

MURRAY
CITY COUNCIL

Council Meeting

January 8, 2013



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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, January 8, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

4:45 p.m. **Committee of the Whole:** To be held in the Council Chambers

1. Approval of Minutes

- 1.1 Committee of the Whole – October 16, 2012
- 1.2 Council Initiative Workshop – November 13, 2012

2. Business Items

- 2.1 Budget Opening Fiscal Year 2013 – Justin Zollinger (10 minutes)
- 2.2 Valley Emergency Communications Center Audit Report – Justin Zollinger (10 minutes)
- 2.3 Open Meeting Act Training – Frank Nakamura (10 minutes)
- 2.4 Interlocal Board Representatives – Jan Wells (10 minutes)
- 2.5 Joint Meeting with the Murray City Library Board (5:30 p.m.)
- 2.6 Home Occupation Ordinance Discussion – Tim Tingey (20 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 November 13, 2012
 - November 20, 2012
 - December 4, 2012
- 5.3 Special Recognition
 - 5.3.1 Consider a Joint Resolution of the Mayor and Municipal Council of Murray City, Utah commemorating Murray City Power's 100-Year Anniversary. (Blaine Haacke presenting.)

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

7. Consent Agenda

- 7.1 Consider confirmation of the Mayor's appointment of Alisa Brousseau to the Arts Advisory Board in an At-Large position for a three-year term to expire January 15, 2016.
- 7.2 Consider confirmation of the Mayor's reappointment of David Christensen to the Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2015.
- 7.3 Consider confirmation of the Mayor's reappointment of Shauna Hart to the Arts Advisory Board in an At-Large position for a three-year term to expire January 15, 2016.
- 7.4 Consider confirmation of the Mayor's reappointment of Stephanie Pollei to the Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2015.
- 7.5 Consider confirmation of the Mayor's reappointment of Jenny Simmons to the Arts Advisory Board in an At-Large position for a two-year term to expire January 15, 2015.
- 7.6 Consider confirmation of the Mayor's reappointment of Steve Barth to the Board of Appeals in an At-Large position for a three-year term to expire November 1, 2015.
- 7.7 Consider confirmation of the Mayor's appointment of Brittany Bremer to the History Advisory Board in an At-Large position to complete a vacant term, which expires August 1, 2014.
- 7.8 Consider confirmation of the Mayor's appointment of Erich Mille to the Heritage Center Advisory Board in an At-Large position to complete a vacant term, which expires February 1, 2014.
- 7.9 Consider confirmation of the Mayor's appointment of C.J. Kulp to the Murray City Center District Design Review Committee in an At-Large position to complete a vacant term, which expires January 1, 2015.
- 7.10 Consider confirmation of the Mayor's reappointment of Ned Hacker to the Murray City Center District Design Review Committee in an At-Large position for a three-year term to expire January 1, 2016.
- 7.11 Consider confirmation of the Mayor's reappointment of Jay Bollwinkel to the Murray City Center District Design Review Committee in an At-Large position for a three-year term to expire January 1, 2016.
- 7.12 Consider confirmation of the Mayor's reappointment of Ted Eyre to the Murray Parks and Recreation Advisory Board representing District 5 for a three-year term to expire January 17, 2016.

- 7.13 Consider confirmation of the Mayor's reappointment of Karen Daniels to the Murray Planning Commission representing District 2 for a three-year term to expire January 15, 2016.
- 7.14 Consider confirmation of the Mayor's reappointment of Tim Taylor to the Murray Planning Commission in an At-Large position for a three-year term to expire January 15, 2016.

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:

A resolution acknowledging completion of a public hearing with respect to (a) the issuance of the Series 2013 Bonds and (b) any potential economic impact that the project described herein to be financed with the proceeds of the Series 2013 Bonds may have on the private sector and approval to proceed with issuance of the 2013 Bonds. (Justin Zollinger 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 Section 17.48.120 of the Murray City Municipal Code to allow for additional height and size for signs on properties adjacent to I-15 and I-215 in the General Office District (G-O). (Harmony Home Health.) (Tim Tingey presenting.)

8.2.2 Council consideration of the above matter.

- 8.3 Public Hearing #3

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

Consider an ordinance amending Section 17.144.020 of the Murray City Municipal Code relating to permitted uses in the General Office District (G-O). (U.S. Linguistics Institute.) (Tim Tingey presenting.)

8.3.2 Council consideration of the above matter.

8.4 Public Hearing #4

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

Consider an ordinance relating to land use: amends the Zoning Map for property located at 625, 635, 645, 657, 671, 675, 677, 679, 689, West 5300 South, Murray City, Utah from C-N-C (Commercial Neighborhood Conditional District) to C-D-C (Commercial Development Conditional District). (Riverview Plaza.) (Tim Tingey presenting.)

8.4.2 Council consideration of the above matter.

8.5 Public Hearing #5

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

Consider an ordinance amending Sections 17.08.020, 17.68.030, 17.68.040, and 17.68.050 of the Murray City Municipal Code modifying landscaping standards for commercial, industrial and multi-family uses. (Tim Tingey presenting.)

8.5.2 Council consideration of the above matter.

9. Unfinished Business

9.1 None scheduled.

10. New Business

10.1 Consider a resolution adopting the Murray City Council's Employee of the Month recognition program. (Brett Hales presenting.)

10.2 Election of Chair and Vice Chair of the Murray City Municipal Council for the calendar year 2013.

10.3 Election of Chair and Vice Chair of the Murray City Budget and Finance Committee for calendar year 2013.

11. Mayor

11.1 Report

11.2 Questions of the Mayor

12. Adjournment

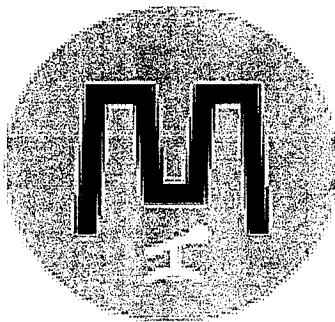
NOTICE

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, January 4, 2013, at 10:30 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
Council 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, October 16, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray Utah.

Members in Attendance:

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

Others in Attendance:

Dan Snarr	Mayor	Tim Tingey	ADS Director
Janet M. Lopez	Council Office	Jan Wells	Mayor's COS
Frank Nakamura	City Attorney	Kim Fong	Library Director
Justin Zollinger	Finance Director	Chad Wilkinson	Community Economic Mgr.

Council Member Shaver called the Committee of the Whole meeting to order at 5:33 p.m. and welcomed those in attendance. He excused Mr. Brass from the meeting.

Minutes

Mr. Shaver asked for any corrections or additions to the minutes for the Council Initiative Workshop that was held on September 18, 2012. Mr. Stam moved approval. Mr. Hales seconded and the motion was approved 4-0.

Business Item #1:

Introduction of the new Murray City Library Director – Kim Fong

Ms. Wells introduced Kim Fong and said how happy the City is to have her as the new Library Director. Ms. Wells stated that Ms. Fong has a lot of great experience and that the Library Board did a great job in selecting her. She turned the time over to Ms. Fong so she could introduce and tell a little bit more about herself.

Ms. Fong gave a little bit of background about herself, stating that she has been a librarian since 1993, almost 20 years. The majority of her time as a librarian was spent working for the Salt Lake County Library System where she did a variety of tasks. She has worked as a

reference librarian and a children's librarian. For the last six and a half years she has been a library manager for the libraries and the county jails which was a rewarding experience for her. She learned a lot and had an interesting clientele to work with there. She expressed her appreciation for the opportunity she had to do that kind of work. Ms. Fong said she is excited to be at the Murray Library. She has lived in the valley for a long time and is familiar with Murray. She likes the community feel that Murray has. She is excited to start with Murray Library so she can help promote more of that community feel in the library. She has a lot of ideas she wants to try in the future to promote more of the community into the library. Right now, she's just trying to feel her way around, learn everyone's names, things like that. She said how friendly and helpful the staff has been. They have been more than willing to answer questions for her and she is very appreciative of that.

Mr. Shaver stated that the Board was very enthused in recommending Ms. Fong. He asked Ms. Fong to tell the Council more about her relationship with them and asked her if she feels that they are people that she can work with.

Ms. Fong replied that she does feel like she can work with the Board. She said that the hiring process was really interesting and pretty stressful in a lot of ways because it was a very intense process. She feels that because she went through that process, she got to know the Board members well, which is a good thing. She also got to know the management team through the hiring process. Ms. Fong also said that she's only had one official Board Meeting with the Library Board. She thinks that she and the Library Board members will have a very good working relationship. She said the Library Board is a very dedicated group of people who really want to do good for the Library. She thinks they will be a perfect combination and they will be able to get some good things done.

Mr. Shaver said that he knows that Ms. Fong has a great support group being partnered with the Friends of the Murray Library.

Ms. Fong agreed. She has met with the Friends of the Murray Library as well and she thinks that they will have some great things going on with them too. She said they are another enthusiastic group of people. She and the Friends have some ideas of things they would like to do in the future. Now that they are winding down on the centennial things that have been going on, it's a good thing to move onto the future. The Friends have done a lot of work to get their tax-exempt and non-profit status. The Library wants to keep going with that and not let it die.

Mr. Hales asked Ms. Fong if she is from this area.

Ms. Fong replied that she's not actually from Salt Lake; she's an Air Force brat. The first time she came to Utah was to come here to go to school. As she was growing up, she's lived all over the country and the world. She's lived in Utah for 30 years now. Her Bachelor's Degree is from the University of Utah and her Master's Degree is from BYU.

Mr. Shaver told Ms. Fong that she's in a very unique position because she's actually hired by the Library Board, but she will have a relationship with the Council as well. Although Ms. Fong reports directly to the Library Board, she is welcome to the Department Head meetings and to come before the Council and tell them about what she's doing and what is happening at the Library. Mr. Shaver said how much the Council appreciates the work that she is about to do.

Ms. Fong expressed her appreciation the Council.

The members of the City Council introduced themselves to Ms. Fong.

Business Item #2: Land Use Ordinance Changes related to Swimming Pools – Tim Tingey

Mr. Tingey said that staff will be bringing a change to the Council during the first or second City Council meeting in November relating to swimming pools in the City. There have been a couple of issues. The first is over at Fireclay. Hooper Knowlton is putting in a pool and the big issue is with the fencing around the pool. Currently, if a second gate is required, or if they want to put in a second gate, they have to go to the Planning Commission for approval. There are some issues with International Building Code where in commercial projects, there may be a requirement for a second access and to automatically make them go to the Planning Commission makes it difficult for them. This is two simple changes. First, a second gate for maintenance or service may be installed if approved by City staff. So rather than making them go through the Planning Commission if they want to add a second gate, it can be approved by City staff. The second portion of this is we did not have any differentiation between residential and commercial and multi-family developments. We added that clarification for commercial and multi-family developments and also referenced the International Building Code requirements because there are specific requirements for that. Those are the two changes. We think it will streamline processes, especially in these commercial developments. Chad and his staff are the authors of this, they put it together. They worked with developers and Mr. Tingey thinks this is a good idea. Mr. Tingey asked Mr. Wilkinson if there was anything he would like to add.

Mr. Wilkinson clarified that the first change is also applicable to single-family residential. This change will give them discretion on single-family residential to approve a second gate.

Mr. Nicponski asked if single-family residence have to have a second gate.

Mr. Wilkinson responded that most of the time single-family residents do not have to have a second gate. They're finding commercial properties are almost always required to have the second gate, because it's a building code issue. This will streamline both processes. They rarely have a request for a single-family residence to have a second gate. They've maybe had one in the last four years. They have more requests for swimming pools than people wanting a second gate at single family residences.

Mayor Snarr said it is a sensitive issue with him about the spacing being less than four inches. Prior to him becoming Mayor, there was an incident at Clover Meadow Apartments where a child slipped in between the rails and unfortunately drowned. The four inches makes it too narrow for that to happen. It's a safety feature in his opinion.

Mr. Wilkinson noted that he failed to highlight that change. Right now the ordinance says four inches or less, but it has been changed to less than four inches to match the International Building Code (IBC). It has to be less than four inches, not four inches or less.

Mr. Stam noted that was a change in the International Building Code several years ago. It used to be six inches.

Mr. Wilkinson verified that.

Mr. Nicponski asked if the City acknowledges or promotes the use of an automatic pool cover on a pool.

Mr. Wilkinson answered that there is nothing in our ordinance regarding that right now.

Mr. Stam asked if a home owner has a pool in their backyard and their backyard is fenced, then they are not required to have a separate fence around the pool if their backyard is fenced.

Mr. Wilkinson said that was correct as long as they only have one gate opening.

Mr. Stam asked if they could apply for a second gate.

Mr. Wilkinson said that they can. Before it would have to go through the Planning Commission, but this will streamline it to staff.

Mr. Shaver said the Council appreciates the work that was done on this. It streamlines the process and makes it an easier process for the citizens with both commercial and residential properties.

Business Item # 3 **Home Occupation Ordinance Changes – Tim Tingey**

Mr. Tingey said that this issue was discussed at a Council Initiative Workshop. There was some interest, even at a Committee of the Whole meeting, in revisiting the home occupation standards that the City currently has. Mr. Wilkinson and his staff have evaluated and done some research on home occupations. A proposal will be coming to the Council most likely in November. The proposal is going to the Planning Commission this Thursday night for their consideration. Mr. Tingey was not sure if the Planning Commission will take this recommendation or if they will modify it as they can modify the recommendation before it goes before the Council.

Mr. Tingey stated that he wants to highlight some of the changes. There are some pretty significant changes but staff feels that they are appropriate and will be effective for the City. The main change will be to the process to obtain a home occupation business license. There are standards for home occupation licenses and there are uses that are not allowed. This change would define a new definition of home occupations, known as a major home occupation. A major home occupation would be defined as a home occupation that requires a client to come to the home, may result in neighborhood impacts if not properly managed, and may be authorized as an accessory use through a major home occupation permit. A major home occupation permit would be a whole new process and permit. Permits for these home occupations, including major home occupations, are personal to the applicant. This doesn't mean that if you get a home occupation and move, then that home occupation stands. It is for the applicant only and if that applicant moves, then a whole new process would need to occur. That is a key to this major home occupation.

The changes would allow for these occupations to be classified as major home occupations: barbers; cosmetologists; manicurists; consultant services; counseling; home instruction including musical instruments, voice, dance, acting and educational subjects; swimming, tennis, and other athletic instruction. There is a neighborhood where there have been some concerns from adjacent residents regarding a home occupation for swimming that has been approved there. Right now, a contractor or handyman is not allowed in our code as a

home occupation. This change would allow for a contractor, handyman, landscape contractor, or yard maintenance contractor, to obtain a home occupation permit subject to certain conditions such as there could be no construction materials or equipment stored on the premises.

Mr. Stam stated that a concern that he knows people have is that certain businesses will have a large group of people gather together at the business site prior to sending them out to do their jobs. Mr. Stam asked if there are restrictions to the number of employees that a home occupation can have.

Mr. Tingey responded that there is a restriction on the number of employees.

Mr. Stam stated that if there is a restriction on the number of employees, then a home occupation cannot have ten employees showing up to get their job assignments to go out.

Mr. Shaver said that he thinks it's the disbursement of the employees that come and get their assignments and then leave. Mr. Shaver also said that he thought there was a specific thing that addresses that, if he remembers correctly.

Mr. Wilkinson said that staff has added some language to try to address that a little more clearly.

Mr. Stam said that was what he was wondering. When they said 'special conditions' he was wondering if that was part of the special conditions.

Mr. Hales asked how these changes would affect the people who are offering swimming instruction who residents are already concerned about.

Mr. Tingey replied that they have an existing home occupation permit right now so this will probably not affect them at this point. If they did not already have a home occupation permit, and if there are any new proposals coming forward, they would have to go through this major home occupation process.

Mr. Hales verified that they would not have to go the major home occupation process if they have an existing business.

Mr. Tingey reiterated that they would not have to go through the new process.

Mr. Shaver stated that if someone's permit lapses, they would have to go through the process again and then it would affect them. In other words, it's not just a renewal, if they let that renewal go, then the City does have an opportunity to address this.

Mayor Snarr said that he sees this all the time and he was probably violating the rules of the City, but he would occasionally take his truck and landscaping trailer home at night. He also said there are many landscaping business in Murray that are small, father and son type of businesses, and run the same way that he did. He asked if they were in violation of the code.

Mr. Tingey said that he would go through what the standards will be related to construction type businesses and maybe that will help.

Mayor Snarr said that the change says that 'no construction materials or equipment will be stored on the premises'.

Mr. Shaver said that the specifics are what they're getting to and he thinks that's where things will be explained more clearly.

Mr. Tingey stated that if these changes are adopted by the City Council, the standard would be that if they want to have a contractor or handyman business they have to adhere to certain conditions. Some of those conditions include no construction equipment or materials can be stored on the premises.

Mr. Tingey went on to say that Department Directors or the Planning Commission may require additional conditions to mitigate the impacts of the use on adjacent properties for a major home occupation. These conditions may include: limits on the hours of operation, limits on the number of clients per day and provisions for adequate parking, and other conditions related to mitigating adverse impacts on the surrounding properties.

Mr. Stam asked how staff is defining major home occupations. Are they defining it by the type of stuff or by the dollar amount?

Mr. Tingey replied it is defined by the type.

Mr. Wilkinson stated that a major home occupation is defined by criteria. The criteria would be either a use that requires a client to come to the home or a use which may result in neighborhood impacts if not properly managed. Construction businesses may not have clients coming to a home, but they can have impacts that if not properly managed, can expand beyond the home occupation. That's the criteria. Our prohibited uses essentially say that these are the types of uses that, based on the nature of use, have the tendency to expand quickly beyond the limits of the home occupation. There might be some businesses in between, but because certain businesses have the potential for impacts, staff wants to review them. It's not a dollar amount it's the characteristics of the business use.

Mr. Stam stated he had a couple of thoughts. For instance, someone in a multi-level marketing group would have clients coming to their home, but they're only making around \$5,000.00 per year. Because they have clients coming to their home, does that make them fall under a major home occupation?

Mr. Wilkinson replied that it does because clients coming to a home are one of the criteria for a major home occupation.

Mr. Stam stated that before it was based on the dollar amount.

Mr. Wilkinson said that no, that's on the business license. The fee that they pay for their business license right now is based on the dollar amount that they make each year. That fee is just to pay for the business license. If they make less than \$10,000.00 per year the business license fee is \$50.00. If they make more than \$10,000.00 per year, they pay \$100.00 for their business license.

Mr. Shaver stated that based on that you have the general sense and these are the specifics. Therefore, it's business by business based on meeting these criteria. Then, you would

set a standard saying that based on what the business owner is telling us, this is not going to work or this could work. He asked if his thinking was correct.

Mr. Tingey said that was correct, depending on the impact on the neighborhood and other things a decision would be made on that application.

Mr. Shaver asked who would make that decision.

Mr. Tingey said the Department Director or the Planning Commission would make that decision and they would explain that a little more about that.

Mr. Tingey went over the application process. On the application, the business owner would have to provide a complete description of the business; propose, including location, of the storage and operations; a listing of the individuals who will be working; expected hours of operation; expected number of clients per hour and total expected number of clients visiting the home per day; and a site plan showing any areas where there would be off street parking for the employees and clients. This would all have to be shown during the application process. In addition, and the big part of this is, the business owner will have to provide the name, signatures, and addresses of all abutting and adjacent property owners including property owners across the street. Staff has fully defined what adjacent means in the new code. Approval of the property management or property owner shall be required if the business is conducted on these properties. Basically, the business owner would need to get abutting and adjacent property owners signatures as part of this application. This will show that the property owners surrounding the potential business location are aware of this use and aware of this proposal. They can either sign it or not. This will hopefully mitigate some of the impacts of the concerns of the adjacent property owners.

Mr. Shaver asked if on the form the neighbors sign is there something that says approved or not approved. If they don't approve it, do they also create a signature?

Mr. Tingey said that if they don't approve, then they probably would not sign the form. He also said that they have not drafted a form yet.

Mr. Wilkinson stated that examples of forms from other communities that he has seen say this use has been explained to me and I consent to it; or something to that effect. Staff will come up with specific language. Most likely, if they weren't okay with the business, they wouldn't sign the form.

Mr. Shaver asked how staff will know if someone was not okay with a particular business.

Mr. Wilkinson replied that staff will be checking those properties when an application comes in.

Mr. Shaver said that based on the business address, the adjacent and abutting properties would be this address, this address, and this address. If you see one that isn't there, it will be noticed and addressed at that time.

Mr. Tingey stated that the applicant will need to provide the name, signatures and addresses when they turn in their application. Staff will use the GIS system to ensure the applicant has all required signatures. If all the required signatures cannot be obtained, the

applicant may request that the application be referred to the Planning Commission. Then the Planning Commission can consider the application. It would be a public, noticed meeting.

Mr. Nicponski asked if you become a major home occupation if you have more than one client come to the home.

Mr. Wilkinson responded that it is if you have any clients coming to the home.

Mr. Tingey stated that businesses have to go through a home occupation process right now. This would be a little more intense to mitigate impacts. This would be the process; the applicant would have to get the abutting and adjacent property owners signatures. If they can't get all of the signatures, the application will be considered by the Planning Commission. Otherwise, the application can be approved by the Community and Economic Development department provided they are comfortable with what the application has in it and it adheres to City standards.

Mr. Tingey said that staff is still proposing prohibited uses. Staff feels that there are still uses within the neighborhoods that they feel do not fit under a home occupation. The new ordinance states that by nature of the investment, operation, or tendency to rapid increase beyond the limits, regardless of their conformance with any of the standards, there are some businesses that staff feels should not be under home occupations. These businesses include: onsite carpentry work, including cabinet making or other similar uses which generate noise, dust or fumes. These types of business do not fit as a home occupation.

Mayor Snarr asked about someone who lives in a house located in an M-G-C zone.

Mr. Wilkinson said that would be fine because that's an industrial zone. Even the City's mixed use would allow onsite carpentry work.

Mr. Nicponski said he wanted to look at the signature part again. He verified that if they can't get a signature there's recourse for them. He said that sometimes neighbors just don't want to deal with something like this; they're just not going to say one way or the other.

Mr. Wilkinson said that if an applicant can get all the signatures, the advantage is they don't have to go through anything besides staff.

Mr. Tingey stated that Mr. Wilkinson and he have both worked in communities where there have been these types of processes, maybe not necessarily for a home occupation, but where people can get signatures for an approval of a minor variance or something else. Sometimes the challenge is getting a signature when someone lives outside the state. Maybe they don't have a property management company and you can't get a signature. There's still a mechanism to get an approval.

Mr. Tingey continued going over the list of prohibited uses, which are already not allowed per code. There are no plans to change any of the prohibited uses in the new code being proposed. Staff has added some new prohibited use such as vehicle sales, limousine or taxi services, sexually oriented businesses, and tattooing.

Mr. Wilkinson mentioned that staff has received requests for limousine and taxi services to operate as a home occupation. The reason that they have been denied up to this point, in addition to the implicit things in the code such as storage or fleet vehicles, etc., is because most

of applicants who have applied for those types or businesses have been 24 hour limousine or taxi services. Staff's feeling is that is not conducive to the nature or a residential neighborhood to have a 24 hour limousine or taxi service that could be coming or going at any hour of the day. The idea is with these types of uses is that you shouldn't notice a difference between them and any other residence. It should protect the residential character of the neighborhood. Mr. Wilkinson asked the Council if this is one that staff has made a correct interpretation on or has staff stepped over the bounds on what they're trying to do here. He reiterated that they have had requests for both limousine and taxi services as home occupations.

Mr. Nicponski asked about someone who comes home in their taxi.

Mr. Wilkinson replied that would not count.

Mr. Nicponski verified that they can come home and park it and then get up the next day and go to work.

Mr. Wilkinson that was correct. If the taxi is their personal vehicle and they go to work somewhere else, they are licensed somewhere else that's different than having the business at their home.

Mr. Stam said that the City doesn't want limousines blocking the sidewalk.

Mr. Nicponski asked if day care was covered somewhere else and was told by Mr. Wilkinson that it was.

Mr. Shaver said that he thinks limousine or taxi goes to hours of operation. The whole point is that the City wants home businesses to maintain very specific hours of operation, so it's not two o' clock in the morning and someone's cutting hair, or whatever it happens to be. It doesn't make a difference if it's a limousine/taxi service or not. We want normal occupancy and normal things happening in the course of a day. We are trying to avoid unusual situations.

Mr. Wilkinson stated that as Mr. Stam had mentioned, today, we have extended Hum V's and all kinds of vehicles that are limousines and staff feels that those types of vehicles do not fit the residential character of the neighborhood. They're big, they block driveways and there are other issues with them.

Mr. Hales said he thought vehicle sales were already part of the code.

Mr. Wilkinson said that it is in the code implicitly but not specifically.

Mayor Snarr said if he goes to the auction, buys a car and then parks it in front of his house and advertise it on KSL, is that okay. You're legitimately able to sell three cars per year personally.

Mr. Tingey asked if there were any other questions or concerns. He noted that tattooing was another one that they have had home occupation requests for and have had one approved. He asked Mr. Wilkinson if there were any concerns with that business.

Mr. Wilkinson said that there have been no concerns from that particular neighborhood, only from staff about whether tattooing as a home occupation is appropriate or not. This was somewhat of a unique situation. The business has limited clientele and it's a neighborhood that probably wouldn't have a lot of concern with the business. It is a concern for the City. Staff felt

uncomfortable issuing the business license because tattooing is a conditional use in other zones, but there was not anything in the code that specifically prohibited the business owner from doing it.

Mr. Shaver had a question about vehicle repair. He has a neighbor that has a shop behind his home. Customers literally have to drive down the driveway to go in the shop, so it's not on the street. However, there's another gentleman that repairs vehicles and he has vehicles and semis in disrepair sitting in the driveway so that you see them. It's unsightly. There are cars with the hoods taken off and that sort of thing. Mr. Shaver is wondering if the City can say if you have a shop or a place to go, they you can do vehicle repair. His concern is that the guy repairing the neighbor's vehicle that pulls in into the driveway, tears it all apart, and it's there sitting in the driveway in various stages of disrepair while he's trying to put it all back together again and it's unsightly. His concern is whether the vehicle is being kept in his garage or encased on enclosed somehow.

Mr. Wilkinson said this is prohibited.

Mr. Stam said this is saying he doesn't get it. They don't get it. There are situations, like the one guy you said, he's a one car fix at a time in a garage in the back. He's not going to be an issue.

Mr. Shaver said that's why he's bringing it up. What the City has said is that you can't do any of it.

Mr. Stam replied, right.

Mayor Snarr stated so there's one guy that is retired, was a mechanic and has a big garage in the back of his yard. He doesn't come in and apply for a license and he's doing it just to be nice to his neighbors and just asking to be compensated fairly for being nice, are we going to go after him?

Mr. Shaver said that is the only issue he would look at. Is the City saying absolutely no vehicle repair under any condition? If we are, then we are literally forcing people to do it on the slide.

Mr. Tingey stated that with this proposal, if they are doing vehicle repair as a business, then it would not be allowed in a residential area. Inoperable vehicles are another issue the City has. If there's a vehicle that's licensed and it's theirs and they're repairing it in their driveway, he doesn't think there's anything the City can do towards that. But if it's related to a business and if someone is working on people's cars for money or profit, then they can't do it.

Mr. Stam asked if staff can look at vehicle repair the same way they looked at construction businesses. The City has said you can run a construction business out of their house now as long as you don't have anything outside. So if somebody has a garage and they want to fix cars one at a time, but they don't leave anything outside of the garage, nobody is going to know.

Mr. Shaver said that he agrees with Mr. Stam, but he thinks the point is that the problem is with businesses that tend to expand. So they'll have one vehicle in the garage and one out of the garage. They have a garage, so they're covered, but there's one car that they need to do a quick repair on. Mr. Shaver can see the situation, but is not certain what the answer is.

Mayor Snarr asked about someone who works for a snow plowing business that pays you to take your vehicle home at night because they don't want you to have to go get it because you live closer to where your work is and there is the potential for you to be called out at one o'clock in the morning to plow snow. Can they have that vehicle at their home?

Mr. Tingey said the City has a standard for size and weight of vehicles that can be in residential neighborhoods. As long as the vehicle doesn't exceed that, then it would be fine. If it does exceed that, if it were a very large dump truck or something like that, then it would not be allowed.

Mr. Stam said that is a different issue because he's would not be applying for a home based business.

Mayor Snarr said that is true, but he can see many examples right now of people in violation.

Mr. Shaver said he thinks the issue is that a lot of landscapers also do snow removal as a side. He has a neighbor that has three trucks parked at his property. They're all off the street, they're all well maintained. He has a fence and behind that fence is where he puts the plows. When he needs to plow, he pulls the truck in, attaches the plow and he's ready to go. Landscaping and snow removal is what he does.

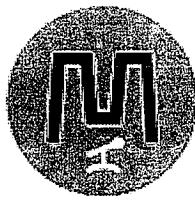
Mr. Hales asked if this was going to the Planning Commission.

Mr. Tingey responded that it is going to the Planning Commission on Thursday. They will review it and maybe have some suggestions for modifications, maybe not. It will be coming before the Council for consideration most likely in November. Mr. Tingey also gave Mr. Wilkinson and his staff credit for the amount of time they put into the new ordinance.

Mr. Shaver thanked them for their time.

Mr. Shaver adjourned the meeting at 6:12 p.m.

Jennifer Kennedy
City Recorder



DRAFT

MURRAY CITY MUNICIPAL COUNCIL COUNCIL INITIATIVE WORKSHOP

AMurray City Council Initiative Workshop was held on Tuesday, November 13, 2012, in the Murray City Center, Conference Room #107, 5025 South State Street, Murray, Utah.

Members in Attendance:

Jared Shaver	Council Vice Chairman
Dave Nicponski	Council Member
Darren V. Stam	Council Member
Brett A. Hales	Council Member

Members Excused:

Jim Brass	Council Chairman
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Others in Attendance:

Frank Nakamura	City Attorney
Janet M. Lopez	Council Office Administrator
Jan Wells	Mayor's Chief of Staff

The Council Initiative Workshop was called to order at 4:15 p.m. by Vice Chairman Jared Shaver who welcomed those in attendance and excused Mr. Brass.

Discussion Item: Employee of the Month Recognition - Mr. Hales

Mr. Hales explained that he had thought about honoring an employee of the month by the Council rather than by individual departments. He would like to recognize someone who has performed above and beyond their regular duties. This person would be suggested to the Council by a department head or supervisor. He mentioned that he had sent an email to the department heads asking for their input and all responses had been very supportive. Mr. Haacke advised that it might be good coming from supervisors. Mr. Hales noted that if the Council agreed to the program, then the department heads would handle that and submit to the Council.

Mr. Shaver suggested that the Murray City Employees Association (MCEA) also have the opportunity to submit names of worthy candidates to be honored in this

program. He said that sometimes the employees see their neighbors from another direction and may notice that someone is always going beyond what is necessary.

Mr. Stam proposed that the department heads submit their recommendations to the MCEA who would make the final decision. It might get a little cumbersome, Mr. Shaver responded. Mr. Hales commented that he does not want to take away from the fact that the Council is making the recognition. Mr. Shaver asked if there would be a way for the Council to decide who would be honored. Mr. Hales noted that the Council really does not know the employees.

Mr. Stam clarified that the department heads would make a submission to the Council. Mr. Shaver asked if each would submit every time. Ms. Lopez suggested that the Council rotate through the departments, asking Power for a candidate one month and Public Services another month. The Council Members agreed with that idea. They noted that there are only seven department heads. It would continue to rotate back through each department. It would be good to have the departments cover eleven months and the MCEA one month.

Mr. Hales stated that the cost would be about \$400 a year. That would include a name on a plaque in the Council Chambers. Mr. Shaver said that the current year could hang in the Council Chambers and others in the hallway.

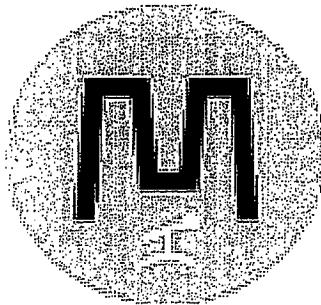
Mr. Nicponski proposed that the gift card for the employee be increased to \$50. The Council Members agreed with that amount.

Ms. Lopez asked if this program needed to have final approval in another venue. Mr. Hales would like to begin the program in January.

(Mr. Nakamura would create a resolution for adoption in a Council Meeting.)

There being no further business the meeting adjourned at 4:25 p.m.

Janet M. Lopez
Council Administrator



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.)

Budget Opening

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

Financial Sustainability

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

Council Meeting OR Committee of the Whole
 Date requested **1/8/2013**
 Discussion Only
 Ordinance (attach copy)

Has the Attorney reviewed the attached copy? _____

Resolution (attach copy)

Has the Attorney reviewed the attached copy? _____

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy? _____

Appeal (explain) _____

Other (explain) _____

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

Reserves, sales tax, legislative allowance, and grants

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

Memo

6. REQUESTOR:

Name: Justin Zollinger
Presenter: Justin Zollinger
Agency: Murray City
Date: 12/26/2012

Title: Finance Director
Title: Finance Director
Phone: 801-264-2669
Time: 5:00 PM

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

Department Director:

Date: 12/26/2012

Mayor:

Date: 12/26/2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

February 24, 2012



Memo:

To: City Council

From: Justin Zollinger, Finance Director

Date: December 26, 2012

Subject: Budget Opening 1/8/2013

The Police Department has two items that need to be added to their budget. The DEA was awarded more money for operations than originally budgeted. We receive 5 percent of what they are awarded. We received an additional \$972 from the DEA. The other budget adjustment is for police cars of \$510,000.

The Fire Department was awarded \$3,012 from the Emergency Management Performance Grant. The award is to help cover necessary expenses to operate an emergency management program.

The Parks department's utilities budget line item is on pace to be over budget by \$50,000. Two water meters were replaced and are now reading accurately (but much higher). The present budget is \$200,000 and \$160,000 has been spent through November. The funding source is to use sales tax.

Public Works was authorized in fiscal year 2012 to purchase a salter for \$39,557 but the equipment was not received until fiscal year 2013. This is a carry forward budget adjustment from the prior fiscal year.

Murray City received a legislative appropriation to rebuild 5900 South from State Street to 725 East in the amount of \$1.2 million. Public Works would like to start this project by adding \$100,000 to the improvement line item in the Class C road fund budget. UDOT is now prepared to issue a portion of these funds to Murray City to start the design phase of this project; this will be the funding mechanism for this project.

The Water Fund would like to add \$75,000 to line maintenance. There have been a number of unforeseen water line breaks that required repairs. Water would also like to add \$410,000 to line item wellhead protection. Because of unforeseen costs to stabilize and rehabilitate McGhie Springs, the original budget is not enough to cover the project costs. Although the Water Department can cover these extra cost with funds budgeted for the McGhie Well Exploration and Development project, the Water Department would prefer to get both projects completed this fiscal year. Last, the Water Department would like to add \$450,000 to line item pipe replacement projects. Because of major water line breaks on Fashion Boulevard, the Water Department decided to replace the water line between 5900 South and 6280 South before the street was repaved. In addition, the Water Department discovered during the design phase, additional funding is needed to replace a water line in Edison Avenue prior to starting the Fairbourne/Edison Avenue sewer line project this spring.

The Power Fund has an opportunity to save 1.5 million in bond interest and payments with a fiscal scenario that was outlined in your packets. For this to happen, the scenario requires 2.8 million to defease 5 percent bonds in fiscal year 2013. The 2.8 million will need to come from Power Fund reserves and this fund is in a position to do this without causing any liquidity problems.

The Library fund received a Federal grant in the amount of \$500 dollars. This grant was provided by the Library Services and Technology Act. The amount was awarded for the purchase of young adult books.

The last budget change is to move money from the General Fund to the Capital Projects Fund. This amount is for the early payoff of the Sports Mall of 1.2 million.

Budget Opening Summary

Police Department:

DEA money \$972
Police Cars \$510,000

Fire:

Emergency Management Performance Grant \$3,012

Parks:

Utilities \$50,000

Public Works:

Salter \$39,557
5900 South \$100,000

Water Department:

Line maintenance \$75,000
Wellhead protection \$410,000
Pipe replacement projects \$450,000

Power Fund:

Early bond payoff \$2,800,000

Library:

Library Grant \$500

Transfers:

Move \$1,200,000 from the General Fund to the Capital Projects Fund for the Sports Mall money

274924

NINE HUNDRED SEVENTY ONE AND 85/100 DOLLARS *****
11/15/2012 274924 \$*****971.85

4152

MURRAY CITY POLICE DEPARTMENT
5025 S STATE ST
MURRAY UT 84107-0000

274924

\$*****971.85

4152
PO NO DESCRIPTION

5% OF ADDITIONAL AWARD

INV	DATE	INVOICE	NUMBER	AMOUNT
-----	-----	-----	-----	-----
11/14/2012	5%	OF ADDIT AWA		971.85

971.85



Department of Public Safety

D. LANCE DAVENPORT
Commissioner

COLONEL KEITH D. SQUIRES
Deputy Commissioner

State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

November 1, 2012

Jon Harris, Coordinator
Murray City Fire Department
40 East 4800 South
Murray, Utah 84107

Dear Mr. Harris:

This letter is the official notification of your jurisdiction's FY 2012 Emergency Management Performance Grant (EMPG) Communications project allocation in the amount of \$3,012. This allocation covers the period of October 1, 2012 through July 31, 2013. The Division of Emergency Management received twenty-six applications requesting \$205,190 in funding. All twenty-six applications were funded at 100%, 75%, or 50% based on application development. This funding stream is provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency and distributed by the Utah Department of Public Safety's Division of Emergency Management (DEM). The funding will assist in covering some of the expenses necessary for your local emergency management programs to be successful. Please be reminded that the grant requires a **50/50** match and therefore, you must document expenses totaling twice the amount that you are expecting to be reimbursed. The match identified on the project reimbursement form must not have been used for the traditional Emergency Management Performance Grant.

As in previous years, each jurisdiction that receives a financial assistance award is required to submit a Financial Reimbursement Form, Expense Claim Form and a Quarterly Progress Report noting activities that have occurred on a quarterly basis (Refer to the backside of the 76-10 Obligating Document for reporting requirements and deadlines). Also, be reminded that the FY 2013 EMPG awards can be directly affected by compliance to the FY 2012 EMPG Guidelines and Standards. Adherence to deadlines, submittal of all reports and completion of Performance Standards and Goals will all be factored into the FY 2013 award process.

FEMA is requiring the recipient to not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources **without their prior approval**. Recipients must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding.

Mr. Jon Harris, Coordinator
November 1, 2012
Page 2

The EHP screening form and supporting documentation should be submitted early in the grant period to ensure authorization. This information needs to be submitted to DEM, Attn: Tara Behunin, so she can submit to the proper FEMA office for review.

Enclosed are two formal award/obligating documents (76-10). Please read the Agreement Articles on the backside of the 76-10 form, and if you are willing to comply with the requirements, sign and date both copies. **Return one original** by mail (NO Faxes) to this office as soon as possible. Keep the other form in your files for at least 3 years after the grant ends for audit purposes. The jurisdiction already accepted the terms and conditions of the FY 2012 project grant by signing the traditional FY 2012 EMPG "Articles of Agreement." Mail and submit all letters, reports and forms to DEM, Attn: Tara Behunin, EMPG Grants Manager, 1110 State Office Bldg., Box 141710, Salt Lake City, UT 84114.

If you have any questions or if we can be of any further assistance, please contact me at (801) 538-9553.

Sincerely,



Kris J. Hamlet
Deputy Director

Enclosure



MEMO

To: Justin Zollinger, Finance Director
From: Doug Hill, Public Services Director
Cc: Jan Wells, Chief of Staff
Date: December 21, 2012
Subject: Budget Opening

Listed below are a few budget amendments that I am requesting for the upcoming budget opening.

- Add \$50,000 to line item 010-1102-461.21-79. Two meters in Murray Park were under-reading the amount of water that was being used. These meters were replaced and are now reading accurately. We underestimated the amount needed in the FY2013 budget. At present, \$160,000 of the \$200,000 budgeted has been spent.
- Add \$100,000 to the improvement line item in the Class C road fund budget. Murray City received a legislative appropriation to rebuild 5900 South from State Street to 725 East in the amount of \$1.2 million. UDOT is now prepared to issue a portion of these funds to Murray City to start the design phase of this project.
- Add \$75,000 to line item 051-5101-510.48-13. There have been a number of unforeseen water line breaks that required repairs.
- Add \$410,000 to line item 051-5101-510.73-11. Because of unforeseen costs to stabilize and rehabilitate McGhie Springs, the original budget is not enough to cover the project costs. Although we can cover these extra cost with funds budgeted for the McGhie Well Exploration and Development project, we prefer to not wait until next fiscal year for funding.
- Add \$450,000 to line item 051-5101-510.73-10. Because of major water line breaks on Fashion Boulevard, we decided to replace the water line between 5900 South and 6280 South before the street was repaved. In addition, as we discovered during the design phase, additional funding is needed to replace a water line in Edison Avenue prior to starting the Fairbourne/Edison Avenue sewer line project this spring.

Thank you for your assistance. Please let me know if you have any questions or concerns.

MURRAY CITY, UTAH
ELECTRIC REVENUE BOND DEFEASANCE
SERIES MARCH 1, 2013

Gross Debt Service Comparison

Date	Coupon	New D/S	OLD D/S	Savings	Fiscal Total
03/01/2013	-	2,800,000.00	(67,887.50)	(2,867,887.50)	-
06/01/2013	-	-	67,887.50	67,887.50	(2,800,000.00)
12/01/2013	-	-	67,887.50	67,887.50	-
06/01/2014	-	-	67,887.50	67,887.50	135,775.00
12/01/2014	-	-	67,887.50	67,887.50	-
06/01/2015	-	-	67,887.50	67,887.50	135,775.00
12/01/2015	-	-	67,887.50	67,887.50	-
06/01/2016	-	-	67,887.50	67,887.50	135,775.00
12/01/2016	-	-	67,887.50	67,887.50	-
06/01/2017	-	-	67,887.50	67,887.50	135,775.00
12/01/2017	-	-	67,887.50	67,887.50	-
06/01/2018	-	-	67,887.50	67,887.50	135,775.00
12/01/2018	-	-	67,887.50	67,887.50	-
06/01/2019	-	-	67,887.50	67,887.50	135,775.00
12/01/2019	-	-	67,887.50	67,887.50	-
06/01/2020	-	-	67,887.50	67,887.50	135,775.00
12/01/2020	-	-	67,887.50	67,887.50	-
06/01/2021	-	-	167,887.50	167,887.50	235,775.00
12/01/2021	-	-	65,262.50	65,262.50	-
06/01/2022	-	-	655,262.50	655,262.50	720,525.00
12/01/2022	-	-	49,775.00	49,775.00	-
06/01/2023	-	-	669,775.00	669,775.00	719,550.00
12/01/2023	-	-	33,500.00	33,500.00	-
06/01/2024	-	-	688,500.00	688,500.00	722,000.00
12/01/2024	-	-	17,125.00	17,125.00	-
06/01/2025	-	-	702,125.00	702,125.00	719,250.00
Total	-	\$2,800,000.00	\$4,067,525.00	\$1,267,525.00	-

PV Analysis Summary (Gross to Gross)

Gross PV Debt Service Savings.....	3,861,222.62
Total Cash contribution.....	(2,800,000.00)
Transfers from Prior Issue Debt Service Fund.....	(67,887.50)
Net Present Value Benefit.....	\$993,335.12
Net PV Benefit / \$2,650,000 Refunded Principal.....	37.484%
Net PV Benefit / - Refunding Principal.....	-

Refunding Bond Information

Refunding Dated Date.....	3/01/2013
Refunding Delivery Date.....	3/01/2013

Agreement # _____



USL MEMORANDUM OF AGREEMENT

This Agreement is entered into by the Department of Heritage and Arts, Utah State Library Division, herein referred to as "USL", and Murray Library, herein referred to as "LIBRARY".

Murray Library
166 E 5300 S
Murray UT 84107

DUNS # _____

Vendor # _____

Contact Person: Marilyn Hurlow
Email: mhurlow@murray.utah.gov

Phone Number: _____

PURPOSE OF AGREEMENT: LIBRARY will send staff, Marilyn Hurlow or substitute, to participate in the Bureau of Education and Research's seminar entitled "What's NEW in YOUNG ADULT LITERATURE and How to Use It In Your Program (Grades 6-12)", held November 28, 2012 in Sandy, Utah. This seminar is a continuing education opportunity for staff members who work with young adults. This Agreement provides for the prepayment of the seminar registration fee of \$209.00 and \$500.00 for the purchase of young adult books, audio books or for travel reimbursement.

THEREFORE, the parties agree as follows:

1. **This Agreement must be returned to USL with all required LIBRARY initials and/or signatures by 11/21/2012. Any exceptions must be arranged in writing via email to Julie Anderson, Contracts/Grants Analyst for USL at juanderson@utah.gov.**
2. The effective dates of Agreement shall be from 11/13/2012 through 03/31/2013, unless terminated sooner in accordance with the terms and conditions herein. This Agreement may be subject to renewal with the consent of both parties.
3. The amount payable to LIBRARY by USL for the performance of activities outlined in this Agreement shall not exceed \$500.00.
4. This Agreement may be terminated with or without cause by either party with 60 days prior written notice. Upon termination of this Agreement, all accounts and payments for services rendered prior to the termination date will be processed according to established financial procedures.
5. Communication between Agreement agencies shall be directed to those individuals appointed by each agency. Any information or other correspondence regarding this Agreement shall be forwarded through the designated contact person. These individuals are as follows:

USL Contact: Matt McLain, mmclain@utah.gov, 801-715-6742

LIBRARY Contact: Marilyn Hurlow, mhurlow@murray.utah.gov,
Phone: _____

SCOPE OF WORK:

LIBRARY will send staff, Marilyn Hurlow or substitute, to participate in the Bureau of Education and Research's seminar entitled "What's NEW in YOUNG ADULT LITERATURE and How to Use It In Your Program (Grades 6-12)", held November 28, 2012 in Sandy, Utah.

USL will prepay for LIBRARY the cost of tuition for one staff member at \$209.00. If recipient does not send designee or other representative as proposed to seminar, the grant is forfeit and funds must be refunded to USL before December 31, 2012.

Agreement # _____

USL will issue a check in the amount of \$500.00 for purchase of young adult books, audio books or for reimbursement for travel as stipulated in the original grant request.

1. LIBRARY must provide copies of all financial documents associated with this grant project. This includes, but is not limited to: invoices, purchase orders, statements, online orders, and payments to vendors (checks or other). All financial documentation must be mailed to the Grants Coordinator on or before **April 15, 2013**, and must equal \$500.00.
2. All expenditures for the grant project must be expended by **March 31, 2013**.
3. LIBRARY is required to file brief interim reports to USL no later than January 15, 2013 unless all grant funds are expended and all project outcomes are identified prior to the reporting date and the Final Report has been received by USL. A copy of the Interim Report is attached to the MOA.
4. Final Report (including final budget information) is due to USL on or before **April 15, 2013**.
5. Any funds not expended by March 31, 2013, as outlined in Grant Application and final Grant Funding, will be reimbursed to USL by April 15, 2013.
6. Recipient will participate in a session of USL's "Thursdays Online" webinar with other participants by March 31, 2013, with dates to be determined.
7. Marilyn Hurlow (or substitute) at LIBRARY is required to fill out a Final Survey for this grant project. A copy of the Final Report is attached to the MOA. The Final Report will be submitted online under the Grants and then LSTA on USL's website at library.utah.gov. Any questions about how to process the Final Report should be directed to Steve Matthews at smatthews@utah.gov or 801-715-6722.
8. Library Services and Technology Act (LSTA) funds will be used to finance approved projects. Approved projects will be required to follow LSTA guidelines in regards to expenditure of funds and reporting standards.

ATTACHMENTS:

The following attachments are required with this MOA to comply with the aforementioned LSTA guidelines and are required for submission during project period as outlined. These documents are included in the total documentation for MOA, though received at different times during the effective dates of Agreement.

Application and/or Grant request documentation

Assurances – Non-Construction Programs (*provide to USL with initial signed originals of MOA*)

Certification Regarding Debament and Suspension, etc. (*provide to USL with initial signed originals of MOA*)

CIPA Certification (*provide to USL with initial signed originals of MOA*)

Interim Report Template (sample provided with final MOA copy)

Final Report Template (sample provided with final MOA copy)

In witness thereof, the parties sign and cause this Agreement to be executed.

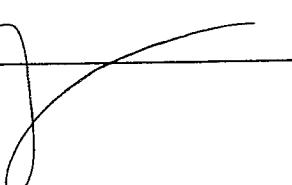
UTAH STATE LIBRARY DIVISION

Donna Jones Morris, Director

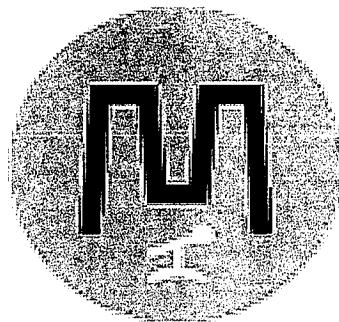
Date

MURRAY LIBRARY

Name and Title



11/19/12
Date



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.)

Valley Emergency Communications Center (VECC) Audit Report

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

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

Council Meeting OR Committee of the Whole

Date requested January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

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

6. REQUESTOR:

Name: Dave Nicponski

Title: Council Member, District 1

Presenter: Justin Zollinger

Title: Murray City Finance Director

Agency: Murray City Corporation

Phone: 801-264-2669

Date: December 26, 2012

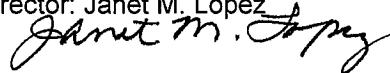
Time: _____

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: Janet M. Lopez

Date: December 26, 2012

Mayor: N/A



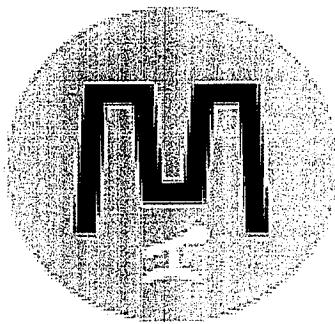
Date: _____

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

February 24, 2012



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.)

OPEN AND PUBLIC MEETING TRAINING

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
Annual training is mandated by Utah Code, § 52-4-104

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

Council Meeting OR Committee of the Whole

Date requested January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

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

6. REQUESTOR:

Name: Janet M. Lopez

Title: Council Administrator

Presenter: Frank Nakamura

Title: Murray City Attorney

Agency: Murray City Corporation

Phone: 801-264-2640

Date: December 26, 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: Janet M. Lopez

Date: December 26, 2012

Mayor: N/A

Date: _____

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

February 24, 2012

OPEN AND PUBLIC MEETINGS TRAINING

A. UTAH OPEN AND PUBLIC MEETINGS ACT

1. Attached is a copy of the Utah Open and Public Meetings Act (the "Act") Title 52, Chapter 4, Part 4 of the Utah Code.
2. Under Section 52-4-104 of the Act, "public bodies" covered by the Act must be provided annual training.
3. The Taxing Entity Committee is a public body subject to the Act. You are created by statute. Section 17C-1-402 of the Utah Code states that you are governed by Title 52, Chapter 4, Open and Public Meetings Act. You are involved in the expenditures of tax revenue.
4. Stated Purpose of the Act:
 - a. You are to take your actions openly and deliberate openly.
 - b. You err on the side of public openness.
 - c. When in doubt, meetings are open.

B. ACT COVERS "MEETINGS"

1. A meeting means the convening of a public body with a quorum present.
2. Meetings include work sessions and site visits.
3. Meetings can be convened or conducted by means of a conference using electronic communications.
4. Meetings do not include chance or social meetings.
 - a. Meeting is a broad definition. The Act is intended to cover all gatherings of public bodies. Chance or social meetings are construed narrowly and are not defined.

C. NOTICE

1. For each meeting you must give at least 24-hour notice of the meeting date, time, location and agenda.
2. The notice must be posted in the City's principal offices, provided to at least one newspaper of general circulation within the City or a local correspondent and published on the Utah Public Notice Website.

3. There are specific and narrow rules to call an emergency meeting with best notice possible.

D. AGENDA

It is not enough to give notice. The agenda that is required for each public meeting must also provide enough detail to notify the public as to the topics to be discussed and the decisions that may be made. You should not discuss matters that have not been specified on the agenda. At the discretion of the Chair, matters brought up by the public in a meeting may be discussed but no action may be taken on the matter.

E. CLOSED MEETINGS

1. Meetings are open unless they are closed for only the reasons provided in the Act.
2. Before you close a meeting, you must follow the notice requirements, which includes an agenda identifying the subject matter and that the Council may take action to close the meeting. During the open meeting, the reason or reasons for holding a closed meeting need to be discussed. A vote by name of each member of the public body voting against or for the closed meeting must also be in the open meeting.
3. In order to close a meeting a quorum must be present and two-thirds of the members must vote for a closed meeting.
4. There needs to be a record of the closed portion of the meeting and detailed written minutes may be kept that disclose the contents of the closed portion of the meeting. The minutes are non-public records.
5. A closed meeting may be held only for the following reasons:
 - a. Discussion of the character, professional competence, or physical or mental health of an individual. This does not mean simply personnel matters.
 - b. Strategy sessions to discuss pending or reasonably imminent litigation. This does not mean just litigation.
 - c. Strategy sessions to discuss the purchase, exchange, or lease of real property.
 - d. Strategy sessions to discuss the sale of real property.
 - e. Discussion regarding the deployment of security personnel, devices, or systems.
 - f. Investigative proceedings regarding allegations of criminal misconduct.

6. If there is a closed meeting on same day as a regularly-scheduled meeting, the meeting must be held at the same location as the regularly-scheduled meeting with limited exception.

F. MINUTES

1. Written minutes must be kept of all meetings including closed meetings.
2. Minutes are public and are available to the public within a reasonable time after the meeting. Draft minutes are public when they are made available to members of the public body.
3. All open meetings must also be recorded. The public has the right to record a meeting.
4. Closed meetings are also recorded.
5. Limited exception to recording closed meeting:
 - a. Meetings in which the competence or physical or mental health of an individual is discussed or deployment of security devices.
 - b. An affidavit affirming the purpose is needed.
6. Tapes of Open meetings are public.

G. PENALTIES

It is a Class B Misdemeanor to knowingly and intentionally violate the Act.

H. ELECTRONIC COMMUNICATIONS THAT SUBVERT TRANSPARENCY AND ACCOUNTABILITY.

- a. The challenge is to identify where civic social networks and other electronic communications such as e-mails, texting, tweets, blog posts, and Facebook subvert the Open meetings laws.
- b. Attached is a law review article that raises the different issues. The law does not specifically address this new public square.

52-4-101. Title.

This chapter is known as the "Open and Public Meetings Act."

52-4-102. Declaration of public policy.

- (1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
- (2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 - (a) take their actions openly; and
 - (b) conduct their deliberations openly.

52-4-103. Definitions.

As used in this chapter:

- (1) "Anchor location" means the physical location from which:
 - (a) an electronic meeting originates; or
 - (b) the participants are connected.
- (2) "Convening" means the calling of a meeting of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.
- (3) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.
- (4) "Electronic message" means a communication transmitted electronically, including:
 - (a) electronic mail;
 - (b) instant messaging;
 - (c) electronic chat;
 - (d) text messaging as defined in Section 76-4-401; or
 - (e) any other method that conveys a message or facilitates communication electronically.
- (5) (a) "Meeting" means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.
 - (b) "Meeting" does not mean:
 - (i) a chance meeting;
 - (ii) a social meeting;
 - (iii) the convening of a public body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the public body is convened and:
 - (A) the public body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the public body is required; or
 - (B) the public body is convened solely for the discussion or implementation of administrative or operational matters that would not come before the public body for discussion or action; or
 - (iv) a meeting of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405.
 - (6) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(7) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(8) (a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- (ii) consists of two or more persons;
- (iii) expends, disburses, or is supported in whole or in part by tax revenue; and
- (iv) is vested with the authority to make decisions regarding the public's business.

(b) "Public body" does not include a:

- (i) political party, political group, or political caucus; or
- (ii) conference committee, rules committee, or sifting committee of the Legislature.

(9) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(10) (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.

(b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.

(11) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.

(12) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

52-4-104. Training.

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

52-4-201. Meetings open to the public -- Exceptions.

(1) A meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206.

(2) (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.

(b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:

(i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;

(ii) any of the meetings held on the same day is a site visit or a traveling tour and, in

accordance with this chapter, public notice is given;

(iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or

(iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

52-4-202. Public notice of meetings -- Emergency meetings.

(1) A public body shall give not less than 24 hours public notice of each meeting including the meeting:

- (a) agenda;
- (b) date;
- (c) time; and
- (d) place.

(2) (a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.

(b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.

(3) (a) Public notice shall be satisfied by:

(i) posting written notice:

(A) at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held; and

(B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the Utah Public Notice Website created under Section 63F-1-701; and

(ii) providing notice to:

(A) at least one newspaper of general circulation within the geographic jurisdiction of the public body; or

(B) a local media correspondent.

(b) A public body of a municipality under Title 10, Utah Municipal Code, a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged, but not required, to post written notice on the Utah Public Notice Website, if the municipality or district has a current annual budget of less than \$1 million.

(c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions of Subsection 63F-1-701(4)(d).

(4) A public body is encouraged to develop and use additional electronic means to provide notice of its meetings under Subsection (3).

(5) (a) The notice requirement of Subsection (1) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the public body gives the best notice practicable of:

(A) the time and place of the emergency meeting; and

(B) the topics to be considered at the emergency meeting.

(b) An emergency meeting of a public body may not be held unless:

- (i) an attempt has been made to notify all the members of the public body; and
- (ii) a majority of the members of the public body approve the meeting.

(6) (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

(b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding

member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.

(c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:

- (i) listed under an agenda item as required by Subsection (6)(a); and
- (ii) included with the advance public notice required by this section.

52-4-203. Written minutes of open meetings -- Public records -- Recording of meetings.

(1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.

(2) Written minutes of an open meeting shall include:

- (a) the date, time, and place of the meeting;
- (b) the names of members present and absent;

(c) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;

(d) a record, by individual member, of each vote taken by the public body;

(e) the name of each person who:

(i) is not a member of the public body; and

(ii) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;

(f) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and

(g) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.

(3) A recording of an open meeting shall:

(a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and

(b) be properly labeled or identified with the date, time, and place of the meeting.

(4) The written minutes and recording of an open meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act, as follows:

(a) Written minutes that have been prepared in a form awaiting only formal approval by the public body are a public record.

(b) Written minutes shall be available to the public within a reasonable time after the end of the meeting.

(c) Written minutes that are made available to the public before approval by the public body under Subsection (4)(d) shall be clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the written minutes are subject to change until formally approved.

(d) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.

(e) Written minutes are the official record of action taken at the meeting.

(f) A recording of an open meeting shall be available to the public for listening within three business days after the end of the meeting.

(5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.

(6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(7) Notwithstanding Subsection (1), a recording is not required to be kept of:

(a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or

(b) an open meeting of a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.

(1) A closed meeting may be held if:

(a) (i) a quorum is present;

(ii) the meeting is an open meeting for which notice has been given under Section 52-4-202; and

(iii) (A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting;

(B) for a meeting that is required to be closed under Section 52-4-205, if a majority of the members of the public body present at an open meeting vote to approve closing the meeting; or

(C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or

(b) for the Independent Legislative Ethics Commission, the closed meeting is convened for the purpose of conducting business relating to the receipt or review of an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints".

(2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.

(3) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.

(4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:

(a) the reason or reasons for holding the closed meeting;

(b) the location where the closed meeting will be held; and

(c) the vote by name, of each member of the public body, either for or against the motion to

hold the closed meeting.

(5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

52-4-205. Purposes of closed meetings.

(1) A closed meeting described under Section 52-4-204 may only be held for:

- (a) discussion of the character, professional competence, or physical or mental health of an individual;
- (b) strategy sessions to discuss collective bargaining;
- (c) strategy sessions to discuss pending or reasonably imminent litigation;
- (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 - (i) disclose the appraisal or estimated value of the property under consideration; or
 - (ii) prevent the public body from completing the transaction on the best possible terms;
- (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the public body from completing the transaction on the best possible terms;
 - (ii) the public body previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
- (f) discussion regarding deployment of security personnel, devices, or systems;
- (g) investigative proceedings regarding allegations of criminal misconduct;
- (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
- (i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(B);
- (j) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
- (k) as relates to the Alcoholic Beverage Control Commission issuing a retail license under Title 32B, Alcoholic Beverage Control Act, after receiving public input in a public meeting in support or opposition to the commission issuing the retail license, discussing one or more of the following factors in a closed meeting:
 - (i) a factor the commission is required to consider under Section 32B-5-203 or that is specified in the relevant part under Chapter 6, Specific Retail License Act, for the type of retail license at issue;
 - (ii) the availability of a retail license under a quota;
 - (iii) the length of time the applicant has waited for a retail license;
 - (iv) an opening date for the applicant;
 - (v) whether the applicant is a seasonal business;
 - (vi) whether the location of the applicant has been previously licensed or is a new location;
 - (vii) whether the application involves a change of ownership of an existing location;
 - (viii) whether the applicant holds other alcohol licenses at any location;
 - (ix) whether the applicant has a violation history or a pending violation;
 - (x) projected alcohol sales for the applicant as it relates to the extent to which the retail

license will be used;

(xi) whether the applicant is a small or entrepreneurial business that would benefit the community in which it would be located;

(xii) the nature of entertainment the applicant proposes; or

(xiii) public input in support or opposition to granting the retail license;

(l) as relates to the Utah Higher Education Assistance Authority and its appointed board of directors, discussing fiduciary or commercial information as defined in Section 53B-12-102; or

(m) a purpose for which a meeting is required to be closed under Subsection (2).

(2) The following meetings shall be closed:

(a) a meeting of the Health and Human Services Interim Committee to review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4); and

(b) a meeting of the Child Welfare Legislative Oversight Panel to:

(i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4); or

(ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5).

(3) A public body may not interview a person applying to fill an elected position in a closed meeting.

52-4-206. Record of closed meetings.

(1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:

(a) shall make a recording of the closed portion of the meeting; and

(b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.

(2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.

(3) The recording and any minutes of a closed meeting shall include:

(a) the date, time, and place of the meeting;

(b) the names of members present and absent; and

(c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

(4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(5) Both a recording and written minutes of closed meetings are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under Section 52-4-304.

(6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):

(a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2); and

(b) the provisions of Subsection (1) of this section do not apply.

52-4-207. Electronic meetings -- Authorization -- Requirements.

(1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may convene and conduct an electronic meeting in accordance with this section.

(2) (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.

(b) The resolution, rule, or ordinance may:

(i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;

(ii) require a quorum of the public body to:

(A) be present at a single anchor location for the meeting; and

(B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;

(iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;

(iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or

(v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.

(3) A public body that convenes or conducts an electronic meeting shall:

(a) give public notice of the meeting:

(i) in accordance with Section 52-4-202; and

(ii) post written notice at the anchor location;

(b) in addition to giving public notice required by Subsection (3)(a), provide:

(i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and

(ii) a description of how the members will be connected to the electronic meeting;

(c) establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;

(d) provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting; and

(e) if comments from the public will be accepted during the electronic meeting, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(4) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

52-4-208. Chance or social meetings.

(1) This chapter does not apply to any chance meeting or a social meeting.

(2) A chance meeting or social meeting may not be used to circumvent the provisions of this chapter.

52-4-209. Electronic meetings for charter schools -- Pilot program.

(1) As used in this section, "charter school" means a school created under Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act.

(2) The Electronic Meetings for Charter Schools Pilot Program is created to pilot the development and implementation of electronic meetings for charter schools.

(3) Beginning May 10, 2011, and ending May 8, 2012, a charter school may convene and conduct an electronic meeting in accordance with this section.

(4) A charter school that conducts an electronic meeting under this section shall:

(a) give public notice of the electronic meeting:

(i) in accordance with Section 52-4-202; and

(ii) by posting written notice at the anchor location as required under Section 52-4-207;

(b) in addition to giving public notice required by Subsection (4)(a), provide:

(i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;

(ii) a description of how the members will be connected to the electronic meeting; and

(iii) a start and end time for the meeting, which shall be no longer than 24 hours; and

(c) provide space, facilities, and technology in the building where the charter school board would normally meet if they were not holding an electronic meeting so the public may attend, monitor, and participate in the meeting during regular business hours.

(5) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.

(6) Written minutes and a recording shall be kept of an electronic meeting conducted as required in Section 52-4-203.

(7) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.

(8) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

(9) A charter school that conducts an electronic meeting under this section shall report to the Public Utilities and Technology Interim Committee by October 1, 2011, as to the effectiveness of conducting business via electronic meetings under this section.

52-4-210. Electronic message transmissions.

Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.

52-4-301. Disruption of meetings.

This chapter does not prohibit the removal of any person from a meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

52-4-302. Suit to void final action -- Limitation -- Exceptions.

- (1) (a) Any final action taken in violation of Section 52-4-201, 52-4-202, or 52-4-207 is voidable by a court of competent jurisdiction.
 - (b) A court may not void a final action taken by a public body for failure to comply with the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:
 - (i) the posting is made for a meeting that is held before April 1, 2009; or
 - (ii) (A) the public body otherwise complies with the provisions of Section 52-4-202; and
 - (B) the failure was a result of unforeseen Internet hosting or communication technology failure.
 - (2) Except as provided under Subsection (3), a suit to void final action shall be commenced within 90 days after the date of the action.
 - (3) A suit to void final action concerning the issuance of bonds, notes, or other evidences of indebtedness shall be commenced within 30 days after the date of the action.

52-4-303. Enforcement of chapter -- Suit to compel compliance.

- (1) The attorney general and county attorneys of the state shall enforce this chapter.
- (2) The attorney general shall, on at least a yearly basis, provide notice to all public bodies that are subject to this chapter of any material changes to the requirements for the conduct of meetings under this chapter.
- (3) A person denied any right under this chapter may commence suit in a court of competent jurisdiction to:
 - (a) compel compliance with or enjoin violations of this chapter; or
 - (b) determine the chapter's applicability to discussions or decisions of a public body.
- (4) The court may award reasonable attorney fees and court costs to a successful plaintiff

52-4-304. Action challenging closed meeting.

- (1) Notwithstanding the procedure established under Subsection 63G-2-202(7), in any action brought under the authority of this chapter to challenge the legality of a closed meeting held by a public body, the court shall:
 - (a) review the recording or written minutes of the closed meeting in camera; and
 - (b) decide the legality of the closed meeting.
- (2) (a) If the judge determines that the public body did not violate Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.
- (b) If the judge determines that the public body violated Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed.

52-4-305. Criminal penalty for closed meeting violation.

In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.



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SOCIAL NETWORKING AND THE LAW: ARTICLE: Your Mayor, Your "Friend": Public Officials, Social Networking, and the Unmapped New Public Square

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LEXISNEXIS SUMMARY:

... The use of online social networks by local public officials has drawn the ire of local governments, some of whom have gone so far as to bar public officials from social networks for fear of violating campaign finance, open meeting, freedom of information, and government ethics laws. ... This not only contradicts the desire for control that can only come with registration, but also rules out the majority of popular social networking sites, such as Facebook, MySpace, or Twitter. ... Civic social networking is not just another tool to which the existing laws may apply, like email or text messaging; rather, it is an environment that has an impact on the behavior of the actors surrounding it. ... Similarly, constituents engaged in civic social networks experience low-threshold group formation and organizational tools, as well as a certain incentive for acquiring information and sharing it with other users. ... Prohibitions or certain limits on the use of civic social networks - that is, ejecting public officials from the new public square - would result in less public deliberation, fewer publicly accessible records, and elimination of valuable tools to hold public officials accountable for their actions. ... Civic social networks cannot, of course, eliminate the many ways that public officials can hide actions or statements (for example, in a private conversation), but to the extent that communications in the network are available to the public, the opportunity for constituents to investigate officials' actions and statements is greatly improved.

TEXT:

[*95]

Introduction

Your City Councilmember wants to connect with you. She wants to hear from you, speak to you, allow you to get to know her, and get to know you. She wants to learn your concerns and interests, and discuss policy, politics, and issues

big and small. It is fair to say that she wants to develop a relationship with you - one in which you share family photos, thoughts about movies and the weather, and, of course, your views on issues that will come before the City Council. In short, she wants to be friends. But some local governments say she cannot - at least not on Facebook.

It turns out that there are friends, and there are "friends." The use of online social networks by local public officials has drawn the ire of local governments, some of whom have gone so far as to bar public officials from social networks for fear of violating campaign finance, open meeting, freedom of information, and government ethics laws. These objections overlook the unique nature of civic social networks as an emerging political institution, characterized by a high degree of transparency and intense public pressure for accountability. The nature of this new institution renders the alarmist reaction overblown. Civic social networks are the new public square, and local governments should embrace them as [*96] consistent with the goals of open government and ethics laws.

This Article seeks to describe this emerging institutional environment, and by doing so help change the ways that policymakers apply open government and ethics rules to civic social networks. Part One identifies the ways local public officials and their constituents are using social networks. Part Two discusses the attempts by some local governments to eliminate or limit that use. Part Three uses public choice theory and rational choice institutionalism to assess the tools and behaviors that have given us the emerging institution of civic social networks - an institution characterized by high demand for transparency and accountability. Part Four argues that the nature of the institution described in Part Three demonstrates that the threatened enforcement of open government and ethics laws would have a perverse effect - reducing transparency and accountability while exposing public officials to greater moral hazard. The Article concludes with recommendations for open government and ethics statutes (or the enforcement thereof) that would allow officials to engage their constituents in the new public square of civic social networks.

I. Welcome to the New Public Square

Local public officials are stampeding to use online social networks. It should come as no surprise that people whose lives are organized around constituent contact are adopting new tools that let them reach large numbers of people at little cost. But this scramble goes far beyond the use of formal, government-created websites with press releases, updates, and photos; today, it seems that there is hardly a mayor or city councilmember in a major American city without a Facebook page, a Twitter account, and a blog. n1 Major policy [*97] announcements are made by tweet and entire town hall meetings happen in chat rooms. n2 But most interestingly, local public officials have started using social networking in order to connect with their constituents, creating a three-way information flow: from official to constituent; from constituent to official; and among constituents, but in the context of the public official's network. n3

This Part seeks to describe the use of online social networks by public officials - civic social networks. It develops the contrast between the network use envisioned by the network enthusiasts and the local governments tasked with enforcing open meeting, freedom of information, campaign finance, and ethics laws, some of whom propose prohibiting or limiting civic social network.

A. Civic Social Networks: Optimists, Visionaries, and the Promise of the New Public Square

Enthusiasts envision the Internet as the great [*98] democratizer - a place with free commerce in opinions and ideas, where everyone is welcome, and where people gather to hear announcements, to protest, or to celebrate. In this optimistic conception, civic social networks are each community's new public square. n4

A physical public square is a common feature in a community; in a city like Washington, D.C., it might be the National Mall, and in a smaller town, it might be the village square or the steps of city hall. Just as the physical public square is many things - the locus of the distribution of official information, part tribune and part question time, a place to exchange information and news (and, yes, gossip, innuendo, and misinformation), and a place where one is exposed to new information - the new public square of civic social networks lets anyone in. Public officials in the physical public square may communicate with constituents or with each other, but such communication occurs in full public

view where it may be interrupted, corrected, or seconded by an observing public; just as in the new public square of civic social networks.

Social network sites have developed characteristics distinct from the Internet at large. Danah Boyd and Nicole Ellison define social network sites as "web-based services that allow individuals to (1) construct a public or semi-public profile within a bounded system, (2) articulate a list of other users with whom they share a connection, and (3) view and traverse their list of connections and those made by others within the system." n5 The elegance of this definition lies in the corresponding three types of social interactions that social networks enable: the creation of an online identity; the establishment of relationships between users; and the development of layered communities defined by the lists of [*99] connections each user establishes. n6

The importance of these three types of interactions is the story of the commercial Internet for the last ten years. But they are equally important to politics and governance. n7 Public officials craft an online identity in order to provide certain information or convey a certain brand or persona; constituents do the same thing, although their primary target audience in creating their online identity is more likely to be other constituents, rather than the public official. Public officials and constituents establish relationships among each other, and the communities defined by lists of those relationships have both direct communicative value (the ability to send and receive content to/from the list) and secondary communicative value (the ability to convey the size, content, level, and type of activity of a network). n8

At heart is a recognition that, as Justice Kennedy wrote, "Minds are not changed in streets and parks as they once were. To an increasing degree, the more significant interchanges of ideas and shaping of public consciousness occur in mass and electronic media." n9 This is borne out by empirical evidence suggesting that online discourse has, in some ways, replaced the old public square. n10 Thus, it is up to the states and [*100] municipalities to conclude that, as Cass Sunstein puts it, "a free society requires a right of access to areas where many people meet." n11

B. The Realists: Online Political Communication Ranges from Discourse to Dysfunction

Civic social networks, one should not be surprised to notice, do not look like an Athenian polis with Wi-Fi. But local public officials and their constituents are flocking to social networking tools, n12 and even government agencies that recently resisted have succumbed. n13 The most popular tools appear to be Facebook, n14 Twitter, n15 and blogs n16 (some hosted by a third-party [*101] service like Blogger, and some hosted directly from government servers).

To be sure, many posts from public officials read like very brief press releases: merely a pronouncement with little genuine interaction between the official and the public. n17 But not all of them. In the snowstorm of 2010, Newark, New Jersey Mayor Cory Booker famously responded to a tweet requesting help removing snow by showing up with shovel in hand and volunteers in tow. n18 Booker, a mayor of a city with less than 300,000 residents, has more than 1,000,000 followers on Twitter. n19 The New York City Council's Twitter account includes links to social networking posts by various councilmembers and other City agencies and general news. n20 [*102] Houston Mayor Annise Parker's Facebook page includes comment threads by constituents on subjects before the City, and some replies by Mayor Parker (or her staff). n21

In addition to specific city officials, some cities' agencies or departments have aggressively adopted social media. The City of Chicago lists 33 different social media accounts for its agencies - not including any for City public officials other than the mayor. n22 In some cases, social media chases the officials rather than the other way around. For example, British activist volunteer group MySociety created websites, including TheyWorkForYou and FixMyStreet that, like open source maps, mashup government data with user-generated input to connect constituents with problems, information, or interests to each other and to public officials. n23

So even if idealists hoping that social networks would enable a high-minded process of deliberative democracy are likely to be disappointed - after all, study after study has demonstrated that online discourse is factually unreliable, consists of opinion rather than objective information, creates "echo chambers" in which people only talk to or hear from

those who already agree with them, and therefore reinforce polarization in politics n24 - social networks have successfully enabled low-threshold civic engagement by citizens and public officials. As of 2010, a study showed that nearly one-third (31 [*103] percent) of online adults use online platforms such as blogs, social networking sites, email, online video, or text messaging to get government information, and 13 percent of Internet users read a government agency or official's blog. n25 Taken together, nearly a quarter of Internet users have posted comments or interacted with others online around government policies or public issues. n26 Civic social networks, like them or not, are the new public square.

II. Ejecting Public Officials from the New Public Square

The rapid adoption of social networking tools by public officials has left some local governments somewhat shell-shocked. For those tasked with enforcing open meeting, freedom of information, ethics, and campaign finance laws, social networks are not so much a great new venue for deliberative democracy, but more like new tools with which public officials can misbehave. In many cases, local governments have proposed restrictions that, for all intents and purposes, ban public officials from using social networks in their official capacity. n27

A. What is Government's Role in Regulating Public Officials' Presence in the New Public Square?

Policymakers have approached questions about public officials' use of social networks in a manner consistent with their institutional role. The question, for them, is whether the activity occurring on social networks may violate existing law, and if so, how best to stop and/or punish it. n28 Because social [*104] networks are, for the most part, third-party applications, their features, format, and rules are not directly controlled by the public officials or government agencies that use them. n29 Consequently, any restrictions on use of social media by public officials can only be enforced by monitoring and enforcement, under threat of some penalty, rather than through design modifications or access limitations.

It is fair to say that public officials cannot be counted upon to govern themselves, n30 especially when a significant portion of the improper use of social networks may be inadvertent, and therefore unlikely to be checked internally. But as with other government regulation of the Internet, there is broad disagreement about the specific role of government and civic social networks. n31

Local lawmakers and agencies with the responsibility to enforce applicable laws have just begun to grapple with the [*105] problems they see. The first reactions range from outright hostility to any civic social networks to conservative counsel to enthusiastic embrace. n32 As one open-government advocate put it, "[government prohibition on social network use] does exhibit a trend we're seeing - leaders see social media as opening the door for risk. But social media and improving online technology is only going to make government more accessible. It is a challenge but it is a challenge that's necessary for governments to meet." n33

The challenge for local governments is to identify where civic social networks extend, rather than subvert, valid public goals like transparency and accountability. Thus, although social networks "are occurring without government intervention ... there remains scope for government to nurture them and especially to facilitate solutions to specific problems that participants have not as yet been able to solve themselves." n34 And as local governments identify problems and facilitate solutions, they must recognize that social networks are a form of engagement that citizens take seriously as a part of their political expression. n35 So far, however, those governments have reacted in precisely the opposite way.

B. Ejecting Public Officials from the New Public Square

This is not the first time that a new technology has emerged, forcing policymakers to assess its impact or threat. In the case of social media, agencies have sounded the alarm, in particular, over actual or potential violation of freedom of information laws, open meetings laws, government ethics rules, and campaign finance regulations. Because few (if any)

laws deal specifically with social networks, policymakers have had [*106] to extrapolate from existing law, with mixed results. n36

Policymakers have employed two different approaches. Under the first approach, an agency has faced a specific allegation that a use of civic social networks violates existing law and the agency has then determined whether the existing law applies to the use of social networks. Under the second approach, a policymaking or enforcing agency has raised a general alarm about the potential for mischief, and handed down a series of rules intended to prevent violations. The results have been varied, as demonstrated by the following examples: (1) the City of Redondo Beach was advised to avoid all use of social networks for any purposes; n37 (2) the City of Seattle was advised to adopt regulations that would bar City Councilmembers from "friending" each other on social networks, for fear of allowing inadvertent online meetings in violation of the Open Public Meetings Act, and bar any links that would lead to third-party content that is commercial (like advertisements) or political (like a comment from a constituent in support of a campaign); n38 (3) Attorneys for a Florida municipal planning board told the board that, as a general matter, it should not have a social network profile "under any circumstances"; n39 (4) Attorneys for a collection of Washington [*107] cities advised city councilmembers to avoid posting any content regarding policy or city-related issues; n40 and (5) counsel for the City of Fort Lauderdale discouraged any City participation on Facebook or "any similar interactive communication technology." n41

Agencies, counsel, and public officials have grappled with at least three types of potential statutory violations that they believe apply to communications among public officials and constituents using social networks.

1. Freedom of Information or Public Records Acts

Skeptics point out that public officials' use of social network sites can create public records that are inaccessible to many members of the public in their original location, and may not be retained or cataloged in the same way as email or written correspondence. Those concerns are well justified. Consider the following scenario: Councilmember Jones posts on Twitter that he opposes Mayor Smith's plan to combat street crime: "I stand against @MayorSmith's faulty, punitive #brokenwindows plan. Let's make our streets #safeeveryone!" The post would be published online n42 and anyone who had a Twitter account who had signed up to follow Councilmember Jones would instantly receive the message (as would anyone signed up to follow Mayor Smith and anyone searching for the hashtags #brokenwindows or #safeeveryone). In addition, those who do not have Twitter accounts may view the post for a certain period of time, but would not receive a notification when it was posted.

This raises two questions: First, is Councilmember Jones's [*108] tweet a public record? And second, if so, how would it be found, retained, and produced by the City in response to a public records or Freedom of Information Act request?

All fifty states have public records statutes, many modeled after the Federal Freedom of Information Act (FOIA). n43 These laws were a cornerstone of the "sunshine laws" movement that began in the 1950s and flourished in the post-Watergate era, opening government records to public access on the theory that sunshine is the best disinfectant n44 - that is, public scrutiny exposes, and therefore hampers or remedies, corruption.

Briefly, these statutes require the government to provide public records upon request (with certain enumerated exceptions). Public records are generally defined as any writing or other record containing information relating to the conduct of government prepared, owned, used, or retained by any part of the government. n45

The key legal questions are well-settled; a public official's writings, regardless whether they are on a government website or not, are public records, so long as the post is pertinent to city business. n46 The harder question, then, is not the legal but the practical one: how best can the government retain a record of officials' posts on social media so that they can be produced upon request under FOIA?

Seen as a collection of written exchanges, the retention and [*109] production of social network posts is not conceptually difficult - they are not distinguishable from email. "An ordinary email is nothing more than a piece of written correspondence transmitted through an efficient and inexpensive means... . The public's interest in overseeing the workings of local government is protected in the same way that it is for all other types of written correspondence - the public may review such correspondence by making a records request under the open records provision of state law." n47

A trickier problem arises due to the lack of permanency of social network posts. Consider this scenario: A port commissioner criticizes a city councilmember's policy proposal in a post on Facebook; the other councilmember responds by posting something on the port commissioner's Facebook page. For some reason (perhaps the commissioner regrets his tone, or decides that this disagreement need not be public, or realizes he was wrong), he removes the original Facebook post, and deletes the response posted by the city councilmember. n48

Now, it may be good for the tone of public discourse, and maybe even for policy, for these officials to be able to turn back the clock to the moment before they hit the "post" or "share" button. But the law is clear that both the original post and the response are public records, and it is certainly in the public interest for voters to have access to the writings of their elected officials on policy matters.

Difficult as these questions are, they are essentially technical problems. The right retention tools can ensure that all of these writings, wise and unwise, are available for production in response to FOIA requests. Inexpensive solutions exist that would allow a public official (or her staff) save a weekly log of Facebook, Twitter, and blog posts. n49

[*110]

2. Open public meetings

A knottier problem arises under open meeting statutes. Because public officials can read each others' tweets, blog posts, and Facebook updates in real time and respond to them instantaneously, they may engage in communication that is more similar to a meeting than it is to ordinary correspondence. Consider a slight twist on the hypothetical Twitter post above: City Councilmember Jones posts his opposition to the mayor's public safety policy on Facebook. Among two dozen reader comments are the following: Councilmember Nguyen clicks the "like" button on the post - signaling to all readers that he agrees with Councilmember Jones; Councilmember Diaz comments on the post that she thinks the mayor's policy does not go far enough; Councilmember Rogers writes that he disagrees with Councilmember Jones but is open to persuasion; and Councilmember O'Connor links to Councilmember Jones's post on her own Facebook page and comments that the entire question is moot because the public safety budget is strapped. n50 Did a city council meeting just take place on Facebook?

Open meeting statutes have existed in every state and the District of Columbia for over thirty years. n51 These laws require that most meetings of city or county councils, as well as government-authorized boards and commissions, be held with notice to and access for the public. The laws can have quite powerful enforcement mechanisms; commonly, the remedies for violation include individual penalties for the officials, municipal liability for any costs and fees, and reversal of the government action that was the subject of the meeting. n52

[*111] Open meeting statutes are universally interpreted to cover not only in-person, face-to-face meetings but also so-called "serial" meetings and meetings at which communication is done in writing or by telephone. n53 More recently, comparable communication by email - when it is interactive, deliberative, or decisionary in nature, occurs close in time and involves a quorum of the relevant government body - has been held to violate open meeting laws. n54

While few, if any, court decisions apply open meeting laws to social networking, local governments see social networks as a particular risk because their structure is designed to facilitate casual interaction. For example, posts from "friends" or contacts automatically appear on an official's profile and it takes only a single click to interact with the

author. Thus, if open meeting laws were applied to civic social networks, a "meeting" could occur without any single official intending it. After all, these sites were developed, in part, to create virtual space in which users could "meet" with a minimum of effort. n55

The first state supreme court to address the applicability of open meeting laws to email focused its analysis on whether the email exchange had "indicia of simultaneity" that indicate government deliberation occurring in real time, but virtual space. n56 Some other courts do not appear to find significant the [*112] differences between written communication and in-person deliberations. n57 Generally, however, state courts agree that electronic communications like conference calls and email exchanges can constitute a meeting under certain circumstances. n58

In some significant ways, an exchange between officials on a civic social network such as Facebook or Twitter is different from an email exchange. For example, an exchange in the comments to a blog post on Facebook or Twitter is available for anyone to see or join at any time, although there may not be a "feasible way for any and all interested members of the public to "attend" an email communication." n59 In fact, the transparency of the exchange and its openness to public participation is arguably as great or greater than most traditional public meetings. And, as a general matter, the overlapping purposes of FOIA laws (ensuring that government records, including correspondence, is available to the public) and open meetings laws (ensuring that deliberation is public and that constituents can engage in the deliberation) are fully accomplished in the social networking context in a way that they are not in an email exchange, which must be requested formally to be [*113] received. n60

Under the current interpretations of open public meeting statutes, exchanges like the hypothetical above would almost certainly be prohibited. But rather than seek an alternative interpretation of the law, or even merely train members to avoid a violation, social media skeptics are throwing the baby out with the bathwater. The City of Seattle, for example, is considering a policy that would "strongly discourage[] city Councilmembers from "friending" each other at all - a solution akin to preventing email exchanges or telephone calls between members. n61 Other governments are advising officials to stay off social networks altogether. n62

3. Misuse of Public Resources and Political Content

Policymakers are particularly concerned about the potential for government links to social network sites that contain political, non-government, or advertising content. Although social network sites are not owned by the government, if the government's website has a direct link to the social network, then government resources can be interpreted as supporting the content of the social network site. This creates a risk of the illegal use of government resources. n63

[*114] Consider this scenario: Mayor Smith has an official web page at his city's main website. On that page, there is a sidebar encouraging readers to follow the mayor on his blog, Twitter, Facebook, and Flickr, with links to those sites. n64

For the purpose of our analysis, assume that the mayor's blog, Twitter feed, Facebook page, and Flickr account are not managed using government funds but by the mayor himself or a volunteer. Further, assume that the blog is on Blogger or a similar third-party site. May the mayor endorse a candidate for office on his Twitter feed? May he post a photo of himself at a political rally on Flickr? These examples seem pretty straightforward; he may not, because doing so would result in city resources directly linking to campaign content posted by a city official. n65

But civic social networks, by design, invite participation from the public, not just dispatches from officials, and are supported by advertising revenues. If the main city website includes direct links to the mayor's Facebook page, is it permissible for the Facebook page to feature commercial advertisements? What if a constituent posted a campaign-related message on the mayor's Facebook page, or tagged the mayor in a campaign-related Twitter post or photo on Flickr?

State laws universally bar the use of government resources to support a private individual or enterprise, or a

political campaign. n66 Because government websites are maintained with public funds, a link from a government website to a social network site can run afoul of this prohibition - depending on the content of the social network site. n67

[*115] Local governments raise a number of serious concerns. Consider the following scenarios: (A) A city's official web page includes links to Facebook pages maintained by public officials or city agencies. Facebook, as a private company, is enjoying the benefit of any user traffic driven to its site; (B) a city's official web page includes links to a blog or Facebook page maintained by a public official or city agency. The blog or Facebook page includes commercial advertising, and therefore is promoting certain businesses; and (C) A city councilmember's official web page includes a link to his or her Facebook page. The councilmember is fastidious about avoiding posting any campaign-related content on that site. But, without the consent of the councilmember, Facebook displays political ads for various candidates along the right margin of the page, and constituents of the councilmember post material on the page promoting certain candidates. n68 For each of these scenarios, does the city's link constitute an improper use of government resources?

Policymakers and enforcers tend to view scenarios A and B as allowable for any or all of three reasons: (1) any support of the social network site or advertiser is *de minimis*; (2) any support is unintentional; and (3) any support is a byproduct of an allowable government activity or a government purpose (in this case, the purpose would be public outreach and communication). From a practical standpoint, this makes good sense - after all, if a government link to a corporate website or a website containing advertising was prohibited, then a county could never link to an online newspaper article.

Scenario C, however, is problematic because support of a political campaign can never be a permissible government [*116] purpose. n69 The difficulty of this scenario lies in the notion that the political content can appear on the public official's social network site without being posted or approved by the public official. Moreover, depending on the social network's specific features, the public official may not even be able to remove the material from the social network.

Regulators indicate that their preferred solution would require public officials to moderate the content on their social network pages to prevent political content from appearing. This assumes, first, that the public official has some control over the content - which he may not - and second, imposes on the public official the need to police the social network site for inappropriate material. The analogy used by some regulators was summarized by the executive director of the Seattle Ethics and Elections Commission:

Just as it would violate the Elections Code for a City officer or employee to authorize a campaign rally in a City conference room, so too would it violate the elections Code if a City officer or employee permitted the public to hold a virtual campaign rally in the comments thread on a blog accessible from a City site. In both cases, City resources are being used for unlawful purposes, which the City official has authorized. n70

Thus, a public official would be prohibited from using any civic social network that could allow other users to post political material.

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C. Why the Solutions Offered by Local Governments Do not Work

Ill-crafted approaches offered by policymakers and enforcers, such as barring social network use at all, prohibiting councilmembers from "friending" each other, or holding public officials responsible for third-party content, result in impractical solutions. Regulators have addressed social networks by applying existing law to a possible problem, and

attempting to extrapolate a solution based on previous applications of the law to email, conference calls, and conference rooms in government buildings.

The result of such extrapolations has been a contradictory collection of rules attempting to patch specific problems. For example, the U.S. Senate Internet Services Usage Rules and Policies permit Senators to maintain a third-party website - such as a blog or Facebook page - but only one that does not permit "personal, promotional, commercial or partisan political/campaign-related content or links to an Office-maintained website or channel." n71 Thus, a senator cannot maintain a social network site with personal information and it cannot link back to his or her official Senate website. Such a policy, in an attempt to avoid possible conflicts with existing rules, establishes new rules that are certain to be ignored; it takes seconds to find a senator's Facebook page featuring promotional, commercial, and personal content or with links to an office-maintained website. n72

Local governments' solutions are also often internally inconsistent. For example, Seattle's draft policy encourages city councilmembers to use social media that can record the identity of a commenter and restrict users' ability to comment, most often done by requiring registration (i.e., Blogger/Google's [*118] registration requirement). Yet the policy, mere lines later, states that, "sites requiring membership or subscription should be avoided." n73 This not only contradicts the desire for control that can only come with registration, but also rules out the majority of popular social networking sites, such as Facebook, MySpace, or Twitter.

Fundamentally, the failure of open meeting and campaign laws to address social networks stems from these local laws' approach: they deal with social networks as if they are only a tool with which officials act in ways similar to the tools available in 1976. Consequently, it is a mistake to assume that our existing rules will apply to social networks with a couple of tweaks. Scenario C described above (dealing with the regulation of third-party content) demonstrates that the existing rules fail to address much of the most problematic, and hardest to police, behavior. I suggest that the challenge is not to develop micro-rules that would prevent this behavior, but instead to step back and take a close look at the behavioral norms and pressures that are developing around this institution, and see what it is we are dealing with.

The failure of policymakers to develop guidelines that make sense for civic social networks is not surprising since it is impossible to predict the specific shape of social networks or how they will interact with public officials in the future. As Jerry Mashaw put it, "we do not really have much information about how to design institutions that take the taste-shaping aspects of public action seriously. We know very little about how institutional taste shaping works." n74 Nevertheless, if we are to understand the opportunities and risks that social networks offer public officials and their constituents, we have to understand the environment that has led to their extremely rapid adoption and the patterns of behavior that have developed around their use. As I argue in Part III, these behaviors have become so pronounced that they have begun to take the shape of a new unstructured institution - not an [*119] organization, but rather a set of interrelated strategic behaviors that, in turn, affects the behavior around it.

III. Social Networks Are a New Institutional Environment

Social networking by public officials and their constituents has exploded in the last four years, n75 but the most astonishing aspect of civic social network is not their rapid adoption, usefulness, or ability to facilitate different kinds of communication. The most striking aspect of this phenomenon is that the behaviors on all sides of the communication matrix - that is, among both officials and constituents - already have recognizable patterns and norms of such consistency that they constitute an emerging unstructured institution. This Part argues that policymakers must understand the characteristics of this institution if they are to regulate public officials' use of social networks.

A. Social Networking as a Public Choice and Rational Choice Institutionalism Topic

An analysis of the pressures on and behavior of public officials and their constituents demonstrates that social networks are more than simply new venues in which public officials and their constituents act. Rather, social networks have a distinct social logic driven by the self-interested behavior of users. n76

Although there are many ways to examine political behavior, social networking is especially appropriate for the use of public choice theory and rational choice institutionalism; the environment involves a very large number of low-threshold but distinct decisions, and each of these decisions indicates an [*120] expression of specific desires on behalf of the user. When a public official or a constituent decides to begin, continue, or expand the use of online social networking - whether to sign in, to send a message, to post information, or to organize a group - the decisions involve individual calculations about the use of time, attention, and communication. And because the specific sites and tools employed today are certain to change quickly and dramatically, it is important to apply tools of analysis that do not take as a constant any feature of this environment other than the aggregated preferences and decisions of the users.

Consequently, this Part applies tools from public choice theory and rational choice institutionalism n77 to assess the incentives, costs, and emerging institutional characteristics driving the behavior of public officials and their constituents when using social networks. Public choice theory takes some well-deserved criticism for its assumption of purely rational and selfish behavior; Professor Mashaw demonstrates (with devastating effectiveness) the frequent inability of public choice to explain even common political behavior. n78 By applying these [*121] tools, I do not suggest that they are the only way to look at this problem, or that they explain everything. But public choice does identify and explain a number of the more interesting features of the use of social networks by public officials, and the deficiencies and potential of policymakers' efforts to regulate it. n79

The most basic assumptions of public choice theory are that the relevant actors have an identifiable set of preferences or tastes, that they behave so as to maximize the attainment of those preferences, and that they do so strategically. n80 In this case, the key actors are public officials and their constituents, both of whom use (or are interested in using) social networks. The actors share some of the same incentives in their behavior, and are divergent in others. But primary among those shared are what Professor Grimmelmann refers to as the "social imperatives" of "identity, relationships, and community." n81 It is those "imperatives" and the underlying logic of social networks that makes them important to understand for policymakers seeking to regulate public officials' conduct. As Grimmelmann notes, "we cannot and should not beat these social urges out of people; we cannot and should not stop people from acting on them... . New technologies matter when they change the dynamics of how people do things together; the challenge for technology law is always to adapt itself to these changing dynamics." n82

Even with those "social imperatives," any individual's decision to use social networking faces questions familiar to [*122] public choice. Rational choice institutionalists see politics as a set of collective action dilemmas, or situations in which a group of individuals trying to maximize their own desired outcome are likely, through their aggregated individual action, to produce an outcome that is collectively less than optimal. The question then is framed as how institutions are created or governed that affect the collective action problem (whether by overcoming it, changing the type of problem, or exacerbating it). In our example - online social networking - the questions are: how and why did online social networks arise in the political context? Why do people find them useful? And what does their growth say about the wisdom of restrictions on their use by public officials?

The best way to understand how social networks function in conjunction with public officials is to understand the behavior of the two types of actors in the relationship: public officials and their constituents.

B. Why Do Public Officials Want to Use Social Networks?

Social scientists who examine social networking by public officials sometimes view the dynamic between the government and the public as a relationship between supply of information (by public officials) and demand (by constituents). n83 Although that framework may help describe certain ways that the government and public interact on the Internet, it bears little resemblance to the social networking environment, which features much more give-and-take on both sides. In fact, an analysis of social network sites that fails to recognize the demand by officials of others in the network will miss the ways that officials' behavior helps solve many of the collective action problems that may otherwise stymie widespread use by the public. Consequently, this subsection assesses values and tastes that prompt public officials to use social networks; the specific behavior in which those values and tastes are [*123] manifested;

the forces that their behavior brings to bear on other users of social networks; and the ways that behavior of public officials is restrained (by themselves or other factors).

1. Why Do Public Officials Use Social Networks?

Public choice theory traditionally takes a very dim view of the motivations of public officials. Generally, elected officials are portrayed as valuing re-election above all else; for appointed officials, the expansion of budget and power is paramount. n84

Debunking, explaining, and expanding this view of the motivations of public officials has been a minor industry for decades. The upshot of this research, both theoretical and empirical, has been that re-election, budget, and power are all important goals of public officials, but that such a view oversimplifies a very complex and layered collection of values. For example, in his books *Congressmen in Committees and Home Style*, Richard Fenno, Jr. highlighted as additional goals the desire for reputation among other elected officials, the hope of election to higher office, and the accomplishment of stated legislative goals (in the abstract), and the notion of a legacy. n85

Surely it is not difficult to identify behavior of public officials that appears to satisfy these goals, whether cynical or laudably civic in nature. But what specifically does a public official value that might prompt him or her to use social networks and affect how he or she might use them?

Most obviously, officials value the ability to distribute information to a large number of people. There are specific qualities or types of mass communication that carry greater value; for example, public officials value in particular the ability to send a desired message; the ability to send it to a [*124] specific group of people (supporters, persuadable voters, people in a particular geographic area); and the ability to get the recipients to actually read/view/hear the message. Closely related is the effectiveness of the message - in other words, the ability to get the recipient to act in the manner intended.

All of the above examples, however, deal only with outbound connections, or the broadcast from the public official to constituents. But public officials value more than merely outbound messages, no matter how targeted and effective; they also value inbound connections. An inbound connection or communication is valued at several levels. First, it has value for the information that the content conveys - for example support or opposition on a particular issue, or substantive information about a matter that may come before the official for a decision. Second, it has value for the information conveyed by the sender's identity; public officials want to know who, specifically, is in contact with their office and why. Third, the inbound connection may have secondary power that the receipt of such messages gives the public official (that is, a public official may value the ability to claim he has received a number of inquiries or communications on a subject). Fourth, the connection may be valuable because of the opinion or information it delivers. And fifth, the inbound connection carries significance as an indicator of a much stronger relationship between the constituent and the public official.

In addition, public officials value highly their reputation or public image and the ability to control that public image. Among the aspects of image that a public official may value are the appearances of sincerity, deliberation, principle, and interest or concern in any individual problem or issue. To the extent that a public official can fine-tune his or her reputation or public image, he or she will value the tools that allow it.

From a public choice perspective, a public official's behavior should demonstrate that he or she also wants to fulfill all of these goals, values, and desires, to the extent possible, without a minimum of effort or expense - and, if at all possible, shifting any effort or expense onto someone else. n86 In other [*125] words, to the extent that the public official can obtain her goals without having to give up anything, all the better. Thus, we should expect to see public officials use social networks only to the extent that: (a) they can free ride on others' efforts, thus avoiding a collective action problem; (b) they can capture the fruits of others' labor, therefore making any remaining effort or expenditure lesser than the projected benefit; or (c) the remaining potential benefits still outweigh the costs of full individual efforts.

2. How Do Public Officials Use Social Networks?

To a significant degree, the private sector has invested in the software infrastructure that greatly lowers the threshold for public officials (or anyone) to use social networking. Companies like Facebook, Twitter, News Corp. (owner of MySpace), and Google (owner of Blogger) have made available social networking software at no or very low cost and established business models that benefit primarily from large numbers of users (generally, advertising). These two factors - the establishment of multiple social networking platforms and the existence of a large number of people to connect to on those platforms - remove two of the most obvious investment problems for public officials (who could not individually create the software and would have no use for social networks if they were not already populated).

The wide spectrum of possible social networking activity for public officials shows the various ways that officials have confronted the remaining collective action problems. This section aims to describe specifically how public officials are using social networks in relation to their desires and values, described above.

[*126] First, public officials have adopted social networks for outbound connections and communications - by which one transmits information in a one-way manner to constituents. The lowest-threshold options for this type of communication are the establishment of a "profile" with information about oneself and outward-directed posts viewable by either other network members or the public at large.

More specifically, public officials use the "profile" portion of social networking sites to craft a public image more textured than possible in most traditional media. The mere act of establishing a Facebook page, a blog, or a Twitter account sends a message suggesting modernity, openness, and a willingness to surrender some amount of privacy to viewers. Identity is also conveyed by frequency and content of posts; a public official can convey a hardworking image of a ubiquitous or omnipresent public servant, for example, by posting about her geographic location.

Outbound connections featuring only material that could be found elsewhere are the lowest-threshold social network communications and have many similarities to bulk emails or mass mailings. Correspondingly, they are not valued highly by other users. More complex are the combinations of outbound and inbound connections that really distinguish social media from traditional junk mail. As described above, public officials attach significant value to inbound connections. The reason is easy to identify - it is that an outbound connection includes information about identity, but an inbound connection suggests the existence of a relationship. Most commonly, public officials use inbound connections to establish relationships with constituents, and carry on those relationships in an exchange of comments and posts on the public official's profile (whether on Facebook, Twitter, or a blog). Although it is clear that the dialogue between public officials and constituents establishes and strengthens relationships, public officials have been reluctant to incorporate online discourse into their formal decision-making process. n87

[*127] In addition, public officials appear interested in using social networks to inform and motivate constituents around specific issues - in other words, to generate the sense of community that draws value from the cross-constituent relationships.

As a general matter, public officials benefit from the concentration (or concentrated availability) of information about and generated by constituents that appears in social networks. n88 In this way, public officials capture rents from the concentration of individuals volunteering information about themselves. But the capture is non-exclusive; public officials merely enjoy to an unusual degree this information as a public good. And once the structure has been established, individual users sign up without incremental cost, and each additional user adds value to the network at large (value accruing to both the elected official and the other users - the elected official gets information from more sources and distributes more information to more sources, while the individual user enjoys a larger community of like-minded individuals). n89

3. Dynamics Driven by Public Officials Using Social Networks

The interests and activities of public officials on social networks creates certain dynamics that affect other users within the system. For example, public officials are bound to have more inbound than outbound connections, placing a strain on the officials' attention and driving her to use higher-efficiency tools to maintain an online presence. In addition, many of the benefits of social networks (such as access to [*128] others' personal information or access to their attention) are concentrated in public officials in much the same way they are concentrated in other "nodes."

The activity patterns of public officials also create incentives for other users. A public official who encourages constituents to interact (whether by explicitly asking them to or implicitly, by engaging with them when they do) is expressing a demand that often provokes its own supply. Similarly, a public official who cultivates a large collection of constituents online may create a community of easily organized users who may overcome other collective action problems.

In this way, public officials who initiate the use of social networks are "political entrepreneurs" or leaders that offer their constituencies an opportunity to overcome collective action problems by engaging in the civic social network. n90 These dynamics encourage a pattern of behavior in which, in Shepsle's words, "particular individuals may make unusually large contributions of time and energy and financial and (especially) logistical resources not (only) because they care passionately about the group's objective but (also) because they see an opportunity to parlay this investment into something personally (read: selectively) rewarding." n91

C. Why Do Constituents Interact with Public Officials in Civic Social Networks?

Public officials use online social networks simply because constituents use them; without the ability to interact with voters, the networks are useless. But why do constituents use social networks to interact with public officials? The motivations of users in general has been studied and described at length elsewhere, and surely is the subject of intense, around-the-clock advertising research. n92 But do people take [*129] time away from playing Farmville, tagging photos, watching piano-playing-cat videos, and stalking former significant others to read and respond to a tweet from their city councilmember? We know that they do n93 - but why?

The question is both theoretical and empirical. The theoretical question is a familiar collective action problem - the story of rational voter apathy, or the notion that low-level political participation like voting or emailing an elected official is a fundamentally irrational behavior. This story is an old one. It goes like this:

If a citizen took the time to calculate the odds that her vote would make the difference in any given election, she would find that the possible benefit of having his or her views expressed by the victor is far outweighed by the inconvenience of voting. And if that citizen then took into account the possibility that the elected official would, in fact, express the citizen's preferences, and that the individual legislator's vote on that matter would also make the difference in the legislature's action, then the citizen's calculation of possible benefit would be further reduced. n94

The same reasoning applies to other low-threshold political activities, such as writing a letter to elected officials or participating in a rally - or connecting with public officials on civic social networks. In nearly all cases, the probability that an individual will have influence on actual policy is so small that it cannot be justified by the individual effort required to participate politically. Further exacerbating the situation is the tendency of rational voters to free ride on the efforts of others: if two voters want the same policy, each would do best to let the other do the work of getting the policy adopted. n95 At the same [*130] time that public choice theory posits that rational voters will refrain from low-threshold, low-reward political activity, it predicts that constituents (or groups or corporations) will seek to capture benefits created by others, especially where benefits can be concentrated and costs distributed.

The rational choice argument against political participation is worth repeating here not because it describes what we observe in the real world; rather, it is helpful because the differences between the rational model and the real world tell us significant things about how the real world works and how it can be governed. In the context of social networks, why do people participate?

1. What Do Constituents Value When They Engage Public Officials on Social Networks?

As with public officials, *supra*, this section first asks what constituents value - essentially, what are they looking for when they consider "friending" their mayor? ⁿ⁹⁶ The environment a constituent encounters when considering the use of civic social networks, however, is quite different. Unlike public officials, most users of social networks were not prompted to join them in order to communicate about politics or policy, and therefore their social networking experience includes public officials as a part, but not the most important part, of their experience. This section, then, focuses only on those aspects of constituents' social networking that concern interaction between public officials and their networks.

a. Identity and Expression

The first step in joining a social network is the creation of an online profile, but a constituent's identity in the network goes beyond basic personal information to include everything the user does on the network. Users create and manage their online identity as a means of expressing opinions, exercising ^[*131] influence, and distributing information.

The aspect of identity and expression that bears on civic social networks is the fundamentally narcissistic behavior of constituents - that is, the portion of the user's activity that appears entirely self-absorbed or self-interested (in a way that would make any public choice theorist proud). A self-interested user will value anything that allows her to craft her identity specifically and increases the power of her individual voice relative to others. What makes this interesting from a public choice perspective is that this narcissism creates public goods because certain self-expressive (or self-indulgent) behaviors have an identifiable connection to civic engagement: the exercise of speech, self-governance, and associational liberty. Papacharissi, drawing upon Inglehart and Welzel, wrote of a "civically motivated narcissism," based on the idea that "self-expression values are connected to the desire to control one's environment, a stronger desire for autonomy, and the need to question authority" and that "self-expression values are not uncivic." ⁿ⁹⁷ Consequently, the exercise of purely self-interested or narcissistic behavior can create public goods.

b. Relationships

Second, constituents greatly value the creation of relationships, both with public officials and with other users. The act of adding someone as a contact (or friend, or followee) can have layers of significance: it can mean that the two users are actually friends; that they are merely acquaintances; that one is a "connector" or hub to many other users; a potential business contact; or a fan or supporter.

Relationships have value, as well, because of their reciprocal nature. As Grimmelmann points out, "people reciprocate because it helps them solve collective-action problems, because participation in a gift culture demands that ^[*132] gifts be returned or passed along, because it's disrespectful to spurn social advances, because there's a natural psychological instinct to mirror what one's conversational partner is doing, and because we learn how to conduct ourselves by imitating others." ⁿ⁹⁸

The creation of a relationship with a public official is significant in distinct ways. It indicates an increase in expressive power or voice, it also feeds the vanity or ego of the user. In addition, it increases the perceived status of the individual over those who do not share the same relationship. In the context of such user-official connections, a user will value authenticity, attention, responses, the prestige that comes with a personal relationship, and real or perceived influence.

Empirical research indicates that the connections on civic social networks are not purely online or "virtual"; rather, they tend to continue, further develop, or deepen a relationship from offline. ⁿ⁹⁹

c. Community

Third, constituents value the community that arises from the creation of relationships in civic social networks. For the purposes of this analysis, the most salient characteristic of community as developed by civic social networks is that they reduce the costs of organizing among individuals in the network to the vanishing point. n100 The opportunity to create affinity or advocacy groups with hardly any identifiable costs has led to an explosion of lasting and temporary groups. Although there is evidence that those participating in political activities online are no different than those doing so offline, the [*133] availability of impulsive or casual group formation is quite different than what can take place offline. n101

Communities are particularly easy to develop in this environment because the indicia of commonality that can prompt organization and grouping - politics, government, or public affairs - is much stronger in the subgroup of people using civic social networks than in the population at large. n102 And the ease of group formation and organization, together with the incentives for joining civic social networks, snowball the benefits for joining the network for each new user, reinforcing the "comedy of the commons" n103 scenario. Any given individual has incentive to increase his voice, gain attention, and strengthen networks and community by creating an online community.

d. Information

Constituents also use civic social networks for one purpose distinct from voice, relationships, or community, but one that feeds into all three: constituents value the availability and acquisition of information. Much of this information stems from the other aspects of social networking - the awareness of who is in Councilmember Jones's network, or what issues are significant to another constituent. And the somewhat voyeuristic aspect of this access to information about civic social networks arises from the desire for transparency and accountability of public processes.

A few aspects of this are worth emphasizing: the nature of information, when openly accessible, as a public good; the need to filter or prioritize content in the event of information overload; and the value of information for the twin public goals [*134] of transparency and accountability.

Significantly, access to information is not a secretive or private benefit in the context of civic social networks; because a connection between two users must include a certain level of access to information posted by each user, information is integrated into every relationship in the network. Users may value being the first to discover or post information, but the value comes from the distribution of the information, not from possessing it to the exclusion of others. In this way, the things that public choice theorists might consider costs (becoming informed about public issues, organizing groups) are actually benefits that citizens enjoy when they act politically, and things that public choice theorists might consider valuable only if managed as a private good or rent, in fact, gain value when treated as a public good. n104

The access to information, however, has a downside in its ubiquity; civic social networks simply contain too much information for users to process. But the nature of the network also creates value because it can prioritize, filter, or contextualize the information. In other words, civic social networks, by allowing users to see what is popular within their network, help users mediate, sort, or personalize what is otherwise an information overload. n105

The type of information present on civic social networks reveals a second downside, as well. As Feezell et al. noted, Facebook encourages political participation but does not appear to improve political knowledge: "Our content analysis indicates that political Facebook group users often do not share much new information and the information they do share tends to be somewhat inaccurate, incoherent, or not very well supported with evidence. As a forum for people to easily engage and share their opinions, online groups are beneficial; however as a forum [*135] to learn new political information online groups are ineffective due in part to low quality wall discussion." n106

Regardless of the attempts to measure accuracy of political knowledge, the availability of information on social networks is valued highly by constituents for its role in accountability and transparency. The information a user gleans from observing a public official's activity in the civic social network helps the constituent understand the official's

behavior. In turn, the information helps the user vote and make other political decisions accordingly. n107

The desire for information, and the drive to share it with others on one's network, is closely related to the other values expressed by constituents - identity, relationships, and community. But, as discussed in part IV, *infra*, it has a significant independent impact on the shape of the emerging institution of civic social networks. n108

2. Dynamics Driven by Constituent Behavior in Civic Social Networks.

The values and activity patterns of constituents in civic social networks create pressures and demands on other actors in the networks. For example, the low costs or barriers to group formation help overcome standard collective action obstacles to cooperation, but also render group formation so easy that the resulting organizations often have little impact as aggregators; they have much greater impact as distributors.

Most prominently, the presence of millions of constituents [*136] (and potential voters) on social networks, and the interest or willingness of a substantial subset of those constituents to engage with public officials online, creates a very strong incentive for public officials to join the networks.

Once the official is in the network, however, the behavior of constituents puts severe demands on public officials. The ease with which constituents or organizations may access a public official's attention using a social network leads to a very high demand on the public official's attention and time; consequently, officials themselves will seek to offer authenticity and relationship-strengthening interaction only at a level that is worth the time and effort. This behavior, in turn, reduces the value of the interaction; just as public officials discount the value of form emails, constituents discount the value of inauthentic or impersonal communications by public officials. n109

In addition, the desire of constituents for transparency, information, and accountability can put severe demands on public officials and agencies that either cannot or would prefer not to put all communications and documents online for use by the network. Constituents will value highly all disclosure. Indeed, they will resist efforts by public officials to shield information from public view.

The use of civic social networks by constituents creates a strong temptation for public officials to use the networks for campaign activity as well. Constituents may not recognize the distinction between official activity and political activity, but, as discussed in section III.B.3, *supra*, the distinction is critical for the prevention of corruption. There is no internal check on such activity - neither public officials nor constituents will punish or disincentivize campaign activity using a social network account connected to a government link - and therefore such behavior can only be prevented or punished by external enforcement.

[*137]

D. Social Networks Represent an Emerging Institutional Environment

The rapid development of civic social networks belies the existence of strong patterns of behavior by both constituents and public officials in those networks. Those patterns, in turn, demonstrate ways that civil social networks reinforce and channel certain behaviors. n110 Although the exact features and brand names of social networks are bound to change, their effect on interactions among constituents and public officials is here to stay. The ways that civil social networks and behaviors interact indicates that the networks are not just a tool, like email or the telephone, but instead resemble an unstructured institution like the press or lobbyists. n111

1. What is an Unstructured Institution?

Public choice theory has developed at least two major ways to think about institutions (often discussed under the subject "rational choice institutionalism"). Under the first, institutions are the set of rules and regulations constraining individuals', groups', and firms' activities; the focus of inquiry is how players choose to act under certain rules. n112

The second view does not assume the institutions as a given at all - instead, the rules are agreed upon by the players themselves and can be changed based on their pressures, preferences, and biases. n113 The first [*138] view describes a more specific, formal, structured institution, like a government agency, a nonprofit organization, or a body of law. The second view describes a conceptual, unstructured institution, such as the press or the aggregated efforts of advocacy organizations. n114

Unstructured institutions are not established in any formal sense; they emerge when parties' behavior is affected or channelled by others' behavior and the demands and pressures that the behavior creates. Under this theory, institutions are changeable sets of norms that all or most people involved agree upon; there are no rules per se, but actors behave as if there are because they act strategically in response to their expectations of others' behavior and other factors in the environment. When expectations of behavior become particularly clear and become less temporary, then this behavior starts to look like an institution. This sort of institution is a sort of equilibrium of behavior which, although subject to change, is an identifiable pattern. n115

2. Why is Civic Social Networking an Unstructured Institution, and Why Should it Matter?

The behavior patterns and pressures discussed in sections III.B and III.C indicate that civic social networks constitute an emerging unstructured institution because they describe not [*139] just the use of a new communication tool, but a set of strategic behaviors and pressures. Those behaviors and pressures are critical to understand for local governments attempting to regulate public officials' use of civic social networks.

Not all the "rules" of civic social networking are provided by the public officials and constituents; of course, the structure and the features of the software itself establish constraints on behavior. n116 But the existence of such third-party rules does not limit the voluntariness or strategic nature of the parties' activity. This is especially true given the many different social networking options available. n117

The recognition of the institutional nature of civic social networks is not just an exercise in labeling, but rather has significant implications for policymakers seeking to regulate public officials' use of those networks. Civic social networking is not just another tool to which the existing laws may apply, like email or text messaging; rather, it is an environment that has an impact on the behavior of the actors surrounding it. n118

The interdependent strategic behaviors of public officials and constituents in civic social networks guarantee, for example, that there will always be a strong incentive for a public official to join social networks, but that such an incentive will lag behind constituent adoption of the social network site unless the public official takes on the burden of the political entrepreneur. Similarly, there will be strong incentives for public officials to engage in some actual [*140] interactive behavior on the social network site, lest constituents ignore the public official the same way they ignore junk mail and unsolicited bulk email (spam). To the extent public officials engage in interactive communication, the overwhelming incentive is for the public official to display the communication to other users so that the maximum exposure is achieved for the spent effort. Similarly, constituents engaged in civic social networks experience low-threshold group formation and organizational tools, as well as a certain incentive for acquiring information and sharing it with other users. Constituents can frame their civic social network as any portion (or no portion) of their overall social network according to their preferences.

Institutions behave differently than mere tools because these bargains or strategic behaviors by public officials and constituents tend to funnel activity in certain directions. In the case of civic social networks, it indicates that transparency and accountability will be highly incentivized.

IV. Transparency and Accountability in the New Public Square

A. Civic Social Networks Foster Transparency and Accountability

Our idealized notion of "the public sphere" conceives of public discourse as a deliberative, rational conversation that contributes to public policy and the practical structure necessary to carry it out. Habermas famously envisioned the public sphere as an arena where people collectively form public opinion in an environment without the interference of the government or the economy. n119 Despite the high hopes of some early Internet enthusiasts that the web would realize Habermas's vision of universal access and pure discourse, the web's record on elevating or deepening discourse is decidedly [*141] mixed. n120

But if the Internet (including civic social networks) has not produced a more reasoned and balanced public debate, then consider a narrower and more limited claim: civic social networks, by bringing public officials and constituents into an open public square, foster government transparency and accountability. n121

The metaphor of civic social networks as the "new public square" does not aim for the loft of the public sphere; it makes no claim to heighten discourse. Rather, its defining feature is open space in full view of the public for anyone who wants it. If one chooses to enter the public square, one consciously exposes oneself to anything else there - music, speech, governance, politics. And in particular, those public officials who enter the public square do so with much at stake: reputation, familiarity, ridicule, and re-election. By entering the public square, whether to stand on a soapbox and preach or sit on a bench and listen, a public official is engaging in her job, which under even a jaded vision of informed democracy involves some combination of transparency and accountability. In civic social networks, public officials hear from and speak to constituents in full view of the online world. Constituents can deliver information, opinions, support, and opposition to those officials, and constituents can interact with each other, forming groups to advance shared interests. The ease with which communications from and interactions with public officials are available to the public demonstrates that, in this environment, the contours of the institution itself make FOIA requests obsolete, and includes constituents in the deliberative process at a much deeper level than notice of or attendance at a formal meeting would.

The access to information and the tools to hold officials accountable is not an accident. The description of the institutional environment, *supra* at sections III.A through [*142] III.D, indicates that public officials will be under constant pressure for more disclosure, more information, and more attention to constituents and groups. The advantages of group formation will easily outweigh the obstacles and the incentives for public sharing of information and announcements are high.

B. Ejecting Public Officials from the New Public Square Reduces Transparency and Accountability

It is particularly perverse, then, that objections to public officials' use of civic social networks are based on the fear of violating open meeting and public records laws. Prohibitions or certain limits on the use of civic social networks - that is, ejecting public officials from the new public square - would result in less public deliberation, fewer publicly accessible records, and elimination of valuable tools to hold public officials accountable for their actions.

As discussed in Part II, open meeting, public records, and misuse of government resource laws exist in every state, and with good reason. The statutes work on two levels. Their immediate goals are to make information about what the government does and considers accessible, and to ensure that government funds are not misused. n122 But those immediate [*143] goals also advance other important aims; making information accessible is important, but the information only takes on meaning when it is used to hold public officials accountable, or to prevent a monopoly on inside information that would give some citizens an exclusive advantage over others. Similarly, the restrictions on the use of government resources for private or political gain have, at one level, a fiscally prudent purpose (that is, barring spending that does not advance a legitimate purpose of government). However, the more important consideration is preventing an environment where a private corporation or a campaign can enjoy a limited benefit to the exclusion of others.

Civic social networks advance all of these primary and secondary goals. Communications that would go unrecorded outside of the new public square (such as a face-to-face discussion or a telephone conversation) are not only documented but instantly accessible to the public when they occur in a civic social network. Attempts to get a public

official's attention to hold her accountable are easily accessible, and the threshold expense to organize a group of constituents is virtually zero. In short, civic social networks substantially improve public access to deliberative discussion and the records created by it. n123

Importantly, the use of civic social networks by public officials also helps reduce moral hazard associated with hidden action. This hazard appears where a strategic agent - the public official - may take action that isn't observable by the principal - the constituency. n124 Civic social networks cannot, of course, eliminate the many ways that public officials can hide actions or statements (for example, in a private conversation), but to the extent that communications in the network are available to the public, the opportunity for constituents to investigate officials' actions and statements is greatly improved.

[*144]

C. Local Governments Need to Adapt

Where an attempt to apply existing laws to a new institutional environment would run counter to the purposes of those laws, local policymakers should adapt. It is beyond the scope of this Article to prescribe specific adaptations - and I expect that it may take some experimentation for local governments to arrive at a comprehensive solution, if there is one - but the general outlines of a near-term adaptation are clear.

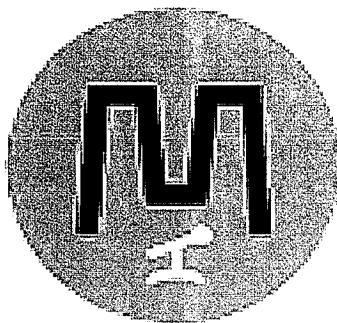
First, local governments can solve the practical problems associated with public records statutes. Retention and storage of Facebook and Twitter feeds, for example, are no more complicated than saving screen shots, web page images, or even printing out a paper copy on a routine schedule. Inexpensive or free software solutions already exist for most such applications.

Second, policymakers should adopt interpretations of Open Meetings statutes (or amend the statutes themselves) to make clear what aspects of written communication constitute a "meeting." The twin purposes of open meeting and public record statutes overlap significantly and raise interesting questions about when the availability of records is sufficient, and when actual presence at an exchange of those records is necessary. The doctrinal question - resolved by the Virginia court by a close analysis of the immediacy of the exchange of emails - also involves what we mean by "deliberation" and what types of government action trigger meeting requirements. But policymakers should ensure that when city councilmembers interact with each other or the public in full view of a civic social network, but no votes are taken or collective decisions are made, the purposes of the open meeting statutes are fulfilled to a greater extent than they would be if that interaction was barred.

Third, local governments should recognize that, to the extent public officials allow government resources to connect to constituent posts (or third-party advertising), the content of [*145] that posting and advertising constitutes a limited public forum and is not imputed to the government. n125 As civic social networks are the new public square, the mere presence of public officials in the square should not impute authorship of all third-party content in the square to the government any more than signs on the sidewalk or constituent letters received and retained by agencies are imputed to the government. Certainly minimal standards of civility can be enforced, as in any limited public forum, but forbidding third-party political content is neither wise nor practical - and barring public officials from civic social networks where such content is possible would have the effect of ejecting them from the public square.

Conclusion

A revolution is underway, and it is changing the ways that constituents and their public officials interact. It is not just a change in the tools used - from the letter to the email - but it is a change in the methods and incentives and costs that underlie that interaction in a more fundamental way. Just as the sunshine laws evolved with the ability of government to retain and produce information, those laws must again evolve to permit public officials and constituents to engage in the new public square of civic social networks.



Discussion Item #4

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)

A Discussion on Interlocal Board Representatives during Committee of the Whole Meeting

2. ACTION REQUESTED: (Check all that apply)

Discussion Only - For 5-10 minutes in COMMITTEE OF THE WHOLE

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

January 8th 2013 - Committee of the Whole

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

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

A memo from Jan Wells

6. REQUESTOR:

Name: Daniel C. Snarr

Title: Mayor

Presenter: Jan Wells

Title: Chief of Staff

Agency: Murray City Corp. Mayor's Office

Phone: 264-2600

Date: December 27th 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: December 27th 2012

Mayor:  Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

Number of pages _____ Number of copies submitted _____

Received by: _____ Date: _____ Time: _____

Recommendation: _____

9. NOTES:

Jan Wells will lead the discussion.



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: Jan Wells, Chief of Staff
Date: December 20, 2012
RE: Discussion on Interlocal Board Representatives

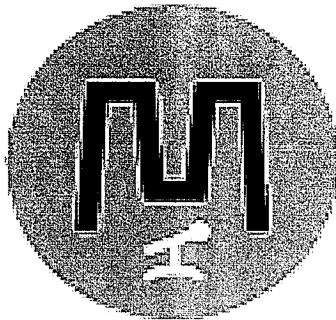
A list of the boards that we participate with is attached to this memo. We have interlocal agreements and send representatives to meetings to serve as liaisons for the City. Some of the boards require elected officials to be members, while others allow for staff to participate.

Each year we take the opportunity to review these board appointments and make any necessary adjustments. I am requesting some time in Committee of the Whole on January 8th to hold these discussions.

Thank you for your consideration.

Interlocal Board Representatives – 2012

Board	Current Representatives	2013 Representatives
UTOPIA	Jan Wells Zach Fountain, Alternate	
UIA	Darren Stam Brett Hales, Alternate	
VECC	David Nicponski Darren Stam, Alternate	
UAMPS	Blaine Haacke Greg Bellon, Alternate Charles Crutcher, Alternate	
Central Valley	Jim Brass Danny Astill, Alternate	
TransJordan	Russ Kakala Doug Hill, Alternate	
WFWARD	Jim Brass Alternate	
IPA	Blaine Haacke Greg Bellon, Alternate	
Metro Fire	Jan Wells	
NeighborWorks	Tim Tingey	
CAP	Jennifer Kennedy	
EDCUtah	Mayor Dan Snarr	
WFRC/RGC	Mayor Dan Snarr	



MURRAY
CITY COUNCIL

Discussion Item #5

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.)
DISCUSSION REGARDING THE REAL PROPERTY AGREEMENT WITH MURRAY CITY (MURRAY CITY LIBRARY) AND THE MURRAY CITY SCHOOL DISTRICT

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
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 January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain)

Other (explain) Joint Meeting with the City Council and Murray City Library Board.

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

To be explained

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

Memo

6. REQUESTOR:

Name: Frank Nakamura

Title: Murray City Attorney

Presenter: Frank Nakamura and G.L. Critchfield Title: City Attorney and Deputy City Attorney

Agency: Murray City Corporation

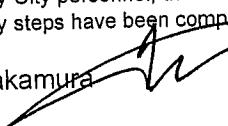
Phone: 801-264-2640

Date: December 26, 2012

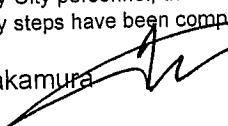
Time:

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: Frank Nakamura


Date: December 26, 2012

Mayor:


Date:

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:

February 24, 2012



ATTORNEY-CLIENT COMMUNICATION

MEMORANDUM

TO: Murray City Municipal Council
Murray City Library Board

FROM: Frank M. Nakamura, City Attorney
G.L. Critchfield, Deputy City Attorney

Cc: Daniel C. Snarr, Mayor
Jan Wells, Chief of Staff
Kim Fong, Library Director

DATE: December 26, 2012

RE: Ownership of Library Property (166 East 5300 South)

Twenty-one years ago the City entered into a cooperative arrangement with the Murray City School District ("District") to enable the City to build the current library (the "Property").¹ The City leased land from the District in a long-term ground lease and intended to build the library subject to the lease. However, the City was unable to obtain optimal financing to build the library under the lease. Instead, in order to secure its financing, the City was required to own the land in addition to the building. Consequently, the City asked that the District convey the land to the City.

Under a new agreement, the lease was terminated and the District sold the land to the City for \$50.00² for a twenty-year period. The City further agreed that at the end of the twenty years, the City would sell back the land to the District for \$50.00, subject to a ground lease with the same term as the original lease.³

The term for the financing has ended and the financing has been completed. The District is now asking the City to address the ownership of the Property. The timing of the District request coincides with the construction of the new Hillcrest Junior High School. Conveying the property would benefit the District by allowing the consolidation of the Property into an amended plat that may be filed in conjunction with the vacating

¹ Located at 166 East 5300 South.

² The District agreed to accept \$1 per year, for fifty years. The City also agreed to relocate a District softball field from where the library was to be built to another location, for which the City paid all costs.

³ The initial term of the lease was to end in the year 2041 and a renewal period of 50-years extended the lease into the year 2091.

of a portion of Hillside Drive.⁴ Additionally, the District needs a small "pan handle" piece of the Property⁵ to construct a driveway for the new junior high.

The District will be asking both the Board and Council to act to return the land to the District in their respective January meetings.⁶ We believe it would be wise for the Council and Board to meet jointly to discuss the Property ownership before any action is taken. The Council's January 8th Committee of the Whole meeting could provide an opportunity to gain a better understanding of the District's request. No action is taken during a Committee of the Whole meeting, but a thorough discussion would benefit both the Council and Board. We believe this to be the best way to fully inform both bodies of the nature and consequences of the District's request.

ROLE OF CITY COUNCIL

Murray City Municipal Code § 2.54.060 provides: "The city council shall approve, subject to the recommendation of the board, the expenditure of the library fund, and of construction, lease, purchase or sale of library buildings and land." Ultimately, for the District to receive the Property, the Council must declare the Property as surplus and approve the sale of the land back to the District. The City is contractually bound to sell the Property back to the District for \$50.00. This sale, however, must be subject to a long-term ground lease with an initial term ending in 2041 and a renewal period ending in 2091. Additionally, the original lease provided that if the District opposed the 50-year renewal period, then the District was obligated to purchase the library building. This term should be renewed in the new lease.

ROLE OF LIBRARY BOARD

The Board is contractually bound to take two actions. First the Board is to notify the District that the bond obligations (financing) have been satisfied and thereby the District's option to purchase has matured. Second, the Board is to deliver a new long-term ground lease to the District for its consideration and agreement.⁷ The Board also has an obligation imposed by ordinance to consider the matter and to send a recommendation to the Council on whether the land should be sold back to the District.⁸

We will discuss this matter more fully at the January 8th, 2013 City Council Committee of the Whole. Please contact our office if you have any questions to discuss before the January 8th meeting.

⁴ Whether a portion of Hillside Drive is vacated is within the Council's authority to decide. The District has requested the street be vacated.

⁵ Approximately 2,100 square feet.

⁶ The Council meeting is currently scheduled for January 22nd and the Board meeting is scheduled for January 16th.

⁷ The City Attorney's office will prepare both the Notice and Lease for the Board's consideration.

⁸ See Murray City Municipal Code § 2.54.060.

AGREEMENT BETWEEN MURRAY CITY CORPORATION,
THE BOARD OF TRUSTEES OF THE MURRAY CITY PUBLIC LIBRARY
AND THE BOARD OF EDUCATION OF MURRAY CITY SCHOOL DISTRICT

THIS AGREEMENT is entered into and dated as of the 4th day of December, 1991, by and between Murray City Corporation (the "City"), a political subdivision of the State of Utah, the Board of Trustees of the Murray City Public Library (the "Library Board"), a political subdivision of the State of Utah, and the Board of Education of the Murray City School District (the "District"), a body politic of the State of Utah.

R E C I T A L S:

A. The District owns certain real property (the "Property") located on the Hillcrest Junior High School campus in Murray City, Salt Lake County, State of Utah as more fully described in Exhibit "A" attached hereto.

B. The City desires to acquire the use of the Property from the District for the purpose of constructing, equipping and operating a municipal public library facility (the "Library") by the Library Board.

C. The District has entered into a Letter of Understanding with the Murray City Public Library ("Letter of Understanding") providing for, among other things, Library privileges and benefits to the District and its teachers and students.

D. To provide the financing for the Library, the City is entering into a Lease Purchase Financing Agreement (the "Financing Agreement") with respect to the Library by and between the City as Lessee and the Utah Municipal Finance Cooperative ("MFA"), an independent legal entity and political subdivision of the State of Utah.

E. Pursuant to the terms of the Financing Agreement, MFA is providing financing for the Library from the re-marketing of its Local Government Revenue Bonds (Pooled Capital Improvement Financing Program) Series December 4, 1991-Murray City Utah (Lease Purchase Obligation) (the "Project Bonds") and will lease the Library on an annually renewable basis to the City.

F. The parties intend that the City will sublease the Library to the Library Board which will operate and maintain the Library.

G. MFA shall execute and deliver a Leasehold Deed of Trust, Assignment of Rents and Security Agreement with respect to the Property, including any and all improvements thereon, for the purposes of securing amounts payable to owners of the Project Bonds.

H. In order to economically market the Project Bonds, the terms and conditions of such provide that in the event of a default in the Financing Agreement by the City, the Security Documents (as more fully described in the Financing Agreement)

may be foreclosed, sold or otherwise realized upon and the Property utilized by the purchaser thereof for any other lawful purpose, which event may prevent the District from realizing the full extent of the benefits contemplated by the Letter of Understanding and the conveyance of the Property to the City.

I. The City desires to provide security to the District that in the event of a default above described and loss of the contemplated benefits, the District would obtain other consideration for the conveyance of the Property.

J. The conveyance of the Property to the City by the District is done to facilitate the financing of the construction of the Library and it is contemplated that upon satisfaction of the Project Bonds, the Property may be reacquired by the District, subject to a lease with the Library Board for the operation of the Library.

K. The City and Library Board have provided to the District part of the consideration for the conveyance by payment of the actual costs for the relocation of a softball field and new softball field excavation in the amount of approximately Thirty Five Thousand Dollars (\$35,000.00).

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Deed. Contemporaneous with the execution of this Agreement, the District will convey to the City by Special Warranty Deed the Property described on Exhibit "A." The Deed shall be in the form attached hereto as Exhibit "B." The City shall pay the sum of Fifty Dollars (\$50.00) and such other consideration recited herein. All costs associated with the conveyance of the Property shall be paid by the City including, but not limited to, closing costs, recording fees, title insurance, survey and engineering costs, environmental audit costs and legal fees of the District which legal fees shall not exceed the sum of Two Thousand Dollars (\$2,000).

2. Termination of Lease. The existing lease between the District as Lessor and the Library Board as Lessee for the Property is hereby terminated. A copy of said lease is attached hereto for reference purposes as Exhibit "C".

3. Option to Purchase. Contemporaneous with the execution of this Agreement, the City will provide to the District an Option to repurchase the Property exercisable by the District at any time within three (3) years of the date that the City and Library Board provide written notice to the District that (I) the payment of the principal of, premium, if any, and interest on those certain Utah Municipal Finance Cooperative (MFA) Local Government Revenue Bonds (Pooled Capital Improvement Financing Program) Series December 4, 1991 -- Murray City, Utah, (Lease Purchase Obligation) (the "Project Bonds") have been paid in full; (II) all amounts under the Lease Purchase Financing Agreement (the "Financing Agreement") dated as of December 4, 1991, by and between the City and the Utah Municipal Finance Cooperative have been paid in full, and (III) the time for the District to exercise its Option to repurchase

the Property has matured (the "First Option"). In the event the District fails to exercise the First Option to repurchase the Property, the District shall thereafter have a second Option to repurchase the Property (the "Second Option") for the same exercise price. The Second Option shall be for a period of sixty (60) days which shall commence on the date of receipt of a second notice from the City and Library Board to the District advising the District of its failure to exercise the First Option and the time for the District to exercise the Second Option. Should the District fail to exercise the First Option or the Second Option it shall have no further Option to repurchase the Property, however, the District will retain all of its rights under the terms of this Agreement and the Letter of Understanding. The Option exercise price is in the amount of Fifty Dollars (\$50.00) payable at the time of exercising the Option. The recordable Option to Purchase shall be in the form attached hereto as Exhibit "D." The right of the District to exercise the Option is subject to the right of the Library Board to lease the Property from the District for the ongoing operation of the Library.

4. Resulting Lease. In the event the District exercises its Option to Purchase, the Library Board shall execute and deliver a lease of the Property and its improvements for an initial term of fifty (50) years from the date of this Agreement for the amount of One Dollar (\$1.00) per year upon terms and conditions substantially the same as those contained in the lease attached hereto as Exhibit "C". The Library Board shall be responsible, in addition, for all expenses, insurance and costs of the Property of every type and nature. The lease shall be automatically renewed by and between the parties for an additional fifty (50) years unless written notice is served by the party terminating the lease on the other party at least five (5) years prior to the end of the initial term. If the lease is terminated by the District, the District shall compensate the Library Board for the improvements constructed on the Property at the fair market value of said improvements as determined as of the date of termination of the lease by an independent third party mutually agreed upon by the parties. In the event the Library Board terminates the lease, the District shall not be required to compensate the Library Board for such improvements.

5. Security Agreement. The City and the Library Board hereby grant to the District a security interest in the articles of personal property, items and things set forth and described on Exhibit "E" attached hereto and incorporated herein by reference and all proceeds, products and accessions thereof (the "Collateral") for the purpose of securing all obligations of the City and the Library Board contained in this Agreement, the Letter of Understanding and any other documents and agreements between the parties. In the event the District repurchases the Property, this Security Agreement will terminate.

6. Representations of the City. The City and the Library Board hereby represent as follows:

a. The City and the Library Board are, and as to any collateral to be acquired after the date hereof will be, the sole owners of the Collateral free of any lien or encumbrance except the security interest created hereby. The City and the Library Board will notify the District of, and will defend the Collateral against

all claims and demands of all persons at any time claiming the same or an interest therein.

b. The City and the Library Board will not lease, sell, convey or in any manner transfer the Collateral during the term of this Agreement without the prior written consent of the District.

c. The Collateral will be kept on or at the Property and the City and the Library Board will not remove the Collateral from the Property without the prior written consent of the District except such portions or items of the Collateral which are consumed or worn out in ordinary usage all of which shall be promptly replaced by the City and the Library Board with other Collateral of equal or greater value than the replaced Collateral had when new.

d. At the request of the District, the City and the Library Board will join the District in executing one or more financing statements and renewals and amendments thereof pursuant to the Uniform Commercial Code of Utah in a form satisfactory to the District and will pay the cost of filing the same in all public offices wherever filing is deemed by the District to be necessary or desirable.

7. Default. The security interest created herein shall secure the faithful performance by the City and the Library Board under the terms of this Agreement, the Letter of Understanding and by the City under the terms of the Project Bonds. In the event of a default by the City under the Financing Agreement or default in the obligations contained in this Agreement or the Letter of Understanding by the City or the Library Board, the District shall thereupon have, in addition to all of its rights at law or in equity, the right to take immediate possession of the Collateral. All remedies of the District whether provided herein or conferred by law are cumulative. The District shall have other rights and remedies not inconsistent herewith as provided under the Uniform Commercial Code of Utah, by law or in equity. No exercise by the District of one right or remedy shall be deemed an election and no waiver by the District of any event of default on the City's or the Library Board's part shall be deemed a continuing waiver. No delay by the District shall constitute a waiver, election or acquiescence by the District.

8. Parking. The District covenants that the Hillcrest Junior High School parking lot adjacent to the Library, and the City and the Library Board covenant that the parking lot constructed for use by the Library shall be open for pedestrian and vehicle utilization seven (7) days a week, with the exception of such days as may be declared public holidays, and/or for routine repair and maintenance of said parking lots. Said lots, however, may be closed after 10:00 o'clock p.m. on each and every business day until 7:00 o'clock a.m. the following day. The City, the Library Board and the District understand and agree that certain school and library functions and events may over utilize designated parking areas. Such usage is expected and both parties to this Agreement shall use their best efforts to cooperate and to meet each other's specific needs.

9. Release and Indemnity. The City and the Library Board have inspected the Property and approved the physical condition thereof. The City and the Library Board shall indemnify and hold the District harmless from, and defend the District against, any and all claims or liabilities or any injury or damage to any person or property whatsoever; (1) occurring in, on, or about the Property or any part thereof; and (2) occurring in, on, or about the Library facilities. The City and the Library Board shall further indemnify and hold the District harmless from and against any and all claims arising from any breach or default in the performance of any obligations on the City's and the Library Board's part to be performed under the terms of this Agreement, or arising from any act or negligence of the City or Library Board, or any of their agents, contractors, employees and from and against all costs, attorneys' fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. In case any action or proceeding is brought against the District by reason of any such claim, the City and the Library Board, upon notice from the District, shall defend the same at the City's and the Library Board's expense by counsel reasonably satisfactory to the District. The City and the Library Board, as a material part of the consideration to the District, hereby assume all risk of damage to Property or injury to persons in, upon, or about the Property from any cause.

10. Notice. All notices and other communications under this Agreement shall be in writing and shall be sufficient for all purposes if personally delivered or if sent by certified or registered U.S. mail, return receipt requested, postage prepaid, and addressed to the respective party at the address set forth below or at such other address as such party may hereafter designate by written notice to the other party as herein provided:

The District Murray City School District
147 East 5065 South
Murray, Utah 84107
Attention: Superintendent

with a copy to: President, Board of Education of the Murray City School District at his or her then current residence address.

The City Murray City Corporation
5025 South State Street
Murray, Utah 84157-0520
Attention: Mayor

The Library Board Board of Trustees of the Murray City Public Library
166 East 5300 South
Murray, Utah 84107

11. Miscellaneous Provisions. The following provisions are also integral parts of this Agreement.

11.1 Captions. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, describe or affect in any way the meaning, scope or interpretation of any of the terms or provisions of this Agreement or the intent thereof.

11.2 Counterparts. This Agreement may be signed in any number of counterparts with the same effect as if the signatures upon any counterpart were upon the same instrument, and all signed counterparts shall be deemed to be an original.

11.3 Amendment. This Agreement may not be modified except by a signed, written instrument by the parties hereto.

11.4 Interpretation. This Agreement and each and every related document shall be interpreted, construed and enforced according to the laws of the State of Utah, except as federal law may apply.

11.5 Survival of Warranties and Obligations. The respective warranties and obligations of the parties hereto shall survive the execution of this Agreement.

11.6 Attorneys' Fees. In the event that any party hereto brings an action or proceeding for a declaration of the rights of the parties under this Agreement, for injunctive relief, or for an alleged breach or default of, or any other action arising out of this Agreement or the transactions contemplated hereby, the prevailing party in any such action shall be entitled to an award of reasonable attorneys' fees and any court costs incurred in such action or proceeding, in addition to any other damages or relief awarded, regardless of whether such action proceeds to final judgment.

11.7 Authority. The persons executing this Agreement each warrant by his or her signature that he or she has full authority to enter into this Agreement on behalf of the party for whom he or she signs.

11.8 Further Performance. Each party to this Agreement agrees to perform any further acts and execute and deliver any documents that may be reasonably necessary to carry out the provisions of this Agreement.

EXHIBIT "A"

A description of certain real property located in Salt Lake County, Utah
to wit:

BEGINNING at a point which is South $00^{\circ}02'05''$ West, 40.41 feet from the edge of an existing sidewalk of Hillcrest Junior High School, said point also being North, 747.76 feet and East 1261.38 feet East from the Southwest corner of Section 7, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence North $00^{\circ}02'05''$ East, along the Easterly edge of an existing sidewalk 283.80 feet to the Southerly right-of-way line of 5300 South Street; thence South $89^{\circ}40'10''$ East, along said Southerly right-of-way line, 301.74 feet to an existing chain link fence line on the Westerly boundary of the Ray Daines Property; thence South 260.73 feet along said existing chain link fence line to a fence corner; said point being the most Southwesterly corner of the Ray Daines Property; thence North $89^{\circ}34'17''$ East 90.00 feet along an existing chain link fence line, (said line being the Southerly boundary line of the Ray Daines Property) to the Westerly right-of-way line of Hillside Drive; thence South, along said right-of-way line of 22.79 feet to the Northerly face of an existing block wall; thence West, 391.91 feet to the point of BEGINNING.

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

ATTEST:

By Richard Clark
Richard Clark
Its: Clerk

THE BOARD OF EDUCATION OF
THE MURRAY CITY SCHOOL
DISTRICT

By Laura Baker
Laura Baker
Its: President

ATTEST:

By Edmonia L. Allsop
Its: Veteran

THE BOARD OF TRUSTEES OF
THE MURRAY CITY PUBLIC
LIBRARY

By Bryan D. Mann
Its: Chairperson of the Board

ATTEST:

By Donald W. Lamm
Its: City Recorder

MURRAY CITY CORPORATION

By Lynn A. Pitt
Its: Mayor

DLB\kk\murray.otp

6

EXHIBIT "B"

When recorded, return to:

H. Craig Hall, Esq.
5025 South State Street
Murray, Utah 84107

**WARRANTY DEED
(Special)**

The Board of Education of the Murray City School District, Grantor, of Murray City, County of Salt Lake, State of Utah, hereby conveys and warrants against all claiming by, through or under the Board of Education of the Murray City School District, but not otherwise, to Murray City Corporation, a political subdivision of the State of Utah, Grantee, of Murray City, County of Salt Lake, State of Utah, for the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the following described tract of land in Murray City, Salt Lake County, State of Utah:

BEGINNING at a point which is South $00^{\circ}02'05''$ West, 40.41 feet from the edge of an existing sidewalk of Hillcrest Junior High School, said point also being North, 747.76 feet and East 1261.38 feet East from the Southwest corner of Section 7, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence North $00^{\circ}02'05''$ East, along the Easterly edge of an existing sidewalk 283.80 feet to the Southerly right-of-way line of 5300 South Street; thence South $89^{\circ}40'10''$ East, along said Southerly right-of-way line, 301.74 feet to an existing chain link fence line on the Westerly boundary of the Ray Daines Property; thence South 260.73 feet along said existing chain link fence line to a fence corner; said point being the most Southwesterly corner of the Ray Daines Property; thence North $89^{\circ}34'17''$ East 90.00 feet along an existing chain link fence line, (said line being the Southerly boundary line of the Ray Daines Property) to the Westerly right-of-way line of Hillside Drive; thence South, along said right-of-way line of 22.79 feet to the Northerly face of an existing block wall; thence West, 391.91 feet to the point of BEGINNING.

The above described property also known by the street address of: (none shown)
THIS CONVEYANCE IS MADE SUBJECT TO THE FOLLOWING:

1. All liens and encumbrances appearing of record or enforceable at law or in equity.

WITNESSETH THE HAND OF SAID GRANTOR this 2nd day of December, 1991.

THE BOARD OF EDUCATION OF THE MURRAY CITY SCHOOL DISTRICT

By Laura Baker
Laura Baker
Its: President

ATTEST:

Richard Clark

Richard Clark

Its: Clerk

STATE OF UTAH)
)
COUNTY OF SALT LAKE)
 :ss.

On the 2nd day of December, 1991, personally appeared before me, Laura Baker, as President, and Richard Clark, as Clerk, of the Board of Education of the Murray City School District, the signers of the within instrument, who duly acknowledged to me that they executed the same on behalf of the Board of Education of the Murray City School District.

Notary Public

Residing at:

Salt Lake Co., Utah

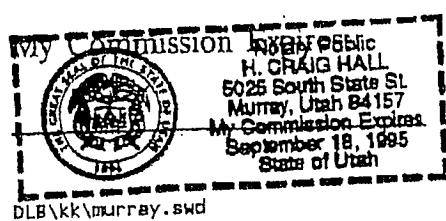


EXHIBIT "C"

LEASE AGREEMENT FOR MAIN MURRAY PUBLIC LIBRARY
Located At Approximately 152 East 5300 South, Murray, Utah

THIS LEASE AGREEMENT is made and entered into by MURRAY PUBLIC LIBRARY, a political subdivision of the State of Utah, hereinafter referred to as "Library", and MURRAY SCHOOL DISTRICT, a body politic of the State of Utah, hereinafter referred to as "District".

WHEREAS, the Board of Trustees of the Murray Public Library is desirous of leasing property from District for the construction of the new main public library; and

WHEREAS the District has taken formal school board action on April 24, 1991, authorizing the execution of such lease,

NOW, THEREFORE, based on the mutual covenants and conditions contained herein, it is agreed by and between the parties as follows:

1. That District leases to Library for its sole and exclusive use, for an initial term of 50 years the following described parcel of ground:

BEGINNING AT A POINT which is at the intersection of the Southerly right-of-way line of 5300 South Street and an existing West property line (West Property line of a property which fronts the West side of Hillside Drive and running thence South along said West property line 258.5 feet; thence East 90 feet to the West right-of-way line of Hillside Drive; thence South along said West right-of-way line 23.5 feet; thence West 393 feet more or less to the East edge of an existing concrete walk; thence North along said edge of concrete walk 282 feet, more or less, to the South right-of-way line of 5300 South Street; thence East along said South right-

of-way line 303 feet more or less to the point of beginning.

2. Library agrees to pay the sum of \$1.00 per year, for a total sum of \$50.00, as payment for lease of said property. The total sum shall be due and payable within 30 days of execution of this lease. As additional consideration, Library agrees to pay to District the sum of \$39,000.00 for the cost of relocation of the existing softball field and excavation of soil at the new site of the softball field. Upon payment of said sums as contemplated in this Agreement, Library shall be entitled to possession of the property as described in Paragraph 1 of this Agreement.

3. Library is granted the exclusive right to build, construct, and otherwise improve said parcel of land with the intended purpose of the lease being the construction of a building to be utilized for the library and related purposes.

4. This lease shall be automatically renewed by and between the parties for a like term, unless the parties hereto terminate the agreement pursuant to paragraph 8 of this Agreement.

5. Library is granted the exclusive right to utilize said property without interference or direction from District. District further grants to Library a nonexclusive right of way for ingress and egress for a parking lot to be utilized for a parking lot for the like period of time, the term and duration of

this lease. Said property to be utilized for said Ingress, Egress and Parking is described as follows:

BEGINNING at a point which is West along the South right-of-way line of 5300 South Street 191 feet from the intersection of said right-of-way line and an existing West property line (West property line of a property which fronts the West side of Hillside Drive) and running thence South 282 feet more or less to the South property line of the Murray Library property; thence West along said South property line 112 feet to the West property line of the Murray Library property; thence North along said West property line 282 feet more or less to the South right-of-way line of 5300 South Street; thence East along said South right-of-way line 112 feet to the point of beginning.

Site plan is attached as Exhibit A and incorporated herein for all purposes.

6. District covenants that said parking lot shall be open for pedestrian and vehicle utilization seven days a week, with the exception of such days as may be declared, public holidays, and/or for routine repair and maintenance of said parking lot. Said lot, however, may be closed after 10:00 p.m. on each and every business day until 7:00 a.m. the following day. Library and District understand and agree that certain school and library functions and events may over utilize designated parking areas. Such usage is expected and both parties to this Agreement shall use their best efforts to cooperate and to meet each others specific needs. Notwithstanding provisions to the contrary, District and Library shall have the right to utilize parking on

the school property and described library parcel during such times of special events.

7. It is expressly agreed and understood that Library shall hold the District harmless, and shall defend the District from any and all damage, injury, claim, suit, accident, law, and equity which may be brought against the District which may arise out of the improvement or use of the property as described in paragraph one herein.

8. This agreement may be terminated by the parties after the expiration of the original term as provided for in paragraph one, provided the written notice is served upon the parties at least five years prior to the expiration of said agreement. If said lease is terminated by District, District shall compensate Library for the improvements constructed on said leased premises at the fair market value of said improvements as determined on the date of termination of said lease. In the event that Library elects to terminate this lease as provided herein, District shall not be required to compensate Library for such improvements.

9. It is expressly understood that the operation, management, and control of said library facilities is exclusively reserved to the Library Director and the Board of Trustees for the Murray Public Library.

10. This agreement shall not be assigned without the prior written consent and approval of all parties.

11. In the event of default of one of the parties here-to, it is agreed that the non-defaulting party shall be entitled to reasonable attorneys fees and all costs of court incurred in the enforcement of this agreement.

MADE AND ENTERED INTO THIS 16th day of MAY, 1991.

MURRAY PUBLIC LIBRARY
BOARD OF TRUSTEES

By: Byron D. DeMann
Its Chairman

MURRAY SCHOOL DISTRICT
BOARD OF EDUCATION

Laurie L. Baker
President

C-1

LETTER OF UNDERSTANDING
BETWEEN MURRAY SCHOOL DISTRICT AND
MURRAY CITY PUBLIC LIBRARY

This Letter of Understanding is drafted and entered into this 16th day of May, 1991, by and between Murray City Public Library, hereinafter referred to as "Library" and Murray School District, hereinafter referred to as "District".

WHEREAS, Library and District have entered into a Lease Agreement for the use of approximately 2.01 acres for the construction and operation of a public library at approximately 152 East 5300 South, Murray, Utah, on the Hillcrest Jr. High School campus; and

WHEREAS, it is intended between the parties that mutual cooperation between the parties be increased and benefits be extended to each party;

NOW, THEREFORE, it is agreed by and between the parties as follows:

1. There is created an Advisory Committee known as the Murray Library and School District Advisory Committee. The Committee shall consist of four (4) appointed members (two from each entity). There shall also be two (2) ex-officio members of the Committee. Said members shall be the Director Media Coordinator and the Murray Public Library Director.

2. The Committee shall meet not less than every three (3) months.

3. The Committee shall be an advisory board which has the duty to review and recommend issues of mutual concern, including but not limited to:

(A) Collection Utilization.

(1) Electronic access to the public library's database to ascertain holdings and availability. Through dial access this service would be available to all library patrons, including the schools, through the use of suitable modems.

(2) Fax of information from books and periodicals at local school, public, academic, and special libraries.

(3) Courier service between the Murray Public Library and the Murray schools to deliver and return materials; this service would be similar to the exchange now available between all the public libraries in the Salt Lake Valley. This courier service might also be extended to homebound patrons of the public library.

(4) Temporary collections on loan to either the school or the public libraries to accommodate the needs of special projects, i.e., a reserve collection for a limited period of time.

(5) Non-circulating textbook collection (provided by the school district) to be available for the students at the public library.

(B) Collection Development

(1) Eliminate unnecessary duplication of expensive reference and research tools, both print and non-print, through mutual notification of materials purchased.

(2) Mutual exchange of materials including gifts and needed items which are appropriate for utilization by the other libraries.

(C) Staff Training and Development.

(1) Develop shared training to provide additional continuing education opportunities for both staffs; this could include book discussion groups for various age groups and discussion of individual reference tools.

(2) Develop a shared list of "expertise" to enhance the information and services available at all libraries.

(D) Public Library Facility.

The community at large, including the schools, has access to the public library--its facility, collection, and staff--during all of the hours the building is open.

4. Decision and recommendations of the committee are advisory and are not binding upon either the Library or District unless the decisions and/or recommendations are ratified by both boards.

5. Nothing in this Agreement impairs or limits the authority of either board to take action within the scope of its jurisdiction as established by the constitution or other statutory provisions.

6. This Committee shall exist for the duration of the lease period for the property where the main library is located at Hillcrest Jr. High School.

DATED this 16th day of MAY, 1991.

MURRAY CITY PUBLIC LIBRARY

MURRAY SCHOOL DISTRICT

Bryan & DeMann

Laura S Baker

J

EXHIBIT "D"

When recorded, return to:

David L. Bird, Esq.
McKAY, BURTON & THURMAN
1200 Kennecott Building
Salt Lake City, Utah 84133

OPTION TO PURCHASE

This OPTION TO PURCHASE, is made and entered into as of the 4th day of December, 1991, by and between Murray City Corporation (the "City"), a political subdivision of the State of Utah and the Board of Education of the Murray City School District (the "District"), a body politic of the State of Utah.

R E C I T A L S:

A. The City has acquired from the District certain real property located in Salt Lake County, State of Utah, as more fully described in Exhibit "A" attached hereto, (the "Property") for the purpose of constructing, operating and maintaining a public library which will provide benefits to, among others, the District.

B. The financing of the construction of the library utilizing local government revenue bonds necessitates the conveyance of the Property by deed, however, the parties desire to provide for the repurchase of the Property by the District subject to the conditions described in Section 1 hereof.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The District shall have the irrevocable option to purchase the Property pursuant to the terms of that certain unrecorded Agreement between Murray City Corporation, the Board of Trustees of the Murray City Public Library and the Board of Education of the Murray City School District dated as of the 4th day of December, 1991 which provides for the exercise of the Option within three (3) years of the date that the City and Library Board provide written notice to the District that (I) the payment of the principal of, premium, if any; and interest on those certain Utah Municipal Finance Cooperative (MFA) Local Government Revenue Bonds (Pooled Capital Improvement Financing Program) Series December 4, 1991 -- Murray City, Utah, (Lease Purchase Obligation) (the "Project Bonds") have been paid in full; (II) all amounts under the Lease Purchase Financing Agreement (the "Financing Agreement") dated as of December 4, 1991, by and between the City and the Utah Municipal Finance Cooperative have been paid in full, and (III) the time for the District to exercise its Option to repurchase the Property has matured (the "First Option"). In the event the District fails to exercise the First Option to repurchase the Property, the District shall thereafter have a Second Option to repurchase the Property (the "Second Option") for the same exercise price. The Second Option shall be for a period of sixty (60) days which shall commence on the

date of receipt of a second notice from the City and Library Board to the District advising the District of its failure to exercise the First Option and the time for the District to exercise the Second Option. Should the District fail to exercise the First Option or the Second Option it shall have no further Option to repurchase the Property. The Option to Purchase shall remain in full force and be binding upon any subsequent owner or owners of the property to the same extent as if said subsequent owner or owners were the City.

IN WITNESS WHEREOF, the parties hereto have executed this Option to Purchase as of the date first above written.



ATTEST

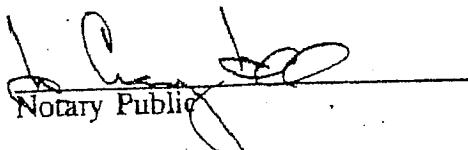
By Lynn F. Pett
Its: City Recorder

MURRAY CITY CORPORATION

By Lynn F. Pett
Its: Mayor

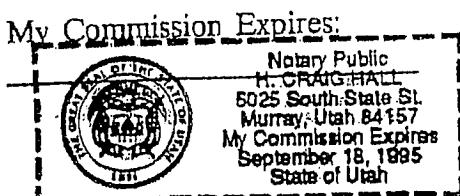
STATE OF UTAH)
:ss.
COUNTY OF SALT LAKE)

On the 2nd day of December, 1991, personally appeared before me Lynn F. Pett and Laura Person the signers of the within instrument, who duly acknowledged to me that they executed the same on behalf of Murray City Corporation.



Notary Public

Residing at:
Salt Lake Co., Utah



THE BOARD OF EDUCATION OF
THE MURRAY CITY SCHOOL
DISTRICT

By Laura Baker

Laura Baker

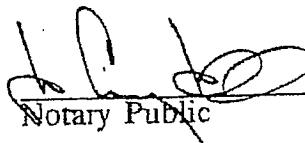
Its: President

ATTEST:

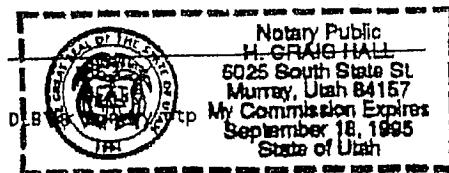
By Richard Clark
Its: Clerk

STATE OF UTAH)
COUNTY OF SALT LAKE)
ISS.

On the 2nd day of December, 1991, personally appeared before me
Laura Baker, as President, and Richard Clark, as Clerk, of the Board of Education of
the Murray City School District, the signers of the within instrument, who duly
acknowledged to me that they executed the same on behalf of the Board of Education
of the Murray City School District.


Notary Public

My Commission Expires:



Residing at:

Salt Lake Co., Utah

EXHIBIT "A"

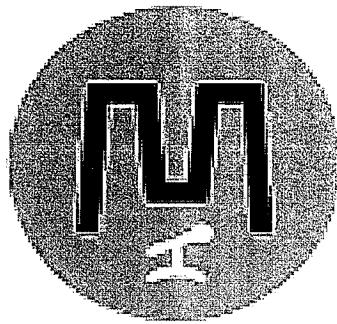
A description of certain real property located in Salt Lake County, Utah
to wit:

BEGINNING at a point which is South $00^{\circ}02'05''$ West, 40.41 feet from the edge of an existing sidewalk of Hillcrest Junior High School, said point also being North, 747.76 feet and East 1261.38 feet East from the Southwest corner of Section 7, Township 2 South, Range 1 East, Salt Lake Base and Meridian; and running thence North $00^{\circ}02'05''$ East, along the Easterly edge of an existing sidewalk 283.80 feet to the Southerly right-of-way line of 5300 South Street; thence South $89^{\circ}40'10''$ East, along said Southerly right-of-way line, 301.74 feet to an existing chain link fence line on the Westerly boundary of the Ray Daines Property; thence South 260.73 feet along said existing chain link fence line to a fence corner; said point being the most Southwesterly corner of the Ray Daines Property; thence North $89^{\circ}34'17''$ East 90.00 feet along an existing chain link fence line, (said line being the Southerly boundary line of the Ray Daines Property) to the Westerly right-of-way line of Hillside Drive; thence South, along said right-of-way line of 22.79 feet to the Northerly face of an existing block wall; thence West, 391.91 feet to the point of BEGINNING.

EXHIBIT "E"

The following is a list of the personal property and its approximate value. The Murray City Library will give a security interest in this property to the Murray City School District for the parcel of land located at 166 East 5600 South, Murray, Utah.

One Dynix Library Computer System	\$ 67,000.00
Book stacks	92,000.00
Sharp copy machines (3)	7,700.00
Display carousels (8)	10,000.00
Swintec typewriters (10)	5,000.00
IBM personal computers (4)	10,000.00
Microfilm readers (2)	2,000.00
Projectors - 1 lot (14)	7,200.00
Tables - various (40)	12,000.00
Desks - various (22)	13,000.00
Chairs - oak (50)	5,000.00
Filing cabinets - various (25)	5,000.00
Piano and bench	2,000.00
Public access terminals - additional (10)	20,000.00
Televisions (2)	1,000.00
VCRs (2)	700.00
Chairs - Steelcase (12)	6,000.00
Chairs - auditorium (125)	9,400.00
Chairs - children's (40)	2,000.00
Tables - children's (10)	2,000.00
Book carts (12)	6,000.00
 Total	\$ 285,000.00
	=====



MURRAY
CITY COUNCIL

Discussion Item #6

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.)

Home Occupation Ordinance Changes

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
Safe and Healthy Neighborhoods with Varied Housing Opportunities

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

Council Meeting OR Committee of the Whole

Date requested: January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

Not Applicable

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

See attached memo

6. REQUESTOR:

Name: Tim Tingey

Title: Director, Administrative & Development Services

Presenter: Same

Title: _____

Agency: _____

Phone: 801-264-2680

Date: December 12, 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: T. Tingey Date: 12/12/12

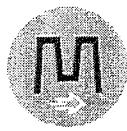
Mayor: Daniel C. Mann Date: 12/20/12

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

February 24, 2012



MURRAY CITY CORPORATION
ADMINISTRATIVE &
DEVELOPMENT SERVICES

B. Tim Tingey, Director

Building Division
Community & Economic Development
Geographic Information Systems

Information Technology
Recorder Division
Treasurer Division

TO: Murray City Council
FROM: Tim Tingey, Director of Administrative and Development Services
DATE: December 12, 2012
SUBJECT: Home Occupation Ordinance Change

Staff was present at the October 16, 2012 Committee of the Whole meeting to discuss proposed changes to the zoning ordinance related to home occupations. Since that meeting, the matter has been presented to the Planning Commission for consideration. The Planning Commission made a recommendation of denial related to the proposed ordinance changes. Staff will be present at the meeting on January 8, 2013 to discuss issues raised at the Planning Commission meeting.

Feel free to contact me at 801-264-2680 if you have any questions.

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 13th day of November, 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:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Gil Rodriguez,	Fire Chief
Peter Fondaco,	Police Chief
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative & Developmental Services Director
Doug Roberts,	Police Department
Roy Halford,	Police Department
Mark Dewald,	Police Department
Andrew Mecham,	Police Department
Brad Rowe,	Police Department
Chad Toole,	Police Department
Preston Kirk,	Financial Advisor, George K. Baum
Scouts	
Citizens	

5. OPENING CEREMONIES

5.1 Pledge of Allegiance- Spencer Shewell, Boy Scout Troop 396

- 5.2
 - 5.2.1 Approval of Minutes for October 2, 2012.
 - 5.2.2 Approval of Minutes for October 16, 2012.

Mr. Shaver asked that these two be taken together; no objections noted.

Mr. Stam made a motion to approve the minutes.
Motion 2nd by Mr. Nicponski.

Call vote taken, all Ayes.

- 5.3 Special Recognition:

- 5.3.1 **Swearing-in of four new Murray City Police Officers: Mark Dewald, Andrew Mecham, Brad Rowe, and Chad Toole.**

Staff presentation: Chief Fondaco.

Swearing-in ceremony performed by Jennifer Kennedy, City Recorder

The officers introduced their families.

Chief Fondaco congratulated the officers, saying that this is a family and they are all part of the family now.

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

None given.

Citizen comment closed

7. CONSENT AGENDA

- 7.1 None scheduled.

8. PUBLIC HEARINGS

- 8.1 Public Hearing #1

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

Consider an Ordinance amending section 17.76.160 of the Murray City Municipal Code allowing City staff to approve (1) secondary gates for swimming pools in commercial, multi-family, motel and hotel developments, and requiring compliance with the International Building Code.

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey stated that this item was brought before the Planning Commission on October 18, 2012; they recommended approval on this and this was discussed during the Committee of the Whole meeting. This is about streamlining processes and adhering to what International Building Code requirements are. Right now, in the City's existing Code, it requires that if there is a swimming pool that is being constructed, that is not indoors, a secondary gate would have to be approved by the Planning Commission. This Ordinance proposal would allow staff to give that approval, streamlining the process. It also helps the City to be more in collaboration with what the International Building Code states. Based on that, Planning Commission recommended approval; staff is recommending approval as well.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.1.2 Council consideration of the above matter.

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

9. UNFINISHED BUSINESS

9.1 None scheduled.

10. NEW BUSINESS

10.1 Consider an Ordinance authorizing the execution of an Interlocal Cooperation Service Agreement between Salt Lake County on behalf of the Salt Lake Valley Health Department (SLVHD) and Murray City (the “City”) on behalf of its Police Department to provide safety and security to limited health services at certain established Points of Distribution (“PODs”) in the event of a public health emergency.

Staff Presentation, Chief Fondaco, Police Chief

Chief Fondaco stated that this came to the City from the Salt Lake Valley Health Department. If there is an emergency where the health department needs these points of distribution for antidotes or vaccinations, this allows the City to provide the security for those locations. This is related to FEMA and the emergency planning that Salt Lake County is doing. Chief Fondaco added that he was contacted by GIS and they have these points of distribution already plotted out on a map within Murray City and if anyone would like to see that, they can provide that information.

Council consideration of the above matter.

Mr. Nicponski asked if this Ordinance spells out the manpower size or if it is at the City’s discretion.

Chief Fondaco stated that it does not spell it out in the Ordinance.

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

10.2 Consider a Resolution authorizing the execution of an Interlocal Cooperation Service Agreement between the Utah Communication Agency Network (“UCAN”) and Murray City for the City to use communication services provided by UCAN.

Staff presentation, Chief Fondaco, Police Chief

Chief Fondaco stated that, through the budgeting process, the Police Department purchased UCAN radios for all of the officers. They have equipped them now with the walkie-talkies and next budget year they will be asking for the mobiles for the cars. This Interlocal agreement allows the Police Department to join UCAN and actually use their service.

Council consideration of the above matter.

Mr. Nicponski made a motion to adopt the Resolution.
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

10.3 Consider a Resolution of the Municipal Council of Murray City, Utah (the “Issuer”) authorizing the issuance and sale of not more than \$3,300,000 aggregate principal amount of Storm Water Revenue Bonds, Series 2013; fixing the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; delegating to certain Officers of the Issuer the authority to approve the final terms and provisions of the bonds within the Parameters set forth herein; providing for a public hearing and the publication of a Notice of Public Hearing and Bonds to be issued; providing for the running of a contest period; authorizing and approving the execution of a General Indenture of Trust, a Supplemental Indenture of Trust, a Bond Purchase Agreement, an Official Statement (if required), and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that initially they would have liked Randy Larsen, the bond counselor to explain this, but he was unable to attend. Mr. Zollinger introduced Preston Kirk, Financial Advisor from George K. Baum who gave some of the details relating to this issue.

Mr. Kirk stated that they have been in discussions with the staff and are aware of a number of storm water improvements that need to be made by Mr. Hill and his staff to the extent that they can't be paid for with the cash on hand that the City has. What they have done is looked at going out into the market and borrowing sufficient money to fund those projects that would span over approximately a 30-month period of time. The amount of the funds is approximately \$2.8 million. The Resolution before the Council tonight is the first legal step, as required by the bond attorney to start that process. Ultimately it starts as this Resolution and once this Resolution is entertained, it provides for a number of things. Embedded in this Resolution is the par amount of bonds that may not be exceeded. They have set that a little bit high at \$3.3 million in the event that they need to fund the customary debt service reserve account based on the costs of issuance. They also include some contingencies if the costs go up or they want those bonds to carry the City a little longer. It is easier to build them in a little high and come in underneath. That would be the intent.

The par amount of \$3.3 million is at an interest rate not to exceed 5%. There are multiple interest rates which have been set that high. The effective interest rate to the City will be approximately 3.25% for 21 years. They know that the study that was done for these improvements, along with the accompanying rate increase was over a 20 year period of time. If we enter the market early, January or February, and have the payment dates be March 1 of every year, the bonds may actually be 20 years and a month. The best way to cover that would be to put in 21 years but essentially have 20 years of payments. Other items embedded in this is an offering document referred to as a preliminary official statement which is needed to access the market. There is also the running of a contest period and a publication notifying the public of the intent to issue bonds at the par amount and interest rate, the number of years, the discount and so forth.

One of the things that has happened in the market recently has been some volatility in the market. This Resolution delegates to a number of individuals the ability to consummate this deal at a future date to lock in the actual par amount, interest rate and the terms without coming back before the City. Recently, they had a sale of bonds for the Murray School District. They had originally picked a sale date of the 30th of October, 2012. On the 29th of October, 2012, tropical storm Sandy went through New York and the bond market was closed. Fortunately, they had rescheduled their sale for the 1st of November, 2012 which was made possible by this delegating line in the Resolution which doesn't lock into a specific date that ties directly to a City Council meeting. Ultimately, those are the items that are entailed in this Resolution.

Mr. Stam asked if there was any penalty for early payoff on this.

Mr. Kirk said that generally, no. With most municipal bonds that they sell, there is generally a ten year provision where the bonds are not callable. A lot of the individual investors in these, whether it be a large financial institution or an insurance company, don't want to have these bonds issued and then called out immediately afterwards. If you make the call provision earlier than the ten years, there may be an off-setting interest rate adjustment upward to compensate the investors. At these fairly low rates that

shouldn't be a huge concern, particularly if you are borrowing for 20 years around 3 - 3.25%. They will make sure that they get the best call provisions that they can for the City.

Mr. Nakamura stated, for the record, that the City has scheduled a public hearing for January 8, 2013. Mr. Nakamura asked if in the Resolution there is a time period to receive reimbursement for costs already incurred.

Mr. Kirk said that often times when you bond for a project, the actual proceeds from the bond issue don't come in exactly as they are needed and the City up-fronts some of the money beforehand from other monies that they didn't intend to draw down. Embedded in this resolution is the ability for the City to look back 60 days from today and reimburse themselves for any hard costs that they have incurred. That would include pipe, cement, steel, etc. to the extent that there have been some engineering, architectural or design work, even if it were four or five months ago, within reason. The City would be able to reimburse itself with those bond proceeds once the interest rates are locked in and the bonds are closed.

Mr. Shaver asked if that would be 60 days from today or 60 days from the public hearing passage.

Mr. Kirk said that it would be 60 days from tonight. The City can back up on hard costs incurred since September 13, 2012.

Mr. Shaver asked Mr. Nakamura if there is a period when those parameters, principals or interest are met, is there a procedure that they need to follow to move forward with it, or is it designated by Mr. Hill?

Mr. Nakamura stated that in locking in the interest, we are designating the Finance Director and others to make that decision to take advantage of when the market is good. The Council is approving the ability to do that and there definitely are parameters and limits as to what the interest rates are. They are allowing some flexibility to the Finance Director, mainly, as to when to 'pull the trigger' if you will, on that.

Mr. Kirk noted that nothing much more is going to happen between now and year end. They will continue to work with the staff and apprise them of any decisions or general directions that they are headed in and hopefully that information will be passed on to the Council.

Mr. Zollinger added that they wanted the reimbursement provision added in so that they could pick up any costs. They are also trying to avoid arbitrage. Arbitrage calculation costs are \$3,000.00 if they don't draw down the bonds within two years. That is another reason that they implemented that provision into the contract.

Mr. Shaver asked Mr. Nakamura to clarify if this would be coming to a public hearing at a later date.

Mr. Nakamura said that it is scheduled for a public hearing on January 8, 2013. Mr. Nakamura added that Randy Larsen, the bond counsel from Ballard Spahr had arrived and could answer any other questions that the Council might have.

Council consideration of the above matter.

Mr. Hales made a motion to adopt the Resolution.
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

10.4 Consider a Resolution adopting the regular Meeting Schedule of the Murray City Municipal Council for calendar year 2013.

Council consideration of the above matter.

Mr. Stam proposed that the meeting scheduled for Tuesday, July 2, 2013 be moved to the following week to avoid the week of the 4th of July. He also asked Ms. Lopez if the dates of the UAMPS conference had been looked at.

Ms. Lopez stated that those dates had been looked at and the meeting dates in August had not been changed, but the June date had been changed for APPA.

Mr. Stam asked if the date in August interferes with the UAMPS conference.

Ms. Lopez said she did think that the meeting does go through August 20, 2013.

Mayor Snarr stated that the meeting is in California and that the meetings are actually Sunday night, Monday and Tuesday.

Mr. Stam said that not knowing how many of the Council Members are interested in going, that is one of the things that they have had conflict with.

Council discussion was held on the dates available to change the meeting to.

Mr. Stam made a motion to adopt the Resolution, with the exception of July 2, 2013 being moved to July 9, 2013, and August 20, 2013 being moved to August 27, 2013.
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 stated that Mr. Nakamura and Ms. Wells met with the Salt Lake County Council in regards to the sanitation district above 900 East. They have agreed to provide Murray City with a seat on the board to represent the Murray residents who live above 900 East. He appreciates their willingness to do that. Mr. Nakamura will be attending the meeting tomorrow to solidify what is going to be taking place. Mr. Brass had indicated that he may be interested in serving on the board. This position requires the representative to be an elected representative. It is going to be interesting how things play out with that as they are looking at doing something totally different with the garbage pick-up service that is currently provided by Salt Lake County. Mr. Nakamura can fill the Council in on the details, but basically they are going to create their own independent sanitation district separate from that of the County.

Mayor Snarr indicated that the City had looked into providing services as much as they could, but the issue is the \$300,000.00 acquisition of the garbage cans. He suggested that the County give the city residents the cans as they had already purchased the cans and then turn them over to the City. That didn't work though.

Mayor Snarr stated that December 6, 2012 will be the FrontRunner station opening at Central Station where the current light rail is. The grand-opening is from 8:30 – 11:30 a.m. It is a big day in the City's history and he hopes that everyone will come out to enjoy the festivities.

Mayor Snarr noted that there is a challenge right now with FrontRunner and with Chick-Fil-A in that the significant snow has presented an issue as far as the soil being dry in order to asphalt it. Yesterday they graded off all of the snow and they said that they are close in having it ready. They want to get it as dry as possible and much of it depends on the temperatures. If the weather gets into the 50's it helps, but next week is Thanksgiving and historically, they close down the asphalt plants that Thursday and Friday. They need to get that asphalt down before they can open the light-rail station. They are pushing a challenging situation with this extraordinary amount of snow pack that we recently received here in the valley. Hopefully they will figure out a way to get it done quickly. He added that Chick-Fil-A did pour the drive-up today. They did some drying work and

put in some additional road base and did a compaction test to make sure that the concrete would be stable. The drive-up is all concrete but the rest of the parking lot will be asphalt. They still want to open up sometime in January and are pretty much on-line to do that if they can get the parking lot paved.

Mr. Nicponski said that tonight he took the first step in issuing \$3.3 million in bonds. He asked the Mayor to talk to them about where the City is at with bonding obligations and how much room the City has relative to future bonding.

Mayor Snarr said that when they first implemented the fee for storm drains, there were some concerns among the residents. Addressing that infrastructure is absolutely imperative for the City to prevent the same types of tragedy that occur when there are significant events, whether it is a hurricane, a lot of rain or snow. The City has had events in the past with significant flooding where we have not had adequate storm drains. Much of that money, ironically, is going to be shifted to address areas in the newly annexed area where they really had some concerns about the storm drain. As everyone is aware, during the meeting they discussed approximately \$18 million worth of storm drain projects. As far as the City being able to do it with Enterprise Funds, the City is in great shape.

Mr. Zollinger stated that the City has lots of bonding capacity but then the ability to pay comes in too. The City can bond up to a certain percentage of the value of the properties within the city limits. The number coming to his memory is approximately \$400 million. The ability to repay that would come at a hefty price so we want to be careful with doing that. The different enterprise funds have room to bond; many of them are trying to build the reserves right now to pay for projects.

Mr. Nakamura added that the only limitations would be the City's sales tax bonds. To remain tax exempt, the City has a limit of \$10 million per year. He isn't sure where the City is with that, but we should be ok. There are limitations on the bonding.

Mr. Zollinger said that they can still issue more than that amount, it just isn't tax exempt.

Mr. Shaver explained that there are several different ways that the City bonds and that is perhaps what they need to address. There are sales tax bonds, GEO bonds, zero obligation bonds, etc.

Mr. Zollinger stated that the City also issues bonds based off of sales tax bonds. With the enterprise funds, we pledge the revenues to bond. We have an MBA bond that we could issue if needed, RDA bonds, etc. The thing about the RDA and MBA bonds is that they are usually more expensive and at a higher interest rate. The best interest rate we can get is with a GEO bond followed by a sales tax bond because they are revenue based.

Mr. Nicponski noted that with the snowfall, he didn't think there were any power outages and that was due to the city's tree cutting efforts.

Mayor Snarr said that he was not aware of any power outages either. He added that when he was first elected, it was somewhat controversial in the fact that as the City added an extra set of arborists that cost the City about \$500,000.00 between what we had to pay the three additional people for the first year and all of the additional equipment that was purchased. As he has always maintained, you prepare for the worst and hope it doesn't happen. Our City has always been better prepared than any other agency that delivers power in the state of Utah. In 2003, we had a very significant storm event and areas above 900 East, which are not served by Murray Power, were out for up to seven days. Our average outage was two minutes and we had one area of about 130 homes that were out about six hours. Those 130 homes were out that long because a lady refused to allow the City to do the proper trimming on the trees to prevent the limbs from dropping onto the power lines. All of the neighbors came back and made sure that they let her know that they were not happy that she had not let them trim the trees properly.

To the credit of the Power Department, this City is very lucky. To the residents, the Mayor added that they are not charged to have those arborists in our city. Other cities charge to have an arborist come out to trim the trees. In Murray, the trees in the parking strips are trimmed on the dime of the Power Department and the rates are reasonable. Although he took a lot of heat for adding those arborists, it paid big dividends because the City did not have to spend a lot of money restoring the power, nor replacing lines which were taken down in Rocky Mountain Power's distribution system. He sometimes tells people that we are not spending money, we are investing money to secure our infrastructure and update and enhance it in a timely manner so that if an event does occur, we are ahead of the game.

That is something the City is always trying to do. There have been some significant events, including in his neighborhood where they had a lot of flooding and they had to foot costs. Their storm drains were not adequate and flooded out the school board chair's house. Mildred and Ralph Horton's home was damaged from the water. The storm drain was undersized and inadequate for the storm event. The City has had several events since that time and have not had any problems as they have taken care of it down there on the west end, upgrading and enhancing the system.

The challenging area is above 900 East where there has never been an adequate storm drain system put in. That is what the City is going to work on over the next several years. These bonds are a start to that. The bonds that the City has taken out are to enhance the sewer system to make sure that the expansion of the mall can take place and to ensure that there is adequate capacity with the sewer lines. We have put in the laterals to go down to 500 West, through the hospital site, to accommodate the restrooms and other sanitation needs there. We have also installed the laterals to accommodate the growth around Fireclay and the substantial number of units being built there. We have also put in a lateral that runs from Winchester Street on the west end of the valley all the way down to 500 West that connects to the main trunk line that takes the water to Central Valley. We are making enhancements throughout the City to make sure that we are prepared for the future. That is good planning and the City has excellent engineers and Department Heads who are always looking out for what's right for the future of Murray, not

necessarily that which looks politically good because they are not raising fees.

Mayor Snarr stated that he is the type of person who says raise the fees to take care of challenges before they become catastrophes. That is what he has always believed in and he will continue to feel that way for another year.

Mr. Stam noted that this past weekend there was a significant snowfall and there were not a lot of leaves down yet from the trees, there was still not a lot of damage compared to last year.

Mayor Snarr stated that the City had been very aggressive in trimming the trees this year. A lot of the limbs that were going to break had already been taken down. In his particular area, there are a lot of the flowering pear trees and they had minimal damage this year; last year during the big storm events. There was a lot of damage. The City trims to the specifications that the arborists learn to trim to and they have been somewhat aggressive this year. The Mayor has had some neighbors complain that they have been too aggressive, but he has said that either the arborists trim it or the garbage trucks trim it. You get a better cut with the arborists than you do with the garbage trucks.

Mr. Stam said that the record snowfall broke a record that was set in 1886. The other interesting thing that the news said, and he doesn't know how it compares to Murray, is that just east of here, the amount of snowfall over the weekend was greater than the entire amount received last year. We may have a little wetter year this year and less water issues.

Mayor Snarr said he hopes so. Our aquifers are charged by Big and Little Cottonwood Creeks and that is what keeps our water rates very favorable. Mayor Snarr added that Ms. Wells sends out great communications from their office and one of the things that he is very proud of is the money that the City has spent to enhance the McGhie Springs by the Old Mill. Cottonwood Heights is working on the final approval of the trail. There has been a 30% improvement of productivity of that spring. It has been a very controversial area. In 1919 it mortgaged every single resident in the amount of almost \$4,000.00 and everyone was concerned about it. Today, because our ancestors made that critical decision, we have a great water resource which is extremely valuable and it was much less expensive back then than it is today in acquiring the water right-of-ways to get the water down through all of the million dollar yards in the Holladay area.

Mr. Stam mentioned that the scouts who come in to learn and observe are appreciated. One of the things that they have found is that part of the Merit Badge requires a service project that benefits the community. He said that if they need any help with ideas for that, the Council has a list of people they can contact.

Mayor Snarr stated that the Council makes all of the budgetary decisions and they have done an excellent job over the years. They all recognize that the City is investing in the future of Murray City, not haphazardly spending money on projects that don't have value. They are looking at the infrastructure of the City and that is what makes businesses

want to come and do business here. They look at our Power Department, our Sewer Department, our Water Department and our Streets Department and know that Murray is on top of the game and taken care of those things that make businesses successful. The City wins because there are great businesses here paying property tax as well as sales tax.

Mr. Shaver added that the Council has pins for the scouts in attendance and that if they have any questions, the Council will be happy to address those questions.

11.2 Questions of the Mayor

None.

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 20th day of November, 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
Darren Stam,	Council Member
Jared Shaver,	Council Member - Conducted
Dave Nicponski,	Council Member

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Justin Zollinger,	Finance Director
Tim Tingey,	Administrative & Development Services Director
Doug Roberts,	Police Department
Greg Bellon,	Assistant General Manager
Rondi Knowlton	Mayor's Office
Shannon Oveson,	Miss Murray
Scouts	
Citizens	

5. OPENING CEREMONIES

5.1 Pledge of Allegiance- Zach Nielsen, Boy Scout Troop 498

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

The Scouts introduced themselves.

5.2 Approval of Minutes

5.2.1 None scheduled

5.3 Special Recognition:

5.3.1 Mayor Dan Snarr's Special introduction of the 2012-2013 Miss Murray, Shannon Oveson.

Mayor Snarr introduced Shannon Oveson who is the 2012-2013 Miss Murray. He stated that Ms. Oveson was born on October 25 in Murray, Utah to Robert and Barbara Oveson. She is the youngest of four children and has lived in Murray her entire life. Ms. Oveson attended Viewmont Elementary, Riverview Jr. High and graduated from Murray High School, class of 2010. She received her Associates Degree from Salt Lake Community College one month before receiving her high school diploma. Mayor Snarr stated that it is quite an accomplishment. When she was in 6th grade, she signed up to be in the percussion ensemble at Riverview the following school year. It was originally her intention to learn to play the drums, but when she spotted the Marimba it was love at first sight and she has been playing it ever since.

Mayor Snarr noted that she was absolutely incredible during the Miss Murray competition. Ms. Oveson went on to participate in the percussion ensemble at Murray High School and Southern Utah University, and is currently a member of the percussion ensemble at Utah Valley University. Her other musical talents include playing the piano and the guitar. As a youth, Ms. Oveson was a member of a performing group through Clayton Productions which gave her the opportunity to travel across the United States from Washington to Florida and from Chicago to San Antonio. Her favorite memories of her years at Clayton Productions include performing at children's hospitals, meeting lots of new people from all walks of life and building lifelong friendships with her fellow performers. Ms. Oveson is currently studying chemistry education at Utah Valley University where she hopes to graduate in the spring of 2014. She would like to continue her education at the most important and incredible University in the State of Utah, which would be the University of Utah, earning a Master's Degree in Human Genetics and eventually a Doctorate. She would like to work at the Huntsman Cancer Research Center studying genetic cancers. Ms. Oveson has earned numerous scholarships for music and academic excellence, and getting a

post-high school education has always been one of her topmost priorities. With her platform “Education: The Key to Opportunities” she hopes to inspire others to get an education as well. Ms. Oveson would like to share her platform with everyone now.

Mayor Snarr added that the City is very fortunate to have such a high caliber young woman representing our city and hope that this year will be rich in experiences and growing opportunities for her. Mayor Snarr said that Ms. Oveson is absolutely incredible, very talented and brilliant young lady and the City is lucky to have her representing Murray as the new Miss Murray for 2013.

Ms. Oveson began by explaining why she wanted to become Miss Murray. Her mom was on the pageant committee for a couple of years and her oldest sister Samantha did the pageant. Being in that kind of environment and seeing the pageant for what it really is, she felt that she really understood its point and purpose. She feels that a lot of people still have the misconception that Miss Murray or the Miss America pageant system in general is a beauty pageant, which could not be farther from the truth. Otherwise, she would definitely not have done it. Ms. Oveson said that there are a lot of differences between a beauty pageant and the Miss America pageant system. There is the talent portion, which encourages young women to hone and perfect a talent and themselves. Another part is the interview, which you never know what you are going to be asked by the judges and it is slightly terrifying. You have to be reading the newspaper every day and watching the news, and basically knowing everything that is going on in the country. She feels that everyone should be politically aware, but it is a nice jump start to knowing what is going on in the country. Another main difference is that Miss Murray has a platform. This is something that the young woman cares about, that she wants to implement in the community and raise awareness for. Her platform is: “Education: The Key to Opportunities”.

Ms. Oveson stated that she is attending UVU and taking an ethics class. They were studying the works of John Stewart Mill and he asks the question: ‘What makes our choices morally right?’ What is the right thing to do? He introduces the concept of the Summum Bonum, of greatest good. What is the greatest good we can accomplish. He thinks that the greatest good is the greatest amount of happiness for the greatest amount of people. Basically, when you have two choices in front of you, he wants you to use the criteria so that you know that the greatest amount of happiness that you can create for the greatest amount of people is the right choice that you need to be making. When he says happiness, he means intellectual happiness and not just carnal pleasures. He says that in order for the greatest happiness to be achieved, everybody deserves the right to have an opportunity to get an education. Ms. Oveson feels that this is very important. She feels that getting an education not only adds to your own happiness but it promotes the general welfare of the entire community. It is something very important, especially in our economy, that people learn to be self-reliant and that we can get an education and do things with our lives. It is the foundation of any

other choice that we make. What she would like to do for her educational platform is to create two different scholarships: the first being for somebody who is just graduating high school and one for someone who would like to return to college. Ms. Oveson wants to create these opportunities so that more people can go. The reason that she wants to have the scholarship for someone who wants to go back to school is because her mom did that. She didn't go to college right after graduation and she recently went back and got her Associates Degree. She doesn't know anybody who loves school more than her mom-it's a little weird! School is hard, but it is one of the most rewarding things you can do with your life, her mother taught her that.

Ms. Oveson stated that she is very grateful for the opportunity to be Miss Murray. Miss Murray is an advocate for the City. She is a civil servant, an advocate for community service and she wants to be utilized. If anyone needs her to come do anything, promoting their business, etc. she will be there. She really looks forward to working with the City this year. It will probably be the craziest year of her life but she is very excited and she hopes to have everyone's support.

Ms. Oveson distributed her platform to the Council, which reads:

"My platform for Miss Murray is: "Education: The Key to Opportunity". Getting a post-high school education is very important to me and to America as a whole. According to the Bill and Melinda Gates Foundation, "In 2008, adults with a Bachelor's Degree earned, on average, about 81% more than high school graduates; Associates Degree holders earned about 23% more. In 2009 the unemployment rate for high school dropouts was more than twice as high as the unemployment rate for college graduates." Continuing your education after high school is important because you have more opportunities in life. An education is never wasted, and I want to encourage everyone to strive to reach their intellectual potential by doing something they love.

I want to set up a "Career Day" at the elementary schools where the students can dress up as their future occupations. At the junior high schools I plan on speaking to the students about how important education is, and how they can start saving money now for college since they are at the age when they can start getting jobs. At the high school I want to set up/be involved in job/college fairs so that the students are more informed about which college is best for them to attend. Education really is the "Key to Opportunity" and success. It has been found that having a post-high school education leads to better health, a better job, and a happier life. Getting an education is my life right now, and I want to do my best to help others see what they can accomplish by going to college.

As Miss Murray, I want to be an ambassador of secondary and post-high school education. I plan on raising money for two scholarships; one for the 2013 graduating class and one for a non-traditional student. I want to raise the money

through fund raisers that get the community involved, such as a "Fun-Run" a Movie in the Park" and a "Teachers vs. Students" sports event.

Mr. Shaver thanked Ms. Oveson and added that she is a beautiful advocate for the City and glad to have her representing them.

Mr. Shaver asked when the pageant will be held.

Ms. Oveson stated that it will be held the third week in June.

Mr. Nicponski acknowledged Ms. Oveson's parents, adding that they must be very proud.

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

None given.

Citizen comment closed

7. CONSENT AGENDA

7.1 Consider a Resolution approving the appointment of James A. Brass as the City's representative to the Wasatch Front Waste and Recycling District Board.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura explained that in the past years, in the newly annexed area of Murray City, the garbage services have been provided by the Salt Lake County Sanitation District. The Salt Lake County Sanitation District includes the unincorporated areas of Salt Lake County and other municipalities but Murray City has never had a representative on the board. Last week, the Salt Lake County Council was considering allowing the Salt Lake County Sanitation District to separate from Salt Lake County and that decision was made by the Salt Lake County Council. One of the conditions that they imposed was that Murray have a representative on the board.

Mr. Nakamura attended a meeting the following Wednesday and the Salt Lake County Sanitation District has changed their name to the Wasatch Front Waste and Recycling District. They do have a nine-member board and Murray does need a representative on that board. Tonight they are asking for the appointment of Jim Brass to that board and have him serve until January of 2014. They do review the boards annually, but as they are so close to the January date, they can wait until January of the next year. Their next meeting is November 28, 2012 and they will adopt their budget on December 6, 2012.

This Resolution is asking the Council to appoint Jim Brass to the Wasatch Front Waste and Recycling District Board.

Mr. Hales made a motion to adopt the Resolution.

Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

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 the City's 2012-2013 Fiscal Year Budgets.

Staff presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the City had received some grants. In the past, they have put an estimate number into the budget and he would prefer not to estimate. He would like to wait until the City receives the grant then budget for it with the exact amount.

The first item is for the Police Department. They have received two grants: Justice Assistance Grant (JAG) for \$31,090.00 and the Victims of Crime Grant for \$36,713.00. The Victims of Crime grant is for personnel costs, supplies and another miscellaneous line item.

Mr. Zollinger said that previously he had mentioned a grant for \$510,000.00 for police cars, but they hadn't had the presentation from George K. Baum yet and they were not sure which direction they wanted to go. This item is will be in the next budget opening as long as that is what Council would like to do.

The Fire Department has received a grant from Emergency Medical Services which will be used for Tough Books and the amount is \$9,443.00. They also received a grant from

the State Homeland Security Grant for a Battalion Chief Command Vehicle. It is great when we can replace our CIP with funds provided by the state or other entities.

The Parks and Recreation Department received a grant in the amount of \$11,225.00 more from the Zoos, Arts and Parks Grant.

The Murray Parkway, our golf course, would like to purchase two greens mowers for \$53,000.00. They worked together to pay for this, partially from reserves and partially from existing budget. The rent that they had budgeted to rent these two mowers is one piece of the total puzzle they are putting together. They were going to buy an irrigation vehicle for \$18,000.00 this year but would rather have the mowers first and delay the other until next year. That leaves the Golf Course with a remaining amount of \$25,600.00 that they would be paying from the funds reserves. They are in a position in which they can do that and Mr. Zollinger supports that.

The Library has had some challenges and some good things. They have two grants that they have received from the Library Services and Technology Act for e-books and for technology enhancements. The amounts for those are \$21,500.00 and \$17,411.00.

The Library was vandalized or a victim of a crime recently where someone stole the copper out of the air conditioners and they need to use some funds to repair/replace this. They are working out details on how they will fund this, whether they use the retained risk fund or the reserves.

Mr. Shaver asked if Mr. Zollinger had a cost for that.

Mr. Zollinger replied that it would be \$38,500.00. There are two costs. If they replace and repair just what is already existing, it is \$14,000.00. If they fix the problem and put the units on the roof so that this cannot happen, or is more difficult for it to happen again, then it would be \$38,500.00. Fix the problem so that it is less likely to occur seems like the better option, but they are discussing that right now.

The Library initially came to Mr. Zollinger and said that they would like to budget \$40,000.00 for the replacement of the parking lot. The engineer, after reviewing it, said that they do not need a full replacement. There are certain spots that they will have to replace but the rest doesn't need to be replaced. That saved approximately \$28,000.00. There was a public notice for \$40,000.00 but they will only need \$12,568.00.

The last item for the Library is that State law requires the City to budget their levy and not what it collects. Mr. Zollinger went over this with Ms. Fong today so that she understood it better. The City won't have this happen ever again; this is something that is on Mr. Zollinger and he will fix it so it doesn't happen again. This means that the Library will not receive any additional money. If they spend this every year, the fund balance will go down every single year. Ms. Fong knows to be careful with it and they will put it in a location that is not freely available, but they still need to budget for it.

Mr. Zollinger stated that the last two items are financial statement reporting, some changes that he would like to make. In the past, the City has reported the next year's UTOPIA payment as restricted cash; this is not the process for handling this. He asked the auditors why the City was doing this and they said that is how it has been done. Restricted cash, for example, if we were to receive a grant from an outside entity that said you could only spend money on these two items, and money is left over at year-end, that would be restricted. We have not received any money to call this restricted, so he has asked that this be lifted and that money will then need to be moved to the Capital Projects Fund for future capital use.

The second change is changing the financial reporting from a 45-day receivable availability policy to a 60-day. 60-day is the most common. It causes some awkward journal entries that Mr. Zollinger has to perform each year by having a 45-day policy. He explained that sales tax is not booked as 'available' at year end from June sales, even though generally they are. This is approximately \$1,291,000.00 which will need to be moved to the Capital Projects Fund as well. Mr. Zollinger asked if there were any questions on these items.

Mr. Stam asked what the amount for the Library was.

Mr. Zollinger stated that it went from the \$40,000.00 down to \$12,568.00, which was the actual cost.

Mr. Shaver asked if that was for the parking lot.

Mr. Zollinger said that was correct.

Mr. Shaver said that the UTOPIA restricted funds is the way the City has been handling that money and that will now go into whatever reserves they set aside for the CIP.

Mr. Zollinger said that it could be used for potentially paying down bonds, so that they can build City Hall.

Mr. Shaver asked if this would be a one-time adjustment, not something that will happen on a yearly basis. This has been accounted for in this way and they are changing it and placing it into another column to have it available for whatever purpose they may designate for. Right now they are saying that they are going to put it in the CIP fund but they could designate it in any way they wish.

Mr. Zollinger said that was correct, that the Council has that authority.

Mr. Shaver asked Mr. Zollinger to repeat what the last issue that he had mentioned was.

Mr. Zollinger said that the last issue was on changing from a 45-day availability policy to a 60-day. That makes it so that the sales tax that the City receives, the businesses that pay

in June are not paid until August, so they don't call that revenue as "available." They are changing that so it is available and then move that money to CIP funds.

Mr. Shaver asked if that is a one-time adjustment as well.

Mr. Zollinger said that is correct.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.1.2 Council consideration of the above matter.

Mr. Brass made a motion to adopt the Ordinance.

Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

8.2 Public Hearing #2

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

Consider a Resolution approving the Utah Associated Municipal Power Systems Integrated Resource Plan.

Staff presentation: Greg Bellon, Assistant General Manager

Mr. Bellon stated that the City is a member of UAMPS. One of the resources with Murray City and Murray City Power is the Colorado River Storage Project (CRSP) resource. To be a part of that, the City has to show that they can be good stewards of that power. Every year the City has an integrated resource plan that is updated and looked at. Every five years the City has to go through a formal process, bringing that to a governing body to have it looked at and approved to show that the City is doing its due diligence and showing that they are good stewards. As a power department and a City, our goals are low cost and reliable power and this resource definitely helps with that as it is one of

our best resources. It is one of the least expensive resources and one that the City is very proud of and it is something they will do anything they can to keep it amongst our users.

Mr. Shaver asked approximately what percent of Murray's power comes from the CRSP. Mr. Bellon stated that in looking at the September bill, about 21% came from CRSP. It comes mainly from Flaming Gorge Dam and Glen Canyon Dam. Those are the two main sources on the Colorado River.

Mr. Shaver said that it is a healthy source for the City.

Mayor Snarr noted that Flaming Gorge is only on the Green River and eventually dumps into the Colorado River, but they call it the Colorado River.

Mr. Brass asked if they are generating right now, without a water lease. Is the City getting any power from that right now.

Mr. Bellon said we are getting power but it is one of those issues that is kind of hard to take. They have increased and ramped up for three days to do a study to see how it affects the river flow.

Mr. Shaver says that when you talk about power being reliable and low cost, hydro power typically is one of the lowest costs that they have that the City purchases; is that correct?

Mr. Bellon answered yes.

Mr. Shaver said that when we purchase from other sources like gas or coal fire, it is a higher expense for the City. One of the ways they keep costs low is by buying into these types of things and that is what UAMPS tells them to do.

Mr. Bellon said that is correct. This is one of the renewable resources that is much needed. The City takes great pride in having it in their portfolio.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.2.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

8.3 Public Hearing #3

8.3.1 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 Residential Single-Family Low Density to Residential Multiple-Family Low Density and amends the Zoning Map from R-1-10 to R-M-10 for the property located at approximately 1765 and 1775 East Vine Street.

Staff presentation: Tim Tingey, Administrative and Development Services Director

Mr. Tingey stated that this issue was presented to the Planning Commission on October 18, 2012. This is for an amendment to the General Plan and also for a rezone. There are certain circumstances that the City looks at with the General Plan. It designates future land use and the future land use on this property is the R-1-10 that it is zoned at currently. The General Plan also allows for flexibility in looking at unique circumstances and there are some unique circumstances related to this property. The property was annexed from the County into Murray City and there are currently two single-family dwellings on the site, which made it non-conforming once it was annexed into the City. For future land, it would have to go to single-family dwellings and it would be non-conforming unless there was a change. In addition to that, to the north and to the east the General Plan has the future land uses as R-M-10 or multiple dwellings on the site. The land uses, or the majority of land uses in the area, are in line with what this site has.

Based upon those unique circumstances staff has evaluated it and staff feels that it is something that the General Plan should be amended for this property. It squares up the property along with all the other areas adjacent to it to the north and east and they feel that the rezone is appropriate as well. The Planning Commission recommended approval and staff is recommending approval.

Mr. Shaver asked Mr. Tingey to distinguish between an R-1-10 and R-M zone.

Mr. Tingey stated that an R-1-10 allows for a single-family dwelling of 10,000 square feet. R-M allows for multiple family dwelling units on a site. This would include a duplex, which is what is there right now.

Public Hearing opened for public comment.

None given.

Public comment closed.

8.3.2 Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

9. UNFINISHED BUSINESS

9.1 None scheduled.

10. NEW BUSINESS

10.1 Consider a Resolution changing the policy of the City regarding the use of independent auditors to prepare annual financial reports as required by State Law.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the City's audit policy in the past has allowed the City to have the same auditors for ten years, then requiring a change after ten years. As staff went through the audit policy they began finding best practices and some of things that the other cities were doing, they found that many cities would do a three-two: a three year agreement with a two year city option. Several of the cities, Taylorsville, Layton, Ogden, Logan and Midvale, all had that three-two but no requirement to change. Riverton also had the three-two but required a change after seven years. It didn't work too well with

that rotation but they do whatever they need to do. As they were crafting Murray City's new audit policy, one of the goals that they had was to protect the City from inflation and increased costs so that they can have some years under this agreement, but also provide a way to find a good audit firm and not just change because we are required to change and someone comes in saying they want our business and work. The change is to go from a ten year to a three-two in this policy.

Mr. Zollinger added that there is another small change. In the past, the auditors have prepared the City's financial statements and that is no longer the case. The Finance Department does that now. The auditors do the auditing and the Finance Department does preparation, which is how it should be. Some of the cities had asked if Murray would email them this policy, once it has been changed. One thing was that City would like is to have fresh eyes. The way to achieve fresh eyes, if it is the same firm that is awarded this agreement, is to require audit manager rotation. We would be the only city that has standard and he feels that is a really good thing. Having fresh eyes as discussed is a positive and important thing. They will work at bidding out in January or February for this next year.

Mr. Shaver said that he feels that this is a very healthy step that the City does the preparation. Mr. Zollinger has a marvelous staff who respects him. Knowing that this is what the City is going to be doing, with preparation being done in house and then having the other pair of eyes doing the review is a healthy thing for the City. It gives the City a better handle on what they are doing and catches those little things such as 45-days vs. 60-days and what is restricted and what is not. That is what the City needs; a better handle on our money and Mr. Shaver thanked Mr. Zollinger's efforts and that of his staff.

Council consideration of the above matter.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

11. MAYOR

11.1 Mayor's Report

Mayor Snarr stated that there was a marathon paving event at the commuter rail site that ended late Sunday afternoon. They were a little worried about the weather, but wanted to get things put together for the December 6, 2012 public officials grand opening ceremony. On December 8, 2012, they are allowing citizens to take a free ride on the new rail down to the south on its new commuter rail route.

Mayor Snarr noted that he noticed this morning that there were two driveways remaining and they only wanted one for people to get in and out of safely. They have put in the final curb and gutter further east on the site where it abuts the light rail. That site is completed; it is striped and they are doing a few technical things as far as the lighting and the handicapped accessibility ramp. The building will remain there, it is now the UTA Police Force building and they have the additional parking resources for that. It is a beautiful facility and they are hoping to work as aggressively as possible in the landscaping but if they don't finish it this year, they will wrap it up in the Spring. They are slated to be open on December 6, 2012 so that the public can begin riding on December 10, 2012 for regular ridership. Mayor Snarr stated that the City is very lucky, to have that kind of transfer from a light rail to a commuter rail. This is a very positive thing for the future development and expansion of Murray City businesses.

Mayor Snarr said that they almost finished paving and striping the Chick-Fil-A. This is a big deal here in Murray and it has a great presence there on State Street. He does not know if they are going to concrete that last section, they made another cut on it to give it a clean edge, or if they will pave it. They made it another four inches deeper than the original pavement that went in and it could be because the cars sit there before they go out into the intersection on State Street. They are hopeful that in January they will be able to open the facility up. They will be landscaping as weather permits but if they don't get it totally landscaped, they can come in and put some money aside to get their occupancy permit with a conditional use for their landscaping.

Mayor Snarr wished everyone a happy Thanksgiving. He offered his condolences to Mr. Stam on the passing of his mother, saying that his mother was much respected and valued.

11.2 Questions of the Mayor

Mr. Shaver stated that he had not heard the horns from the freight trains.

Mayor Snarr said that they are still blowing. The quiet zone does not go into effect until the commuter rail is open for public use. He said that there was a big meeting down at COG and he asked the director of UTA and he wasn't sure of the exact date either. He is assuming that it will be when the commuter rail is open. They have been doing a lot of testing over there for the past several weeks and they blow the horn every time they go through.

Mr. Brass noted that in the news, it said that even in the training runs they blow the horns regardless of the type of crossing.

Mayor Snarr stated that the agreements are in place and Murray was the lead City in taking the initiative for the quiet zone. To Mr. Nakamura's credit, that is in place. One of the reasons being that may be a hotel on the frontage road in front of the old ore sampling mill; he has had discussions with a group from Denver who would like to look at something like an Econolodge for people who can see it from the freeway and stay in 'the best city in America' rather than heading downtown.

Mayor Snarr said that they have not yet torn down the Take Five or the New Concepts buildings, but by tomorrow, it will be down on the ground. The building on the north-east corner of Vine Street and 300 West, that used to be part of Cache Candles is where Kimball Investment Group went right in there and that site looks so much more desirable now. There were some contaminated soils underneath the building itself, and in talking to them, they want to give that site a total clean bill of health before either trying to develop it on their own or selling a portion of it off. They are looking at going down to Berger Lane and paralleling the heavy rail line and coming up from the north going south to see if they can acquire some property there that is way underdeveloped right now. Berger Town was one of the originally smelting towns, as Boxelder and Hanauer were; a lot of immigrants lived there and now it is basically business areas. There are some exciting things happening down there and the Mayor made Kimball's aware of what Mr. Tingey had said regarding the land use there, as well as what they can do with the Marriott property.

12. ADJOURNMENT

Jennifer Kennedy, City Recorder

DRAFT

Murray City Municipal Council
Chambers
Murray City, Utah

The Municipal Council of Murray City, Utah, met on Tuesday, the 4th day of December, 2012 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Gil Rodriguez,	Fire Chief
Justin Zollinger,	Finance Director
Doug Roberts.	Police Department
Scouts	
Citizens	

7. OPENING CEREMONIES

7.1 Pledge of Allegiance-Dylan Brock, Boy Scout

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

The Scouts introduced themselves.

7.2 Approval of Minutes

None scheduled

7.3 Special Recognition:

None Scheduled

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

None given.

Citizen comment closed

9. **CONSENT AGENDA**

9.1 None scheduled.

10. **PUBLIC HEARINGS**

10.1 None scheduled

11. **UNFINISHED BUSINESS**

11.1 None scheduled.

12. **NEW BUSINESS**

12.1 Consider a Resolution acknowledging completion and receipt of the independent audit for fiscal year 2011-2012 and order that notice be published pursuant to

Section 10-6-152 if the Utah Code.

Staff Presentation: Justin Zollinger, Finance Director

Mr. Zollinger stated that the City's financial statements have been prepared, completed, audited and are now available for public use. The 2012 CAFRA is on the website and if anyone has comments or questions that they would like to discuss, his door is always open. He added that the City's financial position has improved.

Mr. Hales agreed that the financial numbers have improved greatly. He said that the Council has gone over those numbers themselves and it looks great.

Council consideration of the above matter.

Mr. Shaver made a motion to adopt the Resolution.

Mr. Stam 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

12.2 Consider an ordinance repealing Sections 2.46.110 and 2.46.120 and enacting Chapter 2.47 of the Murray City Municipal Code relating to the Murray City Ethics Commission.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that the 2012 Utah Legislature enacted a statute that would establish a State Ethics Commission. The purpose of that was review alleged violations of the ethics code. He pointed out that the ethics code has been in place for a number of years, but the State has decided that they want to have an ethics commission. They have also provided, with that ethics commission, that if cities want to create their own, then these complaints under the ethics laws would go to a commission that the City established. What Murray has recommended is that the City would like to make their decisions on a local level and if there are complaints, they should be handled by the City, its commission, and the residents on the commission. That is the purpose of this Ordinance.

Mr. Nakamura added that there is also a process for the commission that governs how it will deal with complaints and allegations. This is patterned after the State provisions and he appreciates that it is very detailed, but that is the way that the State has prepared the process. They feel that these complaints should be dealt with on a local level. If the Council does not pass an ordinance and establish a commission, it defaults to the State Commission and he does not feel that the City wants its complaints reviewed at that level.

Mr. Nicponski asked who defines the complaint and decides whether it should go forward to the Ethics Commission.

Mr. Nakamura said that the complaints go to the Ethics Commission automatically when a complaint is filed. There is a very specific process as to sworn statements that they have to sign, how many citizens have to sign it and there has to be direct evidence, not hearsay. There are very specific provisions to the type of information before it ever reaches the commission. When it reaches the commission, there is a process that the Chair can summarily look at the complaint and if it doesn't meet the criteria, if it is hearsay with no direct evidence, then the Chair of the commission can summarily dismiss the complaint before it goes through the process. That is to protect the reputations and frivolous types of complaints that are made to harass or just because someone is disgruntled.

Council consideration of the above matter.

Mr. Brass made a motion to adopt the Resolution.

Mr. Nicponski 2nd the motion.

Call vote recorded by Jennifer Kennedy.

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

Motion passed 5-0

13. MAYOR

13.1 Mayor's Report

Mayor Snarr said that he feels these are exciting times in Murray. He reminded everyone that this Saturday, the FrontRunner will be making free runs for the public. They are asking people to bring a can of food and contributions to the Utah Food Bank. They will be running all day to Provo. He had the opportunity to take it yesterday and it was a very quiet ride allowing him to see the Jordan Narrows from the second deck. If anyone needs additional information on the new line, the UTA website has information.

Mayor Snarr stated that the announcement has been made, and there is a sign on the outside of Sears at the Fashion Place Mall that they will be closing their doors at the end of January, 2013. The mall has future plans for this very valuable space. Until the confirmation is made by General Growth, he is supposed to say that he really doesn't know what is going in there.

Mayor Snarr and Tim Tingey had the opportunity to meet with Sutter Medical. They are very excited about how successful they have been in Murray and about the location. They are looking at hiring an additional 500 people.

The Mayor also met with Select Health. They have already taken two stories of the Phoenix College portion of that building, which is separate from the Select Health building, and as others abandon their leases or their leases come due, Select Health will be taking over more space. They are looking at hiring between 300-400 additional employees over the next year and a half. The issue there is going to be parking and whether or not they are going to be able to accommodate that number of employees.

Mayor Snarr said that last Friday morning, Salt Lake County began to remove and demolish the grandstands at the old County fairgrounds. That cleanup will be completed by Friday and most of the debris is already gone. It has been a pretty quick process. They will scrape it off and leave it and sometime in the spring they will come in to put in the curb and gutter. They will bring in additional road base and engineered fill and put in the additional 60 parking stalls. They will also start building new restrooms and start the process of looking into what it will take to reorient the one rugby field into two fields that will go north and south versus the one that goes east and west. They will also make enhancements to the sod. He and Kim Sorenson had an opportunity to meet with the County and they are going to meet every agreement that they entered into with Murray regarding how they will expend that money that they received from the selling of that .63 acres of property for parking for the Marriott Hotel. They are actually going beyond their commitment as they are looking at doing some retaining on that property where it slopes down to the area where the Farmer's Market is held so that they can get better distance for the reorientation of the rugby fields.

Mayor Snarr announced that the Murray Symphony will join with the Mapleton Choir from Utah County, and will be required to play "I'm a Utah Man" when they come up for the Christmas concert. To his excitement, the Mayor will be there to listen to that. He said that they are actually not required to sing "I'm a Utah Man", but he will encourage

them to. The concert will be held at the Murray High School this Saturday at 7:30 p.m. It is a free concert and he said that the Murray Symphony is incredible as he is sure the Mapleton Choir is as well. They have performed across the State in many different venues and he has heard that they are incredible as well. Mayor Snarr noted that they are asking for people to bring in a can of food to give to the Utah Food Bank. He has not missed one of the symphony's concerts since he has been there and it is a very special Christmas event and invited everyone to attend the concert.

Mayor Snarr said that they are committed to open the Chick-Fil-A at the first of February, 2013. The new park-n-ride for the commuter rail will be open but the landscape won't be finished until spring since the sod is not in the best shape right now for planting. The sprinkler system is in and they have worked very quickly on that site to get that wrapped up.

13.2 Questions of the Mayor

The Mayor wished the Council a Merry Christmas and Mr. Hales returned the sentiment, stating that this is the last City Council Meeting until next year.

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 JOINT RESOLUTION OF THE MAYOR AND MUNICIPAL COUNCIL OF MURRAY CITY, UTAH COMMEMORATING MURRAY CITY POWER'S 100 YEAR ANNIVERSARY

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

Council Meeting OR Committee of the Whole
 Date Requested January 8th 2013
 Discussion Only
 Ordinance (attach copy) Has the Attorney reviewed the attached copy? _____
 Resolution (attach copy) Has the Attorney reviewed the attached copy? _____
 Public Hearing (attach copy of legal notice) Has the Attorney reviewed the attached copy? _____
 Appeal (explain) _____
 Other (explain) Special Recognition through Joint Resolution

3. ATTENDING POLICY: (This section is not required until after the City-wide Strategy 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.)
N/A

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

6. REQUESTOR:

Name: Blaine Haacke Title: Power Manager
Presenter: Blaine Haacke Title: Power Manager
Agency: Murray City Power Department Phone: 801-264-2715
Date: December 27th 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: Blaine Haacke Date: December 27th 2012
Mayor: Daniel C. Haacke Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

**A JOINT RESOLUTION OF THE MAYOR AND
MUNICIPAL COUNCIL OF MURRAY CITY, UTAH
COMMEMORATING
MURRAY CITY POWER'S
100 YEAR ANNIVERSARY**

WHEREAS, Murray City Power, Murray City's customer-owned electric utility, will celebrate its **100th year** of operations in 2013; and

WHEREAS, in 1912 Murray's City Commission, desiring higher reliability and lower power prices, began discussions to create a Municipal Power System to replace the existing system of the Progress Company; and

WHEREAS, in 1912, the Murray City Commission, by unanimous vote, approved a power system and the issuance of \$60,000 in bonds for the installation of a Municipal Power Plant; and

WHEREAS, in 1913 Murray City Power began providing electricity and services to the residents and businesses in Murray; and

WHEREAS, Murray City Power provides safe, reliable and competitively priced electricity; and

WHEREAS, Murray City Power has invested in clean, affordable and reliable electricity through projects such as the Glen Canyon Dam, the Flaming Gorge Dam, the Murray Natural Gas Turbine Generation Plant, and the Landfill Gas Generation Projects at Trans Jordan and Salt Lake Valley Landfills; and

WHEREAS, Murray City Power has continually enhanced customer service and system reliability during a century of service by giving a voice to its customer-owners through local elected officials and a five-member, Mayor-appointed, Power Advisory Board; and

WHEREAS, during 2013, Murray City Power is commemorating its **100 year anniversary** with various events that will be noticed as the year progresses; and

NOW, THEREFORE, BE IT RESOLVED, That we, the Mayor and Murray City Municipal Council, recognize, honor and celebrate on behalf of all the residents and businesses of Murray City, and employees of Murray City Power, the **100 years** of dedicated service of Murray City Power to the customers for whom it provides safe and reliable electricity; and

BE IT FURTHER RESOLVED, that as part of its **100 year celebration**, Murray City Power will purchase and install a new scoreboard at the Ken Price Ballpark. The Ken Price Ballpark is an integral part of the community and as a way of giving back, the new scoreboard will serve as a reminder of the **100 years** of service of Murray City Power to the community.

PASSED, APPROVED, AND ADOPTED by the Mayor and Murray City Municipal Council on this 8th day of January, in the year 2013.

MURRAY CITY CORPORATION

Daniel C. Snarr, Mayor

MURRAY CITY MUNICIPAL COUNCIL

James A. Brass, District 3, Chair

Dave Nicponski, District 1

Darren V. Stam, District 2

ATTEST:

Jared A. Shaver, District 4

Jennifer Kennedy, City Recorder

Brett Hales, District 5

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 of **Alisa Brousseau** to the **Murray Arts Advisory Board** in an **At-Large** position while living in **District 5** to fill the soon-to-be expired term of Mildred Horton, who has served faithfully and well to term Limits, for a **three-year term** effective **1/15/2013** to **1/15/2016**

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)

January 8th 2013

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)

Bio attached

6. REQUESTOR:

Name: Mary Ann Kirk Title: Cultural Arts Program Coordinator
Presenter: Dan Snarr Title: Mayor
Agency: Arts Advisory Board Phone: 264-2638
Date: December 27th 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: Doug Hill Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Alisa Brousseau will begin serving on the **Arts Advisory Board** **January 15th 2013** to **January 15th 2016**

5975 Sandusky Circle
Murray, Utah 84123

September 11, 2008

Mary Ann Kirk
Cultural Arts Director
Murray City
296 East Murray Park Lane
Murray, Utah 84107

Dear Mary Ann,

I am interested in applying for a position as a member of the Murray Arts Advisory Board.

Enclosed is my resume that highlights my qualifications, experience and interest in the Cultural Arts.

As noted on my resume, my life has been centered around the Fine Arts. As a violist, I have performed a solo in Carnegie Hall in New York City, and especially love any opportunity to participate in an orchestral setting. I am currently an adjunct faculty member at Salt Lake Community College and teach in the Division of Fine Arts and Communications. I have experience working in Washington D.C. at the National Endowment for the Arts, from which I gained a unique perspective on the balance of government support of the Cultural Arts. In addition to a respect and love of the Fine Arts, my education and experience has given me an understanding of public opinion, mass media, and marketing processes as well as useful communication and negotiating skills.

I have been a resident of Murray for seven years and appreciate the values of our community. In my opinion, the cultural arts are a vital aspect of life, a way to preserve and protect history, teach values and unite a community.

I would bring to this position an understanding of the many dimensions of the Cultural Arts, and am confident my background and experience would be an asset to the Murray Arts Advisory Board.

Thank you for your consideration.

Sincerely,

Alisa Brousseau

ALISA. BROUSSEAU

5975 Sandusky Circle
Murray, Utah 84123
263-1164
abrousse@mymail.slcc.edu

Objective: Position as Member of Murray City Arts Advisory Board

Education

M. A. Mass Communication- Brigham Young University, Provo, Utah

Overall GPA: 3.97
Graduated April 1998

B.A. Music- Brigham Young University, Provo, Utah

Overall GPA: 3.6
Graduated December 1994

Current Employer

Adjunct Faculty, Salt Lake Community College, Division of Fine Arts and Communications. August 2002-present.

-Experience in teaching undergraduate classes, organizing student projects, compiling course syllabus and exams, preparing class lectures/discussions, grading assignments, answering student questions and advising students

-Courses taught include:

- Comm 1010 Communicating at Work
- Comm 1020 Principles of Public Speaking
- Comm 1500 Intro to Mass Media

Experience

Violin/Viola Teacher, Certified Suzuki Method

-Experienced in individual and group lessons

Intern, National Endowment for the Arts, Washington D.C.

-Reviewed in-coming grant applications, applying government and NEA requirements
-Conducted research and wrote articles for use by the Public Affairs Office
-Learned valuable crisis management techniques
-Planned and implemented a variety of programs and projects
-Assisted in planning, organizing and hosting events
-Gained a unique perspective on the balance of government support of the arts

Research Assistant, BYU, Department of Communications

-Demonstrated advisory and teaching skills in assisting with undergraduate level classes
-Developed wide range of research, writing and editing abilities
-Proven capability to meet deadlines
-Planned and implemented focus group projects, experience as focus group moderator

Fine Arts Background

Orchestra:

- Former substitute violist for Salt Lake Symphony
- Former member of BYU Chamber Orchestra, BYU Philharmonic, BYU Early Music Ensemble
- Principal violist of Rocky Mountain Youth Camarata, Young Artist Chamber Players, Granite Youth Symphony
- Toured with orchestras throughout United States, Canada, Europe, Great Britain and Scotland

Soloist: Brandenburg Viola Concerto in Carnegie Hall in New York City

Theater:

- Cast member for "Oklahoma"
- Orchestra member for "Hello Dolly" and "Falstaff"

Studied with:

- Dr. David Dalton, Brigham Young University
- Dr. Lynn Barrus, Brigham Young University
- Jack Ashton, Utah Symphony

Personal Information

- Classroom Volunteer, Grant Elementary PTA, Murray School District
- Current Precinct Officer for Murray voting precinct #4478
- Political Campaign Volunteer for Murray Senate District 3 Candidate
- Member of American Mothers, Inc.

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's reappointment to the Arts Advisory Board of David Christensen in an At-Large position while living in District 1 for a second two-year term effective 1/15/2013 to 1/15/2015

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)

January 8th 2013

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)

Resume/Bio attached

6. REQUESTOR:

Name: Mary Ann Kirk Title: Cultural Arts Program Coordinator
Presenter: Dan Snarr Title: Mayor
Agency: Murray City Corporation Phone: 264-2600
Date: December 27th 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: Doug Hill Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

David Christensen will continue serving on the Arts Advisory Board effective January 15th 2013 to January 15th 2015.

Dear Mary Ann:

Thank you for considering me for service on the Murray Arts Advisory Board. Following is a brief biographical sketch of my life and interests.

History:

1943: born in Blackfoot, Idaho.

1943 to 1961: lived in Idaho, Utah, Kansas, and Alaska.

Education:

1961: graduated from Lathrop High School in Fairbanks, Alaska.

1973: graduated from BYU with a BS in civil engineering.

Miscellaneous:

1963 to 1966: served LDS mission in Denmark

1968 to 1972: served in United States Navy

Professional:

1973: moved to Murray having accepted a position of structural engineer with Buehner Concrete.

1974: bought starter home in West Jordan.

1976: built home in Murray and have lived here ever since.

1978: received Professional Engineer License

1981: opened consulting structural engineering business.

1982 to 2002: member of Structural Engineers Association of Utah.

(served on membership committee)

1995: received Certified Structural Engineer License.

2002: retired

Arts Interest:

1950s: developed interest in free-hand drawing and cartooning.

1960 and 1961: worked on high school yearbooks as artist.

1968: wrote short story for college history class.

1975: came up with idea for children's book about a tattered teddy bear and his Christmas Eve adventure.

1986: came up with idea for a children's mystery book about a stolen Alaskan artifact.

1990: completed correspondence course in writing for children and teenagers.

1993: completed correspondence course in writing children's books.

2005: entered Tivoli's Christmas in Murray's Literary Competition.

Received first place in Children's Literature.

2006: entered The Mystery of the Grinning Buddha in Murray's Literary Competition. Received first place in Novel.

2006: entered Rain Forest Rhythms in Murray Music Composition Competition. Received first place in Original Composition.

2007: entered A Merry Murray Holiday in Murray Music Composition Competition. Received first place in Original Composition.

2008: Tivoli's Christmas published.

2009: The Mystery of the Grinning Buddha published.

2010: The Mystery of the Ugly Bottle published.

Thank you for considering me for service on the Murray Arts Advisory Board.

David R. Christensen
5060 Daisy Lane
Murray, UT 84123
801-265-0415

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's reappointment of Shauna Hart to the Murray Arts Advisory Board in a District At-Large position while living in District 3 to a second three-year term effective 1/15/2013 to 1/15/2016

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)
January 8th 2013

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)
Bio/Resume attached

6. REQUESTOR:

Name: Mary Ann Kirk Title: Cultural Arts Program Coordinator
Presenter: Daniel C Snarr Title: Mayor
Agency: Arts Advisory Board Phone: 264-2638
Date: December 27th 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: Doug Hill Date: December 27th 2012

Mayor: Daniel C Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Bio for Shauna Hart

Shauna is married with five children and ten grandchildren. She lives in Murray, Utah where she moved from California 16 years ago .

Professionally she was Assistant to the President and CEO of an international aerospace company. She was one of five members of the Board of Directors and Secretary of the Corporation until her retirement.

Shauna and her husband, John, have served two Public Affairs missions for The Church of Jesus Christ of Latter-day Saints; first, as Public Affairs Missionaries over part of the Europe West Area. Second, as Assistant Directors of VIP Church Hosting for three years in Salt Lake City. They were also Country Coordinators for the British Isles for Sea Trek 2001 (Tall ship reenactment of Saints from Europe); hosted international media for the Salt Lake Olympics; and assisted in fund raising events and humanitarian efforts for the underprivileged.



Shauna has served as Stake Relief Society President, Ward Relief Society President (three times), Young Women's President, and numerous other callings in the LDS Church.

She was the Outreach representative for the International Board of Daughters of Utah Pioneers from 2008-2010, helping to promote awareness, understanding and appreciation of Utah Pioneers and their legacy. She helped organize several DUP events. Shauna was the Co-Chairman of The Days of '47 Royalty Pageant in 2009 and 2010.

Family, education, travel, reading, historic home beautification, flower garden, and family history are some of the interests and hobbies Shauna has. She has written two family history books and has donated same to the Family History Library and Daughters of Utah Pioneers.

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's reappointment of **Stephanie Pollei** to the **Murray Arts Advisory Board** in an **At-Large** position while living in **District 2** for a second 2-year term effective **January 15th 2013** to **January 15th 2015**

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)
January 8th 2013

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)
Resume attached

6. REQUESTOR:

Name: Mary Ann Kirk Title: Cultural Arts Program Coordinator
Presenter: Mayor Dan Snarr Title: Mayor
Agency: Arts Advisory Board Phone: 264-2638
Date: December 27th 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: Doug Hill Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Stephanie Pollei will continue serving on the **Arts Advisory Board** effective **January 15th 2013** to **January 15th 2013**.

Stephanie N. Pollei

5861 S. Cherry Oak Circle ♦ Murray, Utah 84123 ♦ Cell (801) 244-5332 ♦ Stephaniepollei@msn.com

Professional Profile

- ♦ Dedicated, resourceful and goal-driven professional educator coach
- ♦ Skilled professional development presenter
- ♦ Collaborative and flexible individual with strong team building attributes
- ♦ Excellent problem solving and organizational skills
- ♦ Possesses outstanding interpersonal communication skills which foster meaningful and effective relationships between co-workers, administration, and parents

Professional Experience

Granite School District Integrated Support Coach	2009 to present
District Literacy Leadership Coach	2006 - 2009
Teacher Grades 1-2, Westbrook Elementary	1986 – 2006
Pioneer Memorial Box Office Assistant	1982 – 1988

Education

Masters of Education, Utah State University	2010
Reading Level 1 & 2 Endorsement, Utah State University	2009
English as a Secondary Language Endorsement, Weber State University	2004
B.S. in Elementary Education, University of Utah	1986

Personal Experience

- Lifelong resident of Murray City and has deep pride in the accomplishments of this great city
- Graduate of Murray Schools and supporter of the Murray School District
- Active in many volunteer positions throughout community and church
- Mother of three very active children who participate in Murray community events
- Mother of current Miss Murray 2011 and supporting her in her quest to serve the citizens of Murray in a positive and inspiring way
- Hobbies include a love of the performing and visual arts
- Watercolorist and Scrapbooker

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's reappointment on the **Arts Advisory Board** of **Jenny Simmons** in an **At-Large** position while living in **District 4** for a **second two-year** term effective **1/15/2013** to **1/15/2015**

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)
January 8th 2013

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)
Resume/Bio attached

6. REQUESTOR:

Name: Mary Ann Kirk Title: Cultural Arts Program Coordinator
Presenter: Dan Snarr Title: Mayor
Agency: Arts Advisory Board Phone: 264-2638
Date: December 27th 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: Doug Hill Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Jenny Simmons will continue serving on the **Arts Advisory Board** effective **January 15th 2013** to **January 15th 2015**

Jenny Simmons ~ 5466 Avalon Drive ~ 801-637-7217

I have lived and worked in Murray for 17 years now. As soon as we moved here, I jumped right in to any arts program I could find. I've had the pleasure of participating in 4 Summer shows, Peter Pan, Joseph, Seussical, and Beauty and the Beast. I LOVE volunteering for all the arts programs, whether it's babysitting art shows, selling tickets at shows or teaching kids about the cemetery. I was also honored to be the assistant director for Parkside's School Musical in 2008. My children have even been in almost every Missoula Children's Theater production since 2000.

My husband and I have four children ages 15 to 4. As a family, we are very involved with the Arts. My son plays the bass guitar, and saxophone and loves to act. My daughter sings with the International Children's Choir; of which I am also the Prep Choir teacher; and she loves to be on stage as well. And my husband is the Bass player/singer for the band, 5SKS.

I work part time at Desert Star Theaters in the box office, sing with the Choral Arts Society of Utah, and serve on the Family Advisory Council at Primary Children's Medical Center . I am also active on the PTA at Parkside, Hillcrest and MHS.

I love Murray and all it has to offer for Cultural Arts. I am just itching to help more and more people have the great experiences I have had over the years, living in this great city!

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's reappointment of **Steve Barth** to the **Murray Board of Appeals** in an **At-Large** position while living in District 5 for a **third and final 3-year term** retroactively effective **11/1/2012** to **11/1/2015**.

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)

January 8th 2013

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)

Resume/BIO attached

6. REQUESTOR:

Name: Gilbert Gonzales Title: Chief Building Official
Presenter: Dan Snarr Title: Mayor
Agency: Board of Appeals Phone: 270-2408
Date: December 27th 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: Tim Tingey Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Steve Barth has continued serving into his third and final 3-year term on the Board of Appeals effective retroactively from November 1st 2012 to November 1st 2015.

Steve T. Barth
1403 Lombardy Ct.
Murray, Ut 84121
801-259-5760
sbstrat@xmission.com

EXPERIENCE:

SB STRATEGIES – 2000 to present
Government, Public Relations, Lobbying and Political Consulting.

UTAH STATE HOUSE OF REPRESENTATIVES – 1993 to 1999
Minority Whip, Executive Appropriations, Judiciary, Business and Labor Standing

SALT LAKE COUNTY – 1986 to 1999
Held a variety of positions with in the Public Works department including Division Director and the County Attorneys office.

EDUCATION:

UTAH STATE UNIVERSITY- 1991, Bachelor of Science, Political Science
Associated Students of USU, Features Editor Utah Statesman, Rugby Team Coach and Player,
President Phi Gamma Delta

INTERESTS, HOBBIES AND AWARDS:

American Council of Young Political Leaders, Alumni of the Year 2005
Utah Habitat for Humanity, Board Member
Utah State Fair, Board of Directors
Utah's Hogle Zoo, Board of Directors
Ririe/Woodbury Dance Company, Board of Directors Chair
Rugby coach and fan
Utah Psychological Association Advocate of the Year
Make A Wish Foundation, Wish Granter
Utah State Department of Corrections, Honorary Warden
Husband of one, Father of three
Collector of Books and Music

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's **new appointment of Brittany Bremer to the Murray History Advisory Board** in an **At-Large** position while living in District 4 to **complete** the remaining of Ted McBride's **3-year term** effective **immediately 1/8/2013 to 8/1/2014** (Ted resigned because of new employment and lack of time)

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)

January 8th 2013

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: Mary Ann Kirk Title: Cultural Programs Coordinator
Presenter: Dan Snarr Title: Mayor
Agency: History Advisory Board Phone: 264-2638
Date: December 27th 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: Doug Hill Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Brittany Bremer will begin serving on the **History Advisory Board** effective immediately, today, **January 8th 2013 to August 1st 2014**. This will be considered a first term as it is just over 18 months.

My name is Brittany Bremer. I am a twenty-eight year old native Floridian turned Utahn. I've been an elementary teacher for 7 years and am currently teaching 1st grade in the Salt Lake City School District. I enjoy opening their minds to new experiences and keeping young around their infectious energy. When I'm not working, I volunteer with animal rescue groups, read (I was an English major), write creatively, spend quality time with my husband, 10 month old little girl, and dogs, and renovate my mid-century ranch style home.

Buying that mid-century home was not the beginning of my love affair with history, but it has continued it. I have always loved the stories of different eras (specifically the 1930s). My interest in the fashion turned into one of architecture when my family moved to Salt Lake City four years ago. From our 1920s rented bungalow to the ranch style house we now own, we've come to understand, appreciate, and investigate the buildings that surround us.

To me, being a part of the History Advisory Board would mean the opportunity to be a small part in preserving Murray's past. It would be the perfect marriage of my love of history and teaching future generations.

Thank you for your consideration!

Brittany Bremer
dressupdinein@gmail.com

5406 Knollcrest St.
Murray, UT
#801.702.7836

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's new appointment of **Erich Mille** to the **Murray Heritage Center Advisory Board** in a **Murray At-Large** position while residing in **District 1** to complete the remaining of Jon Uebelhack's **3-year term** effective immediately **1/8/2013** to **2/1/2014**

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)

January 8th 2013

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)

Bio attached

6. REQUESTOR:

Name: Susan Gregory
Presenter: Daniel Snarr
Agency: Heritage Center Advisory Board
Date: December 27th 2012

Title: Director of Heritage Center
Title: Mayor
Phone: 284-4237
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: Doug Hill Date: December 27th 2012

Mayor: Daniel Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Erich Mille will begin serving on the **Heritage Center Advisory Board** (Jon Uebelhack lives in Arizona half of the year) effective today **January 8th 2013** to **February 1st 2014** (this will not be considered a first term as it is under 18 months)

Letter of Interest in Serving on the Murray Heritage Center Advisory Board

I'm Erich Mille, and I am requesting appointment to the Murray Heritage Center Advisory Board. Before retiring, I worked for Delta Airlines for 33 years in various areas of the Reservations Department. In the fall of 2008, I started Tai-Chi instruction at the Heritage Center and continued through the summer of 2012. It's been three years that I've been practicing yoga.

I've taken several computer classes at the Center and often stop in for print outs. Periodically, I volunteer as a greeter at special events and help straighten up after the Thursday Dances. I'm a widower, age 68 and have enjoyed meeting fellow participants at the Heritage Center and am open to interact and work with the volunteer board, to continue the friendly and welcoming atmosphere the Heritage Center is known for.

Thank you for your consideration.

Erich Mille
5581 S. Waldenwood Dr.
Murray UT 84123
801-664-3341

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's new appointment of CJ Culp to the Murray City Center District Design Review Committee in an At-Large position while living in District 2 for a 3-year term effective immediately 1/8/2013 to 1/8/2016

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)

January 8th 2013

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)

Resume attached

6. REQUESTOR:

Name: Chad Wilkinson Title: City Planner
Presenter: Dan Snarr Title: Mayor
Agency: MCCD Design Review Committee Phone: 270-2427
Date: December 27th 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: Tim Tingey Date: December 27th 2012

Mayor: Daniel Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

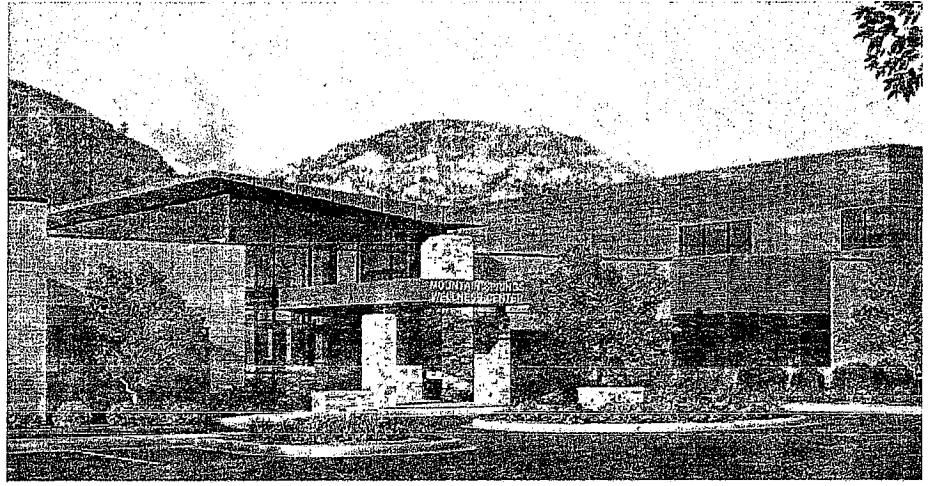
Number of pages: _____ Number of copies submitted: _____
Received by: _____ Date: _____ Time: _____
Recommendation: _____

9. NOTES:

CJ will begin serving immediately as the position has been vacant for 1 year when Steve Burt had served to Term Limits as of last January 1st 2012

CJ Kulp, AIA, LEED AP

Architect



Utah State Hospital Consolidation, Provo, Utah

Education

California College of the Arts, Masters of Architecture, 2006

University of Utah, Bachelors of Science Architectural Studies, 2002

Professional Affiliations

Member, American Institute of Architects

Member, US Green Building Council

Licenses & Registrations

Licensed Architect—Utah 2011

LEED® Accredited

US Green Building Council—2009

Community Service

Design Week Workshop Presenter, 2011 & 2012

Salt Lake Sustainable Building Conference Planning Committee, 2011 & 2012

The Leukemia & Lymphoma Society Volunteer

With FFKR Architects since 2012

Highlight of Project Experience

Madison Carriage Cove Short Stay Rehabilitation, Rexburg, Idaho

Utah State Hospital Consolidation, Provo, Utah

Megaplex at Valley Fair Mall, West Valley City, Utah

Murray Long Term Acute Care Facility,* Murray, Utah

Building 5 Laboratory, ARUP Laboratories (schematic design),* Salt Lake City, Utah

Reagent Lab Expansion, ARUP Laboratories,* Salt Lake City, Utah

Virology Lab Remodel, ARUP Laboratories,* Salt Lake City, Utah

Chemical Storage, ARUP Laboratories,* Salt Lake City, Utah

Blood Storage, ARUP Laboratories,* Salt Lake City, Utah

Floor 4 Lab Remodel, ARUP Laboratories,* Salt Lake City, Utah

Executive Offices Remodel, ARUP Laboratories,* Salt Lake City, Utah

Warehouse Remodel, ARUP Laboratories 560 Arapeen,* Salt Lake City, Utah

Office and Common Area Remodel, ARUP Laboratories 560 Arapeen,* Salt Lake City, Utah

ARUP Researchers Office Remodel at Huntsman Cancer Institute,* Salt Lake City, Utah

ARUP Laboratories Master Planning,* Salt Lake City, Utah

HighMark Development Medical Office Building (schematic design),* Murray, Utah

HighMark Development Medical Office Building, Planning for Phase 1 & 2,* Murray, Utah

Naval Reactors Facility Production Support Complex,* Idaho, USA

Riverton Medical Office Building, Planning for Multiple Owner / Tenant Building,*
Riverton, Utah

Cottonwood Corporate Center New Development, Planning for Phase 1 & 2 Buildings with
Phased Parking,* Cottonwood Heights, Utah

**Work completed prior to joining FFKR Architects*

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's reappointment of Ned Hacker to the **Murray City Center District Design Review Committee** in an **At-Large** position while living in District 1 - for a second 3-year term effective **1/1/2013 to 1/1/2016**

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)

January 8th 2013

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)

Resume attached

6. REQUESTOR:

Name: Chad Wilkinson Title: COMM-ED Division Manager

Presenter: Dan Snarr Title: Mayor

Agency: MCCD Design Review Committee Phone: 270-2427

Date: December 27th 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: Tim Tingey Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

Number of pages: _____ Number of copies submitted: _____

Received by: _____ Date: _____ Time: _____

Recommendation: _____

9. NOTES:

Ned Hacker will continue serving on the **MCCD Design Review Committee** from **January 1st 2013 to January 1st 2016**

(801) 918-9230
363-4250
11/11/11

NED E. HACKER
701 West Crest Drive
Murray, Clover Utah 84123-4512
(801) 261-5829

EDUCATION

Master of Education, Idaho State University,
Pocatello, Idaho

Bachelor of Science, Civil Engineering,
United States Military Academy, West Point,
New York

Selected Professional Training

- Metropolitan Transportation Planning, National Transit Institute
- Planning with National Environmental Policy Act, National Highway Institute
- Urban Travel Demand Forecasting, National Highway Institute
- National Incident Management System, Utah Department of Homeland Security

TECHNICAL SKILLS

Ned Hacker is the Area Coordinator for the Long Range Planning Group and Forecasting Group of the Wasatch Front Regional Council, the Metropolitan Planning Organization (MPO) for the Salt Lake and Ogden-Layton Urbanized Areas, in Utah. Mr. Hacker holds a Bachelor of Science in Civil Engineering from the United States Military Academy. He is a retired United States Army officer with 20 years of service and has an extensive background in logistics, planning, operations and training. Mr. Hacker has worked in various capacities with the Wasatch Front Regional Council for the past 12 years.

In association with the Wasatch Front Regional Council, Mr. Hacker managed and participated in a wide variety of regional transportation studies involving all transportation modes. He also participated in development of initial transportation plans for the 2002 Olympic Winter Games. Mr. Hacker participated in or managed several major transportation corridor projects in the Region and is most recently focused on refinement and validation of the Regional Travel Demand Model and development of a new 30 year Long Range Regional Transportation Plan.

PROFESSIONAL EXPERIANCE

Regional Planning

Wasatch Front Regional Transportation Plan (2007-Present) - Mr. Hacker is responsible for guiding the planning process of updating the Regional Transportation Plan for the MPO's three county urbanized area to a new planning horizon of 2040. The multi year effort includes a comprehensive outreach and educational effort to each of the region's municipalities on the Wasatch Choice for 2040 Vision and the adopted Regional Growth Principles. The process includes collaboration with regional transportation partners, assessing existing transportation conditions needs and concerns, development of regional goals and performance measures, conducting public outreach, assessing land use and economic trends, forecasting future transportation demand, developing alternative transportation system scenarios, and crafting implementation strategy which meets the federal MPO planning requirements as well as the economic, safety, security, mobility, energy, environmental and livability concerns of the Region.

Regional Travel Demand Models (2007-Present) - Responsibility for the development maintenance and continued best practices improvements to the Regional Travel Demand Models and UrbanSim land-use model for regional and corridor level planning. Efforts include collecting and incorporating data, model calibration/validation, develop user-friendly model applications, collaboration with Federal Highway Administration, Environmental Protection Agency, Utah Department of Transportation, Utah Transit Authority and the MPOs throughout the state to ensure models meet federal guidelines, and publish a user's guild and model documentation.

Regional Transportation Corridor Studies

Westside Transit Corridors Environmental Impact Statement (2002-2006) - Mr. Hacker

was the Project Manager for this study which identified transit needs in two major east-west corridors in Salt Lake County. He managed the contractor team and coordinated with project sponsors, including the Utah Transit Authority (UTA) and most of the cities in western Salt Lake County. He assisted in preparing the Draft Environmental Impact Statements for the West Valley City and Mid-Jordan Light Rail Transit Lines that emerged from the study. He assisted UTA in preparing Section 5309 New Starts Reports for the Federal Transit Administration for the two proposed projects and in preparing draft Program Management Plans and requests to enter Preliminary Engineering.

East-West Transportation Planning Study for Salt Lake County (2007-2008) - Required by the 2007 General Legislative Session, in coordination with the MPO, participated and provided guidance to develop and analyze complex multi-modal strategies for improving long-term east-west mobility within and through Salt Lake County, Utah. Effort includes extensive stakeholder involvement.

Inter-Regional Corridors Alternatives Analysis (2000-2002) - Managed study of 120-mile corridor through four county metropolitan region of northern Utah, in order to develop a comprehensive plan for the best mix of transportation solutions to meet long-term (30 year) inter-regional mobility needs. Study elements included identifying long-term inter-regional needs, development and evaluation of multi-modal system alternatives, identification of a locally preferred alternative and development of a short-, medium- and long-term phasing strategy. Study included significant stakeholder, elected official and public involvement throughout the corridor.

Regional Intermodal Transportation Center Environmental Analysis (1998-2002) - Four regional sites were identified for construction of Intermodal Transportation Centers during initial planning for the 2002 Winter Olympic Games; Park City, Salt Lake City, Ogden and West Valley City. Mr. Hacker assisted in the coordination and preparation of environmental assessments by each city.

Olympic Transportation System Planning (1998-2002) - Mr. Hacker assisted the Utah Department of Transportation, the Utah Transit Authority and the Olympic venue cities in planning the transportation system for the 2002 Olympic Winter Games. He also assisted in preparing the Utah's request for federal funding for Olympic related projects for fiscal years 1998-2002.

MILITARY EXPERIENCE

Operations Officer

Authored training manual for new employees; prepared budgets and forecasts; managed and directed team members; instructed staff; assessed and evaluated projects and performance; negotiated with customers; provided training management; supervised 13 department administrators/training managers.

Executive Officer

Managed projects and provided direction; enforced safety and maintenance procedures; managed \$35 M budget; coordinated services provided to 1500 member community; developed guidelines and implemented procedures; evaluated and monitored internal inspection program; coordinated activities and directed public relations with multi-cultural organizations.

Support Operations Officer

Developed plans to support training, emergency and public relations; analyzed requirements and made assignments; managed logistical operations; led service and support teams; coordinated inter-departmental units; developed record keeping requirements; wrote plans and directives; represented organization.

Repair Parts Supply Officer

Managed \$60M parts supply warehouse, supervised multi-national staff of 37; coordinated transportation and delivery of parts; negotiated needs and requirements; reviewed procedures, policies, and directives; trained employees; automated record keeping procedure; monitored and evaluated special requests.

AFFILIATIONS

Institute of Transportation Engineers, Utah
American Legion
West Point Society, Intermountain Region

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's reappointment of Jay Bollwinkel on the Murray City Center District Design Review Committee in an At-Large position while living in District 1 for a second three-year term effective 1/1/2013 to 1/1/2016

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)

January 8th 2013

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/resume attached

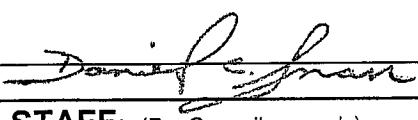
6. REQUESTOR:

Name: Tim Tingey
Presenter: Mayor or Tim
Agency: DHOD Design Review Committee
Date: May 25th 2011

Title: COMM-ED Director
Title: Mayor or COMM-ED Director
Phone: 264-2600, 270-2414
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: Tim Tingey Date: May 25th 2011

Mayor:  Date: May 25th 2011

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Jay Bollwinkel will begin serving immediately on the DHOD Design Review Committee effective June 7th 2011 to January 1st 2013.



Jay Bollwinkel AIA, RIA, AICP
Principal

Qualifications As firm principal, Mr. Bollwinkel manages the MGB+A team and ensures project excellence. He leads complex projects from conceptual design through construction. He frequently leads design charettes, public workshops, neighborhood groups and steering committee through the design process to the best possible solution. He is an effective group facilitator and understands the importance of integrating opposing viewpoints into a consensus solution. His commitment to his clients and to project excellence is most evident in the "tough projects" where he has led the way through unexpected design obstacles and budget challenges.

With extensive hands-on experience in survey work and landscape installation, Mr. Bollwinkel understands the implications of design decisions. Site coordination and construction review is one of his specialties, emphasizing quality installation techniques to achieve landscape architectural design intent. His attention to detail and wide knowledge of construction costs, ensures that MGB+A's budgets are realistic and projects are achievable.

Mr. Bollwinkel is a registered landscape architect and certified land planner with over 20 years of professional experience. He is technically proficient in AutoCAD, LANDCADD, project scheduling and cost estimating.

Education

- Bachelor of Landscape Architecture and Environmental Planning
Utah State University, Logan, Utah 1987
- Associates of Arts and Sciences
Ricks College, Rexburg, Idaho 1984

Professional Affiliations

- American Planning Association
- American Society of Landscape Architects
- Utah State University Landscape Architecture Advisory Board
- Murray Economic Development Board
- Exchange Club of Murray

Certifications

- Licensed Landscape Architect (Utah, California, Arizona)
- American Institute of Certified Planners

Project Experience

- City Creek Plaza Landscape Architecture
- Oquirrh Mountain Temple, Temple Square remodel, Provo Temple Remodel
- Utah State Capitol Campus Master Plan and Restoration
- Salt Lake City Sports Complex
- Murray Fireclay Transit-Oriented Development
- Red Butte Gardens Amphitheatre
- American Fork Parks Campaign (29 Parks)
- Taylorsville Millrace Park
- Holladay Village Center
- Driggs (Idaho) Mixed-Use Downtown Center
- Comanche Cliffs (St. George) Design Guidelines and Landscape Architecture
- Farmington Parks and Recreation Master Plan

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's **reappointment of Ted Eyre to the Murray Parks and Recreation Advisory Board** in a District 5 position for a **third and final 3-year term** effective **1/17/2013 to 1/17/2016**

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)

January 8th 2013

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)

Resume/BIO attached

6. REQUESTOR:

Name: Doug Hill Title: Public Services Director
Presenter: Dan Snarr Title: Mayor
Agency: Parks and Recreation Advisory Board Phone: 270-2404
Date: December 27th 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: Doug Hill Date: December 27th 2012

Mayor: Daniel C. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Ted Eyre will continue serving on the Parks and Recreation Advisory Board for a final 3-year term effective January 17th 2013 to January 17th 2016

5846 Kerry Circle
Murray, Utah 84107

H 801/263-0586
C 801/867-0586
dteyre@hotmail.com

David Ted Eyre

Objective

The purpose of this resume is to request the opportunity of continuing to serve on the Murray Parks & Recreation Board and to meet the requirements to do so.

Experience

Graduated from Cheyenne East High School in Cheyenne, Wyo. in the class of 1965

Attended college at Brigham Young University and in Southern California with a degree in Aviation Sciences

Enlisted in the United States Army with Aviation Flight Schools at Fort Polk, La, Fort Walters, Texas, & Fort Eustis, Va.

- Served one tour of duty in Vietnam attached to the Aviation Signal Corp.

Hired as a pilot for Western Airlines from 1978-1986

- Western was acquired by and merged with Delta Airlines

Continued employment with Delta Airlines from 1986-2005

- Qualified on four different aircraft and served as Flight Engineer, First Officer and Captain.
- Served as a Certified Line Check Airman for more than 10 years
- Retired as a Captain on the Boeing 737

Various leadership positions in the Church of Jesus Christ of Latter-day Saints

- Currently serving as bishop of the Meadow Ward, Murray Utah South Stake

Published Author

- Wrote the book entitled "You Always Call Me Princess" and available nationally through Granite Publishing.

Founding Board Member of The Murray Greenhouse

- A 501C3 corporation to purchase, build and maintain a facility to educate and train disabled adults within the city of Murray.

**Volunteer
Experience**

- Volunteer for the Murray Special Spartan – a division of Utah Special Olympics
- Member of the Murray Parks & Recreation Board
- Organizer of Community Watch Program
- Leader in Scouting and Young Men's Organization

References Available upon Request

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's **reappointment of Karen Daniels to the Murray Planning and Zoning Commission** in a **District 2** position for a **third and final 3-year term** effective **1/15/2013** to **1/15/2016**

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)

January 8th 2013

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)

Resume attached

6. REQUESTOR:

Name: Chad Wilkinson Title: COMM-ED Division Manager
Presenter: Dan Snarr Title: Mayor
Agency: Planning and Zoning Commission Phone: 270-2427
Date: December 27th 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: Tim Tingey Date: December 27th 2012

Mayor: _____ Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Karen Daniels will continue serving on the **Planning and Zoning Commission** from **January 15th 2013** to **January 15th 2016**

Karen C. Daniels

788 West Bullion Street
Murray, Utah 84123

(801) 685-2131 (h)	(801) 269-8311 (w)	email: karendaniels@aol.com	Jan 2001
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OBJECTIVE To obtain a position with the Planning and Zoning Commission of Murray City, utilizing my professional experience and personal desires for positive community growth and development.

EDUCATION Utah State University, Logan, Utah, General
Institute of Financial Education/
American Institute of Banking, SLC, Utah
Obtained program completion with certifications in the following courses:
Residential Lending, Real Estate Law, Accounting I, Accounting II,
Law and Banking Principles, Marketing, Principles of Banking,
Customer Service Relations, Consumer Lending

EXPERIENCE Washington Federal Savings & Loan

Vice President, Branch Manager, Murray, Utah 1999 - Present
Assistant Vice President, Branch Manager, Sugar House, Utah 1997-1999

Provide leadership and management in overall branch operations and services that generate both loan and savings business, which include the following activities:

- Loan origination - Construction, Single Family Residential, and Multi-Family
- Loan underwriting
- Building Inspections
- Analyze building plans, cost breakdowns, and plat maps
- Provide customer service to local builders, Real Estate Agents, Title Companies, loan and deposit customers
- Utah Division Loan Committee, member
- Marketing
- Lead and train staff in daily operations

Human Resources Coordinator 1993-1997

- Employee action (hiring, terminations, discipline, resolution)
- Benefits Manager
- Payroll

First Federal Savings & Loan 1983-1993
Various positions held include the following:
Acquisition and Discovery Team, Stockholder Relations Assistant, Marketing Assistant, Corporate Purchasing Manager, Executive Assistant to the Executive VP of Lending

AFILIATIONS Home Builders Association of Greater Salt Lake
Board of Directors - Associate Director
Committee member: Ethics, Parade of Homes, Government Affairs,
Programs and Education
HBA of GSL Women's Council - Director, Scholarship Chair
HBA of GSL Women's Council - President
Sugar House Merchant's Association
Institute of Financial Education - Education Chair/UT
Chamber of Commerce - Member

-Karen C. Daniels

COMMUNITY	Murray Girl's Softball League	Vice President
	Viewmont Elementary Weekly 5 th grade computer training	Parent Volunteer
	<u>Opening the Door to Homeownership:</u> <u>A First Time Homeowner's Seminar</u>	Presenter
	▪ Present lending information to first time and low-income homebuyers	
	Midvale Emergency Winter Housing	Volunteer
	• Coordinated all donated efforts in the construction project	

Murray City Municipal Council

Request for Council Action

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

Consider confirmation of the Mayor's **reappointment** of **Tim Taylor** to the **Murray Planning and Zoning Commission** in an **At-Large** position while living in District 1 for a **third and final 3-year term** effective **1/15/2013 to 1/15/2016**

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)

January 8th 2013

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)

Resume attached

6. REQUESTOR:

Name: Chad Wilkinson Title: COMM-ED Division Manager
Presenter: Dan Snarr Title: Mayor
Agency: Planning and Zoning Commission Phone: 270-2427
Date: December 27th 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: Tim Tingey Date: December 27th 2012

Mayor: Daniel L. Snarr Date: December 27th 2012

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

Tim Taylor will continue serving on the Planning and Zoning Commission from January 15th 2013 to January 15th 2016

WCEC ENGINEERS, Inc.

Salt Lake Office
147 West Election Road
Suite 200
Draper, UT 84020
TEL: (801) 456-3847
FAX: (801) 456-3501

TIMOTHY J. TAYLOR, P.E., PTOE Principal

Tim has a variety of experience preparing and managing both large and small scale traffic engineering and transportation planning studies. His land use and transportation planning experience over the past 12 years includes infrastructure master planning, corridor planning, context sensitive street design, policy development, impact assessment, neighborhood traffic management, and access management. He has served as a project manager or project engineer on numerous traffic engineering studies and design projects addressing operational and design issues related to intersections, corridors, interchanges, pedestrian and bicycles facilities, transit facilities, and development related site circulation and parking. He is actively involved in the public participation process as it relates to traffic engineering and transportation planning, serving as the primary presenter at public meetings, open houses, and professional conferences.

WORK EXPERIENCE

Principal – WCEC Engineers, Inc.

- Draper, UT – August 2005 to Present

Regional Manager, Associate, Senior Market Leader, Senior Project Engineer – Fehr & Peers Associates, Inc.

- Salt Lake City, UT – February 2000 to March 2001
- Denver, CO – March 2001 to October 2004
- Salt Lake City, UT – October 2004 to August 2005

Senior Transportation Engineer – J-U-B Engineers, Inc.

- Orem, UT – October 1997 to February 2000

Transportation Engineer – Zook, Moore & Associates, Inc.

- West Palm Beach, FL – June 1995 to October 1997

Transportation Research Assistant – Brigham Young University

- Provo, UT – April 1993 to June 1995

PROJECT EXPERIENCE

Traffic Engineering

Project Manager or Project Engineer for traffic engineering studies addressing operational and design issues related to intersections, corridors, pedestrian and bicycles facilities, site circulation, and parking. Serve as the lead presenter at public meetings and technical and advisory committee workshops. Improvement projects include mixed-use development, multi-modal corridors, arterial corridors, freeway interchanges, downtown streets, and neighborhood traffic management.

EDUCATION

- Master of Science in Civil and Environmental Engineering, Brigham Young University, Provo, Utah, 1995
- Bachelor of Science, Brigham Young University, Provo, Utah, 1995

CERTIFICATION

- Professional Engineer, State of Colorado (34497)
- Professional Engineer, State of Utah (98-270666-2202)
- Professional Engineer, State of Idaho (9691)
- Professional Engineer, State of Wyoming (9103)
- Professional Traffic Operations Engineer (Institute of Transportation Engineers)

AFFILIATION

- Institute of Transportation Engineers (ITE) – Member

PUBLICATIONS

- Beyond Functional Classification – A Context Sensitive Approach, *Institute of Transportation Engineers*, 2002 Annual Meeting and Exhibit
- Utilizing the Global Positioning System (GPS) in Project Design, Construction, and Maintenance, *Utah Department of Transportation Research Report No. 84FR9960*, 1999.
- An Analysis of Left-Turn Accidents and Accident Severity in Relation to Conversion from Permissive or Protected Left-Turn Phasing to Protected/Permissive Left-Turn Phasing. *Masters Thesis*, Brigham Young University, August 1995.
- Strategies to Reduce Recurring Interstate Congestion: A Freeway Congestion Index (FCI). *Utah Department of Transportation Research Report UT-94.06*, 1994

Land Use and Transportation Planning Studies

Responsibilities include policy development, traffic operations analysis, impact assessments, and the development and execution of travel demand models. Project Manager for various studies involving transportation and land use planning, transportation master plans, transportation corridor evaluations, and area-wide travel demand forecasting.

Traffic Operations and Corridor Analysis

Project Manager or Project Engineer for studies involving the traffic operations analysis and micro-simulation of arterial corridors, freeways, and central business district streets. Responsibilities include development of required roadway improvements, intersection configurations, and traffic signal timing plans to serve existing and future traffic volumes.

Traffic Impact Studies

Project Manager on numerous studies including extensive experience with:

- Public Involvement
- Scope of work preparation
- Data collection
- Trip generation
- Traffic distribution and assignment
- Existing and future conditions analysis
- Intersection operation and capacity analysis
- Site access evaluation
- Signal Design
- Parking evaluation
- Circulation evaluation
- Warrant analyses
- Safety analyses
- Significant impact identification
- Mitigation strategies

Access, Parking, and Circulation Studies

Project manager and/or project engineer on numerous studies involving access, parking, and circulation issues associated with both new development and redevelopment projects. Projects included evaluating parking layout alternatives, access spacing, on-site storage, loading and unloading facilities, parking utilization (turnover, occupancy, and duration), and impacts associated with the loss of parking.

Neighborhood Traffic Management

Worked cooperatively with public agency staff and residents to address neighborhood traffic concerns including speeding, pedestrian safety, cut-through traffic, trucks, school circulation, and driveway accessibility. Studies evaluated non-local traffic, documented vehicle speed, volume and accident characteristics, and evaluated sight distances and geometric deficiencies. Served as the lead presenter for public workshops to address resident concerns and present possible solutions.

Traffic Signal and Intersection Design

Project Manager for preparation of plans, specifications and estimates (PS&E) and traffic signal modifications. Work components often include traffic signal warrant analyses, stop sign warrant analyses, conceptual geometric design, and signal timing / coordination studies.

DETAILED PROJECT EXAMPLES

Traffic Impact Analysis (Utah, Colorado, Idaho, Wyoming, Florida)

Performed trip generation, distribution, assignment, capacity analysis, and presentation tasks on over one hundred and fifty public and private development and redevelopment projects. Tim is well versed in the full range of traffic impact study elements and issues.

Utah Department of Transportation Managed Lanes Study (Salt Lake City, UT)

Assisted in the exploration of managed lanes strategies as a solution to Utah's congestion problems, and identification of where proposed strategies are likely to work in terms of overall corridor performance costs and benefits.

West Valley City Transportation Master Plan (West Valley City, UT)

This study included a general assessment of City-wide technical and policy level transportation elements as well as detailed sub-area traffic and intersection analyses.

Downtown Meridian Transportation Management Plan (Meridian, ID)

Identified and developed consensus for capacity improvements to the primary north/south corridor through Downtown Meridian. The key to the study was developing solutions that balanced regional mobility with Downtown access and circulation.

Redwood Road Environmental Study (Salt Lake County, UT)

Performed travel demand analysis and detailed traffic operational analysis in support of the UDOT Environmental Study effort for the section of Redwood Road between Bangerter Highway and 10400 South.

North Stapleton Redevelopment Traffic and Transportation Studies

The Stapleton Redevelopment is currently the largest redevelopment project in the United States taking in approximately 4,700 acres of what was the former Stapleton International Airport. Tim is managing all the traffic and transportation related tasks for the portion of the redevelopment north of Interstate 70.

North Stapleton Infrastructure Master Plan (IMP)

Managed the development of the Transportation System section of the North IMP including sub-area travel demand modeling, development and analysis of internal roadways, designation of arterial and local streets, development and application of context sensitive roadway cross-sections, analysis related to interchange and interstate crossing locations and configurations, and preparation of transit and bicycle/pedestrian facility plans.

49th/47th Avenue Corridor Study

Managed the preparation of the 49th/47th Avenue Corridor Study including sub-area travel demand modeling, corridor level trip generation, distribution, and assignment, and traffic operations analysis utilizing SYNCHRO and VISSIM for a 2025 horizon year.

Filing 14 Traffic Impact Analysis

Managed the Filing 14 Traffic Impact Analysis, which included approximately 1.3 million square feet of retail development. Tasks included development and analysis of the local roadway networks, Filing level trip generation, distribution, and assignment, and traffic operations analysis utilizing SYNCHRO and VISSIM for a 2006 horizon year.

Agency Coordination

Oversaw coordination effort between the City and County of Denver, the Denver Regional Council of Governments (DRCOG), the Regional Transportation District (RTD), and other planning and engineering team members in shaping traffic engineering and transportation planning policy and procedures related to this unique large scale redevelopment project.

Denver Central Connector Bus Rapid Transit Operations and Simulation Study (Denver, CO)

Directed the preliminary Light Rail Transit alternatives analysis and managed the development and application of a detailed VISSIM operations and simulation to evaluate a bus rapid transit alternative encompassing forty study intersections.

Fitzsimons Site-Wide Traffic and Transportation Study (Aurora, CO)

Overseeing the multi-modal analysis of site-wide traffic and transit conditions related to the redevelopment of the 577-acre Fitzsimons Army Medical Center in the City of Aurora, CO.

Blueprint Denver: An Integrated Land Use and Transportation Plan (Denver, CO)

Directed the update of the City and County of Denver's Functional Classification Plan, and the development of a Street Typology Plan, Multi-Modal Street Design Guidelines, and the citywide Neighborhood Traffic Management Program.

Federal Boulevard Road Safety Assessment (Denver, CO)

Performed a detailed multi-modal safety assessment on a six-mile segment of Federal Boulevard between Evans Avenue and West 38th Avenue in Denver, CO.

40th Avenue Corridor Infrastructure Improvement Analysis (Denver, CO)

Determined and prioritized short and long-term planning level improvements needed to enhance the existing facility and accommodate future growth, development, and additional travel modes.

Curtis Park/Five Points Two-Way Conversion Study (Denver, CO)

Evaluated the feasibility of converting several one-way couplets to two-way operations. The study included operational analysis of over twenty study intersections using the SYNCHRO and CORSIM traffic operations software packages.

Utah Department of Transportation Access Management Standards (Salt Lake City, UT)

Assisted in the development of standards for managing and controlling driveway access points for new development and preserving the State's investment in new highway capacity.

Public Hearing #1

Murray City Municipal Council

Request for Council Action

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

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

A RESOLUTION ACKNOWLEDGING COMPLETION OF A PUBLIC HEARING WITH RESPECT TO (A) THE ISSUANCE OF THE SERIES 2013 BONDS AND (B) ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT DESCRIBED HEREIN TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2013 BONDS MAY HAVE ON THE PRIVATE SECTOR AND APPROVAL TO PROCEED WITH ISSUANCE OF THE 2013 BONDS.

2. KEY PERFORMANCE AREA: (Please explain how request relates to Strategic Plan Key Performance Areas.)
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 January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

Bond principal amount of not more than \$3,300,000.

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

Resolution and Public Notice attached.

6. REQUESTOR:

Name: Frank Nakamura

Presenter: Justin Zollinger

Agency: Murray City Corporation

Date: January 2, 2013

Title: City Attorney

Title: City Finance Director

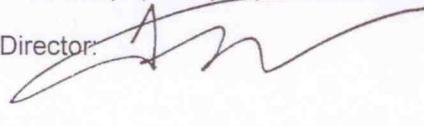
Phone: 801-264-2669

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: 1-2-13

Mayor: 

Date: _____

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES:

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on November 13, 2012, the Municipal Council (the "Council") of Murray City, Utah (the "Issuer"), adopted a resolution (the "Resolution") in which it authorized the issuance of the Issuer's Storm Water Revenue Bonds, Series 2013 (or with such other series or title designation as may be determined by the Issuer) (the "Series 2013 Bonds"), and called a public hearing to receive input from the public with respect to (a) the issuance of the Series 2013 Bonds and (b) any potential economic impact that the 2013 Project described herein to be financed with the proceeds of the Series 2013 Bonds may have on the private sector. Pursuant to the Resolution, the Issuer proposes to finance the acquisition and construction of improvements to its storm water drainage system (the "System") and related improvements (collectively, the "2013 Project").

TIME, PLACE AND LOCATION OF PUBLIC HEARING

The Issuer shall hold a public hearing on January 8, 2013, at the hour of 6:30 p.m. at 5025 South State Street, Murray, Utah. The purpose of the hearing is to receive input from the public with respect to (a) the issuance of the Series 2013 Bonds and (b) any potential economic impact that the 2013 Project to be financed with the proceeds of the Series 2013 Bonds may have on the private sector. Interested individuals are invited to express their views, both orally and in writing, on the proposed issue of the Series 2013 Bonds and the location and nature of the 2013 Project. All members of the public are invited to attend and participate. Written comments may be submitted to the Issuer at the City Recorder's office located at 5025 South State Street, #115, Murray, Utah 84107, until 5:00 p.m. on January 8, 2013. Additional information may be obtained from the Issuer at its office shown above or by calling (801) 270-2400.

PURPOSE FOR ISSUING THE SERIES 2013 BONDS

The Series 2013 Bonds will be issued for the purpose of (a) financing the 2013 Project, (b) funding any required debt service reserve fund, and (c) paying costs of issuance of the Series 2013 Bonds.

PARAMETERS OF THE SERIES 2013 BONDS

The Issuer intends to issue the Series 2013 Bonds in the aggregate principal amount of not more than Three Million Three Hundred Thousand Dollars (\$3,300,000), to mature in not more than twenty-one (21) years from their date or dates, to be sold at a price not less than ninety-eight percent (98%) of the total principal amount thereof, and to bear interest at a maximum net effective rate or rates of not to exceed five percent (5.0%) per annum, plus accrued interest to the date of delivery.

The Series 2013 Bonds are to be issued and sold by the Issuer pursuant to the Resolution, including as part of said Resolution, a form of General Indenture of Trust (the "General Indenture"), and a Supplemental Indenture of Trust (collectively with the General Indenture, the "Indenture"), which were before the Council and attached to the Resolution in substantially final form at the time of adoption of the Resolution.

The Series 2013 Bonds are special limited obligations of the Issuer payable from the net revenues of the System.

A copy of the Resolution and the Indenture are on file in the office of the City Recorder, 5025 South State Street, #115, Murray City, Utah, where they may be examined during regular business hours of the City Recorder from 8:00 a.m. to 5:00 p.m. Monday through Friday, for a period of at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that a period of thirty (30) days from and after the date of the publication of this notice is provided by law during which any person in interest shall have the right to contest the legality of the Resolution, the Indenture (only as it relates to the Series 2013 Bonds), or the Series 2013 Bonds, or any provision made for the security and payment of the Series 2013 Bonds, and that after such time, no one shall have any cause of action to contest the regularity, formality, or legality thereof for any cause whatsoever.

DATED this November 13, 2012

/s/ Jennifer Kennedy
City Recorder

RESOLUTION NO. _____

A RESOLUTION ACKNOWLEDGING COMPLETION OF A PUBLIC HEARING WITH RESPECT TO (A) THE ISSUANCE OF THE SERIES 2013 BONDS AND (B) ANY POTENTIAL ECONOMIC IMPACT THAT THE PROJECT DESCRIBED HEREIN TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2013 BONDS MAY HAVE ON THE PRIVATE SECTOR AND APPROVAL TO PROCEED WITH ISSUANCE OF THE 2013 BONDS

WHEREAS, pursuant to the provisions of the Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), the Municipal Council (the “Council”) of Murray City, Utah (the “Issuer”), adopted a resolution on November 13, 2012 (the “Resolution”) in which it authorized the issuance of the Issuer’s Storm Water Revenue Bonds, Series 2013 (to be issued in one or more series and with such other series or title designation(s) as may be determined by the Issuer) (the “Series 2013 Bonds”) to be used to finance the acquisition and construction of improvements to the Issuer’s storm water system and related improvements (collectively, the “Project”); and

WHEREAS, pursuant to the Act and the Resolution, a notice of public hearing with respect to the issuance of the Issuer’s Series 2013 Bonds was (i) published twice, the first publication being not less than fourteen (14) days prior to this hearing, in The Salt Lake Tribune, a newspaper of general circulation within the Issuer, (ii) posted on the Utah Public Notice Website (<http://pmn.utah.gov>) on December 26, 2012 and (iii) posted on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, on November 30, 2012; and

WHEREAS, the public hearing was held on January 8, 2013 to receive input from the public with respect to (a) the issuance of the Series 2013 Bonds and (b) any potential economic impact that the Project described herein to be financed with the proceeds of the Series 2013 Bonds may have on the private sector.

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

It hereby acknowledges that a proper public hearing was held on the Storm Water Revenue Bonds, Series 2013 and the City may proceed with issuance of the Bonds.

PASSED AND APPROVED this 8th day of January, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Council Chair

ATTEST:

Jennifer Kennedy, City Recorder

Public Hearing #2

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 8th day of January, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning an ordinance amendment to Section 17.48.120 of the Murray City Municipal Code to allow for additional height and size for signs on properties adjacent to I-15 and I-215 in the G-O zoning district.

DATED this 17th day of December, 2012.

MURRAY CITY CORPORATION



City Recorder

DATE OF PUBLICATION: December 23, 2012
PH 12-34

HARMONY HOME HEALTH, LLC - Sign Ordinance Text Amendment – G-O Zone – Project 12-131

Ben Hathaway was the applicant present to represent this request. Chad Wilkinson reviewed the request for an ordinance text amendment to the Murray Municipal Land Use Code Chapter 17.48.120(A), and 17.48.120(C) related to signage in the General Office (G-O) Zone. The proposed amendment would allow additional height and size for signs on G-O properties located adjacent to freeways. The amendment would allow for the height of signs adjacent to I-15 and I-215 to be determined by freeway grade rather than the adjacent sidewalk grade. The amendment would also increase the allowable size of signs in the G-O zone adjacent to freeways from 50 sq. ft. to 300 sq. ft. The purpose of the G-O zone, as defined in City Code, is to provide a buffer or transition area separating commercial and industrial uses from residential areas. Increased emphasis is given to buffering commercial uses from residential uses, neighborhood compatibility and reduction of size and height of signs in the G-O zone due to proximity and impact on the adjoining residential properties. The G-O zone limits building and sign height in order to be compatible with residential zoned properties in the area. The existing sign code regulation limits signs in the G-O zone to 15 ft. maximum height measured from the sidewalk grade to the top of the sign and allows for .5 sq. ft. of sign area per lineal foot of street frontage with a maximum area of 50 sq. ft. The applicant is proposing that the height for detached signs in the G-O zone located on properties adjacent to the freeway be determined by the freeway grade and that the maximum size of freeway adjacent signs in the G-O zone be increased to 300 sq. ft. Currently, the Code allows for freeway oriented signs in Commercial Development (C-D) and General Manufacturing (M-G) zoning districts to use the adjacent freeway grade to determine the maximum height of the sign. Where properties are lower than the freeway, the signs may be much higher than the adjacent local streets. The applicant has proposed this same standard for G-O zones located adjacent to the freeway. The applicant also proposes to increase the permitted sign size from 50 sq. ft. to 300 sq. ft. for signs adjacent to the freeway in the G-O zone. It should be noted that the standards for the C-D and M-G zones do not provide for an increase in square footage for freeway adjacent signs. The maximum sign size for detached signs in the C-D and M-G zones is the same for all properties in the City, whether or not they are adjacent to the freeway. G-O zoning occurs throughout the City in areas along 4500 South, 900 East, Winchester Street and VanWinkle Expressway. Because G-O zoning occurs on other high-volume and high speed roadways in Murray, it is difficult to justify an increase in sign size based solely on freeway adjacency. While a connection may reasonably be made for an increase of sign height adjacent to a freeway because of variations of freeway height caused by overpasses, on and off ramps, etc., staff does not find the same connection with regard to sign size. If speed and volume are used to determine sign size adjacent to freeways, other G-O property owners could argue that the speed or traffic volume of Van Winkle Expressway or 4500 South justifies additional sign height or size. The sign code currently allows for attached signage in the G-O zone with 2 sq. ft. of sign area for each lineal foot of building frontage with maximum sign area determined by building size. Depending on the size of the building, attached signage may currently exceed 50 sq. ft. This additional square footage for attached signage coupled with the allowed detached signs provides adequate signage while buffering residentially zoned properties. The standards of the Code are meant to distinguish the G-O zone

Planning Commission Meeting

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from other commercial zones and to provide a transitional standard. The look and impact of signage in the G-O zone should be different than commercial and manufacturing zones because the G-O zone purpose is to be a buffer and transition zone from the residentially zoned areas. The applicant also references portions of the Murray General Plan related to land use and economic development. The plan indicates that G-O areas should ensure a pleasing environment and the existing signage allowed in G-O zones contributes to the purpose of this zoning designation. Although the economic development sections of the General Plan promote enhancing commercial activity, the existing ordinance allows for multiple signage opportunities on a site and the existing square footage enhances the goal of creating a positive environment for business activity.

Based on the above information and findings, staff recommends that the Planning Commission forward a recommendation of denial for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C).

Ms. Daniels stated that this property is located in the G-O zone. She asked Mr. Wilkinson if the area is more commercially based. Mr. Wilkinson stated the Murray City General Plan calls for that zone to remain office zoning. He stated that there is a mix of C-D-C and G-O in that area. That zoning came about through a large zone change process through the City. Further to the south of that zone is residential and staff feels it is important to keep that as a transition area and protect that neighborhood.

Mr. Markham asked if an electronic sign were to be located on the property, would it have to be specific to the applicant. Mr. Wilkinson stated the G-O zone does not allow electronic message boards and any sign that is located on G-O properties need to be on-premise. The city does not permit off premise advertising for new signage.

Ben Hathaway, 60 East South Temple, stated he is the attorney for Harmony Home Health, LLC. Harmony Home Health & Hospice is an in-home health care provider who for the last decade has been headquartered at 5650 South Green Street in a one story building. He stated that the Murray City's zoning map, it seems that the purpose of the G-O zone has been obliterated by the C-D-C re-zone in the middle of Green Street. Originally it was intended to buffer the residential area from commercial uses. Every piece of property along the I-15 corridor has a free-way oriented and viewed sign with the exception of Harmony Home Health's building. Mr. Hathaway questioned if the General Plan's purpose of providing a buffer has really been met. He indicated in his opinion the answer is no, because it's been obliterated by the re-zone. He stated that Harmony Home Health, LLC desires to have a positive recommendation from the planning commission for a text change. Two things must be present for this text change to apply; the property must be adjacent to a freeway and the sign must be freeway oriented. Murray Code states it is appropriate to adopt a text change if it conforms to the General Plan. Mr. Hathaway suggested that not only does it conform to the General Plan, but it actually enhances the goals of the General Plan as it relates particularly to freeway oriented signs within the G-O zone. Visible signage would 1) strengthen the City's medical related commercial activity to the public, 2) increase business for Harmony Home Health in turn generate more revenue for the

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City, 3) increase the utilization of land in Murray City, 4) make the location more desirable for the applicant to remain there, 5) it would enable a sign to preserve what remains of this buffer zone. Mr. Hathaway went on to say that staff implied a sign could be larger than 50 ft. if it were attached to the building. Therefore, if Harmony were to prop a sign on top of its building that was in excess of 50 ft. or build 2-4 more stories onto their building and have their signage on top of it, it would seem to impair the buffering even more in the G-O zone than it would to just have a sign there. Mr. Hathaway suggests that the purposes of the General Plan are met and enhanced by the text change. In comparing other G-O zones in Murray to the location of the applicants, all other areas have buildings that are higher than the freeway, therefore; there is no advantage for those properties to measure from the freeway grade.

Mr. Taylor made note that buildings that currently have attached building signage would also be allowed to have free standing sign, based on the text change the applicant is proposing. Mr. Hathaway concurred, subject to approval.

Mr. Woodbury asked Mr. Wilkinson why staff wouldn't consider making a zone change from G-O to C-D-C. Mr. Wilkinson noted again that the General Plan does call for this area to be office and not commercially zoned. There are standards (i.e. review standards, use standards) in place that provide buffering and protection of those areas that go over and above visual standards. The review was focused on what the impacts to several properties in the G-O zone would have, not just this particular property. Mr. Hathaway stated that Harmony does not want to open the door to other uses, but desires to take advantage of its adjacency to I-15.

Ms. Mackay asked why it is so important to have a sign. Mr. Hathaway deferred the question to Dennis Stong.

Dennis Stong, 5650 Green Street, stated that having a sign helps a business establish a brand and gives the business legitimacy. When someone is choosing a health care provider they feel more secure when a company provides a strong and solid feel to it. A sign helps to give out that image. All of the businesses that are in that area and have signage have a good solid client base, Harmony does not. Mr. Stong asked Mr. Wilkinson what specific properties concern him that this would apply. Mr. Wilkinson stated staff is not implying that by changing the text this will affect a specific property. What he is saying is from a consistency standpoint, they need to look at all properties, not to just a specific property. It is too hard to distinguish how one property is different from another based on solely on those characteristics.

The comment was made that if all properties in the G-O zones had a road that was elevated like I-15 is, they would all be asking for the same thing.

Mr. Hathaway stated there are no other arterial roads in Murray City that have a 65 mph speed limit which is important when you are talking about size. What Mr. Stong is requesting is that he be given the same opportunity the other businesses along Green Street have. Mr. Hathaway asked that the Planning Commission send a positive recommendation of approval to the City Council for this text change.

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

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and the public comment period was closed.

Mr. Black commented that signage is beneficial, but he recently dealt with finding a facility to care for his aging mother, but that his decision was not based upon driving down the street and looking for a sign. He stated that instead he went to physicians and friends in the medical field. In his opinion, no one is going to make a decision on using their facility based on seeing a sign from the freeway.

Mr. Woodbury asked why Harmony Home Health feels their business isn't doing as well as they think it could do if they were able to put up a larger sign. He stated that as a resident of Murray, bringing businesses into the city is a great thing, but it also needs to be done within the general context of the General Plan. Mr. Woodbury asked the applicant if he has had specific clients tell them they would not do business with them because they don't have a sign. Mr. Stong responded that he owns the building and has tried to lease space, but they are unable to put a "for lease" sign on the top of the building.

Paul Evans, 5650 Green Street, is the project manager at Harmony Home Health. He has been very involved in trying to get the building leased. There have been a number of inquiries through their brokerage firm that have looked at the building. However, the lack of visibility and recognition through a sign for that location has impacted their decision to relocate there. Addressing Mr. Black's comment, he feels it is important not to minimize the name/brand recognition. Their patients come primarily from recommendations, but none-the-less their name recognition in the community is very important to them. To have their name visible in that location would help people in locating them. Possible naiveté on their part, but one of the reasons that location was picked was they saw how all of the businesses along Green Street had signs and advertisements, so it seemed like a natural assumption they would be able to erect a sign in comparability to all the other businesses. They feel it is a very reasonable request to Murray City for them to be allowed to erect a sign. He asks the commission to forward a recommendation of approval to the City Council.

Ms. Daniels asked if Harmony has been in that same location for the 16 years they have been in Murray. Mr. Evans responded indicating that their first location was on Commerce Street and they purchased the building on Green Street 6-7 years ago. Ms. Daniels asked if this is the first time they have come forward to ask for a sign. Mr. Evans stated they applied a few years ago and were not successful at that point, so they have decided to come back and try once more.

Mr. Stong made note that years ago they leased a property along the freeway in Ogden and put up a sign. That sign made a huge impact. Within 18 months they tripled their business. Their referrals come from people that have had a great experience with them in the past, but when they are competing against very well established names, it helps to have the sign recognition letting everyone know they are there, professional, legitimate and ready to serve them. They have been trying to work with Murray City for quite some time on this matter.

Mr. Taylor expressed his concern with this proposed change that neighboring properties would then have the opportunity of increasing the number of signs along

Planning Commission Meeting

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the freeway frontage for businesses that already have signs, this could be detrimental for the applicant.

Ms. Daniels made a motion to forward a recommendation of denial to the City Council for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C). Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Ray Black
A Tim Taylor
N Phil Markham
N Vicki Mackay
N Scot Woodbury

Motion passed, 4-3 in favor of denial.

CONSTRUCTION BUSINESS HOME OCCUPATION – Home occupation Zoning Text Amendment to section 17.24 – Project # 12-118

Murray City proposes an amendment to the Home Occupation standards to remove construction businesses from the list of prohibited uses and to provide additional standards for approval of these types of home based businesses. Mr. Wilkinson stated that the Murray City zoning ordinance allows for the establishment of home occupations as accessory uses in all residential zones subject to specific standards. Among the standards, certain uses are explicitly prohibited from being established as home occupations. In 2007, the City Council added construction businesses to the list of prohibited uses based on several problems with existing home based construction businesses. Concerns included storage of materials and large equipment on residential properties, mobilization of construction crews in residential neighborhoods, noise, hours of operation and other similar complaints. The City continues to receive requests for home occupation licenses for construction businesses, contractors and "handyman" services. The City Council has received recent requests from residents to allow construction businesses to be allowed. On August 21, 2012 the City Council directed staff to reconsider the prohibition of construction businesses as home occupations and to analyze whether additional standards could be developed to protect neighboring properties. The purpose of the Home Occupation standards as stated in Chapter 17.24 is to allow for certain income producing accessory uses in residential districts that are compatible with and not detrimental to the neighborhood in which they are located. The Code identifies that certain uses are not appropriate because of their tendency "to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of the residentially zoned area." In the past, several home based construction businesses have created neighbor concerns by storing equipment and materials on site and by mobilizing crews from their home early in the morning creating noise and parking concerns from neighbors. The home occupation standards currently limit the size and number of vehicles, number of employees, storage of materials and uses

TO: Murray City Planning Commission

FROM: Murray City Community and Economic Development Staff

DATE OF REPORT: October 25, 2012

DATE OF HEARING: November 1, 2012

PROJECT TYPE: Land Use Ordinance Text Amendment

APPLICANT: Harmony Home Health

PROJECT NUMBER: 12-131

DESCRIPTION OF REQUEST:

The applicant is proposing text amendments to the Murray Municipal Land Use Code Chapter 17.48.120(A), and 17.48.120(C) related to signage in the General Office (G-O) Zone. The proposed amendment would allow additional height and size for signs on G-O properties located adjacent to freeways. The amendment would allow for the height of signs adjacent to I-15 and I-215 to be determined by freeway grade rather than the adjacent sidewalk grade. The amendment would also increase the allowable size of signs in the G-O zone adjacent to freeways from 50 square feet to 300 square feet.

STAFF REVIEW

The purpose of the General Office zone, as defined in City Code, is to provide a buffer or transition area separating commercial and industrial uses from residential areas. Increased emphasis is given to buffering commercial uses from residential uses, neighborhood compatibility and reduction of size and height of signs in the General Office zone due to proximity and impact on the adjoining residential properties. The General Office zone limits building and sign height in order to be compatible with residential zoned properties in the area. The existing sign code regulation limits signs in the General Office zone to 15 foot maximum height measured from the sidewalk grade to the top of the sign and allows for .5 square feet of sign area per lineal foot of street frontage with a maximum area of 50 square feet.

The applicant is proposing that the height for detached signs in the G-O zone located on properties adjacent to the freeway be determined by the freeway grade and that the maximum size of freeway adjacent signs in the G-O zone be increased to 300 square feet. Currently, the Code allows for freeway oriented signs in the C-D and M-G zoning districts to use the adjacent freeway grade to determine the maximum height of the sign. Where properties are lower than the freeway, the signs may be much higher than the adjacent local streets. The

applicant has proposed this same standard for G-O zones located adjacent to the freeway.

The applicant also proposes to increase the permitted sign size from 50 square feet to 300 square feet for signs adjacent to the freeway in the G-O zone. It should be noted that the standards for the C-D and M-G zones do not provide for an increase in square footage for freeway adjacent signs. The maximum sign size for detached signs in the C-D and M-G zones is the same for all properties in the City, whether or not they are adjacent to the freeway. G-O zoning occurs throughout the City in areas along 4500 South, 900 East, Winchester Street and Vanwinkle Expressway. Because G-O zoning occurs on other high-volume and high speed roadways in Murray, it is difficult to justify an increase in sign size based solely on freeway adjacency. While a connection may reasonably be made for an increase of sign height adjacent to a freeway because of variations of freeway height caused by overpasses, on and off ramps, etc., staff does not find the same connection with regard to sign size. If speed and volume are used to determine sign size adjacent to freeways, other G-O property owners could argue that the speed or traffic volume of Van Winkle Expressway or 4500 South justifies additional sign height or size.

The sign code currently allows for attached signage in the G-O zone with 2 square feet of sign area for each lineal foot of building frontage with maximum sign area determined by building size. Depending on the size of the building, attached signage may currently exceed 50 square feet. This additional square footage for attached signage coupled with the allowed detached signs provides adequate signage while buffering residentially zoned properties. The standards of the Code are meant to distinguish the G-O zone from other commercial zones and to provide a transitional standard. The look and impact of signage in the General Office zone should be different than commercial and manufacturing zones because the G-O zone purpose is to be a buffer and transition zone from the residentially zoned areas.

The applicant also references portions of the Murray General Plan related to land use and economic development. The plan indicates that General Office areas should ensure a pleasing environment and the existing signage allowed in G-O zones contributes to the purpose of this zoning designation. Although the economic development sections of the General Plan promote enhancing commercial activity, the existing ordinance allows for multiple signage opportunities on a site and the existing square footage enhances the goal of creating a positive environment for business activity.

FINDINGS AND CONCLUSION

- i. The proposed ordinance amendments are not consistent with the purpose of the General Office zone for a buffer or transition area separating commercial uses from residential areas. Increased

emphasis is given to buffering commercial uses from residential uses, neighborhood compatibility and reduction of the size and height of signs in the General Office zone due to proximity and impact on the adjoining residential properties. The proposal is not consistent with the intent and purpose of this zoning.

- ii. The increase in height and square footage of signs does not contribute to compatibility with residential areas.
- iii. The existing sign code allows adequate signage for G-O zones, while distinguishing the zoning district as a transitional zone buffering residential properties from commercial and industrial properties.

STAFF RECOMMENDATION

Based on the above information and findings, staff recommends that the Planning Commission forward a recommendation of denial for the proposed text amendments to the Murray City Council for Municipal Code Chapter 17.48.120(A), and 17.48.120(C).

Application Materials

MURRAY CITY CORP.
received
10/04/12

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Zoning Map Amendment
 Text Amendment
 Complies with General Plan
 Yes No

Subject Property Address: 5650 South Green Street

Parcel Identification (Sidwell) Number: 21-13-176-021-0000

Parcel Area: 1.25 Acres Current Use: Office

Existing Zone: G-O Proposed Zone: N/A

Applicant Name: Harmony Home Health, LLC

Mailing Address: c/o Benson L. Hathaway, Jr., 50 East South Temple, Suite 400

City, State, ZIP: Salt Lake City, UT 84111

Daytime Phone #: (801) 328-3600 Fax #: (801) 321-4893

Business Name (If applicable): Harmony Home Health & Hospice

Property Owner's Name (If different): Harmony Home Health, LLC

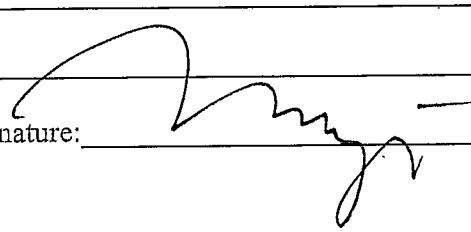
Property Owner's Mailing Address: 5650 South Green Street

City, State, Zip: Murray, UT 84123

Daytime Phone #: (801) 264-2000 Fax #: (801) 281-0775

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

Please see memorandum attached.

Authorized Signature:  Date: 10/04/12

KIRTON | MCCONKIE

12-131
MURRAY CITY CORP.
Received
10/10/12

Benson L. Hathaway, Jr.
bhathaway@kmclaw.com
801.321.4835

October 9, 2012

Murray City
Community & Economic Development Department
4646 South 500 West
Murray, UT 84123-3615

***Re: Harmony Home Health
Application for Zoning Amendment - Text Change
Planning & Zoning Commission Meeting – November 1, 2012***

To Whom It May Concern:

Enclosed is Harmony Home Health, LLC's Zoning Amendment Application with attachments. Please consider this Application for the meeting scheduled on November 1, 2012 at 6:30 p.m., or the next available date at the Commission's convenience. Call me if you have any questions or concerns. Thank you.

Very truly yours,

KIRTON MCCONKIE

Benson L. Hathaway on behalf of

Benson L. Hathaway, Jr.

BLH:wm
Enclosure
cc: Jody K. Burnett, w/encl.

4836-9615-6686.1

KIRTON | MCCONKIE

MEMORANDUM

DATE: October 3, 2012
TO: Murray City Council
FROM: Harmony Home Health & Hospice
SUBJECT: Proposed Text Amendment

Factual Background

Harmony Home Health & Hospice (“Harmony”) owns property located at 5650 Green Street (the “Property”). Harmony is a Murray-centered business that has had its national headquarters in Murray for over ten years.

Harmony’s Property is a one-story building fronting on Green Street and adjacent to I-15. It is surrounded by larger buildings that all have signage visible from I-15. Just north of the Property is Eagle Gate College, a 3-story building with signage on top that is visible from I-15. Immediately to the south is Siegfried and Jensen, a 4-story building with significant signage on two sides of the top floor oriented toward the freeway. South of the Siegfried building is another 3-story building with Dominion Engineering sign mounted on the top floor facing the freeway. Essentially all other businesses fronting on Green Street sharing the block with Harmony have signs visible to passing traffic on I-15. Those include KFC whose sign is 220 square feet and 50’ above Green Street’s grade; the Piano Gallery whose sign is 150 square feet and 60’ tall; Summerhays Music, 55’ tall; Thomasville, 60’ tall; and Richland Title.

However, because Harmony’s of the Property’s current zoning and inconsistencies in the Murray City Code (the “Code”), Harmony is prohibited from constructing a sign that could be viewed from I-15 to capitalize on the significant exposure that a freeway oriented sign provides, which exposure is enjoyed by every other business fronting on Green Street on Harmony’s block.

Issue

Harmony desires to build a free standing pole sign which rises 45’ above Green Street and which is 14’7” wide x 13’7 ¾” tall (204 square feet total sign area). Currently the Property is zoned General Office (“G-O”), which only allows signs that are less than fifty (50) square feet of total sign area. The Code does not contain any exceptions for G-O properties that are freeway adjacent. The Code does, however, provide that in Commercial and Manufacturing zones “properties adjacent to freeways, where the sign is freeway oriented, maximum sign height may

be determined from freeway grade.” Murray City Code 17.48160(A)(3). Harmony proposes amending the Code to allow a similar exception for properties that are zoned G-O and adjacent to the freeway. Please see Attachment 1 for proposed text.

Discussion

I. Standard for a Text Change

Unlike an application for conditional use or variance, in applying for a text change there is no need for showing a hardship and special circumstances unique to the subject property. *Cf.* Murray Code 17.15.50(B) (requirements for variance), and 71.56.60 (requirements for conditional use). Instead what is required is that the proponent demonstrates that the proposed text change “conforms to the intent of the General Plan.” *See* Text Change Application, Attachment 2.

II. The Proposed Text Change Conforms with the General Plan

Approving the proposed text change would further the goals of the General Plan. For example, the text change would (1) strengthen the City’s medical related commercial activity, (2) increase the utilization of land in Murray City, (3) increase the number of consumers of Murray City businesses, (4) preserve and protect the quality of life for viable residential neighborhoods by minimizing interference with aesthetic views, and (5) retain businesses within Murray City. *See* General Plan, p. 2-7 and 8-4, annexed hereto as Attachment 3.

Harmony’s property is the only G-O zoned property in Murray City likely to be affected by the text change. A review of the Murray City zoning plat map indicates that the only properties in Murray City zoned as G-O that are freeway adjacent, where freeway oriented signs could possibly be desired are (1) Harmony’s property; (2) the property immediately north and south of Harmony’s property along Green Street; and (3), the property adjacent to I-15 lying between Vine Street and 5300 South, where the Stevens Heneger building stands. *See* Murray City zoning plat map annexed hereto as Attachment 4. All other G-O property in Murray adjacent to the freeway borders I-215 and is elevated far above the freeway elevation. Hence, the added height language would be inapposite. The properties immediately north and south of Harmony’s property along Green Street are improved with multi-story buildings already bearing freeway oriented signs of the businesses they house. Similarly, the Stevens Heneger building is a multi-story building upon which its freeway oriented signage is already mounted. In short, the proposed text will not encourage further signage there or open the flood gates for other signs on other G-O zoned property in Murray City.

Moreover, the sign Harmony desires to erect under the new text is less visually invasive than other options currently open to Harmony under the Code as written. Under the existing Code, Harmony would not be prohibited from adding on multiple stories and affixing a sign to its building, like many of its neighbors have already done. However, the proposed sign will in fact preserve and protect the quality of life for Murray’s viable residential neighborhoods as it minimizes interference with the neighborhood’s view of Mount Olympus and the Wasatch Mountains. Ironically, under the G-O zoning ordinance as written, Harmony is not allowed to erect a sign that would only minimally affect the aesthetics of view from surrounding neighborhoods. *See* Photos annexed as Attachment 5. This inconsistent and unintended operation of the current ordinance in these circumstances, can be remedied by adding to section

17.28.1209(C), language similar to that already included in Murray City Code 17.48.160(A)(3) allowing maximum sign height to be determined from freeway grade for freeway oriented signs.

Conclusion

The proposed text changes advance the goals of the General Plan without imposing or frustrating any of its purposes. Harmony respectfully requests that the Council incorporate the proposed text change.

ATTACHMENT 1

ATTACHMENT 1

Proposed Text Change:

Harmony proposes that Murray City Code 17.48.120(C) be modified to read as follows:

Maximum sign height allowed is fifteen feet (15 feet) from sidewalk grade to the top of the sign. On property adjacent to freeways, where the sign is freeway oriented, the maximum sign height may be determined from a freeway grade.

Harmony suggests that Murray City Code 17.48.120(A) be amended to read in full:

A detached on premise sign for each developed parcel not exceeding one-half (1/2) square foot of sign area for each linear foot of street frontage, may not exceed fifty (50) square feet of total sign area. On property adjacent to freeways, where the sign is freeway oriented, a detached on premise sign may not exceed one and one-half (1 1/2) square feet of sign area for each linear foot of street frontage, provided no sign may exceed three hundred (300) square feet of total sign area.

ATTACHMENT 2

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

Zoning Map Amendment
 Text Amendment
 Complies with General Plan
 Yes No

Subject Property Address: 5650 South Green Street

Parcel Identification (Sidwell) Number: 21-13-176-021-0000

Parcel Area: 1.25 Acres Current Use: Office

Existing Zone: G-O Proposed Zone: N/A

Applicant Name: Harmony Home Health, LLC

Mailing Address: c/o Benson L. Hathaway, Jr., 50 East South Temple, Suite 400

City, State, ZIP: Salt Lake City, UT 84111

Daytime Phone #: (801) 328-3600 Fax #: (801) 321-4893

Business Name (If applicable): Harmony Home Health & Hospice

Property Owner's Name (If different): Harmony Home Health, LLC

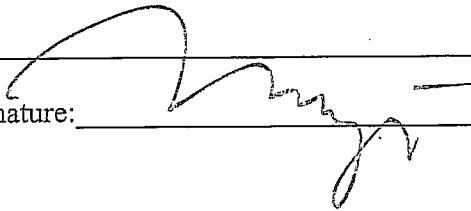
Property Owner's Mailing Address: 5650 South Green Street

City, State, Zip: Murray, UT 84123

Daytime Phone #: (801) 264-2000 Fax #: (801) 281-0775

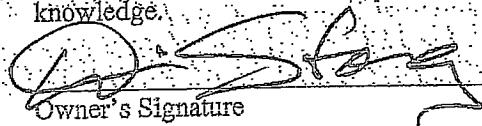
Describe your reasons for a zone change (use additional page if necessary):

Please see memorandum attached.

Authorized Signature:  Date: 10/04/12

Property Owners Affidavit

I (we) Dennis Strong, COO of Harmony Home Health, 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 _____ day of _____, 20____

Notary Public

Residing in _____

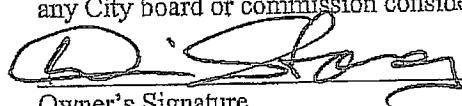
My commission expires: _____

Agent Authorization

I (we), Dennis Strong, COO of Harmony Home Health, LLC, the owner(s) of the real property located at 5650 South Green Street, in Murray City, Utah, do hereby appoint

Benson L. Hathaway, Jr. as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Benson L. Hathaway, Jr. to appear on my (our) behalf before any City board or commission considering this application.

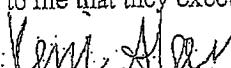


Owner's Signature

Owner's Signature (co-owner if any)

On the 5th day of October, 2012, personally appeared before me

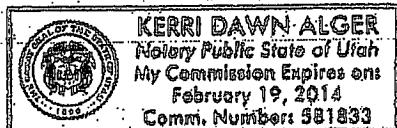
Dennis Strong, the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.



Notary Public

Residing in Utah

My commission expires: 2-19-14



ATTACHMENT 3

2 Land Use

Introduction and Background

This chapter provides land use policy direction and guidance to decision-makers as they address future land use changes. The chapter begins with a documentation of existing land use and zoning conditions, continues with a summary analysis in relation to key issues identified during the planning process, and concludes with proposed land uses and corresponding zoning modifications which support the future land use direction.

Identified Land Use Issues

Early in the planning process, Murray residents and members of the Plan Management Committee identified several key issues related to land use. This input, in combination with a review of existing data and on-site field investigations, helped organize the land use planning direction. Some of the key issues which emerged as the result of this input are summarized below:

- There is a need to preserve, protect and enhance established residential neighborhoods;
- The future land use profile should support a better balance between various uses, i.e. residential, commercial, industrial;
- Land use modifications are necessary to create better transitions between incompatible land uses;
- Zoning changes should be made that support a comprehensive land use vision;
- Future land use decisions should maximize limited development opportunities in a community that is approaching build-out;
- Land use modifications should be made to help preserve open space, enhance neighborhood development, support pedestrian connections, and provide for a better mix of uses; and
- Land use decisions should be integrated with transportation needs in order to create a functional and balanced community.

Existing Land Use

Murray is home to a wide mix of residential, commercial and industrial areas, and numerous support services such as schools, offices, medical facilities, parks and open spaces. In an effort to verify existing land uses and to help clarify known conflict areas in the City, a limited "windshield" survey was conducted. Key parcels were visually inspected, crosschecked with aerial photographs and other mapped data, designated on field maps, and updated. To summarize, Murray City contains slightly less than 7,600 acres of land, including all roads, rail reserves and other transportation corridors. Table 2-1 provides a breakdown of the various land uses and the approximate number of acres allocated to each. Map 2-1 illustrates the distribution of existing land uses. A general summary of each land use category is provided below.

Residential

Residential uses are the primary land use in Murray City, representing more than forty percent of all land uses. The overwhelming bulk of residential uses are located in large, well-designed and stable neighborhoods. As described in more detail below, residential land uses encompass a range of densities, home types, and neighborhood patterns and conditions.

Residential Single Family – Low Density

Low-density single family homes represent the largest single land use in Murray, accounting for nearly one third of all land in the City. Most of the homes in these areas are clustered within well-defined, contiguous neighborhoods spread throughout the community. The remaining residential uses are small groupings and individual homes scattered within non-residential precincts, commercial and industrial in particular. Most low-density single-family homes are located on lots that range from 6,000 to 10,000 square feet. The majority of these homes are relatively new, although there are pockets of older, low-density homes located throughout much of the city.

Residential Single Family – Medium Density

Accounting for just over two-percent of the total land area, this group includes smaller homes located on lots 6,000 square feet or less. Scattered throughout the City, medium density single family homes encompass a range of new and old structures, and include two mobile home parks.

Residential Multiple Family – Low Density

Accounting for just over two-percent of the total land in Murray, this class encompasses more than a dozen low-density garden court projects as part of small and large planned unit developments. Nearly all of these housing types are located east of State Street, and most projects are well maintained and well-landscaped.

Residential Multiple Family – Medium Density

This group is also typified by planned unit developments, with taller walk-up structures and greater density structures most dominant. Accounting for three-percent of the total land area, medium density multi-family units are well represented in most of the residential neighborhoods. Most sites tend to be located near major roads such as Murray Boulevard, 5600 South and 700 East, and include private open space, park and recreation amenities.

Residential Multiple Family – High Density

Accounting for one-percent of the total land area, this category encompasses higher-density and taller condominium and apartment projects. In contrast to the low and medium density multiple family uses, these projects tend to have minimal open space amenities.

Table 2-1
Existing Land Use

Land Use Category	Acres	Percent of Total Acres
Residential Single Family – Low Density	2480.5	32.8
Residential Single Family – Medium Density	197.9	2.6
Residential Multiple Family – Low Density	159.5	2.1
Residential Multiple Family – Medium Density	232.5	3.1
Residential Multiple Family – High Density	76.1	1.0
Civic and Institutional	321.6	4.5
Commercial	601.5	7.9
Office	208.7	2.8
Industrial	482.6	6.4
Parks and Open Space	661.5	8.7
Cemetery	20.8	0.2
Transportation and Utility	44.4	0.6
Vacant and Agricultural	427.9	5.2
Waterway	72.0	1.0
Transportation Corridors (street and railway rights-of-way)	1581.1	20.9
TOTAL LAND AREA	7568.6	100.0

Civic and Institutional

Civic and institutional uses include schools, churches, Cottonwood Hospital, Murray City Hall, fire stations, police facilities and other public offices and facilities. Nearly five percent of Murray's land area is in institutional use, the largest single use being Cottonwood Hospital.

Commercial

Almost eight-percent of the total land in Murray is commercial. Much of the commercial development is located along State Street, at three nodes along 900 East, and along 4500 South west of Interstate 15.

State Street commercial areas provide some local services, but function mainly as regional retail shopping for people outside of the community. Some key State Street commercial uses include Fashion Place Mall, various car dealerships, and the new Costco/Eagle Point retail centers at 5300 South. The 900 East commercial nodes also focus on regional shopping needs, but also include neighborhood uses such as supermarkets and specialty stores. With the exception of Fashion Place Mall, most commercial uses are single-story structures. The scale of commercial operations range from small shops to large "big box" buildings.

Office

Accounting for nearly three-percent of the total land in the City, offices are concentrated around Interstate 15 at 5300 South. Smaller areas are found along the State Street and 900 East commercial areas, along 4500 South east of State Street, and along the south edge of Winchester Street between State Street and 900 East. The majority of office uses are smaller and lower in height, although some taller structures are also evident.

Industrial

Industrial uses account for more than six-percent of the total land. Most industrial uses are centered in a broad corridor between Interstate 15 and the TRAX rail line, with another large grouping located west of Interstate 15 between 4800 South and the north city limits. Murray's industries tend to represent a broad range of uses, including older production facilities, newer storage uses, some modern manufacturing and assembly stations, and industrial/office combinations.

The original smelters, mills and other heavy industries that typified Murray's industrial base have been replaced and/or redeveloped with service-type industries or other uses during the past several decades. Many of the original industrial sites have only been partially redeveloped, and include substantial portions of underutilized and vacant land, and dilapidated buildings.

Parks and Open Space

Representing nearly nine-percent of the total land in Murray is a well-developed system of parks and open space. Dominated by the Jordan River Parkway at the western fringe of the city and Murray Park in the center, other key park and open spaces are Mick Riley Golf Course, Murray Parkway Golf Course, numerous neighborhood and local parks, and an open, contiguous power corridor near the west edge of the city.

Cemetery

At just over 20 acres, Murray City Cemetery is a public facility. It is the only cemetery in Murray City.

Transportation and Utility

Accounting for less than one-percent of the total land area in Murray, this category includes three light rail/TRAX stations, the Murray Power generation plant, electrical substations, public maintenance facilities, and a large satellite dish/microwave tower station.

Vacant Land and Agricultural

This category accounts for nearly six-percent of land in the City. Key vacant uses include the former ASARCO Smelter site west of State Street and 5300 South (currently being redeveloped with the IHC Regional Medical Center and Costco), a large swath of land straddling the Union Pacific rail line from 4500 South north to the city limits (slated for transit-oriented redevelopment as part of the Murray North TRAX Station neighborhood), and a large piece of land adjacent to a mobile home park at 700 West and Winchester Street.

Agricultural parcels are scattered throughout the area, particularly within residential neighborhoods, and along the banks of the Jordan River, Big Cottonwood Creek and Little Cottonwood Creek. Most agricultural sites are remnants from earlier times when the area was agricultural in nature, and currently serve only marginal agricultural purposes. Nearly all include a home or home on lots ranging from less than one-half acre to nearly five acres. Many of the largest agricultural holdings are located near fertile soil areas adjacent to the Jordan River.

Waterways

The three waterways in Murray are the Jordan River, Big Cottonwood Creek and Little Cottonwood Creek. The Jordan River includes large tracts of designated open space in the southern and central reaches that form the Jordan River Parkway. In contrast, Big Cottonwood Creek and Little Cottonwood Creek are limited to narrow creek beds, and in most locations are not officially designated as open space or waterway corridors, particularly when passing through and between private properties.

Transportation Corridors

Accounting for more than one-fifth of the total land area, this category includes all public road and rail reserves within the City. Key transportation corridors include Interstate 15, Interstate 215, and the Denver and the Rio Grande/UTA TRAX line.

Existing Zoning

There are seventeen zoning classifications in place in Murray City – one agricultural, ten residential, three commercial, one industrial, an open space zone, and one hospital zone. Map 2-2 illustrates the distribution of zoning districts, and Table 2-2 lists the percentage of land covered by each zone. A short description of the general intent and uses allowed in each zone is presented in the following text.

Agricultural Zone

The purpose of the agricultural zone is to encourage and maintain agricultural uses and open spaces. This zone is intended to include activities associated with light agricultural uses, while allowing single family dwellings and parks. The minimum lot area for agricultural uses is one acre.

Residential Zones

There are ten Residential Zones, which together account for more than half of the total acreage in the city. Most of the residential zones encourage single-family dwellings on relatively large lots (6,000 to more than 20,000 square feet). However, all zones except the residential mobile home zone allow planned unit developments or dwellings groups as a conditional use. The planned unit development (PUD) zone allows for clustering of buildings and mixed use. In addition, developers can obtain density bonuses in multiple-family residential zones through a conditional use permit by meeting criteria set forth in the Murray City Zoning Ordinance for urban design/neighborhood compatibility, energy efficiency, structure design, landscaping, building materials, and parking facilities. In addition, residential uses are allowed in all zones as part of mixed use developments. Table 2-3 describes the general purpose and lot requirements for each residential zone.

Table 2-2
Existing Zoning

Zoning Category	Percent of Total Land Area
A-1 Agricultural	7.0
R-1-6 Single Family Low Density Residential	2.3
R-1-8 Single Family Low Density Residential	39.6
R-1-10 Single Family Low Density Residential	4.1
R-1-12 Single Family Low Density Residential	0.2
R-M-10 Multiple Family Medium Density Residential	4.0
R-M-15 Multiple Family Medium Density Residential	2.4
R-M-20 Multiple Family High Density Residential	0.8
R-M-25 Multiple Family High Density Residential	0.0 ¹
R-M-H Mobile Home Residential	1.3
C-N-C Commercial Neighborhood Conditional	0.7
C-D-C Commercial Development Conditional	13.5
G-O General Office	2.9
M-G-C Manufacturing General Conditional	15.1
O-S Outdoor Space	5.7
H Hospital	0.4
Total	100.00

Commercial Zones

The Commercial Development Conditional Zone (C-D-C) accommodates businesses, commercial, entertainment, and other related activities that serve the community and surrounding areas. Uses allowed in this zone are intended as part of local and regional shopping centers. Most retail, commercial, office, and entertainment uses are permitted in this zone, or are permitted as conditional uses.

¹ The R-M-25 Zone was established during the planning period, accounting for the absence of corresponding zoned land.

Table 2-3
Existing Zoning: General Description of Residential Zones

Residential Zone	Lot Size	Purpose
R-1-6	6,000 sq. ft. min.	Single-family medium density residential. Intended to provide varied housing style and character. PUD as conditional use.
R-1-8	8,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-10	10,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-12	12,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-14	14,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-1-20	20,000 sq. ft. min.	Single-family low density residential. Intended to encourage and promote family environment. PUD as conditional use.
R-M-10	8,000 sq. ft. min. for one unit; 11,000 sq. ft. min. for 2 units; more than 2 units at rate of 7 units per acre	Multiple-family low density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-15	8,000 sq. ft. min. for one unit; 10,000 sq. ft. min. for 2 units; more than 2 units at rate of 12 units per acre	Multiple-family medium density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-20	8,000 sq. ft. min. for one unit; 10,000 sq. ft. min. for 2 units; more than 2 units at 17 units per acre	Multiple-family high density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-25	8,000 sq. ft. min. for one unit; 10,000 sq. ft. min. for 2 units; more than 2 units at 22 units per acre	Multiple-family high density residential. Intended to allow opportunity for varied housing styles and character. PUD as conditional use.
R-M-H	6,000 sq. ft. min. for one unit; 10 acres min. for any mobile home development	Residential mobile home zone. Intended to provide residential environment that accommodates mobile homes and is characterized by attractively landscaped mobile homes and modular units with amenities comparable to any other residential development. Intended to assure high degree of compatibility with adjacent residential development. Must be developed under one plan.

The Commercial Neighborhood Conditional Zone (C-N-C) is essentially a neighborhood commercial zone that allows commercial and service uses for surrounding neighborhoods, usually within a convenient walking distance. This district makes up 0.6 percent of the total land area. Permitted uses include shops for electrical supplies; hardware; variety stores; food; apparel and accessories; furniture; electronics; office equipment and supplies; eating places; book stores; sporting goods; garden supplies; banking; dry cleaning; beauty and barber services; massage therapy; locksmiths; and postal services, among others. The regulations for this zone ensure that uses fit with the surrounding neighborhood scale and character, and that facilities will meet the needs of users. Some conditional uses that can be considered in this zone include department stores, libraries, day nurseries, libraries, and gas stations.

The General Office Zone (G-O) is intended to allow a wide variety of office uses in an attractive environment. This zone places significant emphasis on the physical quality of facilities to ensure a pleasing environment and achieve compatibility with the surrounding neighborhood. Uses allowed in this zone include pharmacies, optical shops, professional services, business services, governmental services, and miscellaneous service organizations. Conditional uses that may be allowed in this zone include restaurants, portrait photography; nursery, primary, and secondary education uses; day nurseries; universities, colleges, junior colleges and professional school education facilities.

Industrial Zone

The Manufacturing General Conditional Zone (M-G-C) covers areas where light industrial applications are desired. This zone imposes regulations that ensure the safety and quality of the environment within the district and surrounding areas. Some permitted uses in this zone include food preparation, furniture manufacture, wholesale trade, repair services, and veterinarian and animal hospital services. Conditional uses include meat packing and processing; grain mills, millwork, paper product manufacture; aircraft and motor vehicle parts and accessories, transit stations and maintenance yards, power plants, waste facilities, petroleum pump stations, fairgrounds and amusement parks, and sport activities.

Open Space Zone

The Outdoor Space Zone (O-S) is intended to accommodate and protect open space resources for the public good and prevent encroachment from incompatible uses. Permitted uses in this zone include governmental services, sport activities, playgrounds and athletic areas, swimming areas, boat rentals and boat access sites, sport fishing sites, picnicking areas and parks. Conditional uses can include cemeteries, educational and cultural activities, amphitheaters, sports assembly, public assembly, fairgrounds, riding academies and recreation uses.

Hospital Zone

The Hospital Zone (H) is intended to accommodate hospitals and related medical facilities in a way that blends harmoniously with the surrounding neighborhood and uses. Special attention to site layout and design is required in order to minimize impacts on surrounding residential areas. Allowed uses include medical and other health services. Conditional uses that maybe allowed include heliport pads, communication facilities, protective functions and related activities, and day nurseries.

Land Use and Zoning Analysis

Over the years Murray has been transformed from a lightly populated agricultural settlement into a sophisticated urban community. According to the policies and visions of the day, vacant land has been slowly converted into properties occupied by homes, factories and schools. In most cases the decisions made have resulted in a harmonious community, while in others the outcome has been less positive, resulting in areas of incompatibility and conflicting land use patterns.

The need for better transitions between land uses was one of the main concerns expressed by the public and others during the early stages of this planning process. Finding ways to deal with established land use problems is one the primary goals of this Plan. As described below and detailed in Appendix B, three key relationships were investigated to help develop a rational approach for improving future land use relationships in Murray City.

Vacant Land and Under-utilized Land Analysis

Key vacant and underutilized sites were investigated to determine possible areas for future commercial redevelopment and intensification. To summarize, the most significant vacant and underutilized parcels are concentrated in commercial and industrial areas near the three TRAX stations and the Interstate freeway system. Smaller concentrations are situated near Fashion Place Mall, and within and around the Neighborhood Commercial area centered at 900 East and 5600 South.

Land Use and Zoning Conflict Analysis

There are several areas in Murray where existing zoning does not match the intended land use, and vice versa. Parcels zoned for residential uses but are occupied by non-residential uses generally indicate the presence of a non-conforming use within a residential neighborhood. There are relatively few instances of this type of conflict, the few examples tending to be located on the edges of residential neighborhoods. Areas where non-conforming uses occur have for the most part been mitigated to reduce the negative effects to adjacent residences.

A land use/zoning conflict that is of greater concern occurs where residential uses are located in areas zoned for non-residential uses. Also tending to occur at the edge of established residential neighborhoods, this pattern typifies residential precincts that have been rezoned for higher uses and are awaiting redevelopment. In these cases, the existing residential uses are placed in a "holding pattern" awaiting transformation, while investment and basic maintenance is curtailed, resulting in a deteriorated neighborhood condition. Left unchecked, the declining environment often spreads to the adjacent neighborhoods, reducing confidence in the future of their neighborhood. In some cases deteriorated neighborhood conditions lead to additional requests for zoning changes, and progressive neighborhood deterioration.

"Hot Spot" Analysis

A number of areas experiencing land use and zoning problems identified early in the planning process were investigated in detail. Encompassing individual sites, entire neighborhoods, and segments of roads and transportation nodes, these areas present particular challenges to the growth and development. Called "Hot Spots", these sites include areas such as (1) Winchester Street; (2) 900 East; (3) State Street, (4) the Fashion Place Mall/Cottonwood Hospital area; (5) the Intermountain Health Care Regional Medical Center/Costco area, (6) the Commerce Drive area, and (7) the three Murray TRAX Station sites.

Summary Analysis

Areas with poor land use relationships and transitions are of great concern to the community. Identified problem areas will require substantial change and modification in order to stabilize and improve. There is a need to coordinate and rationalize land use and zoning in a manner that meets the long-term goals of the community. Since Murray is nearly built-out, vacant land is at a premium.

The development of vacant and underutilized parcels should be encouraged and carefully considered to ensure that the long-term needs of the community are addressed as individual land use decisions are made. Zoning modifications are necessary to ensure that the long-term planning vision for Murray City is met, and that neighborhood stability is achieved.

Land Use Concept

As illustrated in Map 2-3 and described below, the Land Use Concept illustrates the future land use vision for Murray City, and highlights some of the general modifications necessary for improving existing land use relationships.

To summarize, the Land Use Concept alters existing land use profiles and current directions of growth, particularly in the commercial core of Murray City, and along the edges of existing residential neighborhoods. The concept embraces Murray as an emerging regional power, where additional economic and land use development is desired, but land resources are limited.

In order to maximize the use of limited land resources, new and concentrated commercial and mixed uses are proposed within the Commercial Core between State Street and Interstate 15, taking good advantage of nearby "critical mass" projects such as the IHC Regional Medical Center/Costco and Eagle Point shopping center. The Land Use Concept takes advantage of enviable transportation infrastructure (I-15, 1-215, TRAX, regional rail and Cottonwood Street) and the limited availability of vacant or "greenfield" land.

As the Commercial Core is redeveloped and concentrated, Murray's residential neighborhoods should be strengthened and protected. Future development should respect established neighborhoods, and avoid neighborhood fragmentation and land use incompatibility, particularly along the edges of existing residential neighborhoods.

The Planning Concept acknowledges a need to make changes and compromises, but not in an all-encompassing fashion. Change should be carefully implemented, with appropriate tools applied on a case-by-case basis. Land use transitions, architectural controls, design guidelines and mixed-use development patterns are key mechanisms for meeting this goal.

Future Land Use

Murray City's Future Land Use is illustrated in Map 2-4 and summarized in Table 2-4. This presents an idealized "snapshot" of the city at a future date, and indicates the location and extent of land use modifications necessary to achieve the Land Use Concept illustrated in Map 2-3.

As detailed in the text that follows, one land use category has been eliminated and three land use categories added to meet the Future Land Use vision of Murray City.

Eliminated Land Use Category

Vacant and Agricultural

This Murray General Plan assumes that all land will eventually be utilized for one purpose or another, thus no undesignated or vacant land is indicated. It is also assumed that agricultural uses will eventually be phased out and replaced with other land uses as the city reaches build out.

New Land Use Categories

Mixed Use

The Mixed Use category encourages and supports the development and redevelopment of Murray's Core Areas into live/work neighborhood. These neighborhoods should fit in with existing commercial, light industrial and residential uses, and take advantage of TRAX stations and transportation infrastructure.

Table 2-4
Future Land Use

Land Use Category	Acres	Percent of Total Acres	Percent Change from 2002 Existing Land Use
Residential Single Family – Low Density	2429.1	32.1	-1%
Residential Single Family – Medium Density	235.6	3.1	+19%
Residential Multiple Family – Low Density	150.3	2.0	-7%
Residential Multiple Family – Medium Density	235.7	3.1	+1%
Residential Multiple Family – High Density	91.4	1.2	+20%
Mixed Use	435.2	5.8	New Category
Residential Business	54.2	0.7	New Category
Civic and Institutional	258.4	3.4	-20%
Commercial	622.6	8.2	+4%
Office	274.1	3.6	+31%
Industrial	315.4	4.2	-35%
Medical	72.6	1.0	New Category
Parks and Open Space	711.8	9.4	+8%
Cemetery	20.8	0.3	no change
Transportation and Utility	42.7	0.6	-4%
Transportation Corridor	1558.8	20.6	-1%
Waterway	59.9	0.7	-17%
Total Area	7568.6	100.00	-

Mixed Use neighborhoods are places where the line between business and residential uses are purposely blurred. Mixed Use areas support a broad range of residential, commercial, recreational, entertainment, office, and civic uses within single buildings (vertical mix use), or within a neighborhood (horizontal mixed use). Mixed Use development patterns are encouraged as part of Transit-Oriented Development (TOD) projects and other special districts (Historic Downtown and neighborhood commercial centers, for example).

The specific configurations, densities, heights and other details of Mixed Use developments should be approved as part of the project design and approval process utilizing zoning rules, design guidelines and standards, yet to be determined.

Residential Business

The Residential Business category is also a type of mixed-use category, supporting low-scale, low-intensity commercial and business operations as transitions to adjacent residential neighborhoods.

Residential Business developments should (1) be low in scale and intensity, (2) share design characteristics with nearby residential uses, (3) provide a good neighborhood "fit" and (4) exude a distinct residential character.

Where possible, existing homes should be preserved and converted as part of Residential Business developments. Where this is not possible, or where existing structures and site conditions are prohibitive, two or more lots can be consolidated to meet the intent of this land use type. The number of curb cuts

providing vehicular access to Residential Business sites should be minimized, and parking consolidated where possible.

The specific configurations, densities, heights and other details of Residential Business developments should be approved as part of the project approval process utilizing zoning rules, design guidelines and standards, yet to be determined.

Medical

The proposed IHC Regional Medical Center site has been designated as a distinct land use category.

Other Future Land Use Changes

The following describes other key land use changes envisioned for Murray City. The implementation of these changes will require time, perseverance and clear vision on the part of those charged with implementing this plan.

- The residential mix will increase slightly, primarily the result of medium-density single-family infill development on vacant and agricultural land, and as part of mixed-use projects.
- Civic and community land will decrease substantially, primarily the result of reclassifying particular uses as part of other categories.
- The amount of commercial land will increase slightly, the result of infill development on vacant land, and land changes within the central core area.
- Office uses will increase, primarily along key transit ways and within the core commercial area.
- The amount of land dedicated to parks, open space and trails will increase somewhat. This is due to (1) the designation of continuous open space corridors along the Jordan River, Big and Little Cottonwood Creeks and other open space corridors; (2) official designation of all parks as a specific land use category²; and (3) the introduction of a limited number of new community and local parks (see Chapter 6 for details.)
- "Drawing a line" around existing commercial precincts to protect adjacent residential areas. New land uses at the perimeter of existing residential areas should help stabilize existing neighborhoods and support the creation of a quality residential environment.
- Creating large mixed-use districts in the city core to accommodate a range of commercial and residential uses. Mixed-use development will also support redevelopment and densification, maximize the advantage supplied by TRAX and commuter rail proximities, and help create a more diverse and responsive core district.
- Encouraging mixed-use development in the Historic Downtown area to help stabilize the unique neighborhood profile and increase 24-hour activity in the area. Land uses in adjacent residential areas should also be stabilized to support the historic nature of the area, and the Historic Residential Area east of Historic Downtown should support mixed uses.
- The civic/institutional land use profile around City Hall is maintained, with city hall remaining in its present location as a landmark institution. The former county fair grounds and southern portion of Murray Park should continue to redevelop into a site for major civic, cultural and recreational uses, with park and visitor uses such as hotels further to the south.
- The IHC Regional Medical Center site should take advantage of Little Cottonwood Creek as a usable and aesthetic parkway. Hospital buildings and service areas should be designed and sited to provide a continuous, pleasant and generous pedestrian passage through the site from the north,

² At present, most, but not all, parks are classified as residential land uses.

south, east and west, particularly to accommodate pedestrian movement between Historic Downtown and Murray Central TRAX Station.

- Mixed used development should be encouraged around the IHC site and Historic Downtown to help create a more thriving city center and entertainment district, and to provide downtown housing options.
- Current efforts to transform Historic Downtown into a cultural center should continue, but not necessarily as a major source of tax revenue. The fine-grain streets, historic character, existing entertainment uses and unique State Street setting should be maintained in an effort to make Historic Downtown a unique, pedestrian-oriented cultural destination.
- Land use changes along Big and Little Cottonwood Creeks and the Jordan River should be implemented. The result should be an interconnected and meaningful open space system.
- Existing uses along State Street should be cleaned up and beautified.
- State Street auto dealerships should be encouraged to maintain operations at existing locations and within existing commercial boundaries.
- State Street should be enhanced to become the main connector between hospital and medical uses, auto dealerships, and Fashion Place Mall. New entertainment and office uses should be encouraged throughout the State Street area.
- State Street north of 4800 South should be redeveloped as part of the Historic Downtown mixed use neighborhood.
- Cottonwood Street should be developed with land uses that are compatible with adjacent and nearby residential, Transit-Oriented Development (TOD) and mixed-use areas. This corridor could be the site for smaller start-up business and incubator space.
- 900 East is changing, and will require additional analysis. Additional design investigations should evaluate the conversion of 900 East corridor into a parkway that links Wheeler Farm, residential and business uses with important community gateway locations.
- The corner property south of Wheeler Farm should retain a strong open space presence that supports the park.
- Winchester Street should be developed into a green parkway, linking Wheeler Farm in the east with Jordan River Parkway to the west.
- 4500 South from 700 West to State Street should be transformed into a major commercial corridor. Redevelopment should maximize the advantage of nearby freeway access points and scheduled roadway improvements.
- Transportation improvements should be focused in the central core area, west of State Street and east of I-15. Improvements to east-west running streets east of State Street should be a second priority, and should not conflict with the established character of the residential neighborhoods.

Corresponding Zoning Changes

The zoning changes required to achieve the future land uses described above are illustrated in Map 2-5.

Goals and Policies

Goal: To bring the Murray City Zoning Ordinance into conformance with the updated 2003 General Plan.

Policy: To rewrite the Murray Zoning Ordinance to achieve a more workable and current ordinance that supports the General Plan.

Implementation Measure: Modify the Official Zoning Map to reflect the zoning changes illustrated in Map 2-4 (Future Land Use) and Map 2-5 (Proposed Zoning Changes).

<i>Implementation Measure:</i> Modify the Official Land Use Plan to reflect the changes illustrated in Map 2-4 (Future Land Use).	Goal: Stimulate redevelopment of deteriorating and threatened areas of the city.
<i>Implementation Measure:</i> Rezone currently zoned Agricultural land to a more appropriate zone according to the Future Land Use Map, and transition the Agricultural Zone out.	Policy: To identify areas where redevelopment will most benefit the city and where market driven redevelopment is most appropriate.
<i>Implementation Measure:</i> Ensure that all public parks, utility rights-of-ways used for trails and recreational purposes, buffers, golf courses, and other open spaces are designated as open space. Rezone all open space uses accordingly.	<i>Implementation Measure:</i> Establish site development and design guidelines to ensure quality development that is consistent with the Murray City General Plan.
<i>Implementation Measure:</i> Create a mixed-use development zone in which a mixture of residential, commercial, recreational, entertainment, office, and civic uses is encouraged and supported. Architectural and site development standards should be developed and strictly enforced. Rezone all Mixed Use Areas accordingly.	<i>Implementation Measure:</i> Develop partnerships for both RDA and market-driven projects to maximize the benefit to the community.
<i>Implementation Measure:</i> Establish new and revised commercial zoning classifications that accomplish transit-oriented development, Historic Downtown development standards, Medical campus and mixed use opportunities such as those referred to in Maps 2-4 to 2-7.	Goal: Master Plan around transit oriented development opportunities.
<i>Implementation Measure:</i> Do not allow new commercial development in transitional areas adjacent to residential neighborhoods.	Policy: Continue on-going communications with Utah Transit Authority concerning the three existing TRAX stations and the development of a commuter rail station in Murray.
Goal: To preserve and protect the quality of life for viable residential neighborhoods. (Also see Chapter 3 – Urban Design)	<i>Implementation Measure:</i> Define Transit Oriented Development (TOD) districts.
Policy: Establish, enhance and maintain appropriate transitions, buffers, and screens to protect residential neighborhoods from encroachment by inappropriate commercial, industrial, and other uses that have incompatible characteristics.	<i>Implementation Measure:</i> Coordinate with UTA and WFRC in the development of a plan for the commuter rail station.
<i>Implementation Measure:</i> Identify existing residential neighborhood edges that require stabilization.	<i>Implementation Measure:</i> Prepare a detailed study for the proposed commuter rail station.
<i>Implementation Measure:</i> Require buffers, screens, and transitional uses in the zoning and development ordinance and develop a palette of possible treatments as examples for implementation.	
<i>Implementation Measure:</i> Enhance the image of residential streets where necessary with street trees, pedestrian-scale lighting, and other street furnishings.	
<i>Implementation Measure:</i> In order to retain a strong open space presence, require additional site review for development of the vacant corner property south of Wheeler Farm.	
Policy: Ensure that public health and safety is addressed as the City develops and changes.	
<i>Implementation Measure:</i> Locate sites for all necessary public facilities, including a new east-side fire station.	

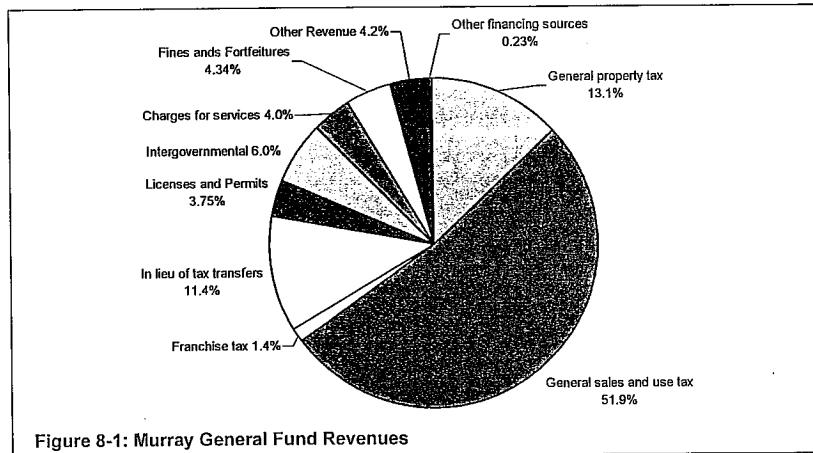
8 Economic Development

The Economic Development Element evaluates the current economic activity in the City and makes recommendations for future economic development initiatives.

Existing Conditions

Revenue Sources

Murray City's 2001 budget generated revenues of \$24,069,690. The income from sales tax was by far the largest source of revenues for the City. Sales tax accounted for more than half (51.9 percent) of the general fund revenues. Property taxes also made up a substantial part of Murray's income at 13 percent (see Figure 8-1).



Property Tax Base

The majority of Murray's property tax revenue comes from residential property followed by retail and office property. Retail and office properties make up a total of 18.9 percent of the total market value for Murray but this greatly increases to 28.4 percent of the total taxable value. This is a result of nearly all residential property owners only being taxed on 55 percent of their property's value.

Table 8-1
Property Values and Acreage by type

	MARKET VALUE		TAXABLE VALUE		AREA	
	Amount	% of total	Amount	% of total	Acres	% of total
Residential	\$2,040,067,700	60.3%	\$1,113,994,845	50.9%	269,164	50.1%
Industrial	139,952,900	4.1%	135,570,643	6.2%	23,756	4.4%
Commercial	184,929,300	5.5%	141,874,403	6.5%	37,075	6.9%
Retail	341,418,800	10.1%	333,605,005	15.2%	32,669	6.1%
Office	298,921,320	8.8%	288,949,983	13.2%	17,859	3.3%
Warehouse	98,186,120	2.9%	96,796,601	4.4%	20,918	3.9%
Vacant Residential	21,962,310	0.6%	13,245,101	0.6%	23,282	4.3%
Vacant Commercial	41,121,650	1.2%	41,004,233	1.9%	13,059	2.4%
Vacant Industrial	20,001,200	0.6%	19,897,475	0.9%	10,396	1.9%
Other	196,678,520	5.8%	5,142,935	0.2%	88,667	16.5%
TOTAL	3,381,239,820	100.0%	2,190,081,224	100.0%	536,845	100.0%

Source: Salt Lake County Assessor's Office; Wikstrom Economic & Planning Consultants, Inc.

Murray City has a higher percentage of taxable property value from commercial and industrial properties than the average city in Salt Lake County. The taxable value of Murray's residential property represents a significantly lower percentage of the City's total taxable property value compared to the County average even though its percentage of total market value is only slightly below the average.

Table 8-2
Percentage of Total Property Value by Property Type

	% Of total value (market or taxable)	SOUTH SALT LAKE				Average of SL County cities
		MURRAY	MIDVALE	SANDY	TAYLORSVILLE	
Residential	% Market	60.3%	67.9%	75.8%	34.0%	77.3%
	% Tax	50.9%	60.6%	72.2%	28.9%	75.3%
Commercial	% Market	23.7%	18.2%	11.9%	18.4%	12.1%
	% Tax	33.9%	28.6%	19.7%	28.1%	20.4%
Industrial	% Market	6.9%	4.6%	2.1%	24.0%	1.0%
	% Tax	10.4%	7.5%	3.3%	37.3%	1.7%
Recreational, Open Space	% Market	0.3%	0.1%	0.3%	0.1%	0.3%
	% Tax	0.0%	0.0%	0.3%	0.0%	0.1%
Agricultural	% Market	0.0%	0.0%	0.1%	0.0%	0.2%
	% Tax	0.0%	0.0%	0.0%	0.0%	0.0%
Government	% Market	1.5%	3.5%	3.0%	14.0%	2.4%
	% Tax	0.1%	0.0%	0.1%	0.0%	0.2%
Not for profit	% Market	3.9%	3.6%	4.2%	5.8%	5.3%
	% Tax	0.0%	0.1%	0.0%	0.1%	0.0%
Vacant	% Market	3.3%	2.1%	2.6%	3.8%	1.5%
	% Tax	4.7%	3.2%	4.2%	5.7%	2.3%

Source: Salt Lake County Assessor's Office, Wikstrom Economic & Planning Consultants, Inc.

Commercial Activity

Murray City experienced continued growth in total sales at an average annual rate of 1.8 percent throughout the 1990s. Since 1999, total gross sales have declined from \$1.4 billion to \$1.3 billion. Sales are not only declining in Murray but in Salt Lake County as a whole. Salt Lake County's sales have declined 0.8 percent from 1999 to 2001 while Murray's gross sales declined over 10 percent when adjusted for inflation over the same two year time period.

Despite the recent decline in sales, Murray City still maintains a strong commercial base. Murray City's gross taxable sales per capita totaled over \$40,000 for the year 2000, more than double the County's per capita sales of \$18,250. Murray's 2001 gross taxable sales totaled over \$1.3 billion. Motor vehicle sales accounted for over 28 percent of the total followed by general merchandise retail sales and furniture sales comprising over 12 and 10 percent of total sales respectively. Figure 8-2 breaks down Murray's total taxable sales for 2001 by percentage.

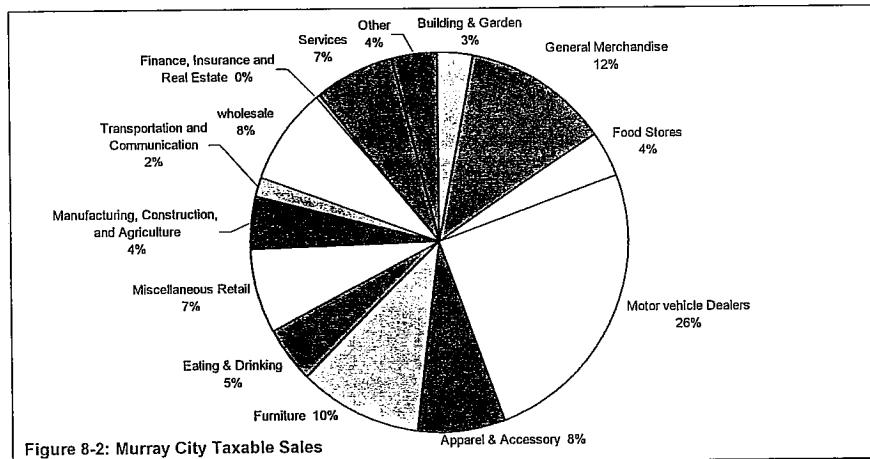


Figure 8-2: Murray City Taxable Sales

Leakage

A leakage analysis was conducted to determine the amount of consumer dollars that could be captured by Murray City that are currently being lost to businesses outside of city limits. Murray City consumers may be spending money elsewhere because certain types of establishments are unavailable to them or the existing commercial establishments in the area are not suitable in quality or quantity. The analysis allows us to see which commercial establishments are capturing consumer dollars and which ones are not. By determining which commercial categories have leakage, Murray City can assess the potential to recapture lost sales by adding new commercial establishments.

The Utah Tax Commission tracks direct sales by gross sales amount and by standard industrial classification (SIC) code. With the use of sales per capita in each category, the consumption patterns of Murray City are compared to the consumption of the average Utah consumer. The State's per capita

expenditure in each commercial classification is calculated by dividing the category's gross sales by the state's population. In theory, Murray City residents should be spending as much as the average Utah consumer. The expected (potential) Murray City gross sales for each commercial classification is calculated by multiplying the state's per capita sales in each category by the number of Murray City residents. This amount – expected sales – is then compared to the actual gross sales of the City in each category. If actual sales exceed expected sales, this particular commercial category is capturing more than what could be expected from Murray City households. Two things can be deduced from this; either Murray City residents are spending more than their Utah counterparts or non-city residents are spending their consumer dollars in the City. The latter is most likely the case. Conversely, if actual sales are less than expected sales, there is "leakage" in that category. In other words, Murray City residents are most likely spending their consumer dollars within these commercial categories outside of the City.

Murray City is capturing significant sales from other communities in most of the commercial categories. In particular, the apparel and accessory category is well represented, as well as the motor vehicle and furniture categories. Leakage is occurring in the entertainment and amusement and the hotels and lodging categories. Within the entertainment and amusement category, the motion picture theater segment shows the most leakage, losing over \$1 million in annual sales to surrounding communities. This is an opportunity that should be explored by the city.

The following table lists the leakage for the major sales categories as well as for the theater sub-category. A negative leakage number represents the amount that Murray consumers spend outside of the City. A positive number or rate over 100 percent indicates that more consumer dollars are spent in Murray than what the City's population spends. A negative number or rate below 100 percent represents fewer consumer dollars are spent.

Table 8-3
Leakage Analysis of Murray Sales

Category	Per capita leakage	Total leakage	Capture rates
Building & Garden	\$602.70	\$20,885,923	194.8%
General Merchandise	3,301.56	114,412,149	344.5%
Food Stores	81.47	2,823,361	105.3%
Motor Vehicle Dealers	8,358.15	289,643,332	637.5%
Apparel & Accessory	2,524.60	87,487,443	822.5%
Furniture	3,403.65	117,950,177	696.0%
Eating Places	1,024.21	35,493,118	220.8%
Miscellaneous Retail	2,476.60	85,824,143	383.5%
Hotels & Lodging	-53.88	-1,867,285	79.3%
Personal Services	44.94	1,557,501	149.7%
Business Services	75.06	2,601,241	114.9%
Auto & Misc. Repair	1,002.13	34,727,682	281.5%
Entertainment & Amusement	-34.67	-1,201,463	89.0%
Motion Picture Theaters sub-category	-41.64	-1,443,013	3.6%
TOTAL	22,806.53	-790,337,320	341.7%

Source: Utah State Tax Commission; Wikstrom Economic & Planning Consultants, Inc.

Employment Activity

Murray has seen a steady increase in the number of people employed with a sharp decrease in only the last couple years (See Figure 8-3). From 1987 to 1999, average annual growth had been at 6.5 percent. Most of this growth is attributable to increases in the employment for the Services, Construction, and Finance, Insurance, & Real Estate (FIRE) Industries over this period. The year 2000 saw a sharp 10 percent drop in the number of employed, going from 49,400 to 44,500 according to the Department of Workforce Services. This decrease is mostly attributable to a decline of employment in the Services, Trade (wholesale and retail) and Manufacturing industries combined with declines or slow growth in all other industries.

The sectors with the largest employment base for Murray City are the Services and Trade industries. They comprise 34.6 and 24.7 percent of all Murray jobs respectively.

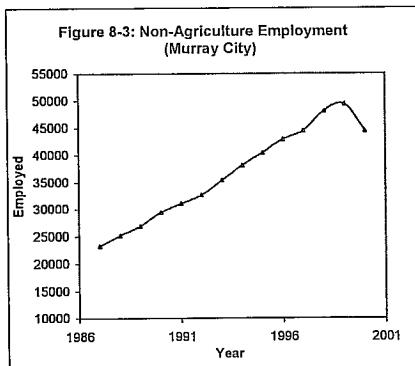


Table 8-4
Number of Employees by sector, 1991, 1994, 1997, 2000

year	1991	1994	1997	2000	Average annual % change 1991-2000	Average annual % change 1997-2001
Mining	19	35	11	6	-12.0%	-18.29%
Construction	2,434	3,049	4,350	4,744	7.7%	2.93%
Manufacturing	2,820	3,028	3,497	2,901	0.3%	-6.04%
Trans./Comm./ Public Util.	1,521	2,501	2,793	3,265	8.9%	5.34%
Trade	10,362	11,517	12,067	11,003	0.7%	-3.03%
FIRE	2,275	3,418	4,116	4,568	8.1%	3.53%
Services	10,260	12,720	15,088	15,395	4.6%	0.67%
Government	1,340	1,927	2,586	2,590	7.6%	0.05%
Total non-agricultural	31,031	38,195	44,502	44,472	4.1%	-0.02%

Source: Utah Department of Employment Security; Wikstrom Economic & Planning Consultants, Inc.

The development of a regional hospital will add substantially to these employment figures. It is estimated that the new hospital will add 4,500¹ employees over its first couple years of operation. The regional hospital is expected to begin operations in 2005 or 2006. It is also estimated that new corporate offices will employ over 750 individuals. Additional office development will also impact employment opportunities within the city.

¹ Estimates were obtained from a telephone interview with Cottonwood Hospital Administration on December 18, 2002

Economic Impact of Annexation

Murray City has a very strong commercial tax base. Compared to other cities in Salt Lake County, Murray's commercial and industrial tax base is almost twice the average. Murray's recent annexations will add 781 acres of residential land and 30 acres of commercial land to the city. This will reduce Murray's ratio of commercial taxable value to total taxable value from 34 percent to 30 percent (see Table 8-5). Note, however, that this is still substantially higher than the average for all cities in the county. One way of addressing this change is through planning for more intensified use of areas that are already established as commercial zones.

Table 8-5

Economic Comparison: Pre/Post 2002 Annexation

LAND USE	COMMERCIAL/RETAIL/OFFICE	INDUSTRIAL	RESIDENTIAL	OTHER
Current Murray City (acres)	744.9	482.6	2,359.8	3,775.4
Taxable Value	\$743,194,535	\$227,183,305	\$1,113,994,845	\$105,708,539
Taxable Value as % Total	34%	10%	51%	5%
Average Taxable Value/Acre	\$997,700	\$470,763	\$472,075	\$27,999
Annexation Area (acres)	30.2	0.0	780.9	0.0
Total After Annexation (acres)	775.1	482.6	3,140.7	3,775.4
Estimated Taxable Value After annexation	\$773,325,061	\$227,183,305	\$1,482,635,618	\$105,708,539
Taxable Value as % Total	30%	9%	57%	4%
Salt Lake County Average	18%	8%	65%	9%

Goals and Policies

Goal: To expand commercial growth within the commercial core and designated strategic areas of Murray City as illustrated in Map 8-1.

Policy: Focus retail and business expansion efforts within the commercial core and strategic areas included in Map 8-1.

Implementation Measure: Identify any underutilized or undeveloped parcels located within Murray's commercial core (estimated at 700 acres) and concentrate economic development strategies on these areas.

Goal: To increase the regional draw of Murray's economy.

Policy: Take advantage of regional transportation systems by locating major traffic-generating uses at sites served by freeways, major highways and mass transit.

Implementation Measure: Relocate lower-value businesses that are near areas with high amounts of traffic so that these areas will offer opportunities for higher value commercial use.

Goal: Promote mixed-use developments that integrate residential, office and retail uses.

Policy: Support mixed use development proposals that provide for a well-integrated mix of residential with retail and/or office.

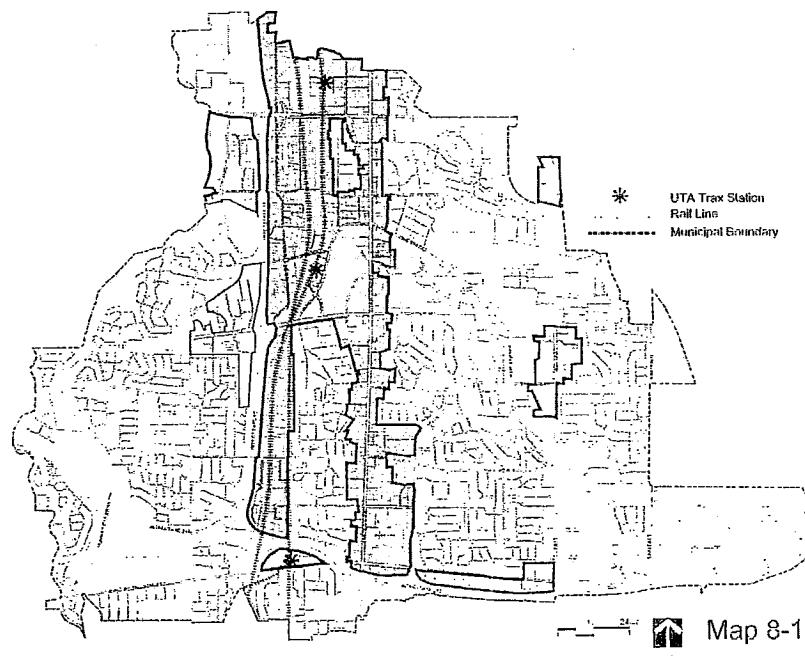
<i>Implementation Measure:</i> Identify sites that are suitable for mixed-use projects; target transit station areas for transit-oriented, mixed-use design.	Goal: Advance the economic health of all of Murray City including its commercial AND residential areas.
Policy: Support existing businesses and established commercial nodes.	Goal: To strengthen the City's medical related commercial activity.
Policy: Enhance the quality of residential neighborhoods.	<i>Implementation Measure:</i> Develop a plan that focuses on attracting health-care and biomedical related businesses that will complement current and future medical related developments.
Policy: Foster the interest and growth of hospital and medical related services and research.	<i>Implementation Measure:</i> Recognize the aging demographic of Murray and assure that a broad range of medical services for the elderly is created, including residential facilities.
Goal: To increase the number of consumers of Murray's retail businesses.	Goal: To increase the utilization of land in Murray City.
Policy: Establish a plan to increase the marketability of areas with a strong retail presence.	<i>Implementation Measure:</i> Identify the areas within Murray that have a strong retail presence. Plans should include the redesign and renovation of each area that is determined to be in need of improvement. Also, plans should include the improvement of pedestrian access to all Murray Businesses. Areas near residential zones should be designed to be pedestrian friendly.
Goal: To retain existing businesses within Murray City.	<i>Implementation Measures:</i> Combine properties that are underutilized for future development. Replace older residential structures and outdated commercial buildings with commercial developments that allow for higher utilization of the land, <i>while maintaining important historical structures</i> . Identify and redevelop areas that topographically are not suitable for commercial and industrial use into high-density residential areas.
Policy: Improve business expansion and retention efforts.	<i>Implementation Measure:</i> Identify the areas that may experience high rates of turnover and focus expansion and retention efforts on these areas and offer assistance to businesses in meeting expansion needs.

Goal: Expand the types of businesses available in Murray City.
Policy: Expand the amount of entertainment, amusement and lodging opportunities in Murray City.
<i>Implementation Measures:</i> Target regional theaters/cinemas for locations in Murray. Develop a facility to host performing arts productions. Recruit a full-service hotel.

Economic Development: Commercial Opportunity Areas

Murray City General Plan

Core Area
Other Strategic Areas



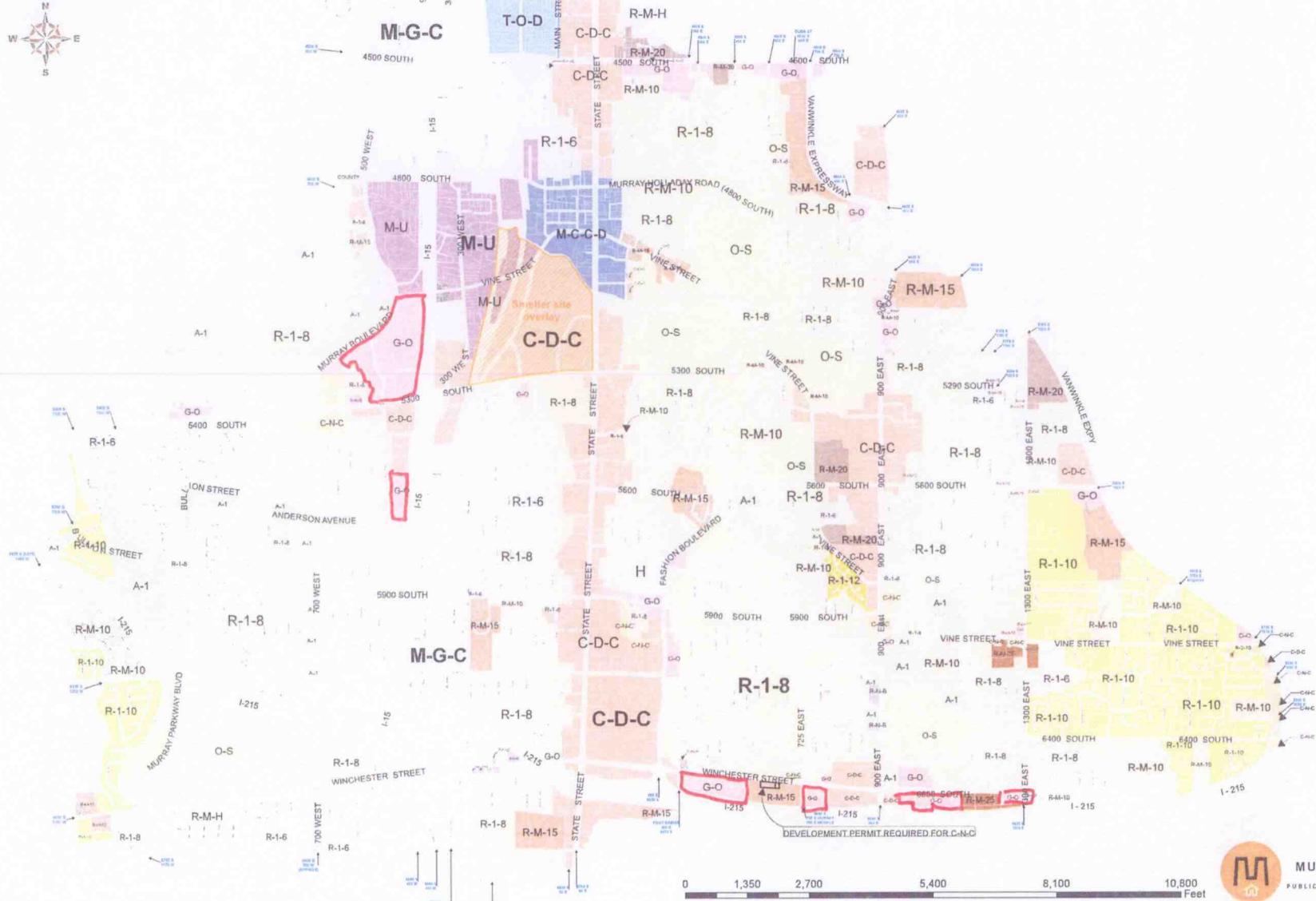
ATTACHMENT 4

Murray City Zoning

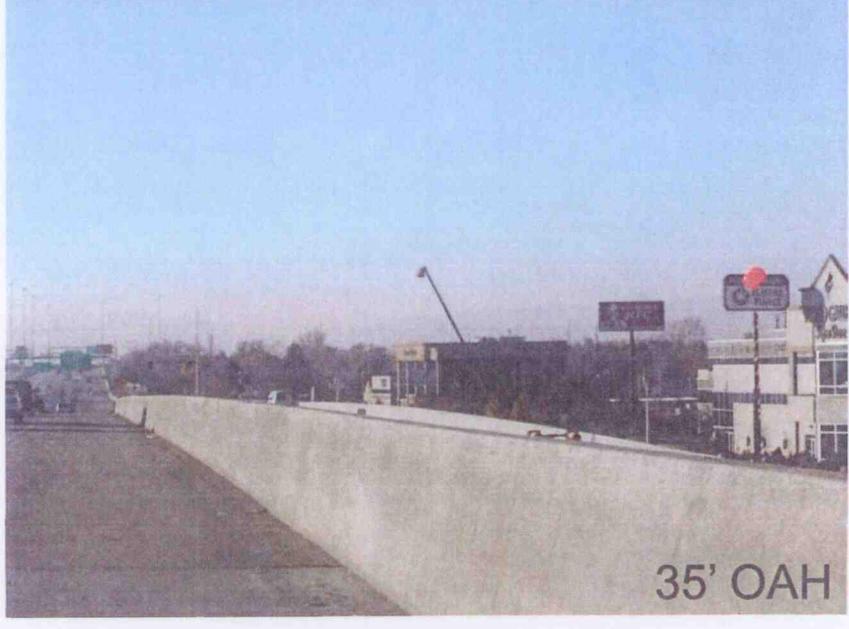
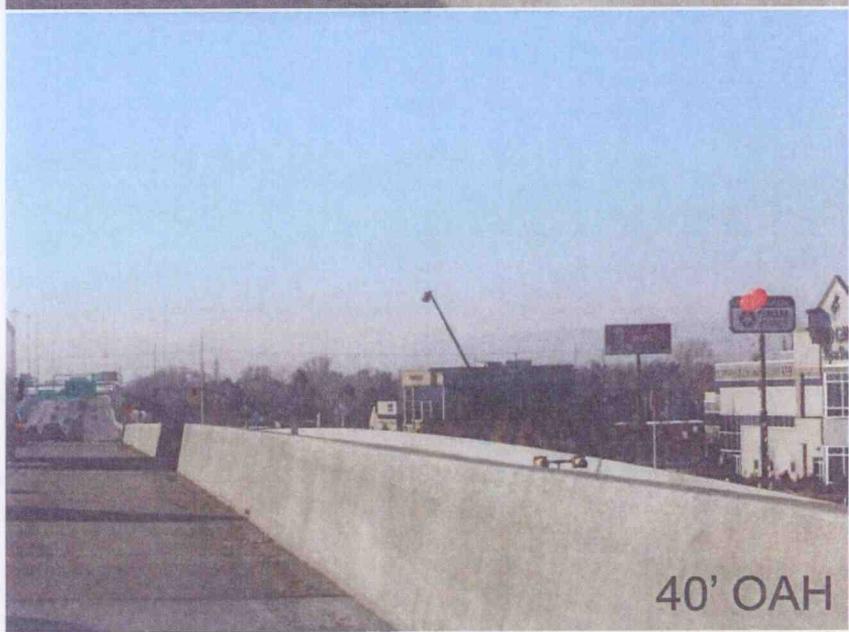
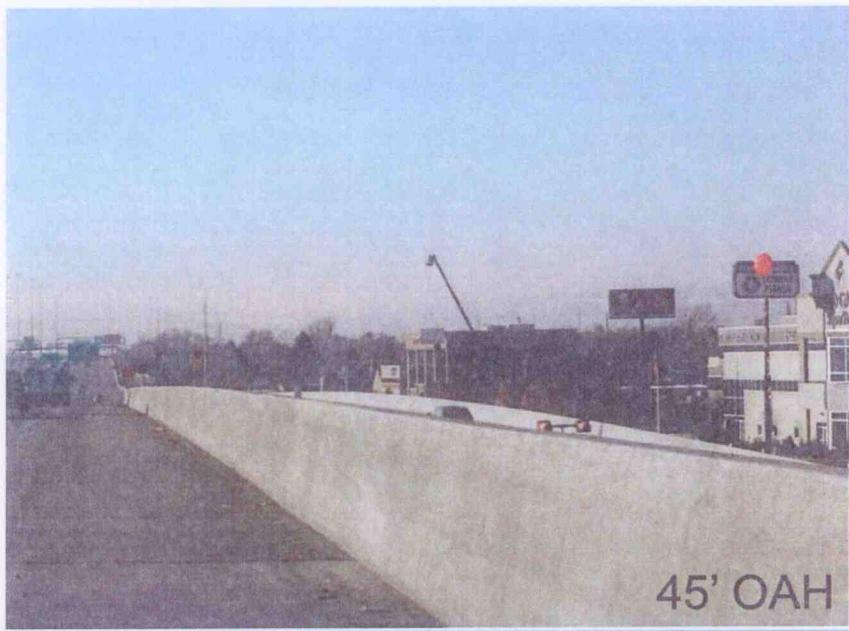
DISCLAIMER

This map is provided on an as is basis and as to the use of this map you are advised that Murray City Corporation makes no warranties expressed or implied as to the quality, and completeness, of the information contained on this map. While Murray City Corporation has reviewed the information on this map, but the information is summary in nature, and is subject to change without notice.

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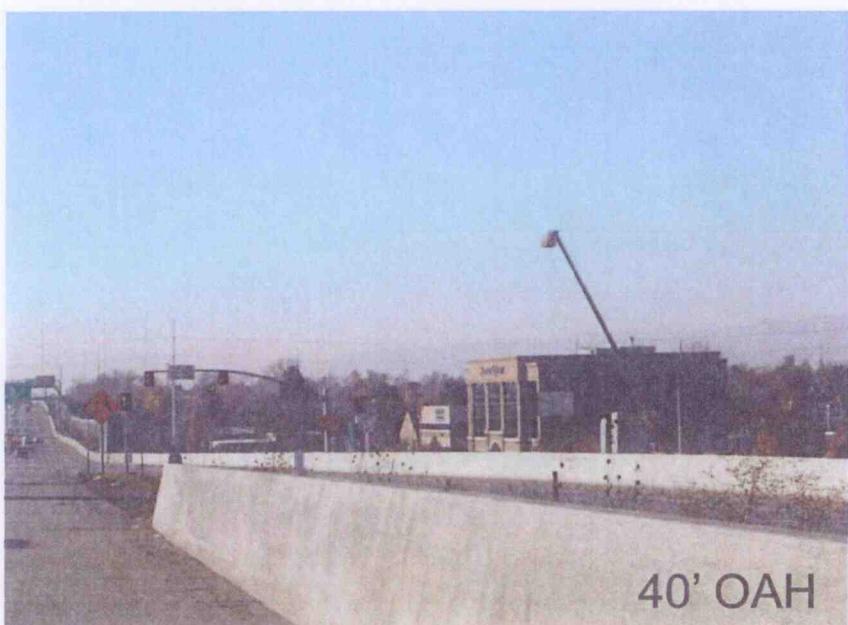


ATTACHMENT 5

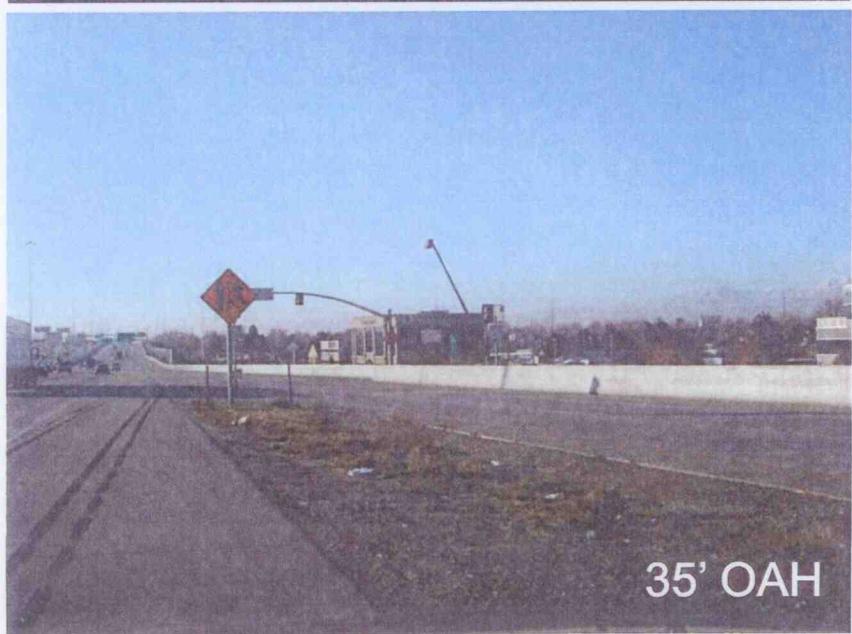
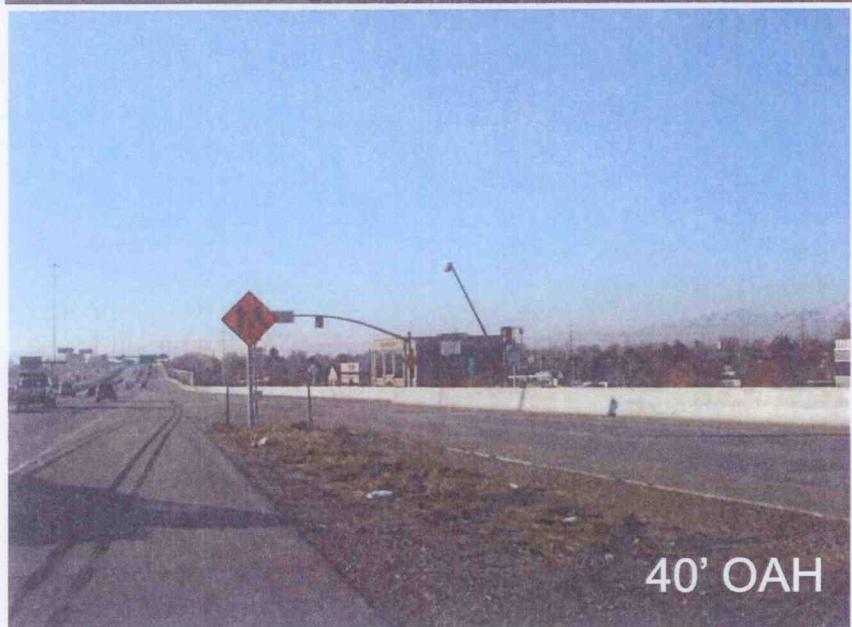


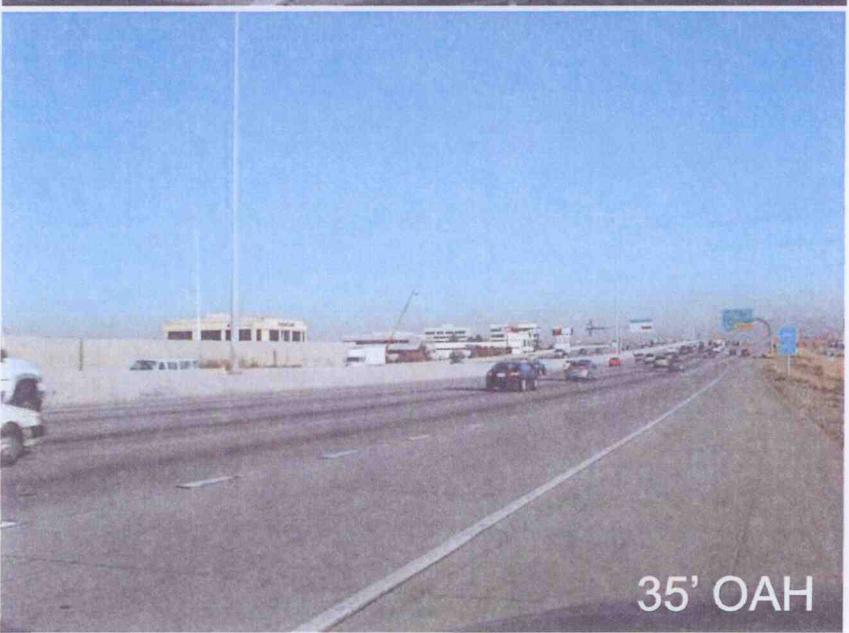
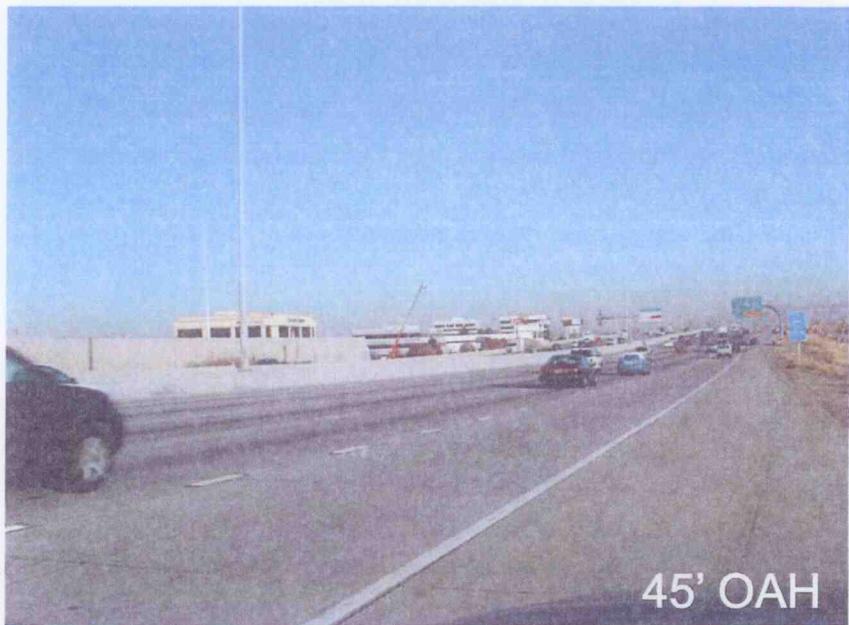


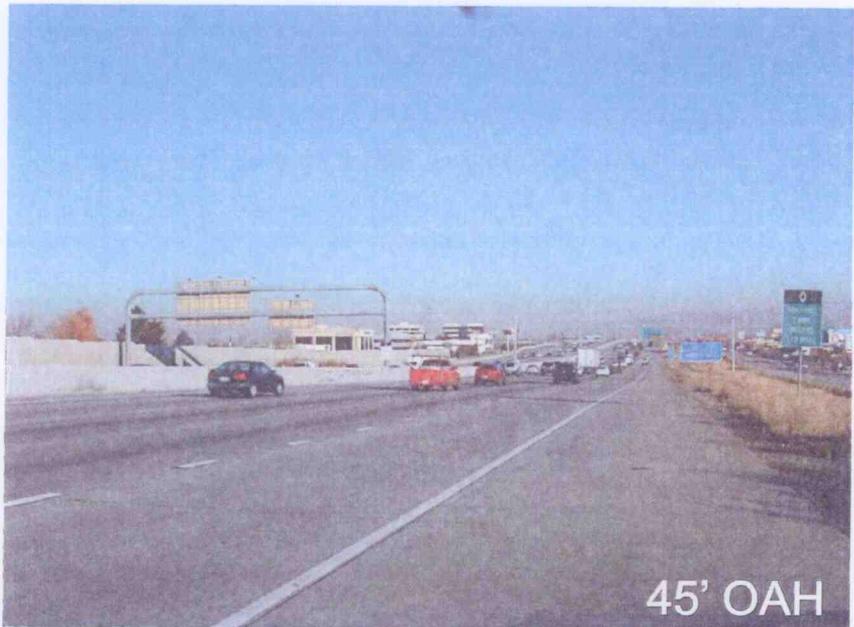
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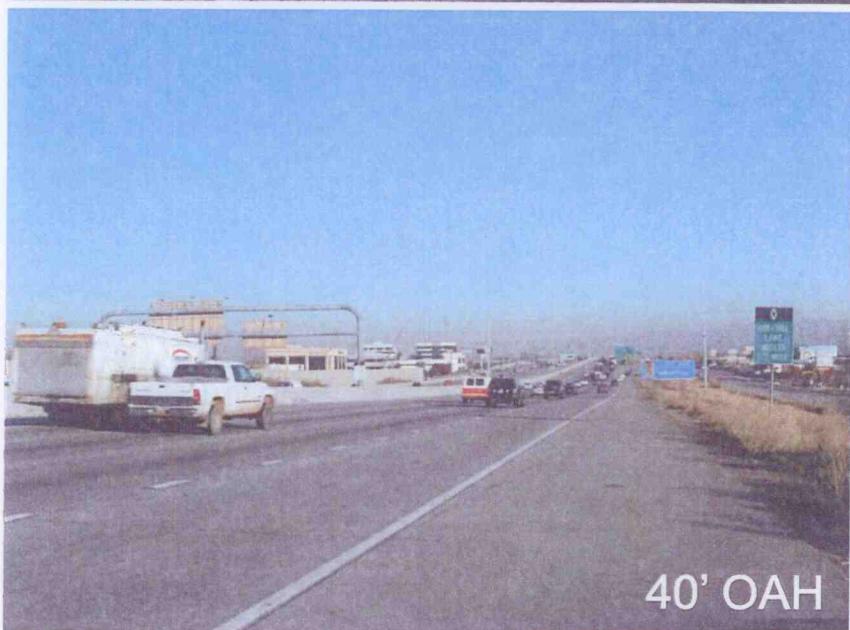
40' OAH



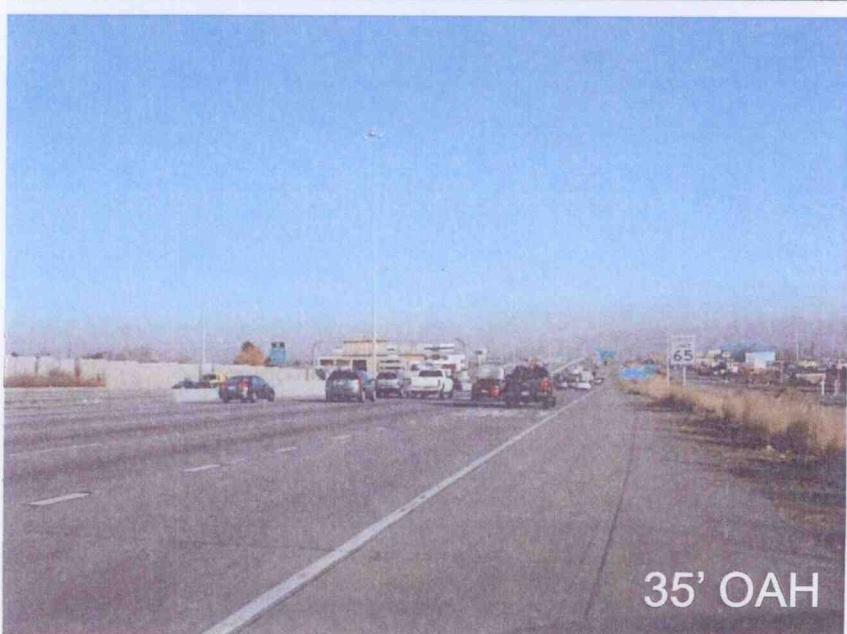




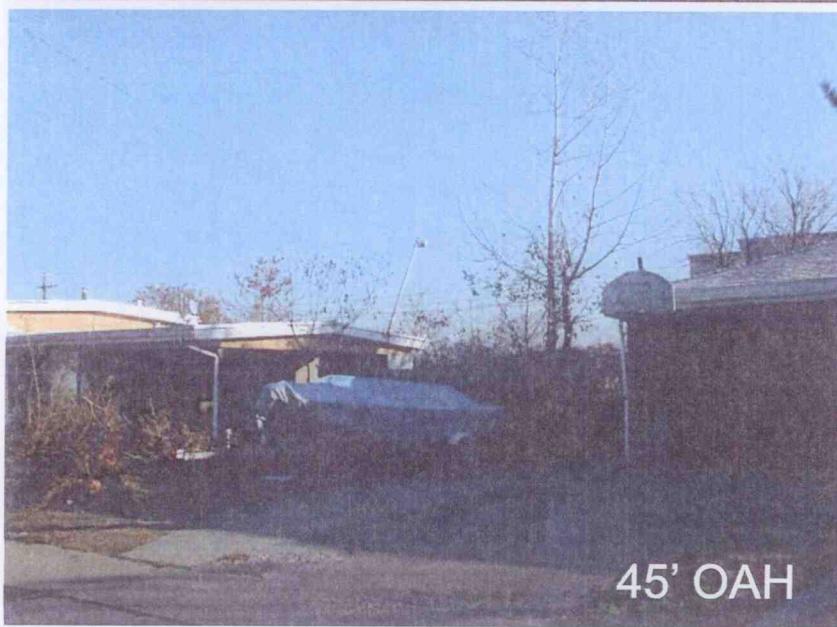
45' OAH



40' OAH



35' OAH



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MURRAY UT 84107

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SLC UT 84190

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MURRAY UT 84107

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

COTTONWOOD IMPRVMT
ATTN: LONN RASMUSSEN
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1265 E FT UNION BLVD #250
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CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	10/22/2012

FILE COPY

Amend

G-O sign
regulation

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE	ADORDER# / INVOICE NUMBER		
8012642660	0000831425 /		
SCHEDULE			
Start 10/21/2012	End 10/21/2012		
CUST. REF. NO.			
G-O Zone PC 11/1			
CAPTION			
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN			
SIZE			
24	Lines	1.00	COLUMN
TIMES		RATE	
4			
MISC. CHARGES		AD CHARGES	
TOTAL COST			
45.32			

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 1st day of November, 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 a Land Use ordinance text amendment to section 17.48 to amend Sign regulations in the G-O Zone.

MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
831425

UPAXLP

AFFIDAVIT OF PUBLICATION

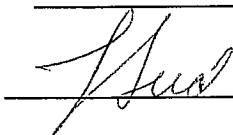
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 1st day of November, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, 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.

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January 12, 2014

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MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	11/5/2012

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text amend
Sign reg's
in G-O
Zone

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000834740 /
SCHEDULE	
Start 11/04/2012	End 11/04/2012
CUST. REF. NO.	
Sign Amend	
CAPTION	
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SIZE	
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TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
45.32	

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 15th day of November, 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 a Land Use ordinance amendment to section 17.48 to amend Sign regulations in the G-O Zone.
MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
834740 UPAULP

AFFIDAVIT OF PUBLICATION

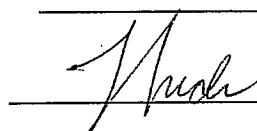
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 15th day of November, 2012, at the hour of 6:30 p.m. of said day in the Cou FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

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DATE

11/5/2012



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Commission # 581469
My Commission Expires
January 12, 2014

Virginia Craft

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Account#	9001344649	Payor Account	9001344649	Actual Size
Address	5025 S STATE ST ROOM 113 MURRAY UT 84107 USA	Payor Address	5025 S STATE ST ROOM 113 MURRAY UT 84107	Murray City Corporation
Fax		Ordered By		NOTICE OF PUBLIC HEARING
EMail	aromanczyk@murray.utah.gov	Andrea	mfultz	<p>NOTICE IS HEREBY GIVEN that on the 8th day of January, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to receive public comment concerning an ordinance amendment to Section 17-4B-120 of the Murray City Municipal Code to allow for additional height and size for signs on properties adjacent to I-15 and I-215 in the G-O zoning district.</p>
Total Amount	\$57.08			DATED this 17th day of December, 2012.
Payment Amt	\$0.00	Tear Sheets	Proofs	MURRAY CITY CORPORATION
Amount Due	\$57.08	0	0	City Recorder
Payment Method			Affidavits	DATE OF PUBLICATION:
Confirmation Notes:				December 23, 2012
Text:	Andrea			PH 12-34
Product	Placement	Position		845667
Salt Lake Tribune::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices		UPAXLP
Scheduled Date(s):	12/23/2012			
Product	Placement	Position		
Deseret News::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices		
Scheduled Date(s):	12/23/2012			
Product	Placement	Position		
sltrib.com::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices		
Scheduled Date(s):	12/23/2012			
Product	Placement	Position		
utahlegals.com::	utahlegals.com	utahlegals.com		
Scheduled Date(s):	12/23/2012			

Text:

Andrea

Ad Type	Ad Size	Color
Legal Liner	1.0 X 31 Li	<NONE>

Product	Placement	Position
Salt Lake Tribune::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
Scheduled Date(s):	12/23/2012	
Product	Placement	Position
Deseret News::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
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Product	Placement	Position
sltrib.com::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices
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Product	Placement	Position
utahlegals.com::	utahlegals.com	utahlegals.com
Scheduled Date(s):	12/23/2012	

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PO BOX 30810
SLC UT 84130-0810

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TAYLORSVILLE UT 84118

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WEST JORDAN UT 84088

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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
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10000 CENTENNIAL PRKwy
SANDY UT 84070

UTOPIA
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2175 S REDWOOD RD
WEST VALLEY UT 84119

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

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SLC UT 84114

WASATCH FRONT REG CNCL
PLANNING DEPT
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**RULES OF THE MURRAY CITY MUNICIPAL COUNCIL
MURRAY CITY CORPORATION**

IV. AGENDA

J. Public Hearings. This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner:

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

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

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

Public Hearing #3

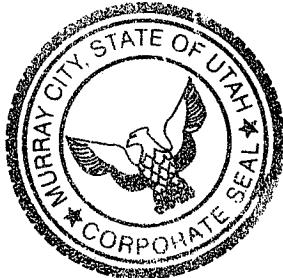
Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 8th day of January, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider a land use code text amendment adding Special Training and Schooling (Land Use Code 6830) as a use in the G-O (General Office) district and classifying said use as a permitted use.

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

DATED this 17th day of December, 2012.



MURRAY CITY CORPORATION



Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: December 23, 2012
PH 12-35

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 17.144.020 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO PERMITTED USES IN THE GENERAL OFFICE DISTRICT (G-O). (U.S. Linguistics Institute.)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend Section 17.144.020 of the Murray City Municipal Code relating to permitted uses in the General Office District.

Section 2. Amendment to Section 17.144.020 of the Murray City Municipal Code. Section 17.144.020 of the Murray City Municipal Code shall be amended to read as follows:

17.144.020: PERMITTED USES:

B. The following uses are permitted in the G-O zone:

<u>Use No.</u>	<u>Use Classification</u>
6814	Charter school.
6830	Special Training and Schooling (except 6833, 6836 – classroom only).
6900	Miscellaneous service organizations (office only).
...	

Section 3. Effective Date. This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder of Murray City, Utah.

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

MURRAY CITY MUNICIPAL COUNCIL

James A. Brass, Chair

ATTEST:

City Recorder

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

MAYOR'S ACTION:

DATED this _____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

City Recorder

CERTIFICATE OF PUBLICATION

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

Planning Commission Meeting

November 15, 2012

Page 17

Mr. Harland asked if the electronic message sign that may develop onto this property needs to still be approved. Mr. Wilkinson stated that will need to be reviewed by the Planning Commission. Mr. Markham asked if the sign would be a general advertising sign and not just dedicated to the tenants on the property. Mr. Wilkinson responded that the sign has to advertise on-premise businesses.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Ray Black
A Tim Taylor
A Phil Markham
A Vicki Mackay
A Scot Woodbury

Motion passed, 7-0.

U.S. LINGUISTICS INSTITUTE – Ordinance Text Amendment to Allow L.U. 6830
Special Schooling and Training in the General Office Zone – Project #12-136

Narine Marden was the applicant present to represent this request. Joshua Beach reviewed the ordinance text amendment to add land use code 6830, Special Schooling and Training, to the G-O zoning district. The zoning ordinance currently does not allow for Special Training and Schooling in the G-O zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of 6830: Special Training and Schooling related to special types of schools. The applicant has requested to include this group in order to provide language school opportunities in the G-O zone. Since the language school use is not allowed in the G-O zoning district, the city is unable to issue a business license at this time. It is unclear why language schools were not included as an allowed or conditional use in the G-O zone when the code was originally adopted. Land use codes "6820: University, college, junior college, and professional school education" and "6810: Nursery, primary and secondary education" are similar uses and are listed as conditional uses in the zone.

Staff feels that land use code 6833: Barber and Beauty Schools, which is part of 6830: Special Training and Schooling should not be permitted in the G-O zone because of the tendency for this type of use to generate conflicts related to parking and traffic. Often times the parking needs for these types of schools exceed the number of spaces required per our code and the parking spills over into the neighborhoods surrounding these types of uses. Staff feels that this will adversely affect surrounding residential areas.

Staff proposes land use code 6836: Driving Schools be permitted with the understanding that it will be for classroom instruction only. Staff does not feel that a driving course would be appropriate for this zoning designation because of its proximity to residential areas.

Planning Commission Meeting

November 15, 2012

Page 18

With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- Goal: To attract new businesses to Murray City
- Goal: Expand the types of businesses available in Murray City

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use group 6830: Special Training and Schooling (excepting land use code 6833 and restricting land use code 6836 as classroom instruction only) to be located in the G-O zoning district.

Narine Marden, 220 East 3900 South, is a co-owner of U.S. Linguistics Institute. The school has been in business since 2001 and would like to move locations due to a conflict of interest at their current location. Ms. Marden made a point of stating that international schools are important to the economy, because they bring business to local universities and colleges by supplying them with international students, which historically pay three times the tuition of a resident.

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

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use group 6830: Special Training and Schooling (excepting land use code 6833 and restricting land use code 6836 as classroom instruction only) to be located in the G-O zoning district.

Ms. Daniels seconded the motion.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Ray Black
A Tim Taylor
A Phil Markham
A Vicki Mackay
A Scot Woodbury

Motion passed, 7-0.

TO: Murray City Planning Commission
FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: November 9, 2012

DATE OF HEARING: November 15, 2012

PROJECT NAME: Language Schools Amendment

PROJECT NUMBER: 12-136

PROJECT TYPE: Ordinance Text Amendment

APPLICANT: U.S. Linguistics Institute

ZONE: G-O

I. REQUEST:

The applicant is requesting an ordinance text amendment to add land use code 6830 to the G-O zoning district.

II. DISCUSSION

The zoning ordinance currently does not allow for Special Training and Schooling in the G-O zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of 6830: Special Training and Schooling related to special types of schools. (**See the attached Pages 68 and 69 from the Standard Land Use Code**). The applicant has requested to include this group in order to provide language school opportunities in the G-O zone. Since the language school use is not allowed in the G-O zoning district, the city is unable to issue a business license at this time.

It is unclear why language schools were not included as an allowed or conditional use in the G-O zone when the code was originally adopted. Land use codes "6820: University, college, junior college, and professional school education" and "6810: Nursery, primary and secondary education" are similar uses and are listed as conditional uses in the zone.

Staff feels that land use code 6833: Barber and beauty schools which is part of 6830: Special Training and Schooling should not be permitted in the G-O zone because of the tendency for this type of use to generate conflicts related to parking and traffic. Often times the parking needs for these types of schools exceed the number of spaces required per our code and the parking spills over

into the neighborhoods surrounding these types of uses. Staff feels that this will adversely affect surrounding residential areas.

Staff proposes land use code 6836: Driving schools be permitted with the understanding that it will be for classroom instruction only. Staff does not feel that a driving course would be appropriate for this zoning designation because of its proximity to residential areas.

With the change to the request recommended by staff, the amendment is consistent with the Goals and Policies of "Chapter 8: Economic Development" of the General Plan. Specific goals and policies contained in Chapter 8 that are addressed by the proposed amendment include:

- **Goal: To attract new businesses to Murray City**
- **Goal: Expand the types of businesses available in Murray City**

III. FINDINGS AND CONCLUSION

- i. The proposed amendment is consistent with the policies of the Economic Development Chapter of the General Plan.
- ii. Allowing 6830: Special Training and Schooling in the G-O zone will provide expansion opportunities for existing businesses in the City.
- iii. Allowing for these types of schools on site will protect the health, safety, and welfare of Murray residents.

IV. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the zoning ordinance. The amendment would allow land use group 6830: Special Training and Schooling (excepting land use code 6833 and restricting land use code 6836 as classroom instruction only) to be located in the G-O zoning district.

6750 Military Bases and Reservations (Facilities Used By Regular Military Units, the Reserves and National Guard.)

- 6751 Military training bases.
- 6752 Military defense installations.
- 6753 Military storage depots and transportation centers.
- 6754 Military maintenance centers.
- 6755 Military administration or command centers.
(Includes recruiting centers.)
- 6756 Military communication centers.
- 6757 General military base.
- 6758 Military airfield.
- 6759 Other military bases and reservations, NEC.

6770 Indian Reservations

- 6770 Indian reservations.

6800 EDUCATIONAL SERVICES

6810 Nursery, Primary, and Secondary Education

- 6811 Kindergarten schools.
- 6812 Elementary schools.
- 6813 Junior High schools.
- 6814 Senior High schools.
- 6815 Day Nursery - child care center.
- 6816 Denominational and sectarian schools (combined grades).
- 6817 Schools for handicapped including blind.
- 6819 Military academies.

6820 University, College, Junior College, and Professional School Education

- 6821 Universities and colleges.
- 6822 Junior colleges or community college.
- 6823 Professional schools. (Any school which is of college degree level including nurses, preparatory, seminaries, etc.)

6830 Special Training and Schooling

- 6831 Vocational or trade schools. (Including flying, data processing, practical nurses, etc.)
- 6832 Business and stenographic schools.
- 6833 Barber and beauty schools.
- 6834 Art, drama and music schools.
- 6835 Dancing schools.
- 6836 Driving schools.

- 6837 Correspondence schools.
- 6838 Language schools.
- 6839 Other special training and schooling, NEC.
(Includes charm, child guidance, civil service, finishing, reading, tutoring schools, etc.)

6900 MISCELLANEOUS SERVICE ORGANIZATIONS

6910 Religious Activities

- 6911 Churches, synagogues, temples, and missions.
- 6912 Religious reading rooms. (Must be separate from church structure.)
- 6919 Other religious activities, NEC.

6920 Welfare and Charitable Services

- 6920 Welfare and charitable services - private or semi-private with no permanent residential uses. (Includes Goodwill, Red Cross, Travelers Aid.)

6930 Business, Professional and Labor Organizations and Services

- 6931 Business associations. (Includes chambers of commerce, trade associations, boards of trade, better business bureau, etc.)
- 6932 Professional membership organizations.
(Medical associations, etc.)
- 6933 Labor unions and similar organizations, including union halls.

6940 Social, Fraternal and Youth Organizations and Services

- 6941 Social clubs. (Includes alumni, bridge, etc.)
- 6942 Fraternal associations and lodges.
- 6943 Women's clubs.
- 6944 Youth organizations. (Boy Scouts and Girl Scouts, boys' clubs, etc.)
- 6945 YMCA and YWCA facilities, except lodging.

6950 Political, Civic and Veterans Organizations

- 6951 Political organizations and campaign offices.
- 6952 Civic associations. (Civic clubs, taxpayers associations, etc.)
- 6953 Veterans' organizations. (Includes offices and meeting facilities.)

17.144.020: PERMITTED USES:

A. All uses and structures contained herein are listed by number as designated in the standard land use code published and maintained by the planning department.

B. The following uses are permitted in the G-O zone:

Use No. Use Classification

1113 Single-family dwelling, attached to nonresidential.

4800 Utilities (lines and rights of way only) (except 4850).

5912 Prescriptions pharmacy (intended for the convenience of permitted, established uses and/or clients thereof, provided that no such business occupies more than 15 percent of the total floor area of the building in which it is located and has no separate street entrance).

5996 Optical shops (intended for the convenience of permitted, established uses and/or clients thereof; provided, that no such business occupies more than 15 percent of the total floor area of the building in which it is located and has no separate street entrance).

6100 Finance, insurance, and real estate services (except 6112, 6123, 6124, 6141 - surety bail bonding only).

6296 Massage therapy (massage therapy only).

6311 Advertising services (office only).

6320 Consumer credit services.

6330 Duplicating, stenographic, and office services (except 6332).

6340 Dwelling, janitorial and other building services (office only) (except 6344, 6345).

6350 News syndicate services (office only).

6360 Employment services.

6390 Business services (office only).

6500 Professional services (office only) (except 6513, 6516).

6600 General contract construction (office only).

6700 Governmental services (except 6714, 6740, 6750, 6770).

6814 Charter school.

6830: Special Training and Schooling (except 6833)

6836: Driving Schools (Classroom Only)

6900 Miscellaneous service organizations (office only).

Application Materials

12-000136

ZONING AMENDMENT APPLICATION

Type of Application (check all that apply):

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

Subject Property Address: 4516 S. 700 E. Murray, UT 84107

Parcel Identification (Sidwell) Number: _____

Parcel Area: _____ Current Use: _____

Existing Zone: _____ Proposed Zone: _____

Applicant Name: U.S. Linguistics INSTITUTE

Mailing Address: 5390 So. Holladay Blvd.

City, State, ZIP: Holladay UT 84117

Daytime Phone #: 801-577-7260 Fax #: 801-268-4924

Email address: admit@usling.org

Business Name (If applicable): _____

Property Owner's Name (If different): _____

Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

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

An Amend the code by adding land use code # 6830 to the general office Zone

Authorized Signature: M. S. Bell Date: 10/25/12

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

The Salt Lake Tribune

WWW.SLTrib.com

MEDIAONE
A NEWSPAPER AGENCY COMPANY
WWW.MEDIAONE.COM

Deseret News
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	11/5/2012

FILE COPY

Language
Schools
in G-O
zone

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000834744 /
SCHEDULE	
Start 11/04/2012	End 11/04/2012
CUST. REF. NO.	
Language Schools	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
25 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD. CHARGES
TOTAL COST	
47.00	

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 15th day of November, 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 to add Land Use #6830, Special Training and Schooling, to the allowed uses in the General Office Zoning District.

MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
834744
UPAXLP

AFFIDAVIT OF PUBLICATION

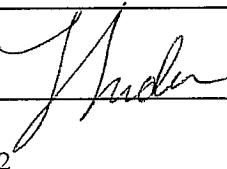
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 15th day of November, 2012, at the hour of 6:30 p.m. of said day in the Cou FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON

Start 11/04/2012

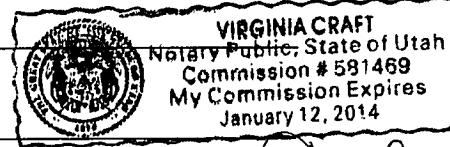
End 11/04/2012

SIGNATURE



DATE

11/5/2012



Virginia Craft

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

P/C AGENDA MAILINGS
"AFFECTED ENTITIES"
Updated 11/1/12

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

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

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

GENERAL PLAN MAILINGS:

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

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

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

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

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

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

«Next Record»

«Next Record»

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

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

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

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

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

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

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

«Next Record»

RULES OF THE MURRAY CITY MUNICIPAL COUNCIL MURRAY CITY CORPORATION

IV. AGENDA

J. Public Hearings. This section will be used for all public hearings. The presiding officer shall conduct the public hearing in the following manner:

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

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

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

Order Confirmation for Ad #0000845663-01

Client	MURRAY CITY CORP.	Payor Customer	MURRAY CITY CORP.	<u>Ad Content</u>	<u>Proof</u>	<u>Actual Size</u>
Client Phone	801-264-2662	Payor Phone	801-264-2662	Murray City Corporation		
Account#	9001344649	Payor Account	9001344649	NOTICE OF PUBLIC HEARING		
Address	5025 S STATE ST ROOM 113 MURRAY UT 84107 USA	Payor Address	5025 S STATE ST ROOM 113 MURRAY UT 84107	NOTICE IS HEREBY GIVEN that on the 8th day of January, 2013, or the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a Public Hearing to consider a land use code text amendment adding Special Training and Schooling (Land Use Code 6830) as a use in the G-O (General Office) district and classifying said use as a permitted use.		
Fax		Ordered By		The purpose of this public hearing is to receive public comment concerning the proposed land use code text amendment as described above.		
EMail	aromanczyk@murray.utah.gov	Andrea				
Total Amount	\$68.84	Acct. Exec				
Payment Amt	\$0.00	Ordered By				
Amount Due	\$68.84	Tear Sheets	Proofs	Affidavits		
		0	0	1		
Payment Method		PO Number	PH 12-35			
Confirmation Notes:						
Text:	Andrea					
Ad Type	Ad Size	Color				
Legal Liner	1.0 X 38 Li	<NONE>				
Product	Placement	Position				
Salt Lake Tribune::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices				
Scheduled Date(s):	12/23/2012					
Product	Placement	Position				
Deseret News::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices				
Scheduled Date(s):	12/23/2012					
Product	Placement	Position				
sltrib.com::	Legal Liner Notice - 0998	Public Meeting/Hear-ing Notices				
Scheduled Date(s):	12/23/2012					
Product	Placement	Position				
utahlegals.com::	utahlegals.com	utahlegals.com				
Scheduled Date(s):	12/23/2012					

Public Hearing #4

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 8th day of January, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing on and pertaining to the consideration of amending the Zoning Map from the C-N-C (Commercial Neighborhood Conditional) zoning district to the C-D-C (Commercial Development Conditional) zoning district for the properties located at approximately 625, 635, 645, 657, 671, 675, 677, 679, 689 West 5300 South, Murray, Utah.

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

DATED this _____ day of _____, 2012.

MURRAY CITY CORPORATION

Jennifer Kennedy
City Recorder

DATE OF PUBLICATION: December 27, 2012

ORDINANCE NO. _____

AN ORDINANCE RELATING TO LAND USE; AMENDS THE ZONING MAP FOR PROPERTY LOCATED AT 625, 635, 645, 657, 671, 675, 677, 679, 689, WEST 5300 SOUTH, MURRAY CITY, UTAH FROM C-N-C (COMMERCIAL NEIGHBORHOOD CONDITIONAL DISTRICT) TO C-D-C (COMMERCIAL DEVELOPMENT CONDITIONAL DISTRICT). (Riverview Plaza.)

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

WHEREAS, the owner of the real property located at approximately 625, 635, 645, 657, 671, 675, 677, 679, 689, West 5300 South, Murray, Utah, has requested a proposed amendment to the zoning map to designate the property in a C-D-C zone district; and

WHEREAS, it appearing that said matter has been given full and complete consideration by the Murray City Planning and Zoning Commission; and

WHEREAS, it appearing to be in the best interest of Murray City and the inhabitants thereof that the proposed amendment of the zoning map be approved.

NOW, THEREFORE, BE IT ENACTED:

Section 1. That the Zoning Map and the zone district designation be amended for the following described property located at approximately 625, 635, 645, 657, 671, 675, 677, 679, 689, West 5300, Murray, Salt Lake County, Utah from the C-N-C (Commercial Neighborhood Conditional) zone district to the C-D-C (Commercial Development Conditional) zone district:

Parcel No. 21-13-101-016

Beginning at a point South 71.499 feet and East 33.298 feet from the Northwest Corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 00°14'20" West 67.00 feet; thence North 86°00'00" East 132.432 feet; thence North 00°18'50" West 187.692 feet to the south line of 5300 south Street Expressway; thence North 78°45'00" East 97.398 feet along said South line; thence Easterly 34.289 feet along the arc of a 2671.80 foot radius curve to the right (chord bears North 79°07'07" East 34.289 feet); thence South 29.401 feet; thence West 110.00 feet; thence South 260.00 feet; thence West 150.00 feet to the point of beginning.

Parcel No. 21-12-352-023

Beginning at a point North 26.503 feet and East 460.595 feet from the Southwest Corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence North 216.998 feet to the South line of 5300 South Expressway; thence Easterly 10.863 feet along the arc of a 2671.80 foot radius curve to the right (chord bears North 83°13'53" East 10.863 feet); thence South 210.934 feet; thence East 110.028 feet; thence North 86°00'00" East 151.65; thence South 17.924 feet; thence West 272.10 feet to the point of beginning.

Parcel No. 21-12-352-024

Beginning at point in the centerline of Brown Street, said street being vacated By Ordinance No. 879 of Murray City Corporation on May 28, 1985, in book 5661, at Page 1501, in the office of the Salt Lake County Recorder; said point being East 581.11 feet and North 33.847 feet from the Southwest corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; said point also being on the North face of a concrete curb wall, running thence West 110.028 feet; thence North 210.934 feet to the South right of way line of 5300 South known as Project No. 0132 and conveyed in that certain Final Order of Condemnation Civil No. 202686, recorded February 3, 1976, as Entry No. 2782430, in Book 4094, at Page 412, of the official records; thence Easterly 74.663 feet along the arc of a 2671.80 foot radius curve to the right (Note: Chord bears North 84°08'55" East 74.660 feet) along said South line; thence North 84°56'57" East 35.897 feet along said South line of 5300 South Street; thence South 221.706 feet to the point of beginning.

Parcel No. 21-12-352-016

Beginning at a point South 91.499 feet and East 33.382 feet from the Northwest corner of Section 13, Township 2 South Range, 1 West, Salt Lake Base and Meridian, thence East 130.884 feet; thence South 211.998 feet to a point on the North line of Auburn Gardens Plat 7 Subdivision; thence West 130.00 feet along said North line; thence North 00°14'20" West 212.00 feet to the point of Beginning.

Parcel No. 21-13-101-018

Beginning at a point South 8.497 feet and East 448.265 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian; running thence East 284.43 feet; thence South 250.00 feet; thence West 50.00 feet; thence North 45.00 feet; thence West 234.43 feet; thence North 205 feet to the point of beginning.

Parcel No. 21-13-101-017

BEGINNING at a point South, 91.499 feet and East, 33.382 feet from the Northwest Corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian; running thence North 00°14'20" West, 20.00 feet; thence East, 150.00 feet; thence North, 260.00 feet; thence East, 110.00 feet; thence North 29.401 feet to the South line of 5300 South Street Expressway; thence Easterly, 169.273 feet along the arc of a 2671.80 feet radius curve to the right. (Note: Chord bears North 81°18'00.7" East, 169.245 feet); thence South, 216.998 feet; thence East, 272.10 feet; thence South, 15.00 feet; thence West, 284.43 feet; thence South, 205.00 feet; thence East, 234.43 feet; thence South, 45.00 feet; thence East, 50.00 feet; thence South, 45.00 feet to the North line of Auburn Gardens Plat 7 Subdivision; thence West;, 568.43 feet along said North line; thence North, 211.998 feet; thence; West, 130.884 feet to the point of BEGINNING.

Section 2. This Ordinance shall take effect upon the first publication and filing of copy thereof in the office of the City Recorder of Murray City, Utah.

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

MURRAY CITY MUNICIPAL COUNCIL

James A. Brass, Chair

ATTEST:

City Recorder

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

MAYOR=S ACTION: Approved

DATED this _____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

City Recorder

CERTIFICATE OF PUBLICATION

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

City Recorder

2. The applicant shall provide details on the screening of trash receptacles and any exterior mechanical equipment. Screening shall be of compatible materials with the main structure.
3. Landscaping shall be installed along the Myrtle Street frontage within the existing curbed areas.

Mr. Black seconded the motion.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Ray Black
A Tim Taylor
A Phil Markham
A Vicki Mackay
A Scot Woodbury

Motion passed, 7-0.

RIVERVIEW PLAZA – 625, 635, 645, 657, 671, 675, 677, 679, 689 West 5300 South
– Project # 12-130

Representatives of Riverview Plaza are the applicants requesting a Murray Zoning Map amendment from C-N-C (Commercial Neighborhood Conditional) to C-D-C (Commercial Development Commercial). Chad Wilkinson reviewed the request and location for the properties addressed 625, 635, 645, 657, 671, 675, 677, 679 & 689 West 5300 South. Mr. Wilkinson stated that there was a discrepancy with incorrect sidwell numbers on the original application. Because of the incorrect numbers the computer kicked out several locations (5916, 5986 South 610 West) which are not involved with this application. The addresses listed on the agenda are correct. The site has various businesses including a Smiths grocery store, restaurants, office uses and retail sales businesses. One reason the applicant is requesting the zone change is the C-D-C zone allows an electronic message sign with Conditional Use Permit approval and the C-N-C zone does not. The zone change request is consistent with the Murray General Plan which calls for these properties change to Commercial Retail. The existing C-N-C zone is designed to promote a combination of retail, office, and service businesses to serve the needs of the area residents. The businesses in the C-N-C zoning designation are more neighborhood oriented and the zone does not allow all of the various uses allowed in the C-D-C zone. The C-D-C zone allows many of the same uses as the C-N-C zone and a broader mix of business uses, commercial, entertainment, and related activities. Other types of uses allowed in the C-D-C zone with Conditional Use Permit approval, but not in the C-N-C zone, are automobile sales, auto repair, hotels, and self-storage units. An electronic message sign use is allowed with Conditional Use Permit approval by the planning commission.

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment from C-N-C to C-D-C.

Joshua Peterson, 625 West 5300 South, works for Focus Design Development Solutions and is the Project Manager for this project. Mr. Peterson stated that his company is currently in the process of remodeling the shopping center. There has been difficulty with some of the tenants being able to attract enough business to stay in business as the store front visibility is poor. Because of that, they have wanted to do something with the signage, but have been unable to in the C-N-C zoning.

The meeting was opened for public comment.

DeAnn Lee, 676 West 5465 South, stated she is a resident to the rear of Smith's. She stated that she has done research and found that with Conditional Use Permits businesses such as liquor stores, car lots, pawn shops and escorts services could eventually be put into this shopping center. Ms. Lee stated the residential area already experiences lighting spilling over from the shopping center and feels that the addition of more signage would complicate the matter. She also commented that through some research she found, the existing grocery store isn't even a permitted use. She commented that the garbage for Smith's isn't contained within a wall enclosure. Her concern was how changing the zoning was going to affect the residential neighborhood.

The public comment portion of the meeting was closed.

Mr. Peterson made note that the code is the same in both zoning designations for the height of the sign, so the height will not change. The sign will be in the same location (5300 South) that it is currently in, but will advertise for the businesses that front 700 West as well. The garbage containers that his company is using during the remodeling process are in enclosures. He does not represent Smith's; therefore he is unable to comment on their garbage situation. Mr. Harland asked Mr. Peterson to address the traffic flow. Mr. Peterson stated the same businesses will be there, but they are hoping to generate more exposure with the new sign. There will be nothing different about the traffic pattern.

Ms. Daniels made a motion to forward a recommendation of approval to the City Council for the requested Zone Map Amendment from C-N-C to C-D-C for the properties addressed 625, 635, 645, 657, 671, 675, 677, 679 & 689 West 5300 South. Mr. Woodbury seconded the motion.

Mr. Taylor asked Mr. Wilkinson if the uses change significantly with a zoning change. Mr. Wilkinson responded in the affirmative. However, some of those businesses would never be allowed simply because of distance requirements (i.e. sexually oriented businesses). Businesses such as automobile sales would be allowed with Conditional Use Permit approval. Grocery stores are allowed in either zoning designation.

Mr. Harland asked if the electronic message sign that may develop onto this property needs to still be approved. Mr. Wilkinson stated that will need to be reviewed by the Planning Commission. Mr. Markham asked if the sign would be a general advertising sign and not just dedicated to the tenants on the property. Mr. Wilkinson responded that the sign has to advertise on-premise businesses.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Ray Black
A Tim Taylor
A Phil Markham
A Vicki Mackay
A Scot Woodbury

Motion passed, 7-0.

U.S. LINGUISTICS INSTITUTE – Ordinance Text Amendment to Allow L.U. 6830
Special Schooling and Training in the General Office Zone – Project #12-136

Narine Marden was the applicant present to represent this request. Joshua Beach reviewed the ordinance text amendment to add land use code 6830, Special Schooling and Training, to the G-O zoning district. The zoning ordinance currently does not allow for Special Training and Schooling in the G-O zone. The Murray City Standard Land Use Code does include a category of land uses under the heading of 6830: Special Training and Schooling related to special types of schools. The applicant has requested to include this group in order to provide language school opportunities in the G-O zone. Since the language school use is not allowed in the G-O zoning district, the city is unable to issue a business license at this time. It is unclear why language schools were not included as an allowed or conditional use in the G-O zone when the code was originally adopted. Land use codes "6820: University, college, junior college, and professional school education" and "6810: Nursery, primary and secondary education" are similar uses and are listed as conditional uses in the zone.

Staff feels that land use code 6833: Barber and Beauty Schools, which is part of 6830: Special Training and Schooling should not be permitted in the G-O zone because of the tendency for this type of use to generate conflicts related to parking and traffic. Often times the parking needs for these types of schools exceed the number of spaces required per our code and the parking spills over into the neighborhoods surrounding these types of uses. Staff feels that this will adversely affect surrounding residential areas.

Staff proposes land use code 6836: Driving Schools be permitted with the understanding that it will be for classroom instruction only. Staff does not feel that a driving course would be appropriate for this zoning designation because of its proximity to residential areas.

TO: Murray City Planning Commission
FROM: Murray City Community & Economic Development Staff

DATE OF REPORT: November 9, 2012

DATE OF HEARING: November 15, 2012

PROJECT NAME: Riverview Plaza

PROJECT NUMBER: 12-00000130

PROJECT TYPE: Zoning Map Amendment

APPLICANT: Riverview Plaza

**PROPERTY OWNERS: Steven Sorensen C/O Smith Mgt.
P C Riverview, LLC**

PROPERTY ADDRESS: 625, 675 West 5300 South

SIDWELL #: 21-12-352-016, 023, 024, 21-13-101-016, 017, 018

ZONE: C-N-C

PROPERTY SIZE: Approx. 3 Acres

I. REQUEST:

The applicant is requesting a Murray Zoning Map amendment from C-N-C to C-D-C for the properties addressed 625, 635, 645, 657, 671, 675, 677, 679 & 689 West 5300 South.

II. BACKGROUND AND ANALYSIS

Background:

Representatives of Riverview Plaza are requesting a zone change from C-N-C to C-D-C. The site has various businesses including a Smiths grocery store, restaurants, office uses and retail sales businesses. One reason the applicant is requesting the zone change is the C-D-C zone allows an electronic message sign with conditional use permit approval and the C-N-C zone does not. The zone change request is consistent with the Murray General Plan which calls for these properties change to Commercial Retail.

Site Location/Detail

Surrounding Land Use & Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Gas Station	C-N-C
South	Single Family Dwellings	R-1-8
East	Church	R-1-8
West	Single Family Dwelling	R-1-8/C-N-C

Allowed Land Uses

Existing: The existing C-N-C zone is designed to promote a combination of retail, office, and service businesses to serve the needs of the area residents. The businesses in the C-N-C zoning designation are more neighborhood oriented and the zone does not allow all of the various uses allowed in the C-D-C zone.

Proposed:

The C-D-C zone allows many of the same uses as the C-N-C zone and a broader mix of business uses, commercial, entertainment, and related activities. Other types of uses allowed in the C-D-C zone with Conditional Use Permit approval, but not in the C-N-C zone, are automobile sales, auto repair, hotels, self-storage units. An electronic message sign use is allowed with Conditional Use Permit approval by the planning commission.

III. PUBLIC INPUT

A mailing was sent October 25, 2012 and as of the date of this report we have received phone inquiries from several residents regarding the zone change, but none stated they were opposed to the zone change.

IV. GENERAL PLAN ANALYSIS

The purpose of the General Plan is to provide overall goal and policy guidance related to planning issues in the community. The plan provides for flexibility in the implementation of the goals and policies depending on individual situations and characteristics of a particular site. Chapter 2 of the Murray City General Plan identifies the goals and objectives for land use in the community. The plan also identifies future land use as depicted in Map 2-4. The General Plan for the subject properties have been identified as commercial retail which is compatible with other properties in this area.

V. FINDINGS

A. Is there need for change in the General Plan and the proposed zoning at the subject location for the neighborhood or community?

The applicants request for the proposed zone change to C-D-C is consistent with the General Plan for commercial retail use at the subject location. The site is located adjacent to a higher traffic volume arterial street with adjacent commercial uses.

B. If approved, how would the range of uses allowed by the Zoning Ordinance blend with surrounding uses?

The uses allowed in the C-D-C zone are compatible with the surrounding business uses in this area adjacent to high traffic arterial streets. Higher intensity uses allowed in the C-D-C zone district will require approval of a Conditional Use Permit which will allow for appropriate conditions of approval.

C. What utilities, public services, and facilities are available at the proposed location? What are or will be the probable effects the variety of uses may have on such services?

The subject area is located in a developed part of the City and is served by all utilities, public services and facilities. The existing business uses have minimal impact on the services and utilities in this area, but future higher intensity business uses may be limited by existing utility capacity.

VI. CONCLUSION

- i. The General Plan provides for flexibility in implementation and execution of the goals and policies based on individual circumstances.**
- ii. The requested change has been carefully considered based on characteristics of the site and surrounding area and policies of the General Plan.**
- iii. There are existing commercial businesses operating on this site and the zone change is consistent with the Murray General Plan.**

VII. STAFF RECOMMENDATION

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment.

\\DMS2\\DMSDOCS\\HTLTR\\PZLTR\\PROD\\PZ2012\\P0004645.DOC

SITE INFORMATION

OLD PARCEL A:

Beginning at a point 91.499 feet South and East 33.382 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence East 130.84 feet; thence South 211.998 feet to a point on the North line of Auburn Gardens Plat 7 Subdivision; thence West 130.00 feet along said North line; thence North 00°14'20" West 212.00 feet to the point of beginning.

Contains 27,653 sq. ft. or .63 acres

→ NEW PARCEL A:

Beginning at a point 91.499 feet South and East 34.879 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence East 129.387 feet; thence South 211.998 feet to a point on the North line of Auburn Gardens Plot 7 Subdivision; thence West 130.00 feet along said North line; thence North 00°14'20" West 167.498 feet; thence N89°45'40"E 1,500 feet; thence N00°14'20"W 24.496 feet to the point of beginning.

Contains 27,617 sq. ft. or .63 acres #21-13-101-016.

OLD PARCEL B:

Beginning at a point South 71.499 feet and East 33.243 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence North 00°14'20" West 67.00 feet; thence North 86°00'00" East 132.432 feet; thence North 01°18'50" West 187.692 feet to the South line of 5300 South Street Expressway; thence North 78°45'00" East 97.398 feet along said south line; thence Easterly 34.289 feet along the arc of a 2671.80 foot radius curve to the right (chord bears North 79°07'07" East 34.289 feet); thence South 29.401 feet; thence West 110.00 feet; thence South 260.00 feet; thence West 150.00 feet to the point of beginning.

Contains 16,434 sq. ft. or .38 acres

→ NEW PARCEL B:

Beginning at a point South 71.499 feet and East 34.795 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence North 00°14'20" West 67.105 feet; thence North 86°00'00" East 130.932 feet; thence North 00°18'50" West 187.692 feet to the South line of 5300 South Street Expressway; thence North 78°45'00" East 97.398 feet along said south line; thence Easterly 34.289 feet along the arc of a 2671.80 foot radius curve to the right (chord bears North 79°07'07" East 34.289 feet); thence South 29.401 feet; thence West 110.00 feet; thence South 260.00 feet; thence West 148.504 feet to the point of beginning.

Contains 16,334 sq. ft. or .37 acres #21-12-352-016

→ PARCEL C:

Beginning at a point North 26.503 feet and East 460.345 feet from the Southwest corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence North 216.998 feet to the South line of 5300 South Expressway; thence Easterly 10.863 feet along the arc of a 2671.80 foot radius curve to the right (chord bears North 83°32'33" East 10.863 feet); thence South 218.628 feet; thence North 86°00'00" East 261.951 feet; thence South 17.924 feet; thence West 272.10 feet to the point of beginning.

Contains 4,644 sq. ft. or .11 acres #21-12-352-023

Together with a non-exclusive access easement for vehicular, pedestrian access over and across the following property:

PARCEL C-1:

Beginning at a point on the South line of 5300 South Expressway; said point being North 244.781 feet and East 471.383 feet from the Southwest corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence Easterly 18.115 feet along the arc of a 2671.80 foot radius curve to the right (Note: Chord bears North 83°32'33" East 18.115 feet); thence South 178.791 feet; thence West 18.00 feet; thence North 176.754 feet to the point of beginning.

Contains 3,200 sq. ft. or 0.07 acres

No parcel # (easement)

→ PARCEL D:

Beginning at a point South 8.497 feet and East 448.265 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence East 234.43 feet; thence South 250.00 feet; thence West 50.00 feet; thence North 45.00 feet; thence West 234.43 feet; thence North 205.00 feet to the point of beginning.

Contains 60,558 sq. ft. or 1.39 acres #21-13-101-018

→ PARCEL E:

Beginning at a point in the centerline of Brown Street; said street being vacated by the City since No. 879 of Murray City Corporation on May 28, 1984, recorded in Book No. 5661, Page 1501 of Salt Lake County; said point being East, 581.411 feet and North 33.847 feet from the southwest corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; said point also being on the North face of a concrete curb wall; running thence West 110.028 feet; thence North 210.934 feet to the South right of way line of 5300 South Street known as Project No. 2782430 in Book 4094 at Page 412 of Official Records; thence Easterly, 74.663 feet; along the arc of a 2671.80 foot radius curve to the right (Note: Chord bears North 84°08'55" East 74.660 feet) along said line; thence North 84°56'57" East 35.897 feet along said South line of 5300 South Street; thence South 221.706 feet to the point of beginning.

Contains 23,833 sq. ft. or .55 acres #21-12-352-024



EXHIBIT "A"

Legal Description

Parcel 1:

Beginning at a point South 71.499 feet and East 33.298 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian, and running thence North 00°14'20" West 67.00 feet; thence North 86°00'00" East 132.432 feet; thence North 00°18'50" West 187.692 feet to the south line of 5300 south Street Expressway; thence North 78°45'00" East 97.398 feet along said South line; thence Easterly 34.289 feet along the arc of a 2671.80 foot radius curve to the right (chord bears North 79°07'07" East 34.289 feet); thence South 29.401 feet; thence West 110.00 feet; thence South 260.00 feet; thence West 150.00 feet to the point of beginning.

#21-13-101-016

Parcel 2:

Beginning at a point North 26.503 feet and East 460.595 feet from the Southwest corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, running thence North 216.998 feet to the South line of 5300 South Expressway; thence Easterly 10.863 feet along the arc of a 2671.80 foot radius curve to the right (chord bears North 83°13'53" East 10.863 feet); thence South 210.934 feet; thence East 110.028 feet; thence North 86°00'00" East 151.65; thence South 17.924 feet; thence West 272.10 feet to the point of beginning.

#21-12-352-023

Parcel 3:

Beginning at point in the centerline of Brown Street, said street being vacated by Ordinance No. 879 of Murray City Corporation on May 28, 1985, in book 5661, at Page 1501, in the office of the Salt Lake County Recorder; said point being East 581.11 feet and North 33.847 feet from the Southwest corner of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; said point also being on the North face of a concrete curb wall; running thence West 110.028 feet; thence North 210.934 feet to the South right of way line of 5300 South known as Project No. 0132 and conveyed in that certain Final Order of Condemnation Civil No. 202686, recorded February 3, 1976, as Entry No. 2782430, in Book 4094, at Page 412, of the official records; thence Easterly 74.663 feet along the arc of a 2671.80 foot radius curve to the right (Note: Chord bears North 84°08'55" East 74.660 feet) along said South line; thence North 84°56'57" East 35.897 feet along said South line of 5300 South Street; thence South 221.706 feet to the point of Beginning.

#21-12-352-024

Parcel 4:

Beginning at a point South 91.499 feet and East 33.382 feet from the Northwest corner of Section 13, Township 2 South Range, 1 West, Salt Lake Base and Meridian, thence East 130.884 feet; thence South 211.998 feet to a point on the North line of Auburn Gardens Plat 7 Subdivision; thence West 130.00 feet along said North line; thence North 00°14'20" West 212.00 feet to the point of Beginning.

#21-12-352-016

Parcel 5:

Beginning at a point South 8.497 feet and East 448.265 feet from the Northwest corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian; running thence East 284.43 feet; thence South 250.00 feet; thence West 50.00 feet; thence North 45.00 feet; thence West 234.43 feet; thence North 205 feet to the point of beginning.

#21-13-101-018

Parcel 5A

Easement rights accruing to Parcel 5, under the following: A Party Wall Agreement, between Winget Enterprises, a Utah general partnership and Smith's Food King Properties, Inc., a Utah corporation, recorded June 6, 1985, as Entry No. 4095157, in Book 5660, at Page 1868.

Situated in SALT LAKE County

Parcel Identification Number 21-12-352-016-0000 21-12-352-023-0000 21-12-352-024-0000
✓ 21-13-101-016-0000 21-13-101-018-0000

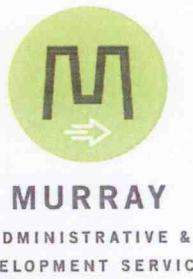
SMITH'S PARCEL

BEGINNING at a point South, 91.499 feet and East, 33.382 feet from the Northwest Corner of Section 13, Township 2 South, Range 1 West, Salt Lake Base and Meridian; running thence North $00^{\circ}14'20''$ West, 20.00 feet; thence East, 150.00 feet; thence North, 260.00 feet; thence East, 110.00 feet; thence North 29.401 feet to the South line of 5300 South Street Expressway; thence Easterly, 169.273 feet along the arc of a 2671.80 feet radius curve to the right. (Note: Chord bears North $81^{\circ}18'00.7''$ East, 169.245 feet); thence South, 216.998 feet; thence East, 272.10 feet; thence South, 15.00 feet; thence West, 284.43 feet; thence South, 205.00 feet; thence East, 234.43 feet; thence South, 45.00 feet; thence East, 50.00 feet; thence South, 45.00 feet to the North line of Auburn Gardens Plat 7 Subdivision; thence West;, 568.43 feet along said North line; thence North, 211.998 feet; thence; West, 130.884 feet to the point of BEGINNING.

Parcel #21-13-101-017



625, 635, 645, 657, 671, 675, 677
679, and 689 West 5300 South





MURRAY CITY CORPORATION
COMMUNITY & ECONOMIC DEVELOPMENT

Daniel C. Snarr, Mayor
Tim Tingey, Director
801-270-2420 FAX 801-270-2414

October 25, 2012

AMENDED NOTICE OF PUBLIC HEARING

This notice is to inform you that the Planning Commission Hearing scheduled for Thursday, November 1, 2012 has been cancelled. The public hearing to consider this item has been rescheduled for November 15, 2012, at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

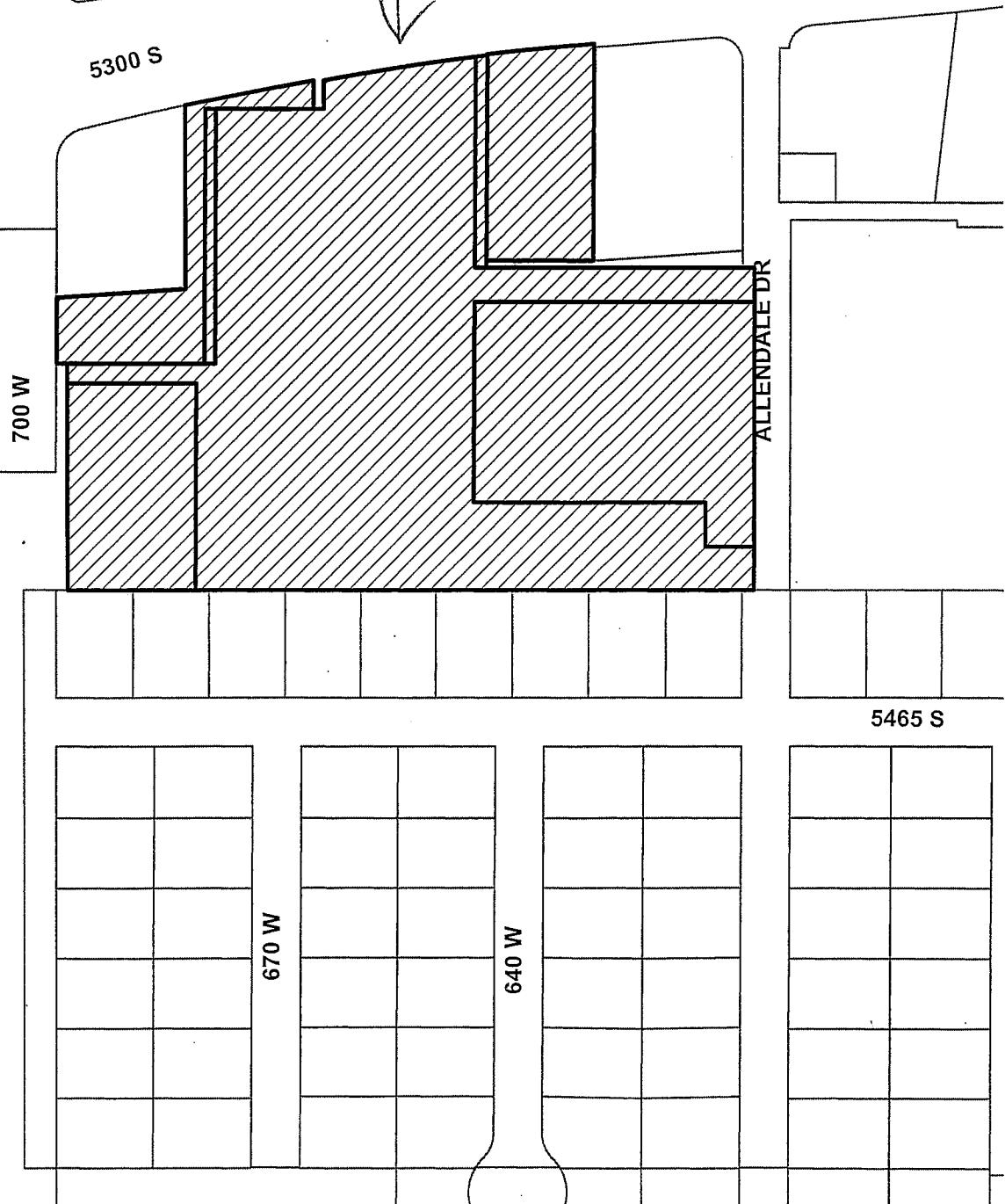
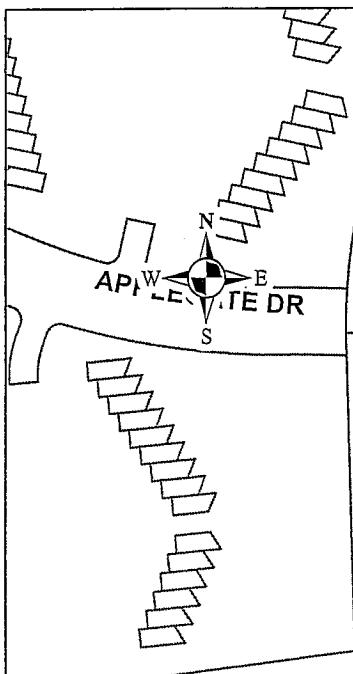
Representatives of Riverview Plaza are requesting a zoning map amendment for a zone change from C-N-C (Commercial Neighborhood Conditional) to C-D-C (Commercial Development Conditional) for the properties addressed 625, 635, 645, 675, 677 and 679 West 5300 South, ~~5916 & 5986 South 610 West~~.

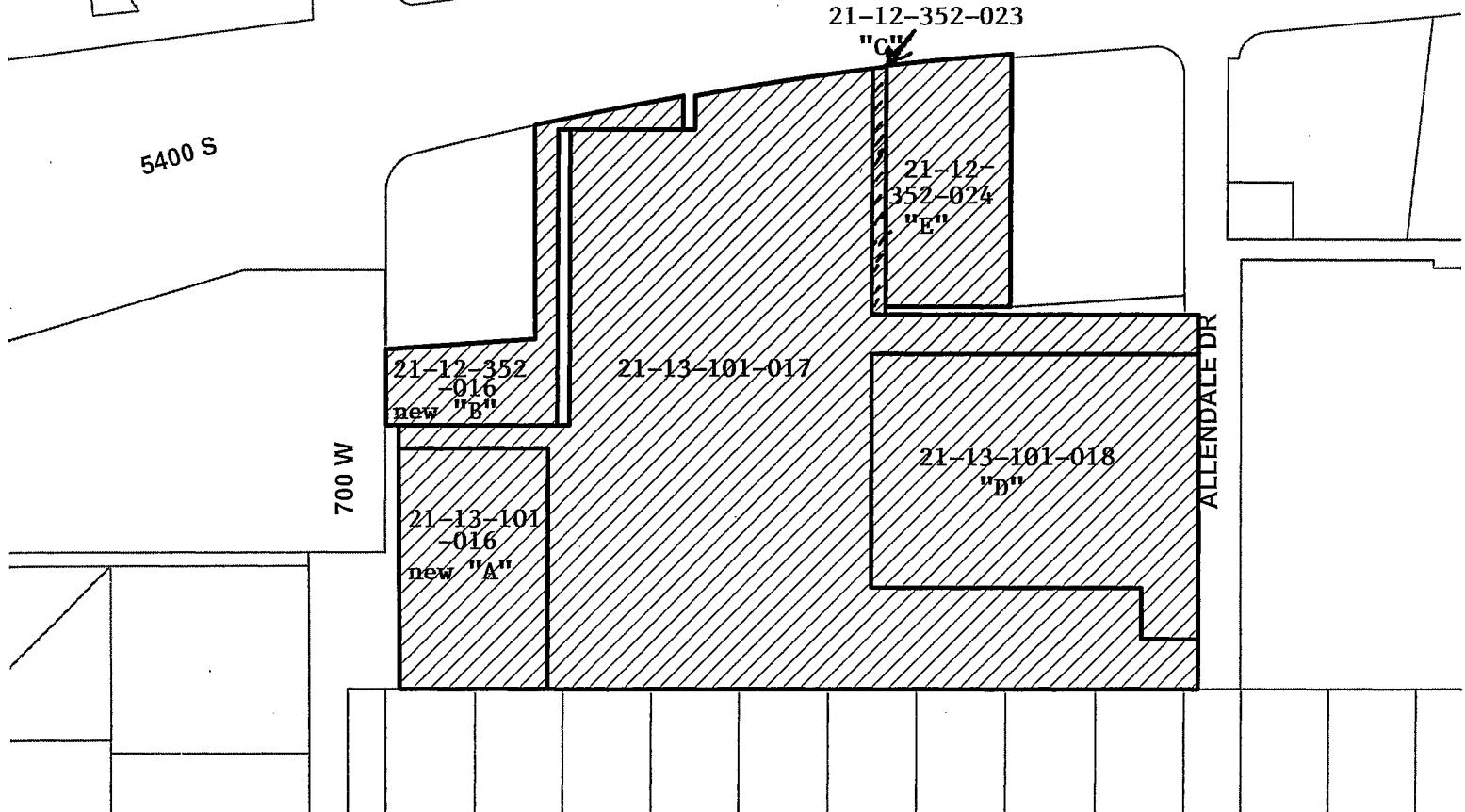
This notice is being sent to you since you own property within the near vicinity. Comments at the meeting will be limited to 3 minutes per person per item. A spokesman who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these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

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office at 801-270-2420, or e-mail to rchristensen@murray.utah.gov.

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (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.

Riverview Plaza & Smith's





APPLICATION MATERIALS

12-130

ZONING AMENDMENT APPLICATION 21-13-352-023

Type of Application (check all that apply):

Zoning Map Amendment
 Text Amendment
 Complies with General Plan
 Yes No

21-13-101-016 ✓
21-12-352-064 ✓
21-13-101-017 ✓
21-13-101-018 ✓
21-13-352-024 ✓

Subject Property Address: Riverview Plaza Comprising of the majority of several parcels between 6000w + 7000e.
Parcel Identification (Sidwell) Number: See Attached along 5300So.

Parcel Area: _____ Current Use: Shopping Center

Existing Zone: CNC Proposed Zone: C0C

Applicant Name: Riverview Plaza / YESCO Agent / Contact Deanne Leatherman

Mailing Address: 1605 So. Gramercy Rd.

City, State, ZIP: Salt Lake City, UT 84104

Daytime Phone #: 801-464-6466 Fax #: 801-485-3003

Email address: dleatherman@yesco.com

Business Name (If applicable): Riverview Plaza

Property Owner's Name (If different): Riverview Re / Smith's Management Corp

Property Owner's Mailing Address: PO Box 65809 / 1775 W 1500 So.
SLC, UT 84115 / SLC, UT 84104

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

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

Authorized Signature: Deanne Leatherman Date: 10-10-12

Property Owners Affidavit

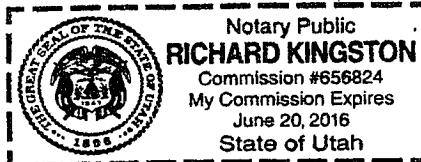
I (we) L.A. Miller being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true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

L.A. Miller

Owner's Signature

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 26th day of September, 20 12.



Richard K. F.
Notary Public

Residing in Salt Lake County

My commission expires: 6/20/2016

Agent Authorization

I (we), L.A. Miller, the owner(s) of the real property located at 635 W 5300 So, in Murray City, Utah, do hereby appoint

YESCO INC., as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

YESCO INC. to appear on my (our) behalf before any City board or commission considering this application.

L.A. Miller

Owner's Signature

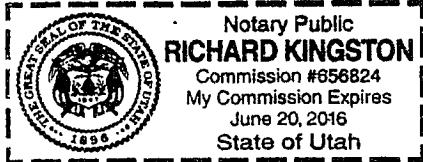
Owner's Signature (co-owner if any)

On the 26th day of September, 20 12, personally appeared before me

L.A. Miller

the signer(s) of the above Agent Authorization

who duly acknowledge to me that they executed the same.



Richard K. F.
Notary public

Residing in Salt Lake County

My commission expires: 6/20/2016

Property Owners Affidavit

I (we) Steven M. Sorensen, V.P. Smith's Food & Drug, 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.

Smith's Food & Drug Centers, Inc., an Ohio Corporation

Steven M. Sorensen

Owner's Signature

Its: Vice President

Owner's Signature (co-owner if any)

Subscribed and sworn to before me this 9th day of OCTOBER, 20 12.



Notary Public
SUSAN T THOMSON
Commission #583500
My Commission Expires
August 8, 2014
State of Utah

Notary Public
Residing in SALT LAKE COUNTY, UTAH
My commission expires: 8-8-14

Agent Authorization

Steven M. Sorensen U.P.

I (we), Smith's Food & Drug Centers, Inc., the owner(s) of the real property located at 665 W. 5300 S. Murray UT 84123, in Murray City, Utah, do hereby appoint

YESCO

as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

YESCO

to appear on my (our) behalf before any City board or commission considering this application.

Smith's Food & Drug Centers, Inc., an Ohio Corporation

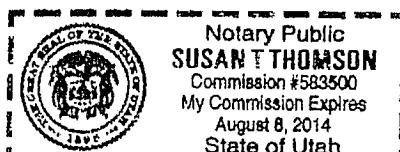
Steven M. Sorensen

Owner's Signature
Its: Vice-President

Owner's Signature (co-owner if any)

On the 9th day of OCTOBER, 20 12, personally appeared before me

STEVEN M. SORENSEN the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.



Notary Public
SUSAN T THOMSON
Commission #583500
My Commission Expires
August 8, 2014
State of Utah

Notary Public
Residing in SALT LAKE COUNTY, UTAH
My commission expires: 8-8-14



MANAGEMENT SERVICES

October 5, 2012

Dear Murray City Planning Commission and Murray City Council,

Thank you considering our Application to Re-Zone our Shopping Center.

We are pleased to present a major renovation to the Riverview Shopping Center located at 635 W 5300 S in Murray. We have owned the property for some time now and feel that an upgrade is necessary to enhance our area of the community.

In order to meet the objective we have committed to, we feel it is necessary to request a zoning change from a CNC to CDC code, which is the same code as our neighbors to the East. Our shopping center, as well as those properties to the East of us, faces 5300 South which is a Major Arterial Road. Major Arterial Roads are the recommended locations for CDC Zones.

Along with new building upgrades, it is our intent to also improve the signage along 5300 south to enhance the upgrade with a look that will match our remodel. We are planning a total makeover of the main existing Riverview Plaza sign with Smiths remaining as the anchor and include an electronic message center and tenant panels. We also plan to upgrade the existing sign located approximately 200 yards to the east of the Smith's sign.

This is a major commitment from us, with the goal of being a good landlord, a better neighbor and with a commitment to keep Smiths in place for many years to come. Additionally this upgrade will help attract additional stable tenants that contribute to better serve the economic needs of the city by bringing more customers to our shopping center, while improving the look of the community and retaining our existing tenants.

We feel that with our plans for the shopping center, granting this Zone Change would be an asset for Riverview Plaza and an enhancement for the community. Therefore we respectfully request that you approve our Application to Re-zone our properties to a CDC Zone.

Sincerely,

Jackie Kingston
Property Management Director for Riverview PC



MURRAY CITY CORPORATION
COMMUNITY & ECONOMIC DEVELOPMENT

Daniel C. Snarr, Mayor
Tim Tingey, Director
801-270-2420 FAX 801-270-2414

October 17, 2012

NOTICE OF PUBLIC HEARING

This notice is to inform you of a Planning Commission Hearing scheduled for Thursday, November 1, 2012, at 6:30 p.m., in the Murray City Municipal Council Chambers, 5025 South State Street.

Representatives of Riverview Plaza are requesting a zoning map amendment for a zone change from C-N-C (Commercial Neighborhood Conditional) to C-D-C (Commercial Development Conditional) for the properties addressed 625, 635, 645, 675, 677 and 679 West 5300 South, 5916 & 5986 South 610 West. (See the attached map).

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

If you have questions or comments concerning this proposal, please call Ray Christensen with the Murray City Community Development office at 801-270-2420, or e-mail to rchristensen@murray.utah.gov.

SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (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.

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

The Salt Lake Tribune

WWW.SALTAK.COM

MEDIAONE
OF UTAH
A NEWSPAPER AGENCY COMPANY
WWW.MEDIAONEOFUTAH.COM

Deseret News

WWW.DESERETNEWS.COM

CUSTOMER COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	10/22/2012

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012642660	0000831412 /
SCHEDULE	
Start 10/21/2012	End 10/21/2012
CUST. REF. NO.	
Smiths Rezone	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
31 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD. CHARGES
TOTAL COST	
57.08	

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 1st day of November, 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, Zoning Map Amendment from C-N-C (commercial neighborhood) to C-D-C (commercial development); for the properties located approximately at 625, 635, 645, 675, 677 & 679 West 5300 South, 5916 & 5986 South 610 West in Murray City, Salt Lake County, State of Utah.

MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
831412

UPAXLP

AFFIDAVIT OF PUBLICATION

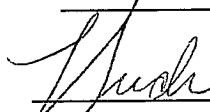
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 1st day of November, 2012, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, 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 10/21/2012

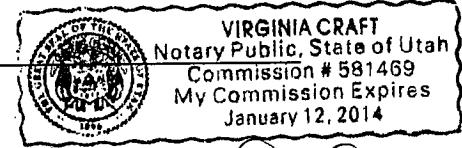
End 10/21/2012

SIGNATURE

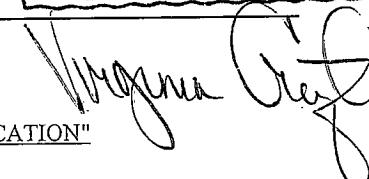


DATE

10/22/2012



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



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

The Salt Lake Tribune

www.sltrib.com

MEDIAONE
A NEWSPAPER AGENCY COMPANY
OF UTAH

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	11/5/2012

FILE COPY

RiverView
+ Smiths
Rezone

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000834737 /
SCHEDULE	
Start 11/04/2012	End 11/04/2012
CUST. REF. NO.	
Smith's Rezone	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
32 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
58.76	

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 15th day of November, 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 Zoning Map Amendment from C-N-C (commercial neighborhood) to C-D-C (commercial development) for the properties located approximately at: 625, 635, 645, 675, 677 & 679 West 5300 South, 5916 & 5986 South 610 West in Murray City, Salt Lake County, State of Utah.

MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
834737 UPAXLP

AFFIDAVIT OF PUBLICATION

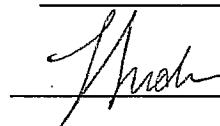
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 15th day of November, 2012, at the hour of 6:30 p.m. of said day in the Cou FOR MURRAY CITY RECORDER, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY.

PUBLISHED ON

Start 11/04/2012

End 11/04/2012

SIGNATURE

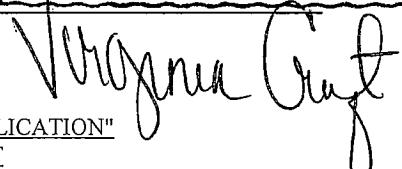


DATE

11/5/2012



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

Riverview + Smith's Rezone

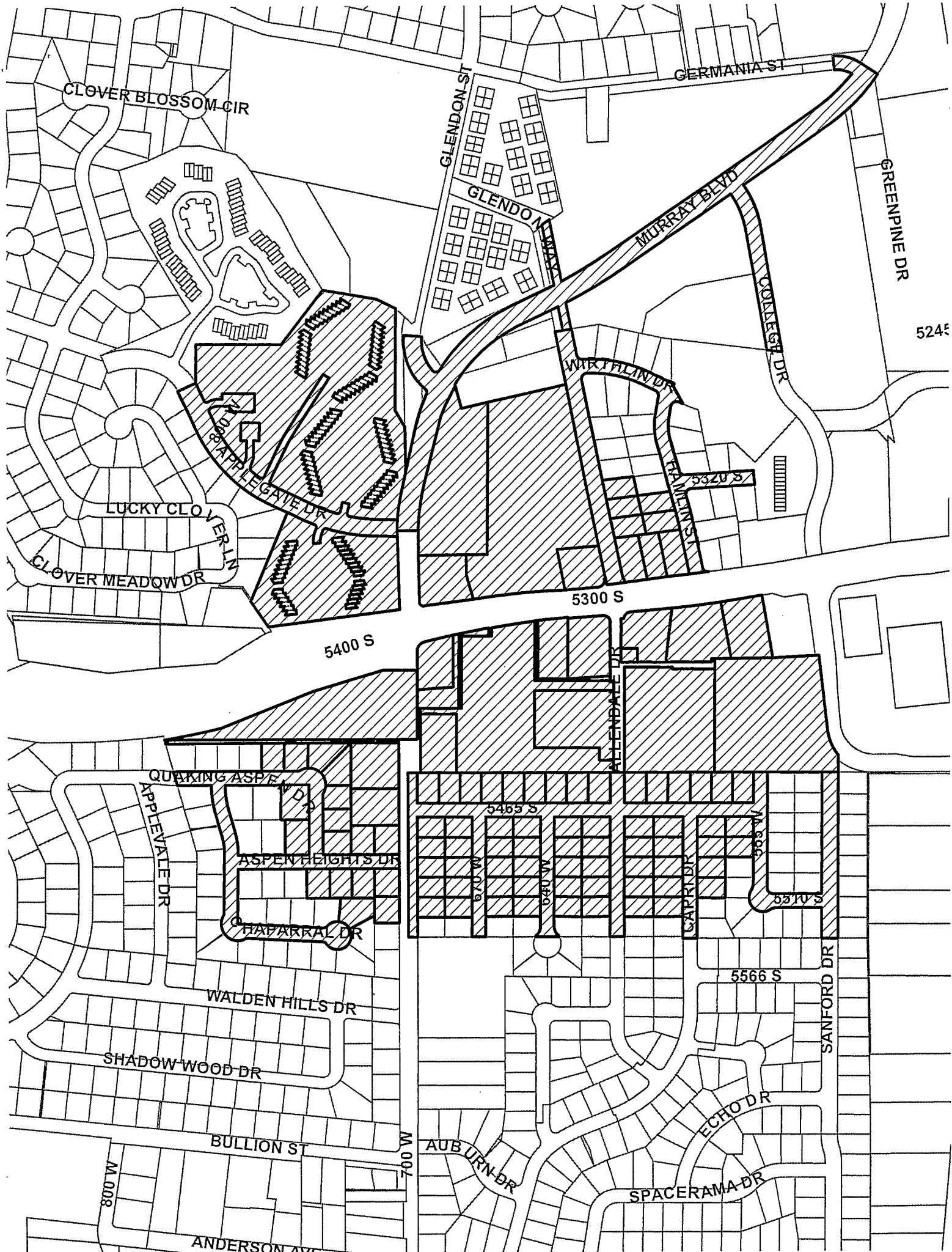
P/C 11-1-12

ALLEN, EMILY 5373 S BALDWIN PARK MURRAY UT	84123	ANDERSON, BUD E, JR & LINDA L 5503 S CAPRI DR MURRAY UT	84123	APERGES, PATRICIA R 5520 S 700 W MURRAY UT	84123
APPLEGATE CONDM 5297 S GLENDON ST MURRAY UT	84123	APPLEGATE CONDM 5297 S GLENDON ST MURRAY UT	84123	APPLEGATE CONDM 5297 S GLENDON ST MURRAY UT	84123
ASTLE, JEFFERY P & 582 W 5465 S MURRAY UT	84123	AYOTTE, MICHAEL & 5454 S 555 W MURRAY UT	84123	BANCROFT, DONALD L & 3942 W 8250 S WEST JORDAN UT	84088
BARNEY, LOYD D & 125 ZERMAT STRASSE PARK CITY UT	84098	BEAL, CAROL M; TR 653 W 5465 S MURRAY UT	84123	BENTLEY, DEAN R & 740 W QUAKING ASPEN DR MURRAY UT	84123
BURLEY, WALTER R & EARLINE L 5481 S QUAKING ASPEN DR MURRAY UT	84123	CARLSON, SAMUEL A & 5503 S 640 W MURRAY UT	84123	CARR, TREVOR M & 565 W 5465 S MURRAY UT	84123
CARSTEN, HENRY H & DEANNA C; 5480 S ALLENDALE DR MURRAY UT	84123	CARTER, JERRY W & 3862 W 8250 S WEST JORDAN UT	84088	CHACON, RUDY F & 626 W 5465 S MURRAY UT	84123
CHRISTENSEN, JEFF B. 756 W QUAKING ASPEN DR MURRAY UT	84123	CLARK, TRAVIS M 5493 S CAPRI DR MURRAY UT	84123	CORP OF PRES BISHOP OF CH OF 50 E NORTHTEMPLE ST #2225 SALT LAKE CITY UT	84150
COX, PEGGY S; TR 5493 S ALLENDALE DR MURRAY UT	84123	CRAIG, BRUCE L 5365 S BALDWIN PARK MURRAY UT	84123	DAVIES, DALE L & 5500 S 640 W MURRAY UT	84123
DAVIS, SPENCER P & 605 W 5465 S MURRAY UT	84123	DODGE, PATRICIA J; TR 5969 S 450 E MURRAY UT	84107	ELEY, CHRISTINA 5369 S BALDWIN PARK # 117 MURRAY UT	84123
FERRO, SHARRON F. 5480 S CAPRI DR MURRAY UT	84123	FISK, KEN W 5466 S 700 W MURRAY UT	84123	FITZ, ANGELINE M & 5503 S 670 W MURRAY UT	84123

FRISBY, JIMMY D & 2781 S RIO VISTA DR ST GEORGE UT 84790	GAITHER, CLINTON E & 5341 S ALLENDALE DR MURRAY UT 84123	GARDNER, NEIL J & 5490 S 670 W MURRAY UT 84123
HAGGERTY, MORRIS O & 5460 S QUAKING ASPEN DR MURRAY UT 84123	HALL, CAROL A; TR 711 W ASPEN HEIGHTS DR MURRAY UT 84123	HALL, DIANNE A 5355 S BALDWIN PARK MURRAY UT 84123
HARWOOD, DON C & 5471 S QUAKING ASPEN DR MURRAY UT 84123	HATCH, DALE C & 731 W ASPEN HEIGHTS DR MURRAY UT 84123	HAY, LLOYD G & 5513 S ALLENDALE DR MURRAY UT 84123
HUMPHREY, BONNIE S 5348 S HAMLIN ST MURRAY UT 84123	HURST, ERNEST O & 5483 S 640 W MURRAY UT 84123	IVIE, BARBARA A; TR 689 W 5465 S MURRAY UT 84123
JKASE ENTERPRISES LLC 598 W 5300 S # 101 MURRAY UT 84123	JKASE ENTERPRISES LLC 598 W 5300 S # 101 MURRAY UT 84123	JKASE ENTERPRISES LLC 598 W 5300 S # 101 MURRAY UT 84123
JOHNSON, J MACE; TR 5490 S ALLENDALE DR MURRAY UT 84123	JOHNSON, KEVIN 5490 S CAPRI DR MURRAY UT 84123	JOHNSON, PAUL J & KAYLENE; JT 721 W ASPEN HEIGHTS DR MURRAY UT 84123
JOHNSON, RICHARD LEE; TR 5480 S 670 W MURRAY UT 84123	JORGENSEN, LOUISE M; TR 5371 S BALDWIN PARK MURRAY UT 84123	KAMMERMAN, KEITH R & DONNA 1120 E 2550 N LAYTON UT 84040
KATRIS, MARIE 5483 S CAPRI DR MURRAY UT 84123	KILLIPS, LARRY P 681 W 5465 S MURRAY UT 84123	KITCHENS, RAYMOND L. & NEDA 5500 S ALLENDALE DR MURRAY UT 84123
LAULUSA, BRENT A & 5510 S CAPRI DR MURRAY UT 84123	LAWRENCE, MARLENE & ROBERT A & 5473 S CAPRI DR MURRAY UT 84123	LEE, GLEN F. & DEE ANN F. 676 W 5465 S MURRAY UT 84123
MADSEN, HAROLD J & 5349 S ALLENDALE DR MURRAY UT 84123	MAK INVESTMENTS, LLC 101 N COVE DR CEDAR CITY UT 84720	MARTINEZ, MAURICIO 5333 S ALLENDALE DR MURRAY UT 84123

MATTHIES, JANET L 5493 S 670 W MURRAY UT	84123	MCBRIDE, DELANNA G 710 W ASPEN HEIGHTS DR MURRAY UT	84123	MCBRIDE, DELANNA G 710 W ASPEN HEIGHTS DR MURRAY UT	84123
MCOMIE, COREY & 726 W CHAPARRAL DR MURRAY UT	84123	MCT PROPERTIES LLC 2 S NORTHRIDGE CV SANDY UT	84092	MERTZ, CALVIN R & 5483 S 700 W MURRAY UT	84123
MILLER, RICH T 171 E SHELLY LOUISE DR SANDY UT	84070	MILLSTREAM PROPERTIES, LLC 380 E MAIN ST #FL-2 MIDWAY UT	84049	MORGAN, SHAUN S & 5347 S BALDWIN PARK # 127 MURRAY UT	84123
MORREY, REX M & 684 W 5465 S MURRAY UT	84123	MULLIKIN, PATRICIA L 631 W 5465 S MURRAY UT	84123	MURRAY CITY 5025 S STATE ST MURRAY UT	84107
MURRAY CITY CORP 5025 S STATE ST MURRAY UT	84107	MURRAY CITY CORPORATION 5025 S STATE ST MURRAY UT	84107	NAPOLITANO, REGINA M & 746 W QUAKing ASPEN DR MURRAY UT	84123
NICHOLS, DEVEN H 5363 S BALDWIN PARK MURRAY UT	84123	NIELSEN, NORMAN 5451 S QUAKing ASPEN DR MURRAY UT	84123	NILSSON, CONNIE L 739 W ASPEN HEIGHTS DR MURRAY UT	84123
NORDIN, BRENDA 665 W 5465 S MURRAY UT	84123	PARKER, BLAINE & 835 W LUCKY CLOVER CIR MURRAY UT	84123	PARKER, BLAINE R & 835 W LUCKY CLOVER CIR MURRAY UT	84123
PC RIVERVIEW LLC 20 W CENTURY PARK WY SOUTH SALT LAKE UT	84115	PC RIVERVIEW LLC 20 W CENTURY PARK WY SOUTH SALT LAKE UT	84115	PHOENIX, JOSEPHINE V; TR 5351 S BALDWIN PARK MURRAY UT	84123
PILI, LORI 5483 S ALLENDALE DR MURRAY UT	84123	PRITCHETT, KAREN 5454 S ALLENDALE DR MURRAY UT	84123	RANDALL, HAROLD; TR 634 W 5465 S MURRAY UT	84123
REID, CRAIG & 5513 S 670 W MURRAY UT	84123	REMY, LESLIE D 323 E ELM ST MURRAY UT	84107	RICHMOND, MICHAEL 5493 S 700 W MURRAY UT	84123

RIDGE, ALAN G 5500 S 670 W MURRAY UT 84123	ROBERTS, ARVEN & JULIA 5484 S QUAKING ASPEN DR MURRAY UT 84123	RODRIGUEZ, JAMES 6269 S MAPLEWOOD DR MURRAY UT 84121
SALISBURY, KEITH C. & VERLEE A 5455 S 700 W MURRAY UT 84123	SAUNDERS, BARBARA M; ET AL 5357 S BALDWIN PARK MURRAY UT 84123	SAUNDERS, KRISTIN & 650 W 5465 S MURRAY UT 84123
SCARTEZINA, JODIE M & 5349 S BALDWIN PARK MURRAY UT 84123	SCHUSTER, AMELIA L 600 W 5465 S MURRAY UT 84123	SHELTON, JEAN L 5456 S 700 W MURRAY UT 84123
SHELTON, KARL L & 5896 S KINGSTON WY MURRAY UT 84107	SHELTON, KARL L & 5896 S KINGSTON WY MURRAY UT 84107	SINGH PETROLEUM LLC 10459 PARK MEADOWS DR #101 LITTLETON CO 80124
SMITH, E. LARUE 5490 S 640 W MURRAY UT 84123	SMITHS MANAGEMENT CORP 1014 VINE ST CINCINNATI OH 45202	STOVER, JAMES L 5513 S 640 W MURRAY UT 84123
STRANG, RICHARD M. & ELIZABETH 660 W 5465 S MURRAY UT 84123	STUCKI, MARIA L 5503 S ALLENDALE DR MURRAY UT 84123	SURAKHUN, PAMELA P 5340 S HAMLIN ST MURRAY UT 84123
THEODORE, CONSTANCE R; TR 1493 S KEN REY ST # 2817 SALT LAKE CITY UT 84108	TURNER, LORIE A 5453 S ALLENDALE DR MURRAY UT 84123	TYSON, WILLIAM D & 9529 S 1210 E SANDY UT 84094
WAGER & WAGER, LLC 525 W 5300 S MURRAY UT 84123	WAGSTAFF INVESTMENTS 3115 W 2100 S WEST VALLEY UT 84119	WARD, MICHAEL A & 623 W 5465 S MURRAY UT 84123
WATTS, JOSEPH & 590 W 5465 S MURRAY UT 84123	WILCKEN, HAL & BARBARA D; 5493 S 640 W MURRAY UT 84123	WILSON, WILLIAM G & 5483 S 670 W MURRAY UT 84123
WIRTHLIN PROPERTIES LC 5482 S AVALON DR MURRAY UT 84107	YENSEN, HARRY D. & JUNE W. 5510 S 670 W MURRAY UT 84123	YANNI, BETTY; TR 5480 S 640 W MURRAY UT 84123



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 #5

Murray City Corporation

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 8th day of January, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to consider an Ordinance amending Sections 17.08.020, 17.68.020, 17.68.030, 17.68.040, and 17.6.050 of the Murray City Municipal Code relating to landscaping requirements.

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

DATED this 20th day of December, 2012.

MURRAY CITY CORPORATION



Jennifer Kennedy
City Recorder

DATES OF PUBLICATION: December 24, 2012

PH 12-36

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 17.08.020, 17.68.020, 17.68.030, 17.68.040, AND 17.68.050 OF THE MURRAY CITY MUNICIPAL CODE MODIFYING LANDSCAPING STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY USES.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

Section 1. Purpose. The purpose of this ordinance is to amend Sections 17.08.020, 17.68.020, 17.68.030, 17.68.040, and 17.68.050 of the Murray City Municipal Code to modify landscaping standards for commercial, industrial, and multi-family uses.

Section 2. Amendment to Sections 17.08.020, 17.68.020, 17.68.030, 17.68.040, and 17.68.050 of the Murray City Municipal Code. Sections 17.08.020, 17.68.020, 17.68.030, 17.68.040, and 17.68.050 of the Murray City Municipal Code shall be amended to read as follows:

17.08.020: TERMS DEFINED:

XERISCAPING: An attractive, sustainable landscape based on sound horticultural practices, which shows evidence of care. This method is beneficial especially for arid and semiarid climates and utilizes water conserving techniques such as the use of drought tolerant plants, mulch, and efficient irrigation.

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city ~~except single-family residential zone districts and uses unless specifically exempted.~~

17.68.030: GENERAL PROVISIONS:

A. Landscape and related improvements required by this chapter shall be installed if:

1. The cost of construction or remodeling exceeds twenty five percent (25%) of the market value of the structure; or
2. A conditional use permit is required; or
3. A site plan review is required.

For purposes of this subsection A, market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2b.

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit and/or Site Plan Review: In association with a conditional use application and/or site plan review, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a **formal** landscape plan (per phase if the project is multiphased). These copies must be submitted with the site plan, and must include or show:

- 4a.** The project name, exact street address, date, and by whom the plan was prepared, and the name and phone number of a contact person (architect, landscape architect, builder, etc.), **and the date of the plan;**
- 2b.** "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;
- 3c.** Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal. **These proposed removals are to be noted as such, with the tree species, diameter of the tree trunk (measured at $4\frac{1}{2}$ feet aboveground), and the estimated tree height also noted;**
- 4d.** Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal. **These proposed removals are to be noted as such, with the tree species, diameter of the tree trunk (measured at $4\frac{1}{2}$ feet aboveground), and the estimated tree height also noted;**
- 5e.** All areas to be planted in shrubs;
- 6f.** All areas to be planted as flowerbeds and/or with living ground cover plants;
- 7g.** All areas to be planted in sod, with any berming to also be indicated;
- 8h.** All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).

C2. Building Permit Application: In association with a building permit application, the applicant shall submit, in addition to other materials required by

the city, three (3) copies of a formal landscape plan **prepared and sealed by a Utah registered landscape architect** (per phase if the project is multiphased) for review and approval by the city forester **Community and Economic Development Division staff**. **Plans for office conversions or new buildings of 4,000 square feet or less do not require a signature by a registered landscape architect.** The formal landscape plan must include or show:

- 4a. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;
- 2b. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;
- 3c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
- 4d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;
- 5e. ~~Lawn areas with any berms are prohibited unless in the opinion of the city forester, exceptional circumstances warrant any berm~~ **All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty-six inches (36") in height including vegetation;**
- 6f. ~~All F~~flowerbed/living ground cover areas clearly identified, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;
- 7g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;
- 8h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container **as well as the percentage of landscaping for the site and interior lots;**

- i. The percentage of landscape proposed for the site and interior lot(s).
- 9j. Attached to each copy of the formal landscape plan must be a A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

3. Exemptions: A landscape plan is not required to be submitted in association with the following City approvals:

- a. A building permit for a single-family dwelling or for a two-family dwelling.
- b. A building permit for interior remodeling which does not involve a change of use from residential to non-residential or a change of use from a single-family dwelling to either a two-family dwelling or a multi-family dwelling.
- c. A permit for the following activities: re-roofing, siding, temporary electrical power, change of electrical service, change of furnace, mobile home set up, addition of interior plumbing, addition of interior electrical, fencing, on-premise sign, and off-premise sign.
- d. A license to encroach upon public utility easement.
- e. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.

D. Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability, or other circumstances, must be reviewed and approved by the city forester Community and Economic Development Division staff prior to implementation. Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by the city forester's office before a final inspection of the project will be performed by the city.

E. When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate provision coverage (80% efficient) of water to the landscape plants;

2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city;

3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material and/or appropriate xeriscaping for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.

34. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of ~~one and one-half inches (1 $\frac{1}{2}$ "~~
~~two inches (2")~~ and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. Shrubs shall be in a minimum five (5) gallon container, and shall have maximum spacing of five feet (5') from center to center within any single shrub planting area designated on the approved landscape plan a mix of one (1) gallon and five (5) gallon containers, and shall be spaced as designated on the approved landscape plan. All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. Wire or non-biodegradable root ball baskets containers around root balls shall be removed prior to backfilling planting holes on all plants supplied with wire baskets such containers. (Ord. 07-30 § 2)

5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by Community and Economic Development Division staff. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only.

17.68.040: REQUIREMENTS:

A. Perimeter:

1. Front Setback Areas:

a. Landscaping in these areas shall consist of an effective combination of ~~street three (3) trees, landscape trees, grass, ground cover and shrubbery and five 5-gallon and ten 1-gallon shrubs per 100 lineal feet of frontage.~~ 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. The trees and shrubs shall either be clustered or spread

out at regular intervals. The remaining area shall be planted with living ground cover at a minimum fifty percent (50%) of landscape bed coverage at the time of planting. 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, M-U and MCCD districts,
- d. All commercial, manufacturing and multi-family residential development fronting ~~on streetscape streets as identified by the city forester~~ ~~public or private streets~~ shall plant trees in conformance with species and spacing specified in the applicable streetscape plan;
- e. Where a park strip is provided, the park strip shall be planted with low growth materials including ground cover, shrubs, and high-branching trees (branching shall begin not less than six feet above the soil surface).

2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or ~~where~~ commercial or manufacturing abut ~~legal conforming~~ multi-family residential uses, a ~~solid fence or masonry~~ wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material ~~as required by this section~~ shall be placed between the property line and any paved area.

B. Interior:

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass. ~~Areas located to the rear of commercial and industrial buildings and which are not visible from the street are not required to provide landscaping as approved by the city forester unless it abuts a residential zoning district.~~
2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:
 - a. All parking spaces shall be within seventy-five feet (75') of a landscape area. Parking islands may be used to meet this standard.

b. Parking islands:

- (i). Parking islands shall be a minimum of 162 square feet in area, not including the curbing required by subsection 17.68.040(C).
- (ii). Parking islands shall be at least nine feet (9') wide including the curbing required by subsection 17.68.040(C).
- (iii). One (1) tree and four (4) shrubs shall be required for each parking island installed.

c. Groundcover required: Groundcover is required to have 50% coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan.

d. Trees; Required Size: Trees required for installation within interior parking areas shall be no less than two inches (2") caliper size at time of planting.

e. Trees; Location: Trees planted within interior landscape areas shall be located at least three feet away from curb.

f. Shrubs; Size: Shrubs shall be no less in size than what is customarily accommodated within a one-gallon size container, in accordance with industry standards.

C. Concrete Curbing/Sprinkling System:

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be ~~protected~~ enclosed by a ~~six-inch (6")~~ poured concrete curb wall;
2. ~~Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by the city forester.~~

D. Accommodation Of Bus Benches And Shelters:

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:

- a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title;
- b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and
- c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;

2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 12-23: Ord. 11-09: Ord. 07-30 § 2)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post a cash bond or letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the bond **security** shall be determined by the city **and shall be based upon a cost estimate provided by the developer and verified by the City** based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 07-30 § 2)

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 , 2013.

MURRAY CITY MUNICIPAL COUNCIL

James A. Brass, Chair

ATTEST:

City Recorder

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

MAYOR'S ACTION: Approved

DATED this _____ day of _____, 2013.

Daniel C. Snarr, Mayor

ATTEST:

City Recorder

CERTIFICATE OF PUBLICATION

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

City Recorder

17.68.010: PURPOSE:

The objective of this chapter is to improve the appearance of setback and yard areas, including off street vehicular parking and open lot sales and service areas in the city and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities. (Ord. 07-30 § 2)

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city unless specifically exempted. (Ord. 07-30 § 2)

17.68.030: GENERAL PROVISIONS:

A. Landscape and related improvements required by this chapter shall be installed if:

1. The cost of construction or remodeling exceeds twenty five percent (25%) of the market value of the structure; or
2. A conditional use permit is required; or
3. A site plan review is required.

Exemptions:

The following are exempted from submitting a landscape plan:

1. Single-family homes and duplexes.

2. Building permits for interior remodeling which do not involve a change of use from residential to nonresidential or from single-family to duplex or multi-family use.

3. Permits such as, but not limited to, re-roofing, siding, temporary power, change of electrical service, change of furnace, mobile home set up, addition of interior plumbing, addition of interior electrical, fencing, on-premises and off-premises signs, and encroachment.

4. Development projects where the existing vegetation to be retained meets or exceeds the requirements of this section.

For purposes of this subsection A, market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2b.

B. In association with a conditional use application and/or site plan review, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a landscape/irrigation plan (per phase if the project is multiphased). These copies must be submitted with the site plan, and must include or show:

1. The project name, exact street address, ~~date, and~~ by whom the plan was prepared, ~~and~~ the name and phone number of a contact person (architect, landscape architect, builder, etc.) and the date of the plan;
2. "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;
3. Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal. ~~These proposed removals are to be noted as such, with the tree species, diameter of the tree trunk (measured at 4 $\frac{1}{2}$ feet aboveground), and the estimated tree height also noted;~~ Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal. ~~These proposed removals are to be noted as such, with the tree species, diameter of the tree trunk (measured at 4 $\frac{1}{2}$ feet aboveground), and the estimated tree height also noted;~~ All areas to be planted in shrubs; All areas to be planted as flowerbeds and/or with living ground cover plants; All areas to be planted in sod, with any berming to also be indicated; All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).

C. In association with a building permit application, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by ~~the city forester~~ Community and Economic Development staff. Plans for office conversions or new buildings of 4,000 square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:

1. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;
2. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;
3. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
4. The location of each existing and proposed tree and each shrub clearly identified, with indication by botanical name of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;

~~Lawn areas with any berms are prohibited unless in the opinion of the city forester, exceptional circumstances warrant any berm;~~

5. All areas to be planted in sod. Berms are permitted in lawn areas, but shall not exceed thirty six inches in height including vegetation.

6. All flowerbed/living ground cover areas *clearly identified*, with perennial plant species that are to be used indicated by botanical name. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;

7. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;

8. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), size/type of root ball or container, as well as the percentage of landscaping for the site and interior lots;

9. ~~Attached to each copy of the formal landscape plan must be~~ A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

D. Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability or other circumstances, must be reviewed and approved by ~~the city forester~~ Community and Economic Development staff prior to implementation.

Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by ~~the city forester's office~~ city before a final inspection of the project will be performed by ~~the city~~.

E. When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate provision coverage (80% efficient) of water to the landscape plants;

2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city;

3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material and/or appropriate xeriscaping for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.

4. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of ~~one and one half inches (1 1/2")~~ **two inches (2")** and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. ~~Shrubs shall be in a minimum five (5) gallon container, and shall have maximum spacing of five feet (5') from center to center within any single shrub planting area designated on the approved landscape plan. Shrubs shall be a mix of one (1) gallon and five (5) gallon container, and shall be spaced as designated on the approved landscape plan.~~ All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. ~~Wire or non-biodegradable root ball containers~~ **baskets** around root balls shall be removed prior to backfilling planting holes on all plants supplied with **said containers** ~~wire baskets~~. (Ord. 07-30 § 2)

5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by ~~the city forester~~ **Community and Economic Development Staff**. **Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only.**

17.68.040: REQUIREMENTS:

The following standards shall apply to development in all zones except single family residential zones.

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 in these areas shall consist of three (3) trees and five (5) five-gallon, and ten (10) one-gallon shrubs per 100 linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover to achieve a minimum 50% landscape bed coverage at time of planting.~~ Landscaping shall consist of a water efficient design with watering zones having plants with 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') wide behind the back side of sidewalk or street right of way line, except in the TOD, **MU and MCCD districts.**
- d. All commercial, manufacturing and multi-family residential development fronting ~~on streetscape streets as identified by the city forester~~ **public/private** streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan;

e. Where a park strip is provided, it shall be planted with low growth materials including ground cover, shrubs and high branching (6' min.) trees,

2. Abutting Properties

Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a ~~solid fence or wall~~ masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material per this section shall be placed between the property line and any paved area.

B. Interior landscaping

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass. ~~Areas located to the rear of commercial and industrial buildings and which are not visible from the street are not required to provide landscaping as approved by the city forester unless it abuts a residential zoning district.~~

C. Concrete Curbing/Sprinkling System:

1. Where required landscaping is located adjacent to driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be ~~protected~~ enclosed by a six inch (6") poured concrete curb wall;

2. Parking islands: For parking lots with fifty (50) or more parking stalls, the following applies:

a. All parking spaces shall be a within seventy five feet (75') of a landscape area. Parking lot landscaping islands may be used to meet this standard.

- b. Parking lot landscape islands shall be a minimum of 162 square feet in area not including required curbing.
- c. Parking lot landscape islands are required to be at least nine feet (9') wide inclusive of required curbing.
- d. Trees planted within interior landscape areas shall be located a minimum of three feet away from curb.
- e. One (1) tree and four (4) shrubs shall be required per parking island installed. (See Parking Island requirements)
- f. Trees required for installation within interior parking areas shall be no less than two inches (2") caliper size at time of planting.
- g. Shrubs shall be no less what is customarily accommodated within a one gallon size container, in accordance with industry standards.
- h. Groundcover is required to have 50% coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan.

D. Accommodation of Bus Benches and Shelters

- 1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:
 - a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title,
 - b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements.

- c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;
2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 11-09: Ord. 07-30 § 2)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post cash bond or a letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the security shall be determined by the city and shall be based on a cost estimate provided by the developer and verified by the city based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 07-30 § 2)

17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING:

Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30 § 2)

Proposed Ordinance Text Amendment

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: Landscape Ordinance Amendment

PROJECT NUMBER: 12-86

PROJECT TYPE: Ordinance Text Amendment

APPLICANT: Murray City Corporation

DESCRIPTION OF REQUEST:

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. (**Please see the attached ordinance for the proposed text**). Staff has brought this ordinance change forward to increase flexibility of materials/designs and increase consistency of plan review and inspections.

One of the main reasons that staff recommends updating the landscape code is to increase consistency. Current standards require a minimum percentage 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.

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 your 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
- Increase flexibility in design/materials
- Add requirements for interior parking lot landscaping
- Address Xeriscaping

Some of the proposed changes include:

Switch from a minimum percentage of turf or lawn to a specific number of trees/shrubs and groundcover— Changing the requirement from a percentage of turf and lawn 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.

Allow ground cover in addition to turf/sod—Allowing the option for ground cover instead of turf/sod will address a concern raised by applicants to allow water efficient alternatives. Some ground covers require much less water to sustain and require less maintenance.

Allow berms two (2) feet or smaller—Berms have not been allowed in the past because they limit visibility for the ingress/egress of vehicles. Allowing them at a limited height of two (2) feet will allow for some increased design options, and still maintain the visibility.

Requiring interior parking lot landscaping if the parking lot requires fifty (50) or more parking spaces—Staff feels that this requirement (in addition to the minimum distance requirement for landscaping from parking) will do even more to reduce the visual impact of parking and pavement. Adding a requirement for landscaping within parking lots will reduce the visual impact of parking and pavement.

Staff recommends that the planning commission review the proposed changes to the ordinance and provide feedback. Staff recommends the public hearing be continued in order to provide additional analysis and incorporation of feedback from the commission.

17.68.010: PURPOSE:

The objective of this chapter is to improve the appearance of setback and yard areas, including off street vehicular parking and open lot sales and service areas in the city and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities. (Ord. 07-30 § 2)

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city unless specifically exempted. (Ord. 07-30 § 2)

17.68.030: GENERAL PROVISIONS:

A. Landscape and related improvements required by this chapter shall be installed if:

1. The cost of construction or remodeling exceeds twenty five percent (25%) of the market value of the structure; or
2. A conditional use permit is required; or
3. A site plan review is required.

Exemptions:

The following are exempted from submitting a landscape plan:

- 1. Single-family homes and duplexes.**
- 2. Building permits for interior remodeling which does not involve a change of use from residential to nonresidential or from single-family to duplex or multi-family use.**
- 3. Permits such as, but not limited to, re-roofing, siding, temporary power, change of electrical service, change of furnace, mobile home set up, addition of interior plumbing, addition of interior electrical, fencing, on-premises and off-premises signs, and encroachment.**

4. Development projects where the existing vegetation to be retained meets or exceeds the requirements of this section.

For purposes of this subsection A, market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2b.

B. In association with a conditional use application and/or site plan review, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a landscape/irrigation plan (per phase if the project is multiphased). These copies must be submitted with the site plan, and must include or show:

1. The project name, exact street address, ~~date, and~~ by whom the plan was prepared, ~~and~~ the name and phone number of a contact person (architect, landscape architect, builder, etc.) **and the date of the plan;**
2. "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;
3. Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal. ~~These proposed removals are to be noted as such, with the tree species, diameter of the tree trunk (measured at 4 $\frac{1}{2}$ feet aboveground), and the estimated tree height also noted;~~ Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal. ~~These proposed removals are to be noted as such, with the tree species, diameter of the tree trunk (measured at 4 $\frac{1}{2}$ feet aboveground), and the estimated tree height also noted;~~ All areas to be planted in shrubs; All areas to be planted as flowerbeds and/or with living ground cover plants; All areas to be planted in sod, with any berming to also be indicated; All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).

C. In association with a building permit application, the applicant shall submit, in addition to other materials required by the city, three (3) copies of a formal landscape plan **prepared and sealed by a Utah registered landscape architect** (per phase if the project is multiphased) for review and approval by ~~the city forester~~ **Community and Economic Development Staff.** **Plans for office conversions or new building of 4,000 square feet or less do not require a signature by a registered landscape architect.** The formal landscape plan must include or show:

1. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;
2. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;
3. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
4. The location of each existing and proposed tree and each shrub clearly identified, with indication by botanical name of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;

~~Lawn areas with any berms are prohibited unless in the opinion of the city forester, exceptional circumstances warrant any berm;~~

5. All areas to be planted in sod and all berms are permitted in lawn areas, but shall not exceed thirty six inches in height including vegetation.

6. **All** Flowerbed/living ground cover areas ~~clearly identified~~, with perennial plant species that are to be used indicated by botanical name. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;

7. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;
8. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), size/type of root ball or container, as well as the percentage of landscaping for the site and interior lots;
9. *Attached to each copy of the formal landscape plan must be* A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

10. The percentage of landscape proposed for the site and interior lot(s).

D. Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability or other circumstances, must be reviewed and approved by ~~the city forester~~ **Community and Economic Development staff** prior to implementation. Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by the ~~city forester's office~~ **city** before a final inspection of the project will be performed ~~by the city~~.

E. When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate provision coverage (80% efficient) of water to the landscape plants;
2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city;
- 3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material or appropriate xeriscape for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.**
4. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of ~~one and one half inches (1 1/2")~~ two inches (2") and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. ~~Shrubs shall be in a minimum five (5) gallon container, and shall have maximum spacing of five feet (5') from center to center within any single shrub planting area designated on the approved landscape plan. Shrubs shall be a mix of one (1) gallon and five (5) gallon container, and shall be spaced as designated on the approved landscape plan.~~ All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. ~~Wire or non-biodegradable root ball containers~~ ~~baskets~~ around root balls shall be removed prior to backfilling planting holes on all plants supplied with wire baskets. (Ord. 07-30 § 2)
5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by ~~the city forester~~ Community and Economic

Development Staff. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only.

17.68.040: REQUIREMENTS:

The following standards shall apply to development in all zones except single family residential zones.

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 in these areas shall consist of 3 trees and five (5) five-gallon, and ten (10) one-gallon shrubs per 100 linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover at a minimum 50% of landscape bed coverage at time of planting.* Landscaping shall consist of a water efficient design with watering zones having plants with 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') wide behind the back side of sidewalk or street right of way line, except in the **TOD, MU and MCCD districts.**
- d. All commercial, manufacturing and multi-family residential development fronting ~~on streetscape streets as identified by the~~

~~city forester~~ **public/private** streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan;

e. **Where a park strip is provided, it shall be planted with low growth materials including ground cover, shrubs and high branching (6' min.) trees,**

2. Abutting Properties

Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or commercial or manufacturing abut **legal conforming** multi-family residential uses, a ~~solid fence or wall~~ **masonry wall**, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material **per this standard** shall be placed between the property line and any paved area.

B. Interior landscaping

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass. ~~Areas located to the rear of commercial and industrial buildings and which are not visible from the street are not required to provide landscaping as approved by the city forester unless it abuts a residential zoning district.~~

C. Concrete Curb/Sprinkling System:

1. Where required landscaping is located adjacent to driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be ~~protected~~ **enclosed** by a **six inch (6")** poured concrete curb wall;

2. **Parking islands: For parking lots with fifty (50) or more parking stalls, the following applies:**

- a. All parking spaces shall be a within seventy five feet (75') of a landscape area.
- b. Parking islands shall be a minimum of 162 square feet in area not including required curbing.
- c. Parking islands are required to be at least nine feet (9') wide inclusive of required curbing.
- d. Trees planted within interior landscape areas shall be located a minimum of three feet away from curb.
- e. One (1) tree and four (4) shrubs shall be required per parking island installed. (See Parking Island requirements)
- f. Trees required for installation within interior parking areas shall be no less than two inches (2") caliper size at time of planting.
- g. Shrubs shall be no less what is customarily accommodated within a one gallon size container, in accordance with industry standards.
- h. Groundcover is required to have 50% of coverage at time of planting. Coverage calculations shall be included in the formal landscaping plan.

D. Accommodation of Bus Benches and Shelters

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:
 - a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title,

- b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements.
 - c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;
2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 11-09: Ord. 07-30 § 2)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post cash ~~bond~~ or a letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the ~~bond~~ security shall be determined by the city based on a cost estimate provided by the developer and verified by the city based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 07-30 § 2)

17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING:

~~Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building.~~

Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30-§ 2)

A. Landscaping plans for new dwellings in planned unit developments shall be approved with the development plans and landscaping shall be installed as approved prior to final occupancy of the dwelling.

B. Residential construction of new dwelling(s) in a single family residential zone shall require landscaping to be installed in the front yard. If dwelling is on a corner lot, landscaping will also be required to be installed adjacent to the street. All landscaping will be required to be installed within one year from the date of the occupancy of the dwelling.

C. Landscape areas for both new construction and existing dwellings shall consist of an effective combination of materials which may include trees, grass, ground cover, shrubbery and xeriscape landscape materials. All front yard areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 07-30-§2)

D. The park strip area abutting the street shall be landscaped, watered and maintained, by the adjacent property owner, with lawn or low growth plant materials. Landscaping shall require a minimum of 1 tree per 30 feet of yard length, measured to the nearest whole number. Under certain circumstances minimal concrete or pavers may be allowed. Examples of this may include extensions of the entry sidewalk or decorative stone pavers allowing pedestrian access from the street to the front entry. The park strip may be 25% covered with concrete, pavers other similar materials. Completely covering over the park strip with impervious materials is prohibited.

E. Permitted tree species for the park strip can be found by calling the city forester.

F. Prohibited Materials. Materials prohibited in park strips include asphalt, concrete(except for limited applications as authorized by City staff), thorn-bearing plants (flowering shrubs, such as roses, may be authorized by the Community and Economic Development staff or the city forester),

groundcover which exceeds eighteen inches in height at maturity, shrubs which create visual barriers, and structural encroachments, and boulders and gravel. These materials are prohibited for the reasons stated below:

1. Asphalt and Concrete. One of the primary uses of park strips is to provide an area for installation of public utilities. Asphalt and Concrete are more difficult and expensive to remove and replace than pavers if these utilities require maintenance or replacement.
2. Thorn-Bearing Plants. Plants which have thorns, spines, or other sharp, rigid, parts are hazardous to pedestrians and bicyclists, and are difficult to walk across. Limited use of thorn-bearing flowers, such as roses, may be acceptable subject to the approval of Community and Economic Development staff or the city forester.
3. Continuous Plantings of Groundcover and Shrubs Which Exceed Eighteen Inches in Height at Maturity. Continuous plantings of groundcover and shrubs which exceed eighteen inches in height at maturity are hazardous to pedestrians, pets, children on riding toys, and vehicles due to sight distance problems, are difficult to walk across, create visual barriers which promote crime, and limit access to the sidewalk from vehicles parked adjacent to the park strip.
4. Retaining walls, fences, steps, and other similar structural encroachments. Retaining walls, fences, steps, and other similar structural encroachments in park strips are prohibited unless they are specifically approved. These structural encroachments are generally prohibited because they limit access from the street to sidewalks and create obstructions to, and increase the cost of, performing maintenance of public improvements and utilities within the park strip.
5. Plants and Objects Within Site Distance Areas. Except for street trees, no plant, monument, or other object which is over 18" in height shall be planted or located within site distance areas.

6. Boulders, Gravel and Rocks in Park Strips. Boulders and gravel are not permitted in park strips. Boulders can be dangerous to bicyclists, pedestrians and motorists who may not see them. Gravel is prohibited because it collects in the gutter. Except for flag stones, or similar paving materials.

G. Community and Economic Development staff and city forester may approve minor modifications to the requirements of this section to better achieve the landscaping intent and address specific site conditions.

H. It shall be unlawful for any person to remove turf, trees or forms of landscaping from a park strip which were required by provisions of this section unless first approved by Community and Economic Development staff or the city forester. This provision does not apply to routine maintenance of a park strips. Maintenance of trees planted in park strips including replacement of dead or dying trees shall be performed in accordance with Municipal Code Chapter 12.32.

17.68.070: DEFINITIONS;

XERISCAPING: An attractive, sustainable landscape based on sound horticultural practices, which shows evidence of care. This method is beneficial especially for arid and semiarid climates and utilizes water conserving techniques (as the use of drought tolerant plants, mulch, and efficient irrigation). (Ord. 10-04 § 2)

A Tim Taylor

Motion passed, 7-0.

LANDSCAPING ORDINANCE AMENDMENT – Project #11-28

Chad Wilkinson reviewed the proposed draft landscaping ordinance with the recommended changes of the Planning Commission from the previous meeting held on July 19, 2012. The proposed amendment would change the existing landscape ordinance found in chapter 17.68. One of the main reasons that staff recommends updating the landscape code is to increase consistency. Current standards require a minimum percentage 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 as a result of recent complaints from residents. Because the proposed ordinance will impact a large number of city residents and businesses, staff brought forward the changes in two separate meetings for consideration. The landscape ordinance text amendment was presented in two stages for discussion at Planning Commission meetings. On July 5, 2012 the commercial, industrial and multifamily section of the landscape code was presented for discussion. The feedback received has been incorporated into the amendment. Staff had also requested comments from the Shade Tree Commission and a local landscape architect. The proposed text reflects those comments. On July 19, 2012 the residential component of the amendment was presented to the Planning Commission as a discussion item. Staff received feedback from the commissioners, and this proposed ordinance reflects those comments.

Some of the proposed changes include:

Commercial/Industrial/Multifamily:

Switch from a minimum percentage of turf or lawn to a specific number of trees/shrubs and groundcover— Changing the requirement from a percentage of turf and lawn 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.

Allow ground cover in addition to turf/sod—Allowing the option for ground cover instead of turf/sod will address a concern raised by applicants to allow water efficient alternatives. Some ground covers require much less water to sustain and require less maintenance.

Requiring interior parking lot landscaping if the parking lot requires fifty (50) or more parking spaces— Staff feels that this requirement (in addition to the minimum distance requirement for landscaping from parking) will do even more to reduce the visual impact of parking and pavement. Adding a requirement for landscaping within

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parking lots will reduce the visual impact of parking and pavement.

Residential:

A switch from a general requirement for trees in the park strip to a specific number of trees— The subdivision ordinance has a requirement for 1 tree per 30 feet on center, and clarifying the requirement for all single family residential lots will increase consistency. This change will also provide consistency within the subdivision ordinance.

Allow the park strip to be covered up to 25% by an impervious surface—This will allow for things such as extensions of the entry sidewalk or decorative stone pavers allowing pedestrian access from the street to the front entry.

Specify prohibited materials in the park strip—Certain materials and plant species are not appropriate for the park strip. These material include, but are not limited to; asphalt and concrete with the exception of 25% concrete pavers providing access for a car or connection to a sidewalk on the property, thorn bearing plants with some exceptions with city approval, ground cover/shrubs that exceed 18 inches in height, retaining walls or fences, materials within the site distance triangles at intersections, rock materials.

Mr. Wilkinson clarified that there are several sections in the code, specifically different zoning sections that have different landscape standards. He stated that a summary table would be included for each zone. Enforcement is still an issue and the city will continue to enforce the best they can. Public rights-of-way still must be discussed with the City Council. Staff recommends that the planning commission review the proposed changes to the ordinance and provide a recommendation of approval to the City Council.

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

Ms. Mackay noted that the vegetation cannot be more than 18 inches tall, but some of the landscaping materials that are used tend to grow taller once planted. Mr. Wilkinson stated that plant materials in the residential park strips would not be allowed that are taller than 18 inches. Only plants that are 18 inches at maturity are allowed.

With regards to the proposed landscaping ordinance changes from staff, Mr. Taylor commented that item "B" on page 2 and "C" on page 3, and that number "1" under both "B" and "C" should read the same. Mr. Wilkinson made note that there is more detail required at the building permit stage therefore those two are different and need to be worded as specified.

Ms. Daniels suggested that they read consistently and if there are additions, those additions are made to the end of the paragraph. Mr. Harland noted that it is more of a readability issue. Mr. Taylor then brought up the same issue for item "B-2" on page 2 and item "C-2" on page 3 to make them consistent. Mr. Wilkinson stated that those can be reviewed and possibly changed to make them more consistent.

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Mr. Taylor also noted that on item "B-7" on page 3 and item "C-5" with regards to berms should read the same. Mr. Wilkinson addressed the commission by asking them to look over the proposed landscaping ordinance and make the changes that they feel make it most consistent. Mr. Taylor brought up other items such as; addressing an irrigation plan, wording in "C-9" and adding "8%" in "C-10".

Mr. Taylor also noted item "E-4" the term "wire baskets" was used. He stated that typically the baskets are plastic, therefore the wording should read similar to; "non-biodegradable root ball containers". On page 10, under the Single Family Residential Landscaping item "C" Mr. Taylor noticed that states that using xeriscaping materials are okay where it states that the same types of material are not allowed to use in park strips. His thought is that the xeriscaping should be carried out to the park strip as well. Mr. Wilkinson stated that the reason it will not be allowed in the park strip is to prevent those materials (i.e. rock, gravel) from spilling out into the street.

Mr. Markham commented that he would like to see xeriscaping be allowed in the park strips simply because it is such a difficult area to maintain. Mr. Taylor reiterated that the reason they didn't want xeriscaping allowed in the residential park strip was because the rest of the yard wasn't xeriscaped and it looked inconsistent. Mr. Wilkinson stated that rock was specifically mentioned, but does not mean that other materials could not be used for xeriscaping.

Mr. Harland stated that there is a website from Utah State University Extension Office which has standards for tree planting and horticultural practices. Mr. Taylor asked if there should be something added about the use of bark or wood mulches in the park strips. Mr. Markham pointed out that those types of materials usually block storm drainages. Mr. Wilkinson stated that organic material has not been included.

Mr. Taylor suggested the word "rock" in "F-6" be changed to read; "Boulders, Gravel and Rock in Park Strips" and to add "except for Flagstone or similar paving materials."

Mr. Taylor expressed concern for the planning commission to approve something the proposed language before they make a positive recommendation, i.e. assuming those changes have been made before it is presented to the City Council. Mr. Wilkinson stated that if the Planning Commission would like to continue the discussion to another night that could be accommodated. Mr. Taylor made note that the suggested changes he proposed to items "B" and "C" would just be the wording and he feels comfortable having staff make those changes. Mr. Markham concurred.

Mr. Harland stated that when the ordinance is presented to the City Council there needs to be awareness about education within the community on the changes, there needs to be an attitude about beautification throughout the city; and why it is important and to have consistency and ways in which this new ordinance will be enforced.

Mr. Woodbury asked if "grandfathering" would be part of the new ordinance. Mr. Wilkinson responded that the issue of "grandfathering" is still not clear. Areas this would affect are existing subdivisions that were approved either by the county or

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under a different city standard that do not have park strips. Those properties would be considered non-conforming. The city needs to be aware that these are in the city's right-of-way and those park strips need to be fixed. Mr. Harland commented that it will take time to get existing properties into compliance. Mr. Wilkinson clarified that adopting this ordinance doesn't mean whatever is on the ground today is legal and that the ordinance needs to clarify what the standard is. Each situation will need to be looked at individually to determine whether it is legal non-conforming.

Ray Black was excused from the meeting.

Ms. Mackay asked for clarification if the word "rock" was going to be placed somewhere in section "F-6". Mr. Wilkinson responded that staff will add the word "rock" in addition to boulders and gravel.

The meeting was opened for public comment.

Jim Hendrickson from the Beautification and Shade Tree Commission was in the audience and stated that he thought this proposal sounded great.

The public comment period was closed.

Mr. Taylor made a motion to send a recommendation of approval to the City Council for the Landscape Ordinance Amendment with the following changes:

1. Pages 2 of 12 and 3 of 12, staff will need to rewrite items B & C to make them more consistent with each other.
2. Page 5 of 12, change wording in number 4 from "wire baskets" to "non-biodegradable".
3. Page 12 of 12, change number 6 from "Boulders and Gravel in Park Strips" to "boulders, gravel and rock" and should add "with the exception of flagstone or similar paver materials".
4. Page 10 of 12, item D change wording to "pavers and/or other similar materials".
5. Any typographical errors in text.

Mr. Woodbury seconded the motion.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
- Ray Black
A Phil Markham
A Vicki Mackay
A Scot Woodbury

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A Tim Taylor

Motion passed, 6-0.

OTHER BUSINESS

Mr. Wilkinson put out a formal invitation for all committee members to attend the annual Utah Chapter of the Planning Association Conference on October 4-5, 2012 in Provo, UT. Mr. Wilkinson asked for an R.S. V.P. to the Community & Economic Development department. There will be a special training session on Friday morning.

Meeting adjourned.



Chad Wilkinson, Manager
Community & Economic Development

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Ray Black
A Phil Markham
A Vicki Mackay
A Scot Woodbury

Motion passed, 6-0.

LAND USE ORDINANCE TEXT AMDNEMENT – Landscaping Amendments to Chapter 17.68 – Project #11-28

Chad Wilkinson reviewed the proposed text amendments to Murray City Municipal Code Section 17.68.040 relating to landscaping requirements in the M-G-C zone and Municipal Code 17.68.060 and Municipal Code Section 16.16.140 relating to landscaping requirements in the residential zones. The proposed ordinance amendment for Municipal Code Section 17.68.040 will provide for an alternative landscaping option in a manufacturing zone for xeriscaping plant materials which will allow for better water efficiency on the site. Municipal Code 17.68.060 deals with amendments to residential landscaping and regulates trees and plants in park strip areas and prohibits paving over the park strip area. Municipal Code Section 16.16.140 relates to landscaping requirements for subdivisions in residential zones and proposes changes to clarify requirements and modifies text to be consistent with changes in Title 17 of Municipal Code. Based on the above finding, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments to the Municipal Code Section 17.68.040, Section 17.68.060 and Section 16.16.140 regarding landscaping regulations.

Mr. Wilkinson provided proposed text for the landscaping ordinance. He state that one of the concerns is how to enforce these regulations and keep things consistent. The other concern is that there are several different varieties of park strips in existence now.

Mr. Beach stated that staff has re-vamped the residential park strip ordinance. Prior to occupancy, landscaping must be approved with the development plans. Currently staff is working on how to enforce existing, non-conforming and non-compliant residential park strips. Items that have been addressed are: should the ordinance restrict what is allowed in the park strips, can there be flexibility in certain materials that are allowed, the city does not want to require a park strip if there is not one already there, and limiting the coverage amount of concrete or black top to 10-25%.

Mr. Harland asked for suggestions on how to enforce existing park strips that have large boulders and trees. Ms. Daniels commented on commercial park strips and if the city would be able to require a landscaping plan when an application is made for a Conditional Use Permit or a business license. Mr. Markham made note that other

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cities that he has worked with have a minimum number of trees required to be planted on the property in certain places throughout the yard. Ms. Daniels asked if when a property is sold, the new residents are made aware of what the landscaping requirements are. Mr. Markham noted that it would be hard to know and keep up with the sale of all homes. Mr. Harland asked if the city still plants trees in the park strips. Staff indicated that the city does plant trees in the park strips.

Mike Brown, 2885 South 7270 West, stated that he works for Murray City's Power Department and is acting as the city forester. He stated that the trees the city plants in the spring and fall are maples and pear trees, but they are looking to expand the list.

Mr. Harland asked Mr. Brown if the requirement was to have one tree per 30 feet of yard length, would the city be able to do that. Mr. Brown responded in the affirmative. Mr. Harland asked if the city forester works with the developers on enforcing the code. Mr. Brown responded in the affirmative. Mr. Harland asked Mr. Brown his opinion regarding the 10-25% coverage of landscaping. Mr. Brown responded that is appropriate.

Mr. Wilkinson pointed out that the proposed landscape ordinance would make it unlawful for any person to remove turf, trees or other forms of landscaping from park strips. Mr. Wilkinson also added that it might be a good idea to make a modification to get input from Community & Economic Development, city forester and city power crews, working together to improve and enforce the ordinance.

Ms. Daniels asked if the last sentence in the section noted as the letter "F" could be clarified on what happens when a tree dies. Mr. Wilkinson stated that there is a section of the code where it talks about replacing those trees. Mr. Brown stated that they won't take out a tree unless there is something wrong with it, or it is causing damage to the sidewalk. Mr. Harland asked if a tree on a residential park strips dies, does the city come out and cut it down. Mr. Brown responded that they maintain all the park strip trees including; trimming, removal, stumping and replanting.

Mr. Markham made note that it's difficult to come up with materials that would work in a park strip that are both attractive and a wise use of our resources. He stated that having trees in the community makes a substantial difference and the city should continue to require trees. Mr. Harland added that excessive water spraying on the sidewalk from sprinklers can be damaging to the pavement.

Jim Hendrickson, 266 Lindon Way stated he is representing the Murray Beauty & Shade Tree Commission. Mr. Hendrickson stated that he supports the proposed landscaping ordinance

Mr. Markham asked about the section C in the code stating that "all front yard unpaved areas not utilized for access or parking shall be landscaped in a similar manner". Mr. Markham stated that in his opinion there shouldn't be any unpaved areas for parking and that all parking areas should be paved and not dirt or gravel areas should be allowed for parking. Mr. Wilkinson responded this section could be better defined and that the intention is not to allow parking on lawn or dirt areas. Mr.

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Markham suggested having photographs at the next meeting that would show examples of different types of landscaping vegetation. Mr. Wilkinson responded that this proposal could incorporate similar photos as what is in the MCCD zoning district design guidelines showing examples of approved types of vegetation. He stated that often times the park strips are simply a result of evidence of care or lack of care by the residents and not so much as the types of landscaping. Mr. Wilkinson stated that what they are really concentrating on are trees. The other sections on landscaping are vague with the terminology such as "low growth". The only requirement right now in the new ordinance is trees.

Mr. Hendrickson stated that one of the problems with having concrete is that people end up using those for parking spaces. Unfortunately in so doing, cars end up overlapping on the sidewalks. He feels that the city really needs to be careful on what they allow when it comes to concrete. Mr. Markham made note that he wasn't suggesting concrete on the park strips, but instead on the front lawn area of a residence. Mr. Markham stated that he agrees 100% that there needs to be vegetation in lieu of impervious materials on the park strips. It is necessary for vegetation if utilities need to be accessed.

Mr. Wilkinson then showed the Planning Commission photos of park strips throughout the city. Mr. Wilkinson made note that one of the issues that has not been addressed in the ordinance is how much concrete if any may be used. Ms. Mackay suggested that a friendly mailing goes out to all residents educating them about the landscaping ordinance for residential, commercial and park strips. Mr. Wilkinson stated that part of the problem right now is that there is not a clear standard out there and that is what needs to be clarified before they proceed with anything else. It's tough because it has already been established as a policy in the city that park strips will be required in subdivisions. Mr. Markham asked if standards from other cities and municipalities have been looked at. Mr. Wilkinson stated that the city has looked at other cities and their ordinances. Mr. Harland made note that it would be helpful if staff could put together a comparison from other cities for the commission to look at.

Mr. Woodbury suggested that a note/reminder could be left on the bottom of the power bill that informs residents of the ordinance. Ms. Mackay mentioned that it may be easier to list what is not allowed rather than what is allowed. Mr. Wilkinson started making note of what the Planning Commission would like to see prohibited; rocks, all forms of cacti, sculptures and spiny succulents. Mr. Wilkinson made mention that with the MCCD there are design guidelines and a design review process. What makes this ordinance a judgment call is it is through general application through the city. Mr. Woodbury reiterated the suggestion of making a list of recommended and approved items and a list of what items are prohibited. Ms. Mackay added that it would be nice to provide a free consultation for those residents that might need to change what they currently have. She also wanted to know who writes the new law on enforcing these things. Mr. Wilkinson stated that would be the job of the Planning Commission. Mr. Woodbury noted that he is in agreement with Ms. Mackay in that the first step is in awareness.

Mr. Wilkinson recommends that there be discussion on this ordinance again at the August 2, 2012 Planning Commission meeting.

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Mr. Harland closed the public portion of the meeting.

Ms. Daniels made a motion to continue the public hearing on the Landscape Ordinance Text Amendment until the August 2, 2012 Planning Commission meeting.

Mr. Markham seconded the motion.

A voice vote was made. Motion passed 6-0.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development

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
- Increase flexibility in design/materials
- Add requirements for interior parking lot landscaping

- Address Xeriscaping

Some of the proposed changes include:

Switch from a minimum percentage of turf or lawn to a specific number of trees/shrubs and groundcover— changing the requirement from a percentage of turf and lawn 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.

Allow ground cover in addition to turf/sod—allowing the option for ground cover instead of turf/sod will address a concern raised by applicants to allow water efficient alternatives. Some ground covers require much less water to sustain and require less maintenance.

Allow berms two (2) feet or smaller—Berms have not been allowed in the past because they limit visibility for the ingress/egress of vehicles. Allowing them at a limited height of two (2) feet will allow for some increased design options, and still maintain the visibility.

Requiring interior parking lot landscaping if the parking lot requires fifty (50) or more parking spaces—Staff feels that this requirement (in addition to the minimum distance requirement for landscaping from parking) will do even more to reduce the visual impact of parking and pavement. Adding a requirement for landscaping within parking lots will reduce the visual impact of parking and pavement.

Staff recommends that the planning commission review the proposed changes to the ordinance and provide feedback. Staff recommends the public hearing be continued in order to provide additional analysis and incorporation of feedback from the commission.

Mr. Wilkinson stated that often times citizens' mistake xeriscape for "zero scape" landscaping, which is not acceptable. He stated that even xeriscape must have a sprinkling system which is typically a drip system. He cited the example of the Intermountain Medical Center which has numerous xeriscaping on the site. There is good coverage with water conserving materials and sprinkling system. He stated that one possibility for applications is to require a certified landscape architect stamp the plans for new buildings over 4,000 sq.ft., and possibly also having a requirement for projects over a certain amount of acreage. The idea behind this is to give the smaller business owner a break on costs for not requiring plans to be stamped by a landscape architect.

Mr. Wilkinson explained another proposed change is to have the review authority be changed from the City Forester in the Power Department to the Community & Economic Development Division. He stated that for this reason it would be helpful to have professional certification for the larger projects.

Mr. Wilkinson stated that the current code allows for much flexibility in plant material and that it would be nice to have more specific criteria regarding the number of trees, shrubs, etc for a project specifically along the street frontage. He stated that Murray

City is a “tree city” USA and the requirement for trees is referred to in the General Plan and is an important element to the city. This proposed change will provide specific criteria for projects and more consistency.

Mr. Harland stated that by requiring certain sprinkling systems and ground cover as opposed to turf and also having a drip system will provide for more efficiency in water usage. He stated that drip systems also help with maintenance issues caused by overspray onto asphalt and fences, etc.

Ms. Mackay commented that by having more and larger trees it provides additional shading which then requires less water usage.

Ms. Daniels commented that when uses are allowed by conditional use, it requires the property to be brought into compliance with the current code, but in the case where properties do not change uses for many years, those properties remain out of compliance and it is very noticeable which properties are in compliance and which properties are out of compliance. She commented that it would be nice to have a mechanism to require properties to be updated in the case where many years go by without any changes to the business use.

Mr. Wilkinson stated that one of the proposed changes is the requirement for landscaping in larger parking lots. The proposal is that where there are parking lots with 50 or more parking stalls it would require a minimum 162 sq.ft. cap of landscaping at the end of the parking stalls which is equal to one 9'X18' parking stall. Another scenario would be to have a landscape area for every 75 feet in the parking lot. Mr. Wilkinson stated that the Murray Shade tree Commission suggested having a minimum of 5 feet width of landscaping in the island areas to allow adequate room for tree root growth. Ms. Mackay stated she had observed parking lots that have interior landscape islands and that they appear much nicer aesthetically.

Tim Taylor suggested changing the wording for tree spacing to be 3 feet from the curb rather than 3 feet from the parking space. He suggested having the landscaping width be 8-9 feet where if it is 10 feet it starts to off-set the other parking stalls. He suggested the wording be 9 feet width inclusive of curb. He suggested having the “exemptions” section closer to the beginning in the landscaping code.

Mr. Harland recommended having deep rooted trees rather than lateral rooted trees in the island landscaping areas. Mr. Wilkinson stated that ever green trees are prohibited in small spaces because their root systems are more lateral roots. He stated that the code should allow for properties where there is mature landscaping and the ability for those businesses to maintain that mature landscaping.

The commission members were in agreement that the draft landscaping ordinance is a good ordinance and that it should be brought back at the July 19th meeting.

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

Karen Daniels made a motion to continue the public hearing on the landscaping

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ordinance text amendment to the July 19th, 2012 Planning Commission meeting for further review. Seconded by Vicki Mackay.

Call vote recorded by Mr. Wilkinson.

A Jim Harland
A Karen Daniels
A Tim Taylor
A Vicki Mackay
A Scot Woodbury

Motion passed, 5-0.

OTHER BUSINESS

There were no other business items.

Meeting adjourned.



Chad Wilkinson, Manager
Community & Economic Development

Mr. Black made a motion to approve a Conditional Use Permit for a blood plasma collection center for the property addressed 5414 South 900 East, subject to the following conditions:

1. The project shall meet all applicable building code standards. The Building Official requires stamped and sealed plans by appropriate design professionals to include code analysis and egress plan.
2. The project shall meet all current fire codes.
3. All trash containers shall be screened as required by Section 17.76.170.
4. Comply with Salt Lake County Health Dept. approval and permits.
5. All of the parking stalls shall be paved and striped, including disabled stalls with signs, to comply with the parking ordinance and ADA regulations.
6. The two electric meters shall be combined onto one meter for a single unit as required by the Murray Power Department.

Ms. Mackay seconded the motion.

Mr. Harland asked Mr. Bowman if he is willing to comply with all the conditions. Mr. Bowman responded in the affirmative.

Call vote recorded by Mr. Wilkinson.

A Ray Black
A Vicki Mackay
A Jim Harland
N Phil Markham

Motion passed, 3-1.

Mr. Bowman asked what the process is for them from here on out. Mr. Wilkinson stated that there is an appeal period of 30 days from the written decision. There is nothing that would prevent the applicant from moving forward. This is the recorded decision unless it is appealed within 30 days.

DISCUSSION ITEMS

LANDSCAPING ORDINANCE AMENDMENT – Chapter 17.68 - Project 11-28

Mr. Wilkinson reiterated that this was an ordinance discussed with the Planning Commission 5 or 6 months ago. Not only did Staff feel that there were inconsistencies within the Landscaping Ordinance, but developers/applicants in the industrial zone requested that Staff look into xeriscaping as an option for that zone. Examples were shown to the Board members with all the different forms of landscaping that is allowed with the current ordinance and the wide disparity between shrubs, turf, ground cover,

etc. This amendment allows for some flexibility for developers, but it also brings up the question of what the minimum requirement should be. An example of the language that Staff would like to see would be to require "X" amount of trees per 100 linear feet of frontage, allow some clustering, allow minimum of 5 gallon and 1 gallon shrubs per 100 linear feet as well as ground cover and mulch type treatments.

Mr. Wilkinson asked for discussion and input from the Board in regards to parking lot landscaping. The proposed text would require parking islands on the end of each row of parking stalls. This would only apply to parking lots with 50 spaces or greater. Another option would be to require landscaping to be a certain linear distance from every parking space which would evenly distribute landscaping throughout the site.

Mr. Harland asked if this was to be based on minimum percentages. Mr. Wilkinson stated that there were two options, one being a minimum percentage of coverage, the other being a minimum square footage of landscaping. Mr. Harland expressed that he likes the idea of having the landscaping dispersed among a large open area. Ms. Mackay expressed that she does not like that look, but does like having the landscaping at the end of the rows. Mr. Harland asked who would be monitoring the landscaping. Mr. Wilkinson stated that the City Forester approves the plans. Previously there has been some expertise at the Power Department, but that no longer exists. Both Mr. Harland and Mr. Markham stated that they feel there needs to be a landscape architect overseeing this new ordinance. Mr. Wilkinson responded by saying that monitoring would predominately done by community development staff working in conjunction with the landscape architect on the developers side. One possibility would be to have stamped landscape architect plans, but that has not happened as of yet. Another option may be to have a landscape architect certify that the plan the developer has made will work and will have sufficient water, etc. There would be a bit of a pushback on some of the smaller projects.

Mr. Markham asked if there could be some kind of minimum size requirement before any regulations require a landscape architect kick in. Ms. Mackay stated she doesn't want to see a large expense such as requiring a landscape architect for some of the smaller businesses.

Mr. Harland added that the possibility of having a required minimum size and value might work better for the smaller businesses. Mr. Wilkinson stated that when an applicant walks in the door, they should know what each person is going to require of them.

Mr. Markham asked if there regulations concerning residential landscaping. Mr. Wilkinson mentioned that there have been previous discussions regarding park strips and there will be more discussion in the future. There are some proposed standards for that which would require vegetative material. The issue that they want to make sure is addressed, pertains to xeriscaping. It is important that just because that type of landscaping uses less water it is still maintained and not ignored.

Mr. Black mentioned that there are various businesses that lease space and he feels that part of the responsibility of the landscaping should fall on the actual property owner.

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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

1. The project shall meet all applicable building code standards. The applicant shall provide plans stamped and sealed by appropriate design professionals to include soils report at time of submittal for a building permit.
2. The project shall meet all current fire codes.
3. A formal landscaping plan, meeting the requirements of Chapter 17.68 of the Murray Municipal Code, shall be submitted and approved by the Murray City Forester and shall be installed as approved prior to occupancy.
4. Any use of trash containers shall be screened as required by Section 17.76.170.
5. A 6 foot high solid masonry wall is required to be installed at the west side of the property adjoining the residential zone to comply with fence code.
6. Adequate parking shall be provided on the site for the business uses to meet Municipal Code 17.72.
7. Repair or replace of any damaged sidewalk, and curb & gutter along the property frontage.
8. Comply with all Murray Water and Sewer Department requirements.
9. Comply with Murray Power department requirements.
10. A formal drainage plan is required for approval by the Murray City Engineer.
11. UDOT approval is required for any drive access changes on 900 East Street. The applicant shall provide the City a copy of the shared drive access agreement with permit application for the project.
12. Exterior lighting shall be shielded and be directed down and away from the residential zone properties to the west.

Mr. Harland seconded the motion.

Call vote recorded by Ray Christensen.

A Jim Harland
A Tim Taylor
A Jeff Evans
A Ray Black

Motion passed, 4-0.

Other Business - Landscape Ordinance Discussion

Chad Wilkinson, Manager of Community Development addressed four complaints

made in 2010 regarding residential landscaping standards:

1. Certain sections of the residential code that were not clear, particularly the issue of planter strips.
2. The next complaint was in regards to the industrial zoning district. Several property owners have requested to use xeriscaping as an alternative to lawn and trees.
3. Consistency relating to the landscape ordinance through interpretation and enforcement.
4. Reorganization within the city has changed the personnel that are available to be involved in the approval and enforcement of landscaping ordinances.

Mr. Wilkinson said that these issues have prompted staff to have a discussion on proposing some changes in the Landscaping Ordinance. Mr. Wilkinson introduced Sheldon Howa, Intern with the Community & Economic Division, and a student at the University of Utah. Mr. Howa presented the proposal for the commercial aspect of the Landscape Amendment. In that proposal there would be a minimum standard for the number of trees per landscaping. The proposal would be for a minimum of 1 tree per 500 square feet as well as 5, five-gallon shrubs and 10, one-gallon shrubs per 1000 square feet of landscaping. This will provide developers, property owners and Murray City a guideline when designing plans along frontages. A sample rendering was shown for a property that had 271 feet of street frontage along one side and 41, 85 and 22 (minus the curb cuts) along the other. Mr. Howa explained requirements for size and number of trees. Under the new Landscaping Ordinance proposal this particular site would require 9 street trees, 20, five gallon shrubs and 40, one gallon shrubs, planted in either a linear fashion or in a grouping. This form of landscaping will provide a buffer between the buildings and the street and provide some consistency throughout the city. Examples were shown of both Murray City and surrounding areas, including some xeriscaping.

Mr. Harland asked if the xeriscaping option was only for the M-G-C. Mr. Wilkinson responded by saying that the proposal is for all zoning areas. Mr. Harland asked if there were any criteria to be followed with the xeriscaping to which Mr. Wilkinson responded by saying that there really isn't any guidance on the xeriscaping at this point. Mr. Harland asked if there was any kind of enforcement for when landscaping dies and what tools are in place to make sure that there is enforcement. Mr. Wilkinson responded that the enforcement comes when there is an application for a building permit, business license application or a neighbor complaint. At that time, landscaping issues must be corrected. This proposal is really about addressing the varied discretion in the landscaping code and promoting some consistency.

Mr. Christensen commented on the residential and park strip areas. Examples of different residential properties were shown to the commission. He commented that it would be nice to give property owners some flexibility on what they are allowed to do with landscaping, but there is too much inconsistency when that is done. Examples of park strips were shown. Because there was a complaint on a property, staff has opened the review on residential landscaping and what is appropriate and what is not. Current code only deals with trees, but doesn't specify what is to be put in park strips. The ordinance that is being proposed would require similar landscaping materials that

are used on their residential property. It was suggested that 85% of the park strip would be landscaped and the rest could be rocks or other materials instead of just paving or solid rocks. Current code for residential requires that a new home owner would have to put the front yard in within one year of occupancy, but there are no specific ordinances to specify how many trees or plant material they need to use or even limiting how much concrete, rock or asphalt are allowed.

Mr. Wilkinson clarified that the xeriscaping is specific to the M-G-C zone and is where Staff would like to expand on that type of landscaping. The proposal is asking if the commission would want to consider that as an option for the industrial areas as well as other areas. The proposed ordinance is for the C-D-C zones and talks about xeriscaping as an option along with the minimum number of trees and shrubs per square foot. Mr. Wilkinson asked for feedback.

Mr. Taylor suggested including a weed blocking tarp or barrier would be appropriate. Mr. Harland commented that it seems years after someone has put in xeriscaping, it turns into a weed patch. He commented that he feels xeriscaping would be good to have as an option and very appropriate, but having a follow up is the key to its success. At this point the City is not prepared to monitor that. The city has hired a Forester that handles tree trimming, but it is unclear if he has the expertise in handling the landscaping architecture and horticultural aspects of enforcing the code. Mr. Wilkinson brought up that allowing the xeriscaping option in the proposed commercial ordinance would simplify enforcement and plan review. The proposal would provide a guideline for final inspection. Some cities have their landscaping plans drawn up by a Landscape Architect that certifies that the project will meet all the requirements. This would add some costs to the applicant, but it's another option. Murray is "Tree City USA" and over the years there has been a decline in the number of trees that are required per our current code. In this proposal there are minimums set for number of trees in commercial zones. The commission indicated they are in favor of having a minimum as well as allowing an option for xeriscaping with guidelines.

Mr. Harland asked if the City Council enacted this ordinance, would everyone else be grandfathered in. That would be a good question for the residential properties. However, when it comes to the park strips which are City right of way, the City does have the ability to regulate those in areas of design, plant selection and enforcement. With this proposal if there was an expansion or anything that would require a building permit, the property owner would be required to follow code or have a certain period of time to do so. Mr. Harland then brought up a scenario; if the City is responsible for a park strip and large boulders were part of the landscape, a car runs into one and the person(s) is either severely injured or killed. Would there be a safety or liability issue for the City? Mr. Wilkinson responded by saying that it is a very important issue to look at and should be taken into consideration. Mr. Wilkinson added that the next step in this process will be to go to the Shade Tree Commission and get their recommendation as well as putting together a stake holder task force group with landscaping professionals to provide some opinions. One way to address that would be to give a palette of typical things to do with xeriscaping. Another way to address it would be to establish "X" number of coverage or get a landscape architect certification letter stating that it has been designed according to code and it will work. Mr. Evans mentioned looking into issues such as drainage or even taking a look at how St.

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George or some of the suburbs of Phoenix handle their xeriscaping design. Mr. Harland agreed that having a Landscaping Architect is a good idea for the sizable projects. Mr. Wilkinson concluded in saying that the by January or February of 2012 these items talked about will be brought up in a proposed ordinance for the Commissions consideration. Mr. Harland suggested that they include some citizens in any task force that may be set up.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development

near 5300 South and State Street and that there has been concern over changes in her neighborhood as well. She said that everyone worked hard for a number of months to ensure that the R-N-B zone was appropriate and would be a transition into adjacent neighborhoods. She stated that businesses in this zone contribute to the neighborhood.

RaNae Ledingham, 4245 South 3720 West, stated that she doesn't intend to change the structure. She intends to have the property look like a beautiful home.

Mr. Taylor closed the public comment portion of this item.

Mr. Harland stated that he lives on the other end of 725 East near 5900 South. He said that this area is not adjacent to an R-N-B zone and there are a number of accidents on that corner every year. He stated that changing zoning designations one lot at a time will probably not significantly impact traffic accidents.

Karen Daniels made a motion to forward a positive recommendation of approval to the City Council for the requested zone change from R-1-8 to R-N-B for the property located at 759 East Winchester Street. Seconded by Jim Harland.

Call vote recorded by Chad Wilkinson.

A Ms. Daniels
A Mr. Harland
A Mr. Taylor
A Ms. Van Bibber

Motion passed, 4-0.

Mr. Taylor asked Mr. Tingey when this item will go before the City Council. Mr. Tingey responded that it will be near the end of May or first part of June. Mr. Tingey confirmed that notices will be sent indicating the date of the meeting.

LAND USE ORDINANCE AMENDMENT – Landscaping Requirements Text
Amendment – Project #11-28

Tim Tingey, Community & Economic Development Director, presented this proposal. The proposed text amendment to Murray City Municipal Code Section 17.68.040 relates to landscaping in the Manufacturing General Zone. Municipal Code Section 17.68.060 and Municipal Code 16.16.140 relate to residential landscaping requirements. He said that currently the zoning ordinance requires a percentage of grass or ground cover in manufacturing general areas. He stated that there have been meetings with the Shade Tree Commission and input from City Council members related to having a landscaping option in these areas for xeriscaping. Mr. Tingey said that with xeriscaping there would still be a requirement for some plants and similar materials. In relation to residential landscaping, staff has reviewed both the zoning ordinance and subdivision ordinance. He stated that in order for the ordinances to remain consistent there are proposed modifications for both. He said that the residential component contains some wording to require that landscaping is

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watered and maintained and includes grass and groundcover elements. Xeriscaping will be allowed in residential areas as well, and all landscaping shall be watered and maintained in a neat and orderly fashion. Mr. Tingey said that another requirement involves the park strip area abutting the street and states that this area should be landscaped, watered and maintained. He said that the park strip should contain lawn or low growth plant materials. Staff is recommending that the Planning Commission forward a recommendation of approval of these changes to the City Council.

Mr. Taylor opened the public hearing portion of this item. No comments were made by the public and the public hearing was closed.

Karen Daniels made a motion to send a positive recommendation to the City Council for the proposed amendments to Municipal Code Section 17.68.040, Section 17.68.060, and Section 16.16.140 pertaining to landscaping regulations. Seconded by Sheri Van Bibber.

Call vote recorded by Chad Wilkinson.

A Mr. Harland
A Ms. Van Bibber
A Ms. Daniels
A Mr. Taylor

Motion passed, 4-0.

Meeting adjourned.


Tim Tingey, Director
Community and Economic Development

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SCHEDULE	
Start 07/08/2012	End 07/08/2012
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CAPTION	
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TIMES	RATE
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amend.

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that on the 19th 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 a land use ordinance text amendment to Section 17.68 relating to Landscaping Standards.

MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
805469 UPAULP

AFFIDAVIT OF PUBLICATION

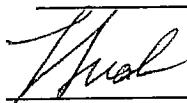
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 19th day of July, 2012, at the hour of 6:30 p.m. of said day in the Council FOR MURRAY CITY RECORDER, WAS 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 07/08/2012

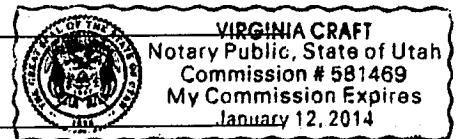
End 07/08/2012

SIGNATURE



DATE

7/9/2012



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



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

The Salt Lake Tribune

WWW.SLTrib.COM

MEDIA One
of Utah
A NEWSPAPER AGENCY COMPANY
WWW.MEDIAONEUTAH.COM

Deseret News
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

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

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012642660	0000801867 /
SCHEDULE	
Start 06/24/2012	End 06/24/2012
CUST. REF. NO.	
Landscaping	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
23 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD. CHARGES
TOTAL COST	
43.64	

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

FILE COPY

Landscaping
text
amendment

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 a land use ordinance text amendment to Section 17.68 relating to Landscaping Standards.
MURRAY CITY CORPORATION
Chad Wilkinson, Manager
Community & Economic Development
801867 UPAXLP

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

The Salt Lake Tribune
www.sltrib.com

MEDIAOne
OF UTAH
A NEWSPAPER AGENCY COMPANY
www.mediaoneutah.com

Deseret News
www.deseretnews.com
COPY
CUSTOMER'S COPY

PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	4/11/2011

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	ADORDER# / INVOICE NUMBER
8012642660	0000680041 /
SCHEDULE	
Start 04/10/2011	End 04/10/2011
CUST. REF. NO.	
Landscaping txt chng	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
33 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
60.44	

MURRAY CITY CORPORATION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 21st day of April, 2011, 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 on a land use ordinance text amendment to Section 17.68.040, & 17.68.060, & Section 16.16.140 relating to Landscaping in the Manufacturing General (M-G) Zone and relating to residential landscaping requirements. The purpose of this public hearing is to receive public comment concerning the proposed land use ordinance text amendment as described above.

MURRAY CITY CORPORATION
B. Tim Tingey
Community & Economic Development Director
68041 UPAFLP

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 21st day of April, 2011, 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

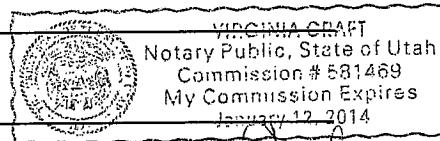
Start 04/10/2011

End 04/10/2011

SIGNATURE

DATE

4/11/2011



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

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

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

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

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

HOLLADAY CITY
PLANNING DEPT
4580 S 2300 E
HOLLADAY UT 84117

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

GENERAL PLAN MAILINGS:
(in addition to above)

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

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

MIDVALE CITY
PLANNING DEPT
655 W CENTER ST
MIDVALE UT 84047

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

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

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

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

UTAH AGRC
STATE OFFICE BLDG #5130
SLC UT 84114

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

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

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

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

CENTRAL UTAH WATER DIST
355 W UNIVERSITY PARKWAY
OREM UT 84058

SANDY CITY
PLANNING & ZONING
10000 CENTENNIAL PRKwy
SANDY UT 84070

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

Order Confirmation for Ad #0000846536-01

Client	MURRAY CITY CORP.	Payor Customer	MURRAY CITY CORP.	<u>Ad Content</u>	<u>Proof</u>	<u>Actual Size</u>
Client Phone	801-264-2662	Payor Phone	801-264-2662	Murray City Corporation NOTICE OF PUBLIC HEARING		
Account#	9001344649	Payor Account	9001344649	NOTICE IS HEREBY GIVEN that		
Address	5025 S STATE ST ROOM 113 MURRAY UT 84107 USA	Payor Address	5025 S STATE ST ROOM 113 MURRAY UT 84107	on the 8th day of January, 2013, at the hour of 6:30 p.m. of said day in the Council Chambers of Murray City Center, 5025 South State Street, Murray, Utah, the Murray City Municipal Council will hold and conduct a hearing to consider an Ordinance amending Sections 17.08.020, 17.68.020, 17.68.030, 17.68.040, and 17.6.050 of the Murray City Municipal Code relating to landscaping requirements.		
Fax		Ordered By		The purpose of this hearing is to receive public comment concerning the proposed zoning ordinance amendment as described above.		
EMail	aromanczyk@murray.utah.gov	Andrea	kstowe			
Total Amount	\$62.12					
Payment Amt	\$0.00	<u>Tear Sheets</u>	<u>Proofs</u>	<u>Affidavits</u>		
Amount Due	\$62.12	0	0	1		
Payment Method		<u>PO Number</u>	PH 12-36 2013 Jan 8			
Confirmation Notes:						
Text:	Andrea					
Ad Type	Ad Size		Color			
Legal Liner	1.0 X 34 Li		<NONE>			
Product	Placement		Position			
Salt Lake Tribune::	Legal Liner Notice - 0998		Public Meeting/Hear-ing Notices			
Scheduled Date(s):	12/24/2012					
Product	Placement		Position			
Deseret News::	Legal Liner Notice - 0998		Public Meeting/Hear-ing Notices			
Scheduled Date(s):	12/24/2012					
Product	Placement		Position			
sltrib.com::	Legal Liner Notice - 0998		Public Meeting/Hear-ing Notices			
Scheduled Date(s):	12/24/2012					
Product	Placement		Position			
utahlegals.com::	utahlegals.com		utahlegals.com			
Scheduled Date(s):	12/24/2012					

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.)

ESTABLISHING AN EMPLOYEE OF THE MONTH PROGRAM

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 January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy? Yes

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) _____

Other (explain) _____

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

2013 Fiscal Year Budget amount of \$996

5. RELATED DOCUMENTS: (Attach and describe all accompanying exhibits, minutes, maps, plats, etc.)
Resolution, program description, monthly department selections, finance plans, submittal form.

6. REQUESTOR:

Name: Brett Hales

Title: Council Member, District 5

Presenter: same

Title: same

Agency: Murray City Council

Phone: 801-264-2622

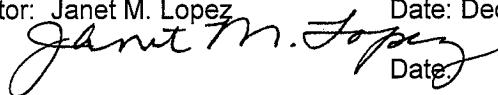
Date: December 26, 2012

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: Janet M. Lopez Date: December 26, 2012

Mayor: N/A



Date: _____

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES:

RESOLUTION _____

A RESOLUTION ADOPTING THE EMPLOYEE OF THE MONTH
RECOGNITION PROGRAM

WHEREAS, the Murray City Municipal Council (“Council”) recognizes and appreciates the dedication and hard work of the City employees; and

WHEREAS, the Council wants to express its appreciation to the City employees through an Employee of the Month Recognition Program; and

WHEREAS, the Employee of the Month Recognition Program would include placing the recognized Employee’s name on a plaque, a gift card of not to exceed \$50.00 and an acknowledgement at a scheduled Council meeting.

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

1. It hereby establishes an Employee of the Month Recognition Program (the “Program”) as specified in Appendix “A” attached hereto and incorporated herein by reference.
2. Under the Program, a City Department will submit to the Council the name of the Employee to be acknowledged in the month indicated on the chart in Appendix “A”.
3. The recognized Employees would have their names placed on a plaque, receive a gift card of not to exceed \$50.00 and be acknowledged at a scheduled Council meeting.
4. The total expense for the Program is \$996.00 which is appropriated in the fiscal year 2012-2013 budget.

DATED this 8th day of January, 2013.

MURRAY CITY MUNICIPAL COUNCIL

Council Chair

ATTEST:

Jennifer Kennedy, City Recorder

APPENDIX "A"

MURRAY CITY MUNICIPAL COUNCIL
EMPLOYEE OF THE MONTH RECOGNITION

Beginning in January of 2013 the Murray City Municipal Council will recognize and honor one employee every month for their outstanding service and commitment to excellence on behalf of the citizens of Murray City. We salute the enthusiasm, perseverance and dedication shown by our loyal employees and will use this criteria as a standard in selecting those individuals to be singled out and recognized each month.

It is only with the very impressive and distinguished service of Murray City employees that we are able to fulfill the City Mission to "promote a high quality of life by providing superior governmental services in a professional, friendly, innovative and proactive manner."

Each recipient will be honored in a City Council Meeting and have their name added to a plaque, which will be proudly displayed in the Council Chambers.

Department Heads will submit to the Council Office a worthy person to be acknowledged in the month indicated on the chart below.

MONTH	DEPARTMENT
January	Administrative & Dev Services – Tim Tingey
February	Police – Pete Fondaco
March	Fire – Gil Rodriguez
April	Public Services – Doug Hill
May	Power – Blaine Haacke
June	Attorney & Courts – Frank Nakamura
July	Library, HR & Finance – Please coordinate
August	ADS – Tim Tingey
September	Police – Pete Fondaco
October	Fire – Gil Rodriguez
November	Public Services – Doug Hill
December	Power – Blaine Haacke

Proposed Expenses for the Employee of the Month Recognition. Updated 11.14.12

Plaque from Joe's Trophies	one time	\$125	
Monthly name inscribed	$\$6 \times 12$	=	\$96
Monthly Gift Card	$\$50 \times 12$	=	\$600
Total Annual Expense			\$996

We have \$28,577 left in our Consultant Services line item that can be transferred to the Miscellaneous line item account for these expenses on the Employee Recognition.

EMPLOYEE OF THE MONTH RECOGNITION

DEPARTMENT:

NAME:

DIVISION AND JOB TITLE:

YEARS OF SERVICE:

REASON FOR RECOGNITION:

COUNCIL USE:

MONTH/YEAR HONORED

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)

ELECTION OF CHAIR AND VICE CHAIR OF THE MURRAY CITY MUNICIPAL COUNCIL FOR THE YEAR 2013.

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

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

Council Meeting OR Committee of the Whole

Date requested: January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain)

Other(explain): **Nomination and voice vote**

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.)

Rules of the Murray City Municipal Council

6. REQUESTOR:

Name: Janet M. Lopez

Title: Council Administrator

Presenter: Dave Nicponski, conducting

Title: Council Member District 1

Agency: Murray City Council

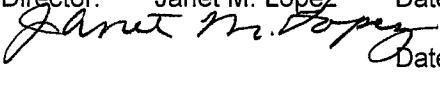
Phone: 801-264-2622

Date: December 26, 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: Janet M. Lopez Date: December 26, 2012

Mayor: N/A  Date:

8. COUNCIL STAFF: (For Council use only)

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

Recommendation: _____

9. NOTES: 2012 Chair: Jim Brass Vice Chair: Jared Shaver

RULES OF THE MURRAY CITY MUNICIPAL COUNCIL MURRAY CITY CORPORATION

Adopted January 5, 1982. Re-adopted February 23, 1988. Amended April 26, 1988. Amended August 23, 1988. Amended April 25, 1989. Amended July 11, 1989. Amended December 12, 1989. Amended January 28, 1992. Amended January 25, 1994. Amended August 23, 1994. Amended July 11, 1995. Amended March 10, 1998. Amended June 9, 1998. Amended September 21, 1998. Amended January 4, 2000. Amended January 16, 2001. Amended May 15, 2001. Amended January 8, 2002. Amended April 29, 2003. Amended November 13, 2007. Amended October 7, 2008, October 20, 2009. Amended November 17, 2009.

I. INTRODUCTION

- A. Function of Rules. These Rules shall be the governing procedures of the Murray City Municipal Council, hereafter referred to as the Council.
- B. Adoption. The Council shall adopt these Rules in a regular Council meeting.
- C. Amendment. Any member of the Council may propose amendments to these Rules. Amendments of more than ten words shall be submitted in writing to Council members. Amendments shall be approved by a two-thirds vote of the entire Council in either the Committee of the Whole Meeting or the Council Meeting.
- D. Suspension. The Council may suspend the Rules by a two-thirds vote of Council members present.
- E. Availability. Current copies of the Rules shall be provided to each Council member and to the Mayor. Copies shall be available in the Council Office for City employees and interested citizens.

II. ORGANIZATION

- A. Chair. A Chair shall be elected for each calendar year by majority vote of the Council in the first regular Council meeting in January.

The Chair shall be a member of the Council and its presiding officer, sign all ordinances, resolutions, and official correspondence, supervise staff, issue Council-approved press releases, represent the Council at meetings, and represent the Council at official ceremonies where required, and shall serve as official spokesperson for the Municipal Council. The Chair shall also perform all other such duties prescribed by these Rules.

- B. Vice-Chair. A Vice-Chair shall be elected for each calendar year by majority vote of the Council in the first regular meeting in January.

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

- C. Vacancy in Office of Chair. In the event that the Chair shall vacate his/her office for any reason before the term has expired, the Vice-Chair shall become Chair for the remainder of that term.

- D. Vacancy in the Office of Vice-Chair. In the event that the Vice-Chair shall vacate his/her office for any reason before his/her term has expired, the Council members, by a simple majority vote, shall elect a Vice-Chair to complete the term at the first regular Council meeting following the vacancy announcement.

New Business

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)

ELECTION OF CHAIR and VICE CHAIR OF THE BUDGET & FINANCE COMMITTEE for MURRAY CITY for the YEAR 2013.

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

Responsive and Efficient City Services

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

Council Meeting OR Committee of the Whole

Date requested: January 8, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain)

Other(explain): **Nomination and voice vote**

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.)

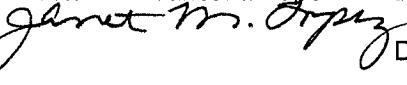
Rules of the Murray City Municipal Council

6. REQUESTOR:

Name: Janet M. Lopez Title: Council Administrator
Presenter: Dave Nicponski, conducting Title: Council Member, District 1
Agency: Murray City Council Phone: 801-264-2622
Date: December 26, 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: Janet M. Lopez Date: December 26, 2012

Mayor: N/A  Date:

8. COUNCIL STAFF: (For Council use only)

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

9. NOTES: 2012 Chair: Jared Shaver Vice Chair: Brett Hales

E. Committees. The Council shall have two standing committees: (1) Committee of the Whole and (2) Budget Committee.

The Budget Committee will convene exclusively for (1) meetings held to consider the budgets annually, (2) mid-year budget reviews, and (3) meetings held to consider reopening the budget.

The Budget Committee shall have a subcommittee to be known as the Audit Committee whose function and purpose shall be to meet with the independent auditors concerning audit and accounting issues of the City and its various funds. The Director of Finance and Administration shall be an ex officio member of this committee.

Members of the Audit Committee shall be as follows:

1. Chair of the Budget and Finance Committee who shall be Chair of the Audit Committee;
2. Vice Chair of the Budget and Finance Committee;
3. Director of Finance and Administration;
4. Other members as appointed by the Chair of the Audit Committee, not to exceed three in number.

The Committee of the Whole shall be the forum for all other committee meetings.

F. Committee Membership. Each Council member shall be a member of both standing committees. The membership of ad hoc committees shall be determined by the Council at the time such committees are created.

G. Committee Chairmen. Committee Chairmen shall be as follows:

1. The Council Chair shall serve as the Chair of the Committee of the Whole.
2. The Council Chair shall serve as Chair in the event that the presiding officer is incapacitated due to illness or is otherwise unable to attend a Council meeting.
3. A Chair and Vice Chair of the Budget and Finance Committee shall be elected for a term of one year. These chairmen shall be elected in the same meeting in which the Council Chair and Vice Chair are elected. The term of office shall run from January 1 to December 31.

H. Association of Municipal Councils Board Member. A member of the board of the Association of Municipal Councils/Salt Lake County Council of Governments shall be elected for a term of two years. This representative shall be elected in the same meeting in which the Council Chair is elected. The term of office shall run from January 1 of the first year to December 31 of the second year.

I. Library Board of Directors Ex-Officio Member. An ex-officio member to the Library Board of Directors shall be elected for a term of one year in the first regular Council meeting in January. The term of office shall run from January 1 through December 31.

J. Absences. Any Council member absent in excess of six times from council meetings and budget committee meetings (except those absences due to personal illness, urgent family matters or due to Council or personal business) shall forfeit whatever council leadership position that member holds. Any Council member exceeding these guidelines (1) may appeal the case to the Council and (2) the Council, by majority vote, may excuse any of the absences and waive the penalty. (See Murray City Code 2.06.060 for salary penalty relating to Council member absences).

Mayor's Report and Questions

Adjournment