys to be filled out and they would be available on the Murray City website (murray.utah.gov). If the group knew of anyone not able to attend, they may fill out the same information on line.

For the landscape standards, a visual preference survey was located at the front of the Chambers and the City would like to know the preferences and visions of residents in Murray. Each attendee would be given six dots that they could place on the park strip photographs that depict what they would like to see throughout the City. About 16 landscape choices were displayed.

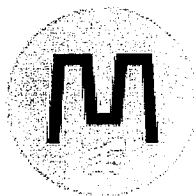
There was no program planned; however, Mr. Wilkinson stated that the attendees were the experts and the City would like to hear how they feel about these issues. The staff was present with information on what standards surrounding communities have in their codes. The staff members could also relate what Murray City requires currently. He reiterated that the purpose of the meeting was to hear from the residents. He encouraged participants to talk with each other and ask questions.

Mr. Wilkinson also asked citizens to fill out the signup sheets so City staff could keep in touch with attendees in the future relating to these issues. After the two open houses the comments received would be put together and given to the appointed officials, Planning Commission and City Council. The Community and Economic Development Division would make some recommendations to these officials. Following that, public hearings would be held for residents to have a chance to speak and give their opinion to the Planning Commission or City Council. He encouraged everyone to participate as the process continued.

Staff members and City Council members were present to answer questions. No positions had been formulated to date.

The meeting continued until 8:00 p.m. when all attendees had completed surveys and exited.

Janet M. Lopez
Council Administrator
Murray City Municipal Council



MURRAY
CITY COUNCIL

DRAFT

**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL INITIATIVE WORKSHOP**

A Murray City Council Initiative Workshop was held on Tuesday, March 5, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jim Brass
Dave Nicponski
Jared Shaver
Darren V. Stam
Brett A. Hales

Council Chairman
Council Vice Chairman
Council Member
Council Member
Council Member

Others in Attendance:

Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Jennifer Kennedy	City Recorder	Charles Crutcher	Power
Justin Zollinger	Finance Director	Doug Hill	Public Service Director
Jennifer Brass	Citizen	Janet Towers	Citizen
Tim Tingey	Admin & Development Services	Kellie Challburg	Council Office
Roger Timmerman	UTOPIA	Pete Fondaco	Police
Blaine Haacke	Power		

Mr. Hales called the Council Initiative Workshop to order at 5:48 p.m. and welcomed those in attendance.

Minutes:

Mr. Shaver moved for the approval of minutes from the Committee of the Whole on November 20, 2012 and December 4, 2012. Mr. Brass seconded. All were in favor.

Business Item 2.1

Micro Cell Development, Deployment and Revenue- Darren Stam

Mr. Stam came directly from a Utah Telecommunication Open Infrastructure Agency (UTOPIA) meeting. He has spent a lot of time at UTOPIA, and there are a couple of different things going on in the technology industry.

One of the problems is that everyone has an iPad or smart phone and it is overloading the system. A company, like Verizon that has towers spaced every so often is finding that their systems are overloaded. Currently, they pay approximately \$7,000 a tower, and in order to provide more bandwidth to keep up with the demand, they need to put in more towers. The problem with the towers is that they are big, bulky, and very expensive. Also, nobody wants a big tower in their backyard, even with efforts at camouflaging them.

Efforts are to try to get broader coverage, with less of the bulky equipment. Mr. Stam showed a version of a small cell broadcaster. Companies would like to put 3 or 4 of these on a pole, and that would service 10 to 20 houses in that area. Mr. Hales asked about Wi-Fi. Mr. Stam said these would be used for any type of smart device, and project it out.

The problem is finding a cost-effective way to provide more bandwidth. Mr. Stam explained how he had called Verizon and asked why he was being forced into a data plan, and they said that the reason was they did not have the bandwidth.

As a City, there are two ways to approach it:

- The City can sit back and wait until companies come, or the
- City could develop an ordinance and lay out the red carpet for them.

If the City provides this, then providers will come to Murray first and the City will build a revenue stream. Mr. Hales asked if it would bring businesses to the City. Mr. Stam replied that he didn't know if it would bring business, but it would get done in our City first, and build revenue. Mr. Shaver asked for a clarification on whom "they" is referring to. Mr. Stam said that "they" is Verizon.

Mayor Snarr asked if the City would then be open to allowing anybody to attach to the City's poles. Mr. Stam said that the City already does that. This would set it up so that the City gets the revenue stream, or wait until they come and possibly lose the revenue stream if they choose to put it on private buildings. Mr. Shaver clarified that the City would allow whomever to attach to the City's poles with their equipment, and whoever it is, is charged per equipment. Even if there might be three telecom companies on one pole. Mr. Stam said yes and theoretically the City could get \$700 per pole. Mayor Snarr commented that these were needed at the University of Utah because of the poor cell coverage with AT & T.

Mr. Stam said some of the information is included in the packet, and introduced Roger Timmerman from UTOPIA.

Mr. Timmerman demonstrated what is called a light radio. This is not something that Murray or UTOPIA would buy. This has been developed for Verizon, AT & T, or similar customers. They need power and a fiber, and a location to place them on. It is normally a huge hassle, getting the land and erecting their own towers. If they can go to the City, and have one agreement with a standard fee, then both parties are happy.

This presentation hasn't been created for the City, but makes some good points. A Multiple Service Operator (MSO) would be a network provider such as Xmission, UTOPIA, or Xmission on UTOPIA. The industry straddles some lines. Mr. Shaver asked what an ALU was. Mr. Timmerman said an ALU stood for the company, Alcatel Lucent. They provide the equipment. There are other competitors, such as Motorola, Sony, Emerson, etc. Mr. Nicponski asked if the agreement would be with Alcatel or Verizon and AT & T. Mr. Timmerman said Alcatel is in the middle and trying to help the cell carriers. The carriers can't make a tower provide gigabyte speeds to every home in the neighborhood, the physics don't work. They can make 30 Megs per cell that shoot out bandwidth, but then you go into a stadium with 1000 people sharing 30 Megs, and it just doesn't work. They keep making advances in antennae's and LTE is the latest, but that takes you from 30 Meg to 100 Meg. It still isn't keeping up with demand. The new LTE isn't available for unlimited use, because they can't keep up with the bandwidth. The only approach they have is to do smaller and more towers. Mr. Shaver asked what a MNO was. Mr. Timmerman said a MNO is an AT&T or Verizon. There is a lot of skepticism and a lot of problems with this model.

Mr. Shaver asked if what they were saying was that if Murray opens the conversation, then the City would facilitate the discussion.

Mr. Timmerman said that a lot of the MSO's don't have the money to buy a billion dollars of spectrum, as you have seen Verizon or AT&T do. The only wireless that you see the local guys doing is Wi-Fi. They are installing that all over the place.

The MNO's are doing their thing and building these small towers, such as pico cells. It is a tower that supplies hundreds, not thousands. A carrier is probably covering a City the size of Murray with about 10 towers. As they go to small cell technology, they would have to go to 150-200. That become so inexpensive but delivers bandwidth to around 20 people. Now, there could be a wireline type of service but have it remain wireless.

They used to only have 100 towers per area, and that is expected to grow exponentially. Their desire to have access points for towers matches up closely with what Wi-Fi coverage looks like. The solution seems to be for them to work together. UTOPIA already is trying to provide connectivity for Wi-Fi providers and have a lot of access points throughout the City. It makes sense for the carriers to use these also.

Mr. Shaver asked if the idea was that MNO's are not interested in building towers, they are interested in bandwidth and connectivity and get as many of their customers connected with the greatest bandwidth that they can. At the present time, the only way they can do that is by creating a tower. The City has the towers. Mr. Timmerman agreed and said these are no longer 100 foot towers; these are just light poles and things that are already there.

Mayor Snarr said the City has upgraded the poles and made them higher. Mr. Crutcher said that all of the contacts are below the distribution level. Mr. Shaver asked what the distribution level was. Mr. Crutcher said that it was the area below the wire.

Mr. Timmerman said that the total cost of ownership would be better if the AT&T's and the telcos are working together. A lot of times, you see Sprint and AT&T having to build their own networks to get to their own towers. It makes sense to use existing infrastructure to do that. An MSO managed small cell offering that is made available to the MNO's could get \$7,000-\$9,000 per cell per year. That is not their number, it is the guy in the middle (Alcatel Lucent)'s number. He wants to sell the equipment to the one side, and the connectivity to the other side. The number that seems to work for both of them is in that range. There would be a few of the boxes on each site because they are directional. Mayor Snarr asked if they needed a platform to sit on. He said they are attached to the pole with a bracket.

Mr. Brass asked about having one more thing on a pole, and if the guys have to climb over that to do repair work. Mayor Snarr asked about the frequency of climbing poles. Mr. Brass commented that the poles would need to be climbed in the case of an earthquake, and losing the ability to get the trucks there, and also in the backyards. Mr. Crutcher said that typically they repair them from the buckets, but there are times when the poles need to be climbed.

Mr. Zimmerman said that a pole may have 6 or 7 of these boxes attached. There may be a row for Verizon, a row for AT&T, and a row for Sprint. It gets a little cluttered up there, but now the revenue is \$21,000 per pole. Mr. Crutcher said that currently there are wires on the wood poles, but at this time the City has never allowed anything to be put on the steel street poles. Mr. Brass commented that most of the new neighborhoods are underground, so all that is available are street light poles. Mayor Snarr said that street light poles are serviced by boomer trucks.

Mr. Crutcher said that Qwest, Centurylink, Comcast and others only pay \$16 per year per pole to be connected. He believes that the \$7,000 rate is way too high, compared to the \$16 per year. Mr. Shaver asked if that figure was just out of the ballpark. Mr. Crutcher said that it isn't in the fee agreement. Mr. Zimmerman said that the fee can't be tied to attaching something, but for the connection and providing the power. Some use more power than others. Mr. Brass commented that it could be an expense if it is connected to a light pole but isn't light pole voltage. Mr. Crutcher said that some of the circuits on the lights are a single photo cell which goes off during the day and shuts down the power.

Mr. Hales asked if other places were doing it right now. Mr. Timmerman said that is being used in large cities, such as New York, Los Angeles, San Francisco. The higher density places need this or the network will fail. The demand is skyrocketing to other cities. AT&T isn't here saying that they want this today, but the intent here is to have a model when they do show up. Then, the City will know that they are getting every dollar that they could have. The carriers have said that this approach is necessary and they are doing it where they have to now, and will do the others when they have to.

Mr. Nicponski asked if the price was consistent between the other cities. Mr. Timmerman said that it was consistent, it just varies on the number of poles.

Mr. Stam said in the paperwork sent out, it states the millions of dollars spent this year in deploying this. Mr. Shaver said that the City doesn't have to maintain it, but it does create an encumbrance for the personnel and every pole is not going to work. The intent today is to look at it and get some real numbers, not to decide today.

Mr. Stam said that the City has expenses that are growing, and it would make a big difference in the bottom line to have a substantial income. He would rather be on the leading edge and bring it in, then be reactive and losing out. Mayor Snarr asked if it could be taken into an industrial park or an office environment. Mr. Timmerman said yes, but that this still requires a fiber network nearly down every street. There are two large areas that advertise UTOPIA that he was thinking about.

Mr. Stam said to remember this is not providing wireless services for people's home computers, etc. This is providing services for AT&T and Verizon. Mr. Brass commented that it is a smart phone or an iPad with a data connection. Mr. Hales asked if the data connection was needed. Mr. Stam said that they now sell wireless hot spots that this would be working on. Mr. Stam said that you would need to have a data plan to be able to use it. It isn't a wireless product.

Mr. Hales thought he had read about a similar product but it was wireless, similar to a wireless city. Mr. Stam said there are companies doing that. Mr. Hales said he was under the understanding that these cells did both also. Mr. Stam said these cells are more for telephone service. Mr. Zimmerman said there have been a lot of projects that try to do mesh wireless, which means that you feed one with fiber, and it feeds the next one wirelessly. The problem there is that you are sharing bandwidth back to that one wired connection, and that is what they are trying to get away from. That is the main restraint; they don't have enough bandwidth. Mr. Hales asked if they will come out with that soon. Mr. Zimmerman said they will do the wireless where they have to; you can always shoot point to point. A lot of the towers are that way today, you will see a little microwave dish and then you will see the antennae's. It is just too expensive to connect to those with a wire. They are trying to rip those off as fast as they can, because they don't provide enough bandwidth. This is the next step beyond that to connect them closer.

Mr. Shaver asked how many poles would cover Murray. Mr. Stam said that Mr. Zimmerman said 100 to 150. Mr. Zimmerman said that the trend of utilization is growing exponentially; you will see the micro cell development take off. It doesn't even have to be that high to justify this.

Mr. Nicponski asked how many residential units will be serviced by one box. Mr. Timmerman said that there are different numbers. He has heard as high as one box for 10-20 homes or one for 100 homes. They would come in and start with smaller numbers and grow from there.

Mr. Stam said it is important to look at the dates and the amount of usage that is growing. From 2013 to 2017 the numbers jump from 100 to 2000. The question is how many of those will Murray have at revenue of \$7,000 per year.

Mr. Haacke has a few concerns and would like the Power Department to be actively involved in this investigation. They have a responsibility to protect their poles. Some concerns are:

- Whether there will be conduit going up the outside of the pole, and will it be attached to the pole?
- Will the integrity of the poles be compromised?
- Will there be drilling into steel poles?
- How much electrical usage is it, and will it overload the control wires? Sometimes the wires are small and not heavy-duty, and what would the draw on those be?

Mr. Stam said the intent is to find out what is happening and what kind of revenue stream there would be and come back and design something that fits the City and the City can benefit the most from. Mayor Snarr said he would like to see how the other cities are doing it. Mr. Stam said it includes working with the Attorney's office and the Power Department to see what works best for the City. He doesn't want to force something on the Power Department that they don't like, but yet if it turns out to be a dollar benefit that brings in \$1.5 million to the City, it is something that the City cannot not look at. Mr. Shaver reminded them that right now the City can just control west of 9th East.

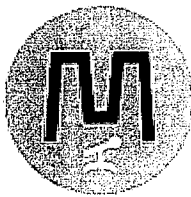
Mr. Stam said this is something that will take a couple of months to figure out.

Mr. Tingey added that as they are looking at this process, they would want to make sure the zoning regulations are in line. He doesn't see it as an issue, but there are certain regulations the City has related to cells and towers. Even though these are small, staff would need to make sure that none of the existing regulations would prohibit this. Mayor Snarr commented that he has taken a lot of heat from cell towers.

Mr. Stam said he would work with Mr. Nakamura and UTOPIA and find out how it can be a benefit to the City.

Mr. Hales adjourned the meeting at 6:20.

Kellie Challburg
Office Administrator II



**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL INITIATIVE WORKSHOP**

A Murray City Council Initiative Workshop was held on Tuesday, March 19, 2013 in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Brett Hales
Dave Nicponski
Jared Shaver
Darren V. Stam
Jim Brass

Council Chairman
Council Vice Chairman
Council Member
Council Member
Council Member

Others in Attendance:

Dan Snarr	Mayor	Jan Wells	Mayors Office
Frank Nakamura	City Attorney	Janet M. Lopez	Council Staff
Jennifer Kennedy	City Recorder	Briant Farnsworth	Attorney
Justin Zollinger	Finance Director	Doug Hill	Public Service Director
Jennifer Brass	Citizen	Ted Eyre	Citizen
Tim Tingey	Admin & Development Services	Kellie Challburg	Council Office
Zach Fountain	Legislative	Diane Turner	Citizen
Elaine Judd	Arts Board/Citizen	Mary Ann Kirk	Cultural Arts

Mr. Hales called the Council Initiative Workshop to order at 5:02 p.m. and welcomed those in attendance.

Minutes:

There were no minutes for approval.

Business Item 2.1 **Murray Center Performing Arts Center Discussion- Dave Nicponski, sponsor, Mayor Snarr, Tim Tingey and Doug Hill**

Mr. Hill stated that he came prepared to give a historical perspective of the arts. Some are very familiar with it, and others may not be. Mr. Tingey can follow Mr. Hill and talk about the downtown planning and then the Mayor can follow and discuss the recent meeting with Taylorsville City.

The arts and performing arts are an important part of the City, and have been incorporated into the City for 40 years. In the last 20 years, there have been surveys and master plans conducted by Murray's residents asking them how important it is to them to have arts and places for the arts to perform.

Probably about 10 years ago or longer, the City set some funding aside to study a performing Arts center in Murray Park. A consultant was hired and a site plan was done, as well as architectural renderings of what the Center would look like, should the City decide to build in Murray Park.

Recently, because of the emphasis on the downtown area, the City started to work with the Portland group, Gerding Edlin and GBD to master plan the downtown area. One of the components of that downtown planning process was to take a performing arts center out of Murray Park and put it downtown. That created the rebirth of a performing arts center in the downtown area.

Then about three years ago, at the same time that this downtown planning was going on, Salt Lake County started the Countywide Cultural Facilities Master Plan. As part of that master plan, they studied all of the arts organizations as well as all of the arts facilities in Salt Lake County, and made some recommendations. One of the recommendations made was that besides having these grand theatres in downtown Salt Lake, there should be some regional performing arts centers located throughout the County. They recommended that there be three of them throughout the County. One of the locations was the area that Murray, Taylorsville, Cottonwood Heights, and Holladay City reside. Between these four cities, there should be a regional performing arts center.

As part of that master plan study, they created an application process whereby Cities or arts organizations could apply to the County and request matching funds or some other proposal to build these Arts facilities. Murray City, with the City Council at the time, about three years ago, passed a resolution that Murray City would like to have a regional performing arts center in the downtown area. Murray specifically designated the corner of 4800 South and State Street to be the location for this Center.

Shortly after the application and resolution was submitted to the County; several new members were elected to the Council and the City went through a Strategic planning process. As part of that Strategic planning process, the elected officials in the Strategic Plan, decided that the City was not interested in funding, owning and operating a performing arts center. There were other higher priorities that the City would rather spend the money on. As you recall, the City shifted gears last year during

budget time and said the City is no longer interested in building, owning and operating a performing arts center. A letter was sent to the County stating that. However, in that letter the City stated that they would be interested in having the County build, own and operate a performing arts center, and would consider working with them to provide the land, perhaps a parking structure to go along with this performing arts center.

Also, during that time, the City provided funds to the Murray School District to enlarge their auditorium and arts facilities at the new Hillcrest Junior High School.

The City has developed a plan to have a performing arts center in downtown Murray but it would be a Regional facility that would be built, owned and operated by the County, and the primary purpose of that center in downtown Murray would be for economic development. They have taken care primarily of the major needs of the local arts groups, like the Murray symphony, the Concert Band, and the Arts Council, etc., by partnering with the Murray School District to provide a place that they can call their home.

The focus on a regional performing arts center downtown now is primarily economic development, not necessarily to benefit the local arts groups. The arts groups may be able to use it from time to time.

The reason that this is on the Agenda is that the Mayor of Taylorsville City would like the County to build the regional arts center in Taylorsville City. They want to build it for the same purposes, to grow economic development in their City. They asked Murray City if they would be willing to drop the thought of having a performing arts center in Murray, and in turn support the building of one in Taylorsville City.

Mr. Tingey wanted to add some detail to what happened with the Gerding Edling group out of Portland when the City went through the process to develop the concepts that the City would like to see in the downtown area. There were a number of different goals that were established in the area. One of the big goals was to create an area that would be vibrant, where people would live, work, and play. It really comes down to the type of investment that you want in the area. That moved the City in the direction of adopting a Murray Center City District where there is density, commercial uses, potential entertainment uses and seeking investments. The City acquired some of the property on the corner of 4800 South and State Street.

The City did that for two purposes: One was to eliminate some of the blight that was happening in the area. The City was getting complaints and there was an opportunity to acquire the property and eliminate some of the eyesores. Secondly, the City felt it was important to invest in that area, and potentially have some public facilities. In fact, in the design guidelines, as part of the concept plans for that area, it identifies a performing arts center in that block of the downtown area. The City recognizes that they are concept plans but that investment is a reason that the City purchased property in this area. From an Economic Development perspective the interest in the downtown is to generate investment and create a scenario where there is a catalyst that helps establish additional Economic Development properties.

The performing arts center, in his opinion, is a catalyst for the downtown. If there is an

investment from the County to own, operate, and build a facility with the City's partnership, that will develop more than one public facility. It will create investment that will induce future investment into that area. That is a lot of the process that was discussed in creating the Murray City Center District. A catalyst is needed in the area. The hotel is being started and will be great, but a destination point, such as a performing arts center would be invaluable in that area. It would stimulate growth and create a new environment which would prompt a lot more investment from the private side of things.

Mayor Snarr said he has had three meetings with the Mayor of Taylorsville. He reiterated what he has been saying all along. The City has invested in the site, and the original reason for investing in the site was to look at the opportunity of partnering with the County. Like Mr. Hill indicated, the priority for the most important thing was a new City Hall, and other priorities that may take precedent. He said the City is willing to move forward what was originally proposed. At the end of the day, if the County comes back and needs more of an investment from whatever City is going to get this, the City that has more money to go towards it may get it. If the other City is willing to put a few more million dollars into it, even with the potential for a parking structure, then it may not be reasonable to fight the County. He would love to see the project, but he understands that other Cities have the same challenges. Taylorsville has a lot of vacant storefronts, and is also looking for an economic catalyst for bringing that area back to life.

The Mayor said that he values the arts and goes to the concerts, and wants to do what he can to find a home and have this vision become a reality. Technically, Taylorsville is in a different County arts region and he pointed that out to the Mayor. It would be foolish to have two Performing Arts Centers that close together, they would both be under-utilized. The County hasn't given any funds yet. The Mayor said that the plan is to go ahead with what is proposed and have the County do the evaluation. If Taylorsville came in and said they have the room for parking and willing to do a lot more, then he would support them.

Mr. Shaver clarified that the Mayor was saying that if the County was interested in building, that is great, but not with Murray money. Mayor Snarr said he believes it isn't fair to preclude someone else, that is willing to put in a lot more money from making their vision a reality. He believes that at the end of the day you want to say that you are an honest person and if the City can't afford it, and you can, then we shouldn't fight them for it. He believes that Taylorsville would open the doors so Murray Arts could use the facility also, and Murray would do the same. Mayor Snarr and Ms. Wells made trips to see all of the Mayors in surrounding cities and asked for their input. Mayor Seghini had a minor request, and believes it has already been addressed.

Mr. Nicponski wanted to disclose a conflict of interest because he works for Taylorsville as a Legislative Lobbyist.

Mr. Nicponski said he sees the Hilton Hotel as the anchor, and thinks it would be an interesting debate to see which spurs more economic development; a hotel, or a performing arts center. He has looked at the area around the Capitol Theater, Symphony Hall, and Rose Wagner, and there are huge hotels in the area. He thinks it is hard to make a distinction, and believes people attend the event and then go home.

Mr. Nicponski asked the question of how valuable the property is. Does the City want to make it 100% tax generating or scale that back and allow a non-profit to eat into some of that revenue profit that could be enjoyed, he asked. Parking does need to be considered also, it isn't just the building. He drove over by the amphitheater today and noticed all the parking spots that it requires. He said that Murray has a thriving arts community and respects that, and respects the time put into the organization. The City has good facilities and the amphitheater is a fantastic site. The works that the Arts program does with the students in the schools is outstanding.

The Council met on April 16th and talked about not giving money to the School, but then the decision was made to give money to them. He thinks that \$200,000 given was a step in the right direction, and voted for that in the budget process.

Mr. Shaver asked if MaryAnn Kirk and Elaine Judd would be available for comments, since they both represent the Arts.

Ms. Kirk said she disagrees with the catalyst discussion. She was in a production last weekend at Abravanel Hall and took her family to an adjacent restaurant. She said that in the summertime, she gets 15,000 to 20,000 people in that amphitheater, and they are always asking for suggestions to go and eat. That is just three months out of the year. Year round, you would get all these different groups coming from all over the place. Every production, Murray has people coming from Utah County, Tooele, Wyoming all to a destination point. She believes that is a huge economic boom and has figures to back that up. Obviously, this is community theater, not professional, but sometimes it has a larger return on investment. She understands that some of the needs are being met with Hillcrest and appreciates that. She spent a lot of time writing grants for that to help with the funding. The Arts Program would use this facility sometimes, but sees the regional element as a remarkable opportunity to spur that downtown area. Obviously, the County has to have the funding also. She thinks a lot of time and money has been spent so far on this project, and those efforts need to be respected.

Ms. Judd added that a performing arts center is a double whammy for the City. It not only gives the City a place for their people, but the schools have so many arts events, it is still hard to get the facility. She thinks the benefits as far as redevelopment in the downtown is a superb way to use money. She would hate to see the City withdraw when there has already been so much done, and the City has an ideal place. She doesn't want to fight with Taylorsville, but doesn't want to withdraw. There are people in the City that have put significant money towards this development, and that should be considered.

Mr. Shaver commented that he enjoys the Council and the fact that they each bring their own expertise in specific areas. When there are issues with the Power Department, he enjoys the fact that he can go to Mr. Brass for his expertise. This is an area that he knows about with his experience of opening two theaters. He and his wife opened a theater in Atlanta, and soon two restaurants opened next to it. People are traveling from a distance and with an adjacent restaurant, it becomes a complete experience.

Mr. Shaver asked Mr. Hill when the decision was made not to proceed with the County, if there was a deadline. Mr. Brass said that it was a matching money requirement.

Mr. Hill said there was a deadline for submitting the application. The first application stated that Murray would build, own and operate the center, and asked the County for matching funds. After the Strategic planning process, the City wrote a letter stating that the City would like the County to build, own, and operate the Center. Murray wasn't interested in putting any money into it, but would consider donating land, and/or building a parking garage.

Mr. Brass commented that it wasn't a fair statement to say that Murray wasn't interested in putting money in it, at the time the City didn't have the money. The City still has to pay the employees and provide health insurance. That wasn't a viable choice at the time. That is why the Junior High option became so appealing; it solved an immediate problem for less than \$31 million dollars.

Mr. Shaver also commented that the dynamics have shifted. There was a strong regional theater that was centered in West Valley City. That theater is now moving to Sandy City. Sandy had proposed having one of the Regional theaters, but had money issues as well, and worked with the Community. He understands why Taylorsville would really want this regional center, because they are losing that draw from that particular regional theater. Mayor Snarr confirmed that the Hale Theater was not moving until 2016. Mr. Shaver said that is correct. Mr. Shaver just met with the owners of the Hale Center Theater. Mr. Shaver said that the Mayor had it correct when he said it is County versus City. If the County builds the facility, they have the right to say where it is located. If the County is willing to make a land issue as part of that, then it should still be an issue for the City.

Murray has something to offer. Mr. Shaver isn't aware of what Taylorsville has to offer, and would be expensive if they have to purchase the land. A secondary benefit is with the advent of the transportation, Murray is centrally located and people can get to the City very quickly from any direction. Trax, Frontrunner, and I-15 running right through the City are all transportation benefits to Murray. The arts are a huge draw and can revitalize an area, and that has been seen over and over again. An example is Disney purchasing three theaters in what was termed the red light district in New York, revamped them and is running their shows there. It totally changed the entire area and lightened up a section of Broadway. In the City of New York, more people have attended Broadway theaters than all of the sports venues combined during the years of Phantom of Opera, etc.

Mr. Stam said the goal is to develop downtown and if a developer came in and had a plan that did or did not include a facility, he would be happy. Until somebody comes in, he doesn't want to give away the City's diamond in the rough that gives the City an opportunity. That area should be inviting to somebody. He doesn't want to pull out, and have the County come back and want to come to Murray. Mayor Snarr clarified that the City is not pulling out, but rather laying the cards on the table.

Mr. Shaver asked if this was a proposal. Mr. Nicponski wanted to clarify what he meant. He believes that the hotel will bring the restaurants and doesn't know if you would get double the bang for your buck if there is a performing arts center. He wanted to assert the idea of a 100% tax generating property, and Mr. Stam capsulized that well. If someone came in and wanted that property, then that might be good. Mr. Stam made a comment about the Hilton being an inexpensive, longer-term stay hotel; it will not typically be an overnight stay. It will mainly service the hospital, instead of sending people downtown. There will be necessary places to eat. The performing arts center would bring a

whole different type of people.

Mr. Shaver asked Mr. Brass about his conversation with the hospital and asked if the hospital wanted the high-end hotels. Mr. Brass said their market was not high-end, but more of the Home-To-Suites for clientele coming from Wyoming and Idaho. They also didn't want high-end restaurants; the Mimi's restaurant was exactly what they were looking for.

Mr. Brass said the land downtown was originally bought for a parking structure to control the destiny, and to clean up a little. He believes the biggest goal for downtown is to draw people back to downtown. There needs to be something that isn't dark at 5:00. Regardless of restaurants and hotels, there needs to be a reason to go downtown. Murray has Deseret Star, and the alternative option of the Junior High for the arts. He reminded others that it would be a regional center, and all the other cities would have access to it also. He believes that the City needs to leave its options open for downtown. If somebody else comes in with a different vision, that might work also.

Mr. Shaver understands that the City owns one of the largest pieces of land in the City, and it is non-tax generating. Mr. Nicponski said it is just a discussion and an update.

Mr. Shaver said one of the wonderful things about the RDA is that an agreement between the developer and the City is that they have that vision and will help it come to pass. That is the whole purpose of why the downtown district was created. Any draw would be a draw, such as a movie theater.

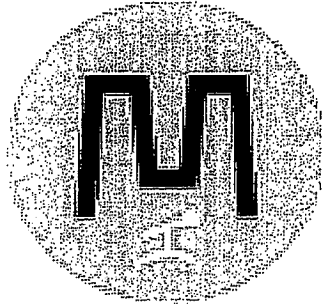
Mr. Brass also said that the Hospital said the doctors prefer to stay downtown Salt Lake, because it is perceived that there is more to do. That perception needs to be changed. They might as well stay here, and if they choose to go downtown, it is just a Trax ride. Doctors come to the wonderful facility in Murray for training, but perceive that the action is in downtown Salt Lake.

Mr. Stam said that is one of the reasons that Murray has two hotels coming is for the families of hospital patients. Currently, they are being sent downtown.

Mr. Hales thanked everyone for their comments. The City is obviously not withdrawing at this point.

Mr. Hales adjourned the meeting at 5:40.

Office Administrator
Kellie Challburg



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.)

Records and Information Management Policies and Procedures discussion.

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 – April 16, 2013

☒ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) _____

☐ Other (explain) _____

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

Not Applicable

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

See attached memo and Records and Information Management Policies and Procedures document.

6. REQUESTOR:

Name: Tim Tingey

Presenter: Jennifer Kennedy

Agency:

Date: March 7, 2013

Title: Director of Administrative and Development Services

Title: City Recorder

Phone:

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: _____

3/7/13

Mayor: _____

Date: _____

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

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

CC: Tim Tingey, Director of Administrative and Development Services

FROM: Jennifer Kennedy, City Recorder

DATE: March 7, 2013

SUBJECT: Records and Information Management Policies and Procedures

Over the past year, a lot of work has been put into creating the Records and Information Management Policies and Procedures. These policies and procedures will be used by departments city-wide for managing the City's records. This document covers everything from defining what a record is, how a record is managed, and what to do when a record is no longer needed by the City.

I would like some time during the April 16, 2013 Committee of the Whole meeting to present these policies and procedures to the Council. I feel it is important for the Council to understand how far our City has come in our records management process.

Murray City Recorder's Office

Records and Information Management Policies and Procedures



MURRAY

ADMINISTRATIVE &
DEVELOPMENT SERVICES

Revised September 28, 2012

I. PURPOSE

The City hereby establishes a Records and Information Management Program (“Program”) with policies and procedures that will ensure the records of the City are being effectively, efficiently and properly managed and that the City is in compliance with State law and City Ordinance. This Program will help the City manage all records at each stage of their lifecycle, from creation to destruction or permanent preservation. The Program and its policies and procedures, however, shall establish guidelines only and shall not be deemed to legally bind the City except as otherwise provided in State law and City Ordinance.

Chapter 2.65 of the Murray City Municipal Code (**SEE ATTACHMENT 1**) states that it is the intent of the City to:

- maintain and preserve accurate records;
- upon request, provide access to City records, which are defined by law as open to public, within a reasonable time and at a reasonable cost; and
- retain the security of City records, which are “private”, “protected”, or “controlled”; and records to which access is “restricted” pursuant to a state or federal statute, a state or federal regulation or a court rule.

The City has to adhere to specific requirements provided in Title 63A, Chapter 12 of the Utah Code. These requirements include the following:

- establish and maintain an active, continuing program for the economical and efficient management of the City’s records as required by the Government Records Access and Management Act (GRAMA);
- appoint one or more records officers who will be trained to work with the state archives in the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of records;
- ensure that officers and employees of the City who receive or process records requests receive required training on the procedures;
- make and maintain adequate and proper documentation of the City’s functions, policies, decisions, procedures, and essential transactions ;
- submit to the State Archives proposed schedules of records for final approval by the State records committee;
- cooperate with the State Archives in conducting surveys made by the State Archives;
- comply with rules issued by the Utah Department of Administrative Services;
- report to the State Archives the designation of record series that it maintains;
- report to the State Archives the classification of each record series that is classified;

- establish and report to the State Archives retention schedules for objects that the City determines are not defined as a record but that have historical or evidentiary value.

The City Records Office is charged with ensuring that these standards are maintained by each of the City departments. In addition to these standards, the City must adhere to standards specified in Title 63A, Chapter 12 of the Utah Code which include:

- all records created or maintained by the City are the property of the State and shall not be mutilated, destroyed, or otherwise damaged or disposed of, in whole or in part, except as provided in GRAMA;
- records which constitute a valuable intellectual property shall be the property of the City;
- the State Archives may, upon request from the City, take custody of any record series of the City. If the City no longer wants to maintain custody of a record which must be retained under the City's retention schedule, the City shall transfer the record to the State Archives for safekeeping and management;
- The intentional mutilation, destruction, damage, or disposal of a record by a person in violation of the retention schedule may result in a class B misdemeanor and may subject the person to disciplinary action.

This Program will assist each employee and department within the City to adhere to these standards. There will be ongoing training and collaboration by the City Records office to ensure that the City is following all of the necessary requirements of the State law and City Ordinance and being proactive in the City's records management efforts.

II NON PUBLIC RECORDS

Records to which access is restricted pursuant to court rule, another state or federal statute, or federal regulation are not considered public records. This also includes records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds. These records are governed by the specific provisions of their respective statute, rule or regulation.

Under GRAMA, records that are classified as private, controlled, or protected are not public.

Traffic and motor vehicle reports are governed under Title 41, Chapter 6a of the Utah Code. Paramedic reports maybe governed by the Health Insurance Portability and Accountability Act (HIPPA). Once a record is the subject of litigation, GRAMA no longer applies and requests for records should be referred to the City Attorney's office. Subpoenas are not GRAMA requests and should be referred to the City Attorney's office.

III DEFINITION OF CITY RECORDS

Section 63G-2-103 GRAMA defines a record as a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics that is prepared, owned, received, or retained by the City and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means. Some examples of records are:

- laws (City ordinances);
- meeting minutes of open meetings;
- agreements;
- records pertaining to compensation paid to a contractor;
- records of administrative staff manuals;
- records pertaining to contact information for elected officials.

GRAMA defines all of the standards regarding what is considered a public, private, controlled, or protected record (**SEE ATTACHMENT 2**). The City will take all necessary steps to ensure adherence to the GRAMA standards. If there are any questions regarding GRAMA, the City Recorder or Attorney's office staff may be contacted.

IV RECORDS AND INFORMATION MANAGEMENT POLICIES

The following are administrative policies for records management in the City.

Policy 1 City records declared public property

All City records are property of the State. No City official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or private use of such records is prohibited.

Policy 2 Effective records management practices

The City will provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all City records through a comprehensive system of integrated procedures for the management of records. Periodically the City Recorder, in collaboration with City Department Directors and others, will review or examine filing systems in each department/division, make transfers of records, arrange for disposition of outdated records and otherwise assist in complying with the City records policies.

Policy 3 Recorder's office records management functions

The City Recorder is designated as the City's Records Officer and is responsible for directing and coordinating records management operations in the City. The City Recorder

is responsible for City-wide files management and the direction and control of the City's records disposition. The City Recorder will:

- A. Plan, formulate, and prescribe basic files management and records disposition policies, systems, standards and procedures;
- B. Prepare records retention and disposition schedules in cooperation with all City departments. The City Recorder will also define and identify vital, historical and/or permanent records and establish retention periods for all records. Retention periods shall be no shorter than desired by the originating office, but shall be as long as deemed necessary by the City Recorder pursuant to guidelines established by the State Archives;
- C. Review schedules annually and update or amend as needed;
- D. Coordinate the City-wide files management and records disposition programs and report annually to the Mayor on program effectiveness;
- E. Provide records management advice and assistance to all City departments, by preparation of a policies and procedures manual and by on-site consultation;
- F. Develop, disseminate, coordinate files maintenance, records disposition procedures and computer assisted retrieval programs including, but not limited, to those prescribed by these policies, in order to meet the current and long-term information needs of the City;
- G. Train Records Coordinators assigned by each City Department and other personnel in records management and their duties in the records management program;
- H. Implement at the proper time such actions as destruction and transfers of records that are required by records schedules;
- I. Establish and monitor compliance with standards for filing in all City departments;
- J. Suggest departmental changes to enable management to realize the greatest efficiency and effectiveness in their Records Management programs;
- K. Establish measures to mitigate the effects of a disaster on the City's records and to ensure maximum availability of records for re-establishing operations quickly and with minimum disruption and expense;
- L. Develop procedures to ensure the preservation of the historically valuable records of the City.

Policy 4 Responsibilities of City Department Directors

All City department directors are responsible for the implementation and operation of effective file operations, records transfers and dispositions, and other activities in accordance with the provisions of these policies within their department. They shall designate records coordinators within their departments and provide the City Recorder the names of such designees.

Policy 5 Responsibilities of Records Coordinators

The records coordinator in each department is responsible for providing coordination between the City Recorder and personnel in his or her department to ensure compliance with the provisions of the policies. This responsibility shall include supervising the application of records schedules within the department.

Policy 6 City departments to use retention schedules

All City departments shall utilize records retention and disposition schedules provided by the City Records Office and destroy, transfer, or otherwise dispose of records in accordance with policies set forth by the records schedules.

Policy 7 Development of records retention and disposition schedules

The City Recorder, in conjunction with the City Attorney's Office, will facilitate the process for the records retention and disposition. State Archives has a general retention schedule which represents the minimum requirements for records retention. The retention schedules for the majority of the records that the City maintains can be found in the City retention schedule that will be reviewed by the City's Records Committee and submitted to the State Records Committee. In the event a record does not fall under any category within the retention schedule, the record may be added to the retention schedule. Any department wishing to add a record to the retention schedule must do so through the City Recorder's office by filling out a Record Series Inventory Worksheet, (**SEE ATTACHMENT 3**) and have it signed by the respective Department Director. The City Recorder will review the Record Series Inventory Worksheet to verify that the record being added is not on the current retention schedule and the request meets minimum retention requirements. Final approval must be granted by the City Recorder before a record may be added to the retention schedule.

Prior to the destruction of any department records, the departments Records Coordinator shall list on destruction log (**SEE ATTACHMENT 4**) the records to be destroyed. The Records Coordinator will submit the destruction log along with the Statement of Records Disposition (**SEE ATTACHMENT 5**) to the City Recorder. The Statement of Records Disposition must be signed by the respective Department Director and the City Recorder before the records can be destroyed. The City Records Office will maintain documentation of all records that have been destroyed.

Policy 8 Archives and preservation of permanent records

The Archival operation shall utilize one or more buildings to store inactive records; to ensure the security of such records from deterioration, theft, or damage during the period of storage and to permit fast, efficient retrieval of information from stored records.

The City Recorder shall develop procedures to ensure the permanent preservation of the historically valuable records of the City. The City Recorder shall provide housing for such records in a City facility and in such manner that the records, unless their use is restricted by law or regulation, are open to the public for research purposes. In no circumstances shall the permanent records of the City be transferred to private individuals, or to private historical societies or museums.

Policy 9 Non-current records not to be maintained in office files

Records no longer required to support current operations of the City shall be transferred to less costly off-site storage, or be destroyed, when such action is indicated by an approved records schedule.

Policy 10 Records using photographic and digital media

The City may reproduce and retain documents in a photographic, digital or other non-paper medium. The medium in which a record is retained shall accurately reproduce the document in paper form during the period for which the record must be retained and shall preclude unauthorized alteration of the record. A record retained by the City in any form or medium permitted under this section shall be deemed an original public record for all purposes.

Once a record is retained in a non-paper medium as authorized by this policy, the original paper document may be disposed of or returned to the sender, except in the case of permanent records, as defined in Utah law. Paper originals of permanent records shall be retained by the City in perpetuity, or may be transferred to the State Archives.

Policy 11 Electronic mail and electronic documents

The use of electronic mail (email) and electronic documents to conduct City business is continually increasing and for many employees, the preferred method to conduct business. Although these communications are electronic and many times no hard copy exists, emails and electronic documents are considered records. GRAMA is concerned with the content of records regardless of their physical form or how they are transmitted. Therefore, email and other electronic documents are subject to GRAMA and must be held to the same retention schedules that a hard copy of a document would be. Emails should be retained per retention schedules.

The following types of email are not considered a record and are not required to be retained:

- personal notes or communications;
- drafts;
- junk mail;
- copyrighted material;
- commercial publications;
- proprietary software;
- personal daily calendars.

Emails and electronic documents that are not records should be deleted when the user no longer has a need for the email or document.

Once it is determined that a particular email is a record, City personnel must decide if the email is the “record copy” of a particular correspondence. The record copy is the City’s official copy of a record and the retention schedule only applies to the record copy. Duplicate copies of the correspondence can be deleted at any time, as long as the record copy is kept until retention is met.

Employees should store emails that need to be retained in folders within the email system. The City Recorder’s office will work in conjunction with the City records committee members in each department to ensure all employees have an email filing system in place. The City’s IT division also maintains email backups. Although these backup files should primarily be used in an emergency, the IT division can assist City departments in locating emails they may need in order to respond to GRAMA requests or for litigation.

An employee who originates an email communication is responsible to determine if the email is a record. If it is determined to be a record, the employee must also determine the appropriate retention period. Likewise, when an email is received from an outside agency, the recipient of the incoming email must determine if that particular email is a record that is subject to retention.

Email that is created, sent, or received on City owned computers and networks is the property of the City. There should be no expectation of email privacy when using the City’s email system and personal email should be limited.

Any questions on whether an email or electronic document should be retained or destroyed should be referred to the City Recorder’s office.

Policy 12 Social media

Social media includes blogs, micro blogs (Twitter), vikis, video sites (YouTube), photo libraries (Flickr), networking sites (MySpace and Facebook), virtual worlds (Second

Life), and other interactive sites. Content posted to a social media site that relates to City business is a record and is subject to GRAMA.

Content posted on social media sites must be maintained in accordance with the City's retention schedule. Social media sites that are maintained by the City will be treated as one record. Therefore, no information should be deleted until its retention has been met.

Policy 13 Text and instant messages

A text or instant message is considered a City record only if the content of the text or instant message refers to City business, functions, and/or programs. Most text and instant message communications sent or received by City employees will be transitory, meaning that the text message will only need to be kept until the business need ends. Generally, these text or instant messages can be deleted the same day they are received.

If the content of a text or instant message contains any policy or program correspondence, it is considered a permanent record and would need to be retained accordingly. It would be difficult to retain this type of message in a way that would preserve the legally required metadata.

Due to the difficulty of retaining text and instant message data, no communications regarding policy or program correspondence may be conducted via text or instant message. The only text or instant message communication that should be communicated by employees should be transitory in nature. This will eliminate the need to store most text and instant messages and save the City from having to purchase costly software to store text and instant messages.

Policy 14 Public disclosure of records

All records are considered public unless classified otherwise and must be disclosed if they are requested as required by GRAMA. Anyone wishing to request a record must do so by submitting a GRAMA Request Form (**ATTACHMENT 6**) or similar written request to the City Recorder's office. All GRAMA requests (with the exception of police reports/records) must be submitted through the City Recorder's office. Section 63G-2-203 of GRAMA states that a government agency can charge a reasonable fee to cover the entity's actual cost of duplicating a record and shall establish fees by ordinance or written formal policy (**SEE ATTACHMENT 7**). The steps for GRAMA requests can be found under procedure 5.

IV. RECORDS MANAGEMENT PROCEDURES

The Recorder's Office will administer five procedures outlined below:

Procedure 1 Routing Contracts and Agreements

The following outlines the procedure for routing contracts and agreements.

1. A minimum of two (2) originals should be submitted to the Recorder's Office;
2. All contracts and agreements should contain a stamp "approved as to content" on the signature page, and be signed by the department/division head or designee;
3. Once the contract or agreement has been approved as to content by the department/division head or designee, the department/division head or designee will complete a yellow routing cover sheet and forward the contract or agreement to the City Recorder's office (NOTE: If the routing sheet is not completely filled out, it may delay the processing of the contract or agreement);
4. The Recorder's office will log the contract or agreement into a log sheet and route it to appropriate departments for signatures. The individuals that are involved in signing contracts and agreements include at a minimum: City Attorney, City Purchasing Officer, Finance Director, Mayor, and City Recorder;
5. If signatures are needed from a third party (a party not within the City) to complete the contract or agreement, the Recorder's office will retain a copy of the contract or agreement and return the original(s) to the department/division who originated the contract or agreement. That department/division will obtain the signatures from such party within 30 days and return one executed original contract or agreement to the Recorder's office. The Recorder's office will keep an original for its files. It is preferred that Mayor or designee sign after third party signatures are secured;
6. If a contract or agreement that was sent out for signatures from a third party is not returned to the Recorder's office within 30 days from the day it was sent back to the department/division who originated it, the Recorder's office will follow up weekly on the status of that contract or agreement until one executed original contract has been returned to the Recorder's office.

Procedure 2 Routing Deeds and Easements and Other Recorded Instruments

The following outlines the procedure for routing deeds and easements.

1. Complete a yellow routing cover sheet and forward the deed or easement to the Recorder's office;
2. The Recorder's office will log the deed or easement into a log sheet and route it to appropriate departments for signatures. The individuals that are involved in signing deeds and easements include at a minimum: the City Attorney, City Purchasing Officer, Finance Director, Mayor, and City Recorder;
3. Once all signatures have been collected, the executed deed or easement will be submitted to the Attorney's Office who will ensure that it gets recorded with Salt Lake County or other appropriate office. After it has been recorded, the original, recorded deed or easement will be returned to the Recorder's office for permanent retention.

Procedure 3 Transferring Records to the Utah State Archives

The following outlines the procedure for preparing your departments records to be transferred.

1. Obtain archival boxes from Office Depot (item # 285052). These boxes have been specially contracted to the specifications required by the State Archives.
2. Pack records in the same arrangement which they are maintained and created in the department's files. Do not create a new filing system;
3. Avoid over-packing boxes. Retrieving, shelving, and filing information is difficult in an over packed box;
4. Limit box contents to one record series;
5. Replace any Penda flex folders (hanging file folders), binders, or three-ring notebooks with labeled manila folders;
6. Contact the Records Center (801) 975-4016 to make special arrangements if materials will not fit in a records center box;
7. Label boxes with a large black pen with indelible ink and include the following information directly on the box: City name, City-assigned box number (e.g. 99-1, 99-2, etc.), and record series number;
8. Once your records are boxed up and ready to be sent to the State Archives, send the following information on a Microsoft Word document to the Recorder's Office: line number, your box number, dates of contents (from and to, by month/year), and box contents summary (no need to list files). The following is an example of how it should look:

1. 2004-1, from 8/1998 to 8/2000, invoices 100-200
2. 2004-2, from 9/2000 to 9/2002, invoices 201-300
3. 2004-3, from 10/2002 to 10/2004, invoices 301-400

The Recorder's Office will arrange a date and time for your department to deliver the boxes to the Utah State Archives Records Center which is located in Clearfield Utah.

Procedure 4 Destruction of Records

The City Recorder along with assistance from the City Records Committee will help departments determine the correct retention of records. Once it is determined that a record has met its retention, has no historical value and is not needed for litigation, or audit, it should be destroyed. The following lists the steps for destroying records.

1. Obtain a Statement of City Records Disposition form and a Destruction Log from the Recorder's office or a member of the Records Committee;
2. Fill out the destruction log in its entirety;
3. Fill out the Statement of Records Disposition form and have the Department Director sign it;
4. Forward the Statement of Records Disposition form and a copy of the destruction log to the Recorder's office;

5. The City Recorder ultimately decides if a record is destroyed.

Once those steps are complete, you may have the records destroyed. You can contact the Recorder's office for assistance.

Procedure 5 Government Records Access and Management Act (GRAMA) Requests

In order for the City to centralize all GRAMA requests, the following procedure shall be followed:

1. All GRAMA requests, with the exception of requests submitted to the police department, will be received by the City Recorder's Office. The police department will follow a similar process administered by police personnel;
2. The City Recorder will date stamp and log in all GRAMA requests;
3. If the request requires information from another department, the City Recorder will route a copy of the GRAMA request to that department;
4. The department will give the information along with a copy of the GRAMA request back to the City Recorder within 5 business days;
5. The City Recorder will look over the GRAMA request, determine if it is a public or nonpublic record, redact any private or protected information, and mail out the completed GRAMA response;
6. The City Recorder will send a copy of the City's response and corresponding documents to the Attorney's office prior to the response being sent to the requestor. (The City is required to respond to all GRAMA requests within ten (10) business days unless it is able to show "extraordinary circumstances" as specified in GRAMA).
7. Responses to records requests may be appealed to the Mayor on 30 days written notice.

IV. CITY RECORDS COMMITTEE

These policies and procedures affect all City personnel. Each department within the City will have a representative on the Records Committee. The Records Committee members will:

1. Meet at least quarterly to discuss questions and issues related to records management;
2. Review and approve the City's retention schedule;
3. Train department staff on the records management policies and procedures;
4. Work as a liaison between their department and the Recorder's office to ensure proper records management procedures are being followed.
5. Create and maintain a filing system within their department for any records that their department may have;

6. Provide the Recorder's office a list of all records (originals and/or copies) that are being kept in their department;
7. Work with the Recorder's office to ensure records (originals and/or copies) are being destroyed, in a timely manner, per the City's retention schedule;
8. Work in conjunction with the Recorder's office and the State Archives to transfer records to the State Records Center;
9. Provide information for GRAMA requests to the Recorder's office within the designated time frame.
10. Review GRAMA classification issues to ensure that determinations on whether a record is public or non-public are consistent City-wide.
11. Develop guidelines as to classification of records.

V. CONCLUSION

The City has a responsibility to maintain all records by creating and implementing records management policies and procedures and to ensure that they are being followed by all City departments. The City is required to comply with GRAMA and Chapter 2.65 of the Murray City Municipal Code by managing the City's records. Having an effective and efficient records management program in place will ensure the City is in compliance with the law.

Chapter 2.65 PROCEDURES GOVERNING RECORDS PRACTICES

2.65.010: PURPOSE:

A. The purpose of this chapter is to provide, consistent with the Utah government records access and management act (the "act"), and other state and federal law, criteria and procedures relating to the records practices of the city including:

1. Classification and designation of city records pursuant to the act;
2. Procedures to access public city records;
3. Procedures to deny requests for access to nonpublic city records;
4. Process to appeal decisions regarding city records;
5. Management and retention of city records; and
6. Amendment to city records.

B. It is the intent of the city to:

1. Maintain and preserve accurate records;
2. Upon request, provide access to city records, which are defined by law as open to the public, within a reasonable time and at a reasonable cost; and
3. Retain the security of city records which are "private", "protected", or "controlled"; and records to which access is "restricted" pursuant to a state or federal statute, a state or federal regulation or a court rule. (Ord. 05-21 § 2)

2.65.020: DEFINITIONS:

As used in this chapter, the following definitions shall be applicable:

ACCIDENT REPORT(S): A law enforcement record regarding a traffic and motor vehicle accident. Accident reports are records governed by section 41-6a-404 of the Utah code.

ACT: The government records access and management act, sections 63G-2-101 et seq., of the Utah code, as amended.

CHRONOLOGICAL LOGS: The regular and customary summary records of the city's law enforcement and public safety departments that show the time and general nature of police, fire and paramedic calls, and any arrests or jail bookings made by the city.

CLASSIFICATION, CLASSIFY (And Their Derivative Forms): Determining whether a record series, record or information within a record is "public", "private", "controlled", "protected" or "restricted".

COMPUTER PROGRAM: A series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain

how to operate the computer program.

"Computer program" does not mean:

- A. The original data, including numbers, text, voice, graphics and images;
- B. Analysis, compilation and other manipulated forms of the original data produced by use of the program; or
- C. The mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

CONTRACTOR:

- A. Any person who contracts with the city to provide goods or services directly to the city; or
- B. Any private nonprofit organization that receives funds from the city.

"Contractor" does not mean a private provider. "Private provider" is any person or entity who contracts with the city to provide services directly to the public.

CONTROLLED RECORDS: Records containing data on individuals that are controlled as provided by this chapter and the act.

DATA: Refers to individual entries in the records.

DEPARTMENT OR DEPARTMENTS: The separate administrative departments in the city as defined in this chapter.

DESIGNATE OR DESIGNATION: To give an initial or primary classification to a record or record series indicating the likely classification that a majority of such records or record series would be given if classified.

GOVERNMENTAL AUDIT AGENCY: Any governmental entity that conducts an audit.

GOVERNMENTAL ENTITY: The state of Utah and its political subdivisions including every office, agency, board, bureau, committee, department, advisory board, advisory committee or commission of an entity that is funded or established by the government to carry out the public's business.

GROSS COMPENSATION: Every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind and any similar benefit received from the individual's employer.

INITIAL CONTACT REPORT: An initial written or recorded report, however titled, prepared by police officers engaged in law enforcement duties describing official actions initially taken in

response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

- A. The date, time, location, and nature of the complaint, the incident, or offense;
- B. Names of victims;
- C. The nature or general scope of the agency's initial actions taken in response to the incident;
- D. The general nature of any injuries or estimate of damages sustained in the incident;
- E. The name, address, and other identifying information about any person arrested or charged in connection with the incident; or
- F. The identity of the public safety personnel, except undercover personnel or prosecuting attorney involved in responding to the initial incident.

"Initial contact reports" do not include followup or investigative reports prepared after the initial contact report. However, if the information specified in subsection A of this definition appears in followup or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or restricted from disclosure.

NONPUBLIC RECORD: A record defined as "private", "controlled", "protected", or those records restricted by a state and federal statute, federal and state regulations or court rules.

NOTICE OF COMPLIANCE: A statement confirming that a government entity has complied with a records committee order.

PRIVATE RECORD: A record classified as "private" under the provisions of this chapter and the act.

PROTECTED RECORD: A record classified as "protected" under the provisions of this chapter and the act.

PUBLIC RECORD: A record that is not private, controlled, or protected under the act and this chapter and is not restricted from disclosure by a state and federal statute, federal and state regulation or court rule.

RECORD: A book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:

- A. That is prepared, owned, received, or retained by a governmental entity or political subdivision; and
- B. Where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

"Record" does not mean:

- A. A temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;
- B. Material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity or political subdivision;
- C. Proprietary software;
- D. Junk mail or a commercial publication received by a governmental entity or an official or employee of a governmental entity;
- E. A book that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public;
- F. Material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;
- G. A daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;
- H. A computer program that is developed or purchased by or for any governmental entity for its own use; or
- I. A note or internal memorandum prepared as part of the deliberative process by:
 - 1. A member of the judiciary; or
 - 2. A member of any other body charged by law with performing a quasi-judicial function.

RECORD SERIES: A group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

RECORDS COMMITTEE: The state records committee created in section 63G-2-501 of the act.

RECORDS OFFICER: The city recorder.

RESTRICTED RECORD: Records whose access is restricted by a specific state or federal statute, court rule or federal regulation.

SUMMARY DATA: Statistical records and compilations that contain data derived from private, controlled, and protected information as defined in the act and this chapter but that do not disclose private, controlled or protected information. (Ord. 10-01 § 2: Ord. 05-21 § 2)

2.65.030: ACCESS TO PUBLIC RECORDS:

- A. Every person shall have the right, during normal business hours, to inspect, review, examine and take copies of city records designated as "public", under this chapter and the act, upon compliance with the procedures provided in this chapter.
- B. The city has no obligation to create a new record or record series in response to a request if the record requested is not otherwise regularly maintained or kept. (Ord. 05-21 § 2)

2.65.040: PUBLIC RECORDS:

- A. All city records are considered public unless they are designated or classified otherwise in accordance with procedures established by this chapter consistent with the act, or made nonpublic by other applicable law. Public records are those records defined in section 63G-2-301 of the act and shall be made available to any person.
- B. The city, through its employees, may not use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of persons to inspect and receive copies of a record under this chapter. (Ord. 10-01 § 2: Ord. 05-21 § 2)

2.65.050: PRIVATE RECORDS:

- A. "Private" records shall include the following:
 - 1. City records defined as "private" in section 63G-2-302 of the act;
 - 2. As provided in section 63G-2-303 of the act, city records that contain private information concerning certain at risk city employees such as the city employee's or the employee's family members' home address, home telephone number, social security number, insurance coverage, marital status or payroll deductions;
 - 3. City records classified or designated as private in accordance with procedures established in this chapter and the act;
 - 4. As provided in section 63G-2-302 of the act, private records include records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.
- B. Private records shall be made available to the following persons:
 - 1. The subject of the record;
 - 2. The parent or legal guardian of an unemancipated minor who is the subject of a record;
 - 3. The legal guardian of a legally incapacitated individual who is the subject of the record;
 - 4. Any person who has a power of attorney or notarized release, dated not more than ninety (90) days prior to the request, from the subject of the record or the subject's legal representative;
 - 5. If the record is a medical record prepared by a healthcare provider, release of the record is consistent with normal professional practice and medical ethics; or
 - 6. Any person presenting an order issued by a court of competent jurisdiction. (Ord. 10-01 § 2: Ord. 05-21 § 2)

2.65.060: CONTROLLED RECORDS:

- A. "Controlled" records shall be those city records defined as "controlled" in section 63G-2-304 of the act or as classified or designated as "controlled" pursuant to procedures established in this chapter consistent with the act.
- B. Controlled records shall be made available to:
 - 1. A physician, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of a release from the subject of the record that is dated no more than ninety (90) days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information; or

2. Any person presenting an order issued by a court of competent jurisdiction. (Ord. 10-01 § 2: Ord. 05-21 § 2)

2.65.070: PROTECTED RECORDS:

A. Protected records shall be:

1. City records defined as "protected" in section 63G-2-305 of the act;
2. City records designated or classified as "protected" according to the procedures established in this chapter consistent with the act;
3. "Drafts", as provided in section 63G-2-305(22) of the act, which may include records relating to budget analysis and fiscal notes of proposed budgets before issuance of their final recommendations;
4. As provided in section 63G-2-305(9) of the act, records which, if released, could reasonably be expected to interfere with investigations undertaken for discipline purposes including city records pertaining to internal investigation of city employees such as investigations by the internal affairs division of the city's police department;
5. a. As provided in section 63G-2-305(9) of the act, records created or maintained for discipline purposes against city employees unless:
 - (1) All available remedies have been exhausted by the employee, including the internal grievance procedures and proceedings before administrative agencies,
 - (2) All time periods for appeal have expired, and
 - (3) The disciplinary action was sustained,
- b. Notwithstanding subsections A5a(1), A5a(2), and A5a(3) of this section, a record or parts of a record maintained for discipline purposes shall not be disclosed if the release of the record or part of the record:
 - (1) Reasonably could be expected to interfere with investigations undertaken for discipline or enforcement purposes;
 - (2) Reasonably could be expected to disclose the identity of a source who is not generally known outside of government or disclose information furnished by a source not generally known outside of government if disclosure would compromise the source;
 - (3) Reasonably could be expected to disclose investigative techniques, procedures, policies or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts; or
 - (4) Reasonably could be expected to jeopardize the life or safety of an individual;
 - (5) Constitutes a clearly unwarranted invasion of personal privacy.

B. Protected records shall be made available to:

1. The person who submitted the information in the record;
2. A person who has a power of attorney or notarized release, dated not more than ninety (90) days prior to the request, from all persons or governmental entities whose interests were sought to be protected by the protected classification.
3. Any person presenting an order issued by a court of competent jurisdiction. (Ord. 10-01 § 2: Ord. 05-21 § 2)

2.65.080: RESTRICTED RECORDS:

Restricted records shall be those records whose access is restricted by a specific state or federal statute, state or federal regulation or court rule, including section 10-3-1212 of the Utah code, or its successor. Restricted records shall be made available as provided in the specific statute, regulation and/or rule which protects the record. (Ord. 10-01 § 2)

2.65.090: ACCIDENT REPORTS:

- A. Under section 41-6a-404 of the Utah code, accident reports are protected and for the confidential use of the city and other state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes and may be disclosed only in a statistical form that protects the privacy of any person involved in the accident.
- B. Subject to the provisions of this chapter, the city shall disclose accident reports to:
 - 1. A person involved in the accident, excluding a witness to the accident;
 - 2. A person suffering loss or injury in the accident;
 - 3. An agent, parent, or legal guardian of a person involved in an accident including the person's attorney, insurer, or any other individual or entity with signed permission from the person;
 - 4. Subject to subsection D of this section, a member of the press or broadcast news media;
 - 5. A state, local, or federal agency that uses the records for official governmental investigative or accident prevention purposes;
 - 6. Law enforcement personnel when acting in their official governmental capacity; and
 - 7. A licensed private investigator.
- C. The city may withhold an accident report, and any of its accompanying data, if disclosure would jeopardize an ongoing criminal investigation or criminal prosecution.
- D. Information provided to a member of the press or broadcast news media may only include:
 - 1. The name, age, sex and city of residence of each person involved in the accident;
 - 2. The make and model year of each vehicle involved in the accident;
 - 3. The location of the accident; and
 - 4. A description of the accident that excludes personal identifying information. (Ord. 10-01 § 2; Ord. 05-21 § 2)

2.65.100: SHARING RECORDS:

The city may disclose a record classified as private, controlled or protected to another governmental entity if the other governmental entity complies with section 63G-2-206 of the act. The city may provide a private, protected or controlled record to another governmental entity if the record is necessary to the performance of the governmental entity's duties and functions; the record will be used for a purpose similar to the purpose for which the information in the record was collected or obtained; and the use of the record produces a public benefit that outweighs the individual privacy right that protects the record. (Ord. 10-01 § 2)

2.65.110: SUBPOENAS; COURT ORDERED DISCLOSURE FOR DISCOVERY:

Subpoenas and other methods of discovery under state or federal statutes, or rules of civil, criminal, administrative, or legislative procedure are not written requests under the act and this chapter. Records that are classified as private, protected or controlled under the act and this chapter shall not be disclosed until the court or administrative law judge orders disclosure. (Ord. 05-21 § 2)

2.65.120: PRIVACY INTEREST IN A CITY RECORD:

- A. The city recognizes and upholds the personal right of privacy retained by persons who may be the subject of government records. The city also recognizes that the act establishes a presumption that governmental records will generally be considered open and public with certain exceptions. The city may, at its discretion, disclose records that are "private" or "protected" as defined in the act and this chapter to persons other than those specified in sections [2.65.050](#) and [2.65.070](#) of this chapter, if the city determines that there is no interest in restricting access to the record, or that the interest favoring access outweighs the interest favoring restriction of access. Public access is favored when countervailing interests are of equal weight. The city shall not release any record when to do so would constitute a clearly unwarranted invasion of privacy in accordance with the act and procedures established in this chapter. Under circumstances and procedures established by this chapter, certain data in a record may be rendered nonpublic, although the record itself may be classified or designated as "public".
- B. If the city receives a request for access to a record that contains both information that the requester is entitled to inspect and information the requester is not entitled to inspect under this chapter and the act, the city shall allow access to information in the record that the requester is entitled to inspect under this chapter and the act. The city may deny access to information in the record if the information is not subject to disclosure under this chapter and the act.
- C. The city may require that the requester of the private and controlled records provide a written release dated not more than ninety (90) days prior to the date of the request, from the subject of the record in question before access to such record is provided. (Ord. 05-21 § 2)

2.65.130: CLASSIFICATION, DESIGNATION AND RETENTION OF RECORDS:

All city records and records series shall be evaluated, designated, classified and scheduled for retention consistent with the provisions of the act and this chapter. The city may classify a particular record, record series or information within a record at any time, and is not required to classify a particular record, record series or information until access to the record is requested. The city may redesignate or reclassify records at any time. Any record or record series generated in the future shall also be so designated, classified and scheduled for retention. Records classification, designation and scheduling for retention shall be conducted under the supervision

of the city records officer. Classification, designation and retention guidelines shall be prepared and promulgated by the city records officer. (Ord. 05-21 § 2)

2.65.140: RESPONSE TO REQUEST FOR RECORDS:

- A. Requests, either verbal or written, for a city record shall be made to the city department maintaining the record in question. The city department may respond to a verbal request consistent with the provisions of this chapter. The city department may require the requester to fill out and present a written request. The written request shall include the name, mailing address, daytime telephone number, if available, of the requester, and a description of the records requested that identifies the record with reasonable specificity. Requesters of nonpublic records shall adequately identify themselves and, if applicable, their status when requesting access to nonpublic records. The date and time of the request shall be included on the written request and all time frames provided under this chapter shall commence from that time and date. Request for records shall, to the extent possible, be responded to within ten (10) business days after receipt of the written request or within five (5) business days after receiving a written request if the requester demonstrates that an expedited response benefits the public rather than the person. Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit of the public rather than a person. If the city department does not have custody of the record, it shall request the appropriate city department to respond.
- B. In response to a request, the city is not required to:
 - 1. Create a record;
 - 2. Compile, format, manipulate, package, summarize or tailor information;
 - 3. Provide a record in a particular format, medium, or program not currently maintained by the governmental entity;
 - 4. Fulfill a person's records request if the request unreasonably duplicates prior records requests from that person; or
 - 5. Fill a person's records request if:
 - a. The record requested is accessible in the identical physical form and content in a public publication or product produced by the city;
 - b. The city provides the person requesting the record with the public publication or product; and
 - c. The city specifies where the record can be found in the public publication or product.
- C. Upon request, the city shall provide a record in a particular format if the city is able to do so without unreasonably interfering with the city's duties and responsibilities and the requester agrees to pay the city for its costs incurred in providing the record in the requested format.
- D. The city is not required to fulfill a request if the request unreasonably duplicates prior records requests from that person.
- E. The city may allow a person requesting records to copy the records if the requester requests copies of more than fifty (50) pages of records from the city; the records are contained in files that do not contain records that are nonpublic or the records may be segregated to

remove the nonpublic information from disclosure; and the city supervises the copying process to protect the public from the potential for loss of a public record.

- F. If the requirements in subsection E of this section are met, the city may require that the requester make the copies or allow the requester to provide the requester's own copying facilities and personnel to make the copies at the city's offices and waive the fees for copying the records.
- G. The city may provide access to an electronic copy of a record in lieu of providing access to its paper equivalent.
- H. The appropriate city department shall respond to a request for a record by:
 - 1. Approving the request and providing copies or inspection of the records;
 - 2. Denying the request;
 - 3. Notifying the requester that the city does not maintain the record;
 - 4. Notifying the requester that it cannot respond to the request within the period of time specified in subsection A of this section stating the reason or reasons for the delay as provided in this section; or
 - 5. Such other appropriate response as may be established in the act or this chapter.
- I.
 - 1. In most circumstances and excepting those eventualities set out in subsection I2 of this section, the appropriate city department or the city attorney's office shall respond to a written request for a public record within the time period specified in subsection A of this section.
 - 2. The following extraordinary circumstances shall justify the city's failure to respond to a written request for a record within the specified time period and shall extend the time for response thereto to that time reasonably necessary to respond to the request:
 - a. Another governmental entity is currently and actively using the record requested;
 - b. The record is being used as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit;
 - c. The request is for a record series containing a substantial number of records; the requester seeks a substantial number of records or records series; or the requester seeks a substantial number of records or records series in requests filed within five (5) working days of each other;
 - d. The request requires the city to review a large number of records to locate the records requested;
 - e. The appropriate city department is currently processing either a large number of records requests or is subject to extraordinary seasonal workloads;
 - f. The request involves legal issues that require an analysis by legal counsel to determine the proper response to the request;
 - g. The request involves extensive editing to separate public information in a record from that which is nonpublic; or
 - h. Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.
- J. If the time limits are extended based on extraordinary circumstances provided in this chapter and the act, the response to the request shall be made within the following time limits:

1. For the extraordinary circumstance provided in subsection I2b of this section, the city shall provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request and complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible.
 2. For the extraordinary circumstances provided in subsections I2c, I2d and I2e of this section, the city shall disclose the records that it has located which the requester is entitled to inspect; provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request; and complete the work and disclose those records that the requester is entitled to inspect as soon as reasonably possible.
 3. For the extraordinary circumstance provided in subsection I2f of this section, the city shall either approve or deny the request within five (5) business days from the date of the original request.
 4. For the extraordinary circumstance provided in subsection I2g of this section, the city shall fulfill the request within fifteen (15) business days from the date of the original request.
 5. For the extraordinary circumstance provided in subsection I2h of this section, the city shall complete its programming and disclose the requested records as soon as reasonably possible.
 6. For any requester that does not establish a right to an expedited response, the city may choose to require the requester to provide for copying the records or treat a request for multiple records as separate records requests and respond sequentially to each request.
- K. If the city fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the records.
- L. The city and requester may, by agreement, extend the time periods specified in this section.
- M. In response to a request for access, the city may redesignate or reclassify the record or segregate data in the requested record in accordance with this chapter and the act. (Ord. 10-01 § 2: Ord. 05-21 § 2)

2.65.150: COMPUTERIZED RECORDS:

- A. The city retains and reserves to itself the right to use any type of nonverbal or nonwritten formats to store, maintain or retrieve city records which are not prohibited by state statute, and does not compromise legal requirements for record storage, retrieval, security and maintenance. All computerized and nonwritten format records and data which are properly designated and classified as "public" in accordance with the act and this chapter shall be made available to a requester as provided in this chapter and the act.
- B. The public shall have the right to access records, in accordance with the act and this chapter, contained in nonwritten formats or data processing systems. The method of access to such public records shall be as determined appropriate by the city. Access may include, but not be limited to, the following:
1. By using a city computer terminal or other viewing or listening device to retrieve data directly from the terminal screen; provided, however, that due regard shall be exercised to

ensure that any nonpublic records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

2. By providing paper or "hard" copies of record printouts or by providing magnetic tapes, disks or other means of electronic storage containing the computer, data processing or other electronic information system records; or
3. By the use, where appropriate, of remote terminals which have access to city computer, data processing or electronic information systems permitting such remote terminal access and provided that due regard shall be exercised to ensure that nonpublic records will not be available by remote terminal access.

C. All data retained on computer, data processing or electronic information systems shall be kept and maintained with due diligence to protect the security of any record which is considered nonpublic under the act and this chapter. (Ord. 05-21 § 2)

2.65.160: ACCOMMODATIONS FOR PERSONS WITH DISABILITIES:

Reasonable accommodations regarding access to city records shall be provided to persons with disabilities. (Ord. 05-21 § 2)

2.65.170: AMENDMENT OR CORRECTION OF RECORD:

Records held by the city may be amended or corrected as needed. Requests for amendments, correction or other charges shall be made in writing, to the department or the city council office, if applicable, maintaining the record in question, setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a city record is made, generally only the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this chapter. (Ord. 05-21 § 2)

2.65.180: DENIALS:

- A. If the request for records is denied in whole or part, the city shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.
 1. The notice of denial shall contain the following information:
 - a. A description of the record or portions of the record to which access was denied; provided, that the description does not disclose private, controlled, protected, limited or other nonpublic information as defined in the act and this chapter;
 - b. Citations to the provisions of the act, this chapter, ordinance, state statute, federal statute, federal regulation or court rule that restricts the record or portions of the record from disclosure; provided, that the citations do not disclose private, controlled, protected, restricted or other nonpublic information; and
 - c. A statement that the requester has the right to appeal according to the provisions of this chapter, the time limits for filing an appeal, and the business address of the mayor's office.
 2. Unless otherwise required by a court of competent jurisdiction, the city may not, during the appeal process, destroy or give up custody of any record to which access was denied

until the period of an appeal has expired or the end of the appeals process, including judicial appeal. (Ord. 05-21 § 2)

2.65.190: FEES OR CHARGES FOR RECORD SERVICES:

- A. A fee may be charged, pursuant to the schedule determined by the mayor in a written policy, to cover the actual cost of duplicating a record.
- B. When the city compiles a record in a form other than that normally maintained by the city, the actual costs under this section may include:
 - 1. The cost of staff time for summarizing, compiling, or tailoring the record either into an organization or media to meet the requester's request.
 - 2. The cost of staff time for search, retrieval, and other direct administrative costs for complying with a request.
 - 3. In case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users and the related administrative costs.
 - 4. An hourly charge under this subsection B may not exceed the salary of the lowest paid employee who, in the discretion of the city recorder, has the necessary skill and training to perform the request.
 - 5. No charge may be made for the first quarter hour of staff time.
 - 6. The judiciary shall establish fees by rules of the state judicial council.
- C. The city may fulfill a request, without charge, if it determines that:
 - 1. Releasing the record primarily benefits the public rather than a person;
 - 2. The person requesting the record is the subject of the record, or an individual specified in subsection [2.65.050B](#) of this chapter.
 - 3. The rights of persons requesting the records are directly implicated by the information in the record, and the requester is impecunious.
- D. A person who believes that there has been an unreasonable denial of a fee waiver may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under this chapter.
- E. If a person requesting a record does not establish a right to an expedited response, the city may charge a person for the actual cost of any city supervision provided under section [2.65.120](#) of this chapter and for the actual cost of segregating nonpublic information from public information.
- F. The city may not charge a fee for:
 - 1. Reviewing a record to determine whether it is subject to disclosure; or
 - 2. Inspecting a record.
- G. All fees received under this section shall be retained as a dedicated credit to recover the actual costs and expenses incurred by the city in providing the requested record or record series.

- H. The city may require payment of past fees and future estimated fees before beginning to process a request if the fees are expected to exceed fifty dollars (\$50.00) or the requester has not paid fees from previous requests. (Ord. 05-21 § 2)

2.65.200: APPEALS BY PERSONS AGGRIEVED BY CITY'S CLASSIFICATION OR RESPONSE:

- A. Persons aggrieved by the city's classification of a record or by a response to a records request, including a determination that extraordinary circumstances exist under section [2.65.140](#) of this chapter, may appeal the determination within thirty (30) days to the office of the mayor by filing a notice of appeal. The notice of appeal must be in writing and shall set forth the relief sought, the nature and date of the request, if applicable, attaching a copy of the request form, if available, and stating the basis and legal authority to support the relief sought.
- B. After receiving notice of appeal, the mayor shall schedule a hearing to hear the appeal which shall be held within fifteen (15) business days from the date of the filing of the appeal. The mayor may hear the appeal or the mayor may appoint a person to hear the appeal and prepare recommended findings and conclusions to the mayor. The mayor shall make the final decision. If the mayor or his designee fails to hear the appeal within the time limits described herein, the appeal shall be deemed denied.
- C. The mayor's office shall send a written notice of the date and location of the hearing to the requester. The hearing shall be conducted in accordance with policies adopted by the city and the Utah public and open meetings act.
- D. At the hearing, the parties shall be allowed to testify, present evidence and comment on the issues. If the appeal involves a record that is claimed to be a nonpublic record, the review shall be in camera. No later than five (5) business days after the hearing, the mayor shall issue a decision.
1. The decision of the mayor shall include:
 - a. A statement of the reason for the decision including citations to this chapter and the act that govern disclosure of the record, provided, that the citations do not disclose private, controlled, protected, restricted or other nonpublic information;
 - b. A description of the record or portions of the record to which access was ordered or denied, provided, that the description does not disclose private, controlled, protected, restricted or other nonpublic information; and
 - c. A statement that any party to the appeal may appeal the mayor's decision to the state district court under section 63G-2-404 of the act or the state records committee, under section 63G-2-403 of the act, within thirty (30) calendar days after the date of the mayor's written decision.
 2. If the mayor fails to issue a written decision and forward it to the requester within five (5) business days after the hearing, the appeal shall be deemed to be denied.
 3. The mayor may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure of records, order the disclosure of information properly classified as "private" or "protected" if the interests

favoring access outweigh the interests favoring restrictions of access. (Ord. 10-01 § 2; Ord. 05-21 § 2)

2.65.210: LIMITATION OF LIABILITY:

Neither the city, its elected officials, its employees, agents and members of its boards or commissions shall be liable for damages resulting from the release of a record where the requester has presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority or that the release resulted in a clearly unwarranted invasion of privacy. Neither the city, its elected officials, employees and members of its boards and commissions is liable for damages arising from the negligent disclosure of a nonpublic record unless the disclosure was of employment records maintained by the city or the current or former city employee had previously filed the notice required by section 63G-2-303 of the act and the city did not take reasonable steps to preclude access or distribution of the record; or the release of the record was otherwise wilfully or grossly negligent. (Ord. 10-01 § 2)

2.65.220: CITY'S RECORD ADMINISTRATOR:

- A. The city recorder shall oversee and coordinate the city's records access and management activities.
- B. Property rights to city records may not be permanently transferred from the city to any private individual or entity, including those legally disposable as obsolete city records. This prohibition does not include the providing of copies of city records otherwise produced for release or distribution under this chapter. (Ord. 05-21 § 2)

2.65.230: RECEIVING, STORING AND PRESERVING CITY RECORDS:

(Rep. by Ord. 10-01 § 3)

2.65.240: DISCIPLINARY ACTION FOR KNOWING VIOLATION OF THIS CHAPTER:

A city employee who knowingly refuses to permit access to records in accordance with the act and this chapter, or who permits access to nonpublic records knowing that such access is prohibited, or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the act, this chapter, or other law or regulation, may, in addition to the penalties established in the act, be subject to disciplinary action, including termination. (Ord. 05-21 § 2)

2.65.250: APPLICABILITY TO THE JUSTICE COURT:

The justice court is subject to this chapter only as provided in section 63G-2-702 of the act and according to rules adopted by the state judicial council and the state administrative office of the courts. (Ord. 10-01 § 2)

**UTAH STATE CODE
TITLE 63G - CHAPTER 2**

Section 63G-2-103 UCA defines a record as a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics that is prepared, owned, received, or retained by a governmental entity or political subdivision and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

A record does not mean:

- a personal note or personal communication prepared or received by an employee or officer of a governmental entity in a capacity other than the employee's or officer's governmental capacity or that is unrelated to the conduct of the public's business;
- a temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;
- material that is legally owned by an individual in the individual's private capacity;
- material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by a governmental entity or political subdivision;
- proprietary software;
- junk mail or a commercial publication received by a governmental entity or an official or employee of a governmental entity;
- a book that is catalogued, indexed or inventoried and contained in the collections of a library open to the public;
- material that is catalogued, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;
- a daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;
- a computer program that is developed or purchased by or for any governmental entity for its own use;
- a note or internal memorandum prepared as part of a deliberative process by a member of the judiciary, an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of a governmental entity, provided that the employee or officer of the governmental entity has designated at least one business telephone number that is a public record;
- information provided by the Public Employees Benefit and Insurance Program to a county to enable the county to calculate the amount to be paid to a health care provider;
- information that an owner of unimproved property provides to a local entity.

Records can have different classifications. A record can be public, private controlled or protected. The following breakdown lists the type of records that can be considered public, private, controlled, or protected. This list is not all inclusive and should not be used to limit access to records. Any questions should be referred to the City Recorder or Attorney's office staff.

Public Records (63G-2-301 UCA)

All city records are considered public unless they are designated or classified otherwise. Public records include the following:

- laws;
- the name, gender, gross compensation, job title, job description, business address, business email address, business telephone number, number of hours worked per pay period, dates of employment, and relevant education, previous employment, and similar job qualifications of a current or former employee or officer of the governmental entity excluding undercover law enforcement personnel and investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;
- final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected;
- final interpretations of statutes or rules by a governmental entity unless classified and protected;
- information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity, including the records of all votes of each member of the governmental entity;
- judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private.
- unless otherwise classified as private, records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of titles or encumbrances to real property, restrictions on the use of real property, the capacity of persons to take or convey title to real property, tax status for real and personal property;
- records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;
- data on individuals that would otherwise be private if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public;
- documentation of the compensation that a governmental entity pays to a contractor or private provider;
- summary data;
- voter registration records, including an individual's voting history, except for those parts of the record that are classified as private;
- for an elected official, a telephone number, if available, and email address, if available, where that elected official may be reached;
- for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly;
- annual audited financial statements of the Utah Educational Savings Plan.

The following records are normally public, but to the extent that a record is expressly exempt from disclosure. Access may be restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program for receiving state or federal funds.

Access may also be restricted if the record is classified as private, controlled, or protected.

- administrative staff manuals, instructions to staff and statements of policy;
- records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;
- records documenting the services provided by a contractor or private provider to the extent the records would be public if prepared by the governmental entity;
- contracts entered into by a governmental entity;
- any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
- records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except those that are classified as protected;
- chronological logs and initial contact reports;
- correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
- empirical data contained in drafts if the empirical data is not reasonably available to the requester elsewhere in similar form and the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
- drafts that are circulated to anyone other than a governmental entity, a political subdivision, a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved, a government-managed corporation, or a contractor or private provider;
- drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
- original data in a computer program if the governmental entity chooses not to disclose the program;
- arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service.
- search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;
- records that would disclose information relating to formal charges or disciplinary actions against a past or present governmental entity employee if the disciplinary action has been completed and all time periods for administrative appeal have expired and the charges on which the disciplinary action was based were sustained;
- records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral production on government lands;
- final audit reports;
- occupational and professional licenses;
- business licenses

- a notice of violation, a notice of agency action, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by a governmental entity, but not including records that initiate employee discipline.

Private Records (63G-2-302 UCA)

Private records include the following:

- records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
- records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
- records of publicly funded libraries that when examined alone or with other records identify a patron;
- records received by or generated by or for the Independent Legislative Ethics Commission except for the commission's summary data report that is required under legislative rule and any other document that is classified as public under legislative rule or a Senate or House Ethics Committee in relation to the review of ethics complaints, unless the record is classified as public under legislative rule;
- records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health or an individual if prior to the meeting, the chair of the committee determines release of the records reasonably could be expected to interfere with the investigation undertaken by the committee or would create a danger of depriving a person of a right to a fair proceeding or impartial hearing and after the meeting, if the meeting was closed to the public;
- employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, Social Security number, insurance coverage, marital status, or payroll deductions;
- records or parts of records containing private information concerning certain government employees that a current or former employee identifies as private according to the requirements of the section on private information concerning certain government employees (63G-2-303 UCA);
- that part of a record indicating a person's Social Security number or federal employer identification number;
- that part of a voter registration record identifying a voter's driver license or identification card number, Social Security number, or last four digits of the Social Security number, or email address;
- a record that contains information about an individual, is voluntarily provided by the individual and goes into an electronic database that is designated by and administered under the authority of the Chief Information Officer and acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;
- information provided to the Commissioner of Insurance under Subsection 31A-23a-115(2)(a), Subsection 31A-23a-302(3), or 31A-26-210(3);
- information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems (UCA),

- information provided by an offender that is required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap Offender Registry (UCA), and not required to be made available to the public under Subsection 77-41-110(4) UCA;
- a statement and any supporting documentation filed with the attorney general in accordance with Protection of Activities in Private Vehicles – Exceptions – Limitations on chapter – School premises – Government entities – Religious organizations – Single family detached residential units (UCA 34-45-107), if the federal law or action supporting the filing involves homeland security;
- electronic toll collection customer account information received or collected under Establishment and operation of tollways – Imposition and collection of tolls – Amount of tolls – Rulemaking (UCA 72-6-118), including contact and payment information and customer travel data;
- an email address provided by a military or overseas voter;
- a completed military overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act (UCA);
- records received by or generated by or for the Political Subdivisions Ethics Review Committee except for the commission’s summary data report that is required and any other document that is classified as public in accordance with Title 11, Chapter 49, Political Subdivisions Ethics Review Commission.

The following records are private if properly classified by a government entity:

- records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) (UCA), or private because they contain data on individuals medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
- records describing an individual’s finances, except that the following are public: records that are described and public; information provided to the governmental entity for the purpose of complying with a financial assurance requirement, or records that must be disclosed in accordance with another statute;
- records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;
- other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;
- records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it;
- any portion of a record in the custody of the Division of Aging and Adult Services, that may disclose, or lead to the discovery of, the identity of a person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult;
- medical records (medical reports, records, statements, history, diagnosis, condition, treatment, and evaluation) in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records when the records are sought in connection with any legal or administrative proceeding in which the

patient's physical, mental, or emotional condition is an element of any claim or defense or after a patient's death, in any legal or administrative proceeding in which any party relies upon the condition as an element of the claim or defense;

- medical records are subject to production in a legal or administrative proceeding according to state or federal statutes or rules of procedure and evidence as if the medical records were in the possession of a nongovernmental medical care provider.

Controlled Records (63G-2-304)

A record is controlled if:

- the record contains medical, psychiatric, or psychological data about an individual;
- the governmental entity reasonably believes that releasing the information in the record to the subject or the record would be detrimental to the subject's mental health or to the safety of any individual or releasing the information would constitute a violation of normal professional practice and medical ethics;
- the governmental entity has properly classified the record.

Protected Records (63G-2-305 UCA)

The following records are protected if properly classified by a governmental entity:

- trade secrets as defined in Section 13-24-2 (UCA) if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63G-2-309 (UCA);
- commercial information or nonindividual financial information obtained from a person if disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future, the person submitting the information has a greater interest in prohibiting access than the public in obtaining access, and the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309 (UCA);
- commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;
- records the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);
- test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
- records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except, subject to Subsections (1) and (2) (UCA), that the Subsection (6) (UCA) does not restrict the right of a person to have access to, once the contract or grant has been awarded, a bid, proposal, or application submitted to or by a governmental entity in response to a request for bids, a request for proposals, a grant, or other similar document;
- records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public

acquisition before any rights to the property are acquired unless public interest in obtaining access to the information is greater than or equal to the governmental entity's need to acquire the property on the best terms possible, the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity, in the case of records that would identify property, potential sellers or the described property have already learned of the governmental entity's plans to acquire the property, in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity's estimated value of the property, or the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78B-6-505 (UCA);

- records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless the public interest in access is greater than or equal to the interests in restricting access, including the governmental entity's interest in maximizing the financial benefit of the transaction, or when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
- records created to maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes, reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings, would create a danger of depriving a person of a right to a fair trial or impartial hearing, reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source, or reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally know outside of government if disclosure would interfere with enforcement or audit efforts;
- records the disclosure of which would jeopardize the life or safety of an individual;
- records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
- records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation, or parole;
- records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;

- records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
- records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
- records that are subject to the attorney client privilege;
- records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;
- personal files of a state legislator, including personal correspondence to or from a member of the Legislature and correspondence that gives notice of legislative action or policy may not be classified as protected, and an internal communication that is part of the deliberative process in connection with the preparation of legislation between members of a legislative body, a member of a legislative body and a member of the legislative body's staff, or members of a legislative body's staff, a communication that gives notice of legislative action or policy may not be classified as protected;
- records in the custody or control of the Office of Legislative research and general counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public and the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;
- research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;
- drafts, unless otherwise classified as public;
- records concerning a governmental entity's strategy about a collective bargaining or imminent or pending litigation;
- records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the Uninsured Employers' Fund, or similar divisions in other governmental entities;
- records, other than personal evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
- records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- records of an institution within the state system of higher education defined in Section 53B-1-102 (UCA) regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52 Chapter 4, Open and Public Meetings Act,

- provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected;
- records of the governor's office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor's contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;
 - records of the Office of the Legislative fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;
 - records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
 - transcripts, minutes, or reports of closed portion of a meeting of a public body except as provided in Section 52-4-206 (UCA);
 - records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
 - memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
 - records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to record evidencing a final contract;
 - materials to which access must be limited for purposes of securing or maintaining the governmental entity's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
 - the name of a donor or prospective donor to a governmental entity, including an institution within the state system of higher education defined in Section 53B-1-102 (UCA), and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that the donor requests anonymity in writing, any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection, and except for an institution within the state system of higher education defined in Section 53B-1-102 (UCA), the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;
 - accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and 73-18-13 (UCA);
 - a notification of workers' compensation insurance coverage described in Section 34A-2-205 (UCA);
 - the following records of an institution within the state system of higher education defined in Section 53B-1-102 (UCA), which have been developed, discovered, disclosed to, or

received by or on behalf of faculty, staff, employees, or students of the institution: unpublished lecture notes, unpublished notes, data, and information relating to research and of the institution within the stat system of higher education defined in Section 53B-1-102 (UCA) or a sponsor of sponsored research, unpublished manuscripts, creative works in process, scholarly correspondence, and confidential information contained in research proposals; this section may not be construed to prohibit disclosure of public information and may not be construed to affect the ownership of a record;

- records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit prior to the date that audit is completed and made public and a request for a legislative audit submitted to the Office of the Legislative Auditor General is a public document unless the legislator asks that the records in the custody or control of the Office of Legislative Auditor General that would reveal the name of a particular legislator who requests a legislative audit be maintained as protected records until the audit is completed and made public;
- records that provide detail as to the location of an explosive, including a map or other document that indicated the location of a production facility, a magazine, information contained in the statewide database of the Division of Aging and Adult Services or received or maintained in relation to the Identity Theft Reporting Information System (IRIS);
- information contained in the Management Information System and Licensing Information System for Child and Family Services;
- information regarding National Guard operations or activities in support of the National Guard's federal mission;
- records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction Information Act;
- information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;
- except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106 (UCA), records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize the safety of the general public or the security of: governmental property, governmental programs, or the property of a private person who provided the Division of Emergency Management information;
- records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Control of Animal Disease;
- as provided in the Utah Child Care Licensing Act – Investigations – Records; information or records held by the Department of Health related to a complaint regarding a child care program or residential child care which the department is unable to substantiate and information or records related to a complaint received by the Department of Health from an anonymous complainant regarding a child care program or residential child care;
- unless otherwise classified as public under Section 63G-2-301 (UCA) and except as provided under Section 41-1A-116 (UCA), an individual's home address, home telephone number, or personal mobile phone number if the individual is required to

provide the information in order to comply with a law, ordinance, rule, or order of a government entity and the subject of the record has a reasonable expectation that this information will be kept confidential due to: the nature of the law, ordinance, rule, or order and the individual complying with the law, ordinance, rule or order;

- the name, home address, work addresses, and telephone numbers of an individual that is engaged in, or that provides goods or services for, medical or scientific research that is conducted within the state system of higher education and conducted using animals;
- an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement Private Proposal Program, to the extent not made public by rules made under this chapter;
- in accordance with Section 78A-12-203, any record of the Judicial Performance Evaluation Commission concerning an individual commissioner's vote on whether or not to recommend that the voters retain a judge;
- information collected and a report prepared by the Judicial Performance Evaluation Commission concerning a judge, unless Section 20A-7-702 (UCA) or Title 78A, Chapter 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public, the information or report;
- records contained in the Management Information System created in Section 62A-4a-1003 (UCA);
- records provided or received by the Public Lands Policy Coordinating Office in furtherance of any contract or other agreement made in accordance with Section 63J-4-603 (UCA);
- information requested by and provided to the Utah State 911 Committee under Section 53-10-602 (UCA);
- recorded Children's Justice Center investigative interviews, both video and audio, the release of which are governed by Section 77-37—4 (UCA);
- in accordance with the Board of Water Resources – Division of Water Resources – Management plan for water conveyance facilities: a management plan for a water conveyance facility in the possession of the Division of Water Resources or the Board of Water Resources or an outline of an emergency response plan in possession of the state or a county or municipality;
- the following records in the custody or control of the Office of Inspector General of Medicaid Services created in Section 63J-4a-201 (UCA): records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a person if the information or allegation cannot be corroborated by the Office of Inspector General of Medicaid Services through other documents or evidence, and the records relating to the allegation are not relied upon by the Office of Inspector General of Medicaid Services in preparing a final investigation report or final audit report; records and audit workpapers to the extent they would disclose the identity of a person who, during the course of an investigation or audit, communicated the existence of any Medicaid fraud, waste, or abuse or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this state, a political subdivision of the state, or any recognized entity of the United States, if the information was disclosed on the condition that the identity of the person be protected; before the time that an investigation or audit is completed and the final investigation or final audit report is released, records or drafts circulated to a person who is not an employee or head of a governmental entity for the person's response or information; records that would disclose an outline or part of

- any investigation, audit survey plan, or audit program; or requests for an investigation or audit, if disclosure would risk circumvention of an investigation or audit;
- records that reveal methods used by the Office of Inspector General of Medicaid Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or abuse;
 - information provided to the Department of Health or the Division of Occupational and Professional Licensing under Subsection 58-68-304(3) or (4) (UCA);
 - a record described in the Utah Immigration Accountability and Enforcement Act – Verification of valid permit – Protected status of Information (63G-12-210 UCA)

RECORD SERIES INVENTORY WORKSHEET



Archives Building, P.O. Box 141021, Salt Lake City, UT 84114-1021

Establish record series retention
Revise records series #

1. Governmental Entity (Please include division, bureau or section):		
2. Address (including box number):	3. Zip Code:	4. Date:
5. Records Officer:		6. Phone:
7. Person Completing Form:	8. Title:	9. Phone:

ARCHIVES USE ONLY

Date Received: _____

Agency Number: _____

Date sent to agency for approval: _____

Series Number: _____

RECORD SERIES INFORMATION

10. Record Series Title (no abbreviations):
11. Variant or Alternate Titles (abbreviations ok):
12. How is this record series filed? Number the main and secondary (sub) arrangements: _____ Alphabetical by _____ _____ Alphanumerical by _____ _____ Chronological by _____ _____ Numerical by _____ _____ Other _____
13. If these records are similar to any in an Archives general schedule, indicate the schedule type (state, county, municipal, special district, or agency specific) _____, Year _____, Schedule number _____, and item number _____.
14. Record Series Description. Include the purpose of this record series (why you collect the information, how you use it, etc.) and the data included in this record series (you may attach representative documents):
15. Approximately when did your office begin creating this record series? Is this record series still being created? _____ Yes _____ No If not, when was it discontinued? _____

16. Compute the amount of cubic feet in this record series (1 cubic foot = Records Center box): How many cubic feet are created during a calendar year? _____ cubic feet What is the total volume of this record series? _____ cubic feet
17. In the event of a disaster, is this record series vital to the operation of your office? _____ Yes _____ No
18. What is the primary value of this record series? _____ Administrative _____ Legal _____ Fiscal _____ Historical
19. Are these records subject to _____ audit or _____ litigation?
20. List all specific legal citations which govern this series:
21. What format types (e.g. paper, computer data, microfilm, videos, etc.) are included in this series?
22. Is this record series the original or "record" copy? _____ Yes _____ No If not, where can the official copy be found? _____ Does this copy have an index or another finding aid? _____ Yes _____ No

RETENTION AND DISPOSITION

23. How long are these records kept before they become semi-active (used once or less a month)?
24. After these records have become semi-active, how long would you like to store them off-site? At your Agency Records Center _____ Months/Years or Until/After _____ At the State Records Center _____ Months/Years and then _____ Please add Box 23 and Box 24 together to obtain the total retention period:
25. Please indicate the disposition of this record series. _____ Destroy _____ Permanently in Office _____ Transfer permanently to the State Archives
26. Will these records ever be _____ microfilmed or _____ scanned into an optical imaging system? If so, at what point in the retention will this happen?
27. A governmental entity may classify a record series at any time. To report the classification of this record series, please complete the Classification Worksheet and attach it to the Inventory Worksheet. _____ The Classification Worksheet is attached. _____ The record series classification is not being reported at this time. Signature of Agency Records Officer: _____

Murray City Corporation Records Destruction Log

[illegible]



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

MURRAY CITY STATEMENT OF RECORDS DISPOSITION

I, *Insert Employee's Name*, do hereby authorize the destruction of the following records in the manner described herein and as listed below:

TITLE OF RECORD: *List the records along with the retention.
Example:
Business License Files (4 year retention)*

DEPARTMENT DIVISION: *Community & Economic Development*

DESTRUCTION METHOD: *Shred*

RETENTION SCHEDULE: *Schedule 6 Item 2*

RETENTION: *4 years*

Dated this _____ of May, 2012

Department Head Signature

Recorded this _____ of May, 2012

City Recorder Signature

GRAMA REQUEST FOR RECORDS

REPORT NUMBER: _____

To: Murray City Corporation
(Name of person and/or government office holding records)Address of government office: 5025 South State Street, Murray, UtahDescription of records sought (records must be described with reasonable specificity): _____

- ☐ I would like to inspect the records.
- ☐ I would like to receive a copy of the records. I understand that I will be responsible for copy costs. I authorize costs of up to \$_____.

☐ I would like to receive a copy of the records and request a waiver of copy costs because:

- ☐ Release of the records primarily benefits the public rather than me
- ☐ I am the subject of the records
- ☐ I am the authorized representative of the subject of the record
- ☐ My legal rights are directly affected by the record and I am impecunious
(Please attach information supporting your request for a waiver of fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

- ☐ I am the subject of the record
- ☐ I am the person who provided the information
- ☐ I am authorized to have access by the subject of the record or by the person who submitted the information. (Please attach documentation required by U.C.A. 63-2-202.)
- ☐ Other. Explain _____
- ☐ I am requesting expedited response. (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or please attach other information that demonstrates that you are entitled to expedited response under U.C.A. 63-2-204(3).)

My name is: _____

My address is: _____

City, State, Zip code: _____

My daytime telephone number is: _____

Signature_____
Date

Fees for Records Services

Charge Per Service	Description of Service
No Charge	For the City to review and make a determination whether a record it is subject to disclosure.
	For someone to inspect a record unless it is necessary to copy a record in order to redact parts of the record that are private, protected, or controlled in which case a fee can be charged.
0.10 Per Sheet	Paper to paper photocopying.
	The City may have a copying company make copies of voluminous amounts (The requestor may reimburse the City for the costs charged by the copying company).
\$10.00 Per Hour	The fee cannot exceed more than \$10.00 per hour for staff to compile record information. No charge may be made for the first quarter hour of time.
	Staff time incurred for summarizing or compiling the record into organization or media to meet the person's request.
	Staff time incurred for search, retrieval, and other direct administrative time incurred for complying with a request.
	In the case of a record that is the result of computer output other than work processing, the actual incremental staff time incurred in providing the electronic services and products together with a reasonable portion of the staff time associated with formatting or interfacing the information for particular users.
\$5.50	Mylar or vellum prints 24" X 36".
\$2.00 Per Square Foot	Prints made on mylar or vellum sheets larger than 24" X 36".
\$1.25	A copy of a size C blueprint
\$2.25	A copy produced on a microfilm printer which utilizes silver paper.
\$0.10	A copy made from microfilm utilizing a plain paper printer.
\$5.00	A copy from a photograph.
A fee, not to exceed the actual costs of the recording media and \$10.00 per hour of an employee's time, may be charged to copy recording tapes or, to copy computer readable records to a computer readable form.	

EXECUTIVE ORDER 04-02
Fee or charges for records services

UTAH CODE ANN. § 63-2-203 states that "a governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of duplicating a record . . . A political subdivision shall establish fees by ordinance or written formal policy adopted by the governing body."

The Mayor, as the City's Executive Officer, needs to adopt a policy regarding fees or charges for records services.

Accordingly, this policy establishes fees or charges for records services including responses to records requests under the Utah Government Access and Management Act ("GRAMA").

A. A fee may be charged for paper-to-paper photocopying not to exceed ten cents per copy provided, however, that if the request is for a voluminous amount of copies, the City may have a copying company like Kinko's or Alpha Graphics make the copies and the requestor must reimburse the City for the costs charged by the copying company.

B. A fee, not to exceed ten dollars per hour, may be charged for the following employee's time; however, no charge may be made for the first quarter hour of said time:

1. The staff time incurred for summarizing or compiling the record into an organization or media to meet the person's request;

2. The staff time incurred for search, retrieval, and other direct administrative time incurred for complying with a request; and

3. In the case of a record that is the result of computer output other than word processing, the actual incremental staff time incurred in providing the electronic services and products together with a reasonable portion of the staff time associated with formatting or interfacing the information for particular users, and the administrative time as set forth in paragraphs B(1) and (2).

C. 1. A fee may be charged for copies of traffic accident reports of not more than the fee charge for similar reports by the State of Utah.

2. A fee of not more than five dollars and fifty cents may be charged for mylar or vellum prints twenty-four inches by thirty-six inches.

3. A fee of not more than two dollars per square foot may be charged for prints made on mylar or vellum sheets larger than twenty-four inches by thirty-six inches.

4. A fee of not more than one dollar and twenty-five cents may be charged for a copy of a size C blueprint.

5. A fee of not more than two dollars and twenty-five cents may be charged for a copy produced on a microfilm printer which utilizes silver paper.

6. A fee of not more than ten cents may be charged for a copy made from microfilm utilizing a plain paper printer.

7. A fee of not more than five dollars may be charged for a copy from a photograph.

8. A fee, not to exceed the actual costs of the recording media and ten dollars per hour for a City employee's time, may be charged to copy recording tapes or, to copy computer readable records to a computer readable form (e.g. discs).

D. The City may fulfill a request, without charge, if it determines that:

1. Releasing the record primarily benefits the public rather than a person;

2. The person requesting the record is the subject of the record, or an individual specified in the record;

3. The rights of persons requesting the records are directly implicated by the information in the record, and the requester is impecunious.

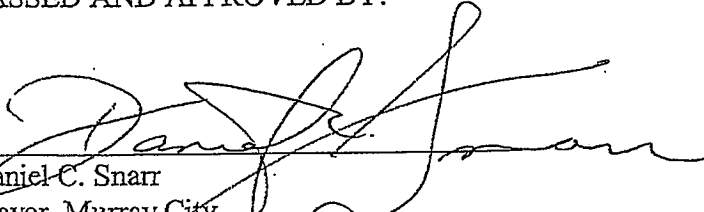
E. A person who believes that there has been an unreasonable denial of a fee waiver under subsection D of this section or its successor may appeal the denial in the same manner as a person appeals when inspection of a public record is denied.

F. The City may not charge a fee for:

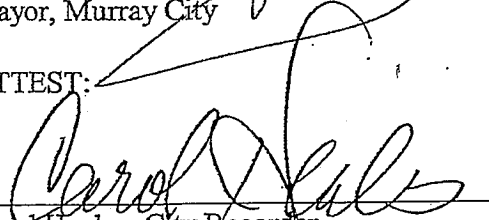
1. Reviewing a record to determine whether it is subject to disclosure; or

2. Inspecting a record unless it is necessary to copy a record in order to redact parts of the record that are private, protected or controlled in which case the fees described in paragraphs A, B and C shall apply.

PASSED AND APPROVED BY:

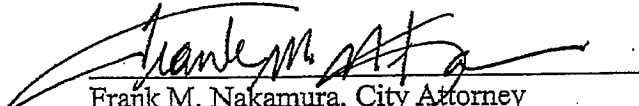

Daniel C. Snarr
Mayor, Murray City

ATTEST:

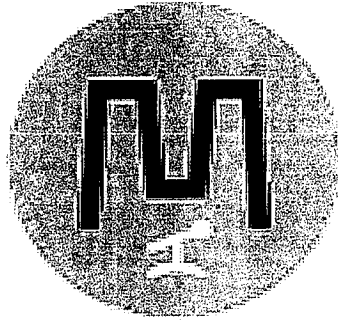

Carol Heales, City Recorder



APPROVED AS TO FORM:


Frank M. Nakamura, City Attorney

S:\ATT\Civil Files\17-Mayor's Office\0001-Executive Orders\Executive Order, Fees or charges for records - 11-09-04.wpd



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.)

CIP Recommendations

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

Financial Sustainability

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

☐ Council Meeting OR ☒ Committee of the Whole

☒ Date requested **4/16/2013**

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? _____

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? _____

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? _____

☐ Appeal (explain) _____

☐ Other (explain) _____

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

Fiscal year 2013 budget savings, State of Utah, RDA

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

Memo

6. **REQUESTOR:**

Name: Justin Zollinger

Presenter: Justin Zollinger

Agency: Murray City

Date: 4/3/2013

Title: Finance Director

Title: Finance Director

Phone: 801-264-2669

Time: 5:00 PM

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

Department Director: 

Date: 4/3/2013

Mayor:

Date: 4/3/2013

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

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

Recommendation: _____

9. **NOTES:**

Memo:

To: City Council
From: CIP Committee
Date: April 3, 2013
Subject: CIP Recommendations

The Capital Improvement Program (CIP) Committee is pleased to provide this report on the last year's activity to City Council.

The CIP Committee has worked systematically through over \$30 million dollars in capital item requests. The total dollar amount provided from the prior year's budget savings program was just over \$1.8 million of which \$510,000 has been previously spent on police cars. The allocation methods used for assigning budget were partially based on the 75% department budget savings and department head priorities. The City Council's budget savings policy is having a positive effect on budget utilization and has the potential for long term City benefit.

The CIP committee wanted to continue to have emphasis on road projects with CIP funding, of the total percentage of the CIP funds allocated 20% or \$360,000 were for roads.

The committee also budgeted \$50,000 for preliminary plans for a new city hall. The funding source for this item is from Capital Projects reserves.

The State of Utah appropriated money for the 5900 South road project, the total for this project is \$1,200,000. The RDA provided funding for the Fireclay rail road crossing improvements, the total for this project is \$200,000. Both of these amounts are in addition to the total CIP funding.

Last, four departments set aside money for future needs. The departments are as follows: Administrative and Development Services (ADS), Human Resources (HR), Finance and Fire. The ADS, HR and Finance departments all set aside money for future enterprise resource planning software (ERP). The Fire department set aside money for an engine apparatus, apparatus truck, ambulance, and a staff vehicle.

Committee Dollar Amount Summaries

- Total requests – \$30,481,901
- Total CIP money available – \$1,848,432
- Previously allocated \$510,000 for fiscal year 2013 police car purchases
- Money allocated for roads from CIP (20%) – \$360,000

- Total use of CIP reserves – \$50,000
- State money for 5900 South project – \$1,200,000
- RDA money for Fireclay rail road crossing – \$200,000
- Total CIP funds saved for future needs – \$201,777

The detailed CIP list is attached to this memo, thank you for your time and consideration.

Murray City Complete CIP List 2014

Capital Master List									
Fiscal Year	Priority	Description	Justification	Prior Year Budgeted Savings	Prior Year Set-a-side	Estimated Cost	Recommendations for FY 2014	Save for Future	Department
2014	1	Color laser all-in-one printer (print, copy, fax, scan)	Our current B&W printer is over 10 years old, and our color printer/fax machine prints with very poor quality and the ink jet refills are costly.	1,000		1,000	1,000		HR
2014	1	New City Software	New software will provide new options and allow us to use more up-to-date functionality, old software company has not kept up with software changes. Need to become less dependant on RPG programers they are hard to find.	120,641		700,000		108,248	Finance/HR/ADS
2014	5	Apparatus Engine Replacement	Fund to replace Engine every 4-5 years	297,231		150,000		20,625	Fire
2014	6	Apparatus Truck Replacement	Fund to replace Aerial Apparatus every 8-10 years			100,000		20,625	Fire
2014	4	Ambulance Replacement	Fund to replace Ambulance every 2-3 years for optimal rotation		50,000	65,000		40,625	Fire
2014	3	Staff Vehicle Replacement	Fund to replace one of four staff vehicles annually			35,000		11,654	Fire
2014	2	Grass Truck/ Plow Vehicle or Utility Vehicle*	Replace aged Grass/Plow truck or Utility Vehicle, every 4-5 years			12,500	100,000		Fire
2014	1	Turn out gear (12)	on-going			36,420	36,420		Fire
2014	2	Breathing Apparatus	10 yr replacement			31,000			Fire
2014	1	Zoll Fire Software upgrade			3,500	12,000	12,000		
2014	1	Extrication Equipment	Tower 83			35,600	35,600		
2014	1	Three Thermal Imagers				49,682	49,682		
2014	1	Parking Lot Repair - Station 81				20,000	20,000		
2014	1	COMM DEV: Consultant for General Plan	The General Plan is 10 years old and is in need of an update. This will cover anticipated consultant fees for the first year of what is expected to be a two year process.	50,000		50,000	50,000		ADS
2014	2	ADS ADMIN: New City Hall Preliminary Design Fees				12,000			ADS
2014	3	New City Hall preliminary plans	New City Hall preliminary plans			50,000	50,000		ADS
2014	3	ADS ADMIN: New City Hall Building & Parking Structure	Aging City Hall and parking structure for the facility and businesses in the downtown			20,000,000			ADS
2014	1	IT: IBM iSeries server replacement	The City has a four-year lease for this equipment; this is payment for year two. This server replaces two old servers, which results in a net savings on maintenance costs to the City.	28,500		28,500	28,500		ADS
2014	3	IT/Police: Replace Spillman Police Records Server	The Police are not able to run the current version of the Spillman Software (Police Records) on their current server. We need to upgrade the server so that the police reporting software can be up to date.			90,000			ADS
2014	4	IT: Citrix Net Scalier/Citrix Xen desktop	These combined products would allow the Police and City users to have a virtual desktop: 1) Pushes a virtual image to the police laptops and encrypts the connection to our servers, which will meet the FBI requirements to encryption connectivity (currently we are not meeting FBI requirements for VPN encryption) 2) If there is a hardware failure, a patrolman could use a temporary laptop and still have normal access to usual programs 3) If a laptop is infected with a virus or spyware an officer would only need to logoff the server and log back in to have the original image restored and the virus removed; 4) There could be shared laptops for the patrol cars since the image is stored on a server and there is no need to have individual laptops issued to every patrolman.			65,000			ADS
2014	5	IT: Phone system replacement	The current phone system has reached end of life due to the purchase of Nortel from Avaya. We are unable to upgrade any software or hardware unless we upgrade to the Avaya system at a cost of \$107,000. This upgrade will extend the life of our current system and allow us install the needed patches for the system and phones.			107,000			ADS

Murray City Complete CIP List 2014

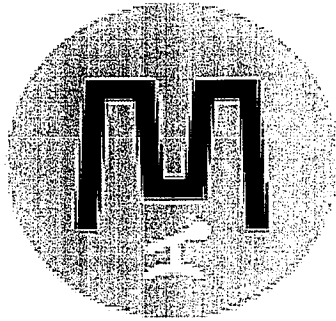
Fiscal Year	Priority	Description	Justification	Prior Year Budgeted Savings	Prior Year Set-a-side	Estimated Cost	Recommendations for FY 2014	Save for Future	Department
2014	6	IT: Websense upgrade to WSGA and email filter security	This would combine the web filter server and e-mail filter server into one appliance. This would filter web access by blocking spyware and viruses distributed through the web and would also filter all of our email. Websense is the leading web filter and e-mail filter company in the world and has over 600 million customers. Half of this cost would be absorbed through our budget as we currently pay software maintenance for both servers. We would use the maintenance funds which is \$18000 and would need an additional \$17000 to purchase this appliance. In the future, IT will save an additional \$5000 a year in costs as the maintenance for the appliance would be reduced.			17,000			ADS
2014	7	BUILDING: Initial Software and setup of Electronic Plan Review, which includes first year maintenance.	Plans and specifications for Building Permits would be submitted electronically to Murray City for review by not only the Bldg. Dept., but would include;Com-ED,Fire,Engineering, Water, Sewer, Power etc. Once we become proficient in E Plan review it should reduce the time it takes to complete reviews and this would also provide a more efficient tracking system			190,360			ADS
2014	8	IT: EOC funding	IT would use these funds to install basic wiring and setup of hardware to make the EOC functional for data equipment.			10,000			ADS
2014	1	TREASURER: Utility billing printer	Replacement due to age and not meeting current requirements	10,000		10,000	10,000		ADS
2014	2	COMM DEV: New vehicle replacement for Chevy Lumina	Vehicle is over currently over 14 years old. Repair costs are expected to increase as vehicle continues to age.	21,120		20,000	21,120		ADS
2014	3	BUILDING & COMM DEV: Savin - Printer/Copier/Scanner	Savin printer is approximately 8 years old and is outdated and requires numerous service call keep it running The total cost of \$10,000 will be shared with Community Development	10,000		10,000	10,000		ADS
2014	4	GIS: Plotter/Scanner	Large format scanner will allow digital storage of all incoming and historical plans, as well as replace end-of-life large format copier used by Public Services Department		1,000	9,000			ADS
2014	5	GIS: Vehicle Replacement	Vehicle used for GIS data collection is 13 years old			25,000			ADS
2014	6	BUILDING: Vehicle	Rotation of 1999 Chevrolet			22,500			ADS
2014	7	TREASURER: Meter reader pick-up, extra cab	Replacement based on age and mileage			20,000			ADS
2014	1	RECORDER: Council Chambers recorder	Ongoing problems with current recorder - new technology is available	10,500		10,500	10,500		ADS
2014	2	RECORDER: Replace one small air conditioner for the computer room.	At the end of life, replaced in 2007			8,000			ADS
2014	3	RECORDER: Carpet replacement in main traffic areas and halls at City Hall	Old carpet, needs replacement			26,000			ADS
2014	4	RECORDER: Copier for main copy room	Aging copier			12,000			ADS
2014	1	Records Management Server	Server is 5 years old and no upgrades until replaced	268,142	10,000	37,000			Police
2014	2	Copy Machine	Over 11 years old no longer cost effective			10,000			Police
2014	1	Vehicles 36 - Patrol and Detective	6 year rotaion on all Vehicles 25 @ 500 each or vehicle lease program			918,000	510,000		Police
2014	2	Vehicle Equipment - Patrol and Detectives	Patrol Equipment @ 8,800 and Detectives @ 5, 000 each			294,000			Police
2014	3	Vehicle - Code Enforcement	Vehicle is 13 years old			18,500	18,500		Police
2014	4	Radios - Mobile	Moved to new system - only replaced handheld last year			250,000	59,320		Police
2014	5	APC - New Engine and Transmission	Military surplus - needs to be replaced			20,000			Police
2014	6	Motorcycles 4	Current Motorcycles are 5 years old Trade in 4 and receive 4 new ones at a cost of 7200.00 each			39,200	39,200		Police
2014	1	Garage for Swat Vehicles	Central location for all Special Operation Vehicles			339,826			Police
2014		TABLETS	Tablets allow a large number of files to be carried in one single mobile device	29,275		3,400	3,400		Attorney
2014		SCANNERS	Allow the attorneys to scan documents and then have them be searchable, making their job easier.			2,500	2,500		Attorney
2014		DRAGON NATURALLY SPEAKING	Would allow us to compose and send emails, control our PC, search the web and save files.			3,000	3,000		Attorney
2014	1	Amphitheater roof	Repalce leaking roof at Murray Park amphitheater (5,000 approved inCIP fy14)		5,000	10,000	10,000		Parks
2014	2	Murray Park office roof	Replace shingles on Murray Parks & Recreation office building			25,000	25,000		Parks
2014	3	Park Office carpet	Install carpet in second level of office building			5,000	5,000		Parks
2014	4	Asphalt	Asphalt on the Jordan River Parkway trail needs to be over layed	30,216	5,000	150,000			Parks

Murray City Complete CIP List 2014

Fiscal Year	Priority	Description	Justification	Prior Year Budgeted Savings	Prior Year Set-a-side	Estimated Cost	Recommendations for FY 2014	Save for Future	Department
2014	5	Parks & Recreation Master Plan	Update Murray Parks & Recreation master plan (16,000 approved in fy13)			80,000			Parks
2014	6	Replace Pavilion 1, 2 & 3 restroom	Restroom is over 40 years old and needs replacement			300,000			Parks
2014	7	Fall material	Replenish fall material in playgrounds			9,000			Parks
2014	8	Replace asphalt roads & pathways in Murray Park	Roads, pathways & parking lots are in horrible condition and need to be repaired			200,000			Parks
2014	9	Pick-up truck	Truck is a 1995 model and is in horrible condition			25,000	22,500		Parks
2014	10	Grant Park playground	Replace playground at Grant Park			60,000			Parks
2014	11	Amphitheater lights	Amphitheater parking lights (\$10,000 approved in fy13)		10,000	25,000			Parks
2014	12	Pick-up truck	Truck is a 1995 model and is in horrible condition			25,000	22,500		Parks
2014	13	5 ft mower	Replace 5 ft mower			18,000			Parks
2014	14	Picnic tables	Complete picnic table replacement(\$10,000 approved in fy13)		10,000	40,000			Parks
2014	15	Utility vehicle	Small utility vehicle needs to be replaced			18,000			Parks
2014	16	Green Oaks Landscaping	Landscape the southwest corner of 5900 South and 700 West			25,000			Parks
2014	17	36" mower	Replace 1995 36" mower			15,000			Parks
2014	18	Salter unit	Replace worn out salter unit			6,000			Parks
2014	19	Mini excavator	Purchase mini excavator			40,000			Parks
2014	1	Re-plaster Competitive Pool Park Center	Competitive needs to re plasters just like leisure of last year			75,000	55,000		Recreation
2014	2	Leisure Pool Air handler replaced HVAC Park Center	not working effectively, costing more each year to operate. Not Effective Carpet is old 11 year olds. 300,000 people each year walk through park Center			150,000			Recreation
2014	2	Replace Carpet Park Center				30,000	10,000		Recreation
2014	3	Replace High Speed Duplicator	CIP has put \$5,000 this year. Need another \$5,000 to buy the machine.		5,000	10,000			Recreation
2014	4	Replace Payment Server and Online Server	Our servers that run class are outdated and slow. Need to upgrade			16,000			Recreation
2014	5	Finger Print Scanner CLASS	More efficient and effective way. Will save the City money within 2 years.			5,000			Recreation
2014	6	Replace Pool Decking Park Center	Tiles is breaking up and falling apart. Day 1 since we open. Poor installation.			50,000			Recreation
2014	7	Replace Lockers is Dressing room Park Center	Lockers are not holding up. Need more durable lockers in dressing rooms.			40,000			Recreation
2014	8	New Swim Scoreboard Park Center	Replace swim socreboard with automated and up to date timing system			60,000			Recreation
2014	1	Road Overlay			30,000	150,000			Cemetery
2014	2	Fire/Water proof filing cabinets	Purchase fire/water proof cabinets for burial documents			7,000	7,000		Cemetery
2014	3	Road removal	Remove seldom used roads, which will add additional grave sites (FY13 15,000 approved), total cost of project \$40,000		15,000	25,000			Cemetery
2014	4	Mower	Replace worn out mower			17,500			Cemetery
2014	1	Oven and Steamer (combination unit)	Move from 2015 to 2014. You can buy ovens that also have steamer			14,000	14,000		Heritage Center
2014	2	Exercise Equipment	Replace one piece of equipment each year.			5,000	5,000		Heritage Center
2014	3	Finish Exterior Upgrade to Entrance	Complete the project from 2012. Project only allowed for 6 of the 17 metal poles to be replaced with stucco. Change the remaining 11 so that the exterior is uniform across the entire front of the building.			6,000	6,000		Heritage Center
2014	4	Window heater/air conditioner	Unit no longer works properly and room has no other source of heat/air			1,500			Heritage Center
2014	1	Bobtail dump truck, salter and plow # 51	Replacemnet, 19 Yrs old, replace with 10 wheeler			200,000			Streets
2014	2	Asphalt road grinder with a 4' drum	Our road grinder is 20 Yrs old, milling is a vital process of the overlay and maintenance procedures. Lease Purchase this equipment	20,204		420,000			Streets
2014	3	Backhoe	Replacement, 15 Yrs old			120,000			Streets
2014	4	Airless painter	Replacement, 18+ Yrs old, maintenance and dependability			11,000			Streets
2014	5	Asphalt recycler	Recycle old asphalt for pothole patching			35,000			Streets
2014		Kenwood Dr, rebuild	Failed asphalt,curb & gutter, needs complete rebuild			312,000			Streets
2014		Fairhaven Dr, rebuild	Failed asphalt,curb & gutter, needs complete rebuild			120,000			Streets
2014		Mchenry St, rebuild	Failed asphalt,curb & gutter, needs complete rebuild			50,000			Streets
2014		Rainbow, State St - Brown St, rebuild	Failed asphalt,curb & gutter, needs complete rebuild			50,000			Streets
2014		120 W, pulverze	Failed asphalt,spot replace curb & gutter			60,000			Streets
2014		150 W, pulverze	Failed asphalt,spot replace curb & gutter			75,000			Streets
2014		1300 E, I-215 - Vine St, overlay	Surface failure			350,000			Streets
2014		5985 S, 5935 S, 1320 E, overlay				83,000			Streets
2014		Cimarron Sub, overlay	Surface failure	3 of 4		200,000	200,000		Streets

Murray City Complete CIP List 2014

[illegible]



MURRAY
CITY COUNCIL

Discussion Item #3

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)
Please Consider a Discussion on the Fiber Infrastructure Model during Committee of the Whole for about 30 minutes

2. **MEETING, DATE & ACTION:** (Check all that apply)
- ☐ Council Meeting OR ☒ Committee of the Whole
☒ Date Requested **April 16th 2013**
☒ Discussion Only
☐ Ordinance (attach copy) Has the Attorney reviewed the attached copy? ☐
☐ Resolution (attach copy) Has the Attorney reviewed the attached copy? ☐
☐ Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? ☐
☐ Appeal (explain) _____
☐ Other (explain) _____

3. **ATTENDING POLICY:** (This section is not required until after the City-wide Strategy Plan is completed toward the end of 2011) (Please Explain how request relates to city-wide policy)
N/A

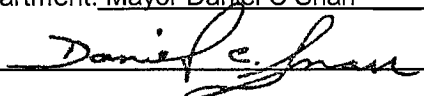
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)
N/A

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

6. **REQUESTOR:**

Name: Mayor Snarr and Jan Wells Title: Mayor and Chief of Staff
Presenter: " " " " " Title: " " " " "
Agency: Murray City Mayor's Office Phone: 801-264-2600
Date: April 3rd 201 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: Mayor Daniel C Snarr Date: April 3rd 2013
Mayor:  Date: April 3rd 2013

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

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

9. **NOTES:**



**MURRAY CITY CORPORATION
OFFICE OF THE MAYOR**

Daniel C. Snarr, Mayor

Jan Wells, Chief of Staff

801-264-2600 FAX 801-264-2608

MEMO

To: Murray City Council
Jan Lopez, Council Administrator
From: Mayor Dan Snarr
Date: April 3, 2013
RE: Discussion on Infrastructure Model

We have discussed some options for the future of fiber in our City individually with you through the past few weeks. I am especially interested in the "utility or infrastructure model" that has been brought up. If we could have some time to discuss a potential Resolution for Council action to put a plan in place to examine the possibilities of this direction, I would appreciate it. Copies of a draft resolution for will be available at the Committee of the Whole for discussion purposes.

Thank you for your willingness to continue these conversations.

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**

DRAFT

The Municipal Council of Murray City, Utah, met on Tuesday, the 19th day of February, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Zachery Fountain,	Legislative Affairs
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Doug Hill,	Public Services Director
Mike Terry,	Human Resource Director
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Gil Rodriguez,	Fire Chief
Bruce Turner,	Power Department
Brad Astin,	Police Department
Nathan Turner,	Water Department
Bryce Philbrick,	Parks Department
Kevin Potter,	Fire Department
Daren Wightman,	Fire Department
David Frandsen,	Power Department
DJ Didericksen,	Parks Department
Marilyn Potter,	Police Department

Lynn Potter,
Charles Crutcher,
Alissa Black,
Marci Williams,
Jackie Sadler,
David Wilde,
Citizens

Engineering Department
Power Department
Police Department
Parks Department
Municipal Court
Salt Lake County Council, District #3

Mr. Stam commented that at the last meeting there were a lot of people who were concerned about an item on the public hearings. They were very respectful of the process and of each other. There was no cheering or clapping. Mr. Stam asked that if people were here for the public hearings, that they be respectful and realize that they will get their opportunities, but they don't want to drag things out longer than necessary.

5. OPENING CEREMONIES

5.1 Pledge of Allegiance- Marci Williams, Park Center Director

5.2 Approval of Minutes

5.2.1 January 8, 2013

Mr. Shaver made a motion to approve the minutes of January 8, 2013.
Mr. Hales 2nd the motion.

Voice vote taken, all 'ayes'.

5.3 Special Recognition:

5.3.1 **Special recognition of Murray City Council Employee of the Month,
Detective Brad Astin.**

Staff presentation: Pete Fondaco, Police Chief

Chief Fondaco stated that he really gives the detectives a hard time only because he expects a lot from them. Detective Astin gives all that he can to this position and is becoming one of the go-to detectives. In the first couple of weeks in January there were two officer involved shootings in Murray. When you have an officer involved shooting, the first thing you have to do is assign a lead detective. When you have officers responding to a call and somebody turns and starts shooting at them, it is an important case. The Police Department immediately turned that case over to Detective Astin.

Chief Fondaco said that Detective Astin has done an exceptional job in this case. The detectives did all of the reports and submitted them to the District Attorney's Office so they could review the entire case. The comments Chief Fondaco received from the District Attorney were amazing on both the shootings, especially that they had taken the lead on this case. This was an important case which was done correctly and Chief Fondaco would put Murray's detectives up against anyone else in this valley and in the State. They do an excellent job and they need to know that. He does expect a lot from them, but they do a great job.

Chief Fondaco reiterated that when you have an officer respond to a call and the suspect turns around and fires six shots at them that is an important case. You are seeing more of that in this valley. You are seeing more return fire police shootings and that is something you didn't see for a long time in this state. It is something that people are becoming more and more willing to do which is pretty frightening when you are out there at night and can't see what they are doing and have them immediately turn on you and start shooting. That is something that the police don't like to see a lot of. It was a very grueling case which was handled very well.

Chief Fondaco read the following:

Detective Astin was hired by the Murray City Police Department in November of 2002. He worked both patrol and Detective Division and has been a SWAT member for many years. He is currently assigned as a detective working Crimes Against Persons. Detective Astin has a true desire to seek out criminals and bring them to justice. He can be counted on, time and time again, to go above and beyond in criminal investigations frequently working well past normal office hours. Recently he was assigned as lead detective on an armed robbery in which the suspect fired shots at the responding Murray Patrol Officers. Detective Astin took charge of the case immediately and devoted everything he had to solving this case and taking the dangerous criminals off the street and he accomplished this goal within 72 hours. One suspect was taken into custody and one was shot and killed in Salt Lake City.

He was the lead investigator in a homicide case that occurred in 2011 as well as conducting a stellar investigation. He assisted the family during the funeral arrangements to help them feel safe from retaliation during the proceedings. He has also remained in close contact with the victim's family since then and kept them updated on court appointments and proceedings. He works tirelessly in the performance of his SWAT duties. He has spent many hours training and becoming proficient in the field of explosive entries which can be a dangerous field without the proper knowledge.

The Department is proud to have him as a detective serving in this important field.

Chief Fondaco stated that these are just some of the examples of his dedication and devotion to the job. He is to be commended for a job well done.

Mr. Stam presented Detective Astin with a certificate and a gift card, as well as saying that his name will be placed on the plaque hanging in the Council Chambers acknowledging the Employees of the Month. Mr. Stam congratulated Detective Astin and thanked him for his service.

Detective Astin introduced his family and coworkers.

Chief Fondaco added that as this is only the second Employee of the Month award, he didn't have much to go on. As Mr. Tingey had presented his employee with a rose, the Chief also presented Detective Astin with a rose.

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

None given.

Citizen comment closed

7. **CONSENT AGENDA**

Mr. Stam asked that the following confirmations be taken together. No objections were noted.

- 7.1 Consider confirmation of the Mayor's appointment of Maren Patterson to the Murray Planning and Zoning Commission in an At-Large position for a three-year term to expire January 15, 2016.
- 7.2 Consider confirmation of the Mayor's appointment of Blair Camp to the new Murray City Ethics Commission for a three-year term to expire February 19, 2016.
- 7.3 Consider confirmation of the Mayor's appointment of Jan Evans to the new Murray City Ethics Commission for a three-year term to expire February 19, 2016.
- 7.4 Consider confirmation of the Mayor's appointment of Ray Black to the new Murray City Ethics Commission for a two-year term to expire February 19, 2015.
- 7.5 Consider confirmation of the Mayor's appointment of Donnetta Mitchel to the new Murray City Ethics Commission for a one-year term to expire February 19, 2014.
- 7.6 Consider confirmation of the Mayor's appointment of Rod Horton to the new Murray

City Ethics Commission for a two-year term to expire February 19, 2015.

Mr. Stam explained that the Ethics Commission is a new commission that has just been established. The terms are different so that the expiration dates differ so that they do not have to replace everyone all at once. Mr. Stam asked any of the people confirmed, who are in attendance, to stand and be recognized and thanked them for their willingness to serve.

Mr. Shaver made a motion to approve the appointments.
Mr. Brass 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion approved, 5-0

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 Section 17.48.120 of the Murray City Municipal Code to allow for additional height and size for signs on properties adjacent to I-15 and I-215 in the General Office District (G-O). (Harmony Home Health.)

Mr. Stam stated that the sponsor, Harmony Home Health, has asked to have this matter continued. As they have published this as a public hearing, the City would like anyone who would like to speak to this issue to have the opportunity to do so.

Public Hearing opened for public comment.

None given.

Public Comment closed.

Mr. Stam added that at this time they do not have a definitive date for when this matter

will be considered.

8.2 Public Hearing #2

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

Consider an Ordinance amending the City's Fiscal Year 2012-2013 Budget to increase the Capital Project Fund by \$475,000.00 as revenue from the Utah State Legislature, increase the General Fund by \$105,908.00 as revenue from the Utah Department of Transportation and to appropriate \$15,000.00 from the Fire Department 2012 Budget savings.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the City received \$475,000.00. Initially, they thought that they would be receiving about \$100,000.00 this year but actually received \$475,000.00. The City now has the money for the 5900 South Project. They are opening the budget so that they can get that project rolling. The total amount that the City will be awarded is \$1.2 million.

Mr. Zollinger said that the second item is money from the Utah Department of Transportation. They are reimbursing the City for some utility relocation items. This is good news as there is a little bit more money available for this and the City didn't have to pay for this out of pocket. As he worked with Trae Stokes, the City Engineer, they found out that there was some more room to request reimbursement for this. This is additional money that the City was planning on spending out of its own budget, but UDOT is now reimbursing the City for it.

Mr. Zollinger said that the last item is for the Fire Department. Since they received a grant for \$29,000.00 for a command vehicle and would like to use some of the savings from the prior year to outfit that command vehicle. Mr. Zollinger had no issue with this, especially where the Fire Department saved and had the money to do it out of pocket, and supports this issue.

Mr. Shaver asked when the City received more than expected, did Mr. Zollinger ask them why there was a difference.

Mr. Zollinger explained that initially, they thought that the grant was fully expended. Now that they have gone back through and are doing their final totals, they found additional room that the City could submit for. Mr. Zollinger gave credit for that to Mr. Stokes for working so closely with UDOT on this.

Public Hearing opened for public comment.

None given.

Public Comment closed.

8.2.2 Council consideration of the above matter.

Mr. Brass made a motion to approve the Ordinance.

Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

A Mr. Brass

A Mr. Shaver

A Mr. Hales

A Mr. Nicponski

A Mr. Stam

Motion was approved 5-0

8.3 Public Hearing #3

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

Consider an Ordinance amending the City's Fiscal Year 2012-2013 Budget to appropriate from General Fund Reserves \$168,800.00 to be used by the Utah Telecommunications Infrastructure Agency (UTOPIA) to help cover operational expense.

Staff presentation: Justin Zollinger, Finance Director.

Mr. Zollinger stated that over the past month and a half or two months, UTOPIA has presented and provided the City with information on where their financial standing is. One of the proposals that they shared with the City was for the participating cities to help support by covering operational costs. The one that is before the Council today would cover five months of operating costs at approximately \$34,000.00 per month. The request was made for the City to open the budget to pay for the City's portion of the shortfall. He will try his best to answer questions he has studied the different plans some but he is not the originator of those and will leave it up to the Council.

Mr. Shaver asked if Mr. Zollinger had an opinion on this.

Mr. Nakamura said that Mr. Zollinger did not have to offer his opinion if he did not want to.

Mr. Zollinger said that he has shared his memo with the Council and if anyone has a question on where he stands it should be stated in that.

Public Hearing opened for public comment.

Keith Bateman, 569 E. 6295 S., Murray, Utah

Mr. Bateman stated that he is a lifelong resident of Murray and a business person. He has been involved in running businesses that have been very successful, and has run businesses that have failed. He thinks it is sad that this gentleman (Mr. Zollinger) had to stand up and say that while there isn't anyone from UTOPIA here to explain all of this. It is strange to him that they would not even be there. Mr. Bateman said that to him, UTOPIA was ill-conceived in the very beginning. Over the last many, many years that it has been in existence, it has proven that it is ill-conceived. He feels that Murray City, the Council, the Mayor, and anyone else that dedicates any more of the City's funds... Mayor Snarr told him in an email a few months ago that in 2012 Murray City had to pay \$1.5 million towards the debt and servicing. UTOPIA will never succeed. It is competing with Comcast and everyone else and Murray City needs to get out of it, however they do. When a business is failing, it should go into bankruptcy and go out of business. UTOPIA has been failing for a long time. The only thing that is keeping them going is the money that the City is putting in there and \$168,000.00 is a lot of money. He doesn't know how many people in the room make \$168,000.00 a year, but it is too much and he highly recommends that no more money from Murray City goes towards UTOPIA. It either succeeds on its own or it fails on its own merits.

Mr. Stam asked those in attendance to refrain from clapping or cheering. He said that it is somewhat distracting and makes the public hearing last longer than it needs to.

Christian Rodren, 5110 Commerce Dr., Murray, Utah

Mr. Rodren stated that as far as UTOPIA goes, he believes that the Salt Lake Tribune called UTOPIA a fiber optic nightmare. 54% of Murray residents are completely unaware of the service that exists, according to the Deseret News. There are only about 10,000 subscribers in the Murray area using this current system. The connection fee is about \$3,000.00 and he doesn't know how many people have \$3,000.00 laying around to hook up an internet connection, and if they do, they can be his best friend.

Mr. Rodren said that in 2011, UTOPIA lost \$18.8 million. It has a negative net worth of \$120 million. It has not turned a profit. It is hemorrhaging money. Mr. Rodren is afraid that they the City might go into a small-scale bailout. In any case, the economic spur that was promised us is only 40% complete. As far as some of the new money that has been flushed into UTOPIA, it hasn't gone into increasing service or expanding, it has gone to pay off its debts. He fears that this further influx of money will just go to pay off debts instead of expanding services for users or potential users.

Mr. Rodren added that it is not profitable. If he were to say that he has a company that is negative \$120 million, how many people would divert their money from their stock portfolio to invest in it? If he were posting these kinds of losses, he would not see anyone jumping for joy for that investment. He would ask that the Council take the same consideration before they vote yes or no on UTOPIA. He believes that this is a waste of money and he prefers that they let them stand or fall on their own.

Mr. Hales said that Mr. Rodren had mentioned that there are 10,000 in Murray. He believes that there are 10,000 all around, full subscribers and that there are only about 3,000 in Murray.

Royce Van Tassel, 656 E 11400 S, Draper, Utah

Mr. Van Tassel stated that he is the Vice-President of the Utah Taxpayers Association. The Taxpayers Association has frankly enjoyed the conversations that they have had with Murray and the other ten members of UTOPIA over the past decade. They have had occasion to disagree, but the dialog that they have had here in Murray and throughout the UTOPIA footprint has been very helpful. He feels that it has helped residents understand the challenges. You have heard some of the concerns that they and others have expressed, even in the comments that have been offered so far. He thinks it is important to understand that this is a fundamental change in the way that UTOPIA is operating. They have historically said that they will be able to make a go of this out of their own operating revenue if the launching pad is made long enough we can get up to speed. Having looked at the plans and spoken extensively with Todd Marriott and others in UTOPIA, he feels that there is now a realization that there isn't in the foreseeable future, a velocity that gets UTOPIA into the air. It is difficult to understand why taxpayers would continue to subsidize its operations. The debt service obligations that Murray and other cities have taken on are there, and there really isn't anything that can be done about that. It is difficult though to understand why the City, without any reasonable expectation that the operating deficit will change, would continue to say that they would continue to cover that operating debt. For those reasons they hope that the Council will decline to participate in that.

Mr. Stam said that over the past couple of years, he has heard a lot of what Mr. Van Tassel has said, and read many things that he has written. He understands from Mr. Van Tassel's comments that he would like to see UTOPIA go away. His question is, he has heard a lot of what Mr. Van Tassel said about wanting it to go away, but he has never heard a suggestion or an offer of 'how' to make it go away. What would Mr. Van Tassel like to see the cities do in light of all of the debt that they have and the additional debt they would incur by shutting it down. What would his suggestion be?

Mr. Van Tassel said that he suspects that Mr. Stam is referencing the additional expenses that may accrue if the network is shut down. He suspects that he is referencing a memo that UTOPIA had written from their Attorneys examining what the go-dark scenario looks like. He knows, for example, within the last two weeks, a system in Groton, Connecticut was sold to the private sector and the Iowa Communications Network is in the process of being sold. In one case the Legislature and in the other the City Council felt, having seen year upon year of operating losses, that they just couldn't continue to sustain that and be the ultimate back-stop. He feels that there are lessons to be learned. There are no easy answers to the situation that was created. That is part of the reason that the Taxpayer's Association was so vehement early on. Once you get into this things only get more complicated. They become even more complicated when additional rounds of debt financing are accrued. That is not to say that there aren't solutions, he thinks that there are important lessons that need to be learned. He spoke with Gary Crane from Layton today about that and said that, as the Taxpayer's Association, UTOPIA and its member cities, take some time and talk to the people in Groton specifically. They indicated that they have gone through two separate rounds of RFP's before they found something that worked. It is a very complex issue but this has been done before, it has been done in California, Georgia and it has been done in Oregon.

You are right-there are no obvious, easy answers. That being said, the real challenge is to say at what point have we passed the point where we can't just keep throwing more money after more money in the hope that something is going to turn around. We are a decade into this and the picture is only getting bleaker. Perhaps while there are serious questions that have to be answered about how the shut-down or sale would happen he thinks that as communities, as Murray, as the Taxpayer's Association, as UTOPIA, they need to address these very real questions because they just don't see a way for this to change.

Mr. Stam asked if Mr. Van Tassel is aware of any potential buyers.

Mr. Van Tassel said that there have been folks, on occasion, contact his office. They have, where appropriate, passed those names on. He can't really speak in specifics but there are folks who have expressed varying degrees to them, knowing that they are interested in the issue. They are obviously not decision makers though.

Mike Adams, 4930 S. Laura Drive, Murray, Utah

Mr. Adams thanked the Council for the opportunity to speak. He has been a resident of Murray for 48 years. He was the president in 2002 when they took the vote at UTOPIA. He wasn't happy then, and he isn't happy now. He has done a lot of research regarding UTOPIA and what it has done. Mr. Adams apologized in advance if he is redundant and hopes he will not be. He wanted to point out that back in the Committee of the Whole meeting where Mr. Marriott was present, he made a couple of comments that Mr. Adams wishes someone would have addressed him on because it did not make sense to him. Mr. Marriott made the comment that out of all the households in Murray, there are 31 residents that 'own' or paid the \$3,000.00. There are approximately 47,000 residents in Murray. UTOPIA has been around since 2002 and that does not add up, there is a problem right there. Mr. Marriott also commented about the current model and that it is going to hit projections and exceed projections. He made a statement that UTOPIA

is running \$50,000.00 negative monthly. Those models are not working. Mr. Adams does not mean to slam Mr. Marriott while he is not here, but he is going off of the notes that he took from that meeting that Mr. Marriott directly said.

As the Council knows, Mr. Adams sent them an email yesterday with a lot of information, most from the Salt Lake Tribune and Deseret News. There were eight links with comments that Mr. Adams added and they all address the situation with UTOPIA. The information was mostly current, with the oldest being from August or September. Out of all of those articles, there was not one positive about UTOPIA. They were all negative about the operations and the way it is being run.

Mr. Adams mentioned that he had come across another article from the Heartland Organization which is a non-profit organization that reviews entities such as UTOPIA. He read from the article, saying that the study was done by NTU which is the National Taxpayer's Union and was written by Andrew Moylan and Brent Mead. *"UTOPIA's debt has skyrocketed from \$85 million in 2005 to \$201.5 million in 2011."* Mr. Adams stated that you do not run business that way. If he runs a business and doesn't make ends meet he needs to shut that business down whether he files bankruptcy or whatever the costs may be. He understands that Murray City is on the line and on the hook for what it is already obligated to, but giving this company any more money is not right. He feels that the most frustrating thing for him is that when a company can't get any more funds from anywhere else, even the Federal Government, they start another company so that they can. This is not right, nor is it ethical or moral in his opinion. Obviously, this was a business decision on their part to do that, but you cannot do that to the taxpayers of Murray City. Your obligation as Councilmen is to your constituents, not to UTOPIA. He feels that it is time to say no now because he will guarantee that they will come back again and ask for more money. They do not have a model to succeed.

Mr. Stam clarified that there are 31 people that paid up front for their connection in the last year and 187 that are paying monthly for the connection and approximately 500-600 that received free connections for the first eight years.

Mr. Adams said that he knows there are more subscribers but not nearly enough to support this company.

Mr. Hales asked Mr. Adams to explain what he was referring to when he said 'going to the government to get more funds.'

Mr. Adams stated that he did not want to speculate on what that was, but could not find the information in his notes. He said that in approximately 2007-2008 UTOPIA went to the Federal Government, under the RUS (Rural Utility Service), and asked for money. The RUS turned them down. After that UTOPIA came to all of the cities and still received more money. He does not understand how the Federal Government can see through that and see where UTOPIA was going to have issues and problems, but the cities, including Murray, continue to fund them. That is very frustrating and he does not see any way that this company is going to make any kind of a profit, now or in the future. It doesn't have the model to do so. That is his opinion of course, but those are his thoughts and feelings on this and he feels that it is time to stop the bleeding.

Pam Cotter, 752 Bullion Street, Murray, Utah

Ms. Cotter stated that she has lived in Murray since 1985 and she thought that as a resident, they got to vote on things. Why were the residents not informed about UTOPIA and the City Council voting on this? She does not know if anyone on the Council was here at that time when it was voted on or not. She also asked if anyone on the Council works for UTOPIA.

The Council said that they did not.

Ms. Cotter asked if they have UTOPIA in their homes and pay for their services, do they still get taxed on it through their property taxes.

Mr. Shaver stated that they are not taxed through property tax.

Ms. Cotter asked if they are taxed in any way on this, and if not on property tax, then how.

Mr. Brass said that we are pledged on sales tax revenue.

Mr. Shaver explained that when someone buys something in the City of Murray, the taxes that are paid go to pay UTOPIA.

Ms. Cotter stated that she does not have UTOPIA in her house, but at the time that UTOPIA was going down Bullion, she thought her house was going to collapse. You cannot even drive down the street without having your car bump all the way up.

Mayor Snarr interjected, saying that it is not UTOPIA. It is from the waterline that was replaced on Bullion Street that they have had a lot of issues with.

Ms. Cotter said it was still a mess. She tells her adult children who are living on their own, if you need money, keep knocking on the doors. If UTOPIA wants the money have them go back around Murray and knock on the doors.

Jackie Sadler, Murray City Court Employee

Ms. Sadler stated that she does not live in Murray City but has been an employee for the City for ten years and is the President of the Murray City Employees Association. At the beginning of this month she sent out an email to the employees, giving them information about this issue and asking for feedback. She did receive a lot of feedback and wanted to share the thoughts that some of the employees had and the feedback that she received. Many thought that this was a waste of money. As has already been said here tonight, UTOPIA keeps coming back every year or few years and asking for more money. Most employees wanted to say 'stop', go away and don't give them anything else. That goes with the maintenance plan that they had shared with the City as well-not to give them any more money but maintain the current customers that we have and eventually pull out the best that we can.

Many employees, after looking at the information, really just want to do what is going to cost the City the least amount of money. Whether it is go dark or give them the money. With the scenario that they saw, with UTOPIA going dark, will add financial burden to the City with the different bonds that will be called and have to be paid back now instead of over the 40 years. It is going to cost a lot. Basically, the employees just want to get to a point where they can get a raise again. The employees have not had a raise for several years and that is what is on the employees minds. If there is a way to do both, if it has to be one or the other, the employees want the raise and that is the bottom line.

Pam Squires, 687 E Winchester St., Murray, Utah

Ms. Squires stated that she has lived in her neighborhood for 26 years. She was here the night of voting and the entire chamber was filled with tons of people. You have to look on line and really be watching the paper to know what issues are being voted on. When there are issues that Murray doesn't want you there for, it is amazing how you don't know about some of them. She has a son who received an email and he called her from Washington to tell her to come to this meeting.

Ms. Squires said that at the meeting she attended, three people voted for it and two people voted against it. Mr. Dredge, who represented District #1, was the accountant for UTOPIA or it was rumored that he owned property that he was renting to UTOPIA. There was a big outcry that it was a conflict of interest and Ms. Dunn, who was the Chairman, said that he was allowed to vote and people were upset. There was already a lot of bad publicity and the last two months before Murray voted, tons of other cities pulled out. This whole room was filled with people from District #1. She knows this because they came up and gave their name and address and she wrote them down and looked them up. To some degree things were set up and it has been a black hole of a money pit since the beginning.

What ticks her off the most is not just the money, but what is the government doing in the private sector? Let a private company who wants to do this run it. We all know that anytime a government comes in, 99% of the time it is not run at high-efficiency and under the best ways and trying to conserve as many pennies as we can. What do we do when we can't make it? We tighten our belt. We are all tightening our belts right now and figuring out every single way that we can save \$5.00 or \$10.00. She has a girlfriend who has figured out that if she puts her clothes on a drying rack she can save \$10.00 on her electric bill, and it is worth it to her. A man in her neighborhood works for Comcast, but when he buys something in Murray his tax money goes to a company that is in direct competition with him. That is not fair. There are some things that a city should do- streets, water, safety, etc. That is great. But when they start getting into the private sector they are stepping on people's toes and we pay for it. They think that they can always just go back and charge more money.

Ms. Squires is against this. It has been a mistake from the very beginning. She was here that night and it only got voted in by one vote. It was three to two and that is part of the record that can be looked up. She spoke up that night and she is here again to say that she does not feel that the government belongs in the private sector.

Mr. Stam asked to clarify a couple of points. He was not on the Council at the time that they voted in, but he does know that there were public hearings held, there were open-houses held where citizens were able to make comments and be part of that. In Jeff Dredge's defense, the only thing that Mr. Dredge did with UTOPIA was lease them office space out of his office when they first started. He was not compensated by UTOPIA in any way.

Mr. Hales stated that he was not aware that Mr. Dredge had office space he leased to UTOPIA. He was not aware of that and is very surprised by that fact.

Cameron Ashby, 1800 South Main St, SLC, Utah

Mr. Ashby said that there have been a lot of great points brought up, most about money and if this is viable or sustainable. He would like to bring up the principle. What is the principle, what is the role of government? Is the role of government to fund companies, picking winners and losers? Is that the role of government? When the Council is thinking about this, think about what it is you should be doing.

As far as solutions, Mr. Ashby wanted to suggest some solutions that he feels could work. If they stop the bleeding, stop paying them, then you are talking about buy-out instead of bail-out. He feels that is better for the people that are paying for it. Spending is an increase in tax whether it is an actual percentage in the increase of the tax or how long they are paying off that debt. One way or another you will be paying for it if it gets voted in. If UTOPIA needs money from the people, why not go to the people instead of the City. In principle it is not efficient, but even if it was, is that the role of the government? He would submit that it is not.

Sherelynn Gray, 816 Marjane Ave., Murray, Utah

Ms. Gray said that she has lived in Murray about 50 years. The thing that bothers her the most is that she gets the feeling that she is hearing the Council say that this is too big to fail. Do they have any suggestions on how to get out of it? She is exasperated hearing people say that this is too big to fail and the solution being to pour more money into it so it won't fail. She thinks that everyone is tired of putting good money after bad. She has been a public school teacher in Utah for 37 years and she can think of a lot of places where that tax money revenue could go to better profit than this. She is frustrated every day that she goes to work and sees lack of funds and what more that they could be doing if they had more financial support and what teachers are accomplishing without it.

Ms. Gray would like to see some creative problem solving from the Council. She knows that this is going to cost money to get out of, but she doesn't think that UTOPIA is too big to fail and if it is, then the City needs to find a way to get out. Pouring more money in is not a solution.

Brock Hansen, 1134 Valewood Dr., Murray, Utah

Mr. Hansen has lived in Murray since he was three years old. He agreed with Mr. Ashby's question on what is the role of government and would also like to know what is a right and where do our rights come from. He would like everyone to think about that question and steer the people in the proper way of when they should be taking funds for certain things. The other question that he would like to have answered is what is this contract that the City has, how long is it for and for what amount of money for UTOPIA.

Mr. Hales explained that this is a bond that the City has in the amount of \$1.6 million per year. It goes up 2% every year for a little over \$2 million per year. A couple of years ago they redid the bond and it stretched it out to the year 2040.

Mr. Nicponski said that one of the bonds is for a total of \$23 million and another one is for \$3.5 million.

Mr. Zollinger stated that Murray's portion of the bonds is approximately that but there are also swaps in addition to that.

Mr. Hansen asked what the cost to the City would be to buy-out. Is there an estimate?

Mr. Shaver stated that part of the difficulty is that we are only one member city and not the only entity. Murray is not making the decision alone. There are many that have to make that decision and therefore, each City has a direct proportion of each of those bonds and we have a direct proportion. When it gets to a point where we want to buy out, we would be buying out exactly what our portion of that bond would be. If you think of it like a mortgage, if you keep making payments then you are reducing what you actually owe and when you finally get to that point, you can't say that today you owe this because it would change tomorrow. We owe a portion of that and those numbers are available to the public and the City would be happy to provide those numbers.

Mr. Nicponski added that if the stars aligned just right the City could probably buy themselves out for about \$26.5 million.

Mr. Hansen asked what caused this to happen. When they talk about UTOPIA and how bad they are, a lot of it has to do with the symptoms. They talk about how to get out of this obligation but how do the people get out of it? He does not feel that the City has a right to make the people obligated to pay for something that is not for streets or safety or things like that. He would like them to figure out the cause for this so that it doesn't happen again. Let's not just fix the UTOPIA problem, let's make sure this never happens again with any service.

Deborah Ng, 5330 Majestic Village Circle, Murray, Utah

Ms. Ng stated that she was here for the first several hundred UTOPIA meetings as well as attending the UTOPIA public meetings. She was there a couple of months ago when they were doing their independent audit. The audit report indicated that they were on the rise, that they were doing well. That is what the report indicated. When she walked into the UTOPIA meeting, she drove into the parking lot where they have a beautiful celebrity type RV sitting there. She asked them what the RV was for as it seemed like a big waste of money to her. They stated that this was their 'command center.' Why do they need a command center? They are barely making it. They had beautiful trailers, a spread for the public to come in and enjoy with food, lunch meats, fruits, everything. They are spending money for everyone to eat which again made her think that they are wasting money on that. It is not like they are thinking about saving as much money as they can but rather how much money can they spend. She looked at the last request for the \$168,000.00. The UTOPIA employees are requesting a raise and she would like to know why the City is paying for a raise for their employees? The lady there said that it was because their workers are doing a great job and they don't want to lose them. She is doing a great job at her work, is not asking for a huge raise and isn't getting a raise. Most people are not getting a huge raise so why should a company that is failing, get raises for their employees? She recommends that the Council does not approve the funding for this.

David Wilde, Salt Lake County Councilman, 4873 Stone Crest, Murray, Utah

Mr. Wilde stated that he has lived in Murray since 1957. He would like to say that \$1.6 million per year, as he calculates it, works out to about \$35.00 for every man, woman, and child in the City. In his household with himself, his wife, his daughter and his mother-in-law who also lives there, it comes to about \$140.00. He realizes that this is supported by sales taxes but it seems to him that if this money wasn't going to UTOPIA it could go to other things in Murray City. That could be Police, Fire, runs the recreation center or other things that Murray needs. As the Employee Association's representative stated, it could go to a raise for the employees. It could go to all those things and it could then, since we are now spending property tax money to support those things, it could reduce property taxes if we were not spending that \$1.6 million a year on this project. He has to say, as a taxpayer whose household is being billed, as he sees it, \$140.00 per year, he is not happy about it. He realizes that commitments have been made. He understands why commitments were made and some of the arguments that proponents made, but it seems to him that the City has a long history of promises being made that are not being fulfilled. There comes a point where as a wise steward, you say it's time to stop throwing good money after bad. He truly believes that they are at that point in Murray City. He feels that the great majority of Murray citizens do not want any more funding to be committed to UTOPIA and he would ask the Council to reject this request from UTOPIA.

Mr. Shaver thanked Mr. Wilde for his comments and his service to the County.

John Rush, 877 E. 5230 S., Murray, Utah

Mr. Rush stated that there have been a lot of great points that have been brought up tonight and he would like to speak to some of those. There is indeed a legitimate role for government in facilitating some of these programs and he can cite a few examples. The beautiful development across the street where the hospital is, Fashion Place Mall, Willow Creek Pond, our beautiful recreation center, etc. He thinks the Council and the Mayor worked very hard and so did the City to facilitate those types of things. Then there are the things that the government legitimately should not have a roll in and are much better left to the private sector. What it comes down to is funding. He does not know much about the UTOPIA project. He does not have it and does not have any relationship with UTOPIA. From what he understands, it is an outstanding product and it is said it is a superior project. However, the issue is not whether it is a good product or not but whether the City can afford it or not. It is a very simple issue. The City employees should not have to subsidize any service for that matter, whether it is UTOPIA or any other service. We should never have to count on the City employees to go without a raise or a benefit increase, whatever the case may be, for the benefit of any service. We should always take care of our employees.

We also have to trust in the wisdom of the Council. He has his own personal opinions on this. You are elected to represent us and they know that they will do the right thing, but when it comes right down to it, you folks have to decide if this is something that the City can legitimately afford. Not necessarily if this is a legitimate role for the City, that is a philosophical discussion for another time, but can they afford it, can they continue to afford it, or should they foreclose on any further opportunity. They have to trust in the Council's judgment. Mr. Rush said that he will most likely not be around in 2040 to see the bonds retire but for those who will, he is sure that they will look back retrospectively and wonder about some of the decisions that were made. Let us just not have them wonder about this one.

Public Comment closed.

Mayor Snarr stated that he was a part of this and will take responsibility for some of this. Of all the things that have challenged him as the Mayor, other than the death of his son, this has been the most challenging thing he has had to deal with. He is a great believer in the future success of America. America is falling further and further behind other countries and they always say 'what is the legitimate role of the government in helping us be a progressive country, a country that proves to the rest of the world that technologically we are more advanced. We are no longer there. There has been article after article about the fact that we are falling behind. He being an eternal optimist and recognizing that for 20 years Murray City Power suffered and struggled, it was not easy. Do we compete against the private sector? I guess we do. We are the only city in Salt Lake County with their own power and we have been recognized as one of the premier power providers in the whole nation. Reliability wise and we will be debt free in four years. We have stayed the course.

Mayor Snarr said that on this, he has had a lot of sleepless nights over this. What he is worried about now is something that many are not aware of which is the obligations that we have to businesses that have come to Murray because of the Fiber. We have two major facilities at the

hospital that are connected to the fiber. If you have ever been over there for any heart or surgery procedures, that is all fiber optically connected. The nine story medical office tower is fiber optically connected. Our children are now educated and the system that they work through now to get the information back to the district offices are all done over the fiber optic lines. A lot of people have come here because of the fiber and we are invested in it.

Mayor Snarr said that all of the citizens are the benefactors of Murray having the lowest power rates and they give a great contribution back to the City every year. Our SCATA system, which is the real time, minute, fractional, second data that goes back to our power department, is on that fiber optic network which we sold to UTOPIA because they could manage it and we could get out of the management business of the fiber. We are going to be responsible for bringing that back in house, which is going to be several hundred thousand dollars. To try and manage that, we are going to have to hire personnel and what not to take care of it, support it, to go out to the sites throughout the City, the cabinets, the boxes where the fiber is interconnected, etc. We are going to be responsible for all of that. Obviously we can work towards a solution with the library system, which is a part of Murray City, and maybe we can cut a deal and help the School District as well.

There are a lot of questions that are unanswered. Those concerns weigh very heavily on him. He looks at where we need to be as a country and where we could be as a city and it has been successful in other places, but it also has been unsuccessful in places too. There were a lot of miss-steps and he will be the first one to confess to that. He was not there, he was not managing it but he supported it. He supported the concept and looked at the potential for the future. He looks at all of the home occupation businesses that Murray has now and those people are going to be out of business. There are consequences either way, and he does not know what potential litigation would occur and can't speak to that. He is not going to exaggerate it either-that is not good government and he believes that truth is the greatest advocate for progress. The truth is that we have a real challenge ahead of us. He gets data saying that if you stay the course you can be successful and other data says it is a money pit.

Mayor Snarr stated that this is the Council's decision, but the thing that he would like to see is the other options that the City could try to explore. He would love to try to find someone to buy it and make it be successful. The City's theory was that we were not going to charge a lot of money for it, which we don't. People have come here because of that, the ultra-high speeds, and the capabilities to do things that they couldn't do anywhere else. We have major industries here now because of it and he is looking at this saying that he really wants to get a better understanding of what this is really going to cost the City to move out of it beyond the costs that Mr. Stam brought up. Just the costs to go in-house and start monitoring all of that work inside. That weighs very heavily on him because he knows that the City will be in turmoil for years to come. Everybody recognizes that. He wishes that the City Council would postpone the decision. He does recognize the Council having the responsibility to make that decision and he is not there to lobby the Council. He has expressed where he is coming from time and time again.

Mayor Snarr said that what he feels more badly about than anything else is the direction that America is taking. Every president has gotten up and said that this is as critical as the interstate highway was and we are not doing anything about it. It is what it is, we are where we are. and it

is the Council's decision. Mayor Snarr would suggest that they postpone making a decision but if they can as there are other options he feels that they can explore. If they cut it right here they will need to deal with the consequences versus trying to figure out the other options.

Mayor Snarr expressed his appreciation for the decorum tonight. He appreciates the excellent comments that were made without sensationalism and that is how it should be when making tough decisions like this. He has faced a lot of decisions, such as on hotels, where it wasn't that way and he appreciates the way they were able to express themselves without taking off after people.

Mr. Nicponski also thanked everyone who shared and appreciates the fine job everyone did.

Mr. Stam added that it makes everything go smoother when everyone shows respect.

8.3.2 Council consideration of the above matter.

Mr. Hales said that he knows that this weighs heavily on the Mayor. He also noted that Ms. Squires had used the expression of 'high efficiency' for the operation of UTOPIA. He has been here for a year and is still green and doesn't know much, but the transparency was 'nada' with UTOPIA. He has asked and asked for information and couldn't get it. UTOPIA had commented in a public meeting that they were an 'extension of Murray City'. He asked them what their salary was and they would only give a conglomerate, not individual information. There were so many times that they would say that they were going to do this or that, but it never made any sense. That does not mean that the product is not good, there are people in his area who have told him that they love UTOPIA and the speed. They also told him that they do not want him to vote to give them more money. These are people who have UTOPIA.

Mr. Hales said that this has been his struggle. The communications with UTOPIA has been horrible and he does not feel like he has gotten answers to his questions at all.

Mr. Stam, quoting his colleague sitting next to him, said that they have many meetings where they have to make decisions that deal with money and issues. The comment that Mr. Brass would always make is that as a Council they cannot encumber future Council's. This is a situation where they have been greatly encumbered with the debt that they have to pay with a relationship with other cities. They have been greatly encumbered and it is a burden that they have had to bear. He knows that this is a very emotional decision that he wishes they could take the emotion out of and only deal with the facts, it would make things a lot easier, but know that they do have Council Members that have spent many hours reviewing this, being involved and trying to find the best solutions possible.

Mr. Brass said that Ms. Cotter asked if anyone sitting on the Council was there in 2004 when this was voted on. Mr. Brass was on the Council at that time, having just been elected. It was one of the most controversial and contentious decisions that he had to make. He was one of the two who had voted no on this and has done so regularly. The reason that he did that was that in looking at their model, of which there have been many, he always said 'you have a cost to hook up a home;

you have an amount of money that you are making off of that home.' In the beginning it never paid back, not ever. Not in twenty years. Now they have it down to ten years and in some cases he has heard three. He would actually like to see that number but, again, if you hook up a home and it costs ten years to pay off that home, you cannot make money and that has always been his concern. He begged them to prove him wrong.

Mr. Brass agrees with the Mayor and is concerned about telecommunications in this country. He has travelled to other places and we look like we are twenty years behind. They have phones that we haven't even seen yet, but that doesn't change anything. Four years after we made the vote, UTOPIA came back for more money. Two years after that they came back for more money. A year after that they came back for more money. You can see how that cycle is going and here we are six months later and we are looking at money and being told that if we don't do the \$168,000.00 it will fail. Annualized out that is \$403,200.00. We are paying out \$1.6 million a year right now and they are looking to bond for more. That was part of the agreement when UIA was formed. That will up that annual payment and he is concerned about all of these things.

It was mentioned that other networks have tried it and failed and sold. When this was proposed to the City, virtually every network that uses the model is gone today. He paid attention to that. He worked in the power industry, has sold fiber optic cable, has paid attention to the networks and has done a lot of research. That bothers him. Mr. Brass asked Mr. Zollinger about the accelerated bond payment and if they can call the bonds.

Mr. Zollinger said that it is non-callable.

Mr. Brass said that the other interesting comment was that UTOPIA employees are getting a raise because they don't want to lose them while we are losing employees. We are cycling through police officers like crazy, he doesn't even recognize half of them anymore. Part of it is that we are a small force and there isn't a lot of room for advancement but the other reason is that there was a time when we paid more than everywhere else. That is what Murray did and we did it to keep good people and we don't do anymore. We have asked our employees for the past three years to please, stand by us. We took a hellacious hit in the downturn. We depend disproportionately on sales tax dollars. We lost \$3 million which is a chunk of money for our budget and the employees all stood by us. Things are getting better and now we are going to give that money further to this.

Mr. Brass said that he does have UTOPIA and he absolutely loves it. The original deal was that this network would pass every home in Murray, we would guarantee it with sales tax revenue, and they would not come to us for anything else. That was the original deal and it was made because the incumbents at the time, Comcast and Qwest (now Centurylink) were not providing high-speed internet access to all of the homes in Murray and indicated that they probably wouldn't. If anything, this has changed that and everybody has access to some form of higher speed internet service. He has not found one as fast as UTOPIA yet, but is it worth \$21,000.00 per subscriber? That is his question. They have been asked to postpone the vote. He does not want to drive this into the ground. He does not believe that the City's \$168,000.00 is going to do much \$215 million later. That is like telling the guy who dropped the ball in Spring training during an exhibition game and the guy got to first place that he is the reason that the team lost the

World Series all those months later.

Mr. Brass feels that there are other options and he would like to explore other options at some time. He thinks it would be interesting to see if the cities that allegedly own this network actually took it over and ran it. But without a change in management, he cannot in good conscience, go forward with this.

Mr. Nicponski said that he is of the opinion that these folks took the time out of their schedules, and they are important schedules, and he is not going to let them leave without knowing where he stands on UTOPIA. He doesn't know how they are going to do that but when they get to that juncture he will voice his opinion. He wants the citizens to know where he stands on UTOPIA. He doesn't know if that is going to take a motion or what.

Mr. Shaver agreed with Mr. Nicponski. He feels that they need to call the issue and have a vote. The public hearing is closed.

Mr. Hales made a motion to deny the Ordinance.

Mr. Shaver 2nd the motion to deny.

Mr. Nakamura wanted to make it clear that a vote 'aye' was a vote to deny the ordinance.

Mr. Brass added that regardless of how the vote comes out, UTOPIA might want to consider coming back with other options. One of which, in Mr. Brass' opinion, would be a change in management.

Mr. Nicponski agreed, saying that this 'either / or' mentality where if the Council doesn't support this \$168,000.00 appropriation, then it is going to go dark, he feels that there is a lot of room between now and going dark.

Mr. Brass added that he feels that there is an asset here that has value to somebody.

Call vote recorded by Jennifer Kennedy.

A Mr. Brass

A Mr. Shaver, adding a comment that he loves the word 'model' but models don't always work. He also noted 'taxation' saying that many, many years ago in a harbor, they threw tea into the water because it was taxation without representation and he agrees totally with the Chair of the Council that sometimes in the issues that come before the City, one of the wonders that comes before them is the opportunity of asking department heads and the Mayor for absolute clarity, transparency is the word that is used, on an issue. On this one, many times they don't get an answer directly to a question that is asked and that to him is bothersome. A diamond is created by pressure. He believes that fiber optics is the wave of the future there isn't a doubt about that. No one is challenging the science of fiber optics in this meeting. You cannot challenge the speed and conductivity that fiber optics gives you. However, he agrees with Mr. Brass and his difficulty is with the

management and how UTOPIA has been managed and run. That is his challenge and because of that he must vote aye.

A Mr. Hales, echoing Mr. Shaver's sentiments.

A Mr. Nicponski

N Mr. Stam adding that having been the representative to UIA this past year, he has spent hundreds and hundreds of hours of his own time out there trying to come up with solutions and new models and things, as well as seeing the changes that have been made. He spent many hours with six finance directors from several cities reviewing the options in both sides of things. Knowing the changes that are being recommended, the management issues that have been faced and the things that are going, his goal the entire time has been to do what is going to cost the citizens, the employees, and the people of Murray the least amount of money. Having spent that much time and understanding fully where it is, he would have to vote nay.

Motion to deny the Ordinance was approved 4-1

9. **UNFINISHED BUSINESS**

9.1 None scheduled.

10. **NEW BUSINESS**

10.1 **Consider a Resolution approving Sponsorship and Professional Development Assistance Match Grant applications to the Economic Development Corporation of Utah.**

Staff Presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that attached to the documents that the Council has is a Resolution for these sponsorship grants. The grants are something that they request each year to the Economic Development Corporation. The three elements of what the grants are for are:

- A sponsorship match grant for funding for the City's Economic Development Symposium that is held each year. The City has held three of these so far.
- There is a Professional Development Assistance Grant that provides funding for educational training.
- They also have a marketing match grant. They will be focusing their marketing efforts on the downtown area of Murray City.

These are the proposals. The amounts for these are: \$1,143.00 for the sponsorship, \$800.00 for the development assistance and \$2,000.00 for the marketing match grant.

They will match those dollars with both the Redevelopment Agency (RDA) and General Fund dollar amounts that have already been budgeted and will be proposed in the future years as well. Mr. Tingey stated that they are recommending approval of this Resolution.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

11. **MAYOR**

11.1 **Mayor's Report**

Mayor Snarr stated that Chick-fil-A is going to open on February 28, 2013 at 9:00 a.m. They will have a camp-out the night before. This is a tradition that Chick-fil-A has started across the country and as soon as he gets more details from them, which they hope to get this week, he will pass that on via email.

Mayor Snarr remarked that he had noticed some interesting things. Most people are aware that the properties that are owned by the School District now have been cordoned off with green construction fencing. Our Public Safety Department has been over there doing training. A lot of the Fire Department personnel and apparatuses have been there over Presidents Day doing training to cover the needs of the citizens, both from a fire and police perspective. They are going to be setting some fires over there but they will make sure that those are secured and not go beyond a certain area. He has spoken with the Fire Department and they indicated that they will be doing that sometime this week before the demolition process starts.

Fire Chief Rodriguez indicated that those fires should be on Thursday as well as one day the following week.

Mayor Snarr said he has watched something over the past several years that he finds very interesting. Just outside of Murray's boundaries is Wind River Investments where they recycle all of the asphalt and concrete. That is owned by Miller Paving who does a lot of the work for the City. It is an advantage to be able to haul the asphalt and concrete a short distance and bring back crushed road base. That property went up for sale last Thursday

and he thinks that the County is pushing more aggressively to create that RDA and take it all the way down to 3900 South. If you go over there right now, they are building some really nice affordable housing units on 150 West and approximately 4000 South.

Mr. Tingey indicated to the Mayor that after four and a half years of trying to get something onto the property of the old Take Five and Concept Furniture, the Mayor is excited that Woodbury Development has partnered with the Kimball Investment Group and they are going to start the demolition process in the next few weeks. Mayor Snarr did speak to several of the subcontractors that will be working on that project and they have submitted their bids which were accepted and hopefully we will see some activity there soon. It is going to be a major project that will take about thirteen months. With the cost of building it and the cost of the land acquisition, that project is well over \$15 million.

The Hilton Hotel Home 2 Suites will hopefully start sometime in March. They have indicated to the Mayor that they do not have to be out of their particular building sooner as they have a contractual lease that goes into the first week of April, so they may start demolishing some of the other buildings and leave some intact. That is the property off of State and Vine where the old Quik-Sak, Alberto's, and Wasatch Broiler used to be on the north east corner. That whole corner will be coming down.

Mr. Nicponski said that Mayor Snarr has done a great job with the economic development of the City with all of the hotels and things. It is all coming to fruition.

Mayor Snarr, giving credit to Mr. Tingey and his department, said that the City has worked very aggressively to showcase the City and they will be doing that again when Mr. Tingey attends the International Conference of Shopping Centers. Although the Mayor has not wanted to attend for the last four years, he has agreed to go one more time.

Mayor Snarr stated that the Medi-Star facility is getting close to being wrapped up. He also noted that Millers are also putting in all of their landscaping. If the weather is on their side by the end of the week, they will have everything done other than the sod.

Henry Walker Homes is going to build some really nice townhouses down in the Fireclay area and they are getting ready to go to work on that. There are a lot of exciting things happening in the City and the Mayor is very bullish for the future.

11.2 Questions of the Mayor

Mr. Shaver said that the Mayor had mentioned that he was hoping to work with the property owners of the Best Buy property and trying to get that released. He asked if

there had been any progress with that.

Mayor Snarr stated he had not. He added that this has been the biggest mess he had ever seen because Chick-fil-A has the concern of people turning left or right off of State Street thinking that they can get into the Best Buy development area and they can't. Over the course of the last several months as he has been talking to the project manager of the Chick-fil-A, they have seen people going in there time and time again trying to find a way out, and it is a problem that is going to have a negative impact on the Chick-fil-A patronage because of the traffic circling in and out of there. It is a frustration for the Mayor because this could have been worked out but sometimes people want to charge money for access to their property. His whole philosophy was that if anybody benefits from that signal there, it is the people that are coming out of the development at the Point @ 5300. There is now a safe way to turn into that development from State Street which they didn't have before. The Mayor has tried everything and right now it just isn't going to happen. It is not a very expensive fix to make that happen and he just doesn't know what to say to the issue.

Mr. Brass said that he was on Planning and Zoning when that property was approved. It has been a long time, but if his memory serves, they talked about this and he thought it was part of the agreement that the road would connect into the parking lot of Best Buy. If you go over to that corner of the parking lot it is set up that way. The City gave them development money to help with the landscaping and relocation of the intersection of 5300 South to put in all that nice stuff. Has anyone researched that? It should be in the minutes.

Mayor Snarr said that, unfortunately, that was a road that was a road that was going down to interconnect to the road that runs in front of the Park Center. The reason that Gary Howland put that road in is because he was trying to negotiate a deal with the Freeze's to buy the property from them. Thinking in advance, he thought he could go ahead and buy that and put in a stub-off which would be a lot less expensive than having to put that whole road through. He stubbed that and if you go over and look at it, you can see what the original design was.

Mr. Shaver asked if it wouldn't still be worth looking into.

Mayor Snarr said that they would research it but he is pretty sure that the plan was a straight shot through with that road. There were also concerns by some of the citizens that they thought it would bring traffic from Vine Street and that the parking lot would be used to cut through instead of people going down State Street and turning onto Vine. They didn't require that they do it and Mr. Howland didn't own the Freeze property. He will have Mr. Nakamura look into it though. That has been a nightmare at the location. People have pulled in and tried to jump it, getting stuck in the mud, and have ruined the curb of the Chick-fil-A. They have brought in some additional rocks but it doesn't look attractive at all.

Mr. Shaver asked who the contact person would be if a citizen wanted to talk to the owners of the property to encourage them to sell.

Mayor Snarr said that he has already tried to talk to everyone about that but it all comes down to money.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder

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 – APRIL 2013

JEFF MARTIN, Aquatics Manager, Parks and Recreation

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 April 16, 2013

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? _____

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? _____

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? _____

☐ Appeal (explain) _____

☒ Other (explain) Special Presentation

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

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

6. **REQUESTOR:**

Name: Janet Lopez

Presenter: Doug Hill

Agency: Murray City Corporation

Date: April 5, 2013

Title: Council Administrator

Title: Murray City Public Services Director

Phone: 801-264-2404

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 Doug Hill.

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Public Services Department

March 19, 2013

NAME of person to be recognized:

Submitted by:

Jeff Martin

Doug Hill

DIVISION AND JOB TITLE:

Aquatics Manager, Parks and Recreation Division

YEARS OF SERVICE:

2.5 years

REASON FOR RECOGNITION:

Jeff Martin started with Murray City on September 20, 2010 as the Aquatics Manager. Jeff is responsible for the indoor pools at The Park Center and the outdoor pool in Murray Park. Jeff is always willing to help whomever and whenever. He is a total team player. He takes personal pride in his job and wants to make the pools the best. Jeff worked hard to minimize the impact from the recent closure at The Park Center due to the replacement of the waterslide stairs. He handled and resolved many of the complaints from patrons. He also did important research on the recent re-plastering of the leisure pool at The Park Center and took the necessary steps to solve the problem. He went way beyond the call of duty. Jeff takes pride in his work and is very dedicated to this job. He is a 'behind the scenes' kind of person who has earned the respect and confidence of those he associates with. He takes problems head on and is accountable. Jeff has developed a very good working relationship with the public and other employees.

Jeff worked as a lifeguard for Murray City when he was in college. He is married to Courtney and they are expecting their first child, a boy, in June. Jeff likes fly fishing, softball and kickball in his free time.

COUNCIL USE:

MONTH/YEAR HONORED *April 16, 2013*

Special Recognition #2

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 A JOINT RESOLUTION OF THE MAYOR AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH DECLARING FRIDAY, APRIL 26th 2013 AS ARBOR DAY

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) _____

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)
April 16th 2013

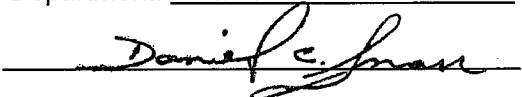
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)
N/A

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

6. **REQUESTOR:**

Name: Cory Kowalski Title: Forestry Division-Arborist
Presenter: Jim Hendrickson Title: Commission Chairman
Agency: Shade Tree and Beautification Commission Phone: 264-2703
Date: April 3rd 2013 Time: _____

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

Head of Department: Blaine Haacke Date: April 3rd 2013
Mayor:  Date: April 3rd 2013

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

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

9. **NOTES:**

Jim Hendrickson, Chairman of The Shade Tree and Beautification Commission, will be present to receive the signed Joint Resolution and to speak briefly along with other Commission members and the Forestry Division Personnel.

**A JOINT RESOLUTION OF THE MAYOR
AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH
DECLARING
FRIDAY, APRIL 26th 2013
AS
ARBOR DAY**

WHEREAS, Arbor Day is observed throughout the nation and the world, as trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, no exact value can be placed on a tree, as the true value is in the eyes of the beholder and the psychological-emotional-spiritual relationship between people and trees is far-reaching and complex; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, in preparing for the future, Murray City is committed to managing the confined spaces along streets and near buildings, so we have a peaceful coexistence between trees, utilities, buildings and people; and

WHEREAS, Murray City's Shade Tree and Beautification Commission has as its prime objective, the beautification of our City, by promoting the planting and care of trees and vegetation that will continually add beauty and value to our community, making it a more enjoyable and desirable place to work and live...**Tree City USA**, now for **36 years** which helps us to remember that: **"There's always More to Murray"**; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Municipal Council of Murray City do hereby declare

Friday, April 26th 2013
as

ARBOR DAY

and urge all citizens to support efforts to protect our trees and woodlands, to plant trees that will gladden the heart and promote the well-being of this and future generations, while beautifying our City and to join with us in our annual **ARBOR DAY CELEBRATION** held in the Murray Park Amphitheater at NOON.

PASSED, APPROVED AND ADOPTED by the Mayor and Municipal Council of Murray City, Utah this 16th day of April, 2013.

MURRAY CITY CORPORATION

MURRAY CITY MUNICIPAL COUNCIL

Daniel C. Snarr, Mayor

Brett A. Hales, Chairman, District 5

Dave Nicponski, District 1

Darren V. Stam, District 2

ATTEST:

James A. Brass, District 3

Jennifer Kennedy, City Recorder

Jared A. Shaver, District 4

Citizen Comments

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

Consent Agenda

Murray City Municipal Council

Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)

Consider confirmation of the Mayor's **new appointment** of **Traci Black** to the **Murray Library Board of Trustees** in an **At-Large** position while living in **District 1** to **complete** the remaining of Joanne Zimmer's term (who served well, but had too many commitments and resigned a few months ago) **effective immediately** from **4/16/2013** to **6/30/2014** - this will not be a first full term

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

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) _____

☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)

April 16th 2013

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

N/A

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

Resume attached

6. **REQUESTOR:**

Name: Kim Fong

Title: Library Director

Presenter: Kim Fong

Title: Library Director

Agency: Library Board of Trustees

Phone: 264-2585

Date: April 3rd 2013

Time: _____

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

Head of Department: Kim Fong

Date: April 3rd 2013

Mayor: 

Date: April 3rd 2013

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

Number of pages: _____

Number of copies submitted: _____

Received by: _____

Date: _____ Time: _____

Recommendation: _____

9. **NOTES:**

Traci Black will begin serving immediately effective **April 16th 2013** to **June 30th 2014**

► Traci Black

5595 S Fairhaven Circle
Murray UT 84123
801-261-8399
satblack@yahoo.com

Objectives

- I hope to serve on the Murray Library Board of Trustees serving library patrons.

Education

- BS in English, emphasis in technical writing, Utah State University, Suma Cum Laude; 1995
- Graduate; Madison High School, 6th in class; 1989

Service Opportunities

- PTSA President, Riverview Junior High School; 2010-2012
- Creator of Elementary School Choir, Viewmont Elementary; 2006-2013
- Producer of Riverview Junior High School musical; 2010-2013
- Various service experiences in schools teaching creative writing, aiding with reading comprehension, several leadership opportunities such as Reflections chair, Red Ribbon head, and different classroom needs
- Writing volunteer for the Church of Jesus Christ of Latter-day Saints doing proofreading, research, and curriculum development

Awards and Accomplishments

- Recipient of Murray Pinnacle Award- 2012
- Runner-Up Murray Literary Contest- 2009
- Published essay in *Thy Light is a Lamp*; 1999

Murray City Municipal Council

Request for Council Action

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1. **TITLE:** (State how it is to be listed on the agenda)

Consider confirmation of the Mayor's new appointment of **Ray Black** to the **Murray City Center District ~ Design Review Committee** in an **At-Large** position while living in **District 3** to **complete** the remaining of Darrell Jones' term (who served well, but felt he needed to resign with 1 year left) **effective immediately** from **4/16/2013** to **1/1/2014**
- this will not be a first full term

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

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) _____

☒ Other (explain) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)

April 16th 2013

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

N/A

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

Resume attached

6. **REQUESTOR:**

Name: Tim Tingey and Chad Wilkinson Title: ADS Dir. and COMM-ED Div. Mgr

Presenter: Dan Snarr Title: Mayor

Agency: Murray MCCD~Design Review Committee Phone: 270-2427

Date: April 3rd 2013

Time: _____

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

Head of Department: Tim Tingey

Date: April 3rd 2013

Mayor: _____

Date: April 3rd 2013

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

Number of pages: _____

Number of copies submitted: _____

Received by: _____

Date: _____ Time: _____

Recommendation: _____

9. **NOTES:**

Ray Black will begin serving immediately effective **April 16th 2013** to **January 1st 2014**

C. Ray Black, D.M.D., M.P.H. / H.S.A.
1010 Peaks Circle
Salt Lake City, Utah 84117
801-266-3944

Curriculum Vitae

1. Personal Data

Carmon Ray Black

Birth date: October 4, 1938

Birthplace: Lovell, Wyoming

Citizenship: U.S.A.

Wife: Roberta S Black

Children: Angela, Steven, Carmen

Address: 1010 Peaks Circle, Murray, Utah, 84117

2. Education

- | | | |
|----|-----------|---|
| A. | 1957-1960 | University of Utah, Salt Lake City
PreDental |
| | 1962-1964 | University of Utah, Salt Lake City
B.S. Cum Laude in Zoology |
| B. | 1968-1972 | University of Louisville, School of Dentistry
Louisville, Kentucky, Top 5 of class, DMD |
| C. | 1990-1993 | University of Utah, Salt Lake City
MPH/HSA |
| D. | 1990-1992 | University of Utah, Salt Lake City
Completed a two-year Geriatric Dental Fellowship
(U of U School of Medicine) |

3. Professional Experience

- | | | |
|----|--------------|---|
| A. | 1964-1968 | Manager, Down Town Motel, Salt Lake City, Utah |
| B. | 1968-1969 | Warehouse employee, Chevrolet Motor Division,
Louisville, Kentucky (Part time) |
| C. | 1973-1977 | Private Dental Practice, Roosevelt, Utah |
| D. | 1977-1982 | Private Dental Practice, West Jordan, Utah |
| E. | 1984-Present | Carmon A Black Mgmt. (General Partner)
Real Estate Investments |

4. Affiliations

American Dental Association

Utah Dental Association

Salt Lake Dental Association

Phi Sigma Honorary Society

American Academy of Gold Foil
Operators

American Academy of Dental
Radiology

Phi Delta Honorary Society

American Society for Geriatric
Dentistry

5. Other Affiliations

Who's Who Among Students in American Universities

Kentucky Colonel

6. Public Service

1977-1982 Taught Dental Hygiene at Downs Syndrome School
In West Jordan and also in public schools

1990-1993 Attending, University of Utah General Practice Residency
Program

2004-2013 Served on Murray City Planning Commission

2011-Present Coordinator of church services at Willow Wood Care
Center, Salt Lake City, Utah

Public Hearing #1

**NOTICE OF PUBLIC HEARING
MURRAY CITY CORPORATION**

COMMUNITY DEVELOPMENT BLOCK GRANT

Under the provisions of the Housing and Community Development Act of 1974, as amended, Murray City participates in the Community Development Block Grant Program administered by Salt Lake County. Community Development Block Grant (CDBG) funds provided by the U.S. Department of Housing and Urban Development (HUD) are used for eligible projects that benefit qualified areas and citizens in Murray City. The projects undertaken during the program year must meet the identified needs of the neighborhoods and must be within the framework of goals and objectives designed in the Salt Lake County consolidated plan.

The overall program for Murray City is designed to either benefit a majority of lower-income families or aid in the prevention and elimination of blight and deterioration. Key elements in the proposed work program include activities designed for housing improvements, public facility improvements, public services and administration.

Murray City will hold public hearings concerning the following items:

- the proposed use of 2013-2014 Community Development Block Grant funds and;
- the reallocation of unexpended funds from the 37th program year.

The meeting will be held on:

TUESDAY, APRIL 16th, 2013, AT 6:30 P.M.
MURRAY CITY MUNICIPAL COUNCIL CHAMBERS
5025 SOUTH STATE STREET, MURRAY, UTAH

All interested citizens will be given the opportunity to comment on these two items regarding the use of Community Development Block Grant funds which will be considered by the Murray City Municipal Council.

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. Physical access parking and entrance are located on the east side of City Hall. The TDD number is 801-270-2425 or call Relay Utah at #711.

Date of Publication: March 31, 2013



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.)

Public Hearing to Approve Modifications to Prior Appropriations of CDBG Funds

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

☐ 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.)

\$14,009.39 from 37th year CDBG budget reallocated to 39th year CDBG budget

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

Council memo, resolution, public notice and electronic PDF containing application materials

6. REQUESTOR:

Name: Angela Price

Presenter: Angela Price

Agency: COMED

Date: 4/16/13

Title: CDBG Coordinator

Title: CDBG Coordinator

Phone: 801-270-2419

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:

Tim Tingey

Date: 4/2/13

Mayor:

Date:

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:

Please have this item on the agenda before the appropriation of 39th year funds.



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

Building Division 801-270-2400

Community & Economic Development 801-270-2420 TTY: 711

Geographic Information Systems 801-270-2460

TO: Murray City Council
FROM: Angela Price, CDBG Coordinator
DATE: April 2, 2012
RE: CDBG Funding Reallocations

I am writing to propose funding reallocations from the 37th program year to the 39th program year (2013/2014). The following outlines the proposed reallocations:

Proposed Program/ Project Reallocations (\$14,009.39)

- **Murray City Administration (\$3,194.56)** — Remaining balance of Murray City's admin contract, recommend reallocating to Community Development Corporation of Utah;
- **Valley Mental Health (\$7,938)** — Valley Mental Health did not comply with Davis-Bacon requirements therefore could not be reimbursed for their playground expenses, recommend reallocating to Community Development Corporation of Utah;
- **South Valley Sanctuary (\$7)** — Remaining balance from the 37th year contract, recommend reallocating to Community Development Corporation of Utah;
- **Family Support Center (\$60)** — Remaining balance from the 37th year contract, recommend reallocating to Community Development Corporation of Utah;
- **Valley Services (\$2,809.83)** — Remaining balance from the 37th year contract, recommend reallocating to Community Development Corporation of Utah.

Community and Economic Development staff recommends approval of the attached resolution outlining the proposed funding reallocations.

RESOLUTION NO. _____

A RESOLUTION APPROVING MODIFICATIONS TO PRIOR
APPROPRIATIONS OF COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) FUNDS.

WHEREAS, in prior fiscal years, the City has allocated Community Development Block Grant (CDBG) funds; and

WHEREAS, the City needs to reallocate prior year funds of \$14,009.39 to the 2013-2014 program year.

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

Community Development Block Grant (CDBG) funds from prior years of \$14,009.39 are reallocated to the 2013-2014 program year as follows:

Murray City Administration (\$3,194.56). Reallocate the remaining balance of Murray City's administrative contract to Community Development Corporation of Utah.

Valley Mental Health (\$7,938). Valley Mental Health did not comply with Davis-Bacon requirements therefore it could not be reimbursed for their playground expenses. Reallocate balance to Community Development Corporation of Utah.

South Valley Sanctuary (\$7). Reallocate remaining balance from the 37th year contract to Community Development Corporation of Utah.

Family Support Center (\$60). Reallocate remaining balance from the 37th year contract to Community Development Corporation of Utah.

Valley Services (\$2,809.83). Reallocate remaining balance from the 37th year contract to Community Development Corporation of Utah.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 16th day of April, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

Public Hearing #2

**NOTICE OF PUBLIC HEARING
MURRAY CITY CORPORATION**

COMMUNITY DEVELOPMENT BLOCK GRANT

Under the provisions of the Housing and Community Development Act of 1974, as amended, Murray City participates in the Community Development Block Grant Program administered by Salt Lake County. Community Development Block Grant (CDBG) funds provided by the U.S. Department of Housing and Urban Development (HUD) are used for eligible projects that benefit qualified areas and citizens in Murray City. The projects undertaken during the program year must meet the identified needs of the neighborhoods and must be within the framework of goals and objectives designed in the Salt Lake County consolidated plan.

The overall program for Murray City is designed to either benefit a majority of lower-income families or aid in the prevention and elimination of blight and deterioration. Key elements in the proposed work program include activities designed for housing improvements, public facility improvements, public services and administration.

Murray City will hold public hearings concerning the following items:

- the proposed use of 2013-2014 Community Development Block Grant funds and;
- the reallocation of unexpended funds from the 37th program year.

The meeting will be held on:

TUESDAY, APRIL 16th, 2013, AT 6:30 P.M.
MURRAY CITY MUNICIPAL COUNCIL CHAMBERS
5025 SOUTH STATE STREET, MURRAY, UTAH

All interested citizens will be given the opportunity to comment on these two items regarding the use of Community Development Block Grant funds which will be considered by the Murray City Municipal Council.

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. Physical access parking and entrance are located on the east side of City Hall. The TDD number is 801-270-2425 or call Relay Utah at #711.

Date of Publication: March 31, 2013



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.)

Public Hearing to Allocate 39th Year CDBG Funds

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

☐ 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.)

\$158,732 to 39th year (FY 14) CDBG budget

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

Council memo, resolution, public notice and electronic PDF containing application materials

6. REQUESTOR:

Name: Angela Price

Presenter: Angela Price

Agency: COMED

Date: 4/16/13

Title: CDBG Coordinator

Title: CDBG Coordinator

Phone: 801-270-2419

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:

Tim Tingey

Date: 4/2/13

Mayor:

Date:

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:

Please have this item on the agenda after the reallocation of 37th year funds.



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

Building Division 801-270-2400
Community & Economic Development 801-270-2420 TTY: 711
Geographic Information Systems 801-270-2460

TO: City Council

FROM: Angela Price, CDBG Coordinator

DATE: April 2, 2013

RE: Community Development Block Grant 2013-2014 Funding Recommendations

As you are aware, the application process for the 2013-2014 Community Development Block Grant program has been initiated. The Community Development Block Grant program is a federally funded program sponsored by the Housing and Urban Development (HUD) Department which provides communities with resources to address a wide range of community development needs. The funded projects must meet identified needs in the community and be within the framework of goals and objectives of the Salt Lake County Consolidated Plan.

The process for selecting funding recipients was very similar to last year with applicants submitting a Letter of Intent to apply for funding in conjunction with a detailed proposal highlighting their funding request. An advisory committee was formed which consisted of staff from the Community and Economic Development Division and Mayor's office. The Committee conducted a 15 minute interview with each agency which provided the agencies an opportunity to explain their proposal and answer any questions about their request. After careful analysis of the applications, the committee concluded the following:

- Each agency provides important and critical services to Murray residents. These services and programs are invaluable to Murray City and the agencies should be commended for their efforts. Unfortunately due to substantial federal CDBG budget cuts, reductions had to be made and well-intentioned projects were not recommended for funding;
- The funding requests total \$354,724. The total funding allocation (including reallocated funds) for hard cost projects and housing programs is \$158,732, which calls for \$195,991 in reductions;
- The committee evaluated each application to determine the number of Murray residents served and the overall benefit to the community. Specifically, we focused our funding efforts on programs that were located in Murray City or employed Murray residents, and programs that addressed housing. The committee worked to fund as many programs as possible, considering the limited funding resources. In addition to the factors listed above we looked at the organizations' ability to leverage funds from other sources (i.e. other municipalities, foundations, state and federal resources), duplication of services, if the program showed a tie to the Salt Lake County Consolidated Plan, and the number of low-to-moderate income individuals that were served. After weighing all of the aforementioned factors, recommended funding allocations were determined.

Based on our analysis of the applications, the following outlines our recommendations:

Organization	Description	Requested Amount	Recommended Funding	Reason for Recommendation
ASSIST	Emergency Home Repair, Accessibility Design and Program Delivery	\$40,000	\$18,582	Partial funding recommended so a wide-range of housing programs and services could be

				provided to residents.
Boys and Girls Club of South Valley	Murray Club Enhancement Program	\$25,000	\$16,150	Funding will repair the boys and girls restrooms in the Junior Center (\$9,200); replace the HVAC in the small gym (\$6,800); and program delivery (\$150).
Columbus Community Center	Jones Court Renovations	\$13,000	\$10,000	Funding will be used for flooring in the main living quarters and bedrooms (\$8,000) and partial funding for the roof replacement project (\$2,000).
Community Development Corporation of Utah	Murray Down Payment Assistance and Program Delivery	\$46,000	\$23,000*	Funding will cover four down payment assistance loans (\$5,000) and program delivery expenses (\$750).
Family Support Center	Crisis Nursery Playground	\$20,273	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
The Haven	George/Josephine Transitional Housing Facility	\$13,000	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
Head Start	Head Start Murray Bathroom Addition	\$15,205	\$10,000	Funding recommended for the addition of a bathroom at the Murray Head Start facility.
House of Hope	Paint for the Douglas Street Facility	\$13,246	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
NeighborWorks Salt Lake	Housing Rehabilitation Loans and Program Delivery	\$87,000	\$30,000	Partial funding recommended so a wide-range of housing programs and services could be

				provided to residents.
The Road Home	Security Gate and Fencing Project	\$15,000	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
South Valley Sanctuary	Fence Project	\$10,000	\$0	Due to overall funding reductions, City funding recommendations prioritized housing programs and projects located in Murray City.
Valley Services	Minor Home Repair Program	\$20,000	\$14,000	Partial funding recommended so a wide-range of housing programs and services could be provided to Murray residents.
Volunteers of America	Bathroom Renovations at Women and Children's Center	\$10,000	\$10,000	Funds recommend for bathroom repairs at the Women and Children's Center.
Murray City ADA Improvements	Murray City Facility ADA Improvements	\$8,500	\$8,500	Funds will be used to make ADA improvements at the Heritage Center, Murray City Hall and NeighborWorks Murray office in order to ensure compliance with HUD FHEO requirements.
Murray City Program Delivery	CDBG Administrative Expenses	\$18,500	\$18,500	Funds will be used to cover staff salaries, trainings and office supplies.
HARD COST TOTAL		\$354,724	\$158,732	

*Denotes reallocated funds

The proposed funding recommendations are based on a projected budget provided by Salt Lake County, the actual budget appropriation has not been designated by Congress yet. If there are additional budget cuts the committee recommends the reduction is taken from the Murray City ADA Improvement project. If there are additional funds allocated the committee

recommends an across the board percent increase to the housing programs which include ASSIST, Community Development Corporation of Utah, NeighborWorks Salt Lake and Valley Services.

Based on these findings, the advisory committee is recommending approval of the attached resolution.

There will be a public hearing on April 16, 2013 at 6:30 in which we will present these recommendations and allow the public an opportunity to comment. In addition, the public will have an opportunity to comment on the proposed funding reallocations from 37th program year (funding reallocation recommendations will be presented in a separate memo). If you have any questions about these recommendations please feel free to contact me directly at 801-270-2419.

2013-2014 CDBG Funding Summary

Organization	Requested Amount	Recommended	Approved	Purpose
ASSIST	\$40,000.00	\$18,582.00		Emergency home repair, accessibility design and program delivery
Boys and Girls Club	\$25,000.00	\$16,150.00		Repair boys and girls restrooms (\$9,200), replace HVAC for small gym (\$6,800), lighting for small gym (\$9,600) and program delivery (\$150)
Columbus Community Center	\$13,000.00	\$10,000.00		\$8,000 for carpet and \$5,000 for roof
Community Development Corp	\$46,000.00	\$23,000.00		8 first time homebuyer loans and program delivery
Family Support Center	\$20,273.00	\$0.00		Playground equipment and installation
The Haven	\$13,000.00	\$0.00		New boiler, plumbing, sinks, showers and toilets
Head Start	\$15,205.00	\$10,000.00		Bathroom addition at Murray Head Start facility
House of Hope	\$13,246.00	\$0.00		Building prep, lead-based paint removal and paint
NeighborWorks Salt Lake	\$87,000.00	\$30,000.00		Rehabilitation loans and program delivery
The Road Home	\$15,000.00	\$0.00		Wrought iron fence and motorized opener
South Valley Sanctuary	\$10,000.00	\$0.00		Brick fence repair
Valley Services	\$20,000.00	\$14,000.00		Minor home repair services
Volunteers of America	\$10,000.00	\$10,000.00		Bathroom repair for Women and Children's Center
Murray ADA Improvements	\$8,500.00	\$8,500.00		ADA improvements at Heritage Center and City Hall per the UFAS Survey
Program Delivery	\$18,500.00	\$18,500.39		Salary, trainings and office supplies

39th Year Allocation	\$126,723.00			
Admin Funds	\$18,000.00			
Reallocated Funds	\$14,009.39			Includes funds from 37th year contract \$3,194.56 admin; \$7,938 VMH; \$7 SVS; \$60 FSC; \$2,809.83 Valley Services
Total Requests	\$354,724.00			
Total Reductions	\$195,991.61			
Total Allocation	\$158,732.39	\$158,732.39		Includes allocation, admin and reallocation funds

Community Development Block Grant Application Summary 39th Program Year 2013-2014

Murray City has 15 CDBG funding requests to consider for the 2013-2014 program year. The City's allocation is \$158,732 which includes:

\$126,723 in program funds;
\$18,000 in administrative funds and;
\$14,009 from previous year contracts to reallocate.

1. ASSIST--The Emergency Home Repair program provides critical home repairs to LMI residents. Requested funds will be used for emergency home repair, accessibility design and program delivery.

Number of Murray Residents Served--35
Funds Requested--\$40,000
Funding Recommendation--\$18,582

2. Boys and Girls Club of South Valley-- Aides youth in the development of attitudes, skills, values, and behaviors that will enable them to succeed in life. Requested funds will be used for updating the girls and boys bathrooms in the Junior Center (\$9,200), replacing the HVAC system in the small gym (\$6,800), lighting fixtures in the small gym (\$800 each x 12, \$9,600 total), and program delivery (\$200).

Number of Murray Residents Served--520
Funds Requested--\$25,000
Funding Recommendation--\$16,150

3. Columbus Community Center--The Jones Court Residential Group Home provides individuals with severe disabilities with 24/7 care. Requested funds will be used for flooring in bedrooms (\$8,000) and roof repairs (\$5,000) at the Jones Court home in Murray.

Number of Murray Residents Served--6
Funds Requested--\$13,000
Funding Recommendation--\$10,000

4. Community Development Corporation of Utah--Provides down payment assistance to LMI individuals purchasing their first-home in Murray. Requested funds will assist families with down payment assistance and program delivery expenses.

Number of Murray Residents Served--8
Funds Requested--\$46,000
Funding Recommendation--\$23,000

5. Family Support Center--The Crisis Center provides free 24/7 childcare for children who are at risk for abuse or neglect. Requested funds will be used for renovating the playground at the West Valley Crisis Nursery located at 3663 South 3600 West.

Number of Murray Residents Served--69
Funds Requested--\$20,273
Funding Recommendation--\$0

6. The Haven--The Haven's Transitional Housing program provides safe, affordable housing with supportive services in a sober-living environment to homeless and LMI clients who have completed

13. Volunteers of America--Provides social services programs such as homeless outreach, substance abuse detoxification and treatment, domestic violence counseling, substance abuse prevention, and senior volunteer services. Requested funds will be used to replace the plumbing, fixtures and dry wall at the Center for Women in Children located at 697 West and 4170 South in Murray.

Number of Murray Residents Served--unknown

Funds Requested--\$10,000

Funding Recommendation--\$10,000

14. Murray ADA Improvements--Requested funds will be used for accessibility repairs to the Heritage Center and City Hall per the UFAS Survey requirements.

Number of Murray Residents Served--NA

Funds Requested--\$8,500

Funding Recommendation--\$8,500

15. Murray Program Delivery--Requested funds will be used to cover staff salaries, staff trainings and office supplies.

Number of Murray Residents Served--NA

Funds Requested--\$18,500

Funding Recommendation--\$18,500

RESOLUTION NO. _____

A RESOLUTION ALLOCATING THE 39th YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR PROGRAM YEAR 2013-2014.

WHEREAS, a public hearing on the allocation of CDBG funds for program year 2013-2014 was held on April 16, 2013, pursuant to proper notice; and

WHEREAS, all interested parties were heard at the public hearing on April 16, 2013; and

WHEREAS, the City is anticipating that Salt Lake County will allocate approximately \$158,732 of CDBG funds for program year 2013-2014; and

WHEREAS, the Murray City Municipal Council now wants to allocate the CDBG funds to the applicants for program year 2013-2014;

NOW, THEREFORE, be it resolved by the Murray City Municipal Council that Community Development Block Grant (CDBG) funds in the amount of \$158,732 shall be allocated as specified in the attached schedule for program year 2013-2014 subject to final CDBG appropriation by the United States Congress for program year 2013-2014.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 16th day of April, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

Public Hearing #3

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 16nd day of April, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to the consideration of amending the General Plan from Residential Single-Family Low Density to Residential Business and amending the Zoning Map from the A-1 (Agricultural) zoning district to the R-N-B (Residential Neighborhood Business) zoning district for the property located at approximately 6271 South 900 East, Murray, Utah.

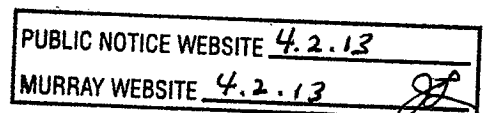
The purpose of this hearing is to receive public comment concerning the proposed amendment to the General Plan and Zoning Map as described above.

DATED this 2nd day of April, 2013.

MURRAY CITY CORPORATION

Jennifer Kennedy, City Recorder

DATE OF PUBLICATION:



ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE GENERAL PLAN FROM RESIDENTIAL SINGLE-FAMILY LOW DENSITY TO RESIDENTIAL BUSINESS AND AMENDS THE ZONING MAP FROM A-1 (AGRICULTURAL) TO R-N-B (RESIDENTIAL NEIGHBORHOOD BUSINESS) FOR THE PROPERTY LOCATED AT APPROXIMATELY 6271 SOUTH 900 EAST. (Camter Development.)

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at approximately 6271 South 900 East, Murray, Utah, has requested a proposed amendment to the General Plan of Murray City to reflect a projected land use for that property as Residential Business and to amend the zoning map to designate the property in a R-N-B zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of Murray City and the inhabitants thereof that the proposed amendment of the General Plan and the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

Section 1. That the Murray City General Plan be amended to show a Residential Neighborhood Business projected use for the following described property located at approximately 6271 South 900 East, Murray, Salt Lake County:

Parcel Id Number: 22-20-128-002

PART OF AN ENTIRE TRACT OF LAND IN FEE, BEING ALL OF THE REMAINDER OF AN ENTIRE TRACT LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THE BOUNDARIES ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE OF 900 EAST STREET, ALSO KNOWN AS PROJECT NO. 0071, WHICH POINT IS APPROXIMATELY 119.6 FEET SOUTH, 355.9 FEET WEST, 30.1 FEET SOUTH 4°08' EAST AND 479.45 FEET WEST FROM A 2 IN IRON PIPE SET BY THE COUNTY SURVEYOR AS THE NEW POSITION OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; WHICH POINT IS ALSO 143.73 FEET SOUTH 0°20'11" WEST ALONG THE MONUMENT LINE AND 63.95 FEET SOUTH

89°52'30" EAST FROM THE MONUMENT AT THE INTERSECTION OF 900 EAST STREET AND HOLLY AVENUE; RUNNING THENCE SOUTH 89°52'30" EAST 478.40 FEET ALONG THE NORTH LINE OF SAID ENTIRE TRACT TO THE NORTHEASTERLY CORNER OF SAID ENTIRE TRACT; THENCE SOUTH 4°09'30" EAST 122.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID ENTIRETRACT; THENCE NORTH 89°52'30" WEST 478.94 FEET ALONG THE SOUTHERLY BOUNDARY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SAID PROJECT; THENCE NORTH 26°50'52" WEST 19.87 FEET ALONG THE SAID EASTERLY LINE TO A POINT 50.00 FEET PERPENDICULARLY DISTANT EASTERLY OF CENTERLINE STATION 10+63.43; THENCE NORTH 0°21'10" EAST 104.35 FEET PARALLEL TO THE CENTERLINE OF SAID PROJECT TO THE POINT OF BEGINNING.

Section 2. That the Zoning Map and the zone district designation for the property described in Section 1 be amended from the A-1 (Agricultural) zone district to the R-N-B (Residential Neighborhood Business) zone district.

Section 3. This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder of Murray City, Utah.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council

on this day of , 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION:

DATED this day of , 2013.

Daniel C. Snarr, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was published according to law on the ____
day of _____, 2013.

Jennifer Kennedy, City Recorder

A Vicki Mackay

A Scot Woodbury

A Maren Patterson

Motion passed, 7-0.

CAMTER DEVELOPMENT – 6271 South 900 East – Project # 13-24, #13-21

Terry Seiter and Jarred Cameron were the applicants present to represent this request. Chad Wilkinson reviewed the location and request for a Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business and a zoning map amendment from A-1 (Agriculture) to R-N-B (Residential Neighborhood Business) for the property addressed 6271 South 900 East. The request for Murray General Plan amendment and zone change is not consistent with the General Plan direction which calls for the change from agriculture to residential single family low density. The applicants are requesting the General Plan amendment and zone change to develop a residential neighborhood business use on the property. The A-1 agricultural zone allows agricultural uses, parks, open spaces, and residential single family dwellings. Other compatible uses require a Conditional Use Permit to include schools, churches, and public parks. The proposed R-N-B zone allows various permitted uses including medical offices, art, drama and music schools, travel agencies, beauty and barber services, real estate and insurance offices, portrait photography business and retail sales for florists and optical goods. Other uses require a Conditional Use Permit including retail sales antiques, furniture and glassware, books, art and hobbies supplies, gift shop and boutiques, health foods and lunch facilities, banks and credit union services, schools, tanning, sauna, and massage salon. As staff reviewed the criteria for a General Plan Map amendment, they did not feel there had been a change of circumstances that would warrant a change to the General Plan designation. Based on the findings in the staff report, staff recommends that the Planning Commission forward a recommendation of denial to the City Council for the requested Murray General Plan amendment and zone map change.

Mr. Taylor asked Mr. Wilkinson what the hatching on the General Plan Map is on 900 East. Mr. Wilkinson explained that when the General Plan was adopted there were a few areas that were designated a transportation corridor with some special considerations. The General Plan calls for a certain landscape treatment in those areas, so the hatching relates to the design of the streets. The ordinance implementing these changes however has not been adopted by the City Council at this time.

Terry Seiter, 1919 East Vintage Woods Court, stated that they started to develop the property in 1999 at which point was zoned A-1. At that time he went through the county, got a zone change approved and put in a seven lot subdivision. Most of the lots were sold off between the years of 2001-03 and homes were built. He then purchased the property in regards to this project and asked the residents in the community whether or not they would be in favor of him building 4 homes. All the residents turned down that idea. Mr. Seiter stated that he has the money to develop the property, but since the residents have turned down the idea of 4 more homes he

is now trying to come up with the best way to develop this property to its highest and best use.

Jarred Cameron, 7533 South Lincoln Street, stated that he feels the circumstances have changed and there are justifiable reasons for approval. The first reason is that Murray City Zoning states under Residential Neighborhood Business; the purpose of the residential neighborhood business zone is to provide a variety of mixed use, low scale, low intensity, residential commercial office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods. Mr. Cameron feels that this property is located in a conflicting transitional area. He stated that the second reason is that the Murray City General Plan has not been updated in this area for the past 10 years to reflect the additional northbound lane on 900 East. This additional lane is the only spot along 900 East that had a single lane. Every other part of 900 East was already two lanes in each direction. Mr. Cameron stated that the map also shows this property is future zoned single-family residential in this area which is one of the only areas along 900 East that is zoned single-family. The other 80% has been zoned for other uses as the traffic increases. The Murray City General Plan doesn't show the added amount of traffic, the additional lane, or the 45 MPH speed limit, yet still has this area future zoned for single-family residential. Mr. Cameron noted that 900 East has a large impact on this property as it has 125 feet of frontage. Some concerns that Mr. Cameron expressed when looking at a residential single-family area are: the amount of traffic, high traffic speeds, noise and safety. Mr. Cameron mentioned that in no other place does it show in the Murray City General Plan that all the R-N-B needs to be used up before they can add more. Mr. Cameron also brought up that on the Murray City Suitability Analysis Map it does not show wetlands in the area of his property.

Ms. Daniels asked Mr. Cameron to confirm his acreage as 1.352 acres and the majority of the property goes eastward, away from 900 East. Mr. Cameron replied in the affirmative. Ms. Daniels then stated his property really isn't along the 900 East corridors where it is busy. Mr. Cameron stated that was partially true as they are in the transitional area.

The meeting was opened for public comment.

Joyce Swan, 989 Wheeler Farm Cove, stated she is representing the neighboring residential community. The residents that live in the Wheeler Farm area have not wavered in what they would like to see built next to their homes. They feel like they have stuck to their initial agreement to allow for the development of appropriate housing. Currently the land is zoned A-1 (Agricultural) which is single-family residential low density. The concerns to change this zoning to residential business would be an increase in traffic, escalating crime and building on wetlands. Ms. Swan stated that the residents are not opposed to something going into that lot, but that it should be single-family residential low density as per the Murray City General Plan.

James Pollock, 980 Wheeler Farm Cove, stated he is a neighboring resident. Mr. Pollock stated that when he bought his house in 2011 he learned that Mr. Seiter (original owner of the home) had elevated the home 10 ft. due to water issues on the property. There is an 18" pipe that surrounds his property and drains into his back

yard which is adjacent to a pond and wetlands on Wheeler Farm property. Mr. Pollock stated he does not feel there should be a zone change.

Pat Stutzman, 968 East Wheeler Farm Cove, stated he is a newer resident to the area. He feels the developer has the right to build, but believes any development should remain as a residential development. Mr. Stutzman stated he believes the parcel is zoned properly and the Murray City Master Plan makes sense.

LaVerle Christenson, 1005 Wheeler Farm Cove, states she is representing Wheeler Farm, on behalf of the Executive Director, Sue Lind. She reiterated that there was a letter submitted at the last Planning Commission hearing stating the concerns and objections in regards to a zoning change and development of this parcel indicating their opposition to changing the zoning and general plan.

Robert Nielson, 986 East Wheeler Farm Cove, stated he is a neighboring resident and feels that preserving open space should be done for as long as can be done. Mr. Nielson doesn't object to development, but is against any multi-family or commercial development.

Mike Cameron, 1014 Wheeler Farm Cove, stated he is a neighboring resident. Mr. Cameron wanted to remind the other neighbors that when Mr. Seiter bought the property it was zoned A-1 and it didn't meet the requirements for a full city road, so he obtained approval for planned unit development so that the property could accommodate the ability to build seven homes, which they all live in now. Many of the negotiations between the developer and the HOA have been turned down. Mr. Cameron does recall hearing his neighbors say how nice it is to have that parcel vacant, but also he has heard them acknowledge there is a new owner and they are open to development. Mr. Cameron made note that there is no indication on any plats that there is a wetland designation. Mr. Cameron wanted to address the maintaining of open space, green space, and the possible conflicts with a small neighborhood business being adjacent to Wheeler Farm. Mr. Cameron pointed out that Wheeler Farm does have a two page price list for commercial activities on and around the Wheeler Farm property. He stated that those activities are far more disruptive to these neighbors than a small residential business would be.

Mr. Harland stated that this property is currently zoned A-1. He then asked Mr. Wilkinson if the zoning were to change, does the General Plan call for it to be changed to residential. Mr. Wilkinson replied in the affirmative, adding that it is designated for single-family residential low density in the future, but would still need to go through a re-zone process to get to that point.

Ms. Daniels asked Mr. Wilkinson if Wheeler Farm is currently zoned A-1. Mr. Wilkinson stated they are zoned OS (Open Space). Ms. Daniels asked what is the zoning is for the residents at Wheeler Farm Cove. Mr. Wilkinson responded the Wheeler Farm Cove properties are zoned A-1 and is a planned unit development (PUD) that was approved while it was within the Salt Lake County's jurisdiction.

Ms. Mackay asked if this parcel were to continue to be A-1 residential, would there need to be a minimum parcel size. Mr. Wilkinson stated in A-1 residential the parcel

size needs to be a minimum of one acre for a single family home. PUD does allow for some flexibility in lot sizes and development standards and that is why the existing subdivision does not have one acre lots. The current PUD ordinance requires a 2 acre minimum total acreage for development.

Mr. Harland asked Mr. Wilkinson to reiterate, if the zoning stayed the same and remained A-1 residential, could the developer only build one house. Mr. Wilkinson responded in the affirmative.

Mr. Woodbury asked Mr. Wilkinson if there are other uses under A-1 without there being a zoning change. Mr. Wilkinson stated there are several agricultural uses, schools and other things that are residentially compatible.

Addressing the wetland issue, Mr. Seiter stated that Wheeler Farm flood irrigates and all the water in that area flows from the southeast to the southwest and accumulates in a pond. This is not a wetlands area. Mr. Seiter noted when he built his house in the subdivision he raised it 12 feet and put a drainage pipeline around the outside of the yard just so that when Wheeler Farm flood irrigates, his property wouldn't be flooded. That water goes into a storm drain and into the creek. He stated that there is some drainage through the subject parcel that is being discussed, but it is merely flood irrigation water.

The public comment portion of the meeting was closed.

Mr. Taylor stated the R-N-B designation is meant to be a buffer between a busy street and a neighborhood. The challenge with this property is it's almost 500 ft. deep. Mr. Taylor doesn't feel the intent of the R-N-B zone is for a development to go that deep into the existing residential neighborhood. Mr. Harland made note there are a number of vacancies on the west side of 900 East where the zoning is R-N-B. Therefore, he doesn't feel that there is a need to go against the General Plan for a change in zoning on the east side of 900 East. Mr. Woodbury stated he feels by having an extra travel lane on 900 East, this creates a larger buffer from the R-N-B to the A-1 zones. Thus, following the General Plan.

Mr. Wilkinson made note that even though this was presented as one item, there will need to be two motions. One for the General Plan and one for the zone change.

Mr. Markham made a motion to forward a recommendation of denial to the City Council for the requested Murray General Plan amendment from Single-Family Low Density to Residential Business for the property addressed 6271 South 900 East because it is not consistent with the current General Plan. Mr. Harland seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Jim Harland

A _____ Phil Markham

A Vicki Mackay
A Scot Woodbury
A Maren Patterson

Motion passed, 7-0.

Mr. Woodbury made a motion to forward a recommendation of denial to the City Council for and zone map amendment from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the property addressed 6271 South 900 East. Mr. Taylor seconded the motion.

Call vote recorded by Chad Wilkinson.

A Karen Daniels
A Tim Taylor
A Jim Harland
A Phil Markham
A Vicki Mackay
A Scot Woodbury
A Maren Patterson

Motion passed, 7-0.

OTHER BUSINESS

Mr. Wilkinson commented that there will be an open house Tuesday, February 26, 2013 from 6-8 p.m. in the Murray City Council Chambers to discuss chicken, bees and park strip ordinances. The issue of allowing chicken's and bees in a residential neighborhood will be addressed by the City in the future and this open house is designed for the public to attend and give us their feedback.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development

Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: February 15, 2013

DATE OF HEARING: February 21, 2013

PROJECT NAME: Camter Development

PROJECT NUMBERS: 13-21, 13-23

PROJECT TYPE: General Plan/Zoning Map Amendments

APPLICANTS: Jarred Cameron, Terry Seiter

PROPERTY ADDRESS: 6271 South 900 East

SIDWELL #: 22-20-128-002

ZONE: A-1

PROPERTY SIZE: 1.35 Acre

I. REQUEST:

The applicants are requesting a Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business and a zoning map amendment from A-1 to R-N-B for the property addressed 6271 South 900 East.

II. BACKGROUND AND ANALYSIS

Background: Representatives of Camter Development are requesting a Murray General Plan map amendment from Residential Single Family Low Density to Residential Business and a zone map amendment from A-1 (Agriculture) to R-N-B (Residential Neighborhood Business). The request for Murray General Plan amendment and zone change is not consistent with the General Plan direction for change from agriculture to residential single family low density. The applicant is requesting the General Plan amendment and zone change to develop a residential neighborhood business use on the property.

Site Location/Detail The property contains 1.35 acres and is located north of the Wheeler Historic Farm and east of 900 East Street.

Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential/Agriculture	A-1
South	Wheeler Farm	O-S
East	Residential	A-1
West	Residential	A-1

Allowed Land Uses

Existing: The A-1 agricultural zone allows agricultural uses, parks, open spaces, and residential single family dwellings. Other compatible uses require a Conditional Use Permit to include schools, churches, and public parks.

Proposed: The proposed R-N-B zone allows various permitted uses including medical offices, art, drama and music schools, travel agencies, beauty and barber services, real estate and insurance offices, portrait photography business and retail sales for florists and optical goods. Other uses require a Conditional Use Permit including retail sales antiques, furniture and glassware, books, art and hobbies supplies, gift shop and boutiques, health foods and lunch facilities, banks and credit union services, schools, tanning, sauna, and massage salon.

III. PUBLIC INPUT

A mailing was sent on February 6, 2013 to the surrounding property owners. A Murray resident contacted the Community Development office stating that he and other property owners in this neighborhood are opposed to the Murray General Plan amendment and zone change for residential neighborhood business uses on this property.

IV. GENERAL PLAN ANALYSIS

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan future land use map for this particular property show a change from agriculture to residential single family low density. The business uses allowed in the R-N-B zone are not consistent with the Murray General Plan direction for this particular property location which is designated for low density single family residential. The uses

adjoining this property are agricultural and low density single family residential. It is not the direction of the General Plan for an expansion of commercial uses to the east side of 900 East Street. The General Plan calls for preservation of single family residential areas and open space areas like Wheeler Farm. The circumstances have not changed in this area with the surrounding uses with single family dwellings, agricultural and open space. The Murray General Plan direction is for large numbers of residential properties on the West side of 900 East and on Winchester Street transition to R-N-B which is available for Residential Neighborhood Business uses. There is not a justifiable reason for an expansion of the R-N-B zone to the east when there are still large numbers of properties the General Plan recommends changing to Residential Business west of 900 East. Until these properties are developed there is not a need for additional R-N-B zoning in this area. Once existing inventories of properties designated as R-N-B have developed, it may be appropriate to analyze additional locations.

V. FINDINGS

A. Is there need for change in the General Plan and the proposed zoning at the subject location for the neighborhood or community?

The applicant's request for a Murray General Plan Map amendment from Residential Single Family Low Density to Residential Business and a zoning map amendment from A-1 (Agriculture) to R-N-B (Residential Neighborhood Business) is not consistent with the Murray General Plan. The General Plan calls for the property to transition from Agricultural use to Residential Single Family Low Density which includes R-1-8, R-1-10, R-1-12 zoning districts. There is not a need to amend the General Plan and zoning map to residential neighborhood business uses at this location. There has not been a change in circumstances in the area that necessitates a change to the General Plan and zone map.

B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?

The uses allowed in the R-N-B zone with a variety of commercial business uses, offices, schools, and retail sales and services will not be compatible to the surrounding land uses with the existing single family residential uses to the east and north and Wheeler Historic Farm agricultural use to the south.

C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?

Murray City does not provide water or sewer services to this area. The applicant will need to contact other utility providers. The probable effects of the variety of uses on services will require additional review by utility companies. Murray City does provide water and sewer, power service on the west side of 900 East Street where adequate utilities and services are readily available.

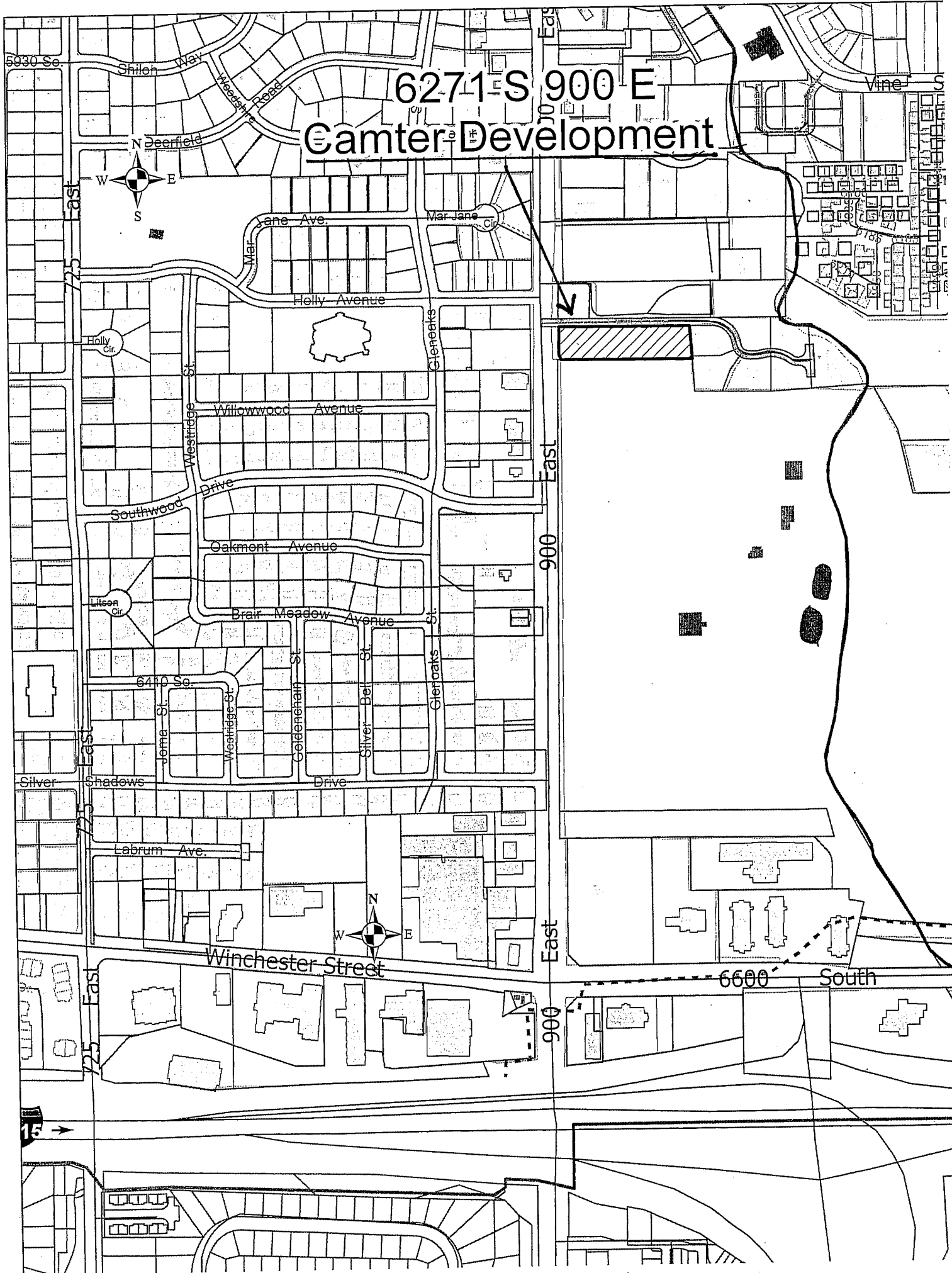
VI. CONCLUSION

- i. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.
- ii. At the time of annexation of this property into Murray City, the City Council reviewed the recommendations for this property for low density single family residential use designation in the General Plan and zone designation.
- iii. This property was not recommended to be residential business in the General Plan or zoned R-N-B (Residential Neighborhood Business) and is not compatible with the surrounding area. There is not a justifiable reason for an expansion of the R-N-B zone to the east side of 900 East when there are many properties on Winchester Street and the west side of 900 East that can be developed with business uses.

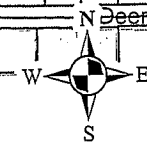
VII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of Denial to the City Council for the requested Murray General Plan amendment and zone map change.

SITE INFORMATION



6271 S 900 E
Camter Development



15



6271 S. 700 East



MURRAY
COMMUNITY AND
ECONOMIC
DEVELOPMENT



APPLICATION MATERIALS

13-23

GENERAL PLAN AMENDMENT APPLICATION

Type of Application (check all that apply):

☐ Text Amendment

☒ Map Amendment

Subject Property Address: 6271 S. 900E.

Parcel Identification (Sidwell) Number: 22-20-128-002-0000

Parcel Area: 1.35 ACRE Current Use: VACANT Residential

Land Use Designation: Agriculture A* Proposed Designation: ~~Q200000~~ R-N-B Business

Applicant Name: JARRED CAMERON

Mailing Address: 7533 S. LINCOLN ST.

City, State, ZIP: MIDVALE UT, 84047

Daytime Phone #: 801-971-7466 Fax #: 801-304-9002

Email Address: JMCMOAB@YAHOO.COM

Business Name (If applicable): CAMTEL DEVELOPMENT

Property Owner's Name (If different): _____

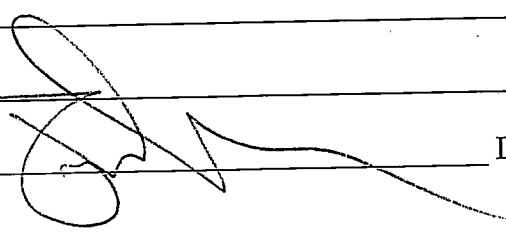
Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

Describe your request in detail (use additional page if necessary): _____

WE FEEL WE MEET THE REQUIREMENTS FOR R-N-B.

Authorized Signature:  Date: 1/29/13

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 6271 S. 900 E.

Parcel Identification (Sidwell) Number: 22-20-128-002-0000

Parcel Area: 1.35 Current Use: VACANT

Existing Zone: A-1 Proposed Zone: R-N-B

Applicant Name: JARRED CAMERON

Mailing Address: 7533 S. LINCOLN ST.

City, State, ZIP: MIDVALE UT, 84047

Daytime Phone #: 801-971-7466 Fax #: 801-304-9002

Email address: JMCMORAB@YAHOO.COM

Business Name (If applicable): CAMTER DEVELOPMENT

Property Owner's Name (If different): _____

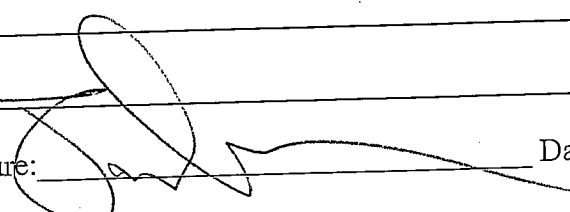
Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

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

WE FEEL WE MEET THE REQUIREMENTS FOR R-N-B.

Authorized Signature:  Date: 1/29/13

Property Owners Affidavit

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

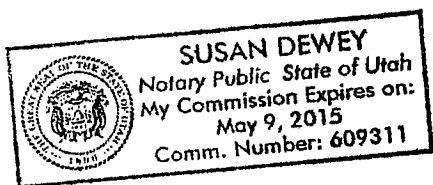
[Signature]
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

Subscribed and sworn to before me this 29 day of January, 2013.



[Signature]
Notary Public

Residing in Salt Lake County

My commission expires: 5-9-15

Agent Authorization

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

Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake

On the _____ day of _____, 20____, personally appeared

before me _____ the signer(s) of the above Agent

Authorization who duly acknowledge to me that they executed the same.

Notary public

Residing in _____

My commission expires: _____

MURRAY CITY PLANNING COMMISSION AND CITY COUNCIL,

We are applying for a zoning and general plan amendment from Agricultural (A-1) to Residential Neighborhood Business (R-N-B).

Why is a zoning change necessary to R-N-B? – We feel there have been many circumstances which have changed since the Murray City General Plan (MCGP) was first adopted and there are many justifiable reasons for our request to be approved by both the Planning Commission and the City Council. According to Murray City zoning we feel we meet the requirements of R-N-B.

1 – Murray City zoning states;

CHAPTER 17.140

RESIDENTIAL NEIGHBORHOOD BUSINESS DISTRICT R-N-B

“17.140.010: PURPOSE OF PROVISIONS: **The purpose of the residential neighborhood business zone is to provide a variety of mixed use, low scale, low intensity residential, commercial, office and business operations as appropriate transition between high traffic arterial streets to adjacent residential neighborhoods.** . . (Ord. 07-30 § 2)”

Our land is located in a conflicting and transitional area. It has both a “high traffic arterial street” located adjacent to the West end and we also have an “adjacent residential neighborhood” located to the East end of our land.

2 – Recent history – In the nine years since the MCGP was adopted there have been a couple of very important changes in the area to justify our request. These changes are very important to us as the land owners and we would like them to be known as they directly relate to the planning and zoning decisions being made on our behalf.

- 2003 (June) – Murray City General Plan is adopted by Murray City Council.
- 2004 (Summer) – UDOT widens 900 East (SR-71) along the East side of the street by adding an additional lane for northbound traffic in this area. Previous to this all of the other areas along 900 East throughout Murray City already had two lanes for traffic in each direction and this was the only section which did not.
- 2006 – Murray City adopts an updated Transportation Plan and designates 900 East as a Major Arterial, one of only four in Murray City.
- 2010 – UDOT provides traffic statistics data for the area (on 900 East from 5600 South to 6600 South) which displays this particular section as having the largest amount of traffic anywhere along 900 East.

The MCGP has not been updated in this area to reflect the additional northbound lane, the higher amount of traffic, or the 45 MPH speed limit along this entire area, and still has single family residential future zoned for our land.

3 – Utah Department of Transportation (UDOT) statistical data – According to UDOT 2010 traffic statistics there are daily averages of 26,130 vehicles which travel this section of 900 East between the areas from 5900 South to 6600 South. Again, MCGP still has single family residential future zoned for this area adjacent to 900 East.

4 – Safety – The speed limit along 900 East in this area is 45 MPH. Research suggests there is a correlation directly related with safety and why single family residential is associated with a 25 MPH speed limit (it is also Utah state law in urban districts). R-N-B is a more suitable zoning classification for this land than single family. We feel there are other areas better protected and better suited for single family residential when given the proper opportunity to avoid this unnecessary risk of putting single family residential directly adjacent to 900 East.

5 – Present Zoning Map Analysis – According to our research there is approximately five miles of total distance between both sides of 900 East located within Murray City boundaries (we actually calculated 4.94 miles with a total distance of approximately 26,105 feet). We measured a total of 3,569 feet, or 13.6%, listed as single family residential. The other 22,536 feet, or 86.4%, is a combination of other zoning such as; commercial, retail, office, and multi-family etc. (Murray City Zoning Map dated March 2011)

Over 86 percent of the land owners, adjacent to 900 East have already rezoned their land as something which is not single family residential. Of the less than 14% of land, located adjacent to 900 East, which is still single family residential, much of it has already been future zoned for other uses such as R-N-B or G-O. For many of the homes left over redevelopment is very unlikely as these homes are a part of large well established neighborhoods with well over 100 homes in many of these and only their backyard is adjacent to 900 East. If some of these homes were able to change their zoning to something else it would do so by drastically changing the character of the entire neighborhood. Our zoning request will not.

Of the 13.6% zoned as single family residential we performed site visits and verified approximately 35 homes. We estimated only four of these homes (one of these is a duplex and counts as two), or 12 percent, to have been built within the last 20 years (build dates were verified on the county website). The other 31 homes, or 88%, were estimated to have been built sometime in the 1960's and 1970's and some many years earlier. Our research suggests the majority of these homes to have been built 40 to 50 years ago when 900 East did not have nearly the amount of traffic as it now has. Today these homes are known as "Hot Spots" because they are less cared for and are a result of being located adjacent to what is now designated as a Major Arterial. We do not want to become a "Hot Spot", we want to be something the entire community can be proud of.

6 – Future Zoning Map Analysis – Our parcel of land has been future zoned for single family residential. We feel there are other zoning classifications for our land which can still fit into the MCGP with slight modifications. Our land is not part of an existing neighborhood, and never will be (we have tried), it is located between a private neighborhood, Wheeler Farm, and is adjacent to 900 East. Directly across 900 East to the West there are 15 properties future zoned for R-N-B and at the present time six of the 15 properties are currently zoned as R-N-B to our knowledge. Our findings suggest we will blend in very nicely with all of our neighbors across the street and all along 900 East. We are not asking for anything more than what more than 86% of our neighbors already have who are also adjacent to 900 East.

7 – Conclusion – 900 East is very important and has a large amount of impact to our property as we have 125 feet of frontage to it. Some of the concerns we must come up with a solution for are; large traffic flow, high traffic speeds, noise, safety and many others. These are not normal concerns for people living in single family homes. Single family is normally better protected from all of these concerns.

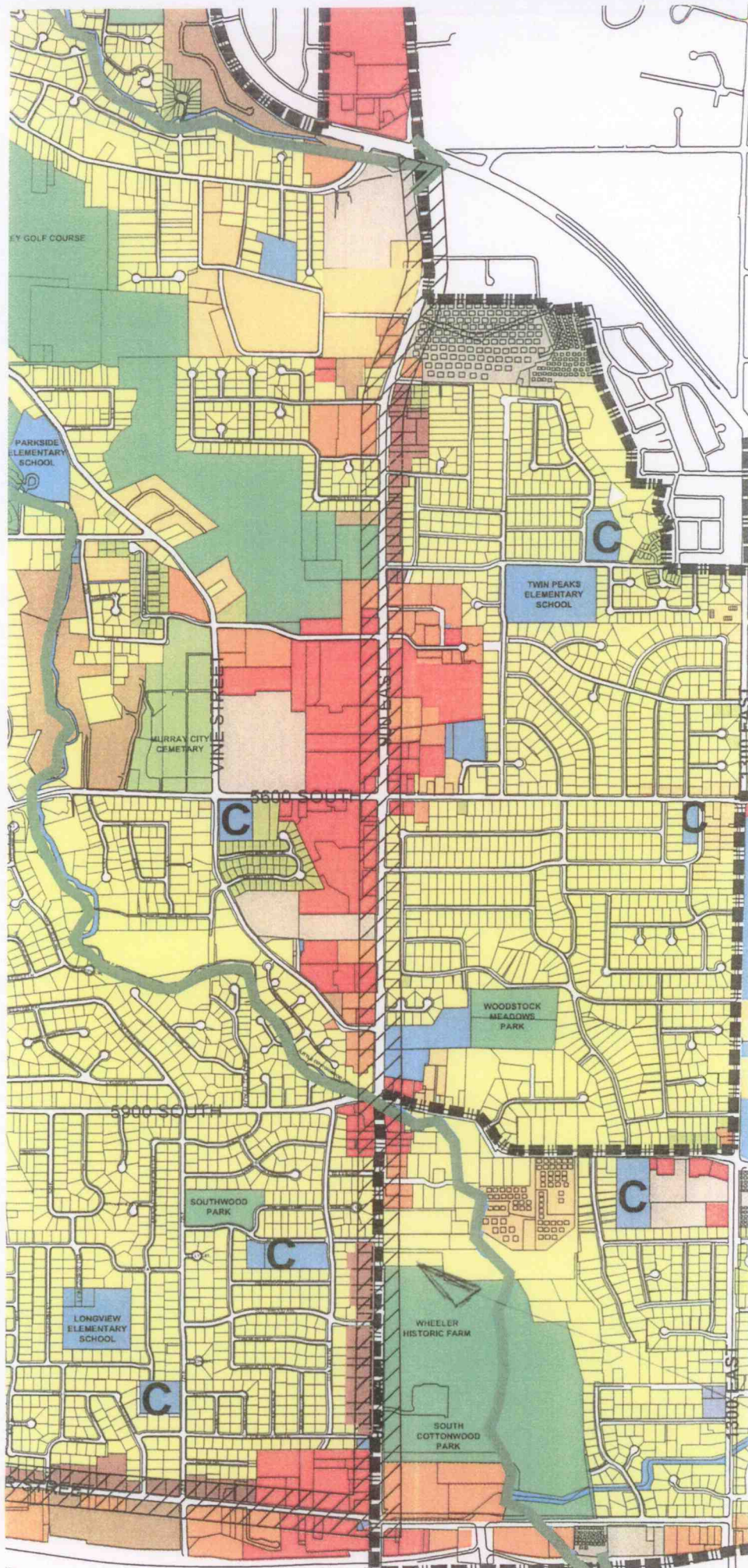
Our research specifically displays there are other zoning classifications better suited for our land located in a transitional and conflicting area with single family residential on one end and a Major Arterial located on the other. We ask for your help and cooperation to approve the zoning request on our land to R-N-B so we can come to a better more positive solution.

Sincerely,

Camter Development



FUTURE LAND
USE MAP
DATED JUNE,
2023









6271 S. 900 E

Murray City General Plan Natural and Environmental Conditions:

Generalized Development Suitability Analysis

Generally Suitable For Development

Generally Unsuitable For Development*

-  Soils
-  Wetlands
-  100 Year Flood Plain
-  Steep Slopes
-  CERCLIS Site
-  Jordan River Meander Corridor

*For planning and general identification purpose only. Specific site development will require detailed analysis and review. Actual site conditions may differ from those shown on plan.

Sources:

Soils: Soils analysis was based on information from 1974 Soil Survey of Salt Lake Area, Utah. United States Department of Agriculture, Soil Conservation Service. Digital Maps for this survey were obtained from the Utah State Automated Geographic Reference Center, State Geographic Information Database in conjunction with the Soil Survey Geographic Database (SSURGO). WWW.AGRC.GOV/SGID.
CERCLIS: Department of Environmental Quality.
Jordan River Meander Corridor: Salt Lake County Flood Control.
100 Year Floodplain: September 2001 Flood Insurance Rate Maps, Salt Lake County.

Rail Line

Municipal Boundary

0' 600' 1200' 2400'



NORTH

Map 7-2

JUNE 2003



MURRAY
PUBLIC
SERVICES



UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF LAND USE PLANNING
1600 WEST 2000 SOUTH
SALT LAKE CITY, UT 84119
(801) 536-5000
WWW.DEQ.STATE.UT.US

10968491
 6/9/2010 4:24:00 PM \$12.00
 Book - 9832 Pg - 1056-1057
 Gary W. Ott
 Recorder, Salt Lake County, UT
 FIRST AMERICAN TITLE
 BY: eCASH, DEPUTY - EF 2 P.

Recording Requested by:
 First American Title Insurance Company
 7730 South Union Park Ave, Ste 110
 Midvale, UT 84047
 (801)569-3369

AFTER RECORDING RETURN TO:
 Seiter Phillipps Holding Company, LLC
 967 East Murray Holladay Blvd.
 Salt Lake City, UT 84117

SPACE ABOVE THIS LINE (3 1/2" X 5") FOR RECORDER'S USE

SPECIAL WARRANTY DEED

Escrow No: **051-5270523 (dem)**
 A.P.N.: **22-20-128-002-0000**

Seiter Phillipps Holding Company, LLC, Grantor, of **Salt Lake City**, **Salt Lake County**, State of **Utah**, hereby CONVEYS AND WARRANTS only as against all claiming by, through or under it to

Camter Development, LLC, Grantee, of **Salt Lake City**, **Salt Lake County**, State of **UT**, for the sum of Ten Dollars and other good and valuable considerations the following described tract(s) of land in **Salt Lake County**, State of **Utah**:

PART OF AN ENTIRE TRACT OF LAND IN FEE, BEING ALL OF THE REMAINDER OF AN ENTIRE TRACT LOCATED IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, THE BOUNDARIES ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE EASTERLY RIGHT OF WAY LINE OF 900 EAST STREET, ALSO KNOWN AS PROJECT NO. 0071, WHICH POINT IS APPROXIMATELY 119.6 FEET SOUTH, 355.9 FEET WEST, 30.1 FEET SOUTH 4°08' EAST AND 479.45 FEET WEST FROM A 2 IN IRON PIPE SET BY THE COUNTY SURVEYOR AS THE NEW POSITION OF THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 20; WHICH POINT IS ALSO 143.73 FEET SOUTH 0°20'11" WEST ALONG THE MONUMENT LINE AND 63.95 FEET SOUTH 89°52'30" EAST FROM THE MONUMENT AT THE INTERSECTION OF 900 EAST STREET AND HOLLY AVENUE; RUNNING THENCE SOUTH 89°52'30" EAST 478.40 FEET ALONG THE NORTH LINE OF SAID ENTIRE TRACT TO THE NORTHEASTERLY CORNER OF SAID ENTIRE TRACT; THENCE SOUTH 4°09'30" EAST 122.40 FEET TO THE SOUTHEASTERLY CORNER OF SAID ENTIRE TRACT; THENCE NORTH 89°52'30" WEST 478.94 FEET ALONG THE SOUTHERLY BOUNDARY LINE TO THE EASTERLY RIGHT OF WAY LINE OF SAID PROJECT; THENCE NORTH 26°50'52" WEST 19.87 FEET ALONG THE SAID EASTERLY LINE TO A POINT 50.00 FEET PERPENDICULARLY DISTANT EASTERLY OF CENTERLINE STATION 10+63.43; THENCE NORTH 0°21'10" EAST 104.35 FEET PARALLEL TO THE CENTERLINE OF SAID PROJECT TO THE POINT OF BEGINNING.

COURTESY RECORDING

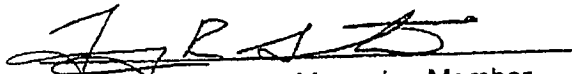
This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.

BK 9832 PG 1056

Subject to easements, restrictions and rights of way appearing of record or enforceable in law and equity and general property taxes for the year **2010** and thereafter.

Witness, the hand(s) of said Grantor(s), this **June 8, 2010**.

Seiter Phillipps Holding Company, LLC

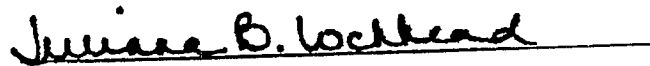

By: Terry R. Seiter, Managing Member

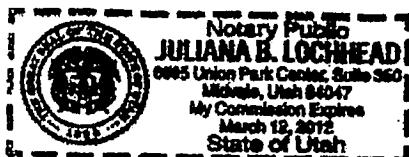
STATE OF Utah)
County of Salt Lake) ss.

On 6/8/10, before me, the undersigned Notary Public, personally appeared **Terry R. Seiter, Managing Member of Seiter Phillipps Holding Company, LLC**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

My Commission Expires:


Notary Public



COURTESY RECORDING

This document is being recorded solely as a courtesy and an accommodation to the parties named herein. First American Title Insurance Company hereby expressly disclaims any responsibility or liability for the accuracy or the content thereof.



MURRAY CITY CORPORATION
COMMUNITY & ECONOMIC DEVELOPMENT

Daniel C. Snarr, Mayor

Tim Tingey, Director

801-270-2420 FAX 801-270-2414

February 6, 2013

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, February 21, 2013 at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Representatives of Camter Development are requesting a Murray General Plan amendment from Residential Single Family Low Density to Residential Business and a zone map amendment from A-1 (Agricultural) to R-N-B (Residential Neighborhood Business) for the property addressed 6271 South 900 East.

See the attached subject property map. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office, at 801-270-2420, or e-mail to rchristensen@murray.utah.gov.

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (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.

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

The Salt Lake Tribune

MEDIAONE

Deseret News
FILE COPY

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	2/11/2013

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000856726 /
SCHEDULE	
Start 02/10/2013	End 02/10/2013
CUST. REF. NO.	
Camter Dev GP 7 Rezone	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
30 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC CHARGES	AD CHARGES
TOTAL COST	
55.40	

Camter
Dev.
(R-N-B)

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that
on the 21st day of
February, 2013, at the hour
of 6:30 p.m. of said day, in
the Council Chambers of Mur-
ray City Center, 5025 South
State Street, Murray, Utah,
the Murray City Planning
Commission will hold and con-
duct a Public Hearing for the
purpose of receiving public
comment on and pertaining
to General Plan Amendment
from Agricultural zoning dis-
trict to Residential Business
zoning district and a Zoning
Map Amendment from A-1 To
R-N-B for the properties lo-
cated at 6271 South 900
East, in Murray City, Salt
Lake County, State of Utah.
MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Devel-
opment
UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 21st day of February, 2013, at the hour of
6:30 p.m. of said day in the Co FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF
UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL
CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON
UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON

Start 02/10/2013

End 02/10/2013

SIGNATURE

[Signature]

DATE

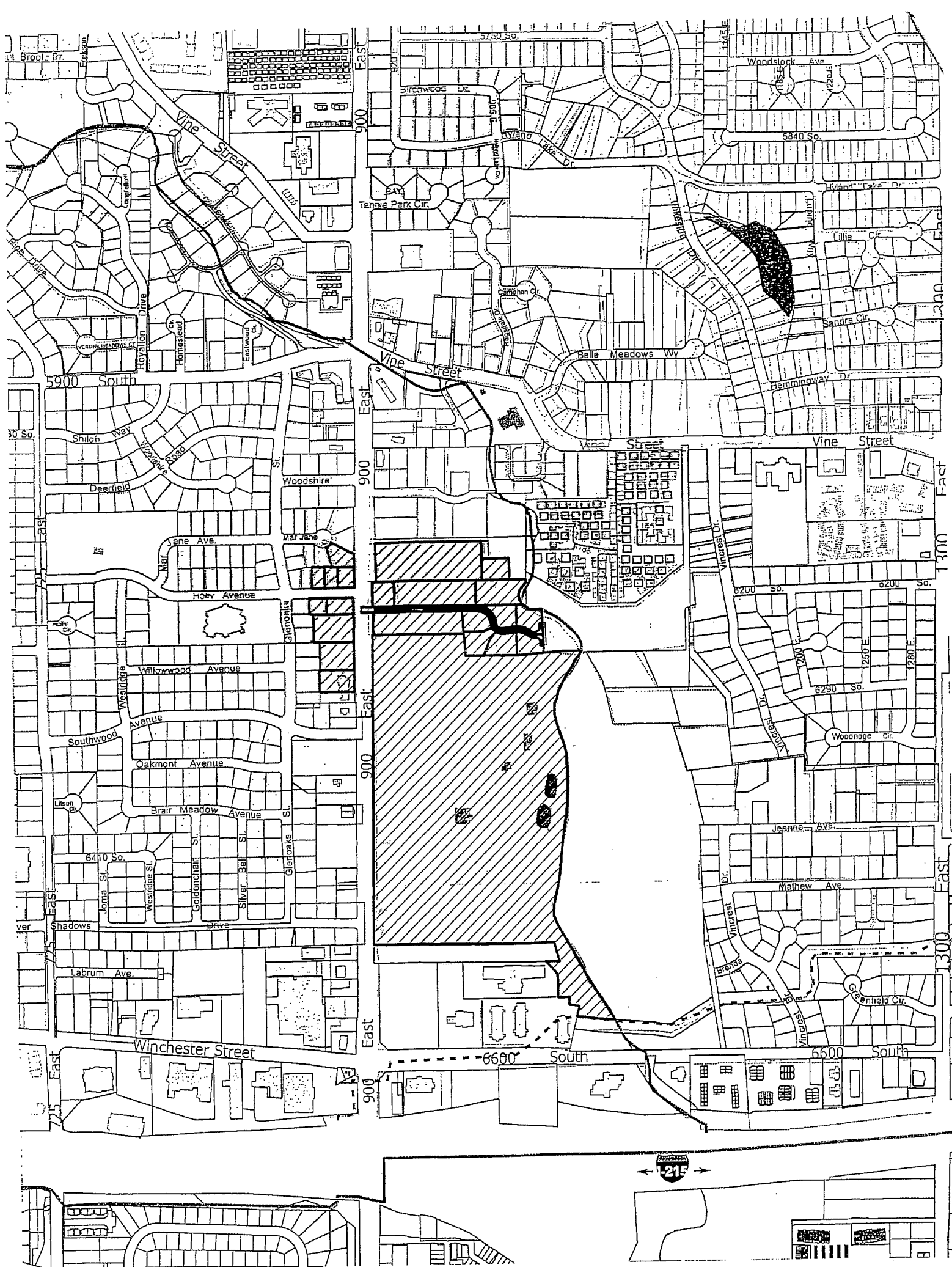
2/11/2013



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

[Signature: Virginia Craft]

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



P/C AGENDA MAILINGS
"AFFECTED ENTITIES"
Updated 11/1/12

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

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

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

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

CHAMBER OF COMMERCE
5250 S COMMERCE DR #180
MURRAY UT 84107

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

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

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

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

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

QUESTAR GAS
ATTN: KIM BLAIR
P O BOX 45360
SLC UT 84145-0360

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKWY
SANDY UT 84070

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

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

GENERAL PLAN MAILINGS:

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

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

«Next Record»

«Next Record»

«Next Record»

Camter Dev
Plc 2/21/13
A-1 to R-N-B

CAMTER DEVELOPMENT LLC
967 E MURRAY HOLLADAY #H4
SALT LAKE CITY UT 84117

FORD, FRANK S
6230 S 900 E
SALT LAKE CITY UT 84121

LIND RANCHES LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LIND, KARL E; TR
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

NIELSON, KAE L &
986 E WHEELER FARM CV
MURRAY UT 84121

POLLOCK, JAMES H &
980 E WHEELER FARM CV
MURRAY UT 84121

STUTZMAN, PATRICK W &
968 E WHEELER FARM CV
MURRAY UT 84121

SWAN, RUSSELL D &
989 E WHEELER FARM CV
MURRAY UT 84121

WATSON, JOHN F &
875 E HOLLY AVE
MURRAY UT 84107

AJS PROFESSIONAL CENTER, LLC
7001 S 900 E
MIDVALE UT 84047

CHRISTENSON, NEIL P &
1005 E WHEELER FARM CV
MURRAY UT 84121

FORD, FRANK S &
6256 S 900 E
MURRAY UT 84121

LIND RANCHES LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LU, CHENG T &
1002 E WHEELER FARM CV
MURRAY UT 84121

NIELSON, KAE L &
986 E WHEELER FARM CV
MURRAY UT 84121

SALT LAKE COUNTY
PO BOX 144575
SALT LAKE CITY UT 84114

STUTZMAN, PATRICK W &
968 E WHEELER FARM CV
MURRAY UT 84121

THREE FUTURES LLC
8395 S PARK HURST CIR
SANDY UT 84094

WILLIAMS, KIMBERLY A
872 E HOLLY AVE
MURRAY UT 84107

BUTLER, JOHN R & NANCY H
888 E MAR JANE AVE
MURRAY UT 84107

CHRISTENSON, NEIL P &
1005 E WHEELER FARM CV
MURRAY UT 84121

LIND RANCHES LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LIND RANCHES, LC
3920 S 1100 E # 150
SALT LAKE CITY UT 84124

LU, CHENG T &
1002 E WHEELER FARM CV
MURRAY UT 84121

POLLOCK, JAMES H &
980 E WHEELER FARM CV
MURRAY UT 84121

SMOLIK, MARY LOU
883 E HOLLY AVE
MURRAY UT 84107

SWAN, RUSSELL D &
989 E WHEELER FARM CV
MURRAY UT 84121

WALSH, MARK O
891 E HOLLY AVE
MURRAY UT 84107

Jarred Cameron
5581 South Green Street
Murray UT 84123



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Public Hearing scheduled for Tuesday, April 2, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

Jarred Cameron is requesting an amendment to the General Plan from Residential Single-Family Low Density to Residential Business and amending the Zoning Map from the A-1 (Agricultural) zoning district to the R-N-B (Residential Neighborhood Business) zoning district for the property located at approximately 6271 South 900 East, Murray, Utah.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the General Plan and Zoning Map as described above.

See the attached subject property map. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call the Murray City Community & Economic Development Department office, at 801-270-2420 or e-mail sdewey@murray.utah.gov.

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

RULES OF THE MURRAY CITY MUNICIPAL COUNCIL
MURRAY CITY CORPORATION

IV. AGENDA

J. Public Hearings. This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner:

1. Introduction. The presiding officer informs those attending of the procedure and order of business for the hearing.
2. Staff presentation. City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five minutes.
3. Sponsor presentation. If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen minutes.
4. Public Comment. The presiding officer asks for public comment on the matter before the Council. Comments are limited three minutes, unless otherwise approved by a majority vote of Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of Council members. Speakers are requested to:
 - (a) Complete the appropriate form.
 - (b) Wait to be recognized before speaking.
 - (c) Come to the microphone.
 - (d) Be brief and to the point.
 - (e) Not restate points made by other speakers
 - (f) Address questions through the presiding officer.
 - (g) Confine remarks to the topic, avoiding personalities.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. Sponsor summation/response. Following citizen comment and questions by the Council, the sponsor shall be given the opportunity to give a fifteen minute summation and/or response prior to closing of the public hearing.
6. Closing the hearing. If there is no further public comment, questions by Council members, or final response by the sponsor, the presiding officer declares the hearing closed. The Council shall conclude the public hearing ten minutes in advance of subsequently scheduled public hearing. The Council may, by majority vote, extend a public hearing past the starting time of a subsequent public hearing.
7. Consideration of item. At the close of the public hearing, the Council shall consider the item as a special order

Public Hearing #4

MURRAY CITY CORPORATION

NOTICE OF PUBLIC HEARING

Notice is hereby given that on April 16, 2013, beginning at 6:30 p.m. of said day in the Council Chambers of the Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing on and pertaining to the following proposed amendments to the City's 2012-2013 Fiscal Year Budget:

1. Increase the General Fund by \$26,359 as revenue from a Unified Fire Association Grant and appropriate same to the Fire Department to manage the Hazmat Program.
2. Increase the General Fund by \$4,250 as revenue from an Emergency Management Performance Grant and appropriate same to the Fire Department to pay personnel costs.
3. Transfer \$3,500 to reserves from the Capital Projects Fund to account for Fire Department planned purchases delayed to the next fiscal year.
4. Appropriate \$24,709 from the sales tax revenue variance to the Police Department for VECC.
5. Increase the General Fund by \$2,500 as revenue from the Commission on Criminal and Juvenile Justice Grant and appropriate \$2,500 to the Police Department to purchase night vision monocular.
6. Appropriate \$15,000 from the sales tax revenue variance to the Public Works Department overtime budget.
7. Transfer \$25,000 to reserves from the Capital Projects Fund to account for Public Services Department – Parks and Recreation Division planned purchases delayed to the next fiscal year.

The purpose of the hearing is to receive public comment concerning the proposed amendments to the City's 2012-2013 Fiscal Year Budget.

Dated April 2, 2013.

MURRAY CITY CORPORATION

Jennifer Kennedy, City Recorder

DATE OF PUBLICATION: April 5, 2013
PH 13-11

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.)

Miscellaneous budget opening adjustments

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

Financial Sustainability

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

☒ Council Meeting OR ☐ Committee of the Whole

☒ Date requested **4/16/2013**

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? _____

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? _____

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? _____

☐ Appeal (explain) _____

☐ Other (explain) _____

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

Grants and Sales tax

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

Memo

6. **REQUESTOR:**

Name: Justin Zollinger

Title: Finance Director

Presenter: Justin Zollinger

Title: Finance Director

Agency: Murray City

Phone: 801-264-2669

Date: 3/29/2013

Time: 5:00 PM

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

Department Director: _____

Date: 3/29/2013

Mayor: _____

Date: 3/29/2013

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

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

Recommendation: _____

9. **NOTES:**



MURRAY CITY CORPORATION
FINANCE & ADMINISTRATION

Memo:

To: City Council
From: Justin Zollinger, Finance Director
Date: March 29, 2013
Subject: Budget Opening 4/16/2013

The Fire Department received a hazmat grant from Unified Fire Association (UFA) for \$26,359. This is State money, but since Murray City is not part of UFA we get a portion of the money to manage our own hazmat program. The amount of the award varies each year and is not easily determine during the City's budget process, this is why we are requesting a budget opening.

The Fire Department also received a grant from Emergency Management Performance Grant of \$4,250. This is to help pay for personnel costs.

The Fire department would like to appropriate fiscal year 2013 Capital Projects Fund budget for planned purchases in fiscal year 2014. The amount is \$3,500. The \$3,500 dollar was for a Zoll Fire Software upgrade which will occur in fiscal year 2014.

Police's VECC budget line item is over budget by \$24,709. This is because a preliminary budget number from VECC was not updated before the budget was finalized. This will be paid for by the sales tax revenue variance.

The Police have received a grant for \$2,500 from the Commission on Criminal and Juvenile Justice. The grant is for night vision monocular.

Because of the high snow fall this year the Public Works Department's overtime budget is exhausted. To provide some budget relief the department would like an additional \$15,000 to help pay for the increased costs. This will be paid with the positive sales tax revenue variance.

The Parks & Recreation department would like to appropriate fiscal year 2013 Capital Projects Fund budget for planned purchases in fiscal year 2014. The amount is \$25,000. The items that were budgeted in this fiscal year were picnic tables of \$10,000, amphitheater lights of \$10,000 and asphalt JR trail of \$5,000.

Budget Opening Summary

Fire Department:

Hazmat Grant	\$26,359
EMPG	\$4,250
Budget Reduction	(\$3,500)

Police Department:

VECC	\$24,709
CCJJ grant	\$2,500

Public Works:

Overtime	\$15,000
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Parks and Recreation:

Budget Reduction	(\$25,000)
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ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY'S FISCAL YEAR 2012 – 2013 BUDGET

On June 19, 2012, the Murray City Municipal Council adopted the City's budget for Fiscal Year 2012 - 2013. It has been proposed that the Fiscal Year 2012 - 2013 budget be amended as follows:

1. Increase the General Fund by \$26,359 as revenue from a Unified Fire Association Grant and appropriate same to the Fire Department to manage the Hazmat Program.
2. Increase the General Fund by \$4,250 as revenue from an Emergency Management Performance Grant and appropriate same to the Fire Department to pay personnel costs.
3. Transfer \$3,500 to reserves from the Capital Projects Fund to account for Fire Department planned purchases delayed to the next fiscal year.
4. Appropriate \$24,709 from the sales tax revenue variance to the Police Department for VECC.
5. Increase the General Fund by \$2,500 as revenue from the Commission on Criminal and Juvenile Justice Grant and appropriate \$2,500 to the Police Department to purchase night vision monocular.
6. Appropriate \$15,000 from the sales tax revenue variance to the Public Works Department overtime budget.
7. Transfer \$25,000 to reserves from the Capital Projects Fund to account for Public Services Department – Parks and Recreation Division planned purchases delayed to the next fiscal year.

Section 10-6-128 of the Utah Code states that the budget for the City may be amended by the Murray City Municipal Council following a duly noticed public hearing. Pursuant to proper notice, the Murray City Municipal Council held a public hearing on April 16, 2013, to consider the proposed amendments to the Fiscal Year 2012 - 2013 budget. After considering public comment, the Murray City Municipal Council wants to amend the Fiscal Year 2012 - 2013 budget.

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

Section 1. Purpose. The purpose of this Ordinance is to amend the City's Fiscal Year 2012 - 2013 budget.

Section 2. Enactment. The City's Fiscal Year 2012 - 2013 budget shall be amended as follows:

1. Increase the General Fund by \$26,359 as revenue from a Unified Fire Association Grant and appropriate same to the Fire Department to manage the Hazmat Program.
2. Increase the General Fund by \$4,250 as revenue from an Emergency Management Performance Grant and appropriate same to the Fire Department to pay personnel costs.
3. Transfer \$3,500 to reserves from the Capital Projects Fund to account for Fire Department planned purchases delayed to the next fiscal year.
4. Appropriate \$24,709 from the sales tax revenue variance to the Police Department for VECC.
5. Increase the General Fund by \$2,500 as revenue from the Commission on Criminal and Juvenile Justice Grant and appropriate \$2,500 to the Police Department to purchase night vision monocular.
6. Appropriate \$15,000 from the sales tax revenue variance to the Public Works Department overtime budget.
7. Transfer \$25,000 to reserves from the Capital Projects Fund to account for Public Services Department – Parks and Recreation Division planned purchases delayed to the next fiscal year.

Section 3. Effective Date. This Ordinance shall take effect on first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on This 16th day of April, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this ____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

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

Jennifer Kennedy, City Recorder

New Business Item #1

Murray City Municipal Council

Request for Council Action

INSTRUCTIONS: The City Council considers new business items 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 A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY ("COUNTY") AND MURRAY CITY ("CITY") TO CREATE AND FUND AN ONGOING, REGIONAL PROGRAM FOR HOMELESS SERVICES IN THE GREATER SALT LAKE COUNTY METROPOLITAN AREA

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) _____

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)

April 16th 2013

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

N/A

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

The Memo and the Resolution

6. **REQUESTOR:**

Name: Daniel C. Snarr

Title: Mayor

Presenter: Daniel C Snarr

Title: Mayor

Agency: Mayor's Office

Phone: 264-2600

Date: April 3rd 2013

Time: _____

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

Head of Department: Daniel C. Snarr

Date: April 3rd 2013

Mayor: _____

Date: April 3rd 2013

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

Number of pages: _____

Number of copies submitted: _____

Received by: _____

Date: _____

Time: _____

Recommendation: _____

9. **NOTES:**



MEMO

To: Murray City Council
Jan Lopez, Council Administrator
From: Mayor Dan Snarr
Date: April 2, 2013
RE: Resolution on Homeless Funding

In a recent COG meeting, there was a discussion with Mayor Ralph Becker regarding how we are working together to help with the homeless situation in the County. He spoke about the efforts and expense that Salt Lake City willingly provides to the programs in the City. He mentioned Midvale and the work they do to keep the overflow shelter operational. We all benefit from the efforts that are made to help provide housing, especially to the chronically homeless. The programs to build and maintain long term housing solutions are working, but there are gaps in funding and they are requesting the help of the other cities.

In working on a formula to give them the additional ½ million dollars needed in annual funding, they devised a way for all cities to contribute based on population. They are asking for 35 cents per capita to fill this gap. For Murray City, that is about \$16,000 dollars. I will be putting this funding in my budget, but am requesting your support in this resolution to allow me to sign the interlocal agreement stating our willingness to participate.

Sadly, there are Murray residents who find themselves in situations to use these facilities. I would very much appreciate your support to allow us to participate with the other cities in the valley.

Thank you for your consideration.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SALT LAKE COUNTY ("COUNTY") AND MURRAY CITY ("CITY") TO CREATE AND FUND AN ONGOING, REGIONAL PROGRAM FOR HOMELESS SERVICES IN THE GREATER SALT LAKE COUNTY METROPOLITAN AREA

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

WHEREAS, The County and the City are desirous to take part in a multi-jurisdictional effort proposed by the Salt Lake Council of Governments ("COG") to create and fund an ongoing, regional program for homeless services in the greater Salt lake County metropolitan area; and

WHEREAS, it is beneficial for the County, the City and their respective citizens that the parties cooperate in accomplishing the foregoing.

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

1. It does hereby approve an Interlocal Cooperation Agreement between the City and Salt Lake County to create and fund an ongoing, regional program for homeless services in the greater Salt Lake County metropolitan area, in a form substantially the same as that attached hereto; and

2. The Interlocal Cooperation Agreement is in the best interest of the City; and

3. Mayor Daniel C. Snarr is hereby authorized to execute the Agreement on behalf of the City and to act in accordance with its terms.

DATED this day of , 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy, City Recorder

INTERLOCAL COOPERATION AGREEMENT

between

SALT LAKE COUNTY

and

MURRAY CITY

THIS AGREEMENT is made and entered into this _____ day of _____, 2013, by and between SALT LAKE COUNTY, a body corporate and politic of the State of Utah ("COUNTY"), and Murray City, a Utah municipal corporation of the State of Utah (the "CITY"). COUNTY and CITY may collectively be referred to as the "Parties".

RECITALS

- 1) WHEREAS, Utah Code Ann. §11-13-202 provides that any two or more public agencies may enter into an agreement with one another for joint or cooperative actions; and
- 2) WHEREAS, the COUNTY and the CITY are "public agencies" as contemplated in Utah Code Ann. § 11-13-101, *et seq.* - Interlocal Cooperation Act; and
- 3) WHEREAS, the COUNTY and the CITY are desirous to take part in a multi-jurisdictional effort proposed by the Salt Lake Council of Governments (COG) to create and fund an ongoing, regional program for homeless services in the greater Salt Lake County metropolitan area; and

- 4) WHEREAS, it is beneficial for the COUNTY, the CITY and their respective citizens that the Parties cooperate in accomplishing the foregoing;
- 5) NOW, THEREFORE, in consideration of the mutual promises contained within this Agreement, the Parties mutually agree as follows:

AGREEMENT

I. Scope of Services

a. COUNTY Agrees:

- i. Participate in the "COG Homeless Services Fund" program as called for in the attached exhibit 1, "COG Homeless Services Fund."
- ii. Establish and administer a special revenue account for the "COG Homeless Services Fund."
- iii. Establish a citizen review board to make recommendations concerning how funds from the "COG Homeless Services Fund" are spent.
- iv. Consult with representatives of the CITY and other participating local jurisdictions through the Council of Governments in making decisions concerning the administration of the "COG Homeless Services Fund" as called for in the attached exhibit 1, "COG Homeless Services Fund."

b. CITY Agrees:

- i. Participate in the "COG Homeless Services Fund" program as called for in the attached exhibit 1, "COG Homeless Services Fund."
- ii. Make an annual contribution to COUNTY of \$0.35 per each resident of the CITY to the special revenue account described in this section.
- iii. Consult with representatives of the COUNTY and other participating

local jurisdictions through the Council of Governments in making decisions concerning the administration of the “COG Homeless Services Fund” as called for in the attached exhibit 1, “COG Homeless Services Fund.”

c. The Parties Mutually Agree:

- i. The “COG Homeless Services Fund” will serve program goals as called for in the attached exhibit 1, “COG Homeless Services Fund.”
- ii. “COG Homeless Services Fund” programs will not supplant any existing COUNTY programs or funding for homelessness.
- iii. Funding will be allocated by the parties as a part of their respective annual budgeting processes, and will be available July 1, 2013, and on again on July 1 of any succeeding year of this Agreement.
- iv. Outcomes from “COG Homeless Services Fund” programs will be reported at least annually to the COG, as called for in the attached exhibit 1, “COG Homeless Services Fund.”
- v. Pursuant to section VI. of this Agreement, entitled “Non-funding,” nothing in this Agreement shall be construed to bind the decision of the future legislative bodies of either party to continue funding or participation in the “COG Homeless Services Fund.”

II. Term and Termination

The term of this Agreement shall commence on July 1, 2013, and shall continue until June 30, 2018. This Agreement may be renewed for subsequent five (5)-year periods at the mutual option of the parties under the same terms and conditions unless modified by Amendment. Pursuant to the

Interlocal Cooperation Act, in no event shall this Agreement be renewed beyond March 31, 2063.

The parties each reserve the right to terminate this Agreement, in whole or in part, at any time during the Term or any Subsequent Terms whenever either party determines, in its sole discretion, that it is in their interest to do so. The party electing to exercise this right shall provide written notice to the other party at least 30 (thirty) days prior to the date of termination. Both parties agree that the terminating party's election to terminate this Agreement will not be deemed a termination for default nor will it entitle the other party to any rights or remedies provided by law or this Agreement for breach of contract by the terminating party, or any other claim or cause of action.

III. No Agency

No agent, employee, or servant of COUNTY or CITY is or shall be deemed to be an employee, agent, or servant of the other party. None of the benefits provided by each party to its employees, including but not limited to workers' compensation insurance, health insurance and unemployment insurance, are available to the employees, agents, or servants of the other party. COUNTY and CITY shall each be solely and entirely responsible for its acts and for the acts of its agents, employees, and servants during the performance of this Agreement. Each Party shall be solely responsible for providing workers' compensation benefits for its own personnel who provide assistance under this agreement.

IV. Severability

If any term or provision of the Agreement shall to any extent be determined to be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to circumstances other than those with respect to which it is invalid or unenforceable, shall not be affected thereby, and shall be enforced to the extent permitted by law. To the extent permitted by applicable law, the Parties hereby waive any provision of law which would render any of the terms of

this Agreement unenforceable.

V. Liability and Indemnification.

Both parties are governmental entities under the Governmental Immunity Act of Utah, (the "Act"), Utah Code Ann. § 63(G)-7-101, *et. seq.* Therefore, consistent with the terms of the Act, the Parties agree that each party is responsible and liable for any wrongful or negligent acts which it commits or which are committed by its agents, officials, or employees. Neither party waives any defenses or limits of liability otherwise available under the Act or any other applicable law, and both Parties maintain all privileges, immunities, and other rights granted by the Act and all other applicable law.

VI. Non-funding

The parties intend to request the appropriation of funds to be paid for the services provided by this Agreement. If funds are not available beyond the last date of each entity's respective fiscal year of any effective fiscal year of this Agreement, either party's obligation for performance of this Agreement beyond that date shall be null and void. This Agreement shall create no obligation on the COUNTY or CITY as to succeeding fiscal years and shall terminate and become null and void on the last day of the fiscal year for which funds were budgeted and appropriated, except as to those portions of payments agreed upon for which funds were appropriated and budgeted. Said termination shall not be construed as a breach of this Agreement or any event of default under this Agreement and said termination shall be without penalty, whatsoever, and no right of action for damages or other relief shall accrue to the benefit of either party, as to this Agreement, or any portion thereof, which may terminate and become null and void. If funds are not appropriated for a succeeding fiscal year to fund performance by either party under this Agreement, that party shall promptly notify the other party of said non-funding and the

termination of this Agreement, and in no event, later than 30 (thirty) days prior to the expiration of the fiscal year for which funds were appropriated.

VII. Assignment and Delegation

Neither party shall assign any right nor delegate any duty under this Agreement without the express written and signed consent of the other Party.

VIII. Entire Agreement

This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and no statements, promises, or inducements made by either party or agents for either party that are not contained in this written contract shall be binding or valid; and this Agreement may not be enlarged, modified, or altered except in writing, and signed by the Parties.

IX. Governing Law

It is understood and agreed by the parties hereto that this Agreement shall be governed by the laws of the State of Utah, the Ordinances of Salt Lake County, and the Municipal Code of Murray City, both as to interpretation and performance.

X. Interlocal Cooperation Act Requirements

In satisfaction of the requirements of the Interlocal Cooperation Act (the "ICA"), Utah Code Ann. §11-13-202, *et. seq.*, and in connection with this Agreement, the parties agree as follows:

- a. This Agreement shall be approved by each party's legislative body pursuant to § 11-13-202.5 of the ICA;
- b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party, pursuant to §11-13-202.5 of the ICA;
- c. A duly executed original counterpart of this Agreement shall be filed with keeper of records of each party, pursuant to §11-13-209 of the ICA;
- d. Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs;
- e. No separate legal entity is created by the terms of this Agreement; and

- f. The Mayor of Salt Lake County and the Mayor of Murray City, or their designees, are designated as the joint administrators of this Agreement for all purposes of the ICA, pursuant to §11-13-207(1) of the ICA.

XI. Counterparts

This Agreement may be executed in counterparts by COUNTY and CITY.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the parties execute this Agreement on this _____, day of _____, 2013.

SALT LAKE COUNTY

By _____
Mayor or Designee

MURRAY CITY

By: _____
Daniel C. Snarr, Mayor

ATTEST:

Jennifer Kennedy, City Recorder

Mayor's Report and Questions

Adjournment