

**MURRAY**  
CITY COUNCIL

# **Council Meeting**

## **March 5, 2013**



**AMENDED**  
**NOTICE OF MEETING**  
**MURRAY CITY MUNICIPAL COUNCIL**

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, March 5, 2013, at the Murray City Center, 5025 South State Street, Murray, Utah.

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

**1. Opening Ceremonies**

- 1.1 Pledge of Allegiance
- 1.2 Approval of Minutes

1.2.1 January 22, 2013

- 1.3 Special Recognition
- 1.3.1 None scheduled.

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

**3. Consent Agenda**

- 3.1 None scheduled.

**4. Public Hearings**

- 4.1 Public Hearing #1

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

Consider an ordinance amending Chapter 17.24 of the Murray City Municipal Code relating to Home Occupations.

4.1.2 Council consideration of the above matter.

**5. Unfinished Business**

- 5.1 None scheduled.

**6. New Business**

- 6.1 Consider an ordinance amending Sections 5.04.280, 5.08.010, 5.08.030, and 5.08.070 of the Murray City Municipal Code relating to Business License Fees. (Tim Tingey presenting.)

- 6.2 Consider an ordinance amending Chapter 2.66 of the Murray City Municipal Code relating to Elections. (Jennifer Kennedy presenting.)

- 6.3 Consider an ordinance amending Section 13.08.050 of the Murray City Municipal Code making technical changes necessitated by the recent amendment to the Water Connection Impact Fee schedule. (Frank Nakamura presenting.)
- 6.4 Consider an ordinance enacting Chapter 12.29 of the Murray City Municipal Code relating to No-Fault Golf Ball Claims. (Frank Nakamura presenting.)
- 6.5 Consider an ordinance amending Section 3.10.370 of the Murray City Municipal Code relating to evaluating the Lowest Responsive Responsible Bidder for building improvement and public works projects. (Dave Nicponski presenting.)
- 6.6 Consider a Resolution approving the City's Locally Preferred Alternative for the Taylorsville Murray Transit Project. (Tim Tingey presenting.)

**7. Mayor**

- 7.1 Report
- 7.2 Questions of the Mayor

**8. Adjournment**

**NOTICE**

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

**Council Members may participate in the meeting via telephonic communication. If a Council Member does participate via telephonic communication, the Council Member will be on speaker phone. The speaker phone will be amplified so that the other Council Members and all other persons present in the Council Chambers will be able to hear all discussions.**

On Friday, March 1, 2013, at 3:35 p.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov), and the state noticing website at <http://pmn.utah.gov>.

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Janet M. Lopez  
Council Administrator  
Murray City Municipal Council

# Council Minutes

# Murray City Municipal Council

## Chambers

### Murray City, Utah

**DRAFT**

The Municipal Council of Murray City, Utah, met on Tuesday, the 22<sup>nd</sup> day of January, 2013 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

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

Others who attended:

Daniel Snarr,	Mayor
Jan Wells,	Chief of Staff
Jennifer Kennedy,	City Recorder
Frank Nakamura,	City Attorney
Tim Tingey,	Administrative & Development Services Director
Justin Zollinger,	Finance Director
Pete Fondaco,	Police Chief
Craig Burnett.	Assistant Police Chief
Blaine Haacke,	General Manager, Power Department
Doug Hill,	Public Services Director
Susan Gregory,	Heritage Center
Mike Terry,	Human Resource Director
Pat O'Hara,	Murray School District
Wendell Coombs,	Treasurer
Gil Rodriguez,	Fire Chief
Trae Stokes,	City Engineer
Zachery Fountain,	Legislative Affairs
Rondi Knowlton-Jeffries,	Mayor's Office
Jennifer Heaps,	Administrative & Development Services
Kim Fong,	Library Director
Tyler Evans,	Police Department

Marvin Barlow,	Police Department
Andrew Meacham,	Police Department
Bruce Turner,	Power Operations Manager
Tom Martin,	Police Department
Mike Estrada,	Fire Department
Pat Killion,	Fire Department
Keith Davies,	Police Department
Brad Astin,	Police Department
Trishe Cooke,	Parks Department
Troy McCombe,	Police Department
Daniel Campos,	Parks Department
Jeff Snelton,	Police Department
Brian Hadley,	Police Department
Chris Breckenfield,	Police Department
Daren Wightman,	Fire Department
Roger Conder,	Police Department
Matthew Black,	Police Department
Dan Terry,	Police Department
Eric Fonger,	Power Department
Phyllis Wall,	Customer Service
Dan Lopez,	Water Department
Caren Lopez,	Customer Service Supervisor
Crystal Hall,	Customer Service
Janet Rowland,	Customer Service
Terry Taylor,	Customer Service
Scouts	
Citizens	

## **5. OPENING CEREMONIES**

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

### **5.1 Pledge of Allegiance- Colby Wall, Boy Scout Troop #1033**

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.

### **5.2 Approval of Minutes**

None scheduled.

5.3 Special Recognition:

5.3.1 Murray City Council **Employee of the Month, Caren Lopez.**

Staff presentation: Tim Tingey, Administrative & Development Services Director

Mr. Tingey said he was pleased to talk about Caren Lopez. Ms. Lopez does some very important work for the City. She is involved in the utility billing processes and supervises the Customer Service staff. There is a lot of work that goes on every single day. Ms. Lopez has a number of employees that she works directly with, whom Mr. Tingey recognized: Wendell Coombs, City Treasurer, Terry Taylor, Janet Rowland, Phyllis Wall and Chrystal Hall, all in Customer Service and work directly with Ms. Lopez.

They do things for the City that are just incredible. Every single day they work, there is something new that comes across in the work that they do. It is not something that they plan because there are so many phone calls, so many customers coming in, so many questions that occur and they do amazing work in customer service. Some of the issues are very difficult and challenging when they talk about utilities. For example, in 2012, this group of individuals led by Ms. Lopez generated over 39,000 commercial bills, over 183,000 residential bills and took over 30,000 customer service phone calls. If you talk about 260 days a year, 5 days a week, that is a lot of calls and a lot of issues they are dealing with and they do a great job. Ms. Lopez really leads by example.

Over the past few months, Ms. Lopez has had 4 new individuals come into the department who have had to be trained. She has had to take the majority of that load upon her shoulders and has done a phenomenal job. She has a great staff who love and respect her. Ms. Lopez constantly goes above and beyond her duties and it is evident every day. Mr. Tingey has witnessed that on a daily basis. He has seen her dealing with customers and with difficult issues. She is an exceptional employee for the City and this recognition is very well deserved. Mr. Tingey congratulated Ms. Lopez and stated that he is very proud of her.

Ms. Lopez thanked Mr. Tingey and said that she would not be who she is or where she is today without everybody. She has had some exceptional friends, coworkers, and supervisors. She has learned a lot and hopes to be able to share that and pass that on. It has been a great yet challenging experience for her and she loves her staff. Ms. Lopez introduced her family.

Mr. Hales stated that Ms. Lopez will be listed on a plaque on the Council Chambers wall and presented Ms. Lopez with a certificate and a \$50.00 gift card to the Fashion Place Mall. He congratulated Ms. Lopez on being the first Employee of the Month and thanked everyone for coming out and supporting her.

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

Luke Zitting, Stillwater Apartments, Murray

Mr. Zitting introduced his brother Paul Zitting and stated that they are members of Jane Goodall's Roots and Shoots in the Murray-Midvale area. They have been members for over five years and have worked on many campaigns to help their community and environment. In the campaign that they are working on today is about prairie dogs, which is a priority to their group. They are specifically talking about Utah prairie dogs. Utah has four out of five prairie dog species. "Love them or hate them, we have to have them." said Lindsey Sterling Crank of the Prairie Dog Coalition. Crank says she understands the frustration of locals but believes that these rodents serve a purpose. "If you were to remove the prairie dogs from the prairie eco-system, the prairie eco-system would fall apart." said Crank. When Senator Orin Hatch toured southern Utah, he made news talking about the Utah prairie dogs in the area. Both Utah senators and all three congressmen have teamed up to propose legislation allowing the U.S. Fish and Wildlife Services to lethally remove the animals from cemeteries and airports located within the range of the Utah prairie dog. Mr. Zitting said that he would say that the Utah prairie dog is in real trouble. As the most imperiled of all the prairie dog species in the United States, it seems this committee's time would be better spent improving their relocation methods rather than killing even more.

Mr. Zitting stated that there is a bill in legislation this session that would bring awareness to the importance of prairie dogs. These are keystone species; this means a species that has a disproportionately large effect on its environment relative to its abundance. Such species play a critical role in maintaining the structure of an ecological community affecting many other organisms in the ecosystem and helping to determine the types and numbers of various other species in the community.

The role that a keystone species plays in its eco-system is similar to the role of a keystone in an arch. While the keystone is under the least pressure of any of the stones in an arch, the arch will collapse without it. Similarly, an eco-system may experience a dramatic shift if a keystone species is removed even though that species is a small part of the eco-system by measures of bio mass or productivity.

Once again, Mr. Zitting would like to express the importance of this campaign and the efforts that they and Roots and Shoots feel in promoting the Utah prairie dog. He thanked the Council for their time in allowing them to follow up with them on this bill.

Mr. Shaver asked if February 2, 2013 is the national or local celebration, and if there are any festivities or activities planned on that date.

Mr. Zitting stated that it is the Utah celebration of Prairie Dog Day. It is celebrated in the same manner as Groundhog Day as Utah has prairie dogs and not groundhogs.

Mr. Hales asked how Mr. Zitting became involved in this campaign.

Mr. Zitting said that he had liked the idea of joining Roots and Shoots after seeing it advertised on TV. One of the projects that they had was to go and talk to the Chamber of Commerce, which they did and the Chamber helped them from there.

**Citizen comment closed**

**7. CONSENT AGENDA**

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

- 7.1 Consider confirmation of the Mayor's reappointment of Kathy Houston to the Murray Heritage Center Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.2 Consider confirmation of the Mayor's appointment of Charlotte Cox to the Murray Heritage Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.3 Consider confirmation of the Mayor's appointment of Judy Baxendale to the Murray Heritage Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.4 Consider confirmation of the Mayor's appointment of Rod Young to the Murray Heritage Advisory Board in an At-Large position for a three-year term to expire February 1, 2016.
- 7.5 Consider confirmation of the Mayor's appointment of Janice Evans to the Murray Power Advisory Board in an At-Large position to complete the remaining term to expire June 1, 2014.

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

Call vote recorded by Jennifer Kennedy.

A Mr. Stam  
A Mr. Brass  
A Mr. Shaver

A Mr. Hales

Motion passed 4-0

Mr. Shaver stated that many of the people in our City serve in multiple places and even on multiple boards. Ms. Baxendale is one of those people. He had the pleasure of serving with her on the Arts Advisory Board. Many of our citizens are truly dedicated to the service of the City and these are volunteers. They give a lot of time and energy to the City and their service is appreciated.

## **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 there are quite a few budget openings that need to be addressed.

For the Police Department, they have received additional grant proceeds from the DEA. They were awarded more money. Our contract is for 5% and when they are awarded more money, the City also receives some. The additional amount received was \$972.00. The budget adjustment for the police cars is \$510,000.00. That is a budget savings from the prior year that they will be using this year. He appreciates the Police saving that money so that it could be utilized this year. It will be coming out of the reserves.

Mr. Shaver asked Mr. Zollinger to explain that amount of money for the police cars.

Mr. Zollinger stated that the City has not replaced police cars in over four years. The City has worked out a way of funding the CIP through its savings. Council had set up a program where if they don't spend every dollar of the budget, it can then be utilized the next year for CIP. The Police Department has saved a good portion of this money so that they can use it this year for car replacement. This will round out the City with approximately 24 cars. They felt it was a better option to pay as you go and replace the cars as needed and use them as long as you can rather than get a lease and replace them every two or three years. This is playing a little bit of catch up as they haven't done it in so many years but that is the program that has been set up.

Mr. Shaver asked how many of the cars does that amount represent, 24 out of how many?

Chief Fondaco stated that would be 24 out of 78 total cars.

Mr. Shaver said that almost a third of the total is being done because the Department Heads, particularly in the Police Department, are very conscientious about the money that they spend and have been doing a really great job in saving it for this very purpose. Their efforts are appreciated.

Mr. Stam explained the acronym: 'CIP' is the Capital Improvement Plan that the City put together to try to plan for the future and save for capital improvement projects.

Mr. Zollinger stated that the Fire Department found some additional grant proceeds. The Emergency Management Performance Grant was awarded for helping to operate an emergency management program. That amount was \$3,012.00.

In the Parks Department, one of the Utility Budget line items was running substantially high and as Mr. Zollinger was going through, doing projections and looking at them, it jumped out to him that it was higher in terms of where the total budget was and what was left. As he started digging into that, he found that they have replaced two meters in the Park and those two meters read much lower than the current two meters do. As that has occurred, they are anticipating about \$50,000.00 more in need for this fiscal year. The funding mechanism is the positive revenue variance with sales tax, no reserves in this situation. The budget opening for this item is \$50,000.00.

The Public Works Department was authorized, in Fiscal Year 2012, to purchase a salter for \$39,557.00. The problem was that this equipment was not received until October. You cannot accrue it back because it is not where we received the equipment. This is a budget carry-forward of the prior year. They had savings but they are going to roll this forward into this year's budget.

The City was appropriated, from the State Legislature, for 5900 S. State Street for 725 East, \$1.2 million. He has done this budget opening for \$100,000.00. The check came in last week and this is actually \$475,000.00. He would like to strike this one from the opening and come back to the Council at a later date with the correct dollar amount.

Mr. Shaver asked if the total was \$1.2 million.

Mr. Zollinger said that \$1.2 million is what the City was awarded. They have paid the City \$475,000.00 and he would like to take this off of the budget opening

Mr. Zollinger said that the Water Fund would like to add \$75,000.00 to line item Maintenance. There have been a number of unforeseen water line breaks that need repairs. Water would also like to add \$410,000.00 to line item: Well Head 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 all of the extra costs with funds budgeted for the McGhie Well Head Exploration and Development Project, the Water Department would prefer to get both projects completed this fiscal year. The Water Department would like to add \$450,000.00 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. The Water Department discovered during the redesign phase, additional funding is needed to replace the water line in Edison Avenue prior to starting the Fairbourne Edison Avenue Sewer Line Project this spring.

The funding mechanism for these items is from the City's Water Fund Reserves. They are in a position where they can do this. Compliments to the City's leaders who have put them in that position.

Mr. Shaver asked if Mr. Zollinger had an estimate on what percentage of that reserve fund was being used.

Mr. Zollinger said that they are at approximately 5.5, maybe a little higher than that. They would be using approximately 20% of the reserves.

Mr. Brass said that he had a waterline break in his neighborhood. They fixed it late at night and it was cold. He got up in the morning and saw the trucks there and thought to himself that these poor guys had to work all night in the cold and it had actually broken again a little further down. These low temperatures are truly killing the City and that is why they are now being proactive to get ahead of it.

Mr. Zollinger said that it is his understanding that during cold weather like this, you don't really know all of the breaks until it begins warming up again.

Mr. Stam made a clarification; this is not General Fund Reserves, this is Water Enterprise Fund Reserves.

The Power Fund has an opportunity to save \$1.5 million by paying off 5% bonds. The total dollar amount that they would like to use for that is \$2.8 million which represents some interest that has accrued this year to date and majority principal. He wanted the Council to be aware that a portion of that would go towards interest. When you don't have an opportunity to get a 5% investment, the next best thing is to pay off

5% debt because it will save or make you the same amount of money. The liquidity on the Power Fund as of two Fridays ago was \$13.7 million so by using \$2.8 million they are still in a strong position by using the reserves. Their goal is to get out of debt and this is one step towards achieving that goal.

The Library fund received a grant from the Federal government for \$500.00. This grant was from the Library Service and Technology Act and this amount will be awarded to purchase young adult books.

The City had \$1.2 million come in for the payoff of the Sports Mall. The Sports Mall was a 9% loan that we were receiving. It was providing approximately \$300,000.00 in operating revenue to the General Fund for the next five years. Now that it has been paid off, that \$300,000.00 we were receiving is gone but this \$1.2 million raises us above the 18% limit. What this is allowing the City to do is move the \$1.2 million from the General

Fund to the Capital Projects Fund for future capital needs.

Mr. Shaver asked if he understands that correctly. The revenue generated from the 9% interest will no longer be available in future years and will need to be made up someplace else.

Mr. Zollinger stated that was correct.

Mr. Hales noted that the 18% is the revenue maximum that the City can keep in the fund, and having that maximum in there is a great thing. He thanked Mr. Zollinger for his great work.

Mr. Zollinger said he couldn't take all of the credit, that the Council has done a great job as well. He is just helping to manage that number.

**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, with the exception of item six which relates to the General Fund Class C Road Funds, which will be postponed to another date.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

8.2 Public Hearing #2

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

**Consider an Ordinance permanently closing a portion of a public street and vacating a portion of right-of-way located at Hillside Drive between approximately 5439 South Hillside Drive and 5300 South Street, Murray City, Salt Lake County, State of Utah.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that the Murray School District is constructing a new Hillcrest Jr. High School. As part of that they have requested the City to vacate a portion of Hillside Drive between approximately 5439 South Hillside Drive and 5300 South State Street. The vacation of the property, if approved, would result in the property going to the underlying property owner which is the Murray School District.

Notices have gone out to the property owners that would be affected by removing this access and also to all affected entities, that being the affected utilities. Mr. Nakamura knows that the School District and Murray City's Engineer have worked with the utilities to work out all of the easements that are in the streets. This is a vacation of the right-of-way that is permanently closing a portion of Hillside Drive. The standard used is whether it is detrimental to the health, safety, and welfare, whether there is cause to vacate, and whether the public interest if anyone would be personally or materially injured by the vacation. That is the standard that the Council uses, which is rather broad.

Mr. Nakamura introduced Pat O'Hara from the Murray School District who will be presenting the School District's position on this.

Mr. O'Hara said he wanted to make himself available to the Council for questions. They put this before Planning and Zoning they knew that a Conditional Use Permit would be required for the school itself. This process really began in conjunction with that at the same time. What initiated this was a desire by the Board, when they realized that they needed to rebuild Hillcrest Jr. High to move the school off of State Street. That was always a goal and it just so happened that a number of the properties came available on Hillside at the time that consideration was made by the board. They proceeded on that basis to investigate the possibility of acquiring all the homes on both sides of Hillside. They met with the neighbors and decided that was a good way to go if they could manage that financially and in a way that they could protect the ability of the residents to access the neighborhood. Maybe not in as many ways before but in a way that did not encumber it too badly.

To try to examine that problem, they hired a professional traffic consulting company to help them to understand what the ramifications of that would be. They met with the neighbors a number of times to go through that process and understand the dynamics, the

traffic flows and what the closure would do. They also pulled Murray City Engineer Trae Stokes into that analysis as he has a strong background in traffic engineering. Through that process, they determined that it could be done and they could have a safer, more economic campus by moving it off of State Street. There is another issue that they haven't talked too much about, but the possibility and likelihood now that they will sell the two acres that front State Street as part of this if they do move. That will substantially reduce the cost to the public of that school.

They moved through the legal parts of this in meeting with the public, posting the notices and supplemented that with the work with the engineers. The easements in that neighborhood are like a spider web, they are everywhere. That has been cleaned up now so that there would be a single utility corridor that would go to the west of the school in the proposed location for that school.

Mr. O'Hara said that the board has tried to be cognizant of the impact of closing a street. They understand the gravity of closing that street. In trying to mitigate the impact of that, they have tried to make sure that the traffic flows, the parking accommodations, etc. will support that. They have relocated the buses to the south end and have worked with Mr. Stokes to try to come up with a driveway scheme to service the front of the school that will mitigate the impact on 5300 South and Alpine Street. They feel that the traffic study demonstrates that it can be done.

**Public Hearing opened for public comment.**

David Swalberg, 5541 S 235 E, Murray, Utah

Mr. Swalberg stated that the road that runs from 235 East to State Street at about 5400 South is one of their access routes to State Street, or his home, is very narrow and often clogged with traffic and parking. He wanted to bring that to the Council's attention. In accessing it, even today, if two cars were to meet on that street it would be very close. With school buses and other traffic accessing that, he is wondering if that has been considered and whether or not there should be some effort to look at that particular piece of roadway.

Mr. Shaver asked if Mr. Swalberg has looked at the plot map of how they are going to do those drives.

Mr. Swalberg said he had not.

He recommended that Mr. Swalberg take a look at that to show him how that is going to work. Mr. Shaver said that he feels that would answer some of Mr. Swalberg's questions. He also noted that a copy was available to look at after the meeting or they could get him a copy of that.

Mr. Swalberg asked if there is any plan to adjust the width of that road or the parking issues that are currently a problem on that street.

Mr. Shaver said that they can't say that the parking issues are being looked at, it is a City street and there are currently no parking restrictions on that street. As far as widening, he doesn't know of any plan to do that.

Mr. O'Hara pointed out that their architects are working with them on the bus traffic. Their goal is to bring the leading edge of that driveway to the north to allow the buses to go into the drop-off loop and to go back out onto 5460 South without getting into the flow of traffic. Mr. Swalberg is correct- at the apartments across the street there are usually five or six cars parked and they understand that the parking has been grandfathered. They have no desire to interfere with those folks and their parking so they want to move the buses further north on their property to keep them out of the flow of traffic. They think that the two way traffic will not be affected there, but there will be four buses coming in there twice a day, mornings and afternoons. If a bus arrives there at the same time a car is coming the other way, it is still going to be able to pass because the bus traffic will be pulled to the north and that is how they will build the driveway.

Mr. Brass asked if this is something that they can put in front of traffic safety to look at the parking.

Mr. Swalberg said that he thinks it would be worthwhile to do that, it is a difficult route.

### **Public Comment closed.**

#### **8.2.2 Council consideration of the above matter.**

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

8.3 Public Hearing #3

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

**Consider a Resolution declaring the property located at approximately 166 East 5300 South, Murray, Utah as surplus.**

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that in the process of the School District preparing a plat for the entire area, they discovered that the underlying property to the Library building is actually owned by the City and not the School District. As they looked back at the history of this they discovered that in 1991, the District was intending to lease that property so that the City could build its library. Then the City, under the Municipal Building Authority, wanted to issue bonds to build the library and were advised that they needed to show that the City owned the property. The City worked with the school district and the school district allowed the City to obtain ownership of the property for \$1.00 per year and they entered into an agreement stating that as soon as the City no longer needed the property as collateral under its Municipal Building Authority loan, the City would notify the school district and the school district would re-purchase the property for the \$1.00 per year plus enter into a long-term lease agreement with the City.

In 1997, the City approached the District and stated that they wanted to refinance the bonds and so the District agreed to extend that obligation with the same terms and conditions applying. In 2007, the law changed and allowed the City to use sales tax to issue bonds which was a lot less costly. The City issued sales tax bonds and paid off all of the Municipal Building Authority bonds, thus no longer needing the school property as collateral. At that time the City needed to notify the School District that the bonds were paid. The City did not do that and so they are at that point where the City needs to notify the School District that they no longer need the property to secure the bonds. Under that agreement that was executed in December of 1991, the School District has the option of purchasing the property back for \$1.00 per year for a total of \$50.00. The School District is then obligated to enter into a lease agreement with the City for the library building which is a 50 year agreement beginning in 1991, which would be a lease agreement to 2041 with the option of both parties renewing that lease for another 50 years. There are some provisions if they do not renew it, then they have to buy the library building at the fair market value. The City owns the library building.

Mr. Nakamura said that the City needs to surplus the property in order to convey the property back to the School District. On future agenda items they will be talking about a lease agreement. The Library Board, last week, approved a Resolution allowing for the conveyance of the property, notifying the school district and entering into the lease. They recommend those to the Council and those Resolutions were passed last week.

Mr. Nakamura reiterated that this first item is a surplus of the property to allow the City then to convey that property to the school district under the agreement that we have with them.

**Public Hearing opened for public comment.**

None given.

**Public comment closed.**

**8.3.2 Council consideration of the above matter.**

Mr. Shaver made a motion to adopt the Resolution.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

**9. UNFINISHED BUSINESS**

9.1 None scheduled.

**10. NEW BUSINESS**

**10.1 Consider a Resolution authorizing the execution of an Interlocal Cooperation agreement between the City and Murray City School District regarding the conveyance by the City of real property on which the City will continue to own, operate and maintain the Murray City Library.**

Staff Presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that this was the agreement that he referred to previously that will transfer the property to the Murray School District as per the City's December 4, 1991 agreement. The Council has surplussed that property and the Library Board recommends this purchase/sale agreement.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.2 Consider a Resolution authorizing the execution of an Interlocal Cooperation agreement between the City and Murray City School District to provide for a ground lease of property owned by Murray City School District located at 166 East 5300 South Street, Murray, Utah.

Staff presentation: Frank Nakamura, City Attorney

Mr. Nakamura stated that this is the lease agreement that was referred to previously. This lease agreement goes to 2041 with the option to renew for another 50 years. If the school district decides not to renew the lease in 2041, they are obligated to buy the library building and all of its improvements at its fair market value. The Library Board recommended approval of this agreement last week.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

**10.3 Consider a Resolution approving the Mayor's appointment of representatives to Boards of Interlocal Entities.**

Staff presentation: Mayor Daniel Snarr

Mayor Snarr said the Council is aware of those that have been asked to serve on the Boards and Ms. Wells will provide that information for the public this evening.

Ms. Wells said that they have discussed some of these. The City has a group of Interlocal entities that they belong to and they have representatives that serve. Some of these are elected officials and are required to be elected officials. Those who are serving in those positions have been recommended and others are staff members who serve on those boards.

The boards are: UAMPS, Central Valley Water Reclamation, VECC, TransJordan, UTOPIA, UIA and the Wasatch Front Waste and Recycling District. This is the group that they are suggesting. If anyone would like to have the names she will provide those, otherwise they are the persons suggested during the Committee of the Whole.

Mr. Shaver finds it interesting that the City has Interlocal agreements and that they have many of these organizations that can increase the City's budget. Some of them are elected officials, some of them are not. He is a little distraught by the fact that others, non-elected officials can recommend an increase in the budget. He is reminded only of a party that happened to have tea served in Boston Harbor over the very issue of taxation without representation and it is distressing to him that they can do that without actually having elected officials make those decisions.

Mr. Hales asked Mr. Shaver to clarify this remark.

Mr. Shaver said that they have an elected official who would represent the City. When a decision is made to increase salaries for the employees or someone that would say they need to raise fees, an elected official has a responsibility to those who elected them in making those sorts of decisions. There are other organizations, and Interlocal agreements with them that say we need to raise fees, salaries, or adjust the budget and then calls down to Murray City as part of that agreement and in that, the elected officials have no voice on it. It is made by, and he doesn't necessarily want to get into the 'who', but a City Manager as an example is not an elected official. When a City Manager approves something that would raise the City's budget, the trickle-down then is that it could go to the citizens. Mr. Brass mentioned earlier, raising property taxes. As our costs go up, we have to find a way to pay those. As Ms. Wells went through the list, they all have the possibility of raising our budget by a vote and he feels that they should be elected officials when it comes to those sorts of votes and not non-elected officials.

Mr. Brass made a motion to adopt the Resolution.

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

Call vote recorded by Jennifer Kennedy.

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

Motion passed 4-0

10.4 **Consider a special presentation of Mayor Daniel Snarr's final "State of the City" address for year 2013.**

Staff presentation: Mayor Daniel Snarr

Mayor Snarr read his address, accompanied by a slide show presentation of pictures.

State of the City Address  
Mayor Snarr  
January 22, 2013

*Good Evening. Thank you for allowing me to speak tonight.*

*Each year for the past 15 years I have had the opportunity to provide an address to you focusing upon the State of the City. As I reflect back on the past years and realize that this will be the last speech of this type I will give, there are many events that have changed the face of our City that I wanted to mention tonight. Please join me on the journey we have taken over the years.*

*In 1998, my speech was given as a newly elected Mayor, full of ideas and optimism at what the next four years would bring. By 1999, with a year under my belt, things were progressing at a rapid pace. Former Mayor Lynn Pett had spent much of his administration working to clean up the smelter site with two chimneys that had been quiet for 50 years and needed to be removed. We signed the consent decree with the EPA to take them down and begin preparations for Chimney Ridge, a large retail development to be built on the site.*

*1999 was also the birth of our Murray Municipal Justice Court. Changes in the District Court left the option for cities to have justice courts and we began holding the court in the City Council Chambers for traffic offenses and small claims.*

*An opportunity was provided by Salt Lake County to host paramedics in our City and we found a home for them in Station 81. I was excited to provide this important service to our residents with faster response times for emergencies.*

*2000 became a year of ups and downs. The chimneys came down on August 6<sup>th</sup> in perfect fashion, but not without protests. Many facilities opened in the City during this year providing the upside. Three new light rail stations became operational in Murray*

*with an opportunity to test them prior to the Salt Lake Olympic Games in 2002. The new outdoor Murray Aquatics Center was open with a hydro-tube for added fun. Cooperation with the Murray School District led to opening the Kennecott Nature Center along the Jordan River Parkway. Salt Lake County reconfigured the old fairground with new sports fields and opened an Ice Center by Murray Park for an Olympic practice facility and public use. We put flowers in the planters on State Street and survived Y2K.*

*2001 the focus was on "Murray City – The Best City in America." While we may not use this slogan as much today, in my mind, it will always be true. The face of Murray began another transition in 2001. Construction began on the Point at 53<sup>rd</sup> and Intermountain Health Care purchased the smelter site from the Chimney Ridge developers. They agreed to keep a portion of the site commercial and leased it to COSTCO. The RDA provided funds for a nice facelift for downtown Murray. Day Murray Music, Murray Theater and the Desert Star Playhouse all received help for improvements, along with sidewalks, benches and trees.*

*Murray City Power began building a natural gas turbine generation project at the cost of \$22 million dollars. The turbines will provide peaking load power and can be started to meet the necessary demand.*

*There were many exciting events that took place in 2002. We had a part in welcoming the world to celebrate the 2002 Winter Olympics as athletes practiced in the Ice Center in Murray Park. The Park Center, a recreation and exercise facility, opened and included a lap pool that was partially funded by the Murray School District to become the home of the Spartan swimmers. A decision was made to improve telecommunications for the residents by joining a network of cities in creating UTOPIA to build fiber optics to the homes and businesses in the City.*

*Willow Pond Park was completed on the west side of the City as a 32 acre facility complete with dancing waters and an urban fishery. We had been working to add another north/south access through the City and the \$16 million dollar Cottonwood Street Overpass created the first leg of this effort. Federal funding was obtained to cover 80% of this great project.*

*Our City grew in a big way during 2002. Several annexations were undertaken by the residents of the unincorporated county and 12,000 more people became Murray citizens. Having this addition brought new challenges and new energy as we began our second century.*

*2003 was a celebration year for us as we marked Murray City's Centennial. I enjoyed the opportunity to play C.L. Miller, the first Mayor of Murray, and repeat his message as part of this anniversary. This was an opportunity to reflect on the great heritage our forefathers left for us to enjoy.*

*Costco opened in February, with beautiful landscaping and a prime location. They have been good community partners and we appreciate all the ways they add value to our City.*

*Across the street, Murray High School was rebuilt and opened for the students. It is a beautiful school that creates great pride in the community.*

*We started 2004 on a cold note as a five day power outage impacted our new residents in east Murray. Our Murray Power customers only had a few hours of discomfort, but with the concerns for other residents, we recognized the importance of a well maintained infrastructure in our power company.*

*After years of effort, curbside recycling finally was made available to the residents of the City. We also completed the Jordan River Parkway trail underpass under 6400 south, adding another safer option for users of the trail.*

*A Commission on Public Safety was put in place to help us consider ways we could prepare for any type of emergency situation. With some of our concerns for the age of our City Hall, we considered the needs for future buildings, especially with our first responders in mind. While we haven't been able to move the police department from this building yet, we continue to get closer to making a new City Hall a reality.*

*2005 was a year to plan. We completed plans for future infrastructure, with a focus on improving our roads. A housing plan was undertaken to look for ways to keep people in their homes and provide housing options for all income levels. A staffing plan for our public safety, both police and fire, was created.*

*Murray Park had the addition of a new rose garden in 2006. Former City Council Member Dick Stauffer spent endless hours researching rose varieties and tending this beautiful garden added to Constitution Circle. The rose garden is a lovely memorial to all those who served our country in the armed forces.*

*Fiber optic cable is put in place in 60% of our City by 2006. It provides opportunities for amazing internet speed and is a sought after resource by both businesses and residents. Murray Power added a new resource to their portfolio with the addition of a landfill gas facility at the Salt Lake County landfill. This environmentally sensitive resource adds more diversity and options for providing power to our residents.*

*Murray Fire Department celebrated their centennial this year. We had a great time enjoying this milestone with a variety of activities and realizing how fortunate we are to have this wonderful group of public servants ready to help in difficult situations.*

*2007 brought new neighbors on the former smelter site as the Intermountain Medical Center began opening seven new hospitals, one by one. Cottonwood Hospital closed some of its buildings as patients were transferred and the new Intermountain Medical Center became operational.*

*Murray Power completed upgrading the power system to 138kv, which added capacity and improved reliability for the future. We also instituted a City Utility Relief Program for the very low income who needed a bridge to keep their utilities available, especially during the winter months. This program continues today and helps fill an important gap for those in need.*

*We made national news in 2008 with our native son, David Archuleta, becoming a finalist on the popular American Idol program. Murray City had a celebration to show the world David's hometown and provide our support to him in his quest.*

*Improvements were made to Ken Price Ball Park this summer to prepare it for another national spotlight the next year. Beautiful landscaping was added and fiber made available to allow visitors to connect to the internet while watching ball games.*

*After studying the best way to provide emergency services to east Murray, we determined that two new fire stations were needed. Station 82 was built on Vine Street and 1000 East and completed this year.*

*In 2009 as Intermountain Medical Center completed the campus, a memorial Chimney Garden was put in place to commemorate the history of the smelter industry.*

*Fire Station 83 was finished in 2009 with an Emergency Operations Center built as part of it. The former station 83 became a facility to hold our Special Operations Unit for the Police. Station 84 became the home to Murray City paramedics who took over this responsibility from the County. Over 125 City employees completed the CERT program, which focuses on being prepared to help in emergencies.*

*A grant from the Federal Recovery and Reinvestment Act provided the opportunity to complete a second landfill gas resource project at TransJordan Landfill. The power generated is sold to another entity which helps cover the costs of other power resources we use every day.*

*Murray City was again in the national spotlight in 2010 as we hosted the 13 year old Babe Ruth World Series. Volunteers from the community hosted players, helped with logistics and welcomed teams from around the country.*

*We participated in the national "America in Bloom" competition this year. Our residents got involved in making improvements and enjoyed showing the national judges the great things about Murray. We were an award winner, but I especially loved seeing people take pride in their yards to make the City a more attractive place to live.*

*Just before the judges came to see our City, we had a huge flooding problem from the Big and Little Cottonwood Creeks. City crews worked endlessly, volunteers helped fill and place sandbags, and then returned to clean up when the water subsided.*

*We also created a partnership with NeighborWorks of Salt Lake City and opened a facility on Poplar Street. Their role is to help residents with housing concerns and use our Community Development Block Grant funding to benefit them, too.*

*2011 brought new stores to Fashion Place Mall with over 92,000 square feet of retail and restaurants. The Fireclay area is being built as a Transit Oriented Development and is successfully redeveloping this under-utilized corner of the City. The Heritage Senior*

*Center volunteers worked hard at fund raising and were able to build a new entrance to provide a safe drop off location for our seniors.*

*We completed a great Strategic Planning process with the help of the Novak Consulting group. Murray City has a good direction and goals in place to help us continue our success. There is now a Capital Improvement Planning process to help us outline and accomplish projects in an organized fashion.*

*The State of the City report usually focuses upon the current year. 2012 was a year with many accomplishments. Each of our Departments worked on a variety of initiatives to make life better for our residents.*

*Public Services oversaw the completion of the bridge rebuild over Big Cottonwood Creek at Main Street. After our success in hosting the Babe Ruth World Series previously, we were invited to host this event again, this time with 14 year olds. The second time was also a wonderful community event. The Park Center celebrated its 10<sup>th</sup> year anniversary. Our crews spent almost 1000 hours cleaning up graffiti around the City, which continues to be a concern. Since the gravesites have all been sold at the Murray Cemetery, we added a new niche this year. One of our great water resources, McGhie Springs, was successfully rehabilitated and we are enjoying improved water flow.*

*The Police Department moved to the UCAN response system this year, with mobile radios being added to upgrade for compatibility. Seven officers were hired this year to replace officers who moved to other jobs.*

*We have a new Finance Director, Justin Zollinger, who has brought a huge array of talent to this position. He and his staff produced the annual financial statements for the audit this year, rather than relying on the auditors for this work.*

*Murray Fire led the City in participating in the Great ShakeOut Drill in April. This was a statewide project that helped everyone focus on emergency preparedness in the event of an earthquake. The Fire Department took the 1991 pumper truck to Wisconsin for an engine refurbishing which was more cost-effective than purchasing a new truck.*

*The Administrative and Development Services Department oversaw a wide variety of activities. Several automobile dealerships were rebuilt and the old ones sold to new dealers. They worked to oversee the continued building at the Fireclay Transit Oriented Development, with many new residents moving there. Our IT Division replaced 70 computers this year and converted our email system to Microsoft Outlook. The Recorder's Office completed the Records and Information Policies and Procedures to assist in improved records management.*

*The Power Department closed the year with reserves close to \$13 million dollars. The Forestry Division worked on about 4650 trees this year and helped us receive the 35<sup>th</sup> consecutive "Tree City, USA" designation.*

*Murray Library celebrated their centennial this year. Four new art glass panels were commissioned by the Library Board and are ready for installation. Kim Fong was hired as the new Library director after Dan Barr's retirement. 570,000 items were checked out this year by patrons.*

*The Attorney's Office handled a variety of contentious litigation during the year. They worked on many development agreements and dealt with insurance claims along with Worker's Compensation issues successfully.*

*With an improving financial picture, our Human Resources Department completed the Wasatch Compensation Survey for the first time since 2008. This effort will help us focus on the needs of our employees to stay competitive in the future. The City Wellness Committee encouraged employees to take advantage of Healthy Utah screening with good success this year.*

*Murray City Court took the responsibility to cover fingerprinting ordered by the Court. This was previously done by the Murray Police Department. This year 773 sets of prints were taken by our trained Court personnel. The court will be adjusting their hours this month to better accommodate the public by opening at 7:30 a.m. and closing at 5:30 p.m. Going through all these accomplishments gives me a great sense of peace. I realize these things have not been done due to the effort of just one person. Council members through the years have supported these programs and initiatives. The Department Heads have worked tirelessly and are a fabulous resource to our residents. We have the best employees possible. I admire and respect them for their dedication and hard work. When things get accomplished in the City, it is because of our experts who make them happen.*

*I would like to express my appreciation for the support of our great Murray residents through the years. It has been my pleasure to meet them and learn from them. I would also like to thank my family, especially my wife, April, for their support through the years.*

*I love this City. Regardless of where I am and what the future holds for me, my heart belongs to "Murray City – The Best City in America."*

*Thank you and good night.*

Mayor Snarr noted that if anyone wants to watch something fun, he will be performing 16 marriages on Valentine's Day at Scheels on the Ferris Wheel. KBUL radio said that he had to be the strangest Mayor they had ever had the opportunity to work with, so he gets chosen to do all of the strange weddings. His goal was to perform 250 marriages during his time here, and with this one, he will be at 256.

Mr. Shaver added that on a more serious note, 16 years of dedication that is a lot of time, effort, love and compassion. He knows that as he travels the City, people know who the Mayor is and it

is not because of his mustache, they know that he loves the City, that he is concerned for the citizens and they can reach out to the Mayor at all hours. Mr. Shaver thanked the Mayor on behalf of all those he has spoken to as well.

Mr. Stam agreed; he has heard a lot of comments from the citizens in his area. The Mayor wears a big target and that bulletproof vest gets thin after a while and there are a lot of people who really appreciate him and he should know that.

Mr. Hales added that very seldom does one see a person, in fact you rarely see a CEO of a company or Mayor lets their Department Heads run their departments and that is what Mayor Snarr is really famous for. He will be known forever as a person who let his Department Heads run their department and that why this City has been so successful. He added that the Mayor's Staff is loved as well.

Mr. Brass agreed and added that the Mayor is guilty of getting him started on this too. For the new appointees on the Boards and Commissions, Mr. Brass was put on Planning and Zoning in 2001 and one thing led to another and he appreciates it a lot. It has been a fun ride and they have done a lot.

Mayor Snarr said that Mr. Brass actually began with the Nature Committee and that is where he got to know Mr. Brass.

## **11. MAYOR**

### **11.1 Mayor's Report**

Mayor Snarr stated that yesterday was Martin Luther King Day and they had a great celebration. He made note of the fact that it was the 22<sup>nd</sup> MLK Celebration and that it was the longest continuous Martin Luther King celebration in the State of Utah. The City should be proud that it was started in Murray by Mayor Lynn Pett and Monica Monikoff to recognize the importance of diversity and love of all human beings. It was a great event and was kept to about an hour with great entertainers. People have told the Mayor over and over again how much they appreciate the opportunity to attend that event and the fact that the City works so well with the school district.

Mayor Snarr shared an interesting report: as he was driving around yesterday checking things out, they are working very aggressively to get the Lexus Dealership open and he can tell you why. They were digging through the snow to put in the sprinkler system and in 15 years, the Mayor has never seen anyone put in a sprinkler system in the snow. Even when he was a contractor for 30 years, he had never put one down in January. They are either very anxious or don't want to pay the fee they would have to pay if they don't have everything completed. How they are going to lay sod on snow though, he doesn't know. He is amazed how aggressively they are working to get that dealership wrapped up. He doesn't think that they will get the sod in until the snow has melted and get the additional soil resources in until sometime in April. He spoke with them as they were pouring some

of the ingresses and egresses, the final portion of the concrete that had to be paved to get out to Stauffer Lane, but they are working hard to make that all happen.

Mayor Snarr also visited Chick-Fil-A to see the progress that is being made. They are making some progress, but it has been a challenge for them because people are driving through their property to get to Best Buy which they shouldn't be. They are a little behind schedule due to weather and other challenges with equipment, but they are hopeful that they will be open sometime mid-February. They were supposed to turn it over to the Chick-Fil-A franchisee and corporate headquarters on January 18, 2012 but that did not happen. It will hopefully be the first week of February that it gets turned over and opened in March. The landscaping will not be completed until April or May.

Mayor Snarr added that it is exciting to see the things that are happening and on board and he looks forward to the month of March which will be a big month for Murray City.

## **11.2 Questions of the Mayor**

None.

## **12. ADJOURNMENT**

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**Jennifer Kennedy, City Recorder**

# **Citizen Comments**

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

# Public Hearing #1

# Murray City Corporation

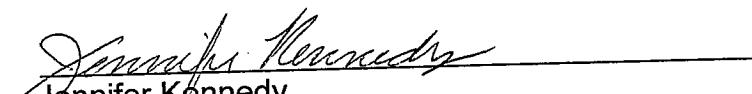
## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on the 5<sup>th</sup> day of March, 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 to Chapter 17.24 of the Murray City Municipal Code relating to home occupations. The amendment would establish a Major Home Occupations permit process pursuant to certain standards and allow construction-handyperson and similar uses as home occupations.

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

DATED this 12<sup>th</sup> day of February, 2013.

MURRAY CITY CORPORATION



Jennifer Kennedy  
City Recorder

DATE OF PUBLICATION: February 17, 2013

PH 13-09

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 17.24 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO HOME OCCUPATIONS.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1.* Purpose. The purpose of this ordinance is to amend Chapter 17.24 of the Murray City Municipal Code to establish a Major Home Occupations permit process and to allow construction, handyperson and other uses as home occupations.

*Section 2.* Amendment to Chapter 17.24 of the Murray City Municipal Code. Chapter 17.24 of the Murray City Municipal Code shall be amended to read as follows:

**Chapter 17.24  
HOME OCCUPATIONS**

**17.24.010: PURPOSE:**

**17.24.020: DEFINITIONS:**

**17.24.030: LICENSE REQUIRED:**

**17.24.040: APPLICATION MAJOR HOME OCCUPATIONS:**

**17.24.050: PROHIBITED USES:**

**17.24.060: APPLICATION:**

**17.24.010: PURPOSE:**

The purpose of this chapter is to allow and regulate certain income producing accessory uses in residential districts which are compatible with, and not detrimental to, the neighborhood in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling without changing the appearance or condition of that residence. (Ord. 07-30 § 2)

**17.24.020: DEFINITIONS:**

**As used in this chapter, "abutting," means bordering or touching, such as sharing a common lot or property line.**

**As used in this chapter, "adjacent," means sharing a common property line or separated by a road right-of-way, drainage easement, or alley.**

A "home occupation" is a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This

definition of a home occupation shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling. (Ord. 07-30 § 2)

#### **17.24.030: LICENSE REQUIRED:**

A home occupation license shall be required to conduct a permitted business in a residence located in a residential zone. Home occupations are accessory uses and are subject to the following regulations:

- A. The home occupation business use must be conducted entirely within the main dwelling, except that the outside yard areas may be used for group instruction, residential daycare facilities and group education uses.
- B. The home occupation business may be conducted only by persons who are residents of the dwelling unit, except that up to one person not residing in the residence may be engaged, volunteer or be employed by the licensee. The owner of the business must reside in the residence. The planning commission may approve more than one nonresident employee if it finds that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and also finds that the employee's presence in the premises will not otherwise violate the intent of this chapter. Only one nonresident employee, or such additional nonresident employees as approved by the planning commission **through approval of a major home occupation**, is allowed per residence, regardless of the number of home occupation licenses held by persons residing in the residence.
- C. The business use must be clearly incidental and secondary to the residential use of the dwelling and may not change the residential character of the dwelling. No more than twenty five percent (25%) of the total main or upper floor area, or, in the alternative, no more than fifty percent (50%) of the total floor area of a basement, may be used to conduct a home occupation. Interior alterations to accommodate a home occupation are prohibited if either the kitchen, the dining area, all bathrooms, the living room, or a majority of the bedrooms are **is** eliminated. Signs related to the home occupation are prohibited unless otherwise provided in this title. **Exterior alterations are prohibited if the alterations change the residential appearance of the dwelling.**
- D. Commodities may be produced on the premises in accordance with law. Sale of commodities from shelves or similar display on the premises is not allowed.
- E. Home occupation businesses shall not involve the use of any accessory building or yard space for storage, **sale, rental** or display of supplies or inventory used in the home occupation.

- F. Group education, group instruction, childcare, and instruction of children, other than those residing in the dwelling, are allowed as a home occupation accessory use or as a conditional use only to the extent as allowed in this title.
- G. More than one home occupation business license per dwelling unit is allowed; provided, however, that the cumulative effect of such businesses shall not violate the provisions and the intent of this chapter. By way of illustration and not limitation, the conduct of multiple home occupations may not violate the prohibitions against excessive traffic, and the limit on the number of nonresident employees and motor vehicles allowed at a residence. Any or all of the home occupation licenses issued at a residence are subject to suspension or revocation if the cumulative effect of the conduct of those businesses violates this chapter.
- H. Home occupation licensees shall comply with all state and local laws, including fire, building, and similar life safety and health codes.
- I. The premises of a home occupation may be inspected during reasonable business hours to determine compliance with the provisions of this title.
- J. A home occupation business license shall be valid for twelve (12) months after it is issued and may be renewed annually unless the license, or the privilege of renewing that license, has been revoked or suspended due to violations of this title or other laws applicable to the home occupation license. **Home occupation business licenses, and major home occupation permits, are personal to the applicant, nontransfereable and do not run with the land.**
- K. One business vehicle used by the licensee in connection with the home occupation may be parked at the premises, subject to the restrictions in this chapter. Other motor vehicles and equipment, and trailers used to transport the same, which are used in connection with the home occupation may not be stored or parked on the premises of the licensee or in any street adjacent to the licensed premises. Under no circumstances may motor vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds and which are used in connection with the home occupation be stored or parked on the premises of a home occupation or any street adjacent to those premises. By way of illustration and not limitation, this subsection is intended to prohibit the storage or parking of business fleet vehicles, such as limousines; service or work vehicles (snowplow/landscape maintenance trucks) and similar vehicles; delivery vehicles; and contractor's equipment and trailers used to transport the same. As provided in subsection B of this section, a nonresident employee may not be allowed to drive any business vehicle parked at the premises as permitted by this subsection as part of that employee's regular work assignment.
- L. The traffic generated by a home occupation may not exceed that which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street according to city regulations. The home occupation shall not involve the use of

commercial vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds for delivery of materials to or from the premises.

M. Except as otherwise provided in this title, the community development division and/or code enforcement is authorized to approve home occupation applications in accordance with this title.

N. The home occupation may not be associated with noise, noxious odors, fumes, glare, or other nuisances that may be discernible beyond the premises.

O. The storage or use of flammable, explosive, or other dangerous materials is prohibited.

**P. Uses where a client or customer comes to the home shall be subject to the standards for a major home occupation permit.**

**17.24.040: APPLICATION MAJOR HOME OCCUPATIONS:**

A home occupation license application shall be filed with the city business license division. Affected departments shall determine if the application complies with this title. (Ord. 07-30 § 2)

**A. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in this section.**

- 1. Barbers, cosmetologists, manicurists;**
- 2. Consultant services;**
- 3. Counseling;**
- 4. Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction;**
- 5. Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises;**
- 6. Other similar personal or professional services where the client comes to the home.**

**B. Uses classified as major home occupations must comply with the standards of Section 17.24.030 above, which shall be considered minimum standards. The Director or Planning Commission may require additional**

conditions to mitigate impacts of the use on adjacent properties. These conditions may include but are not limited to:

1. Limits on hours of operation;
2. Limits on numbers of clients per day/hour;
3. Provision of adequate off-street parking.
4. Other conditions related to mitigating adverse impacts resulting from the use.

#### **17.24.050: PROHIBITED USES:**

The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations **regardless of their conformance with the other standards of this chapter**:

**On site carpentry work including cabinet making or other similar uses which generate noise, dust or fumes;**

Construction businesses;

Dental offices;

Electronics repair;

Major appliance repair (washers, dryers, refrigerators, etc.);

Medical offices;

Painting of vehicles;

Permanent yard sales;

Photo developing;

Photo studios;

Private schools;

Trailer or boat repair;

Upholstering;

Vehicle repair;:

**Vehicle sales;**

**Limousine or taxi service;**

**Sexually Oriented Businesses;**

**Tattooing.**

The listing of specific prohibited businesses in this section shall not be construed to allow or permit a home occupation business which otherwise violates this chapter. (Ord. 07-30 § 2)

**17.24.060: APPLICATION:**

**A home occupation application shall be filed with the city business license division.**

**A. Home Occupation Business License: An application for a home occupation business license shall include the following information:**

1. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
2. A listing of the individuals at the home who will be working on the business;
3. The expected hours of operation of the business;
4. The expected number of clients per hour and total expected number of clients visiting the home per day;
5. A site plan indicating areas of off-street parking for employees and clients.

**B. Major Home Occupation Permit: Applications for a major home occupation permit shall include all of the information required for a home occupation business license, and the following information:**

1. Names, signatures and addresses of all abutting and adjacent property owners, including property owners across the street(s).

2. Approval of the property management or property owner shall be required if the business is conducted on a leased property.

3. Notice to Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the Community and Economic Development Division.

a. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation.

b. If all the required signatures are obtained, the Director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation.

C. Notification of Decision: Within ten (10) working days of the Director's decision, a letter shall be sent notifying the applicant of the decision.

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

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Brett A. Hales, Chair

ATTEST:

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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.

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Daniel C. Snarr, Mayor

ATTEST:

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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.

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City Recorder

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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

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that produce noises or fumes. However, these restrictions have not always prevented violations of the ordinance and have resulted in difficult code enforcement because of the nature of the uses to expand beyond the impacts typically associated with a residential use. If such uses are to be reconsidered for home occupations, additional neighborhood involvement should be considered to address potential impacts to the neighborhood. The proposed ordinance includes a public notice process for uses that have higher potential for neighborhood impact. The text also adds a new category of home occupation termed major home occupation. These major home occupations would include construction businesses and uses that have clients coming to the home. The proposed language would require signatures from neighboring property owners stating that they have no objections to the proposed use. In cases where the neighbors objected to the use, a public meeting could be requested at which the Planning Commission would consider the request. The proposed text provides for this process. An alternative to including a new process is to simply allow the use under the existing provisions of the Code. This is also a possibility, but would allow for uses to be established without public notice. In addition, the Commission may wish to consider any additional uses that should be specifically prohibited. Staff has proposed additional prohibited uses to address recent requests and to clarify whether some additional uses should be prohibited based on the characteristics of the use. Uses given for consideration include vehicle sales, sexually oriented businesses and limousine/taxi services. These are distinguished from Conditional Use Permits, because they don't run with the property and have to be renewed on an annual basis.

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 Chapter 17.24 related to home occupations.

Mr. Black gave an example of someone who was in the masonry business, has five trucks and is parking them all over the neighborhood; would there be an opportunity to address that within a year. Mr. Wilkinson responded in the affirmative. There are some contractors that work out of a small truck with very little impact on the neighborhood; the other side of that is the contractor who has large equipment and materials that they are storing on-site as well as mobilization of crews.

Mr. Markham asked if there have been any thoughts from staff regarding other occupations that would fall into this category. He also asked if there is an annual review of home occupations. Mr. Wilkinson noted there is an initial review, but an annual review would be something staff could consider. Mr. Markham asked if it is feasible for staff to do an annual review. Mr. Wilkinson made note that his department doesn't necessarily have the staffing to do that, but if the council directs staff to do so, they will make it work. There are currently businesses operating illegally which we send enforcement out on anyway. At least if they are legalized then there is the ability to require a permit and go through conditions of approval. Mr. Markham's major concern with making the change comes from the people that circumvent the process to set up shop in their house and then there are people who follow the rules and set up shop in the small business parks.

Mr. Woodbury asked if a neighbor made cabinets for him and he wanted to pay that neighbor, would that be prohibited. Mr. Wilkinson commented that this agenda item is

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about people that are applying for a business license, not a neighbor that offers a service. He stated that a physical address is needed in order to obtain a business license, so when a contractor comes to the city and requests their home to be their physical address, the city wants to be able to accommodate those smaller businesses with little or no impact on the surrounding neighborhood.

Mr. Harland asked if the application process is entirely new. Mr. Wilkinson stated that a separate application would have to be made up as well as a different fee schedule.

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

Mr. Black stated there are a lot of contractors that work out of the trunk of their car or from their home and then as they get bigger they move into an office. Eventually they build up a honest business. He feels it is good to allow someone to be able to build their business in stages. There will always be someone who crosses the line, but there is admiration for people that start a business and work hard to build it up. He would like to give those people a chance.

Ms. Daniels feels this is a huge undertaking by staff. Mr. Black stated that every time something like this comes up; it creates more work for staff, who is already struggling to get the work they already have, done. Mr. Taylor feels they are in the same place they were in the last meeting they conducted regarding this subject.

Ms. Daniels made a motion that the Planning Commission forwards a recommendation of denial to the City Council for the requested amendment to Chapter 17.24 related to home occupations. Mr. Markham seconded the motion.

Call vote recorded by Mr. Wilkinson.

N        Jim Harland  
A        Karen Daniels  
A        Ray Black  
A        Tim Taylor  
A        Phil Markham  
A        Vicki Mackay  
A        Scot Woodbury

Motion passed, 6-1 in favor of denial.

OTHER BUSINESS:

Mr. Harland made note that it is Tim Tingey's birthday and the Planning Commission wanted to extend wishes for a happy birthday.

Mr. Harland also wanted to thank Ms. Daniels for chairing the last few meetings in his absence.

**TO: Murray City Planning Commission**  
**FROM: Murray City Community & Economic Development Staff**

**DATE OF REPORT: October 12, 2012**

**DATE OF HEARING: October 18, 2012**

**PROJECT NAME: Construction Businesses**

**PROJECT NUMBER: 12-00000118**

**PROJECT TYPE: Ordinance Text Amendment**

**APPLICANT: Murray City Corporation**

**I. REQUEST:**

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.

**BACKGROUND**

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.

**II. ANALYSIS**

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 that produce noises or fumes. However, these restrictions have not always prevented violations of the ordinance and have resulted in difficult code enforcement because of the nature of the uses to expand beyond the impacts typically associated with a residential use.

If such uses are to be reconsidered for home occupations, additional neighborhood involvement should be considered to address potential impacts to the neighborhood. The proposed ordinance includes a public notice process for uses that have higher potential for neighborhood impact. The text also adds a new category of home occupation termed major home occupation. These major home occupations would include construction businesses and uses that have clients coming to the home. The proposed language would require signatures from neighboring property owners stating that they have no objections to the proposed use. In cases where the neighbors objected to the use, a public meeting could be requested at which the planning commission would consider the request. The proposed text provides for this process.

An alternative to including a new process is to simply allow the use under the existing provisions of the Code. This is also a possibility, but would allow for uses to be established without public notice. In addition, the Commission may wish to consider any additional uses that should be specifically prohibited. Staff has proposed additional prohibited uses to address recent requests and to clarify whether some additional uses should be prohibited based on the characteristics of the use. Uses include for consideration include vehicle sales, sexually oriented businesses and limousine/taxi services.

### **III. FINDINGS**

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

1. Construction businesses were added to the list of prohibited uses by the City Council in 2007 to address concerns from some existing home based construction businesses.
2. The purpose of the Home occupation standards is to provide for some income producing accessory uses within the residential districts while protecting neighborhoods.

3. The City Council has expressed a desire to reconsider allowing construction businesses as home occupations.
4. Additional public notice and public involvement may help to decrease neighborhood conflict related to home occupations that involve clients on site or that require more careful management because of the nature of the use.

#### **IV. 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 Chapter 17.24 related to home occupations.

# **Proposed Ordinance Text Amendment**

## Chapter 17.24 HOME OCCUPATIONS

### 17.24.010: PURPOSE:

### 17.24.020: DEFINITION:

### 17.24.030: LICENSE REQUIRED:

### 17.24.040: APPLICATION:

### 17.24.050: PROHIBITED USES:

### **17.24.010: PURPOSE:**

The purpose of this chapter is to allow and regulate certain income producing accessory uses in residential districts which are compatible with, and not detrimental to, the neighborhood in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling without changing the appearance or condition of that residence. (Ord. 07-30 § 2)

### **17.24.020: DEFINITIONS:**

A "home occupation" is a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition of a home occupation shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling. (Ord. 07-30 § 2)

Abutting: Bordering or touching, such as sharing a common lot or property line.

Adjacent: sharing a common property line or separated by a road right-of-way, drainage easement, or alley.

### **17.24.030: LICENSE REQUIRED:**

A home occupation license shall be required in order to conduct a permitted business in a residence located in a residential zone. Home occupations are accessory uses and are subject to the following regulations:

- A. The home occupation business use must be conducted entirely within the main dwelling, except that the outside yard areas may be used for group instruction, residential daycare facilities and group education uses.
- B. The home occupation business may be conducted only by persons who are residents of the dwelling unit, except that up to one person not residing in the residence may be engaged, volunteer or be employed by the licensee. The owner of the business must reside in the residence. The planning commission may approve more than one nonresident employee if it finds that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and also finds that the employee's presence in the premises will not otherwise violate

the intent of this chapter. Only one nonresident employee, or such additional nonresident employees as approved by the planning commission through approval of a major home occupation, is allowed per residence, regardless of the number of home occupation licenses held by persons residing in the residence.

- C. The business use must be clearly incidental and secondary to the residential use of the dwelling and may not change the residential character of the dwelling. No more than twenty five percent (25%) of the total main or upper floor area, or, in the alternative, no more than fifty percent (50%) of the total floor area of a basement, may be used to conduct a home occupation. Interior alterations to accommodate a home occupation are prohibited if either ~~the~~ the kitchen, the dining area, all bathrooms, the living room, or a majority of the bedrooms are eliminated. Signs related to the home occupation are prohibited unless otherwise provided in this title. Exterior alterations are prohibited if the alterations change the residential appearance of the dwelling.
- D. Commodities may be produced on the premises in accordance with law. Sale of commodities from shelves or similar display on the premises is not allowed.
- E. Home occupation businesses shall not involve the use of any accessory building or yard space for storage, sale, rental or display of supplies or inventory used in the home occupation.
- F. Group education, group instruction, childcare, and instruction of children, other than those residing in the dwelling, are allowed as a home occupation accessory use or as a conditional use only to the extent as allowed in this title.
- G. More than one home occupation business license per dwelling unit is allowed; provided, however, that the cumulative effect of such businesses shall not violate the provisions and the intent of this chapter. By way of illustration and not limitation, the conduct of multiple home occupations may not violate the prohibitions against excessive traffic, and the limit on the number of nonresident employees and motor vehicles allowed at a residence. Any or all of the home occupation licenses issued at a residence are subject to suspension or revocation if the cumulative effect of the conduct of those businesses violates this chapter.
- H. Home occupation licensees shall comply with all state and local laws, including fire, building, and similar life safety and health codes.
- I. The premises of a home occupation may be inspected during reasonable business hours to determine compliance with the provisions of this title.
- J. A home occupation business license shall be valid for twelve (12) months after it is issued and may be renewed annually unless the license, or the privilege of renewing that license, has been revoked or suspended due to violations of this title or other laws applicable to the home occupation

license. Permits for home occupations including major home occupations are personal to the applicant, nontransferable and do not run with the land.

K. One business vehicle used by the licensee in connection with the home occupation may be parked at the premises, subject to the restrictions in this chapter. Other motor vehicles and equipment, and trailers used to transport the same, which are used in connection with the home occupation may not be stored or parked on the premises of the licensee or in any street adjacent to the licensed premises. Under no circumstances may motor vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds and which are used in connection with the home occupation be stored or parked on the premises of a home occupation or any street adjacent to those premises. By way of illustration and not limitation, this subsection is intended to prohibit the storage or parking of business fleet vehicles, such as limousines; service or work vehicles (snowplow/landscape maintenance trucks) and similar vehicles; delivery vehicles; and contractor's equipment and trailers used to transport the same. As provided in subsection B of this section, a nonresident employee may not be allowed to drive any business vehicle parked at the premises as permitted by this subsection as part of that employee's regular work assignment.

L. The traffic generated by a home occupation may not exceed that which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street according to city regulations. The home occupation shall not involve the use of commercial vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds for delivery of materials to or from the premises.

M. Except as otherwise provided in this title, the community development division and/or code enforcement is authorized to approve home occupation applications in accordance with this title.

N. The home occupation may not be associated with noise, noxious odors, fumes, glare, or other nuisances that may be discernible beyond the premises.

O. The storage or use of flammable, explosive, or other dangerous materials is prohibited.

P. Uses where a client or customer comes to the home shall be subject to the standards for a major home occupation. (Ord. 08-04 § 2; Ord. 07-30 § 2)

#### 17.24.040: APPLICATION:

~~A home occupation license application shall be filed with the city business license division. Affected departments shall determine if the application complies with this title. (Ord. 07-30 § 2)~~

#### 17.24.040 Major Home Occupations:

The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a major home occupation permit ~~permits~~ pursuant to standards specified in this section.

- a. Barbers, cosmetologists, manicurists;
- b. Consultant services;

- c. Counseling
- d. Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction;
- e. Contractor, "handyman", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises;
- f. Other similar personal or professional services where the client comes to the home.

In approval of a major home occupation, the standards of Section 17.24.030 above shall be considered minimum standards. The Director or Planning Commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include but are not limited to:

- Limits on hours of operation;
- Limits on numbers of clients per day/hour
- Provision of adequate off-street parking.
- Other conditions related to mitigating adverse impacts resulting from the use.

## **17.24.050: PROHIBITED USES:**

The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations regardless of their conformance with the other standards of this chapter:

On site carpentry work including cabinet making or other similar uses which generate noise, dust or fumes;

Construction businesses;

Dental offices;

Electronics repair;

Major appliance repair (washers, dryers, refrigerators, etc.);

Medical offices;

Painting of vehicles;

Permanent yard sales;

Photo developing;

Photo studios;

Private schools;

Trailer or boat repair;

Upholstering;

Vehicle repair.

Vehicle sales

Limousine or taxi service

Sexually Oriented Businesses

Tattooing

The listing of specific prohibited businesses in this section shall not be construed to allow or permit a home occupation business which otherwise violates this chapter. (Ord. 07-30 § 2)

#### 17.24.060 17.24.040: APPLICATION:

A home occupation license application shall be filed with the city business license division. Affected departments shall determine if the application complies with this title. (Ord. 07-30 § 2).

A. The applications shall include the following information:

1. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
2. A listing of the individuals at the home who will be working on the business;
3. The expected hours of operation of the business;
4. The expected number of clients per hour and total expected number of clients visiting the home per day;
5. A site plan indicating areas of off-street parking for employees and clients.
6. For major home occupations, names, signatures and addresses of all abutting and adjacent property owners, including property owners across the street(s). Approval of the property management or property owner shall be required if the business is conducted on a leased property. Notice to neighboring property owners is subject to the Provisions below:

B. Abutting and Adjacent Property Owners' Signatures: Application must include signatures of approval of all abutting and adjoining property owners on a form provided by the Community and Economic Development Division.

1. If all of the required signatures cannot be obtained, the applicant may request that the application be referred to the planning commission to be considered as a major home occupation.
2. If all required signatures are obtained, the Director or designee will approve, approve with conditions, deny or refer the application to the planning commission to be considered as a major home occupation.

C. Notification of Decision: Within ten (10) working days of the Director's decision, a letter shall be sent notifying the applicant of the decision.

Affected departments shall determine if the application complies with this title. (Ord. 07-30 § 2)

Mr. Vanderlinden, 2074 Sample Cove, stated he did not have any additional comments.

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

Mr. Black made a motion to forward a recommendation of approval to the City Council for the requested Murray General Plan Amendment from Single Family Low Density Residential to Multi-Family Low Density Residential and a zone change from R-1-10 to R-M-10 for the properties addressed at 1765 & 1775 East Vine Street.

Mr. Taylor seconded the motion.

Call vote recorded by Mr. Wilkinson.

A Tim Taylor  
A Karen Daniels  
A Ray Black  
A Phil Markham

Motion passed, 4-0.

LAND USE ORDINANCE TEXT AMENDMENT - Home Occupation Zoning Text  
Amendment to Section 17.24 for Construction Businesses – Project # 12-118

Chad Wilkinson reviewed the proposal to amend 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 reviewed the request for the home occupation zoning text amendment change to Section 17.76 in the Murray City Code. 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 as a home occupation. 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 that produce noises or fumes. However, these restrictions have not always prevented violations of the ordinance and have resulted in difficult code enforcement because of the nature of the uses to expand beyond the impacts typically associated with a residential use. If such uses are to be reconsidered for home occupations, additional neighborhood involvement should be considered to address potential impacts to the neighborhood. The proposed ordinance includes a public notice process for uses that have higher potential for neighborhood impact. The text also adds a new category of home occupation termed major home occupation. These major home occupations would include construction businesses and uses that have clients coming to the home. A major home occupation, unlike the typical conditional use, is a business that would be personal to that applicant and would not transfer with the land and would be subject to annual renewal. The proposed language would require signatures from neighboring property owners that are adjacent or abutting, stating that they have no objections to the proposed use. In cases where the neighbors objected to the use, a public meeting could be requested at which the planning commission would consider the request. In the event the applicant is unable to obtain those signatures, they still have an opportunity to request the approval of the use through the Planning Commission. The proposed text provides for this process. The Code states there can be limits on hours of operation, number of clients, provision of adequate off street parking and any other conditions that would deem appropriate in conjunction with the impact of the business on their property. An alternative to including a new process is to simply allow the use under the existing provisions of the Code. This is also a possibility, but would allow for uses to be established without public notice. In addition, the Commission may wish to consider any additional uses that should be specifically prohibited. Staff has proposed additional prohibited uses to address recent requests and to clarify whether some additional uses should be prohibited based on the characteristics of the use. Uses include for consideration include vehicle sales, sexually oriented businesses and limousine/taxi services, on-site carpentry work, tattooing. 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 Chapter 17.24 related to home occupations.

Ms. Daniels asked if signatures are obtained, is there any way to have those signatures verified. Mr. Wilkinson noted the signatures would be checked against the Salt Lake County Assessor's ownership roles.

Mr. Markham asked Mr. Wilkinson if private schools are differentiated in the Code from Pre-schools as a home occupation. Mr. Wilkinson responded in the affirmative. Mr. Markham asked Mr. Wilkinson if he feels there are a lot of construction businesses operating outside of the Code. Mr. Wilkinson responded in the affirmative. Mr. Markham asked if the City has done anything to regulate that. Mr. Wilkinson stated that due to limited staff, enforcement is based on a complaint basis and/or through businesses registering with the State.

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Mr. Black stated that construction subcontractors have always been known in the past to work under the radar either out of their home or their car. Mr. Wilkinson stated that there are quite a few people that would like to establish contracting or handyman businesses legally. Larger companies are now hiring their installers as independent contractors. Those installers need to have a business license in order to be covered under that company's workman's compensation plans.

Mr. Taylor questioned several uses that would be allowed; one being home medical services/offices (i.e. prosthesis fitting, wheelchair sales). Mr. Wilkinson stated that it would depend on if those types of businesses have people coming to them for services or if they went out to the client. Mr. Wilkinson stated that this change to the Code would not prohibit looking at businesses on a case by case basis. Mr. Taylor stated he likes the fact that staff has made a provision within the application where signatures must be obtained from abutting and adjacent property owners. Mr. Taylor questioned what happens with non-owner occupied properties when the neighboring properties disapprove. Mr. Wilkinson stated that not being able to obtain signatures from abutting/adjacent property owners would not be a dead end for the business owner, but instead the issue would come to the Planning Commission.

Ms. Daniels stated that she would rather have it state in the Code that the applicant must try to obtain signatures. Mr. Wilkinson responded by saying that the City would try to give the applicant some financial motivation in situations like that. For instance, if signatures were obtained they would be charged the regular business license fee, if they were not obtained or the abutting/adjacent property owners disapproved, there would be a fee required for the administration process.

Mr. Markham clarified that changing this text ordinance would not just be for the construction business, but for a larger scope of businesses within this ordinance. Mr. Wilkinson responded in the affirmative.

Mr. Black commented that he likes the idea that the use and/or business have to be renewed and reviewed every year.

Mr. Markham expressed concern about the burden that will be placed on city staff with no additional monies or new hires. The other commission members agreed with that concern. Mr. Markham stated that this issue is big enough that he would like to have more discussion and input by including the members of the Commission that are absent from this meeting.

Mr. Taylor questioned massage uses, and how that fits in as a home based occupation. Mr. Wilkinson stated that legitimate massage, which requires a state license, would not be that big of a concern. Mr. Beach commented that Murray City Business Licensing requires those businesses to get a background check as well as getting licensed from the state. Mr. Wilkinson stated currently there are a few home occupation massage therapists operating in Murray, but there haven't been any reported problems.

Mr. Taylor asked about possible options for these proposed ordinance amendment. One would be to leave the Code the way it is, which at the moment does not allow

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construction uses, or we can allow those uses, but under the existing Code which would only have to be handled administratively. Mr. Wilkinson responded in the affirmative. Mr. Taylor stated that another option would be to require a whole new application process.

Mr. Markham stated they could adopt the proposed language and deal with the construction issue separately, by either voting it to be allowed or prohibited. Mr. Taylor commented that since the economic conditions have changed in recent years, it is probable that more people have moved back into their homes to run a business. Mr. Wilkinson stated there have been a lot of requests in the business licensing department for these types of uses.

Mr. Taylor stated that it would be interesting to hear from an administrative perspective of things what would change as far as forms, processes, etc. Mr. Wilkinson stated there would be an increased administrative work load; however the hope is the applicants would go out, obtain the signatures and do the footwork themselves. Mr. Markham asked if this issue were to be postponed to another date, what is a reasonable amount of time to look it over. Ms. Daniels stated that if the issue gets continued, they have enough commission members in attendance at the next meeting to come to a decision. Mr. Wilkinson noted as far as staff is concerned, they are ready anytime. Ms. Daniels stated that it might be more consistent if all "major" home occupations had to go through the same process. Mr. Wilkinson suggested that if the issue were to be postponed, he would urge the commission to move forward sooner than later as the City Council is expecting to hear on this issue. If there are commission members that will not be present at the next meeting, staff could put in a request for those members to review the issue and send in a written input for consideration.

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

Mr. Markham made a motion to send a negative recommendation to the City Council with regard to approval for the home occupation zoning text amendment change to Section 17.76 in the Murray City Code.

Mr. Black seconded the motion.

Mr. Taylor asked if that motion is due to the added burden this will put on the city administration. Mr. Markham responded in the affirmative. Mr. Markham stated that he has concerns about the home construction trade being in a neighborhood as well. Mr. Black feels the same about the burden being put on city administration and the construction trade being in a neighborhood. Mr. Taylor cited that the terms positive and negative were used in the motion, but the wording that should be used is, recommendation of approval or recommendation of denial.

Mr. Markham restated the motion to say, that a recommendation of denial be forwarded to the City Council for home occupation zoning text amendment change to Section 17.76 in the Murray City Code. Mr. Black seconded the motion.

Planning Commission Meeting

October 18, 2012

Page 17

Call vote recorded by Mr. Wilkinson.

N Tim Taylor  
N Karen Daniels  
A Ray Black  
A Phil Markham

Motion fails for lack of majority.

Mr. Taylor stated he would like to have further discussion between commission members and staff. Mr. Markham reiterated that their decision is merely a recommendation to City Council and not a final decision. Mr. Wilkinson made note that the City Council takes the Planning Commission's recommendations very seriously. Mr. Black commented that construction contractors go through stages. In the beginning they may not have any equipment or only enough to fit into their personal vehicle. From there they move up to storing things at a commercial storage location and so on as they become more successful. Mr. Wilkinson made note that the only way to have a construction business in Murray at this time is to have a commercial location. He also admits there are some offenders out there that are operating illegally, but it is hard to enforce.

Mr. Taylor made a motion to continue this item until the next scheduled meeting to facilitate more discussion, for the purpose of receiving input from the members of the Planning Commission that are not in attendance at this meeting.

Mr. Markham seconded the motion.

Call vote recorded by Mr. Wilkinson.

A Tim Taylor  
A Karen Daniels  
A Ray Black  
A Phil Markham

Motion passed, 4-0.

SWIMMING POOL GATE TEXT AMENDMENT – Swimming Pool Second Gate Text  
Amendment to section 17.76.160 – Project # 12-119

Chad Wilkinson reviewed the proposal for a Land Use Ordinance text amendment regarding swimming pool second access gate approval requirements in Section 17.76.160. The proposal amends the requirement for a Conditional Use Permit approval, by the Murray Planning Commission, for a second gate for swimming pools in commercial, multi-family residential, agriculture and single family residential developments. The allowance for more than one gate changes to City staff approval. The purpose for the text amendment for commercial, residential and agricultural zones is to bring the Land Use Code into compliance with International Building Code requirements for gates and exit codes. The Murray City Building Department has recently required developers of projects in the Transit Oriented Development to install

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The Salt Lake Tribune

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PROOF OF PUBLICATION

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	11/5/2012

FILE COPY

testament  
ment  
handyman  
home occp

ACCOUNT NAME	
MURRAY CITY RECORDER,	
TELEPHONE	AD ORDER# / INVOICE NUMBER
8012642660	0000834742 /
SCHEDULE	
Start 11/04/2012	End 11/04/2012
CUST. REF. NO.	
Handyman	
CAPTION	
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN	
SIZE	
26 Lines	1.00 COLUMN
TIMES	RATE
4	
MISC. CHARGES	AD CHARGES
TOTAL COST	
48.68	

MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that on the 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 text amendment to Section 17.24.10 to allow Handyman/Construction type uses as a Home Occupation Business.

MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
834742  
UPAFLP

AFFIDAVIT OF PUBLICATION

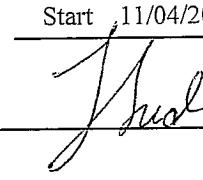
AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN that on the 15th day of November, 2012, at the hour of 6:30 p.m. of said day in the Cou FOR MURRAY CITY RECORDER, WAS 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

  
Virginia Craft  
Notary Public, State of Utah  
Commission # 581469  
My Commission Expires  
January 12, 2014

DATE

11/5/2012

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WEST VALLEY CITY, UTAH 84170  
FED.TAX I.D.# 87-0217663

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Deseret News  
WWW.DESERETNEWS.COM

PROOF OF PUBLICATION

CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS	ACCOUNT NUMBER	DATE
MURRAY CITY RECORDER, 5025 S STATE, ROOM 113 MURRAY, UT 84107	9001341938	10/8/2012

FILE COPY

Home  
Occupation  
Handyman

ACCOUNT NAME			
MURRAY CITY RECORDER,			
TELEPHONE	AD ORDER#	INVOICE NUMBER	
8012642660	0000827545	/	
SCHEDULE			
Start 10/07/2012	End 10/07/2012		
CUST. REF. NO.			
Handyman & Contractor			
CAPTION			
MURRAY CITY CORPORATION NOTICE OF PUBLIC HEARING NOTICE IS HEREBY GIVEN			
SIZE			
26	LINES	1.00	COLUMN
TIMES	RATE		
4			
MISC. CHARGES	AD CHARGES		
TOTAL COST			
48.68			

MURRAY CITY CORPORATION  
NOTICE OF PUBLIC HEARING  
NOTICE IS HEREBY GIVEN that on the 18th day of October, 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 17.24 to allow Handyman/Construction type uses as a Home Occupation Business.

MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
827545 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 18th day of October, 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 17.24 to allow Handyman/Construction type uses as a Home Occupation Business.

PUBLISHED ON

Start 10/07/2012

End 10/07/2012

SIGNATURE

DATE

10/8/2012



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

Virginia Craft

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Deseret News  
FILE COPY  
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	9/24/2012

Sec. 17.24  
Home Occup  
Handyman

ACCOUNT NAME		
MURRAY CITY RECORDER,		
TELEPHONE	ADORDER#	/ INVOICE NUMBER
8012642660	0000823771	/
SCHEDULE		
Start 09/23/2012	End 09/23/2012	
CUST. REF. NO.		
PH Contractor/Home 10/4		
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 4th day of October, 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 17.24 to allow Handyman/Construction type uses as a Home Occupation Business.  
MURRAY CITY CORPORATION  
Chad Wilkinson, Manager  
Community & Economic Development  
823771 UPAXLP

AFFIDAVIT OF PUBLICATION

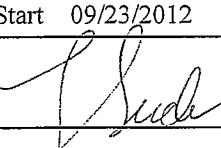
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PUBLISHED ON

Start 09/23/2012

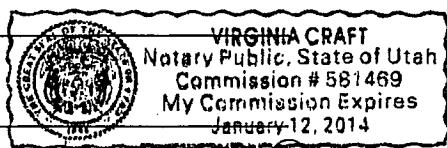
End 09/23/2012

SIGNATURE

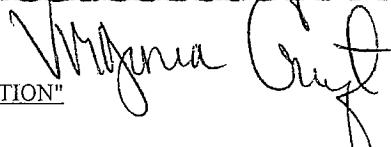


DATE

9/24/2012



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**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)

UTAH AGRICULTURAL  
DEPARTMENT  
STATE OFFICE BLDG #5130  
SLC UT 84114

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

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

*home occ p | handyman*

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

# **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.)

Business Licensing City Code Text Amendment

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

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

Council Meeting OR  Committee of the Whole

Date requested: March 5, 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 and ordinance

**6. REQUESTOR:**

Name: Tim Tingey

Title: Director, Administrative & Development Services

Presenter: Same

Title:

Agency:

Phone: 801-264-2680

Date: February 20, 2013

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: Tim Tingey Date: 2/21/13

Mayor: Daniel C. Brown Date: 2/21/2013

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

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

**9. NOTES:**

February 24, 2012



**MURRAY CITY CORPORATION**

2013-2014 BUDGET AND FINANCIAL REPORT

BUDGET AND FINANCIAL REPORT

**B. Tim Tingey, Director**

Building Division  
Community & Economic Development  
Geographic Information Systems

Information Technology  
Recorder Division  
Treasurer Division

**TO:** **City Council**  
**FROM:** **Tim Tingey, Director, Administrative and Development Services**  
**DATE:** **February 21, 2013**  
**RE:** **Business License Ordinance Changes**

As discussed at the February 5<sup>th</sup> City Council Committee of the Whole meeting, attached is a proposed ordinance modifying the business license late fee structure. We feel this will be a positive change in administering the process for late fees in the business licensing area.

**Administrative and Development Services Department staff recommends approval of the proposed ordinance which is attached.** If you have any questions, please contact me.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 5.04.280, 5.08.010, 5.08.030, AND 5.08.070 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO BUSINESS LICENSE FEES.

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1.* Purpose. The purpose of this ordinance is to amend Sections 5.04.280, 5.08.010, 5.08.030, and 5.08.070 of the Murray City Municipal Code relating to business license fees.

*Section 2.* Amendment to Sections 5.04.280, 5.08.010, 5.08.030, and 5.08.070 of the Murray City Municipal Code. Sections 5.04.280, 5.08.010, 5.08.030, and 5.08.070 of the Murray City Municipal Code shall be amended to read as follows:

**5.04.280: PENALTY FEES FOR FAILURE TO OBTAIN A LICENSE:**

- A. A person conducting business in the city without first obtaining a business license **or a person operating a business that has been closed for nonrenewal** shall be assessed a one hundred percent (100%) penalty on past due fees **including any regulatory fees**.
- B. A late payment penalty shall be assessed on past due license fees for renewal of a business license as follows:
  1. Fifty percent (50%) **of the base fee** up to thirty (30) days delinquent.
  2. One hundred percent (100%) **of the base fee** if between thirty one (31) and sixty (60) days delinquent.
  3. After sixty (60) days' delinquency, the city license administrator shall not accept a reissuance application for a license which has expired, or which for any other reason is not in full force and effect.
- 4. **The late payment penalty shall be waived for renewals if payment is received within 10 calendar days from the expiration date of the business license.**
- C. This section imposing late payment penalties is in addition to and not in lieu of any legal remedy available to the city to enforce this title and payment of a late payment penalty is not a defense to a violation of this title.

**Chapter 5.08  
BUSINESS LICENSE FEES**

**5.08.010: FEE SCHEDULES:**

**5.08.020: LICENSE FEE DUE DATE:**

**5.08.030: LICENSE FEES A DEBT:**

**5.08.0430: FEE EXEMPTION; APPLICATION WITHOUT FEE REQUIRED:**

**5.08.0540: RECEIPT OF DEPOSIT:**

**5.08.0650: TERM OF LICENSE:**

**5.08.0760: PAID FEES NONREFUNDABLE:**

**5.08.0870: APPEAL OF COMPUTATION OF FEES:**

**5.08.010: FEE SCHEDULES:**

A. Base License Fee: All businesses, excluding home occupations, are subject to a base license fee of one hundred dollars (\$100.00) plus six dollars (\$6.00) per employee.

B. Annual Business License Regulatory Fees: The following regulatory fees are assessed in addition to all the base business license fees:

Alcohol beverage license fee schedule:	
Off premises beer retailer license	\$ 200.00
On premises restaurant beer retailer license (full or limited)	500 .00
On premises equity, fraternal, dining or social club beer retailer license	500 .00
On premises tavern beer retailer license	500 .00
On premises nontavern beer retailer license	500 .00
Single event permit	100 .00
On premises banquet beer retailer license	500 .00
Temporary special event permit	150 .00
Amusement device	150 .00
Auto tow/wrecker	150 .00

Beauty/barber shop, nail salon, tanning salon, or other personal services	100 .00
Childcare:	
Residential facility	175 .00
License exempt residential user fee	50 .00
Commercial center	150 .00
<b>Employees:</b>	<b>6.00 per employee</b>
Fireworks indoor/outdoor, Christmas tree sales	160 .00
Group home and residential facility	250 .00
Hazardous materials (care facility), hospital, surgical facilities, outpatient care for rehabilitation, skilled nursing care, long term care, assisted living. Similar businesses over the exempt amounts in the international fire code	350 .00
Hazardous materials (storage, disposal, mixing, dispensing and use), including, but not limited to, mobile paint, auto body repair, auto painting, on premises dry cleaning, printing shops, bulk storage of hazardous materials, gases, oxygen and other processes, storage of paints, sealers, enamels or oil based materials and construction materials. Any other business using a hazardous material over the exempt amounts in the international fire code	350 .00
Home occupations. The home occupation license fee shall be as follows:	
1. \$50.00 for home occupation businesses that had gross revenue of \$10,000.00 or less in the prior calendar year. Under this subsection, the applicant must complete and sign a sworn affidavit stating that the applicant's gross revenue for the home occupation business was \$10,000.00 or less in the prior calendar year.	
2. \$100.00 for home occupation businesses that had gross revenue of more than \$10,000.00 in the prior calendar year.	
Hotel/motel	250 .00

Motor vehicle license	10 .00 per vehicle
Pawnbroker	200 .00
Rental units:	
Residential	6 .00 per unit
Commercial	2 .00 per unit
Secondhand dealer	100 .00
Sexually oriented business and employee license fee schedule:	
Business:	
Adult business	500 .00
Seminude entertainment bar	500 .00
Outcall agency	1,000 .00
Escort business	1,000 .00
Seminude entertainment agency	150 .00
Employee:	
Seminude performers	250 .00
Seminude entertainment, nonperformers	150 .00
Outcall agency, performers	600 .00
Outcall agency, nonperformers	150 .00
Escort business, performers	600 .00
Escort business, nonperformers	150 .00
Spa or salon with licensed massage therapist	100 .00
Storage units	150 .00
Tattoo parlor	250 .00
Tobacco retailer	200 .00

- C. Temporary Business License Fee: The temporary business license fee is one hundred dollars (\$100.00) plus any regulatory fees, prorated.
- D. Discontinuance Of Business: When a permanent business licensed in the city discontinues operations and determines to sell the existing inventory and other assets, that business must apply to the city for a discontinuance of business license.
  - 1. In addition to section 5.04.150 of this title, the application must include:
    - a. Duration Of The Sale: The sale may not exceed ninety (90) consecutive days,
    - b. Inventory: An itemization or inventory of all items and furnishings included in sale. Only items in inventory and on order as of the date of the application may be sold in a discontinuance of business sale,
  - 2. If the entire discontinuance sale occurs under an existing license, no license fee is required. If any portion of the sale is to occur after the expiration of the existing license, a temporary license fee of one hundred dollars (\$100.00) shall be paid,
  - 3. No person having conducted a discontinuance of business sale may conduct a business operation of the same nature within twelve (12) consecutive months from the date of issue of that license.

#### **5.08.020: LICENSE FEE DUE DATE:**

Business license and regulatory license fees, unless otherwise provided, are due and payable before conducting business or, in the case of an existing business, no later than the existing license expiration date. The city license administrator may accept payment of the fees in advance of the due date.

#### **5.08.030: LICENSE FEES A DEBT:**

Delinquent license fees and all assessed penalties are a debt owed to the city and shall accrue interest at the rate of eighteen percent (18%) per annum after the date of delinquency.

#### **5.08.0430: FEE EXEMPTION; APPLICATION WITHOUT FEE REQUIRED:**

- A. An applicant is exempt from payment of business license and regulatory license fees if:
  - 1. Exempt from payment of fees by state or federal law; or
  - 2. Exempt under section 5.04.220 of this title.

B. A completed application for a business license is required from all applicants regardless of whether the applicant is exempt from payment of fees under this title.

**5.08.0540: RECEIPT OF DEPOSIT:**

The applicant, upon tendering the required fee to the city license administrator, shall be issued an interim receipt showing the receipt of such deposit, but such receipt of deposit shall not be deemed to be a business license and does not authorize conducting business.

**5.08.0650: TERM OF LICENSE:**

The business license expires twelve (12) months after its date of issuance, except as otherwise provided in this title.

**5.08.0760: PAID **BASE** FEES NONREFUNDABLE:**

All paid **base** fees required by this chapter are nonrefundable.

**5.08.0870: APPEAL OF COMPUTATION OF FEES:**

A. A licensee may appeal the computation of business license fees and penalties as provided in section 5.04.080 of this title.

*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

---

Brett A. Hales, 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

# **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 Code Changes

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

Responsive and Efficient City Services

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

Council Meeting OR  Committee of the Whole

Date requested March 5, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?

*YES*

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain)

Other (explain)

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

Not Applicable

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

See attached memo and documents *and ordinance*

**6. REQUESTOR:**

Name: Tim Tingey

Title: Director of Administrative and Development Services

Presenter: Jennifer Kennedy

Title: City Recorder

Agency:

Phone: (801) 264-2680

Date: February 19, 2013

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: *Tim Tingey* Date: *2/19/13*

Mayor: *Daniel C. Shaw* Date: *2/19/2013*

**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: City Council  
Mayor Snarr  
Jan Wells, Chief of Staff

CC: Tim Tingey, Director of Administrative and Development Services

FROM: Jennifer Kennedy, City Recorder

DATE: February 19, 2013

SUBJECT: Election Code Changes

During the 2012 Legislative session some changes were made to the Election Code. I would like to present changes that include the way the City notices an election, the declaration of candidacy period and some general clean-up within Chapter 2.66 of the Murray City Code to the City Council for their approval. I would like to present this at the March 5, 2013 City Council meeting.

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 2.66 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO ELECTIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

*SECTION 1.* Purpose. The purpose of this ordinance is to amend Chapter 2.66 of the Murray City Municipal Code relating to elections.

*SECTION 2.* Amendment. Chapter 2.66 of the Murray City Municipal Code shall be amended and read as follows:

**2.66.010: DEFINITIONS:** For purposes of this Chapter, the following definitions apply:

A. “CANDIDATE” means: Any person who files a declaration of candidacy for a city-City office hereunder; or is nominated pursuant to these provisions or receives contributions or makes expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election for city-City office; or causes on their behalf, any written material or advertisements to be printed, published, broadcasted, distributed or disseminated which indicates an intention to seek city-City office.

B. “CITY OFFICE” means: The city-City mayor-Mayor or a city-City eounceil-Council member-Member.

C. “CONTRIBUTIONS” means: Monetary and nonmonetary contributions such as in-kind contributions and contributions of any property, but shall not include personal services provided without compensation by individuals volunteering their time on behalf of candidates and contributions by the candidates themselves.

D. “ELECTIONS” means: Both primary and final-general elections.

E. “EXPENDITURES” means: Aa purchase, payment, distribution, loan, advance, deposit, or gift of value made for the purpose of influencing the nomination or election of any candidate. (Ord. 03-20 § 2)

**2.66.020: DECLARATION OF CANDIDACY; CITY GENERAL ELECTIONS:**

A. On or before February 1 in a year in which there is a municipal general election, the City Recorder shall publish a notice that identifies:

1. The municipal offices to be voted on in the municipal general election; and
2. The dates for filing a declaration of candidacy for the offices.

B. The City Recorder shall publish the notice on the Utah Public Notice Website and in at least one of the following ways:

1. At the principal office of the City;
2. In a newspaper of general circulation within the City at least once a week for two successive weeks;
3. In a newspaper produced by the City;
4. On the City's website;
5. With a utility enterprise fund customer's bill.

BC. A person may become a candidate for any City office if the person is a registered voter and:

1. The person has been a resident of the eCity for ~~at least three hundred sixty five (365) consecutive days~~ 12 consecutive months immediately before the date of the election; and
2. Meets the requirements of subsection C-D of this section.
3. A person living in an area annexed to the City meets the residency requirement of this section if that person resided within the area annexed to the eCity ~~for at least three hundred sixty five (365) consecutive days~~ 12 consecutive months immediately before the date of the election.
4. In addition to the other requirements of this section, candidates for eCity councilCouncil member seats shall be residents of the eCity Council district from which they are elected.
5. In accordance with Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this State until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5 of the Utah Code.

ED. The filing procedures to become a candidate for a eCity office shall be as follows:

1. Each person seeking to become a candidate for a City office shall file in person, with the City Recorder, a "declaration of candidacy", substantially in the form set forth in subsection C-E of this section, with the Ceity Recorder during regular office hours, but not later than five o'clock (5:00) P.M., between JulyJune 1 and JulyJune 15 of any odd numbered year. If June 1 falls on a Saturday, Sunday or legal holiday, the following business day shall be used. When JulyJune 15 is a Saturday or, Sunday or legal holiday,

the filing time shall be extended until five o'clock (5:00) P.M. on the following business day. Monday.

2. Any resident of the City may nominate a candidate for a City office by filing a "nomination petition", substantially in the form provided in subsection C(E)(2) of this section, with the eCity Recorder during regular office hours, but not later than five o'clock (5:00) P.M., between July June 1 and July June 15 of any odd numbered year. If June 1 falls on Saturday, Sunday or legal holiday, the following business day shall be used. When June 15 is a Saturday, Sunday or legal holiday, the filing time shall be extended until five o' clock (5:00) P.M. to the following business day.

EE. The forms required under subsection B-D of this section shall substantially comply with the following:

1. The declaration of candidacy shall be substantially as follows:

*I (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, Murray City, County of Salt Lake, State of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I will meet the legal qualifications required of candidates for this office. I have resided within Murray City for 365 consecutive days immediately prior to the date of the election, or I have resided in a territory which was annexed into Murray City for 365 consecutive days immediately prior to the date of the election; that I am a registered voter; and that I am a candidate for the office of for the four year term. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots.*

*(Signed) \_\_\_\_\_*

*Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on the this \_\_\_\_\_ day of, 20\_\_\_\_\_.(month/day/year).*

*(Signed) \_\_\_\_\_  
(City Recorder or Notary Public)*

2. A registered voter may be nominated for municipal office by submitting a petition signed, with a holographic signature by:

- a. Twenty-five (25) residents of Murray City who are at least 18 years old; or
- b. Twenty percent (20%) of the residents of Murray City who are at least 18 years old.

c. The nomination petition shall be substantially as follows:

*NOMINATION PETITION*

*The undersigned residents of Murray City being 18 years old or older nominate (name of nominee) to the office of \_\_\_\_\_ for the four year term.*

d. The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

DE. Before the ~~city~~City recorderRecorder may accept any declaration of candidacy or nomination petition, the ~~city~~City recorderRecorder shall:

1. Read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the ~~city~~City office that the candidate is seeking~~;~~  
~~and~~
2. Require the candidate or person filing the petition to state whether or not the candidate meets those requirements.
3. If the prospective candidate does not meet the qualification requirements for the ~~city~~City office, the ~~city~~City recorderRecorder may not accept the declaration of candidacy or nomination petition.
4. If it appears that the prospective candidate meets the requirements of candidacy, the ~~city~~City recorderRecorder shall: ~~accept the declaration of candidacy or nomination petition.~~
  - a. inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
  - b. provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in the disqualification as a candidate and removal of the candidate's name from the ballot;
  - c. provide the candidate with a copy of the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline;
  - d. provide the candidate with a copy of the pledge of fair campaign practices, as provided in Section 20A-9-206 of the Utah Code, and inform the candidate that signing the pledge is voluntary and signed pledges shall be filed with the City Recorder;
  - e. If the candidate elects to sign the pledge of fair campaign practices, the City Recorder shall accept the candidate's pledge.

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5. After accepting a declaration of candidacy or nomination petition, the City Recorder Recorder shall verify with the Salt Lake County clerk that each candidate is a registered voter. Any candidate who is not registered to vote is disqualified and the eity City Recorder may not print the candidate's name on the ballot.

EG. As soon as possible after expiration of the period for filing a declaration of candidacy, the City Recorder shall:

1. Cause the names of the candidates as they will appear on the ballot to be published in at least two (2) successive publications of a newspaper with general circulation in the City; and
2. Notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

H. A declaration of candidacy or nomination petition filed under this section may not be amended after the expiration of the period for filing a declaration of candidacy.

FI. A declaration of candidacy filed under this chapter is valid unless a written objection is filed with the eity City Recorder Recorder within five (5) days after the last day for filing.

1. If an objection is made, the eity City Recorder Recorder shall:
  - a. Immediately mail or personally deliver notice of the objection to the affected candidate; and
  - b. Decide any objection within forty eight (48) hours after such objection is filed.
2. If the eity City Recorder Recorder sustains the objection, the candidate may correct the problem by amending the declaration of candidacy or nomination petition within three (3) days after the objection is sustained or by filing a new declaration of candidacy or nomination petition within three (3) days after the objection is sustained.
3. a. The eity City Recorder's Recorder's decision upon objections to the form is final.  
b. The eity City Recorder's Recorder's decision upon substantive matters is subject to review by a district court if application is made to the district court within twenty (20) days of the eity City Recorder's Recorder's decision.  
c. The decision of the district court is final unless the Utah supreme eCourt, in the exercise of its discretion, agrees to review the district court's decision.

GJ. Any person who filed a declaration of candidacy or was nominated may, any time up to twenty three (23) days before the election, withdraw the nomination by filing a written affidavit with the eity City Recorder Recorder. (Ord. 09-16 § 2; Ord. 03-20 § 2)

## **2.66.030: QUALIFYING AS A WRITE IN CANDIDATE:**

Each person wanting to become a valid write in candidate shall file a declaration of candidacy with the ~~city~~City recorderRecorder not later than forty five (45) days before the municipal general election in which the person intends to be a write in candidate. (Ord. 11-37)

## **2.66.035: PRIMARY ELECTIONS:**

- A. Candidates for municipal offices shall be nominated at a municipal primary election.
- B. Municipal primary elections shall be held:
  - 1. Consistent with Section 20A-1-205.5 on the second Tuesday following the first Monday in the August before the regular municipal election and whenever possible at the same polling places as the regular municipal election.
  - 2 . If the number of candidates for a particular municipal office does not exceed twice the number of persons needed to fill that office a primary election for that office may not be held and the candidates are considered nominated.

## **2.66.040: CAMPAIGN FINANCIAL DISCLOSURE IN CITY ELECTIONS:**

- A. The ~~city~~City recorderRecorder shall, at the time the candidate for ~~city~~City office files a declaration of candidacy and again fourteen (14) days before each ~~city~~City general election, notify the candidate in writing of:
  - 1. The provisions of ~~city~~City ordinance governing the disclosure of campaign contributions and expenditures;
  - 2. The dates when the candidate's campaign finance statement is required to be filed; and
  - 3. The penalties that apply for failure to file a timely campaign finance statement, including the provisions that require removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.
- B. 1. Each candidate for ~~city~~City office who is not eliminated at a ~~city~~City primary election shall report in writing to the ~~city~~City recorderRecorder their itemized and total campaign contributions and expenditures:
  - a. No later than seven (7) days before the ~~city~~City general election for all campaign contributions received up to ten (10) days before the ~~city~~City general election; and
  - b. No later than thirty (30) days after the date of the ~~city~~City general election for final itemized campaign contributions and expenditures.

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2. Each candidate for city-City office who is eliminated at a city-City primary election shall report in writing to the city-City recorder-Recorder their itemized and total campaign contributions and expenditures no later than thirty (30) days after the date of the City primary election.

C. All financial reports shall identify:

1. For each contribution of more than fifty dollars (\$50.00), the name of the donor of the contribution and the amount of the contribution excluding any contributions by the candidates to their own campaign; and
2. For each expenditure, the name of the recipient and the amount of the expenditure.

D. All financial disclosure statements will be available for public inspection at the city-City recorder's Recorder's office.

E. Notwithstanding any provision of the Utah eGovernment Records Access and Management Act, the city-City recorder-Recorder shall make the campaign finance statement filed by a candidate available for public inspection by:

1. Posting an electronic copy or the contents of the statement on the city's-City's website no later than seven (7) business days after the statement is filed; and
2. Verifying that the address of the city's-City's website has been provided to the lieutenant governor in order to meet the requirements of section 20A-11-103(5) of the Utah eCode; or
3. Submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under section 20A-11-103 of the Utah eCode no later than two (2) business days after the statement is filed.

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F. If a candidate fails to file a campaign finance statement before the city-City general election by the deadline specified in section 10-3-208(2)(a)(i)(A) of the Utah eCode, the city-City recorder-Recorder shall inform the appropriate election official who shall:

1. If practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or
2. If removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and
3. Not count any votes for that candidate.

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G. Notwithstanding subsection F of this section, a candidate who files a campaign finance statement seven (7) days before a cityCity general election is not disqualified if:

1. The statement details accurately and completely the information required under section 10-3-208(2)(b) of the Utah eCode, except for inadvertent omissions or insignificant errors or inaccuracies; and
2. The omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

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H. A campaign finance statement required under this chapter is considered filed if it is received in the cityCity recorder's Recorder's office by five o'clock (5:00) P.M. on the date that it is due.

I. Candidates who are eliminated at a primary election shall file, with the cityCity recorderRecorder, a signed campaign financial statement containing the information required by this section not later than thirty (30) days after the primary election. (Ord. 11-15: Ord. 09-16 § 3)

#### **2.66.050: ELECTION JUDGES; APPOINTMENT FOR LOCAL ELECTIONS:**

A. At least fifteen (15) days before the date scheduled for any local election, the cityCity council Council shall appoint or provide for the appointment of election judges as follows:

1. If paper ballots will be used:
  - a. Three (3) registered voters from the cityCity shall be appointed to serve as election judges for each voting precinct when the ballots will be counted after the polls close; or
  - b. Three (3) registered voters from the cityCity shall be appointed to serve as receiving judges in each voting precinct and three (3) registered voters from the cityCity shall be appointed to serve as counting judges in each voting precinct when ballots will be counted throughout election day;
2. If automated tabulating equipment is used, three (3) registered voters from the cityCity shall be appointed to serve as election judges for each voting precinct;
3. If voting machines are used, four (4) registered voters from the cityCity shall be appointed to serve as election judges for each voting precinct; and
4. In addition to subsections A1, A2 and A3 of this section:
  - a. At least one registered voter from the cityCity shall be appointed to serve as canvassing judge, if necessary; and

- b. As many alternate judges as may be needed shall be appointed to replace appointed judges who are unable to serve.
- B. The ~~city~~City ~~council~~Council may not appoint any candidate's parent, sibling, spouse, child or in-law to serve as an election judge in the voting precinct where the candidate resides.
- C. The ~~city~~City ~~recorder~~Recorder shall:
  - 1. Prepare and file a list containing the name, address, voting precinct, and telephone number of each person appointed as an election judge; and
  - 2. Make the list available in the ~~city~~City ~~recorder's~~Recorder's office for inspection, examination, and copying during business hours.
- D. The ~~city~~City ~~council~~Council shall compensate election judges for their services. The ~~city~~City ~~council~~Council may not compensate their election judges at a rate higher than that paid by Salt Lake County to its election judges. (Ord. 03-20 § 2)

**2.66.060: INDUCEMENTS NOT TO BECOME CANDIDATES:**

- A. It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease from being, a candidate for ~~city~~City office.
- B. It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease from being, a candidate for ~~city~~City office.
- C. Any person who violates this section is guilty of a class B misdemeanor. (Ord. 03-20 § 2)

**2.66.070: PENALTY FOR NONCOMPLIANCE:**

Except as otherwise provided, any candidate for ~~city~~City office, individual or entity who fails to comply with this chapter is guilty of an infraction. (Ord. 03-20 § 2)

*SECTION 3.* Effective Date. The Ordinance shall take effect upon first publication.

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this day 5<sup>th</sup> of March, 2013.

MURRAY CITY MUNICIPAL COUNCIL

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Brett A. Hales, Chair

ATTEST:

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Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Daniel C. Snarr, Mayor

ATTEST:

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Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

I hereby certify that this Ordinance was passed on the \_\_\_\_ day of \_\_\_\_\_, 2013.

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Jennifer Kennedy, City Recorder

# **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)

REQUIRED TECHNICAL AMENDMENTS TO SECTION 13.08.050 OF THE MURRAY CITY MUNICIPAL CODE  
MADE NECESSARY BY THE AMENDMENT TO THE WATER CONNECTION IMPACT FEE SCHEDULE

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

Council Meeting OR  Committee of the Whole

Date requested MARCH 5

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy? YES

Resolution (attach copy)

Has the Attorney reviewed the attached copy?       

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?       

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

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

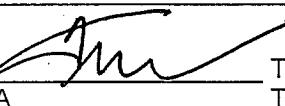
WELL MAINTAINED, PLANNED AND PROTECTED INFRASTRUCTURE AND ASSETS

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

None

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

**6. REQUESTOR:**

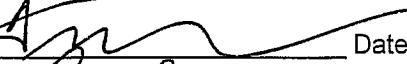
Name: FRANK NAKAMURA  Title: CITY ATTORNEY

Presenter: FRANK NAKAMURA Title: CITY ATTORNEY

Agency: \_\_\_\_\_ Phone: \_\_\_\_\_

Date: 02/11/2013 Time: 1158

**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: 2-14-2013

Mayor:  Date: 2-14-2013

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

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

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

**9. NOTES:**



MURRAY CITY CORPORATION  
CITY ATTORNEY'S OFFICE

Daniel C. Snarr, Mayor  
Frank M. Nakamura, City Attorney  
TEL 801-264-2640 FAX 801-264-2641

MEMORANDUM

TO: Murray City Municipal Council  
CC: Daniel C. Snarr, Mayor  
FROM: Frank Nakamura, City Attorney  
Briant Farnsworth, Senior City Attorney   
DATE: February 11, 2013  
RE: Required technical amendments to section 13.08.050 of the Murray City  
Municipal Code made necessary by the amendment to the Water  
Connection Impact Fee Schedule

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Recently, section 13.08.050 of the Murray City Municipal Code was amended to reflect changes in the computation of the Water Connection Impact Fee. Our Office has been made aware of related changes that are required in order to make the ordinance consistent. Attached for your consideration is a proposed ordinance making the changes.

Under the current ordinance, subsection G, it outlines an appeal process that relates to the previous method of computing the impact fee. Now that the Impact Fee is determined solely by pipe size, rather than EDU calculations, the appeal process outlined under this subsection is no longer needed or relevant. The appeal process under current subsection H will be retained. Should you have any questions or concerns, please feel free to contact us.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 13.08.050 OF THE MURRAY CITY MUNICIPAL CODE MAKING TECHNICAL CHANGES NECESSITATED BY THE RECENT AMENDMENT TO THE WATER CONNECTION IMPACT FEE SCHEDULE

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this section is to amend section 13.08.050 of the Murray City Municipal Code making technical changes necessitated by the recent amendment to the water connection impact fee schedule.

*Section 2. Amend section 13.08.050 of the Murray City Municipal Code.* Section 13.08.050 of the Murray City Municipal Code shall be amended to read as follows:

~~G. A person aggrieved by the property use classification or an EDU calculation may file an administrative appeal to the board of appeals.~~

- ~~1. Pursuant to section 11-36-401 of the Utah code, the board of appeals shall make its decision on all appeals no later than thirty (30) days after the date the challenge to the impact fee is filed.~~
- ~~2. Within ninety (90) days of a decision upholding an impact fee by the board of appeals or within one hundred twenty (120) days after the date the challenge to the impact fee was filed, whichever is earlier, any party to the administrative appeal who is adversely affected by the decision of the board of appeals may petition the district court for a review of the decision.~~

~~HG. In addition to the procedure under subsection G of this section, pursuant to section 11-36-402 of the Utah code, a person or entity may submit an impact fee challenge to arbitration if the person or entity:~~

1. a. Resides in or owns property within a service area, or
- b. Is an organization, association or corporation representing the interest of a person or entity owning property within a service area; and

- ‡. Files a written request for arbitration with the ~~e~~City within thirty (30) days after the day the impact fee is paid.
- §. If a written request for arbitration is timely filed with the ~~e~~City under this section, the arbitration shall be conducted under the procedure established in section 11-36-402 of the Utah code.

**IH.** The ~~e~~City shall direct and supervise the connection on the mainline by the water user and extension of the service line to the property line. It is the responsibility of the developer or owner to install the service line from the mainline to the property line. (Ord. 02-35 § 5)

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

PASSED, APPROVED AND ADOPTED by the Murray City Municipal Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

MURRAY CITY MUNICIPAL COUNCIL

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Brett A. Hales, Chair

ATTEST:

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Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Daniel C. Snarr, Mayor

ATTEST:

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Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

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

---

Jennifer Kennedy, City Recorder

# **New Business**

## **Item #4**

# Murray City Municipal Council

## Request for Council Action

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

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

CONSIDER AN ORDINANCE ENACTING NO-FAULT GOLF BALL CLAIMS PROCEDURES AND PAYMENTS

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

Council Meeting OR  Committee of the Whole

Date requested March 5<sup>th</sup>

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?  Yes

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

**3. ATTENDING POLICY:** (This Section is not required until after the City-wide Strategic Plan is completed

– toward the end of 2011) (Please explain how request relates to city-wide policy)

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

Amount and source of funding to be determined during the annual budgeting process

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

Memo, proposed ordinance

**6. REQUESTOR:**

Name: Frank Nakamura Title: City Attorney

Presenter: Doug Hill Title: Public Services Director

Agency: \_\_\_\_\_ Phone: \_\_\_\_\_

Date: \_\_\_\_\_ 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: Andy Date: 2-20-13

Mayor: Danielle Shan Date: 2/20/2013

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

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

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

**9. NOTES:**



MURRAY CITY CORPORATION  
CITY ATTORNEY'S OFFICE

Daniel C. Snarr, Mayor  
Frank M. Nakamura, City Attorney  
TEL 801-264-2640 FAX 801-264-2641

MEMORANDUM

TO: Murray City Municipal Council  
CC: Daniel C. Snarr, Mayor  
Doug Hill, Public Services Director  
FROM: Frank Nakamura, City Attorney  
Briant Farnsworth, Senior City Attorney *[Handwritten signature]*  
DATE: February 20, 2013  
RE: No-Fault Golf Ball Claims Proposed Ordinance

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Occasionally, claims are made against the City for damage done to vehicles or other property from golf balls hit from the golf course. Our Office takes the position that the City does not have liability for golf ball claims where the ball is hit by a patron of the golf course.

It has been brought to our attention that some other entities in the Salt Lake area, including the County and Salt Lake City, have ordinances allowing for no-fault payments of golf ball claims. In a sense, this would be similar to the City's no-fault water claims payments. The City through these payments would attempt to help the victim of the damage mitigate their damages. One reason is because finding the at-fault party on a golf course is extremely difficult, and the golf course wishes to keep good public relations.

Similar to the ordinances in the County and Salt Lake City, the proposed ordinance would allow for a maximum payment of \$300 per vehicle damaged, and a maximum payment of \$1,000 per incident, regardless of the number of vehicles involved. The total annual amount in the No-Fault Golf Ball Claim fund would be subject to the annual appropriation of funds from the City Council.

Please review the proposed ordinance, attached hereto, and contact our office should you have any questions or concerns. Thank you.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ENACTING CHAPTER 12.29 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO NO-FAULT GOLF BALL CLAIMS

BE IT ENACTED BY THE MURRAY CITY MUNICIPAL COUNCIL:

*Section 1. Purpose.* The purpose of this section is to enact chapter 12.29 of the Murray City Municipal Code relating to No-Fault Golf Ball Claims.

*Section 2. Chapter 12.29 of the Murray City Municipal Code shall read as follows:*

**12.29.010 –Title - Purpose.**

The ordinance codified in this chapter will be known as "No-Fault Golf Ball Claims."

It is the purpose of this chapter to compensate persons for vehicle damage loss sustained as the result of damages from a golf ball hit from the Lynn F. Pett Murray Parkway golf course onto a public highway or road, regardless of fault, within the restrictions, limitations and other provisions of this chapter.

**12.29.020 – Definitions.**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings designated as follows:

"City" means Murray City Corporation.

"City Attorney" means the Murray City Attorney or designee.

"Golf Course" means the Lynn F. Pett Murray Parkway Golf Course.

"Person or Applicant" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity (except the United States government or its agencies, any state of the Union, the State of Utah and any of its agencies or political subdivisions) or their legal representatives, agents or assigns.

"Political Subdivision" means any political subdivision of the State, including but not limited to state departments, divisions and agencies, cities, towns, counties and school districts.

"Public Highway or Road" means a public highway or road, including an interstate highway, entryway and parking lot of the golf course and pedestrian and bicycle paths or walkways, within or adjacent to the golf course. Public highway or road does not include private property, including homes, buildings, driveways, landscaped areas, parking lots other than the golf course parking lot and entryway, walkways or other privately owned structures adjoining or adjacent to the golf course.

**12.29.030 – Administration and establishment of regulations**

The City Attorney's Office may establish regulations necessary to provide for the handling of such claims and disbursement of those funds which are appropriated for payment of claims under this chapter.

**12.29.040 – Reimbursement – Application – Time Limitations**

All claims for reimbursement under this chapter must be submitted in writing to the City Attorney's Office within sixty (60) calendar days after the incident occurs.

**12.29.050 – Application – Investigation and Recommendation**

Applications for reimbursement received will be investigated and a recommendation for reimbursement will be made by the City Attorney's Office. All payments authorized will be made solely from funds set aside under this chapter.

**12.29.060 – Criteria for Reimbursement**

A. The determination as to whether to make payment for loss under this chapter will be based upon the following criteria:

1. Whether an eligible applicant incurred an otherwise uninsured or uncovered vehicle damage loss caused by a golf ball hit from the Golf Course onto a public highway or road under circumstances where the applicant acted responsibly to avoid the loss; and
2. If so, whether the extent of the loss has been adequately substantiated; and
3. If there is an unencumbered balance in the fund from which to pay.

B. The following will result in the denial of an application:

1. Application not timely submitted;
2. Loss fully covered by private insurance or the party responsible for hitting the golf ball;
3. Applicant otherwise ineligible under the terms of this chapter;
4. Loss caused by an irresponsible act of the applicant, applicant's agent, or member of applicant's business or household;
5. Loss or eligibility unsubstantiated.

C. The following will result in reduction of payment:

1. Loss partially covered by private insurance or the party responsible for hitting the golf ball;
2. Loss exceeds funding limits of this chapter;
3. Verification of loss inadequate or incomplete;
4. Applicant did not cause the problem but failed to act responsibly to mitigate the loss.

**12.29.070 – Maximum Payments**

No payment under this chapter may exceed any of the following:

- A. Three hundred dollars (\$300) per vehicle;
- B. One thousand dollars (\$1,000) per incident; or
- C. Annual appropriation of funds regardless of number of claims involved.

**12.29.080 – Payment Does Not Imply Liability**

A. Any payment made under this chapter may not be construed as an admission of nor does it imply any negligence or responsibility on the part of the City for such damage. Any payment made under this chapter is strictly voluntary on the part of the City.

B. This chapter may not in any way supersede, change or abrogate the State Governmental Immunity Act and its application to the City, or establish in any person a right to sue the City under this chapter.

C. Any payment made under this chapter and accepted will constitute a full and complete release of any and all claims against the City, its officers, employees and agents arising from the incident.

**12.29.090 – Annual Budget Expenditure**

Annual appropriation of funds to make payments will be determined by the City Council in the annual adoption of the City's final budget or any amendments thereto.

**12.29.100 – Claims From Other Governmental Agencies**

Notwithstanding any other provision of this chapter, no application may be accepted from the United States or any of its departments or agencies, any state of the Union, the State of Utah or any of its political subdivisions.

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

ATTEST:

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Brett A. Hales, Chair

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Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Daniel C. Snarr, Mayor

ATTEST:

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Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

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

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Jennifer Kennedy, City Recorder

# New Business 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.

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

CONSIDER AN ORDINANCE AMENDING SECTION 3.10.370 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO EVALUATING THE LOWEST RESPONSIVE RESPONSIBLE BIDDER FOR BUILDING IMPROVEMENT AND PUBLIC WORKS PROJECTS.

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**2. KEY PERFORMANCE AREA:** (Please explain how request relates to Strategic Plan Key Performance Areas.)  
Well maintained, planned and protected infrastructure and assets.

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

Council Meeting OR  Committee of the Whole

Date requested March 5, 2013

Discussion Only

Ordinance (attach copy)

Has the Attorney reviewed the attached copy?  Yes

Resolution (attach copy)

Has the Attorney reviewed the attached copy?

Public Hearing (attach copy of legal notice)

Has the Attorney reviewed the attached copy?

Appeal (explain) \_\_\_\_\_

Other (explain) \_\_\_\_\_

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

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

Proposed ordinance prepared by the Attorney's Office is included.

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**6. REQUESTOR:**

Name: Dave Nicponski

Title: City Council Member

Presenter: Same

Title: Same

Agency: Murray City Council

Phone: 801-913-3283

Date: March 1, 2013

Time: \_\_\_\_\_

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

Department Director: \_\_\_\_\_ Date: \_\_\_\_\_

Mayor: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

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**9. NOTES:**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 3.10.370 OF THE MURRAY CITY MUNICIPAL CODE RELATING TO EVALUATING THE LOWEST RESPONSIVE RESPONSIBLE BIDDER FOR BUILDING IMPROVEMENT AND PUBLIC WORKS PROJECTS.

When the City intends to undertake, and pay for, a building improvement or public works project, the City must request bids if the estimated cost of the project exceeds an amount known as the "bid limit", as defined in Utah Code Ann. §11-39-101, et seq. If the City determines to proceed with the building improvement or public works project, then the City must enter into a contract for the completion of the building improvement or public works project with the lowest responsive responsible bidder. In order to assist in the determination of the lowest responsive responsible bidder the City may establish criteria relating to financial strength, past performance, integrity, reliability, and other factors to assess the ability of the bidder to perform fully and in good faith the contract requirements. The City wants to establish certain criteria, in addition to existing criteria, in order to encourage responsible business practices and social responsibility. A public meeting has been held concerning these additional criteria pursuant to notice provided according to law. The City Council finds that bidders who provide its employees adequate health care insurance and job training; has a policy of non discrimination; has a drug and alcohol testing program; has a policy to recruit and hire veterans; and has a safety program will provide better quality work on building improvements and public works projects. Further, the general welfare of the community is enhanced if the City encourages the programs. The City Council finds adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of the City by encouraging responsible business practices and in assisting the City in determining the lowest responsive and responsible bidder.

BE IT ORDAINED BY THE MURRAY CITY MUNICIPAL COUNCIL AS FOLLOWS:

*Section 1. Purpose.* The purpose of this Ordinance is to amend Section 3.10.370 of the Murray City Municipal Code relating to evaluating the lowest responsive responsible bidder for building improvement and public works projects.

*Section 2. Amendment.* Section 3.10.370 of the Murray City Municipal Code shall be amended to read as follows:

**3.10.370: COST ESTIMATE FOR BUILDING IMPROVEMENTS AND PUBLIC WORKS PROJECTS:**

A. Definitions: For purposes of this section the following definitions shall apply:

1. "Bid Limit" has the same meaning as in Section 3.10.030 of the Murray City Municipal Code.
2. "Contractor" means a person or entity who is or may be awarded a construction contract for a building improvement or a public works project.
3. "Covered Employee" means an individual who provides on average at least thirty (30) hours per week of services directly related to a design or construction contract for a contractor or subcontractor, including but not limited to an individual in a safety sensitive position such as a design position responsible for the safety of a building improvement or public works project.
4. "Drug and Alcohol Testing Policy" means a policy under which a contractor or subcontractor tests a covered individual to establish, maintain, or enforce a prohibition of:
  - a. The manufacture, distribution, dispensing, possession, or use of drugs or alcohol, except the medically prescribed possession and use of a drug, and
  - b. The impairment of judgment or physical abilities due to the use of drugs or alcohol.
5. "Health Benefit Plan" means an insurance policy that provides health care coverage, including major medical expenses, or is offered as a substitute for hospital or medical expense insurance, such as a hospital confinement indemnity or limited benefit plan. A health benefit plan does not include an insurance policy that provides benefits solely for accidents, dental, income replacement, long-term care, a Medicare supplement, a specific disease, vision, or a short-term limited duration where it is offered and marketed as a supplement health insurance.
6. "Lowest Responsive Responsible Bidder" has the same meaning as in Section 3.10.030 of the Murray City Municipal Code.
7. "Public Works Project" means:

- a. The construction of:
  - (i). A park, recreational, or power department facility; or
  - (ii). A pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control.
- b. Public works project does not mean:
  - (i). The replacement or repair of existing infrastructure on private property;
  - (ii). Construction commenced before June 1, 2003; or
  - (iii). Supply contracts.

8. "Qualified Health Insurance Coverage" means at the time a contract is entered into or renewed:

- a. A health benefit plan (not including dental coverage) and employer contribution level with a combined actuarial value at least equivalent to the combined actuarial value of the benchmark plan determined by the Children's Health Insurance Program under § 26-40-106(2)(a), Utah Code Annotated, as amended or its successor, and a contribution level of at least fifty percent (50%) of the premiums for the employee and the dependents of the employee who reside or work in the State under which:
  - 1. The employer pays at least fifty percent (50%) of the premium for the employee and the dependents of the employee; and
  - 2. For purposes of calculating actuarial equivalency under this provision, rather than benchmark plan deductibles and the benchmark plan out-of-pocket maximum based on income levels:
    - (a) The annual deductible is maximum one thousand dollars (\$1,000) per individual and three thousand dollars (\$3,000) per family; and
    - (b) The annual out-of-pocket maximum is three thousand dollars (\$3,000) per individual and nine thousand dollars (\$9,000) per family; or

- b. A federally qualified, high deductible health plan (not including dental coverage) that at a minimum has a deductible which is either:
  - 1. The lowest deductible permitted for a federally qualified, high-deductible plan; or
  - 2. A deductible that is higher than the lowest deductible permitted for a federally qualified, high-deductible plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified, high-deductible plan and the deductible for an employer-offered federal qualified, high-deductible plan; and
    - (a) Has an out-of-pocket maximum that does not exceed three (3) times the amount of the annual deductible; and
    - (b) The employer pays sixty percent (60%) of the premium for the employee and the dependents of the employee who work or reside in the State of Utah.
- 9. "Random Testing" means periodic examination of a covered employee, selected on the basis of chance, for drugs and alcohol in accordance with a drug and alcohol testing policy.
- 10. "Subcontractor" means any person or entity who may be awarded a contract with contractor or another subcontractor to provide services or labor for the construction of a building improvement or public works project. "Subcontractor" includes a trade, contractor, or specialty contractor but does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor.
- 11. "Veteran" means an individual who:
  - a. Has served on active duty in the armed forces of the United States for more than one hundred eighty (180) consecutive days, or
  - b. Was a member of a reserve component who served in a campaign or expedition for which a campaign medal has

been authorized and who has been separated or retired under honorable conditions, or

- c. Any individual incurring an actual service-related injury or disability in the line of duty, whether or not the person completed one hundred eighty (180) consecutive days of active duty.

**A****B. Cost Estimate Required:** The purchasing agent, or designee, shall require any ~~e~~City ~~e~~Department intending to undertake a building improvement or public works project to prepare:

1. Plans and specifications for the building improvement or public works project; and
2. An estimate of the cost of the building improvement or public works project.

**B****C. When Bid Limit Exceeded:** If the cost estimate required under paragraph B of this section exceeds the bid limit specified in section 3.10.030 of this chapter, the purchasing agent, or designee, shall require the building improvement or public works project to be procured according to the requirements of Utah Code Annotated section 11-39-102~~3~~, as amended and Chapter 3.10 of the Murray City Municipal Code.

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**D. Determine Lowest Responsive Responsible Bidder:** The procurement official shall determine the lowest responsive responsible bidder by applying, in addition to the criteria in Section 3.10.200 of the Murray City Municipal Code, a Preference System to determine whether the contractor and every subcontractor, if any, has demonstrated to the City's satisfaction that they have and will maintain:

1. An offer of qualified health insurance available to a contractor's and subcontractor's covered employees and the employees' dependents.
2. A drug and alcohol testing policy during the period of the contract that applies to all covered employees employed or hired by the contractor or any subcontractor and require covered employees to submit to random testing under the drug and alcohol testing policy;
3. A program to actively recruit and/or employ veterans;

4. A job training program, such as, by way of example and not limitation, a federal, state, and/or city recognized job training program;
5. A safety program; and
6. A formal policy of non-discrimination as required by federal, state, and local law.

E. Applying Preference System: The City's procurement official shall apply the Preference System under subsection 3.10.370(D) by making an award to the responsive and responsible bidder that qualifies for the most preferences, if the qualifying bidder's bid is equal to or less than 104% of the lowest responsive and responsible bid or within \$50,000, whichever value is less. If multiple vendors qualify for the same number of preferences, the award shall be made to the lowest responsive and responsible bid among them.

*Section 3. Effective date. This Ordinance shall take effect on July 1, 2013.*

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

MURRAY CITY MUNICIPAL COUNCIL

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Brett A. Hales, Chair

ATTEST:

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Jennifer Kennedy, City Recorder

MAYOR'S ACTION: Approved

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Daniel C. Snarr, Mayor

ATTEST:

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Jennifer Kennedy, City Recorder

CERTIFICATE OF PUBLICATION

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

---

Jennifer Kennedy, City Recorder

# New Business

## Item #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.)

Locally Preferred Alternative for Bus Rapid Transit (BRT)

**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: March 5, 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.)

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: February 20, 2013

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: Tim Tingey Date: 2/19/13

Mayor: Daniel C. Sman Date: 2/20/2013

**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: February 20, 2013  
SUBJECT: Locally Preferred Alternative for the Taylorsville Murray Bus Rapid Transit (BRT) Project

As discussed previously at the Committee of the Whole meeting on January 22, 2013, attached is a resolution regarding the City's Locally Preferred Alternative for the Taylorsville Murray Transit Project. The project is for a bus rapid transit connection from the Murray City Center District to the Salt Lake Community College. Public Services and Administrative and Development Services staff has provided input in the Environmental Study Report for the project.

Staff is recommending approval of the attached resolution. If you have any questions, please contact me.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING THE CITY'S LOCALLY PREFERRED ALTERNATIVE  
FOR THE TAYLORSVILLE MURRAY TRANSIT PROJECT

WHEREAS, the City, the Utah Transit Authority ("UTA"), Taylorsville City ("Taylorsville"), Salt Lake County, and the Wasatch Front Regional Council are working together to prepare an Environmental Study Report (ESR) which evaluates the future Bus Rapid Transit ("BRT") alignment connecting the Murray City Center District to the Salt Lake Community College (SLCC) in Taylorsville; and

WHEREAS, the demand for transit service will increase as population continues to grow within Taylorsville and the City; and

WHEREAS, the existing transit network does not provide high-quality, timely transit service with a direct connection to regional destinations in Taylorsville and the City; and

WHEREAS, the City has considered various alignment alternatives as part of the ESR and hereby recommends a Locally Preferred Alternative for the Taylorsville Murray Transit Project to be implemented in phases;

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

The following Locally Preferred Alternative for the Taylorsville Murray Transit Project should be implemented:

**Phase I**

Phase I is a BRT system would begin near the Murray City Center District. The BRT vehicle would travel north on Poplar Street, west on 4800 South and south on Box Elder to Cottonwood Street and the Murray Central TRAX and FrontRunner station. From the Murray Central station, the BRT vehicle would travel west on Vine Street then north on Murray Boulevard to 4800 South. The BRT vehicle would travel west on 4800 South and then north on Sunstone Road to Atherton Drive and then onto 4500 South. This section of the route would utilize the existing travel lanes and function as mixed-flow.

The BRT vehicle would then travel west along 4500/4700 South in center-running exclusive lanes for approximately 1.4 miles to Redwood Road. The route would continue straight on 4500/4700 South through the Redwood Road/4700 South Intersection, turn north onto a new transit-only road at 1780 West, then cross Bruin Boulevard to the SLCC station. The return route would leave the SLCC station loop, heading east on Bruin Boulevard to the Redwood Road/Bruin Boulevard intersection. The BRT vehicle would continue southbound on Redwood Road and turn east onto 4700 South where it would return to Murray using the same route.

## Phase II

The Federal Highway Administration issued a Finding of No Significant Impact on the proposed Cottonwood Street project in March of 2012. Cottonwood Street is a new road that would provide direct north-south access into the Murray City Center District. Once Cottonwood Street is constructed, Phase II would move the proposed BRT route from Poplar Street to Cottonwood Street, providing direct BRT access to the Murray City Center.

Stations to be implemented as part of the Locally Preferred Alternative include:

- Murray City Center District
- 5300 South Intermodal Center
- Murray Boulevard
- Sunstone Road
- 4500/4700 South and east Atherton Drive
- 4500/4700 South and west Atherton Drive
- 4500/4700 South and Fore Lakes Golf Course
- Salt Lake Community College

The City's Locally Preferred Alternative for the Taylorsville Murray Transit Project is bus rapid transit and connects the Murray City Center District to the SLCC as described above and shown in Appendix "A" attached.

DATED this 5<sup>th</sup> day of March, 2013.

MURRAY CITY MUNICIPAL COUNCIL

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Brett A. Hales, Chair

ATTEST:

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Jennifer Kennedy, City Recorder

## Appendix A

## Preferred Alternative



Taylorsville-Murray Transit Environmental Study

# Mayor's Report and Questions

# Adjournment