

**MURRAY**  
CITY COUNCIL

# Council Meeting May 21, 2013



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

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, May 21, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

6:00 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 – April 16, 2013

2. **Business Items**

2.1 Heritage Center Accreditation Update – Susan Gregory (20 minutes)

3. **Announcements**

4. **Adjournment**

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

5. **Opening Ceremonies**

5.1 Pledge of Allegiance

5.2 Approval of Minutes

5.2.1 April 16, 2013

5.3 Special Recognition

5.3.1 Murray City Council **Employee of the Month – Brady Jenkins**,  
Power Generation/Substation Technician (Greg Bellon  
presenting.)

5.3.2 History Advisory Board Report and Award Presentation to Eldene  
Petrovich (Peter Steele, Board Chair, presenting.)

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

7. **Consent Agenda**

7.1 None scheduled.

8. **Public Hearings**

8.1 None scheduled.

**9. Unfinished Business**

9.1 None scheduled.

**10. New Business**

10.1 Consider a resolution adopting the City Council's Tentative Budget, as amended, for the Fiscal Year beginning July 1, 2013 and ending June 30, 2014 and scheduling a Public Hearing to receive public comment before the Final Budget is adopted. (Justin Zollinger presenting.)

10.2 Consider a resolution establishing a Task Force to facilitate solutions by the North Jordan Irrigation Company to City residents' concerns. (Brett Hales presenting.)

**11. Mayor**

11.1 Report

11.2 Questions of the Mayor

**12. Adjournment**

**NOTICE**

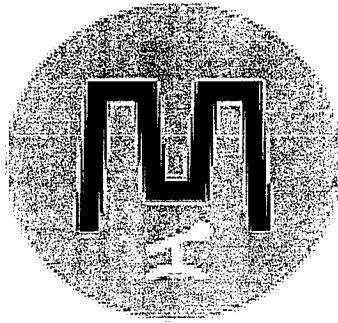
**SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.**

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

On Monday, May 20, 2013, at 8:15 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.

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Janet M. Lopez  
Council Administrator  
Murray City Municipal Council



**MURRAY**  
CITY COUNCIL

# Committee of the Whole

# Committee of the Whole Minutes



**MURRAY**  
CITY COUNCIL

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

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, April 16, 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	Craig Burnett	Police
Georganne Weidenbach	Centurylink	Diane Turner	Resident
Greg Bellon	Power	Bruce Turner	Power
Royce Van Tassell	Utah Taxpayers	Kellie Challburg	Council Office
Jennifer Brass	Resident	George Katz	Resident
Sally Hoffelmeyer-Katz	Resident	Cody Jenkins	Resident
Eliot Setzer	Resident	Ted Eyre	Resident
Blaine Haacke	Power	Jennifer Kennedy	Recorder
Zach Fountain	Legislative	Janet Towers	
Peri Kinder	Murray Journal		

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

### **Minutes**

Mr. Hales asked for corrections or action on the minutes from the Committee of the Whole meeting held on February 19<sup>th</sup>, 2013, as well as minutes from Council Initiative Workshop meetings held on March 5<sup>th</sup>, and March 19<sup>th</sup>, 2013, and also minutes from the Public Open House held on February 26<sup>th</sup>, 2013. Mr. Shaver moved for approval. Mr. Brass seconded the motion. All were in favor.

**Business Item #2.1**

**Records and Information Management- Tim  
Tingey & Jennifer Kennedy**

Mr. Tingey announced that he was happy to be speaking on this topic, and with Ms. Kennedy have spent several months putting together this presentation.

An important part of government and city work is the retention and handling of records. It is important for transparency and is often discussed by the legislature. It is important that the City moves forward with a program that contains policies and procedures. Staff is very pleased to have this document to distribute.

Ms. Kennedy explained the purpose of the records and information management policies and procedures is to ensure that the records of the City are being properly managed and that the City is in compliance with both state laws and city ordinances. This also led to the creation of the Records Management Committee.

Both the Utah State Code and the Murray Municipal Code require the City to have a records management program in place. This program should:

- ensure that records are being maintained and preserved ;
- provide access to the records; and
- retain security of the records that are private, protected, controlled, or restricted.

Title 63A, Chapter 12 of Utah Code requires the City to:

- establish and maintain a records management program;
- appoint one or more records officers to oversee the City's records management program;
- ensure employees who process Government Records Access and Management Act (GRAMA) requests receive training on the proper procedures;
- make and maintain documentation of the City's functions, policies, decisions, procedures, and essential transactions;
- submit proposed retention schedules to the State Archives for approval;
- report designation and the classification of each record series the City maintains to the State Archives and
- establish retention schedules for objects of historical value.

A record is defined as a book, document, paper, photograph, film, card or recording or any material regardless of the physical form 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.

Mr. Nicponski asked how many employees are dedicated to records management. Mr. Tingey replied that the number is increasing daily because of this document. The purpose of this document is to help everyone get on the same page, and educate and work towards a system where people understand what information needs to be retained. Ms. Kennedy said that the Police Department has personnel dedicated to GRAMA requests. The Records office handles all the other GRAMA requests, other than those for the Police department. Ms. Kennedy handles the requests with the help of the Records Coordinator. Mr. Tingey emphasized that

each department is responsible for their own records retention. There are 12-15 people currently on the records retention committee.

Mr. Shaver commented that one of the things that the Legislature is addressing is the records and how quickly they are accessible. Ms. Kennedy said the goal is to have everything transparent.

There have been 14 different policies created:

Policy 1- **City Records are declared Public Property.**

All City records are public property, regardless of who created it. All records are property of the State and almost everything is subject to GRAMA.

Policy 2- **Effective Records Management Practices.**

The City Recorder will periodically review the departments and divisions filing systems, transfer records to the state archives and insist in compliance with policies.

Policy 3- **Recorder's Office Records Management Functions.**

The Recorder creates records management policies, coordinates city-wide files and management programs, trains records coordinators and establish and monitor compliance with standards for filing in all City departments.

Policy 4- **Responsibilities of City Department Directors.**

City department directors must help ensure that their departments are following procedures and also responsible for designating a records coordinator.

Policy 5- **Responsibilities of Records Coordinators.**

The Records Coordinator acts as the liaison between their department and the recorder's office. They ensure compliance with the policies and ensure that the retention schedules are being used properly.

Policy 6- **City Departments to use Retention Schedules.**

All City departments should use records retention schedules and disposition schedules provided by the City recorder's office.

Policy 7- **Development of Records Retention and Disposition Schedules.**

The City Recorder will facilitate the process for records retention and disposition. Before a record can be destroyed, it needs to be on a destruction log, along with a statement of records, and it must be signed by both the department director and the City Recorder before it can be destroyed.

Mr. Shaver asked if this included items to be added also. He said there is a line there that mentions added items also. Ms. Kennedy said that just means it has to meet the specific standards before it is added.



**Policy 8- Archives and Preservation of Permanent Records.**

Inactive records should be stored securely to prevent theft or damage, and also be easily retrievable. The City Recorder shall ensure permanent preservation of historical records.

**Policy 9- Non-Current Records not to be maintained in Office Files.**

If a record is no longer needed to support current or daily city functions, those records should be either transferred off-site or destroyed if they are scheduled for destruction per the retention schedule.

Mr. Shaver asked if the City has an off-site storage. Ms. Kennedy said that the City has a place at the fire station and can also utilize the state archives free of charge.

**Policy 10- Records using Photographic and Digital Media.**

Documents can be reproduced or retained in photographic or digital or a non-paper medium. The medium needs to be reproducible and once it is reproduced it cannot be altered.

**Policy 11- Electronic Mail and Electronic Documents.**

This is an area that most cities are struggling with because there are not visible right and wrong answers. Basically, emails and electronic documents are records even though there is no hard copy. They are subject to GRAMA as well. There is a list of emails that are not considered records and are not required to be saved. Those include: personal notes or communication, drafts, junk mail, copyrighted material, commercial publications, proprietary software, or personal daily calendars. A "record" copy is the copy that the City designates as the original copy. If there are duplicates of a record copy, those can be deleted at any time without being on a destruction log. Employees are responsible to store emails within folders in the email system. Mr. Shaver clarified that the Council Members are considered employees also. Ms. Kennedy agreed.

**Policy 12- Social Media.**

This includes blogs, Youtube, Twitter, Facebook, MySpace, and similar sites. Any content on these sites that relates to City business is considered a record and is subject to GRAMA.

**Policy 13- Text and Instant Messages.**

This is another area that cities are struggling with. Most texts and instant messages are transitory, which means, they are for a specific purpose and not needed long after that. A text or instant message is considered a record only if the content of the message refers to City business, functions, and/or programs. The technology to store or retrieve text messages is not available, so the policy is that no communications regarding policy or program correspondence may be conducted through text or instant message. If business needs to be discussed, the preferred method would be the email system.

Mr. Shaver asked a question about the definition of a draft. He said that a draft is not an accepted form of communication, it is an idea. As a Council, sometimes the members share incomplete ideas and that would be considered a draft and not something that needs to be

recorded. He asked if that was correct. Mr. Nakamura stated that a draft is not a record unless it pertains to empirical data that is not found anywhere else. Mr. Nakamura said that staff should always err on the side of disclosure.

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 requesting a record, (with the exception of police reports/records) must do so by submitting a GRAMA request to the City Recorder's office. There is a reasonable fee charged to cover the costs incurred. The amount of the fee depends on the size of the GRAMA request, and how much of the employee's time is spent working on it.

There have also been some procedures created for the following functions:

- routing contracts and agreements;
- routing deeds, easements or other recorded instruments;
- transferring records to the Utah State Archives;
- destruction of records;
- GRAMA requests.

All of the above documents come through the City Recorder's office and are tracked and routed to the appropriate departments, so that all necessary personnel see them and sign them. The procedures to transfer documents to the state archives is also through the recorder's office.

Also, anytime a department is destroying records, the destruction log needs to be filled out and signed by Ms. Kennedy and the Department Director before the records are destroyed. The GRAMA request procedure has been created within the last two years, and has been very helpful. The requests are centralized and logged in and tracked to ensure they are being completed. The Attorney's office has been helpful in working with the Recorder's office also.

The City is required by State law to have a records management program. All of the City's records are classified public, unless classified otherwise. Emails, electronic documents, social media are also considered records and must be maintained. The Recorder is working with the departments and records coordinators to ensure compliance with the policies. The City departments must adhere to the retention schedule, and the records committee that has been created must meet frequently.

Mr. Tingey emphasized that the purpose of this is to help everyone understand the importance of records management. It is a process to educate staff in every department about the process and the procedures.

Ms. Kennedy said that the records committee is discussing the records management issues in question. The committee is working with each department individually and making sure that the retention schedule works for that department. The records committee should act as a liaison between the department and the Recorder's office, ensuring their records are being destroyed, assist with GRAMA requests, and helping in classifying their records.

Mr. Shaver asked about a Council agenda, for example. That is a record, but that record is maintained in the Council office; is the retention of his copy of the agenda required, he asked. Ms. Kennedy said that it would be considered a duplicate and doesn't need to be retained by

Mr. Shaver. Ms. Kennedy said the problem with duplications is that once a document is up for retention, it needs to be destroyed, and all duplicate copies should be destroyed also. Ms. Kennedy said the retention schedule should be referred to for duplicate documents. Mr. Shaver said that the agenda, for example has gone out to thousands of people. He asked if he needs to let the Recorder's office know when he is destroying his copy. Ms. Kennedy said that he does not because Ms. Lopez in the Council office is maintaining that record.

Mr. Stam asked if the Council Members should be deleting those duplicate copies of documents that they receive. Ms. Kennedy said that they should delete those. Ms. Lopez mentioned that the Council office documents and all backup records required for the meeting are required to be retained for 10 years. Mr. Hales clarified that the Council office will have the records for 10 years.

Mr. Brass asked a question about emails. He doesn't keep his City email account on a computer, just an iPad. The iPad retains emails for a certain amount of time before dropping off. Technically he has not deleted an email, and believes that they are being saved on the City server.

Mr. Tingey said that the City has backup on the email system. Ms. Kennedy stressed that the IT Department should really only be used in an emergency situation to find records and not for records that should be retrievable otherwise. Mr. Stam asked if there was information there that should have been destroyed from years ago. Ms. Kennedy said that there is and doesn't believe that IT has gone through old information and destroyed it. Mr. Tingey said the responsibility is the department's to destroy it as per the schedule because it does take up space and space costs money.

Mr. Shaver said that this also means that the communication on the computer, laptop, or iPad is also requestable. Ms. Kennedy said that is true and recommends that any City communication be done on a City issued device, or City email. Mr. Tingey said that as long as the device is linked into the City system, it would be retained by the City. Mr. Hales said that is a budget issue also that is being addressed. Mr. Brass confirmed that if City communications are being done through the City email, that should be fine. The City email account could be requested by GRAMA, but not necessarily the device. Other information that is not public may be on the personal device also. Ms. Kennedy said that if business is being done on a personal email account, then that account may be subject to GRAMA.

## **Business Item #2.2**

## **Capital Improvement Program (CIP)** **Recommendations- Jan Wells**

Ms. Wells excused Mr. Zollinger who is out of town. Ms. Wells explained that the CIP Committee is made up of Mr. Zollinger, Mr. Hales, Mr. Stam, Mayor Snarr and Ms. Wells. It has been a great experience and good efforts have been made in making these recommendations.

When the discussion started, there was \$30 million in requests, and about \$1.8 million in funding to put in place. The program put in place is for the departments to save budget money from the previous year, and then use it for the next year resulted in the \$1.8 million. The previous year, \$510,000 was moved ahead and used for new police cars. The departments had saved 75% and the committee prioritized the requests of the departments.

Road funding was important to the CIP committee, and a portion of the funds were saved for roads. This year, the committee allocated 20%, which was \$360,000 to go towards

roads. They also allocated \$50,000 for preliminary plans for a New City Hall. These amounts will come from the Capital Projects Reserve.

The state funded 5900 South at \$1.2 million and that funding is also listed here in the CIP report. Also, the RDA provided funding in the amount of \$200,000 for the Fireclay railroad arm. Those are both listed on the plan that was handed out.

There are four departments that have set money aside for future needs to grow their budget. Those departments are: ADS, Human Resources, Finance, and Fire. Human Resources, ADS, and Finance all set money aside for future software. The Fire Department set aside some money for apparatus such as; engines, ambulances and vehicles.

The committee has made recommendations, and those are subject to approval by the Council. These recommendations can also be discussed with Department heads in the Budget meeting on May 14<sup>th</sup>.

Mr. Shaver asked a question about the 75%. He believes that the Council was trying to create an incentive for the departments to spend their money wisely, and if they spend wisely, they would have some money come back to them to spend as they see fit. Is this 75% something that should be maintained as a constant, or does it need to be more of a 50% allocation he asked. He believes it would behoove the City to look at the percentage and see if departments are able to get their projects done. Ms. Wells said that this has been discussed as a committee and decided that they would wait and see how it played out this year. There may be adjustments that need to be made as time goes by. Mr. Shaver clarified that would mean looking at the numbers at the end of the budget year. Ms. Wells agreed that would be good to have an opportunity to review those numbers also. Ms. Wells said that there are incentives and disincentives to this structure. Departments can be told to save money, but does that incline them to put more money in the budget than they really need, or does it incline them to "nickel and dime" things in certain ways, she asked. There is a spectrum that is affected by different personalities and management styles. Ms. Wells believes it is a great process and allows them to work with the different departments and meet the priorities in the best manner possible.

Mr. Shaver asked if it looks like the process of creating a plan and agenda and setting priorities is working. Are the department heads engaged in the process, he asked. Ms. Wells said the biggest problem is that the past four years have been lean and there have been many requests. She believes that the department heads understand and are supportive, and would certainly like more money. She likes the fact that the departments decide their priorities and can save for items, if they choose.

Mr. Stam said that the 75% structure gave the departments an opportunity to decide their priorities and made the job much easier to allocate the funds. The negative side to the 75% structure is that there wasn't money to allocate in other areas. One of the issues is that the size of the departments vary and the smaller departments don't have as much opportunity for large projects. For example, the Parks department has a fairly small budget; but they have \$200,000 in expenses to replace a bathroom. They will not have that kind of money in their budget, and yet they maintain several infrastructure items that are costly. Until the City gets through some very good years, it would be difficult to finance these projects. Ms. Wells agreed that it is hard to keep putting things off and saving for a project for a very long time is not very feasible.

Ms. Wells stated that the good news about the CIP system is that in the good years, extra money can be set aside for those projects. Mr. Stam said there are other positive

elements, such as, the Council gets a chance to see all the needs before budgets are cut, and are aware of things that need to be taken care of. There should be no surprises this way. Another positive is that there were some departments that were very good about giving up some of their money to go towards other things. Those departments that were willing to do that should be complimented.

Ms. Wells asked the Council to come to the committee with any questions they might have. She asked if the CIP recommendations should be adopted before the budget, or right along with the budget. Mr. Hales suggested that it be done with the budget, and Mr. Nicponcki agreed. Mr. Brass said that the final numbers can be discussed during the budget process and it can be adopted all together. Mr. Stam clarified that according to the policy, numbers should be discussed during a retreat.

Mr. Brass commented that the CIP was created to make the City and Council look forward and start putting money away. The fact that it was created during a down economy meant that there was not a whole lot of money to put away. Things are adjusted as time goes along and the City may find that certain items don't belong there, or there may need to be some saved for emergency projects, such as bathrooms. Thinking about Operation Shakeout tomorrow, Mr. Brass said that it is important to prepare for the emergency, but need to focus on what to do after the emergency also. How the City gets back in business, he noted. He asked IT if the City building was lost, what is the situation with backup servers. Ultimately, the plan is to store them at the EOC in Station 83. Those items may need to be looked at sooner than later. Mr. Brass said that it has always been said that the big one was due within 50 years, and he has lived here for 40 years. The City needs to be prepared for that; it will be a huge financial setback. As a Council, this should be discussed. Ms. Wells agreed, but said that would be one of many places to set aside extra money. Mr. Brass said that the process cannot be adjusted, as money is put away.

### **Business Item #2.3**

### **Fiber Infrastructure/Utah Telecommunications Open Infrastructure Agency (UTOPIA) and Utah Infrastructure Agency (UIA) discussion.- Mayor Snarr and Jan Wells.**

Ms. Wells attended a meeting this week concerning the fiber infrastructure. She handed out a copy of the UIA plan and the direction that things are moving. When looking at the line graph, it shows the revenue for February and things are moving closer and prospects are looking better. It is speculated that by June those revenues will be performing as anticipated.

There are dual tracks happening with UTOPIA and UIA. One is to try and continue to go ahead with the plan that is in place in order for the City to continue and pay the money that has been committed. This would hit franchise fees and in order to continue with that, there would be necessary bonding, which would probably occur in June. Mr. Hales asked if something passed the previous day about bonding. Ms. Wells confirmed that UIA passed the resolution to move forward with the bonding. Mr. Stam clarified that it is the next portion of the existing bond, not a new bond.

The other track would be to see what the options are for moving ahead with a utility model. The challenge right now is the undecided factors in where the City is and where the City wants to be. Ms. Wells stated that basically right now, the City has gone out to dinner with the group but have not paid the City's share of the ticket at the end of the meal. The City is in a place of having to decide what needs to be done about that. Ms. Wells has a lot of information

about the fiber mall; there is a trip planned to Spanish Fork and trying to move forward with dual tracks as best as possible. The challenge is the unknown consequences that will come if the City chooses not to pay their portion of the operations. She said she doesn't know if the utility model can continue without Murray's contribution. She asked for questions.

Mayor Snarr said that everyone in attendance knows where he stands on this topic. He is disappointed in a lot of ways because the other cities have not had the infrastructure put in that Murray has. Mayor Snarr said he has seen the advantages that fiber has brought to certain businesses in the City, and to parks, both sides of I-15 headed north. Those owners have made an investment and are concerned with the tenants they have there. The Mayor's own neighborhood street is concerned, and he will just refer calls to the Council Members. The decision is the Council's to make, the Mayor would like to see the Council step up and pay the City's fair share. Especially, considering the amount of infrastructure that has been put in Murray. There is no doubt it is a weighty position, but he has seen the success they are having in Spanish Fork, and other cities. Also, talking to people in Provo, they are seeing light at the end of the tunnel, although their system is fully installed.

The last two weeks have been difficult for the Mayor, due to the pressure he and his wife have felt about running for Mayor. He assured everyone that he will not be running for Mayor. He said he has never liked politics, or the mean-spirited divisiveness of it. He stated that he will weigh in on this campaign and future campaigns for issues that he has a passion for; such as UTOPIA, the Fireclay development, and other challenging areas of development. He has had a number of people calling him and asking him for advice on the election; many of those people have the fiber network and are concerned. Many of those people that have the fiber work out of their homes, and that is their livelihood. Without the fiber, these people are out of a job, or may have to move.

Mayor Snarr believes he was blindsided during the last election. He had said he would not weigh in on a primary election, and kept his word. He said he will weigh in this time on issues that are important to him, and fiber would be one of them. He wanted to be candid and honest about that. He has seen the investment and what it means to the City's infrastructure. In talking to the doctors over at the hospital, they are concerned about losing the fiber. The school district is also concerned about the fiber situation. Mayor Snarr believes that an open discussion is needed so that they know where the City stands and what could possibly happen. Mr. Brass said that is fine to let them know and asked if they were willing to assist the City in the debt. Mayor Snarr replied that those patrons pay what they are supposed to pay, according to the original agreement.

Mayor Snarr said the other cities are staying the course and have said they would step up and pay the tab for Murray, even though Murray has more fiber put in than anybody else. He said fiber has been a challenge, but believes sometimes you need to step up to the challenge and treat others fairly. Particularly, when it looks like it is getting closer, and he knows of other cities outside the UTOPIA agreement that would like to join. Fiber is the way of the future, and to give Comcast and Qwest credit, those companies are trying to do more. At the end of the day, the only way to make it work is to take the fiber right into the business. Speed can be enhanced, but it won't be asymmetrical depending on the time of the day and who is on it. He feels bad overall about the course that America is taking. He believes that the other countries have had the wisdom and the foresight to put in the necessary technological infrastructure to make their countries successful. America is not there. He said he is not intimidated by anybody and doesn't think you should back down and should stand by what you believe in.

Mr. Shaver asked Ms. Wells what exactly she would hope to accomplish by having this discussion. Ms. Wells said that perhaps there could be a resolution suggesting the direction that the City wants to move, and that the Council could act on that. If that is the case, what the Council would like the resolution to say, she asked. Ms. Wells said that the City can always relay a message to those running the network, but the other cities are all on the dual track and headed in that direction. Murray has the option to go forward and continue on this dual track and do the fiber utility model and create the things that the City believes are important. Ms. Wells would be happy to give some ideas about a possible resolution.

Mr. Shaver asked about the dual track, and a definition of the different tracks. Ms. Wells stated that track one would be where the City is right now, working to continue to grow the system, take care of the stimulus funds, and keep those in play. There have also been other opportunities that have come along that continue to grow the system to have a better return on the investment. The next bonding round would take advantage of some of those opportunities and continue to grow the system. This would also keep operational costs down, then the operational money would be eliminated from the City's obligations.

The second track would be to work together and see the feasibility of the City taking this over as a utility model. The utility model as it stands now would be fiber to every home and business and be open to any provider. It would involve a fee for all residents but would be accessible to all residents also. It would be more infrastructure and lean towards the City's strengths, which is providing and maintaining infrastructure. There are many things that need to be ironed out with this track. It would be best if a model similar to this could be put in place before the next Legislative session. Another thing to think about would be whether the other cities are willing to do that. A resolution might point the direction the City wants to take and see how the other cities feel about that. Mr. Shaver asked if the resolution would specify what Murray is doing and how the other cities feel about that. Ms. Wells said they had discussed taking a resolution about the dual tracks to the UTOPIA Board and see if the cities would like to go on this dual track system. A resolution would simply formalize the direction the City is headed, and help Murray stay in the game.

Mayor Snarr said it would be helpful if the Council Members would go to Spanish Fork and take a look at the model they are using. Mr. Brass clarified that Spanish Fork City retails and that is a huge difference. Mayor Snarr agreed but said that the fiber would be opened up to everybody, which has always been the plan. Ms. Wells said the trip to Spanish Fork would be useful to look at how the infrastructure is handled and how the residents perceive it. She would like to meet with the right people in Spanish Fork to discuss this. Mr. Brass commented that he recommended that they go to Spanish Fork because he was around when that was started, as well as IProvo.

The personnel and the equipment needed to do this utility model is unknown. Obviously, the City would have to purchase their piece of it. There are costs to this and he would like to find out what is involved, if it is feasible or not. The answer may be that it isn't feasible and the City would have to go a different direction. He loves the fiber and does his work on it and needs that kind of speed. Mr. Brass was in a meeting last week and was asked if they can make enough money to pay the debt service payment. He would like to have the answer to that question. It would answer the question of moving forward or is it throwing good money after bad, he said. It would be helpful to know what the average revenue per connection is. Mr. Stam said that it is \$23.00/\$30.00 on the legacy people. Mr. Brass said to cover the payment, all of that money for 6,000 subscribers would have to go towards what the City is paying. He asked how many

subscribers there are in Murray. Ms. Wells said she has heard between 2000 – 3000 subscribers. That is his concern, that number is roughly half of what it needs to be.

Mr. Brass commented that he loves technology but also feels like they have a responsibility to the citizens also. Many citizens came and spoke their opinion at the meeting. It is true that the hospital is critical, they are the City's number one employer. The school district is extremely important as they are educating the children. But, the Council can't forget about the 45,000 people that live here. As mentioned earlier, the City had CIP needs of about \$30 million and have about \$1.8 to allocate, and to give \$1.6 to fiber cannot be ignored.

Mayor Snarr compared it to the Power Department many years ago. Mr. Brass said that it was different since power was a necessity. The citizens may be able to survive without fiber, but the citizens need power. Power is needed to make fiber optic cable. Mayor Snarr commented that at one time in history, the Power department didn't do that well. Mr. Brass added that there have been a lot of Power companies that haven't done well. There have been Power companies that have gone bankrupt until California deregulation.

Mr. Brass said he wasn't disagreeing on the disarray of the communication systems in this country. It is amazing to see the neat toys that they have overseas that this Country doesn't have, he said. He asked how the City bears that cost and continues to operate this government for the citizens, pave the roads, take care of the parks, and provide police and fire protection. Ms. Wells said that some of that could possibly be answered in this fiber utility model; if the City chooses to embrace it. It gives the City an option to do some of the things that have been talked about for a long time, she said. That means to maintain it, bring it in house, and have more responsibility for it. Murray is successful at things that the City handles privately. The question is whether the City wants to give it a chance, or is the City done, she asked. Those are some of the things that need to be decided. If a resolution is not worthwhile, that is fine also. She just needs to know the direction the City wants to take. The City is in a place where it will either sink or swim and a decision needs to be made about where the City wants to go.

Mr. Stam said he is working on something that may help in the discussion. The problem is the timing in giving it. When Mr. Stam took the assignment last year, he went out and asked a lot of questions and his thoughts have changed. He was appointed as the Chairman of the Finance Committee for UIA. After the Council vote that denied paying the money, he went to the next Finance Committee meeting and asked them to evaluate the City's standing. If Murray was a business, what would be the step to break even, he asked. The City knows that it can't continue being "in the hole." There was a lively and active discussion and he is hopeful that next month they will have an evaluation sheet showing what kind of services could be cut and the effects of those cuts. The preliminary results are showing that the maintenance on a footprint for connection is \$1.20 per address passed. It doesn't take very many addresses to cover the cost of the maintenance. So, shutting down a footprint will not result in a lot of savings. On the other hand, what happens if you get another 25% of members in that footprint, he asked. This report will show where we have built, where we are right now, and the future impact. If Murray doesn't have any additional maintenance costs, when adding new subscribers, then the City will be closer to paying off the bond.

Mr. Brass said finally, a decade later the conversation is about signing people up, instead of more building. Building costs money, signing people up to what exists in the ground does not cost money. That discussion came about because the City said "No" to the additional funding. The City has been promised in 2004, 2008, 2010, and now about every six months, a different model. Ms. Wells asked Mr. Brass how he feels about this model that lets people



choose and gets the City out of the provider business. Mr. Brass said he isn't for making the network go dark, he doesn't think that is a viable solution. He doesn't believe it will go dark, he thinks somebody would buy it. It would be an impact on the City financially, but he thinks that people will be able to keep their connections because it is an asset and somebody will take it over, even if it is Centurylink, Verizon or similar. The technology just isn't compatible right now. He would like to find a solution, but doesn't believe the solution is to stay the course. To stay the course reminds him of the looming iceberg for the Titanic. This utility model is different; if it is Murray City's then it would be under the City's control. If the citizens then don't like what we are doing, they can fire us all in the next election.

Mr. Nicponski asked about the monthly fee. He believes that the Council could be fired with that obligatory monthly fee for all residents. Mr. Brass agreed but said that the concept of Murray City running it is different. That is one way, but it hasn't been figured out yet.

Mayor Snarr said that there was an \$18 million deficit when putting in the necessary infrastructure to take care of the storm drain system. If the City didn't take care of that, they would be fined by various groups like the EPA (Environmental Protection Agency). People opposed the City when raising the fee for recycling. He had to get them to understand that it was necessary to not fill up the landfill, and pay 50 times more to ship it out to a land fill. He said that sometimes you just need to step up and realize that it costs money to run a city, and Murray charges less than anybody else.

Mr. Shaver said that all of the Enterprise funds are selling a product or service and creating a revenue. He sees UTOPIA as a business that should be a profitable enterprise. The state legislature said that the budget needs to be balanced. Part of the challenge with UTOPIA is that they don't balance their own budget and are requiring the Cities' to balance their budget for them. He would like to see UTOPIA balance a budget and say what it will cost to maintain, what they will require from the cities and what the revenue would be. He would like to see a stark figure. He has difficulty in how it has been managed and he isn't talking about an individual. Trying to manage a single entity with board members and councils and who they represent and all of those people having input is a morass. There is no possible way to come to a conclusion.

If they want a resolution that tells the other cities that we are looking at other options and asking them to join us, he doesn't have a problem with that kind of resolution. If we are on a dual track and this is a good idea to pursue, he doesn't have a problem with that. They are planning to look at different options anyway. They are going to go to Spanish Fork, and see what it would take for Murray to maintain it. Like Mr. Brass has said, fiber is a viable option. It is something that makes a difference not only for the major contenders like the hospital or the City, but for all the citizens. Mr. Shaver cannot get the upload speed that he needs from other providers, but has it with the fiber. It isn't just the frustration of having the schools or the hospital go dark, it is how those other residents will be serviced. When the vote ended, and he went back home, he heard from many people who said not to pay the money. He had phone calls the next week asking him to explain his comment, as many people use it and like it. There are both sides on this issue. He doesn't think the resolution will hurt the City.

Mr. Nicponski said that he thinks that comparing recycling to fiber is comparing apples to oranges. The recycling fee could make sense to people, but when it comes to raising taxes to take care of City services affects the compression issue, taking care of the employees and their benefits. His primary concern is taking care of the employees and then looking at all the other needs the City has with roads, pavilions, etc. UTOPIA keeps grabbing and wanting more and

more. Do we know if this would be the last time they ask for money, he asked. He doesn't want it to go dark either with the potential consequences.

Mr. Brass said he would love to sit down with the UIA and UTOPIA Boards and have a discussion. The UTOPIA debt is the elephant in the room and isn't in the paperwork. He would like the Board to know where he is coming from. Everyone has opinions on how other people think. He said he is not married to an anti-UTOPIA opinion, he is married to the fact that the cost to hook up houses versus the revenue per connection doesn't work and will never be able to pay that off. They have done amazing things to cut the costs, so the payoff time is down to 12 years. He asked if anyone could name a business that could stay in business without turning a profit in 12 years. The answer they gave was that they don't have to operate like a business because they are a government agency. That is fine until they start taking money from everyone. He said if they can find a way to pay for itself then he would support it. The City subsidizes parks and recreation to a huge extent and he is good with that and might be willing to subsidize data if it meant something for the City; although if it is going to sink this City he has a real problem with it.

Mr. Hales mentioned the fact that the City has control over the parks and recreation. That is the biggest problem is that the City has no control over the fiber. He asked if the bottom line was that the City was being asked for the money.

Ms. Wells replied that they are asking what the City should do next. Does the Council support going down these dual tracks, and if so, is the Council willing to help pay for operations while that happens. If not, that is fine. Votes are not expected to happen tonight, just a little direction. Ms. Wells said she is trying really hard right now to keep our head above water, work with the other cities and figure out how to move forward. Murray has made a huge commitment to this already and there are a lot of people that depend on it. The question is what to do now, she said.

Mr. Stam asked if he could add a couple of things. There is a point in time; for example, whenever you buy a car or a house that a point is reached that it is cheaper to go forward than it is to go back. He asked is the City to that point. A lot of things that he sees would show that the City is to that point. Going back would cost a lot more than going forward. Mr. Brass made a comment earlier about wanting to talk to the Board. Mr. Stam has received complaints from the people at UTOPIA that the Council Members won't return their calls. UTOPIA management has been trying to get a hold of Council Members and are not getting a response. Mr. Hales commented that he prefers not to talk to them on an individual basis. He believes he has been counseled that isn't the best idea.

Mr. Brass said that to receive a phone call on an item that has been agenda could be considered an ex parte communication. It isn't the best thing to do. Ms. Wells said that the challenge with the Board is that they are a public entity and it would be best to attend a meeting and talk to the Council. The members come from all around the state and it is a little hard to get everyone together all the time. There is always public comment time and maybe that would be a good time. Mr. Shaver asked when the next Board meeting would be. Ms. Wells said it is the second Monday in May. He clarified that the Spanish Fork trip was scheduled for May 9<sup>th</sup> and a Board meeting after that.

Ms. Wells said she could send the things that she has put together if that would be helpful. If not, that is fine also. She doesn't want to pin anybody down, just get a little direction. Mr. Shaver suggested that the Council look at the resolution and give Ms. Wells their feedback

on it. He asked who created the resolution. Ms. Wells responded that nothing has been created yet. Ms. Wells said she had the idea for two resolutions. The first resolution would say that the City would work on going down the dual track. The second would be more specific with items that the City may be more concerned about. The Council can determine the content of the resolution.

Mr. Stam said the bottom line is that it doesn't hurt to talk about any kind of option. There are some things that should be investigated to determine whether it is worth it to go down that track.

Mr. Hales asked why the most recent resolution that was passed by UIA was not reported to the cities. Mr. Stam said that it could be. Mr. Hales believes that information should be reported, especially when the cities are the ones putting in the money.

Ms. Wells said that the agenda is there and doesn't know if the UIA Board had to take that action or not, since the City had already agreed to the funding. Mr. Stam said the resolution that was passed yesterday allowed the Chairman, Vice-Chairman, and Treasurer to proceed in looking at the bonding and making the decision in the bonding. Mr. Hales still believes it would have been nice for the cities to be notified. Mr. Stam said he would be happy to send out the emails that he receives. He has sent out the emails in the past but didn't get a lot of response.

Mr. Shaver asked if there was a person similar to a City Recorder that recorded the meetings for the Boards. Mr. Stam said that minutes become public after they are approved, similar to the way Murray handles it. There is a time period when those minutes are waiting to be approved. He said that the documents are available that they had at the meeting. The City has citizens here that go online and look at the documents, these are available just like the City's.

Mr. Nicponski asked if UTOPIA is gaining or losing subscribers. Ms. Wells said that they are still gaining subscribers, even with the funding problems.

Mr. Shaver said he would like to see the information and the resolution possibilities. He asked Ms. Wells to forward that to him and definitely is planning on going down to Spanish Fork. He said that Mr. Brass makes a valid point in comparing retail versus wholesale. Mr. Shaver said it will be interesting to see what department would take it over, and to see what personnel costs would be. Ms. Wells said that some of the staff would be available also to answer those questions. Mr. Shaver said that it would be nice to have estimated costs of what a machine might cost for example, and if it was possible to share with other cities.

Mr. Brass said that this has all been done. It is often said that Murray has more fiber in the ground than anybody else. He has continually asked how much of that fiber was already the City's fiber. He has never received an answer. Murray put fiber in, put a loop in and tied the substations in, and thinks that it went to the school district. He would like to know how much more fiber UTOPIA has put in. The City built the rest and had a Telecommunications Advisory Board before selling this.

Mr. Stam said he would try and find out the information. He said there is new reporting on the finances and subscribers. There is a dashboard that is a snapshot of every single day and shows exactly how many people either signed up or dropped on a given day, and the net result at the end of the week. It shows the recurring revenue that comes out every week. The impact can be seen on the current shortfall in the operations. This is almost finalized in the

information format, and he is happy to forward those on every week. Mr. Shaver asked if it is a total figure for the network or if it is broken down by those footprints. Mr. Stam said it is a total for the whole network. They are trying to break it down by Cities but haven't been able to do that yet. That will be a couple more months before that is available.

Mr. Stam said the other thing that the Finance Committee has done is to make the finances available to everyone. There is a summary sheet now, which is basically a cash flow sheet on a monthly basis. It is a summary of the financial statement and is an easy thing to read.

Mr. Shaver asked if it was available on their website. Mr. Stam said this single sheet summary would be available on their website. Mr. Shaver asked if Ms. Lopez was getting copied on it and could maybe copy all of them also. Then it would also be recorded as information they receive on a regular basis.

Mr. Stam offered to explain the dashboard at the next Committee of the Whole and explain the different sections and what they mean.

Mr. Shaver thanked Mr. Stam for the number of hours he has spent on this and noted he has taken a lot of heat from the Council and others. He appreciates the time spent and the concern for this issue.

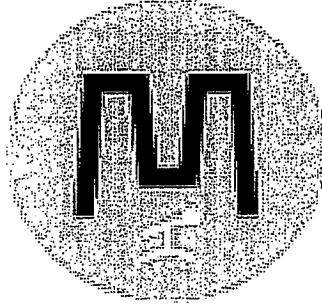
Mr. Hales said that Ms. Wells should go ahead and do a resolution.

### **Announcements**

Ms. Lopez said that she has some dates for the APPA and the UAMPS meeting and she would send those out this week to get an idea of who is interested in attending. Mr. Shaver asked if those dates had been checked against the Council calendar. Ms. Lopez said that the calendar is clear.

Mr. Hales adjourned the meeting at 6:08 p.m.

Kellie Challburg  
Council Office Administrator II



**MURRAY**  
CITY COUNCIL

# Discussion Item #1

# Murray City Municipal Council

## Request for Council Action

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

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

HERITAGE CENTER ACCREDITATION UPDATE

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

VIBRANT PARKS, RECREATION, AND CULTURAL AMENITIES; RESPONSIVE AND EFFICIENT CITY SERVICES; ENGAGED AND INFORMED RESIDENTS

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

☐ Council Meeting OR ☒ Committee of the Whole

☒ Date requested MAY 21, 2013

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

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

N/A

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

MEMO

**6. REQUESTOR:**

Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

Presenter: SUSAN GREGORY Title: HERITAGE CENTER DIRECTOR

Agency: MURRAY CITY Phone: 801-270-2404

Date: May 8, 2013 Time: \_\_\_\_\_

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

Department Director: 

Date: 5/8/13

Mayor: 

Date: 5/8/13

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

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

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

**9. NOTES:**



MURRAY CITY CORPORATION  
PARKS & RECREATION

Heritage Center

801-264-2635 FAX 801-284-4233

# MEMO

TO: Doug Hill  
From: Susan Gregory  
Date: 4/29/2013  
Subject: Summary of presentation for City Council

Below is the summary of the Accreditation process the Heritage Center is currently going through. I understand I'm on the scheduled for May 21 at 5:30 to give this information to the City Council. Thanks, Susan



### Heritage Center Accreditation Process

The Heritage Center is currently going through the National Council on Aging (NCOA) and National Institute of Senior Centers (NISC) national accreditation process to review and strengthen key operations and programs. The process will give visibility to the Center as well as provide a road map for improvements.

Salt Lake County Aging Services asked the 16 Centers they run and operate to complete the accreditation process by the end of the year. The Heritage Center decided to join the County Centers and complete the process as well. Salt Lake County paid the initial \$500 application fee and has agreed to pay any on-site review fees if needed. The Heritage Center will pay the final \$750 fee. The Heritage Center goal is to complete the process by November 2013.

A committee was formed with community leaders, volunteers, and Center staff to complete a self assessment. The current committee consists of:

Bill Barron – Community volunteer  
Brenda Clausen – Heritage participant  
Jill Duke – AARP  
Krysta Dunn – S.L. City Police Depart.  
Maureen Ellison – Heritage participant  
Kim Fong – Murray City Library  
Doug Hill – Murray City Public Services  
Steve Hirase – Murray School District  
Edward Houston – Heritage participant  
Emma Houston – S.L. County Active Aging

Johnnie Janes – Architect  
Bryant Larsen – IHC  
Claire Mantonya – UDDC Director  
Susan Saffel-Shrier – University of Utah  
Jaron Sheppard – Zions Bank  
Jacquie Teloridis – Adjunct Professor U of U  
Rod Young – Heritage Advisory Board  
Sheri Vanbibber – Red Cross  
Greg Waldron – Heritage Advisory Board  
Leda Wright – Heritage participant

The committee meets once a month to gather information and review one of the nine standards that need to be met to receive national accreditation. Documents are compiled to complete a review Notebook that is sent to NCOA/NISC and they let the Center know if additional documents are needed. Onsite and offsite peer reviewers are selected to review the notebook, visit the Center, and make written recommendations relative to the accreditation status of the Center. The accreditation board makes their recommendations. The Center has three years to make changes if needed for National accreditation.





The Nine Standards and Items Needed for Accreditation are as follows:

1) Purpose and Planning

- ☐ Senior center's mission statement – *"Enhance the quality of life for those 55+ by providing a friendly atmosphere with programs of excellence, volunteer opportunities, social interactions, and resources to remain independent, healthy, and active."*
- ☐ Senior center's planning document with goals, objectives and action plan
- ☐ The senior center's most recent annual report

2) Community Connections

- ☐ List of collaborative community partners.
- ☐ Sample of a cooperative agreement between senior center and collaborative community partner.
- ☐ Explanation of how the information and Referral process is made available to seniors and the community.
- ☐ Copy of marketing plan.
- ☐ Copy of marketing materials (no older than two years)
- ☐ Copy of news releases and news articles.
- ☐ Research guideline.

3) Governance

- ☐ Documents or by-laws showing that nine of the guidelines are met for the senior center governing board or charitable arm or advisory board/council as listed under Governing Structure C#1.....
- ☐ Code of ethics
- ☐ Conflict of interest statement
- ☐ List of standing boards and/or committees – include the members' names and their affiliation or profession
- ☐ List of activities or services that require certificates/inspections to be posted.

4) Administration and Human Resources

- ☐ Current resume for main administrator of senior center
- ☐ Job descriptions for paid staff
- ☐ Organizational chart(s) showing structure and lines of authority
- ☐ Personnel policies for paid staff (if lengthy, include table of contents)
- ☐ Job descriptions for unpaid staff
- ☐ Volunteer Handbook for unpaid staff that includes policies



5) Program Development and Implementation

- ☐ Description of programs and services that show senior center meets the standard criteria as outlined
- ☐ List of hours when programs/services available

6) Evaluation

- ☐ Senior center's evaluation plan
- ☐ Two evaluations that show measuring different areas as identified in criteria
- ☐ Example of two types of evaluations as identified in criteria
- ☐ Two examples of outcome based evaluations, explanation as to why they were done and how the information was used.

7) Fiscal and Asset Responsibility

- ☐ Senior center budget
- ☐ Sample of monthly financial statement
- ☐ Copy of current audit or financial review
- ☐ Written procedures for internal financial control
- ☐ Statement of insurance coverage
- ☐ Incident report
- ☐ Disaster recover or business continuity plan

8) Records and Reports

- ☐ Monthly or quarterly statistical report on programs and services
- ☐ Year-end statistical report for two separate years
- ☐ General participant record form
- ☐ Participant forms used for activities
- ☐ Confidentiality policy
- ☐ Policy and Procedures Manual (table of contents)

9) Facility and Operations

- ☐ Picture of senior center including signage
- ☐ List of transportation options
- ☐ Drawing that shows layout of senior center
- ☐ Copy of safety procedures
- ☐ Preventive maintenance schedule
- ☐ Written procedure for rental to other groups or agreement to rent

# Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

# Council Minutes

# **Murray City Municipal Council Chambers Murray City, Utah**

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 16<sup>th</sup> day of April, 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 - Conducted
Darren Stam,	Council Member
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Tim Tingey,	Administrative & Development Services Director
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager, Power Department
Kim Fong,	Library Director
Soni Hirasuna,	Assistant Director, Park Center
Bruce Turner,	Power Department
Kevin Potter,	Fire Department
Doug Roberts,	Police Department
Clint Nordin,	Power Department
Chad Wilkinson,	Community & Economic Development Division
Jeff Martin,	Aquatics Manager
Jim Hendrickson,	Shade Tree Commission
Stephanie Mackay,	Columbus Community Center
Karen Wiley,	Salt Lake County CDBG
Liz Kinne,	Boys & Girls Clubs of SouthValley
Roger Borgenicht,	ASSIST, Inc.

Tracy Halverson,  
Torri Gillies,  
Ram Haltch,  
Chris Hafner,  
Jay Bladen,  
Paul Ricks,  
Scouts  
Citizens

Salt Lake Community Action Program, Head Start  
NeighborWorks Salt Lake  
NeighborWorks Salt Lake  
Salt Lake Community Action Program, Head Start  
CDC Utah  
Family Support Center

## **5. OPENING CEREMONIES**

### **5.1 Pledge of Allegiance-Caleb Black, Boy Scout Troop #874**

Mr. Shaver asked Mr. Black to introduce himself and what Merit Badges he is working on.

Mr. Black introduced himself.

### **5.2 Approval of Minutes**

#### **5.2.1 Approval of the Minutes for February 19, 2013.**

Mr. Brass made a motion to approve the Minutes for February 19, 2013  
Mr. Hales second the motion.

Voice vote taken, all 'ayes'.

### **5.3 Special Recognition:**

#### **5.3.1 Murray City Council Employee of the Month, Jeff Martin, Aquatics Manager, Parks and Recreation.**

Mr. Shaver turned the time over to Mr. Hales.

Mr. Hales stated that the Council began this program at the first of the year to recognize the employees for all of the hard work that they have done. The Council presents the Employee of the Month with a certificate, places their name on a plaque hung in the Council Chambers and presents them with a \$25.00 gift card to Fashion Place Mall.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that Jeff Martin has worked for Murray City for about two and a half years as the Aquatics Manager. Mr. Martin is in charge of the two swimming

pools at the Park Center as well as the outdoor pool in Murray Park. Mr. Hill said that Mr. Martin is an employee that everyone enjoys working with very much. He has been a great person to have in the Parks and Recreation Department.

Mr. Hill said that Mr. Martin worked as a lifeguard for the City when he was in college and they were fortunate to get him to come back and work full time for the City. He has a great ability to always solve problems and to make people feel good when they come to the swimming pools. The Swimming programs and lessons are always full and since Mr. Martin has been here, the youth swimming programs have increased in size. Murray now has a great water polo program which has developed into a high school State tournament team. Mr. Martin gets a lot of credit for building these great swimmers that we have here in Murray City.

As a brief example of the great and quality employee that Mr. Martin is, Mr. Hill said that recently they remodeled the swimming pool in the Park Center and replaced the stairs. That required them to drain the pool and shut it down for several months. When you shut a pool down for several months and you have all these people that want to be swimming that can cause a lot of complaints. People don't like the fact that the pool is closed. Mr. Martin did a great job in explaining to the citizens of Murray what they were doing. He also did a lot of research on making sure that the City had the best products for that pool. It is now up and going again and people love it.

Mr. Hill expressed his appreciation for Mr. Martin's initiative and his great work in researching the work to solve the problem. Mr. Martin is married and they are expecting their first child. He likes to play softball and kick ball at the Murray recreation programs and is also a great fisherman.

Mr. Hill congratulated Mr. Martin presented him with the certificate and asked him to introduce his family.

Mr. Martin thanked everyone that helped put him there. He thanked Marci Williams and Soni Hirasuna, saying that he wouldn't have this kind of recognition if he hadn't followed their lead and their support over the years. Overall, he wanted to thank his parents for what they instilled in him. His father always said that if someone is willing to pay him, they deserve the best he can do. He hopes that he always gives his best to his work. Mr. Martin added that he wouldn't be here in Utah if it wasn't for his wife Courtney; she is the love of his life and pushes him to be at his best.

Mr. Stam said that he has a son in the water polo program and his wife is on the Board. Over the last several years they have had several issues with the pool and swimming and the different things over there. When Mr. Martin came on board, he made a big difference. He has the support of all of the parents and that is very unusual in this type of a situation and he too would like to say thank you.

**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.**

Presentation by Jim Hendrickson, Shade Tree Commission

Mayor Snarr stated that he and Clint Nordin had a great opportunity to go up to Red Butte Gardens today to celebrate with the Division of Natural Resources for Tree City U.S.A. in conjunction with the Arbor Day Foundation. Many people may not be aware that Murray City is the longest tenured member of Tree City U.S.A. in Utah's history at 36 years. The next city is Springville at 34 years. Somebody stepped up a long time ago and said let's get involved in this program and he is very proud of what Murray has been able to achieve supporting Arbor Day, Tree City U.S.A. and supporting taking out all of the invasive species of trees along the Parkway. The City has removed all of the Russian Elms along the Parkway because of their invasiveness. The City is very fortunate to have their own arborists and they do an incredible job. The Mayor gets a lot of compliments on the City's arborists and the job they do in keeping the trees trimmed away from the power lines. He appreciates all that they do.

In listening to everyone Murray City has probably the best participation, among all cities, when it comes to getting the children involved in our elementary schools. He signed over 80 certificates to recognize those who did artwork in support of Arbor Day and Tree City U.S.A. here in Murray City. The Mayor said it was a great event and he enjoyed listening to everyone tell about the unique things that they are doing in the community to support Tree City U.S.A. He thanked the State for their support of the program. He said that this is something that Murray residents should be proud of because the City stepped up and took the lead a long time ago and others are following our lead today.

Mayor Snarr read the Resolution in its entirety. Mayor Snarr turned the time over to Mr. Jim Hendrickson, Shade Tree Commission.

Mr. Hendrickson stated that the Murray City Shade Tree Commission thanks the citizens of Murray for the effort they go through to beautify Murray City making Murray one of the most beautiful cities in the State of Utah. The Shade Tree Commission is proud that the City has been a Tree City U.S.A. for 36 years, the longest in the State of Utah. He thanked the citizens for supporting the Shade Tree Commission.

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

Call vote recorded by Jennifer Kennedy.



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

Motion passed 5-0

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

None given.

Citizen comment closed

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.**

Mr. Stam made a motion to approve the appointment.  
Mr. Hales second the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mayor Snarr stated that Kim Fong, Library Director, is present tonight and the Mayor said that she is doing a great job spear-heading the library and has been a great replacement for the former Library Director, Dan Barr.

**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.**

Mr. Nicponski made a motion to approve the appointment.  
Mr. Brass second the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 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 a Resolution approving modifications to prior appropriations of Community Development Block Grant (CDBG) Funds.**

Staff presentation: Chad Wilkinson, Community and Economic Development Division Manager.

Mr. Wilkinson stated thanked the Council for the opportunity to be before them tonight. The first item is a reallocation of some unused funds from the 37<sup>th</sup> Year budget. This is not the new allocation. The proposal is to reallocate approximately \$14,000.00 in unused 37<sup>th</sup> Year Community Development Block Grant Funds to the Community Development Corporation of Utah's proposed 39<sup>th</sup> Year program budget. They are recommending approval of that allocation and the Resolution.

**Public Hearing opened for Public Comment**

None given.

Public Comment closed.

8.1.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

**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 39<sup>th</sup> Year Community Development Block Grant (CDBG) funds for program year 2013-2014.**

Mr. Shaver asked Mr. Wilkinson to explain what this is and where the money comes from.

Staff presentation: Chad Wilkinson, Community and Economic Development Division Manager.

Mr. Wilkinson expressed his thanks to the Council and the Advisory Committee, which is made up of members of the Mayor's Office staff and Community Development staff, for all the work they have done. He particularly wanted to mention and thank the work of Angela Price, Community Development Block Grant Coordinator for Murray City. Ms. Price does a tremendous job for the City. Ms. Price could not attend tonight because she left a little earlier than expected for her maternity leave. A testament to the job that she does is that Mr. Wilkinson was able to take the folder from her desk this morning and be up to speed very quickly on this information. That is a real testament to the work that she does and wanted to make sure to recognize her tonight.

Mr. Wilkinson thanked all of the agencies who applied this year for the Community Development Block Grant Funds. This is a program that is

administered through HUD, (Department of Housing and Urban Development.) These funds are available for various programs that promote housing and opportunities for fair housing. These funds are also available to, in some ways, fund programs that support the community. We have some great agencies that apply each year. Each year it is very difficult for the Advisory Committee to make recommendations because each of these programs is valuable and each one of these programs provide valuable services to the community. They recognize that. It is with great difficulty that they put together their recommendations each year with the recognition that each of these programs is so important to our community. Mr. Wilkinson thanked each of the applicants for applying this year.

Mr. Wilkinson said that copies of the recommendations are available if anyone would like to look at those. He will not be going over each of the recommendations in detail because there are many people who would like to speak, but those recommendations are available. Mr. Wilkinson recognized Karen Wiley with Salt Lake County. Murray is part of the County's Urban County Program for the CDBG. This program is administered by the County with Murray City being a sub-recipient.

Mr. Wilkinson stated that each year the process begins with a letter of intent submitted by the agencies. This letter of intent lets the City know what the proposed project will be, gives staff an opportunity to offer feedback early in the process to recognize projects that may or may not qualify for CDBG funding, and to give feedback to those applicants before they make their formal application. Once they have made their formal application, the City has an Advisory Committee that actually interviews each of the applicants. At that point in the program, the City has a very detailed application submitted by each of the applicants. They are able to come in, tell the Committee about their program, give the details about their request. From that interview recommendation is formulated by the committee. Those recommendations each year are so difficult because they want to provide funding to as many programs as they can.

Mr. Wilkinson said that the methodology used when the Committee makes their recommendations includes following the County's priorities which are to fund housing programs, programs that support providing housing for the residents of Murray. That is their first priority as they look at the programs, to look at which of these programs provide opportunities for housing. They also look at critical needs. Programs that are Murray programs that provide critical services to the Murray City residents. They also look at the needs of those programs that are critical to their function. Those are the things that they look at as they make their recommendations. In accordance with the County's policy, they make sure that each of the proposed contracts is at least \$10,000.00. Because of the cost of administering each of these programs they need to make sure there is an adequate amount to justify the administration of each of those contracts. That is the criteria that is used and you will notice that all of these recommendations are for \$10,000.00.

Mr. Wilkinson reiterated that he will not go over each of the recommendations in detail. They did receive close to \$320,000.00 worth of requests this year. Their anticipated allocation was around \$158,000.00. As always, they had to make some tough decisions. There are a couple of things that Mr. Wilkinson wanted to talk about related to the process from here. Tonight the Council will make the decision on how to allocate these funds. There is a possibility based on the Federal Budget process that the City could end up with either more or less than what the anticipated allocation is. If they do receive additional funds, they are recommending that as part of the Resolution those additional funds be allocated to each of the four housing organizations: ASSIST, NeighborWorks, CDC and Valley Services. These are organizations which provide housing services in our community and a percentage of those funds would go to each of those organizations if the City receives more than expected from the allocations. If the City has a funding reduction, they recommend that the reduction come from the accessibility improvements that are proposed for Murray City facilities. We have accessibility issues with some of our buildings as part of the Fair Housing survey that was performed last year. The City has come up with some things that need to be done to correct some disabled accessibility requirements for the City. If they do receive a reduction they would propose that the funds come out of that. They are recommending approval of the Resolution that allocates approximately \$158,000.00 in the 2013-2014 CDBG Program. Mr. Wilkinson turned the time over to Ms. Karen Wiley with Salt Lake County.

Ms. Wiley echoed Mr. Wilkinson's comments regarding Ms. Price and the amazing way she has in organizing this program. She keeps it very on-track and is the first city that responds whenever Ms. Wiley asks for input. The City has been in very good hands with Ms. Price, Mr. Wilkinson and Mr. Tingey. The Mayor has made some good choices in these people.

Mr. Wiley said that the reason the County has suggested the contract amount be at \$10,000.00 is not only for the contract administration but it also allows them to have contracts that are impactful for the agencies. This does mean that they can fund fewer contracts but the money that they do get makes a difference. With the rules and requirements that the CDBG has it has often happened that agencies have turned money back to the County because they have allocated three or four thousand dollars and it was really not worth the administrative time with the reporting requirements, policies and procedures, and all of those things that go along with federal money to make it worth their time to struggle with that. They have said it is just too much work and have chosen to go elsewhere for their money. It doesn't happen often but it has happened a couple of times. They have now raised the limit to \$10,000.00 so that the money is impactful for the agencies.

Ms. Wiley said that as you look at all of the applications and the purposes of what they are doing, a lot of the agencies that have applied for a long time there comes with that a kind of entitlement. That really is not the case. This is a competitive grant. Each application and the committees both here in Murray City as well as

the committee that they have at the County for the operating or soft costs, it is based on the application that they receive for that year. They look at what the applicant has done in the prior years, the experience they have and how well they tell them what they are going to do with this money and what outcomes they expect. If the applicants do not have outcomes from the prior years they should not continue to have funding. She wants people to understand that there really is not an entitlement that comes with this. The applicants need to be working and be on their toes every year to keep being recommended for this funding. She asked the Council to keep that in mind as they look at the applications.

Ms. Wiley expressed her thanks to Diane Turner, the representative on the County's CDAC Committee from Murray City. She has been a fabulous addition and they have thoroughly enjoyed having her on the Committee and Ms. Turner is here tonight and Ms. Wiley wanted to acknowledge her. Ms. Turner represents Murray City well. She makes sure that the applications and the process that they go through really does have an impact for the residents of Murray City. She is a good choice and a great partner to work with.

Mr. Shaver said that his understanding is that HUD really does set a priority for housing, getting people into a place where they can live, be comfortable, be safe and secure. That is why we set that priority. He asked if his understanding is correct.

Ms. Wiley said that was correct. HUD went through and looked at their priorities. Their original program was really quite broad. They have come back and are working with the other Federal agencies such as Health and Human Services, Department of Labor, EPA, and others to focus on what they do best. What HUD is best at is housing. Putting people in housing, keeping them in housing and providing them with the supporting services that go along with making that possible whether that is healthcare or employment opportunities. Those kinds of things make it possible for people to stay in their homes and stay on their feet. That is the reason that they have narrowed their priorities as well.

Ms. Wiley added that they have received word from HUD that rather than the 8.2% cut that they were going to be getting, then it went to a 5.1% cut but now it looks like they will be getting a 4% increase. They are not really sure how that will filter down, whether it will be 4%, 3% or 2%, there are always more jurisdictions in the big pot. They are looking at a slight increase which could mean for Murray City about an additional \$50,000.00. The City won't need to worry about cuts there will be some additional money.

Mr. Shaver said that since they are dealing with Federal funds they are not really sure what that will be.

Ms. Wiley said that as soon as they know they will let the City know the final budget numbers.

## Public Hearing opened for Public Comment

### Paul Ricks, Family Support Center

Mr. Ricks thanked the City for their prior funding which has allowed them to provide services to some 70 plus kids a year during 400 plus visits to their crisis nurseries. That amounts to approximately 1,700 hours of child care. They also provide clinical counseling to the residents amounting to about 100 hours per year. They are appreciative of that and should there be additional funds they would appreciate consideration of the crisis nursery requests that were sent in.

### Ramos Halteh, NeighborWorks Salt Lake, Volunteer

Mr. Halteh stated that his day job is a commercial banker for Key Bank. NeighborWorks is grateful to the City for awarding them funding in the amount of \$30,000.00 for the 39<sup>th</sup> CDBG Grant Funds for next fiscal year. Last year's funds were put to really good use. They purchased one foreclosed home on Hanauer Street; they processed one home improvement loan to a family in need, and performed rehabilitation work on a blighted property on Box Elder Street. They recognize the importance of their partnership they have with Murray City. NeighborWorks Salt Lake has been around since 1977 and they have a Murray Office. They have been very involved in revitalizing neighborhoods that typically experienced decline and they do this in cooperation with residents, government and businesses. He thanked the City for the funding.

### Torri Gillies, 4685 S. Box Elder Street, Murray

Ms. Gillies stated that she is a resident on Box Elder Street that NeighborWorks worked with. She had been looking for a home in Murray for over a year that was within her budget. Her son had been going to school here forever and is on the football team here. She feels it was very important to keep her kids in school in Murray. She thanked NeighborWorks for providing the housing where she could move in affordably. They updated the home and it is almost like a brand new house. The other homes that she had looked at were pretty scary, but this was a great home.

### Elisabeth Kinne, Director of Development, Boys and Girls Clubs of South Valley

Ms. Kinne thanked the City for their support saying that this year's allocation will go towards remodeling the junior center bathrooms which really need the work. They have not been updated since 1997 and she would not want to have to use those bathrooms very often given the way they are right now. The staff also appreciate the help and support.

Ms. Kinne said that people have probably seen the that billboards say "The Club saved my life; I don't know where I would be without the Club." She can honestly say that she doesn't know where the Boys & Girls Clubs of South Valley would be without the support of the City.

Jay Bladen, Community Development Corporation of Utah

Mr. Bladen said that the CDC administers the Down Payment Assistance Program for Murray. They have been doing this for several years, since the early 1990's for other municipalities in the area. They did the down payment assistance for Ms. Gillies and helped her to get into that home that she had mentioned that NeighborWorks had rehabilitated. He thanked the City for the proposed allocation and noted that this year they have procured private funds which they are now using to supplement the City money for the two down payment assistance's that they have done this year. Rather than using \$5,000.00 from Murray for down payment assistance they have used \$4,000.00 from Murray City and \$1,000.00 of private funds. This allows them to stretch the funds, help more people, and administer down payments. They are very appreciative of the City's continued support.

Roger Borgenicht, Director, ASSIST, Inc.

Mr. Borgenicht stated that ASSIST, Inc. is a non-profit community design center which has been around since 1969, one of the first in the Country. They run three essential housing programs. The Emergency Home Repair Program for critical repairs for low-income households. In addition, they do a lot of accessibility design to help people make practical modifications if they have infirmities or disabilities. They have just started a new program with a slightly higher income level, up to 80% of income, called Aging in Place. They go into homes and make sure that people who want to stay in their homes and communities can do so safely so that infirmities don't become disabilities. They install railings, grab bars and things like that. The average household that they assist with the Emergency Home Repair Program is typically about 30% of the area median and this has held true for the past two years and nine months. These are people making a living typically on a Social Security income of about \$1,200.00 per month. These are critical repairs. They are part of a continuum of what he calls the housing safety net. They do the handyperson repairs, which consist of minor repairs and maintenance, critical repairs done by a licensed and insured contractor. At the larger end, if there is a laundry list of work it goes over to the rehab programs such as NeighborWorks and others to have it done.

Mr. Borgenicht appreciates the support and understands that the city has had double the requests and half the money. The ASSIST program is down this year and ran out of money in Murray several months ago. It is hard to tell people who call for help that they will have to wait until July, but that is the reality and unfortunately in July the whole year gets front-loaded by that. If there is extra money from HUD they would certainly appreciate it. All of the money that is spent is spent in Murray with Murray low-income households.



Carla Brasher, Community Action, Head Start Program

Ms. Brasher said that they are located in the old library. Being a library, it was not set up to be a daycare. The problem is that Head Start's policy states that they have to have two staff members with the children at all times. Bathrooming is quite an issue because there are times when they have to take their whole classrooms down the hallway so both teachers can be with them. They have a yellow room and a purple room and they want the funding to build a bathroom right by those two rooms that are used by Head Start. The other bathroom would be used for the rest of the center which is the Murray Development Center. It would make life easier for them because they would not need to be out of the classroom as often. They could devote more time to the children and actually teach them instead of taking them to the bathroom.

Ms. Brasher thanked Mayor Snarr for coming to the Head Start classroom to read to the children on several occasions.

Tracy Halverson, Community Action, Head Start Program

Ms. Halverson said that she is the other Head Start Teacher. Her first year with Head Start has been quite an experience having fifteen three year olds. When a three year old has to go to the bathroom, they have to go now and not in ten minutes. They have to line up the children, go down the hall, and they all have to wait. This takes away teaching time while they are waiting for one or two children to go potty. It is a liability issue and it would be very beneficial to have a bathroom that would be right off the classroom. It would be more beneficial than taking children sometimes five times an hour out of the classroom. That is hard on the kids besides and takes time away from teaching.

Mr. Nicponski asked Ms. Halverson to repeat the name of the organization.

Ms. Halverson stated it was the Salt Lake Community Action Program, Head Start Program that is operating out of the Murray Education Center.

Stephanie Mackay, Foundation Director, Columbus Community Center

Ms. Mackay thanked the Mayor and Council for their recommendations for their Jones Court Group Home. The City has been very supportive of their on-going renovations and upgrades to the facility this year. The City is recommending money to replace flooring and needed help with the roof. She had a meeting the other day with Kerry Bate, Executive Director of the Housing Authority of Salt Lake County. They built this as the first group home in Salt Lake County which has historical significance for Murray. Mr. Bate is very grateful for the help that Murray gives them. The Housing Authority owns the home and Columbus Community Center leases the home from them. The Housing Authority does make sure that they are maintaining the home and making the appropriate renovations. Mr. Bate is very appreciative of the City's help toward the roof. The inside is often Columbus Community Center's responsibility and they need to keep it up to date and manageable for the six individuals who live there and have severe disabilities.

Ms. Mackay said that it is a great partnership and Murray is very much an important part of that partnership. On behalf of Columbus Community Center and the Housing Authority, she thanked the City for their support and help. The home was opened in 1980 with six clients who lived there. Three of those clients have lived in the home for 33 years and are very much Murray residents. They participate in all kinds of community activities because they are fully integrated into a wonderful community. She thanked the City again for all they do.

Public Comment closed.

#### 8.2.2 Council consideration of the above matter.

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

Mr. Stam stated that they should include that any additional funding would go to the housing programs, ASSIST, Community Development Corporation of Utah, NeighborWorks Salt Lake, and Valley Services. If it happens to go below the anticipated amount, the reductions will be taken from the Murray City ADA improvement projects.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 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 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, Murray, Utah. (Camter Development)**

Staff presentation: Tim Tingey, Administrative & Developmental Services Director.

Mr. Tingey gave some background information pertaining to the General Plan and the process related to adoption of that General Plan. The General Plan was adopted in 2003. Historic Wheeler Farm is an important asset to our community and is referenced in the Comprehensive Plan talking about the importance of this as an area for recreation as well as preserving this open-space. It is currently designated as open-space and as part of that the General Plan talks about having areas or land uses adjacent to open-space areas that are transition or buffer areas. Mr. Tingey showed a map of future land use area. The property being considered is adjacent to Historic Wheeler Farm. The future land use shows Residential Low-Density Single-Family adjacent to Wheeler Farm. Across the street on 900 East, it allows for a transition area to Residential Neighborhood Business type uses. The City has had several rezones that have been requested and the Council has adopted. This is a transition area into this residential neighborhood. The difference between the two sides is Wheeler Farm and the importance of preserving Low-Density type of land uses adjacent to Wheeler Farm. The other difference is there is a transition or buffer area which is 900 East. These are the differences in the General Plan between the east side of 900 East and the west side land uses. It is primarily because of our asset of Wheeler Farm.

The applicant, Jared Cameron, requested a zone change either last year or the year before. The area is currently zoned as A-1 (Agricultural). In order to develop Residential Low-Density housing at 8,000 square foot lots, they had to go through a rezone request. That application came in, was recommended for approval by staff, taken to the Planning Commission who also recommended approval and it was withdrawn by the applicant. That was the first application. As the Council is aware, not too long ago the City had another application from Mr. Cameron for to amend the General Plan for this area to allow for multi-family. That was considered by staff who recommended denial. It went to the Planning Commission who recommended denial. The Council deliberated on it in a Public Hearing and it was recommended for denial as well.

This current application by Mr. Cameron is different. It once again requests an amendment to the General Plan. The General Plan says this is to be Low-Density Single-Family Residential. This request is for Residential Neighborhood Business, similar to what is on the east side of 900 East. This request went to the Planning Commission where after staff recommended denial, The Planning Commission also recommended denial. The Planning Commission had concerns on the side of the street adjacent to Wheeler Farm, this important asset, going from a very low density agricultural zone to transition even above a Single-Family zone to a residential business area. They were also concerned with the adjacency and the depth of the lots into the area. On February 21, 2013 they recommended denial. Staff has analyzed this and in looking at this the General Plan really wants to preserve Single-Family residential in these areas but also have a buffer or preservation around the Farm on the east side of the street. That is why the General Plan was adopted the way it is. There is that transition there with 900 East.

Staff have looked at this, evaluated it, and met with the applicant several times. They feel that this is an area that is appropriate for Single Family residential use. That is what the applicant's original application was and that is what the General Plan says this is to be. You can develop several single-family lots on this property and that is what the Planning Commission and the staff recommended.

Staff does not feel that there is any significant change or reason behind this request and do not feel that this should be changed to Residential Neighborhood Business. Based on that, Mr. Tingey is forwarding the recommendation of staff and the Planning Commission and is recommending denial tonight.

Mr. Nicponski asked Mr. Tingey to outline the property on the map.

Mr. Tingey did so, saying that the property is right adjacent to Wheeler Farm with a small access point to a single-family residential area.

Mr. Nicponski asked if the entire property is being proposed for Residential Neighborhood Business zoning.

Mr. Tingey said it was. He added that the City does have commercial in this area further north. He showed an area that is General Office and future zone for that area is commercial. The whole purpose of the General Plan is to have an area to preserve around Wheeler Farm for lower density types of use. Land use is a buffer.

Mr. Stam clarified that the road that Mr. Tingey mentioned is a private lane to a gated community. This property is not allowed to access that lane.

Mr. Tingey said that was correct.

Mr. Nicponski asked how they would get in and out then, if that is a private lane.

Mr. Tingey stated that if they develop the property with single family units they would have to develop a public road through the single-family infill Ordinance. There are reduced standards as to a right-of-way, 35 feet depending on what is waived, as well as the City can look at different turnaround options. There is opportunity with that type of road and widths to develop multiple single-family lots on that property.

Mr. Nicponski asked where the road would go on the south side of the property.

Mr. Tingey said it would depend, but on the south side of the property the developer would have to work with UDOT.

Mr. Nicponski asked if there would be a hammerhead at the end of the road.

Mr. Tingey said that they would work with them on that, but that was not the proposal tonight.

Mr. Stam stated that there is one other method. If the owners of the private lane would sell the lane, and move their gate to the end of the street, it would then become a public road.

Mr. Shaver stated that although he appreciates the views, tonight the issue is a zoning change for the property. He invited the sponsor, Jared Cameron, to make comment.

Mr. Cameron said that he and Terry Sider are partners in the land that they are dealing with tonight. He said that Mr. Tingey did a fairly good job in explaining for the most part with the exception of one little part. He does not know if it is fluke or convenience, but as Mr. Tingey speaks of the open-space of Wheeler Farm, Mr. Cameron could not find anywhere in the General Plan where it speaks that the City needs to be an open-space buffer of any kind. There is nothing in there. He understands that they are future zoned for single-family, but in addition to that there is General Office to the south of Wheeler Farm all over the place. It gets real messy real quick. Across the street or directly to the north is the Lind zoned property and they have the furthest west property that is future zoned for General Office that also have the same situation as he does. He does say to the neighbors that regardless of the outcome tonight he feels that everyone here, for the most part, knows his feelings. Regardless of the outcome tonight he would like to meet with the neighbors after the meeting if they are willing to and hopefully come up with a time to meet at a future date and time. Regardless of the outcome, whether it is for or against their situation, he feels that if they can work together it will still provide a more positive outcome than if they all butt heads through the whole thing and nobody will win.

Mr. Shaver asked that comments are addressed to the Council.

Public Hearing opened for Public Comment

Rachelle Cameron, 7533 S Lincoln Street, Midvale

Ms. Cameron stated that she is Jared Cameron's wife and that she works in Murray at the Intermountain Medical Center as an E.R. nurse. Her concern with future family is the safety concern. She is an E.R. nurse and some of the things that she sees are somewhat unbelievable to someone who does not work there. Just down the street, a car plowed through a stone wall of the houses in that area. She took pictures of that for Mr. Cameron's use, though he did not use them. Her concerns as a mother and an E.R. nurse is safety. 900 East has a speed limit of 45 or 50 mph, she is not sure, but to put families on a 50 mph road is not safe. The lots closest to the road would not be safe and that is her concern as a mother and an E.R. nurse.

Russell Swan, 989 Wheeler Farm Cove, Murray

Mr. Swan stated that he is a proud resident of Murray. He does not want to get up and beat the same drum that they have been talking about. The Councilmembers know how the residents feel. They do feel that this is a great part of Murray that could be a great residential area. They have no problem with Mr. Cameron looking at residential in his lots but they do feel strongly about it remaining residential. Another ironic thing that struck him tonight is that at the back of that lot there is the most beautiful grove of trees in Murray. It is a part of heaven back there. To see everyone one of those trees go away will hurt everyone here. You have to see it. You could lay down there and think you were up in the Wasatch Mountains somewhere. That is why these neighbors are hard in letting this land go to that, it is a beautiful thing that you will never see again. He just wanted the Council to know how they feel and Mr. Swan thanked the Council and Mayor for their time.

Kaelynne Nielson, 986 E. Wheeler Farm Cove, Murray

Ms. Nielson commended the city of Murray and the Zoning Commission for their good work. She and her husband lived in Holladay City over 20 years ago and lived there for thirteen years. Over that period of time they felt that because of Holladay's lack of planning within the community they destroyed what was once so unique and so special about that city. She has been very impressed with the process and has seen the Master Plan in Murray and how diligent the City has been in keeping the City true to its plan. The City's work has obviously paid off because not only do families want to live here but the City has been very successful in drawing large retailers to benefit the families who live here, both with convenience and tax revenue.

The Nielson's moved into their home on Wheeler Farm Cove nine or ten months ago. They knew that they would love living so close to the Farm but the experience has been much more than they could ever have imagined. They wake up in the morning and see horses out of their bedroom window. They walk around the Farm at least twice a day with their dog Bridger. They currently have a Canadian goose nesting outside their window in the backyard. This is why it is important to preserve that buffer zone and to have the single family homes. Wheeler Farm is a beautiful, beautiful jewel that each person has a responsibility to protect. The entire south side of the property in question borders two of the horse pastures of the farm. They need to have people with a vested interest living on that property not tenants that come and go with a parking lot for people to loiter on. When the property was purchased by Camter Development they knew it was zoned A-1 and the price that they paid reflected that zoning. Camter Development can easily build homes and other A-1 approved property and make a substantial profit. The citizens of Murray should not be subjected to having the Master Plan altered to have another neighborhood business building for the benefit of two individuals. If there is a need for additional R-N-B properties there is land across the street on the west side. She thanked the Council for their time and consideration.

Karl Lind, Lind Ranches, 6181 S. 900 E., Murray

Mr. Lind said that he is feeling more comfortable in front of this group all the time having been here on three separate occasions. The interest that he has is that his property is adjoining to the proposed property. There is a waterway which goes from Wheeler Farm through this property into some ponds on his property then exits out to Little Cottonwood Creek. One of the concerns he has with the plans as it is proposed for the development of this property is that approximately one half acre of that may qualify as wetlands according to Mike Pectol of the Army Corps of Engineers. He has been over the property and Mr. Pectol believes that there is a strong probability that the easterly portion of the property qualifies as wetlands and would not be available for construction. As much as the water crossing the property drains into Little Cottonwood Creek and then subsequently into the Jordan River and the Great Salt Lake, it is a jurisdictional waterway controlled by the Army Corps of Engineers and has to be permitted before anyone can backfill or construct on that property. Before any construction takes place on this lower portion of this property, the one-half acre to the east through which this water courses, a known wetlands on Wheeler Farm onto the ponds on Mr. Lind's property and then exits onto the Creek, to backfill and construct without a permit from the Army Corps of Engineers is a violation of Federal law with significant penalties. More research and preparation needs to be done by the developer before requesting a zoning change.

Mr. Lind would submit to this group this evening that this study be done and a permit be applied for before any zoning change be approved. Any zone change would be inappropriate this evening. Mr. Lind added that he has some wetland consultants information that he could pass on to the developers. These names come to him from the Army Corps of Engineers and any one of these consulting firms are available to evaluate the property and determine whether it is or is not wetlands.

Mr. Shaver recommended that Mr. Lind pass on that information to the developers.

James H. Pollock, 980 Wheeler Farm Cove, Murray

Mr. Pollock stated that the Council has been putting up with them on this issue for quite a while and he appreciates it. Wheeler Farm backs up to Mr. Pollock's property and the property behind him on Wheeler Farm has a walkway and a pond that has flooded every year. His home was raised two years ago by Mr. Sider. He purchased the home two years ago and it was raised per Mr. Sider's advice. If it had not been raised, it would have been included in the low area of that pond. His home and his ponds as well as two rivers that he has are flowing streams that are fed by that water from Wheeler Farm and the Creek. It is a wet area.

Patrick Stutzman, 968 Wheeler Farm Cove, Murray

Mr. Stutzman said that he will not repeat what everyone else has said. He agrees with the recommendations of the Planning Commission and feels strongly that this is a residential area and should remain so.

Neil Christenson, 1005 Wheeler Farm Cove, Murray

Mr. Christenson stated that he has lived there for about five years. He loves the area, he loves Murray and loves all the great planning that the City has done. He has two or three concerns. The first issue he has is the safety issue which was brought up by Ms. Cameron. He was rear-ended several months ago with grandchildren in the car on 900 East close to his property. You try to get into the median and it is very difficult. There is more traffic now because of the west side of 900 East and to have another road or driveway within 100 feet or so in that area would make it even more difficult, especially if it were zoned commercially. To him, this is one of the major objections that they have. They also worry about the property values. If the zoning is changed he is sure that their property values could go down. Arbor Day is coming up and as it has been mentioned, there is a beautiful stand of about 50 trees on the east side of this property which would either be taken down or would eventually die if they used fill and that area would need at least four feet of fill. There are beautiful willow trees down that lane that are older than he is. They concur with the recommendation that was given earlier that it remain zoned A-1.

Mike Cameron, 1014 Wheeler Farm Cove, Murray

Mr. Cameron stated that he is Jared Cameron's father. He does not have any financial interest in the property but wanted to provide a little context to consider. The developers initially approached their neighborhood to see if they could annex their property into the lane and develop homes that would face north with access to their lane. In fairness, many of the neighbors did not live in their homes at the time that the developers approached them. About half of those living there now were there at that time. The group had said that they were not interested in having it annexed to their lane and have that be a continuation of the seven lots that they own there. He personally thought it would be a good idea as it would have given them the ability to have control over the architectural requirements of the homes. They could have protected the requirements over which trees the current homeowners association have on which trees have to stay and which have to go. It would have given them a lot of control over protecting their home values and many of the other things that the neighbors have talked about. That was turned down. In fairness to the developers, they are looking at alternatives now.

Mr. Cameron said that in reference to Mr. Tingey and some of the comments that were made, there seems to be a common theme here that this needs to be done because the Master Plan calls for protection around Wheeler Farm. In fact, everything around Wheeler Farm except this piece of property is already zoned residential, business or commercial. Everything other than a buffer zone. He does not think that it is the best



argument to say that it is part of a protection around Wheeler Farm. In fact, it is really the only thing that is not zoned for commercial or residential business. He is also concerned, as his daughter-in-law said, about the best use of the property. With State Highway 71 being a major state artery, a four-lane highway, it has a 45 mph speed limit and he is not sure that they can make the case that residential is better suited for that environment rather than business. He is the lone voice saying that he supports what the developers want to do, only as a back-up to the fact that they couldn't get the residential plan approved to access the lane.

Mr. Swan asked if it was true that in this meeting that Mr. Cameron was talking about, and it was an ugly meeting, this community wanted to allow them into their PUD and it could not happen because of zoning. Even if they wanted him in, he could not come in?

Mr. Shaver said that he would have that question answered momentarily and asked for any additional public comment. Hearing none, he asked Mr. Tingey to address Mr. Swan's question.

Mr. Tingey stated that as far as the zoning, that is an option but what would need to occur is that the current Ordinance states that they do not allow more than two single-family homes to be accessed on a private lane. At the time that this was developed it was done so as a planned unit development by the County so that private street was allowed. Murray City would not allow development off the private street but there are options. Mr. Stam alluded to, where the developer in conjunction with this development could create this as a public street. It would not have to be a huge 50' right-of-way. The City has standards that would reduce that so that it would be a 35' access. It would have to be dedicated as a public street and this could be accessed by the property.

Mr. Shaver said that with a PUD, they own that private street so there could be some negotiation between the group as a whole and the developer. The City would not have anything to do with it other than making certain that the street met certain criteria.

Mr. Tingey stated that was correct.

Mayor Snarr stated that a public street would just have to go back to where the houses began. It doesn't impact the houses that are already there.

Mr. Tingey stated that any new lots that were abutting this property as a public street.....

Mr. Hales interrupted and asked the Mayor to repeat his comments.

Mayor Snarr said that a planned unit development doesn't have the same requirements that a normal street would have that you would access a subdivision from. It could truncate at the end of the lane where they would build three lots possibly, nicer homes to match the homes that are already back there that would face to the north rather than have the ability for Mr. Cameron to build houses, have another parking lot because having two driveways that close together is an issue. The Mayor has tried to look at this from a

compromise perspective. With three beautiful, bigger lots, they could widen the street and have it be part of their development with more accommodating houses that match what they have spent on their houses. He spent the morning over there looking at options. Good governance is all about compromise and the Mayor said that legally, the developer can build another road. You would be looking at the rear lots as you went down the lane versus looking at beautiful homes facing toward the north. He has the right to do that and the Mayor is always looking at ways that they can keep the value of the current properties which are beautiful.

Mayor Snarr asked if Mr. Lind had to go through something with the wetlands when they developed their property.

Mr. Shaver interjected, saying that Mr. Swan had asked a specific question and feels that had been addressed.

Mr. Tingey stated he believes the question has been answered.

Mr. Stam wanted to add to that to clarify some information. He believes he understand what is going on but is not sure that everyone there quite catches the drift. What the Mayor was saying and what that would mean is that the gate would have to move back to the edge of the property so that Camter could then access the private lane which would then become a public road. The point of the gate at the back of the property would still remain private into the homes. One advantage to that is that the front part then would be plowed, you could pull the garbage cans out to the public road, have garbage pickup and there would not be additional fees that they would have to pay.

LaVerle Christenson, 1005 Wheeler Farm Cove, Murray

Ms. Christenson stated that since they are addressing the issue of lane access, she wanted express the concern that they all have. The reason that they purchased in that area in the first place was for charm and the appeal of the beautiful lane which is private and narrow. If they allow access to other homes, widening that lane, tearing down the gate and moving the mailboxes, everything would change. The entire appeal and charm of the whole reason that they personally moved in there in the first place would change. They moved in there because of the lane and what it meant to them. The beauty of that lane was a big factor and they have invested a lot of money into maintaining that, putting in trees, shrubs and flowers. If that is changed it would become a completely different subdivision or another ordinary street with the access into that lane.

Mr. Shaver reminded everyone that the question before the Council this evening is a zoning change. As much as they would like to become a negotiating body, that is not their function. There is some challenge between the development and the PUD but there are always options. Mr. Shaver encouraged them to meet and talk as expressed but the issue before the Council is strictly one issue and that is do they change the zoning or not. For recommendations as to how it might be resolved, they are welcome to do that on their own and he would encourage them to do so.

Public Comment closed.

8.3.2 Council consideration of the above matter.

Mr. Stam said that as they look at zoning, if the applicant came back to the Council and asked them to change the zoning to R-1-8 (Single-family Residential) that would match what the future General Plan says. If they came back to them to do that there would probably be positive recommendations from Planning and Zoning and from Staff and chances are that the Council would approve it. Mr. Stam wanted everyone to understand that would mean that they could put in another road right next to the lane, or down 50' feet or whatever it is, to access that property. As long as everyone understands that is what that means.

Mr. Shaver asked Mr. Tingey to address one issue that was brought up earlier and that is what a buffer zone actually is. A buffer zone does not mean it has to be horse farm, is that correct?

Mr. Tingey stated that is correct. A buffer is a variety of different things. A buffer can be a geographic feature such as a road, landscaping, or a variety of other things. It can also be land use. The R-N-B zone is a buffer type zone for residential areas but the difference is that this is an open-space area which the General Plan called for. Buffer can be a variety of things such as streets, landscaping, and land use.

Mr. Brass said that this is a difficult one. He hears residents talk about the trees. He mentioned this the last time that they went through this. He bought his home in Murray a long time ago and his back yard had cows and horses and rolling meadows. If he looked east toward the mountains he couldn't see anything. His nearest neighbor was on 4800 South and he is on 4700 South. The reality was that somebody owned that property would eventually develop it and they did. They tore down the trees, flattened everything and it was interesting. Now there are 62 homes back there. Four homes will change things. As Mr. Stam said, he doesn't want them to have this thought that it won't. You might lose the trees and he hates that concept himself. It is a beautiful area.

Mr. Brass said that those properties that have not changed yet are unique. Wheeler Farm is unique. He was on the Planning Commission when they looked at the General Plan. He was on the Planning Commission when they proposed the R-N-B zone and ironically he got on the Council when it was voted on. Part of the reason was that the people who owned the homes didn't want to live there anymore because 900 East turned into a State highway. It is kind of dangerous to back out of your driveway at 45 mph. It is hard to pull into a driveway at 45 mph. They had to something with those properties and General Office, which was the only option at that time, was not acceptable because it allowed for four-story buildings. If you put that up against residences it would destroy the neighborhood behind. They looked at it as a buffer.

These properties are unique and he understands Master Planning them for residential. He agrees with Ms. Cameron in that it scares him to put a house on 900 East. Mr. Brass was a Stephen King fan right up until he wrote Pet Sematary, which involved a house on a busy highway. That concerns him and he struggles with this. He does not know what the best idea is for that property. But, they need to move forward.

Mayor Snarr said that to Mr. Brass' credit along with the other former Council Members, this R-N-B zone was to try to clean up the area on the west side of 900 East because they had a lot of boarded up homes where people no longer wanted to live. They did an excellent job in setting up the criteria as far as the set-backs, the height of the structures, and the types of walls that had to be developed to adjoining neighborhoods. Most of the neighbors that the Mayor talks to over there say that it has really turned out very nice. Their property values have gone up because of the zoning for law offices, dental offices, real estate office and other types of development where they have taken houses that no one would live in anymore and have made something of it. There is another issue like this with another piece of property on the west side of 900 East. The only thing that the Mayor was looking at, just so people can understand that Mr. Cameron can build the lousiest, cheesiest housing that he wants, as long as they are 8,000 square foot lots he can do whatever he wants. Is that to your advantage? To have those types of houses there where you are going to be looking at the back of the yards when you drive down your private lane.

Over the past 15 years, Mayor Snarr has worked on different developments, some of which he has been the developer. He did not ask permission, he asked for the ability of the adjoining property owners to sit down and come to some kind of a compromise that would benefit both people. To this day they are in awe because it does benefit both. They laid out their adjoining properties to make it work to their advantage and because they did it the right way their property values are substantially higher than they would have been otherwise. They both get great utility out of their properties, they share a common access, and they share a joint parking resource which gives him and the Mayor the ability to get better tenants in that lease their properties which are commercial properties. In some cases you end up with something that ends up being devastating to both parties. It is not generic to this here, but the Mayor went down to this property, walked around and looked at the big clump of trees at the end of the lane. If they were to donate part of the property they would obviously have to say that they are going to build the additional width of the road. To get around those trees they would need to put in a bow-back there to work around it. With that said, the Mayor just wanted to say that after all the years that he has been here he has always looked at ways in which you can come out with a better product versus someone poking someone else in the eye and saying they didn't get their way so they are just going to keep the piece of garbage they don't want.

Mr. Nakamura, City Attorney, clarified for the record, that the property is currently zoned A-1. There was no decision ever made to make it residential. There has been a lot of discussion about homes going in there and that has not been done. He does not want it presumed that there is any zoning other than A-1.

Mr. Shaver asked for a motion. Hearing none, he asked again stating that he could not make the motion and someone would need to. If there is no motion, the Ordinance relating to the land zone would die.

Mr. Hales asked for clarification on what Mr. Shaver meant when he said the motion will die.

Mr. Shaver explained that the Council has been asked to make a decision based on what they have heard this evening to consider the Ordinance or not. He asked Mr. Nakamura to explain that further.

Mr. Nakamura stated that if there is no motion and a second to approve, the zoning would stay as it is.

Mr. Hales made a motion to deny the Ordinance.

Mr. Nakamura clarified that a motion to deny is a motion not to approve the rezone. A vote of 'aye' would mean that you are not approving the ordinance.

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

Call vote recorded by Jennifer Kennedy.

A Mr. Hales adding that this has weighed heavily on his mind.

A Mr. Nicponski

A Mr. Stam added that he has struggled with this and he would be open to some other ideas but this one is not quite to where he is comfortable.

A Mr. Brass echoed Mr. Stam's comment and urged Mr. Cameron and the neighbors to sit down and talk. If they truly look for a solution, he feels that they can find one.

A Mr. Shaver

Motion to deny passed 5-0

## 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.**

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells stated that Justin. Zollinger, Finance Director, is away at a G.F.O.A. Conference and she is taking over the opportunity of this for him. There are several items that they would like to make amendments to the Budget on in this budget opening. Several of them are making adjustments for grants.

The Fire Department has a Hazmat Grant for approximately \$26,000.00; an EMPG Grant for \$4,200.00 and they also have \$3,500.00 that they would like to save in this year's budget and move to the CIP for some projects that they would like to do next year.

The Police Department has some concerns with VECC. They have talked about some of the problems that have been going on there but they didn't have the opportunity to make the adjustments that needed to be made when the budget was approved for those costs. This item is over budget by \$24,709.00 and that adjustment needs to be made. They are asking that item be paid for by the sales tax revenue variance that the City has this year. The Police also have a grant for \$2,500.00 from the Commission on Criminal and Juvenile Justice for a night monocular.

Public Services is requesting \$15,000.00 for snow plowing. Our snow plow this year was a little heavy, mostly because of the snow storms that came on the evenings and weekends and the City had to have some overtime. They are also suggesting that this is paid for from the sales tax revenue variance.

Mr. Shaver asked if this request was for a snow plow or for snow removal.

Ms. Wells clarified that this was for snow removal labor.

Mr. Nicponski asked Ms. Wells to elaborate on the VECC item. He asked if they had budgeted more than they needed to or not enough.

Ms. Wells explained that they had not budgeted enough. This was actually from last year but the City did not receive their corrected numbers in time for our budget and just realized that now.

Ms. Wells said that the Parks and Recreation Department have three projects for picnic tables, theater lights and some asphalt on the Jordan River Trail that total \$25,000.00. They would like to put that money back into the Capital Projects for next year and use that money for some other issues that have come up for next year. They are asking if they can pull those line items and move them to CIP for next year.

Public Comment

None given.

Public Comment closed.

8.4.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

9. **UNFINISHED BUSINESS**

9.1 None scheduled.

## **10. NEW BUSINESS**

### **10.1 Consider a Resolution authorizing the execution of an Interlocal Cooperation Agreement 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.**

Staff Presentation: Mayor Daniel Snarr

Mayor Snarr stated that over the course of the past several years they have had dialogue on who bears the responsibility to take care of the homeless. Salt Lake City has a lot of the homeless congregating in that city because many of the amenities are there. South Salt Lake also has a large share. Midvale, to their credit, has stepped up and provided additional opportunities for housing for the homeless. After being out there to see that, it makes your heart tender to see what these people are going through and yet have a place to be there. Midvale has stepped up and provided that. West Valley City has done so as well. Murray does not have these types of facilities.

What COG recognized was that perhaps instead of having these cities bear the responsibility and shoulder the responsibility from a financial perspective, we could come up with some kind of a Resolution in which we would support funding some of these costs. Mayor Snarr read from a letter from Mayor Becker:

*This is funding options for homeless services. At the October 4, 2012 COG meeting I engaged a discussion regarding homelessness in Salt Lake County. Information provided by the Road Home indicates that approximately one-half of those living in the shelters are from Salt Lake City with the other half originating in other cities (Mayor Snarr indicated that 276 of which originated from our City.) throughout the County and the State of Utah. I urge for more regional support for homeless services and appreciate the positive response that I have received from many of you regarding the possibility of financial support from your respective municipalities.*

*Two proposals have been developed for regional financial contribution. The first proposal focused on redirecting the soft services portion of Community Development Block Grant Funding. However, many communities already allocated the maximum amount of soft costs. (15% of soft cost funds) and any additional revenue generated would not be sufficient to make an impact on the homeless population. Federal reporting requirements also make this strategy more challenging. The more impactful proposal would be an on-going, population based assessment from cities General Fund revenues. The attached graph (Mayor Snarr had copies of that graph) shows the charge of a yearly assessed fee for each city in Salt Lake based on a \$.30, \$.35 or \$.40 per person rate. General Fund sources provide greater flexibility for procurement and reporting than Federal funds. This is the key. An administrative and management model would need to be created for this to be successful with an open and transparent process for how funds are used.*



Mayor Snarr added that this has been done and they are more than happy to provide information for all of us on how those funds are being directed. They are pretty much have an idea right now of how much it is costing to take care of providing these services for the homeless. We are asked to support this, we have put it into our budget and Mayor Snarr feels that it is the humane thing to do based on the fact that we have people in Murray City that in their time of need are going down and having the services provided by Salt Lake City and other communities. Some of the people that he has spoken to go out to Midvale because it is closer and more convenient.

This is basically a Resolution of support saying that Murray will participate in this funding option for taking care of the homeless.

Mr. Shaver asked if this would be administered through the County.

Mayor Snarr said that it would be. He added that there was a lot of discussion on making sure that everybody was comfortable on how the funds would be administered and how the reporting would go so that we would know where those funds were going and what they provided.

Mr. Shaver asked if it was already in the budget.

Mayor Snarr said that they put it in the budget but it was up to the Council to approve.

Mr. Shaver said that it is part of the recommendation back to the Council. He asked the Mayor what the amount is.

Mayor Snarr stated that the amount at \$.35 per resident would be \$16,361.00.

#### 10.2 Council consideration of the above matter.

Mr. Brass stated that he liked the thought and felt the City should do this. We currently take 20% of the tax increment financing for low-income housing and such through the RDA giving it to NeighborWorks and a variety of other places. He asked if this is a possible use to provide a stable source of funding for twenty years.

Mayor Snarr said that the problem is that the CDBG funding is not always stable either.

Mr. Brass clarified saying that he meant the RDA TIFF, using the 20% that the City is using for low-income housing.

Mr. Tingey said that the short answer would be yes. It is the 20% housing that does not have strings attached. The City could utilize that money for this type of funding if they wanted to.

Being blatantly blunt, Mr. Brass said that as they do RDA's, the fact that they take that 20% and put it back into the communities has helped them. This would be one more thing that would help the City when they sit before the taxing entity committees and look at new projects. He feels that it would serve them well.

Mr. Nakamura said that they would need to look at that. This does not affect what is happening here tonight.

Mr. Brass agreed that it does not affect anything tonight but that as they go through the process, assuming that the Council approves this.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

## **11. MAYOR**

### **11.1 Mayor's Report**

Mayor Snarr said that tomorrow at 10:15 a.m., the City will have the opportunity to participate in the "Great Utah ShakeOut 2013" which will help us to prepare for an earthquake or other catastrophic event. The big event will happen on April 24, 2013. They will be having another event at the EOC (Emergency Operations Center) where they will go through the emergency processes as they did a year ago. It is a good exercise for the City.

Mr. Nicponski asked what time the event will begin on April 24, 2013.

Ms. Wells said it would go from 9:00 a.m. until approximately 11:30 a.m.

Mr. Stam said that the paperwork that came out on this stated that you should not get under the tables.

Mayor Snarr said that they have told everyone to "Drop, Cover and Hold". He is only passing on what the agencies have told him that we should do.

## **11.2 Questions of the Mayor**

None.

## **12. ADJOURNMENT**

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**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 – MAY 2013  
BRADY JENKINS – Generation/Substation Technician

**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 May 21, 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: Greg Bellon

Agency: Murray City Corporation

Date: May 7, 2013

Title: Council Administrator

Title: Murray City Power, Assistant General Manager

Phone: 801-264-2705

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: 5.7.13

Mayor:

Date:

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

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

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

**9. NOTES:**

See attached recommendation by Greg Bellon.

## EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

Power

DATE:

May 6, 2013

NAME of person to be recognized:

Brady Jenkins

Submitted by:

Blaine Haacke

DIVISION AND JOB TITLE:

Generation/Substation Technician

YEARS OF SERVICE:

Almost 6 Years

REASON FOR RECOGNITION:

Brady has been working as a substation technician with Murray City Power since July 9, 2007. Currently he is a compliance officer for the power department which means he works directly with WECC (Western Electricity Coordinating Council), who then reports to NERC (North American Electric Reliability Corporation) and FERC (Federal Energy Regulatory Commission). At least every 5 years our utility is required to pass a thorough and precise system audit which could result in major financial fines if not in compliance. Last year, Brady guided the power department through this massive WECC audit, which was a major accomplishment for the department. Brady had been compiling data, submitting reports, and attending workshops and webinars for the last five years all to make sure we would pass the audit with flying colors...and we did.

Brady is also attending Weber State University and will be graduating next spring with an Electronics Engineering Degree. One of Brady's senior projects was an ARC Flash study for the Power Department...this study was used by the safety committee to introduce new FR (Flame Resistant) clothing requirements for the department which it will implement starting July 1, 2013.

In addition to the NERC assignment, Brady remains a solid, well rounded Substation Tech well versed in all aspects of substation, generation and hydro operations. He is truly a 'jack of all trades' when it comes to electronics.

One last tidbit...Brady will be a co-presenter at the "International Protection Testing Symposium" in Boston this fall. This is an international conference and is the first time held in the USA. Participants from 49 different countries will be in attendance and Brady will be co-presenting a paper regarding a section of the NERC audit pertaining to protection devices (titled NERC-PRC-005-2). He will be presenting with Rijan Bhandari, the Regional Application Specialist of North America, who represents OMICRON Electronics, a leader in the industry. Brady is an exceptional employee and he is being recognized by his peers as a leader in the compliance industry and we are delighted to have him at Murray City Power.

COUNCIL USE:

MONTH/YEAR HONORED

# Special Recognition #2

# Murray City Municipal Council

## Request for Council Action

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

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

HISTORY ADVISORY BOARD REPORT AND AWARD PRESENTATION

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

VIBRANT PARKS, RECREATION, AND CULTURAL AMENITIES.

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

☐ Council Meeting OR ☒ Committee of the Whole

☒ Date requested MAY 21, 2013

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

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

N/A

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

MEMO

6. **REQUESTOR:**

Name: DOUG HILL

Title: PUBLIC SERVICES DIRECTOR

Presenter: PETER STEELE

Title: HISTORY ADVISORY BOARD CHAIR

Agency: MURRAY CITY

Phone: 801-270-2404

Date: MAY 6, 2013

Time: \_\_\_\_\_

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

Department Director: *Doug Hill*

Date: 5/6/13

Mayor: *Daniel E. Shan*

Date: 5/6/13

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

Number of pages: \_\_\_\_\_

Received by: \_\_\_\_\_

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

Time: \_\_\_\_\_

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

9. **NOTES:**





# MEMO

**To:** Mayor Daniel C. Snarr  
**From:** Doug Hill, Public Services Director  
**Cc:** Jan Wells, Chief of Staff  
Mary Ann Kirk, Cultural Programs Manager  
**Date:** May 6, 2013  
**Subject:** History Advisory Board Report and Award Presentation

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Peter Steele, History Advisory Board Chair, would like to deliver an annual report and present a Heritage Award to Eldene Petrovich, 606 West La Salle Drive, at a City Council meeting.

Eldene Petrovich is the original owner of her home in the La Salle Acres subdivision, which is one of the early Ranch house subdivisions in Murray built in the 1950s, a major building period for Murray. Her home, a one-story brick Ranch house, has been maintained in excellent condition throughout the years, and retains all of its historic features, including its brick masonry walls, plaster and lathe interior walls, and decorative elements. Her home also represents the excellent condition of many homes in La Salle Acres, where the residents have obviously made an effort to maintain and preserve their homes. They are an asset to the neighborhood and Murray City. Eldene was a long time secretary at Murray High School, and her late husband was, among other things, a ditch master for the Cahoon/Maxfield ditch company.

Please let me know if you have any questions or concerns.

# Citizen Comments

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

# New Business Item #1

# Murray City Municipal Council

## Request for Council Action

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

CONSIDER A RESOLUTION ADOPTING THE CITY COUNCIL'S TENTATIVE BUDGET, AS AMENDED, FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014 AND SCHEDULING A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT BEFORE THE FINAL BUDGET IS ADOPTED

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

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

☒ Council Meeting OR ☐ Committee of the Whole

☒ Date requested May 21, 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.)

As detailed in the budget documents

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

**6. REQUESTOR:**

Name: Justin Zollinger

Presenter: Justin Zollinger

Agency:

Date: May 5, 2013

Title: Finance Director

Title: Finance Director

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: 5/9/13

Mayor:

Date:

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

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

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

**9. NOTES:**

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

A RESOLUTION ADOPTING THE CITY COUNCIL'S TENTATIVE BUDGET, AS AMENDED, FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014 AND SCHEDULING A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT BEFORE THE FINAL BUDGET IS ADOPTED.

WHEREAS, the City Council is required to review, consider and adopt the tentative budget in a regular or special meeting called for that purpose; and

WHEREAS, the tentative budget adopted by the City Council and all supporting schedules and data shall be a public record in the offices of the City Finance Director and City Recorder, available for public inspection for a period of at least ten (10) days prior to the adoption of the City's final budget; and

WHEREAS, at the meeting in which the City Council's tentative budget is adopted, the City Council shall establish the time and place of a public hearing to receive public comment on the budget and shall order that notice thereof be published at least seven (7) days prior to the hearing as required in State law; and

WHEREAS, the purpose of the public hearing is to receive public comment before adoption of the final budget.

NOW, THEREFORE, be it Resolved by the Murray City Municipal Council as follows:

1. The City Council's tentative budget for fiscal year 2013 - 2014, as amended, submitted herewith, is hereby adopted and is ordered to be filed and maintained as a public record, available for public inspection in the office of the City Finance Director, Murray City Center, 5025 South State Street, Room 113, Murray, Utah, and the office of the City Recorder, Murray City Center, 5025 South State Street, Room 115, Murray, Utah until adoption of the final budget.

2. A public hearing to receive public comment before the City's final budget is adopted shall be held on Tuesday, June 4, 2013 at approximately 6:30 p.m. in the City Council Chambers, Murray City Center, 5025 South State Street, Murray, Utah.

3. The City Recorder shall publish notice of said public hearing consistent with the requirements of Section 10-6-11 of the Utah Code Annotated.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 21<sup>st</sup> day of May, 2013.

MURRAY CITY MUNICIPAL COUNCIL

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Brett A. Hales, Chair

ATTEST:

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Jennifer Kennedy  
City Recorder

# New Business Item #2

# Murray City Municipal Council

## Request for Council Action

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

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)  
CONSIDER A RESOLUTION ESTABLISHING A TASK FORCE TO FACILITATE SOLUTIONS  
BY THE NORTH JORDAN IRRIGATION COMPANY TO CITY RESIDENTS' CONCERNS.

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

3. **MEETING, DATE & ACTION:** (Check all that apply)  
☒ Council Meeting or ☐ Committee of the Whole  
☒ Date requested May 21, 2013  
☐ Discussion Only  
☐ Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? ☐  
☒ Resolution (attach copy)  
Has the Attorney reviewed the attached copy? ☒ \_x\_yes  
☐ Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? ☐  
☐ Appeal (explain) \_\_\_\_\_  
☐ Other (explain) \_\_\_\_\_

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

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

Resolution attached

6. **REQUESTOR:**

Name:	Brett Hales	Title:	City Council Chair
Presenter:	Brett Hales	Title:	City Council Chair
Agency:	Murray City Council	Phone:	801-882-7171
Date:	May 9, 2013	Time:	

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

Department Director:  Date: \_\_\_\_\_  
Mayor: N/A Date: \_\_\_\_\_

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

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

9. **NOTES:**



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

A RESOLUTION ESTABLISHING A TASK FORCE TO FACILITATE  
SOLUTIONS BY THE NORTH JORDAN IRRIGATION COMPANY TO  
CITY RESIDENTS' CONCERNS

WHEREAS, on April 27, 2013, an irrigation canal, owned, operated and maintained by the North Jordan Irrigation Company ("North Jordan") breached causing property and other damage to City residents; and

WHEREAS, North Jordan is a separate private entity responsible for the operation, maintenance and safety of its irrigation canal; and

WHEREAS, North Jordan has acknowledged its responsibility to fully compensate the City residents for damage caused by the breach of its irrigation canal and;

WHEREAS, North Jordan has acknowledged responsibility to reimburse the City for costs incurred by the City as a result of the breach of its irrigation canal and;

WHEREAS, the City residents are concerned about being fully compensated by North Jordan for damages they incurred as a result of the breach of the irrigation canal; and

WHEREAS, the City residents are concerned about the safety and integrity of North Jordan's irrigation canal and the possibility of future problems and;

WHEREAS, the City residents want assurances by North Jordan that its irrigation canal is safe and does not present any further risk and;

WHEREAS, the City wants to establish a Task Force for the purpose of facilitating solutions by North Jordan to City residents' concerns and;

WHEREAS, the Task Force will have no municipal legislative or executive authority and will be advisory only; and

WHEREAS, the City Council would like to have on the Task Force representatives from North Jordan, interested City residents, representatives from the City Council and the City Administration and any others who would assist the Task Force in accomplishing its purposes; and

WHEREAS, the Chair of the City Council shall determine the composition of the Task Force as he deems necessary to accomplish the purposes of the Task Force.

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

1. It hereby creates a Task Force for the purpose of facilitating solutions by North Jordan to concerns of City residents regarding compensation for damages as a result of the breach of the irrigation canal on April 27, 2013, and the safety and integrity of the irrigation canal.
2. The Task Force shall have no municipal legislative or executive authority and shall be advisory only.
3. It is understood that North Jordan is responsible for the operation, maintenance and safety of its canal.
4. The City cannot require participation in the Task Force, however, the City would like to have on the Task Force representatives from those City residents damaged by the breach of the irrigation canal on April 27, 2013, representatives from the City Council and Administration, representatives from North Jordan and others who will assist in accomplishing the Task Force purposes. The Chair of the City Council shall determine the composition of the Task Force as he deems necessary to accomplish the purposes of the Task Force.
5. The Task Force shall remain in effect until its purposes have been accomplished.

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

MURRAY CITY MUNICIPAL COUNCIL

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Brett A. Hales, Chair

ATTEST:

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Jennifer Kennedy, City Recorder

# Mayor's Report and Questions

# Adjournment