MURRAY
CITY COUNCIL

Council Meeting
December 10, 2013

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CITY COUNCIL

NOTICE OF MEETING
MURRAY CITY MUNICIPAL COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, December 10, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

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

1. Opening Ceremonies

1.1 Pledge of Allegiance
1.2 Approval of Minutes

1.2.1 November 19, 2013

1.3 Special Recognition

1.3.1 Murray City Council **Employee of the Month**, **Lynn Potter**, Engineering and Construction Inspector. (Doug Hill presenting.)

1.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City expressing gratitude and appreciation to **Darren V. Stam** for his dedication as a City Council Member. (Brett Hales presenting.)

1.3.3 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City expressing gratitude and appreciation to **Jared A. Shaver** for his dedication as a City Council Member. (Brett Hales presenting.)

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

3. Consent Agenda
3.1 None scheduled.

4. Public Hearings

4.1 Public Hearing #1

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

Consider an ordinance amending the City's Fiscal Year 2013 – 2014 Budget. (Justin Zollinger presenting.)

4.1.2 Council consideration of the above matter.

5. **Unfinished Business**
   5.1 None scheduled.

6. **New Business**

   6.1 Consider a resolution of the Murray City Municipal Council (the "Council") of Murray City (the "Issuer") authorizing the issuance and sale of not more than $3,000,000 aggregate principal amount of Sales Tax Revenue Bonds, Series 2014, fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold: delegating to certain officers of the Issuer the authority to approve the final terms and provisions of the bonds within the parameters set forth herein; providing for the publication of a Notice of Public Hearing and bonds to be issued; providing for the running of a contest period; authorizing the execution by the Issuer of a Supplemental Indenture of Trust, Bond Purchase Agreement and other documents necessary for the issuance of the Series 2014 Bonds; approving an official statement (if required); authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. (Frank Nakamura presenting.)

7. **Mayor**

   7.1 Report
   7.2 Questions of the Mayor

8. **Adjournment**

9. **Retirement Open House for Council Members Darren V. Stam and Jared A. Shaver**. Please remain seated.

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, December 6, 2013, at 1:00 p.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website www.murray.utah.gov. and the state noticing website at http://pmn.utah/gov .

Janet M. Lopez
Council Administrator
Murray City Municipal Council

Council Meeting

6:30 p.m.
Call to Order

Opening Ceremonies:

Pledge of Allegiance

Council Minutes

Murray City Municipal Council Chambers Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 19th day of November, 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 – Conducted
Jim Brass,	Council Member
Darren Stam,	Council Member - Excused
Jared Shaver,	Council Member
Brett Hales,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative and /Development Services Director
Doug Hill,	Public Services Director
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Brenda Moore,	Controller
Paul Adams,	Fire Department
Daren Wightman,	Fire Department
Mike Dykman,	Fire Department
Kevin Potter,	Fire Department
Jon Harris,	Fire Department
Steve Roberson,	Fire Department
Amy Goller,	Parks and Recreation Department
Cari Barrios,	Treasurer Division
Terry Taylor,	Treasurer Division
Jennifer Heaps,	Treasurer Division
Citizens	

5. <u>Opening Ceremonies</u>

5.1 Pledge of Allegiance – Josh Siwik

5.2 Approval of Minutes

5.2.1 October 1, 2013

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

Voice vote taken, all "ayes."

Mr. Nicponski noted that Darren Stam, Council Member, was excused from the meeting.

5.3 Special Recognition

5.3.1 Murray City Council Employee of the Month, Firefighter and Paramedic, Paul Adams.

Staff presentation: Gil Rodriguez, Fire Chief

Chief Rodriguez stated that for the Employee of the Month for the Fire Department they would like to recognize Paul Adams, Firefighter/Paramedic. He invited Mr. Adams to join him at the podium.

Chief Rodriguez said that they are honoring Mr. Adams for a lot of the work he has done with the Cadets. Mr. Adams has been an employee for Murray City as a Firefighter/Paramedic for 13 years. Chief Rodriguez stated he was Mr. Adams training officer when he was first hired. Mr. Adams is a great guy. He has one of the nicest demeanors you will ever see. Chief Rodriguez reflected on a time years ago when Mr. Adams was having difficulty with a fire hydrant and he sent him home with a nut and bolt so he could practice "righty tighty, lefty loosey."

Chief Rodriguez stated that Mr. Adams is a great asset to the Fire Department. He is a great face for what a firefighter is. He is as nice of guy as you can meet. Chief Rodriguez reiterated that Mr. Adams does a great job with the Cadets. He then invited Mike Dykman, Battalion Chief, to speak about the work Mr. Adams has done with the Cadets.

The Cadet program was started in 1996 and it has really evolved because of people like Mr. Adams.

Mr. Dykman said that when Chief Rodriguez had asked him to consider some people in the Department for Employee of the Month, it was a really hard decision because there are a lot of great people in the Fire Department. However, Mr. Adams is very deserving of being Employee of the Month and a big part of it is the Cadets as Chief Rodriguez mentioned.

Mr. Adams works with the Cadets. These are kids that are 16-21 years of age. What Mr. Adams does is equivalent to herding cats because these kids require a lot of attention. The biggest thing is that Mr. Adams schedules all of the Cadets time to work on shift and he does it with regard for their home, school, and social life.

With that being said, the Fire Department only expects the kids to work four hours per pay period; four hours every two weeks. Mr. Dykman noted that there are kids that work many more hours than that and a big part of the reason they do it is because Mr. Adams makes sure they have a good experience.

Not only does Mr. Adams schedule the Cadets, he has taken responsibility for training and making sure they have a good experience in the Fire Department and that they get a good feel for what it is like to be a firefighter and a good citizen.

Mr. Dykman spoke to Mr. Adams saying that he is very deserving. Everything Chief Rodriguez said about Mr. Adams is true. Mr. Dykman stated it is an honor to have Mr. Adams work with and for him. Chief Rodriguez put Mr. Dykman in charge of the Cadet program but nothing would get done without team work and without good team players. Mr. Adams is absolutely a great team player. Mr. Dykman congratulated Mr. Adams.

Mr. Hales stated that the City Council would like to recognize him. He stated that the Employee of the Month program was started about a year ago. He presented Mr. Adams with a $50.00 gift card to the Fashion Place Mall, a certificate, and noted his name has been placed on the plaque at the back of the Council Chambers. Mr. Hales asked Mr. Adams to introduce his family.

Mr. Adams thanked the Council and Mayor and members of the Fire Department. He stated that he could not do what he does without the support he receives. Every single one of the firefighters helps the Cadets. Mr. Adams feels that all he does is facilitate the Cadets so they can spend their time working with these men and women so they can improve and become better people. He introduced his family.

5.3.2 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah expressing gratitude and appreciation to Tim Tingey for his contributions to Murray City.

Staff presentation: Dave Nicponski, City Council Member
Brett Hales, City Council Member

Mr. Nicponski read the Resolution in its entirety.

Mr. Brass made a motion to adopt the Resolution
Mr. Shaver seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 4-0

Mr. Hales stated that Mr. Nicponski commented to him that they should do this. From then on, there was no question and it went through. Mr. Hales does not know how often this has happened but the Council wanted to recognize Mr. Tingey for all he has done.

Mr. Tingey thanked his staff and recognized the members of Administrative and Development Services. He stated he is grateful to be part of the Murray City team both in the department and the City as a whole. He expressed his appreciation for the Mayor and City Council.

Some of Mr. Tingey's staff presented him with a gift and expressed their appreciation to him for all the work he has done.

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

No comments given.

7. Consent Agenda

7.1 None scheduled.

8. Public Hearings

Mr. Nicponski said he was asked, and it was approved, to hear Public Hearing # 4 first because some of the students that are here for this Public Hearing have other obligations this evening.

8.4 Public Hearing #4

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

Consider a Resolution donating One Thousand Dollars ($1,000.00) from the General Fund to Murray School District for the Murray High School Debate Team.

Staff presentation: Jared Shaver, City Council member

Mr. Shaver said he believes very strongly that the heart and soul of Murray is going to continue to beat with our youth. Many times they excel in so many different ways but they do not really get recognized in public. They do in the school, such as a straight 'A' student gets recognized by the school, but we would not bring them before the Council for that.

It has been Mr. Shaver's pleasure and privilege in the last couple of months to actually participate with the Speech and Debate Team as they have gone to tournaments. They coursed him into becoming a judge which was fun.

Mr. Shaver stated that our City Council has the opportunity to really recognize them. They represent Murray everywhere they go. They travel throughout the state and will continue to do so throughout the year. Some of them even have desires to travel nationally and they will represent Murray in everything that they do. They are very proud of that fact and they love that they go to Murray High School. The team has a great teacher, Ms. Gamangasso, who Mr. Shaver asked to stand and address the Council.

Ms. Gamangasso said that before speech and debate she was terrified of public speaking. Her knees would shake and her voice falter; it was terrible. She would do anything possible to avoid it.

Speech and debate has opened her horizons so much more. She can now stand in front of an audience and speak very eloquently. She has been open to all social events and has learned about the world.

Before speech and debate Ms. Gamangasso never considered what was going on in the Middle East or Syria. She never thought about the health care or criminal justice system. Speech and debate has opened her eyes to all of these things and forced her to research and learn about them. Speech and debate has made her a more knowledgeable person overall and has helped her in her studies.

Ms. Gamangasso said that speech and debate prepares people to be more knowledgeable and better speakers. She uses speech and debate every single day. When she goes to work, she has to speak to people and speech and debate has made this more comfortable. Every single day she uses this and applies it her life.

The Murray Speech and Debate Team have been very successful. For the past consecutive six year they have sent kids to the national tournaments. Last year they sent five kids to Philadelphia and one kid to a tournament in Alabama.

Ms. Gamangasso continued saying as of now they are a pretty successful team. However, if they were given this money, it would help them so much more because then they could invest in more technology like laptops and tablets which would make them a more competitive team at tournaments. They do have laptops at their school but they cannot take them with them. They will be able to make their team more successful and better represent Murray if they have these resources.

Public Hearing open for public comment.

No public comments given.

Public comment closed.

8.4.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy

__A__ Mr. Brass
__A__ Mr. Shaver
__A__ Mr. Hales
__A__ Mr. Nicponski

Motion passed 4-0

8.1 Public Hearing #1

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

Consider an Ordinance amending Sections 17.64.030 and 17.64.090 of the

Murray City Municipal Code relating to fence height regulations.

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey stated that this item had gone before the Planning Commission and they made this recommendation. It was prompted by the International Building Code which made modifications in 2012 to increase the fence height from 6' to 7' for those who are required to get building permits for fences. Because of this, the City wanted to take a look at its zoning regulations and somewhat bring them into compliance with the International Building Code regarding this issue.

Mr. Tingey continued saying they are proposing to change the zoning ordinance to allow for, rather that a 6' high and non-residential fencing regulations, 7' high fence. That would make the maximum fence height 7' rather than 6' in height. Then on exceptions to the ordinance related to residential fence heights, the City has some reservations about going with the 7' high fence in a backyard or side yard because 7' is quite high and there may be some issues related to concerns with esthetics, shading or other issues like that. The City felt it should be limited to specific circumstances. In the ordinance that was given to the Council it allows for, in side and rear yards of residential and nonresidential properties, a 7' fence to be allowed. Parcels of properties that are ½ acre in size may erect a fence to a height not exceeding 7'. This is also for properties adjacent to a collector or arterial.

In addition to that they have added wording for properties that are adjacent to light rail. There are some specific standards that have been included regarding the commuter rail wording as well.

The Planning Commission recommended approval and staff is also recommending approval of these changes to the zoning ordinance related to fence height.

Public Hearing open for public comment.

No public comments given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Brass made a motion to adopt the Ordinance

Mr. Shaver seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 4-0

8.2 Public Hearing #2

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

Consider an Ordinance amending Section 17.116.080 of the Murray City Municipal Code relating to the maximum building height in the Multiple-Family Low Density Residential District (R-M-10).

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey stated this was prompted by an application from and individual that wanted to build a structure in the R-M-10 zoning district. For some reason, in the City's Zoning Ordinance we have a number of R-M, Residential Medium Family, areas and none of them have this height standard at 30'. In fact, in the City's Single-Family Residential area we have the maximum height at 35'. In those Medium Family areas, a maximum height of 40' is allowed. Staff is recommending allowing the change to go up to 35' in height for this R-M-10 zone. Planning Commission also recommended approval.

Mr. Shaver asked if this change is limited to any type of structure.

Mr. Tingey responded it is for structures that are allowed under the Ordinance. In this area, there are multiple uses that would include Single-Family Residential or Multi-Family Residential as well as the other uses.

Public Hearing open for public comment.

No public comments given.

Public comment closed.

8.2.2 Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Ordinance
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 4-0

8.3 Public Hearing #3

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

Consider an Ordinance amending Chapter 17.42 of the Murray City Municipal Code relating to tobacco and electronic cigarette retailers.

Staff Presentation: Tim Tingey, Administrative and Development Services Director.

Mr. Tingey said that as the Council is aware, back in June 2013 the City Council adopted an Ordinance for a moratorium on electronic cigarette businesses and retailers in Murray City. Staff has had a chance to go back and look at this and they have worked with the Attorney's office.

State Code has adopted some wording and language related to electronic cigarettes. What they have done is included electronic cigarettes under the definition of tobacco retailers. This Ordinance that the City is looking at tonight puts the City consistent with the State Code related to this.

Mr. Tingey continued saying the City would have the same definition under State Code which includes tobacco retailers; electronic cigarette components are part of that. They are defined in State Code so staff has included that definition. It also provides regulations on tobacco or electronic retailers. Those regulations define retailers as those that sell tobacco or electronic cigarette products for more than 35% of the total annual gross receipts; food and beverage products, excluding gasoline sales, as less than 45% of the total annual receipts; and that the establishment is not licensed as a pharmacy under State Code.

That is the State Code definition which staff has included as part of this Ordinance. Electronic cigarettes are included in the tobacco retailer section of the City's Code. The only difference between us and the State Code is we have included electronic cigarette retailers similar to what the City adopted as part of the Tobacco Retailer Ordinance which limits the number to one retailer per 10,000 residents; based on the population of our City.

The Planning Commission has seen this and recommended approval. Staff is recommending approval of this Ordinance change as well.

Mr. Shaver clarified that this does not change or alter the distance between schools, etc. That part remains the same. All that is different for our Code is how many retailers the City will allow, one per 10,000 citizens.

Mr. Tingey replied that was correct. He continued saying that in defining electronic cigarettes as part of the tobacco retailers, all of those distance requirements apply to those types of retailers which would include distance. They have to be 1,000 feet from playgrounds, youth centers, recreation centers, arcades, parks, and libraries. They also have to be 500 feet away from another tobacco or electronic cigarette retailer.

Mr. Nicponski clarified that we can have one retailer per 10,000 residents which means we can have four in our City. He asked about existing smoke shops.

Mr. Tingey explained that they are legal non-conforming. They would be allowed to stay in the City unless they move or go out of business for a certain time period. They would still be in place.

Mr. Shaver commented that he remembered a business that was going to open and sell electronic cigarettes. He asked if there was any "grandma" in this or does this just start today and there can only be four in the City.

Mr. Tingey stated that was correct. At this point, these limitations would apply to any new business that applies for a license.

Mr. Nicponski asked if existing smoke shops are allowed to sell electronic cigarettes. That would make more than four within the city selling electronic cigarettes.

Mr. Tingey said there would be more than four because there would be some legal non-conforming businesses out there.

Mr. Nicponski clarified that is because of the existing smoke shops.

Mr. Tingey stated that was correct and this Ordinance will apply to new businesses that want to come into the community.

Public Hearing open for public comment.

No public comments given.

Public comment closed.

8.3.2 Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Ordinance
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

_A_ Mr. Brass
_A_ Mr. Shaver
_A_ Mr. Hales
_A_ Mr. Nicponski

Motion passed 4-0

8.5 Public Hearing #5

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

Consider a Resolution waiving golf cart fees valued at approximately Five Hundred Sixty Dollars ($560.00) for the Glenae Turley Trust Fund.

Staff presentation, Gil Rodriguez, Fire Chief

Chief Rodriguez stated that as the Council knows one of their Firefighter/Paramedics has been going through some cancer issues and she is going to be forced to take an early medical retirement. One of the firefighters had an idea to have a golf day for her. Chief Rodriguez had doubts about it being pulled off but in about a week, that firefighter pulled it off and got about 50 players. He is asking the City if they would waive the golf cart fees. Chief Rodriguez reiterated he was amazed they were able to pull this off because it has been so cold. The department wanted to send her away with something a little more substantial.

Public Hearing open for public comment.

No public comments given.

Public comment closed.

8.5.2 Council consideration of the above matter.

Mr. Brass asked if they were still collecting money and was told they were. He asked the members of the Fire Department that were in attendance to get the Council the information for the Trust Fund. Mr. Brass expressed his appreciation for Ms. Turley as they go way back and he knows her quite well.

Mr. Shaver said that one of the things that the Council likes, particularly about the public services group, is how well they support each other and how much they really care for each other. It is evident in what they do. He expressed his thanks to them.

Chief Rodriguez said that Ms. Turley is scheduled to retire the first part of December. Everything has been happening fast. The Fire Department is wishing and hoping for the best.

Mr. Nicponski stated he is glad the Fire Department has given them this opportunity. It is the Murray spirit that the Council likes to see. He thinks this is outstanding.

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

Call vote recorded by Jennifer Kennedy

__A__ Mr. Brass
__A__ Mr. Shaver
__A__ Mr. Hales
__A__ Mr. Nicponski

Motion passed 4-0

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a Resolution approving an Interlocal Agreement between the City and the State of Utah, Utah Humanities Council, and the Utah Division of Arts and Museums for a grant to install Murray Museum listening stations.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that last year the City received a historic grant to do oral interviews for approximately 15 or the City's longtime residents. Over the past year, those oral interviews were conducted and completed. Staff would like to put those oral interviews into listening stations in the museum so as people go around and see the different parts of the museum they can push a button and portions of these oral interviews will tell the history of Murray City from a very personal perspective.

The City has received a grant for $2,000 to install these listening stations in the museum. Because this grant is with the State of Utah it does require an agreement and the City Council must authorize it.

Mr. Nicponski stated that those devices are wonderful.

Mr. Hales made a motion to approve the Resolution
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

__A__ Mr. Brass
__A__ Mr. Shaver
__A__ Mr. Hales
__A__ Mr. Nicponski

Motion passed 4-0

10.2 Consider a Resolution approving an Interlocal Agreement between the City and Salt Lake County for receipt by the City of Tier II "Zoo, Arts, and Parks" Funds.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that most of the Council is aware that approximately 20 years ago the citizens of Salt Lake County authorized a 1/10 of 1% sales tax that goes towards the Zoo, Arts, and Parks fund that is administered by Salt Lake County. The City applies for these funds annually to help fund our arts programs. The City has been receiving these funds for many years and they go towards offsetting some of the costs that the City has in providing cultural facilities to our residents.

This year, the City received a grant from Salt Lake County for a little over $67,000; about 20% of the total arts budget of $350,000. This is a substantial donation that helps fund these programs. Mr. Hill reiterated that because it is an Interlocal Agreement with the County it does require approval from the Council.

Mr. Nicponski verified that money will go into their General Fund and is distributed accordingly.

Mr. Hill replied that was correct.

Mr. Nicponski told Mr. Hill that they do a great job working with the County on this.

Mr. Shaver made a motion to approve the Resolution
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

__A__ Mr. Brass
__A__ Mr. Shaver
__A__ Mr. Hales
__A__ Mr. Nicponski

Motion passed 4-0

10.3 Consider a Resolution acknowledging completion and receipt of the independent audit for Fiscal Year 2012-2013 and order that notice be published pursuant to Section 10-6-152 of the Utah Code.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated they went over the financial statements in great detail. They will be on the website tomorrow so that anyone who wants to go look at the information and numbers will be able to.

Mr. Zollinger continued saying that the City is in a good financial place. Our position improved in the City because of our decision makers, leaders and employees. It does not mean that we do not have challenges. For those that are handing the baton, they can do that knowing they have done a great job.

Mr. Hales told Mr. Zollinger that he is amazing. Mr. Zollinger and his staff have done a phenomenal job and it is neat to see how much they love this. They do a great job and the Council really appreciates that.

Mr. Brass made a motion to approve the Resolution
Mr. Shaver seconded the motion

Call vote recorded by Jennifer Kennedy

__A__ Mr. Brass
__A__ Mr. Shaver
__A__ Mr. Hales
__A__ Mr. Nicponski

Motion passed 4-0

10.4 Consider an Ordinance enacting Section 3.04.015 of the Murray City Municipal Code relating to Governmental Accounting Standards

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that in February 2009 the Government Accounting Standards Board issued Statement 54 which asks that we adopt, in City Ordinance, a policy on how we report our fund balance. It talks about non-spendable, restricted, committed, unassigned, and assigned. This Ordinance it just complying with that standard and bringing us into compliance with that.

Mr. Hales made a motion to adopt the Ordinance
Mr. Shaver seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 4-0

10.5 Consider a Resolution adopting the Regular Meeting Schedule of the Murray City Municipal Council for calendar year 2014.

Staff presentation: Brett Hales, Councilmember

Mr. Hales stated the Council has recommended a regular meeting schedule; the first and third Tuesday just like has always been done. In August, due to UAMPS and December due to holiday events, the schedule has been adjusted.

Mr. Shaver made a motion to approve the Resolution
Mr. Brass seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 4-0

10.6 Consider a Resolution requesting that appropriate action be taken by the State of Utah to ensure that Stericycle Medical Waste Incinerator does not emit harmful contaminants into the air that jeopardize the health of residents in the Salt Lake Valley including Murray City residents.

Staff presentation: Jim Brass, Councilmember

Mr. Brass stated that this has become a really big issue. Mr. Brass received a request from one of his neighbors, Elva Jensen, who is in attendance. Ms. Jensen called Mr. Brass. Ms. Jensen's son is a cancer survivor and so she has been paying attention to this. Stericycle has violated their permit on a couple of occasions. If you have seen the pictures the stuff coming out of the stack is dark and black. When you burn that type of waste, you get harmful toxins in the air. Mr. Brass has been wondering about this and the health effect of air quality. Not just from Stericycle, but in general.

Mr. Brass has been diagnosed with asthma. He notices on bad air quality days as inversions get worse, he has a real problem. We all breathe the same air. Mr. Brass is alarmed at the increase in cancer rates. His mother passed away from cancer a year ago. He's also noticed neuromuscular diseases. His wife has MS, Mr. Hales has MS and the Mayor's daughter has MS.

These things are happening at an alarming rate so when Ms. Jensen requested this, Mr. Brass jumped right on board without hesitation. He appreciates the Council's support, not only in saying yes, but getting it on the agenda for tonight. Mr. Brass feels this is critical and something that could not wait. We all need to send a message on this issue.

Mr. Brass noted that the Council has this Resolution before them and he would appreciate their support on this.

Mr. Nicponski told Mr. Brass he liked what he said about this sending a message. It makes it clear where Murray City stands on this sort of thing.

Mr. Shaver thanked Mr. Brass for bringing this to the Council's attention. He considers himself somewhat knowledgeable on many issues, but this one was brand new to him. Going through and doing the study as Mr. Brass counselled them to do opened his eyes to many things. Stericycle is just one of many issues that we face. We live in a wonderful world with modern technologies but we also live in a world that has pollutants and chemicals and things that can damage our bodies and hearts. Mr. Shaver thinks it is very important, and Mr. Brass and Mr. Nicponski have stated, that we send something that says our City is conscience and aware. We want Murray to be clean and a place where people feel comfortable living. Mr. Shaver feels this will do exactly that. He thanked Mr. Brass.

Mr. Hales thanked Mr. Brass also. He thought it was great when he brought this up. In the area where he grew up, 20 of them have been diagnosed with Multiple Sclerosis. Mr. Hales does not believe that is a coincidence. Mr. Hales stated this is important.

Mr. Brass said ironically as they were pursuing this, a news report came out tying certain cancers to the air pollution. Now there are studies that support this.

Mr. Shaver made a motion to approve the Resolution
Mr. Hales seconded the motion

Call vote recorded by Jennifer Kennedy

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

Motion passed 4-0

11. Mayor

11.1 Report

Mayor Snarr reminded the Council that there will be a ground breaking next week at 9:45 a.m. He is excited that the University of Utah has decided to expand their medical facilities into Murray. This is going to be a big thing over the next several years.

Mayor Snarr had a chance to meet with Dr. Zollinger to try to resolve some of the issues. He is very excited to come to Murray. The University of Utah Medical Facilities say Murray is the best place to do business in the valley.

Mr. Shaver asked the Mayor if he was able to resolve the issues.

Mayor Snarr said he had no idea and that Mr. Tingey mentioned that they are working with Washington State Mutual. They say it is not the best solution, but Mayor Snarr thinks that in a lot of ways it is a way to at least approach coming up with a way to allow two ingresses and egresses. The challenge is if this goes to court it is going to hang up the site and construction and Jacobsen is ready to go. Mayor Snarr stated he would hate to see that happen, he hopes they can come to some kind of an amicable resolution. If it requires the University of Utah Medical Facilities work something out with General Growth on behalf of Washington Mutual then it would be all the better. They are negotiating right now.

Mayor Snarr reiterated how excited he is about this. Although the University of

Utah is non-profit he is sure a lot of the employees and people who come there for treatment and care will definitely go across the street and shop at the Fashion Place Mall, which is good for the City.

Mayor Snarr said he still has not heard about the Fashion Place Mall getting their building permit as far as the building goes. He asked Mr. Tingey if their plans were approved.

Mr. Tingey responded they were.

Mayor Snarr said they still have not requested a demolition permit so he is not sure where that is at.

Mayor Snarr said that some people are concerned about the lighting over at the new parking lot at the County Fairgrounds site. They put in an additional 63 parking stalls. The lighting is what the lighting was next door when they took the four houses down and put the lighting in; it is the same lighting. However, some of the residents are not happy but the Mayor is not sure what to do. That lighting protects the residents from someone parking in the dark and jumping the fence and committing a burglary. The Mayor feels the lighting is appropriate. It protects the properties that are owned by the citizens of Salt Lake County so they are not vandalized as they were several years ago.

The rugby field has turned out to be absolutely incredible. The construction trailer is gone and the restrooms are pretty nice. It is a beautiful concrete walking path all the way around the entire site. They will bring in the portable seating next spring as there are not a lot of people over there playing rugby right now.

Mayor Snarr continued saying Mr. Hill made an interesting comment. Mr. Hill came back from a short vacation and remarked how fast the Hilton Hotel is going up. It is a big hotel. It is going to be a nice hotel and a welcome addition to downtown Murray. The Mayor noted that we are making progress with some nice, new developments and some nice, new open spaces have been updated and enhanced.

11.2 Questions for the Mayor

Mr. Nicponski stated that going over the audit with Mr. Zollinger earlier, page 80 identifies the different entities that bring in taxes such as 12% from Costco and an electronics store in the Mall (Apple), and it really is a big deal. This list is going to expand now with these new hotels. This is what keeps a tax hike away; this kind of economic development which is what prompted him to recognize and acknowledge Mr. Tingey. He told the Council that Mayor Snarr is the City's best salesman. These things do not happen by accident. Mr. Nicponski thanked Mayor Snarr for everything he has done in that regard.

Mayor Snarr responded that it is a team effort. He appreciates everybody having the wisdom to say sometimes sacrifice is critical for success. Sometimes we ask people to sacrifice which is not always a pleasant thing to do. But at the end of the day we have to make tough decisions. When we make them we hope for the best.

As far as Mayor Snarr is concerned, it was a great deal to get IHC to buy all of that property. The City brought in special consulting groups during the negotiations. They analyzed what was fair as far as the distribution of revenue from the RDA. The Mayor feels that the City came out with the best deal because we have a really strong entity in there in Costco. They love being there. That is the number one pharmacy in Utah. Per square foot, the number one retailer in Utah is at the Fashion Place Mall; it is the Apple store. The Apple store at the Fashion Place Mall is stronger than the Apple store downtown. They are doing extremely well here.

12. <u>Adjournment</u>

____

Jennifer Kennedy, City Recorder

Special Recognition #1

Murray City Municipal Council
Request for Council Action

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

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1. **TITLE**: (Similar wording will be used on the Council meeting agenda.)
   Murray City Council Employee of the Month, **Lynn Potter**, Engineering and Construction Inspector – December 2013

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

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3. **MEETING, DATE & ACTION**: (Check all that apply)
   _X_ Council Meeting OR ___ Committee of the Whole
   _X_ Date requested December 10, 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) ________
   _X_ Other (explain) Special Presentation

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

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

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6. **REQUESTOR**:

Name: Janet Lopez	Title: Council Administrator
Presenter: Doug Hill &	Title: Murray City Public Services Director
Brett Hales	Title: Murray City Council Member, District 5
Agency: Murray City Corporation	Phone: 801-264-2622
Date: December 2, 2013	Time: 9:40 a.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: ________

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9. **NOTES:**
   See attached recommendation.

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:	DATE:
Public Services	November 1, 2013

NAME of person to be recognized:	Submitted by:
Lynn Potter	Doug Hill

DIVISION AND JOB TITLE:

Engineering/Construction Inspector

YEARS OF SERVICE:

19

REASON FOR RECOGNITION:

Lynn has worked in the Street Department as a Maintenance Worker and Equipment Operator. Nearly six years ago he was promoted to a Construction Inspector in the Engineering Division of the Public Services Department. As a Construction Inspector, Lynn performs construction management duties, construction inspection and quality assurance on public works and development projects related to general improvements to public right-of-ways. He ensures compliance with City standards, codes, designs and specifications.

Lynn is often in challenging circumstances because he has to tell contractors and residents "No" while making them feel like he told them "Yes". Lynn possesses the unique ability to work in difficult situations while maintaining a pleasant manner.

Lynn is respected and liked by employees, residents, and those he deals with. Lynn provides responsive and efficient City services while assuring well maintained, planned and protected infrastructure and assets.

COUNCIL USE:

MONTH/YEAR HONORED *December 2013*

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.)
Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah expressing gratitude and appreciation to **Darren V. Stam** for his dedication as a City Council Member.

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

3. MEETING, DATE & ACTION: (Check all that apply)
__X__Council Meeting or ___ Committee of the Whole
__X__Date requested December 10, 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) ________
__X__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.)
Resolution attached.

6. REQUESTOR:

Name: Janet Lopez	Title: Council Administrator
Presenter: Brett Hales	Title: Murray City Council Chair
Agency: Murray City Corporation	Phone: 801-264-2622
Date: December 2, 2013	Time: 9:50 a.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:

Special Recognition #3

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.

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

Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah expressing gratitude and appreciation to **Jared A. Shaver** for his dedication as a City Council Member.

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

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

_X_ Council Meeting or ___ Committee of the Whole
_X_ Date requested December 10, 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) __________
_X_ Other (explain) Special Presentation

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

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

Resolution attached.

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6. REQUESTOR:

Name: Janet Lopez — Title: Council Administrator
Presenter: Brett Hales — Title: Murray City Council Chair
Agency: Murray City Corporation — Phone: 801-264-2622
Date: December 2, 2013 — Time: 9:50 a.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:

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8. COUNCIL STAFF: (For Council use only)

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

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9. NOTES:

Citizen Comments

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

Public Hearing #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.)

Budget Opening

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

Financial Sustainability

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

- [✓] Council Meeting OR [ ] Committee of the Whole
- [✓] Date requested **12/10/2013**
- [ ] 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.)

Reserves, and grant

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

Memo

6. REQUESTOR:

Name: Justin Zollinger	Title: Finance Director
Presenter: Justin Zollinger	Title: Finance Director
Agency: Murray City	Phone: 801-264-2669
Date: 11/20/2013	Time: 5:00 PM

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

Department Director: Date: 11/22/2013

Mayor: Date: 11/22/2013

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: ____

9. NOTES:

MURRAY CITY CORPORATION
FINANCE & ADMINISTRATION

MEMO

To: Council

From: Justin Zollinger, Finance Director

Cc: Mayor Daniel C. Snarr
Jan Wells, Chief of Staff

Date: November 21, 2013

Subject: Fiscal Year 2014 Budget Opening for Bond Defeasances & Grant

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Bonds Defeasances

The City is in a position to continue its current strategy of paying off high interest rate bonds. There are two bonds that are callable in fiscal year 2014. The bond are the 2004 Electric Revenue bonds with interest rate ranging from 3.625 – 5.25 percent, and the 2003 Water & Sewer Revenue bonds with an interest rate of 4.05 percent. To pay off the bonds, it is necessary to increase the Power budget by $2,350,000, and the Water & Sewer budget by $425,000.

The City currently earns half of a percent with our investments. The total interest and trust fee savings for 2004 Electric Revenue bond payoff is approximately $680,000. The total interest and trust fee savings from 2003 Water & Sewer Revenue bond payoff is approximately $13,000.

Grant Awards

Last, Walmart provided a grant to our Heritage Center of $1,000 dollars. This money will be spent out of our Capital Projects Fund to help pay for a new oven at our Heritage Center.

Budget Adjustment Summary

Power Fund budget increase of $2,350,000 (funding source Power reserves)
Water & Sewer budget increase of $425,000 (funding source Water & Sewer reserves)
Capital Projects budget increase of $1,000 (Walmart grant award)

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY'S FISCAL YEAR 2013 – 2014 BUDGET

On June 19, 2013, the Murray City Municipal Council adopted the City's budget for Fiscal Year 2013 - 2014. It has been proposed that the Fiscal Year 2013 - 2014 budget be amended as follows:

1. Increase the Power Fund by $2,350,000 from the Power Fund Reserves and appropriate $2,350,000 to pay off Electric Revenue Bonds.

2. Increase the Water and Sewer Funds by $425,000 from the Water & Sewer Fund Reserves and appropriate $425,000 to pay off Water & Sewer Revenue Bonds.

3. Increase the Capital Projects budget by $1,000 as revenue from Walmart Grant and appropriate the same to Parks and Recreation to purchase a new oven.

Section 10-6-128 of the Utah Code states that the budget for the City may be amended by the Murray City Municipal Council following a duly noticed public hearing. Pursuant to proper notice, the Murray City Municipal Council held a public hearing on December 10, 2013, to consider the proposed amendments to the Fiscal Year 2013 - 2014 budget. After considering public comment, the Murray City Municipal Council wants to amend the Fiscal Year 2013 - 2014 budget.

BE IT ENACTED by the Murray City Municipal Council as follows:

Section 1. *Purpose.* The purpose of this Ordinance is to amend the City=s Fiscal Year 2013 - 2014 budget.

Section 2. *Enactment.* The City=s Fiscal Year 2013 - 2014 budget shall be amended as follows:

1. Increase the Power Fund by $2,350,000 from the Power Fund Reserves and appropriate $2,350,000 to pay off Electric Revenue Bonds.

2. Increase the Water and Sewer Funds by $425,000 from the Water & Sewer Fund Reserves and appropriate $425,000 to pay off Water & Sewer Revenue Bonds.

3. Increase the Capital Projects budget by $1,000 as revenue from Walmart Grant and appropriate the same to Parks and Recreation to purchase a new oven.

Section 3. Effective Date. This Ordinance shall take effect on first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 10th day of December, 2013.

MURRAY CITY MUNICIPAL COUNCIL

____
Brett A. Hales, Chair

ATTEST:

____
Jennifer Kennedy, City Recorder

MAYOR=S ACTION: Approved

DATED this ____ day of __________, 2013.

____
Daniel C. Snarr, Mayor

ATTEST:

____
Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

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

____
Jennifer Kennedy, City Recorder

New Business Item #1

Murray City Municipal Council
Request for Council Action

INSTRUCTIONS: The City Council considers new business items 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 OF THE MURRAY CITY MUNICIPAL COUNCIL (THE "COUNCIL") OF MURRAY CITY (THE "ISSUER") AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN $3,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2014, FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING THE EXECUTION BY THE ISSUER OF A SUPPLEMENTAL INDENTURE OF TRUST, BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS NECESSARY FOR THE ISSUANCE OF THE SERIES 2014 BONDS; APPROVING AN OFFICIAL STATEMENT (IF REQUIRED); AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
Welcoming and Thriving Business Climate

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

_X_ Council Meeting OR ___ Committee of the Whole
_X_ Date requested December 10, 2013
___ Discussion Only
___ Ordinance (attach copy)
Has the Attorney reviewed the attached copy? ___
_X_ Resolution (attach copy)
Has the Attorney reviewed the attached copy? _X_
___ 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.)
Memo, Resolution (Bond Purchase Agreement, Supplemental Agreement and Preliminary Official Statement are located in the Council Office)

6. REQUESTOR:

Name: Justin Zollinger — Title: Finance Director
Frank Nakamura — Title: City Attorney
Presenters: Same as above — Title: Same as above
Agency: Murray City Corporation — Phone: 264-2669
Date: December 3, 2013 — Time: 1:00

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:

MURRAY CITY CORPORATION
CITY ATTORNEY'S OFFICE

801-264-2640 FAX 801-264-2641

MEMORANDUM

TO: Murray City Council Members

FROM: Frank Nakamura, City Attorney

DATE: December 3, 2013

RE: Parameters Resolution for Series 2014 Sales Tax Revenue Bonds

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Attached is a proposed Parameters Resolution authorizing the issuance of not more than $3,000,000 principal of Sales Tax Revenue Bonds, Series 2014 for the purpose of acquiring land and other real property and to install related infrastructure. The Resolution also requests that a Public Hearing be held on January 7, 2014, regarding the Bonds.

The exhibits to the Resolution (Bond Purchase Agreement, Supplemental Agreement, Preliminary Official Statement) are on file in the Council Office because they are too voluminous for distribution.

If you have any questions please feel free to contact us.

RESOLUTION NO. __________

A RESOLUTION OF THE MURRAY CITY MUNICIPAL COUNCIL (THE "COUNCIL") OF MURRAY CITY (THE "ISSUER") AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN $3,000,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2014, FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE MAXIMUM INTEREST RATE WHICH THE BONDS MAY BEAR, AND THE MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE SOLD; DELEGATING TO CERTAIN OFFICERS OF THE ISSUER THE AUTHORITY TO APPROVE THE FINAL TERMS AND PROVISIONS OF THE BONDS WITHIN THE PARAMETERS SET FORTH HEREIN; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AUTHORIZING THE EXECUTION BY THE ISSUER OF A SUPPLEMENTAL INDENTURE OF TRUST, BOND PURCHASE AGREEMENT, AND OTHER DOCUMENTS NECESSARY FOR THE ISSUANCE OF THE SERIES 2014 BONDS; APPROVING AN OFFICIAL STATEMENT (IF REQUIRED); AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS.

WHEREAS, the Murray City Municipal Council (the "Council") of Murray City (the "Issuer"), desires to finance all or part of the acquisition of land and other real property and to acquire and/or install related infrastructure and other related improvements (the "Project"); and

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the "Act"), the Issuer has authority to issue its Sales Tax Revenue Bonds, Series 2014 (with any other series or title designations determined by the Issuer, the "Series 2014 Bonds") for the purpose of (a) financing the Project, (b) funding a deposit to a debt service reserve fund, if necessary, and (c) paying costs of issuance of the Series 2014 Bonds, pursuant to this Resolution, a General Indenture of Trust dated as of April 1, 2002, as previously amended and supplemented (the "General Indenture"), as further amended and supplemented by a Supplemental Indenture (the "Supplemental Indenture," and together with the General Indenture, the "Indenture"), between the Issuer and a trustee in substantially the form presented at the meeting at which this Resolution was adopted and which is attached hereto as Exhibit A; and

WHEREAS, the Act provides that prior to issuing bonds, an issuing entity must (a) give notice of its intent to issue such Series 2014 Bonds and (b) hold a public hearing to receive input from the public with respect to (i) the issuance of the Series 2014 Bonds and (ii) the potential economic impact that the improvement, facility or property for which the Series 2014 Bonds pay all or part of the cost will have on the private sector; and

WHEREAS, the Issuer desires to call a public hearing for this purpose and to publish a notice of such hearing with respect to the Series 2014 Bonds, including a notice of bonds to be issued, in compliance with the Act; and

WHEREAS, there has been presented to the Council at this meeting a form of the Supplemental Indenture, in substantially the form attached hereto as Exhibit A; and

WHEREAS, the Issuer desires to approve and authorize the preparation and use of a Bond Purchase Agreement (if applicable) or commitment letter or other similar agreement (collectively, the "Bond Purchase Agreement"), to be entered into between the Issuer and the underwriter or the purchaser selected by the Issuer for the Series 2014 Bonds (the "Underwriter/Purchaser"), in substantially the form attached hereto as Exhibit C; and

WHEREAS, in the event that the Designated Officers (defined below) determine that it is in the best interests of the Issuer to publicly offer the Series 2014 Bonds, the Issuer desires to authorize the use and distribution of a Preliminary Official Statement (the "Preliminary Official Statement"), and to approve a final Official Statement (the "Official Statement") in substantially the form attached hereto as Exhibit D, and other documents relating thereto; and

WHEREAS, in order to allow the Issuer (with the consultation of the Issuer's Financial Advisor, George K. Baum & Company) flexibility in setting the pricing date of the Series 2014 Bonds and to optimize debt service costs to the Issuer, the Council desires to grant to the Mayor or Mayor pro tem (collectively, the "Mayor") and Finance Director (the "Finance Director") of the Issuer (collectively the "Designated Officers"), the authority to select the Underwriter/Purchaser, approve the interest rates, principal amounts, terms, maturities, redemption features, and purchase price at which the Series 2014 Bonds shall be sold, to determine whether the Series 2014 Bonds should be sold and method of sale, and any changes with respect thereto from those terms which were before the Council at the time of adoption of this Resolution, provided such terms do not exceed the parameters set forth for such terms in Section 1 of this Resolution (the "Parameters");

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

Section 1. For the purpose of financing the Project, funding a deposit to a debt service reserve fund, if necessary, and paying costs of issuance of the Series 2014 Bonds, the Issuer hereby authorizes the issuance of the Series 2014 Bonds which shall be designated "Murray City, Utah Sales Tax Revenue Bonds, Series 2014" in the initial aggregate principal amount of not to exceed $3,000,000. The Series 2014 Bonds shall mature in not more than fifteen (15) years from their date or dates, shall be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, shall bear interest at a rate or rates not to exceed five percent (5.0%) per annum, and shall be subject to redemption, all as shall be approved by the Designated Officers in consultation with the Issuer's Financial Advisor, within the Parameters set forth on Exhibit B attached hereto and incorporated herein by reference.

Section 2. The Underwriter/Purchaser of the Series 2014 Bonds and final interest rate or rates for the Series 2014 Bonds shall be set by the Designated Officers, in consultation with the Financial Advisor, at the rate or rates which, taking into account the purchase price offered by the Underwriter/Purchaser of the Series 2014 Bonds, will in the opinion of the Designated Officers result in the lowest cost of funding reasonably achievable given the manner of offering the Series 2014 Bonds at the time of the sale of the Series 2014 Bonds and evidenced by signing the Bond Purchase Agreement. The issuance of the Series 2014 Bonds shall be subject to the final approval of Bond Counsel and to the approval of the City Attorney for the Issuer.

Section 3. The Issuer hereby approves and authorizes the utilization of the Preliminary Official Statement in the form attached hereto as Exhibit D in the marketing of the Series 2014 Bonds (as appropriate) and hereby approves the Official Statement in substantially the same form as the Preliminary Official Statement, with any necessary revisions and insertions to complete the same with the terms established for the Series 2014 Bonds. The Mayor is hereby authorized to execute the Official Statement evidencing its approval by the Issuer.

Section 4. The Bond Purchase Agreement in substantially the form presented to this meeting and attached hereto as Exhibit C is hereby authorized, approved, and confirmed. The Mayor or Mayor pro-tem and the City Recorder are hereby authorized to execute and deliver the Bond Purchase Agreement in substantially the same form and with substantially the same content as the form of the Bond Purchase Agreement presented at this meeting for and on behalf of the Issuer with final terms as may be established by the Designated Officers in consultation with the Issuer's Financial Advisor for the Series 2014 Bonds within the Parameters set forth herein and with such alterations, changes or additions as may be necessary or as may be authorized by Section 12 hereof. The Designated Officers are hereby authorized to specify and agree collectively as to the Underwriter/Purchaser, final principal amounts, terms, discounts, maturities, interest rates, redemption features and purchase price with respect to the Series 2014 Bonds for and on behalf of the Issuer and any changes thereto from those terms which were before the Council at the time of adoption of this Resolution, provided such terms are within the Parameters set by this Resolution.

Section 5. The appropriate officials of the Issuer are authorized to make any alterations, changes or additions to the Supplemental Indenture, the Series 2014 Bonds, the Bond Purchase Agreement, the Preliminary Official Statement, the Official Statement, or any other document herein authorized and approved which may be necessary to conform the same to the final terms of the Series 2014 Bonds (within the Parameters set by this Resolution), to correct errors or omissions therein, to complete the same, to remove ambiguities therefrom, or to conform the same to other provisions of said instruments, to the provisions of this Resolution or any resolution adopted by the Council or the provisions of the laws of the State of Utah or the United States.

Section 6. The form of Supplemental Indenture attached hereto as Exhibit A is in all respects hereby authorized and approved, and the Mayor or Mayor pro-tem and City Recorder are hereby authorized and directed to execute and deliver the same on behalf of the Issuer.

Section 7. The form, terms, and provisions of the Series 2014 Bonds and the provisions for the signatures, authentication, payment, registration, transfer, exchange, redemption, and number shall be as set forth in the Indenture. The Mayor or Mayor pro-tem and the City Recorder are hereby authorized and directed to execute and seal the Series 2014 Bonds and to deliver said Series 2014 Bonds to the trustee for authentication. The signatures of the Mayor or Mayor pro-tem and the City Recorder may be by facsimile or manual execution.

Section 8. The appropriate officials of the Issuer are hereby authorized and directed to execute and deliver to the trustee the written order of the Issuer for authentication and delivery of the Series 2014 Bonds in accordance with the provisions of the Indenture.

Section 9. Upon their issuance, the Series 2014 Bonds will constitute special limited obligations of the Issuer payable solely from and to the extent of the sources set forth in the Series 2014 Bonds, and the Indenture. No provision of this Resolution, the Indenture, the Series 2014 Bonds, or any other instrument, shall be construed as creating a general obligation of the Issuer, or of creating a general obligation of the State of Utah or any political subdivision thereof, or as incurring or creating a charge upon the general credit of the Issuer or its taxing powers.

Section 10. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Resolution and the documents authorized and approved herein.

Section 11. After the Series 2014 Bonds are delivered by the trustee to the Underwriter/Purchaser and upon receipt of payment therefor, this Resolution shall be and remain irrepealable until the principal of, premium, if any, and interest on the Series 2014 Bonds are deemed to have been duly discharged in accordance with the terms and provisions of the Indenture.

Section 12. The forms of Indenture and Bond Purchase Agreement authorized and approved hereby are authorized and approved with such additions, modifications, deletions, and changes thereto as may be deemed necessary or appropriate and approved by the City Attorney. The execution thereof by the Mayor or Mayor pro-tem on behalf of the Issuer shall conclusively establish such necessity, appropriateness, and approval with respect to all such additions, modifications, deletions, and changes incorporated therein.

Section 13. The Issuer shall hold a public hearing on January 7, 2014, to receive input from the public with respect to (a) the issuance of the Series 2014 Bonds, and (b) the potential economic impact that the improvements to be financed with the proceeds of the Series 2014 Bonds will have on the private sector, which hearing date shall not be less than fourteen (14) days after notice of the public hearing is first published (i) once a week for two consecutive weeks in The Salt Lake Tribune, a newspaper of general circulation in the Issuer, (ii) on the Utah Public Notice Website created under Section 63F-1-701 Utah Code Annotated 1953, as amended, and (iii) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended. The City Recorder shall cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the Murray City offices, for public examination during the regular business hours of the Issuer until at least thirty (30) days from and after the last date of publication thereof. The Issuer directs its officers and staff to publish a "Notice of Public Hearing and Bonds to be Issued" in substantially the following form:

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on December 10, 2013, the Murray City Municipal Council (the "Council") of Murray City (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Sales Tax Revenue Bonds, Series 2014 (with any other series or title designation determined by the Issuer, the "Series 2014 Bonds") and called a public hearing to receive input from the public with respect to (a) the issuance of the Series 2014 Bonds and (b) any potential economic impact that the Project described herein to be financed with the proceeds of the Series 2014 Bonds may have on the private sector.

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on January 7, 2014, at the hour of 6:30 p.m. at 5025 South State Street, Murray, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Series 2014 Bonds and (b) any potential economic impact that the Project to be financed with the proceeds of the Series 2014 Bonds may have on the private sector. All members of the public are invited to attend and participate.

PURPOSE FOR ISSUING THE SERIES 2014 BONDS

The Series 2014 Bonds will be issued for the purpose of (a) financing all or part of the acquisition of land and other real property and to acquire and/or install related infrastructure and other related improvements (collectively, the "Project"), (b) funding any required deposit to a debt service reserve fund, and (c) paying costs of issuance of the Series 2014 Bonds.

PARAMETERS OF THE SERIES 2014 BONDS

The Issuer intends to issue is Sales Tax Revenue Bonds, Series 2014 in the aggregate principal amount of not more than Three Million Dollars ($3,000,000), to mature in not more than fifteen (15) years from their date or dates, to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, and bearing interest at a rate or rates not to exceed five percent (5.0%) per annum. The Series 2014 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a General Indenture of Trust and Supplemental Indenture of Trust (collectively, the "Indenture"), which Supplemental Indenture was before the Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution and said Supplemental Indenture is to be executed by the Council in such form and with such changes thereto as shall be approved by the Mayor or Mayor pro tem, and City Recorder; provided that the principal amount, interest rate or rates, maturity, and discount of the Series 2014 Bonds will not exceed the maximums set forth above.

EXCISE TAXES PROPOSED TO BE PLEDGED

The Issuer proposes to pledge 100% of the Local Sales and Use Tax revenues received by the Issuer pursuant to Title 59, Chapter 12, Part 2, Utah Code Annotated 1953, as amended, to the payment of the Series 2014 Bonds.

OUTSTANDING BONDS SECURED BY PLEDGED TAXES

Other than the proposed Series 2014 Bonds, the Issuer currently has $____________ of bonds outstanding (the "Outstanding Bonds") secured by the Revenues (as more fully described in the Indenture).

OTHER OUTSTANDING BONDS OF THE ISSUER

Additional information regarding the Issuer's Outstanding Bonds may be found in the Issuer's financial report (the "Financial Report") at: http://auditor.utah.gov/accountability/financial-reports-of-local-governments/. For additional information, including any information more recent than as of the date of the Financial Report, please contact Justin Zollinger, Finance Director at (801) 264-2669.

TOTAL ESTIMATED COST

Based on the Issuer's current plan of finance and a current estimate of interest rates, the total principal and interest cost of the Series 2014 Bonds if held until maturity is $____________.

A copy of the Resolution and the Indenture are on file in the office of the City Recorder, 5025 South State Street, Murray, Utah, where they may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m., Monday through Friday, for a period of at least thirty (30) days from and after the last date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which (i) any person in interest shall have the right to contest the legality of the Resolution, the Indenture (as it pertains to the Series 2014 Bonds), or the Series 2014 Bonds, or any provision made for the security and payment of the Series 2014 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever and (ii) registered voters within Murray City may sign a written petition requesting an election to authorize the issuance of the Series 2014 Bonds. If written petitions which have been signed by at least 20% of the registered voters of Murray City are filed with the Issuer during said 30-day period, the Issuer shall be required to hold an election to obtain voter authorization prior to the issuance of the Series 2014 Bonds. If fewer than 20% of the registered voters of Murray City, Utah file a written petition during said 30-day period, the Issuer may proceed to issue the Series 2014 Bonds without an election.

DATED this December 10, 2013.

/s/ Jennifer Kennedy
City Recorder

Section 14. The Issuer hereby declares its intention and reasonable expectation to use proceeds of tax-exempt and/or tax credit bonds to reimburse itself for initial expenditures for costs of the Project. The Series 2014 Bonds are to be issued, and the reimbursements made, by the later of 18-months after the payment of the costs or after the Project is placed in service, but in any event, no later than three years after the date the original expenditure was paid. The maximum principal amount of the Series 2014 Bonds which will be issued to finance the reimbursed costs of the Project is not expected to exceed $3,000,000.

Section 15. For purposes of and in accordance with Section 265 of the Code, the Issuer hereby designates the Series 2014 Bonds as an issue qualifying for the exception for certain qualified tax-exempt obligations to the rule denying banks and other financial institutions 100% of the deduction for interest expenses which is allocable to tax-exempt interest. The Issuer reasonably anticipates that the total amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii) of the Code) which will be issued by the Issuer and by any aggregated issuer during calendar year 2014 will not exceed $10,000,000. For purposes of this section, "aggregated issuer" means any entity which (i) issues obligations on behalf of the Issuer, (ii) derives its issuing authority from the Issuer, or (iii) is subject to direct or indirect control by the Issuer within the meaning of Treasury Regulatory Section 1.150-1(e). The Issuer hereby represents that (a) it has not created and does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 265(b)(3)(C) or (D) of the Code and (b) the total amount of obligations so designated by the Issuer, and all aggregated issuers for calendar year 2014 does not exceed $10,000,000.

Section 16. The Issuer hereby reserves the right to opt not to issue the Series 2014 Bonds for any reason, including without limitation, consideration of the opinions expressed at the public hearing with respect to (a) the issuance of the Series 2014 Bonds and (b) any potential economic impact that the Project to be financed with the proceeds of the Series 2014 Bonds may have on the private sector.

Section 17. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

APPROVED AND ADOPTED this December 10, 2013.

(SEAL)

By:______________________________
Chair

ATTEST:

By:______________________________
City Recorder

EXHIBIT A

FORM OF SUPPLEMENTAL INDENTURE

(See Transcript Document No. ___)

EXHIBIT B

PARAMETERS OF THE SERIES 2014 BONDS

Maximum Initial Principal Amount not to exceed	$3,000,000
Interest Rate not to exceed	5.0%
Discount from par not to exceed	98%
Final Maturity not to exceed	15 years from date of issuance

<u>EXHIBIT C</u>

FORM OF BOND PURCHASE AGREEMENT

(See Transcript Document No. ___)

<u>EXHIBIT D</u>

FORM OF PRELIMINARY OFFICIAL STATEMENT

(See Transcript Document No. ___)

Mayor's Report and Questions

Adjournment