

**MURRAY**  
CITY COUNCIL

# Council Meeting March 20, 2012



**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, March 20, 2012, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:30 p.m. **Committee of the Whole:** To be held in the Conference Room #107

**1. Approval of Minutes**

- 1.1 Strategic Plan Retreat – January 30 – 31, 2012
- 1.2 Committee of the Whole – February 7, 2012

**2. Business Items**

- 2.1 UTA Quiet Zone & Safety Upgrades of Railroad Corridor – Marc Bowman (30 minutes)
- 2.2 Installation of Bike Lanes on 4800 South – Doug Hill/Trae Stokes (15 minutes)
- 2.3 Murray Municipal Council Handbook Discussion & Approval (15 minutes)

**3. Announcements**

**4. Adjournment**

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

**5. Opening Ceremonies**

- 5.1 Pledge of Allegiance
- 5.2 Approval of Minutes
  - 5.2.1 February 7, 2012
  - 5.2.2 February 21, 2012
- 5.3 Special Recognition
  - 5.3.1 None scheduled.

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

**7. Consent Agenda**

- 7.1 None scheduled.

**8. Public Hearings**

8.1 Public Hearing #1

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

Consider an ordinance adjusting Murray City Municipal Council District boundaries. (Jennifer Kennedy presenting.)

8.1.2 Public Hearing to be continued on April 3, 2012 when Council will consider the above matter.

8.2 Public Hearing #2

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

Consider an ordinance adjusting the Murray School Board District boundaries. (Jennifer Kennedy presenting.)

8.2.2 Public Hearing to be continued on April 3, 2012 when Council will consider the above matter.

**9. Unfinished Business**

9.1 None scheduled.

**10. New Business**

10.1 Consider a resolution approving an Interlocal Cooperation Agreement between Murray City, Bluffdale City, Sandy City, South Jordan City, South Salt Lake City, West Jordan City and West Valley City ratifying the formation and operation of the Metro Fire Agency. (Jan Wells presenting.)

10.2 Consider a resolution approving the "Murray City Capital Improvement Program Policy." (Justin Zollinger presenting.)

**11. Mayor**

11.1 Report

11.2 Questions of the Mayor

**12. Adjournment**

**NOTICE**

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

**Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council**

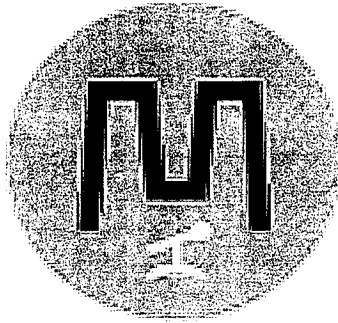
**Members and all other persons present in the Council Chambers will be able to hear all discussions.**

On Friday, **March 16, 2012, 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 and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>

---

Janet M. Lopez  
Office Administrator  
Murray City Municipal Council





**MURRAY**  
CITY COUNCIL

# Committee of the Whole

# Committee of the Whole Minutes



**DRAFT**

## MURRAY CITY STRATEGIC PLAN RETREAT

The **Murray City Municipal Council** and the **City Administration** met jointly for a **Strategic Plan Retreat** on Monday, January 30, 2012 and Tuesday, January 31, 2012 at the Crystal Inn, 818 East Winchester Street, Murray, Utah.

### Attendance:

Michelle Ferguson	Novak Consulting Group	Julia Novak	Novak Consulting Group
Catherine Tuck Parrish	Novak Consulting Group	Doug Hill	Public Services Director
Jan Wells	Mayor's Office	Jared Shaver	Council Member
Darren Stam	Council Member	Pete Fondaco	Police Chief
Jan Lopez	Council Office	Mike Terry	Human Resource Director
Brett Hales	Council Member	Michael Wagstaff	Council Director
David Nicponski	Council Member	Daniel Snarr	Murray City Mayor
Michael Williams	Court Administrator	Frank Nakamura	City Attorney
Gil Rodriguez	Fire Chief	Blaine Haacke	General Manager Power
Tim Tingey	ADS Director		
Andrew Zetterholm	Novak Consulting Group		

At 4:00 p.m. on Monday, January 30, 2012, Ms. Novak welcomed those in attendance and introduced her team of Ms. Ferguson, Ms. Tuck Parrish and Mr. Zetterholm.

Ms. Novak outlined the agenda for the retreat.

- Reach final agreement on strategic plan framework;
- Receive best practices recommendations from consultants;
- Review Capital Improvement Program (CIP) policy and process;
- Develop an understanding of priorities for the City's first CIP; and
- Develop a shared understanding for action items on the Strategic Initiatives and develop work plans for those.

Ms. Novak expressed her sorrow that Jim Brass suffered a recent heart attack and would not be in attendance for the meeting regretting the loss of his institutional knowledge. She asked attendees to introduce themselves, share their expectations for the retreat and note what would be missing with Mr. Brass' absence.

## **Expectations**

Participants articulated the following expectations:

- How we implement the strategic plan and CIP
- Good communication will continue and expectations for moving forward
- Build stronger bond between elected and staff; clear understanding of how we all move in the same direction
- Define where we are, where we want to be and how we get there
  - Honest and open communication
  - Work together to make it happen
  - Formula and plan to make it happen
- How we put all of the “words” together
- Specifics for law enforcement
- Confident we can work together, excited about knowing where we are going
- Tangible direction, something to share with employees
- All have ownership in this and sell it to employees
- Excitement for the future
- Commitment and ownership
- Direction we have decided together
- Trust is not just a word; really develop trust
- Review results of last retreat
  - How things are added to the CIP
  - Best practices on establishing priorities
- Understanding of how we move this plan forward

Participants noted these attributes that Mr. Brass contributes:

- Historical perspective
- Knowledge and insight
- Broad community perspective, e.g. schools and Planning & Zoning
- Sense of humor
- Will miss his perspective; have trust in him
- Ability to bring government to a neighborhood/personal level

The group agreed to keep his perspective in the room throughout the retreat.

Ms. Novak explained the norms and expectations for the retreat. The norms, or ground rules, included the following: listen with respect; be positive and realistic; be candid and honest; be patient; look for opportunities to agree; participate and be engaged; respect differences; be fully present with phones on silent; and strive for consensus.

## **Process Overview**

Ms. Tuck Parrish addressed the timeline providing an overview of the process detailing the work that had been accomplished to date. September and October was spent in answering the first question: Where are we now? This was been completed through interviews, focus groups, surveys and discussions with the steering committee. Preliminary meetings with department heads took place to begin the

organizational assessment. These sessions contributed to the development of the Environmental Scan and some time was spent at the first retreat reviewing that.

In early November, interviews were held with department heads to begin the organizational assessment portion which led into another phase that will be discussed at this retreat. The retreat focused on developing the Vision, Mission, Values and Strategic Initiatives.

In December and January the Strategic Planning Framework was refined and Novak worked with the department heads to collect the existing capital projects in the General Fund. A draft CIP policy was developed to begin the process for prioritization.

Ms. Tuck Parrish indicated that Novak Consulting Group returned to meet with the Steering Committee in January to get direction, fill them in on what was done, prepare for this current retreat and continue framing the Strategic Initiatives.

The focus of the retreat will be on Best Practice recommendations, the CIP, strategic planning elements and review of implementation.

February is slated for completion of the final Strategic Plan and preparing a deliverable document for the City to include the Strategic Plan, CIP, Best Practices Assessment recommendations, and a summary document that was requested in the original RFP. This will help when talking with employees, residents and businesses as a tool for communication on where we want to be and how it will be accomplished, Ms. Tuck Parrish said.

The real work begins in March when the leadership of the City decides what it will do with the final plan, how each person contributes and monitoring progress.

### **Strategic Plan Framework**

Ms. Novak related that her team had refined the Vision, Mission, and Value Statements that were developed in November to make them sound as if they were written in one voice. She asked that these statements be read out loud with each person processing their response to decide if that is the Vision for this community, if the Mission is something everyone wants to get up for and something the employees will buy into, and if the Values reflect how business is done in Murray City.

Mayor Snarr read the Vision Statement. Mr. Stam read the Mission Statement. Mr. Shaver read the Value Statement. Then the question was asked of the group "in order for that to happen, what must go well?" At the prior retreat the following Key Performance Areas (KPA) were created from that question: Financially Sustainable; Responsive and Efficient City Services; Cohesive, Engaged and Informed Residents; Safe and Healthy Neighborhoods with Varied Housing Opportunities; Welcoming Business Climate and Thriving Downtown; and Well Maintained, Planned and Protected Infrastructure. The expanded descriptions of the Key Performance Areas were read out loud by various people for everyone to ponder.

Some of the KPA had bullet points that seemed to limit or narrow the focus of how the City would carry out the KPA, Mr. Shaver commented. Ms. Novak responded that the sentence itself would describe what the performance area would be and the specific initiatives bulleted below would be things that would be focused on immediately to start taking the City in that direction. The initiatives would be discussed in detail the following day.

Mr. Hill mentioned that seeing these in writing for the first time, he also felt they were limiting and some performance areas were omitted. He agreed that these may not be all the goals to accomplish the KPA. Mr. Shaver said that when the retreat is over, he feels that these KPAs should be complete.

Ms. Novak repeated that the KPAs are the things that must go well to achieve the Vision. They are spoken of in the present tense as if all these things exist. The building blocks are the Vision, Mission, Values and KPA, and then you say what the first step is. What can we do today? This list was created during the last retreat and the goal was to make sure that these are still the right steps. The priorities will be revisited to make sure nothing has been missed.

There was some discussion and rewording of the Vision and Mission Statements. It was important to everyone not to sound average or mediocre.

*The **Vision***, after discussion, remained unchanged:

Murray City is a progressive, vibrant, independent and self-sustaining community that balances the needs of its businesses and protects an ever-changing resident population. We capitalize on our strengths, including our central location and infrastructure, to attract quality businesses and jobs. Our quality of life is enriched through the availability of thriving and diverse neighborhoods, healthcare services, community recreation and educational opportunities. We encourage public participation and foster inclusiveness for our citizens in moving the City forward.

*The **Mission*** was changed to the following:

Murray City promotes a high quality of life by providing superior governmental services in a professional, friendly, innovative and proactive manner.

*The **Values*** remained unchanged:

Murray City employees and elected officials serve our community in an environment grounded in core values that guide our daily actions. We aspire to work in an environment that is defined by a sense of **camaraderie** with our colleagues. We know that we are **accountable** for our resources, decisions, actions and deeds, and recognize that good governance requires that we act with the utmost **integrity**. We **collaborate** to provide services and are **responsive** to those we serve.

Once that wording was finalized, Ms. Novak reviewed the strategic plan framework and asked participants what was missing and how they felt about the Vision, Mission, Values and Key Performance Areas.

Feedback on what was missing from the strategic plan framework:

- The way the community looks, the aesthetics
- Leadership
- Anticipate change into the future
- Autonomy and independence
- Secure, no fear in partnering with others
- Recreation and green space

Ms. Novak then asked all participants to re-read the strategic plan framework with the above list of missing topics in mind to see if they were mentioned in the Vision, Mission, Values and Key Performance Areas.

Ms. Novak described two kinds of people, saying there are “splitters” and “lumpers.” She asked the group to make a case for each of these missing items as already being there. She instructed the participants to look for signs of aesthetics, leadership, anticipating change, autonomy, partnering and recreation. She insisted that some people will be convinced these things can all be included in two categories. After lengthy discussion, associates decided the only topic which needed to be addressed more specifically was recreation and green space. To that end, participants decided to include recreation/green space in a new Key Performance Area. Also discussed and modified was the wording on some specific KPAs with the final version, as follows.

### *The **Key Performance Areas:***

#### **Financially Sustainable**

Murray City is well equipped to meet its short and long term financial obligations with the annual adoption of a balanced budget, the implementation of a multi-year capital improvement program, and the diversification of revenue streams in response to changing economic trends.

#### **Welcoming and Thriving Business Climate**

Murray City maintains an aesthetically pleasing, efficient, progressive and business friendly environment through investments in transportation, technology and infrastructure that support quality businesses and jobs in the community. Murray City is home to unique, destination-oriented, sustainable commercial development.

#### **Responsive and Efficient City Services**

Murray City ensures the delivery of high quality public services by maintaining an effective, efficient and well trained workforce, regularly investing in technology, equipment and other resources, and communicating with residents and business owners regularly to understand how responsiveness may be enhanced to meet the needs of residents and property owners.

#### **Engaged and Informed Residents**

Murray City provides its residents the opportunity to be knowledgeable, informed and aware of local issues. Our residents take ownership in improving the community and serve as active partners and participants.

#### **Safe and Healthy Neighborhoods with Varied Housing Opportunities**

Murray City is comprised of safe, healthy, and attractive neighborhoods that reflect socioeconomic diversity, promote walkability (e.g. complete streets), offer a variety of housing options, and foster a strong sense of community.

#### **Well Maintained, Planned and Protected Infrastructure and Assets**

Murray City provides for timely maintenance, repair and replacement of our assets. The City makes regular contributions to a capital improvement fund to meet existing infrastructure needs and plan for and accommodate future growth.

### **Vibrant Parks, Recreation, and Cultural Amenities**

Murray City provides a variety of active and passive cultural and recreational opportunities in well maintained parks, facilities and public spaces for the personal enrichment of residents and visitors.

### **Best Practice Recommendations and Capital Improvement Program**

Ms. Ferguson mentioned that part of the work Novak was asked to do was to take a look at the organization as a whole. The team met with each department head to talk about structure, primary lines of business services and improvements that they would like to see. When developing the Strategic Plan they thought about issues that should be addressed, best practices the organization needs to employ in order to facilitate the Vision. These recommendations should help make sure the final Strategic Plan will become a reality and be successful. To support that process three main areas have been categorized: organizational efficiency in management; financial management; and capital.

*(Detail of the Best Practice and CIP program presentation is found in **Appendix A**, which is attached to the minutes.)*

### **Capital Improvement Program Policy and Process**

Ms. Ferguson also presented a draft CIP policy for the Council and Administration to review and discuss and facilitated a brief review of CIP projects from City staff. The goal of a CIP document is to help the City systematically prioritize the most essential capital needs. The key is systematic prioritization. Without that you have departments with a variety of different needs at a variety of different levels and no clear way to help prioritize or fund. By establishing the policy you begin to create the system by which the City can decide what the most important priorities are in the community. It helps effectively manage all the requested department needs.

Earlier Novak asked the departments to submit a list of their capital needs. There were hundreds of requests. They ranged from small items like a new desk chair to large items like a new City Hall. This shows that there has not been a system created to help the departments figure out what is capital and how to begin categorizing it in a way the elected officials can begin to prioritize.

Novak provided suggestions for establishing three categories of capital over a five year period: capital (new projects-construction or major renovations); technology capital (managed by Information Technology Governance Committee, ITGC); and maintenance capital (vehicle replacement and maintenance standards). Also recommended was the establishment of a CIP Review Committee.

*(Please refer to **Appendix A**, pages 4-7 and **Appendix C** for details of the draft CIP Policy.)*

Ms. Tuck Parrish distributed an exercise for prioritization of the CIP. Ms. Ferguson explained that a list of General Fund capital projects was put together that met the criteria suggested for the CIP. These were put into a matrix with the evaluation criteria questions to determine priority.

*(**Appendix C**, page 6 contains suggested evaluation criteria questions for CIP projects.)*

Ms. Ferguson asked those department heads responsible for the projects listed to talk about each project briefly.



The Mayor and Council Members were requested to engage in the prioritization exercise for each project to give them a feel for what the process would be like for the CIP review committee when they meet to carry out their work.

Ms. Novak explained that this exercise would complete the work for the evening.

Day one of the retreat adjourned at 9:00 p.m.

---

On Tuesday, January 31, 2012 the Strategic Plan Retreat reconvened at 8:30 a.m. with the same participants present as on the previous day.

Ms. Novak outlined the agenda for the day stating that the group would revisit the CIP conversation from the previous evening, debriefing the policy and process, and share the results of capital projects prioritization. Following that, discussion and development of Strategic Initiatives that fit with the Key Performance Areas would take place.

She reviewed how participants experienced the previous day. Participant comments included:

- Tremendous progress
- Talking about the future
- Making the future we want a reality
- Purpose behind our five year plan
- Clarify and define CIP process, elements of capital
- Dealt with language of KPA's, didn't just agree
- Holes noticed and plugged
- Administration and Council on the same page

#### **Input on CIP Projects and Priorities**

Mr. Zetterholm presented the results of the CIP prioritization exercise the Mayor and Council completed the previous evening. Those projects receiving the highest score were the new City Hall Center and the Murray Park Armory Building, both with 8.25 points, followed by the restrooms in parks and pavilions.

*(The completed results are attached as **Appendix B**)*

Ms. Ferguson noted that the exercise indicates just how objective the process is. The committee may go through the process and then look at the list and make some judgments based on other factors, and that is within their purview, prior to recommendation to the City Council. She sought feedback from participants about the draft CIP policy and CIP development process, which was previously presented. Comments received included:

- Takes care of big ticket non-capital items
- Funding sources may be different
- New Council needs to trust policies
- Council's job is not to manage
- No surprises

- No more “whining” about money to replace equipment
- Gives confidence by following written policy
- Prior Planning Prevents Pathetically Poor Performance (Six P’s)
- Future oriented
- Forces departments to justify needs
- Accountability
- Takes capital out of operating budgets

Mr. Hill commented that the City will actually go back and prioritize projects, clarifying that this was only an exercise to understand the process. Second, he mentioned that he feels there are some capital expenditures that do not fit on any of the lists, such as a Parks and Recreation Master Plan that would cost the City \$100,000 to hire a consultant. A Strategic Plan update, General Plan update or IT Plan update may cost a lot of money that really is not addressed on the CIP; therefore, where would that show up in the process, he asked.

Ms. Ferguson said that these are operational in nature and as the City looks at the operating budget routinely you will need to look at revenue, service level, staffing, programs and unique larger operating expenses that need to be funded each year. Some communities call this a supplemental expense with an additional process to rank and prioritize these expenses in the operating budget.

Mr. Shaver related that this very process took place to fit the Strategic Plan into the budget. Mr. Hill said that there are certain things that you know will need to be expensed, such as master plan and general plan updates, and he wondered if there is a benefit to creating something similar to the CIP for those supplementary things. He feels these things should be planned for over a five year period. Ms. Novak agreed that these are capital expenditures that should be planned for.

Mr. Shaver stated that this would be revealed when an audit or review of the departments are done every two to three years. Ms. Novak said that there is a section in the operating plans with an initiative about reviewing city services.

Ms. Ferguson noted that these really are two separate things, one is a review of services and the other is planning for financial expenses. Mr. Hill repeated that he feels it is important that those major expenses be on a supplemental or maintenance CIP list. It will be important to have them on a list where everyone can see them coming and it does not appear as a surprise when the department head requests certain items in the annual operational budget. It could come from a review of one of the departments.

There was some discussion regarding funding replacement of large vehicles like a fire truck. Ms. Novak suggested that the City would have a vehicle replacement fund and it should be funded at a certain level and that is the money to buy whatever is in the annual appropriation. She added that fire trucks may be financed differently. Ms. Ferguson pointed out that with a five year CIP, every four years there will be a major fire vehicle and there will not be surprises each year. Chief Rodriguez stated that the real challenge is to keep that money sacred for future big ticket purchases.

Ms. Ferguson also asked participants what was missing from the draft CIP policy and CIP development process:

- Need to “weight” decision criteria

- Criteria for projects that come to CIP review committee might change
- What are the minimum criteria for a project?
- Need application process for proposed CIP projects
- Where does the public provide project recommendations?
- Community buy-in is needed
- Role for enterprise funds: they go through the same process as the General Fund CIP
- Role for advisory/citizen boards in the CIP vetting process

Following a short break, Ms. Novak complemented the group on the work that was done to finalize the Key Performance Areas. She asked Mr. Hill to read the language on the Parks and Recreation KPA that was added. After discussion the wording was finalized. Language and wording was reviewed on KPA items #3, #5 and #6, as well, and they were amended as detailed previously on page five.

### **Strategic Initiative Review**

Ms. Novak reviewed that the group had identified six specific initiatives that elected officials wanted to pursue as their highest priorities over the next two years in moving toward the Vision. They were:

1. Diversify City revenue sources
2. Develop a comprehensive economic development policy and incentive plan
3. Pursue aggressively the creation of a vibrant and sustainable Murray City downtown
4. Develop a performance management system and City services review
5. Develop an internal communications plan
6. Develop a comprehensive Capital Improvement Program

She asked if anyone had second thoughts about something they let move forward as an initiative that they really don't think should be there. The group should feel passionately about these items. Ms. Novak commented that there need not be a specific initiative under each KPA. It just means there is nothing specific that needs to be focused on immediately.

After reviewing the work that was done the previous day, the following areas were mentioned as potential items missing in the strategic initiatives:

- Bus Rapid Transit
- Traffic Calming
- Bike Lanes
- Evaluate employee compensation and resource options
- No Crime-Police Patrols
- Code Enforcement
- Rely less on sales tax, and more on other revenue sources like property tax or higher fees

Discussion continued on how some of the mentioned items fit into Key Performance Areas. Mr. Nakamura advised that the employees and workforce warrant a separate initiative. Ms. Novak asked what specific initiative should be added regarding employee morale. She added that some things may be handled through Human Resources and the regular annual budget and not need to be on this list. After discussion, the following initiatives were added:

7. Evaluate employee compensation and resource options
8. Develop a comprehensive external communication plan
9. Develop a parks, recreation and cultural amenities master plan

### **Development of Work Plans**

Following a lunch break, Ms. Novak commented that participants would take the nine strategic initiatives and refine work plans to determine the steps for each priority. She divided everyone into two groups with administration and Council members split between the groups.

For the new initiatives, instructions included answering the two questions:

1. What problem are we trying to solve?
2. What does success look like?

The nine strategic initiatives were split between the groups. The groups rejoined after working separately for about one hour and all nine strategic initiatives were presented.

#### **Diversify City revenue sources**

- Investigate alternative revenue sources
- Assess where we are and benchmark against other communities
- Evaluate fees and In Lieu of Tax transfers
  - Residential, interdepartmental, and non-profits (i.e., stormwater)
- Review County and State policies and procedures affecting values in the City
- Develop five- year plan to diversify
  - Set incremental annual targets
- **ROLES:** Staff/Administration = research, draft, and advocate policy/plan; Council = provides funding and reviews/establishes policy

#### **Develop a comprehensive economic development policy and incentive plan**

- Evaluate existing policies
- Benchmark with neighbors and more broadly (out of State?)
- Collaborate with others (Chamber, large businesses, IMC, other large groups, UTOPIA)
- Develop a marketing plan, assess opportunities, identify target markets
- Establish a process and parameters regarding incentive options
- Draft plan with collaborative efforts – 5 to 10 years
- **ROLES:** Staff/Administration = research, draft, and advocate policy/plan; Council = reviews and establishes policy

#### **Pursue aggressively the creation of a vibrant and sustainable Murray City downtown**

- Actively and aggressively market downtown
  - Cooperatively on extended marketing
- Evaluate underutilized properties for targeted redevelopment
- Pursue cluster developments
- Define redevelopment agency incentive options for developers
- Pursue transportation investments (City and external)
- Develop relationships with developers (Mayor, Council, Staff)
- Actively talk to existing businesses to keep them here – retention efforts
- Invest in public facilities downtown

- Promote establishment of Business Improvement District for downtown
- Establish collaborative partnerships with businesses/non-profits in downtown
- **ROLES:** Staff/Administration = pursue actions, keep Council informed; Council = help build relationships, establish policy and decisions

#### **Develop a performance management system and City services review**

- Appoint a City Services Review Team
- Identify initial priorities for studies
- Develop a process for routinely reviewing city services
- Identify goals of each study
- Hire outside consultant/expert in the field
- Conduct study
- Identify who to involve in study (department heads, staff, customers, stakeholders)
- Present recommendation to City Services Review Team, then full Council
- **ROLES:** Mayor/Administration = implement; Council = provides funding

#### **Develop an internal communication plan**

- What is the problem we are trying to solve?
  - Lack of understanding
  - What is behind decisions
  - Making/controlling rumors
  - Administration-Employees
  - Administration-Council
- What does success look like?
  - Trust
  - Open discussion
  - Employees big concerns go to appropriate management
  - Buy in on decisions/acceptance
  - See more communication
  - Repetition of information
  - Better decisions
- Action steps
  - Utilize Council-Administration meetings
    - Chief of Staff and Executive Director meet to agree on agenda items
    - Share agenda with council/all
  - Utilize Council Committee of the Whole
  - Continue annual employee meeting with Mayor at budget time
  - Survey employees
  - Direct Department heads to develop internal communications plans
  - **ROLES:** Administration/Staff = implement; Council = approves policy

#### **Evaluate employee compensation and resources**

- What is the problem we are trying to solve?
  - Compensation
  - Compression issues
  - Employee turnover

- Fair internal/external equity
  - Recruitment
  - No performance incentives
- What does success look like?
  - Successful recruitment
  - Retention of good employees
  - People spread in range based on experience
  - Reward performance
- Action steps
  - Identify employee satisfiers
  - Review compensation package as a whole
  - Compare compensation with competitors
  - Determine pay and benefits philosophy
  - **ROLES:** HR Director = leads; Administration = develops recommendation; Council = approves recommendation; Administration = implements

#### **Develop a comprehensive external communication plan**

- Conduct a SWOT analysis of existing communication tools
- Determine communication goals
  - Develop specific strategies to communicate with residents/business regarding
    - Utopia, impact of economic downturn, CIP process
  - Develop marketing strategy for whole City, to enhance revenue generation
  - **ROLES:** Staff/Administration = develop plan; Council = approves; implement together

#### **Develop a comprehensive Capital Improvement Program**

- Identify CIP funding sources
- Establish policy and procedure
  - Establish CIP Committee
  - "Application" process
- Inventory assets and condition
- Establish inventory of projects/needs
- Establish infrastructure schedules/policy (vehicle/equipment, street, parks and rec, IT)
- Implement the process
- Get community buy-in
- **ROLES:** Administration = draft policies based on expertise; Council = reviews, establishes policy; implement together

#### **Develop a parks, recreation and cultural amenities master plan**

- What is the problem we are trying to solve?
  - No clear plan
  - Competition for space and programming
  - How to prioritize services
  - Don't know what City wants
  - Future focus
- What does success look like?
  - Master plan adopted by Council
  - Citizen input

- Action steps
  - Issue an RFP for master plan consultant
  - Conduct a city survey/input mechanism
  - Encourage public input - utilize Park Board, recreation participants
  - Prioritize programming and space use for a 10 year plan
  - Recommend funding in the CIP
  - **ROLES:** Public Services Director = leads; Administration = recommends to Council; Council = approves; Administration = implements

### Wrap Up and Closing Thoughts

Ms. Novak explained that about February 20 the City would receive the final Strategic Plan, with the Vision, Mission, Values and Key Performance Areas. These are the statements that will be adopted by the City Council, which are the ongoing pieces of the Plan that will be in place for quite awhile. On a semi-annual basis new Strategic Initiatives may be adopted. The administration will get the initial work plans that will be the tools put in place by the City. On a quarterly basis there should be some type of formal check-in on progress of the work plans.

A summary document will have all the ongoing pieces of the Strategic Plan put into a brochure for the website, marketing collateral, to be shared with employees, and wall copies for posters. The final report will have a write-up of Best Practices and the draft of the CIP policy with an inventory of projects. A retreat report will be sent out prior to the final report. In response to a question, Ms. Novak said that there will also be a checklist of the action plans and next steps for implementing the nine strategic initiatives.

Mr. Haacke asked what would be the best way to share this plan with City employees. Ms. Novak suggested that each department head communicate the Vision, Mission, Values and Key Performance Areas with staff, including a debrief during departmental meetings to talk about what the Values mean to you and how you see them being implemented. It will be important for every employee to see this.

Ms. Wells said that as part of the next employee meeting this information will be discussed. The annual meeting will be in March or April. She said repetition is the key and department heads should talk about this as much as they want. She would like to have everyone seize onto these concepts along with management. Mr. Shaver related that this could affect employee morale positively by them knowing the City has worked as a whole on this.

The City staff and elected officials concluded the strategic planning with each participant imparting closing thoughts on the process:

- **Mayor Snarr:** For the 14 years I have been Mayor, I have been trying to get my head around all this. It is a learning process. You have solidified what we have to do to get all this done on a yearly basis. I feel bad that I am not going to be around in two years, but feel good that we have established a process and way forward for the City. We are a self-contained city that really controls its own destiny. It has been great for me; sometimes it has been hard for me to stay focused. Sometimes I am thinking of other projects that will come out of this as we are working. I have just been really pleased, it has been money well spent, because it has helped us identify where we are at, what we need to do, and how we need to get there.

- **Frank:** I want to echo what the Mayor said. Thank you. You are all very professional and have done a great job. I particularly liked the CIP, it was very well done. I also appreciate the opportunity to talk with the Council; it isn't often that I get to do that, in this less formal setting, so that was great. I have been in this business for a long time, some of this I have never learned, it is nice to see when all the pieces fit as a whole it all makes much more sense.
- **Jan:** I think when we went through the process to start; I think we did get a really good group to help us. I think we have a lot to do, but we have a good plan in place. I appreciate everyone's effort here, being away from work and family, because it does take a long time to get this finished.
- **Jared:** It was very interesting when you came in, you were the first group and we knew right away you were the ones. That started for me, and everyone else, that you were the way we wanted to go. I knew how I felt at the beginning; there was a separation, as I went through the process it became very clear to me that we are on the same page. Same thing in the last couple days, but we have been talking with each other not at each other. We are not done yet though, we still need to talk with each other throughout implementation. It is hard to do this in a committee of the whole, so thank you, and good job.
- **Darren:** One of the first things I said when I got on Council was how do we sit down and discuss and get on the same page when we are on the Council, I was told "no, we really can't just sit down and all talk about it." But, really, we are not on different pages, everyone is not only an employee, but a resident as well. It is nice that we are all on the same page, and I appreciate your help in facilitating this process.
- **Brett:** With my whole month on the council, I didn't know how this would go. I have had a lot of respect for department heads, my whole 23 years. I just have even more respect for you now. I was talking with Jan about how huge this process is. It will take time, and we appreciate your efforts and everything you do. It is great to be a part of a great City like Murray.
- **Jan:** With your direction, the people in this room have shown such great enthusiasm, knowledge, expertise, and momentum and I hope that momentum will continue on as we go back and begin the next steps.
- **Tim:** I just want to express my appreciation for your help in this process. The key will be commitment in this process, we have to be committed to helping in this process and we can improve our community for the future.
- **Doug:** I don't have a lot to add, but I think the months and dollars we have invested will come back to us. Thank you.
- **Blaine:** The camaraderie and friendships have been nice. I invite the council members to come talk to us when you have questions, we can support you through the process, just come talk to us.
- **Gil:** Thank you for your patience. The burden is on us now to implement it. You will leave and we will have to do it now.
- **Mike (HR):** It holds us accountable moving forward. It provides an opportunity and responsibility moving forward. It is a wonderful opportunity and I am excited.
- **Pete:** The last two days have been great. I appreciate the CIP process. We need to start funding the CIP, but we still don't know how to fund it. I appreciate your help.
- **Michael:** I am thoroughly excited, we had that meeting a week ago and saw the initial report, I was ecstatic, it fills lots of holes, it holds each other accountable, where we have a compass to guide us all by, thank you.



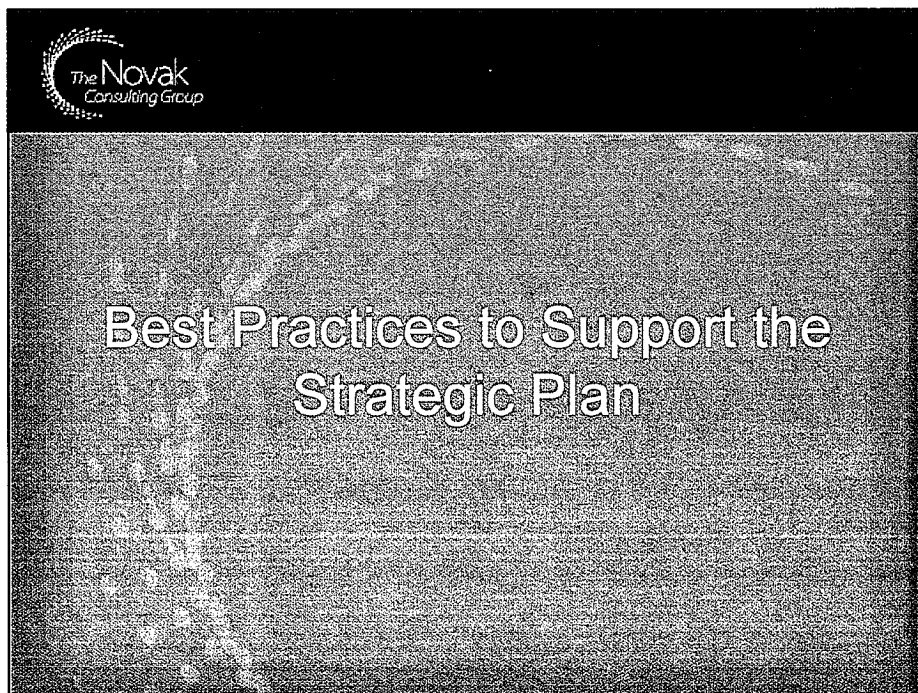
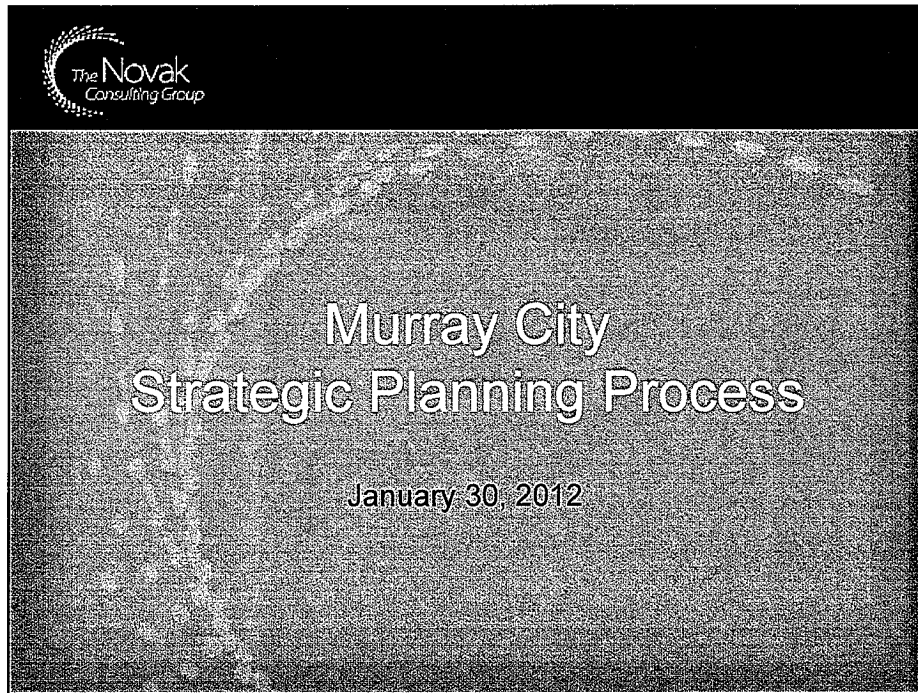
- **Mike (Courts):** Thank you. Once we did all this, I think it shows we can do it. We just have to marshal ourselves together to do it.

The Novak staff commented that it has been a delight working with Murray City and as they work with many communities on retreats, it has been a unique experience in Murray having department heads and elected officials listen, engage in conversation and participate actively in this process. This kind of dialog has been extraordinary. Ms. Novak said there is something special here and it has been a joy for them and added that it should be treasured, nurtured and cared for. She thanked City leaders for allowing them the opportunity of getting to know everyone and guiding them through this process.

The Strategic Plan retreat concluded at 3:15 p.m.

Janet M. Lopez  
Council Office Administrator

## **Appendix A**





## Organizational Management and Efficiency

1. Develop a performance management system.
2. Clarify the role of the Chief of Staff to include managing the internal operations of the City.
3. Investigate the creation of a General Services function to centralize fleet, facilities, purchasing



## Organizational Management and Efficiency

4. Conduct a review of City services to identify opportunities for increased effectiveness and efficiency and best practices
5. Establish service level agreements between departments
6. Develop proactive management of emergency management functions



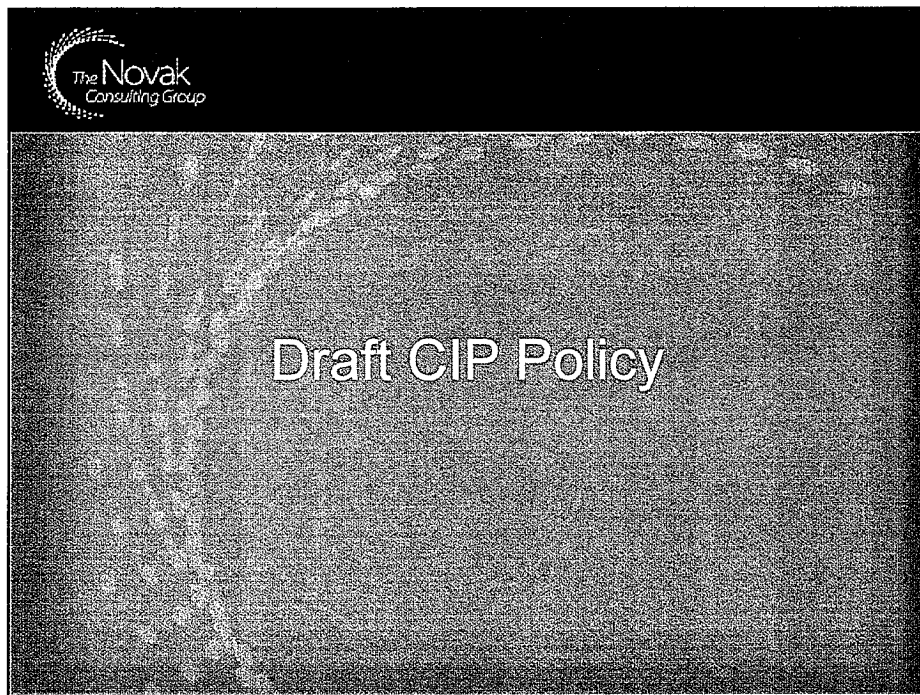
## Financial Management

7. Complete the cost of services study to clarify transfers between Enterprise funds and the General Fund
8. Develop and implement a program based budget that uses the GFOA criteria for municipal budgeting to establish a program based budget



## Capital Management

9. Develop and assign responsibility for a City-wide CIP, including the creation of a Maintenance Capital Program
10. Develop a City-wide vehicles, facilities and equipment replacement plan
11. Investigate options for ERP (HRIS and replacement of City's financial system) as identified in the IT strategic plan



The Novak Consulting Group

## Goals of the CIP Policy

- Systematically prioritize the most essential capital needs
  - Take care of existing assets first
- Effectively manage numerous requests and needs
- Maximize the use of limited resources (\$)



## Definitions of Capital

### Capital

- \$50,000
- New projects – construction, major renovations
- Useful life of 10 years or greatly extend useful life of an asset



## Definitions of Capital

### Technology Capital

- \$25,000 or require 6 months or 1,000 hours to implement
- New projects – systems, infrastructure, hardware
- Useful life of 3 years or greatly extend useful life of an asset



## Definitions of Capital

### Maintenance Capital

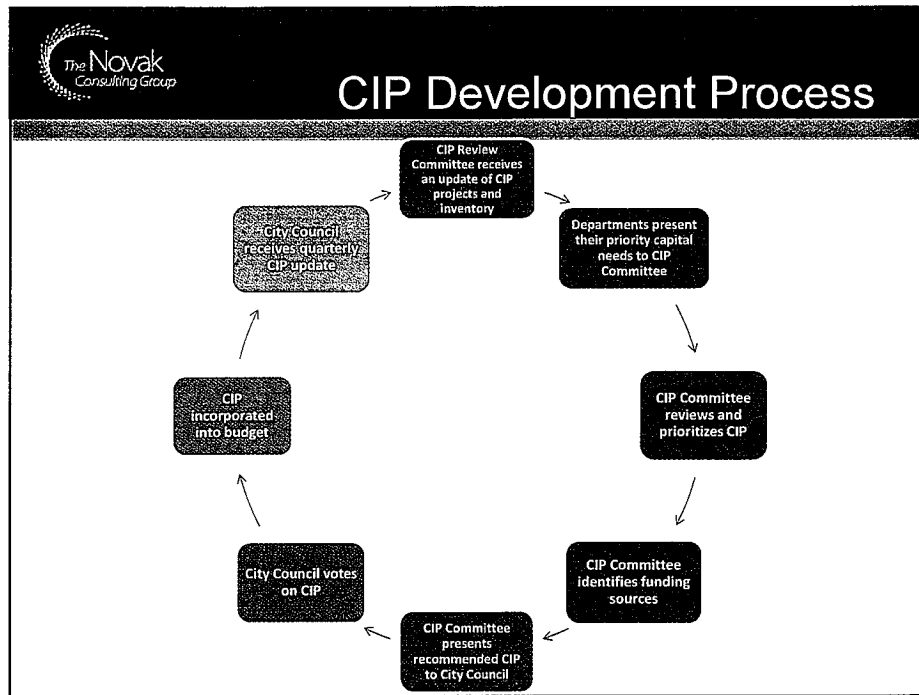
- Takes care of existing assets
- Non-expansion projects
- Could be funded through CIP or operating budget based on policy
- Requires the establishment of several policies
  - Vehicle Replacement Policy
  - Street Maintenance Standards Policy
  - Park Maintenance Standards Policy
  - Building Maintenance Standards Policy
  - Technology Replacement Policy



## CIP Development Process

- Form a CIP Review Committee
  - Mayor, CAO/COS, CFO, 2 Council members
- Receive capital recommendations from departments
- Prioritize projects based on established criteria
- Identify funding sources
- Recommend CIP to City Council





## **Appendix B**



# CIP Prioritization Exercise Results

Murray City, Utah



## CIP Priority Summary

	Project	Funding Required	Fiscal Year	Average Score
1	New City Hall Center	\$15,500,000		8.25
2	Murray Park Armory Building	\$5,000,000		8.25
3	Southwood Restrooms	\$170,000	2013	7.50
4	Pavilion #2 restroom	\$170,000	2014	7.50
5	Pavilion 4 restroom	\$170,000	2015	7.50
6	Grant Park restroom	\$200,000	2016	7.50
7	Old ice rink restroom	\$200,000	2017	7.50
8	Ken Price Restroom	\$170,000	2017	7.50
9	Cottonwood Street Improvements: Vine to 4500 South	\$18,000,000		7.00
10	Cottonwood Street: Winchester Street to 5600 South	\$10,500,000		7.00
11	Downtown parking structure	\$15,552,000		6.25



## CIP Priority Summary

	Project	Funding Required	Fiscal Year	Average Score
12	Pavilion 5	\$500,000	2016	6.25
13	5900 South State Street to 700 West	\$5,100,000	2017	6.25
14	Performing Arts Center	\$23,000,000		6.00
15	Murray Park Amphitheater	\$545,000		5.50
16	Fireclay Avenue and Main Street Intersection	\$200,000		5.25
17	4800 South and 300 West Intersection	\$200,000		5.00
18	Commerce Drive (380 West) and 5900 South Intersection	\$160,000		5.00
19	Golf Course Irrigation System	\$2,000,000	2014	4.75
20	Pavilion 1-2-3-4	\$1,000,000	2017	4.75
21	Hillcrest Jr. High School Recreation Facilities	\$3,500,000	2013	4.75



## CIP Priority Summary

	Project	Funding Required	Fiscal Year	Average Score
22	Ken Price grandstands	\$700,000	2017	4.50
23	Expansion of upstairs of Park Center	\$150,000		3.50
24	Murray Museum	Unknown		2.75
25	Cemetery Road Overlay	\$150,000	2013	2.50
26	Bus	\$80,000	2014	2.25
27	Elevator in Public Service Building	Unknown	2013	2.00
28	Add new water features in the outdoor pool	\$60,000		1.75
29	Splash Pad	\$80,000		1.00

## **Appendix C**

## **Murray City**

### **Capital Improvement Program (CIP) Policy - *DRAFT***

#### **Introduction**

The Capital Improvement Program (CIP) of Murray City is a long-term planning tool for prioritization, financing and technical design, execution and timely completion of all capital projects. Generally, these capital projects will have a significant impact on the City's infrastructure.

The CIP serves as an important growth management tool. Additional benefits include:

- Establishing a system of examining and prioritizing the needs of the City ensures that the most essential capital improvements are provided first;
- Providing a mechanism for coordinating and consolidating all City departmental requests prevents duplication of projects and equipment purchases; and
- Coordinating physical/infrastructure planning with long-range financial planning allows maximum benefits from available funding sources.

The CIP document represents a five-year period of the City's ongoing capital improvements. Each year, the document is updated to represent the next five-year window. In each annual update, completed projects, as well as projects scheduled to be completed before the end of the fiscal year, will be removed from the document, new projects will be added, and other previously- programmed projects may be re-prioritized.

CIP planning is a dynamic process that will include changes over time. These changes may be necessitated by organizational changes, funding uncertainties, unforeseen emergencies, project delays or plans by other entities that can derail even the most meticulously planned and analyzed CIP.

The CIP is a planning document to be used as a companion to the City's annual operating budget. Each year, the funding included in the first year of the five-year CIP is allocated and approved by the City Council as part of the annual budget adoption process. In addition to the up-front funding requirements associated with CIP projects, the City's annual operating budget must also absorb the cost of maintaining and operating new facilities or equipment that are built or procured under the City's capital plan.

### **Definition of Capital Projects**

Capital projects are economic activities that lead to the acquisition, construction or extension of the useful life of capital assets. Capital assets include land, facilities, parks, playgrounds and outdoor structures, streets, bridges, pedestrian and bicycle systems, water and sewer infrastructure, technology systems and equipment, traffic control devices and other items of value from which the community derives benefit for a significant number of years.

Capital expenditures and operating expenditures are primarily differentiated by two characteristics: dollar amount of the expenditure and the useful life of the asset acquired, constructed or maintained. Capital expenditures will enhance, acquire or extend the useful life of assets through a variety of activities. Generally, land acquisition, feasibility studies, planning, design, construction, asset rehabilitation, enterprise technology acquisition, and project implementation are activities associated with capital projects.

In general, **capital projects** in the CIP:

- Have a total project cost in excess of \$50,000.
- Range from construction of new infrastructure or buildings to renovations, additions or conversions or demolition of existing facilities.
- Have a minimum useful life of 10 years, significantly extend the useful life of an asset or significantly alter the nature and character of an asset (i.e. not to include annual asset maintenance costs, annual warranty cost or other ongoing costs).

The CIP is also the vehicle by which planning for technology capital investments occurs. In general, **technology capital projects** in the CIP:

- Have an estimated cost in excess of \$25,000 and /or require six months or 1,000 hours for implementation or completion.
- Include applications systems, network design and implementation, telecommunications infrastructure, enterprise hardware and software systems, web design and implementation services, document imaging, data base design and development, consulting services (business process studies, requirements analysis or other studies), and technology associated with new construction and/or renovation and relocation projects.
- Have a minimum useful life of three years, significantly extend the useful life of an asset (i.e. not to include annual software and hardware maintenance and upgrade costs, warranty costs or other ongoing costs), provide a significant enhancement to functionality, or represent a change of platform or underlying structure.

### **Maintenance Capital Program**

The Maintenance Capital program is designed to protect City assets from premature failure and to minimize and eliminate unnecessary risks and loss to the City. An effective Maintenance Capital program ensures that existing capital assets are maintained in reliable, serviceable condition without requiring capital appropriations that vary significantly from year to year.

Maintenance Capital funds programs that consist of non-expansion projects. Non-expansion projects are those that do not change a footprint of a building, expand a current asset, provide resources for services not already being undertaken or increase the operating budget once complete. For example, street paving is funded to maintain the condition of Murray roads, but it would not fund the construction of new turn lanes or travel lanes.

Another important aspect of a Maintenance Capital program is that projects must significantly extend the life of the asset *and* meet the criteria for a capital project. Repainting individual offices (as a program) may add to the life of an asset, but it would not meet the criteria of a capital project. Painting buildings, on the other hand, would be fundable as a component of a Maintenance Capital project.

### **Other Definitions**

The following definitions apply to terms used throughout the City's CIP.

**Capital Assets** – Land, infrastructure, buildings, equipment, vehicles and other tangible and intangible assets that have useful lives longer than one year.

**Capital Equipment** – Equipment such as vehicles, furniture, technical instruments, etc., which have a life expectancy of more than one year and a value of over \$2,500. Equipment with a value of less than \$2,500 is operating equipment.

**Capital Expenditure** – A direct expenditure that results in or contributes to the acquisition or construction of major capital assets (e.g., lands, roads, buildings). The expenditure may be for new construction, addition, replacement or renovations to buildings that increase their value or major alteration of a capital asset.

**Capital Improvement Program** – A five-year plan that addresses the construction or acquisition of fixed assets, including buildings, parks, utility systems, sidewalks, etc., and major items of capital equipment and operating expenses related to new facilities.

**Capital Project** – Any project with an estimated total cost of \$50,000 or more and has a minimum useful life of 10 years, significantly extends the useful life of an asset or significantly alters the nature and character of an asset (i.e. not to include annual asset maintenance costs, annual warranty cost or other ongoing costs). Includes construction, purchase or major renovation of buildings, utility systems, other structures or purchase of land.



Capital Projects Funds – Funds that account for the acquisition and/or construction of major capital facilities or capital improvements.

Fixed Asset – Items the City owns that have a considerable cost and a useful life exceeding two years, such as computers, furniture, equipment and vehicles.

Operating Equipment – Equipment that has a life expectancy of more than one year and a value of less than \$2,500 dollars. Equipment with a value greater than \$2,500 dollars is capital equipment.

Operating Budget Impact Statement – The estimated fiscal impact of capital improvements on the respective fund operating budgets, which is required for all capital projects. Costs are developed for first-year start-up costs as well as an annual operating cost estimate. The impact statement may include an analysis of impact on cost-of-service to determine if any changes to fees and charges should be recommended to the City Council.

"Pay-As-You-Go" Construction – Capital construction funded with current year General Fund revenues as opposed to construction financed through the issuance of bonds. This is a method of paying for capital projects that relies on current tax and grant revenues rather than debt.

Useful Life – The period of time that a fixed asset is able to be used. This can refer to a budgeted period of time for an equipment class or the actual amount of time for a particular item.

#### **Capital Project Prioritization Criteria**

All capital projects in the CIP will be approved and prioritized based on the following general criteria. Detailed criteria are used by the CIP Committee during the annual prioritization process.

- The project has been certified by all relevant staff and elected officials as being in accordance with all applicable, established City plans.
- The project will alleviate a service deficiency or replace a deteriorated and/or non-functioning facility.
- Federal or State law requires it to be done.
- Federal or State matching funds are available for the project.
- The project will encourage economic development.
- The project is needed to solve an emergency situation.
- The project will improve the quality of life in the City's neighborhoods.
- The project will contribute to the achievement of the existing City strategic plan, policies, goals, vision, and/or work programs.

Public hearings will be held before approving any projects included in any the CIP that require City residents' approval.

### **Capital Financing Options**

There are three basic methods available to the City for financing capital improvement: current revenues, fund balance and debt. Debt financing includes general obligation bonds, revenue bonds, certificates of obligation, lease/purchase agreements, and other obligations permitted to be issued or incurred under state law. The City should maintain a balanced mix of financing for funding capital projects, including pay-as-you-go (using current revenues and/or fund balance), grants and debt, without excessive reliance on any one source.

The City-adopted debt policy provides the parameters for the amounts and timing of bond-financed projects to be included in the CIP, ensuring that the CIP is financially sustainable.

### **Capital Planning Process**

The City's capital planning process is overseen by the CIP Review Committee - a group appointed by the Administration and City Council each year. The following table outlines the annual CIP update process.

<b>Suggested Timeframe</b>	<b>Actions</b>
November	<ul style="list-style-type: none"><li>• Committee receives an update of the current inventory of capital assets</li><li>• Committee reviews status of current CIP projects</li></ul>
December	<ul style="list-style-type: none"><li>• Committee reviews analysis of current capital financing options</li><li>• City departments prepare and submit requests for revisions to existing/previously approved CIP projects and any new projects for consideration by Committee</li></ul>
January	<ul style="list-style-type: none"><li>• Committee reviews and ranks department requests</li></ul>
February	<ul style="list-style-type: none"><li>• Committee prepares an updated five-year project schedule with financing recommendations</li></ul>
March	<ul style="list-style-type: none"><li>• Committee presents recommended annual CIP update to City Council</li><li>• City Council reviews CIP</li><li>• Public hearing is held</li><li>• City Council approves CIP</li></ul>
April - May	<ul style="list-style-type: none"><li>• Finance Department incorporates upcoming fiscal year's CIP projects into annual operating budget</li></ul>
May - June	<ul style="list-style-type: none"><li>• Upcoming year's CIP projects are reviewed and approved as part of City's annual budget process</li></ul>
July - November	<ul style="list-style-type: none"><li>• Beginning of fiscal year on July 1; monitoring of new and ongoing projects.</li><li>• City Council receives quarterly reports on active CIP projects</li></ul>

## Murray City

### CIP Project Evaluation Criteria

1	Is the project required to meet a federal, state or local mandate or contractual obligation?
2	Is the project a subsequent phase of a project already underway?
3	Will the project enhance economic development in the City?
4	Does the project prevent or correct a sub-standard condition that would cause an infrastructure element or facility to be closed or fail in the next year?
5	Does the project prevent or correct an unacceptable environmental condition?
6	Will the project improve access for persons covered by the Americans With Disabilities Act?
7	Will the project reduce the City's operating expense?
8	Will the reduction in annual operating expense equal the cost of the project in less than five years?
9	Will the project directly increase the tax base of the City?
10	Will the project directly benefit: <ul style="list-style-type: none"> <li>• A local neighborhood</li> <li>• A cross-section of City residents</li> </ul>
11	Will the project cost be shared with another government jurisdiction?
12	Is the project consistent with the adopted City plans?
13	Will the project generate annual revenue to the City?
<b>NEGATIVE CRITERIA (POINTS WILL BE SUBTRACTED)</b>	
14	Does completion of this project depend on completion of a project not yet approved?
15	Will the project increase the City's operating expense?



**MURRAY**  
CITY COUNCIL

**DRAFT**

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

---

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, February 7, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

### **Members in Attendance:**

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

Council Chair  
Council Member  
Council Member  
Council Vice Chair  
Council Member

### **Others in Attendance:**

Michael D. Wagstaff  
Dan Snarr  
Jan Wells  
Frank Nakamura  
Janet M. Lopez  
Justin Zollinger  
Janie Richardson  
Blaine Haacke  
Tim Tingey  
Doug Hill  
Colleen Ogrin  
Pat O'Hara  
Steve Hirase  
Jon Hendix  
Cris Longhurst  
Mitzie Huff  
Marjorie Tuckett  
Dave Carpenter  
Rob White

Council Executive Director  
Mayor  
Mayor's Chief of Staff  
City Attorney  
Council Office  
Finance Director Candidate  
GIS  
Power General Manager  
ADS Director  
Public Service Director  
Citizen  
Murray City Schools  
Murray Schools Superintendent  
Citizen  
Murray School Board  
Murray School Board  
Murray School Board  
IT  
IT

Chairman Shaver called the Municipal Building Authority meeting to order at 4:35 p.m. He mentioned that the only item on the agenda was approval of minutes from the January 3, 2012 meeting. He asked for a motion. Mr. Stam moved approval, Mr. Hales seconded and the minutes were approved as written. Meeting adjourned.

Chairman Brass called the Committee of the Whole meeting to order at 4:36 p.m. and welcomed those in attendance.

### **Minutes**

Mr. Brass asked for corrections or action on the minutes from the Committee of the Whole meeting held on January 3, 2012. Mr. Shaver moved approval as written. Mr. Stam seconded and the motion was approved 5-0.

Mr. Brass asked for action on the minutes from the Council Initiative Workshop held on January 11, 2012. Mr. Hales moved approval, Mr. Shaver seconded and the minutes were approved 5-0.

**Business Item #1:**

**Finance Director Discussion**

Mr. Brass explained that the Council wanted to meet Mr. Zollinger and asked him a few questions. He felt the questions that were submitted were great and could be asked in an open meeting.

Ms. Wells introduced Justin Zollinger, who lives in Garland and works in Logan. He was raised on a farm and with the memo she sent out everyone knows the basics of his background. The administration and senior staff has had an opportunity to meet him and ask him questions and they feel he would be a great fit for Murray.

Mr. Shaver asked Mr. Zollinger what is prompting him to move from Logan. Mr. Zollinger responded it is opportunity, growth professionally and the challenge to make things better in another city. He is passionate about improving processes and budgeting.

Mr. Hales asked how long he has been with the City of Logan and if he went to school there. Mr. Zollinger replied it was just under seven years and he went to Utah State University then Weber State for his Masters Degree. He was asked about his wife and noted that she was from the Salt Lake area.

From the list of prepared questions Mr. Brass asked: How do you plan to advise on or provide confidential budgetary and financial information to both the Executive and the Council, the Legislative body?

Mr. Zollinger said that there are a few challenges in getting information out of the current software. He used the HTE system prior to converting in Logan. He has some tools he will bring along to get the current system to perform better. One way to get information in a timely basis is to get updated software. It is difficult. Another way to get good information is to have a good closing schedule. All the adjustments need to be in between the first and fifteenth of the month to close the down and then he will be able to get financial statements and budget reports. This is vital in getting good financial data and will make decision making justified by having the numbers.

Mr. Shaver asked if he would anticipate having regular sessions with the Council. Mr. Zollinger answered that as Budget Officer; he feels that is part of his job. Others agreed.

Mr. Brass asked: Upon discovering a discrepancy in the budget how do you plan to correct the issue and advise the Council and Administration? He added that in a challenging economy, surprises are not fun.

Mr. Zollinger asked if this was in reference to his own mistakes. Now, he talks to his supervisor and this would be the Mayor with reporting to the Council. He would be upfront in dealing with any problems he created. In Logan City he had an issue with a department who did not budget for one of the employees. He would have a talk with him to decide how to pay that individual.

Mr. Shaver stated that there has been a struggle with utilizing the same forms for reporting. Someone may look at numbers differently and have different thinking about it versus the way others do. Mr. Zollinger said that there needs to be some communication to help clarify whatever report is being looked at. Making changes to those reports will take place. He stated that his general philosophy for information is open and honest and one goal is to get the Council and management team the information it needs.

Mr. Shaver said that another struggle has been reconciling amounts in the budget, how to spend it and how to account for it. How to process that? Mr. Zollinger asked if that is follow-up. He said a good way to start is to have objectives. As the Mayor's budget is brought to the Council the objective projects to have done will be detailed for the Council. The following year, they will look to see if those projects were accomplished.

Mr. Brass asked: Recognizing that the Finance Director is the only individual having the ability to legally move encumbered funds from one line item to another:

- a. How do you define encumbered funds?
- b. What are the standards you plan to implement to deal with a request to move dollars from one line item to another?

Mr. Zollinger said that to clarify, encumbrance is an accounting term, which means a future commitment for a contract, service or product. He thinks the question refers to a budget appropriation, which can be moved within the same department, although, it is not allowed across funds. In Logan a form is used, filled out by the department as to why it needs to be done, with department head and Mayor's signatures for a budget transfer only within the department.

A change from one department to another must come before the Council, he expressed. He also suggests controls on capital and payroll so that those funds are not used for operations. These three categories should be protected to make sure there is no crossing back & forth.

Mr. Shaver noted that Mr. Zollinger would develop the process for moving budgeted funds within the department. Mr. Zollinger confirmed that and added that new money that had not been appropriated by Council would be handled as a budget resolution.

Mr. Brass asked: How do you plan on providing a Murray City focused quarterly financial and economic update? What are the top five economic indicators that he plans to use?

Mr. Zollinger said that financial reporting shows where the City is. Economic indicators show what's coming on the horizon. He likes to check sales tax, in 2008 that was decreasing substantially and budget retractions needed to be made to avoid overspending during the budget year. Building permits show how construction is going in the community and also plan

application fees give an idea of the local economy. He likes to follow the State of Utah unemployment numbers to give an indication within the state and the other indicator he likes is the consumer confidence index on a nationwide level. He also likes to track short and long term interest rates to see trends in case the City is considering bonding.

Mr. Shaver mentioned that we have strong indicators in Murray, car sales are one of those, Costco is another. He asked if he had considered looking at these specific sectors. Mr. Zollinger said that it is not available now; however, he has a picture in his mind how that could be developed for auto sales tax.

Mr. Nicponski asked what Mr. Zollinger's most challenging event was during his tenure in Logan. Mr. Zollinger responded that converting the payroll software over a nine month period was challenging while in the middle of year-end. At the same time he was studying for the CPA exam. The payroll software broke down during that time and it took about 70 hours per week to get everything corrected. Most difficult was converting the payroll software. He noted that he doesn't mind that extra time when it is called for.

Mr. Brass was intrigued by that, as Murray needs to do this very thing. His insight on what to avoid will be a benefit to Murray.

Mr. Zollinger stated that he has a great relationship with Logan City and has some team members he can bounce ideas off of. Additionally, Logan City is very similar to Murray. Both are just under 50,000 citizens with similar departments. He feels his unique ability to build will benefit Murray City. The university creates some challenges for Logan City; every August and December there is an influx of students coming and going to be signed up for utilities.

Mr. Hales asked if he could give an example of personnel conflicts that were necessary to overcome. Mr. Zollinger had a disagreement quite a few years ago with his boss and he handled it by going back and having closed door conversations until they worked it out. Allowing things to go unresolved does not make for good relationships. He strives to keep relationships strong. As long as the conversations are professional, without personal barbs, a difference of opinion can be had with a determination to get to the truth and agree on the best option.

Mr. Stam asked what makes him feel that he is qualified to take this position with Murray City. Mr. Zollinger said that there is only one other person in the state of Utah with the payroll conversion experience with HTE that he has and that is his boss in Logan. Mr. Zollinger feels he is the best Financial Director in the state and he wants to be up there alongside him. Therefore, he has been tutored by one of the best during his last seven year experience; he has his Master's Degree and expects to have his CPA certification very soon. He can be a team member and contributes either in a lead position or supporting function. He feels these are his qualifications and stated his excitement to be with Murray City.

Mr. Brass said the Council is excited too; communication is huge; accurate numbers are important quickly. He would like to know of trends, even if it is only an inkling, sooner rather than later. Metals, commodities anything that might affect car sales is good to know. He thanked Mr. Zollinger for being with them.

Mayor Snarr mentioned that confirmation of Mr. Zollinger was scheduled for February 21 and he would plan to start the next day.

Mr. Brass announced that he may not feel up to staying for the entire meeting due to his heart attach just a week prior. Please excuse him if he leaves early.

**Business Item #2 Murray School District Presentation on Hillcrest Junior High**

Mr. Brass introduced Dr. Steven Hirase and Pat O'Hara and welcomed them to the Committee of the Whole meeting. Two School Board Members were also in attendance.

Dr. Hirase referred to the documents on the poster boards and hand-outs to discuss the Hillcrest budget and some information the City Council asked the School District to come up with. He showed an aerial view of the site pointing out the twenty one homes acquired in the neighborhood with one left to purchase. No problems were anticipated with that property. Plans are to have Hillcrest remain open with the new building going on the east side of the property. As long as the bond goes well, the district anticipates opening the new school in the 2015 school year. The bond election is to be held in June and the campaign would begin soon.

For background, Mr. Hirase explained that several months before Doug Hill and some staff members met with Richard Trantor and discussed if certain enhancements were included in the new building to accommodate City programs, what those costs would be. Some specifics have been given in preliminary sketches by the architect with options and costs to the City. This will probably be a once in the lifetime shot at trying to do that, should the City desire.

There is no site plan at this point. They do have the basic program and size of administrative offices however no design work has been done. This would begin after the bond passes. Demolition would start before the end of the calendar year.

Mr. O'Hara said that the two things being decided now are the footprint of the school, which is anticipated to be 200 to 300 feet back from 5300 South, and the traffic flow at that site. The desire is to minimize congestion on 5300 South. They want to help solve the current traffic problem with the design, to the extent that they can. The bigger issue is to determine if any of the optional space will be of interest to the City.

*Gymnasium:* The base program will be to replace the current full size gym and not replace the smaller gym but put in a dance and weight room instead. The gym will be 11,000 square feet with one full sized basketball court with the option of two side courts. There will be minimal seating as there are not a lot of spectators with the junior high program. Mr. Hales asked how the spectator seating compares to Riverview. The Hillcrest space may be a little less, Dr. Hirase said and the proposed new gym is about the same as the current one. Mr. Hales stated that with the new gym, there will be lots of participants wanting to watch events. Mr. Stam commented that the freshman basketball team plays at Riverview, an older space, and he wondered why the new gym would not be a little nicer and move those games to Hillcrest rather than Riverview. Dr. Hirase said that he has a proposed budget to live within and that as long as the basics for a school day are met then this adequately fits their needs. This scheme would give the option for a volleyball court, as well.



Scheme B provides for two full size courts, four side courts and four volleyball courts with a bit more seating. These are initial drawings and some things could possibly be changed. Mr. Shaver asked if the number in red, \$1,700,000 is the cost to the City. Dr. Hirase confirmed that it is made up of the full cost less the base junior high program, Scheme A, which the school is anticipating for student needs.

Scheme C is 24,000 square feet for four full courts or one court with 500 seats. This would accommodate six full volleyball courts. The total cost is over \$4 million.

Scheme D has more square feet, more generous seating and spacing for about \$200,000 more.

Mr. Hill commented that this has been discussed with the staff and Park Board and the staff likes Scheme C, giving them the ability to have six volleyball courts in use at once, as well as, four basketball courts. The Park Board favored B because it would be ample for Junior Jazz and the cost savings was substantial.

Dr. Hirase stated that any of the options would help to enhance the day program by providing additional space, as well as, supports the City programs.

*Auditorium:* The facility is basically going to be built as an 800 seat auditorium. Dr. Hirase referred to the opportunity the School Board and administration took to visit some districts with newer facilities prior to planning for Hillcrest. It was interesting that many of those districts were not building auditoriums at the junior high level. They are using cafeteria space for those activities. Murray felt strongly that the auditorium was necessary. The base plan would include scenery and storage area with some dressing rooms and stage area. The total cost as designed is estimated at \$2,482,000. The current auditorium seats 780 as counted by Mary Ann Kirk. And the high school seats 1150. Some of the additional enhancements requested by Ms. Kirk included larger scenery storage, stage area and dressing rooms taking the square footage up by 4,100 for a cost of just under \$700,000. A full fly loft would cost \$500,000; an orchestra pit would add \$250,000. Mr. Shaver asked if the design of the space would include the height necessary for a fly loft. Dr. Hirase would not include a full fly loft for a junior high school. Those kinds of productions are not done to warrant a fly loft. Mr. Shaver inquired if the auditorium would be included in the total structure of the junior high. Dr. Hirase stated that the original plan is to keep that as part of the entire structure. Auditoriums are always near an entrance. Mr. Hill said that staff felt that with the additional amenities, this facility could function in place of a downtown performing arts center. People may not want it at this location, but it would work. The Park Board prefers a performing arts center in the downtown area as an economic development enhancement.

Mr. Shaver related information about an auditorium facility in Idaho Falls that was built with separate walls and used by both the city and the school. The costs go up immensely by creating the walls for that structure. The auditorium is set on an end, so that gates can be drawn with no entrance from the school in the evening, but with outside external entrances into the auditorium. In Auburn, Washington the theater is a separate building with access back and forth to the building but completely separate. Park City is built similarly too, Dr. Hirase commented.

Mr. Stam asked if the auditorium at Hillcrest would be located closer to the edge and could be totally blocked off from the school. Dr. Hirase stated that a general footprint has been drawn just to see where the building will be; however, they have not created the specifics of design. There is still flexibility; although, it will be one building.

Continuing, Dr. Hirase said that the basic drama classroom will just be a larger classroom space. If the City wanted a black box it would be totally separate from what the District is putting in. That is not something that would be used at the junior high level. This one pictured would hold 160 seats for just over \$500,000. Tennis courts could be added at any time. The site will be designed so there is some flexibility in adding tennis courts and sharing costs.

The other thing discussed, Dr. Hirase commented, was to try to save some green space. The District is planning to have playing fields on the west side of the school. They will have one area large enough for a full soccer field with the contour of the hill around. Two soccer fields would require the building of a retaining wall, which would be 30 feet tall because of how far back it would have to go. It would run about 90 feet long. That costs about \$750,000 for that.

Mr. Brass thanked Dr. Hirase for the presentation.

### **Business Item #3**    **Land Use Code Review**

Mr. Tingey explained some land use issues that the department is currently dealing with. Council Members probably have constituents that often contact them about these matters and it is a regulatory environment. Policies are set for land use with the Zoning Ordinance and the General Plan to provide broad policy direction. When developers or individuals come into the Community and Economic Development offices to make requests is when the rubber hits the road. It is challenging at times and the department really strives to find alternatives to work with people and opportunities to look at different things to recommend or have them come to the Council to modify the ordinance. They want to find ways to make things work; although, sometimes they just can't. This is the philosophy of the staff, with Chad Wilkinson as Division leader, to be consistent in decisions and interpretation of the code in working on issues. Both Mr. Wilkinson and the staff are excellent at that. There are some issues that the department wants to bring before the Council; however, they would like to get the Council's thoughts on these matters before doing so.

Mr. Wilkinson said that in the last six months he became involved with the business license side of things at the City. When asked to take over that function, he wanted to take a few months to decipher if there were things to be improved upon, things that weren't working well, things that could be handled better, or things that work great and don't need changing. A few recurring themes continue to come up month after month. In talking with citizens and business owners in Murray there are some things that could be improved upon. He would like the opinion of the Council on these thoughts.

His focus is related to business license of home occupations, which is also a land use issue.

The current late fee structure is a concern; in the case of a renewal application from the first day late to 30 days late a 50% penalty fee is incurred. Thirty one to 60 days late requires

100% of the license fee as penalty. After 60 days the 100% penalty fee is incurred plus the business owner must go back through the application process involving reviews and sign off of all inspectors and consideration of code compliance issues. It is an incentive to help people renew their licenses in a timely manner.

The base business license fee is \$100. So if someone is one day late to 30 days late the penalty is \$50.

Mr. Shaver asked what percentage of owners is late. Mr. Wilkinson does not have statistics on that, however, he does receive numerous phone calls every month from people who do not want to pay the late fees. Others pay the late fees without question.

Mr. Wilkinson related an example of a storage unit, where the business license costs a base fee plus an amount per unit. If these folks were late the fee would be \$460. Another storage unit example would incur a late fee of \$726. These may be extreme examples.

Mr. Nicponski asked how these owners find themselves in this situation; are they just not paying attention, or is it standard in the industry. Mr. Wilkinson said it depends on how each individual ordinance was set up; some cities have similar fee structures. The idea of late penalties is to provide an incentive for people to renew on time. This is not policy; it is in the Murray City Code.

Mr. Wilkinson said the thoughts are directed to ways to help incentivize people to be on time; but try to work with the business. Postmarks are not accepted, the fee must be in on time. The staff feels that if someone is late, whether the fee is \$760 or \$100, there is not much difference in how it is processed and no real good reason for charging the extra amount.

Multiple notices are sent out. One is 30 days prior to the due date, a second notice occurs at the point of tardiness, and a third notice later.

A couple of options to be considered would be:

- Flat late fee of \$50 or whatever is decided upon, for the first month;
- Grace period for 10 days, before late fees are applied;
- Or a combination of both with higher fees after 30 days.

It is important to be consistent and he has noticed that people feel one day or five days late is not much.

Mr. Brass asked if the renewal notice mentions the late fees. Mr. Wilkinson said the notice does outline the late penalty fees. Mr. Brass mentioned that because things happen, he likes the grace period idea.

Mr. Nicponski likes that idea as well, stating that it is friendly. Mr. Stam agreed since there is no provision for postmarks. Mr. Hales said that a grace period is standard and people are used to that.

Mr. Brass said that his concern with a flat fee is that the business with a \$100 license fee is penalized more than the \$1200 license fee. Mr. Wilkinson said the \$50 late fee would

probably remain, however the higher license fee may be lowered rather than being 50% of the regular fee. That would be his preference on the penalty fees.

Another issue relates to refunds. Our ordinance states that all fees are non-refundable, Mr. Wilkinson said. The Base Fee is \$100 and \$50 for a Home Occupation. Various uses require regulatory fees, for uses that have higher call for City services. Some of those are alcohol, body shops, sexually oriented businesses, tattoo parlors, and tobacco shops.

The situation that arises is, for example, a restaurant that wants to serve alcohol as part of its operation. That regulatory fee is included in the business license fee and the City signs off on it. Then it may turn out that the state is unable to give the restaurant an alcohol license, for whatever reason. As it stands now the regulatory fees are non-refundable. In this case, where the City has no control over the approval, he is very sensitive to the matter. This is a real life example. Resolution to that needs to be considered. We do have the \$100 base fee, reviews and inspections by multiple divisions are done and fees do need to be charged. His proposal to be brought to the Council would be to refund the regulatory fees; but keep the base fee for the processing.

Mr. Shaver asked if that regulatory fee for alcohol could be prorated when it is obtained. Mr. Wilkinson said the base fee covers the processing fee and the \$500 regulatory fee covers City services throughout the year. Mr. Tingey said that the state review time is not lengthy. This typically refers to new business; although this example does involve a renewal for a business that wants to add alcohol.

Mr. Brass said he likes the idea proposed. A \$500 hit is big, especially for a new business.

Mr. Nicponski asked if the pawn shops and check cashing businesses are part of the regulatory businesses. Mr. Wilkinson responded that pawn shops are although; check cashing is not specifically listed.

Mr. Stam asked when the \$50 for home occupation had gone into effect. There is an exemption if the business only produces certain revenue. If the gross was less than \$10,000 the previous year then the renewal is only \$50, Ms. Kennedy added. Mr. Stam said that the fees are based on inspections that are not done for a home based business. Mr. Wilkinson said it also covers services provided by the City.

Addressing home occupations, Mr. Wilkinson stated that Murray prohibits a number of occupations and they do come through in applications from time to time. Two that come up frequently are construction related businesses and carpentry. By way of historical information, Mr. Wilkinson related that a few years prior there had been some issues with construction businesses and the City Council determined to prohibit them.

These classifications in construction include the individual who works out of his home and needs a home office. He may park his truck there overnight with tools, but does not mobilize from this site but needs an address. Second, some people who work for flooring companies need to have their own business license. They work only for that one company but contract with them. Flooring companies work that way in order to avoid paying workers

compensation and other fees. They are required to have a business license to work. These contractors have very limited tools, no supplies and work for installers. They work at another site and then go back home.

Some of the concerns from before were mobilizing from the site with workers showing up with all their vehicles to get their job assignments and maybe leaving some vehicles there in the neighborhood. Second was a complaint of outdoor storage of materials and storage of large vehicles on site. These are still valid issues and concerns and we already have restrictions for that in the code along with the number of nonresident employees at the site, restrictions for large vehicles, outdoor storage and the code does not allow for the use of accessory buildings. The department thought that maybe the Council would like to revisit this matter regarding construction work and we recognize that it will be an enforcement issue.

Mr. Brass mentioned that the handyman occupation came up as one. Mr. Wilkinson said that is an interesting issue in that a handyman was ruled okay, but the licensed contract worker not. This seems a little backward for those who have a contractor's license to be denied. He feels they should be treated the same.

Mr. Shaver asked what is being requested of the Council. What does he mean by revisit? Mr. Wilkinson said that he would like to allow these two classifications with the standards in place to restrict what they can and can't do as part of a home business. The department could look at additional standards if that's needed to resolve concerns.

Mr. Tingey stated that depending on the direction received tonight, modifications to the ordinance would be brought forward through the Planning Commission process and then to the Council. Mr. Shaver mentioned that stipulations could be made based on whether or not it was a licensed profession versus a handyman. Mr. Brass added that workers not working out of their home, where no vehicular traffic is attracted to the home should be revisited. Mr. Stam asked if there is a way of doing it attached to a dollar amount like the home based business. A builder may only build three homes a year. He will not have the number of employees or amount of tools as another contractor. He will be limited by the amount of income in a year.

Mr. Wilkinson said that he would like to have a set of standards that everyone needs to work by, including no outside storage, limited employees, no large vehicles, etc. Otherwise you must verify how much the person has made each year and that complicates the issue. The other rules are easy for the City to check on and enforce. This creates a level playing field.

Mr. Brass asked if there were other issues or concerns from the Council Members. None were mentioned and there was no objection to moving forward on this matter.

Mr. Wilkinson addressed the landscaping ordinance. There have been some problems with consistency in the past. His staff is working with the Shade Tree Commission getting their recommendations on the ordinance. The code has some standards, but there is a lot of flexibility given. This makes it hard to tell a citizen or developer what the minimum requirements are. Now the code requires 40% to 60% lawn, but the remainder being a mix of shrubs and trees. That is what causes the problem: how many shrubs and trees, what size, what type? This allows a lot of inconsistency. The direction will be to require a certain number of trees and shrubs per linear foot or 1000 square feet of landscape area. This will be taken to the Planning

Commission for refining and taken to the Shade Tree Commission and then brought to the City Council. Xeriscaping will be part of the ordinance. This is great during a drought, which requires less water consumption, Mr. Brass stated.

Mr. Wilkinson pointed out a new business at 300 West and 4800 South called Triple A Restoration that was the first business in the mixed use zone to allow xeriscaping and they have done a good job. They have living plant material with low water needs and some rock. It is a good example. The hospital is another good example of xeriscaping.

Mr. Nicponski asked why there is a green sticker for the vehicle from business license in a home occupation. Mr. Wilkinson said the vehicle is licensed with the business.

#### **Business Item #4**    **IT Strategic Plan**

Mr. Tingey reminded the Council that the City went through the process to develop an Information Technology Strategic Plan with an outside consultant and all Members should have a copy of that document. He said they are working through the Plan and they want to make sure the Council understands what it entails because a formal Council endorsement will be requested. Following are the highlights of the elements of the IT Plan:

- Assessment;
- Strategic Opportunities;
- Recommendations.

The goals included:

- Evaluate the usage of technology;
- Develop a road map;
- Align technology resources with business requirements.

The assessment was summarized as:

- Technical support spread thin in supporting a moderately complex technology infrastructure;
- Improved model of overall governance of the technology portfolio;
- Need to enhance systems to eliminate processes;
- Lack of standard software and technology;
- No long term capital spending plan;
- Missing system functionality.

Strategic opportunities for management were identified as:

- Establishment of a formalized governance (ITGC);
- Policies and procedures the standards and process to look at new investments has been established);
- Review technology standards
  - Standardizing software

- Electronic Email policy
  - Internet use
  - Operating systems
  - Office productivity software standards
- Formalize the collaborative technology selection process;
- Develop support standards and service level agreements;
- Provide additional cross training for staff.

Strategic opportunities for developing software with package solutions:

- Replace multiple customized AS 400 databases and spreadsheets;
- Implement an integrated payroll time and attendance solution;
- Enhancing the usability of current systems;
- Implement and fully deploy the Naviline budget module(this is being closely looked at now);
- Implement business analytics and reporting capabilities (investment needed);
- Revise the chart of accounts and improve reporting analysis;
- Upgrade or replace the City's financial system.

Mr. Carpenter said that when the City originally went onto this system they ported over information that was on the previous system, however, the problem was that the accounting was not consistent from department to department and in order to obtain good reporting it is necessary to have the account number structure on the chart of accounts such that analysis is easier. For example if all cars have a line item number ending in 010, then you can compare that across all departments. These numbers are not consistent across the departments and funds at this point. If the chart of accounts is restructured then it will make pulling information out and reporting far easier. This applies under the *implementation of business analytics and reporting capabilities* listed above, so it would require the purchase of software. Crystal Reports is an example of that.

Mr. Tingey continued to explain the implementation of new software:

- Service request management complaint tracking software (done – the Help Desk system as no cost);
- Implement a full featured Human Resource information system;
- Implement a Community Development asset management solution;
- Workflow and document management system;
- Legal case management application;
- Transition from Lotus Notes to a more flexible email (being done right now).

On infrastructure, the City needs to:

- Evaluate the long term future of the AS 400;
- Standardize City cell phone providers and technology standards;

- Create a suitable network and server reinvestment program;
- Implement a PC replacement program (working on through the next budget cycle).

Recommendations in summary include the following actions:

Quick Win categories are to establish the IT governance policy, technology governance committee, and deploy the Naviline Budget Module; the first two items have been implemented, Mr. Tingey related. Standardizing the City cell phone policy and implementing the City fire programs package are included in the Quick Win list and are being worked on currently.

Critical categories are to look at the long term future of the AS 400, which is a significant investment that will be discussed in the Capital Improvement Program. Developing, publishing and enforcing technology standards are almost completed. Collaborative technology selection process, the PC replacement and creating a suitable network and server investment program are other critical issues to be working towards.

High level categories include support standards, service level agreements, highlighting or upgrading the City's financial system and cross training staff.

Medium level category was to transition from Lotus Notes to more suitable email and calendaring tool; however, this became a high priority because of the maintenance issues involved.

Low categories are the community development and land management solution and legal case management system.

Mr. Tingey remarked that there are costs to many of these large items up to \$4 million.

The ITGC has authorized this plan and recommends that it be brought to the Council with a resolution so that they know the Council endorses and commits to the plan. It will be a number of years before everything is accomplished.

Mr. Nicponski asked how much it would cost to get all these items done. Mr. Tingey said the total would be \$4.5 million.

Mr. Tingey mentioned how much he appreciates the work of the ITGC and the staff who do great work, sometimes solving problems into the weekend when emergencies happen.

Mr. White commented that the email Exchange program cost less than \$50,000 instead of the \$200,000 estimated.



**Business Item #5**    **North Jordan Canal Stabilization**

Mayor Snarr explained that a few years earlier there was an incident after the development of a subdivision east of 1300 West and north of Winchester. It is in the Murray Bluffs I area. The bridge carries the water under Winchester and continues the path of the North Jordan Canal. The boundary between Taylorsville and Murray runs down the center of the canal. Property on the west side of the canal (Taylorsville) is at a higher elevation than the canal, while property on the east side of the canal (Murray) is at a lower elevation than the canal. The total difference in elevation is approximately 50 feet. With the canal sitting on this steep hillside, there has already been one slope failure from the Taylorsville side that caused the canal to flood property on the Murray side and there is a possibility that the slope above or below could fail again.

The suggestion for fixing this issue is containing the water in double-barrel pipe of continuous, high-density, polyethylene culvert, which would run the length of approximately 500 feet of the canal in this section. It will protect the sediments and clay surface below. The canal would be protected from slope failures on the uphill side and ensure that it is not contributing to groundwater, which could destabilize the downhill side.

The proposed costs would be split between Murray City (10%), Taylorsville City (10%), Salt Lake County (20%) and the Canal Company (60%). Mayor Snarr wondered if the \$74,050 allocated from Murray City could come from the storm drain fund or if it would have to come from the General Fund. Mr. Hill said that the request is for our participation.

Mayor Snarr commented that residents in Walden Hills have landscaping that go right up to within 20 feet of the canal. Canal Street is currently blocked at the intersection of 5400 South and 1300 West because it is becoming swift and water barriers are starting to slip.

The Mayor feels this is something that is better to address before problems occur rather than wait until an incident happens. It is less expensive to fix the problem before a catastrophe ensues.

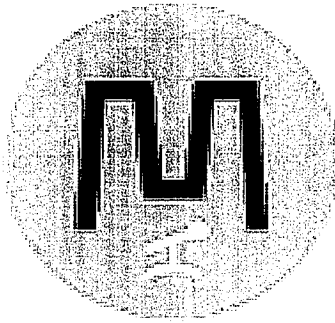
Mr. Nakamura mentioned that Taylorsville had not yet agreed to their portion of the expense.

Mr. Hill stated that ultimately it would require a budget opening or allocation in the next budget.

There being no further business, the meeting adjourned at 6:18 p.m.

Janet M. Lopez  
Council Office Administrator

# Committee of the Whole Internal Business



**MURRAY**  
CITY COUNCIL

# Discussion Item #1

# Murray City Municipal Council

## Request for Council Action

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

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

UTAH TRANSIT AUTHORITY (UTA) QUIET ZONE AND SAFETY UPGRADES OF THE RAILROAD CORRIDOR

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

SAFE AND HEALTHY NEIGHBORHOODS

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

☐ Council Meeting OR ☒ Committee of the Whole

☒ Date requested MARCH 20, 2012

☒ 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.)

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

MEMO

6. **REQUESTOR:**

Name: MARC BOWMAN

Title: COMMUNITY INVOLVEMENT SPECIALIST

Presenter: MARC BOWMAN

Title:

Agency: UTA

Phone: 801-236-4784

Date: MARCH 6, 2012

Time: 4:30 P.M.

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

Department Director: NA

Date:

Mayor: NA

Date:

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

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

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

9. **NOTES:**

**From:** Bowman, Marc (Community Involvement Splist) [<mailto:MBowman@rideuta.com>]  
**Sent:** Tuesday, March 06, 2012 4:47 PM  
**To:** Mike Wagstaff  
**Cc:** Cluff, Jon (Project Manager I)  
**Subject:** UTA Background Info. for March 20 Work Session

Hello Mike,




Thanks for taking the time to talk with me about getting UTA on the work session agenda for March 20. Below is a little blurb outlining what we're going to be talking about. Please let me know if you require additional information.

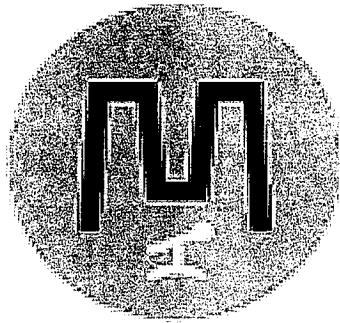
---

The Utah Transit Authority is working with cities to make the railroad corridor quieter and safer between Salt Lake and Provo. Normally trains are required to sound horns a quarter mile before and after an at-grade crossing. Under a Federal Railroad Administration (FRA) rule, cities can apply for a "quiet zone" provided that crossings meet certain safety requirements.

The UTA FrontRunner South project improved safety at the at-grade crossings between Salt Lake and Provo by adding features that prevent cars from entering crossings when gates are lowered. UTA representatives will be on hand to discuss the safety upgrades made to the city's at-grade crossings and let council members know how UTA is preparing to help the city move forward with filing for FRA quiet zone status.

Thanks for your help,  
Marc

Marc Bowman | Utah Transit Authority Public Involvement | 801.236.4784 office | 801.867.4573 mobile |   




**MURRAY**  
CITY COUNCIL

# Discussion Item #2

# Murray City Municipal Council

## Request for Council Action

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

1. **TITLE:** (Similar wording will be used on the Council meeting agenda.)  
DISCUSS INSTALLATION OF BIKE LANES ON 4800 SOUTH BETWEEN STATE STREET AND VAN WINKLE BOULEVARD.
2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
SAFE AND HEALTHY NEIGHBORHOODS; ENGAGED AND INFORMED RESIDENTS; WELL MAINTAINED, PLANNED AND PROTECTED INFRASTRUCTURE AND ASSETS.
3. **MEETING, DATE & ACTION:** (Check all that apply)  
☐ Council Meeting OR ☒ Committee of the Whole  
☒ Date requested MARCH 20, 2012  
☒ 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.)  
ADDITIONAL STRIPING/PAINTING/SIGNAGE FOR BIKE LANES IS APPROXIMATELY \$10,000-\$15,000. FUNDS ARE AVAILABLE IN THE PROJECT BUDGET TO DO THIS WORK.
5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
MEMO, CONCEPTUAL DRAWINGS
6. **REQUESTOR:**  
Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR  
Presenter: TRAE STOKES Title: CITY ENGINEER  
Agency: MURRAY CITY Phone: 801-270-2404  
Date: March 6, 2012 Time: \_\_\_\_\_
7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)  
Department Director:  Date: March 6, 2012  
Mayor: \_\_\_\_\_ Date: \_\_\_\_\_
8. **COUNCIL STAFF:** (For Council use only)  
Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_
9. **NOTES:**



# MEMO

**To:** Mayor Daniel C. Snarr  
**From:** Doug Hill, Public Services Director  
**Cc:** Jan Wells, Chief of Staff  
Trae Stokes, City Engineer  
Russ Kakala, Streets and Storm Water Superintendent  
**Date:** March 6, 2012  
**Subject:** 4800 South Bike Lanes

---

One the goals of the Murray City General Plan are to “provide Murray City residents with a coordinated and integrated network of multipurpose trails and pedestrian pathways by designating and converting the major street system as the pedestrian trail system”. The General Plan designates 4800 South as a Striped Bicycle Lane or Signed Shared Roadway.

As you are aware, the City has recently reconstructed 4800 South between State Street and Van Winkle Boulevard. The final pavement treatment and striping are to be completed this spring. Therefore, the Public Services Department is recommending that we stripe, paint and sign this section of 4800 South as a designated bike route. The additional cost will be approximately \$10,000 to \$15,000 and funds are currently available in the project budget.

Attached are proposed diagrams illustrating the bike route, parking, and striping plan. I am requesting that this information be presented to the City Council for their review and comments. We plan to also share this information with residents and businesses along 4800 South to get their comments. After comments are received, we will discuss these with you and move forward with implementation unless directed otherwise.

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





**LOCHNER**  
1245 East Brickyard Rd  
Salt Lake City, Utah 84106  
Phone: 801.415.5800  
Fax: 801.415.5850  
www.hwlochner.com

NO.	AUTHORIZED BY	REVISION	MADE BY	DATE

DESIGNED BY:	AHC
DRAWN BY:	NMW
CHECKED BY:	LJ
DATE CHECKED:	MONTH 2012



MURRAY CITY  
ENGINEERING DIVISION  
4646 SOUTH 500 WEST  
MURRAY, UTAH 84123

STRIPING PLAN

4800 SOUTH IMPROVEMENTS  
STATE STREET TO VAN WINKLE

PROJECT NUMBER:
FILE NUMBER:
SHEET NUMBER: 1 OF 4





**LOCHNER**

1245 East Brickyard Rd  
Salt Lake City, Utah 84106

Phone: 801.415.5800  
Fax: 801.415.5850  
www.hwlochner.com

NO.	AUTHORIZED BY	REVISION	MADE BY	DATE

DESIGNED BY:	AHC
DRAWN BY:	NMW
CHECKED BY:	LJ
DATE CHECKED:	MONTH 2012



MURRAY CITY  
ENGINEERING DIVISION  
4646 SOUTH 500 WEST  
MURRAY, UTAH 84123

STRIPING PLAN

4800 SOUTH IMPROVEMENTS  
STATE STREET TO VAN WINKLE

PROJECT NUMBER:
FILE NUMBER:
SHEET NUMBER: 2 OF 4





**LOCHNER**  
1245 East Brickyard Rd  
Salt Lake City, Utah 84106  
Phone: 801.415.5800  
Fax: 801.415.5850  
www.hwlochner.com

NO.	AUTHORIZED BY	REVISION	MADE BY	DATE

DESIGNED BY:	AHC
DRAWN BY:	NMW
CHECKED BY:	LJ
DATE CHECKED:	MONTH 2012



MURRAY CITY  
ENGINEERING DIVISION  
4646 SOUTH 500 WEST  
MURRAY, UTAH 84123

STRIPING PLAN

4800 SOUTH IMPROVEMENTS  
STATE STREET TO VAN WINKLE

PROJECT NUMBER:
FILE NUMBER:
SHEET NUMBER: 3 OF 4





**LOCHNER**

1245 East Brickyard Rd  
Salt Lake City, Utah 84106

Phone: 801.415.5800  
Fax: 801.415.5850  
www.hwlochner.com

NO.	AUTHORIZED BY	REVISION	MADE BY	DATE

DESIGNED BY: AHC  
DRAWN BY: NMW  
CHECKED BY: LJ  
DATE CHECKED: MONTH 2012



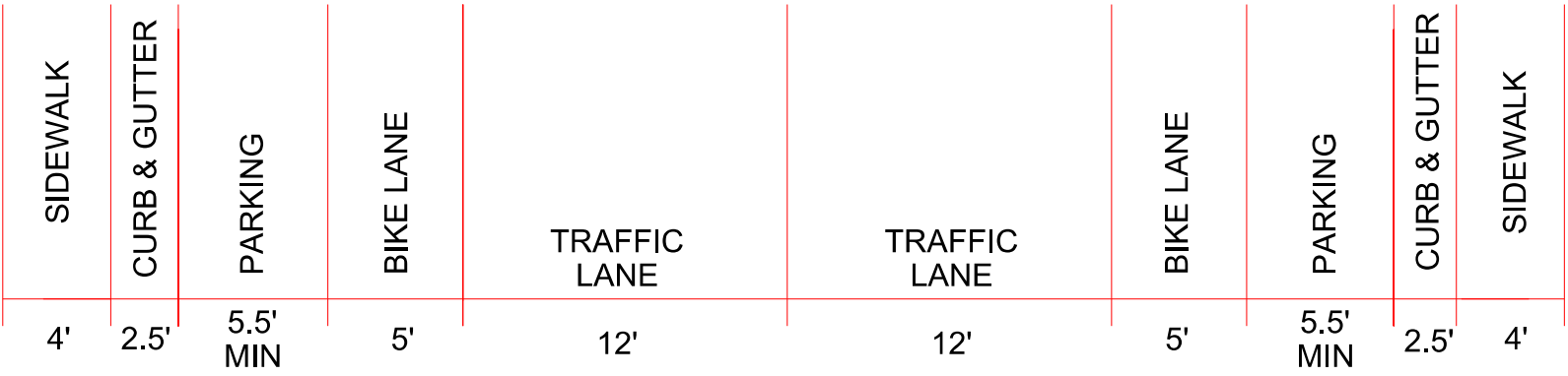
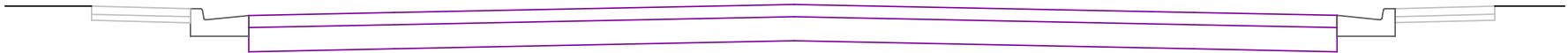
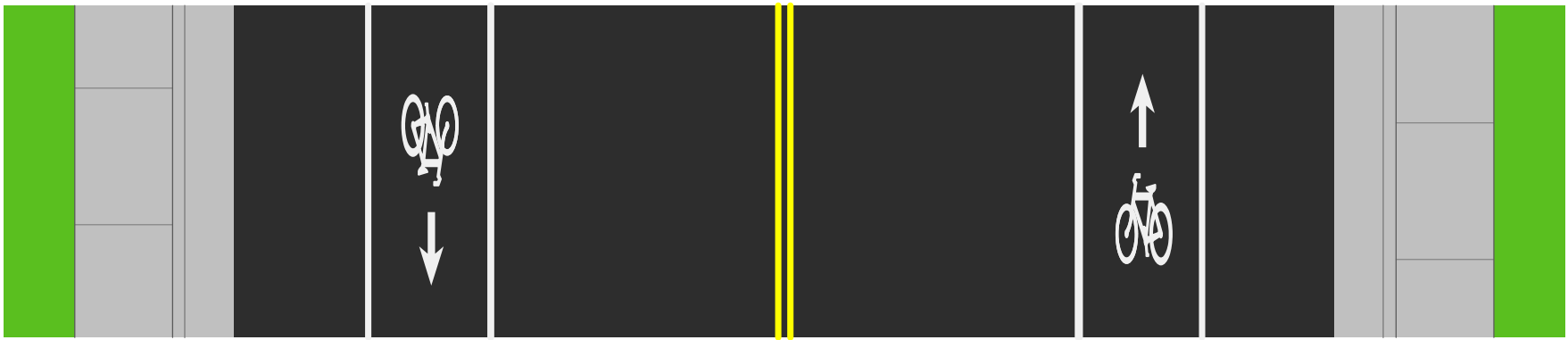
MURRAY CITY  
ENGINEERING DIVISION  
4646 SOUTH 500 WEST  
MURRAY, UTAH 84123

STRIPING

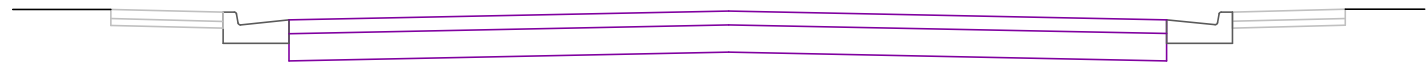
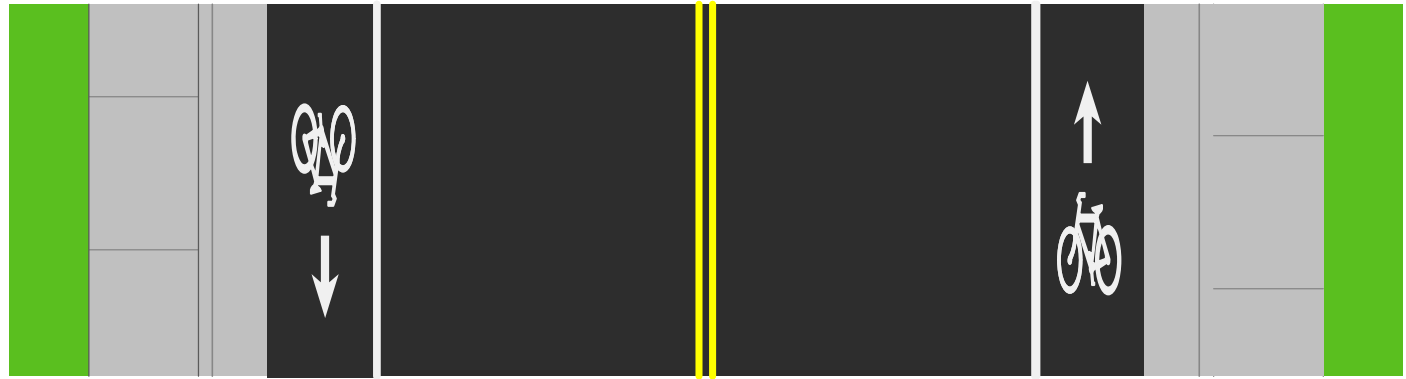
4800 SOUTH IMPROVEMENTS  
STATE STREET TO VAN WINKLE

PROJECT NUMBER:
FILE NUMBER:
SHEET NUMBER: 4 OF 4

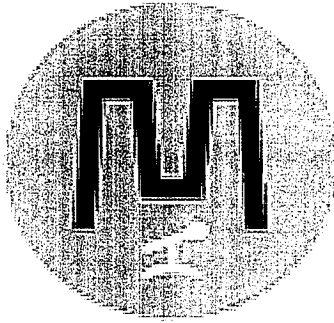




# 4800 South - With Parking



# 4800 South - Without Parking



**MURRAY**  
CITY COUNCIL

# Discussion Item #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.

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

MURRAY MUNICIPAL COUNCIL HANDBOOK DISCUSSION & APPROVAL

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

RESPONSIVE & EFFICIENT CITY SERVICES

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

☐ Council Meeting OR ☒ Committee of the Whole

☐ Date requested

☒ Discussion Only COW MARCH 20, 2012

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

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

NONE REQUIRED

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

COMPLETE HANDBOOK ATTACHED

6. **REQUESTOR:**

Name: MIKE WAGSTAFF

Title: COUNCIL EXECUTIVE DIRECTOR

Presenter:

Title:

Agency:

Phone:

Date: MARCH 7, 2012

Time:

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

Department Director: NA

Date:

Mayor: NA

Date:

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

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

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

9. **NOTES:**



# Murray Municipal Council Handbook



**MURRAY**

**CITY  
COUNCIL**

DRAFT

## Table of Contents

Foreword .....	3
I. Murray City's Form of Government.....	4
II.Role of the Mayor.....	5
III.Role of the Council.....	6
IV.Council Meetings.....	12
V. Council Committees.....	16
VI.Role of Council Leadership.....	19
VII.Ethics Rules.....	20
VIII.Role of the Council Staff.....	21
IX. Internal Provisions.....	22
APPENDIX	

## Foreword

In the course of serving as a public official, you will be involved with numerous municipal issues. This Handbook is designed to centralize general information on common issues related to Murray's form of government and your role as a member of the Murray City Council.

The issues addressed are often complex and sometimes subjective. Thus this Handbook is intended as a guide or general reference, and is not a substitute for the counsel, guidance, or opinions of City Department Heads, Council Staff, neither is it intended to be a substitute for actual city ordinance or state code. Failure to follow procedures described in this Handbook shall not invalidate any action taken by the Council except as may be otherwise provided by law.

The Council intends to revise the contents of this Handbook as needed and reviewed. Moreover, this handbook shall function as the rules and norms of the City Council. It shall be adopted as such by a majority of Council Members in a Committee of the Whole Meeting, and amended in the same fashion. Council rules may be suspended by two-thirds vote of a quorum.

This Handbook was originally approved on March 20, 2012 in a Murray City Council Committee of the Whole meeting. It was last updated on:

DATE

CONTENT

## I. Murray City's Form of Government

Murray City government is set up as two separate, but equal and distinct independent branches. Part of the genius of separate branches of government is that one branch cannot override the interests of the other branch. This encourages a more transparent and effective use of public resources.

### **The Council Mayor Form of Government**

In 1977, the Utah State Legislature approved the optional forms of municipal government based on the constitutional framers' ideal of "separation of power" between the legislative and executive branches.

In 1983, Murray City shifted from commissioner form to a Mayor and five Council form of government. The current Council Mayor form of government vests in two separate, but equal branches of government. The executive branch consists of a Mayor, and the administrative departments, associated officers, and employees. The legislative branch consists of five (5) Municipal Council Members from unique districts, and its staff, Murray City Code §2.02.010 (2008).

### **Five Council Members**

Currently, there are five geographical council districts in Murray. Council Members are elected for terms of four years which are staggered. Three district seats are elected during one election. The remaining two seats are elected two years later along with the mayoral election. All municipal elections are considered non-partisan.

### **Vacancy in Elected Office**

If a Council Member vacates his/her seat on the Council before the term of office expires, or the Mayor vacates his/her office before the term of office expires, the Council shall fill the vacant seat, unless otherwise provided by statute, in the following manner:

Applicants shall be qualified for the office in accordance with all applicable State laws;

Applicants shall complete an application form available through the Council office.

## II. Role of the Mayor

The Mayor has sole executive power, and executes city ordinances and policy as established by the Council. Utah Code Ann. §10-3b-202.

The Council adopts or amends ordinances in which the Mayor then administers and executes.

The Council also adopts or amends policy through a resolution clearly stating the subject matter of the policy. Additionally, policy may be implied or directly stated with the adoption of an ordinance. Furthermore, the annual budget also reflects Council "fiscal" policy. The Mayor then administers policy through directives to City Departments and Divisions.

The Mayor reports budget appropriations, financial conditions to the Council, and annually City affairs to residents and the Council alike. The Mayor may request Council ratification of various boards and committees, Murray City Code §2.08.010 (2009). See also, Utah Code Ann. §10-3b-202.

Other responsibilities and functions of the Mayor, not as closely related to the City Council can be found under Mayor's responsibilities in State Code and Murray City Ordinances.

### III. Role of the Council

Cities have only those powers specifically given them by an act of the State Legislature or Constitution. The State of Utah's enabling acts are generally found in Title 10 (Utah Municipal Code) of Utah State Code (Utah Code Ann.). Specifically, the Council has the responsibility to consider ordinances and resolutions, including the annual budget, review performance and services, ratify Mayoral appointments, and approve policy. Utah Code Ann. §10-3b-202, Utah Code Ann. §10-3b-203.

#### **Ordinances and Resolutions**

Ordinances and resolutions are used to exercise Council responsibilities over functions such as setting water and sewer rates, creating departments, and regulating the use of municipal property. Some of the legislative powers include:

- Setting tax levies
- Setting service rates (water, power, golf)
- Adopting an annual budget
- Consider policy resolutions
- Consider master plans, annexations, zoning changes, temporary zoning regulations
- Appointing qualified persons to fill vacated City-elected positions

#### **Budgeting - Oversight and Process**

The budget is one of the Council's most effective policy making tools. Each year the Council has the opportunity to express priorities through the annual City Budget and Capital Improvement appropriations. A budget can be used as a planning tool to convey what a local government expects to accomplish during the upcoming fiscal years. Ultimately, the budget should be a reflection of policy priorities, an operating plan, and a tool for communicating with the public about how revenues are used to create value.

#### **Mayor's Budget Recommendation**

It is the responsibility of the Mayor to make recommendations regarding budget expenditures. The Mayor also may use the recommendation as an opportunity to explain the most efficient and effective way to use resources to achieve the City's strategic policy priorities. The Mayor's budget generally reflects the

administrative expertise pertaining to the management and operational side of the budget.

#### **Process - Annual Budget Hearings and Recommendations**

Typically, after the beginning of the calendar year, the Council and the Mayor host a series of budget meetings. During these meetings revenue forecasts, estimated income, and expenditures are discussed for the upcoming fiscal year. Items which may impact the City's general budget, capital improvement or other funds are reviewed and balanced against Council policy statements. Moreover, the Council is afforded the opportunity to informally discuss the Mayor's initial budget priorities with the Mayor and Department Heads. This is where Department Heads are invited to present budget needs to the City Council. These presentations are not intended to review specific budget line items, as much as, to give the City Council an overview of how departmental expenditures relate to City strategic policy, mission, vision, and values.

#### **Mayor's Annual Tentative Budget**

As provided by Utah Code the Mayor's Annual Tentative Budget must be submitted to the Council by the first regular Council Meeting in May, Utah Code Ann. §10-6-111.

#### **Adoption of the Annual Budget**

Prior to adopting the annual budget, the Council receives the Mayor's tentative (proposed) budget. The City Council is charged with determining if the Mayor's tentative budget reflects an appropriate funding balance of public service levels, personnel costs, creation and operation of City departments, operations and maintenance of City facilities and equipment, fund balance reserve, and capital improvement projects. Additionally, the administrative budgetary requests should be weighed against the City's strategic priorities and policies.

The Council has the right to adjust the Mayor's proposed budget to reflect the City's strategic priorities and policies, as long as expenditures always balance with revenues. Working with the Budget and Finance Chair, staff will prepare the budget policy intent statements to be considered and adopted with the Budget.



Budget Amending: the Council may amend the budget through a process if requested by a Council Member or the Mayor, Utah Code Ann. §10-6-135(4). In addition, the Council may adjust tax rates and implement or adjust fees, as deemed legal and necessary.

#### **Yearly Audit and Financial Report**

Each year, following a financial audit by an independent auditor, a report is presented to the City Council. The financial report assists the City Council in reviewing municipal administration and providing financial oversight of the City's financial affairs.

#### **City Performance and Services Reviews**

As part of the oversight function, the City Council may choose to conduct municipal performance and services reviews. Because these reviews generally focus on administrative areas, including members of the administration on a review team is traditional. These reviews reach beyond the annual financial audit, maintaining an ability to target areas of municipal performance or services. Reviews may speak to establishing minimum service levels, the effectiveness of programs, or the efficiency of a department. Performance reviews typically center on a department or program rather than the City finances as a whole, Utah Code Ann. §10-6-203(1)(iv).

A publication by the National League of Cities (MIS Report, January; 1989) regarding performance reviews for local government indicates,

...management can also expect from an internal auditor an in-depth examination of operating practices. It can expect a performance audit to show whether a department plans its activities, whether it is adequately staffed, and whether it provides direction and establishes good procedures for efficient operations. A performance audit analyzes whether organizational goals and objectives are appropriate, makes recommendations on how to improve operations and management capability, and provides management with an objective assessment of the extent to which the department or function being audited is obtaining good value for money spent.

A performance or service audit can focus on the entire local government organization, on a single department or program. Its aim is to measure economy, efficiency, and program results by looking at the system for managing and reporting; at the use of staff, goods, equipment; measured

against a specific and desired results. While financial audits and performance audits are two distinct types of audits, findings from a financial audit may be incorporated or used for a performance audit.

#### **Process – Management, Service and Performance Reviews**

**Timing.** A review may be scheduled at any time. However, it is typical that reviews will be coordinated and advanced along with the annual budget. This means that reviews should be discussed and decided in January or February prior to budget adoption.

**Scope of Review.** Although a program or department may be looked at in its entirety, the Council may opt to focus a review on a particular service or division of any given program or department. The scope of review details the items to be studied, the timeframe for the study, and any rules of procedure needed to assure boundaries and thoroughness of the study.

**Procurement Process.** The City procurement ordinance shall be used as guide for assembling a screening committee, reviewing any consultant applications and reducing the number of proposals. The Council ultimately shall have the final decision regarding consultant selection, and staff to be included in the review process.

**Initial Review Process.** The Council Member(s) wanting to review a particular municipal area shall gather three Council Member signatures and discuss the matter at a Council Initiative Workshop (CIW). There the details and objectives of the review can be discussed and a timeline established. Each review item shall be added to a master list to be discussed again in coordination with the budget.

**Reporting Findings.** The reporting responsibility will be to the City Council. Any problems the consultant identifies are reviewed with the Council Members. Once the draft report is received, the Administration and Council Staff would be asked to review it to assure there are no errors of fact. A meeting to review the draft with the entire Council is scheduled. Once the consultant has received comments from the Council, a final draft is prepared and presented formally at a regularly scheduled Committee of the Whole.

**Response from Mayor/Administration.** Once a final report has been presented to the City Council, the Administration will have an opportunity to respond to the recommendations, and to outline how the recommendations may be implemented.

## Advice and Consent

Various municipal positions, both volunteer and career require the Advice and Consent of the City Council, Utah Code Ann. §10-3b-202(1)(c). Department Heads or appointed career positions and all City board and commission members are appointed by the Mayor with Advice and Consent provided by the City Council. Upon the Mayor's presentation to the City Council of a candidate, the Council must either approve or reject the Mayor's recommendation. Among other things, advice may be given regarding residence location, length of residency, ability and willingness to serve, and breadth of unique expertise of potential candidate. A majority vote of the Council is required to approve a Mayoral appointment.

The process for implementing the Advice and Consent duties of the City Council is, at a minimum, as follows:

Process for Providing Advice and Consent for City Director/Department Heads.

- After a selection process, the Mayor forwards a candidate name, resume, and references to the City Council to formally consider Advice and Consent of the candidate.
- As desired, the Council may schedule an executive session to interview the candidate before Advice and Consent is considered.
- The executive session agenda shall reference a "Competency Discussion regarding [City Position Title]" (The candidate name shall not be disclosed until the Council Meeting where formal Advice and Consent shall be considered by the City Council).
- Upon an executive session, with the City Attorney present, the Council may interview the candidate.
- After the interview, Council consideration for Advice and Consent of the candidate will then be formalized in a Council Meeting.
- As Advise and Consent is considered in a subsequent Council Meeting, the new appointment may be invited to address the City Council.

Process for Providing Advice and Consent for City Boards and Commission Appointees.

- Mayor recommends a name along with a resume to the Council.

- If a Council Member has a concern with a proposed candidate, the Council Member may request Council staff to set up an executive session to discuss the concern.
- If the Council has no concerns with the proposed candidate, the name will be placed on the consent agenda for consideration and formal Council approval.

Commission and Board candidates are invited to attend the Council Meeting where they will be recognized. Pending time, the newly appointed or reappointed candidate may be afforded the opportunity to share brief acceptance thoughts regarding their appointment.

### **Policy**

Every attempt will be made to label Policy as such, as it is the reasoning behind any directive or process. It is the responsibility and prerogative of the City Council to create, develop, revise, and approve policy as necessary. The City Council, working with the Administration, shall create conceptual ideas or policy in which the Mayor statutorily implements. These policy directives are used by both the Administration and Council in strategically moving the City forward, and advancing any particular initiative. The Mayor, as head of the executive branch of government, overseeing Department and Division Heads shall execute Council adopted policy, Utah Code Ann. §10-3b-202(c)(ii).

Legislative Policy will be adopted by ordinance or resolution. Policy amendments will come by way of a Council Member presenting the idea in a CIW. However, a policy amendment can also be recommended by a member of the Administration. Either process, garnering enough reasoning and support will formally be considered by Council Members during a scheduled Council Meeting.

### **City-Related Organizations**

Council Members also serve on City-related, but separate organizations. The Redevelopment Agency Board (RDA) is a separate agency from Murray City, established under the section of Utah law governing "community development and renewal agencies", Utah Code Ann, Title 17C. Another similar organization is the Municipal Building Authority, commonly referred to as the MBA.

### **Requests for Information**

Council Members or Council Committees may request information from the Administration. Customarily this information is requested through the Mayor's Office. However, the City Attorney and the Finance Director serve both the Council and Administration equally, meaning requests made of these two departments do not need to go through the Mayor's Office.

Demanding or requesting a Department Head to work on a City project, perceived as a priority by a Council Member is considered a violation of the separation of powers, Utah Code Ann. §10-3b-203(c)(iii). The Mayor is required to inform the City Council regarding financial and operational conditions of the City, Murray City Code §2.08.010(B)(8) (2009). A Mayoral report to the Council is customary at the end each Council Meeting. Additionally, the Mayor has weekly sent a "Council Communications" detailing departmental highlights and achievements.

Formatted: Indent: Left: 0", Space After: 0 pt

DRAFT

## IV. Council Meetings

Taking action on presented issues and policies is the privilege and the responsibility of the Council. The choice to vote in the affirmative, negative or to abstain is a personal and often weighty decision. Meeting protocol is what assists these weighty matters by providing process and decorum.

### **Council Meeting Rules**

The Council may adopt its own rules to regulate the Council meeting. However, the Council has traditionally followed parliamentary procedure based closely on the most current edition of Robert's Rules of Order. Where applicable, this Handbook also serves as a companion to Robert's Rules when questions of procedures arise. The Executive Director has customarily served as parliamentarian.

### **Council Meeting Comportment**

Decorum is a high priority for all government processes and meetings. Regardless of whether one is in a Court Room or the City Council Chambers, maintaining respect for all involved in the process is paramount. Conducting business with a high level of respect for all involved ensures a level playing field for all participants. When someone is addressing the City Council, or the City Council is debating a matter, they have the floor, and are entitled to be fully and fairly heard. What a presenter says should be heard by the Council Chamber as a whole. The Council Chamber refers to the City Council Members, staff, security, and the attending audience. Participants and Council Members should be able to hear a presentation, and presenters should be able to hear when questions are raised by citizens and Council Members alike. All comments made by a presenter should be made directly to the City Council. Hissing, applause, loudly sighing, shaking ones head in agreement or disagreement, talking to others, or otherwise distracting any participant is a discourtesy to the process. In the spirit of impartiality, due process, safety, and the preservation of decorum, citizens and Council Members alike, should never show an outward response to debate, comments, or presentations done in the Council Chambers during Council Meetings. Moreover, it is the responsibility of the conducting Council Member to safeguard the decorum of City Council meetings.

### **Meeting Notice: The Open Meetings Act**

Formatted: Space After: 0 pt

Public notice is required in order to convene a meeting of the Council for the purpose of discussing or acting on a subject where the Council has jurisdiction. Under Utah State law, the convening of a majority (three or more Council Members) in a meeting requires a minimum 24 hour notice.

Various types of Council actions require different types of noticing. Generally, Council meetings require at least 24 hours notice, with an agenda placed at three places, submitted to the press, and to the state public meeting notice website. Each notice must include the place, date, and time as well the subject matter. Different types of Council action may require additional notice. For example, land use items entailing a public hearing generally require ~~14~~ 10 calendar days notice in addition to the regular 24 hour meeting notice.

#### **Meeting Agenda**

Meeting agendas are prepared by staff and approved by the Council Chair. Roughly 14 days before a Council Meeting, a preliminary agenda along with supporting documents is sent to Council Members for review. If a Council Member requests more information after receiving the preliminary agenda, that request will be addressed by staff or the agenda item(s) in question will be postponed until the request is satisfied. Once the final agenda is published it is implied all Council Members have consented to the agenda as finalized. It is in violation of state code to discuss a topic that has not been properly noticed, unless first raised by a member of the audience. And clearly no final action should ever be taken if interjected topics outside of the agenda were discussed. Finally, agenda item order may be amended at anytime with a majority vote of the Council.

Each meeting traditionally begins with a ceremonial portion which may include the Pledge of Allegiance, special recognitions, and questions from the audience. Action items, in the form of public hearing items provide another forum for members of the audience to address the Council on specific agenda items. Items not requiring a public hearing will then normally be considered under the agenda subtitle New Business.

#### **Electronic Participation**

On occasion Council Members may participate in Council Meetings by electronic communication if the required technology is available and the meeting is properly noticed in accordance with Utah State Law. Before electronic participation occurs, a quorum of three Council Members must

be physically present at the noticed meeting place. The Council must provide space and facilities at a location where the public may attend, monitor and participate in the open portions of their meetings, Utah Code Ann. §52-4-207, Murray City Code §2.04.040(F).

#### **Council Quorum**

When the Council convenes at a properly noticed meeting, a quorum is required to take action or vote on an agenda item. Under Murray's form of government, a quorum is defined as three or more Council Members.

#### **Voting or Abstaining**

To pass or change an ordinance or resolution, or affirm action on any item, three (a majority) or more Council Members must vote together. If a Council Member chooses to abstain from a vote, it has the same effect as voting against the motion.

Additionally, the Mayor may contribute to any topic discussed during a Council Meeting, but never has a vote.

#### **Reconsideration**

A Council Member may move to reconsider a vote of the Council at the following two Council meetings, but only if that Council Member voted with the prevailing side at the time of the vote.

#### **Mayoral Veto**

The Mayor can disagree with the Council vote on a tax levy, appropriations, ordinance, or resolution. If the Mayor disapproves of the Council action, the Mayor must explain the reasoning in writing to the Council within 15 days. If after considering the Mayor's objections, the Council then feels justified in its original action, it can override the Mayor's disapproval with a vote of at least two-thirds of the Members (4 votes) at a subsequent Council meeting. If the Mayor does not return an item with an explanation within the 15 days, the action takes effect without the Mayor's signature, Utah Code Ann. §10-3b-204.

#### **Absences**



Any Council Member absent for more than six meetings (except those absences due to illness, family matters, or due to Council or personal business) shall forfeit whatever leadership position that member holds. Any Council Member exceeding these guidelines (1) may appeal the matter to the Council and (2) the Council, by majority vote, may excuse any of the absences and waive the penalty, Murray City Code §2.06.060, relating to salary penalty.

#### **Council Meeting Schedule**

By City ordinance and state statute, the City Council shall hold at least one regularly scheduled meeting monthly. Regularly scheduled Council Meetings are traditionally scheduled for the first and third Tuesdays of most months. If a need arises, a third meeting will be legally noticed; and likewise if there are no action items for a second meeting, that meeting will be cancelled.

#### **Request for Council Action Process**

Although the process to request Council action differs for the two branches of government, the Executive and Legislative, both sides utilize the procedure. The Executive notifies the Legislative branch of its request by filling out a Council Action Request form and attaching supporting documentation. The request is then processed by Council staff, vetted by Council Members, and after approved by the Chair, placed on a Council meeting agenda to be considered by a Council quorum. Typically, requests are heard first in a Committee of the Whole meeting. This first hearing is normally dedicated as an education forum. Council Members listen to a presentation about the concept and have the opportunity to ask questions; after which, if there are no major concerns the issue moves forward to a subsequent Council Meeting.

A request for Council action may also be brought forward by a Council Member. This may be done by way of a private resident, or a group drawing attention to a need for new legislation. If a Council Member is willing to sponsor proposed legislation they take it through a process. The idea is first presented to a quorum of Council Members at a Workshop for vetting and refining. The refining process may take several meetings before an ordinance or resolution is ready for consideration. Alternatively, the idea may be abandoned because it did not garner Council support after being heard initially.

#### **Voting**

Council action items may be voted upon by a quorum in the following manner:

- Approve an action with a positive majority vote
- Deny an action item with a negative vote (abstaining votes are counted as "no" votes)
- Continue an item to a future specified date with a majority vote (This may affect the validity of the current legal notice).
- Refer an item to a Study Meeting, Council Committee, convene an Ad Hoc Committee, or refer to Council or Administrative Staff for more information. It is typical to designate a "report back to the Council" date and lead individual.

#### **Council Minutes and Amending Policy**

Council minutes are generally a verbatim record from public meetings. Written minutes are extrapolated from the digital audio recording of the meeting. Both the written and audio records are available to the public upon request.

Council minutes are a written record of the proceedings during the actual Council Meeting. They reflect the substance of what actually occurred in the Council meeting. The purpose of keeping meeting minutes is to legally satisfy state code by keeping a record of the official actions taken by the Council.

Council Members are required to approve the minutes. Corrections, deletions, or additions to factual information, quoted statements, meeting events, and official Council actions should be made prior to consideration of meeting minutes.

After the minutes are approved, any additional corrections, deletions, clarifications, or additions should be submitted in writing to the all Council Members, and staff. The Council as a whole will review the submission and vote to determine if the submission is:

- A factual correction which will be inserted into the previously approved minutes, or
- A necessary and pertinent clarification that will be attached to the minutes as an addendum, or
- Insignificant, unrelated or inappropriate information that will not be included or attached to the approved minutes, Murray City Code §2.04.050(C).

DRAFT

## V. Committees

### **Service on Council Committees**

The Council may create internal committees as it sees fit. The name, subject matter, the number of Council Members assigned to a committee, and the selection of committee members is decided by a majority of the Council. Additionally, when the Council creates a committee or entertaining a request for Council Members to serve on a committee, Council committee service is decided in a Committee of the Whole meeting where an informal majority vote is used to make committee assignments.

### **Committee of the Whole (COW)**

The Committee of the Whole meeting is usually held on Tuesdays an hour before Council Meetings. This will vary depending on need and agenda items. Generally, COW is reserved as a less formal venue where information is presented regarding a known issue. As COW is typically an education forum, Council questions for a presenter are encouraged. However, public comment is normally not accommodated and no formal action is taken, unless it is internal Council matters. Often presentations by the Administration and staff are heard in a COW (a public venue) before the public hearing held at a Council Meeting. (However, land use items are generally first be heard by the Planning Commission and then forwarded to a Council Meeting). If questions are satisfied an item will be moved to a Council Meeting agenda, if not, further clarification may be attempted by the applicant at a later date.

### **Council Initiative Workshop (CIW)**

The Council Initiative Workshop is designed to assist Council Members desiring to campaign original initiatives. As issues are conceived by Council Members the CIW is the first procedural step in the process to implement an initiative. An initiative is presented by a Council Member at a CIW as a method of undergoing a first blush evaluation. After the first presentation, it should be decided if the initiative fits within current Council general policy, the City's strategic plan, and therefore should be pursued. The Administration should be notified about any idea prior to a presentation. This is done to formally solicit help vetting and refining any idea. Concerns and thoughts regarding the idea may be raised at the meeting, but a decision whether to pursue the idea should ultimately be resolved at the initial meeting. If a decision to move

forward is affirmative, assignments should be made for future meetings and discussions – as needed.

Council Members presenting an idea at a CIW should consider using the following documents to aid their presentation.

- Preliminary legal language
- Explanatory memos
- Background information
- Maps

Council staff can be used to help collect and analyze data presented at a CIW meeting.

#### **Budget and Finance Committee**

The Budget and Finance Committee convenes to discuss matters related to the budget. Traditionally, multiple budget meetings will occur prior to June 22<sup>nd</sup> (the statutory deadline an annual budget shall be adopted by the Council). However, the Committee can convene outside of the traditional meetings to discuss amending the process or requesting budgetary reports and explanations.

A standing subcommittee of the Budget and Finance Committee is the Audit Committee. The Audit Committee is chaired by the Budget and Finance Committee Chair. The Audit Committee, working with Council staff and the Finance Director shall manage both the annual financial audit, and city performance and service reviews when conducted. The Finance Director is considered an ex officio (non-voting) member of this committee.

#### **Capital Improvement Plan Committee**

A Capital Improvement Plan (CIP) is a short-range, five year outlook, which identifies capital projects equipment purchases, maintenance, and provides a planning schedule which also identifies financing options for infrastructure and assets. Essentially, the CIP provides the working link between City leaders and implementation of the City's strategic plan, and the annual budget.

Two Council Members are assigned annually to a five member CIP committee. The Mayor, the Chief Administrative Officer (CAO), and the Finance Director make up the other members of the CIP committee. Together, this group meets numerous times prior to the adoption of the

budget to prioritize capital projects while looking through a five year lens.

#### **Other Committees**

Most other committees or liaison assignments are to coordinate Council service with City administrative departments and residents. However, under the Chair's leadership, the Council may organize committees of its Members or invite residents to assist the Council in performing Council duties.

#### **Neighborhood Meetings**

Each Council Member may schedule a "neighborhood" meeting held within their district, as needed and as the Council budget allows. Council staff will assist in all arrangements.

#### **Redevelopment Agency (RDA)**

Redevelopment Agencies (RDAs) are a tool used by local governments to eliminate blight and to implement the development goals of a community.

As the city grows older, parts of it can become deteriorated with buildings and core public infrastructure that are in disrepair. In other areas of the city that were once focused on industrial uses, basic infrastructure is inadequate to attract and support new investment and development. The effects are a decrease in the assessed valuation of the property that results in reduced property tax collections for all taxing entities, and further disinvestment that promote a cycle of urban degeneration.

RDAs bring life back to depressed areas by investing in core infrastructure, such as streets, lighting, curb, and sidewalks; by facilitating redevelopment of underutilized property and providing incentives for private investment. As the project area's social value and economic potential increase, other businesses and private investors are encouraged to respond with additional development and improvements. RDA projects are designed to spur additional growth, allowing blighted areas to be reestablished as economically productive centers for business and social activity

## VI. Role of Council Leadership

### **Election of Council Chair and Vice Chair**

At the first Council Meeting of each year, as required by City ordinance, the Council elects a Chair and Vice Chair. Council leadership elections are listed as an action item on a Council Meeting agenda.

### **Chair and Vice Chair Election Process**

Upon reaching the agenda item for conducting Council elections, whichever Council Member is conducting the meeting will call for nominations from Council Members for each Council leadership position.

Nominations and Elections. Nominations need not be seconded. After nominations have concluded, Council Members proceed to voting. Traditionally, voting is by roll call, but other methods found in the Robert's Rules of Order may be used as determined by the Chair. Elections take effect immediately after the vote is finalized. The election effect is predicated on candidates being present and not declining a leadership position. If a nomination is absent and has not consented to candidacy, the election takes effect when they are notified of the election, provided they do not decline the opportunity to serve.

The Vice Chair shall be the presiding officer in the event the Chair is incapacitated due to illness or is otherwise unable to attend Council Meetings, and shall sign as the Chair on all ordinances, resolutions, and official correspondence.

Term Limits: No Council Member shall serve more than two consecutive years as Council Chair.

Vacancy. In the event the Chair shall vacate the office of Chair for any reason the Vice Chair shall assume the office of Chair.

In the event the Vice Chair vacates their position for any reason before their term expires, the Council Members, by simple majority shall elect a Vice Chair to complete the term at the first regular Council Meeting following the vacancy announcement.

### **Chair Responsibilities**

The Council Chair presides at all Council Meetings, in the Chair's absence the Vice-Chair will preside. Traditionally, the Council Chair

shares the Council meeting conducting duties with the other four Council Members, each conducting for a month at a time.

Additional duties associated with the Chair and Vice Chair (at the Chair's request or absence) are:

- Moving Council Initiatives and projects forward to completion
- Setting Council meeting agendas
- Signing all ordinances and resolutions on behalf of the Council
- Signing all documents on behalf of the Council
- Communicating official position statements that have been approved by the Council as a whole
- Liaison to the Mayor on Council's behalf
- Disseminating information from the Administration to the rest of the Council
- Conducts both the Committee of the Whole and Council Initiative Workshops

The Chair is also elected to represent the Council and is considered the Council's spokesperson to the:

- Media
- Public
- Official Publications
- Mayor

#### **Budget and Finance Chair Responsibilities**

The Budget and Finance Committee's area of responsibility includes Adoption of the Annual Budget, Budget Reviews, Capital Improvement Programs, Financial Reports, Taxes, Fees, Assessments, and Independent Management and Performance Analysis.

The Budget Chair is responsible for coordinating Council activity surrounding the above list of Budget and Finance related duties. Where an official Budget Meeting of the Council is held the Budget Chair will approve the agenda. Additionally, the Budget Chair will serve as the Audit Committee Chair, as well as, coordinate and oversee all management and service review activities.

#### **RDA Chair Responsibilities**



The RDA is the board that formally approves and formalizes the efforts to revitalize the City's blighted areas. The Executive Director for the RDA is statutorily the Mayor of Murray City; however, traditionally these responsibilities have been delegated to the Administrative Services Director. The RDA Chair works closely with the Executive Director in dealing with developers, formalizing contract agreements, and financing for various redevelopment projects. Deference is typically given to the Chair and the Vice Chair to serve on the Taxing Entity Committee (TEC). However, it is foreseeable that the Chair would appoint another member of the board to serve on the TEC. Depending on the activity of the RDA, the Chair will hold monthly meetings with the Executive Director to communicate and coordinate the economic development for the various projects. Some travel may be expected, and will be coordinated with the Executive Director.

DRAFT

## VII. Ethic Rules

### **Disclosures**

Elected officials are required to annually disclose conflicts of interest, which are kept on file in the City Reorder's office. The purpose of disclosure is to place on notice any potential conflicts of interest a Council Member may have during their time in office.

### **Withdrawal Due to Conflict of Interest**

If an action item or matter of business on a Council agenda conflicts with the interests of a Council Member where disclosure is required by the Municipal Officers' and Employees' Act, a Council Member must withdraw from discussion on the matter, leave the dais, and should abstain from the vote as the matter comes up for consideration, Utah Code Ann. §10-3-1305 through 10-3-1308.

## VIII. Role of the Council Staff

### Council Office Staff

The current Council Office Staff is comprised of an Executive Director, the City Attorney (who is shared with the Administration) the Finance Director (who is also shared with the Administration) and an Office Administrator III. As prescribed by City Code, the Executive Director is appointed by a majority of the Council. The Council Chair, as the elected representative of the Council guides Council staff. ~~Additionally~~

~~Ancillary but related to Council Staff is the ,the~~ Director of the Administrative Services, who predominately has administrative duties, ~~but also~~ serves as the Executive Director for the Redevelopment Agency (RDA) (by way of an executive order). But for the executive order, the Mayor fills the statutory position of the Executive Director for the RDA.

### Executive Director

As prescribed by City Code, the Executive Director is appointed by a majority of the Council. The Council Chair, as the elected representative of the Council oversees the Council staff direction.

The duties of the Executive Director include, but are not limited to:

- Serve as a liaison to the Administration
- Coordinates Administrative reviews with assigned Council Members
- Coordinates Council Auditing activities as prescribed by law
- Coordinates Council activities regarding City budget analysis, review, and adoption
- Coordinates Council activities related to budget tracking and appropriations
- Coordinates Council activities related to Council Meeting agenda requests
- Coordinates and attends Council Meetings, citizen meetings, and other similar meetings as caused by Council Members
- Under direction of the Chair, supervises Council employees
- Coordinate agenda preparation and analysis
- Submits a proposed budget for Council Office operations

- Helps coordinate and provide policy analysis

#### **Office Administrator III**

The Office Administrator is a full time clerical position supervised by the Executive Director. The Office Administrator has many responsibilities, such as overseeing Council Office bookkeeping, organizing travel arrangements, coordinating special events, interfacing with the public, and minute taking.

#### **Other Professional Staff**

Other professional services as needed by the Council may be hired or contracted as the need arises following purchasing standards and budget limitations.

## **IX. Internal Provisions**

#### **Public Relations Account**

A Public Relations account has been established and is funded solely by payroll deduction from Council Member pay checks. The deduction amount shall be decided or amended by a vote of the Council. Council Staff will assist in all transactions and report the status of account to Council Members periodically.

The purpose of the public relations account is to provide a mechanism for the Council as a whole to purchase and deliver token remembrances or acknowledgments. The events listed below shall be considered first priority use for account funds; all secondary uses not listed and the donation amounts shall be informally approved by a majority of Council Members.

- Death or serious illness of an employee or an employee's immediate family;
- Weddings of department or division heads, or their children;
- Retirement of 25 year+ employee.

#### **Mobile Telephones**

A mobile phone allowance shall be paid to each Council Member for use in conducting City business during their term of office.

**Expense Allowance**

Council Members shall be provided with a monthly expense allowance to defer the costs of conducting City business during their term of office.

DRAFT

## APPENDIX

City Organizational Chart - Appendix 1

2012 Strategic Plan - Appendix 2

Committees, Boards, Liaisons - Appendix 3

Agenda Submission Process - Appendix 4

Agenda Order of Business - Appendix 5

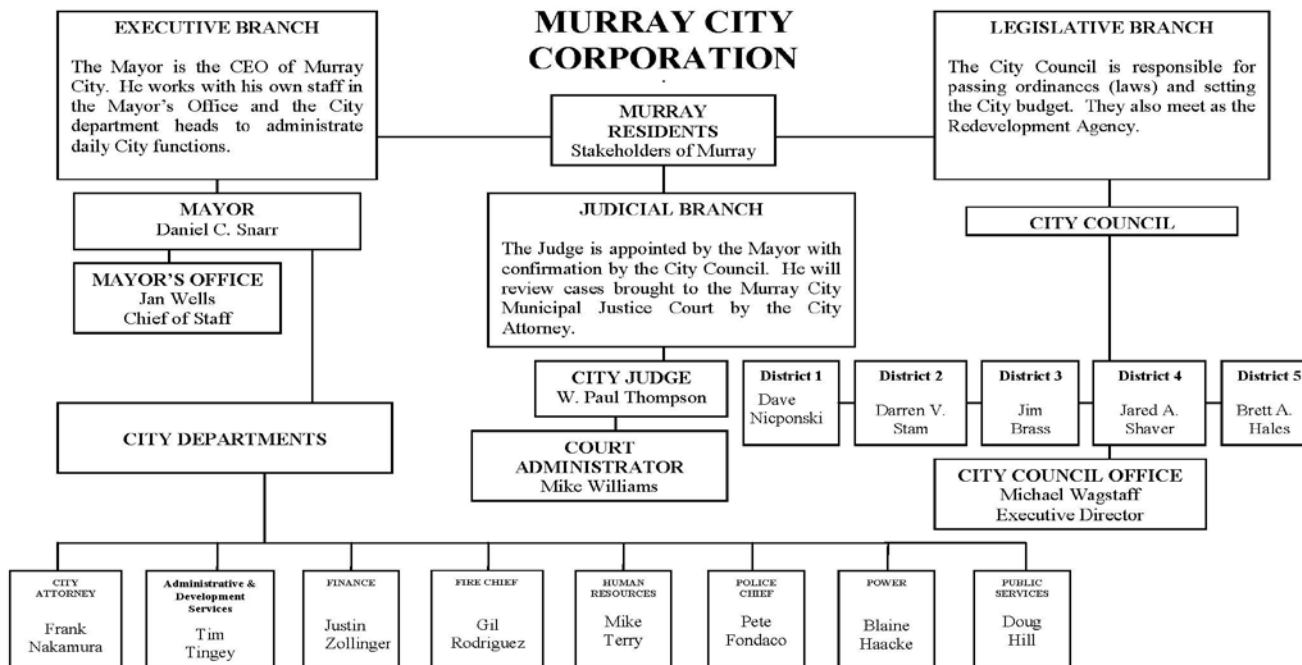
Conflict of Interest Disclosure Form - Appendix 6

Open Meeting Requirements - Appendix 7

DRAFT

## Appendix 1

### MURRAY CITY ORGANIZATION CHART



---

## Appendix 2

### Murray City Strategic Plan Framework As agreed to by the Mayor and Council on January 30, 2012

#### Vision

Murray City is a progressive, vibrant, independent and self-sustaining community that balances the needs of its businesses and protects an ever-changing resident population. We capitalize on our strengths, including our central location and infrastructure, to attract quality businesses and jobs. Our quality of life is enriched through the availability of thriving and diverse neighborhoods, healthcare services, community recreation and educational opportunities. We encourage public participation and foster inclusiveness for our citizens in moving the City forward.

#### Mission

Murray City promotes a high quality of life by providing superior governmental services in a professional, friendly, innovative and proactive manner.

#### Murray City Organizational Values

Murray City employees and elected officials serve our community in an environment grounded in core values that guide our daily actions. We aspire to work in an environment that is defined by a sense of **camaraderie** with our colleagues. We know that we are **accountable** for our resources, decisions, actions and deeds, and we recognize that good governance requires that we act with the utmost **integrity**. We **collaborate** to provide services and are **responsive** to those we serve.

#### Key Performance Areas and Strategic Initiatives

Seven key performance areas have been identified for Murray City. These are the critical areas that must be successful in order to achieve the vision and live out the mission. Strategic initiatives have also been identified within most of the key performance areas. Draft action plans have been developed for each initiative and are detailed in the next section.

##### 1. Financially Sustainable

Murray City is well equipped to meet its short and long term financial obligations with the annual adoption of a balanced budget, the implementation of a multi-year capital improvement program, and the diversification of revenue streams in response to changing economic trends.

Strategic Initiative:



- 
- 
- ☐ Diversify City revenue sources

## **2. Welcoming and Thriving Business Climate**

Murray City maintains an aesthetically pleasing, efficient, progressive and business friendly environment through investments in transportation, technology and infrastructure that support quality businesses and jobs in the community. Murray City is home to unique, destination oriented, sustainable commercial development.

Strategic Initiatives:

- ☐ Develop a comprehensive economic development policy and incentive plan
- ☐ Pursue aggressively the creation of a vibrant and sustainable Murray City downtown

## **3. Responsive and Efficient City Services**

Murray City ensures the delivery of high quality public services by maintaining an effective, efficient and well-trained workforce, regularly investing in technology, equipment and other resources, and communicating with residents and business owners regularly to understand how responsiveness may be enhanced to meet the needs of residents and property owners.

Strategic Initiatives:

- ☐ Develop a performance management system and perform a City services review
- ☐ Develop an internal communications plan
- ☐ Evaluate employee compensation and resource options

## **4. Engaged and Informed Residents**

Murray City provides its residents the opportunity to be knowledgeable, informed and aware of local issues. Our residents take ownership in improving the community and serve as active partners and participants.

Strategic Initiatives:

- ☐ Develop a comprehensive external communications plan

## **5. Safe and Healthy Neighborhoods with Varied Housing Opportunities**

Murray City is comprised of safe, healthy and attractive neighborhoods that reflect socioeconomic diversity, promote walkability (e.g., complete streets), offer a variety of housing options and foster a strong sense of community.

## **6. Well Maintained, Planned and Protected Infrastructure and Assets**

---

Murray City provides for timely maintenance, repair and replacement of our assets. The City makes regular contributions to a capital improvement fund to meet existing infrastructure needs and plan for and accommodate future growth.

Strategic Initiative:

- ☐ Develop a comprehensive Capital Improvement Program

#### **7. Vibrant Parks, Recreation, and Cultural Amenities**

Murray City provides a variety of active and passive cultural and recreational opportunities in well maintained parks, facilities and public spaces for the personal enrichment of residents and visitors.

Strategic Initiative:

- ☐ Develop a parks, recreation and cultural amenities master plan

DRAFT

---

## Appendix 3

### Murray City Boards and Commissions

Entities and committees made up exclusively of Council Members:

- Committee of the Whole (COW)
- Budget and Finance Committee
- Council Initiative Workshop (CIW)
- Redevelopment Agency (RDA)
- Municipal Building Authority (MBA)
- Board of Canvassers
- Workshops and Retreats

City Council Members and The Murray City School Board Members participate on the following committee:

- Murray City - School Coordinating Council

Committees which individual Council Members, or Administrative staff, are appointed, traditionally at the beginning of each calendar year:

- Association of Municipal Councils (Two-year term)
- Salt Lake Valley Emergency Communications Center
- Central Valley Water Reclamation Facility Board
- Utah Telecommunications Open Infrastructure Agency
- Utah Infrastructure Agency
- Utah Associated Municipal Power Systems Board (Power General Manager)
- Intermountain Power Agency (Power General Manager)
- TransJordan Cities (Public Services staff member)
- Utah League of Cities and Towns Legislative Policy Committee (Mayor's Legislative Assistant)
- Council of Governments (Mayor's Chief of Staff)

Murray City Advisory Boards and Commissions:

Established by City Code. Appointments are made by the Mayor with Advice & Consent by the City Council.

- Board of Adjustment
- Building Code Board of Appeals
- ~~Appeals Employee (Appointed as necessary)~~
- Arts Advisory Board
- ~~Personnel/Civil Service~~ Advisory Board

- 
- Murray City Center District(MCCD)Design Review Committee
  - Heritage Center Advisory Board
  - History Advisory Board
  - Library Board of Directors
  - Parks & Recreation Advisory Board
  - ~~Personnel Advisory Board~~
  - Planning & Zoning Commission
  - Power Advisory Board
  - Shade Tree Commission

DRAFT

---

## Appendix 4

### Murray City Council Agenda Submission Process

A concept requiring Council action may be developed by:

- Private Resident through a Council Member
- Council Member
- Mayor
- A Department Head through the Mayor

#### Private Resident

Any private resident or organization may bring a proposal forward by requesting sponsorship by a Council Member. If a Council Member is willing to sponsor a proposal, then the item moves forward by the same process as any Council Member proposal.

#### Council Member Proposal

Any Council Member may bring any proposed action to a Council Initiative Workshop (CIW), providing two other Council Members have signed off indicating their consent to evaluate the topic further. The CIW is then scheduled for the purpose of discussing the subject matter in detail. The sponsoring Council Member is responsible for presenting information to educate Council Members with data, experiences and current trends. Following this discussion the Council shall determine if there is sufficient interest for future action, staff involvement, or whether the item is to be tabled until further notice.

#### Mayor/Administration

At a Council/Administration meeting, Council Meeting items are discussed and reviewed before items are forwarded to an agenda for Council consideration. The Mayor will often maintain the log adding items requested by Department Heads. Items are typically heard in a Committee of the Whole first then finally to Council Meeting for final consideration.

#### Council Office Agenda Process

1. The City Council generally meets on the first and third Tuesdays of each month. A meeting schedule is adopted and published prior to the beginning of each calendar year. Council

---

---

Meetings consist of a Committee of the Whole for discussion and study of topics that may be forthcoming on a future Council agenda. On the same day the Council Meeting follows for formal Council action on business items.

2. The Council Chair holds Council/Administration meetings to organize agenda items for Committee of the Whole and Council Meetings. The administration and Council staff prepare the necessary documentation for business items to come before the Council.

3. Legal documents, explanatory memos and background information relating to the agenda items must be received by the Council Office the Wednesday two weeks prior to the scheduled Committee of the Whole or Council Meeting. Over the next two days the agenda and documentation is compiled in the Council Office and an agenda to be publicized is created.

4. The Council staff sends the agenda and all meeting documentation to the Council Members by electronic means the Friday that is one and a half weeks prior to the Tuesday meetings. This "preliminary" documentation may be perused by Council Members with time for them to have questions answered, items postponed or pulled from the meeting agendas, if deemed necessary.

5. On Friday, prior to the Tuesday Council meetings the agenda is formally published (noticed) by the Council staff to meet the legal Open and Public Meeting Act requirements. The Council staff then sends the "final" Council meeting documents to the Council Members in preparation for the meetings.

6. Committee of the Whole and Council Meeting is held the following Tuesday.

---

DRAFT

---

## Appendix 5

### City Council Meeting Agenda Order of Business

#### Committee of the Whole

1. Approval of Minutes
2. Business Items
  - a. For education and discussion purposes on items that may require future action of the Council. No vote will be taken on these business items.
3. Announcements
4. Adjournment

#### Council Meeting

1. Opening Ceremonies
  - Pledge of Allegiance
  - Approval of Minutes
  - Special Recognition
    - a. Resolution shall be read, motion to adopt proposed, discussion, vote on motion taken, presentation and response from recipient.
2. Citizen Comments
  - a. Any citizen or group may address the Council and Mayor. A three minute limit is generally observed.
3. Consent Agenda
  - a. Items of routine business, all requiring action, but not expected to generate discussion. May be taken together in a single motion, second and vote or a Council Member may ask that an item be considered during the New Business section.
4. Public Hearings
  - a. Presiding officer relates the procedure for the hearing.
  - b. City staff briefly summarizes the request that prompted the public hearing. (five minutes)
  - c. The sponsor of the request may make a presentation. (fifteen minute maximum)
  - d. Public comments may be made on the matter. Speakers are required to fill out the appropriate form, come to the microphone, state their name and address, and briefly state their viewpoint. (three minutes)



- 
- e. After all public comments have been given; the sponsor may make a response or summation. (fifteen minutes)
  - f. The presiding officer will declare the public hearing closed.
  - g. The Council shall consider the item.

5. Unfinished Business

- a. This section is for consideration of items that have been referred out of a committee or were postponed from the New Business section of a previous agenda.

6. New Business

- a. Introduction of New Business to be considered by the Council. The Council may, by majority vote, (1) send an item to committee, (2) postpone final action to a future meeting, or (3) take final action on the matter.

7. Mayor's Report & Questions

- a. This affords the Mayor an opportunity to report City business to the Council and gives the Council an opportunity to ask questions or raise issues of concern to the Mayor.

8. Adjournment

## Appendix 6

### ANNUAL DISCLOSURE STATEMENT

Murray City Recorder's Office  
5025 South State Street, #113  
Murray, Utah 84107

I, \_\_\_\_\_, being first sworn, hereby disclose as follows:

1. I reside at: \_\_\_\_\_  
\_\_\_\_\_.

2. I was elected/appointed as a Member of the: \_\_\_\_\_  
\_\_\_\_\_.

or: Not Applicable \_\_\_\_\_

3. I am an officer, director, agent, employee, or owner of a substantial interest in the following business entity or entities:

1. Name of business entity: \_\_\_\_\_

2. Position Held: \_\_\_\_\_

3. Nature and value of interest: \_\_\_\_\_  
\_\_\_\_\_

or: Not Applicable \_\_\_\_\_

*\*Note: This disclosure requirement does not apply to instances where the total value of the interest does not exceed \$2,000. Life insurance policies and annuities shall not be considered in determining the value of any such interest. This statement is to be filed on first becoming a public officer, annually updated, and again if the position or value of interest in the business entity significantly changes.*

4. I have solicited, received or have agreed to receive, for myself or another, compensation, loans or gifts, directly or indirectly, from the following persons or business entities:

A. Name of person or entity providing compensation, loans, etc.: \_\_\_\_\_  
\_\_\_\_\_

B. Brief description of gift, loan or other compensation transaction: \_\_\_\_\_  
\_\_\_\_\_

or: Not Applicable \_\_\_\_\_

*\*NOTE: This disclosure requirement does not apply to an occasional non-pecuniary gift of a value less than \$50.00, a public award of recognition for public service, bona fide loans from commercial lenders, or political contributions.*

5. I have participated in or received or have agreed to receive compensation

1. In respect to a transaction between state agencies and a business entity as to which I am an officer, director, or employee; or own a substantial interest, or

2. For assisting persons or business entities in transactions involving state agencies, as follows:

A. Name of Agency: \_\_\_\_\_

B. Name of person or business entity involved: \_\_\_\_\_

C. Brief description of the transaction and nature of service performed or to be performed: \_\_\_\_\_

or: Not Applicable \_\_\_\_\_

*\*NOTE: This disclosure statement is required to be filed for each transaction or continuing transactions with an agency. It should be filed with the Murray City Recorder's Office within ten days after the date if any agreement or receipt of compensation, whichever comes first.*

Please list any additional interests that you may have, that may be perceived as a conflict of interest with your City duties and responsibilities: \_\_\_\_\_

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

State of Utah  
County of \_\_\_\_\_

SUBSCRIBED and SWORN to before me, this \_\_\_\_\_ day of  
§ \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public

Residing at: \_\_\_\_\_

---

## Appendix 7

### Open and Public Meetings Act\*

Title 52, Chapter 4, Utah Code

#### Training

“The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.”

Source: Section 52-4-104 Utah Code

#### Purpose

State agencies and political subdivision:

- Exist to aid in the conduct of the people’s business
- Must take their actions openly
- Must conduct their deliberations openly

Source: Section 52-4-102 Utah Code

#### Key Definitions

Meeting = the convening of a public body

- With a quorum present
- To discuss, receive comments, or act on a matter over which it has jurisdiction or advisory power

Convening= calling of a meeting of a public body,

- By an authorized person
- To discuss a subject over which it has jurisdiction or advisory power

Public Body=any administrative, advisory, executive, or legislative body that:

- Is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- Consists of two or more persons;
- Expends, disburses, or is supported in whole or in part by tax revenue; and
- Is vested with the authority to make decisions regarding the public’s business.

Meeting≠

- A chance meeting
- A social meeting or
- A convening solely for discussion implementation of administrative or operational matters if:
  - No formal action is taken or
  - The matters would not come before the body for discussion or action

Public Body≠

- Political party, political group or political caucus or
- Conference committee, rules committee, or sifting committee of the Legislature

Source: Section 52-4-103 Utah Code

---

## Meetings are Open

Meetings are open to the public unless closed in accordance with the act.

Open Meetings include:

- Regular meetings
- Special meetings
- Workshops
- Executive sessions
- Site visits
- Traveling tours

## Closed Meetings

Closed meetings have specific restrictions:

- A closed meeting may be held if:
  - A quorum is present
  - Two thirds of the members present vote, at an open meeting, to approve closing the meeting
- The reasons and location of the closed meeting shall be announced and entered into the minutes of the open meeting
- Only certain matters may be discussed in a closed meeting

Permitted Purposes for a closed meeting:

- Discussion of the character, competence or health of an individual
- Strategy sessions for:
  - Collective bargaining
  - Pending or imminent litigation
  - Purchase, exchange, or lease of real property
  - Sale of real property
- Discussion of security
- Investigations regarding allegations of criminal conduct
- Discussion by a county legislative body of certain commercial taxpayer information

Source: Section 52-4-204 Utah Code

## Public Notice

A body shall not give less than 24 hours public notice of each meeting

- The public notice must include:
  - The agenda (providing reasonable specificity to notify the public as to the topics to be considered – list as agenda items)
  - The date, time, and place
- The public notice must be:
  - Posted at the principal office of the public body, or if none exists, at the building where the meeting is to be held

- Posted on the Utah Public Notice Website (with exceptions for certain small entities)
  - Provided to:
    - At least one newspaper of general circulation within the jurisdiction; or
    - A local media correspondent
- Public notice of an annual meeting schedule must be provided if the public body holds regular meetings

Source: Section 52-4-202, 63F-1-701 Utah Code

### Topics Not Listed on the Agenda

A topic raised by the public may be discussed during an open meeting, but the public body may not take final action on the topic at the meeting, unless it is an emergency meeting.

Source: Section 52-4-202 Utah Code

### Minutes and Recordings

- Open Meetings:
  - Written minutes and a recording shall be kept of all open meetings, except a recording is not required to be kept of:
    - A site visit if no action is taken; and
    - A meeting of a small local district (\$50,000 budget or less)
- Closed Meetings:
  - A recording must be made of the closed meeting, unless:
    - The closed meeting is exclusively for:
      - Discussion of the character, competence or health of an individual; or
    - The person presiding signs a sworn statement that the closed meeting was solely for the purposes outlined above.
- For Open Meetings, the written minutes are the official record of action taken and must include:
  - The date, time, place and names of all members present and absent
  - The substance of all matters discussed which may include a summary of comments made by the members
  - A record of each vote of each member
  - The name of each person who, after being recognized, provided comments and the substance in brief of each person's comments
  - Other information that is a record of the proceedings that a member requests to be entered in the minutes.
- A recording shall be complete and unedited from start to finish of the meeting open or closed and be properly labeled.
- For Closed Meetings, the recording and any minutes must include:
  - The date, time, and place and names of all members present and absent
  - The names of all other present except where the disclosure would infringe on necessary confidentiality to fulfill the purpose of the closed meeting

- Written minutes and recordings of open meetings are public records under GRAMA.
- A public body must establish procedures for approval of written minutes
- Written minutes prepared in a form awaiting only formal approval are a public record
- Written minutes shall be available with a reasonable time after the meeting
- A recording of an open meeting shall be available to the public for listening within three business days after the meeting
- Closed meetings minutes and recordings are protected records under GRAMA

Source: Section 52-4-203, 52-4-206 Utah Code

#### **Emergency Meetings**

- An emergency meeting may not be held unless:
  - An attempt has been made to notify all members of the public body; and
  - A majority of the members vote to approve the meeting
- The 24 hour public notice requirements may be disregarded if:
  - Unforeseen circumstances cause a need to hold an emergency meeting to consider emergency or urgent matters; and
  - The best notice practicable is given of the time, place and topics to be considered

Source: Section 52-4-202 Utah Code

#### **Electronic Meetings**

A public body may not hold an electronic meeting unless it has adopted procedures for conducting it.

- “Electronic meeting means a public meeting convened or conducted by means of a conference using electronic communications”
- Adopted procedures may include consideration of budget, logistics, presence of a quorum at an anchor location, vote to establish an electronic meeting, notice requirements, etc.

Source: Section 52-4-103, 52-4-207 Utah Code

#### **Penalties**

The attorney general and the county attorneys shall enforce this chapter.

- Any final action taken in violation of the act is voidable by a court
  - A suit to void a final action must be commenced within 90 after the action (30 days for bonding instruments)
- A closed meeting violation is a class B misdemeanor
- If closed meeting is challenged, a court shall review the recording or minutes (in private) and determine whether a violation occurred

- 
- If the judge determines a violation occurred, the judge shall publicly disclose all information about the portion of the meeting that was illegally closed

Source: Section 52-4-302, 52-4-303, 52-4-304, 52-4-305 Utah Code

\*This briefing is provided for the convenience of the Legislature, other public bodies, and citizens. Users should consult the Utah Code for definitive provisions of the Open and Public Meetings Act. Produced by the Office of Legislative Research and General Counsel.

DRAFT



# Adjournment

# Council Meeting

6:30 p.m.  
Call to Order

Opening Ceremonies:

Pledge of Allegiance

Girl Scout Troop #2267      Flag Ceremony

Contact person: Billie Lucero, 801-573-1115

March 6

March 20

# Council Minutes

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

---

**DRAFT**

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 7<sup>th</sup> day of February, 2012 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:

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

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Tim Tingey,	Administrative & Developmental Services
Mike Terry,	Human Resources Director
Greg Bellon,	Assistant General Manager
Zachery Fountain,	Legislative Affairs
Rondi Knowlton-Jeffries,	Mayor's Office
Chad Wilkinson,	Division Manager
Citizens	

Mr. Hales excused Mr. Brass from tonight's meeting.

**7. OPENING CEREMONIES**

7.1 Pledge of Allegiance – Mitzi Huff, Murray High School Board

7.2 Mr. Hales stated that there is a tradition in Murray to have the Scouts in attendance stand up and introduce themselves, their leaders and which Merit Badges they are working on.

The Scouts in attendance introduced themselves.

7.3 Approval of Minutes:

7.3.1 December 6, 2011

7.3.2 January 3, 2012

7.3.3 January 17, 2012

Call vote taken, all ayes.

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

None given.

**Citizen comment closed**

**9. CONSENT AGENDA**

Mr. Hales asked that the following items be taken together; no objections noted.

9.1 Consider confirmation of the Mayor's appointment of Reed Wahlquist to the Murray History Advisory Board in an At-Large position to fulfill the remainder of a term that expires August 1, 2014.

9.2 Consider confirmation of the Mayor's reappointment of Brandon Beckstead to the Murray Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2015.

- 9.3 Consider confirmation of the Mayor's reappointment of Dani Murakami to the Murray Parks and Recreation Advisory Board representing District 2 for a three-year term to expire January 17, 2015.
- 9.4 Consider confirmation of the Mayor's reappointment of Robert Van Bibber to the Murray Parks and Recreation Advisory Board representing District 4 for a three-year term to expire January 17, 2015.

Mr. Shaver made a motion to approve the confirmations.  
Mr. Nicponski 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

## 10. **PUBLIC HEARINGS**

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

- 10.1 Consider an Ordinance amending the Fiscal Year 2011-2012 Budget.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that the seniors at the Heritage Center would like to schedule a trip to go to St. George to the Tuacahn Theater; because of the scheduling of the plays this year, it actually fell twice in this budget and they had only planned it once. They are asking that \$15,000 be added to the budget to pay for that trip; it will be offset by revenue by those that go on the trip.

The second item is that the Golf Course has purchased golf carts and would like to borrow \$205,000 from the Water Fund, which has a hefty reserve. The terms of the loan would be that the Golf Course pays back the Water Fund over a five-year term at an interest rate of 2 ½%. This will allow the golf carts to be purchased at a lower interest rate than if they were to go out into the market, and it allows the Water Fund to receive a higher interest rate than they are earning currently-so it is a win-win for both funds. The trade-in value has been included in this.

Public hearing opened for public comment.

None given.

Public comment closed.

Council consideration of the above matter:

Mr. Stam made a motion to adopt the Ordinance.

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

Call vote recorded by Jennifer Kennedy.

A Mr. Nicponski

A Mr. Stam

A Mr. Shaver

A Mr. Hales

Motion passed 4-0

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

- 10.2 Consider an Ordinance amending Section 17.152.030 of the Murray City Municipal Code relating to conditional uses in the Manufacturing General Zone (M-G-C).

Staff presentation: Tim Tingey, Administrative and Developmental Services

Mr. Tingey stated that this is a proposal that went to the Planning Commission for their recommendation in January, and it is to modify the Zoning Ordinance to allow for an additional land use, authorizing Manufacturing Zoning District. The item that they are requesting to be added is recycling and sorting facilities-no landfill. We allow solid waste operations in the city and this would be an additional standard land use code. It would be through a conditional use permit, so they would evaluate those that go through the Planning Commission based on site and requiring them to show that there are no major impacts on adjacent residential or other areas.

The Planning Commission recommended approval of this on January 5, 2012 and staff is recommending approval as well.

Mr. Nicponski asked what the primary materials would be.



Mr. Tingey said that it would be paper products, cardboard, and some metals. Their proposal, as part of this-this would be allowed throughout the district-would be more small recyclable materials. This would allow for recycling products both large and small.

Public hearing opened for public comment.

Jean White, 377 E 5300 S, Murray, Utah

Ms. White asked where the recycling center would be located.

Mr. Tingey said that the proposal is not for a specific location, it is throughout the General Manufacturing Zoning districts throughout the city. The applicant who is proposing this does have a site that is in the G-M district, which is more in the industrial areas.

Robert & Christine Watson, 72 West Germaine, Murray, Utah

Mr. Watson stated that they are the applicants and that the location they are looking at is at 4195 South 500 West, which is an industrial park. Their interest is more with the Multi-Family community; right now, the city has provided an opportunity for recycling for the single family residents which is nice for them, but the multi-family residents do not have the same opportunity. They provide an opportunity for them to recycle on a day to day basis; this provides a much better cost for the residents as opposed to going to the big recycling facilities while providing a more efficient process of recycling as well.

Public comment closed.

Council consideration of the above matter:

Mr. Shaver made a motion to adopt the Ordinance.  
Mr. Stam 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

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

- 10.3 Consider an Ordinance relating to zoning: amends the General Plan from Parks and Open Space to Commercial Retail and amends the Zoning Map from O-S to C-D-C for the properties located at approximately 239 and 243 East 5300 South and for a portion of the property located at approximately 5201 South Murray Park Lane. (David Kimball).

Staff presentation: Tim Tingey, Administrative and Developmental Services

Mr. Tingey presented a PowerPoint presentation, stating that cities within Utah and most states are required to go through a planning process where they adopt a General Plan; our General Plan was adopted in 2003 and provides broad guidelines of land uses within a community. Then you have a zoning ordinance which outlines the different zones and the types of uses in each of those zones. The General Plan also allows for flexibility: it states what the future land uses are supposed to be, what the existing land uses are and what some of the broad goals and policies should be. It also, very clearly, talks about flexibility, meaning that there is opportunity to make modifications to the General Plan and Zoning Ordinances as our policies deem appropriate.

This is a modification to the General Plan and the Zoning Ordinance on a specific property; at this point, it is not about projects-he knows that there is a proposal in place, but it is about the zoning district and a modification from one zoning district to another to allow for a variety of different uses. There may be discussion about a proposal, but it is really about allowed uses on the site, and what is allowed with a new zoning designation on the site. This is where the old Take 5 Restaurant and New Concepts Furniture was located on 5300 South; this is the site that is actually zoned as C-D-C-it is zoned for retail and allows for a variety of commercial uses on that site. There is a piece of property that is currently a parking area that is being requested for a zone change; beyond the parking area is a residential zoning and there is a strip of land north of the site that is also being proposed as a change from open space to C-D-C.

Mr. Tingey reiterated: when we talk about changes in the area, from 1975 to 1987, the property in question was zoned C-D-C and then went through a process through the General Plan and zoning modifications to have it go to open-space. Originally this was zoned C-D-C right up to the residences on the east; it is important to understand a little of that history. The General Plan looked at future land uses as well as the zoning changes; the area measures approximately 170' from the existing C-D-C to the edge of the proposed change.

This was considered by the Planning Commission, who forwarded a recommended approval for this portion of the property, but not for the other-some of their findings included the close proximity to the residential areas; from a General Plan perspective and from staffs perspective, as far as a recommendation that they provided to the Planning Commission that has been forwarded to the Council: the General Plan in 2003, when it

was adopted, keeping in mind the flexibility of the General Plan, there have been changes in this whole area since that time. We have the Intermountain Medical Center that was put in place, as well as Costco and other uses in development in this area. As far as looking at adjacent properties and zoning areas, there are uses that are conducive with the zone change that is being proposed tonight and that was part of their recommendation that this be approved, because of the conduciveness of the other areas. There is still a buffer area and a distance between the proposal and the residential area, so based on that we recommend approval of this, although the Planning Commission felt otherwise.

In addition to that, there are a number of letters in opposition to this proposal which were included in the packet to the Council.

Mr. Shaver asked if he was clear in understanding that this area: the restaurant and furniture company, were previously C-D-C zoned. Mr. Tingey stated that was correct.

Mr. Shaver stated that in that case, there was no question on whether someone could build on that portion or not. Mr. Tingey said they could, no question at all as it is zoned C-D-C.

Mr. Shaver said that the question then is if they should change the Open-Space zoning to C-D-C on the smaller areas.

Mr. Kimball, Sponsor, stated their intention is not to make a large development project-it will be a hotel- a Residence Inn-and the open space will be used as parking. He will not be changing the use for the main area. He knows that there have been a lot of issues brought up: one being the traffic, usually hotels generate early morning and late afternoon traffic; he feels like there is not a lot of traffic in and out as with a convention center or retail. When the hotel is 100% occupied, usually 60-65% of the parking is required across the board; many people will travel in one vehicle and occupy several rooms.

Another issue is the height issue; they are well within the height requirements for this area. Security was another issue: security is very important in the hotel industry; they have to maintain security as a liability issue. One of the benefits of this, which many people don't understand or care about, is the job creation and tax revenue (hotels generate five different taxes). If you do the math on that, how much would you need to raise taxes to offset the benefits? Advertising is another benefit, as is the money that is generated by those coming in to the city and generating revenue for other local businesses. They are trying to do something that benefits the city, not hinder it.

Mr. Shaver asked who owns the portion of the property that they are trying to rezone.

The Kimball's own the retail property.

Mr. Shaver said that one of the issues that they face is the use of open space; the grand

stands that are there now will be moved to a different location, causing greater open space.

Mr. Kimball said that the concern that the County had was that they might be taking away from the parking; what they are doing is taking down the old grandstands and replacing this parking with the present grandstands. It does not take away from the parking, and it still remains open space. The grandstands will be situated closer to the soccer fields.

Public hearing opened for public comment.

Jim Towers, 246 E 5300 S, Murray, Utah

Mr. Towers is the owner of Towers Plumbing at 5757 S. State Street; he has been a Murray resident his whole life and his family has had a business here for 67 years. Because of this, they have seen many changes in Murray and have never fought against any development-he knows that for a city to grow and prosper, there need to be changes. But tonight he would like to oppose this change in zoning; not only is he concerned that there will be a hotel so close to residences and across the street from the junior high, but he is concerned that with the zoning change, the residential properties adjacent to this parking lot will eventually be taken bit by bit and the integrity of the neighborhood will be completely destroyed. Being a business owner and a commercial property owner himself, he understands the return on investment-it is always a major concern as the owner of a business. He has never felt good about promoting his own business to the demise of those around him. He also understands the tax structure in Murray and the need for commercial income; his intent is never to obstruct a commercial property owner from making the most of his property, or his need to make a profit, especially in these difficult times. He does have a problem with when that living encroaches upon others.

At one time in our community, an open-space area outdoors was regarded as untouchable-prize property for the use of the residents. Open space provides a range of interests for the citizens of a community far beyond the benefits accrued to private land owners. Many past administrations have long recognized the need to preserve open space lands because of their importance in producing parks and recreation for our families and children and services for our residents. Once open space is gone in a land locked community, it is gone and will never be replaced. If more and more of our city becomes commercial there will be no interest for people to live in Murray City. Look at what has happened to South Salt Lake-the majority of people do not want to live near a commercial development. He knows that upgrading the bleachers and the restrooms in this area sounds very appealing, but as these improvements possible happen, more and more people will be attracted to use the County property and there is not enough parking there right now on special events at these facilities; he knows this first hand because he and his wife walk to these events and have seen the congestion. He is very concerned, as a citizen, that they are moving from providing services to a majority of the residents, to

providing benefits for individual property owners. The residents voted the Council into office to protect them and he would like them to consider one thing: if this proposal was happening in their neighborhood and you had children attending Hillcrest Jr. High, how would you vote?

Anne Price, 5428 Knollcrest Dr., Murray Utah

Ms. Price said that this is a very emotional issue for many of them; she said that she is a little confused because it was said that this is not about a project. I hear people talking about a project, the project is being spoken about and she feels that it is about a project and not just about changing from open space to commercial zone. As a resident of Murray for nearly 30 years, she searched this valley from one mountain range to another, from Point of the Mountain to Bountiful to find a place where she wanted to live and to raise her family. She chose Murray because she liked the small community, the schools, the family orientation and the central location to everything; it is a pleasant place to live and the nearby parks and open space are a huge part of that, whether the open space a miniscule pocket park or Murray Park, it means a lot to her. She feels that what attracts people to Murray is not the commercial building in a residential area but all of these factors.

She knows it was said that this isn't about a project, but she has heard too much about a hotel and thinks that any project that is commercial needs to be evaluated very carefully; it could devalue the homes nearby, the ones definitely along 5300 South. She heard someone say that this project only creating traffic early morning and early afternoon-when are the kids getting out of school? When are the children going to school? It isn't only the junior high; it is the high school and Parkside Elementary as well. It is our whole school system right in a row, at the prime time that school kids are in the streets. Drive along 5300 South at either one of those times and you know how hard it is to stop for these children.

Ms. Price said that her first question to the Council is why would we even do this? Of what benefit to Murray is it really to have a large commercial-the direction in which she feels they are heading. There is a huge tax base in Murray, they are fortunate that in a community of 35,000 people to have so many commercial businesses; if it is to support IMC Hospital, which she has heard is the reason for it, there is Pavilion Inn, Crystal Inn, Discover Inn, Hyatt Suites...none of which seem to approach the 60% residency rates of hotels in Utah. Hotels in Utah are lucky if they hit 60% anywhere; she does not feel that we need another hotel in Murray or on the borders of Murray, there are plenty here. If it is to support the hospital, for the families that are here, the hospital is a huge corporation that is supposed to be non-profit and has been operating in the red for a long time.

Roberta Jelovchan, 301 E 5300 S, Murray, Utah

Ms. Jelovchan stated that they live right behind the current stadium; one of the reasons that they picked their property was so that they would not have problems with a whole bunch of neighbors behind them. They want to rip down a stadium of metal and cement

and put up flimsy stadium seating. The parking place is directly behind their house-as she was going through the Murray Journal plan, there are other commercial areas between State Street and I-15 that are sitting empty with lots of room for a hotel; why not use up some of that area? As the commercial core is redeveloped and concentrated Murray's residential neighborhoods should be strengthened and protected. Future development should respect established neighborhoods and avoid neighborhood fragmentation and land use incompatibility along the edges of existing residential neighborhoods. The plan was changed in 1987 and there was a reason that it was changed: people recognized that we would be better off to keep the open spaces. There are plenty of hotels in Salt Lake City.

Dennis K. Poole, 4543 S. 700 E. #200, SLC, Utah

Mr. Poole does not understand why this open space has to go, other than to pave it. It was originally designed to provide a buffer between recreational and commercial uses; that should not go. In terms of simply substituting this parking for another, it may be able to code as open space, but it is not the same thing as grass, and it will add more congestion to the area. He thinks that what is happening here is that Salt Lake County has budget issues and wants to sell some property to Mr. Kimball and he can see why he would like to buy that, but the effectiveness is to create a high density and use than planned. This Council has been asked to allow a seven story building as opposed to a three story building and seven stories against three stories does have quite a bit of impact on the community. If there was a natural point in time that said that this is the limits of the commercial area, there is a reason for that; it seems to him that no one has demonstrated why that reason has changed. This would have a great impact on the residents in Murray-part of the consideration here should be a transition between commercial and residential, and right now, the open space is that transition. He does not feel that reducing the size of that buffer area is a wise decision; he feels that this body should not change any zone in this area until they have studied the impact of what is going to happen in the surrounding areas. He understands that across the street there is a street that is going to vacate because of a new school; what does that do to the traffic from that area? You have three schools in this vicinity and as the developer said, most of the traffic is going to be in the morning and early evening, which is prime time for the schools. As a consequence, that should be considered; 5300 is a very busy street and for this reason, this body should not facilitate private development at the expense of open space and the residents of this area.

Jean White, 377 E 5300 S., Murray Utah

She and her husband have lived at this location for 43 years and when they bought the property they were not surprised that 5300 became what it is today as it fed onto the freeway. She had hoped to see it widened to facilitate this bottleneck that is already there with the schools, library, ice rink, entrance to the park, etc. She does not see any good reason why they would want to increase traffic on this corner as it is already a disaster.

She has had access to the minutes and discussions on this and it was limited to people

within 500 feet of the development; anyone on 5300 South needs to know when these meetings are and what the plans are because it will affect everyone.

Harry Schumann, 364 Saunders St., Murray, Utah

Mr. Schumann has a concern over the height of this building, putting in a seven story building. His kids go to the park to play sports and he wants to know where the residents using the park are supposed to park their cars. Now the hotel will get the open space to park, and there will be no place for the residents to park.

Brittany Bremer, 5406 Knollcrest St., Murray, Utah

Ms. Bremer said that they just moved here a few years ago and part of the reason they moved to Murray from South Salt Lake was the proximity to the park and for her daughter to be able to walk to school. She asked that the Council consider the reason that people move in to Murray and she feels that changing zoning like this is not just for the use of the property, but it affects why people choose to live here in the first place.

Jason Godfrey, 5430 Alpine Drive, Murray, Utah

Mr. Godfrey wanted to back up the last comments; he feels that this is encroaching on building too much. That area already has such bad traffic and this will only increase it more. They are using land that the County owns, so they are selling land that the people own and the people feel that it is not necessary and encroaching on too much.

Seth Bremer, 5406 Knollcrest St., Murray, Utah

Mr. Bremer said that they looked for a long time for a place to live and bought here because they were sold on the park and open space. Any community that is within the belt line would not consider selling open space to a private developer; as it has been pointed out, once it is gone, it is gone. There are no other open spaces in Murray that can be used to replace that, so he finds it hard to understand that this would be on the proposition to sell it to a private developer. Again, there are three schools within walking distance and he worries about the traffic that any commercial development of that size would create for his future children walking along that road. If even one kid gets hit, it would not be worth it.

Amy Sainsbury, 5345 S. Knollcrest St, Murray, Utah

Ms. Sainsbury said she is a real estate agent in Murray and because she has lived in Murray her entire life, she feels that Murray is one of the best places to live and brings in a lot of business to Murray. Her concern is that once you take that open space away, once you sell that or let it be dissolved into an individual or company, you cannot get that back and right now Murray has no other open space; there are plenty of other places and types of land for this type of business to be built. She does see the need for this for IMC and other things, but with such a business as it is proposed, good things come but bad

things also come with that-sexual problems, drugs, things like that. Although the current business fits the parameters could be built there, we do not need to change the zoning to accommodate something that would potentially harm the city and encroach on our residential area. Because of that, as a real estate agent, she knows that market values decrease when changing residential zones to commercial and this could decrease the area more.

Colleen Ogrin, 269 E 5300 S, Murray, Utah

Ms. Ogrin stated that she has lived here all of her life; her house was built by her father, and her grandfather built the house next door which is the Campbell's home. If this property is rezoned, then the commercial property that is currently there becomes a much larger development with the potential of having a much larger impact on the neighborhood. A large structure would not blend in with the existing residences and would be an eyesore and thus decrease the value of the neighborhood properties. A larger development would need to have more buffering and land is not available. A large structure would also impact the estate value of the open space in the residential area. It would block the view that the residents and visitors want from the recreational area and would block the view of the ice center and other structures from this street. A rezoning of this area would bring commercial development closer to their property and has the potential of bringing undesirable individuals and their activities that would result in a negative impact on the security and livability of the property, the other residential properties, other commercial properties and the schools. This rezoning would also destroy the current buffer that exists between their property and the grand stand area, and they would be slanted by a parking lot.

The rezoning destabilizes the existing boundaries between the zones; this has the potential of allowing commercial development to creep down 5300 South. If you allow this proposal to creep into the residential area, it would be very likely that others will follow. Rezoning this property would allow for very different types of development than what is currently there and what is currently allowed to exist on this property. A hotel would be one of those developments that could go in on a much smaller piece of property. The type of developments, also have an effect upon the surrounding property and the whole community. For instance, the recreational facility has its heaviest use in the evenings and on weekends, as does a hotel. The proposals that have been made have called for some sharing of certain parts of this property and there is some incompatibility between the two using the same portion of land.

Milissa Lyman, 307 E 5300 S, Murray, Utah

Ms. Lyman said that her mother bought this property back in 1934 and she has lived on this property her entire life. The sale of this property from the County to Mr. Kimball is contingent on this property being rezoned by Murray City; if it is not rezoned, the property is not sold. Who is to say that once Mr. Kimball has ownership of that property, that it doesn't remain a parking lot. She represents twelve people here tonight, seniors and people with disabilities that cannot attend. They are against the motion to amend the



General Plan and change the zoning from open space to commercial development. She submitted a photo to the Council which she had photo-shopped, to show what a hotel on that corner would look like.

She attended the Planning and Zoning meeting on the 15<sup>th</sup> of December; the vote was split and forwarded on that they did not approve to change the zoning. She wonders what the Zoning Commission did that night that made any sense. The Council is the representative to the community, their voice; what choice are they going to make tonight? Mayor Snarr is all for this project-we have so much development in this community, we don't need this. Ms. Lymann stated that Mayor Snarr made a flippant comment at the Zoning Commission about it being OK that it didn't pass zoning, because it would go on to the City Council; that makes her think that he has the Council in his pocket. That is the impression that she got.

There are 20 other areas of properties that are already zoned commercially that are larger and better suited for a hotel, and that do not encroach on their neighborhood. She took, to the Zoning Commission, a stack of traffic studies that she had obtained from the Department of Transportation; her husband, a former engineer for the DOT, said that in almost every other meeting that he attends, this property is brought up- from the Point at 5300 to the traffic, they have stated in their own traffic studies that this is the most dangerous and busiest interstate in the state of Utah. Building a hotel on 5300 South would only increase the traffic. She took a stopwatch one day to see how difficult it is to cross the street from Carl's Jr. to the library- eight minutes. You should see what the kids do when they get of school, they hightail it from the crosswalk kitty-corner over to Carl's Jr. because that is their hangout. She has seen kids almost get hit, cars rear-ended, and everyone would have them believe that this is a great idea. All the explanations against them-we've heard most of them; she doesn't want to have the kids going to the junior high enticed by prostitution, alcoholism, drug abuse...because that is what you are going to get with an extended stay hotel.

She has spoken to many people over the past month-most are not informed. She spoke to the Mayor of Woods Cross and the Chief of Police- they have two extended stay hotels in Woods Cross that were built in the last ten years. They both expressed that these hotels have indeed brought more crime into their community as well as other challenges. People that can't live in an apartment for various reasons, end up long-term in these hotels. She spoke to the people at the Pavilion Inn-they would love to have a shuttle for traffic from the hotel to the hospital, but it is a waste of money and time, people will drive. She would like the Council to stop and take a minute to think of why they are rezoning this, and put our children's risk into that scenario; they are our best asset and our future.

Charles Iverson, 5308 Knollcrest St., Murray, Utah

Mr. Iverson said that Utah could save a lot of money if they would stop making traffic signs and speed limit signs, since nobody pays any attention to them. He sees the children coming up the street, and one day, we will be attending the funeral of one of those kids who have been run over. The speed limit sign past his property say 30 mph; he would venture to say that not one out of five hundred cars drives 30 mph there. They come up that street 50 -55 mph and you have all of these children coming from school, and there will be a bunch of funerals-he sees it coming. If you put a hotel there, it will be a disaster.

He has spent over 40 years of his life in the military and law enforcement and knows what he is talking about; people do not pay one bit of attention to that 30 mph sign on 5300 South by his property. People here care less to what the speed limit is, what the children are doing, the traffic, etc. He has counted as high as 35 vehicles on 5300 South before he can get out on Knollcrest to go down State Street and there is a problem there.

Janet Towers, 246 E. 5300 S., Murray, Utah

Ms. Towers stated that she had thought her husband had said it all, but there are a couple of additional items she wanted to mention; she has lived at her property for 30+ years and she has seen a lot of changes happen in the area; as residents, they are very fortunate because a lot of these changes have improved their property and there have been a lot of good things that have made it, civically, a much nicer place to live.

The question tonight is property that is currently a parking lot, that is going to remain a parking lot; they have seen this in many areas of our city-on 900 East, west on 5300 South, 6400 South where the commercial property has encroached further and further into residential areas. All of those residential areas have suffered as the consequence of that. There has been a lot of concern over the congestion and traffic on 5300 South and personally, they have had three mailboxes destroyed and they have been lucky that there was not a child standing at that spot at that time.

When her daughter was walking to the Jr. High in 7<sup>th</sup> grade, she was almost abducted; luckily she knew what to do. But they are very concerned over the traffic along this road. She did work for Murray City many years ago, and at that time, the residents were the most important asset of their city. She does understand the equalization of the taxes and the return of investments; she had a business at one time, and she understands that if you own commercial property in this city, you have a right to develop it-as long as it goes within the boundaries of what the ordinances and laws say. That is not the issue here tonight but she does have a problem when it starts to encroach upon the residences of this city.

She does respect them for committing and for saying that they do feel like they can make a difference to the city and that is why they are here tonight. She appreciates the Councils time in listening to their concerns and knows that this is probably one of the most difficult votes they are going to have and she respects that. She knows that they

will devote the very best that they can do; she hopes that they will keep in mind that if this were in their neighborhood, how would they vote?

Sam Schofield, 344 East 5300 S., Murray, Utah

Mr. Schofield said he has only lived here for four months, moving to Murray after looking for a place all over the valley; when they purchased their home on 5300, they were well aware of the high traffic but chose to deal with it. Had they known that this project was coming, he would not have bought the house; if it had already been there, they would not have bought that house. If this decision goes through, it would be very detractive to the home buyers.

Ray Gillen, 5394 S. Alpine Drive, Murray, Utah

Mr. Gillen voiced his concerns with the traffic as well; on Alpine Drive, he has clocked people driving 55 mph and that road is like a major freeway thoroughfare in rush hour traffic with people using it as a cut-through. Trying to get on 5300 South from Murray Parkway will be even more difficult. There are days when he has seen people just about get hit trying to get across; traffic is a big concern-he has friends in UDOT who have said that 5300 South and State Street is one of the worst places in the state. If you cannot address some of the traffic issues first, this thing probably shouldn't go forward.

Clayton Steed, 371 Saunders, Murray, Utah

Mr. Steed said that as a general contractor, he can see both sides of this and he too looks at the future of his kids. His first question, to both the Council and the developer, is why does this need to be a seven story? Why not a three or four or five? If it was less than seven, we would not need to take more land that is open space, leaving it open space and it would not need to be rezoned. If we had as many hotels as we have in other areas, why does it need to be seven stories? We are going to have to make a compromise, as residential people and with the commercial district, he sees that. Murray is going to continue to grow, traffic is going to continue to get worse and worse, we are going to have to come up with ways to solve the traffic issues, those are all issues that we have to address as residents and Council members to avoid deaths and injuries; but if there does have to be a hotel, the hotel that he is thinking of-if they could just go west over off of I-15 by the Taco Time is a hotel that is only four stories-why can't we have something like that which is a nice hotel, that is not too big, not an eyesore, if we could have a compromise to something like that.

Mr. Steed asked what other options are there for this land. It is a hard piece of property to develop on with the hill, the traffic is bad, but what other options have been presented to the Council to be built there? He would like to see other options, he doesn't want to rule out and say that nobody will build a hotel, but he is not completely in favor for it. Do they have to make a decision right now on this, or can they look at some other developers who may have ideas as to what to do with this piece of land.

As far as traffic: right there in front of the U-Haul on the north side of the intersection,

out of the four cross sections, there is a no-turn right on that third lane-that is part of the congestion of traffic. Mayor Snarr said that it DOT not City; that is something that they need to take up with DOT to solve the problem with that. He would really like to know what other options there are and if they can't find a compromise; if this decision is made to vote for this hotel, there is going to be a lot of people upset with the decision on both sides. He too chose to move to Murray for what was here and looks forward to staying here; he knows that growth will continue to come and we need to accept changes, but change it for the future. The projects that happen now really don't take effect until five, ten, fifteen years down the road and that is what we have to look at from both sides.

Jakob Lyman, 307 E 5300 S, Murray, Utah

Mr. Lyman has spent his whole life here and loves it; this is something that is going to ruin what it is that they love about Murray. He has walked through that parking lot several times-it is a big parking lot; he loves sitting on those bleachers that would end up being torn down to make room in exchange for more parking which will take up even more of the lawn. He does not feel like this is a good spot for a hotel, he would never have chosen to put one there. They are going to put in a seven story building with so many rooms for a tiny spot and he also doubts that they would ever make it to a 60% capacity.

He went to Parkside, Hillcrest and Murray High School and knows about the traffic; he has been close to getting hit by cars who thought they had the right-of-way. He never thought he would come that close to getting hit and it scared him. The additional traffic from this will put more kids in danger; he has seen how the kids cross that street and half the time they don't look, or do and hope the cars don't hit them. He feels that this is one of the worst ideas and you take away from a lot of the things the kids experience. It should be left alone; he loves to sit on those bleachers.

Mr. Lyman read a quote from his family: "at the last zoning meeting in December, the developer, David Kimball said: 'I wouldn't want a hotel in my backyard' so why would I want one in mine."

Roberta Jelovchan, 301 E 5300 S, Murray, Utah

Speaking on behalf of Keith Jelovchan, Ms. Jelovchan said that in the city's General Plan, hours and hours were spent and she read: 'The amount of land dedicated to parks, open space and trails will increase'. 'Drawing a line around existing commercial precincts to protect adjacent residential areas.' 'New land uses at the perimeter of existing residential areas should help stabilize existing neighborhoods.' She asked how this is going to help to stabilize their existing neighborhood and support the creation of a quality residential environment.

Mr. Roberts, 5534 S. Avalon Drive, Murray, Utah

Mr. Roberts stated that there will be an increase in noise-from the air conditioners on the roof of the hotel, increase in traffic, and a net loss of open space which is detrimental to the community and there will be loss of a buffer zone. He beseeches the Council not to approve this project.

Jack Jensen, 348 E. 5300 S. Murray, Utah

Mr. Jensen has lived here since 1958 and has seen a lot of development- a strip mall, etc. and is concerned over the continuing development, little by little, into the residential areas.

David Reyes, 64 W. 5750 S., Murray, Utah

Mr. Reyes volunteers for Hillcrest Jr. High and says that there was a sign posted recently at the crosswalk for people to yield to pedestrians; he crosses there quite often and although some cars do stop, many just keep going. With the high school so close and many kids just getting their licenses, lines mean nothing. He, as well as many of the students at Hillcrest trying to get to the other side of the street, is trying to get there as fast as you can and the kids are expecting the cars to stop and they don't. If you put a hotel there, there is going to be that much more traffic and people trying to cross. There are many times that people have been nearly hit and it is only going to get worse.

Karen Pedersen, 5528 Avalon Drive, Murray, Utah

Ms. Pedersen takes her children to school, to ensure that they get there safely; there have been two accidents involving cars hitting children and she has been stopped at the crosswalk waiting for a child to cross and has had cars pass her on the left, almost hitting the child. She is very concerned about the traffic and the safety of all of the school children and is opposed to this development.

Jenn Kikel, 607 E. Springhill, Murray, Utah

Ms. Kikel has two children that attend the schools and her main concern is the traffic; just today she was stopped at the crosswalk for a pedestrian and none of the other cars would stop. There is definitely a traffic problem there now and if the hotel goes in, this is something that needs to be addressed. She knows that they will not put in a traffic signal, but kids are crossing wherever they want because they know that the crosswalk doesn't mean anything anyway. There are lines there, but nobody pays attention, and as a parent this is definitely an issue.

Dennis Poole invited Mr. Kimball to consider, and the City to consider, is that the area

north of the IMC hospital is a significant area of the Redevelopment Area in Murray City and it would be a wonderful idea to build a hotel there; he is sure that the city would support that and it would be away from these residential areas. It isn't that there are no other areas close to the hospital that would be suitable for a hotel.

Kevin Cantrell, 337 Saunders St., Murray, Utah

Mr. Cantrell said the philosophy should be harmony, balance and function in whatever they do and there should be a consciousness in taking into consideration with what they do; he believes in what has been said, but said that there is a lack of harmony, a lack of balance with what is being done here and it ruins the integrity of the city and community, and he finds that to be a grievance. He feels that a building such as this will be a monstrosity in this zone; it is really about thinking about the future of the community and there are other things that they can come up with and pleads with the Council to take this into consideration.

Whitney Schofield, 344 E. 5300 S., Murray, Utah

Ms. Schofield agrees with everything that has been said and wanted to add that she feels that everyone in Murray moved here and stayed here because of the way it is now; if it were to change, to put in a hotel, a lot of people would leave here. People pick this specific location for specific reasons and you would lose a lot of integrity and what has made this a great city-it would be hard to replace these people.

Christy Anderson, 5661 Adaley Ave, Murray, Utah

Ms. Anderson said that she doesn't think that people are necessarily against there being a commercial business at this location; one thing to remember is that some of Murray's best love businesses have been in this area and businesses that people would continue to support if they were there. Part of what we have here is an unfortunate timing in the economy and if we look to the future, she doesn't know what cities have been doing for a hotel but there are many things that they could address now for the residents, for the people going to that area already and thinks that is something that the Council should take into consideration as well.

Mayor Snarr, 5223 S. Spring Clover, Murray Utah

Mayor Snarr stated that looking out, he thinks he sees a lot of friends, but may not after he shares his opinion; this is what makes America great-that we can stand up and share our opinions and express where we are coming from.

He has obviously had many concerns about this property, as he has with many developments throughout the city. People have expressed to him their concerns about the hospital; 83 people showed up at Station 81 saying they didn't want the chimneys coming down and they didn't want the hospital to be built because of the traffic issues. To him, the City's future is more important than his political future and has made

decisions based upon that. It was difficult for him coming in as the Mayor because his number one priority was changing the landscape of Murray City so that we would not end up like other cities that were afraid of standing up and making very, very difficult decisions. To our Council's credit, they have been creative in creating some ordinances that allow for development of properties that otherwise would remain idle and never be developed. We have an R-N-B ordinance that allows for, in this case, a pleasant transition from residential to commercial because 6400 South is not what it was 30 years ago; it is a heavily trafficked street. Same with 900 East, which has changed dramatically, 5300 South going west from State has changed dramatically.

Sometimes, people sensationalize about hotels bringing in bad elements; he has, time and time again, had the same comments made about the Crystal Inn-none of those things have come to happen. There are the James Point apartments across the street and other significant developments which have occurred throughout the city where people have expressed their concerns-they did not materialize. He respects people's opinion, but he always takes his time to do due diligence whenever there is a sensitive issue. He really wants to understand if there is going to be an impact on traffic in the area; and the challenges that they will have, although they will not be to the houses to the south of the hotel that are going to move due to the new junior high school-which by the way, Dr. Rossi indicated that they are well aware of the challenge that they currently have with the location of the school; they are going to go at least 200' minimum for the footprint of the new school to create a safe stacking environment so that cars are no longer out on 5300 South.

We have a partnership with the school district and want to work with them to resolve these issues. You are all aware that property, where the current junior high is located, is going to be developed and with the price of that land, that is going to be a very high-end development. Some of his concerns were traffic-we didn't have the Ice Center at that time, we had the Salt Lake County Fairgrounds. That property sat there, after the Fair moved, and it was dust, mud, dirt and leaves; this is what the residents always said and wanted him to do something about it, saying that this was not open space, it was space in which kids got their 4-wheelers and ran around there doing donuts and there were a lot of incidences there that needed to be resolved. He spent time, went to the County and pleaded with them to help address the challenges that they had as the property owners. They agreed to do something there to the tune of about \$600,000. They said they couldn't do what they wanted with the rugby field because the bleachers blocked it some.

He had other people always upset with him over the condition of State Street saying it was terrible, an eyesore and did not represent Murray City; same thing with the smelter site, an unwanted something put in there. That property, by the way, was bought by the developer to replace property that the County owned where the..... (time up) Mayor Snarr added that traffic is always a big issue: Costco had 250-300 cars going in and out of there for five weeks during the Christmas season; nobody ever called and complained once.

Mike Ogrin, 269 E. 5300 S. Murray, Utah

Mr. Ogrin, addressing Mayor Snarr's comments, said that at the time, that area was fenced and kept up-it was used by all of the 4-H clubs in Utah and he never saw anyone 4-wheeling there. He coaches one of the country's largest cross-country track tournaments and they bring in a lot of money for a one-day thing into the city; if they rip those bleachers down and build out, that takes his course out. There will be 50 schools jumping up and calling the Mayor's Office about it. Mr. Ogrin stated that what Mayor Snarr said about 4-wheeling in that area is a lie.

A resident asked for clarification of who currently owns the property. This will be included in Mr. Tingey's summary.

Public comment closed.

Council consideration of the above matter:

Frank Nakamura, City Attorney

Mr. Nakamura said that as they go through this process, he wants to make sure that they are here to talk about the Land Use reasons-this is a zoning issue and he recognize that it might be difficult to separate the project, which has been discussed a great deal here, from the Land Use decision. As we make the zoning decision, one way or another, he would ask that on the record, they please express their land use reasons for the decision.

Tim Tingey, Administrative and Developmental Services

Mr. Tingey said that the first piece of property is currently zoned C-D-C and is owned by the developer, Mr. Kimball; the property in question regarding the rezone is owned by Salt Lake County.

There was a comment made regarding the noticing for this proposal; there is a 500' radius around this property that we are required by State law to send notices out to. It is also noticed in publications, newspapers, etc. and beyond that, that is what we do. We hope people get the word out but if we were to notice everyone in a large area on a regular basis with these, it would cost the city thousands and thousands of dollars and is not something that is required.

Mr. Tingey reiterated Mr. Nakamura's comments: with the issue of the rezone, we are talking about these properties and a rezone; even though we have had a lot of discussion regarding a hotel, there is some intent about a hotel, the issue here is a multitude of land uses can occur in a rezone like this. There are land uses that are allowed in open space, the ice rink being an example of this; even buildings located in this area are related to recreational uses. In C-D-C districts...if this is developed, whether the decision is yes or no tonight, the developer has the opportunity to develop this under a C-D-C use and it



could be shopping centers, restaurants, etc. That is the zoning for it, and there really is no discussion on that, provided that they can meet the site standards and design standards.

The reasoning for their recommendation relate to a couple of main issues: the General Plan allows the flexibility; there have been comments about the General Plan-excellent comments, they talk about the policies and the general direction on things; there are several chapters including an Economic Development Chapter as well as the policies which were addressed by some individuals here tonight. Flexibility is allowed when there are specific issues related to this; there are economic development issues, there are land use issues, there are a variety of things that have to be looked at and there is flexibility allowed for that. This area has changed because of other developments that have occurred: Intermountain Medical Center, the development of the Point at 5300, Costco and other developments which is something that you have to look at because of that flexibility when you are looking at a change in the General Plan or the use here. As far as the compatibility, as far as the buffer area, it is their recommendation that there is still a buffer area; does it encroach upon the C-D-C area? Yes, he will not disagree with that, but there is still a buffer area. They are not talking about locating it right next to a Residential Zoning area or residence.

Mr. Stam asked Mr. Tingey to repeat that.

Mr. Tingey reiterated: As far as the flexibility, there is a buffer area, still, between what is proposed as the commercial C-D-C zone and the residential zoning districts. The proposal is not to go right up against a residential zoning district; if it were, he would be recommending denial of that, because of the need of that buffer area. There is still over 200' of distance to the closest residential zoning district; that contributed to their recommendation and that it is one of the reasons behind that, as well as the flexibility and the compatibility with other commercial zone uses-that is why they recommended approval.

Mr. Shaver said that as they talk about this particular property and the zoning, there are still several things he has a question about: should approval be given tonight, that does not give approval for a hotel, is that correct? Mr. Tingey said that is correct. Mr. Shaver continued: So Mr. Kimball then has the opportunity to develop the properties, so the citizenry or others, might be able to go to Mr. Kimball and make suggestions as to how he might use that property to make it profitable.

Mr. Tingey said yes, that is always an option.

Mr. Shaver: So when he has a plan as to how to use that, what is the process?

Mr. Tingey said that this proposal tonight, if approved, allows for additional area for C-D-C zoning; it would allow for an opportunity for a conditional use permit, for a hotel, if that is the use, or a variety of other uses. For example: a shopping center does not require a conditional use permit. The process for that type of development, or a restaurant, would basically be: plan submittal, a site plan review with City departments

addressing a variety of issues related to traffic, parking, and landscaping; that is something that would not go through a public process. A conditional use permit, which a hotel development or a variety of other uses if they go through this site, would need to go through a conditional use permit process. There the design is looked at much closer, there is a public meeting, and the Planning Commission will evaluate those elements. The conditional use permit-as long as elements are met such as parking, landscaping-traffic will be looked at in that conditional use permit; there would be recommendations on that and the Planning Commission would have to review that and there would be public comment-not a public hearing-on the issues of concern. Provided that they can address all of the concerns as well as working with City staff, it could be approved.

Mr. Shaver: So those people who have issues with the traffic, or have issues with the height or issues with the use of the property itself, the best step for them would be to keep very informed of what that process is going to be and what the use of that property would be. Is there someone or a department that they might contact and say 'I want to be aware of when this is going to happen' just in case, as was brought up, they live outside of that 500' radius-they could say 'I want to know about it, email me, call me, contact me' or they could then call and find out when that meeting is going to be held so that they can voice their opinion?

Mr. Tingey said that they can contact Administrative and Developmental Services Department. For a conditional use permit, for example, there would be a sign posted on the property that there is going to be a public hearing giving the place and time; they want people to come and attend if they have issues of concern. They also send out notices.

Mr. Shaver said that he appreciates the comments about wanting people to come and express their concerns; this is exactly the process we do. Addressing Mr. Sherman, Mr. Shaver said that the reason they don't address the questions when they are asked is that there is a very specific ruling that we have to follow. He added that he would be happy to follow up each question at any time-send an email, contact him....he can also say that any member of the Council would do the same, but they cannot speak for the Council as an individual. They want to hear the concerns and address them, but it is hard in this forum; he appreciates that they have come and he knows it is important-they take what they do very seriously.

Mr. Shaver explained that Mr. Tingey is the head of Administrative and Developmental Services and that under his jurisdiction, everyone who has a plan or that wants to develop property, it falls under his umbrella as a whole. He has very specific people to address these issues specifically and Mr. Shaver's recommendation is that if people have questions about that, to talk to him directly.

Mr. Shaver asked Mr. Kimball: as a business man and property developer, has he looked at any other options for this property?

Mr. Kimball said that they had; they purchased this property at the worst time in history

and the motive was for a hotel. Once they got into it and the price of the land and the construction...there is an economy of scale, if you will, the size and the number of rooms to make it viable, not just for the price but also for the operation of the hotel and what is best for the area. It is not going to be a 500 room hotel, but between 125-130 room. That may seem large to some, it is actually a six story, but if you look at it from up above it looks more like a three and a half story building. He saw a rendering and because of the grade of the elevation, it has to be excavated substantially so that they can follow the contour of the street.

In listening to all of the comments, it is really important that they do what everyone would like to do.....they purchased this ground-yes it would be a burden if they had to change what they are doing, but at the same time, the cost of construction and methods-they looked at this with the County and felt it was a win-win situation and never thought there would be so much opposition. The important thing is, does it serve the community and the area; in another meeting he was in in Bountiful, many of the same comments were heard. There is progress and things happen for a reason-the hospital came, and they feel that this is the best site for this hotel; hopefully they can all work together, if there is a way to change structural things, but as of right now with their plans, this seemed to be the best size and location for this. Another reason that the County wanted to sell this property is because it became a nuisance, actually to the sloughing of the earth and they wanted them to create a retaining wall to landscape it.

Mr. Hales has met with people on both sides of this and he has thought about this issue constantly and never once refused to meet with him in regards to this. It is a tough issue.

Mr. Nicponski said that he has known Mayor Snarr for a number of years and has been on the opposite side of issues and has never known him to lie. He does not appreciate the innuendo or accusation that the Mayor is a liar and wanted to say that. He knows the Mayor well enough to know that is not his character.

Mr. Nicponski made a motion to adopt the Ordinance based on the land use reasons.

Mr. Stam 2<sup>nd</sup> the motion based on land use reasons, not for what will or will not be going in there. Knowing that the County does not maintain property well, and this area has not been maintained; this will help to improve how that land does look.

Call vote recorded by Jennifer Kennedy.

A Mr. Nicponski

A Mr. Stam

N Mr. Shaver stated that open space is critical and it needs to be protected. Encroachment is an issue and the only way is stop additional traffic. Open-Space needs to be protected.

A Mr. Hales

Motion passed 3-1

**11. UNFINISHED BUSINESS**

None scheduled

**12. NEW BUSINESS**

None scheduled.

**13. MAYOR**

**13.1 Mayor's Report**

Mayor Snarr stated that this past week, they had the opportunity to participate in the Larry Miller Chevrolet dealership grand-opening; it was a great event and this is a first-of-a-kind dealership format that they rolled out. This had been a very difficult process-they had to close down Rose Circle, which was very controversial, half the people wanted the road closed, the other half didn't. They were able to work something out to make this an attractive environment, not only for the residents who are to the west and north of there, but they have created an environment in which they can see further development and the removal of some of the older structures along State Street. It has been a great pleasure working with the Miller Group; they are spending over \$60 million in Murray on the expansion of their dealerships. We are very fortunate to have them here in our City and what they do for our City and the landscaping that they are putting in are very significant for the improvement of State Street.

He also went down on Winchester this week and checked in on the Storm Drain Enhancement project in which we are participating with Midvale City, who is basically paying for a significant amount of that project. He noticed that they are getting ready to do some additional paving along 6400 South and

hopefully that road will be back in a good, drivable condition. This has been a big project which makes a difference in the future of our city as far as addressing storm water and not having an impact on the fly-overs that exist where the intersections of I-215 and I-15 come together.

There is also an event sponsored by IHC- it is the IMC Healthy Heart Fair on Saturday, February 9, 2012 at 9:00 a.m. – 1:00 p.m. Our Murray City Fire Department is participating in this event.

Mayor Snarr gave special consideration to Mr. Brass and the reason he wasn't here; he is a good man who desires to serve this community well and we understand the challenges that he has faced. We appreciate the fact that IMC hospital was here and very easy for our paramedics to get him over there in a very efficient manner.

### **13.2 Questions of the Mayor**

Mr. Shaver asked if the Miller Group was making progress on the hotel-with them purchasing the little "L" shaped thing where the tattoo parlor sat.

Mayor Snarr said that he spoke to the Millers about this and the owner of the property is trying to 'hold them hostage' on this and get them to pay a big ransom for them to get this property; there is only about 70' of frontage on that property and it really isn't developable. The Millers are well aware that property is not developable-it does not have enough frontage to State Street; it does not have enough depth, or width to put anything of significance on it and he has had zero offers on that, in talking with the realtor on that. He said 'I don't know why he put it up for sale, it has no value and he is lucky to have somebody who is willing to pay market value for it.'

The Mayor hopes that they will be able to, sometime soon, deal with that challenge, that area; unfortunately, some of the residents that are in there, present a problem for our police department on occasion and it is one of those things where things change and he knows that they have a good relationship with the owners of the Sandman Motel and she has indicated that when she is ready, she would be willing to sell that property but right now she is not. The challenge that she has is that the Cottonwood Hospital which functions as TOSH now, and a lot of her clients would come over from the hospital, similar to what we are seeing a need for a significant upper-end extended stay here now.

Mayor Snarr said that since he has been mayor, they have developed 32 acres of open space property- it is called Willow Pond. A lot of neighbors there expressed concerns down there about it being a nuisance or that traffic would increase, people would die because people would fall into the pond and drown; He got this from people and they were angry with him and it was reflected in the way they voted. In the next go-around, they took him out their back gates onto the property and expressed how wonderful their back yards were because there was something nice back there now that gave value

back to the community.

We have also acquired multiple parcels, as they become available, down along the Parkway. Since he became Mayor, the City has more property now that is open space, than before he was elected; he has worked hard on that, to make our community an attractive place to live. We have to make very difficult decisions, but his decisions have always been based on what is good for the future of the city, not what is good for Dan Snarr. If that were the case, he would not allow all the development that occurred down around his property where there is 550 parking stalls for 3M-that is right by his place and which was a traffic issue. When they develop the Fundome property, and he hopes they do, that is his neighborhood and there will be thousands of cars that come in every day. If you don't have traffic, you don't have a community-ask the people that were bypassed when they built I-15.

There is going to be a significant development and there are already people very interested in buying that property where the junior high school is currently located. We are trying to do what we can to not let properties sit longer and challenge our city-to begin to drag our city down. That property has significant slope issues and is costing Mr. Kimball a fortune to develop that property, way beyond what a normal pad would cost to make it right for those in the city.

For that reason, the four years that he has spent on this...and he wishes all of those in attendance could have attended all of the meetings that he has attended...you would have a different perspective on this development.

#### **14. ADJOURNMENT**

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

---

**DRAFT**

**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 21<sup>st</sup> day of February, 2012 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:

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

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Tim Tingey,	Administrative & Developmental Services
Doug Hill,	Public Services Director
Gil Rodriguez,	Fire Chief
Dan Barr,	Library Director
Chad Wilkinson,	Division Manager
Justin Zollinger,	Finance Director
Scouts	
Citizens	

## **5. OPENING CEREMONIES**

5.1 Pledge of Allegiance – Jacob Horne, Boy Scout

- 5.2 Mr. Hales said that there is a tradition here in Murray to have the Scouts in attendance stand and introduce themselves, their troop leaders, and which Merit Badges they are working on.

The Scouts in attendance introduced themselves.

- 5.3 Special Recognition:

Consider a Joint Resolution of the Mayor and the Municipal Council of Murray City, Utah, declaring February 25, 2012 for Celebrating and Recognizing 100 Years of Community Service of the Murray Library.

Mr. Hales read the Resolution in its entirety.

Mayor Snarr stated that Mr. Barr has done an absolutely incredible job since he took over as the Director of the library and appreciates the value of how important the value of education is in our community. It is, without a doubt, the one element that does the most to inoculate ignorance. The Mayor said that we are excited about the 100 year tradition; we have always said that Murray will be an independent city, providing the best quality services to our residents, we know how important education is and we know that there is no greater resource than that of a library where you can gain knowledge that will help you as an individual throughout this life.

Mayor Snarr expressed his appreciation to Mr. Barr and all of the Library Board members, who have done an excellent job and served diligently. For those going to the library gala on the 25<sup>th</sup>: the Mayor was commissioned to write some poetry for the event and it will be a wonderful celebration.

Dan Barr, Library Director

Mr. Barr said that because of space limitations, the gala on Saturday was by invitation only, but this summer, there will be a picnic/birthday party for the entire community and everyone will be invited; they do not have a date set yet, but it will be sometime this summer.

Mr. Barr took the opportunity to recognize the Library Board members who were present, as well as the Chair of the Centennial Committee.

Mr. Shaver added that under Mr. Barr's supervision over the past 18 years, our library has flourished and grown, and he hears comment on that repeatedly throughout the community.

Mr. Stam added that Mr. Barr is also the Grand Marshall of the Fourth of July parade this year, celebrating the 100 years of service of the Library.



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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

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

Shaun Delliskave, 756 Chaparral Dr., Murray, Utah, Centennial Committee Chair

Mr. Delliskave thanked the Mayor and Council for approving this Resolution and read a quote from Lady Bird Johnson: "Perhaps no place in any community is as totally democratic as the town library. The only entrance requirement is interest." On behalf of that, Murray Library did a daring thing 100 years ago and that was to pursue a library for the betterment of the community.

On this 100 years, we look back, but we also look towards the future where the library is going to be committed to providing access to, not only paper books, digital copies and whatever format books may be in, but also to promote the joy of reading; the audiences that go there are not just adults, but children, and that the library will be there to provide these services to the community. He thanked everyone, once again, for the Resolution.

Jim Brass, Council Member, 410 Meadow Road, Murray, Utah

Mr. Brass thanked the Fire Department; three weeks ago he had a heart attack and he wanted to thank them and say how amazing they are. He woke up at 3:00 a.m. knowing something was wrong and they had him at the hospital just like that and it made all the difference in the world. The city has great employees, and they say that a lot, but this time he got to experience it from the other side.

Mr. Stam echoed Mr. Brass's sentiments and said we are very lucky, here in Murray, to have such great employees.

**Citizen comment closed**

**7. CONSENT AGENDA**

- 7.1 Consider confirmation of the Mayor's appointment of Gregory J. Waldron to the Murray Heritage Center Advisory Board in an At-Large position for a three-year term to expire February 1, 2015.

Mayor Snarr said that Mr. Waldron loves the city so much he travels in every day to participate; he is well loved and well respected and has been a great value in serving and giving back, and it is great that he has agreed to serving here.

Mr. Brass made a motion to approve the confirmation.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

**8. PUBLIC HEARINGS**

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

- 8.1 Consider an Ordinance amending the Fiscal Year 2011-2012 Budget.

Staff presentation: Tim Tingey, Administrative and Developmental Services

Mr. Tingey said that in the Administrative and Developmental Services Department, there are four modifications that they are requesting:

1. Include an additional staff person in the Utility Billing area; there have been additional duties with the billing for UTOPIA, processing of Animal Control, and other areas and there has been a strain since the reorganization in that area.
2. There has been a change in both the Treasurer and Finance area during the

reorganization; there were office supplies that were not transferred from the Finance Department over to the Utility Billing area; this would clean that up and provide adequate funding for that area.

3. At the adoption of the 2011-2012 City budget, the funding for the CDBG program cycle in 2010-2011, where it was a two year funding cycle and contract with the County was not included in this year's budget, so this is cleaning that up and providing it as part of that.
4. In the Finance Department the office supplies have been mentioned; there is also an increase in the General Fund revenue Rent Account; that is for the acquisition of the property with the General Fund tax revenue bonds that they will be purchasing additional property and it will be utilized to cover the expenses for the maintenance on that.
5. In the Police Department, there has been an increase in the DEA Metro Grant revenue, so this will allow for additional capital spending for that. Our police car maintenance area-the current budget is \$157,000; we have already expended \$134,000 this year, so this would increase the budget for this year to carry us through for the remainder of the year.
6. The Salt Lake Valley Emergency Fee: They were not taking into consideration the fee increases in the original adoption of the budget and this will take in account for that which is an increase of a little over \$7,000.
7. In the Public Services Department, we have a capital outlay-a budget revision is requested for both revenue and expenditures for the reimbursing of the Cottonwood-Winchester account for that project. Also an increase in the capital outlay Park Center repair for the items that were discussed at mid-year budget-the roof repairs that we are having issues with right now. An increase in the city Pavilion improvements that they are doing as well.
8. In the Fire Department, there is an increase for the grant revenue to offset the amount that we receive in that area for the capital outlay for the Hazmat Grant. There is an increase of \$32,000.

To sum all of this up, the bottom line is that the Treasurer staff, Police car maintenance, Salt Lake Valley Emergency fee, Park Center and City Parks repair will be funded as proposed through the General Fund reserves in the amount of \$191,667. The remainder of the items are transfers and will be offset by revenue increases. They are recommending approval of this attached ordinance that has been prepared.

**Public hearing opened for public comment.**

None given.

**Public comment closed.**

Council consideration of the above matter:

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

Call vote recorded by Jennifer Kennedy.

A Mr. Nicponski

A Mr. Stam

A Mr. Brass

A Mr. Shaver

A Mr. Hales

Motion passed 5-0

**9. UNFINISHED BUSINESS**

None scheduled

**10. NEW BUSINESS**

**10.1 Consider a Resolution providing advice and consent to the Mayor's appointment of Justin M. Zollinger as the City's Finance Director.**

Staff presentation: Mayor Snarr

Mayor Snarr stated that they 'struck gold' in Garland, Utah in bringing Mr. Zollinger to our city. Mr. Zollinger has done some incredible things in a very short period of time; after the City spent a lot of time looking for a person who would bring to the city the talents we were looking for...as our city is very unique in that we are a very self-contained city...we are lucky that we found an individual who worked for a city that mirrors Murray City, Logan City. He has been working as Logan City's accounting manager for seven years, has a bachelor's degree in accounting from Utah State, an MBA

from Weber State and he is going to testing for his CPA this month. One of the nice things about Mr. Zollinger is that he implemented new financial software while in Logan and we will be looking to do that in the near future as well. He worked in the private sector before going to work for Logan, was raised on a farm in Garland, Utah, is married and has five children.

Mayor Snarr said that he is very excited for the skills that Mr. Zollinger will bring to the city and said that he will be a great team member.

Mr. Brass made a motion to approve the appointment.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

Mr. Zollinger said that where he is from, when you are moving sprinkler, you don't get much time for thinking; he is very humbled and grateful to be able to work for Murray City-it is a great opportunity. When you leave somewhere that you have worked, it is sad to leave the people and the relationships you have built, but he looks forward to building those here as well; to bring his talents and abilities and to add to those that are already here. He is excited to do that, and is ready to work very hard; he will run very hard to get through each task that they need done. His goal is to build a tradition, as has been discussed here, of accurate, timely information to those that are decision makers.

**10.2 Consider a Resolution approving sponsorship and professional development assistance match grant applications to the Economic Development Corporation of Utah.**

Staff presentation: Tim Tingey, Administrative & Developmental Services

Mr. Tingey stated that this is the grant request that has been requested for the past several years; they have pushed the grant cycle back a little bit-it is typically at the first of the year and has been pushed to roughly March to have the grant applications in. It is for the sponsorship match grant for the Economic Development Symposium that is held, this being the third annual symposium when they have it if this is approved. Also, \$800 grant assistance for training opportunities. They are recommending approval of the Resolution.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

## 11. **MAYOR**

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

Mayor Snarr said that they are excited this week to celebrate the 100 year anniversary of Murray Library; a gala will be held at the library on Saturday, February 25, 2012 at 7:00 p.m. and are looking forward to the picnic this summer as well.

An interesting thing will be happening tonight, and he encouraged everyone to watch Channel 5; they will be doing a piece featuring Mallory Rogers, Miss Murray, and most people know that she is a boxer as well. She is an incredible young woman with many talents other than what she did to warrant and earn the Miss Murray title; she is a good person with a good heart and wants to encourage young people to adopt healthy lifestyles.

Mayor Snarr gave special thanks to the Murray City employees who donated blood in cooperation with the American Red Cross; we always have a great turnout when that event occurs and he appreciates all the generosity.

The Mayor drove around the city yesterday and the Miller Group told him that they were committed to moving the dealership over next weekend; they did not say when they would hold their grand opening, but plan on moving over all the cars next weekend to get them located down to the new dealership.

He spoke with BMW as well, and they expect completion to be sometime during the month of April, but they haven't indicated when their grand opening will be either; much of that is contingent upon when they can get people from their corporate headquarters to come in and participate in that. It is exciting to see these new dealerships open. The Miller Group is still looking at opportunities to expand further with a new Lexus dealership. When they will pull the trigger on that, they are not absolutely certain yet, but they own the land to do that and need to find another location for the used super car dealership across the street from the Lexus dealership.

It is an exciting time in Murray and we are looking forward to other events that will be occurring and other developments along the State Street corridor and other portions of the city.

If people have a chance, the Mayor suggested that people go and look at the new Holliday Clinic; IMC Medical Center has the new clinic on Highland Drive by I-215. They worked very hard to accommodate the residents there, and they are excited about it and we are lucky to have that type of facility in our city-it is a beautiful building.

#### **11.2 Questions of the Mayor**

None given.

#### **14. ADJOURNMENT**

# 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.)  
An Ordinance Adjusting Murray City Municipal Council District Boundaries.
2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
This agenda item fits under the Responsive and Efficient City Services key performance area. It covers being responsive to residential property areas related to state mandated requirements of redistricting.
3. **MEETING, DATE & ACTION:** (Check all that apply)  
☒ Council Meeting OR ☐ Committee of the Whole  
☒ Date requested March 20, 2012  
☐ Discussion Only  
☒ Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? Y  
☐ Resolution (attach copy)  
Has the Attorney reviewed the attached copy? \_\_\_\_\_  
☒ Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? Y  
☐ Appeal (explain) \_\_\_\_\_  
☐ Other (explain) \_\_\_\_\_
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
No major issues except cost for publication notices.
5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
Memo, Notice of Public Hearing, Ordinance and Map.
6. **REQUESTOR:**  
Name: Jennifer Kennedy Title: City Recorder  
Presenter: Jennifer Kennedy Title: City Recorder  
Agency: Recorder's Division Phone: ext. 2663  
Date: March 1, 2012 Time: 11:00 AM
7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)  
Department Director:  Date: 3/1/12  
Mayor:  Date: 3/1/12
8. **COUNCIL STAFF:** (For Council use only)  
Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_
9. **NOTES:**



**MURRAY CITY CORPORATION**

COMMUNITY DEVELOPMENT  
CITY MANAGER'S OFFICE

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

To: City Council  
From: Jennifer Kennedy, City Recorder  
Date: February 29, 2012  
Subject: Council District Boundaries

---

As discussed in a previous City Council Committee of the Whole meeting and as outlined in 10-3-205.5 of the Utah Municipal Code, we are required to complete our redistricting process within six months after the Legislature completes its redistricting process.

Attached is a proposed ordinance to reapportion the council district boundaries. A public hearing will be held at the March 20, 2012 City Council meeting regarding the council district boundary adjustments. ADS staff is recommending approval of the ordinance and consideration of the attached map which shows the adjustments to the council district boundaries.

Please contact me with any questions, 801-264-2663.

# Murray City Corporation

## NOTICE OF PUBLIC HEARING REGARDING ADJUSTMENTS TO MUNICIPAL COUNCIL DISTRICT BOUNDARIES

NOTICE IS HEREBY GIVEN that on the 20<sup>th</sup> day of March, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing.

The purpose of this hearing is to receive public comments regarding a proposed plan to adjust Murray City Municipal Council District Boundaries as a result of the 2010 census pursuant to Section 10-3-205.5 of the Utah Code.

A draft of the proposed adjustments to the Murray City Municipal Council District Boundaries is available for public inspection during normal business hours in the offices of the Murray City Recorder and the Murray City Municipal Council, 5025 South State Street, Murray, Utah.

DATED this \_\_\_\_ day of February, 2012.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION:      March 4, 2012  
   March 16, 2012

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADJUSTING MURRAY CITY MUNICIPAL COUNCIL  
DISTRICT BOUNDARIES.

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

Section 10-3-205.5 of the Utah Code Annotated provides that the municipal legislative body, within six months following the Legislature completing its redistricting process, is to adjust the boundaries of the council districts as may be required to maintain districts of substantially equal population.

Upon completion and receipt of the 2010 Census, the City Recorder's Office presented to the Murray City Municipal Council for its review proposed adjustments of Murray City Municipal Council District boundaries to comply with Section 10-3-205.5 of the Utah Code Annotated and Section 2.04.020 of the Murray City Municipal Code.

A public hearing was held on March 20, 2012 pursuant to proper notice. The notice advised in part that proposed adjustments of Council District boundaries were available for inspection in the City Recorder and Council offices. Rather than closing the public hearing on March 20, 2012, the Council extended the hearing to April 3, 2012 to allow further opportunity for the public to comment before a decision was made. After considering all public comments and other relevant information including the adjustments proposed by the City Recorder, the Council is prepared to adjust the Council District boundaries.

NOW, THEREFORE, BE IT ENACTED:

*Section 1. Purpose.* The purpose of this ordinance is to adjust the Murray City Municipal Council District boundaries.

*Section 2. Enactment.* Pursuant to Section 10-3-205.5 of the Utah Code Annotated and Section 2.04.020 of the Murray City Municipal Code, the Murray City Municipal Council District boundaries shall be modified and adjusted as set forth in Exhibit "A" attached and incorporated herein for all purposes.

*Section 3. Effective date.* This Ordinance shall take effect April 3, 2012.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 3rd day of April , 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
Jennifer Kennedy  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Recorder

# City Council Redistricting Proposal

2010 Total Population - 46,739



-  Council Districts
-  Voter Precincts
-  Census Blocks

This proposal would result in:

- District 1 - 9310
- District 2 - 9421
- District 3 - 9557
- District 4 - 9340
- District 5 - 9110

Transfer 1287 from District 1 to District 3

Transfer 30 from District 3 to District 4

Transfer 662 from District 4 to District 5

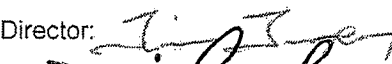

# Public Hearing #2



# 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.)  
An Ordinance Reapportioning the Murray City School Board District Boundaries.
2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
This agenda item fits under the Responsive and Efficient City Services key performance area. It covers being responsive to residential property areas related to state mandated requirements of redistricting.
3. **MEETING, DATE & ACTION:** (Check all that apply)  
☒ Council Meeting OR ☐ Committee of the Whole  
☒ Date requested March 20, 2012  
☐ Discussion Only  
☒ Ordinance (attach copy)  
Has the Attorney reviewed the attached copy? Y  
☐ Resolution (attach copy)  
Has the Attorney reviewed the attached copy? ☐  
☒ Public Hearing (attach copy of legal notice)  
Has the Attorney reviewed the attached copy? Y  
☐ Appeal (explain) \_\_\_\_\_  
☐ Other (explain) \_\_\_\_\_
4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)  
No major issues accept cost for publication notices.
5. **RELATED DOCUMENTS:** (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)  
Memo, Notice of Public Hearing, Ordinance and Map.
6. **REQUESTOR:**  
Name: Jennifer Kennedy Title: City Recorder  
Presenter: Jennifer Kennedy Title: City Recorder  
Agency: Recorder's Division Phone: ext. 2663  
Date: March 1, 2012 Time: 11:00 AM
7. **APPROVALS:** (If submitted by City personnel, the following signatures indicate, the proposal has been reviewed and approved by Department Director, all preparatory steps have been completed, and the item is ready for Council action)  
Department Director:  Date: 3/1/12  
Mayor:  Date: 3/1/12
8. **COUNCIL STAFF:** (For Council use only)  
Number of pages: \_\_\_\_\_ Received by: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Recommendation: \_\_\_\_\_
9. **NOTES:**



**MURRAY CITY CORPORATION**

1000 Main Street  
Murray, Utah 84107-4824

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

To: City Council

From: Jennifer Kennedy, City Recorder

Date: February 29, 2012

Subject: School Board District Boundaries

---

As discussed in a previous City Council Committee of the Whole meeting and as outlined in 10-3-205.5 of the Utah Municipal Code, we are required to complete our redistricting process within six months after the Legislature completes its redistricting process. Under section 20A-14-201 the municipal legislative body, must also address school districts contained completely within a municipality, and must divide the local school district into local school board districts.

Attached is a proposed ordinance to reapportion the school district boundaries. A public hearing will be held at the March 20, 2012 City Council meeting regarding the school district boundary adjustments. ADS staff is recommending approval of the ordinance and consideration of the attached map which shows the adjustments to the school board district boundaries.

Please contact me with any questions, 801-264-2663.

# Murray City Corporation

## NOTICE OF PUBLIC HEARING REGARDING ADJUSTMENTS TO MURRAY CITY SCHOOL BOARD DISTRICT BOUNDARIES

NOTICE IS HEREBY GIVEN that on the 20<sup>th</sup> day of March, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing.

The purpose of this hearing is to receive public comments regarding a proposed plan to adjust Murray City School Board District Boundaries as a result of the 2010 census pursuant to Section 20A-14-201 of the Utah Code.

A draft of the proposed adjustments to the Murray City School Board District Boundaries is available for public inspection during normal business hours in the offices of the Murray City Recorder and the Murray City Municipal Council, 5025 South State Street, Murray, Utah.

DATED this \_\_\_\_ day of February, 2012.

MURRAY CITY CORPORATION

---

Jennifer Kennedy  
City Recorder

DATES OF PUBLICATION:     March 4, 2012  
   March 16, 2012

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADJUSTING THE MURRAY SCHOOL BOARD DISTRICT BOUNDARIES.

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

Section 20A-14-201 of the Utah Code Annotated requires that the municipal legislative body reapportion school board district boundaries completely within its jurisdiction to meet the population, compactness, and contiguity requirements of said section at least once every ten years.

Upon completion and receipt of the 2010 Census, the City Recorder's Office presented to the Murray City Municipal Council for its review proposed reapportionments of the Murray School Board District boundaries to comply with Section 20A-14-201 of the Utah Code Annotated.

A public hearing was held on March 20, 2012 pursuant to proper notice. The notice advised in part that maps of the proposed reapportionments were available for inspection in the City Recorder and Council offices. Rather than closing the public hearing on March 20, 2012, the Council decided to extend the hearing to April 3, 2012 to allow the public further opportunity to comment before a decision was made. After considering all public comments and other relevant information including reapportionments proposed by the City Recorder, the Council is prepared to reapportion the Murray School Board District boundaries.

NOW, THEREFORE, BE IT ENACTED:

*Section 1. Purpose.* The purpose of this ordinance is to reapportion the Murray School Board District boundaries.

*Section 2. Enactment.* Pursuant to Section 20A-14-201 of the Utah Code Annotated, the Murray School Board District boundaries shall be modified and reapportioned as set forth in Exhibit "A" attached and incorporated herein for all purposes.

*Section 3. Effective date.* This Ordinance shall take effect April 3, 2012.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this 3rd day of April, 2012.

---

MURRAY CITY MUNICIPAL COUNCIL

---

James A. Brass, Chair

ATTEST:

---

Jennifer Kennedy  
City Recorder

Transmitted to the Office of the Mayor of Murray City on this \_\_\_\_ day of \_\_\_\_\_, 2012.

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2012.

---

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 \_\_\_\_\_, 2012.

---

## City Recorder

U:\Civil Files\07-City Council\0013-Redistricting\Ordinance, Reapportioning Murray School District Boundaries - 03-20-12.wpd

---

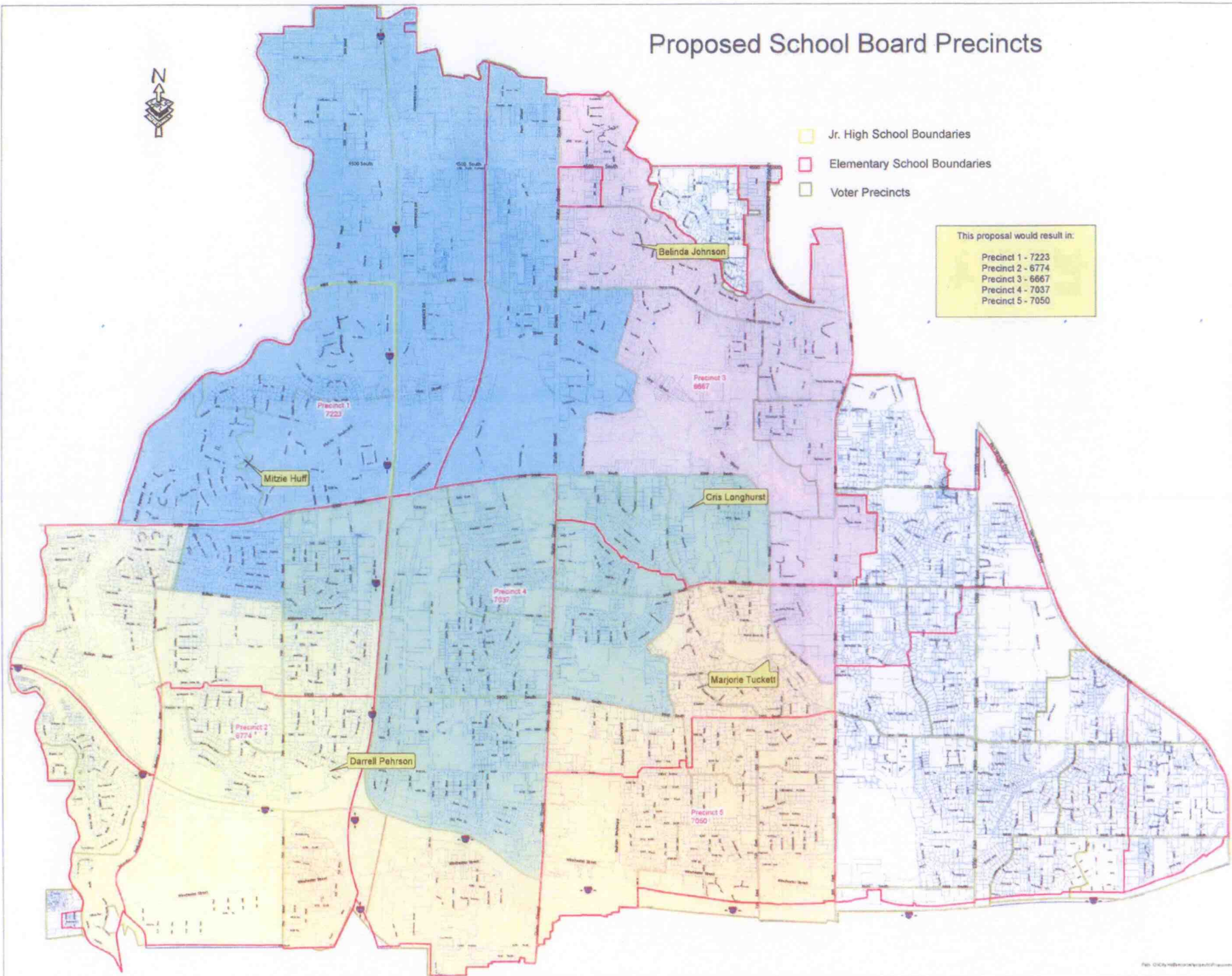
# Proposed School Board Precincts



- Jr. High School Boundaries
- Elementary School Boundaries
- Voter Precincts

This proposal would result in:

Precinct 1 - 7223  
 Precinct 2 - 6774  
 Precinct 3 - 6667  
 Precinct 4 - 7037  
 Precinct 5 - 7050



# 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.)  
The Re-Adoption of the Metro Fire Agency Interlocal Agreement

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

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

☒ Council Meeting OR ☐ Committee of the Whole

☒ Date requested MARCH 20<sup>th</sup> 2012

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? \_\_\_\_\_

☐ Appeal (explain) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

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

N/A

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

Memo and the Interlocal Agreement

**6. REQUESTOR:**

Name: Jan Wells

Title: Chief of Staff

Presenter: Jan Wells

Title: Metro Fire Board Member

Agency: Metro Fire Agency

Phone: 801-264-2621

Date: March 2<sup>nd</sup> 2012

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

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

Department Director: Dan Snarr

Date: March 2<sup>nd</sup> 2012

Mayor: 

Date: March 2<sup>nd</sup> 2012

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

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

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

**9. NOTES:**



MURRAY CITY CORPORATION  
OFFICE OF THE MAYOR

Daniel C. Snarr, Mayor

Jan Wells, Chief of Staff

801-264-2600 FAX 801-264-2608

# MEMO

To: Murray City Council  
From: Jan Wells, Chief of Staff  
Date: March 2, 2012  
RE: Metro Fire Agreement

In June of 2009, the Metro Fire Agency was formed. It consisted of Murray, Midvale, South Salt Lake, Sandy, West Valley, West Jordan and Bluffdale. The Metro Agency was established to help Fire Departments use economy of scale for joint purchasing, possibly share facilities and combine training exercises. It has been a very successful entity that has served Murray well.

The original agreements that were put into place in 2009, for several reasons, have variations from entity to entity. They are to be renewed every three years. The Board has reviewed the variations in the agreements and is recommending that a unified, single agreement be adopted by each City. The adjustments are technical, but will help us all work under the same document. Midvale City has also left the group and joined the Unified Fire Agency, so they need to be removed from the updated version. Metro has a Board of Directors with a representative from each City and there is also a Board of Trustees that are represented by each City's Fire Chief.

I appreciate the help of the Attorney's Office in drafting the changes to the agreement.

Thank you for your consideration.

CC: Chief Gil Rodriguez

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

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN MURRAY CITY, BLUFFDALE CITY, SANDY CITY, SOUTH JORDAN CITY, SOUTH SALT LAKE CITY, WEST JORDAN CITY AND WEST VALLEY CITY RATIFYING THE FORMATION AND OPERATION OF THE METRO FIRE AGENCY.

WHEREAS, UTAH CODE ANN. Title 11, Chapter 13 - The Utah Interlocal Cooperation Act ("the Act") provides that two or more public agencies of the State of Utah may join together by agreement to jointly exercise any power common to the parties; and

WHEREAS, UTAH CODE ANN. Titles 10 and 11 grant the power and responsibility to a municipality to provide for adequate fire protection within its jurisdiction; and

WHEREAS, on June 14, 2009, the City executed an Interlocal Cooperation Agreement ("Agreement") with Bluffdale City, Sandy City, South Jordan City, South Salt Lake City, West Jordan City, Midvale City and West Valley City to form and operate the Metro Fire Agency; and

WHEREAS, subsequently it was determined that the parties to the Agreement approved and signed different versions of the Agreement; and

WHEREAS, since the City executed the Agreement, Midvale City is no longer a party to the Agreement; and

WHEREAS, the City, Bluffdale City, Sandy City, South Jordan City, South Salt Lake City, West Jordan City and West Valley City want to ratify the Agreement in order to ensure that the parties execute the same version of the Agreement and to recognize that Midvale City is no longer a party; and

WHEREAS, the Murray City Municipal Council has determined that participation by the City in Metro Fire Agency with Bluffdale City, Sandy City, South Jordan City, South Salt Lake City, West Jordan City, and West Valley City will: a) promote the health, safety, and welfare of the City and its citizens, b) provide improved fire protection and c) provide immediate unified and cooperative action to guard against potential multiple threats to individual cities; and

WHEREAS, an Agreement, substantially in the form attached hereto as "Exhibit A", has been prepared for ratifying the Metro Fire Agency and establishing terms and conditions governing the separate legal entity; and

WHEREAS, the Murray City Municipal Council has determined that the City should enter into the Interlocal Cooperation Agreement, substantially in the form attached hereto as "Exhibit A", thereby ratifying that it is a member of the Metro Fire Agency.

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

1. It is in the best interest of the City to participate with Bluffdale City, Sandy City, South Jordan City, South Salt Lake City, West Jordan City, and West Valley City in the Metro Fire Agency.

2. The Metro Fire Agency Interlocal Agreement in substantially the form attached hereto as "Exhibit A" is hereby approved.

3. The Mayor and City Recorder are hereby authorized to execute the Metro Fire Agency Interlocal Agreement for and on behalf of the City and act in accordance with its terms.

PASSED and APPROVED and made effective this 20th day of March, 2012.

MURRAY CITY MUNICIPAL COUNCIL

---

James A. Brass, Chair

ATTEST:

---

Jennifer Kennedy  
City Recorder

## **METRO FIRE AGENCY INTERLOCAL AGREEMENT**

This Interlocal Agreement ("Agreement") is entered into this 8 day of February 2012, by and among **BLUFFDALE CITY**, a municipal corporation of the State of Utah; **MURRAY CITY**, a municipal corporation of the State of Utah; **SANDY CITY**, a municipal corporation of the State of Utah; **SOUTH JORDAN CITY**, a municipal corporation of the state of Utah; **SOUTH SALT LAKE CITY**, a municipal corporation of the State of Utah; **WEST JORDAN CITY**, a municipal corporation of the State of Utah; and **WEST VALLEY CITY**, a municipal corporation of the State of Utah (herein individually a "Party" or collectively the "Parties").

### **WITNESSETH**

**WHEREAS**, the Parties have determined that the formation of a metro fire agency will assist in furthering the protection of the citizens of their respective cities; and

**WHEREAS**, the creation of a metro fire agency will allow for increased benefits regarding purchasing, mutual aid assistance, and efficient use of resources to the Parties and the citizens of their cities; and

**WHEREAS**, the Parties currently have mutual aid and automatic aid agreements and systems in place to assist with the provision of fire service to citizens and such agreements have demonstrated the Parties ability to work together in an effective and efficient manner; and

**WHEREAS**, the Parties desire to broaden the scope of their cooperation to other beneficial areas of their operations; and

**WHEREAS**, each of the undersigned cities have participated in the discussion and negotiation of the creation of this agency;

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein, the Parties agree as follows:

### **AGREEMENT**

1. **PURPOSE.** The Purpose of this Agreement is to promote the health, safety and welfare of the collective citizens of the Parties, to provide improved fire protection for the participating municipalities and to provide immediate unified and cooperative action to guard against potential multiple threats to individual cities. The Parties declare that there is a community-wide need to provide for an inter-local fire protection agency, and declare that this compelling need requires a state-of-the-art "all hazards" emergency response system. Such a system requires the creation of a metro fire agency under the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated ("Interlocal Act"). This Agency will allow all participating municipalities to combine and share their collective capabilities

and resources for themselves and their neighbors. It is the purpose of this Agreement to provide for the accomplishment thereof in the manner provided herein.

2. **AUTHORITY.** The Interlocal Act permits local governmental units to make the most efficient use of their powers and to provide the benefit of economies of scale; authorizes municipalities to enter into cooperative agreements with one another for the purpose of exercising, on a joint and cooperative basis, any powers, privileges and authority exercised by such public agencies individually; and authorizes such public agencies, pursuant to such agreements, to create a separate legal entity to accomplish the purposes of their joint cooperative action.

3. **CONSIDERATION.** The consideration for this Agreement consists of the mutual benefits and exchange of promises provided herein.

4. **EFFECTIVE DATE.** This Agreement shall become effective when two or more of the Parties named above each execute an original or copy of this Agreement as required by law.

5. **TERM.** The term of this Agreement shall be five (5) years from the effective date, unless sooner terminated as provided in Item 16 herein. The Agreement may be renewed in writing upon terms and conditions acceptable to 2/3 of the Parties, who are then parties, for a period of up to fifty (50) years.

6. **NAME.** The name of the new legal entity is the Metro Fire Agency ("Agency").

7. **GOVERNANCE.** The Agency shall be governed by a Board of Trustees ("Trustees") which shall have sole authority to conduct the business of the Agency.

a. Trustees membership shall consist of each Party's designee, as dictated by that Party's form of government. Each Party may appoint, through compliance with its own legal requirements that govern such Board appointments for that Party, up to two alternate designees to serve as interim Trustee in the absence of that Party's primary designee and that alternate shall have the same rights as that member.

b. Trustees are responsible for all decisions related to the organizational, operational, and financial conduct of the Agency. Trustees will have responsibility for overseeing reciprocity within the Agency.

c. Trustees decisions shall be based on a majority vote of its members, and each member city shall have one vote.

d. If a Trustee representing a Party does not agree with a majority decision made by the Trustees, that Trustee may (through written notice) abstain from participating in the specific issue being addressed and that Party will not be bound by that decision.

e. Trustees officers shall consist of a chair, vice-chair and secretary, and shall be elected by the Trustees from among its members and shall serve for such terms and perform such duties as shall be provided in the by-laws.

f. The chair shall be the presiding officer of Trustees, and the vice-chair shall serve at the request of the chair or in the absence of the chair. The secretary shall keep minutes of Trustees' meetings and shall attest to the signature of the chair as needed. Trustees may also appoint additional officers and representatives, and may assign duties to existing officers, as it deems necessary for the administration of the Agency.

g. Trustees shall have regular meetings as needed or as provided in any by-laws and may have electronic meetings subject to the requirements of state law and any bylaws. Meetings will be held at a location to be determined by the Trustees.

h. The chair shall give reasonable notice to all Trustees members of the time and place of each meeting subject to the provisions of Item 25 herein.

i. Trustees may establish from time to time standing or ad-hoc committees as shall be deemed appropriate or necessary to carry out the business of the Agency.

j. Trustees is a public body and its members shall in all respects follow the requirements of the Open and Public Meeting laws, Title 52, Chapter 4, Utah Code Annotated, the Government Records Access Management Act, Title 63G, Chapter 2, Utah Code Annotated, and all other applicable laws.

k. Trustees shall have the power to adopt, amend, and repeal rules, by-laws, policies and procedures to regulate the affairs and conduct the business of the Agency.

8. **OPERATIONS ADVISORY COMMITTEE.** In addition to any standing or ad-hoc committee that the Trustees may deem appropriate or necessary to carry out the business of the Agency, an Operations Advisory Committee ("Operations") shall be established under the direction and supervision of the Trustees.

a. Operations membership shall be composed of a designee from each Party.

b. Operations shall provide advice and recommendations to the Trustees for planning, budget preparation, system coordination, policies, procedures, and standards utilized by the Agency, and may be given other responsibilities and authority as approved by the Trustees.

c. Operations decisions shall be based on a majority vote of its members and each member city shall have one vote.

d. Operations officers shall consist of a chair, vice chair and secretary, who shall be elected by Operations from among its members and shall serve for such terms and perform such duties as shall be provided in the by-laws. Operations may also appoint additional officers and representatives as it deems necessary for the administration of its duties.

e. Operations shall meet as provided in the by-laws or as directed by the Trustees.

f. Operations is a public body and its members shall in all respects follow the requirements of the Open and Public Meeting laws, Title 52, Chapter 4, Utah Code Annotated, the Government Records Access Management Act, Title 63G, Chapter 2, Utah Code Annotated, and all other applicable laws.

9. **PARTY CONTROL.** Each Party shall continue to control, own, and maintain its individual fire facilities, apparatus, and equipment at its sole expense. Each Party shall continue to maintain its separate purchasing processes, although Agency-wide purchasing contracts may be used and purchasing alliances may be formed among some or all of the Parties for submitting bids to vendors. Each Party shall continue to maintain its own paramedic and ambulance licenses. Each Party shall continue to handle its own human resource functions to include payroll and benefits, personnel and staffing decisions, and employee compensation with respect to its own employees.

a. The Agency, in making decisions that impact the organizational and functionability of local fire departments representing each Party, acknowledges the right of each Party to choose whether or not to participate in recommendations that are made and accepted by the Trustees.

b. The Agency may contract with any person or entity for the provisions of services or materials in compliance with contracting and purchasing policies established by the Trustees, including legal and accounting services.

10. **AGENCY SERVICES.** The Agency, as determined by the Trustees, may provide to each Party emergency and non-emergency services which the Agency has the capability of providing, to include, but not limited to, firefighting, emergency medical response, hazardous materials response, bomb response, search and rescue, technical rescue, fire and safety prevention, environmental protection, and public education.

11. **FINANCIAL MATTERS.**

a. **Budget Adoption.** All financial matters of the Agency shall be conducted in accordance with applicable Utah State laws and generally accepted accounting principles. Trustees shall prepare an annual budget which shall include: (1) a proposed staffing schedule identifying all positions and titles of employees and officers employed and paid by the Agency; (2) a compensation schedule with pay grades and ranges for each employee or officer paid by the Agency; (3) a reasonably detailed identification of the source and amount of each anticipated revenue source of the Agency, including each fee or assessment to be made upon the Parties; (4) an organizational chart for the Agency; and (5) the Agency's mission statement, a brief summary of the immediate last year's accomplishments, and a statement of the budget year's goals and objectives.

b. **Fees and Assessments.** Fees and assessments may be proposed as a part of the budgeting process by a 2/3 vote of the Trustees in a duly noticed public meeting and,



thereafter, forwarded in writing to each Party's legislative body no later than May 15<sup>th</sup>, before the Party's budget for the following fiscal year is adopted. No fee or assessment against a Party will be valid or enforceable until that Party has made an appropriation of funds to pay such an assessment.

c. **Rules and Procedures for Fees and Assessments.** The Trustees, by a 2/3 vote, may adopt rules and procedures to assure the proper collection of approved fees and assessments, consistent with the Agreement.

d. **Party Non-appropriation as Withdrawal.** In the event a Party fails to appropriate and timely pay to the Agency the fees and assessments adopted by the Trustees and as provided in the Agency's duly adopted rules and procedures, such non-action shall be deemed to be a withdrawal of that Party from the Agency, effective as of the last day of December of the fiscal year in which the fees or assessments are due, notwithstanding the provisions of Item 15 below.

e. **Independent Audit.** The Trustees shall obtain an independent audit of the Agency for each budget year in which the estimated cash revenues exceed \$10,000, which sum shall include fees, assessments, taxes or grants, but exclude in-kind or donated services, staffing or operational support.

12. **SUPPORT STAFF.** Support staff can be provided by the Parties on an as-required basis at no cost to the Agency. The Trustees may impose fees or assessments upon the Parties, pursuant to Item 11 herein, to hire a full-time or part-time support staff when the Trustees determine that such action is necessary.

13. **BYLAWS.** Policies, procedures, other agency related business, and other operational and organizational issues will be governed through by-laws to be adopted by resolution by the Trustees.

14. **ADDITIONAL PARTIES.** Any municipality within Salt Lake County which has its own individual fire department may apply for membership to the Agency. Trustees may accept the applicant only by a unanimous vote. If accepted, the applicant must agree in writing to be bound by the terms and conditions of this Agreement.

15. **TERMINATION.** A Party may withdraw from the Agency at the beginning of any new fiscal year, defined as July 1, by giving at least six (6) months prior written notice of withdrawal to the Trustees and to the other Parties as provided in Item 25. The notice of withdrawal shall be in writing, signed by the Party's Mayor or Manager, and approved and authorized by resolution of Party's City Council. Notwithstanding the foregoing, no Party may withdraw from the Agency during the term of any agreement entered into by the Agency to finance the acquisition or construction of capital improvements for the Agency, unless mutually acceptable provisions are made whereby such existing agreement is assumed by another Party, and such provisions are approved in writing under such agreement. Unless the withdrawal of a Party results in the dissolution of the Agency, any withdrawing Party shall be entitled, subject to equitable adjustment for any prior credits given, to receive back any real or

personal property (not consumed) provided by such Party for use by the Agency under this Agreement, and all leases of such property shall automatically terminate. Agency-funded and Agency-acquired property shall remain with the Agency.

16. **DISSOLUTION.** This Agreement may be terminated and the Agency may be dissolved by a 2/3 vote of Trustees, provided there is no then existing agreement entered into by the Agency to finance the acquisition or construction of capital improvements for the Agency, unless mutually acceptable provisions are made whereby such existing agreement is assumed by one or more Parties, and such provisions are approved in writing under such lease / purchase agreement. Upon dissolution, each Party shall be entitled, subject to equitable adjustment for any prior credits given, to receive back any original equipment or asset the Party leased, donated, or otherwise provided to the Agency. Any remaining real or personal property acquired under this Agreement shall be allocated as agreed upon by the Parties.

17. **INDEMNIFICATION.** The Agency and the Parties are governmental entities as set forth in the Utah Governmental Immunity Act, Title 63G, Chapter 7, Utah Code Annotated ("Immunity Act"). Consistent with terms of the Immunity Act, and as provided herein, it is mutually agreed that the Agency and the Parties are each responsible for their own wrongful and negligent acts which are committed by them or their agents, officials or employees. The Agency and the Parties do not waive any defenses otherwise available under the Immunity Act, nor does any Party or the Agency waive any limits of liability provided by the Immunity Act which immunity and damage caps are expressly preserved and retained. Moreover, the Agency and each Party agrees to indemnify, defend and hold harmless the other Parties from any damage, loss, expense, judgment or assessment arising in connection with any action or inaction by the Agency or the Party, their agents, officials or employees.

18. **INSURANCE.** Each Party shall be solely responsible for providing workers compensation and benefits for its own officials, employees and volunteers who provide services under this Agreement. Each Party shall obtain insurance, become a member of a risk pool, or be self insured to cover the liability arising out of negligent acts or omissions of its own personnel rendering services under this Agreement. The Agency shall purchase insurance in amounts required by law, independent of the insurance or other coverage maintained by each Party, to provide protection for its operations including, but not limited to, liability insurance and worker's compensation insurance.

19. **GOVERNMENTAL APPROVAL.** This Agreement shall be conditioned upon its approval and execution by the Parties pursuant to and in accordance with the provisions of the Interlocal Act including the adoption of resolutions of approval by the legislative bodies of the Parties.

20. **LAWS OF UTAH.** It is understood and agreed by the Parties that this Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.

21. **SEVERABILITY OF PROVISIONS.** If any provision of this Agreement is held invalid, the remainder shall continue in full force and effect; except that if Items 15 or 16

herein are held invalid, this Agreement shall be held invalid and shall be of no further force or effect.

22. **THIRD PARTIES.** This Agreement is not intended to benefit any party or person not named as a Party specifically herein, or which does not later become a Party hereto as provided herein.

23. **TITLES AND CAPTIONS.** The titles and captions of this Agreement are for convenience only and in no way define, limit, augment, extend or describe the scope, content or intent of any part or parts of this Agreement.

24. **NON ASSIGNABILITY.** Neither the Agency nor the Parties shall transfer or delegate any of their rights, duties, powers or obligations under this Agreement without a 2/3 consent of Trustees.

25. **NOTICES.** All notices and other communications provided for in this Agreement shall be in writing and shall be sufficient for all purposes if (a) sent by email to the address the Party may designate, or by fax to the fax number the Party may designate, and concurrently sent by first class mail to the Party and to the Party's legal office, (b) personally delivered, or (c) sent by certified or registered United States Mail addressed to the Party at the address the Party may designate, return receipt requested.

**IN WITNESS WHEREOF,** the Parties have caused this Agreement to be executed on their behalf by the following duly authorized representatives as of the date appearing opposite their signature below.

CITY

ATTEST

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

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

Approved as to legal form and compliance with applicable law:

\_\_\_\_\_  
Attorney

# Murray City Municipal Council

## Request for Council Action

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

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

CONSIDER A RESOLUTION APPROVING THE "MURRAY CITY CAPITAL IMPROVEMENT PROGRAM POLICY"

2. **KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
FINANCIALLY SUSTANABLE AND WELL MAINTAINED, PLANNED AND PROTECTED  
INFRASTRUCTURE AND ASSETS

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

☒ Council Meeting OR ☐ Committee of the Whole

3.20.12 Date requested

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☒ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain) \_\_\_\_\_

☐ Other (explain) \_\_\_\_\_

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

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

CAPITAL IMPROVEMENT PROGRAM POLICY DOCUMENTS

6. **REQUESTOR:**

Name: MICHAEL WAGSTAFF

Presenter: JUSTIN ZOLLINGER

Agency:

Date: 3.9.12

Title: COUNCIL EXECUTIVE DIRECTOR

Title: CITY FINANCE DIRECTOR

Phone:

Time:

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

Department Director:

Date:

Mayor:

Date:

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

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

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

9. **NOTES:**

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

A RESOLUTION APPROVING THE "MURRAY CITY CAPITAL  
IMPROVEMENT PROGRAM POLICY"

WHEREAS, the City Council members, the City Council staff, the Mayor, the Mayor's staff and the City Department Directors engaged in a strategic planning process facilitated by the Novak Consulting Group, an independent consultant; and

WHEREAS, as part of the strategic planning process, a "Murray City Capital Improvement Program Policy" was developed; and

WHEREAS, the Murray City Municipal Council wants to adopt the "Murray City Capital Improvement Program Policy" to be used as a guide in the annual budget process beginning with the development of the fiscal year 2012-2013 budget.

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

1. It hereby adopts the "Murray City Capital Improvement Program Policy" in substantially the form attached hereto.
2. It shall use and rely upon the "Murray City Capital Improvement Program Policy" as a guide in the annual budget process beginning with the development of the fiscal year 2012-2013 budget.
3. This Resolution will be effective immediately upon passage.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council, this 20<sup>th</sup> day of March, 2012.

MURRAY CITY MUNICIPAL COUNCIL

\_\_\_\_\_  
James A. Brass, Chair

ATTEST:

\_\_\_\_\_  
City Recorder

# **Murray City**

## **Capital Improvement Program Policy**

### **Introduction**

The Capital Improvement Program (CIP) of Murray City is a long-term planning tool for prioritization, financing and technical design, execution and timely completion of all capital projects. Generally, these capital projects will have a significant impact on the City's infrastructure.

The CIP serves as an important growth management tool. Additional benefits include:

- Establishing a system of examining and prioritizing the needs of the City ensures that the most essential capital improvements are provided first;
- Providing a mechanism for coordinating and consolidating all City departmental requests prevents duplication of projects and equipment purchases; and
- Coordinating physical/infrastructure planning with long-range financial planning allows maximum benefits from available funding sources.

The CIP document represents a five-year period, or beyond, of the City's ongoing capital improvements. Each year, the document is updated to represent the next five-year window. In each annual update, completed projects, as well as projects scheduled to be completed before the end of the fiscal year, will be removed from the document, new projects will be added and other previously programmed projects may be re-prioritized.

CIP planning is a dynamic process that will include changes over time. These changes may be necessitated by organizational changes, funding uncertainties, unforeseen emergencies, project delays or plans by other entities that can derail even the most meticulously planned and analyzed CIP.

The CIP is a planning document to be used as a companion to the City's annual operating budget. Each year, the funding included in the first year of the five-year CIP is allocated and approved by the City Council as part of the annual budget adoption process. In addition to the up-front funding requirements associated with CIP projects, the City's annual operating budget must also absorb the cost of maintaining and operating new facilities or equipment that are built or procured under the City's capital plan.

### **Definition of Capital Projects**

Capital projects are economic activities that lead to the acquisition, construction or extension of the useful life of capital assets. Capital assets include land, facilities, parks, playgrounds and outdoor structures, streets, bridges, pedestrian and bicycle systems, water and sewer infrastructure, technology systems and equipment, traffic control devices and other items of value from which the community derives benefit for a significant number of years.

Capital expenditures and operating expenditures are primarily differentiated by two characteristics: dollar amount of the expenditure and the useful life of the asset acquired, constructed or maintained. Capital expenditures will enhance, acquire or extend the useful life of assets through a variety of activities. Generally, land acquisition, feasibility studies, planning, design, construction, asset rehabilitation, enterprise technology acquisition, planning activities and project implementation are activities associated with capital projects.

1. In general, **capital projects** in the CIP:

- Have a total project cost in excess of \$50,000.
- Range from construction of new infrastructure or buildings to renovations, additions or conversions or demolition of existing facilities.
- Have a minimum useful life of 10 years, significantly extend the useful life of an asset or significantly alter the nature and character of an asset (i.e. not to include annual asset maintenance costs, annual warranty cost or other ongoing costs).

2. The CIP is also the vehicle by which planning for technology capital investments occurs. In general, **technology capital projects** in the CIP:

- Have an estimated cost in excess of \$25,000 and /or require six months or 1,000 hours for implementation or completion.
- Include applications systems, network design and implementation, telecommunications infrastructure, enterprise hardware and software systems, web design and implementation services, document imaging, data base design and development, consulting services (business process studies, requirements analysis or other studies), and technology associated with new construction and/or renovation and relocation projects.
- Have a minimum useful life of three years, significantly extend the useful life of an asset (i.e. not to include annual software and hardware maintenance and upgrade costs, warranty costs or other ongoing costs), provide a significant enhancement to functionality, or represent a change of platform or underlying structure.

3. The CIP can be a vehicle by which planning activities or studies can help direct the future purchases and direction of the City. In general, **planning capital projects** in the CIP:

- Have an estimated cost in excess of \$10,000.
- Be a comprehensive document, long-range in its view, set public policy regarding growth and development, and intended to provide guidance beyond 5 years.

### **Capital Maintenance Program**

The Capital Maintenance program is designed to protect City assets from premature failure and to minimize and eliminate unnecessary risks and loss to the City. An effective Capital Maintenance program

ensures that existing capital assets are maintained in reliable, serviceable condition without requiring capital appropriations that vary significantly from year to year.

Capital Maintenance funds programs that consist of non-expansion projects. Non-expansion projects are those that do not change a footprint of a building, expand a current asset, provide resources for services not already being undertaken or increase the operating budget once complete. For example, street paving is funded to maintain the condition of Murray roads, but it would not fund the construction of new turn lanes or travel lanes.

Another important aspect of a Capital Maintenance program is that projects must significantly extend the life of the asset *and* meet the criteria for a capital project. Repainting individual offices (as a program) may add to the life of an asset, but it would not meet the criteria of a capital project. Painting buildings, on the other hand, would be fundable as a component of a Capital Maintenance project.

### **Other Definitions**

The following definitions apply to terms used throughout the City's CIP.

**Capital Assets** – Land, infrastructure, buildings, equipment, vehicles and other tangible and intangible assets that have useful lives longer than one year.

**Capital Equipment** – Equipment such as vehicles, furniture, technical instruments, etc., which have a life expectancy of more than one year and a value of over \$2,500. Equipment with a value of less than \$2,500 is operating equipment.

**Capital Expenditure** – A direct expenditure that results in or contributes to the acquisition or construction of major capital assets (e.g., lands, roads, buildings). The expenditure may be for new construction, addition, replacement or renovations to buildings that increase their value or major alteration of a capital asset.

**Capital Improvement Program** – A five-year plan, or beyond, that addresses the construction or acquisition of fixed assets, including buildings, parks, utility systems, sidewalks, etc., and major items of capital equipment and operating expenses related to new facilities.

**Capital Project** – Any project with an estimated total cost of \$50,000 or more and has a minimum useful life of 10 years, significantly extends the useful life of an asset or significantly alters the nature and character of an asset (i.e. not to include annual asset maintenance costs, annual warranty cost or other ongoing costs). Capital projects include construction, purchase or major renovation of buildings, utility systems, other structures or purchase of land.

**Capital Projects Funds** – Funds that account for the acquisition and/or construction of major capital facilities or capital improvements.

**Fixed Asset** – Items the City owns that have a considerable cost and a useful life exceeding two years, such as computers, furniture, equipment and vehicles.



Operating Equipment – Equipment that has a life expectancy of more than one year and a value of less than \$2,500 dollars. Equipment with a value greater than \$2,500 dollars is capital equipment.

Operating Budget Impact Statement – The estimated fiscal impact of capital improvements on the respective fund operating budgets, which is required for all capital projects. Costs are developed for first-year start-up costs as well as an annual operating cost estimate. The impact statement may include an analysis of impact on cost-of-service to determine if any changes to fees and charges should be recommended to the City Council.

"Pay-As-You-Go" Construction – Capital construction funded with current year General Fund revenues as opposed to construction financed through the issuance of bonds. This is a method of paying for capital projects that relies on current tax and grant revenues rather than debt.

Useful Life – The period of time that a fixed asset is able to be used. This can refer to a budgeted period of time for an equipment class or the actual amount of time for a particular item.

### **Capital Project Prioritization Criteria**

All capital projects in the CIP will be approved and prioritized based on the following general criteria. Detailed criteria are used by the CIP Committee during the annual prioritization process.

- The project has been certified by all relevant staff and elected officials as being in accordance with all applicable, established City plans.
- The project will alleviate a service deficiency or replace a deteriorated and/or non-functioning facility.
- Federal or State law requires it to be done.
- Federal or State matching funds are available for the project.
- The project will encourage economic development.
- The project is needed to solve an emergency situation.
- The project will improve the quality of life in the City's neighborhoods.
- The project will contribute to the achievement of the existing City strategic plan, policies, goals, vision, and/or work programs.

Public hearings will be held approving projects included in any CIP.

### **Capital Financing Options**

There are three basic methods available to the City for financing capital improvement: current revenues, fund balance and debt. Debt financing includes general obligation bonds, revenue bonds, certificates of obligation, lease/purchase agreements, and other obligations permitted to be issued or incurred under state law. The City should maintain a balanced mix of financing for funding capital projects, including pay-as-you-go (using current revenues and/or fund balance), grants and debt, without excessive reliance on any one source.

The City-adopted finance policy provides the parameters for the amounts and timing of bond-financed projects to be included in the CIP, ensuring that the CIP is financially sustainable.

### **CIP Review Committee**

The City's capital planning process is overseen by the CIP Review Committee. The CIP Review Committee shall be comprised of the Mayor, Chief-of-Staff, Finance Director, and two members of the City Council. Each member of the CIP Review Committee shall be voting members.

The Committee shall formulate its own rules for selection of a chairman, time, place and manner of calling of meetings and other procedural matters; provided, that they following the Capital Planning Schedule each year.

The number of committee members necessary to constitute a quorum is three. The minimum number of yes votes required to take any action is three.

### **Capital Planning Schedule**

The following table outlines the annual CIP update process.

<b>Suggested Timeframe</b>	<b>Actions</b>
January	<ul style="list-style-type: none"><li>• Committee reviews status of current CIP projects</li><li>• Committee reviews analysis of current capital financing options</li><li>• City departments prepare and submit requests for revisions to existing/previously approved CIP projects and any new projects for consideration by Committee</li><li>• Committee reviews and ranks department requests</li></ul>
February	<ul style="list-style-type: none"><li>• Committee prepares an updated five-year project schedule with financing recommendations</li></ul>
March	<ul style="list-style-type: none"><li>• Committee presents recommended annual CIP update to City Council</li><li>• City Council reviews CIP</li><li>• Public hearing is held</li><li>• City Council approves CIP</li></ul>
April - May	<ul style="list-style-type: none"><li>• Finance Department incorporates upcoming fiscal year's CIP projects into annual operating budget</li></ul>
May - June	<ul style="list-style-type: none"><li>• Upcoming year's CIP projects are reviewed and approved as part of City's annual budget process</li></ul>
July - November	<ul style="list-style-type: none"><li>• Beginning of fiscal year on July 1; monitoring of new and ongoing projects.</li><li>• City Council receives quarterly reports on active CIP projects</li></ul>

### **CIP Forms**

The CIP Review Committee shall adopt an application that should be completed for each project to be considered for placement on the CIP. Citizen requests should be submitted through their Council representative.

The CIP Review Committee shall adopt a 5-year planning summary that shall include all approved CIP projects. The 5-year planning summary shall be adopted each year by the City Council.

# Capital Improvement Plan Application

DRAFT

Project Name	
Project Description, Justification, Location and Useful Life	
Amount of Funding Required	Fiscal Year Required
Funding Sources <i>(Sources may include federal, state and regional authorities, the county, adjacent municipalities, civic organizations and private business. If the source of financing involves special conditions or requirements, they should be indicated.)</i>	
Department/Division	Applicant Name
<b>Project meets the following Key Performance Areas</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Financially Sustainable</li><li><input type="checkbox"/> Responsive and Efficient City Services</li><li><input type="checkbox"/> Engaged and Informed Residents</li><li><input type="checkbox"/> Safe and Healthy Neighborhoods with Varied Housing Opportunities</li><li><input type="checkbox"/> Welcoming and Thriving Business Climate</li><li><input type="checkbox"/> Well Maintained, Planned and Protected Infrastructure and Assets</li><li><input type="checkbox"/> Vibrant Parks, Recreation, and Cultural Amenities</li></ul>	
<b>Project should be included in the following CIP</b> <ul style="list-style-type: none"><li><input type="checkbox"/> Capital Project – Major Capital (over \$50,000, useful life 10+ years, non-maintenance)</li><li><input type="checkbox"/> Capital Project – Information Technology (over \$25,000, useful life 3+ years, non-maintenance)</li><li><input type="checkbox"/> Capital Project – Planning and Studies (over \$10,000)</li><li><input type="checkbox"/> Capital Maintenance – Information Technology</li><li><input type="checkbox"/> Capital Maintenance – Vehicles &amp; Equipment</li><li><input type="checkbox"/> Capital Maintenance – Buildings &amp; Facilities</li><li><input type="checkbox"/> Capital Maintenance - Streets</li></ul>	

# Capital Improvement Plan

## Application

DRAFT

### Project Evaluation Criteria

1. ☐ Yes ☐ No Is the project required to meet a federal, state or local mandate or contractual obligation?
2. ☐ Yes ☐ No Is the project a subsequent phase of a project already underway?
3. ☐ Yes ☐ No Does the project prevent or correct a sub-standard condition that would cause an infrastructure element or facility to be closed or fail in the next year?
4. ☐ Yes ☐ No Does the project prevent or correct an unacceptable environmental condition?
5. ☐ Yes ☐ No Will the project enhance economic development in the City?
6. ☐ Yes ☐ No Will the project reduce the City's operating expense?
7. ☐ Yes ☐ No Will the reduction in annual operating expense equal the cost of the project in less than five years?
8. ☐ Yes ☐ No Will the project directly increase the tax base of the City?
9. ☐ Yes ☐ No Will the project directly benefit a local neighborhood or a cross-section of City residents?
10. ☐ Yes ☐ No Will the project cost be shared with another government jurisdiction?
11. ☐ Yes ☐ No Is the project consistent with the adopted City plans? If so, what plan(s)?
12. ☐ Yes ☐ No Will the project generate annual revenue to the City?
13. ☐ Yes ☐ No Will the project enhance art, recreation and open space opportunities?
14. ☐ Yes ☐ No Does completion of this project depend on completion of a project not yet approved?
15. ☐ Yes ☐ No Will the project increase the City's operating expense?

Add 2 points for each Yes in questions 1-4. Add 1 point for each Yes in questions 5-13. Subtract 1 point for each Yes in questions 14-15.

TOTAL SCORE:

# Mayor's Report and Questions

# Adjournment