

MURRAY
CITY COUNCIL

Council Meeting

October 15, 2013



REVISED
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, October 15, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

4:50 p.m. **Committee of the Whole:** To be held in the Conference Room #107
Brett Hales conducting.

1. Approval of Minutes

Committee of the Whole – September 17, 2013
Special Council Meeting – October 1, 2013

2. Business Items

2.1 **Discussion Item #1** - Reports from Board and Commission Representatives to Interlocal Entities (5 minutes each)

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

2.1.2. Russ Kakala – Trans-Jordan Cities

2.1.3. Kim Fong – Murray City Library

2.1.4. Jan Wells – Legislative Policy Committee (LPC)

2.1.5. Jan Wells – Council of Governments (COG)

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

2.1.7. Darren Stam – Utah Infrastructure Agency (UIA)

2.1.8. Dave Nicponski – Valley Emergency Communications Center (VECC)

2.1.9. Dave Nicponski - Association of Municipal Councils

2.1.10. Jim Brass – Central Valley Water Reclamation

2.1.11. Jim Brass – Wasatch Front Waste and Recycling District

2.1.12 Tim Tingey - NeighborWorks

2.2 **Discussion Item #2** – Proposed Land Use Ordinance Changes Related to E-Cigarettes – Tim Tingey presenting (10 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 None scheduled.

5.3 Special Recognition

5.3.1 Murray City Council **Employee of the Month, Officer Sean Malouf, Police Department** – Chief Fondaco presenting.

5.3.2 Community Art Award Presentation – Mary Ann Kirk 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 appointing poll workers for the City's 2013 General Election. (Jennifer Kennedy presenting.)

10.2 Consider a resolution approving the Mayor's appointment of representatives to the Board of the Utah Telecommunications Open Infrastructure Agency (UTOPIA). (Jan Wells 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 Friday, October 11, 2013, at 1:15 p.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov, and the state noticing website at <http://pmn.utah.gov>.

Janet M. Lopez
Council Administrator
Murray City Municipal Council

Committee of the Whole

Committee of the Whole Minutes



MURRAY
CITY COUNCIL

DRAFT

MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, September 17, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Others in Attendance:

Dan Snarr	Mayor	Justin Zollinger	Finance
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Ted Eyre	Resident
Pete Fondaco	Police Chief	Craig Burnett	Police
Buck Swaney	Resident	Diane Turner	Resident
Elliot Setzer	Resident	Blair Camp	Resident
Mary Ann Kirk	Arts/History	Kellie Challburg	Council Office
Jennifer Brass	Resident	Michael Todd	Business Owner
D. Kirk Jensen	Citizen	Janice Strobell	Citizen
Nathan Wilcox	Resident	Spencer Belliston	Resident
Joan Belliston	Resident	Steve Keefer	SIAC

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

Business Item 2.1

Murray City Alarm Discussion-Kirk Jensen

Mr. Hales introduced Kirk Jensen, who resides in District 5. Mr. Hales noted that Mr. Jensen has asked for some time to present this matter to the Council.

Mr. Jensen provided the Council Members copies of his remarks, due to limited time. He stated that he has been involved in Murray City government for quite some time. The other documents he provided were different ordinances regarding alarm services. There was also a

survey taken in Salt Lake City regarding alarm ordinances and he has included the opinions of the "no response" policy in the packet.

Mr. Jensen said he would like Murray City to be the best City it can be. He moved here 52 years ago, and loves living in Murray. This form of government was formed at his house, on his table. He believed it was a better form of government and better represents the people. There is now a vote from all areas of the City. Before the new form of government was established, the west side did not have a representative in the commission. Mr. Jensen noted that he was the one that asked for the change in government. He is a concerned citizen and his family is first and foremost in importance. Mr. Jensen said he had been offered a job position that he turned down because his wife is his number one priority, his children are number two, his church is number three, and the area he raises his children is number four and the company he works for is number five. He had a marvelous employment with that company and retired over 21 years ago.

Mr. Jensen said the bottom line is that he would like people to be safe. He has two children living in Murray, and wants them safe also. These are the reasons behind the lengthy study that Mr. Jensen has done. He believes it is in the best interest of the City to have the police department respond to burglar alarms. He believes that by the Police not responding, it also hurts the City both financially and economically.

Mr. Jensen has pursued this matter for a number of years and sponsored a bill before the state of Utah. This bill was signed into law by the Governor that states that a person soliciting alarm systems is required to inform the buyer that the alarm company does not respond to alarm calls.

Mr. Jensen introduced Mr. Steve Keefer, an Ex-Police Chief with the Sparks, Nevada Police Department, and currently works with SIAC (Security Industry Alarm Coalition).

Mr. Keefer stated that he has been employed with SIAC since June and was a Police Chief for three years before that. He stated that he was a Lieutenant and his City was moving forward with verified response. He wholeheartedly believed in verified response and pushed the Council Members in that direction. At the last minute, the proposal was turned down by the Council. The Police Chief became frustrated with the alarm industry and Mr. Keefer initiated more discussion between the two entities. His City wasn't aware at the time of the model ordinance.

Mr. Keefer then learned about the model ordinance, and most likely would not have pushed for verified response if he had known about the model ordinance. Sparks, Nevada has a population of about 93,000, with a Police department of 170, with 110 sworn officers. At that time, the City had about 2,000 to 4,000 false alarms before passing the model ordinance. One of the characteristics that make the model ordinance successful includes permitting. There was a permit fee charged, and there were fines charged for responding. There was a flat rate charged on the first false alarm response, and the Police did have the ability to suspend service after possibly the fourth false alarm. Mr. Shaver asked if the fine was charged to the alarm company or the user. Mr. Keefer replied that the user was responsible for the fine. There were possible fines to the alarm companies also, if they didn't adhere to policies. Mr. Shaver asked if the alarm company could be fined just as easily as the homeowner. Mr. Keefer said not as easily as the homeowner, but there were applicable fines to them also.

Mr. Keefer said there was an appeal process, but it ended up going pretty smoothly. There was a cost recovery; and revenue was able to be generated. The alarm calls for service were reduced by about half. Now that he works for SIAC, the majority of his time is spent on education, and helping other cities, particularly those that have adopted the model ordinance.

Mr. Keefer asked Chief Fondaco if the Police currently use a broadcast and file system. Chief Fondaco replied that was correct. Mr. Keefer said he wanted the Council to be aware of other programs that may not be as controversial. His own personal feeling was to avoid verified response. The alarm calls are still a relatively small number compared to other calls. He said that usually verified response happens in larger cities with larger populations than Murray. He believes there is value in reaching out to the public and maintaining the small safe community. It also tends to build support later for other issues, such as ballot measures, charity and outreach programs.

Mr. Keefer noted that most users don't have false alarms. The Phoenix Police Department did a study in 2011, and of 147,000 permitted alarms there were 85% that never had a false alarm, and 10% had one false alarm. SIAC supports verified response against the abusers of alarm systems. That doesn't promote punishment of the responsible alarm users which make up the majority of the City.

The debate of security guards responding to alarms is because most of the time the call would not result in a violent confrontation. Most people prefer a Police Officer respond to the call versus a security guard.

Mr. Keefer said he knows of only two cities that have gone to verified response in the last two years, Detroit and San Jose. Detroit is now second guessing that decision, and Dallas changed in 2007 from a verified response to the model ordinance.

The model ordinance has an important component of call verification. That is when the alarm company makes two phone calls to the user before calling the Police Department. This usually accounts for a 20%-30% reduction in calls alone. Before the invention of cell phones, the alarm company would simply call the house, and if no answer, call the Police Department. The industry abused the system decades ago. The alarm companies have become more accountable and responsible also.

Los Angeles, Oakland, Sacramento, Reno have all gone to the model ordinance. It isn't a perfect ordinance, and didn't cut 90% of the calls, similar to verified response, but calls were reduced by 50%.

Mr. Keefer handed out documents of success stories of cities that have gone to the model ordinance. The number of calls reduced vary between the cities, as does the population. Mr. Keefer said he is there to answer any questions and does offer a free service. If the community and Police Department are happy with verified response, possibly it is an idea that would be entertained in the future.

Mr. Stam asked about the two phone calls required by the ordinance. The first call would be to the home, and the second call to a cell phone or neighbor, clarified Mr. Stam. Mr. Keefer replied that the second call was usually to a cell phone. In the past, the first call would be to the Police and the second to the user. This caused the police to go there, only to be cancelled when the user answered the call. Some states have passed enhanced call verification for the entire state. In recent meetings, representatives from large drugstore companies are shocked that the

first phone call doesn't go directly to the Police. There is much to debate even with the call process. The model ordinance holds the monitoring companies to abide by two phone calls.

Mr. Nicponski asked what CFS stood for. Mr. Keefer replied that it stood for Calls for Service.

Mr. Jensen expressed his appreciation for the time given to him and the Council listening to his safety concerns.

Mr. Shaver asked Chief Fondaco about the contacts the Police have on file and if the Police actually call the first contact number. Chief Fondaco replied that the contact number is used if the business needs to be contacted, but not for an alarm drop. Mr. Shaver asked if the Police Department get a response and if the contacts are readily available, when making the calls.

Mr. Nicponski asked if Chief Fondaco could first explain the current protocol for an alarm call.

Chief Fondaco handed out a breakdown of the burglary statistics for the last five years in Murray. There is a total number of burglaries listed, then residential burglaries are separated out, and then the percentage of those that had alarms. The number of alarmed residential burglaries is very small. Many of those are residences that didn't even have the alarm activated. It simply means there was a burglar alarm in the residence, but doesn't mean it was turned on.

Chief Fondaco explained that the department uses a broadcast and file system. The alarm company calls the police dispatch, dispatch then creates a file for that call. A burglar alarm is a very low priority call. If there are other calls holding, an officer may not be able to respond for 25-40 minutes. If the officer is available, they will do a drive by and get a visual on the property, they won't stay and wait for homeowners to show up. At that point, the police would be done with that call, and would clear it. Of course, if the officer's suspect a problem, then dispatch would be called, and a call would be taken on the case.

Mr. Nicponski clarified that eventually someone would respond. Chief Fondaco replied that the response would be from the alarm company, not the police department.

Mr. Shaver asked about reaching a contact at the home or business when the alarm has been activated. How many calls are made, and is it to the primary or secondary numbers, he questioned. Chief Fondaco said the police don't make the calls. If an alarm call turns out to be a burglary, the alarm company sends out a guard, the guard would call with a verified break-in and officers would be sent. At this point, the homeowner has already been contacted or attempted to be contacted by the alarm company.

Mr. Shaver asked if there were statistics on whether burglaries mainly happen in the day or night, and if they are in different locations, such as banks or pharmacies. Chief Fondaco explained that there are two different types of alarms. There is a burglar alarm which is different than a hold-up alarm or a panic alarm. A panic alarm is usually from a residence, meaning the homeowner is home and someone is trying to break into the house. The police respond to panic alarms as a high priority call, as well as robbery or hold-up alarms. The only alarm in current discussion is the burglar alarm. Mr. Hales asked for an explanation on the panic alarms. Chief Fondaco said there are a lot of homes with a panic button, or a special sequence of numbers on their alarm system that trigger a panic alarm. Mr. Nicponski asked how long the current system

has been in place. Chief Fondaco replied about ten years. He said when this ordinance was passed ten years ago, it was with the assistance of a committee that had been formed with citizens.

Mr. Nicponski asked if there had been any problems with the current system in the last ten years. Chief Fondaco replied that there had not.

Mr. Stam clarified that the contact number that the Police have would only be used if there is a fire in the building, or another issue. He doesn't believe that contact information relates at all to a burglary alarm.

Mr. Shaver recalled a situation in a strip mall where a business did not have an alarm, but the adjacent business did. The robbery took place in the business without the alarm, but the alarm was activated for the adjoining business. The police showed up and called the owner saying there was a break-in. Chief Fondaco said they have that information from the business licensing. Mr. Shaver clarified it didn't necessarily have to come from a burglar alarm, it is a notification of an issue at the business.

Mr. Jensen commented about the guard service from an alarm company. He tested the system, and it took the guard 42 minutes to arrive at his house from downtown Salt Lake. He was charged \$35.00 for the guard to come out, but that time frame would allow the burglar to get out of the house with pretty much everything.

Chief Fondaco commented that this wasn't something that the Police Department asked for. This was a legislative decision and the Police will enforce whatever the Council decides. Chief Fondaco stated that he wants the families in Murray to feel safe as much as anyone.

Chief Fondaco believes this isn't a family safety issue; this is a burglar alarm that occurs when no one is home. It is different from a panic alarm, or a hold-up alarm. It is property protection from a private contract with a public response. If the alarm company states that they will monitor the alarm, and if the alarm goes off, the police are called and a public response would occur for the alarm drop. It is a tax payer response to a private contract, noted Chief Fondaco. That was one of the concerns the Council had ten years ago. Murray was having about 2000 false alarms a year.

Chief Fondaco noted that he is currently five officers down, and would need to hire a civilian alarm coordinator. An alarm coordinator would need to evaluate the alarm drops and start charging the homeowners \$100, similar to Sandy. That charge keeps increasing until it is paid in full. At some point, service is suspended if the bill isn't paid. Chief Fondaco said he isn't comfortable with the idea of suspending service if a resident owes \$100. That is a big step for the Police Department to deny service because money is owed, noted Chief Fondaco. He believes once you start basing service on dollar values that is the wrong direction to take. It is a public service, and he doesn't approve of charging people.

Mr. Nicponski said he is concerned with having to hire additional staff, and also the strain it puts on the patrol staff, which is already thin. Chief Fondaco also mentioned that the billing may have to be contracted out, similar to what the fire department does, or hire staff for the billing. Chief Fondaco noted he would prefer to hire another sworn officer.

Mr. Shaver mentioned a case in Tennessee. The resident had not paid his fire department assessment, the fire department showed up and watched the house burn. Mr. Shaver doesn't approve of putting public services in that position; they are not money collectors.

Chief Fondaco said he would prefer to either keep it as is, or get rid of the ordinance and they would respond for free. He isn't comfortable with pay for service; he doesn't want to be a bill collector.

Mr. Stam wanted to clarify the different types of alarms. There is the fire alarm, the panic alarm, and the medical device alarm that all trigger a high priority response from the police. The only type of alarm that isn't getting an immediate response is a burglar alarm without any contact from a homeowner, he noted. Mr. Stam said the alarm company would try the first and second contact numbers, and if there is no response, they would then notify the police. The Police would still go to the house, when they become available. Chief Fondaco said the response would be with priority if there is a contact at the residence. For example, a neighbor is there and states it looks suspicious. If there is a person there asking for assistance, it is no longer considered an alarm drop, but a citizen requesting service.

Mr. Shaver clairified that if it is a person using a panic button, medical device button, or phone call the response would be immediate; when it is an automated system notifying of a problem, the response would be low priority. Chief Fondaco said the ordinance states the police would not respond and sit and wait at a business or residence.

Mr. Keefer commented that he was glad to see the broadcast and file system being used, because it does show there is value to alarms. He asked Chief Fondaco how many they were responding to, and stated there may be some cost recovery. There was also cost recovery to robbery alarms, because in the middle of the night there would be more than two officers responding. Many of those robbery alarms are false, as well as some of the panic alarms and there is a way to recover those charges, if that is something the Chief wants to do. He does understand the Chief's position that he doesn't want to charge, but they are currently responding to some calls for free.

Chief Fondaco stated that the reason they have broadcast and file is that he insisted on that. He wanted the opportunity to respond to a burglar alarm. He believes it is a mistake to say that they would never respond, because it is a service. He also understands that Mr. Jensen wants his property protected. The decision needs to be made about how much protection is needed. The broadcast and file system helps because there are alarm drops at jewelry stores and pharmacies at nights, and he thinks it is important to have the opportunity to respond.

Mr. Stam said if the Council ever decided to charge, the charge should go to the alarm system, not the resident. Chief Fondaco said the problem with that is the alarm company is going to say it is user error, and not their problem. They looked into the alarm company adding the charge to the bill, then the user doesn't pay the bill, and the alarm company shuts off their service. Mr. Stam said that may take care of the problem; he doesn't think going after the homeowner is the right thing to do.

Mr. Hales expressed his appreciation to Mr. Jensen, Mr. Keefer, and to Chief Fondaco for their comments.

Business Item 2.2

Murray City Center District (MCCD) Discussion- Tim Tingey

Mr. Tingey remarked that this topic had been previously discussed in a Council Initiative Workshop. He stated that staff researched different options for modifying height in the Murray City Center District (MCCD). He showed a map illustrating the MCCD and height issues along Center Street. The west side of Center Street has been commercial for over 50 years, and there are a number of residences there currently being maintained. Prior to the Murray MCCD and the height changes, it was zoned C-D-C which is retail oriented development. Prior to the DHOD (Downtown Historic Overlay District), there was a height limitation of three stories, which could have reached a height of about 40 feet.

There are three proposed changes to this ordinance:

1. **Limit outside storage in the MCCD.** The definition of outside storage is the keeping of unroofed area of materials, merchandise, goods, and vehicles for a continuous period in excess of 24 hours. A business can still take goods outside during the day, and back in at night, not exceeding 24 hours. Mr. Shaver asked if that included vehicles, or is it a specific storage area in question. Mr. Tingey replied that it is a specific area for storage. Mr. Stam asked if it was similar to Lowe's storing of their BBQ's outside. Mr. Tingey replied yes that would be a good example.
2. **Demolition of non-significant structures.** The current MCCD defines historic structures that are termed significant, and the intent is to preserve and protect those in the downtown area. If a demolition is proposed, those non-significant structures have to go through the whole design review process. This would eliminate the design review and streamline the process for non-significant structures. A recent example of this was the Sharkeys bar that had been vacant for a number of years. The owner wanted it torn down, but still had to go through the design review process.
3. **Height restriction changes.** The proposed changes on height restrictions would affect Court Avenue north to 4800 South. The depth of these properties is very limited. Development in the future would be challenging due to the shallow depth of these properties, without some type of height allowance. The current wording is that the height of a structure located adjacent to a residential zoning district may not exceed 50 feet within 150 feet of a residential zoning district. The proposed change would affect properties north of Court Avenue adjacent to Center Street, buildings should not be erected to a height greater than 35 feet, but the height may increase one foot of height for each four feet of setback from the property line. This tapers the height of the building to allow for additional height.

Mr. Shaver asked if the rear property line would be affected also; unless it is specified from the east heading west only. Mr. Tingey noted that the intent is from Center Street moving to the west to allow the tapering of a building. In order to get to the maximum height of 50 feet, the building would have to go back 60 feet from the property line. In the CDC zone, there is a similar type of wording but that wording states that the setback begins from the adjacent

residential zoned property; where this setback begins at the property line. Mr. Shaver commented that Rapunzel's tower could be built on the back of the property. Mayor Snarr asked if that would make the parking all be on the front of the property. Mr. Stam said that the MCCD requirements are that there is no setback and the building has to start at 35 feet against the sidewalk, and then can taper back. Mr. Brass asked where the property line is measured from. Mr. Tingey replied that it is from the property line adjacent to the right of way. Mr. Tingey showed an example on the map.

Mr. Brass asked what the average depth of the properties was. Mr. Tingey stated that the maximum depth of these properties is 150 feet. They are residential homes and many have a depth less than 150 feet. Currently the ordinance allows for 15 feet higher than a residential home. This would require a 35 foot height upfront at the property line and then could taper back all the way to 50 feet.

Mr. Tingey believes that this change would not limit redevelopment opportunities as much, considering it is a commercial zone. He thinks this is a compromise that could work.

Mr. Nicponski asked Mr. Brass if he knew how the residents in this area are feeling about this. Mr. Brass said he has gone to every door, and the homeowners want to stay and live there. The house next to the Oasis Apartments is a gentleman whom is quite firm in that this is where he wants to live.

Mr. Brass commented that he just reported on the visit to the Mayo Clinic and their downtown area. He is not against development by any means, but is concerned about getting a "develop or die" mentality. He also noted that he doesn't think that Center Street would make or break the downtown development area, no matter the height of the buildings. Mr. Brass noted that Center Street, Wasatch, Maple and Elm Street are neighborhoods that are not in decline and are seeing a lot of homes being fixed up. The DHOD did not cover some of the historic buildings on those streets. Mr. Brass said his original and current intent is to protect Center Street. He believes that the residential areas need to be incorporated into the downtown plan. Those residents are the ones that would be the downtown customers.

Mr. Shaver commented that those streets are also small streets. He thinks that it is important to keep the neighborly feel. Mr. Brass noted that it is a neighborhood, as was evidenced by the neighbors coming together.

Mr. Nicponski stated that there is tremendous momentum going right now with the Hilton Hotel. He asked how to keep that momentum going. Mr. Tingey said he believes that the partnership with Woodbury and Intermountain Medical Center will help continue the momentum. Mr. Shaver noted that the Medical Center wants to be involved with the surrounding development choices, and they have a cohesive vision of the area. Mr. Brass said that Woodbury would like to connect the west side to the east side of State Street, so that patients and hospital employees have access to businesses such as Desert Star Theater, and hotels and restaurants. The connections are critical and he believes that this little Center Street will not be in play as much as others.

Mr. Nicponski asked if there was a movie theater in Rochester. Mr. Brass said there wasn't one within a mile and a half of the clinic.

Mayor Snarr summarized the height proposal of 35 feet and increasing a foot in height, every four feet that you go back. He clarified that there wasn't a change in zoning. Mr. Tingey said that was correct.

Mr. Brass commented that this was a great start but he would like to model out the depths and see what it looks like. He noted that all of the property owners are aware that they are sitting on commercial property, and several homeowners have businesses out of their homes. He doesn't want the zone changed, but the neighborhood feel protected.

Mr. Tingey added that for the past ten to twelve years on Center Street, they have been allowed to build higher than the proposed height tonight. If you are a property owner on the west side of Center Street, this reduces what you can do with your property but allows some height to taper back as a compromise.

Mr. Shaver compared Birkhill, San Francisco, and New York brownstones as neighborhoods with a different feel.

Mr. Tingey clarified that this proposal only affects Court Street north to 4800 South. The other areas would remain the same. Mr. Shaver clarified on the map the areas adjacent to the hotel.

Mr. Hales adjourned the meeting at 6:07.

Kellie Challburg
Council Office Administrator II



MURRAY
CITY COUNCIL

DRAFT

MURRAY CITY MUNICIPAL COUNCIL

The Murray City Municipal Council met on Tuesday, October 1, 2013, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Others in Attendance:

Dan Snarr	Mayor	Justin Zollinger	Finance
Janet M. Lopez	Council Office	Frank Nakamura	City Attorney

Chairman Hales called the meeting to order and welcomed those in attendance. Mr. Hales stated that this was a discussion related to the purchase, exchange or lease of real property. It had been mentioned that this should be a closed meeting.

Mr. Shaver moved to close the meeting so that there could be an open discussion related to property and the purchase or lease thereof.

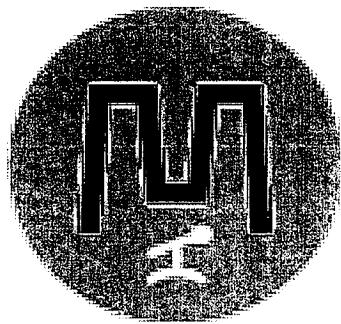
Mr. Nicponski seconded the motion. All were in favor.

Mr. Hales excused the others in the room.

Following the closed meeting discussion, the Council moved back into an open meeting. There being no additional business, Mr. Hales adjourned the meeting at 4:37 p.m.

Council Office Administrator II
Kellie Challburg

Committee of the Whole Internal Business



MURRAY
CITY COUNCIL

Discussion Item #1

Murray City Municipal Council

Request for Council Action

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

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

REPORTS FROM REPRESENTATIVES TO BOARDS OF INTERLOCAL ENTITIES

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
Well Maintained, Planned and Protected Infrastructure and Assets; Responsive and Efficient City Services

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

Council Meeting OR Committee of the Whole

Date requested October 15, 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.)

To be determined

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

See attached

6. REQUESTOR:

Name: Janet M. Lopez Title: Council Administrator

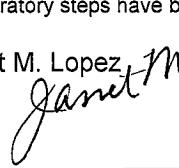
Presenters: Various Officials and Staff Title:

Agency: Murray City Corporation Phone: 801-264-2622

Date: September 30, 2013 Time:

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

Department Director: Janet M. Lopez  Date: September 30, 2013

Mayor:  Date:

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

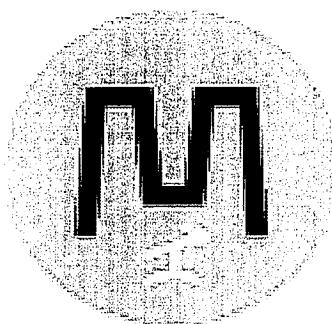
9. NOTES:

Committee of the Whole

October 15, 2013

Board and Committee Reports (Five minutes each)

1. Greg Bellon – Utah Associated Municipal Power Systems (UAMPS)
2. Russ Kakala – Trans-Jordan Cities
3. Kim Fong – Murray City Library
4. Jan Wells – Legislative Policy Committee (LPC)
5. Jan Wells – Council of Governments (COG)
6. Jan Wells - Utah Telecommunications Open Infrastructure Agency (UTOPIA)
7. Darren Stam – Utah Infrastructure Agency (UIA)
8. Dave Nicponski – Valley Emergency Communications Center (VECC)
9. Dave Nicponski - Association of Municipal Councils
10. Jim Brass – Central Valley Water Reclamation
11. Jim Brass – Wasatch Front Waste and Recycling District
12. Tim Tingey – NeighborWorks



MURRAY
CITY COUNCIL

Discussion Item #2

Murray City Municipal Council

Request for Council Action

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

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

Proposed Land Use Ordinance Changes Related to E-Cigarettes

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

Safe and Healthy Neighborhoods with Varied Housing Opportunities

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

Council Meeting OR Committee of the Whole

Date requested 10/15/13

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? _____

Resolution (attach copy)

Has the Attorney reviewed the attached copy? _____

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? _____

Appeal (explain) _____

Other (explain) _____

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

N/A

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

See attached memo

6. REQUESTOR:

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Same

Title:

Agency: _____

Phone: (801) 264-2680

Date: 10/2/2013

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: Tim Tingey Date: 10/2/13

Mayor: Daniel C. Chase Date: 10/2/13

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:

February 24, 2012



**MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES**

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

TO:  **Murray City Council**

FROM: **Tim Tingey, Director of Administrative and Development Services**

DATE: **October 2, 2013**

SUBJECT: **E-Cigarette Ordinance Proposal**

City staff will be present at the Committee of the Whole meeting on October 15, 2013 to discuss a proposed Land Use Ordinance related to e-cigarette retail facilities. Please contact me at 801-264-2680 if you have any questions prior to the meeting.

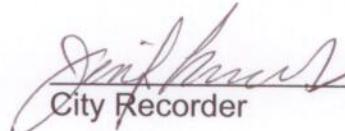
Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 12th day of November, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning an ordinance amending Chapter 17.42 of the Murray City Municipal Code relating to tobacco and electronic cigarette retailers.

DATED this 2nd day of October, 2013.

MURRAY CITY CORPORATION



City Recorder

DATE OF PUBLICATION: October 27, 2013
PH 13-24

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17.42 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO TOBACCO AND ELECTRONIC CIGARETTE RETAILERS.

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this Ordinance is to amend Chapter 17.42 of the Murray City Municipal Code relating to Tobacco and Electronic Cigarette Retailers.

Section 2. Chapter 17.42 of the Murray City Municipal Code shall be amended to read as follows:

Chapter 17.42
TOBACCO/ELECTRONIC CIGARETTE RETAILERS

SECTION:

17.42.010: DEFINITIONS:

17.42.020: LIMITATIONS:

17.42.010: DEFINITIONS:

TOBACCO/ELECTRONIC CIGARETTE (E-CIGARETTE) PARAPHERNALIA: Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco **or nicotine** products.

TOBACCO PRODUCTS: Any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco **or electronic cigarette as defined in Utah Code Section 76-10-101.**

TOBACCO/E-CIGARETTE RETAILERS: Any person who sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco/e-cigarette paraphernalia and either:

A. ~~devotes twenty percent (20%) or more of floor area or display area to, or derives seventy five percent (75%) or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco/e-cigarette paraphernalia; or~~

B. **1.** ~~the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;~~

2. ~~food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and~~

3. the establishment is not licensed as a pharmacy under the Title 58, Chapter 17b, Pharmacy Practice Act.

17.42.020: LIMITATIONS:

A. Separation From Sensitive Uses: No tobacco or **e-cigarette** retailer shall be located within one thousand feet (1,000') of the boundary of any residential zone, residential use or a parcel occupied by any of the following:

1. A public or private kindergarten, elementary, junior or high school;
2. A licensed childcare facility or preschool other than a family daycare facility;
3. A playground;
4. A youth center;
5. A recreational facility;
6. An arcade;
7. A park; or
8. A library,

as measured in a straight line from parcel boundary to parcel boundary.

B. Limited Number: One tobacco/**e-cigarette** retailer shall be allowed for every ten thousand (10,000) citizens living in the city.

C. Limited Density Of Tobacco/E-cigarette** Retailers:** No tobacco/**e-cigarette** retailer shall be located within five hundred feet (500') of a site occupied by another tobacco/**e-cigarette** retailer, as measured in a straight line from parcel boundary to parcel boundary. (Ord. 11-39)

Section 3. This Ordinance shall take effect upon the first publication.

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

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Chair

ATTEST:

Jennifer Kennedy,
City Recorder

Transmitted to the Office of the Mayor of Murray City on this _____ day of
_____, 2013.

MAYOR'S ACTION: Approved

DATED this _____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

Jennifer Kennedy,
City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance or a summary hereof was published according
to law on the _____ day of _____, 2013.

City Recorder

A Phil Markham
A Karen Daniels
A Vicki Mackay
A Tim Taylor
A Jim Harland

Motion passed, 7-0.

LAND USE ORDINANCE AMENDMENT - ELECTRONIC CIGARETTE – Project
#130-145

Chad Wilkinson presented this item. In 2012, the State Legislature passed HB 95 which established regulations authorizing municipalities to license specialty tobacco retailers. The definition of specialty tobacco retailers under Section 10-8-41.6 of Utah Code includes "a commercial establishment in which:

- (i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

State code further defines tobacco products as follows:

- (c) "Tobacco product" means:
 - (i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;
 - (ii) a tobacco product as defined in Section 59-14-102, including:
 - (A) chewing tobacco; or
 - (B) any substitute for a tobacco product, including flavoring or additives to tobacco; and
 - (iii) tobacco paraphernalia as defined in Section 76-10-104.1.

Utah Code stipulates the minimum distance required between individual specialty tobacco retailers, along with minimum distances separating these establishments from certain community facilities, such as schools, churches and residential uses.

In 2011, the Murray City Council adopted Section 17.42 which regulates Tobacco retailers within the City. This ordinance regulates not only minimum separation distances between tobacco retailers and community and residential uses, but also limits the number of these establishments allowed in the City based on the population. Murray ordinance does not currently include Electronic cigarettes (e-cigarettes) in the definition of tobacco retailers. The proposed text amendment would include e-cigarettes in the City ordinance along with other tobacco specialty product retailers in order to provide consistency between state and local ordinances. The same restrictions currently applying to tobacco retailers would apply to the sale of e-cigarettes.

Planning Commission Meeting

September 19, 2013

Page 6

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would add e-cigarettes to the existing tobacco retailer ordinance and would restrict the number and location of these retailers within the City.

Mr. Taylor clarified that in the second paragraph where it talks about tobacco products it says 'Or Electronic Cigarette' everywhere else it says "E-Cigarette" except for in that one spot. Mr. Wilkinson responded that it can be clarified and that it might be better to state Electronic Cigarette at the beginning of the ordinance and then put E-Cigarette in parentheses. Mr. Taylor also clarified that in the referencing Utah Code sections, if those code sections change in the future, would it require a new text amendment or is that just an administrative change that staff can make. Mr. Wilkinson responded that it is an administrative change.

Ms. Daniels clarified that a 6 month moratorium was placed in June on the sale of e-cigarettes and it will end in December depending on approval from the City Council and Planning Commission. She asked if the electronic cigarettes are currently being sold, does it mean that they are out of compliance. Mr. Wilkinson replied in the negative. He explained that if it is an existing establishment it does not apply and the moratorium is on the establishment of new retailers.

The meeting was opened for public comment.

Josh Morin, 5546 Edgeberry Drive, stated that Blue E-Cigarette's was purchased in 2011, at that time Wells Fargo, the financing company, spoke to 3,500 business owners in that market from which that data concluded that 56% of e-cigarettes are purchased in e-cigarette only locations, another 20% is purchased online and the remainder is between tobacco stores and miscellaneous. Fifty-six percent of the entire product purchased is being done and sold at e-cigarette stores. Mr. Morin stated that he has an interest in opening a location in Murray. He does not want to carry any other tobacco products like tobacco bongs or tobacco pipes or anything of that nature.

The public comment portion of the meeting was closed.

Mr. Woodbury clarified with staff that this amendment states that stores selling only e-cigarettes are prohibited. Mr. Wilkinson replied that tobacco and e-cigarettes stores do not have to be combined, but they are included they just are not currently allowed as Murray City has reached the limit by population. Mr. Wilkinson clarified that there are State laws regulating location of where these businesses could locate but there is no regulation of number of stores.

Mr. Woodbury made a motion to recommend approval to the City Council for the requested amendment to the zoning ordinance to add e-cigarettes to the tobacco retailer ordinance, Section 17.42, and would restrict the number of and location of the retailers within the City and also with the additions by the City Attorney and Mr. Taylor. Seconded by Mr. Markham.

Call vote recorded by Chad Wilkinson.

Planning Commission Meeting

September 19, 2013

Page 7

A Scot Woodbury
A Maren Patterson
A Phil Markham
A Karen Daniels
N Vicki Mackay
A Tim Taylor
A Jim Harland

Motion passed, 6-1.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:25 p.m.

Chad Wilkinson, Manager
Community & Economic Development

Agenda Item #6

TO: Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: September 13, 2013

DATE OF HEARING: September 19, 2013

PROJECT NAME: Electronic Cigarette Text Amendment

PROJECT NUMBER: 13-145

PROJECT TYPE: Ordinance Text Amendment

APPLICANT: Murray City

BACKGROUND AND DISCUSSION

In 2012, the State Legislature passed HB 95 which established regulations authorizing municipalities to license specialty tobacco retailers. The definition of specialty tobacco retailers under Section 10-8-41.6 of Utah Code includes "a commercial establishment in which:

- (i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

State code further defines tobacco products as follows:

- (c) "Tobacco product" means:
 - (i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;
 - (ii) a tobacco product as defined in Section 59-14-102, including:
 - (A) chewing tobacco; or
 - (B) any substitute for a tobacco product, including flavoring or additives to tobacco; and
 - (iii) tobacco paraphernalia as defined in Section 76-10-104.1.

Utah Code stipulates the minimum distance required between individual specialty tobacco retailers, along with minimum distances separating these establishments from certain community facilities, such as schools, churches and residential uses.

In 2011, the Murray City Council adopted Section 17.42 which regulates Tobacco retailers within the City. This ordinance regulates not only minimum separation distances between tobacco retailers and community and residential uses, but

also limits the number of these establishments allowed in the City based on the population. Murray ordinance does not currently include Electronic cigarettes in the definition of tobacco retailers. The proposed text amendment would include e-cigarettes in the City ordinance along with other tobacco specialty product retailers in order to provide consistency between state and local ordinances. The same restrictions currently applying to tobacco retailers would apply to the sale of e-cigarettes.

IV. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would add e-cigarettes to the existing tobacco retailer ordinance and would restrict the number and location of these retailers within the City.

The purpose of this ordinance amendment is to amend Sections 17.42.010 and 17.42.020, of the Murray City Municipal Code. The following (underlined and in red) are the proposed changes:

Chapter 17.42

TOBACCO/ELECTRONIC CIGARETTE RETAILERS

17.42.010: DEFINITIONS:

17.42.020: LIMITATIONS:

17.42.010: DEFINITIONS:

TOBACCO/ELECTRONIC-CIGARETTE (E-CIGARETTE) PARAPHERNALIA: Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or nicotine products.

TOBACCO PRODUCTS: Any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco or electronic cigarette as defined in Utah Code Section 76-10-101 and 10-8-41.6.

TOBACCO/E-CIGARETTE RETAILERS: Any person or commercial establishment who sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco/ e-cigarette paraphernalia and either:

- (i) devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products and/or tobacco/ e-cigarette paraphernalia.; or
- (ii) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (iii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iv) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

~~, or derives seventy five percent (75%) or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia. (Ord. 11-39).~~

17.42.020: LIMITATIONS:

A. Separation from Sensitive Uses: No tobacco/e-cigarette retailer shall be located within one thousand feet (1,000') of the boundary of any residential zone, residential use or a parcel occupied by any of the following:

1. A public or private kindergarten, elementary, junior or high school;
2. A licensed childcare facility or preschool other than a family daycare facility;

3. A playground;
4. A youth center;
5. A recreational facility;
6. An arcade;
7. A park; or
8. A library,

as measured in a straight line from parcel boundary to parcel boundary.

B. Limited Number: One tobacco/ e-cigarette retailer shall be allowed for every ten thousand (10,000) citizens living in the city.

C. Limited Density of Tobacco /E-cigarette Retailers: No tobacco /e-cigarette retailer shall be located within five hundred feet (500') of a site occupied by another tobacco/ e-cigarette retailer, as measured in a straight line from parcel boundary to parcel boundary. (Ord. 11-39)

**Title 10 Utah Municipal
Code**

**Chapter 8 Powers and Duties
of Municipalities**

**Section 41.6 Regulation of retail
tobacco specialty
business.**

10-8-41.6. Regulation of retail tobacco specialty business.

(1) As used in this section:

(a) "Community location" means:

(i) a public or private kindergarten, elementary, middle, junior high, or high school;

(ii) a licensed child-care facility or preschool;

(iii) a trade or technical school;

(iv) a church;

(v) a public library;

(vi) a public playground;

(vii) a public park;

(viii) a youth center or other space used primarily for youth oriented activities;

(ix) a public recreational facility; or

(x) a public arcade.

(b) "Retail tobacco specialty business" means a commercial establishment in which:

(i) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;

(ii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and

(iii) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

(c) "Tobacco product" means:

(i) any cigar, cigarette, or electronic cigarette as defined in Section 76-10-101;

(ii) a tobacco product as defined in Section 59-14-102, including:

(A) chewing tobacco; or

(B) any substitute for a tobacco product, including flavoring or additives to tobacco; and

(iii) tobacco paraphernalia as defined in Section 76-10-104.1.

(2) The regulation of a retail tobacco specialty business is an exercise of the police powers of the state, and through delegation, to other governmental entities.

(3) (a) Except as provided in Subsection (7), and beginning July 1, 2012, a municipality shall require an entity to be licensed as a retail tobacco specialty business to conduct business as a retail tobacco specialty business in a municipality.

(b) A municipality may issue a retail tobacco specialty business license to an entity if the entity complies with the provisions of Subsection (5).

(4) Except as provided in Subsection (7), and beginning July 1, 2012, a business entity that conducts a retail tobacco specialty business in a municipality shall be licensed by the

municipality as a retail tobacco specialty business.

(5) (a) A municipality may not issue a license to a retail tobacco specialty business if it is located within:

- (i) 1,000 feet of a community location;
- (ii) 600 feet of another retail tobacco specialty business; or
- (iii) 600 feet from property used or zoned for:

- (A) agriculture use; or
- (B) residential use.

(b) For purposes of Subsection (5)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the retail tobacco specialty business to the nearest property boundary of the community location, or agricultural or residential use, without regard to intervening structures or zoning districts.

(6) (a) Nothing in this section:

- (i) requires a municipality to issue a business license to a retail tobacco specialty business; or
- (ii) prohibits a municipality from adopting more restrictive requirements on a tobacco specialty business than provided for in this section.

(b) A municipality may revoke a business license issued under this section:

(i) if a licensee engages in a pattern of unlawful activity under Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

(ii) if a licensee violates the regulations restricting the sale and distribution of cigarettes and smokeless tobacco to protect children and adolescents issued by the United States Food and Drug Administration, 21 C.F.R. Part 1140; or

(iii) under other provisions of state law or local ordinance.

(7) (a) In accordance with Subsection (7)(b), a retail tobacco specialty business that has a business license and is operating lawfully in a municipality on or before May 8, 2012, is exempt from Subsections (4) and (5).

(b) A retail tobacco specialty business may maintain an exemption under Subsection (7)(a) if:

- (i) the business license is renewed continuously without relapse or permanent revocation;
- (ii) the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;
- (iii) the retail tobacco specialty business does not substantially change the business premises or its business operation; and
- (iv) the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

Enacted by Chapter 154, 2012 General Session

The purpose of this ordinance amendment is to amend Sections 17.42.010 and 17.42.020, of the Murray City Municipal Code. The following (underlined and in red) are the proposed changes:

Chapter 17.42

TOBACCO/E-CIGARETTE RETAILERS

17.42.010: DEFINITIONS:

17.42.020: LIMITATIONS:

17.42.010: DEFINITIONS:

TOBACCO/E-CIGARETTE PARAPHERNALIA: Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco or nicotine products.

TOBACCO PRODUCTS: Any substance containing any tobacco leaf, including, but not limited to, cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco or electronic cigarette as defined in Utah Code Section 76-10-101 and 10-8-41.6.

TOBACCO/E-CIGARETTE RETAILERS: Any person or commercial establishment who sells, offers for sale, exchanges or offers to exchange for any form of consideration, tobacco, tobacco products and/or tobacco paraphernalia and either :

- (i) devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products and/or tobacco paraphernalia; or
- (ii) the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
- (iii) food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
- (iv) the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.
~~, or derives seventy five percent (75%) or more of gross sales receipts from, the sale or exchange of tobacco products and/or tobacco paraphernalia.-(Ord. 11-39).~~

17.42.020: LIMITATIONS:

A. Separation from Sensitive Uses: No tobacco/e-cigarette retailer shall be located within one thousand feet (1,000') of the boundary of any residential zone, residential use or a parcel occupied by any of the following:

1. A public or private kindergarten, elementary, junior or high school;
2. A licensed childcare facility or preschool other than a family daycare facility;
3. A playground;

4. A youth center;
5. A recreational facility;
6. An arcade;
7. A park; or
8. A library,

as measured in a straight line from parcel boundary to parcel boundary.

B. Limited Number: One tobacco/ e-cigarette retailer shall be allowed for every ten thousand (10,000) citizens living in the city.

C. Limited Density of Tobacco /E-cigarette Retailers: No tobacco /e-cigarette retailer shall be located within five hundred feet (500') of a site occupied by another tobacco/ e-cigarette retailer, as measured in a straight line from parcel boundary to parcel boundary. (Ord. 11-39)



MURRAY CITY CORPORATION
COMMUNITY AND ECONOMIC DEVELOPMENT

801-270-2420 FAX 801-270-2414

NOTICE OF MEETING
MURRAY CITY PLANNING COMMISSION
5025 South State Street
MURRAY, UTAH 84107

Meeting Date: September 19, 2013
Meeting Place: Murray City Municipal Council Chambers
Staff meeting: 6:00 p.m. (Conference Room, Public Welcome)
The Staff Review Meeting purpose is to briefly review the agenda items and answer questions.
Meeting Time: 6:30 p.m.

AGENDA:

BUSINESS ITEM:

1. Approval of Minutes
2. Conflict of Interest
3. Approval of Findings of Fact

CONDITIONAL USE PERMIT

4. CHRISTIANSEN CLINIC Project Number: 13-148
6358 South 900 East
Medical Building

SUBDIVISION REVIEW

5. AVONLEA TOWNHOMES Project Number: 13-149
639 & 643 East Vine Street **POSTPONED 9-13-13**
Condominium Project

LAND USE ORDINANCE AMENDMENT

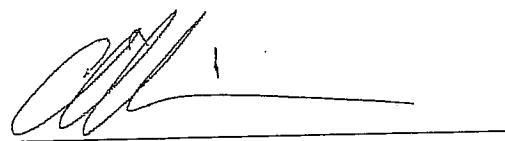
6. E-CIGARETTES TEXT AMENDMENT Project Number: 13-145
Amending Municipal Code Section 17.42 Related to Regulation of
Electronic Cigarette Sales

OTHER BUSINESS

No agenda will begin after 10:00 p.m. without a unanimous vote of the Commission.

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

On the 30th day of August, 2013, before 5:00 p.m. a copy of the foregoing Notice of Meeting was posted in accordance with Section 10-9a-201 through 209, U.C.A. A copy of this notice was also posted on Murray City's internet website www.murray.utah.gov



Chad Wilkinson
Community & Economic Development Manager

P/C AGENDA MAILINGS
"AFFECTED ENTITIES"
Updated 03/1/13

UDOT - REGION 2
ATTN: MARK VELASQUEZ
2010 S 2760 W
SLC UT 84104

UTAH TRANSIT AUTHORITY
ATTN: PLANNING DEPT
PO BOX 30810
SLC UT 84130-0810

CHAMBER OF COMMERCE
ATTN: STEPHANIE WRIGHT
5250 S COMMERCE DR #180
MURRAY UT 84107

SALT LAKE COUNTY
PLANNING DEPT
2001 S STATE ST
SLC UT 84190

QUESTAR GAS
ATTN: BRAD HASTY
P O BOX 45360
SLC UT 84145-0360

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

GENERAL PLAN MAILINGS:

TAYLORSVILLE CITY
PLANNING & ZONING DEPT
2600 W TAYLORSVILLE BLVD
TAYLORSVILLE UT 84118

MURRAY SCHOOL DIST
ATTN: PAT O'HARA
147 E 5065 S
MURRAY UT 84107

GRANITE SCHOOL DIST
ATTN: KIETH BRADSHAW
2500 S STATE ST
SALT LAKE CITY UT 84115

COTTONWOOD IMPRVT
ATTN: LONN RASMUSSEN
8620 S HIGHLAND DR
SANDY UT 84093

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

UTOPIA
Attn: JARED PANTIER
2175 S REDWOOD RD
WEST VALLEY UT 84119

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

«Next Record»

«Next Record»

WEST JORDAN CITY
PLANNING DIVISION
8000 S 1700 W
WEST JORDAN UT 84088

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

UTAH POWER & LIGHT
ATTN: KIM FELICE
12840 PONY EXPRESS ROAD
DRAPER UT 84020

JORDAN VALLEY WATER
ATTN: LORI FOX
8215 S 1300 W
WEST JORDAN UT 84088

COTTONWOOD HEIGHTS CITY
ATTN: PLANNING & ZONING
1265 E FT UNION BLVD #250
CTNWD HEIGHTS UT 84047

UTOPIA
Attn: TOM MARRIOTT
2175 S REDWOOD RD
WEST VALLEY CITY UT 84119

WASATCH FRONT REG CNCL
PLANNING DEPT
295 N JIMMY DOOLITTLE RD
SLC UT 84116

«Next Record»

4770 S. 5600 W.
P.O. BOX 704005
WEST VALLEY CITY, UTAH 84170
FED.TAX I.D.# 87-0217663
801-204-6910

The Salt Lake Tribune

WWW.SLTrib.com

MEDIA ONE
OF UTAH
A NEWSPAPER AGENCY COMPANY
WWW.MEDIAONEUTAH.COM

Deseret News
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	9/9/2013

FILE COPY

Electronic
cigarettes

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000904481 /
SCHEDULE	
Start 09/08/2013	End 09/08/2013
CUST. REF. NO.	
Plan Comm PH 9/19	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
24 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
	TOTAL COST
	45.32

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 19TH day of September 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Planning Commission will hold and conduct a Public Hearing for the purpose of receiving public comment on a Land Use Ordinance Text Amendment to Municipal Code Section 17.42 regarding regulation of Electronic Cigarette sales.
MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic
Development
904481 / UPAULP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 19TH day of September 2013, at the hour of 6:30 p.m. of said day in the Cou FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON

Start 09/08/2013

End 09/08/2013

SIGNATURE

Mark Jult

DATE

9/9/2013



VIRGINIACRAFT
Notary Public, State of Utah
Commission #581469
My Commission Expires
January 12, 2014

Virginia Craft

THIS IS NOT A STATEMENT BUT A "PROOF OF PUBLICATION"
PLEASE PAY FROM BILLING STATEMENT

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

10.2 Consider an Ordinance establishing a temporary land use regulation pursuant to Utah Code Ann. Section 10-9a-504 relating to E-Cigarette retailers.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this was prompted from a discussion that they had on land use issues on June 4, 2013. Some of the issues that were discussed did relate to e-cigarettes. The biggest issue that the City is looking at with this temporary land use Ordinance, and it is something that we are allowed to do through State law, is to understand this issue a little bit better. To understand what the health risks are and do some research to ascertain what the City needs to do as far as regulating e-cigarettes. It is not eliminating but it is regulating and it particularly relates to minors. Right now there are no age regulations related to these and the City wants to look into this and evaluate it. Based on that, this Ordinance addresses that. What it would do is it would mean that, if it is enacted by the Council, the City would not accept, process or approve any application for any proposed e-cigarette retailer in the City for a period of six months beginning June 5, 2013. That is what the proposal is and it will allow the City time to evaluate this and come back to the Council with a proposed Ordinance to regulate these issues after they study it and understand it a little more fully. They are recommending approval of this temporary land use regulation ordinance.

Mr. Shaver said that the idea is that we do the research relative to Murray City to craft an Ordinance as far as distance from minors, high schools, schools, etc. that would in some way mirror the ordinance for tobacco in some method or manner or whatever it happens to be.

Mr. Tingey said possibly. They are going to try to understand the issue a little bit more fully as far as the health risks and how that relates to minors and then possibly come back with an Ordinance that could include distance requirements related to facilities that house minors.

Mr. Shaver said that it could be left to say that e-cigarettes are combined with.... and we just add it to the ordinance that already exists. Somehow they are going to look at that and say that this is the best move for Murray.

Mr. Tingey said that was correct.

Mr. Nicponski asked if this effectively puts on hold any applications that the City may have pending.

Mr. Tingey said it would. It would put on hold any application that was not submitted prior to June 5, 2013.

Mr. Nicponski asked how many applications they had prior to June 5, 2013.

Mr. Tingey stated that there was one application that was submitted prior to June 5, 2013.

Mr. Nicponski asked how they would handle that application.

Mr. Tingey said it can move forward as long as it moves forward within a 90-day time frame. There is an allowance for a potential extension if they are moving forward with a lease. If not, it cannot move forward.

Mr. Shaver asked if Mr. Tingey had spoken with any other cities regarding this particular issue.

Mr. Tingey said that they have not had a conversation with any at this point, but they will.

Mr. Shaver asked Mr. Nickel if there is an Ordinance in Ogden that addresses this issue that he is aware of.

Mr. Nickel said that the Ordinance that basically all of the cities have adopted at this time is not by their choice, it is what the State that has done already. There is requirement in Utah, which is 19 here for all cigarettes and e-cigarettes. The zoning has been done by the State. It puts up parameters as to where you can be located because it put it in the same category as tobacco. This becomes restrictive because this State and tobacco is a very harsh subject. He doesn't think that electronic cigarettes should have been put into the same category, but it has been. He thinks that once the City looks into it, the requirements that the State has already put on you are going to be restrictive enough to satisfy anything that the City of Murray needs. The City doesn't have a choice but to go by those requirements but he doesn't think that the City will see a need to make more restrictive requirements.

Mr. Brass made a motion to adopt the Ordinance.

Mr. Hales 2nd the motion.

Call vote recorded by Brent Davidson.

A Mr. Stam
A Mr. Brass

A Mr. Shaver
A Mr. Hales
A Mr. Nicponski

Motion passed 5-0

10.3 Consider a Resolution approving the revised polling locations specified by the Salt Lake County Clerk's Office, Elections Division, for the City's 2013 elections.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that in April, 2013, the Council approved the polling locations. Since that time the County found out that some of the locations would not work for them so they had to switch those polling locations. This means that the City needs to revise what was approved by the City Council. This would affect Districts 3, 4 and 5 as far as locations and staff is recommending approval of this minor modification. The City will also make sure that the candidates are aware of these changes as well.

Mr. Shaver asked Mr. Tingey to repeat which ones will be changing.

Mr. Tingey said that in Districts 3, 4 and 5 is where there are some changes. The Discovery Christian Community location as a polling place has been eliminated and would move to the Utah Association of Counties. A portion of those districts will also be moved to Wheeler Historic Farm.

Mr. Shaver noted that it would mainly affect the eastern portions.

Mr. Tingey stated that was correct. Districts 3, 4, and 5 are the districts that are impacted.

Mr. Shaver made a motion to adopt the Resolution.
Mr. Stam 2nd the motion.

Call vote recorded by Brent Davidson.

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

Motion passed 5-0

10.4 Consider an Ordinance imposing a temporary ban on the discharge of fireworks and firearms in specific risk areas.

Staff presentation: Phil Roberts, Fire Marshal

Murray City Municipal Council

Chambers

Murray City, Utah

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

Roll Call consisted of the following:

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

Others who attended:

Tim Tingey,	Mayor Pro-Tem
Jan Wells,	Chief of Staff
Brent Davidson,	Deputy City Recorder
Frank Nakamura,	City Attorney
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Michael Williams,	Court Administrator
Mike Terry,	Human Resources Director
W. Paul Thompson,	Municipal Court Judge
Jackie Sadler,	MCEA President
Karen Gallegos,	Municipal Court
Scouts	
Citizens	

5. OPENING CEREMONIES

5.1 Pledge of Allegiance- Tim Tingey, Administrative & Development Services Director

5.2 Approval of Minutes

5.2.1 Approval of minutes for March 5, 2013.

Mr. Shaver made a motion to approve the minutes.

Mr. Brass seconded the motion.

Voice vote taken, all "ayes."

5.3 Special Recognition:

5.3.1 Murray City Council Employee of the Month, Karen Gallegos, Municipal Court Clerk III.

Mr. Hales stated that this is the sixth month that they have presented this award and it is very exciting. Mr. Hales presented Ms. Gallegos with a \$50.00 gift card and a certificate for the Employee of the Month and added that her name has been placed on the plaque in the Council Chambers.

Staff presentation: Michael Williams, Court Administrator.

Mr. Williams stated that Ms. Gallegos has been with the Court for thirteen years. The Court opened in 1999 and she has been there the vast majority of time that the Court has been open. She and Jackie Sadler, Assistant Court Clerk III are the in-court clerks. Ms. Gallegos is a case manager for the DUI and Drug Court as well. She is always on top of getting the reviews in and making sure that everything is up to par for the Court and Judge Thompson.

Mr. Williams said that he appreciates this opportunity to have Ms. Gallegos here and working for the Court. He turned the time over to Ms. Gallegos.

Ms. Gallegos stated that she really enjoys working for the City. She has been here for thirteen years and it has been a really good thirteen years. She is hoping to be here for many more years and really enjoys working with the people that she works with. She enjoys listening to the defendants who come in and if they can get one person to say that they have made a difference in their lives and that they won't drink and drive, then they have done their job and that is what she really cares about.

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

Frank Nickel, 5024 Comanche Circle, Ogden, Utah

Mr. Nickel stated that he is trying to open an electronic cigarette store here in Murray. He understands that electronic cigarettes are a very new subject and it is a very confusing subject, even for people who are in the business selling the product. He wanted to point out that the State of Utah has put electronic cigarettes in a zoning situation the same as tobacco stores, which he doesn't really feel is right. Electronic cigarettes are trying to solve the problem, not be a part of the problem. Honestly, it is the best way to stop smoking. Your chances of stopping smoking with electronic cigarettes are 300% better than anything else and it is logical because you are still smoking although it is something that doesn't hurt you. It is not in the same category as tobacco. It has nothing to do with tobacco. It is basically a mixture of vegetable glycerin and propylene glycol. It looks like smoke, no question. There is no smell; you don't smell like a smoker. He can tell you that it is the only thing that stopped him from smoking. He smoked for 50 years and tried everything else. The reason that he went into this business is because he stopped smoking as soon as he went to electronic cigarettes. You feel better, all the good attributes are there from stopping smoking and you can do it inside. It doesn't create the problems of smoke. If you have ever been in a house that smokers were in, you know what he is saying. Electronic cigarettes do not have the same thing, there is no after effect.

The tobacco industry was on a real campaign to stop this. He thinks they have given up on that and are now going into the business. That situation is going to change where they were putting out a lot of bad publicity on it. If you go on the internet and research it, there are some unknowns. But, 95% of what you find on the internet is all positive. They have doctors sending people to their store to help them to quit smoking. He feels that this is an upcoming thing and really doesn't think that the City would want to eliminate the tax revenue that it would bring to it when stores come in. It is going to be a very popular subject. At some point in time it is pretty much going to eliminate smoking for anybody. That is a tough issue.

Mr. Hales has been very curious about this issue, as he doesn't know much about it. He noted that Mr. Nickel had stated that electronic cigarettes helped him quit smoking. He asked Mr. Nickel if he still uses the electronic cigarette.

Mr. Nickel said that he does but he could stop it right now. For the research that he has done, he will not do that. You can get the liquid with all different levels of nicotine, even down to zero. He won't even go off the zero because the research that he has done shows that nicotine is a brain stimulant. He read one research where they went into a home for people with dementia and they gave half of the people there a placebo for eight months and the other half they gave nicotine to. They retested all of these people after eight months and the half that had the placebo was 26% worse in their dementia and the half that they gave the nicotine to was 46% better with their dementia. There are problems with brain stimulants, it is a chemical, but with the age that he has at, he is not going to stay at a high level of nicotine.

Mr. Nicponski interjected stating that to answer Mr. Hales' question, Mr. Nickel still use the e-cigarette.

Mr. Nickel responded that he does.

Mr. Hales asked what the drawback was. Where the people do not want this, what do you find? Why do they not want it? Mr. Nickel stated that that the government didn't want this at first, what was the reasoning.

Mr. Nicponski added that Mr. Nickel said that the cigarette industry did not want it.

Mr. Nickel said that the State of Utah put zoning requirements for tobacco shops. They put electronic cigarettes into the same category which puts those zoning requirements on shops.

Mr. Hales asked if electronic cigarettes can be smoked inside, in such places as the mall.

Mr. Nickel said he would have to say no. As far as businesses go, a lot of people are letting people smoke electronic cigarettes inside of the business establishments.

Mr. Hales stated that he had seen people smoking these inside before. He wasn't sure where it was at, but he saw a younger person smoking one inside a business.

Mr. Nickel said that you will see that taking place in a lot of places. They did allow them to be used on airplanes but they stopped that because it looks like a cigarette. Just due to the fact that it has the same appearance as smoking is a problem in that regard.

Mr. Shaver said that this issue has come before them recently as a Council. The issue they have before them is that the State, at the present time, has labeled this as a tobacco product and therefore it is not up to the City as to whether they can change it or not. That is up to the State. Therefore, because they are still handled as a tobacco product, they still follow the zoning ordinances that the City has in regulating how many, where they are, the stores and the types. As much as the Council may want to change it, until the Legislature changes it, the City is still tied to what the Legislature have decided at the present time.

Mr. Tingey said that our ordinances right now regulate tobacco retailers and that is what the City will be looking at a little bit later on is allowing us to research this issue more fully and look at the regulation elements of e-cigarettes.

Citizen comment closed

7. CONSENT AGENDA

7.1 None scheduled.

8. PUBLIC HEARINGS

8.1 Public Hearing #1

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



**MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES**

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Public Hearing scheduled for Tuesday, November 12, 2013 at 6:30 p.m. in the Murray City Council Chambers, 5025 South State Street.

Murray City Community Development is requesting an amendment to Chapter 17.42 of the Murray City Municipal Code relating to tobacco and electronic cigarette retailers.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the Murray City Municipal Code as described above.

See the attached subject property map. This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Community & Economic Development Department at least one day prior to the day of the meeting.

If you have questions or comments concerning this proposal, please call the Murray City Community & Economic Development Department office, at 801-270-2420 or e-mail sdewey@murray.utah.gov.

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

Rules of the Murray City Municipal Council
Murray City Corporation

Public Hearings

The presiding officer shall conduct the public hearing in the following manner:

1. Introduction – The presiding officer informs those attending of the procedure and order of business for the hearing.
2. Staff Presentation – City staff briefly summarizes the request that prompted the public hearing. This presentation shall not exceed five (5) minutes.
3. Sponsor Presentation – If desired, the sponsor of the request may also make a presentation. This presentation shall not exceed fifteen (15) minutes.
4. Public Comment – The presiding officer asks for public comment on the matter before the Council. Comments are limited to three (3) minutes, unless otherwise approved by a majority vote of the Council members, and each speaker shall be allowed to speak only once, unless otherwise approved by a majority of the Council members. Speakers are requested to:
 - a. complete the appropriate form;
 - b. wait to be recognized before speaking;
 - c. come to the microphone;
 - d. be brief and to the point;
 - e. not restate points made by other speakers;
 - f. address questions through the presiding officer;
 - g. confine remarks to the topic, avoiding personalities.

After all citizens who wish to comment have spoken, Council members may ask additional questions of participants before the presiding officer closes the hearing.

5. Sponsor Summation/Response – Following citizen comment and questions by the Council, the sponsor shall be given the opportunity to give a fifteen (15) minute summation and/or response prior to the closing of the public hearing.
6. Closing the Hearing – If there is no further public comment, questions by the Council members, or final response by the sponsor, the presiding officer declares the hearing closed. The Council shall conclude the public hearing ten (10) minutes in advance of subsequently scheduled public hearings. The Council may, by majority vote, extend a public hearing past the starting time of a subsequent public hearing.
7. Consideration of Item – At the close of the public hearing, the Council shall consider the item as a special order.

Adjournment

Council Meeting

6:30 p.m.
Call to Order

Opening Ceremonies:

Pledge of Allegiance

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, POLICE OFFICER
SEAN MALOUF – OCTOBER 2013**

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 October 15, 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

Title: Council Administrator

Presenter: Chief Fondaco &

Title: Murray City Police Chief

Brett Hales

Title: Murray City Council Member, District 5

Agency: Murray City Corporation

Phone: 801-264-2605

Date: October 8, 2013

Time: 3:00 p.m.

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

Department Director: _____ Date: _____

Mayor: _____ Date: _____

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:

See attached recommendation by Chief Fondaco.

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Murray Police Department

10-02-13

NAME of person to be recognized:

Submitted by:

Officer Sean Maloof

Chief Peter A. Tonello

DIVISION AND JOB TITLE:

Patrol - Officer

YEARS OF SERVICE:

4

3-10-09 - Present

REASON FOR RECOGNITION:

See Attached.

COUNCIL USE:

MONTH/YEAR HONORED *October 2013*

EMPLOYEE OF THE MONTH AWARD

OFFICER SEAN MALOUF

Officer Sean Malouf was hired by the Murray City Police Department on August 10, 2009. He is currently assigned to the Patrol Division. Officer Malouf always demonstrates a positive attitude and is willing and eager to patrol the City of Murray and help out wherever he can.

Multiple citizen compliments have been received for Officer Malouf's performance on the job. A few weeks ago he was assigned to investigate a sexual assault case. Officer Malouf met the victim at LDS Hospital; he did an outstanding job interviewing and obtaining information about the crime. He went above and beyond just collecting the facts, speaking with the victim in a kind and compassionate way, making her feel safe and assuring her that she had done the right thing in reporting this incident. The Sexual Assault Nurse Examiner noticed Officer Malouf's actions and shared the experience with one of our supervisors.

In January of this year, Officer Malouf was patrolling the streets of Murray when the report of an armed robbery came in. A suspect armed with a gun had just robbed a local restaurant. While officers were investigating the incident, Officer Malouf was aware of another business in Murray that had been the victim of similar robberies in the past.

Officer Malouf went to the area of that business on a hunch that this might be their next target. He was right. While he was watching the business he saw a person approaching the store, this person matched the description of the suspect who had just robbed the restaurant and appeared to be wearing a disguise. Officer Malouf confronted this suspect, who immediately fled on foot. The suspect ran to a waiting getaway car, raised a handgun and fired multiple shots at Officer Malouf. Officer Malouf returned fire but the suspects fled.

Because of Officer Malouf's actions he not only prevented another violent robbery but his work identified the perpetrators of the crimes.

Officer Malouf is just one example of the fine officers working for the Murray City Police Department.

It is my honor to present Officer Malouf with this Murray City Employee of the Month Award.

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.)

COMMUNITY ART AWARD PRESENTATION

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

VIBRANT PARKS, RECREATION, AND CULTURAL AMENITIES; ENGAGED AND INFORMED RESIDENTS

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

Council Meeting OR Committee of the Whole

Date requested OCTOBER 15

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.)

NONE

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

MEMO

6. REQUESTOR:

Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR

Presenter: MARY ANN KIRK Title: CULTURAL PROGRAMS MANAGER

Agency: MURRAY CITY Phone: 801-270-2404

Date: SEPTEMBER 26, 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: 9/26/13

Mayor: Daniel C. Sharpe Date: 9/26/13

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

February 24, 2012



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: September 26, 2013
Subject: Community Art Award

The Arts Advisory Board would like to present a Community Art Award at a City Council meeting in October, if possible, which is National Arts Month.

Celebrating the annual Heart to Art Campaign, which has been in existence since 1992, the Board will be recognizing Ed and June Higbee, who have been donors to the arts since 1994 – the longest of any donor in our community. June has also been a dependable volunteer, giving of her time to multiple programs. The Heart to Art Campaign was designed to encourage private financial support to the City's arts programs. The Arts Advisory Board and staff appreciate the annual support the arts receive from local residents.

Citizen Comments

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

New Business

Item #1

Murray City Municipal Council

Request for Council Action

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

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

A RESOLUTION APPROVING THE POLL WORKERS SPECIFIED BY THE SALT LAKE COUNTY CLERKS OFFICE, ELECTIONS DIVISION, FOR THE CITY 2013 GENERAL ELECTION.

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 October 15, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy? Yes

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

Not Applicable

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

See attached memo, the list of the 2013 poll workers, Resolution, and copy of the executed Interlocal Agreement with Salt Lake County for election services.

6. REQUESTOR:

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Jennifer Kennedy

Title: City Recorder

Agency:

Phone: (801) 264-2663

Date: *October 4, 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:

Tim Tingey Date: *10/4/13*

Mayor:

Date: _____

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

February 24, 2012



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

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

CC: Tim Tingey, Director of Administrative and Development Services

FROM: Jennifer Kennedy, City Recorder

DATE: October 4, 2013

SUBJECT: Resolution to Approve Poll Workers

I am requesting your approval of the attached list of poll workers for the General Election submitted by the Salt Lake County elections office. State election code requires that at least 15 days before the date scheduled for any local election, the municipal legislative body shall appoint or provide for the appointment of poll workers as stated in UCA 20A-5-602.

RESOLUTION NO. _____

A RESOLUTION APPOINTING POLL WORKERS FOR THE CITY'S 2013 GENERAL ELECTION

WHEREAS, Title 20A, Chapter 5, Section 602, Utah Code Annotated 1953, as amended, requires the governing body of a city to appoint or provide for the appointment of poll workers at least fifteen days before the date scheduled for any local election; and

WHEREAS, on April 4, 2013, the City entered into an Interlocal Cooperation Agreement with Salt Lake County ("County"), wherein the County's Election Division agreed to assist the City in conducting its 2013 General Election; and

WHEREAS, the City Recorder, in conjunction with the County's Election Division, has compiled a list of poll workers for the City's 2013 General Election, which is attached as Exhibit "A" and incorporated herein; and

WHEREAS, Title 20A, Chapter 5, Section 602, Utah Code Annotated 1953, as amended, requires the City to compensate poll workers for their services.

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

1. The poll workers listed in Exhibit "A" are appointed for the City's 2013 General Election.
2. The Mayor is authorized to compensate the poll workers for their services during the City's 2013 General Election.

PASSED AND APPROVED this _____ day of _____, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Council Chair

ATTEST:

Jennifer Kennedy, City Recorder

Murray

Date: October 4, 2013

***Subject to Change**

Calvary Chapel of Salt Lake 460 W Century Dr (4350 S)

Poll Manager	Demitri	Fontenot	407 E Woodlake Ln Apt 168	Salt Lake City	(801)664-1173	demitri.fontenot@hotmail.com
Provisional Judge	Donn	Love	3314 W Nordic Peak Ct	South Jordan	(385)275-7690	donnlove@comcast.net
Technician	Michael	Johnson	6233 S Rodeo Ln	Murray	(385)232-0356	boeingmj@gmail.com

Cottonwood Presbyterian Church 1580 E Vine St (6100 S)

Poll Manager	Dennis	Alexander	1584 E 6430 S	Murray	(801)948-4053	whoof@comcast.net
Provisional Judge	Nelson	Wadsworth	5968 S Village 3 Rd	Murray	(801)424-3238	n.wadsworth@comcast.net
Technician	Alicia	Cruz-Jones	6134 S Vineway Cir	Murray	(801)652-1137	omo_alicia@yahoo.com

Grant Elementary 662 W Bulldog Cir (6140 S)

Poll Manager	Cherylann	Miller	5922 S Sanford Dr	Murray	(801)268-3387	stargazer.cherylann@gmail.com
Provisional Judge	Nolberto	Castro	1206 W Red Rose Ln	Murray	(801)263-8703	nolberto_address@msn.com
Technician	Dennis	Winslow	553 W La Salle Dr	Murray	(801)550-2730	dwmustang44@yahoo.com

Make A Wish Foundation 771 E Winchester St (6500 S)

Poll Manager	Erlindo	Montoya	1250 E 6600 S	Murray	(801)243-3252	judy.wayman@imail.org
Provisional Judge	Michele	Parker	194 E Detroiter Cir	Murray	(801)264-8933	miparker46@yahoo.com
Technician	Verla	Reid	6041 S Lasalle Cir	Murray	(801)808-4186	verlar23@hotmail.com

Murray City Hall 5025 S State St (100 E)

Poll Manager	Frances	Brummett	548 E Julep Cir	Murray	(801)261-5495	fbrummett@slcpl.org
Provisional Judge	Nancy	Ferrin	4773 S Meadow View Rd	Murray	(801)266-6753	nancyheathferrin@gmail.com
Technician	Marshall	Smith	1536 E Village 3 Rd	Murray	(801)272-5608	mailtosmith@yahoo.com

Murray City Library 166 E 5300 S

Poll Manager	Dustin	Rodeback	5729 S Utahna Dr	Murray	(801)635-4704	dustinebm99@aol.com
Provisional Judge	Glenda	Preece	5414 S Alpine Dr	Murray	(801)263-2823	nikkipreece84@gmail.com
Technician	Cheryl	Rodeback	5729 S Utahna Dr	Murray	(801)860-3621	csr1186352@aol.com

Murray Parkway LDS 5555 S 700 W

Poll Manager	Anne	Sorenson	6008 S Roanoke Dr	Murray	(801)694-4634	annemisorenson@gmail.com
Provisional Judge	Peggy	Cox	5493 S Allendale Dr	Murray	(801)261-2699	cox5493@msn.com
Technician	Caroline	Costello	1172 W Bullion St	Murray	(801)268-1589	CAROLMOM50@YAHOO.COM

Murray

Three Fountains - West 5050 S Three Fountains Cir (825 E)

Poll Manager	Brandy	Pruett	4931 Lake Pines Dr Apt #6b	Murray	(801) 918-5975	bpruett@myriad.com
Provisional Judge	Robert	Nelson	4629 S Cresthill Cir	Holladay	(801)272-1244	chilepepper2@gmail.com
Technician	Stephen	Walker	891 W Walden Hills Dr	Murray	(801)808-3631	swalker@slco.org

Utah Association of Counties 5397 S Vine St (730 E)

Poll Manager	Dixie	Bryson	581 W 5900 S	Murray	(801)262-1338	brysonfamily581@q.com
Provisional Judge	Anel	Martinez	2875 W Minuet Ave	West Valley	(801)865-6313	anelmartinez75@yahoo.com
Technician	George	Humphries	9278 S Edenbrook Way	West Jordan	(801)569-1310	grandpa.humphries@gmail.com

Wheeler Historic Farm 6351 S 900 E

Poll Manager	Rosalind	Haidenthaler	1006 E 5650 S	Murray	(801)262-3367	rosih@q.com
Provisional Judge	Maryellen	Houghton	6420 S 1680 E	Murray	(801)274-7224	maryellenhoughton@yahoo.com
Technician	Charles	Christensen	6568 S Lombardy Dr	Murray	(801)272-2518	ccurtischris@hotmail.com

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN**

MURRAY CITY

-AND-

**SALT LAKE COUNTY on behalf of the
COUNTY CLERK ELECTION'S DIVISION**

THIS AGREEMENT is made and entered into the 4 day of April, 2013, by and between Murray City ("City"), and SALT LAKE COUNTY, a political subdivision of the State of Utah ("County"), on behalf of the Salt Lake County Clerk's Office, Elections Division.

WITNESSETH:

WHEREAS, the County desires to provide the services of its Clerk's office, Elections Division, to the City for the purpose of assisting the City in conducting the City's 2013 primary and general municipal elections; and

WHEREAS, the City desires to engage the County for such services;

NOW, THEREFORE, in consideration of the promises and covenants hereinafter contained, the parties agree as follows:

1. **Term.** County shall provide election services to the City commencing on the date this Agreement is executed, and terminating on December 31, 2013. The term of this Agreement may be extended by mutual agreement in writing signed by all parties. Either party may cancel this Agreement upon thirty (30) days written notice to the other party. Upon such cancellation, each party shall retain ownership of any property it owned prior to the date of this Agreement, and the City shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the Salt Lake County Clerk's Office, Elections Division shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit "A." Generally, the County Clerk shall perform all elections administration functions as set forth in Exhibit "A" and as needed to ensure implementation of the City's 2013 primary and general municipal election.

3. **Legal Requirements.** The County and the City understand and agree that the 2013 primary and general municipal election are the City's elections. The City shall be responsible for

compliance with all legal requirements for these elections and shall direct the manner in which the elections are conducted. The City agrees to translate ballot issues, if any, into Spanish. The County will provide the remaining Spanish translations for the ballot and other election materials. County agrees to work with the City in complying with all legal requirements for the conduct of these elections and conduct these elections pursuant to the direction of the City. County agrees to disclose and maintain election results through its website merely as a courtesy and convenience to the City. The City, not the County, is responsible to resolve any and all election questions, problems, and legal issues that are within the City's statutory authority.

4. **Cost.** In consideration of the services performed under this Agreement, the City shall pay the County an amount not to exceed the estimate given to the City by the County. The County shall provide a written invoice to the City at the conclusion of the elections, and the City shall pay the County from the invoice within thirty days of receiving it. The invoice shall contain a summary of the costs of the election and shall provide the formula for allocating the costs among the issues and jurisdictions participating in the elections. In the case of a vote recount, election system audit, election contest, or similar event arising out of the City's election, the City shall pay the County's cost of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to the City to exceed the estimate given to the City by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** The City and the County are governmental entities and subject to the Governmental Immunity Act of Utah, Utah Code Ann. §§ 63-30d-1, et seq. (1953, as amended) ("Act"). Subject to the provisions of the Act, the City and County agree to indemnify and hold harmless the other party, its agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability damages, losses and expenses (including attorney's fees and costs) arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act or omission of that party, its officers, agents and employees. Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to the City or the County under the Act.

6. **Election Records.** The City shall maintain and keep control over all records created pursuant to this Agreement and to the elections relevant to this Agreement. The City shall respond to all public record requests related this Agreement and the underlying elections and shall retain all election records consistent with the Government Records Access and Management Act, Utah Code Ann. §§ 63G-2-101 – 901 (1953, as amended) and all other relevant local, state and federal laws.

7. **Service Cancellation.** If the Agreement is canceled by the City as provided herein, the City shall pay the County on the basis of the actual services performed according to the terms of this Agreement. Upon cancellation of this Agreement, the County shall submit to the City an itemized statement for services rendered under this Agreement up to the time of cancellation and based upon the dollar amounts for materials, equipment and services set forth herein.

8. **Legal Compliance.** The County, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections.

9. **Indemnification.** To the extent permitted by law, the City agrees to indemnify and hold County harmless, including providing legal defense costs on behalf of the County, as a result of any legal or administrative claim, action or proceeding brought against the County by any person or entity claiming that the County violated any state or federal law by providing election services under this Agreement.

10. **Interlocal Agreement.** In satisfaction of the requirements of the Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953, as amended ("Interlocal Act"), in connection with this Agreement, the City and the County (for purposes of this section, each a "party" and collectively the "parties") agree as follows:

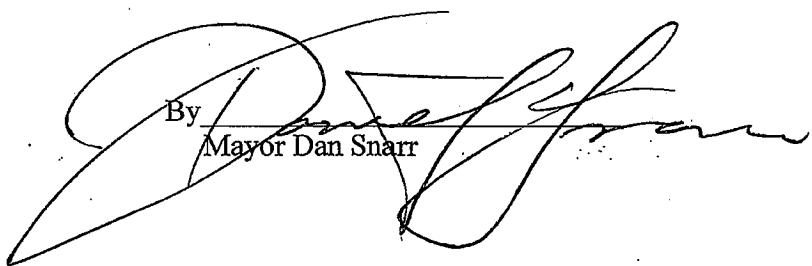
- (a) This Agreement shall be approved by each party, pursuant to § 11-13-202.5 of the Interlocal Act;
- (b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party, pursuant to Section 11-13-202.5 of the Interlocal Act;
- (c) A duly executed original counterpart of the Agreement shall be filed with the keeper of records of each party, pursuant to § 11-13-209 of the Interlocal Act;
- (d) Each party shall be responsible for its own costs of any action done pursuant to this Agreement, and for any financing of such costs; and
- (e) No separate legal entity is created by the terms of this Agreement. To the extent that this Agreement requires administration other than as set forth herein, it shall be administered by the City Recorder of the City and the County Clerk of the County, acting as a joint board. No real or personal property shall be acquired jointly by the parties as a result of this Agreement. To the extent that a party acquires, holds, and disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party.

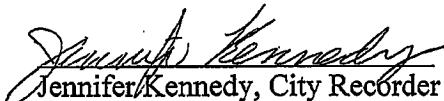
EL13017C

11. **Counterparts.** This Agreement may be executed in counterparts by the City and the County.
12. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
13. **Integration.** This Agreement embodies the entire agreement between the parties and shall not be altered except in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.



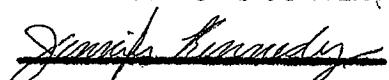
By 
Mayor Dan Snarr


Jennifer Kennedy, City Recorder

Approved as to form and compliance
with applicable law:


City Attorney
Date: _____

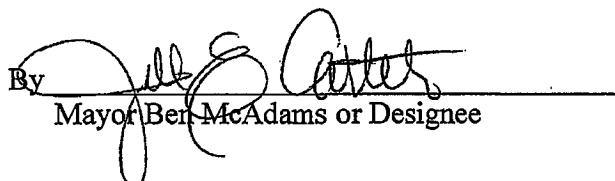
APPROVED AS TO CONTENT



Approved as to form and compliance
with applicable law:

/s/ Melanie F. Mitchell _____
Salt Lake County Deputy District
Attorney
Date: 2/14/2013 _____

SALT LAKE COUNTY

By 
Mayor Ben McAdams or Designee


Approved as to the availability of funds
Murray City Finance Division

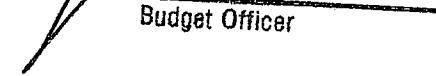

Budget Officer

Exhibit "A"
2013 Municipal Elections
Scope of Work

The County shall provide to the City with an Official Register as required by Utah Code Ann. § 20-5-401, U.C.A. (as amended).

The City shall perform all administrative functions related to candidate filing requirements and all other requirements of Utah Code Ann. § 20A-9-203 (as amended), including all administrative functions related to financial disclosure reporting.

The City agrees to consolidate all elections administration functions and decisions in the County Clerk to ensure the successful conduct of multiple, simultaneous municipal elections. In a consolidated election, decisions made by the County regarding resources, procedures and policies are based upon providing the same scope and level of service to all the participating jurisdictions and the City recognizes that such decisions, made for the benefit of the whole, may not be subject to review by the City.

Services the County will perform for the City include, but are not limited to:

- Ballot layout and design
- Ballot ordering and printing
- Machine programming and testing
- Polling place and poll worker selection and assignment
- Delivery of supplies and equipment
- Provision of all supplies
- Absentee Ballot administration
- Early Voting administration
- Updating state and county websites
- Tabulating, reporting and canvassing election results
- Conducting recounts as needed
- All notices and mailings required by law (except those required by Utah Code Ann. § 20A-9-203)
- Direct payment of all costs associated with the election to include poll workers, polling places, rovers.

The City will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the election in a timely manner.

The County will provide a good faith estimate for budgeting purposes (Exhibit "B"). Election costs are variable and are based upon the offices scheduled for election, the number of voters, the number of primaries, the number of jurisdiction participating as well as any direct costs incurred.

The City will be invoiced for its pro-rata share of the actual costs of the elections which will not exceed the estimate in Exhibit B.

In the event of a state or county special election being held in conjunction with a municipal election, the scope of services and associated costs, and the method of calculating those costs, will remain unchanged.

2 9 8 4
2 9 8 5
2 9 8 6
2 9 8 7
2 9 8 8

Exhibit "B"
2013 Election Estimate
Murray

Below is the good faith estimate for the upcoming **2013 Municipal Election** for the city of Murray. The city will be billed for actual costs, which will not exceed this estimate.

Assumptions for providing this estimate consist of the following:

- A. Active voters (as of 2/1/2013): 24,817
- B. Permanent Vote by Mail voters (as of 2/1/2013): 7,408
- C. Worst case primary election.
- D. General election for the 2013 offices below.
- E. 16 Cities participating in the consolidated 2013 elections.

2013 Offices	Estimate
Mayor	
Council #2	
Council #4	\$96,786.30

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.)

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF REPRESENTATIVES TO THE BOARD OF THE UTAH TELECOMMUNICATIONS OPEN INFRASTRUCTURE AGENCY (UTOPIA)

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
Well Maintained, Planned and Protected Infrastructure and Assets; Responsive and Efficient City Services

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

Council Meeting OR Committee of the Whole

Date requested October 15, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy? Yes

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

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

6. REQUESTOR:

Name: Mayor Snarr

Title: Murray City Mayor

Presenter: Jan Wells

Title: Mayor's Chief of Staff

Agency: Murray City Corporation

Phone: 801-882-7171

Date: October 11, 2013

Time: 12:54 p.m.

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

Department Director: Janet M. Lopez

Date: October 11, 2013

Mayor:

Date:

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:



MURRAY CITY CORPORATION
OFFICE OF THE MAYOR

Daniel C. Snarr, Mayor
Jan Wells, Chief of Staff
801-264-2600 FAX 801-264-2608

MEMO

To: Murray City Council
From: Mayor Dan Snarr
Date: October 11, 2013
RE: UTOIPA Board Appointment Change

I am recommending that we make a change in Murray City's representative on the UTOPIA Board. With the emphasis on finance and the directions that are currently being considered, I would like to have Justin Zollinger replace Jan Wells as Murray City's representative. The resolution attached also recommends that Jan Wells be appointed as an alternate to Justin.

This is a time sensitive matter and I appreciate very much your willingness to add it to the agenda.

Thank you for your consideration.

CC: Frank Nakamura

RESOLUTION NO. _____

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF
REPRESENTATIVES TO BOARD OF THE UTAH TELECOMMUNICATIONS
OPEN INFRASTRUCTURE AGENCY (UTOPIA)

WHEREAS, Chapter 2.51 of the Murray City Municipal Code requires the Mayor to submit appointments to the governing boards of the Utah Telecommunications Open Infrastructure Agency (UTOPIA); and

WHEREAS, the Mayor has made appointments to the governing board of UTOPIA; and

WHEREAS, the Mayor wants approval by the Murray City Municipal Council of the appointments;

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council that it hereby approves the following appointments:

1. Justin Zollinger, the City's Finance Director, shall be appointed to the UTOPIA board as the City's representative.
2. Jan Wells shall be appointed the alternate City representative to the UTOPIA board.

These appointments shall replace prior appointments and shall take effect immediately.

DATED this 15th day of October, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Brett A. Hales, Council Chair

ATTEST:

Jennifer Kennedy, City Recorder

Mayor's Report and Questions

Adjournment