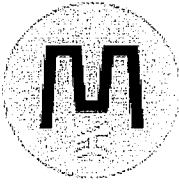


MURRAY
CITY COUNCIL

Council Meeting August 7, 2012



MURRAY
CITY COUNCIL

NOTICE OF MEETING
MURRAY CITY MUNICIPAL COUNCIL

PUBLIC NOTICE IS HEREBY GIVEN that there will be a meeting of the Murray City Municipal Council on Tuesday, August 7, 2012, at the Murray City Center, 5025 South State Street, Murray, Utah.

5:15 p.m. **Committee of the Whole:** To be held in the Conference Room #107

1. Approval of Minutes

- 1.1 Committee of the Whole – June 19, 2012
- 1.2 Committee of the Whole – July 10, 2012
- 1.3 Committee of the Whole – July 17, 2012

2. Business Items

- 2.1 Utah Infrastructure Agency/Utah Telecommunication Open Infrastructure Agency Report – Darren Stam (30 minutes)
- 2.2 Council Initiative Workshop and Committee of the Whole Format Discussion – Jim Brass (5 minutes)
- 2.3 Strategy Session to Discuss Pending Litigation – The City Council may vote to close the meeting pursuant to Sections 52-4-205 and 52-4-206 of the Utah Code. – Frank Nakamura, Murray City Attorney (30 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 June 19, 2012
 - 5.2.2 July 10, 2012
- 5.3 Special Recognition
 - 5.3.1 Presentation by the Drug Enforcement Agency (DEA) Assistant Special Agent in Charge, Frank Smith, and Director of the Rocky Mountain High Intensity Drug Trafficking Area, Tom Gorman, to Murray City Mayor Dan Snarr and the City Council for being a fiduciary for the DEA Metro narcotics Task Force since 1997. (Marilyn Potter presenting.)

- 5.3.2 Swearing-In of new Murray City Police Officer Michael Sevy.
(Jennifer Kennedy and Chief Fondaco.)

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

7. **Consent Agenda**

- 7.1 Consider approval of the Mayor's appointment of Valerie Harsh to the Murray Library Board of Trustees representing District 3 for the remainder of a three year term to expire June 30, 2014.

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 amending Sections 2.41.070, 17.04.130, 17.68.040 and 17.72.100 of the Murray City Municipal Code relating to the Murray City Center District and the Mixed Use Development District and to ratify technical corrections made by the City Attorney to said sections pursuant to Section 2.10.040 of the Murray City Municipal Code. (Tim Tingey presenting.)

- 8.1.2 Council consideration of 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 amending the Transit-Oriented Development District Design Guidelines adopted pursuant to Section 17.146.030 of the Murray City Municipal Code. (Tim Tingey presenting.)

- 8.2.2 Council consideration of the above matter.

9. **Unfinished Business**

- 9.1 None scheduled.

10. **New Business**

- 10.1 Consider an ordinance amending Section 2.44 of the Murray City Municipal Code regarding the length of appointment and term of power advisory board members. (Mayor Snarr presenting.)
- 10.2 Consider a resolution authorizing the execution of a cost-sharing agreement between the City, Taylorsville City, Salt Lake County and North Jordan Irrigation Company to fund piping a section of the North Jordan Canal. (Doug Hill presenting.)

11. Mayor

- 11.1 Report
- 11.2 Questions of the Mayor

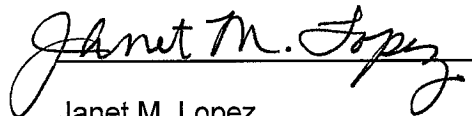
12. Adjournment

NOTICE

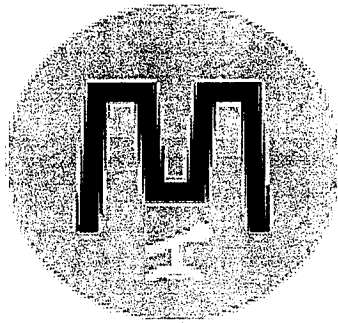
SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.

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, August 3, 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 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



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, June 19, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Council Member
Council Member
Council Vice Chair
Council Member

Members Excused:

Jim Brass

Council Chair

Others in Attendance:

Ben Hathaway	Citizen	Dan Snarr	Mayor
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Peri Kinder	Valley Journals
Tim Tingey	ADS Director	Jennifer Kennedy	City Recorder
Justin Zollinger	Finance Director	Doug Hill	Public Service Director

Vice Chairman Shaver called the Committee of the Whole meeting to order at 5:45 p.m. and welcomed those in attendance.

Business Item #1:

Solid Waste Fund – Doug Hill

Mr. Hill addressed the Solid Waste Fund or garbage fund and mentioned a proposal to increase garbage fees. The Solid Waste Fund was established about 10 years before. Prior to that, those expenses were paid for out of the General Fund, which subsidized the solid waste pickup. The City decided that it was time to charge for garbage collection like most other cities. Since then the fees were charged based on whatever the garbage collectors charged the City. It has not operated as a true enterprise fund and the City has continued to subsidize the collection over the years. No operational transfer has been charged and costs have not been covered for the street employees who haul trailers out for green waste collection or repair of garbage cans. He stated that the department had decided that this was a good time to discuss with the Council the possibility of turning this Solid Waste Fund into a true enterprise fund.

Mr. Hill referred to a chart, which showed that the expenditures for garbage pickup this fiscal year are actually more than is being collected for that service. This has been anticipated since the last waste bid process because the fees charged were not sufficient to sustain the expenses being incurred. The rates go up every year with a cost of living adjustment; the landfill has increased tipping fees; and a fuel surcharge has been incurred as gas prices increase each year. The City has known for a couple of years that eventually an adjustment would need to be made.

As of the June 30 audit last year, the Solid Waste Fund had about \$450,000 in reserves. Mr. Zollinger has determined that the amount is now about \$375,000 in reserves. Mr. Hill confirmed that it was time to consider fee increases. The goal is to make sure revenue is exceeding expenses and to transition from a subsidized fund into a fully funded enterprise fund.

Looking at a chart provided by Mr. Hill, the current garbage rate is \$8, which provides one black can and one green recycling can. If a resident needs an additional can the cost is \$5.50. Projecting these costs will cover several items that the City currently subsidizes.

His proposal is to amend the fees in the 2013 budget. These are not the numbers in the Fiscal Year 2013 Budget that is under consideration for adoption in the Council Meeting that evening. If the Council agrees to this proposal, then the final 2013 Budget would have to be amended.

The fee increase proposal would cover the cost for a full time employee, salary and benefits, for \$38,000. That employee would spend most all of their time hauling trailers back and forth and repairing garbage cans. In addition, he would hire a temporary employee to assist that person. The general fund has been paying for this during the summer months. There are also costs for fuel and maintenance.

Mr. Shaver asked if those vehicles are included in the Capital Improvement Program rotation fund. Mr. Hill said they are included because currently they are being paid for by the street department. Mr. Shaver said this would not be just an increase in the budget; it would also be a line item shift from one department to another. Mr. Zollinger clarified that the new rates would cover the increase in costs and would create a surplus in the General Fund. Mr. Shaver stated that the vehicles would be moved from the General Fund into the Solid Waste Fund, making this a true enterprise fund. Others agreed.

Mr. Hill said that the other item to be added would be an 8% operational transfer. This would be consistent with the other enterprise funds, should the 2013 Budget be adopted. The operational transfer would not take place until 2014, so that the fee increase is modest each year and not a shock to the residents. The fee adjustments would be phased in with a 25% increase the first year and gradual increases over time. The amended budget on the chart shows that the projected revenues and new expenses will give a minor \$22,000 profit. The rates would go from \$8/\$5.50 to \$10/\$6.85 if the rate increase is approved. Mr. Hill would like to start these rates as soon as possible, probably August 1, 2012.

Following that the costs would be carried out over the next three years with a 10% increase in 2014, 2% in 2015 and 2% in 2016. This would cover cost of living increases and fuel increases. If the tipping fees do increase, these rates could be revisited; although, Mr. Hill feels this will be ample for the next four budget years. He will propose in the ordinance that the Council adopts a four year rate schedule, which has been done in power, water and sewer funds. He does not want to go beyond four years, because the garbage contract will be

complete and the City will have to go to bid again. That would be the time to look at the bids and consider a fee increase, if necessary. He is confident that these proposed rates will cover the expenses.

A handout in the packet shows what other cities charge and most are charging more than Murray even with the proposed rate increase.

Mayor Snarr asked how much in lieu of tax transfers would go back into the General Fund. Mr. Zollinger said it would be approximately \$100,000 per year.

Mr. Shaver said that the administration fee is still in the budget. He said that the chart shows a cash basis with revenue and expenses shown. Then there is a utility basis that shows projections over a specific period of time. He pointed out that Mr. Hill is proposing to make adjustments every four years and if that is true, how did he come up with the 2% increase in years three and four? Mr. Hill said that takes into account the garbage pickup with the Ace contract, which projects a cost of living increase of 2% each year. He feels that this would be a safe number for the waste collection. For the City employee costs a 5% increase is built in based on COLAs, merit, health care and retirement increases. It is only a projection and the 2% fee increase is based on bringing in enough revenue to cover these expenses.

Mr. Shaver suggested using an inflationary amount of 3.5%. Mr. Zollinger said that is another way of indexing rates. Mr. Shaver said that this is future thinking and would not be addressed at this time. Mr. Hill clarified that he is proposing that the Council adopt a rate schedule that would automatically go in place July first of every year without the need of an ordinance change each year. Other departments, power, water, and storm water, all have that model in place and it has been very successful with other agencies copying that model. Politically, it is hard for the City Council to have to do a rate increase every year. When Mayor Snarr was elected the sewer fund required a 125% rate increase because nobody wanted to take an increase through the years. The fund balance was used until it was gone and then the increase had to be taken. It is unpopular for anyone to take 125% rate increase, so the City has learned that if minor adjustments are adopted and taken each year it is not offensive. Every few years it is important to stop and see where you are. In the water fund, for example, a five year rate expired the previous year and the fund was healthy so no increase had to be taken.

Mr. Zollinger said that this is financial position that is being discussed. The current solid waste position is okay but the trend is going down; therefore if a correction can be made now then the fund will not get into a bad spot.

Mr. Stam mentioned his concern for people on fixed incomes that will be upset by the increase. He asked if the City used the 3.5% increase, could an assistance program be established to help those who are struggling. There is the power Heat Program and he feels this could be overwhelming for some.

Mr. Hill said that part of the problem is that bonding documents do not allow for those types of programs to be included. They require that rate payers are paying for the expenses. The City is not planning to bond for the garbage fund, but should that be necessary in the future and it is discovered that an assistance or subsidy program is set up it would be a problem.

Mr. Nakamura said that an assistance program could be created but the bonding company would want to know expenses are covered. The City would have to budget a certain amount of money, not the fund. Further, it cannot be a discount program.

Mr. Stam pointed out that there is not a lot of revenue in the fund. Mr. Hill confirmed that expenses are estimated high and revenue slightly low and the objective is not to make money on the garbage fund, or any utility fund, the intent is to pay the cost. He is comfortable with the numbers anticipated.

Mr. Stam said that his concern is that the reserve fund is large enough to make a difference. It should be healthy enough to cover additional expenses.

Mr. Shaver proposed that the City have a reserve fund policy indicating when it is used and when it should not be used. The policy should dictate how much is kept in reserve and what the purpose is. Many funds do not have this and he would like to see that. The Council rotates; however staff members have more longevity. If there is a specific policy then the Council can see the guidelines. Specific language should be developed for the policy with very specific parameters.

Mr. Hill pointed out that in fiscal year 2014 the temporary employee would become full time, as they see that as necessary to carry out the duties of the fund.

Mr. Zollinger advised that this fee increase schedule would remedy the \$95,000 deficit of fiscal year 2013.

Mr. Nicponski asked when the contract with Ace Disposal was entered into and if it had increased from the prior contract. Mr. Hill said the Ace contract was entered into a year before and it had gone up.

Business Item #2

Information Technology (IT) Report – Tim Tingey

Mr. Tingey noted that the IT Governance Committee (ITGC) had been active in the matters that were outlined in the IT Strategic Plan. Second, he mentioned proposals to the City on community information services to get information out to the residents.

The ITGC had been meeting since October 2011 adopting policies and procedures for the committee and had drafted the IT standards incorporating a variety of things that will be standards for the entire City. This encompasses the use of computers, internet, email, software packages, pc replacement, and disposal program of equipment. A recommendation has been submitted to the legal department and they will review those. Input will be sought from the City department heads and finally those standards will be adopted.

The amendments to the budget for 2011-2012 and the proposed budget for 2012-2013 have been reviewed and recommended by this committee for IT needs and capital improvements for IT. The parameters of the pc replacement program have been developed by this committee and will be implemented over the next year. In the future the AS400 will be evaluated and modifications made. A cell phone policy has been considered and will be brought forward to the Council.

It is an active group and he has appreciated those who participated on that committee, Mr. Tingey related.

Related to the community information issue, three separate organizations that provide these services have made presentations to the City. One called Black Board Connect made a

presentation and another called City Watch wants to present. This is something that has not been accounted for in the upcoming budget year; however, the department wants the Council to be aware of these services and if interest exists it can be planned for in the next budget.

What these groups do is provide the services to inform the community members on a variety of topics, such as safety, emergency alerts, utility services, power outages, utility billing information, road projects, and press releases, as well as, conduct community or area surveys. They accomplish this through obtaining telephone data, email, cell phone data, and social media information. The cost is figured by population. Black Board Connect provided a scenario that would cost \$1.91 per rooftop. Murray has about 16,000 rooftops so the cost would be about \$31,000 per year. They get files from the GIS division to identify an area and if a conditional use permit is going to be considered in a specific vicinity then within a 300 foot area they can provide information on when a public meeting would be taking place. The advantage is to provide public relations in very specific areas and inform citizens in better and more efficient ways. Citizen input can be given through this service. There are still questions, including can the costs be recouped by increasing efficiency. If the City decides to pursue this other issues must be investigated. There are state law requirements on public hearings of notices and mailings for conditional use permits and rezones and he did not feel they could meet those code requirements. There is a lot of information on this from different groups and Mike Wagstaff wanted it presented to the Council to see if there was interest for the future.

Mr. Stam mentioned a company called "I Count" that is the same kind of thing and really excelled in getting responses back from the community. He felt the cost was less from this group. Mr. Tingey said that if the City proceeded with this and the funding was budgeted then they would likely do an RFP process to evaluate a number of different proposals.

Mr. Shaver asked if this still depends on the City providing the contact information to the service company. This is an issue to collect these contact means. Mr. Tingey said that the telephone data can be provided from utility billing; however cell phone and email data is trickier.

With no further business the meeting was adjourned at 6:20 p.m.

Janet M. Lopez
Council Office Administrator



MURRAY
CITY COUNCIL

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MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, July 10, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

Jim Brass
Dave Nicponski
Jared A. Shaver
Brett A. Hales

Council Chair
Council Member
Council Vice Chair
Council Member

Electronic Participation:

Darren V. Stam

Council Member

Others in Attendance:

Shaun Pigott	Shaun Pigott Associates	Danny Astill	PS/Water & Storm Water
Janet M. Lopez	Council Office	Jan Wells	Mayor's Chief of Staff
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Tim Tingey	ADS Director	Gilbert Gonzales	ADS/Building Division
Trae Stokes	ADS/City Engineer	Russ Kakala	Public Services/Streets
Justin Zollinger	Finance Director	Jennifer Kennedy	City Recorder
Peri Kinder	Valley Journals		

Chairman Brass called the Committee of the Whole meeting to order at 5:30 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 June 5, 2012. Mr. Shaver moved approval as written. Mr. Hales seconded and the motion was approved 5-0.

Mr. Brass asked for changes or action on the minutes from the neighborhood Meeting held on June 12, 2012. Mr. Shaver mover approval, Mr. Hales seconded. The motion carried 5-0.

Business Item #1: **Water Fund and Storm Water Fund Rate and Impact
Fee Study- Doug Hill and Shaun Pigott**

Mr. Hill explained that over the past 10 to 15 years the City has been in the practice of looking at enterprise fund rates about every five years. A rate schedule is usually adopted that is good for about five years for water and waste water funds. A rate study has never been done on the Storm Water Fund since it was initiated six years before. He felt it was time to look at all three of these enterprise funds to see where the rates are and where the funds stand financially. Mr. Pigott was hired to complete these studies for Water, Waste Water and Storm Water. He is from Oregon, has done a lot of work in Utah and the northwest and is quite renowned in this field. He had conducted studies for Murray in the past.

Mr. Pigott mentioned that he would go through each of the studies individually beginning with the Water utility. Presenting the revenue requirements Mr. Pigott's intention was to cover bond attainments. He complimented the City for refunding bonding and saving quite a bit of money. He is not recommending any increase in water rates or impact fees. This is a testament to how well Murray's Water Fund is run.

Effective June 30, 2012, the estimated fund balance ending is just over \$4.4 million. That gives a financial rate maker a lot of flexibility. The impact fee receipts estimated are very conservative, budgeting only \$100,000 with historical budgets at about \$250,000. In fiscal year (FY) 2011 actual meter water sales revenue was \$5.2 million. That was tracked over the last three years with the last rate increase in November 2009. The sales history and revenue profile are really good.

The bond refunding done earlier in the year will save the Water Fund and Sewer utility a significant amount of money. Because of the short term (three year) savings and the debt service payments some flexibility is being built in on how future costs can be addressed.

The capital costs budgeted in 2012 was just under \$2.3 million to finish some of the capital projects, which are completed now. The forecast now is focused on rehabilitation of the system, about \$1.3 million expense every other year for pipe replacement.

Mr. Shaver asked if these maintenance costs are replacing what is already in the ground. Mr. Hill responded that the department requests them as capital projects on the CIP (capital improvements program) even if it is upsizing or replacing a line. Mr. Nicponski asked if the department routinely goes through to do that or if occurrences prompt the replacement. Mr. Astill said that he looks at how the system is operating to see if there are failures in one particular area more than another. He can adjust the schedule to go after those problem areas first. Some are set on a schedule as needing upgrades. Mr. Brass added that if a major road rebuild is taking place, then the infrastructure under will be done, as well. Mr. Astill can meet with the street department to determine if funding is available to do that, such as 4800 South and Fairbourne.

Mr. Nicponski confirmed that the water maintenance capital expenditures are considered with the other CIP projects. It may be addressed differently because it is an enterprise fund rather than General Fund expenses, Mr. Shaver expressed.

Mr. Pigott stated that the other component of the capital program is a \$40,000 annual expense for water conservation efforts.

The total by division and the totals by cost for the Water Fund show the total outlay of \$1.3 million reflecting the pipe replacement program. Overall, looking at the bottom line of the cost outlays on page four, the reduction of \$1.1 million from 2012 to 2013 is because of the reduced requirement of capital improvements and the benefit of the increased revenue from the bond refunding.

Mr. Brass asked for assurance that the City will not be short changing some maintenance because the fund is ahead of the expenses. Mr. Pigott emphasized that this is the culmination of four to five visits with the staff involving Mr. Hill, Mr. Astill, Mr. Stokes, Mr. Kakala and Mr. Zollinger with the obligation to look at the revenue requirements for the utility. The maintenance is a key component in the five year and the future 20 year forecast.

The overall revenue picture is very stable. Water sales are the primary income producer with decreasing reliance on impact and connection fees from developers. The forecasts are very conservative regarding any rate increases.

The coverage requirement takes the total revenue less the operating expense giving the monies available to pay debt service, which is divided by how much the City is actually committed to pay in terms of principle and interest. That number should be above 1.25%. Where you may have read about defaults in other parts of the county, they have fallen below the coverage requirement. Murray City is above that number. The revenue requirements and operating expenses were taken out into the future to make sure the coverage requirement will continue to be maintained. Murray is very comfortably above that number.

Mr. Shaver asked about the reason for the jump between the years 2015 and 2016. Mr. Pigott explained that Murray will be taking advantage of the refunding up front in the first three years. Later the City will go back up to a higher level of debt service.

Mr. Pigott has projected that the Water Fund has sufficient cash for both operation and maintenance expenses, as well as, the recurring pipe replacement program and the water conservation program to manage its revenue requirements within its existing rates. There is no basis for a rate increase at this time. Monitoring the fund balance showed that by the end of FY 2017 the cash would be drawn down to about \$4.31 million. That is effectively where it is right now.

Mr. Shaver stated that the pipes were analyzed with a specific plan for upgrading and replacing. He asked if he was correct in thinking that was a five year plan for the system to be upgraded without the need for a major overhaul during that time. Mr. Hill confirmed that the five year master plan was considered by Mr. Pigott who took the projected schedule of costs and incorporated them into this calculation to make sure that the revenue collections will cover those expenses. There are no major costs. There are mostly upsizing of pipes in the program.

Mr. Astill said that everything will not be updated over the next five years; it will be an ongoing project.

Mr. Nicponski asked how many miles of pipe are in the City. Mr. Astill responded that it is about 190 miles and the previous year about 2.5 miles were replaced.

Mr. Pigott also looked at the impact fees in the Water Fund. He studied the existing ordinances and resolutions in relation to the Utah Impact Fees Act.

The current water impact fee structure was detailed by Mr. Pigott. A single family residence costs \$2,677 for a one inch connection. A multi family development will pay \$1,472 for each apartment. Fees were charted for hotels, rest homes and hospitals. Looking at water rates, there is a base charge and use charge. The base charge goes up as a function of meter size proportionately based on gallons per meter. This is the standard approach for determining rates and impact fees. His suggestion was to simplify the impact fee structure. The City does comply with the Utah fee regulations but this would make the fees more predictable, straight forward and defensible in terms of the American Water Works and standards they use. That is reflected on page 10. The chart shows the meter size, flow factor equivalence and the number of meters and equivalent residential units in the City, which are 9,775. The key is that the flow factor goes up proportionately depending on how much water is used. Rates try to charge for the services used. The impact fee tries to charge based on the capacity to serve. Meter size is the best indicator of that.

One of the suggestions is to look at altering the existing methodology to better reflect the way water rates are dealt with now and the way meter equivalency is handled under meter sizing. Looking at the next 20 years equivalency, the growth is conservatively planned at about .2%. Then he went through the fixed asset schedule to determine the City's investment in the infrastructure. The total utility plant assets come to more than \$25.3 million and depreciate it down to about \$13.6 million. Outstanding debt is \$3.8 million. Effectively the value of the system to a new connection is \$9.779 million. The question is how to allocate that cost and the proportional approach is taken. Taking the total number of connections through build out, 11,738, and applying that to the book value of \$9.7 million gives an equivalent residential connection (ERC) charge of \$833 to buy into the system that is already there. Another component is the improvement fee calculation based on the master plan or facility plan documents. Each of the master plan projects was evaluated to determine its costs and a decision was made as to how much was going to cure existing problems in the system versus how much was adding capacity. That math took the estimated cost of improvements and determined that \$838,695 was the total impact fee eligible for future system improvements. The increments of new capacity were pretty small due to the build out of the system. The new growth is estimated at 455 residential units over the next 20 years with the .2% growth rate. That improvement element comes to \$1,844. Adding that to the reimbursement element of \$833 gives an impact fee of \$2,677, which is the same as current charges for a single family residence. The methodology is more consistent and sound.

Mr. Shaver confirmed that this gives a metering capability that we do not have now based on size.

Mr. Nicponski asked about the 8 inch pipes. Mr. Astill said there are only two of those one at the Intermountain Medical Center and the other may be at Cottonwood Hospital. That size is a huge impact on the system, therefore, they are asked to pay for it, Mr. Pigott stated.

Mr. Hill said that the department is not proposing a rate change at this time; however, they will work with the attorney's office and come to the Council with a proposed impact fee ordinance amendment. This will be a change to the methodology for calculation of impact fees.

Mr. Shaver asked how that is affected based on the American Water Works Association. Mr. Hill feels that this change strengthens the City's position should Murray ever be challenged based on impact fee laws. Mr. Hill said that Murray is very reasonable in comparison to surrounding communities and have generally lowered impact fees.

Mr. Pigott said that it is his recommendation, as well as staff's, that there was no basis for a rate increase over the five year planning period; however, as Mr. Hill explained the impact fee calculation may be something to address. The impact fee expense will not change much but it will line up with generally accepted standards for using the meter equivalency and meter size.

Mr. Hill expected that the ordinance amendment would probably come to the Council in the next month or so.

Mr. Pigott moved to the Storm Drainage utility rate study. The utility was formed in 2006 and the rate is based on impervious surface coverage with a uniform rate applied to all residences and for everyone else a measure of impervious surface is used. Historically, the City has been looking at maintaining the system and meeting regulatory requirements. Now the 2011 adopted Capital Improvement Program is being dealt with through the analysis. The utility is totally dependent on charges for service. About \$1.4 million is being collected in fees. Minimal impact fees have been collected with no significant revenue anticipated from that in 2012. Budgeted expenses are about \$985,000 per year; therefore, the utility is living well within its means. Some innovative things are being done on maintenance with regulatory compliance.

The financial status shows that the beginning fund balance is at \$1.1 million. The City funded the money for the Winchester Street drain improvement and Midvale will now be paying Murray back \$600,000 over the next three years with that going into revenue.

Mr. Pigott commented that in 2006 twelve maintenance activities were identified at an estimated cost of \$336,800. A more detailed analysis has shown that in 2012 fourteen maintenance activities have been identified at an estimated cost of \$558,000. The City is legitimately doing more activities and there is more infrastructure to maintain. Another schedule shows the category of activities that the field staff is working on. A cost was determined for each one adding up to \$558,000. With a supervisory allocation and administration cost of \$106,000 the total comes to about \$664,000. Mr. Shaver said that this chart can show people exactly what is done with the Storm Water Fund collections, not just that the operational transfers help pay for police and fire.

Mr. Nicponski asked if existing staff can take care of that. Mr. Pigott said that an additional staff person would be added in 2014.

The real question is the CIP. In terms of high priority projects in the Master Plan the cost is \$7.7 million in years zero to seven. The escalated costs are about \$8.9 million reflecting when the City expects to build those. The expense can be paid in one of two ways, pay as you go cash finance or revenue bonds. In the pay as you go option the City would use the fund balance as best it can, maintaining a balance, and raise rates from 2013 and up. The ultimate rates would be at \$8 in 2022.

The revenue bonding approach would issue debt in three cycles with a stair step increase in rates that is predictable and affordable. A schedule showed the capital cost, debt service expense and the cumulative debt expense. The City is borrowing money and paying interest; however it is a good time to borrow and the department can offset rate spikes and manage the fund balance. The rate increases can be smoothed during this period amounting to 50 cents monthly per equivalent dwelling unit (ERU) in 2016, and 85 cents monthly per ERU in 2019 and a final increase in 2021. Murray's current rate is one of the lowest in Utah and the northwest. The rate has not been touched since 2006 when implemented. The utility has done an amazing job.

No increase was being proposed on the Storm Water impact fee; however, like the Water Fund a methodological change was suggested. The current calculation runs contrary to what the rate is based on. Using the impervious surface approach a single family residence is assumed to have 3,400 square feet. Using that same factor a method of determining impact fee that is more reflective of a property's contribution to run off is more consistent. Because the system is at or near capacity, no reimbursement or buy-in is appropriate. The majority of capital projects in the Master Plan are to cure existing problems. About \$183 per ERU is applicable to growth. There are 5.45 ERUs per typical residential lot. Now the charge is \$1,000 per acre and the new approach would bring the cost to \$997 per acre. The objective is to be revenue neutral using the new methodology.

Mr. Hill summarized what the department would be presenting to the Council for consideration on Storm Water: a proposed five year rate schedule to include increases after 2014 and 2016; an ordinance to change the impact fee methodology; and a bonding proposal to begin working on some of the Storm Water improvements in all districts.

Mr. Brass said he learned through Central Valley that in looking at the Jordan River and the oxygenating problems, it looks more like the treatment will be pushed off on cities and storm water because there is not enough coming out of the treatment plant to create the problem. Now they will begin to look at all the materials that runoff from yards. It all ultimately flushes into the river and without control over that it will cost tens of millions to treat. It is something that our citizens need to be educated about. Treatment is a federal requirement.

Mr. Nicponski said that he liked the explanation and would like it simplified and restated so that it can be presented to constituents. It is different than a tax hike; it has a utility tied to it.

Business Item #2

Building Division Report – Tim Tingey

Mr. Tingey expressed his desire to convey to the Council some innovative things implemented in his department and to educate the Council about the Building Division. He stated that Mr. Gilbert Gonzales does a great job as Chief Building Official. They deal with issues as large as the Intermountain Medical Center building code requirements down to a 300 square foot accessory structure. Mr. Nicponski stated that he has gotten positive feedback on the way Mr. Gonzales treats people, as well.

The requirements are regulatory in nature and deal with difficult issues. Currently they are working with an individual who built a home without any permits. They added on to an accessory structure.

Mr. Gonzales explained that his background in the construction industry before coming to Murray City had helped him make informed decisions dealing with design professionals and contractors. He has been with Murray more than 20 years and his staff is competent and fully certified; all are licensed by the state of Utah.

The purposes of building codes are to give reasonable assurance that a structure is safe from structural failure, fire hazards and general safety concerns. The permit provides a permanent record of work performed. They are able to provide copies of permits to real estate agents. Building codes are not new. One of the first was the Hammurabi Code around 1750 B.C. This code stated that if a builder built a home for someone, did not construct it properly, the home fell in and killed the owner, and then the builder would be put to death.

The 2009 Code is currently adopted and in use. The codes are typically adopted every three years. The Uniform Building Code Commission and its advisory committees are currently reviewing the 2012 codes for adoption. They will make a recommendation to the Business and Labor Interim Committee in October. Then it is up to the Legislature to adopt the codes. At one time the Building Code Commission had that authority; however it was taken away about two years ago. Mr. Shaver asked if Murray could take a higher standard. Mr. Gonzales responded that it would still have to go through the Uniform Building Commission process.

Plan reviews can be as minor as a basement finish to a fifteen story high-rise. Construction inspections provide thorough and consistent inspections to insure that buildings have been constructed to the approved plans and meet minimum code. As of June 30 the department had completed more than 3,000 inspections for the year. Today the average inspection is about 500 per month and two years prior the average was about 800.

Mr. Gonzales mentioned that the inspections have gone paperless. Smart phones are used in the field. They talk into the phone and send. It is compiled on a website that the contractors can go to. When the permits are taken out, the contractors are given a card with the application number. A history of all the inspections and the status of each one can be reviewed on the website. The corrections can be seen there and given to the contractors. It is very convenient. If a homeowner does not want to deal with the electronic version, it can still be provided on paper.

Mr. Gonzales reviewed the mission statement for his department. "The Murray City Building Inspection Division strives to provide courteous and consistent plan review and inspections of adopted building codes in a timely manner and to be solution oriented." The statement was developed during the Strategic Plan. Part of the mission is to streamline the process and be a great resource. The division strives to be a resource for the community and one way of accomplishing that is to go out during Building Safety Month, May, to provide hand outs and information. The City has inspectors, plan reviewers and office staff available to answer questions with the Murray Journal advertising and providing promotion. They have gone to Lowe's and Fashion Place Mall for these events.

The division held four evening meetings with Murray home owners in their communities talking about URM (unreinforced masonry structures) and had a great turn out in each location. These events were an effort to inform the citizens what can be done in their homes to make them seismically safer. It will not withstand an earthquake completely; however, on a reroof the anchoring of the roof to the walls and walls to floor can be a great improvement to complete at the same time. More information will be coming from the Seismic Safety Council. The website has a mini code on common requirements for a single family dwelling. This details all the requirements for building, electrical and mechanical codes.

Mr. Brass mentioned his disappointment that time was short and suggested that he continue his report at another meeting. He confirmed that what Mr. Gonzales is doing is extremely important to the City. Other Council Members noted questions they would like to ask at the next opportunity.

Business Item #3

Boy and Girls Club Golf Tournament

Mr. Brass commented that this was something that could be covered in the Council Handbook discussion to note events that may warrant Council participation and what can be

paid for. The issue that was not mentioned is that the golf tournament is not a budgeted item. As the Boys and Girls Club is a nonprofit organization and this is a fundraiser, state law requires that if the City gives money to a nonprofit then a public hearing must be held. Because it was not in the Council budget the City would have been in violation and that is the reason for putting a stop to this particular event. Philosophically, a discussion can take place on that whole idea when the handbook is addressed on July 17, 2012.

With no further questions, the meeting was adjourned at 6:30 p.m.

Janet M. Lopez
Council Office Administrator



DRAFT

MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met as a Committee of the Whole on Tuesday, July 17, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Others in Attendance:

Justin Zollinger	Finance Director	Dan Snarr	Mayor
Janet M. Lopez	Council Office	Jan Wells	Mayor's Chief of Staff
Frank Nakamura	City Attorney	Doug Hill	Public Service Director
Tim Tingey	ADS Director	Chad Wilkinson	Comm & Econ Development
Juliette Dorsett	Police	Pete Fondaco	Chief of Police
Craig Burnett	Assistant Chief of Police	Mike Fernandez	Police

Chairman Brass called the Committee of the Whole meeting to order at 5:33 p.m. and welcomed those in attendance.

Business Item #1:

Development Benefits Assessment Overview and Zoning Code Modifications – Tim Tingey

Mr. Tingey reviewed the conversation in the Redevelopment Agency (RDA) meeting about possible funding for public improvements for the project on the corner of State Street and Vine Street, if that comes to fruition. Whenever the City utilizes public funds to benefit a specific project, or acquiring property, the landmark case of Price versus Orem City outlines requirements that the City must complete to expend public funds. As part of that an outside organization is hired to do a benefits assessment to determine if there are benefits for the public purpose of the City related to a specific project. Murray hired Zions Bank Public Finance to complete that study. They have outlined a number of elements of the assessment that related to direct and indirect economic benefits and made a determination that there are significant direct and indirect economic benefits that justify these funds going toward public improvements that impact this project. If the project moves forward, then on August 17 a public hearing would be

held with a 14 day public notice to present the benefits assessment and have it available for public review.

Mr. Shaver asked if this was something done when using RDA money or just General Fund money. Mr. Tingey replied that it is for General Fund dollars. When the property was purchased on the corner of 4800 South a benefits assessment study was completed to determine if there were public benefits. Mr. Shaver commented that it would be helpful for the Council to see how the benefits assessment is completed and the results so that whether this particular project goes forward or not, the Council would understand this process.

Mr. Nakamura stated that this is necessary only in the case of a private entity benefit. That was why the Price versus Orem City case prevailed to determine value for value that is shown in the completed assessment. The assessment proves that the City is getting equal value for value spent that benefits the private entity. Mr. Brass added that it would be a good learning experience for the Council to see that.

Mr. Wilkinson addressed the zoning issues that would come before the Council. Over the last year since the MCCD (Murray City Center District) ordinance was adopted, the department had found several sections of the Murray Municipal Code that still refer to the DHOD (Downtown Historic Overlay District). Some of these occurrences are in the zoning ordinance but most outside the zoning ordinance. At the next Council Meeting there will be an ordinance amendment, called a clean-up amendment, to reflect the changes to the MCCD zone. There are also some items that still refer to the MU (Mixed Use Zone) that will be included, as well.

Sterling found some of those sections and some were identified by the department.

Mr. Wilkinson explained that the landscaping ordinance is the other area of focus. For the last couple of months the department had worked with the Planning Commission to give them a couple of versions of the changes. The reasons for looking at the landscaping ordinance and suggesting an amendment is to accommodate people who want to landscape with something other than lawn. The code now requires 40% to 60% turf for commercial and industrial development. There are also concerns about consistency and interpretation. There is not a lot of guidance as far as minimum landscape materials. Additionally, the department has had complaints about residential park strips. There is no clarity regarding the requirements for residential park strips. The subdivision ordinance requires trees as part of the park strip, but past the new subdivision requirements not much exists as guidance for the department on what is and is not appropriate.

The landscape ordinance for commercial had been to the Planning Commission and one idea is that rather than a minimum percentage of lawn required a minimum percentage of materials would be dictated. That would include trees, shrubs and ground cover. It gives people flexibility to do something other than lawn. They had looked at a minimum number per hundred linear feet of landscape required. Parking lot interior landscape is not currently in the code and staff recommends inclusion of some guidelines. It would be limited to large parking lots with over 100 spaces. A good example of positive benefits of parking lot landscaping is at Costco. This is part of the proposal.

Many people have wanted to implement xeriscaping in their landscaping. This is low water use landscape materials. Some people have misinterpreted this to mean rock with no landscape materials at all. The staff feels the minimum number of landscape materials can still

be met in a xeriscape scenario. A good example of that is the hospital where there is lots of plant material and not just rock.

Mr. Shaver mentioned the fertilization of lawns is running off into the Jordan River and anything the City can do to reduce that water runoff would be helpful. Low water usage also contributes to our issues of the water crisis. Mr. Wilkinson mentioned that usually a drip system of watering is used so that there is no evaporation or runoff and the minimum landscape materials does not have to be separate and can exist in the same ordinance.

Mr. Brass mentioned the fact that rocks seem to grow weeds and maintaining that look is very important. It is low maintenance, but not no maintenance, Mr. Wilkinson commented.

On the residential park strips an enforcement issue came up that had to be addressed. The standards came from the subdivision standards with a tree every 30 feet along the frontage of the property installed at the time the subdivision is constructed. The builder is required to bond for that until the subdivision is complete. This discussion will take place in the next Planning Commission meeting. The issue is when and where to enforce that. It is not good policy to create an ordinance that cannot be enforced. With other parts of the code, enforcement takes place at application for a building permit and upon complaint. It cannot be enforced on every property in the City right now. That is where the discussion will begin.

Mr. Shaver asked if there would be public input on this discussion. Mr. Wilkinson responded there would be. He continued detailing that for the park strip the homeowner is required to maintain it, watering, mowing, pruning, etc.

Next steps will be to slow down and make proper consideration, because this ordinance will have more impact on the public than most ordinances adopted. It will apply to just about every residence in the City and taking time to hear input, including from landscape architects, will take place before bringing the final ordinance to the City Council.

Mr. Tingey added that the original intent on the DHOD subject was to have that wording eliminated from the code and it was inadvertently not eliminated in every instance. That is the reason for the clean-up on that. Mr. Nakamura said that it was merely an oversight and the intent was to have MCCD where the DHOD was used.

Business Item #2:

Salt Lake County Jail Update – Sheriff Jim Winder

Sheriff Winder explained that in his role as Sheriff it is important to him to get out to the communities to update on initiatives underway and also seek comments and concerns from the City officials relative to the organization and how City needs are being met. Services are provided to every community.

He commented that a couple of years prior he sought support on the Oxbow facility. The Salt Lake County Sheriff's office manages two jails. The main jail is the ADC (Adult Detention Center) which is located at 3365 South 900 West. It is a 2000 bed facility and about 60,000 people are processed through it every year. For the last ten years it has been full and overcrowded. For many years inmates would come in the back door for photographing, fingerprinting, and processing and then walk out the front door. This is referred to OCR (overcrowding release). The physical space was not available to house them and the program providing for release was called the Jail Cap Management Plan authorized by statute. It is not a good way to manage a jail. It puts the Sheriff's office in a position to determine which offenses

are more egregious than another. It makes street law enforcement difficult, as suspects realize that there is not room to retain all the detainees.

It also began to degrade the effectiveness of justice and district courts. You can imagine the difficulty of a judge issuing a warrant for someone who has not been complying and when that person was arrested and transported to jail they would be let out after processing, the Sheriff said.

The Oxbow Jail just two blocks away sat idle while all that was going on. Receiving the support of municipalities the County Council authorized the opening of the Oxbow Jail. Although, the opening was approved the down side was that it would be necessary to operate on the existing budgeted funds. Oxbow was opened in 2009 and the county provided some infrastructure support to rebuild the interior to make it more usable but the operational expenses were not increased. There have been some internal alterations and civilian help in the control room, reductions in internal backup support and some capital projects were amended in order to open and operate. The net effect was an increased capacity of 200 beds and undertaking a series of issues by the Criminal Justice Advisory Council to try to divert inmates. With the initiatives and increase at Oxbow the OCRs have been reduced down to four the last month. Some months there are no OCRs and that is down from 900 previously. He was pleased to have accomplished this for the first time in a decade.

A secondary benefit is a decrease in crime rates. With a downswing in the economy, usually crime increases; however, that has not been the case. One of the arguments is the reduction in police officers. The level is manageable; however, the next question is what will be done over the next two to three years. Current strategic plans are to build another 1000 bed unit on the north side of the existing ADC. In today's construction dollars it is an \$80 million project. There is a tendency to utilize all space available; therefore, he is trying to think of things a little smarter, like initiatives using early case resolution and video arraignment. A conversation is going on at the legislative level analyzing the driver for jail population, which is length of stay. Crimes that used to be class C are now a B and those B crimes have become A crimes. This is sentencing creep done for political purposes. Studies have proven that a longer jail sentence does not reduce recidivism. Talk about a comprehensive review of the statutes with the possibility of downgrading sentencing and crime levels is taking place. It was done about 15 years ago. Keeping people incarcerated for long periods costs citizens money and efficiency for the courts. He encouraged the Council body to be thinking about what is most efficient as these discussions come forward. Over the last decade sentencing has been increasing.

There was some discussion in the meeting of the three strikes and you are out idea of sentencing. Mr. Nicponski mentioned the opportunity he had of touring the jail and he pointed out the impact of the overhead that goes into supporting those trustees. It is run effectively with an eye toward humane treatment. Certain inhabitants need protection and they do a great job of that. Officers stay inside the pod as inmates move around. The food, laundry and overhead are overwhelming, he said. Drug related offenses are most prevalent.

The Sheriff addressed the topic of release times of inmates. Some are let go in the middle of the night with women only released at that time if they are directly met by someone. Another program is with SPMI (seriously persistent mentally ill). The jail is the largest mental health facility in the state. These individuals are required to get back on medication and the jail has a shuttle to coordinate delivery of these inmates to service handlers. He would strongly suggest visits to the jail to see the logistics and issues dealt with.

Mr. Shaver asked how the Council could get involved in that dialogue with the legislation, as he believes in and is a strong proponent of alternative forms of punishment. The Sheriff mentioned several opportunities, one being the Criminal Justice Advisory Council, which meets on a regular basis. There is municipal, state and county representation on that board. The legislative initiatives will come up in the interim and stems from concern about justice courts. The deliberation includes several concepts and heading toward the General Session they will begin more discourse on that. At some time the cities will be asked how misdemeanor reduction would affect the municipality. That will kick off these discussions and is the time to get engaged.

Business Item #3:

Murray Municipal Handbook Discussion

Mr. Brass asked for comments on the proposed handbook, if the Council is ready to adopt, or if changes are needed. He added that he asked Mr. Nakamura to take a look and he found some items to speak to.

Mr. Shaver and Mr. Stam both said they had changes to suggest. Mr. Shaver asked to make the Forward generic rather than personal.

Mr. Stam mentioned the Capital Improvement Fund (page 21) and planning and he felt it would be important to add that the Council meets and reviews recommendations for CIP approval. Mr. Brass agreed.

Mr. Stam suggested that as the Council Chair directs staff and signs timesheets, it would be wise to include the Vice Chair in those duties for any circumstance when the Chair is not available. (Page 23)

Another item that Mr. Stam shared was the Council Code of Conduct that Mr. Wagstaff had sent out two years prior. Mr. Stam thought this could be included as an addendum in the back of the handbook. Mr. Brass asked that Mr. Stam get that to Ms. Lopez who could send it out to the Council Members for perusal.

Mr. Shaver referred to the Advice and Consent section of the handbook. His suggestion was that the City Council Office sends an invitation to these individuals inviting them to attend the meeting so that the City Council Members could meet them personally.

Mr. Hales asked if the handbook was policy or procedure. As a policy, he suggested that the wording "may invite" be used because if you include stipulations that are not followed it becomes more critical.

Mr. Stam said that a big advantage of the handbook is that any new Council Member or those considering candidacy may read through to see the expectations and duties. Others agreed.

Mr. Shaver directed attention to page 13 stating that he would like to strike the line under Council Meeting Rules reading, "The Executive Director has customarily served as parliamentarian." He pointed out that the City Attorney does an excellent job of keeping the Council on track.

Mr. Nakamura noted that the Mayor's Veto Authority has only three areas of application, which are tax levy, appropriations and ordinances. (Page 15) Resolutions cannot be vetoed by

the Mayor. Ordinances are those actions that codify and become law for quite an extended period of time. Resolutions are usually temporary measures that are in effect for a short period of time without the seriousness of an ordinance.

On the appointment process the advice and consent applies to department directors, City Engineer, City Recorder and boards and commission members. Those are the only positions that the advice and consent applies to. The Mayor has a lot of other appointments that do not come before the Council. (Page 10)

Mr. Nakamura referred to the receipt of the Tentative Budget, changes that may be made and the reasons therefore. (This is on page 7, first paragraph under Adoption of the Annual Budget.) Once the Tentative Budget comes to the Council it is up to the Council to make changes and the reasons listed there have no bearing, as the Mayor's budget will balance and have his ideas on reflecting the Strategic Plan. The Council looks at the Mayor's Budget as a base budget and the changes it makes doesn't mean that the budget did not come that way, it just means that the Council has a different direction it wants to go. Mr. Brass said that over enumerates the process.

Mr. Nakamura asked about an audit committee that was detailed in the handbook and if it existed. Mr. Shaver said there is no audit committee, it was only a suggestion. As Mr. Hales said you do not want to have a procedure in place with no follow through, he reiterated.

Mr. Nakamura may also submit some wording changes.

Mr. Shaver suggested removing the word "the" on page 23, near the center of the page on the end of the following sentence, "The Chair is also elected to represent the Council and is considered the Council's spokesperson to the:" He added that it is critical for all Council Members to understand that if there is information for the public that it be done through the Chair.

Mr. Brass added that if it is Council business it would be referred to the Council Chair, however, if it is RDA business it would go to the RDA Chair because these are separate entities.

Mr. Nakamura brought up some wording the in paragraphs specifying information on the RDA. It was decided that it was only important to mention that the Council Members serve as Trustees for the RDA and leave off the explanation on RDA responsibilities and purpose. Mr. Brass suggested another RDA handbook be created by Mr. Tingey to explain those tasks.

Ethics Rules are under section VII in the handbook. Mr. Brass said that should correspond with City ordinance. Code of Conduct can go into this section.

Mr. Shaver mentioned the Public Relations Account and said that some conversations had taken place recently regarding how those monies are to be spent. Page 28 lists specific things. Others added that the wording also includes, "secondary uses not listed and the donation amounts shall be informally approved by a majority of Council Members." Mr. Brass felt that was worth keeping that way. Mr. Stam asked if it should be majority vote or full Council vote because it is everyone's money. Mr. Hales said he trusts the other Council Members to make those decisions with that small amount of money. It is only \$5 each per Member. It is a matter of flexibility, Mr. Brass mentioned and typically it has been done it that way. If the Council would have used that for the \$6 for the Heritage Center then Mr. Hales said he would have been fine with that. Mr. Shaver said that the majority usually is good, but sometimes it can create

rancor when it comes to spending money and he pointed out it is the Council's money as a whole. Just as in a marriage, if one party spends without the other agreeing it creates conflict. He feels that conflict should be avoided. In this case two people could be giving their money to something they do not agree with. He believes expenditures from that account should have the total agreement of the five Council Members. Mr. Brass pointed out that under the laws of unintended consequences, one day someone will come along that will say no to everything. He asked if anything had come up that created a problem. Maybe a super majority of four Council Members in agreement should be used, Mr. Shaver noted. Mr. Nicponski reviewed that it is only \$60 per person per year. After this discussion, it was decided to leave the majority as the deciding factor for expenditures. A calendar could be decided twice a year for expenditures, if desired.

Mr. Brass asked Mr. Nakamura to write up his changes and everyone else to get their changes to Ms. Lopez. This can be approved in a Committee of the Whole as it is internal.

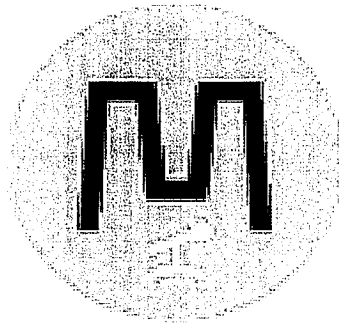
Mr. Brass also mentioned the Travel Policy that is included as an addendum. He stated mixed feelings and issues on this most recently. He commented that travel should be used for educational purposes. More than one person or two people may attend meetings; there should not be a limit on numbers unless it is a question of funds and who pays for it. The other issue is timing. He had a discussion about this when the budget crisis hit, saying that if travel is limited for employees the Council should live by that and be an example. When the Council travels the employees are very aware of it and that should carry weight. Education is important. Going to APPA and learning about power is something everyone should do; and going to ICSC and showing potential businesses, in a very competitive environment, that the Council is supportive of business is important. Critical deals can be made. Having people present if affordable is important. ULCT (Utah League of Cities and Towns) the Council goes to for major Council training. UAMPS meetings in Ephraim are important. Each potential travel opportunity should be up for discussion on how many people should go and why. Also, it is important to be sensitive to the organization that is going to be paying the bill. Others agreed with the concept of discussion. Mr. Stam agreed that when staff travel is cut, the Council travel should be evaluated because it does set an example. Mr. Brass said that he always holds himself to a higher standard than people he deals with and he feels the Council should hold itself to a higher standard than the City employees. He knows how much he has learned because of travel. He detailed the chemistry of water and storm water runoff that he learned on a Central Valley trip. It is important to learn these things to speak intelligently to the citizens. He does not want the council to be bound by the travel policy. He would like to revisit it in the future.

Mr. Shaver mentioned that these travel opportunities should be taken into consideration when the Council Meeting calendar is put together each year. A quorum must be in attendance at each meeting and preferably four in case of emergency. The meetings to work around are the UAMPS Christmas dinner, UAMPS summer conference, APPA, ICSC and ULCT meetings.

Mr. Brass asked that the adjustments be made and sent out to the Council. He asked that the handbook be put back on the next Committee of the Whole agenda for approval.

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 INFRASTRUCTURE AGENCY/UTAH TELECOMMUNICATION OPEN
INFRASTRUCTURE AGENCY REPORT**

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 August 8, 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.)

6. **REQUESTOR:**

Name: DARREN STAM

Presenter: DARREN STAM

Agency:

Date: July 26, 2012

Title: CITY COUNCIL MEMBER- UIA REPRESENTATIVE

Title: CITY COUNCIL MEMBER- UIA REPRESENTATIVE

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:

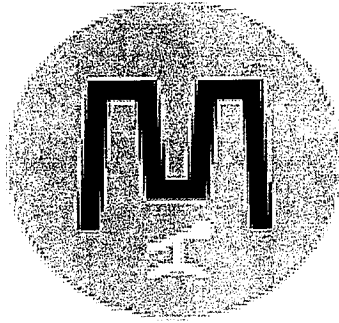
Date:

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

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

Recommendation: _____

9. **NOTES:**



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.)

COUNCIL INITIATIVE WORKSHOP AND COMMITTEE OF THE WHOLE FORMAT

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 **8.7.12**

☒ 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.)

NONE

6. **REQUESTOR:**

Name: JIM BRASS

Presenter: JIM BRASS

Agency:

Date: 7.26.12

Title: COUNCIL CHAIR

Title: COUNCIL CHAIR

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:

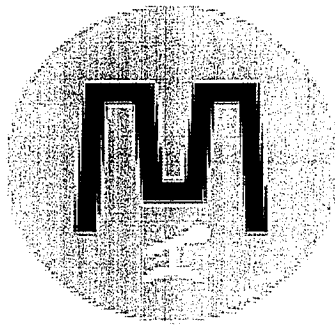
8. **COUNCIL STAFF:** (For Council use only)

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

Recommendation: _____

9. **NOTES:**

This discussion is to determine the best timing for addressing the items of business that come before the Council during the CIW and COW meetings. Be prepared to communicate scheduling priorities.



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.)

STRATEGY SESSION TO DISCUSS PENDING LITIGATION

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

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

____ Council Meeting OR ☒ Committee of the Whole

☒ Date requested August 7, 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.)

Please refer to the Attorney – Client Communication Memorandum dated July 20, 2012.

6. **REQUESTOR:**

Name: Frank Nakamura

Presenter: Frank Nakamura

Agency:

Date: July 27, 2012

Title: Murray City Attorney

Title: Murray City Attorney

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:**

The City Council may vote to go into a Closed Session for this discussion pursuant to Sections 52-4-205 and 52-4-206 of the Utah Code.

Adjournment

Council Meeting

6:30 p.m.

Call to Order

Opening Ceremonies:

Pledge of Allegiance

Council Minutes

Murray City Municipal Council Chambers Murray City, Utah

DRAFT

The Municipal Council of Murray City, Utah, met on Tuesday, the 19th day of June, 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
Darren Stam,	Council Member
Jared Shaver,	Council Member - Conducted
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
Justin Zollinger,	Finance Director
Dan Barr,	Library Director
Chad Wilkinson,	Division Manager
Scouts	
Citizens	

5. **OPENING CEREMONIES**

5.1 Pledge of Allegiance – Doug Hill, Public Services Director

5.2 Mr. Shaver stated that there is a tradition in Murray to have the Scouts in attendance stand and introduce themselves, their Scout Leaders and which Merit Badges they are working on. The Scouts introduced themselves.

5.3 Approval of Minutes.

5.2.1 Approval of minutes for May 24, 2012, with date correction.

Call vote taken, all Ayes.

5.4 Special Recognition

None scheduled

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

Jim Strobell, 4912 Wasatch Street, Murray, Utah

Mr. Strobell stated that he is representing a group of Murray citizens from the Center Street and Wasatch Street area. They have circulated a petition that will be provided to the City asking the City Council to place on the agenda for next month a review of zoning for the west side of Center Street. They are requesting that this area be taken out of the M-C-C-D zone and put in a zone that is more residential friendly. They will talk to Mr. Brass and make their recommendations and suggestions to the Council through him for what they feel will serve the best purpose to the City. They would like this to be on the agenda for July 10, 2012.

Mr. Stam asked Mr. Nakamura with the zoning the way it currently stands, if they do review and want to make a change, the group that has already applied, would they be grandfathered in and the Council would not be able to make any change.

Mr. Nakamura stated that is correct. He said that they are not willing to comment on this as the City is in litigation on this issue. In terms of zoning and any other land use changes, there is a statutory process that they have to follow, both in State law and in City ordinance. Many of these statutory changes must be reviewed by the Planning and Zoning Commission. Any agenda item on land use will not occur on July 10, 2012 it will take some time and involve some processes.

There are some vested rights. Even though we do change some ordinances in our

zoning, those that have applied and received approval are grandfathered in and those rights are protected.

Mr. Shaver said that he understands that this is a sensitive issue to many of those in attendance and complemented them for taking action, for standing up and speaking up. As a Council, they wish that it would happen more often with what happens in the city.

Mr. Shaver said that he was passed by a police car today while doing the speed limit. The police car did not have its lights or siren on and on the tag of the car it said: "It is your community, get involved." He thought about that for an hour after it passed him and that is exactly what is needed-the community's input. People are welcome to talk to their Council members but he did want to caution them that if an issue is in litigation, they cannot comment on the value of it. They cannot make promises on it until that issue is resolved. They do know that it is going to come before them at some point and they will do the best that they can to address the issues.

Janice Strobell, 4912 Wasatch Street, Murray

Ms. Strobell said that it is recognized that there is a property that currently has received approval from the City for the zoning that side of Center Street currently has of M-C-C-D. The concerned citizens are asking for a review for the whole side of Center Street recognizing that this particular parcel of property has the grandfather issue. They are asking for the balance of that side of Center Street and the review of the zoning for the balance of the street.

Mr. Shaver clarified that this is not a discussion; if there is a relative issue that deals with that, they are welcome to bring it up.

Mr. Strobell said that from what was said, his understanding is that there is homework to be done beforehand and this item will not be on the agenda next month.

Mr. Shaver stated that he cannot say whether or not it will be on the agenda. They do not address issues before the Planning and Zoning Commission brings them forward to them. They are the ones that deal with each of those issues first. If there was an issue that dealt with the Power Department, they have a Power Board that would address those issues first and then bring the item before the Council. There are safety concerns that are addressed before they are brought to the Council and they stipulated that the ordinances, laws, statutes or code that they have to follow. Mr. Shaver said that he would be happy to stay after the meeting and discuss the processes and a timeline for the issues.

Citizen comment closed

7. CONSENT AGENDA

Consider confirmation of the Mayor's appointment of Scott Woodbury to the Murray Planning and Zoning Commission in an At-Large position for a three-year term to expire January 15, 2015.

Mayor Snarr stated that Mr. Woodbury comes to the Commission very well qualified and is going to be a great asset to the Commission.

Mr. Nicponski made a motion to approve the confirmation.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

8. PUBLIC HEARINGS

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

Consider an Ordinance amending the Budgets for Fiscal Year 2011-2012.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that there are several areas that need to be amended:

- They received additional monies from the CLEF Grant (Community Library Enhancement Fund) that they would like to add to the budget. (\$2,000.00)
- The Police Department has received a grant from the Utah Commission on Criminal and Juvenal Justice that they would like to open the budget for. (\$20,182.00)
- The Police Department needs to cover two police cars that were involved in accidents and that money will be moved from non-departmental to Police to cover those expenses. (\$44,654.00)
- The Victims Advocate Grant: the monies received from that need to be budgeted for. (\$36,713.00)

- The Fire Department received an Emergency Management Grant that they need to budget for. (\$10,618.00)

Mr. Shaver asked: since we need to purchase two new vehicles, will those other two vehicles be taken off the rotation.

Mr. Zollinger said that he is sure that the Chief will include these as rotation vehicles in place of the wrecked ones.

Mr. Zollinger stated that after discussions with Mr. Hill and Mr. Nakamura, the items that they were going to open the budget for in the Public Works Department, the \$250,000 for interest and the \$2.2 million for UTA, there is still some uncertainty and he would like to table those items. Mr. Nakamura re-wrote the ordinance and with the question that there is on the numbers, he does not want to pay them out or budget amounts that they are not sure are correct, particularly right at year end where the money could go out next year.

Mr. Shaver said that we will not actually table the item, but continue these. So the five items listed will be what they are considering tonight.

Public Hearing opened for public comment.

None given.

Public Comment Closed

Mr. Hales made a motion to adopt the Ordinance.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

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

Consider an Ordinance adopting the Final 2012-2013 Fiscal Year Budgets for Murray City including the Library Fund Budget.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the Fiscal Year 2012-2013 has been prepared and reviewed. He feels that there has been great due process in getting through everything that needed to be covered and in taking care of the citizens with the services that the City provides.

Mr. Zollinger said that in listening to the radio, it is interesting to hear about the struggles that other cities are having. We are very fortunate by some of the leadership decisions that have been made prior to this point that have made this fiscal year budget a little easier to get into. He recognized and thanked all of those people who made this possible.

In this year's budget, we have an intent document that will outline many of the things that they would like to do and what the intentions are with the budget. The total budget is \$40,914,824.00 which includes a contingency transfer that may or may not occur depending on if we have reserves, but that will be used to go towards the Capital Improvement Plan. Other things that Mr. Zollinger feels are in need are the budget savings for departments which allow them to take some of the responsibility and control for saving. That was a great idea that the Council had and he appreciates them bringing that about.

The language for the speed signs is in the intent document. The city will consider these for the next year's CIP and will be high on the list. Some of the CIP items will be funded immediately.

Mr. Nakamura stated that it is also important that the intent document and budget are driven by the Strategic Plan that elected officials and department directors have worked extremely hard on throughout the last several months. The Strategic Plan provides a vision and goal for the city over a three to five year period of time. The intent document will be available for inspection but it accompanies the budget and this year it is one of the drivers of the budget.

Mr. Shaver said that we have adjusted the budget and asked if we need to address any of the issues or accept it as presented.

Mr. Zollinger said that there were a few items that were moved where the budget was located. The only item that had a decrease was the speed signs; those were not in there because they were going to put those through the CIP process. They increased Mr. Tingey's budget for the document management system for Mr. Nakamura and decreased the Attorney's account by that amount. They addressed the budget for the crossing guards. It had been underfunded for the past several years, so they increased that one by

\$16,680.00. To help pay for that, they decreased the non-departmental to cover that in the Police Department budget. Those are the changes that were made and the total budget is \$40,914,824.00.

Mr. Shaver said that there was also an adjustment to the Council and Mayor in regards to the COLA increase, which is a 3% increase as it is with the rest of the employees.

Mr. Shaver expressed his thanks to Mr. Zollinger for his countless hours and efforts in working on this.

Public Hearing opened for public comment.

Charles Kulp, 5529 Revere Dr., Murray, Utah

Mr. Kulp said that he had concerns with the Fee in Lieu of Transfer, particularly in regards to the Storm Water. He believes that this should be part of the previous agenda item but wants to address both items. The city is collecting a fee and at the end of the year are turning it into a tax. Mr. Kulp stated that there is approximately \$1.4 million collected in the Storm Water Fund and \$114,000 of that is transferred into the General Fund. So the citizens are being deprived of \$25,000 - \$30,000 a year that should be put on the tax return to itemize.

Mr. Kulp said that another issue is: if the entire budget is \$40 million and you are transferring \$114,000 from the Storm Water Fund, you are funding your General Fund to the tune of 3 ½% off of these fees. If you are going to tax people, tax them. In his opinion, the key element of a good tax policy is very simply that the tax should relate to the service it provides. Throughout the State of Utah there are a number of disconnects that they could discuss but here he is talking to local government at its finest, so let's talk about tax policy where if you are going to provide a service, you tax for it. Mr. Kulp said that 'if it walks like a duck and talks like a duck' this is not a fee in lieu of, it is a tax. He would ask the Council to look at what they are doing with this policy of disingenuously transferring the fees the city has collected into the General Fund. He does not feel that this is right.

Public Comment Closed

Mr. Stam declared a conflict of interest, saying that he is the treasurer of the World Series Board of Friends of Ken Price and in this budget there is money that is going to that organization for hosting the World Series this year. Mr. Stam is a volunteer and does not receive any compensation for acting in that service. Murray City did host the World Series in 2009 and after he was elected in 2009 he actually reviewed the sales taxes received by the city. In his estimation, the city made approximately \$100,000 in the six week period of time for hosting the event. The amount of money that the Mayor has put in of \$15,000 to help support the World Series is a good investment in Mr. Stam's opinion.

Mr. Hales also declared a conflict of interest as he is on the Board as well, doing the fund raising. He declared this when he ran for office as well.

Mr. Stam added that they both were involved with this organization long before being elected to the Council. He has been with the World Series organization for over twenty years.

Mr. Nakamura addressed the issue of the Fee in Lieu of Transfer. This is providing for some of the city-wide services that are provided to our citizens such as Police, Fire, Parks and Recreation. This is a means by which the city can provide city-wide services, those kinds of services that are not fee-based. Most of the Storm Water fee goes to the cost of the service-managing the cost of environmental issues that they city has to take care of. This also goes to some of the services that are provided by the city itself to the funds and they do this for all of the enterprise funds.

Mr. Shaver said that for example, the Fire Department also has an in Lieu of Tax and Transfer. The interesting thing is that the people that use Murray Power are west of 900 East yet that money that they pay goes directly into the General Fund to pay for the Fire, Ambulance, Arborists and those things that the Police and Fire Department provide to the whole city. It goes to pay for services that all city members provide, yet that tax in Lieu of Transfer money is only paid by a small portion of the citizens because that money that they pay helps those on the other side.

As a taxing entity, which the City Council is, the Mayor and City have been so good in spending countless hours putting together this budget that they present to the Council who then review that consistently and constantly. They are given about two months to go back through it and give opportunity for the departments to come in and ask them questions as well as for the Council to ask the departments. They don't always take away their money, they find ways to balance that money. You heard Mr. Zollinger address issues of decreasing some, but also increase some. They want to make the City profitable; not one of them is trying to gauge, hurt, or place undue burden on any citizen. They do the best that they can and use what vehicles they can to be able to do that. One of those is in Lieu of Transfer and that money is well used in the city and benefits the entire city, not just a specific area. It goes to the General Fund so that it can be applied in multiple ways for multiple citizens. It isn't always an easy decision, taxes are one of those decisions that they don't like to raise taxes because it does impact everybody.

Mr. Shaver said that he does want to make one comment: The department heads and Mr. Zollinger reduced our budget from last year by \$500,000.00 and that is quite an accomplishment in a time where costs continue to escalate, continue to go up, these good people who serve the citizens of Murray dug into their pockets once again and saved our citizens \$500,000. Mr. Shaver expressed his appreciation and said that not only did we not have to raise taxes; the department heads have done the best that they can to provide the citizens with what they need and want. These departments have been hurting. They have vehicles that need to be replaced, pipes for water supply that need to be fixed, roofs that need replacing and buildings that need to be replaced. Mr. Shaver appreciates Mr.

Nakamura's comment that the Strategic Plan is a long-term document. They are doing the best they can with limited funding and many people have felt the economic downturn and hopefully lives are turning around. In the city they are hoping the same thing- that the funds come up. The Mayor is a strong proponent of businesses in the city, businesses that have really put into the City. One of the dealerships has invested \$60 million in their facility and that drives people to Murray. Those taxes that are paid are what keep the taxes in Murray one of the lowest in the area and we are very proud of that. It is something we live to promote and continue to do.

Mr. Shaver invited citizens to contact him and discuss the processes so that they can be actively involved in these issues. Every meeting they have about the budget as a Council is an open meeting and any citizen is welcome to attend these meetings.

The second item Mr. Shaver wanted to mention is that by State law, the City must have a balanced budget and not go into debt. We do have bond issues, which are different, but the City cannot go into debt and must have a balanced budget and this year we have done that. This budget is a balanced budget and he is very pleased to be a part of that. Mr. Shaver serves on the Budget Committee and they have worked with the administration to come to that, have had discussions and meetings and they are very pleased to have come up with this budget.

Mr. Stam made a motion to adopt the Ordinance with the final adjustments as described. Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

Mr. Shaver added that he had discussed this budget with Mr. Brass who was in favor of passing this as well.

9. **UNFINISHED BUSINESS**

None scheduled.

10. NEW BUSINESS

10.1 Consider a resolution authorizing the execution of an Interlocal Cooperation Agreement between the City and the Attorney General's Office, Cottonwood Heights, Draper City, Granite School District, Salt Lake Airport Police, Salt Lake County, Salt Lake City, Sandy City, South Jordan City, South Salt Lake City, Taylorsville City, Tooele City, Town of Alta, Utah State Department of Corrections, Utah State Department of Natural Resources, Unified Police Department, United States Marshal for Utah, University of Utah Police, Utah Transit Authority (UTA), Utah State Department of Public Safety, Utah State Motor Vehicle Division, West Jordan City and West Valley City. (Chief Fondaco presenting)

Staff presentation: Chief Fondaco, Police Chief

Chief Fondaco stated that they have been before the Council several times with this agreement and this is just a date extension. This is an Interlocal agreement between State and local police departments in Utah that operate in Salt Lake County to allow mutual aid and to set parameters for that mutual aid. There can be no billing, no charges for these, just the basic Interlocal agreement that was signed previously.

Mr. Stam said that he noticed that the agreement has the effective term is through June 30, 2015 and asked if this was the original length of the agreement.

Chief Fondaco said that over the past couple of years, they have added agencies and they have now agreed that it is not necessary for the cities to come to the Councils to add agencies and so the time frame was extended.

Mr. Shaver said that he understands that as a part of that, many of the police departments and other agencies have very specific areas of expertise and he believes that training in SWAT, high water rescue and other areas have been cross-trained between these agencies. This is not just an agreement of cooperation but training with the other agencies as well. Mr. Shaver had received a compliment for the Chief and the organization that he wanted to pass along from citizens who recognized how well trained our officers are. The citizens were very appreciative for the help and assistance given to them. It was a very positive experience for the citizens and they wanted to send on their thanks.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.2 Consider a resolution approving an Amendment Agreement between the City and Salt Lake Neighborhood Housing Services DBA NeighborWorks Salt Lake.

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells said that Murray is very fortunate to have NeighborWorks as a partner to help us with some of the CDBG issues and issues with residents who are looking for help that are low to moderate income. One of the things that NeighborWorks does, and does successfully, is purchase homes in areas of our city that are in need of being rehabilitated. Some of these are areas where the homes are over 100 years old and they purchase these homes, rehabilitate them and then sell them to low or moderate income families. As part of this ordinance with NeighborWorks , they are asking to take the funds that are received from the sale of those properties and roll them back into this program so that it can be continued and continue to provide this service to others and have our housing stock be preserved, allowing opportunities for others to live here in Murray.

Mr. Hales made a motion to adopt the Resolution.
Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.3 Consider an ordinance adopting the rate of tax levies for the fiscal year commencing July 1, 2012 and ending June 30, 2013.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that based on the numbers received from the County, Murray had some reappraisals that occurred this calendar year as well as some negative growth which caused our certified tax rate to go up. Even though we are not having a tax increase this year, the rate is going up because of these declines in values of some of the properties in our city limits. The rate this year in our General Fund is .001817 and for the Library Fund it is .000442. That is the certified tax rate that the city needs to pass.

Mr. Stam made a motion to adopt the Ordinance.
Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.4 Consider an ordinance amending Sections 12.24.230, 12.28.050, and 12.30.010 of the Murray City Municipal Code regarding fees charged to employees for City recreational services.

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells said that as they tried to find ways to reward the employees, who have not had any increases for four years, they had talked about the opportunities to allow them to use some of the city-owned recreational facilities at somewhat of a discount. They have been able to afford employees a small reduction in green fees, a percentage reduction at the Park Center and a reduction at the outdoor swimming pool. They feel that this is a way to reward the employees as well as an opportunity for more people to take advantage of our facilities and they will bring people with them so they feel that this will be a positive thing all around.

Mr. Shaver said that as part of the Intent Document, which was created by the Council to support the budget, and he wanted to read the opening paragraph:
“The employees of the city are one of its strongest assets with their knowledge and expertise, which cannot easily be replaced. The Council values and appreciates that knowledge, dedication and service. City employees have patiently supported and sustained the city throughout the recent economic downturn. Now that revenues are beginning to improve, it is the intent of the Council to reward the city employees with the

following compensation and benefits: Cost of Living Adjustment, employee discounts, reinstatement of the transportation allowances and helping with the education reimbursement” so that if employees want to go to school, they want to help them be able to do that. Mr. Shaver expressed his appreciation to the department heads and their employees, their service and the great benefit they are to the city.

Mr. Nicponski made a motion to adopt the Ordinance.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.5 Consider an ordinance amending Section 2.30.050 of the Murray City Municipal Code regarding the operational transfers from the Power Fund.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that as he worked with Mr. Nakamura on reviewing these ordinances for the upcoming budget year, they noticed that several of them that were written and implemented at different times, had quite different language and they wanted to make them uniform within the ordinances. Along those same lines, as they reviewed the budget, they felt it would be good to have a consistency among the funds to do an 8% operational transfer. The Power Department is going from a 6.84% to 8% in this ordinance.

Mr. Hales made a motion to adopt the Ordinance.
Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.6 Consider an ordinance amending Section 13.48.060 of the Murray City Municipal Code regarding the operational transfers from the Storm Water Fund.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that for the Storm Water Fund, the rate is decreasing from 8.3% down to 8%, making this consistent and changing the wording.

Mr. Nicponski made a motion to adopt the Ordinance.
Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.7 Consider an ordinance amending Section 13.32.130 of the Murray City Municipal Code regarding the operational transfers from the Sewer Fund.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger said that for the Sewer Fund is going from 8.3% to 8%.

Mr. Hales made a motion to adopt the Ordinance.
Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.8 Consider an ordinance amending Section 13.08.010 of the Murray City Municipal Code regarding the operational transfers from the Water Fund.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the Water Fund is decreasing from 8.3% to 8%.

Mr. Stam made a motion to adopt the Ordinance.
Mr. Hales 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

11. MAYOR

11.1 Mayor's Report

Mayor Snarr said that the City had received notice from Murdock Hyundai that they have moved up the ribbon cutting ceremony to June 27, 2012 at 12:15. It is a very exciting time for both the dealership and for Murray.

Mayor Snarr noted that the Larry H. Miller Lexus dealership is also moving along. The original Larry H. Miller empire, the first Toyota dealership that they ever owned is now gone. By early next week they should be working on the new building. They are very excited and they are working on buying the old hotel and tattoo parlor to the south of the Chevrolet dealership.

Mayor Snarr said that on Friday, Costco had sales of over \$970,000.00 and usually they don't come close to that. Their numbers are up about 10%, which bodes well for the city financially.

The Mayor responded to earlier comments, saying that the amount for the In Lieu of Tax is actually a third of 1%. The Mayor would appreciate people coming in and discuss issues with the City so there is no misunderstanding on issues such as this.

Mayor Snarr said that he has had the opportunity to buy vehicles from government auctions. They recently had a bobtail dump truck with low mileage. When the government bought it new, they paid \$90,000.00 for it and

if he had a way to get that vehicle home, he would have bought it for the City. It sold for \$15,400.00. This was an older truck but low mileage and would have saved the city a lot of money. He has spoken with Mr. Hamer in Fleet before about purchasing from auctions, but it is difficult as you have to hit the auctions just right. The Mayor has purchased vehicles and sold them to other cities and it is a great way to save cities money. He gets very frustrated with government when they don't take advantage of these types of money saving processes.

11.2 Questions of the Mayor

Mr. Shaver asked about the billboards and ULCT, and if the City needs to draw up an agreement for this because we are part of ULCT and are entering into negotiations with Outdoor Advertising.

Mr. Nakamura said that the Utah League of Cities and Towns are lobbying, they do lobbying on behalf of all cities and what they are looking at is legislation on how they want to proceed to work out and look at there. They are looking at what type of billboard legislation we would be satisfied with and what other cities would be satisfied with. Our individual issue is different, our litigation is different and our ordinances are different than a lot of other cities, so this is simply a survey.

Mr. Hales said that he agrees with the Mayor about going to these auctions and feels that this is a subject that should be followed up on a later date.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder

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

DRAFT

The Municipal Council of Murray City, Utah, met on Tuesday, the 10th day of July, 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 - Via Telephone
Jared Shaver,	Council Member
Dave Nicponski,	Council Member

Others who attended:

Doug Hill,	Mayor Pro-Tem
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
Gil Rodriguez,	Fire Chief
Jon Harris,	Battalion Chief
Jed Finlinson,	Paramedic/Firefighter
Justin Reimers,	Paramedic/Firefighter
Justin Zollinger,	Finance Director
Kevin Potter,	Deputy Chief
Dan Barr,	Library Director
Chad Wilkinson,	Division Manager
Amy Goller,	Community & Economic Development
Russ Kakala,	Streets Superintendent
Scouts	
Citizens	

Mr. Hales noted that Mr. Stam will be participating via telephone.

7. OPENING CEREMONIES

7.1 Mr. Hales stated that there is a tradition in Murray to have the Scouts in attendance stand and introduce themselves, their Scout Leaders and which Merit Badges they are working on. The Scouts introduced themselves.

7.2 Pledge of Allegiance – William Thacker

7.3 Approval of Minutes.

7.2.1 Approval of minutes for June 5, 2012

Call vote taken, all Ayes.

7.4 Swearing-in of new Firefighter/Paramedic Justin Reimers and newly certified Paramedic Jed Finlinson.

Chief Rodriquez said that Mr. Reimers is a new firefighter from Utah County, a world-class pickle ball player and a great addition to the department. Mr. Finlinson has been with the City for several years and has just completed paramedic school. The City is lucky to have such great people working for it.

Swearing-in ceremony performed by Jennifer Kennedy, City Recorder.

Mr. Reimers and Mr. Finlinson introduced their families.

7.5 Special Recognition of Battalion Chief Jon Harris for successful completion of the Executive Fire Officer Course from the National Fire Academy.

Chief Rodriquez stated that the EFO Program is not easy to get into, you must have a Bachelor's Degree to even apply and it is usually for upper chief officers. The commitment to this program is four years, going back to Emmetsburg for two weeks which includes 80 hours of classwork. On return, the applicant has six weeks in which to complete an applied research project that is very difficult to do. There are not very many people, including chief officers, who have achieved this goal and there are not many who can continue through the four years to receive the Executive Fire Officer title. When Mr.

Harris applied, Chief Rodriguez had no qualms in knowing that Mr. Harris would finish it and finish it successfully, which he did.

Chief Rodriguez said that this really means a lot and the Fire Department appreciates all of Mr. Harris' hard work and dedication in getting through this program. Mr. Harris has solved many problems in the department, worked hard with the Emergency Management Program and Chief Rodriguez extended his congratulations.

Mr. Harris introduced his family and thanked the Chief, the department and the City for their support through all of this. He feels that the City has a commitment to their employees to help them to further their education and it is much appreciated.

Mr. Shaver added that one of the things that he has come to appreciate is the marvelous education of the Fire Department Staff and service providers to the city. The staff has a spirit of excellence, wanting to do the best they can and Chief Rodriguez has a group of over-achievers and he thanked them all for their great work.

Mr. Brass echoed Mr. Shaver's sentiments saying that they have a tough job and he appreciates the level of skill that they have. Mr. Brass congratulated and welcomed Mr. Reimers and Mr. Finlinson.

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 were noted.

9.1 Consider confirmation of the Mayor's reappointment of Natalie Gochnour to the Murray Power Advisory Board in an At-Large position for a three-year term to expire June 1, 2015.

9.2 Consider confirmation of the Mayor's reappointment of Dallas DiFrancesco to the Murray Power Advisory Board in an At-Large position for a three-year term to expire June 1, 2015.

Mr. Brass made a motion to approve the confirmations.
Mr. Nicponski 2nd 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. Shaver noted that both Ms. Gochmour and Mr. DiFrancesco have been serving for the past three years on the Power Board and have brought with them a great deal of experience and knowledge. They have served admirably and take a great interest in what they do.

Mr. Hill said that, on behalf of the Mayor, he is sure that the Mayor appreciates the service of these volunteers. There is a lot time spent on these Boards dealing with a lot of complex issues and this board is extremely helpful to the Power Department in making good decisions for the city.

10. **PUBLIC HEARINGS**

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

Consider an Ordinance relating to land use; amends the General Plan from Office to Commercial Retail and amends the Zoning Map from G-O to C-D-C for the properties located at approximately 383 and 401 West Vine Street. (Stevens Henager College/YESCO)

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that the General Plan was adopted in 2003 and it outlines a variety of areas related to land use in our community. It is a guide document which helps decision makers in evaluating development proposals in the future. It is not the ordinance, but the guiding document. In order to pursue a change in the zoning district that is not in line with what future land uses state, the City has to go through an amendment for that as well as the proposal of the rezone.

General Plan amendments are allowed. The document specifically states that they should not be taken lightly and future land use is a very important element that is looked at. The property in question is owned by Stevens-Henagar College, who do wonderful work in our community and provide a lot of important services to people in our area. Mr. Tingey

does not want to discredit that all, it is very important and the city appreciates their existence in the community.

Mr. Tingey stated that in August 2011, the applicant came forward with a change in the land use ordinance to allow for electronic message boards to be located in a General Office Zone. General Office Zone is a designation that is a buffer area between more highly intensified commercial type zoning areas and residential areas. The signage in those zones is only allowed to be more minimal and electronic message boards on premise are not allowed in the General Office Zone. The applicants had previously asked for allowance for electronic message boards to be allowed in the General Office Zone adjacent to I-15 and I-215, which the Council did not approve at that time. There was some discussion about a zone change and that is what the applicant is pursuing at this time. At that meeting when the zone change was discussed, Mr. Tingey communicated that there would be issues and concerns due to the General Plan and with the surrounding areas. In speaking of the buffer zone, you can see that there are residential areas and General Office zoned areas and uses that create an issue with a zone change. This is what the applicants are proposing tonight.

This issue went to the Planning Commission on May 17, 2012 and they recommended denial. Tonight, staff is recommending denial as well. Mr. Tingey said that the electronic message board is the issue behind this, but this is a request for a zone change on this property which would mean that there could be a variety of uses on that property from hotels to retail stores. That is not the case right now and it may not be there intent, but over time that is a potential if the property ever changes hands. More intensive uses that are not compatible with the adjacent neighborhoods and areas is a big issue. It is an unintended consequence of a rezone when they look at changing zones. Something that they have concern with is what the future possibilities could be on this property with a zone change.

Mr. Tingey said that in addition, the compatibility of uses is a big concern as well. There are other proposals out there that could come forward with the same type of scenario. He has had other conversations on proposals that would look at this situation and change, and they may come forward. The compatibility of uses and the unintended consequences are a big issue and they are recommending denial.

Mr. Shaver asked if he was correct in understanding that when the General Plan was adopted, this was put into the General Office.

Mr. Tingey said that the future land use was that it would be Office. It was originally an agricultural district that was put under General Office.

Mr. Nicponski asked if the city is currently involved in a legal discussion relative to signage.

Mr. Nakamura said that the city has issues with signage, but he sees this as an issue pertaining to zoning. This decision tonight is not about a specific owner or property but specific to land use and zoning, not about signs.

The sponsor, Vicky Dewsnup said that this is the second time they have been before the Council and she appreciates the comments as to what the college brings to the Murray City area. This is a beautiful property which is owned by Anthem Properties of which she is a registered agent. She has been with the college for 26 years and can say that is longevity. This college plans to be at this location for a long, long time. At such time as it chose to move, as they are suggesting tonight that the Council rank it as commercial so that they can have a fairly medium size sign. It would not be anything that would be overwhelming to anyone going up and down the freeway. At such time when the property would turn over, they would put into the ordinance that the property goes back to a G-O zone and the sign would be brought down.

Ms. Dewsnup stated that the reason for the sign and the reason they're here for a second time is that it becomes very difficult for them to get the word out to the community what types of things that they are doing at the college. For the betterment of the Murray area and others, they want to get the word out as to what they are doing. Most people have heard of the free services that the college offers to the community. Today they had a health fair that they could have had more people attend, diagnosing high blood pressure and things like that, but they just can't get the word out to the community. They would like to say to the Council that it is their intention to be able to advertise through the signage and change the zoning back at such time that the property would turn over at a future date.

Public Hearing opened for public comment.

None given.

Public Comment Closed

10.1.1 Council Consideration of the above matter.

Mr. Brass said that the one thing they are taught with zone changes is that when you are dealing with a zone change you never look at the use. The reason for that is that things change. When he was first on the Planning and Zoning, the 'poster child' for that is Mountain Medical Imaging; a beautiful facility and nice building that sits on 5300 South and Woodrow Street. That zone was changed for it to be a single level drive through bank. When they built the two-story medical office building the neighbors were upset, but it was allowed in that zone. That is why they look at that and consider what can happen if things change. He does not know that State law would

allow them to put any clause into this that says when it's sold the zoning would go back. They would need to hold a public hearing and go through that process again, it just doesn't revert. It does not meet the Master Plan and things could go in there 30 or 40 years from now that would be difficult on the existing neighborhood.

Mr. Shaver said that he has difficulty with this due to the structure of the building being General Office; this is a university, this is what they do and it requires offices. In his mind, commercial is something different. It is difficult for him to understand changing it from a General Office to a Commercial zone because of a sign. The good that Stevens-Henager does for the community as a whole is obviously something that the City supports and want to be a part of. Perhaps it is something that the community needs to do and support them more, finding a way to bring people to Stevens-Henager. That is something Mr. Shaver would love to discuss sometime in the future, but as far as the signage being the reason for the change, that is something that he can not necessarily support. The City would love to be able to support them. The city talks about Auto Row and maybe there is a reason for the city to support them as a university and there may be something that they can look at through the Mayor's Office, through the Council. If the college is trying to fill their classrooms, maybe there is a way to support them a different way.

Mr. Nakamura asked for clarification on the vote. A vote of AYE would be to deny the motion.

Mr. Brass made a motion to deny the proposal to change the zoning.
Mr. Shaver 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion to deny passed 5-0

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

Consider an Ordinance relating to land use; amends the Zoning Map for property located at 757 West Bullion Street, Murray City, Utah from A-1 (Agricultural) to R-1-8 (Single-Family Low Density Residential).

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that currently this property is zoned A-1. In the General Plan the future land uses for all agricultural areas are to move to either open space or residential zones. This proposal is not an amendment to the General Plan as the future use of this property will be residential. The purpose is to create a new lot and their request is to go from agricultural to residential. This matter came before the Planning Commission June, 2012 and both Planning Commission and staff recommended approval.

Mr. Nicponski asked how many units will end up at this location.

Mr. Tingey said that he believes that, based on the square footage, it will only be one unit.

Mr. Nicponski noted that this is in his district and he feels that it will go a long way in cleaning up the area.

Karen Edwards, owner of the property, stated that the use is not going to be changing. Her next step will be to amend the subdivision. The back portion of the property was purchased as an investment and leased back to her for fifteen years. She asked what Mr. Nicponski meant about cleaning up the area, as the property is well groomed, as are her neighboring family properties.

Mr. Nicponski apologized, stating he had the wrong property in mind.

Ms. Edwards said that that this is a future investment for a nephew and that the use will not be changing.

Mr. Tingey said that the second lot in the proposal would have additional square footage for more in the future, so it could be more than one single-family residence, but it is a single-family rezone.

Mr. Brass reiterated that they look at this in the interest of a zone change and not what may happen to it in the future. One of the things that they did when they reworked the General Plan eight years ago, is looked at agricultural property and knew that eventually something would happen to it. As a whole, they Master Planned agricultural zones to change to R-1-8, so this is consistent with the Master Plan.

Mr. Shaver added that this is also consistent with the use of the property at the present time.

Public Hearing opened for public comment.

None given.

Public Comment Closed

10.1.1 Council Consideration of the above matter.

Mr. Shaver made a motion to adopt the Ordinance.
Mr. Brass 2nd 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. UNFINISHED BUSINESS

None scheduled.

12. NEW BUSINESS

12.1 Consider an Ordinance amending Chapter 7.04 of the Murray City Municipal Code regarding the Solid Waste and Recycling Management Rate Schedule.

Staff presentation: Doug Hill, Public Services Director

Mr. Hill stated that this was discussed at length with the Council last month. Over the past three years, which was the last time that the rates were increased, the city has seen increased costs to the Enterprise Fund in the form of waste collection costs, landfill fees and other various costs that are currently being subsidized by the General Fund such as employees, vehicles and equipment. In addition, one of the changes in this ordinance will allow a transfer of 8% of the annual budget to the General Fund which the city does with many of the other enterprise funds such as water, power, sewer, etc. Because this is an enterprise fund, the ordinance proposes to make this operational transfer which is also an increase in costs to the garbage fees.

Mr. Hill said that because we run the garbage services in Murray City as a business or enterprise fund, the city must charge the costs to provide these services so that it does not run a deficit. We charge enough to cover the actual costs.

This ordinance will adopt a four-year rate schedule and will entail a 25% rate increase starting August 1, 2012. The base fee will increase from \$8.00 to \$10.00 per month which includes two cans, a regular can and a recycling can. For those individuals who want extra cans, those costs will also increase by 25% increasing the rate from \$5.50 to \$6.85 per can starting August 1, 2012. The following year, July 1, 2013, (Fiscal Year 2014) the rate would increase 10% again to help cover those increased costs for the operational transfer. The fee would go from \$10.00 to \$11.00 and from \$6.85 to \$7.60 for the additional can. In Fiscal Years 2015 and 2016, there would be a 2% increase, raising the fee to \$11.25 and \$7.75 respectively, and the following year, \$11.50 and \$7.90 respectively.

This proposal is for a four-year rate increase, effective August 1, 2012 and the ordinance also adds an 8% operational transfer fee from the Solid Waste Fund to the General Fund.

Mr. Brass asked how these increases compare with other cities or the County.

Mr. Hill stated that the city has done a survey of other cities in Salt Lake County and showed a sampling of those rates. By comparison, West Jordan currently charges \$13.26 per month, Midvale charges \$10.30, Bluffdale charges \$13.75, West Valley City charges \$13.30, Sandy City charges \$12.50, Draper City charges \$15.00, Salt Lake City charges \$13.75, Taylorsville charges \$12.75 and Salt Lake County residents pay \$12.75. Murray City would continue to be on the low end. There are three cities that are lower than Murray City: South Salt Lake who currently has a recycling transfer station in their facility and they use the revenues from that facility to offset their garbage fund. Another

one is Riverton City who charges their residents \$1.00 per month. The reason they do that is because they recently went to Unified Police and rather than reducing their taxes, they decided to reduce their garbage fees to give that savings back to their residents. South Jordan is charging \$9.70, which is slightly lower than Murray would be. Murray City would continue to be lower than most of the cities in Salt Lake County.

Mr. Bob Mall, 568 E. Spruce Glen Drive, Murray

Mr. Mall stated that he is a resident of Murray and said that he had read a newspaper article today that talked about the meeting tonight. He said that this is the first that he has heard of this issue and wanted to know if the City could let the citizens know about these issues before hand. Mr. Mall feels that a 25% increase, with a 39% increase over the next four years is important. He is not familiar with the structure of the Enterprise Fund, but when he read this article, his impression was that the City has a contract with a waste disposal unit and when he read that there is a cost of living increase, he wanted to know if this is a fixed price contract? Most contracts that he has read, there is a fixed cost with a contractor to provide a service and he would like to know why we are providing a cost of living increase.

Mr. Shaver said that the contract is set over a specific amount of time and therefore, each year or every two years with some services, the city has to renegotiate that contract. As such, the contract that the city has includes a clause for an increase for them. For example, if the cost of fuel goes up, we have to cover those costs so sometimes we have to adjust in it, not just for a yearly contract renewal, but for fuel costs as well.

Mr. Mall said that they are then passing on their need for funds to us. If they are inefficient in the way they operate or they don't provide.....

Mr. Shaver said that no, not if they are inefficient in the way they operate. Maybe it would be better for Mr. Hill to address this issue as he is the one who handles that contract.

Mr. Hill said that this was discussed at a City Council meeting in the last month, but whether or not it was advertised in the Murray Journal as a rate increase, he does not think that the city did any kind of a notification. There was some coverage in the Murray Journal about this discussion as well as in the Tribune. Specifically, this was not advertised as a public hearing and allowing public comment.

Mr. Hill stated that this is not a fixed contract, which is very standard in the garbage business. When the cities negotiate contracts with waste haulers, typically they will include cost of living adjustments which are not based on the way the company does business, but based on a Bureau of Labor statistic which shows how much costs can increase on things that Mr. Shaver indicated such as fuel and other factors. This was negotiated as a five-year contract allowing a cost of living adjustment each year based on that statistic. It is indexed to a Federal Standard.

Mr. Brass added that our tipping fees are also going up.

Mr. Hill said that was correct. As of July 1, 2012, the Trans-Jordan Landfill increased their tipping fees \$1.00 per ton. Last year, Salt Lake County increased the cost of the landfills for the disposal of hazardous materials by \$0.50 per ton. All of these costs have gone up over the past three years which has resulted in increased costs. The Garbage Fund, in city terms, is an Enterprise Fund which means that by State Law we cannot subsidize it by taxes. It is a pay-as-you-go, fee-based type of fund and so when our costs increase then we need to increase the revenue to cover those costs. We do have a reserve amount in the Garbage Fund of approximately \$300,000.00, but as discussed with the Council last month, the fund is being depleted at a rate of approximately \$100,000.00 per year. If we don't increase fees to cover those costs, in less than three years that fund will not have any money left in it and we will be running at a deficit. They try to maintain reserves to cover emergency purchases and such. We do not like to increase fees either, but in this case we are only trying to cover the costs that we have.

Mr. Mall said that he can understand covering costs for the near term, you can do the budget for a year, but the city has gone out with this for the next four years. What kind of confidence does the city have for the projections over those four years? He has not seen too many projections work out very well.

Mr. Hill said that the city feels confident that they can go out four years. The reason that they only went four years was that they felt if they went beyond that they would not be confident and the contract will expire at that time, requiring the city to go out to bid on the fifth year. There will be a new rate which they don't know what that rate will be. They do feel confident that the rates that they are proposing are fairly fixed costs that they know are not going to change. This does not mean that the landfill won't come back and raise their fees and so forth, but in talking to them, Mr. Hill doesn't feel that they will.

Mr. Mall said that as he drives through Murray, the garbage cans that are out there for pick-up on the same day, he sees a lot of recyclables sticking out of the regular cans. There are an awful lot of people who are putting the materials in the regular can instead of the recycle can. It was his understanding years ago, that the recycling would offset the costs and costs for garbage collection and rates would not increase. He is sure that worked for a while, until costs went up. He called the city with this observation, saying that they should have a campaign to tell people to put the right stuff in the right can. If the city is being reimbursed for that it is really a cost savings. He feels that there should be an education effort towards that.

Mr. Shaver said that the Murray High School debate team came and addressed the Council in the late Spring and they are participating in the education of recyclables. They are conducting an aggressive campaign throughout the city, and the Council has applauded them for the efforts and people should be seeing more of that once school begins.

Mr. Mall said it was a shock to him at first as he was not really familiar with recycling. Once he started to do it he found that about 80% of the things he used to throw in the trash can be recycled. This really surprised him and his goal is to fill that recycle can every two weeks. If the city can really educate the public, it would go a long way in defraying the costs.

Mr. Brass said that he has to write the next Council article for the Murray Journal, and this has given him his topic. The impact of recycling has been major! Mr. Brass recently took a tour of the Trans-Jordan Landfill and it is frightening, even with recycling, how fast they fill up a cell. There is only a certain amount of land out there and once that is full then they have to truck it a greater distance and he is not looking forward to those costs.

Mr. Nakamura, City Attorney, stated that the city is required under the Utah Public Open Meeting Act to publish notices. Our notices go to the Utah Government website that publishes all of the meetings of all the governmental entities. All of our meetings have to be published in advance and this is the second meeting on this subject. All of our meetings have been published there, as well as having the agendas published on our city website and posted here in City Hall. If people are interested in following the city's meetings, they will be published on these websites as required.

Mr. Brass added that the city's website is: www.murray.utah.gov and we do put everything on there. The city works very hard to be up-front and open with the constituents. Mr. Brass welcomed people to call him with any questions they have.

Mr. Hales added that Mr. Hall could contact Jan Lopez in the Council Office and she can put him on the email list.

Mr. Shaver said that the Murray Journal does a great job of informing the citizens of what is happening in the city. A copy of that paper is sent to each home letting them know when the meetings are and if there are any questions about what the agenda is, people are welcome to call the city for more information. Last January, the Council went through a very specific process in determining how our city was going to move forward and one of the things that they spoke of in that session was the need to communicate better as a city. Whether that be through the departments, the Mayor's Office or the City Council, they want to have a very informed citizenry. That is one of the statements that the city has. Ms. Wells, who is the Chief Administrator for the Mayor's Office, is very active in pursuing that and informing the committees and making sure that the citizens are well informed.

Mr. Brass made a motion to adopt the Resolution.
Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

<u>A</u>	Mr. Stam
<u>A</u>	Mr. Brass
<u>A</u>	Mr. Shaver
<u>A</u>	Mr. Hales
<u>N</u>	Mr. Nicponski

Motion passed 4-1

13. MAYOR

13.1 Mayor's Report

None.

11.2 Questions of the Mayor

None.

14. ADJOURNMENT

Jennifer Kennedy, City Recorder

Special Recognition #1

Murray City Municipal Council

Request for Council Action

INSTRUCTIONS: The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week 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.

1. **TITLE:** (State how it is to be listed on the agenda)

Consider a Special Recognition Presentation by ASAC (Assistant Special Agent in Charge) Frank Smith of DEA SLC and Director Tom Gorman of Rocky Mountain HIDTA (High Intensity Drug Trafficking Area) from Denver to the Mayor and the City Council Members for being a fiduciary for the DEA Metro Narcotics Task Force since 1997

2. **ACTION REQUESTED:** (Check all that apply)

☐ Discussion Only

☐ Ordinance (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Resolution (attach copy)

Has the Attorney reviewed the attached copy? ☐

☐ Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? ☐

☐ Appeal (explain)

☒ Other (explain)

Special Recognition to Murray City - for approximately 10 minutes

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)

August 7th 2012

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

None

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)

6. **REQUESTOR:**

Name: Marilyn Potter

Title: HIDTA State Financial Coordinator

Presenter: Frank Smith & Tom Gorman

Title: ASAC DEA SLC & Dir. Rocky Mountain HIDTA

Agency: DEA Metro Narcotics Task Force Phone: 801-330-4453

Date: July 25th 2012

Time: _____

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Daniel C. Snarr

Date: July 25th 2012

Mayor: _____

Date: July 25th 2012

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

Number of pages _____

Number of copies submitted _____

Received by: _____

Date: _____

Time: _____

Recommendation: _____

9. **NOTES:**

Murray City Municipal Council

Request for Council Action

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2. **ACTION REQUESTED:** (Check all that apply)
☐ Discussion Only
☐ Ordinance (attach copy) Has the Attorney reviewed the attached copy? ☐
☐ Resolution (attach copy) Has the Attorney reviewed the attached copy? ☐
☐ Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? ☐
☐ Appeal (explain)
☒ Other (explain) **Special Recognition to Murray City - for approximately 10 minutes**

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)
August 7th 2012


4. **FUNDING:** (Explain budget impact of proposal, including amount and source of funds.)
None

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)

6. **REQUESTOR:**
Name: Marilyn Potter Title: HIDTA State Financial Coordinator
Presenter: Frank Smith & Tom Gorman Title: ASAC DEA SLC & Dir. Rocky Mountain HIDTA
Agency: DEA Metro Narcotics Task Force Phone: 801-330-4453
Date: July 25th 2012 Time: _____

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Daniel C. Snarr Date: July 25th 2012

Mayor:  Date: July 25th 2012

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

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

9. **NOTES:**



MURRAY CITY CORPORATION
OFFICE OF THE MAYOR

Daniel C. Snarr, Mayor

Jan Wells, Chief of Staff

801-264-2600 FAX 801-264-2608

MEMO

To: Murray City Council
From: Mayor Dan Snarr
Date: July 26, 2012
RE: Special Recognition request from DEA

The DEA Metro Narcotics Task Force has been a partner with the Murray City Police Department working to curb the spread of drugs in our community. Since 1997, Murray City has provided the financial support for this entity. Assistant Special Agent in Charge, Frank Smith and Director Tom Gorman from the Rocky Mountain High Intensity Drug Trafficking Area in Denver would like to make a presentation of appreciation to the Mayor and Council for support of this organization.

Thank you for your consideration.

Special Recognition #2

Murray City Municipal Council

Request for Council Action

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

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

Consider the swearing in of a new police officer

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

☒ Council Meeting OR ☐ Committee of the Whole

☒ Date requested August 7, 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) _____

3. **ATTENDING POLICY:** (This Section is not required until after the City-wide Strategic Plan is completed – toward the end of 2011) (Please explain how request relates to city-wide policy)

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

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

6. **REQUESTOR:**

Name: Peter Fondaco Title: Chief of Police

Presenter: Chief Fondaco Title: _____

Agency: Police Department Phone: 264-2606

Date: July 20, 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: Pete Fondaco Date: July 25th 2012

Mayor: Daniel C. Shan Date: July 25th 2012

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

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

Recommendation: _____

9. **NOTES:**



**MURRAY CITY CORPORATION
POLICE DEPARTMENT**


Daniel C. Snarr, Mayor

Peter A. Fondaco, Police Chief

801-264-2673 FAX 801-264-2568

MEMORANDUM

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

FROM: Peter A. Fondaco
Chief of Police 

RE: Murray City Municipal Council

DATE: July 20, 2012

We would like to be placed on the Murray Municipal Council agenda August 7, 2012.

We would like to swear in 1 newly hired officer at the council meeting on that date.
The officer we are hiring is Michael Sevy.

Thanks you for your assistance in this matter.

Citizen Comments

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

Consent Agenda

Murray City Municipal Council

Request for Council Action

INSTRUCTIONS: The City Council considers new business items each Tuesday in Council meeting. All new business items for the Council must be submitted to the Council office, Room, 107, no later than 5:00 p.m. on the Tuesday one week 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.

1. **TITLE:** (State how it is to be listed on the agenda)
Consider confirmation of the Mayor's **new appointment and completion** of Valerie Harsh on the **Murray Library Board of Trustees** in a **District 3** position for the remaining of a **three-year term**

2. **ACTION REQUESTED:** (Check all that apply)
- ☐ 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) Consent Calendar

3. **WHEN REQUESTED:** (Explain when action on this proposal is needed by and why)
August 7th 2012

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

5. **RELATED DOCUMENTS:** (Describe all minutes, exhibits, maps, plats, etc., accompanying this proposal and whether or not each is attached)
BIO attached

6. **REQUESTOR:**
- | | |
|--|--------------------------------|
| Name: <u>Dan Barr</u> | Title: <u>Library Director</u> |
| Presenter: <u>Dan Snarr</u> | Title: <u>Mayor</u> |
| Agency: <u>Library Board of Trustees</u> | Phone: <u>264-2585</u> |
| Date: <u>July 25th 2012</u> | Time: _____ |

7. **APPROVALS:** (If submitted by city personnel, the following signatures are required, and indicate (1) each has reviewed and approved the proposal, (2) all preparatory steps have been completed, and (3) the item is ready for Council action)

Head of Department: Dan Snarr Date: July 25th 2012

Mayor:  Date: July 25th 2012

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

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

9. **NOTES:**
Valerie Harsh will begin serving on the **Library Board of Trustees** effective immediately **August 7th 2012 to June 30th 2014**. She will **complete** Amy Sapulski's term (about 22 months - which will be considered a full term) as she hadn't attended any Board meetings for several months.

Valerie Harsh
424 Shamrock Drive
Murray Utah 84107
801-262-4094
801-432-0424
valerieh@sequoiagroup.com

My name is Valerie Benson Harsh and I was raised in Cache Valley in a town called Newton. My parents were farmers, so I was raised working on a farm. We raised beef cattle, a few pigs, and on the land we grew hay, wheat, and barley. This is where I learned a good work ethic. The farm was our livelihood and I didn't have a choice, but to work and work hard, and I appreciated my parents teaching me this.

I graduated from Sky View High School and then from Beau La Reine Beauty School in Logan, Utah. I started doing hair at King Hair in Logan Utah, and eventually moved down to Salt Lake and worked at Haircuts+, and Hair, etc.

I married Keven Harsh in February of 1990, and in 1993 I had our first child, Josilyn Harsh. I worked a few more years in a salon before our second child came along, Blake Harsh. We worked hard to remodel our basement and built a salon there. I have worked here at home for 16+ years in my company, Salon 424 Inc. We had one more child, Hayden Harsh, a few years later in 2000.

I am a member of the Church of Jesus Christ of Latter Day Saints, and through that I have had the opportunity to serve in many capacities. Some of which were: Primary - helping to teach children 18 months to 12 years old. I have worked with youth ages 12 - 17 for many years. One of my favorite callings was Girls Camp Director, and I did that for 10+ years! I have also enjoyed serving in Relief Society. In this capacity, I helped to organize countless banquets, made dresses and dolls to send to other countries, learned to assist in humanitarian aid, and other skills to help a person better themselves and their lives. I have also helped with emergency preparedness in our area and have helped bring awareness to our neighborhood concerning these things.

With my children now being 18, 16 and 12 years of age, they have been and are involved in a lot of things and activities. So as their parent, so was I. My daughter, Josilyn, was on the Drill Team at Murray High School. She was the Captain last year, so as a Parent, I had to help organize many fundraisers and activities. Some of these were: Spartonian Fun Run (5K), Feeding the Homeless, Hosting Drill Team Competitions, organizing and executing Banquets for the girls, etc. My son, Blake was in Student Government, so I helped him organize activities for the Needy, Recycling, and being involved in the community. I also helped my son, Hayden, with Student Leadership at Parkside Elementary, and that included: Gathering food for the Food Bank, a Used Book Sale from our Library, "Recess Relay" (with the American Cancer Association), assemblies at school, and the school carnival, etc.

Some of my personal interests (when I have any time) are snow skiing, camping, wave running/boating, crocheting, and reading, of course!

I love being involved with our community and hope to continue to do some good for all of us here in this wonderful City of Murray, Utah!

Thank you so much for this opportunity,

Valerie Harsh

Public Hearing #1

Murray City Corporation


NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 7th day of August, 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 hearing on and pertaining to the consideration of a Land Use ordinance text amendment for various sections of the Land Use Code relating to the Murray City Center District (MCCD) and the Mixed Use Development District (M-U).

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

DATED this 23 day of July, 2012.

MURRAY CITY CORPORATION


Jennifer Kennedy
Deputy City Recorder

DATES OF PUBLICATION: July 26, 2012
PH 12-19

ORDINANCE NO.

AN ORDINANCE AMENDING SECTIONS 2.41.070, 17.04.130, 17.68.040, AND 17.72.100 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO THE MURRAY CITY CENTER DISTRICT AND THE MIXED USE DEVELOPMENT DISTRICT AND TO RATIFY TECHNICAL CORRECTIONS MADE BY THE CITY ATTORNEY TO SAID SECTIONS PURSUANT TO SECTION 2.10.040 OF THE MURRAY CITY MUNICIPAL CODE .

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purposes of this ordinance is to amend Sections 2.41.070, 17.04.130, 17.68.040 and 17.72.100 of the Murray City Municipal Code relating to the Murray City Center District and the Mixed Use Development District and ratify technical corrections made by the City Attorney pursuant to Section 2.10.040 of the Murray City Municipal Code.

Section 2. Amendment and Ratification of Corrections to Sections 2.41.070, 17.04.130, 17.68.040 and 17.72.100 of the Murray City Municipal Code. Sections 2.41.070, 17.04.130, 17.68.040 and 17.72.100 of the Murray City Municipal Code shall be amended, with technical corrections made by the City Attorney, to read as follows:

2.41.070: HISTORIC SITES INVENTORY AND REGISTER:

...

C. Historic Sites Register.

1. Established: The Murray City History Advisory Board shall compile a historic sites register of significant buildings, objects, structures, sites, or districts. The purpose of the register is to educate the community about the City's past and its historic resources, encourage preservation of historic structures and sites, and recognize owners of historic properties for their contributions to protecting and preserving the community's heritage. Buildings within the ~~Downtown Historic Overlay District (DHOD)~~ Murray City Center District (MCCD), as defined in ~~Section 17.145~~ chapter 17.170 of the Murray City Municipal Code may be recorded on the register but will be required to follow the ~~DHOD~~ MCCD design review process.

...

D. Alterations and Demolitions:

1. Except for those buildings within the ~~DHOD~~ MCCD, applicants requesting

land use approval, building permit, or a demolition permit for buildings or sites which qualify for the inventory or are listed on the historic sites register must complete a form provided by the Board which describes the proposed action including demolition or alterations of the following historical features of designated historic sites: exterior finish materials, window dimension and placement, roof-lines, and additions or removals which change the existing building footprint.

...

F. Relationship of ~~Downtown Historic Overlay District (DHOD)~~ Murray City Center District (MCCD) to Historic Sites Register:

Buildings within the ~~DHOD~~ MCCD may be recorded on the register individually or as a district; but shall follow all policies as outlined in ~~Section 17.145~~ chapter 17.170 of the Murray City Municipal Code regarding alterations and demolition.

...

17.04.130 FEES:

Fees may be charged applicants for subdivision, rezoning, building, occupancy, and conditional use permits, design review and planned unit development approval, ~~Downtown Historic Overlay District~~ Murray City Center District review, Certificate of Appropriateness review, and Smelter Site Overlay District permit review, Planning and Zoning Commission and Board of Adjustment hearings, and such other services performed by the City pursuant to this Title. Such fees shall be established by the Mayor in a written schedule and shall be in amounts reasonably necessary to defray costs of processing the applications. The written schedule of the fees shall be available for public inspection in the Public Services Department and City Recorder's Office.

...

17.68.040 Requirements:

A. Perimeter:

1. Front Setback Areas:

- a. Landscaping in these areas shall consist of an effective combination of street trees, landscape trees, grass, ground cover and shrubbery. Landscape areas shall be covered with grass over between forty (40) and fifty percent (50%) of the landscaped area and with ground cover and shrubbery over between fifty (50) and sixty percent (60%) of the landscaped area. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,

b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,

c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, MU, and ~~DHOD~~ MCCD districts.

d. All commercial, manufacturing and multi-family residential development fronting on streetscape streets as identified by the City forester shall plant trees in conformance with species and spacing specified in the applicable streetscape plan;

...

17.72.100: ACCESS REQUIREMENTS:

...

C. Other Than Residential Lots: For other than residential lots, access shall be provided to meet the following requirements:

...

4. Landscaping Required: Landscaping shall be provided along the entire frontage of the property to a minimum depth of ten feet (10'), except for permitted driveways. Sprinkling systems shall be installed and permanently maintained within the landscaped area. The landscaped area shall be surrounded by an eight inch (8") high poured concrete curb. Landscaping setbacks in the TOD, MU, and ~~DHOD~~ MCCD districts shall comply with the TOD MU, and ~~DHOD~~ MCCD regulations respectively.

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on
this day of , 2012.

MURRAY CITY MUNICIPAL COUNCIL

James A. Brass, Chair

ATTEST:

Carol Heales

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:

Carol Heales
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

Call vote recorded by Mark Boren.

A _____ Jim Harland
N/A _____ Karen Daniels
A _____ Tim Taylor
A _____ Vicky Mackay
A _____ Scot Woodbury

Motion passed, 4-0. Mrs. Daniels abstained from voting.

Mr. Harland made mention that agenda item #5, Landscaping Text Amendment, would be moved to the last item on the agenda.

FOLLOW UP ORDINANCE TEXT AMENDMENTS – Various Sections of the MCCD Project #12-76

Mr. Wilkinson stated that the MCCD ordinance was adopted on March 15, 2011 by the City Council. There has been feedback from the City's third party code publishing company that there are areas of the code that are not consistent with the decision that were made. Essentially they will be replacing DHOD with MCCD and the acronym MU needed to be added to reference the Mixed Use zoning district. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Code.

The meeting was opened for public comment. No comments were made by the public.

Ms. Daniels made a motion to forward a recommendation of approval to the Murray City Council for the proposed text amendments to the Murray City Code.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Vicky Mackay
A _____ Scot Woodbury

Motion passed, 5-0.

TRANSIT ORIENTED DEVELOPMENT TEXT AMENDMENT – Guidelines for Street Lighting - Project #12-81

Hooper Knowlton was the applicant present to represent this request. Mr. Wilkinson made note that this item is a policy issue and that the recommendation the Planning Commission makes tonight will not be the final approval. The recommendation tonight will be forwarded to the City Council for final approval.

TO: Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: June 26, 2012

DATE OF HEARING: July 5, 2012

PROJECT NAME: MCCD Follow-up Text Amendment

PROJECT NUMBER: 12-00000076

PROJECT TYPE: Ordinance Text Amendment

APPLICANT: Murray City Corporation

I. DESCRIPTION OF REQUEST:

City staff and the third party code publishing company responsible for updating the City Code have identified several sections of the Murray City Code with references to the Downtown Historic Overlay District (DHOD) that should be updated to refer to the Murray City Center District (MCCD) which was adopted on March 15, 2011. Staff have also identified sections that should include a reference to the mixed use (MU) zoning district. Staff recommends that the following sections of The Murray City Code be modified as shown to be consistent with the MCCD ordinance. **Bold underline** text indicates new text proposed. ~~Strike-through text~~ indicates text proposed to be removed.

Proposed Modifications

§ 2.41.070 (C)(1): Buildings within the **Murray City Center District (MCCD)** as **defined in title 17, chapter 17.170** ~~“downtown historic overlay district” (DHOD), as defined in section 17.164.030~~ of this code may be recorded on the register but will be required to follow the **MCCD** ~~DHOD~~ design review process.

D(1): Except for those buildings within the **MCCD** ~~DHOD~~, applicants requesting land use approval, building permit, or a demolition permit for buildings or sites which qualify for the inventory or are listed on the historic sites register must complete a form provided by the board which describes the proposed action including demolition or alterations of the following historical features of designated historic sites: exterior finish materials, window dimension and placement, rooflines, and additions or removals which change the existing building footprint.

F. Relationship Of ~~Downtown Historic Overlay District (DHOD)~~ Murray City Center District (MCCD) To Historic Sites Inventory and Register: Buildings within the ~~DHOD~~ MCCD may be recorded on the register individually or as a district, but shall follow all policies as outlined in ~~section 17.164~~ Title 17, chapter 17.170 of this code regarding alterations and demolition.

§ 17.04.130:

Fees may be charged applicants for subdivision, rezoning, building, occupancy, and conditional use permits, design review and planned unit development approval, ~~downtown historic overlay district~~ Murray City Center District review, certificate of appropriateness review, and smelter site overlay district permit review, planning and zoning commission and board of adjustment hearings, and such other services performed by the city pursuant to this title. Such fees shall be established by the mayor in a written schedule and shall be in amounts reasonably necessary to defray costs of processing the applications. The written schedule of the fees shall be available for public inspection in the public services department and city recorder's office. (Ord. 09-13 § 2)

§ 17.68.040:

In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line except in the TOD, MCCD, and MU ~~DHOD~~ districts.

§ 17.72.100 C(4):

Landscaping Required: Landscaping shall be provided along the entire frontage of the property to a minimum depth of ten feet (10'), except for permitted driveways. Sprinkling systems shall be installed and permanently maintained within the landscaped area. The landscaped area shall be surrounded by an eight inch (8") high poured concrete curb. Landscaping setbacks in the TOD, MU and ~~DHOD~~ MCCD districts shall comply with the TOD, MU and ~~DHOD~~ MCCD regulations respectively.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of approval to the Murray City Council for the proposed amendments to the Murray City Code.

Mr. Wilkinson asked the Board, of the two different options presented which one they would like Staff to pursue. Mr. Markham, Mr. Harland, Ms. Mackay and Mr. Black stated they were in favor of Staff pursuing landscaping to be a certain linear distance from every parking space which would evenly distribute landscaping throughout the site.

Mr. Harland asked who will be monitoring and enforcing the new ordinance. Mr. Wilkinson stated that the commercial side of the ordinance is easy as that will be monitored through Conditional Use Permits, Business Licensing, etc. Mark Boren handles all of the zoning enforcement and would be the person in charge of enforcement.

FOLLOW UP ORDINANCE TEXT AMENDMENT – Project #11-28

Mr. Wilkinson explained that there are roughly a half dozen references to the DHOD (Downtown Historic Overlay District) that has been located in the code over the last year. Those references need to be updated to say MCCD (Murray City Center District).

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development

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

The Salt Lake Tribune
www.sltrib.com

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Deseret News
www.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	6/25/2012

MCCD
updates

text

FILE COPY

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE		AD ORDER# / INVOICE NUMBER	
8012642660		0000801877 /	
SCHEDULE			
Start 06/24/2012		End 06/24/2012	
CUST REF NO			
MCCD			
CAPTION			
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN			
SIZE			
26 Lines		1.00 COLUMN	
TIMES		RATE	
4			
MISC CHARGES		AD CHARGES	
TOTAL COST			
48.68			

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 5th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council Chamber of Murray City Center, 5025 South State Street, Murray, Utah 84107, the Murray City Planning Commission will hold and conduct a public hearing for the purpose of receiving public comment and participating in the consideration of a land use ordinance, text amendment, various sections of the Land Use Code related to the Murray City Center District (MCCD).
MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
801.877.8018 FAX 801.877.8019

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 5th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

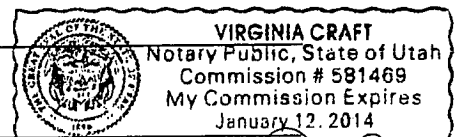
PUBLISHED ON Start 06/24/2012 End 06/24/2012

SIGNATURE

[Signature]

DATE

6/25/2012



Virginia Craft

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

P/C AGENDA MAILINGS

"AFFECTED ENTITIES"

Updated 5/24/12

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

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

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

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

CHAMBER OF COMMERCE
ATTN: SCOTT BAKER
5250 S COMMERCE DR #180
MURRAY UT 84107

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

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

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

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

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

QUESTAR GAS
ATTN: KIM BLAIR
P O BOX 45360
SLC UT 84145-0360

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKWY
SANDY UT 84070

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

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

GENERAL PLAN MAILINGS:
(in addition to above)

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

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

Public Hearing #2

Murray City Corporation


NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 7th day of August, 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 hearing on and pertaining to the consideration of amending the Fireclay Redevelopment Project Area, Street Network, Circulation Plan, and Street Design Cross Sections as part of the Transit Oriented Development District Design Standards and Transportation Master Plan relating to streetlight spacing standards in the Fireclay Transit-Oriented Development District.

The purpose of this hearing is to receive public comment concerning the proposed amendment to the streetlight spacing standards as described above.

DATED this 23 day of July, 2012.

MURRAY CITY CORPORATION


Jennifer Kennedy
Deputy City Recorder

DATES OF PUBLICATION: July 26, 2012
PH 12-18

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TRANSIT-ORIENTED DEVELOPMENT DISTRICT DESIGN GUIDELINES ADOPTED PURSUANT TO SECTION 17.146.030 OF THE MURRAY CITY MUNICIPAL CODE.

PREAMBLE

On February 27, 2007, the City Council adopted the Fireclay Redevelopment Project Area Street Network and Circulation Plan and Street Design Cross Sections as part of the Transit Oriented Development District (TOD) Design Guidelines enacted pursuant to Chapter 17.146 of the Murray City Municipal Code. Design Standards have also been adopted as part of the TOD zoning district. The standards include regulations for streetlight spacing, approved street trees, street furnishings, sidewalk treatment and other regulations related to the streetscape in the TOD. The purpose of the light spacing standards is to promote a safe, well-lit environment for pedestrians in the district. Based upon discussions with the Redevelopment Agency of Murray City ("RDA") and interested property owners, proposed amendments to the light spacing Design Standards were prepared. The proposed amendments to the Design Standards were presented to the City's Planning and Zoning Commission for review and recommendations. A public hearing was held on the 7th day of August, 2012 to consider the proposed amendments to the Design Standards. After considering any input provided at the public hearing, the Murray City Municipal Council is prepared to adopt the amendments to the Design Standards relating to light spacing in the TOD.

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

Section 1. Purpose. The purpose of this ordinance is to amend the Transit-Oriented Development District Designed Standards adopted pursuant to Section 17.146.030 of the Murray City Municipal Code.

Section 2. Amendment to the Transit Oriented Development District Design Standards related to light spacing adopted pursuant to 17.46.030 of the Murray City Municipal Code. The Transit Oriented Development District Design Standards related to light spacing shall be amended to read as follows:

Placement/Spacing:

Principal Street – ~~30' to 50'~~ 100' spacing on center ~~stagger with landscaping~~ with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e., northwest corner to southeast corner and northeast corner to southwest corner.

Nonprincipal Streets – spacing to meet minimum required lighting levels

Section 3. Effective Date. This ordinance shall take effect upon first publication and filing a copy thereof in the office of the City Recorder.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this ____ day of _____, 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

Call vote recorded by Mark Boren.

A _____ Jim Harland
N/A _____ Karen Daniels
A _____ Tim Taylor
A _____ Vicky Mackay
A _____ Scot Woodbury

Motion passed, 4-0. Mrs. Daniels abstained from voting.

Mr. Harland made mention that agenda item #5, Landscaping Text Amendment, would be moved to the last item on the agenda.

FOLLOW UP ORDINANCE TEXT AMENDMENTS – Various Sections of the MCCD Project #12-76

Mr. Wilkinson stated that the MCCD ordinance was adopted on March 15, 2011 by the City Council. There has been feedback from the City's third party code publishing company that there are areas of the code that are not consistent with the decision that were made. Essentially they will be replacing DHOD with MCCD and the acronym MU needed to be added to reference the Mixed Use zoning district. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Murray City Code.

The meeting was opened for public comment. No comments were made by the public.

Ms. Daniels made a motion to forward a recommendation of approval to the Murray City Council for the proposed text amendments to the Murray City Code.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Vicky Mackay
A _____ Scot Woodbury

Motion passed, 5-0.

TRANSIT ORIENTED DEVELOPMENT TEXT AMENDMENT – Guidelines for Street Lighting - Project #12-81

Hooper Knowlton was the applicant present to represent this request. Mr. Wilkinson made note that this item is a policy issue and that the recommendation the Planning Commission makes tonight will not be the final approval. The recommendation tonight will be forwarded to the City Council for final approval.

Mr. Wilkinson reviewed the proposal for modifications to reduce the required distance for street lights on the rights-of-way. The current standard is a maximum spacing of between 30 and 50 feet on principal streets. The proposal is to allow a 100-120 foot distance with staggering to occur on both sides of the street. Their rationale for the request is included in the attached application materials. Mr. Wilkinson explained that in February 2007 the Murray City Council passed a resolution adopting the Fireclay Redevelopment Project Area, Street Network, Circulation Plan, and Street Design Cross Sections as part of the Transit Oriented Development (TOD) District Design Standards and Transportation Master Plan. The Design Standards are adopted by reference as a part of the TOD zoning district. The standards include regulations for streetlight spacing, approved street trees, street furnishings, sidewalk treatment and other standards related to the streetscape in the TOD. The purpose of the light spacing standards is to promote a safe, well-lit environment for pedestrians in the district. Any project proposal that does not adhere to the regulations in the TOD ordinance and design standards must go through a process and present justification for the modifications which includes a recommendation from the Redevelopment Agency of Murray (RDA), Murray City Planning Commission, and final decision by the City Council. The applicant has proposed the following change to page 8 of the TOD Design Standards related to street light spacing:

Existing language:

Placement/Spacing

Principal Streets- 30' – 50' spacing on center, stagger with landscaping.

Proposed language:

Placement/Spacing:

Principal street- 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a street light every 50 lineal feet from the centerline of the street; but Street Lights will be 100' to 120' on center on any one side of the street.

Intersections will have a minimum of two street lights placed at opposite corners placed in an "X" pattern; NCW to SEC; and NEC to SWC.

Staff has evaluated the proposal and has concluded the following:

- After input from Power, Engineering and Community and Economic Development staff, the current lighting configuration provides more light than is necessary for the area;
- Staggering the lighting on opposite sides of the street will still preserve enough light to maintain the pedestrian elements for the area;
- The change in the distance of the light placements will also reduce costs for development and will reduce future City maintenance expenditures;
- The change will not compromise the quality of streetscape in the area.

Based on this analysis by impacted City Departments, RDA staff had originally recommended a spacing of 100' feet on center staggered on opposite sides of the street with the net effect of a street light every 50 lineal feet. After discussion with the

applicant at their April 17, 2012 meeting, the RDA determined that there may be situations at the intersection of streets where the 100-foot spacing would be difficult based on right-of-way widths and other constraints. The RDA recommended that at intersections spacing be allowed to be increased to 120 feet on center with staggering across the intersection. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to page 8 of the Transit Oriented Development standards related to street lighting on principal streets with modifications recommended by staff as follows:

Principal streets- 100' on center, with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e. northwest corner to southeast corner and northeast corner to south west corner.

Ms. Mackay asked what happens if Main Street is to be widened. Mr. Wilkinson stated that there are bridge improvements slated to be done, but no immediate plans for widening of Main Street. He also made mention that the TOD streets are generally narrower than the standard streets. Ms. Mackay then asked if the Planning Commission does make a positive recommendation and City Council approves the policy change, will any new developments be following the same guidelines. Mr. Wilkinson noted that it would pertain only to developments along Fireclay, Main Street and Birkhill Boulevard.

Mr. Taylor asked if this issue had been considered by an urban designer or is it just being proposed by staff. Mr. Wilkinson responded by saying that this is not a City request, but is being requested by an applicant. Mr. Wilkinson stated that there have not been any outside consultants look at the plan.

Mr. Woodbury asked what the difference would be in the lighting when walking down the streets between the Boulevard and the proposed street. Mr. Wilkinson stated that staff doesn't have any photo metrics right now, but staff has gone out at night and looked at the current lighting. Feedback from the power department stated that they did feel the current lighting was spaced too close. The ultimate effect would be staggered lighting every 50 feet. With the exception of Main Street, the streets will maintain their current width. Mr. Wilkinson noted that staff feels this new spacing proposal will keep within the urban design.

Mr. Taylor asked if the brightness of the existing lights can be reduced by using a different bulb or wattage. Mr. Wilkinson responded in the affirmative. Mr. Taylor asked if reducing the wattage would be an alternate solution. Mr. Wilkinson stated that one of the challenges would be to figure out how much reduction in wattage would be appropriate. Mr. Taylor stated that his concern and hesitancy is because there isn't development on both sides of the street and there needs to be consistency and symmetry on both sides of the street with lighting and trees.

Ms. Daniels suggested spreading the lighting 75 feet instead of 50 feet might be better. Mr. Taylor commented that this situation may be a time when it would be beneficial to consult with an urban designer.

Hooper Knowlton, 1445 Canterbury Drive, stated he is representing Parleys Partners who is applicant for this request. He suggested that the Planning Commission drive from 4500 South, north on Main Street and look at the light spacing. His viewpoint is that it is overkill. The Murray City Power Department adamantly opposed the current lighting before it went in, but were over ridden by the Community & Economic Department staff at the time. His company is proposing the lighting change simply because the lighting is overbearing in that area. His company has also suggested that the lighting on Birkhill Way be removed and staggered so it matched some of the other lighting. The Murray City Power Department is in favor of that proposal as well. The problem with the current lighting on Main Street is that this is a residential neighborhood with condominiums and townhouses. There will be apartment units that will front onto Main Street and have bright lights beaming into their windows at night. They won't be able to have windows open in the summer and will have to have shades drawn. If the City wants the lights at 50 feet, they will build them at 50 feet, but each lamp that is put in will have a reflector on the back so that it doesn't shine into the windows of the residents living in those buildings. He stated that the problem that comes from that scenario is, what will be developed on the west side of Main Street from 4500 South northward and would the lights on that side of the road be installed at 50 feet would it be too intense. The intensity of the light can be diminished by changing the wattage, but most cities want to maintain a standardization of their lighting, so they don't have to go to a computer program to figure out which light bulb to change out when they burn out. Mr. Knowlton state that they are presently in preliminary discussions with Wells Fargo Bank about acquiring that piece of property. He stated the lighting has never been energized on Birkhill Way, because there wasn't development there. His company's suggestion is to remove some of those light poles to provide a more consistent pattern. From a design standpoint they suggest the pattern of putting in lights every 120 feet is because in their opinion you want to have the minimum of two lights at an intersection as oppose to four lights. They need to be staggered in an "X" pattern. In addition, there should be some thought about dealing with streets that are not through streets.

Ms. Mackay asked if Murray has thought about any downward lighting to alleviate light pollution going into people's windows. Mr. Knowlton stated that the design they have come up with is user friendly as it relates to the residential complexity.

Mr. Taylor expressed concern that the only solution Parleys Partners are presenting is to space the lights out further and not looking at a wattage change. He stated that the power company understands lighting, but they don't understand urban design. Mr. Taylor stressed that in most downtown or urban developments, the lighting is the signature element of place-making. He is not in favor of light pollution, but his concern lies with it being pedestrian scale lighting. He doesn't feel that the lights should be spaced simply because it's too bright.

Mr. Woodbury asked Mr. Wilkinson who would pay to remove the lights. Mr. Wilkinson

stated that the applicant has proposed removal as a solution, but there are no current plans for the city to remove them. If they were removed, the city would pay for the removal.

Mr. Taylor commented that Mr. Knowlton had suggested that they would only be saving one light, but based on the frontage it looked like they would be saving approximately eight lights using the space with every 50 feet vs. every 100 feet. Mr. Knowlton responded that he was referring to the lighting that would be saved in their first phase.

Mr. Harland asked Mr. Knowlton if he had an urban designer review their plans. Mr. Knowlton responded indicating that they have had their architects in Los Angeles look at the plans and this is where the questions originally emanated from.

The meeting was opened up for public comment.

Travis Nay, 6019 Ragsdale Drive, stated that this is urban scale in a very dense urban environment. The residents that live there want to feel safe walking down the street. He feels that most people wouldn't feel safe walking north of Murray on 4500 South with a lower lighting pattern. One of the elements of making that area better is improving the urban fabric and having additional infrastructure of lights.

Mr. Taylor stated that he doesn't disagree that when he drives in that area, it is bright, but he questioned if the right answer is to increase the spacing for the lighting.

Ms. Mackay asked if they need to make their recommendation at this meeting. Mr. Harland reiterated that the Planning Commission is being asked to forward a recommendation to the City Council.

Mr. Taylor noted that City Council will be voting on this item and not the modifications that the Planning Commission submits. Mr. Wilkinson reiterated that it will be this item, but the commission's comments and proposed modifications will be forwarded with that.

Mr. Woodbury stated that he favors consistency in a neighborhood, but at the current state of what the existing lighting is, it doesn't seem to go together. That is a concern for him on an aesthetic stand point. He questioned that given the present economy, if it makes sense to have the city pay to take down street lighting.

Ms. Daniels prefers not to see the staggering of lights and to have consistency. Ms. Mackay concurred.

Mr. Taylor reiterated that his concern is that the only solution being looked at is spacing and he would like to see more options.

The public comment portion for this agenda item was closed.

Mr. Taylor made a motion to forward a recommendation of denial to the City Council for this request for an amendment to page 8 of the Transit Oriented Development

Standards related to street lighting on principal streets with regard to the modification to change the spacing from 100 feet to 120 feet and that other options be considered such as lower wattage or different directional head types on the pole. Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Jim Harland
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Vicky Mackay
A _____ Scot Woodbury

Motion to recommend denial passed, 5-0.

LANDSCAPING ORDINANCE AMENDMENT- Project #11-28

Mr. Wilkinson stated that he would prefer having a discussion and receiving opinions and comments from the commission for this item. He stated that staff is recommending that this issue be looked at in two areas which are commercial changes and residential park strip changes. He stated that staff intends to consult with a landscape architect for additional input. The proposed amendment would change the existing landscape ordinance so that it is easier to implement and review. Staff recommends that changing the requirement from a minimum percentage of lawn and landscaping to a specific number of plants will make it clear to the applicant what is required, and make it easier for staff to be consistent with all applicants. Staff has brought this ordinance change forward to increase flexibility of materials/designs and increase consistency of plan review and inspections.

Mr. Wilkinson stated that one of the main reasons staff recommends updating the landscape code is to increase consistency. Current standards require a minimum 40-50% of lawn with the remaining area consisting of an "effective combination of trees, shrubs and groundcover." It is difficult to interpret what constitutes "an effective combination" and to remain consistent in interpretation. In addition, requests have been made by applicants to consider xeriscaping and to limit turf/lawn. In response to increasing demands on a limited water supply, staff is recommending that other options be considered in addition to lawn/turf. Lawn will still be allowed but will be an option rather than mandated. Staff is also seeking clarification on requirements for residential park strips.

Mr. Wilkinson stated that because the proposed ordinance will impact a large number of city residents and businesses, staff is bringing forward the changes in two separate meetings for consideration. The first changes will cover modifications to commercial, industrial and multifamily landscaping. The next meeting will focus on potential changes to residential landscape standards. Staff has concluded that changes need to be made to the current code for the following reasons:

- Clarify landscaping requirements
- Increase consistency between applicants during plan review

TO: Murray City Planning Commission

FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: June 29, 2012

DATE OF HEARING: July 5, 2012

PROJECT NAME: Birkhill Street Light

PROJECT NUMBER: 12-00000081

PROJECT TYPE: Ordinance Text Amendment

APPLICANT: Parleys Partners

I. REQUEST:

Representatives of Parleys Partners are proposing modifications to reduce the required distance for street lights on the rights-of-way. The current standard is a maximum spacing of between 30 and 50 feet on principal streets. The proposal is to allow a 100-120 foot distance with staggering to occur on both sides of the street. Their rationale for the request is included in the attached application materials.

BACKGROUND:

In February 2007 the Murray City Council passed a resolution adopting the Fireclay Redevelopment Project Area, Street Network, Circulation Plan, and Street Design Cross Sections as part of the Transit Oriented Development (TOD) District Design Standards and Transportation Master Plan. The Design Standards are adopted by reference as a part of the TOD zoning district. The standards include regulations for streetlight spacing, approved street trees, street furnishings, sidewalk treatment and other standards related to the streetscape in the TOD. The purpose of the light spacing standards is to promote a safe, well-lit environment for pedestrians in the district.

Any project proposal that does not adhere to the regulations in the TOD ordinance and design standards must go through a process and present justification for the modifications which includes a recommendation from the Redevelopment Agency of Murray (RDA), Murray City Planning Commission, and final decision by the City Council;

DISCUSSION OF REQUESTED MODIFICATIONS:

The applicant has proposed the following change to page 8 of the TOD Design Standards related to street light spacing:

Existing language:

Placement/Spacing

Principal Streets- 30' – 50' spacing on center, stagger with landscaping.

Proposed language:

Placement/Spacing:

Principal street- 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a street light every 50 lineal feet from the centerline of the street; but Street Lights will be 100' to 120' on center on any one side of the street.

Intersections will have a minimum of two street lights placed at opposite corners placed in an "X" pattern; NCW to SEC; and NEC to SWC.

Staff has evaluated the proposal and has concluded the following:

- After input from Power, Engineering and Community and Economic Development staff, the current lighting configuration provides more light than is necessary for the area;
- Staggering the lighting on opposite sides of the street will still preserve enough light to maintain the pedestrian elements for the area;
- The change in the distance of the light placements will also reduce costs for development and will reduce future City maintenance expenditures;
- The change will not compromise the quality of streetscape in the area.

Based on this analysis by impacted City Departments, RDA staff had originally recommended a spacing of 100' feet on center staggered on opposite sides of the street with the net effect of a street light every 50 lineal feet. After discussion with the applicant at their April 17, 2012 meeting, the RDA determined that there may be situations at the intersection of streets where the 100-foot spacing would be difficult based on right of way widths and other constraints. The RDA recommended that at intersections spacing be allowed to be increased to 120 feet on center with staggering across the intersection. Based on the recommendation of the Redevelopment Agency, staff proposes the following modification to the text proposed by the applicant

Principal streets- 100' on center, with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e. northwest corner to southeast corner and northeast corner to south west corner.

I. FINDINGS AND CONCLUSION

Based on the application and information provided staff concludes the following:

1. The Fireclay Transit Oriented Development District was developed in response to a vision of a dense, pedestrian scaled neighborhood. This vision is in line with the principles of transit and pedestrian oriented design, which includes elements that provide open space and pedestrian walkways. The Ordinance was also established to promote this vision that differentiates the area and developments from other areas to capitalize on the transit area;
2. The purpose of the Murray TOD Ordinance and design guidelines is to promote a safe, attractive and comfortable environment for the pedestrian and bicyclist by providing public open spaces, public pedestrian walkways, wide sidewalks, bike lanes, street furniture, pedestrian scale lighting, street trees and other appropriate amenities;
3. The proposed modification to street light spacing will still provide a safe and comfortable environment for pedestrians and will not compromise the quality of the streetscape.

II. Recommendation

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to page 8 of the Transit Oriented Development standards related to street lighting on principal streets with modifications recommended by staff as follows:

Principal streets- 100' on center, with staggering of street light spacing on the opposite side of the street, so that the net effect will be a street light every 50 lineal feet;

Spacing at street intersections may increase to 120' on center and will have a minimum of two street lights placed at opposite corners in an "X" pattern; i.e. northwest corner to southeast corner and northeast corner to south west corner.

Application Materials

#12-81

ZONING AMENDMENT APPLICATION

RECEIVED BY

JUN 14 2012

MURRAY CITY
RECORDERS OFFICE

Type of Application (check all that apply):

- ☐ Zoning Map Amendment
☒ Text Amendment
☐ Complies with General Plan
☒ Yes ☐ No

Subject Property Address: 4221 SO. MAIN STREET, MURRAY, UT 84107

22.06.103.011; 22.06.103.012

Parcel Identification (Sidwell) Number: FIRECLAY TOD AREA
RESIDENTIAL - MULTI-FAMILY

Parcel Area: 32.0 ACRES Current Use: COMMERCIAL/INDUSTRIAL/RETAIL

Existing Zone: SEE CURRENT USE ABOVE Proposed Zone: SEE CURRENT USE ABOVE
HOOPER KNOWLTON 90

Applicant Name: PARLEYS PARTNERS / 4250 MAIN 1, LLC

Mailing Address: 1338 SO. FEETHILL DRIVE, BOX 305

City, State, ZIP: SALT LAKE CITY, UT 84108

Daytime Phone #: 801.918.4353 Fax #: _____

Business Name (If applicable): PARLEYS PARTNERS / 4250 MAIN 1, LLC

Property Owner's Name (If different): 4250 MAIN 1, LLC

Property Owner's Mailing Address: 1338 SO. FEETHILL DR., BOX 305

City, State, Zip: SALT LAKE CITY, UT 84108

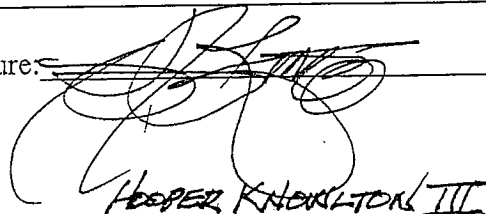
Daytime Phone #: 801.918.4353 FAX #: _____ EMAIL: HOOPER@THEKNOWLTONGROUP.COM
DG.BEVAN@COMCAST.NET

Describe your reasons for a zone change (use additional page if necessary):

TO ADJUST STREET LIGHT SPACING IN FIRECLAY
TOD ZONE. SEE ATTACHED DOCUMENTATION

Authorized Signature: _____

Date: 6.14.2012


HOOPER KNOWLTON III

Property Owners Affidavit

I (we) 4250 MAIN 1, LLC, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

Owner's Signature

Owner's Signature (co-owner if any)

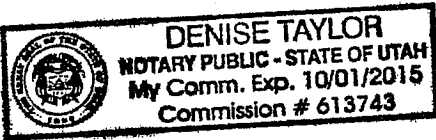
Subscribed and sworn to before me this

14th

DAVID G. BEVAN

day of June

, 20 12



Notary Public

Residing in Salt Lake City, Ut

My commission expires: 10/1/2015

Agent Authorization

~~I (we), _____, the owner(s) of the real property located at _____, in Murray City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize _____ to appear on my (our) behalf before any City board or commission considering this application.~~

~~Owner's Signature~~

~~Owner's Signature (co-owner if any)~~

~~On the _____ day of _____, 20 _____, personally appeared before me~~

~~_____ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.~~

~~Notary Public~~

~~Residing in Salt Lake City, Ut~~

~~My commission expires: 10/1/2015~~

PARLEYS PARTNERS

June 14, 2012

Tim Tingey
Director
Administrative and Development Services
Murray City
5025 South State Street
Murray, UT 84107

RE: REQUESTED CHANGE IN TOD ORDINANCE FOR STREET LIGHT SPACING

Dear Tim:

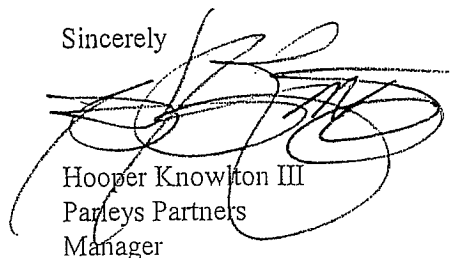
This letter is written as a follow-up to the Murray City RDA meeting on April 17th, 2012, when Parley's Partners and the Birkhill Apartment project proposed a change to the Street Light spacing in the TOD Design Standards Ordinance in the Fireclay RDA. As was discussed in the meeting, spacing at 50' on center on both sides of the street creates a situation where there is "too much" light and takes away from the streetscape ambience the TOD Design Standards has attempted to create.

We have carefully looked at alternative Street Light spacing. We have had initial discussions with Charles Crutcher and Kelly Peterson from Murray Power, who are supportive of our request to increase the spacing of the Street Light from the mandated 50' on center to 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a Street Light every 50', but on opposite sides of the street. Additionally, the Murray City RDA on April 17, 2012, supported our proposal to change the Street Lighting distance as proposed above. We believe this will create adequate lighting at night, provide a safe walking environment for pedestrians, while at the same time creating a better ambience for the evening streetscape.

Attached with this request are the following illustrations:

1. A Drawing showing existing Street Light locations on the west side of Main Street and proposed Street Light locations for additional staggered Street Lights.
2. A Drawing depicting the Birkhill Phases and the location of Street Lights within each Phase
3. A Drawing prepared by Nick Mingo, P.E., depicting the location of Street Lights on the east side of Main Street and the north side of Fireclay Ave.

Sincerely



Hooper Knowlton III
Parleys Partners
Manager

LIGHTING FIXTURES

CURRENT LANGUAGE:

Placement/Spacing:

Principal Street – 30' to 509' spacing on center stagger with landscaping

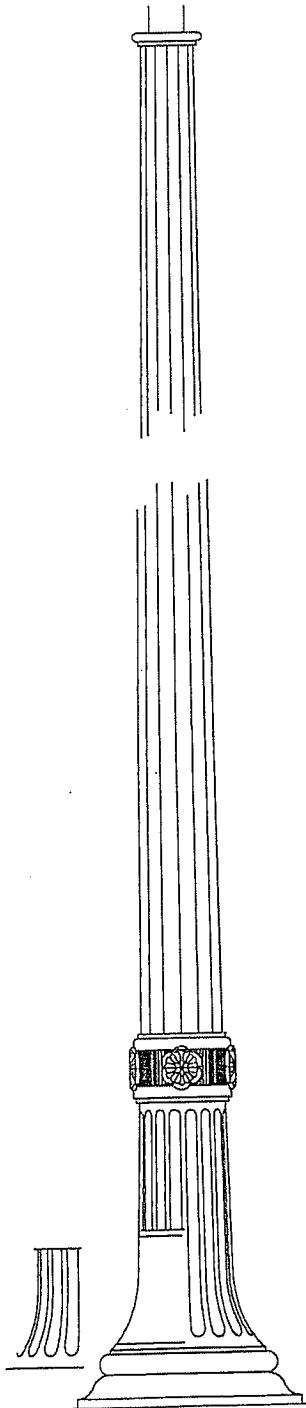
REPLACEMENT LANGUAGE:

Placement/Spacing:

Principal/street – 100' to 120' on center, with Street Light spacing on the opposite side of the street staggered, so the net effect will be a Street Light every 50' lineal feet from the centerline of the street; but Street Lights will be 100' to 120' on center on any one side of the street.

Intersections will have a minimum of two Street Lights placed at opposite corners placed in an "X" pattern; NCW to SEC; and NEC to SWC.

LIGHTING FIXTURES



LIGHTING SPECIFICATIONS

Manufacturer:
Holophane

Model Series:
Utility Washington Postlite Luminaire (WAU-product nubmer)
North Yorkshire Pole (NY13/20-CIS/BK)

Materials:
Cast iron & steel pole
Glass and cast aluminum luminaire

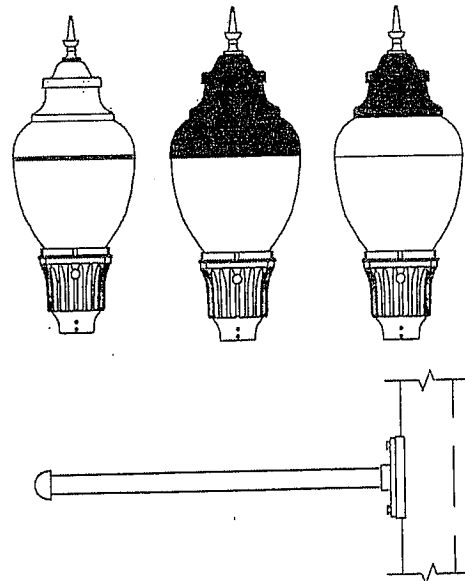
Finish:
Black trim on luminaire
Black pole finish

Pole Size:
15' pole height
20" diameter base

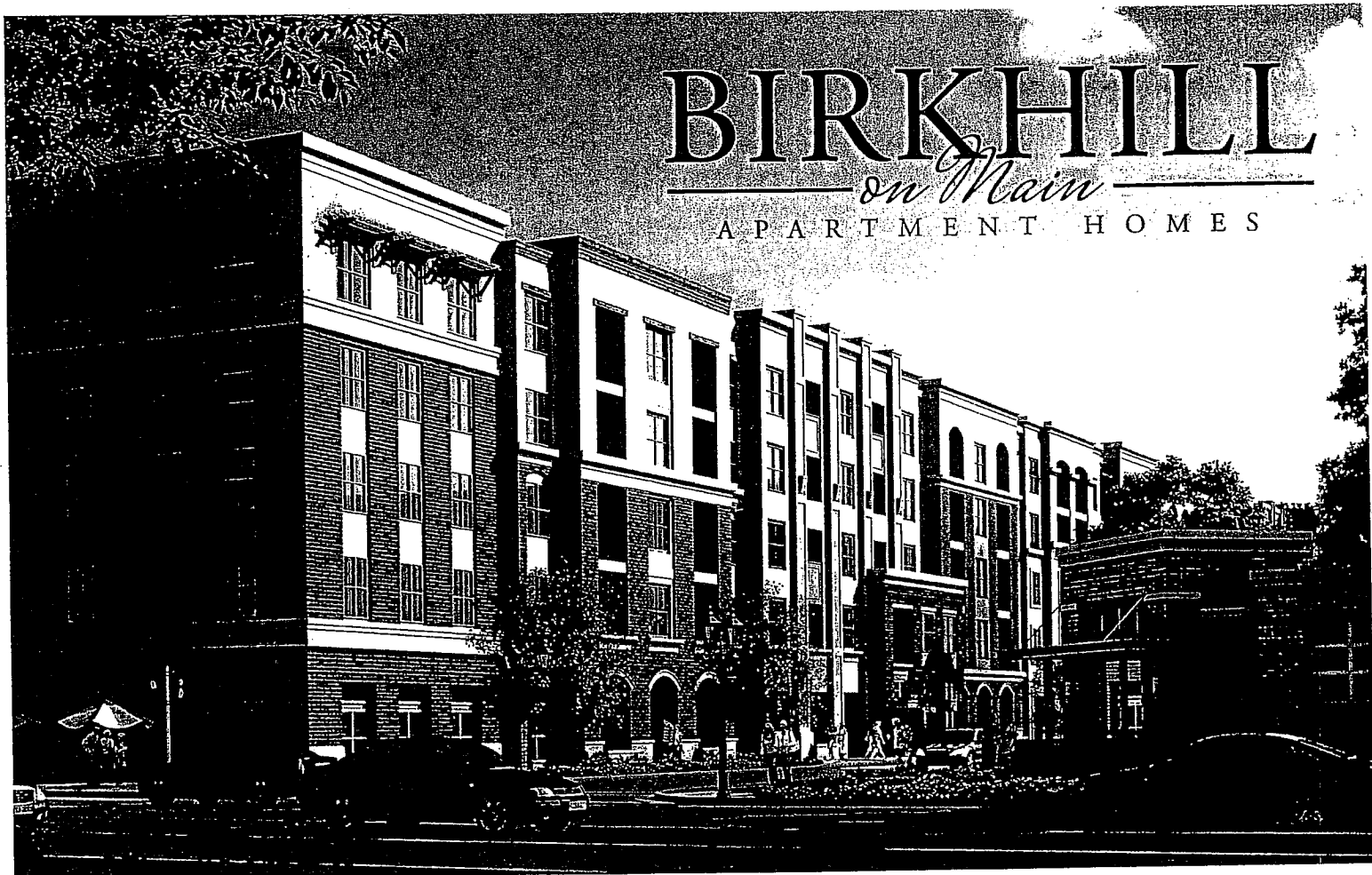
Accessories/Notes:
Banner arms (BA24H/1/BO)
Single lamp, rather than the double

Placement/Spacing:
Principal Street - 30' - 50' spacing on center stagger with landscaping
Non-principal Streets - spacing to meet minimum required lighting levels

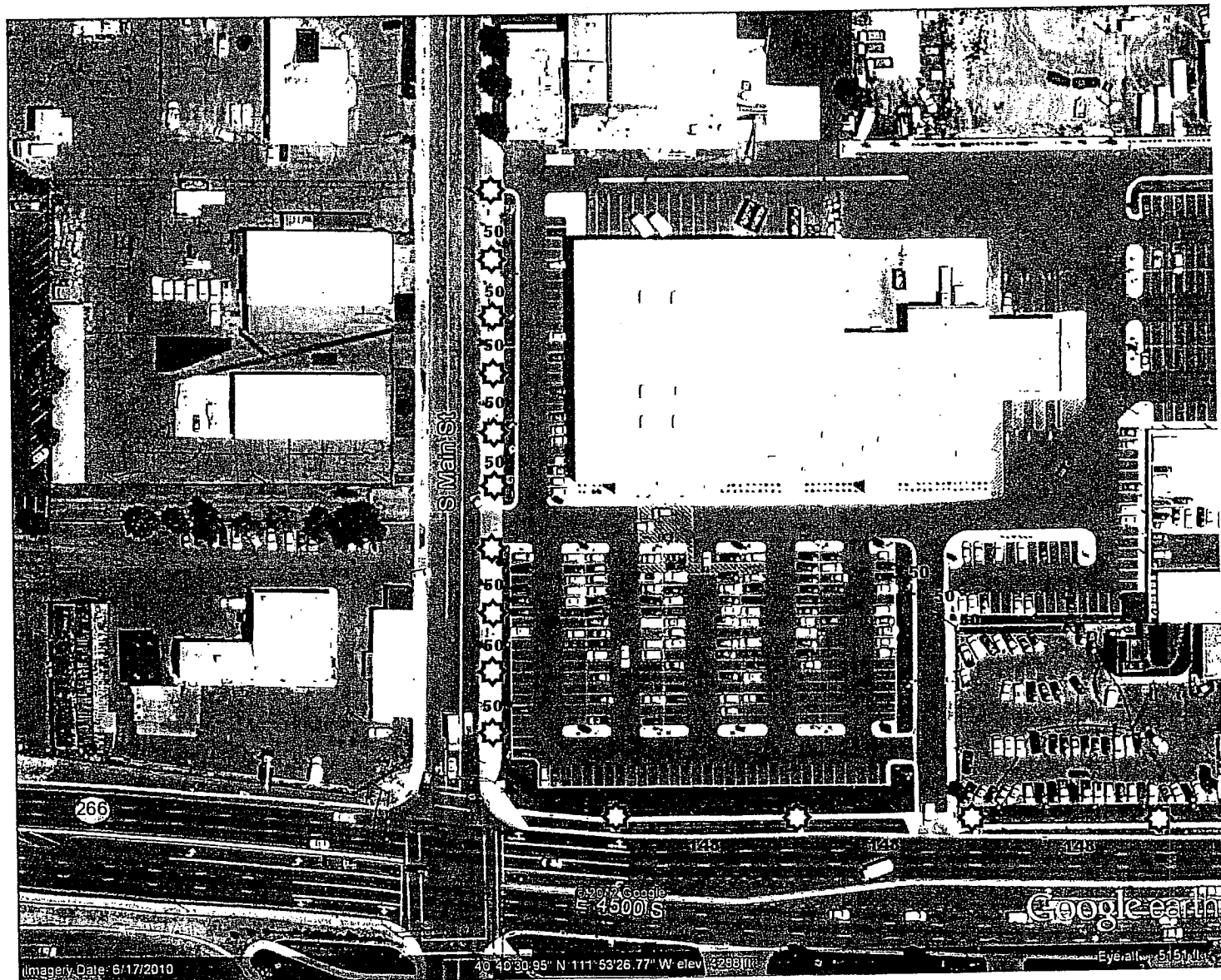
Application:
All streets, and other approved locations



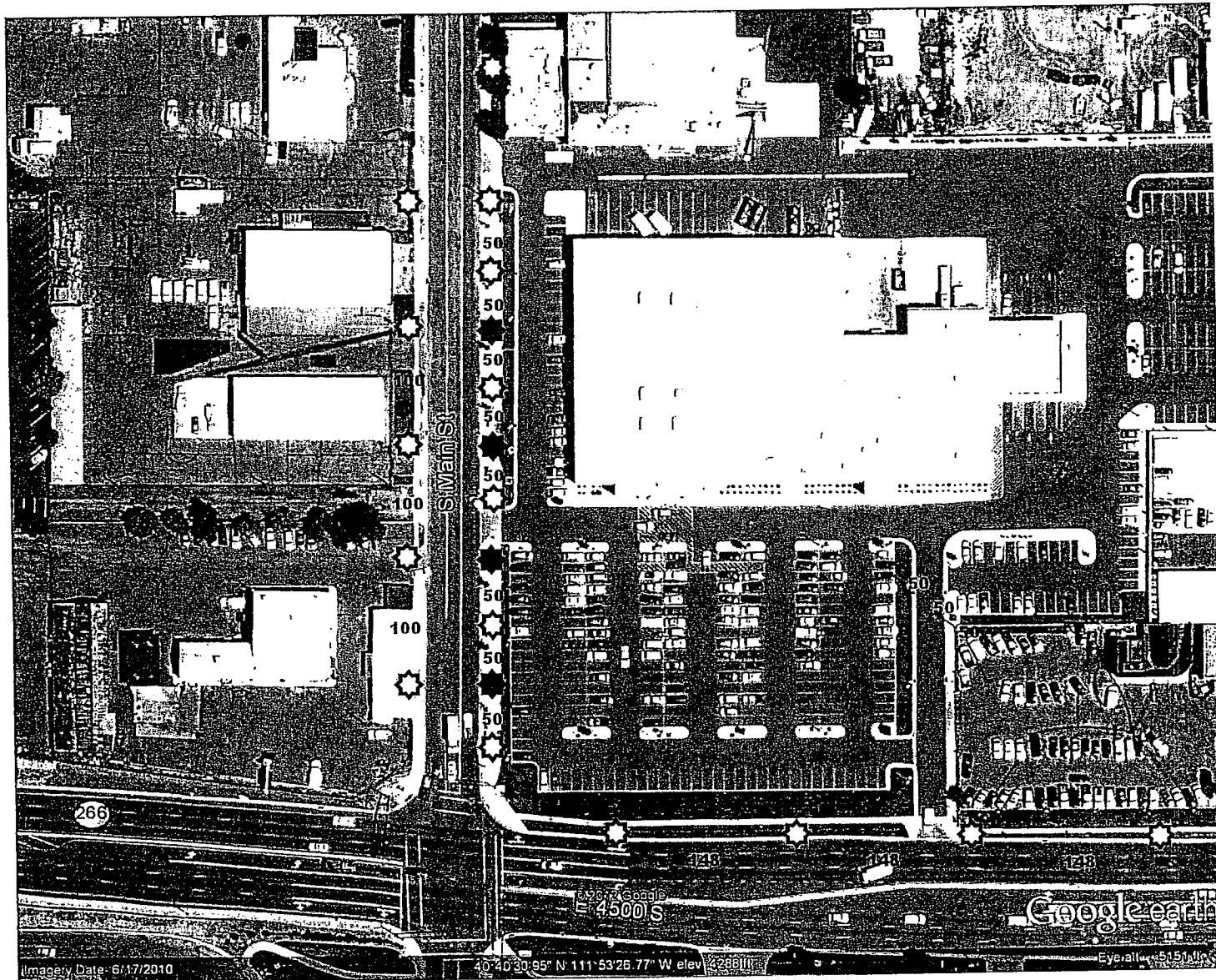
Birkhill Apartments
Street Light Spacing Proposal
June, 2012



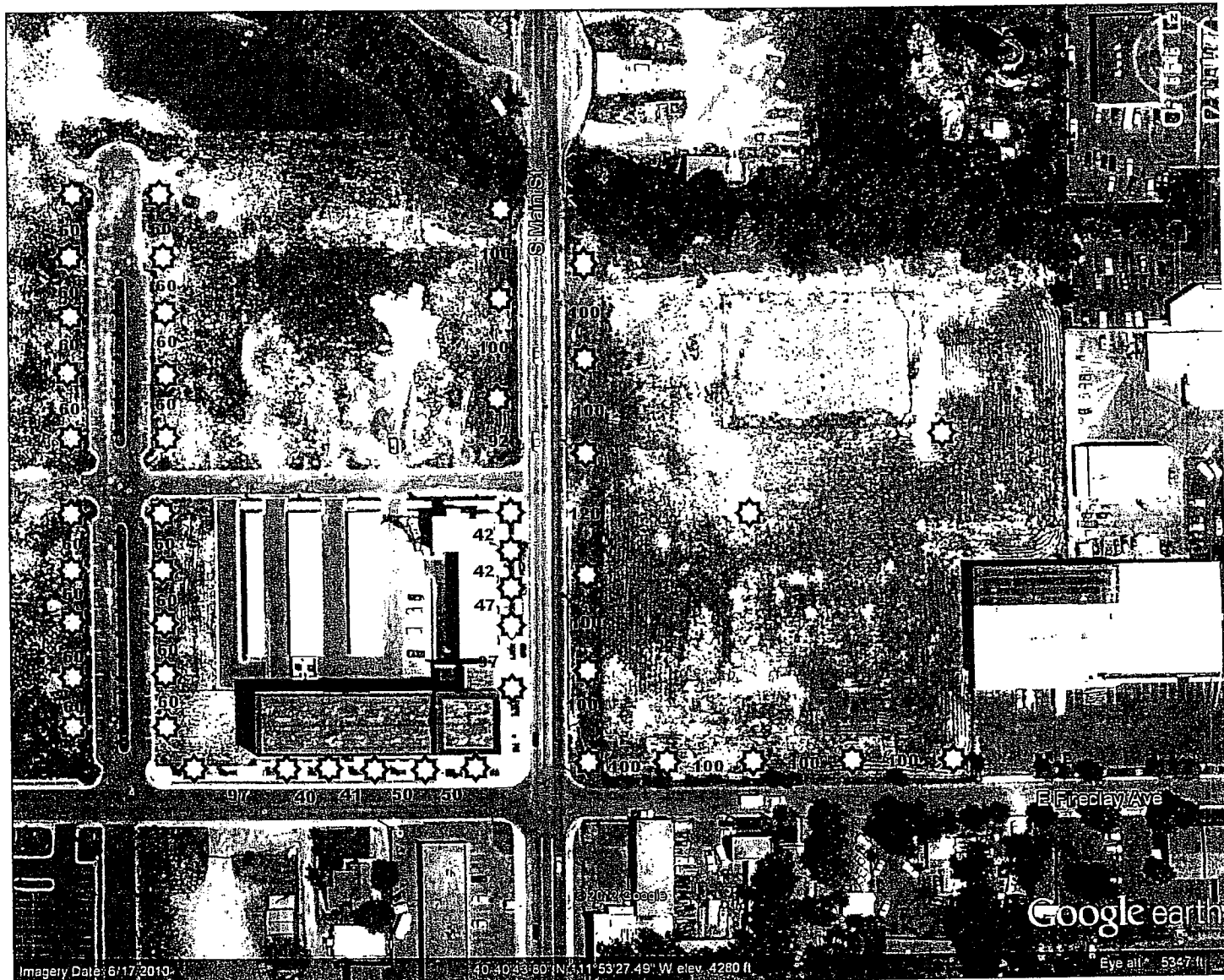
Current Deseret Industries Light Spacing



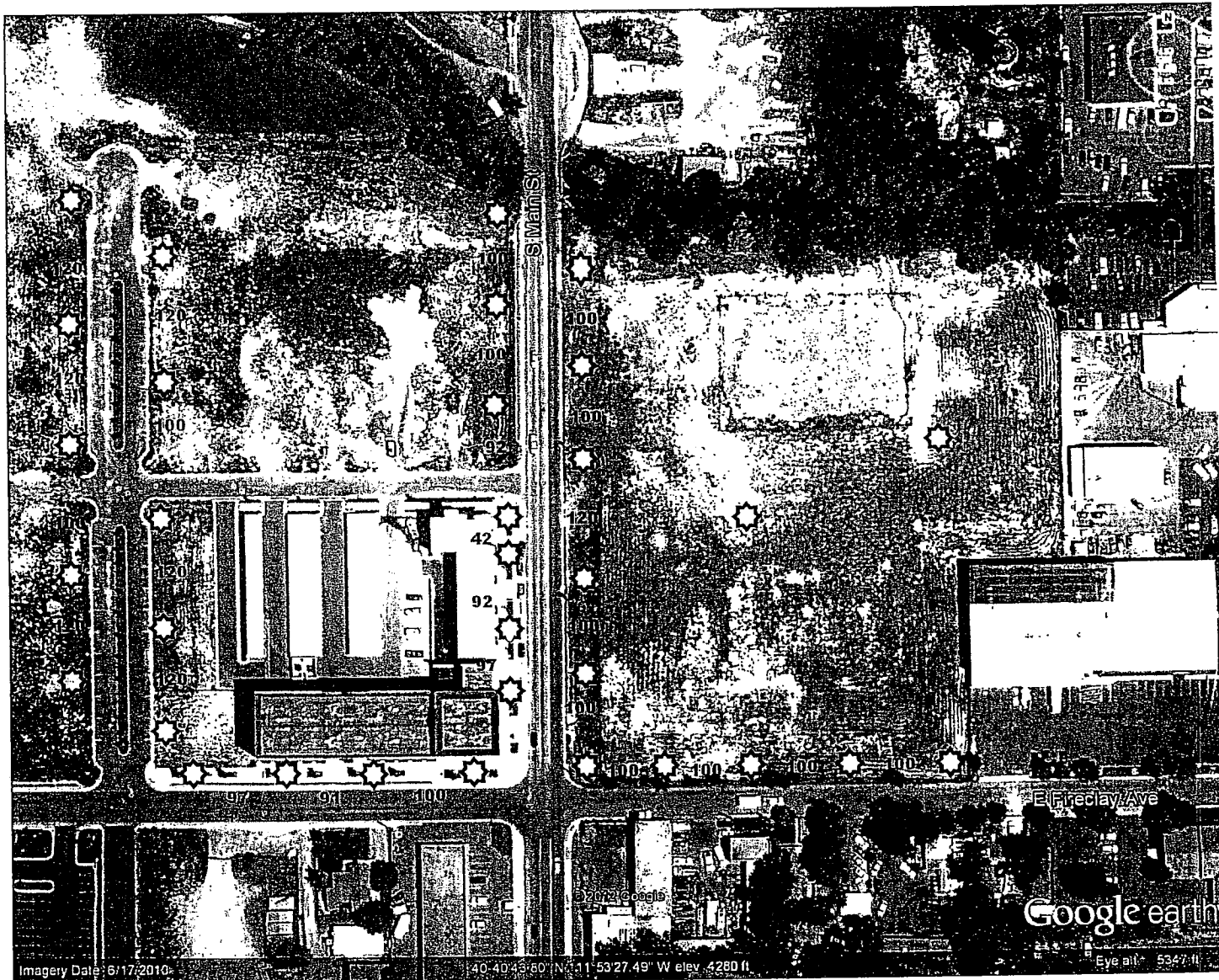
Proposed Deseret Industries Spacing



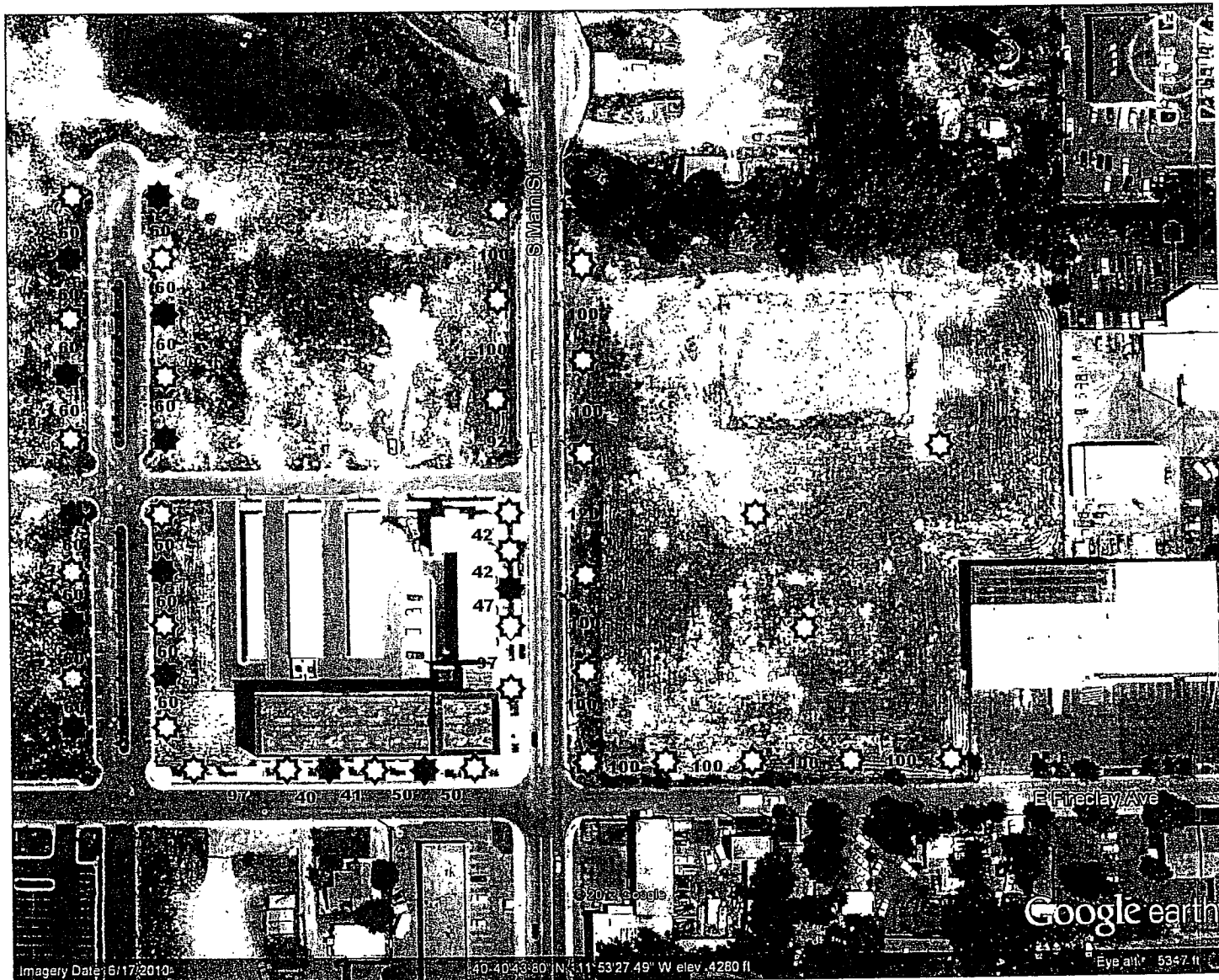
Existing Birkhill Street Light Spacing



Proposed Birkhill Street Light Spacing



Removed Birkhill Street Lights



P/C AGENDA MAILINGS

"AFFECTED ENTITIES"

Updated 5/24/12

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

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

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

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

CHAMBER OF COMMERCE
ATTN: SCOTT BAKER
5250 S COMMERCE DR #180
MURRAY UT 84107

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

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

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

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

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

QUESTAR GAS
ATTN: KIM BLAIR
P O BOX 45360
SLC UT 84145-0360

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKWY
SANDY UT 84070

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

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

GENERAL PLAN MAILINGS:
(in addition to above)

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

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

CANALS & DITCHES:

1 S. 5600 W.
BOX 704005
SALT LAKE CITY, UTAH 84170
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PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	6/25/2012

FILE COPY

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE	AD ORDER#	INVOICE NUMBER	
8012642660	0000801875	/	
SCHEDULE			
Start 06/24/2012		End 06/24/2012	
CUST REF NO			
TOD			
CAPTION			
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEI			
SIZE			
29 Lines		1.00 COLUMN	
TIMES		RATE	
4			
MISC CHARGES		AD CHARGES	
TOTAL COST			
53.72			

TOD.
street
lighting

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 5th day of July, 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 Planning Commission will hold and conduct a public hearing for the purpose of receiving public comment on and pertaining to the consideration of a land use ordinance amendment for the Transit Oriented Development District (TOD) Ordinance, Municipal Code, Section 17A68.030, regarding the street light spacing requirement. MURRAY CITY CORPORATION, Chad Wilkinson, Manager, Community & Economic Development, 801875, UFA1P.

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 5th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON Start 06/24/2012 End 06/24/2012

SIGNATURE

DATE

6/25/2012

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

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

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.)
AN ORDINANCE AMENDING SECTION 2.44 OF THE MURRAY CITY MUNICIPAL CODE REGARDING
THE LENGTH OF APPOINTMENT AND TERM OF POWER ADVISORY BOARD MEMBERS

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

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

☒ Council Meeting OR ☐ Committee of the Whole
☒ Date requested: **August 7th 2012**
☐ Discussion Only
☒ Ordinance (attach copy) YES
Has the Attorney reviewed the attached copy? YES
☐ 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 and the Amended Ordinance

6. **REQUESTOR:**

Name: Dan Snarr	Title: Mayor
Presenter: Dan Snarr	Title: Mayor
Agency: Mayor's Office	Phone: 801-264-2600
Date: July 25 th 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: Daniel C. Snarr Date: July 25th 2012

Mayor:  Date: July 25th 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
Jan Lopez, Council Staff
From: Mayor Dan Snarr
Date: July 18, 2012
RE: Power Advisory Board Proposed Changes

When changes were made to the various Board and Commission ordinances recently, we looked at the length of terms and updated other language in them.

Due to some interest from a former Power Advisory Board member wishing to be reappointed after his term limit was completed, I realized there was not a provision for putting former board members back on the Board.

This ordinance adjustment makes allowance for additional time to be spent on the Power Advisory Board.

Thank you for your consideration.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.44 OF THE MURRAY CITY MUNICIPAL CODE REGARDING THE LENGTH OF APPOINTMENT AND TERM OF POWER ADVISORY BOARD MEMBERS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this section is to amend section 2.44 of the Murray City Municipal Code in order to reflect changes to the term of appointments to the City power advisory board.

Section 2. Amend section 2.44 of the Murray City Municipal Code shall be amended to read as follows:

2.44.010: CREATED; COMPOSITION; APPOINTMENT:

There is created and established the power advisory board which is composed of five (5) members at large, all of whom shall be appointed by the mayor with the advice and consent of the council.

2.44.020: POWERS AND DUTIES:

It is the duty of the board to act in an advisory capacity in connection with the administration by the city of the electrical systems of the city; all business done or to be done by the city in connection with such administration or the operation of such systems shall be subject to the advice of such board. All matters of general policy in connection with the administration of the systems or their operations, including the extent of the authority and discretion to be vested in the general manager of the power department, shall be decided by the city only with the advice of such board.

2.44.030: QUALIFICATIONS; TERM; REMOVAL; VACANCIES:

A. Members of the power advisory board ("board") shall be residents of the City and customers of the City power department, either individually or as principal of a business.

B. Appointed members shall serve overlapping terms of three (3) years not to exceed three (3) consecutive terms, unless otherwise removed by the Mayor.

1. ~~Appointed members~~ Members who have served three (3) consecutive terms may be reappointed to serve after an absence from the board of one (1) year or greater ~~for a maximum of three (3) terms~~.

2. Members appointed to partial terms may be reappointed to serve for a maximum of three (3) consecutive terms beyond the partial term.

3. Reappointment to the board may be made at the discretion of the Mayor with the advice and consent of the City Council.

C. Vacancies resulting from expiration of term, death, disability, resignation or removal from the board by the mayor, shall be filled by appointment by the mayor with the advice and consent of the city council.

2.44.040: RULES OF PROCEDURE, MEETINGS:

The board shall formulate its own rules for selection of a chairman, time, place and manner of calling of meetings and other procedural matters. The board shall meet at least once each month, not less than ten (10) months per year.

2.44.050: COMPENSATION:

Each member of the board shall receive seventy five dollars (\$75.00) per meeting. This expense shall be considered part of the operating cost of the power department and be chargeable thereto.

Section 3. Effective date. This Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this _____ day of _____, 2012.

MURRAY CITY MUNICIPAL COUNCIL

James A. Brass, Chair

ATTEST:

Jennifer Kennedy, City Recorder

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.

Jennifer Kennedy, City Recorder

New Business Item #2

Murray City Municipal Council

Request for Council Action

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

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

CONSIDER A RESOLUTION AUTHORIZING THE EXECUTION OF A COST-SHARING AGREEMENT BETWEEN THE CITY, TAYLORSVILLE CITY, SALT LAKE COUNTY AND NORTH JORDAN IRRIGATION COMPANY TO FUND PIPING A SECTION OF THE NORTH JORDAN CANAL

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

RESPONSIVE AND EFFICIENT CITY SERVICES; 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 AUGUST 7, 2012
☐ Discussion Only
☐ Ordinance (attach copy)
Has the Attorney reviewed the attached copy? ☐
☒ Resolution (attach copy)
Has the Attorney reviewed the attached copy? YES
☐ Public Hearing (attach copy of legal notice)
Has the Attorney reviewed the attached copy? ☐
☐ Appeal (explain) _____
☐ Other (explain) _____

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

\$70,000 INCLUDED IN THE FY2013 GENERAL FUND (ENGINEER) BUDGET

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

MEMO, AGREEMENT

6. REQUESTOR:

Name: DOUG HILL Title: PUBLIC SERVICES DIRECTOR
Presenter: DOUG HILL Title: PUBLIC SERVICES DIRECTOR
Agency: MURRAY CITY Phone: 801-270-2404
Date: JULY 23, 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: *Doug Hill* Date: 7/23/12
Mayor: *Daniel E. Smith* Date: 7/25/12

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
Frank Nakamura, City Attorney
Trae Stokes, City Engineer
Date: July 26, 2012
Subject: North Jordan Canal Cost Sharing Agreement

Attached is a cost sharing agreement to install a 9'x5' box culvert along a 428 foot section of the North Jordan Canal just north of Winchester Street. The North Jordan Canal and its consultants believe this area to be unstable and recommend that this work is required to protect the welfare of the residents adjacent to the canal.

This agreement requires Murray City to pay 10% of the qualified costs of the project, up to \$70,000. These funds were approved in the FY2013 General Fund budget and are included in the engineering division.

The work will be completed by the North Jordan Canal and its contractor(s) sometime this fall.

I am requesting that this agreement be presented to the City Council for their consideration. Please let me know if you have any questions.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE EXECUTION OF A
COST-SHARING AGREEMENT BETWEEN THE CITY,
TAYLORSVILLE CITY, SALT LAKE COUNTY AND NORTH
JORDAN IRRIGATION COMPANY TO FUND PIPING A
SECTION OF THE NORTH JORDAN CANAL

WHEREAS, the North Jordan Irrigation Company, as part of the County's County-wide flood control system, intends to pipe a section of its canal (the Project); and

WHEREAS, the location of the Project is on the boundary between the City and Taylorsville City; and

WHEREAS, the City along with Taylorsville City and Salt Lake County are willing to provide financial assistance for the Project to promote the safety and welfare of their residents; and

WHEREAS, the City along with Taylorsville City, Salt Lake County and North Jordan Irrigation Company, want to enter into a cost-sharing agreement to fund the work necessary to complete the Project; and

WHEREAS, an Agreement has been prepared to accomplish such purpose.

NOW, THEREFORE, BE IT RESOLVED by the Murray City Municipal Council that

1. It does hereby approve a Cost-Sharing Agreement, in substantially the form attached, between the City, Taylorsville City, Salt Lake County and North Jordan Irrigation Company to fund piping a section of the North Jordan canal.
2. The Cost-Sharing Agreement is in the best interest of the City.
3. The Agreement shall be effective upon execution.

DATED this 7th day of August, 2012.

MURRAY CITY MUNICIPAL COUNCIL

James A. Brass, Chair

ATTEST

Jennifer Kennedy
City Recorder

COST-SHARING AGREEMENT

between

SALT LAKE COUNTY

MURRAY CITY

CITY OF TAYLORSVILLE

and

NORTH JORDAN IRRIGATION COMPANY

THIS AGREEMENT ("Agreement") is made and entered into this ____ day of _____, 2012, by the between SALT LAKE COUNTY (the "County"), a body corporate and politic of the State of Utah; MURRAY CITY ("Murray"); CITY OF TAYLORSVILLE ("Taylorsville"); and the NORTH JORDAN IRRIGATION COMPANY ("North Jordan"). The County, Murray, Taylorsville and North Jordan are sometimes referred to as the "Parties."

RECITALS

WHEREAS, North Jordan intends to pipe a section of its canal (the "North Jordan Canal") at about 6450 South (the "Project");

WHEREAS, the location of the Project is on the boundary between Murray and Taylorsville;

WHEREAS, the North Jordan Canal is part of the County's County-wide flood control system;

WHEREAS, North Jordan has contracted with consultants to design and engineer the plans for the Project. The plans, which are attached hereto as Exhibit "A," represent the scope of work now required to complete the Project and are incorporated into the Agreement by this reference;

WHEREAS, the amounts expended by North Jordan to prepare the plans for the Project are reflected in the invoices attached hereto as Exhibit "B";

WHEREAS, the Parties desire to enter into a cost-sharing agreement to fund the work required for the Project;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the Parties agree as follows:

AGREEMENT

1. North Jordan shall select and enter into a contract with a qualified contractor (the "Contractor") to perform the work specified in Exhibit "A." North Jordan shall select the Contractor on a fair and open competition basis. North Jordan further agrees to administer and oversee all aspects of the Contractor's contract, including making all payments to the Contractor, and inspection and acceptance of the completed work.

2. Upon the selection of the Contractor, North Jordan shall provide the County, Murray and Taylorsville with a copy of the Contractor's final bid and copies of all documentation concerning the selection process. A copy of the Contractor's final bid shall be attached hereto as Exhibit "C."

3. The County, Murray and Taylorsville shall each pay North Jordan a portion of the total costs reflected in Exhibits "B" and "C" (the "Qualified Costs"). The respective portions to be paid by the County, Murray and Taylorsville are as follows:

The County: 20% of the Qualified Costs, which portion shall not exceed \$140,000 total;

Murray: 10% of the Qualified Costs, which portion shall not exceed \$70,000 total;

Taylorsville: 10% of the Qualified Costs, which portion shall not exceed \$70,000 total;

4. Payments required under Paragraph 3 shall be made as follows:

a. Within thirty (30) days after receipt of the Contractor's final bid, the County, Murray and Taylorsville shall deposit an amount equal to their respective not-to-exceed totals set forth in Paragraph 3 into an escrow account to be designated by North Jordan.

b. North Jordan shall use the escrow account funds to pay expenses reflected in Exhibit "C." Any remaining funds shall be used to pay expenses reflected in Exhibit "B."

c. By December 31, 2012, North Jordan shall provide the County, Murray and Taylorsville with copies of statements and invoices to account for all monies paid into the escrow account. The statements and invoices shall show that the County, Murray and Taylorsville each bore its respective proportionate share of the Qualified Costs, as set forth in Paragraph 3.

d. Also by December 31, 2012, and in the event any amount paid under Paragraph 3 is not expended by North Jordan for Qualified Costs, North Jordan shall refund, release or transfer the unexpended amount back to the County, Murray and Taylorsville in their respective proportionate shares, as set forth in Paragraph 3.

5. Murray and Taylorsville do not own or operate the North Jordan Canal. Murray and Taylorsville have no responsibility for the maintenance or operation of the North Jordan Canal. Murray and Taylorsville are, by this Agreement, providing financial assistance to North Jordan to promote the safety and welfare of their residents. Nothing in this Agreement should be construed to impute to Murray and Taylorsville any obligation for the maintenance and operation of the North Jordan Canal. North Jordan agrees to hold Murray and Taylorsville harmless from any and all liability arising out of or in connection with the Project.

6. North Jordan shall keep the County abreast of substantive communications and activities related to the Project. Following completion of the Project, the County shall be invited to participate in the final inspection of the work.

7. This Agreement shall become effective upon execution by all Parties. The term shall be for two (2) years from the effective date or six (6) months after the completion of the Project, whichever occurs first.

8. The County, Murray and Taylorsville are governmental entities under the Utah Governmental Immunity Act, UTAH CODE ANN. §§ 63G-7-101 to -904 (2011). Consistent with the terms of this Act, it is mutually agreed the County, Murray and Taylorsville are responsible and liable for their own wrongful or negligent acts which they commit or which are committed by their agents, officials, or employees. No Party waives any defenses otherwise available under the Governmental Immunity Act.

9. Alterations, extensions, supplements, or modifications of the terms of this Agreement as detailed herein shall be agreed to in writing by the Parties, incorporated as amendments to this Agreement, and made a part hereof.

10. All notices required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof, or (b) within two days after such notice is deposited in the United States Mail, postage prepaid, and certified and addressed to the Parties as set forth below:

The County: Salt Lake County Public Works
Division of Flood Control & Engineering
P.O. Box 144575
Salt Lake City, Utah 84114-4575

Murray: Doug Hill, Public Services Director
4646 South 500 West
Murray, UT 84123

Taylorsville: John H. Taylor, City Engineer
2600 West Taylorsville Blvd.
Taylorsville, UT 84129

North Jordan: North Jordan Irrigation Company
4788 Hidden Cove
Taylorsville, UT 84123

11. This Agreement contains the entire agreement between the Parties, and no statements, promises, or inducements made by any Party or agents for any Party that are not contained in this written contract shall be binding or valid; and this Agreement may not be enlarged, modified, or altered except in writing, and signed by the Parties.

12. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance, and if any provision of this Agreement is held invalid, the remainder shall continue in full force and effect.

IN WITNESS WHEREOF, the Parties have subscribed their names and seals the day and year first above written.

SALT LAKE COUNTY

By: _____
Mayor or Designee

MURRAY CITY

Approved as to form:

By _____
Title _____

Murray City Attorney

CITY OF TAYLORSVILLE

Approved as to form:

By _____
Title _____

Taylorsville City Attorney

NORTH JORDAN IRRIGATION COMPANY

By _____
Title _____

Mayor's Report and Questions