



MURRAY
CITY COUNCIL

Council Meeting April 16, 2024



Murray City Municipal Council

City Council Meeting Notice

April 16, 2024

PUBLIC NOTICE IS HEREBY GIVEN that the Murray City Municipal Council will hold a City Council meeting beginning at 6:30 p.m. on Tuesday, April 16, 2024 in the Murray City Council Chambers located at Murray City Hall, 10 East 4800 South, Murray, Utah.

The public may view the Council Meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. Those wishing to have their comments read into the record may send an email by 5:00 p.m. the day prior to the meeting date to city.council@murray.utah.gov. Comments are limited to less than three minutes (approximately 300 words for emails) and must include your name and address.

Meeting Agenda

6:30 p.m. **Council Meeting** – Council Chambers
Pam Cotter conducting.

Opening Ceremonies

Call to Order
Pledge of Allegiance

Approval of Minutes

Council Meeting – March 19, 2024

Special Recognition

1. Murray City Employee of the Month, Carrie Burgess, Building Department/Permit Specialist. Brett Hales, Pam Cotter and Thomas Butz presenting.
2. Consider a Joint Resolution of the Mayor and the Municipal Council of Murray City, Utah in Support of the Murray Exchange Club by Recognizing and Declaring April 2024 as Child Abuse Prevention Month. Mayor Hales and Pam Cotter presenting.
3. Farewell presentation from Dakota King, Miss Murray. Mayor Hales and Dakota King presenting.

Special Presentation

1. Fiscal Year 2024-2025 Budget Address. Brenda Moore presenting.
2. Consider a resolution acknowledging receipt of the Fiscal Year 2024-2025 tentative budget from the Mayor and the Budget Officer and referring the Mayor's tentative budget for review and consideration to the Budget and Finance Committee of the Murray City Municipal Council. Brenda Moore presenting.

Citizen Comments

Comments will be limited to three minutes, step to the microphone, state your name and city of residence, and fill out the required form.

Consent Agenda

None scheduled.

Public Hearings

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

1. Consider a resolution waiving golf cart fees for the Murray Chamber of Commerce on May 10, 2024 at the Murray Parkway Golf Course for the Chamber's Annual Children's Charity Golf Tournament. Jennifer Kennedy presenting.
2. Consider a resolution approving the donation of City services and/or nonmonetary assistance to the Navajo Tribal Utility Authority's "Light Up Navajo" Initiative Project. Jennifer Kennedy presenting.

Business Items

None scheduled.

Mayor's Report and Questions

Adjournment

NOTICE

Supporting materials are available for inspection on the Murray City website at www.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 (801-264-2663). We would appreciate notification two working days prior to the meeting. TTY is 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, April 12, 2024, at 9:00 a.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder. 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>.



Jennifer Kennedy
Council Executive Director
Murray City Municipal Council



MURRAY
CITY COUNCIL

Call to Order

Pledge of Allegiance



MURRAY
CITY COUNCIL

Council Meeting Minutes

**MURRAY CITY MUNICIPAL COUNCIL
COUNCIL MEETING**

Minutes of Tuesday, March 19, 2024
Murray City Hall, 10 East 4800 South, Council Chambers, Murray, Utah 84107

Attendance:

Council Members:

Paul Pickett	District #1
Pam Cotter	District #2 – Council Chair
Rosalba Dominguez	District #3
Diane Turner	District #4
Adam Hock	District #5 – Council Vice-Chair

Others:

Brett Hales	Mayor	Jennifer Kennedy	City Council Executive Director
Doug Hill	Chief Administrative Officer	Pattie Johnson	Council Administration
G.L. Critchfield	City Attorney	Jordon Petersen	Battalion Chief
Nick Hashner	Fire Department	Rob White	IT Director
Ben Ford	Wastewater Superintendent	Ben Gray	IT
Craig Burnett	Police Chief	Brooke Smith	City Recorder
Karen Gallegos	Murray Municipal Court	Elvon Farrell	CED
Phil Markham	CED Director	Russ Kakala	Public Works Director
Anthony Semone	NeighborWorks	Shawn Delliskave	Murray Journal
Citizens		Kathy White	Murray Chamber of Commerce

Opening Ceremonies:

Call to Order – Council Member Paul Pickett called the meeting to order at 6:30 p.m.
Pledge of Allegiance – Bob Pickett led the Pledge of Allegiance.

Approval of Minutes: Council Meeting – February 20, 2024.

MOTION: Ms. Turner moved to approve, and Ms. Dominguez SECONDED the motion.
Voice vote taken, all “Ayes.” Approved 5-0

Special Recognition: Murray City Employee of the Month, Jordon Petersen, Battalion Chief.

Presentation: Mayor Hales, Mr. Pickett and Fire Chief Mittelman presented Battalion Chief Jordon Petersen with a certificate, a \$50 gift card and commended him for all he does for the Murray City Fire Department.

Citizen Comments:

Kathy White – Murray resident and Chair of the MCC (Murray Chamber of Commerce).

Ms. White said new membership information was now updated on the MCC website. She noted the dates of MCC events scheduled for this year, reported that the Referral Community program had been well attended for a few months and two successful ribbon cuttings were held in the last few weeks. The MCC would be volunteering every third Tuesday at the Murray Children’s Food Pantry.

Consent Agenda: Mayor Hales presenting.

1. Consider confirmation of the Mayor’s appointment of Robert Dunoskovic to the Ethics Commission for a term from March 2024 through March 2027.

MOTION: Ms. Cotter moved to approve the Consent Agenda. Ms. Dominguez SECONDED the motion.

Council Roll Call Vote:

Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Mr. Pickett	Aye
Motion passed:	5-0

Public Hearings:

1. **Consider a resolution adopting the 2024 Wastewater Collection and Treatment System Impact Fee Facility Plan and Impact Fee Analysis. Ben Ford presenting.**

Wastewater Superintendent Ben Ford said that since his March 5, 2024 presentation in the Committee of the Whole, there were no changes to either document.

The public hearing was open for public comments. No public comments were given, and the public hearing was closed.

MOTION: Ms. Turner moved to approve the resolution. Mr. Hock SECONDED the motion.

Council Roll Call Vote:

Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Mr. Pickett	Aye
Motion passed:	5-0

2. **Consider an ordinance amending Section 3.14.110 of the Murray City Municipal Code relating to Wastewater System Impact Fees.**

Mr. Ford reiterated that the proposed ordinance remained unchanged since the March 5, 2024 presentation in the Committee of the Whole, but for better clarification a Date Table was added to the documentation. An updated copy of the ordinance was provided to Council Members prior to the council meeting.

The public hearing was open for public comments. No public comments were given, and the public hearing was closed.

MOTION: Mr. Hock moved to approve the ordinance. Ms. Turner SECONDED the motion.

Council Roll Call Vote:

Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Mr. Pickett	Aye
Motion passed:	5-0

3. **Consider a resolution approving the 2023 Municipal Wastewater Planning Program Report.** Mr. Ford explained that the Municipal Wastewater Planning Program Report was required annually and must be approved by the Council prior to State submission. The report confirms that the City is in compliance with our wastewater system, our budgetary constraints and reporting requirements. Most significant was that the City has not had any SSOs (Sanitary Sewer Overflows) in the system this year, which marks several consecutive years without an SSO. Mr. Ford attributed this achievement to the due diligence of City crews who work hard to keep the system clean and well maintained.

Mr. Hock noted there were no issues or foreseeable problems. Mr. Ford said there are known trouble spot areas in the system, but they are well maintained by the City and staff does a good job to keep the older system operating well.

The public hearing was open for public comments. No public comments were given, and the public hearing was closed.

MOTION: Mr. Hock moved to adopt the resolution. Ms. Turner SECONDED the motion.

Council Roll Call Vote:

Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Mr. Pickett	Aye
Motion passed:	5-0

Business Items:

1. **Consider a resolution ratifying the Mayor's appoint of Spencer Banks to serve as the Murray City Municipal Justice Court Judge.**

Mayor Hales introduced Mr. Banks, discussed the process to hire him, and confirmed that Mr. Banks was well qualified and the right person to serve as Murray's new Municipal Justice Court Judge. Council Members expressed personal support and approval of the Mayor's choice.

MOTION: Ms. Cotter moved to adopt the resolution. Ms. Dominguez SECONDED the motion.

Council Roll Call Vote:

Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Mr. Pickett	Aye
Motion passed:	5-0

2. **Consider a resolution approving an agreement between the City, the Redevelopment Agency of Murray City, and Salt Lake Neighborhood Housing Services DBA NeighborWorks Salt Lake.** Economic Development Specialist Elvon Farrell explained that the resolution just approved by the

RDA (Redevelopment Agency) would also need to be considered by the City Council because the agreement includes the Murray City Council, the Murray RDA and NeighborWorks. Mr. Farrell presented the details of the resolution in the RDA, prior to the council meeting.

MOTION: Ms. Turner moved to adopt the resolution. Ms. Cotter SECONDED the motion.

Council Roll Call Vote:

Ms. Cotter	Aye
Ms. Dominguez	Aye
Ms. Turner	Aye
Mr. Hock	Aye
Mr. Pickett	Aye
Motion passed:	5-0

Mayor's Report and Questions

Mayor Hales said the Murray Police Department hired three new employees, two police officers and one court bailiff; and the new pickle ball courts at Riverview Park will soon have new lighting installed.

Adjournment: 7:04 p.m.

Pattie Johnson
Council Office Administrator III



MURRAY
CITY COUNCIL

Special Recognition



MURRAY
CITY COUNCIL

Special Recognition #1



MURRAY

City Council/Mayor

Employee of the Month - Carrie Burgess.

Council Action Request

Council Meeting

Meeting Date: April 16, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Pam Cotter Brett Hales Thomas Butz Required Time for Presentation Is This Time Sensitive No Mayor's Approval Date April 2, 2024	Purpose of Proposal Employee of the Month recognition Action Requested Informational only Attachments Recognition Form Budget Impact None Description of this Item See Employee of the Month Recognition Form
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EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

DATE:

Community & Economic Development

March 7th 2024

NAME of person to be recognized:

Submitted by:

Carrie Burgess

Thomas Butz

DIVISION AND JOB TITLE:

Building Department/ Permit Specialist

YEARS OF SERVICE:

2 Years

REASON FOR RECOGNITION:

Carrie has been an invaluable help getting the building departments new permitting software setup. She is very customer service orientated. She is always wanting to learn new things from everyone she works with so she can improve herself and be able to better help the customer. She is always willing to come in early for meetings and stay late if a coworker has to leave early for any reason. She is always willing to help with anything she asked to do and does it with a smile. She is so fun to work with and her fun attitude is always contagious. Carrie loves challenging tasks and questions because it helps her job knowledge increase. She has great leadership qualities.

COUNCIL USE:

MONTH/YEAR HONORED

Doug Hill



Special Recognition #2



City Council

Joint Resolution supporting Child Abuse Prevention Month

Council Action Request

Council Meeting

Meeting Date: April 16, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Mayor Hales Pam Cotter	Purpose of Proposal A Joint Resolution supporting April 2024 as Child Abuse Prevention Month Action Requested Informational only Attachments Joint Resolution Budget Impact None Description of this Item A Joint Resolution of the Mayor and the Municipal Council of Murray City, Utah in Support of the Murray Exchange Club by Recognizing and Declaring April 2024 as Child Abuse Prevention Month.
Required Time for Presentation	
Is This Time Sensitive No	
Mayor's Approval	
Date March 27, 2024	

Joint Resolution # 24-22

A JOINT RESOLUTION OF THE MAYOR AND THE MUNICIPAL COUNCIL OF MURRAY CITY, UTAH IN SUPPORT OF THE MURRAY EXCHANGE CLUB BY RECOGNIZING AND DECLARING APRIL 2024 AS CHILD ABUSE PREVENTION MONTH

WHEREAS, the children of Murray are the future of our state's success and investing in their general welfare, safety and livelihood are of utmost priority; and

WHEREAS, all children deserve to grow up in a safe and nurturing environment to assure they reach their full potential as they grow and develop; and

WHEREAS, the protection of children and strengthening of families is of concern and responsibility of all Murray citizens because the wellness of children affects our lives now and will continue to affect us in the future; and

WHEREAS, child abuse is a serious problem with each child abuse case impacting an entire family and affecting the community as a whole: and

WHEREAS, child abuse respects no racial, religious, socio-economic, or geographic boundaries, and

WHEREAS, all citizens of Murray need to become more aware of child abuse and its prevention within their respective communities and actively encourage and support parents to raise their children in a safe and nurturing environment, and

WHEREAS, preventing child abuse requires each member of the community to be attentive to the problems of families around them and commit to do everything they can to help, and

WHEREAS, The National Exchange Club has adopted this cause as its National Project and is supporting parent aide programs, parenting classes, educational programs, and community service activities, and is helping to make significant progress in stopping this crime against families and children; and

WHEREAS, the Murray Exchange Club members are active and positive participants in the City of Murray in accordance with the standards of the National Exchange Club; and

WHEREAS, The Murray Exchange Club is anxious and appreciative to share this worthwhile cause and opportunity with Murray City;

NOW THEREFORE, the Mayor and City Council of Murray on behalf of the citizens of Murray, proclaim April 2024 as **CHILD ABUSE PREVENTION MONTH** and we call upon all our citizens to renew their commitment to be educated on the impact of child abuse and join in working for its prevention within our communities.

BE IT FURTHER RESOLVED, that we are appreciative of the work, care, and concern that our Victim Advocates, Police and Detectives put forth in dealing with these tough cases. It is our hope that child abuse numbers will decrease as families develop healthy caring, nurturing, and loving relationships; and

BE IT STILL FURTHER RESOLVED, we commend the Murray Exchange Club for their continued efforts in helping families break free from this vicious cycle of Child Abuse. Our Nation's greatest asset is our children. All Children deserve to grow-up in a safe and nurturing environment to assure they reach their full potential.

Passed, Approved and Adopted this 16TH day of April, in the year 2024.

Murray City Corporation

Murray City Municipal Council

Mayor Brett A. Hales

Paul Pickett, District 1

Pam Cotter, District 2

Rosalba Dominguez, District 3

ATTEST:

Diane Turner, District 4

Brooke Smith, City Recorder

Adam Hock, District 5



MURRAY
CITY COUNCIL

Special Recognition #3



MURRAY


Department/Agency Name

**Farewell presentation of Miss
Murray, Dakota King**

Council Action Request

Council Meeting

Meeting Date: April 16, 2024

Department Director Mayor Hales	Purpose of Proposal Farewell presentation of Miss Murray.
Phone # 801-264-2600	Action Requested None
Presenters Mayor Hales	Attachments None
	Budget Impact None
Required Time for Presentation	Description of this Item Dakota King will give her farewell presentation.
Is This Time Sensitive Yes	
Mayor's Approval 	
Date April 2, 2024	



MURRAY
CITY COUNCIL

Special Presentations



MURRAY
CITY COUNCIL

Special Presentation #1



MURRAY


Mayor's Office

Mayor's Fiscal Year 2024-2025 Tentative Budget

Council Action Request

Council Meeting

Meeting Date: April 16, 2024

Department Director Mayor Brett Hales Phone # 801-264-2600 Presenters Brenda Moore, Finance & Administration Director Required Time for Presentation 30 Minutes Is This Time Sensitive Yes Mayor's Approval  Date April 2, 2024	Purpose of Proposal Present and submit Mayor's Fiscal Year 2024-2025 Tentative Budget Action Requested Acknowledge Receipt by Resolution Attachments Fiscal Year 2024-2025 Mayor's Tentative Budget Budget Impact Description of this Item Brenda Moore, Finance & Administration Director and Budget Officer, will present Mayor Hale's fiscal year 2024-2025 budget. Following the presentation the City Council will consider a Resolution to acknowledge receipt of the mayor's budget.
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MURRAY
CITY COUNCIL

Special Presentation #2



MURRAY


Mayor's Office

Mayor's Fiscal Year 2024-2025 Tentative Budget

Council Action Request

Council Meeting

Meeting Date: April 16, 2024

Department Director Mayor Brett Hales Phone # 801-264-2600 Presenters Brenda Moore, Finance & Administration Director Required Time for Presentation 30 Minutes Is This Time Sensitive Yes Mayor's Approval  Date April 2, 2024	Purpose of Proposal Present and submit Mayor's Fiscal Year 2024-2025 Tentative Budget Action Requested Acknowledge Receipt by Resolution Attachments Fiscal Year 2024-2025 Mayor's Tentative Budget Budget Impact Description of this Item Brenda Moore, Finance & Administration Director and Budget Officer, will present Mayor Hale's fiscal year 2024-2025 budget. Following the presentation the City Council will consider a Resolution to acknowledge receipt of the mayor's budget.
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RESOLUTION NO. _____

A RESOLUTION ACKNOWLEDGING RECEIPT OF THE FISCAL YEAR 2024-2025 TENTATIVE BUDGET FROM THE MAYOR AND THE BUDGET OFFICER AND REFERRING THE MAYOR'S TENTATIVE BUDGET FOR REVIEW AND CONSIDERATION TO THE BUDGET AND FINANCE COMMITTEE OF THE MURRAY CITY MUNICIPAL COUNCIL.

WHEREAS, Section 10-6-111 of the Utah Code requires that on or before the first regularly scheduled meeting of the governing body in May of the current fiscal year, the Mayor and the City's Budget Officer shall prepare the Mayor's tentative budget for each fund for which a budget is required for the ensuing fiscal year; and

WHEREAS, the Mayor and the City's Budget Officer, Brenda Moore, submitted the Mayor's tentative budget for fiscal year 2024-2025 on April 16, 2024 to the Murray City Municipal Council; and

WHEREAS, the Murray City Municipal Council wants to acknowledge receipt of the Mayor's tentative budget and refer it to the Budget and Finance Committee.

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

1. It hereby acknowledges receipt of the fiscal year 2024-2025 Mayor's tentative budget from the Mayor and the City's Budget Officer, Brenda Moore, on April 16, 2024.
2. The submitted Mayor's tentative budget is hereby referred to the Budget and Finance Committee of the Murray City Municipal Council for review and consideration.

DATED this _____ day of _____, 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder



MURRAY
CITY COUNCIL

Citizen Comments

Limited to three minutes, unless otherwise approved by Council



MURRAY
CITY COUNCIL

Public Hearings



MURRAY
CITY COUNCIL

Public Hearing #1



MURRAY

City Council

Fee Waiver for the Murray Area Chamber of Commerce

Council Action Request

Council Meeting

Meeting Date: April 16, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Jennifer Kennedy	Purpose of Proposal Review the Murray Chamber's applications for a fee waiver Action Requested Approve fee waiver request Attachments PH Notice, Resolution, Application Budget Impact \$1280 fee waiver Description of this Item <p>We have received an additional fee waiver request for FY23-24 from the Murray Chamber of Commerce to waive golf cart fees for their annual tournament.</p> <p>The Murray Chamber received a fee waiver for golf carts during the June 6, 2023 Council Meeting for their annual golf tournament that was held on September 8, 2023. This would be the second request from them to waive golf cart fees this fiscal year.</p>
Required Time for Presentation	
Is This Time Sensitive Yes	
Mayor's Approval	
Date March 27, 2024	

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 16th day of April 2024, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Hall, 10 East 4800 South, Room 150, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning a proposed resolution which would authorize the City to waive golf cart fees at the Murray Parkway Golf Course for the Murray Chamber of Commerce.

DATED this 28th day of March 2024.



MURRAY CITY CORPORATION

A handwritten signature in blue ink, appearing to read "B. Smith", written over a horizontal line.

Brooke Smith
City Recorder

Date of Publication: April 1, 2024
PH24-13

1. in at least one public location within the City;
2. on the Utah Public Notice Website; and
3. on the City's Website.

RESOLUTION NO. R24-20

A RESOLUTION WAIVING GOLF CART FEES FOR THE MURRAY CHAMBER OF COMMERCE ON MAY 10, 2024 AT THE MURRAY PARKWAY GOLF COURSE FOR THE CHAMBER'S ANNUAL CHILDRENS' CHARITY GOLF TOURNAMENT.

WHEREAS, Section 10-8-2 of the Utah Code authorizes, after first holding a public hearing, municipal services or other nonmonetary assistance to be provided to or waive fees required to be paid by a nonprofit entity, whether or not the City receives consideration in return; and

WHEREAS, the City has received an additional request from the Murray Chamber of Commerce ("Chamber") within the same fiscal year budget to waive certain Murray Parkway Golf Course fees; and

WHEREAS, Murray City has waived golf cart fees at the Murray Parkway Golf Course to the Murray Chamber of Commerce in past years;

WHEREAS, the City wants to provide reasonable support through fee waivers to local nonprofit entities that provide a benefit to the residents of the community; and

WHEREAS, pursuant to proper notice, and Section 10-8-2 of the Utah Code, a hearing was held on April 16, 2024 to allow the public an opportunity to comment on the donation and to allow the Chamber to address the City Council.

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

Pursuant to Section 10-8-2 of the Utah Code, the City Council does hereby authorize and approve waiving golf cart fees for the Murray Chamber of Commerce on May 10, 2024 at the Murray Parkway Golf Course.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this day of , 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder



Complete and return to:
Murray City Council Office
10 East 4800 South #290
Murray City, Utah 84107

Email: jkennedy@murray.utah.gov

NONMONETARY ASSISTANCE AND FEE WAIVER APPLICATION

This application is for events being held from July 1, 2024 through June 30, 2025.
Applications must be received in the Council Office by April 30, 2024.

Organization Name: Murray Chamber Of Commerce

Contact Name: Matt Gibbons Phone Number: 801.263.2632

Organization Address: 5411 S. Vine #3, Murray UT., 84107

Email: president@themurraychamber.com

Type of 501(c) Organization: 501c6

Name and Purpose of Activity, Event: Annual Golf Tournament

NONMONETARY ASSISTANCE

Date of Event: 5/10/2024 Assistance Requested: Cart Fees Waived

FEE WAIVER

Type and Amount of Fees requested to be waived: Golf cart fees. 32 teams (64 carts)

Describe the public value and benefits to the Murray community:

The annual golf tournament is to bring people together and to
raise money for charity.

This year we are donating to the Murray Children's Pantry

All nonprofit requests must include a copy of the IRS exempt status approval letter.

Signature:  Date: 3/22/2024

City Use Only:

Date Received: _____

Approved: yes no



MURRAY
CITY COUNCIL

Public Hearing #2



MURRAY

City Council

Non-monetary Assistance for the Light Up Navajo project

Council Action Request

Council Meeting

Meeting Date: April 16, 2024

Department Director Jennifer Kennedy Phone # 801-264-2622 Presenters Jennifer Kennedy Required Time for Presentation Is This Time Sensitive Yes Mayor's Approval Date March 27, 2024	Purpose of Proposal Review the Power Departments request for non-monetary assistance for the Light Up Navajo project. Action Requested Approve non-monetary assistance requests for the Power Department Attachments PH Notice, Resolution, Application Budget Impact Donate time and equipment use, to bring electricity to residents of the Navajo Nation. Description of this Item We have received an application for a non-monetary assistance request from the Power Department for the Light Up Navajo Initiative Project.
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Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 16th day of April 2024, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Hall, 10 East 4800 South, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning a proposed resolution which would authorize the City's Power Department to provide volunteers and the donation of services and nonmonetary assistance between June 24 and June 28, 2024 to the Navajo Tribal Utility Authority to aid in a project to construct electrical infrastructure for Navajo Nation homes which do not have electricity.

DATED this 28th day of March 2024.



MURRAY CITY CORPORATION

A handwritten signature in blue ink, appearing to read "B. Smith", written over a horizontal line.

Brooke Smith
City Recorder

Date of Publication: April 1, 2024
PH24-14

1. in at least one public location within the City;
2. on the Utah Public Notice Website; and
3. on the City's Website.

RESOLUTION NO. R24-21

A RESOLUTION APPROVING THE DONATION OF CITY SERVICES
AND/OR NONMONETARY ASSISTANCE TO THE NAVAJO TRIBAL
UTILITY AUTHORITY'S "LIGHT UP NAVAJO" INITIATIVE PROJECT

WHEREAS, in accordance with section 10-8-2 of the Utah Code the City Council may authorize municipal services and/or nonmonetary assistance to be provided to nonprofit entities regardless of whether the City receives consideration in return; and

WHEREAS, the Navajo Nation is the largest Native American territory in the United States. Among the 55,000 homes located on the 27,000 square mile reservation, about 15,000 do not have electricity; and

WHEREAS, the Navajo Tribal Utility Authority (NTUA), a nonprofit entity created by the Navajo Nation, has launched the "Light Up Navajo" initiative (the "Initiative"), in which it is seeking volunteer crews and in-kind donations of expert labor and the use of power truck equipment in order to help expedite electrification projects within the Navajo Nation; and

WHEREAS, under the Initiative, volunteer crews would be working with NTUA crews to help build electric lines to serve homes to have electricity for the first time; and

WHEREAS, the American Public Power Association (APPA) has asked member utilities to assist with the Initiative and is helping to approve volunteer registrations; and

WHEREAS, as a member of the APPA, the City wants to be responsive and assist the NTUA with the Initiative by (1) providing a crew, (2) paying the crew a per diem, and (3) covering the cost of transporting the power trucks to and from the Navajo Nation; and

WHEREAS, the NTUA will provide all materials for the electrification projects, as well as food and lodging for City crews; and

WHEREAS, City crews will volunteer in the Navajo Nation from June 24, 2024 through June 28, 2024 (with June 23 and 29 as travel days); and

WHEREAS, pursuant to section 10-8-2 of the Utah Code, the City Council held a public hearing on April 16, 2024 to receive and consider public comment on the City's proposed donations to assist with the Initiative.

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

1. It hereby approves and authorizes the donation of City services and/or monetary assistance to the NTUA in support of the Light Up Navajo initiative.
2. It authorizes the Mayor to execute any documents required to implement the City's participation in the Initiative.

DATED this day of April 2024.

MURRAY CITY MUNICIPAL COUNCIL

Pam Cotter, Chair

ATTEST:

Brooke Smith, City Recorder



NONMONETARY ASSISTANCE AND FEE WAIVER APPLICATION

This application is for events being held from July 1, 2024 through June 30, 2025.
Applications must be received in the Council Office by April 30, 2024.

Organization Name: Light Up Navajo

Contact Name: Shannon Burnett Phone Number: 928-729-5721

Organization Address: P.O. Box 170; Fort Defiance, AZ 86504

Email: Shannonb@ntua.com

Type of 501(c) Organization: _____

Name and Purpose of Activity, Event: Light Up Navajo, utilities

donate time and equipment^{use} to bring electricity to
residents of the Navajo Nation.

NONMONETARY ASSISTANCE

Date of Event: June 2024 Assistance Requested: Labor, equipment use,
per diem


FEE WAIVER

Type and Amount of Fees requested to be waived: \$29,000.⁰⁰

Describe the public value and benefits to the Murray community:

Participating contributes to the well-being of the Navajo community,
it brings opportunities for collaboration. It can provide
valuable training and experience for employees involved.

All nonprofit requests must include a copy of the IRS exempt status approval letter.

Signature:  Date: 03/12/24

City Use Only:

Date Received: _____

Approved: yes no



NAVAJO TRIBAL UTILITY AUTHORITY

AN ENTERPRISE OF THE NAVAJO NATION

March 19, 2024

MURRAY CITY POWER DEPARTMENT-LUN

Attn: Tax Department
153 West 4800 South
Murray, UT 84107

RE: Invalidity of the levy or collection of state sales, excise, or income taxes from the Navajo Tribe, or individual Navajo Indians residing on the Navajo Reservation.

Dear Sir or Madam:

The following information is furnishes regarding the statutory or other basis of the exemptions of the Navajo Tribe and individual Navajo Indians residing on the Navajo Reservation from state sales, excise or use of income taxes.

Please be advised that by act of the United States Congress (1 U.S. Code Sections 105, 106, 107, 109 dated July 30, 1947, C 389 Section 1, 61 Sta. 641) all states are specifically prohibited from the levy or collection of such taxes.

Sec. 109

“SS – Same; Exception of Indians

Nothing in Sections 105 and 106 of this title shall be deemed to authorize the levy or collection of any tax on or from any Indian not otherwise taxed”. July 30, 1947. C. 389 Section 1, Stat. 641.

The regulation of trade with Indian tribes is one of the power expressly delegated to Congress by Article 1, Section 8, Clause 3 of the Constitution of the United States, to wit:

“The Congress shall have power to regulate commerce with foreign nations, and among the several states, and with Indian tribes”.

The power is vested in Congress to regulate commerce with the Indian tribes; neither a state nor any of its political subdivisions may tax commerce with the Indian tribes in any form or manner, which shall impose a direct burden on such commerce.

Home Office: P.O. BOX 170 FT. DEFIANCE, AZ 86504	KAYENTA P.O. BOX 37 KAYENTA, AZ 86033	TUBA CITY P.O. BOX 398 TUBA CITY, AZ 86045	SHIPROCK P.O. BOX 1748 SHIPROCK, NM 87420	CHINLE P.O. BOX 549 CHINLE, AZ 86503	FORT DEFIANCE P.O. BOX 587 FT. DEFIANCE, AZ 86504	DILCON HC 63 BOX D WINSLOW, AZ 86047	CROWNPOINT P.O. BOX 1825 CROWNPOINT, NM 87313
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CALL 800-528-5011 OR 928-729-5721 FOR ALL OFFICES.

*This institution is an equal opportunity provider and employer.

RE: Tax-Exemptions Letter
March 19, 2024

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Congress has exercised this power in statutes restricting trade with the Indians, and giving exclusive authority to the Commissioner of Indian Affairs to regulate such trade and the price which goods shall be sold to the Indians. Sections 261-266, Title 25, United States Code.

See Opinion of the Office of the Solicitor, United States Department of the Interior, May 8, 1940, 57 I.D. 124:

... that where purchases are made either by the Indians themselves or by Government agents in carrying out a specific economic program for the Indians approved and supervised by the Federal Government, or where such purchases are made with restricted funds, the purchases are not subject to the State sales taxes even though they are made off the reservation.

Also, under 26 U.S.C. § 7871 (a)(2)(A), an Indian tribal government or a subdivision thereof shall be treated as a State for purpose of exemption from, credit or refund of excise taxes on gasoline and special diesel fuels, provided that, in addition to other requirements applicable to similar transaction of a State or political subdivision thereof, the transaction involves the exercise of an essential governmental function of the Indian Tribal government.

On all purchase orders of the Navajo Tribal Utility Authority, we therefore, request our suppliers to please not include state sales tax and excise tax. For your information, you do not have to request for a new exemption each year.

Sincerely,

NAVAJO TRIBAL UTILITY AUTHORITY



Gerard Curley, Chief Financial Officer/Treasurer
Finance and Accounting Division

cc: Vendor File

**Arizona Form
5000****Transaction Privilege Tax Exemption Certificate**

- Do not use Form 5000 to claim sale for resale. Use Form 5000A.
- Do not use Form 5000 if you are a non-TPT licensed contractor. Use Form 5000M.

This Certificate is prescribed by the Department of Revenue pursuant to A.R.S. § 42-5009. The purpose of the Certificate is to document and establish a basis for state and city tax deductions or exemptions. It is to be filled out completely by the purchaser and furnished to the vendor at the time of the sale. The vendor shall retain this Certificate for single transactions or for the specified period as indicated below. Incomplete Certificates are not considered to be accepted in good faith. Only one category of exemption may be claimed on a Certificate.

A. Purchaser's Name and Address:			B. Check Applicable Box:	
Name NAVAJO TRIBAL UTILITY AUTHORITY			<input type="checkbox"/> Single Transaction Certificate	
Address PO BOX 170			<input checked="" type="checkbox"/> Period From <u>01/01/2024</u> Through <u>12/31/2024</u>	
City FORT DEFIANC	State AZ	ZIP Code 86504	(You must choose specific dates for which the certificate will be valid. You are encouraged not to exceed a 12 month period. However, a certificate will be considered to be accepted in good faith for a period not to exceed 48 months if the vendor has documentation the TPT license is valid for each calendar year covered in the certificate.)	
Vendor's Name MURRAY CITY POWER DEPARTMENT - LUN				

C. Choose one transaction type per Certificate:	
<input checked="" type="checkbox"/> Transactions with a Business	<input checked="" type="checkbox"/> Transactions with Native Americans & Native American Businesses (See reason #12.)
Arizona Transaction Privilege Tax (TPT) License Number NONE	Tribal Business License Number OR Tribal Number
SSN / EIN 86-0204662	Name of Tribe NAVAJO
Other Tax License Number	<input type="checkbox"/> Transactions with a U.S. Government entity (See reasons #9 and #10.)
If no license, provide reason: INDIAN TRIBAL ENTITY	<input type="checkbox"/> Transaction with a Foreign Diplomat (See reason #13.)
Precise Nature of Purchaser's Business UTILITY SERVICES AND INFRASTRUCTURE	

D. Reason for Exemption:
Check the box indicating one of the more common exemptions provided below, or use Box 14 or 15 to cite the appropriate authority for another exemption (deduction). Refer to www.azdor.gov/Forms/TransactionPrivilegeTax.aspx for a complete list of state and city exemptions (deductions) and the business classes (codes) under which the deductions apply.
<input type="checkbox"/> 1. Tangible personal property to be leased or rented in the ordinary course of the purchaser's licensed business.
<input type="checkbox"/> 2. Tangible personal property to be incorporated into a taxable contracting project, or a maintenance, repair, replacement or alteration project.
<input type="checkbox"/> 3. Food, drink, or condiments purchased by a restaurant business.
<input type="checkbox"/> 4. Pipes or valves four inches in diameter or greater to be used for transportation of oil, natural gas, artificial gas, water or coal slurry.
<input type="checkbox"/> 5. Railroad rolling stock, rails, ties, and signal control equipment.
<input type="checkbox"/> 6. Machinery or equipment used directly in the following business activities: <input type="checkbox"/> Manufacturing, processing or fabricating. <input type="checkbox"/> Job printing. <input type="checkbox"/> Refining or metallurgical operations. <input type="checkbox"/> Extraction of ores or minerals from the earth for commercial purposes. <input type="checkbox"/> Extraction of, or drilling for, oil or gas from the earth for commercial purposes.
<input type="checkbox"/> 7. Other income producing capital assets. (Cities only.)
<input type="checkbox"/> 8. Food, drink or condiments for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections or a county sheriff. Food, drink, condiments or accessories purchased by a school district for consumption at a public school within the district during school hours.
<input type="checkbox"/> 9. Tangible personal property sold or leased directly to the United States Government or its departments or agencies by a manufacturer, modifier, assembler or repairer. (Retail, personal property rental and mining classifications only.)
<input type="checkbox"/> 10. Fifty percent of the gross proceeds or gross income from the sale of tangible personal property directly to the United States Government or its departments or agencies. (Retail classification only.)

Your Name (as shown on page 1) NAVAJO TRIBAL UTILITY AUTHORITY	Arizona Transaction Privilege Tax License Number NONE
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☐ 11. Electricity, natural gas or liquefied petroleum gas sold to a qualified manufacturing or smelting business. A manufacturing or smelting business that claims this exemption authorizes the release by the vendor of the information required to be provided to the Department of Revenue pursuant to A.R.S. §42-5063(C)(6). (Utilities classification only.)

☒ 12. Sale or lease of tangible personal property to affiliated Native Americans if the solicitation for sale, signing of the contract, delivery of the goods and payment for the goods all occur on the reservation. **NOTE:** The vendor shall retain adequate documentation to substantiate the transaction.

☐ 13. Foreign diplomat. **NOTE:** Limited to authorization on the U.S. Department of State Diplomatic Tax Exemption Card. The vendor shall retain a copy of the U.S. Department of State Diplomatic Tax Exemption Card and any other documentation issued by the U.S. Department of State. Motor vehicle purchases or leases must be pre-authorized by the Office of Foreign Missions ("OFM"). See "Vehicle Tax Exemption" at www.state.gov/ofm/tax/

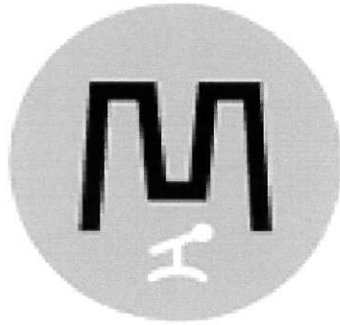
☐ 14. *Other Deduction: Cite the Arizona Revised Statutes authority for the deduction. A.R.S. § _____
 Description: INDIAN AFFILIATION

☐ 15. *Other Cities Deduction: Cite the Model City Tax Code authority for the deduction. M.C.T.C § _____
 Description:

*Refer to [www.azdor.gov/TransactionPrivilegeTax\(TPT\)/RatesandDeductionCodes.aspx](http://www.azdor.gov/TransactionPrivilegeTax(TPT)/RatesandDeductionCodes.aspx) for a complete list of state and city exemptions (deductions) and the business classes (codes) under which the deductions apply.

E. Describe the tangible personal property or service purchased or leased and its use below. (Use additional pages if needed.)
ANY TANGIBLE GOODS OR SERVICE PURCHASED OR LEASED FROM MURRAY CITY POWER DEPARTMENT - LUN.

F. Certification
<p style="font-size: small;">A vendor that has reason to believe that this Certificate is not accurate or complete will not be relieved of the burden of proving entitlement to the exemption. A vendor that accepts a Certificate in good faith will be relieved of the burden of proof and the purchaser may be required to establish the accuracy of the claimed exemption. If the purchaser cannot establish the accuracy and completeness of the information provided in the Certificate, the purchaser is liable for an amount equal to the transaction privilege tax, penalty and interest which the vendor would have been required to pay if the vendor had not accepted the Certificate. Misuse of this Certificate will subject the purchaser to payment of the A.R.S. § 42-5009 amount equal to any tax, penalty or interest. Willful misuse of this Certificate will subject the purchaser to criminal penalties of a felony pursuant to A.R.S. § 42-1127(B).</p>
<p>I, (print full name) <u>Gerard Curley</u>, hereby certify that these transactions are exempt from Arizona transaction privilege tax and that the information on this Certificate is true, accurate and complete. Further, if purchasing or leasing as an agent or officer, I certify that I am authorized to execute this Certificate on behalf of the purchaser named above.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div style="width: 40%;"> <div style="border-top: 1px solid black; width: 100%;"></div> <div style="font-size: x-small;">SIGNATURE OF PURCHASER</div> </div> <div style="width: 15%; text-align: center;"> <div style="border-top: 1px solid black; width: 100%;"></div> <div style="font-size: x-small;">DATE</div> </div> <div style="width: 40%; text-align: center;"> <div style="border-top: 1px solid black; width: 100%;"></div> <div style="font-size: x-small;">TITLE</div> </div> </div>



MURRAY
CITY COUNCIL

Mayor's Report And Questions



MURRAY
CITY COUNCIL

Adjournment